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SENATE—*Thursday, May 18, 2006*

The Senate met at 9 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, the way, the truth, and the life, give us the courage to follow You. Help us to follow You in our quest for ethical fitness. Help us to follow You in service to the lost, the lonely, and the least. Help us to follow You in going the second mile in our labors. Help us to follow You in loving our enemies, in blessing those who curse us, and in praying for those who misuse us.

Today, guide our Senators with Your might. Empower them with wisdom and courage.

We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

> Inhofe amendment No. 4064, to amend title 4, United States Code, to declare English as the national language of the United States and to promote the patriotic integration of prospective U.S. citizens.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting Republican leader is recognized.

Mr. SPECTER. Mr. President, we are on the immigration bill. We have a lineup of amendments which we are anxious to take up. We have a considerable number of amendments pending on both sides of the aisle. Our lead amendment is the one to be offered by Senator KENNEDY. The amendment has now been reviewed, and I think it may be necessary to have a little extra time, which ought not to pose a problem since the vote will not occur until 10 o'clock. But Senator CORNYN would like 10 minutes of time, and Senator KYL may want a little time, so my suggestion would be that, if the Senator from Massachusetts wants to start the debate, that would be agreeable. It is his amendment, obviously. We would then turn to Senator CORNYN for 10 minutes.

I would like to put other Senators on notice that we want to proceed with the other amendments. Senator INHOFE is next in line, then Senator AKAKA, Senator ENSIGN, Senator NELSON, Senator VITTER, Senator DURBIN, Senator KYL, and Senator CHAMBLISS. It would be appreciated if those Senators would come here at least 15 minutes ahead of the anticipated time their amendment will come up so that we could move right along and not lose floor time.

I yield to my distinguished colleague from Massachusetts.

Mr. KENNEDY. Mr. President, we look forward to this. What was, then, the time allocation requested? Is it 25, 10, 10, 5? Is that what the Senator suggested?

Mr. SPECTER. Ten for Senator CORNYN, ten for Senator KYL, and I would like five.

Mr. KENNEDY. So that is 25.

Mr. SPECTER. Yes.

Mr. KENNEDY. Then I think we would get 15.

Mr. REID. Mr. President, we just received word that Senator DORGAN wants 10 or 15 minutes.

Mr. KENNEDY. Have we added all that up?

Mr. SPECTER. Suppose we divide the time equally.

The PRESIDENT pro tempore. Under the agreement, it is 20 minutes, equally divided.

Mr. REID. Mr. President, it is my understanding the two managers want that modified. Rather than 20 minutes on this amendment, it will be 55 minutes, the time evenly divided between now and 10. I ask unanimous consent for that modification.

The PRESIDENT pro tempore. Is there objection?

Mr. SPECTER. That is acceptable.

Mr. REID. No second-degree amendments would be in order?

Mr. SPECTER. Agreed.

The PRESIDENT pro tempore. Without objection, it is so ordered. Time is equally divided between now and 10 a.m. and there will be no second-degree amendments.

Who yields time?

Mr. SPECTER. Mr. President, if Senator CORNYN would like to begin the debate, I yield 10 minutes to him.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, less than 24 hours after the Senate voted to protect American workers and to put them first when it comes to competition for jobs in this country, the Senator from Massachusetts has now offered an amendment that would literally gut the amendment that was adopted yesterday and put American workers in the back seat and foreign workers who wanted to come here and participate in a guest worker program in the front seat.

President Bush has spoken time and time again about a guest worker program that matches willing workers with willing employers. But Senator KENNEDY's amendment would do nothing of the kind. It would allow people to come to the United States and to self-petition without having an employer sponsor their petition, and it would not require proof that an American citizen is unavailable to perform that type of job.

Yesterday, the Senate—wisely, in my view—changed the underlying bill to require that American workers be put first before a guest worker could be provided a job and that, under the provisions of this bill, No. 1, they had to identify a job so they would not be here unemployed; and No. 2, that job first be

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

offered to qualified American workers. Then, in that event no American workers were found available to perform that job, of course the guest worker provisions of the bill would kick in.

To make matters worse, the Kennedy amendment would allow an alien who has worked a total of less than 40 days in the United States—yes, that is about 6 days a year—to obtain a green card. That employment, 1 day out of every 60, could be self-employment. For some, that track record of employment should be sufficient evidence that the worker is invaluable to the American economy. What that means is that up to 200,000 unskilled workers a year would be eligible for a green card, irrespective of economic conditions, irrespective of whether that worker has actually been employed for the preceding 4 years and, most importantly, irrespective of whether there are unemployed U.S. workers available to fill those jobs.

Senator KENNEDY had suggested that, by requiring an employer to determine that a qualified worker is not available, that would somehow subject foreign workers to exploitation. But let me be clear: Worker exploitation and abuse will not be tolerated under our laws and should not be tolerated under any circumstances. This amendment has nothing to do with protecting foreign workers against exploitation. What it has everything to do with is whether we are protecting American workers first.

With that, I will reserve the remainder of my time and yield the floor.

The PRESIDENT pro tempore. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield myself 3 minutes.

Mr. President, I opposed the amendment from the distinguished Senator from Texas yesterday because I believe there ought to be an opportunity for the immigrant himself or herself to file the petition. The amendment now pending by Senator KENNEDY would leave it optional, leave the alternative: to be filed by the employer or to be filed by the immigrant. The vote yesterday was 50 to 48, and I was tempted to move to reconsider—I would have to change my vote to do that—but decided in the alternative that we would discuss the subject today with a different amendment.

The issue of not having the immigrant subject to the control of the employer is an important one, to see to it that the immigrant is treated fairly. When the Senator from Texas seeks to be sure the immigrant has a job so that the employer has to make the application and the job will not be taken from some other American, I can understand his point. But I think there is a higher value in not having the immigrant subject to the control of the employer, where there may be coercion and pressure as to the amount of compensation or as to working conditions, notwithstanding any other provision of law. There is ample protection that citizenship will not be granted, or the process will not move forward, because the Kennedy amendment simply gives the immigrant the right to file a petition. After the petition and the efforts are made to get into the citizenship line, it will be evaluated by the appropriate authorities. I think the concerns Senator CORNYN has in mind will be met.

I notice Senator DORGAN has come to the floor, and time has been reserved for Senator DORGAN—10 minutes. I yield to him at this time.

The PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, the discussion this morning is once again on a subject called guest workers. I don't happen to think we ought to have a guest worker provision in this legislation. The discussion now is, if it exists in the legislation, what are the conditions under which guest workers can petition for citizenship, and so on and so forth. I hope we are not done with the question of whether there should be so-called guest workers or, as some call it, future flow, the soft-sounding words. They could call it tourism for all that matters.

What this is about is grafting onto this bill to deal with the question of illegal immigrants coming into this country—because we have quotas, and those who come in illegally are a pretty serious problem, the 11 million or 12 million people we think are here illegally—this is grafting onto this bill that deals with illegal immigration a proposal that people who live outside this country and have not come to this country before now are to come into this country as so-called guest workers or future flow. What are those people going to do? They are going to come into this country and they are going to work. It is as if the 11 million or 12 million are not enough, we need more.

The original proposition by the President was an unlimited number. The original proposition in the bill brought to the floor of the Senate was 400,000 a year, plus a 20-percent escalator. I tried to knock that out, and my amendment got clobbered, so I was unsuccessful. My colleague from New Mexico took the 400,000 down to 200,000. Actually, the substitute bill took it down to 325,000, then down to 200,000. However you calculate it, we are talking about millions of people who do not live in this country, who live outside of this country, who will come into this country for the purpose of taking jobs.

Here is the strategy. The strategy in the country these days, and it is a strategy embraced on the floor of this Chamber, is to export good jobs and import cheap labor. I don't hear any discussion on the floor of this Senate about American workers—none. You can go to the newspapers and see a discussion. You can see the headlines about American workers who are losing their jobs because their employers are moving the jobs to China or Bangladesh or Indonesia or Sri Lanka; and yes, some of those Americans are finding other jobs, and the headlines also tell us those jobs pay less than the jobs we used to have. We lost 3 million to 4 million jobs in just the last 4 or 5 years.

Alan Blinder, a very respectable mainstream economist, former Vice Chairman of the Federal Reserve Board, has just written a piece and said this: This issue of exporting American jobs even as there is this urge to import cheap labor—he said this about exporting American jobs—he said there are 42 to 54 million American jobs subject to offshoring.

He said 41 to 54 million American jobs are subject to being moved out of this country in search of cheaper labor—at 33 cents an hour in China, perhaps Indonesia, Sri Lanka, wherever they would move to. He said that not all of the 40 million to 50 million jobs will leave this country by employers, not all will be moved out of this country by employers, but even those who stay are subject to the competition of lower wages abroad. Therefore, there will be lower wages, less health care, less benefits, and less retirement benefits.

That future for the American worker on one side, and on the other side we have this urge to import cheap labor.

Where does that urge come from? My understanding is the price the Chamber of Commerce requires to support this bill is that there be additional guest workers attached to it.

What is the purpose of that? That is the purpose of bringing in the back door folks who are willing to assume the bottom-end jobs.

The President and others say these are jobs the American people will not take. I don't think that is the case at all. They may not want to take them at current wages, at the bottom of the economic scale. We haven't changed the minimum wage for nearly 9 years. This Congress will not change the minimum wage. The President doesn't support it. If we change the minimum wage and perhaps pay what the jobs are worth at the lower economic level, at the bottom of the economic ladder, perhaps then we wouldn't need to import cheap labor. This is about importing cheap labor on the back side. That is what guest workers is all about. I know they call it "future flow" and guest workers. It is not about making 11 million to 12 million people legal who are already here illegally. But more needs to be done. Allowing people who would normally be illegal and stamping them as "legal" is kind of a "let's pretend" approach.

I understand the Senate has already voted on my amendment, and I lost pretty handily, as a matter of fact. But I think there is more to do on this. The bill is still open for amendment. For example, we have a so-called guest worker provision which says let's pretend that illegal immigration is legal immigration. Should we have that provision that lasts forever and is permanent, or should we sunset it after a few years and have a real honest study by people who might evaluate how many Americans are losing their jobs as a result of this back door, cheap labor coming as replacement workers?

How many Americans are losing their jobs? I see very little discussion on the floor of this Senate in this debate about immigration which, after all, is all about jobs, among other things. I see very little discussion and Members standing up on the floor of the Senate saying: Let us wonder what this means to American workers. What does it mean to the steel worker? What does it mean to the punch press operator, to the fabricator or how about the farmer? What does it mean to manufacturing? Very few people are talking about American workers. It is all about immigration and how many additional guest workers we can bring into this country under this piece of legislation.

My understanding is that we will be on this bill for another week. That will give us time to revisit this so-called guest worker provision and see if we can write a piece of legislation—yes—which deals sensitively, without diminishing the dignity and worth of others who have been here some long while. Some have been here for 25 years. Some immigrants came here many years ago. They have children and grandchildren here. I don't want to, in any way, diminish their worth or their dignity or their value. We should deal with them in a way that is sensitive.

I don't think this Senate should jump on the notion advanced by business interests and the Chamber and others that we don't have enough cheap labor in this country, and we need to bring more through the back door as we are exporting good jobs abroad.

You talk about a recipe for economic trouble ahead, probably not for the people who wear blue suits in the morning and wear neckties all day and have jobs such as Senators and Congressmen. I do not know of anybody in this Chamber who has lost a job because their job was outsourced. Nobody here has lost their job because their job has been outsourced. It is other folks—folks working on the manufacturing line someplace, and they are called up one day and are told: You know what, our entire company is leaving. We are going to China because you can produce an Etch A Sketch in China for much less money. But the jobs have gone to China. Etch A Sketch is one example of hundreds of examples of jobs that go to China.

Those are the folks who pay the price. Those are the folks who have the burden of this sort of new economy—the "world is flat" economy—move American jobs to China. The other folks who stay here, the folks who work at the bottom rung of the economic ladder, struggling to advance and pay their bills and take care of their families, they are now told: By the way, we also need to not just export jobs, but we need to import cheap labor.

I think is a recipe for disaster for this country. I don't think it works.

Our country became a great country and a world economic power because we built a burgeoning middle class, and that middle class had good jobs that paid well. There is no social program in this country as important as the good job that pays well, which allows people to work and take care of their families. There is no social program as important as that. These good jobs are shrinking away. You can go through the entire list, industry after industry, telling workers: We are going to move your job elsewhere, and we are going to shrink the jobs that remain here to $8 or $10 an hour. And by the way, what we would like to do is bring people through the back door whom we might be able to employ for $6 or $7 an hour.

That is the construct which is occurring throughout the country today, and I think it is fundamentally wrong.

My hope is we continue these discussions about guest workers. We will have other opportunities to offer amendments. I will have some, and perhaps we can get back to where we should be and that is dealing with the central question of our country's border; protect us first against terrorism; and, second, to enforce the quotas we have that allow people to come into this country legally. We have quotas with which we accomplish that. Seal this country's border so we have border protection and an orderly flow of people in and out of this country; and, second, enforce standards against employers that routinely and knowingly hire illegal workers.

I was here when we passed Simpson-Mazzoli. In fact, I went back and reread some of the debate on the floor of the Senate and House.

What was said was we are fixing immigration. Back then, there really was amnesty. Amnesty was given to a good number of millions of illegal immigrants. We said to employers: Don't you dare hire illegal workers. If people come into this country illegally to take Americans' jobs, don't you dare hire them. If you do, you will be subject to fines and penalties that are significant.

Guess what. There has been no enforcement at all. Last year, one company was subject to enforcement action in the entire United States of America; the year before, three companies in the entire United States. The message implies Katy bar the door; hire illegals if you like; pay substandard wages because they are illegal; don't worry, nobody is going to look; nobody is going to fine you; and nobody is going to enforce the law.

That is why this entire thing has failed. Twenty years later, we have the same language. You can change the names and it is the same language—going to get tough, going to fix this issue.

The fact is, if we don't decide, first, to secure our borders and, second, to have real sanctions against those who want to hire illegal immigrants for substandard wages, this will not work. All we are doing is playing let's pretend. We play that often around here. It is not going to work.

What we ought to do is stare truth in the eye on this issue and decide that we are going to do what is necessary to evaluate what the immigration issue is, how to fix it and go about the business of doing it. Instead, there is all this energy to see not only how we deal with the immigration issue but how we add a new guest worker program to bring people into this country who otherwise would be illegal and how do we bring new people into this country to take the jobs that American workers need. That doesn't make much sense to me, and it is not a proposition that I can support.

I yield the floor.

The PRESIDENT pro tempore. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I inquire as to the regular order and the time agreement reached on the next few amendments.

The PRESIDENT pro tempore. The time agreement on the next two amendments? The Senator is informed there is no time agreement on the next amendments. The time agreement is on the current amendment, but no further amendments are subject to a time agreement.

Mr. INHOFE. And the vote will take place at 10 o'clock?

The PRESIDENT pro tempore. This vote will take place at 10 o'clock.

Mr. INHOFE. Mr. President, the next amendment coming up will be the amendment we refer to as the English national language amendment. Since there is some time right now, unless someone else wants the floor, I can discuss what it is all about.

The PRESIDENT pro tempore. The time is equally divided on the current amendment.

Mr. INHOFE. I inquire, is someone requesting time?

Mr. KENNEDY. We have until 10 o'clock, and that time is divided.

Mr. INHOFE. I thank the Senator.

The PRESIDENT pro tempore. There is 12 minutes left for the majority and 17 minutes remaining for the majority.

Mr. KENNEDY. If the Senator wants to speak for a few minutes, we can arrange that. I will withhold.

Mr. INHOFE. As I understand it, on our side there is 17 minutes remaining, is that correct, and I can use a few minutes?

The PRESIDENT pro tempore. That is correct.

Mr. CORNYN. Mr. President, we split the time between 9 and 10 o'clock, but it was on the pending amendment. The Senator from Massachusetts has yet to call up the amendment. The only speakers who have been heard have been in opposition to the amendment, but the amendment has not yet itself been called up.

I want to make sure the balance of the time reserved is still preserved so we do not lose an opportunity to respond to the debate by the Senator from Massachusetts.

The PRESIDENT pro tempore. The current order is the vote will take place at 10 o'clock, but the time between then and now is roughly 16 minutes for the majority and 12 minutes for the minority.

Mr. KENNEDY. Can I ask unanimous consent we defer the vote at 10 clock until 10:05?

Mr. INHOFE. I thank the Senator for that generous offer. I will not make any comments at this time and will wait until our amendment is up. We will discuss it then.

Mr. KENNEDY. Fine.

The PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

AMENDMENT NO. 4066

Mr. KENNEDY. Mr. President, we send an amendment to the desk on behalf of myself, Senator MCCAIN, and Senator GRAHAM.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts, [Mr. KENNEDY], for himself, and Mr. MCCAIN, and Mr. GRAHAM, proposes an amendment numbered 4066.

Mr. KENNEDY. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the conditions under which an H–2C nonimmigrant may apply for adjustment of status)

On page 295, after line 16 insert the following:

or

"(iv) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be, employed; and

"(v) the alien submits at least 2 documents to establish current employment, as follows:

"(I) Records maintained by the Social Security Administration.

"(II) Records maintained by the alien's employer, such as pay stubs, time sheets, or employment work verification.

"(III) Records maintained by the Internal Revenue Service.

"(IV) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The minority controls 11 minutes 45 seconds, and the majority controls 15 minutes 45 seconds.

Mr. KENNEDY. We have 11 minutes?

The PRESIDING OFFICER. Eleven and a half minutes.

Mr. KENNEDY. I yield myself 4 minutes.

Mr. President, as we all know, yesterday the Senate voted to eliminate the H–2C immigrant's ability to self-petition for green cards after 4 years. I believe that vote was a mistake because it will have a devastating effect not just for temporary workers but for all workers and, basically, for all Americans.

The amendment we offer today would correct the mistake and take the good language from the Cornyn amendment to improve the underlying bill. This amendment will require that the Labor Department certify that no U.S. worker will be displaced by H–2C workers when they adjust to permanent status, as the Cornyn amendment requires. This amendment also restores the ability of H–2C workers to obtain a green card without being dependent on the generosity of the employers.

The self-petition feature of our temporary worker program is innovative and essential to workers' rights. All Americans lose if it is eliminated from the bill.

The reason temporary worker programs failed in the past, going back to the time of the Bracero Program, is because they did not protect workers' rights. For this new program to work without harming U.S. workers, H–2C workers must have the full set of rights. That is why our bill includes extensive labor protections for temporary workers.

Effectively, then, at the time after the 4 years, the individual will be able to make the petition for the green card, and they will also have to have a certification by the Department of Labor that there is no American able and willing to perform that job. There will have to be that kind of a finding. The self-petition gives that worker some rights and respect as an employee instead of being subject to the dangers we have seen in the past of exploitation by an employer that knows that worker can never get a chance to have a petition and can never get on the path for a green card without the employer giving the thumbs-up signal.

When that power relationship between the employer and the employee exists, we have seen exploitation in terms of wages, working conditions, and other unfortunate problems with regard to women.

This seems to be a solid compromise. It takes the framework of the Cornyn amendment, but it will also ensure that these petitioners are going to have to demonstrate there is that gap in terms of the labor market that they are able to fill and that there is not someone out there in the American labor market prepared to take that job. It seems to me to be a very important principle, a very concrete proposal, one I hope we can have accepted this morning.

I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. CORNYN. Mr. President, the amendment Senator KENNEDY is proposing guts the worker protection amendment agreed to by the Senate yesterday. It would do so by allowing workers to self-petition for legal permanent residency if they produce some documents which might indicate they are currently employed, but they will be necessarily retrospective in nature. In other words, you do not have a document necessarily that shows you are employed today or will be employed tomorrow. You may have a pay stub from the last week or the last month. So there is no way to determine whether the individuals who are self-petitioning, under this proposal by the Senator from Massachusetts, are actually going to be working.

No. 2, if they are working, there is no protection for American workers—first, that the Secretary of Labor certify that there were no sufficient U.S. workers willing, able, and qualified to perform those jobs.

If the proponents of this bill are serious when they say that certain provisions are needed because immigrants will do work that Americans won't do, then they should support the amendment agreed to yesterday and vote against the amendment that has been proposed this morning.

President Bush, again, has said the concept of a temporary worker program is to provide additional legal workforce for jobs that there are not enough Americans to perform. Yet this proposed amendment simply sidesteps that requirement entirely.

It further represents a shell game insofar as it would only require those workers in this country during an initial 4-year period to work about 6 days a year in order to obtain a green card.

This is about truth in advertising. If, in fact, the bill is going to represent something even close to what we have been told the purpose of it is, as represented, we need to make sure the actual language of the bill conforms to that and not pull a fast one on the American people by taking away the very protection for American workers that the proponents of this bill have said are an important part of their legislation.

I yield the floor and retain the remainder of my time.

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY. I will take 3 minutes for the membership, if they have a chance to review the amendment.

On page 1, second paragraph:

> The Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed. . . .

So the Secretary of Labor has to make the certification that they will not be replacing an American worker.

Then, how are they going to be able to give the assurance they have had the 4 years that are included in the first paragraph, that "the alien has maintained such nonimmigrant status in the United States for a cumulative period of not less than 4 years of employment"?

These are listed and include: records maintained by Social Security, records maintained by the employer, employment work verification, records maintained by the Internal Revenue Service, records maintained by other government agencies.

What we are saying, in the four different categories, those categories are government-held records or the employer-held records, not the employee-held records.

I don't know how it could be much clearer exactly what this amendment does. It is very clear. It is the certification that there is no American that is able, willing, and qualified. And to be able to prove it, there are government-held records or employer-held records, not the petitioner's records, not his stubs, but government-held records.

We have tried to craft this in a way which is going to be fair. We are not interested in people trying to "jimmy" the system. We have had too much of that in the past.

I get back to the final theme. This legislation tries to learn from past experience. In 1986, we had amnesty but there was supposed to be tough employer sanctions if they hired unemployed. We had vast industries that produced fake identification cards. The system never functioned. It never worked.

What we have tried to do is avoid that. We have a tamper-proof card. We will have vigorous employment. But, also, to learn the lessons of the Bracero Program, we are not going to have the exploitation of these workers by their employers. That is what we do when we deny the opportunity of an employee ever to be able to make a petition. We say you have to be in there for 4 years, with solid record of employment, solid record of achievement, solid record of commitment to work. Then you can make your petition. You have to meet that requirement.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. KENNEDY. What time is left?

The PRESIDING OFFICER. The opposition has 13 minutes remaining, and the Senator from Massachusetts has 4 minutes 45 seconds.

Mr. KENNEDY. I yield that time to the Senator from Arizona.

Mr. McCAIN. I rise in support of this amendment. It is an important amendment.

I point out that I appreciate very much the efforts of Senator CORNYN and Senator KYL to have a respectful debate on this issue. We have honestly held views, and I am very appreciative of the level of this debate and our discussion not only in the Senate but in the cloakroom as we have worked out a number of differences we have had in a mutual effort to come up with legislation which is appropriate to the future of America.

The language in the amendment is identical to what we passed last night, only this amendment adds an additional paragraph giving the alien more of an opportunity to prove their current work status. If we allow people to gain permanent residency, we want them to be hard-working, upstanding individuals. The amendment allows illegal immigrants to prove, through the use of valid government documents—we would be more than happy to define "valid government documents" more carefully in report language or in additional amendments—they should have, we believe, an opportunity with secure, government-issued documents that they can prove they are eligible.

This is an important right they should be given. It releases them from the possibility of the bondage of an employer who would like to keep them in the status of which they are. That would only apply to a few, but this is a necessary addition.

The original Cornyn-Kyl amendment does not mandate that the employer attest they will employ this individual in the future, only that they employ them currently. This is an important amendment. I urge my colleagues to support this amendment.

I reserve the remainder of my time for the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, may I inquire how much time I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. CORNYN. Mr. President, I appreciate the clarification that the Senator from Massachusetts and the Senator from Arizona have made. This language has been somewhat fluid, and now I have it in front of me. I think I understand it, and I think I understand what the differences are between our two arguments.

Basically, it does retain a certification requirement by the Department of Labor. But the one who decides what the job requirements are and whether the foreign worker actually meets those job requirements is the worker him or herself and not an employer. This is, I believe, insufficient to protect American workers because, essentially, the foreign worker is the judge of his own abilities and also the judge of the job requirement for which the Department of Labor is supposed to certify there are not sufficient Americans available to perform. I think it bears, if not the same, I would say similar defects to the original underlying bill that was amended yesterday to reinsert American worker protections.

Let me speak a minute or two about the nature of what this position is. We are now talking, as Senator DORGAN said, about the so-called future flow, people who are not here yet. This has been described as a guest worker program. Senator KYL and I will be offering an alternative to this so-called guest worker program which we describe as a temporary worker program because I believe this guest worker program is misnamed, mischaracterized, and is in no sense a guest worker program. That is because when you invite guests into your home, you expect at some point they might actually leave.

Under this guest worker program, as designed, that never happens. It invites as many as 200,000 individuals a year, under the Bingaman amendment, who can then come into the United States and work for a period of 4 years, and then, under the approach by the Senator from Massachusetts, self-petition for legal permanent residency and then get in line for American citizenship without regard to whether the American economy is in a boom or a bust. In times when the economy is very flat or when we are in recession, it is much more likely that American workers are going to be competing with foreign workers admitted under this so-called guest worker program.

I do believe calling this a guest worker program, when in fact it is a path to a legal permanent residency and citizenship, is a misnomer. In addition to damaging the prospects of American workers during times when our economy is not doing well and when there are not a lot of jobs available, it also hurts countries such as Mexico and Central American countries that have seen a massive exodus of their hardworking citizens to the United States, never to return.

What we need to do, for the benefit of America as well as the benefit of countries such as Mexico and those in Central America, is to reinstate this historical notion of circular migration: in other words, create a framework where people can come to the United States, qualify to work for a period of time, and then return home with the savings and skills they have acquired working in the United States.

A person who works at even modest pay in the United States under a temporary worker program can, in many instances, go back home and live like a king in some of these countries, where their money goes a lot further and where their investment in a home or a small business will thereby create opportunity not just for them but also other citizens in those other countries.

I believe if we are ever going to narrow the gap between opportunities available in countries such as Mexico and those in Central America and South America and other countries—which is the basic reason why people leave to come to the United States, to find jobs and work, and we all understand why—we need to find some way of reinstating this pattern of circular migration so people do maintain their contacts and ties with their country and their culture and their family because otherwise we will never be able to satisfactorily address this phenomenon of illegal immigration, no matter what kind of caps we put on it, no matter how many folks we put on the border, no matter whether we build an actual wall or a virtual wall.

Unless we find some way of reducing the development gap between countries that are the net exporters of human labor and a country such as America, which is the importer of human labor from all over the world, we are never going to get to the bottom of this problem.

So that is another reason why I believe this amendment should be defeated. We will have further discussion later on transforming, I hope, the so-called guest worker program to a true temporary worker program and reinstating circular migration in a way that both benefits America and benefits those countries from which those workers come.

Mr. President, I reserve the remainder of our time and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have tried to point out this will be a judgment decision that will be made by the Secretary of Labor as to whether there is an American fit, willing, and able. And if there is, they cannot petition.

Now, the Senator says: Well, it is all then up to the employee. But the idea of the whole guest worker is the employer. Why is it good for the employer, who is going to go out and petition and say: Look, I need someone to come work for me. They advertise for 45 days. Then they find out they have someone from overseas who will do that. So the employer is the one who is petitioning there. Didn't have any problem with that.

Now, when we get into the situation after 4 years, they can make the petition on this, if there is a vacancy, according to this proposal, but if there is not a green card available, they do not get it. They might have to wait a year. They might have to indicate 2 years. This is not automatic. There are only a certain number of green cards that are available under this category. They may wait 1 year. They may have to wait 2 years. So it is much more difficult. This is still weighted far against the worker than the employer.

What we were always trying to do in the development of the legislation is to have balance and fairness in terms of the authority and responsibility and the legality on this. I think what we have offered addresses what I understood to be the Senator's concern; that is, that there are going to be American workers out there when this person is getting a green card. Therefore, it is going to be adverse to the American workers. We say, if there is one, they don't get it. That is decided by the Secretary of Labor. And they have to be able to prove their work history through documents and records that are either held by the Government or by the employer. It seems to me that is about as lock safe and secure as you can have in this business. I would hope we would accept this amendment.

Mr. President, I think my time has expired.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

There is 7 minutes remaining in opposition to the amendment.

Who yields time?

Mr. CORNYN. Mr. President, I yield to the Senator from Arizona 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. KYL. Mr. President, the amendment that was adopted yesterday is a good amendment. I would hate to see us undo what we did yesterday with the Kennedy amendment. Therefore, I rise in opposition to it.

What we are talking about is self-petitioning by an illegal immigrant for permanent legal status in the United States—a green card—to be here for the rest of their life. The circumstances in the past for that had always been that either a family member petitioned you in under the law or an employer petitioned you in because he had a job for you.

The concept of self-petitioning is a new one in the law in this context. One of the reasons why that is critical is we are trying to assure that while a job may have existed for somebody in the past or even exists today, that job may not be available forever. The concept of temporary workers is just that, that when there is a job available for that worker, then the worker has a temporary visa to fulfill that job. When that jobs goes away, and there is no longer work in that particular area, then the individual's visa would expire, and it would not be reissued until, once again, the work is available. That is the whole concept of "temporary."

That concept is eliminated or destroyed with a part of the Kennedy amendment. The first part of the Kennedy amendment does provide for the Department of Labor to make a determination about employment conditions and whether jobs are available in a particular area. But then there is the word "or" written in at the end of section III(i). The second way the alien can petition is by simply submitting documents for current employment; in other words, the alien shows that he currently has a job. That is fine for a temporary permit. It is not fine for permanent legal status.

What you are allowing the individual to do is to say: I have a job today temporarily, and with that I am going to petition for the right—and the law would then allow the individual to acquire permanent status in the United States, which then can lead to citizenship. The whole point of temporary permits, as I said, is they reflect the economic conditions for the length of the permit or the visa.

Under the bill Senator CORNYN and I have, we have 2-year visas. What the President has proposed is a 3-year visa. The bottom line is, it should be no longer than necessary to ensure that if economic conditions change and the jobs are no longer available, that the visa would expire, the individual would return home and would not get another visa to come here for temporary work until the job has opened up again.

So the fact that an individual can prove he has a job today or that he had a job yesterday has nothing whatsoever to do with the availability of employment in the future. That is the fatal flaw of this amendment.

There needs to be an assurance that when we are talking about permanent legal residence, there will be a job available for that person in the future, not just that the individual has a job today. So that is a fatal flaw in the Kennedy amendment. I do not know whether it is deliberately intended. I suspect the point is to undercut the effect of the amendment we adopted yesterday, which is a worker protection amendment.

The bottom line that Senator CORNYN is trying to assure is that if an American has a job, that job is not undercut by somebody coming here today who would be able to stay here forever and, therefore, compete with the American for the job.

So I think we should stick with the worker protection amendment we adopted yesterday and not agree to the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, is it correct we have 3 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. Mr. President, where we have come from since yesterday afternoon is, we had a basic bill that provided no protection for American workers because it allowed foreign workers to self-petition without a job, without any type of certification there were no Americans available to fill the job, and we then adopted an amendment that would install some worker protections by requiring both of those things: that, No. 1, there is a job available; and, No. 2, there are not sufficient Americans to fill that type of job.

Now, under the amendment of the Senator from Massachusetts, we have gone from no worker protection to what I would call illusory worker protection—illusory worker protection—because this puts the decision to define the job requirements in the hands of the foreign worker. It also puts in the hands of the foreign worker—the self-interested individual, by the way, who is going to be staying or leaving depending on whether they meet these requirements—it puts in that foreign worker's hands the total and unilateral determination of what the job requirements are and, No. 2, whether that same foreign worker meets those job requirements; whereas, for everyone else in America, it is the employer who determines whether the prospective employee meets the job requirements.

The last thing I would say is, for every other category of visa, worker visa in America, under our naturalization and immigration system, there has to be some form of employer sponsorship. And this deviates from that pattern which I believe is important, and this represents an unprecedented break with that in a way that I think damages the prospects of American workers.

So I urge my colleagues to vote against the amendment.

I yield the floor and yield the remainder of our time.

The PRESIDING OFFICER. All time has expired on the amendment.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, following this vote, the next scheduled amendment is by the Senator from Oklahoma, Mr. INHOFE. There are negotiations in trying to work it out. They are supposedly very close. So we are not sure whether we will have Senator INHOFE's amendment and a side-by-side laid down. We will try to determine that while the vote is on.

If they are table to work it out—or immediately following that, we will go to the amendment by Senator AKAKA. We are going to try to work out time agreements so we can move the bill along on all of them.

Let me remind my colleagues, we are going to enforce the rules strictly to 15 minutes and 5 so we can move the bill along.

Let me also remind my colleagues on the Judiciary Committee that we are going to have our executive meeting in the President's Room. We had planned to have an executive meeting at 9 o'clock this morning, but then when the hearing on General Hayden was moved by the Intelligence Committee from 10 to 9:30, we could not have that meeting, so we are going to have it in the President's Room immediately following this vote.

I thank the Chair and yield the floor.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are requested.

Is there a sufficient second?

There appears to be a sufficient second.

All time having expired on debate, the question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Ms. MURKOWSKI). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Conrad
Craig
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

NAYS—43

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—1

Rockefeller

The amendment (No. 4066) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from West Virginia is to be recognized.

Mr. KENNEDY. Madam President, we are trying to move along. I see my colleague and friend behind me, the Senator from West Virginia, Mr. BYRD, who has been here patiently waiting to address the Senate on this issue generally. That might work, as we are just trying to reaffirm the language on this Inhofe amendment.

Mr. SPECTER. Madam President, may I ask the Senator from West Virginia how long he would like?

Mr. BYRD. Probably 20 minutes.

Mr. SPECTER. Madam President, that is entirely acceptable. I announce that following Senator BYRD we will be going to the Inhofe amendment. I understand they are very close on an agreement. If that agreement is reached, then I would like to move—although I am not asking consent for that now—to a 20-minute time agreement, if an agreement is reached, equally divided. If it is not reached, we will have side-by-side amendments. I alert Members as to what the schedule will be.

Following that, Senator AKAKA is next in line, and we are considering a time agreement there, also.

I have been asked when the next vote will occur. I think we can move the bill most expeditiously if we continue to take up the amendments one at a time, but after the first votes bring all the Senators in to stack the votes. We will have a better idea as to when we will stack the votes when we have a better idea as to how many votes we will have.

Meanwhile, the Judiciary Committee is meeting in executive session in the President's Room, so I ask Judiciary Committee members to go to that meeting.

I thank the Chair and yield the floor to Senator BYRD.

Mr. KENNEDY. Madam President, the Inhofe amendment is enormously important. It is complicated. Members on both sides, including the author of the amendment, are working in good faith to try to work this out. To my knowledge, it has not been worked out. Hopefully, after 25 minutes we will be able to tell the Senate whether it is worked out, whether we will have to have side-by-side amendments. But at this time, we will not enter into a short time agreement.

Hopefully, as we have been making progress in other areas, we will have a chance to do that in this area as well.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Madam President, today the Senate finds itself considering yet another amnesty for illegal aliens. After the defeat of a similar amnesty proposal last month, I had hoped that the Senate had seen the last of these efforts. I had hoped that the Senate, when given the time to consider the overwhelming opposition of the American people to amnesty, would pass a clean border security bill like the House did without amnesty, without a guest worker program, and without an increase in the annual allotment of permanent immigrant visas.

Sadly, the Senate is embarking on a path that contradicts everything we know—everything we know—about the position of the American people on this issue. It is an unpopular approach. It is the wrong approach.

The other night in his address to the Nation, the President endorsed the Senate amnesty plan to award U.S. citizenship to illegal aliens, and he announced the deployment of up to 6,000 guardsmen to the U.S. border with Mexico. The deployment of U.S. troops is intended to suggest an urgency about gaining control of the border that has been missing for many years, even since the September 11 attacks. Nevertheless, I have my doubts and concerns.

Guardsmen have been sent overseas two times, even three times—no, even four times—and have come home fatigued and stressed out. They have been forced to sell businesses and to endure financial hardships because of their long absences.

Just a few months ago, the White House proposed to cut the National Guard by nearly 18,000 soldiers. The adjutants general of many States are reporting that they were not involved in discussions about the deployment of the Guard to our borders. So what assurances are there that sending troops to the border won't hamper our ability to respond to the floods in New England, another Hurricane Katrina, or another natural disaster?

The National Guard might be able to lend support to our border security, but that role must not be at the expense of the thousands of communities around the country that also depend on our Guard should disasters strike those towns or counties.

Press reports indicate that the Guard men and women will not be empowered to arrest aliens who attempt to cross our borders. I cannot help but wonder if this move to detail guardsmen to our borders is a political stunt to look tough at the expense of the brave citizen-soldiers who serve in the Guard.

The President would not have to call out the National Guard to secure the borders if he had supported even some—even some—of the nine—nine, nine—separate amendments that I have offered since September 11 to hire and train more Border Patrol agents. If these amendments had been adopted—I say, if they had been adopted—the law enforcement agents would be in place right now helping to secure the borders.

Instead, the administration has consistently opposed these efforts as unnecessary and extraneous spending, saying that those funds would expand the size of Government. When I included $400 million in the fiscal year 2002 Supplemental Appropriations Act for border security, the President refused to spend it saying:

> I made my opposition clear . . . We'll spend none of it.

That is what he said. That is what the President said. He said:

> I made my opposition clear . . . We'll spend none of it.

As recently as last September, on a party-line vote, the majority defeated an Obey-Byrd-Sabo motion in conference on the fiscal year 2006 Homeland Security appropriations bill to add $100 million for border security. The administration opposed—yes, you heard me correctly—the administration opposed the Byrd-Craig amendment to the fiscal year 2005 supplemental appropriations bill to add $389 million for, what? For border security—border security. Fortunately, the amendment was approved and subsequently, despite administration opposition, the conferees approved $274 million. And as a result, there are now 500 more Border Patrol agents, 218 more immigration agents and investigators, and 1,950 more detention beds in place helping to secure our borders.

I will support any realistic effort to secure our borders, but I have to question the sincerity behind sham attempts that accomplish a token presence which only impose further hardship on our National Guard and may put communities at risk from natural disasters.

The sense of urgency that comes with deploying the National Guard is belied by the administration's consistent opposition to providing the necessary resources that our border security agencies need to do their job. Last month, I joined Senator GREGG in offering an amendment to the supplemental appropriations bill for Iraq to provide $1.9 billion for the Border Patrol to hire the agents and secure the equipment that they need to better secure the border. The President has threatened to veto the supplemental bill. It is difficult to believe that the President would oppose funding our border agencies sufficiently to do the job they were created to do, but that is the situation.

Immigration enforcement in our country remains a decidedly half-hearted effort. The administration claims to strengthen border security in one area, and then completely undermines it in another with amnesty proposals. That dangerous inconsistency is at the root of my opposition to the misguided amnesty proposal before the Senate.

I oppose this amnesty bill. I oppose it absolutely. I oppose it unequivocally. I oppose this effort to waive the rules for lawbreakers and to legalize the unlawful actions of undocumented workers and the businesses that illegally employ them.

Amnesties are the dark underbelly of our immigration process. They tarnish the magnanimous promise enshrined on the base of the Statue of Liberty. Amnesties undermine that great egalitarian and American principle that the law should apply equally and should apply fairly to everyone. Amnesties perniciously decree that the law shall apply to some but not to all.

This bill would create a separate set of immigration laws for those who choose not to follow the regular process that everybody else had to go through. It is a slap in the face to every immigrant who had to wait abroad to come to American shores, and to every immigrant who had to struggle and work to become a U.S. citizen.

It is a false promise to the many tens of millions of immigrants who would be authorized to settle in the United States under this bill with the infrastructure of our Nation—our schools, our health care system, our transportation and energy networks—increasingly unable to absorb this untenable surge in the population. Many employers are more than willing to take advantage of the cheap labor that this bill would provide, but the responsibility would fall on the Nation as a whole to make the public investments necessary to ensure that these workers do not fall into a state of poverty once they have arrived. We have our own problems to address without having to assume this additional burden to help American businesses find cheaper labor.

Amnesties beget more illegal immigration—hurtful, destructive illegal immigration. They encourage other undocumented aliens to circumvent our immigration process in the hope that they, too, can achieve temporary worker status. Amnesties sanction the exploitation of illegal foreign labor by U.S. businesses and encourage other businesses to hire cheap and illegal labor in order to compete.

President Reagan signed his amnesty proposal into law in 1986. At the time, I supported amnesty based on the same promises that we hear today; namely, that legalizing undocumented workers and increasing enforcement would stem the flow of illegal immigration. It didn't work then; it won't work today. The 1986 amnesty failed miserably.

After 1986, the illegal immigrant population more than quadrupled from 2.7 million aliens to 4 million aliens in 1996, to 8 million aliens in 2000, to an estimated 12 million illegal aliens today.

In that time, the Congress continued to enact amnesty after amnesty, waiving the Immigration Act for lawbreakers. The result is always the same: For every group of illegal aliens granted amnesty, a bigger group enters the country hoping to be similarly rewarded. This bill encourages individuals on both sides of the border to flout the law. It is a congressional pardon for lawbreakers—both for illegal aliens and the unscrupulous employers who hire them.

What is backward about the pending bill is that it would actually expand benefits to illegal aliens rather than curtail them. It authorizes illegal aliens to work in the country. It grants illegal aliens a path to citizenship. It pardons employers who illegally employ unauthorized workers. It even repeals provisions in current law designed to deny cheaper, in-State tuition rates to illegal aliens.

The pending bill is an invitation to immigrants and employers alike to violate our immigration laws and to get away with it. Amnesties are dangerous proposals. Amnesties open routes to legal status for aliens hoping to circumvent the regular security checks. By allowing illegal aliens to adjust their status in the country, we allow them to bypass State Department checks normally done overseas through the visa and consular process. One need only look to the 1993 World Trade Center bombing, where one of the terrorist leaders had legalized his status through an amnesty, to know the dangers of these kinds of proposals.

Our immigration system is already plagued with funding and staffing problems. It is overwhelmed on the borders, in the interior, and in its processing of immigration applications. It only took 19 temporary visa holders to slip through the system to unleash the horror of the September 11 attacks, and the pending proposal would shove many tens of millions of legal and illegal aliens—many of whom have never gone through a background check—through our border security system over the next decade, in effect, flooding a bureaucracy that is already drowning.

It is a recipe for disaster, and 6,000 National Guardsmen without the power to enforce our immigration laws and arrest illegal aliens are not going to make the difference between success and failure. Our Nation's experience shows that amnesties do not—do not—work. They encourage illegal immigration. They open our borders to terrorists. Our experience shows that we cannot play games with our border security or American lives could be lost.

I will oppose this amnesty bill, and I urge my colleagues to do likewise.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. I ask for the regular order.

The PRESIDING OFFICER. The Senator's amendment is pending.

AMENDMENT NO. 4064, AS MODIFIED

Mr. INHOFE. I ask unanimous consent that the amendment be modified with the changes that are at the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 4064), as modified, is as follows:

On page 295, line 22, strike "the alien—" and all that follows through page 296, line 5, and insert "the alien meets the requirements of section 312.".

On page 352, line 3, strike "either—" and all that follows through line 15, and insert "meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).".

On page 614, after line 5, insert the following:

SEC. 766. ENGLISH AS NATIONAL LANGUAGE

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec.
"161. Declaration of national language
"162. Preserving and enhancing the role of the national language

"§ 161. Declaration of official language

"English is the national language of the United States.

"§ 162. Preserving and enhancing the role of the national language

"The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America. Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.".

"(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following:

"6. Language of the Government .... 161".

SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

a. Under United States law (8 U.S.C. 1423(a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

b. The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) DEFINITIONS.—For purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term "key documents" means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term "key events" means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term "key ideas" means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term "key persons" means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of [8 U.S.C. 1423(a)] that prospective citizens:

a. demonstrate a sufficient understanding of the English language for usage in everyday life;

b. demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

c. demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

d. demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

e. demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with [8 U.S.C. 1423(a)] not later than January 1, 2008.

Mr. INHOFE. Madam President, I ask unanimous consent to add as cosponsors several Senators, including the distinguished senior Senator from West Virginia, Senator BYRD, and Senators ALEXANDER and KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, this is, I believe, a very significant amendment. We have had an opportunity to talk to people who had problems. In addition to making English the national language, we also unify some of the applications in terms of legalized immigrants.

I have had the honor of speaking at naturalization ceremonies. It is a very warm thing to know that these people come in and do it the legal way, the right way; wherein they have to, and they do, learn the language. We have some language in here that Senator ALEXANDER had suggested that I think makes this a better bill, and I think Senator KYL and Senator SESSIONS also have this language. So it goes beyond that.

Basically, what it does is it recognizes the practical reality of the role of English as our national language. It states explicitly that English is our national language, providing English a status in law that it has not had before. It clarifies that there is no entitlement to receive Federal documents and services in languages other than English. It declares that any rights of a person and services or materials in languages other than English must be authorized or provided by law. It recognizes the decades of unbroken court opinions that civil rights laws protecting against national origin and discrimination do not create rights to Government services and materials in languages other than English, and establishes enhanced goals of the DHS as redesigned. This is what I talked about in trying to make those more uniform.

I think Senator ALEXANDER wants to make a few comments. I would only say that this is something that is more significant probably to the American people than it is inside this Chamber. I know there is opposition to this. There are some people who don't believe that English should be our national language. If you look at some of the recent polling data, such as the Zogby poll in 2006, it found 84 percent of Americans, including 77 percent of Hispanics, believed that English should be the national language of Government operations. A poll of 91 percent of foreign-born Latino immigrants agreed that learning English is essential to succeeding in accordance with the United States, according to the 2002 Kaiser Family Foundation poll.

Also, we heard the other day, when President Bush made his very eloquent statement, he said:

> An ability to speak and write the English language. English allows newcomers to go from picking crops to opening grocery stores, from cleaning offices to running offices, from a life of low-paying jobs to a diploma, a career, and a home of their own.

So I believe this is something very significant that we are doing today that people have talked about now for four decades that I know of, and I believe it should be popular.

I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wish to compliment the Senator from Oklahoma for his work, for bringing it to the Senate floor, and for doing something I think is very important and that I think unifies us.

What are some of the things that do unify us? Well, our language unifies us. Senator ALEXANDER, who will speak in a moment, was responsible also for working with Senator INHOFE to include provisions in this amendment that help us to recognize the importance of English in our country and the importance—not just for our new immigrants but for all Americans—of speaking this language that is our national language. So an amendment that recognizes that it is our national language is very positive for both immigrants and nonimmigrants alike.

I would also like to make a point about what this amendment is not. This is not an English-only amendment. That is an important point. We do speak a lot of different languages in this country, but English is our national language, and I think we can all agree on those great principles.

So this expression by the Senate is an important one, and I compliment all of those who helped to work on it, and for bringing it to the Senate floor I thank Senator INHOFE.

Mr. INHOFE. I appreciate the comments of the Senator from Arizona, who was very instrumental in coming up with some good language that made this a better piece of legislation.

Madam President, I ask unanimous consent that Senator FRIST be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I thank the Senator from Oklahoma for his good work because we are now a Nation of people of different faiths, different skill sets, different backgrounds, different colors of skin, and different nationalities. Where we once were apart, now we have become Americans. The thing that makes this country effective is being able to communicate with one another in a common language. I think that is an ideal of America that is important. I think any Nation, historically, that has divisions based on language, begins to have a lot of complications and problems. So I am pleased that Senator ALEXANDER and Senator INHOFE have worked hard on this, that they have come up with language that also includes more extensive training and learning on behalf of new citizens about what it means to be an American. No one has been more articulate over the years on this than Senator ALEXANDER.

I offered an amendment on it and worked with Senator INHOFE and Senator ALEXANDER and others, and we have reached a common accord with an amendment I think everyone can support that will help unify us as a Nation and make sure we are one people, all Americans, adhering to the highest ideals of this great country.

Senator INHOFE, thank you for your work and, Senator ALEXANDER, I appreciate your leadership also.

Mr. INHOFE. I thank Senator SESSIONS for the contributions he has made. You and Senator ALEXANDER have both made contributions, and I think it would be appropriate for me to yield some time to Senator ALEXANDER because he can articulate some of the other areas that we are addressing here, other than English as the national language.

Mr. ALEXANDER. Madam President. I see the manager of the bill. I wonder if it would be appropriate for me to go ahead for about 10 minutes on the Inhofe amendment.

Mr. SPECTER. Madam President, the distinguished Senator from Tennessee has been a leader in this field going back to his days as the Secretary of Education and Governor. Ten minutes would be fine. I think that is acceptable to Senator ALEXANDER.

I would like to remind Senators we are trying to move the bill along. The next Senator in line is Senator AKAKA, and I think we are likely to be ready for Senator AKAKA very briefly. If he could come to the floor, we could move ahead with his amendment. I thank the Chair, and I yield to Senator ALEXANDER.

Mr. ALEXANDER. Madam President, could I be notified when I have 60 seconds left?

The PRESIDING OFFICER. The Senator will be notified.

Mr. ALEXANDER. I think Senator INHOFE, the Senator from Oklahoma, has been looking at the original motto of the United States which is above the Presiding Officer's chair: e pluribus unum, "one out of many," in our antecedent language of Latin because he has done a very good job, I think, of helping to say what the body as a whole would like to say, and I hope this is something all Senators can agree on.

Here is what the Inhofe amendment, of which I am proud to be a cosponsor, does. No. 1, it states the obvious: that English is the national language of the United States. But in so stating, it does not prevent those who are today receiving Government services in other languages from continuing to do so. We can have those discussions at another time.

The second thing it does is it adopts an idea that has been suggested by Senator GRASSLEY, the Senator from

Iowa, on another occasion during the debate on this bill; that for those immigrants who are currently in the country illegally but who may be able to adjust to a legal status under the way this bill is finally written, it establishes a clear English language requirement for them to become lawful permanent residents.

The third thing it does is it establishes clear goals for the tests that immigrants take to become new American citizens, so that they know English, our common language, and so that they know American history. That test is currently being redesigned by the Department of Homeland Security. In doing so, this part of the Inhofe amendment picks up language that had been offered before by Senator REID and by me, and by Senator KENNEDY and Senator DODD, as we worked to create summer academies for outstanding students and teachers of American history.

It should surprise no one that the Senate would pass a resolution stating that our national language is English. I can remember being at an education meeting in Rochester in the late 1990s, when someone asked: What is the rationale for common schools? And Albert Shanker, the late president of the American Federation of Teachers, said the public schools, the common schools of America were created to help largely immigrant children learn reading and writing and English and mathematics with the hope they would go home and teach their parents.

So for a long time, we have tried to help new citizens learn our common language so we can speak to one another, and that has been English. Since 1906, our naturalization laws have required new citizens to know English and be able to pass tests in English.

The Senate, at the beginning of the immigration debate, put a value on the English language by approving an amendment that said that the federal government would offer $500 grants paid for out of visa fees by those who are legally here, who are seeking to become prospective citizens. In other words, we want to help people learn English.

That same amendment said that if you become fluent in English, we will cut a year off the time you have to wait to become a lawful, new citizen from 5 years to 4 years.

I remember when I was Education Secretary for this country 15 years ago, when I went to the southwest United States and someone told me: Well, you will probably find a lot of people who object to learning English. But I found just the reverse. I found a lot of men and women in the Southwest United States who were upset with me because they didn't have enough help to learn English. They wanted to learn the national language, the common language of the United States.

The Inhofe amendment is in that spirit. I have always believed that the luckiest children in our country are those who speak more than one language, whether it is Spanish or Chinese—which, after Spanish, is the next most widely spoken language in our country—but that one of those languages must be English, and children should learn it as quickly as is practical.

The second part of the Inhofe amendment should not surprise anyone because it incorporates language Senator SESSIONS had offered to try to make certain that the U.S. history test that new immigrants take if they wish to become citizens is a good test and includes the key documents and key events and key ideas of our founding documents. As I mentioned, that has broad support on both sides of the aisle here, with the Democratic leader, as well as the Republican leader, Senator SESSIONS, Senator KYL, and others, having been involved in that.

Finally, it should be no surprise that the Senate, in the middle of a debate on a very important subject, finds talking about our common language, our national language, English, an important matter, and talking about U.S. history an important matter. In many ways, there is nothing more important to discuss if we are talking about immigration because the greatest accomplishment of our country is not our diversity, even though that is a magnificent part of our country. It is that we have taken all that diversity and molded it into one nation on something other than race and ancestry.

We have this enormous advantage in the world today, an advantage France and Germany don't have. People have a hard time thinking of how to become German, how to become French, how to become Italian, how to become Chinese, how to become Japanese. But if you come to this country and you want to become a citizen, you must become an American and you must learn our common language. That is a part of it, and it has been for 200 years.

The greatest, most practical limit on the number of new immigrants who can come to our country is our ability to assimilate them into our culture to help them become Americans.

The Inhofe amendment is a very carefully constructed amendment to try to make sure that we are heard properly in this country. We value every language. We value every ancestry. We value every background that is here. It is what makes our country so special. I, for one, hope our children grow up speaking more than one language. But we need to be able to speak with one another, and we need to understand those principles which we debate here in the Senate. Just look at this debate on immigration. We are debating four great principles with which we all agree, but we apply them in different ways. They are the rule of law; they are laissez faire, about our free market system; they are equal opportunity, giving everybody a fair chance at the starting line; and e pluribus unum, the idea that we are one nation from many.

This amendment is as important as any amendment which is being offered because it helps take our magnificent diversity and make it something even more magnificent. It recognizes that only a few things unite us: our principles, found in our founding documents, and our common language. We are proud of where we have come from, where our ancestors have come from, but to make this land of immigrants truly one country, we must have and honor our national language, our common language, and that language is English.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oklahoma.

Mr. INHOFE. First of all, I do appreciate as always the very eloquent Senator from Tennessee giving the historic perspective. I think it is important to understand that virtually every President throughout the history of America has made statements to that effect. Teddy Roosevelt said in a speech:

> We must also learn one language and that language is English.

President Clinton said in his speech in 1999, in talking about immigrants:

> New immigrants have a responsibility to enter the mainstream of American life. That means learning English and learning about our democratic system of government.

We heard just the other day in a speech given by our President that it is necessary in order to unify us and to leave all the obstacles that are out there.

I thank not just the obvious ones who have been speaking already, but Senator MCCAIN and Senator GRAHAM have been a very important part in making changes, along with Senator ALEXANDER and the occupant of the chair, the junior Senator from Florida.

At this time, I would like to hear from Senator GRAHAM. I yield to him whatever time he desires.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, just to put this debate in perspective for myself and myself alone, I wish I could speak an additional language. It would make me a better person. I think I would enjoy that experience. I know enough German just to be dangerous. I lived 4½ years in Germany, and I picked up a little of the language, but I was always somewhat embarrassed that all my German friends probably spoke better English than I, and several other languages. It would be great for our country if our young people could learn additional languages because we live in a global economy and a global world, and it would make America a better place.

However, what makes America a special place and what is the key to success in America, from an economic and social perspective, is to master or be competent in the English language. While I personally would like to be able to speak another language—I think it would make me a better person, it would change my life for the better—when it comes to our Nation, it is important that we focus as a nation on those things which unify us, and our common language is English. We need to understand that and promote that because if you are coming to America or you are here now, your life will be tremendously enhanced if you are fluent in the English language. Opportunities will exist for you that will not exist otherwise.

I know there are many people in this body from different places in the world, and some have parents or grandparents who came here not speaking a word of English. Some may have died not speaking a word of English, and their lives were just as valuable as anybody else's life, but we are trying, as a Government to make a policy statement here—it is a policy statement—but not change the law at the same time.

The goal of this amendment is to say English is the national language of the United States. That is true. I would encourage every American to learn another language, get your kids enrolled in taking Spanish or some other language because they will be more successful in a global economy. From an individual level, we would be better off if every American could master additional languages other than English. But from a national perspective, to make sure we maintain our national unity and our common sense of being one nation, it is important that we emphasize the need to assimilate into America by mastering the English language. Senator INHOFE is making a statement that needs to be made. I congratulate him.

What does this amendment do, and what is it intended to do? This amendment says:

> The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

That is a good policy statement. From an individual perspective, we should learn as many languages as possible, but from a national perspective, we need to promote assimilation in our society. The best way to assimilate into our society is not to abandon your native tongue but to also learn English.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAHAM. I certainly will.

Mr. DURBIN. Mr. President, I would like to first commend the Senator from South Carolina. He and I have spoken in the well here on the floor about this issue. I am trying, as he is, to understand this issue from another's point of view because I am a lucky person. My mother was an immigrant to this country. When her parents came to this country from Lithuania, they did not speak English. My mother spoke both Lithuanian and English, and as a young girl was an interpreter in court so immigrant families could have justice even if they didn't understand English very well. My mother spoke both languages, but I speak only English.

The Spanish language has become an important symbol for so many people in this country. It reflects on their heritage. It is a source of pride. They are proud to be Americans, but they are equally proud to have a heritage they can point to.

I look at the amendment offered by the Senator from Oklahoma. I can't quarrel with his beginning sentence where he says:

> The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

That strikes me as a statement of fact. English is our language. Success in America depends on a command of English. If you speak only Spanish, your horizons are very limited.

But what troubles me, and I am still wrestling with it, and I think the Senator from South Carolina is as well, is the rest of the amendment. What happens in the situation where a person is here legally in the United States but has limited English language skills—what happens when that person, legally here, goes into a courtroom, goes in to vote, goes before law enforcement agencies? What kind of guarantee can we give that the person will be treated fairly? Because just as English is at the root of who we are as Americans, so is the concept of fairness.

I am trying to find the balance. I think the Senator from South Carolina is looking for that same balance. I would like to ask the Senator to reflect on whether we are being careful in the language of this amendment. Are we going too far? Are we going to find people who are poor, people with limited language skills, who will not receive the kind of treatment and fairness we really take pride in as Americans?

Mr. GRAHAM. I will be glad to answer. That is a great question. Here is the way I view what we are trying to do. Please, others, speak up.

Even though we are trying, in this amendment, to promote the idea that English is the national language and the Government of the United States shall preserve and enhance the role of English as the national language of the United States of America, there is something else we are trying to avoid doing. The truth is that a variety of Government services are authorized and provided by law in languages other than English. That decision has been made in the Voting Rights Act. There are a bunch of incidences in our law through court decisions, statutory schemes, maybe regulatory schemes, that would authorize a service to be provided by the U.S. Government in a language other than English. My goal is to make sure, in trying to bring us together, focusing on English as an essential part of who we are, not to disturb that legal setting.

So if in the example of the Senator of someone who is needing translation in court because they are not competent in the language, the English language, and they can't understand the proceedings—if a judge determines that or there is a statute which requires that person be provided translation, interpreting services, nothing in this amendment would override that.

Mr. DURBIN. May I ask the Senator to yield for a question?

Mr. GRAHAM. Yes.

Mr. DURBIN. Can the Senator point to me in a current situation where a Government service is being offered and explained in a language in addition to English—and that is usually the case.

Mr. GRAHAM. Right.

Mr. DURBIN. There will be English and then another language. And in my home State of Illinois, that language might be Polish, incidentally, or the Filipino dialect of Tagalog, for example, that might be the case.

Mr. GRAHAM. Right.

Mr. DURBIN. Can the Senator point to a single circumstance where he thinks there is an injustice in providing that alternative language instruction, an injustice that requires us to change the law of the United States of America?

Mr. INHOFE. Will the Senator yield so I can answer this question?

Mr. GRAHAM. Go ahead.

Mr. INHOFE. First of all, if you look at the second page of the bill, it provides:

> Unless otherwise authorized or provided by law. . . .

So we have that set up for exceptions that are already in law.

Now, the Court Interpreters Act was passed in 1978. They did not, prior to that time—there was a problem that corrected. That act, the Court Interpreters Act, protects already existing constitutional rights such as the 6th amendment, the right to confront witnesses speaking against you, and the 5th amendment and 14th amendment and due process. The United States—I think it was in Negron v. New York. That is a Federal case which is often cited to support the right to an interpreter in Federal and State proceedings. So it is Federal and State proceedings. I believe that exception takes care of the problem you have.

Mr. DURBIN. I don't know whether to direct my question to the Senator from South Carolina, who I believe has the floor at this time, or to the Senator from Oklahoma. What is happening on the floor of the Senate is getting dangerously close to a debate, which hardly ever happens. And I ask those on C–SPAN to turn up the volume. This may turn out to be a debate.

Mr. GRAHAM. Let's go back to the original question and incorporate it into the answer. The Senator asked me if I know of a case where the American Government provides a service in some language other than English that I find unjustified? The answer is overwhelmingly no. We do provide, at the Federal level, bilingual ballots and other services outside of English for a reason, and I think those reasons are good.

The Senator from Oklahoma gave an example. I believe it is a Federal statute that makes sure that due process rights of people not sufficiently trained in understanding English are preserved. At some point in time—in 1978 or whenever it was—Congress came along and said: There will be services provided in a language other than English in a court setting. Not only do I think that is just, but I want to preserve it.

Here is the ultimate answer to the Senator's question. If there is an example of an injustice in the Senator's mind as an individual Senator, where the Government of our country is providing a service not in English, this will not remedy that injustice.

That is what I am trying to say. Passing this amendment, voting for this amendment will not remedy that injustice. If you find one, you would have to come to the floor of the Senate and introduce a bill—a regulation—because this does not do that.

What Senator INHOFE said is absolutely right. The reason I am going to vote for this is because I think it tries to unite us without taking off the table exceptions to English or services provided other than English. It doesn't disturb the legal situation in this country by a statute, regulation, court decree or an Executive order conferring rights of people to receive services other than English. If I thought it did, I wouldn't vote for it.

Mr. DURBIN. Mr. President, if I may ask the Senator to yield for a question, I wish there were a way to engage the Senator from Oklahoma because it is his amendment, and I would like to hear his response. I hold in my hand a publication from the Department of Justice which you can find on the Web site. I invite my colleagues to go to the Web site. They can read this official publication from the Department of Justice, and this is what they will learn. It is entitled, "Know Your Rights."

> Do you have trouble with English? Are you unable to speak, read, write, or understand English well? If so, you are limited in English proficiency. Federal agencies and organizations which get money from the Federal Government have to take reasonable steps to help people who have trouble with English. Sometimes when a government agency or organization does not help you because you are limited in English proficiency, they violate the law. This is called "national origin discrimination."

They go on to say:

> There is a Federal law that protects your civil rights. The law is called "Title VI of the Civil Rights Act of 1964."

It goes on with examples of possible discrimination. If you come to a hospital and you have limited English proficiency, they are supposed to be able to try to help you understand what your rights are and treat you.

Are we changing that? Will the Inhofe amendment change that? If it doesn't, why are we enacting this? If this is law which we are comfortable with and will live with—and it is currently law in the United States—why are we trying to change it? If we are eliminating this protection which is currently in the law, recognized by the Department of Justice, why are we eliminating it?

That is my question.

Mr. GRAHAM. Mr. President, I will give the Senator my answer and then yield to anyone. I know we need to wrap this up.

In my opinion, the phrase, "unless otherwise authorized or provided by law," we would preserve that service. Simply stated, that language to me is intended to make sure that whatever service is provided in a language other than English, our Federal Government is not disturbed. If you want to disturb it, you would have to come back and do something else.

Mr. DURBIN. If that is not the case, what does this add? What does it change? What does it bring to the law that isn't currently in the law?

Mr. GRAHAM. May I suggest why I think we need to do this and why I support Senator INHOFE. We have gone through a great debate in this country, which is long overdue. What does it mean to be an American? And what role unites us and what divides us? I think it is time for this body to say two things: We will continue to provide services other than English out of a sense of justice and fairness, and we are not going to disturb that because I think there is a goal for that in our society.

But as we debate how to assimilate 11 million people, we need to make it clear that it is the policy of our Government not to change the law but is the goal of our Government to enhance our common language, English. To me, that is a good thing to say because when the demonstrations are in the streets with Mexican flags, they have the right to fly any flag, but some of us have to respond to that. I am supporting the bill, but I am not going to sit on the sidelines and watch demonstrations that destroy national unity. I am trying to bring us all together, and I want the individuals who are here and undocumented to be documented by taking civics classes and taking an English proficiency exam.

Why do we ask them to do that? Why is that part of the pathway to citizenship? We all know if they don't become proficient in English, they will never achieve their own individual value and will be hurting our country. And we are trying to reinforce that without doing it in a way that would deny services already provided in languages other than English. That is why it is important to me. That is why I will vote for it.

Mr. SPECTER. Mr. President, will the Senator yield?

Mr. GRAHAM. I yield the floor.

Mr. SPECTER. Mr. President, on scheduling, we have not been able to work out an agreement on the Inhofe amendment.

The Ensign amendment is about to go. We are trying to juggle schedules with one Senator going to a graduation and another Senator going to Florida. And if we can structure our schedules to have 12:30 votes, we can have two votes at 12:30, if the Senator from Nevada would be agreeable to a time limit between now and 12:30 equally divided. We will then be in position to vote on the Kennedy amendment. We will be in a position to vote on the Ensign amendment at 12:30. If we have the consent of Senator INHOFE—I have already discussed it with him informally—to set aside his amendment, the plan is to have a vote on the Inhofe amendment this afternoon. That will give time for others to have a side-by-side. That is how I would like to proceed.

Mr. KENNEDY. Mr. President, I want to cooperate and have cooperated with the Senator. I think it is premature to establish a time on the Ensign amendment. I don't think it will be an undue period of time. But it would be difficult now to agree to a specific time. I hope we would be able to agree after a while. I welcome the chance to continue this. I think this discussion has been enormously valuable and helpful. We can proceed in whatever way the leader wants to proceed. Right now, we would not be in a position to agree to a 1-hour time limitation on the Ensign amendment, half an hour on each side. But we will well work to try to get a reasonable time, if that is the decision.

Mr. SPECTER. Mr. President, I suggest we proceed with the Ensign amendment. I agree. The discussion with Senator GRAHAM, Senator INHOFE, and Senator DURBIN was very productive. Perhaps we could continue the discussion on an informal basis as we try to come to an agreement on language but meanwhile proceed to the Ensign amendment with the prospect of a vote around 12:30.

I yield the floor.

The PRESIDING OFFICER (Mr. ISAKSON). The Senator from Nevada.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3985

Mr. ENSIGN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. SANTORUM, and Mr. INHOFE, proposes an amendment numbered 3985.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system, by ensuring that persons who receive an adjustment of status under this bill are not able to receive Social Security benefits as a result of unlawful activity)

Insert in the appropriate place:

SEC. ___. PRECLUSION OF SOCIAL SECURITY CREDITS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by adding at the end, the following new subsection:

"(d)(1) Except as provided in paragraph (2), no quarter of coverage shall be credited for purposes of this section if, with respect to any individual who is assigned a social security account number on or after the date of enactment of the Comprehensive Immigration Reform Act of 2006, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who, at such time such quarter of coverage is earned, satisfies the criterion specified in subsection (c)(2).".

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by adding at the end a new paragraph as follows:

"(3) in computing the average indexed monthly earnings of an individual who is assigned a social security account number on or after the date of enactment of the Comprehensive Immigration Reform Act of 2006, there shall not be counted any wages or self-employment income for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).".

Mr. ENSIGN. Mr. President, this bill we are debating today, the immigration bill, will place a significant cost on the American taxpayers. I am particularly concerned that the provisions of this bill will impose a heavy strain on our social security system. That concern is why I am offering amendment number 3985.

The American public needs to understands what this bill would do. If enacted, it would allow the immigrants who receive amnesty to qualify for social security based on work performed prior to their amnesty. It allows people to qualify for social security based on work they did while they were illegally present in the United States and illegally working in the United States. Let me repeat that.

People who broke the law to come here and broke the law to work here can benefit from their conduct to collect social security. This bill is the pathway that allows that.

In some cases, illegal immigrants may have stolen an American citizen's identity. They may have stolen an American's social security number to fraudulently work. But it is that illegal conduct and fraudulent work that they will be allowed to use to qualify for social security.

Does this bill punish the people who stole an American citizen's identity? No, it does not. It rewards them. Does this bill consider the impact that the crime of identify theft had on the victim whose social security number was stolen? No, it does not. This bill gives them the full benefit of citizenship, with respect to social security benefits and rewards criminal conduct without any consideration for the victim.

There have been many media reports recently about illegal immigrants stealing Americans' social security numbers. To understand the potential scope of this problem, you have to understand that every year employers are advised that nearly 800,000 employees do not have valid, I matching social security numbers. In too many cases, the number used belongs to someone else. And so, for a moment, I want the Senate to stop. I want my colleagues to think. And to consider the impact this theft and fraud has on the victims.

Rarely, does the Senate ever really consider the impact that crime has on the victim. Today should be different. And so I am going to take a few moments to share with my colleagues a few of the stories of the victims of identity theft. In order to protect their privacy, I will only use the victim's first name.

Identify theft by illegal aliens has created many problems for Americans. Sometimes those problems involve the Internal Revenue Service. For example, Audra has been a stay-at-home mom since 2000. Over the last 3 years, the IRS has accused her of owing $1 million in back taxes. This is a picture of the first letter she received from the IRS saying she owed back taxes. Since that first letter, she has received many more.

Her story is clear. She has not worked in 6 years. Yet the IRS says she owes taxes for working the last three years. What she first thought was a mistake, later became clear. It was a case of identity theft. Her social security number was being used by at least 218 illegal immigrants, mostly in Texas, to obtain jobs.

Audra has obtained copies of the 218 W-2s that were used in 2004 by illegal immigrants using her Social Security number. This is a picture of the stack of those W-2s. In Audra's own words, she said, "It was so overwhelming I couldn't be frustrated—I was just completely beyond that." She filed a complaint with the Federal Trade Commission. Her file at the Federal Trade Commission is very thick. Here is a picture of many of the documents in her file on this chart.

Identity theft by illegal immigrants has made it hard for some Americans to find a job of their own. When my staff spoke to Audra, she explained to them that she was not able to find a job of her own because of the theft of her Social Security number. This is a photo of the letter Audra received denying her employment because she is actually already employed by that same employer. Obviously, she is not, but someone else with her Social Security number is employed at that place of employment.

Audra is not the only American affected in this way. A few years ago, a woman named Linda applied for a job at a chain retailer, but her job application was turned down. Why? Because her potential employer told her that she was already working for that very same retailer. She, of course, knew better. She could not get a job because someone else had stolen her identity. Without knowing it, the thief also stole the job she could have been hired to do.

That is not what America should be about. People who want to work should be able to work. Identity theft by illegal immigrants has damaged many Americans' credit, making it hard for them to buy the basic necessities. In some cases, the victims of identity theft are denied social service benefits such as unemployment because records show they already have a job even though they are not working. In some cases, government records show they have many jobs all across the country.

I want to tell my colleagues about Caleb, who works in northern Nevada. He lives there with his wife and two children. Caleb is actually one of my constituents. This is a picture of Caleb and his daughter at the kitchen table. Caleb works hard as a construction worker to take care of his family. In December of 2003, Caleb was unable to find work because of the seasonal difficulties northern Nevada's construction industry faces. So Caleb applied for unemployment benefits. He was denied unemployment benefits. Why? Because he was told he was already working as a landscaper in Las Vegas. Many of my colleagues are probably not aware of the geography of Nevada. I am pretty confident that Caleb was not living in Reno and working in Las Vegas because that would mean he would have over a 1,000-mile commute every single day. Caleb and his wife contacted the employer of the identity thief. They learned that the person who used his Social Security number had previously given the employer at least 10 different Social Security numbers, and that person's resident alien card had expired.

In this picture, Caleb has many of the documents, including a copy of the expired resident alien card used by the person who stole his identity.

Not only does identity theft by illegal immigrants create problems for adults, it is also creates problems for young children, children who will likely have to deal with the consequences of someone stealing their Social Security number well into adulthood.

For example, Kelly's daughter is quite ambitious. Based on where she lives, and on where she works, she drives 80 miles each day to work at a steakhouse. I am sure her parents were surprised to learn about her commute since she does not even have a driver's license yet. In fact, Kelly's daughter has gotten off to quite an early start in life in the work world—considering she is only 5 years of age. Her Social Security number was being used by an illegal immigrant to work.

Stories like this are all too common. Many southwest States such as Utah and Arizona, and even my home State of Nevada, have experienced a crime spree involving illegal immigrants using stolen identities of children. In one case in Utah, a child apparently owns a cleaning company and works as a prep cook at two restaurants in Salt Lake City. That is a lot of responsibility, especially for an 8-year-old boy. Another boy from Salt Lake City supposedly works for an express air freight company, quite an important job for an 11-year-old.

These stories are shocking. It is clear that illegal immigrants are purchasing false papers and using stolen Social Security numbers to obtain jobs. They are victimizing hard-working Americans, Americans who want to work. They are also victimizing these young children. The current Social Security policy and this bill will only make matters worse by granting benefits to those who are working here illegally.

I am offering an amendment to correct this problem. My amendment will help reduce this kind of document fraud. My amendment will also preserve the integrity of the Social Security system by ensuring that people are not able to receive Social Security benefits based on their prior unlawful activity.

I will explain my amendment to the American people and to the Senate. Under current law, individuals who work in the United States illegally and later obtain legal employment status can use their illegal work history to qualify for benefits. For example, if an illegal immigrant works in the United States for 9 years, and then receives legal status under this bill, the immigrant would qualify for full Social Security benefits after just 1 year of legal work. Essentially, the illegal immigrants can go back to the Social Security Administration and ask them for credit for his or her illegal work.

What is important to understand is that in order to go back to the Social Security system, the illegal immigrant must get legal status in some way. This bill is an avenue that gives them that legal status. This bill opens the door for illegal immigrants to get Social Security based on their illegal work history. My amendment closes that door.

I know some of my colleagues may argue that the illegal immigrants paid into the system, and as a result they should be able to collect benefits based on paying into the system. To those colleagues who feel that way, I say this: First, the crime of identity theft and Social Security fraud are not victimless crimes. The victims of these crimes are American citizens and legal immigrants. My staff has spoken to some of these victims. Some victims' Social Security records are such a mess that the Social Security Administration has wiped out all of the work history from the victim's account. That is the only way they believed they could get a handle on the fraud associated with these folks' accounts. By wiping out all work history, the victim's own legal work history is also deleted. Basically, the victims is forced to start over to qualify for future Social Security benefits.

The Social Security Administration advised the victim that the victim's records are so bad that their only option was to erase the victim's work history. The victims can rebuild their accounts if they can produce their old W-2s. How many people in America can produce them? Some, maybe. If you are like me, and keep records forever, you will not have a problem. But for most Americans, who do not keep their past W-2s and old records, it will be impossible to prove their work history. As a result, some victims end up losing their ability to collect their Social Security based on their own legal work history.

At the same time, this bill would open the door to give Social Security benefits based on illegal work history. If Members oppose this amendment, Members are saying they want to reward illegal conduct with Social Security benefits while American citizens cannot collect their rightly earned benefits. This is simply unfair. That is not what America is about.

Second, Social Security is a system based on expectancy. For the illegal immigrants who paid into the system using a stolen Social Security card, they never did so thinking they would earn a retirement benefit. They did so, and I don't blame them, simply to get a job. They could not have possibly ever envisioned we would pass this bill in the Senate. They could not ever have thought that the Senate would let them go back and petition for Social Security benefits. They never had a reasonable expectation we would do this and, as a result, that they would be able to receive those benefits in the first place.

Third, for the vast majority of perpetrators who engaged in this kind of identity theft, the only way they would ever be able to petition the Social Security Administration is if we pass this bill. It is reasonable to oppose, as a condition to amnesty, a requirement that the people receiving amnesty give up or surrender their rights to petition for Social Security benefits for their previous illegal work.

I ask my colleagues to consider the message the Senate is sending to the victims if we do not agree to my amendment. The victim has already paid a heavy price. If the Senate does not agree to my amendment, the government will be saying: We reward the criminal and want to continue to punish the victim.

We will also be inviting future fraud. How, you might ask? If my amendment is not agreed to, there will be no way, none, for the Social Security Administration to determine who actually did the work associated with a particular Social Security number. If my amendment is not agreed to, this bill will create an incentive for people to engage in a second kind of fraud, one that is based on fraudulent use of W-2s to petition for illegal work credit. There would be no way for the Social Security Administration to give proper credit for that work if more than one person petitions for that credit.

I ask my colleagues to consider the burden this will place on the Social Security Administration itself. As of 2003, there were 255 million records in the Earnings Suspense File. That file is where Social Security places records when the name and social security number that is used do not match. How can the Social Security Administration process tens of millions of petitions to receive credit for illegally performed work? Without my amendment, the Social Security Administration will be inundated with petitions with no way to know how to handle them.

The promise of Social Security is for citizens and legal residents of the United States. Social Security was not intended for individuals who enter our country illegally, purchase fraudulent green cards and documentation on the black market, and use them to get jobs. It is wrong to allow people who have broken our laws to receive such a reward, especially when such activity places such a heavy toll on victims.

We should not now reward individuals who have knowingly engaged in illegal activity. We should not adopt a policy that will reward this illegal behavior while at the same time continuing to subject the innocent to further victimization. Rewarding illegal behavior is insulting to those immigrants who have played by the rules to qualify for benefits. It is also insulting to hard-working Americans who are paying into the Social Security system.

My amendment allows immigrants to begin accumulating credit to qualify for Social Security only after they have been assigned a valid Social Security number. It does not allow illegal immigrants to receive credit for their past illegal work. This approach is responsible and it is common sense. Especially when it comes to how the Social Security Administration will function.

I hope one of the principles we can reach consensus on is that illegal behavior should not be rewarded at the expense of victimizing American citizens. I cannot go home to Nevada and tell the people we allowed Social Security benefits to go to people who have worked in the United States illegally, especially when Nevadans are too often the victims of this kind of crime.

Mr. President, I will close now by making one additional observation. Under current law, it is a felony to steal and use somebody's Social Security number. Under this bill, we are waiving that felony. That, in and of itself, is amnesty for the crime of identity theft. I do not think that the Senate should go beyond granting amnesty for criminal identity theft. It is one thing to say that the perpetrator of the crime cannot be prosecuted for that felony, but it is quite another to allow the perpetrator to collect Social Security benefits. It is fundamentally unfair to do both when there are victims, like the ones I have talked about today.

So I hope people will see the common sense of this amendment and will, in a bipartisan fashion, overwhelmingly adopt this amendment. I urge my colleagues to adopt this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, identity fraud is a major problem, a major issue in this country, and it ought to be dealt with. We ought to do whatever is necessary to make sure we are going to deal with this issue. I think most of us have seen the various national publications and magazines talking about identity fraud. It is there with the use of credit cards. We have it on telephone calling. We have it for purchasing over the Internet, obtaining access of financial records, and with individuals making illegal withdrawals.

All of that is bad and wrong and violates the law, and we ought to deal with that. But we are talking about individuals who are not involved in identity fraud and have paid into the Social Security fund. Should they have that payment they have made into the fund denied to them? So I am with the Senator from Nevada in trying to deal with identity fraud, but I separate myself from him when he says all illegal immigrants are involved in the identity fraud and, therefore, they should not get credit for what they have paid in in terms of Social Security.

Now, who are we talking about? Basically, we are talking about individuals who have the opportunity to try to earn their position, the opportunity to be an American citizen, who have to pay a fine, have to go to the end of the line for those who are coming into the United States currently, who have to demonstrate they have paid all of their taxes, who have to demonstrate they have been free from violating the law. There are all of those conditions that are set up. But once they have achieved all of those conditions, then they have the possibility of citizenship 11 years from now.

So the issue is, should they be denied the credits they have paid into Social Security? The Senator from Nevada thinks they should.

Well, first of all, who are these people? First of all, his proposal would deprive, for example, widows and surviving children of needed Social Security benefits, even if the widows and children are U.S. born. We will have circumstances where the children are American citizens. The widows might be American citizens.

Now, let's say this individual regularizes their position and has paid into Social Security. If that person dies, their survivors would be eligible for survivor benefits, but not under the Ensign amendment. It is interesting, some 85 percent of immigrant-headed households include at least one U.S. citizen. Under the Ensign proposal, citizen children may not be eligible for survivor benefits if their parents had gained legal status or even citizenship but die before they gained the 40 hours of coverage.

The Ensign amendment effectively would deprive the immigrants who have become legal residents of the right to receive Social Security credits for the payroll tax payments they made on the work they performed when they were undocumented. Some do now.

The 1986 act permitted 3 million people—they received the amnesty. That was amnesty. We did not move ahead in terms of the enforcement against the undocumented afterwards. But that was amnesty. Now they are able to receive the benefits today. We are going to say to them, we are evidently going to cut you off from being able to get any credit because I don't see in the Ensign amendment where they are going to respect their position.

It is important to focus on who would be hurt by this highly punitive proposal. Only immigrants who have attained legal status are eligible to receive Social Security. So everyone this amendment would affect will be legal residents under the terms of the bill. Many of them will even be citizens by the time they apply for Social Security. Those are the hard-working men and women this amendment seeks to penalize.

Those are the individuals who really want to be Americans, be part of the American family. They are going to have to pay the penalty, pay their back taxes, abide by all of the laws, continue to believe in their faith. And then they will have the opportunity to go to the end of the line. And then, in 11 years, they will be able to achieve citizenship. They will be working during this period of time.

They are paying into Social Security. And, finally, when they become citizens—11 years from now—the Ensign amendment is going to say: Well, all right, you paid. You have waited your turn. You paid the penalties all the way along. But you are not going to be able to benefit from paying into Social Security because of identity fraud. Well, I have difficulty assuming that all of those who have paid into Social Security have been a part of identity fraud.

Before this bill passed, these workers were undocumented. But once in the country, they complied with the rules of the workplace and paid Social Security taxes on their earnings. Their payroll tax payments and the matching contributions of their employers were paid to the Social Security Administration on a timely basis. Those dollars are sitting in an account at the Social Security Administration today. Social Security has a record of receiving these payments. There is no dispute about that.

The issue raised by this amendment is whether these workers should be given credit in Social Security for the hard-earned dollars they paid into the system. Shouldn't the payroll tax payments they made count toward determining the level of retirement benefits and disability benefits they have earned when they reach retirement age or become disabled?

Now, the amount of benefits a worker receives depends on how many years the individual worked and how much payroll tax he or she paid in. I believe it would be terribly wrong to arbitrarily deny these hard-working men and women credit for all the payroll tax dollars they paid into Social Security on the wages they earned. But that is exactly what the Ensign amendment would do.

Most undocumented workers do pay Social Security taxes. Stephen Goss, Social Security's chief actuary, estimates that "about three-quarters of other-than-legal immigrants pay payroll taxes"—three-quarters of them.

The amounts paid in by them are substantial. Payments into the Social Security system by undocumented workers total $7 billion a year. Unfortunately, most of these workers do not have genuine Social Security numbers, so the money goes into what they call the Social Security Administration's earnings suspense file. This money is identified by the employer who submitted it but not by the individual worker it belongs to.

Each year, Social Security identifies approximately 130,000 employers who submitted W–2s that cannot be matched to a worker. So the undocumented immigrants account for the vast majority of the funds in the suspense file. The unidentified W–2s closely track their geographic distribution and types of employment to that which undocumented workers typically hold. According to an analysis by the GAO, three of the categories of business with the largest numbers of inaccurate W–2s were restaurants, construction companies, and farm operations.

In order to get credit for the payroll taxes he paid in when he was undocumented, a worker would have to prove how much he paid in while working for a particular employer and when it was paid. The burden of proof would be on the worker, and the worker would only receive credit for payments that the Social Security Administration could verify.

Whatever rules and regulations Social Security established, we are for. They ought to be accurate. They ought to be tough. They ought to be fair. But we are not prepared to say that every individual who paid in, who is now in the process, over this 11 years—here, they are paying in. I want to be a citizen. I am paying my fine. I paid my back taxes. My sons have joined the military serving in Afghanistan. We are going to church every single week. And I am paying into Social Security. I wait 11 years, and I finally become a citizen. Under the Ensign amendment, no, no, you are not going to receive any of that. You are not going to receive a cent of that.

So we are all for Social Security establishing whatever requirements are necessary to ensure the integrity of the fund and the accuracy of the work effort by individuals. But I think the only reason for the Ensign amendment is to deny the legal residents the Social Security benefits they have earned and paid for. Their money sits in the Social Security Administration waiting to be matched with an eligible beneficiary. Once those workers establish eligibility, how, in all fairness, can we deny them credit for their past contributions?

This legislation before the Senate sets out a difficult process for undocumented workers seeking to become legal residents. Most of them have very little money. Yet the legislation will require them to pay thousands in fines and fees. It would be wrong to deny them credit for the Social Security tax dollars they have paid from their often meager wages.

Once these workers are legal residents, if they become disabled, shouldn't they be entitled to receive disability benefits based on the payroll taxes they contributed to Social Security? And if they die prematurely, leaving minor children, shouldn't those children—who in many instances are American children—shouldn't those American children be eligible to receive survivor benefits based on the payroll taxes they contributed to Social Security? And when, after a lifetime of hard work, they reach retirement age, shouldn't they be able to receive a retirement benefit based on all the years of payroll tax payments they contributed to Social Security?

This is not a handout. This is not welfare. Social Security is an earned benefit. If these immigrant workers earned it, they should receive it like everyone else. The Ensign amendment would take their hard-earned money and give them nothing in return. That is not the way America operates.

Allowing these workers to receive the Social Security benefits they have earned not only helps them, it serves the interests of the larger American community. They are living amongst us. As I say, many of the children were born here. If they cannot rely on the Social Security benefits they have earned when they become elderly or disabled, on what source of support will they rely? Certainly, the people of this great Nation would not leave them destitute. We all benefit when the earned benefits of Social Security are there for those in need.

So I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, may I inquire as to whether we might be set now to enter into a time agreement on this amendment?

Mr. KENNEDY. Mr. President, I have been here on the floor since the Senator started, and in response, I would be glad to inquire of those who are interested. I think there are some members of the Finance Committee who are interested in this amendment and want to be heard since it deals with the Finance Committee jurisdiction. So I will inquire and report back to the floor manager.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, Senator LUGAR has come to the floor and would, jointly with me, request a few minutes as in morning business to introduce legislation.

Would the Senator from Nevada be willing to yield for—how long do you require, I ask Senator LUGAR?

Mr. LUGAR. About 5 minutes.

Mr. ENSIGN. Mr. President, I say to the Senator, could I spend 5 minutes responding to a couple things, and then I would be willing to yield to the Senator for 5 minutes in morning business.

Mr. SPECTER. By all means. I will yield to Senator ENSIGN. And I ask unanimous consent that then Senator LUGAR and I be recognized for 5 minutes each to introduce a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

Mr. ENSIGN. Just to respond to a couple of things the Senator from Massachusetts talked about, that section 614 and a provision in section 601 in this legislation on page 395 would ensure that aliens who received legal status, amnesty, whatever you want to call it, cannot be prosecuted for document fraud. He said they weren't receiving amnesty. If there was a felony they were committing, and now they can't be prosecuted, that sounds like amnesty to me.

A couple other points he brought up: Legal aliens who were here and who overstayed their visas have a legal Social Security number. They are paying into the system with a legal Social Security number. Even though they are here illegally, they would still be able to collect benefits.

Another point I want to address that the Senator from Massachusetts brought up concerned the Social Security Administration. These illegal workers would come to them and petition for the benefits, and they would have to prove that they actually worked where they worked, they paid in the taxes, and things like that. Let's try to think about the burden that this would place on the Social Security Administration itself.

Currently, there are 255 million earning suspense files. Those are the ones where the Social Security number and the work don't match, 255 million. Try to imagine how many of these are going to come forward with the Social Security Administration where people are trying to prove something to gain benefits. They are going to be overwhelmed. What is that going to do to the normal processing for people who have problems with their Social Security benefits? All of us have case workers back in our States who deal with seniors who have legitimate Social Security problems. Sometimes there are mistakes made. We have had people who have actually received a letter where the Social Security Administration told them that they had died. It was kind of a surprise to them. But they called us, and we were able to bring them back to life. We jokingly refer to these cases as Lazarus cases. It is a situation where they need speedy help. If the Social Security Administration is burdened with all of these millions of potential cases, it just boggles the mind how people could be against this amendment.

The next point I want to make is that the Senator from Massachusetts said that this illegal immigrant who is now legalized or regularized, whatever term you want to put on it, cannot go to the Social Security Administration, and they have to prove with documents. We have seen the kind of fraudulent documents used in the country today. These documents are not that difficult to produce, to defraud. There is a great incentive for them to do that. Once again, it will be an extra burden on the Social Security Administration trying to prove or disprove whether these documents are real.

The last point I want to make, the Senator said the people they are regularizing in this bill have to pay a fine. They have to pay back taxes. We have heard that over and over again: They have to pay back income taxes. They don't have to pay back Social Security taxes, the FICA taxes they didn't pay, only the income taxes. So let's be completely open and honest about what this bill does and about what my amendment seeks to correct.

When we are considering this amendment, we absolutely must consider what it is going to do to the Social Security Administration, what it is going to do to the trust fund and, mostly, what it is going to do to the victims. Rewarding illegal behavior while we are not taking care of the victims in the United States fundamentally is unfair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that 5 minutes be allotted to Senator DODD after Senator LUGAR and I speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana is recognized.

(The remarks of Mr. LUGAR, Mr. SPECTER, Mr. DODD, Mr. SHUMER and Mr. SESSIONS pertaining to the introduction of S. 2831 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, we have tried to move along this position of the Ensign amendment, looking for a time agreement. Senator SESSIONS has asked for 5 minutes. If other Senators want to debate this amendment, I ask them to come to the floor. If there is no time agreement and there are no people to debate, I will move to table the amendment so we can get the bill moving.

I now yield to Senator SESSIONS.

Mr. SESSIONS. Mr. President, regarding the Ensign amendment, I will say a few things. No. 1, Social Security is a benefit this country provides to American citizens and people lawfully in this country. That is what it is about, the benefit. For the most part, people get more out of it than they put into it. That is one reason it is going bankrupt.

The people covered by Senator ENSIGN's amendment have done a number of things that are illegal. They have come into the country illegally or they would not be here, or they would be legal and would be not covered by his amendment. They have worked in the country without authorization, and you are not allowed to work in this country if you are not here legally. So they have committed a second illegal act. In the course of working in this country, they may have submitted forged, false, stolen, or bogus Social Security numbers—a separate crime, if you examine the U.S. Code. Maybe they have even broken other laws.

As Senator ENSIGN pointed out, so many of these numbers are other people's numbers, seizing their identity and causing all kinds of confusion and disruption in their lives.

Under the language of the bill, not only do they get protection from prosecution for violation of these laws, they would be given the benefits of Social Security. Although he clearly makes—properly so—an exemption for those who came into the country legally under a visa, got a legal Social Security number but overstayed, at least they had a legitimate Social Security number.

Mr. President, I had an opportunity, for strange reasons, in my career as a prosecutor and as a private lawyer to deal with contracts based on illegality. I had a situation in which a client—a young man—was sued by a home builder on the note that he signed to the home builder. The reason he signed that note was the home builder loaned him the downpayment to buy a house. The mortgage and the Federal act required that the deposit or downpayment be your own money or you could not fund it by a mortgage. The builder was in on the deal. He was there at the closing of the loan. He got the big check, so when it came to suing on that note, I defended the client and said the court had no jurisdiction over the case. There is a principle of law—in our English American tradition—founded on fraud, stating that a contract founded on illegality cannot be enforced in court.

So that person who comes into our country illegally and submits a false Social Security number has no legal right to expect to ever collect on that amount. Also, in addition to legally not having a right to that, they have no moral right to that. To have a moral right to come to court, you ought to have clean hands. You should be a person that is legitimately here and then you can make a legitimate claim. I see no reason these persons who come here in order to work and, as a cost of doing business, accept and sign up for Social Security without any expectation whatsoever that they would ever draw those Social Security benefits, should now be awarded by this legislation that would allow them to get it. They would say they paid into it, so they are entitled to it. Not so, in my opinion.

I see how you can make this remark, but I think we are too far down the road of an entitlement mentality. This whole bill contemplates people having an entitlement to come to America, to bring in their parents and children, and they are entitled to have them ultimately be on Medicare and go to hospitals and be treated, even though they are not properly here.

We need to clarify our thinking. We are a great nation, a nation of laws. Let's think this through. That is all I am saying. I submit to my colleagues that the process by which an immigrant who comes here illegally, works illegally, and illegally submits a false, bogus, fraudulent Social Security number as a price to get the job and be paid, that is no entitlement to claim that money—not legally because it is founded on a false claim and a false premise, and not morally because they knew they weren't entitled to it when they came. They knew they were here illegally and they never expected to receive it.

I think the Senator from Nevada has proposed an amendment that is important. It asks us to think, for a change, in this body about what it is going to do, and what it will do to our Nation's bottom line and with regard to the message we send regarding whether we are serious that people should follow the law.

We need to quit rewarding unlawful conduct. Unlawful conduct should have penalties and should result in detriments, not benefits. That is what we are saying. If we don't get that straight in this debate, whatever new laws we pass about immigration, whatever new policies we set, how much of a joke will they be? Will they be the same joke, the same mockery of law that we have had for 20 years since the last amnesty we issued? That is what the American people are asking us to do. Let's create a system that actually works.

Sometimes you have to make decisions. Somebody who came here illegally and worked illegally and submitted an illegal Social Security number is not entitled to draw on the Treasury of the United States. I thank the chairman and I yield the floor.

Mr. SPECTER. Mr. President, Senator MCCAIN is asking for some time. It is my hope that we can move ahead with either a time agreement or a vote on the Ensign amendment, but now I yield to Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I rise in strong opposition to the Ensign amendment. Under current law, undocumented immigrants are ineligible for Social Security benefits which I think is entirely appropriate. But we all know that millions of undocumented immigrants pay Social Security and Medicare taxes for years and sometimes decades while they work to contribute to our economy.

According to Stephen Goss, the Social Security Administration's chief actuary, three-quarters of illegal immigrants pay payroll taxes. These payments generate approximately $8.5 billion in Social Security and Medicare taxes each year. In fact, according to a 2005 New York Times article, the Social Security Administration records these payments in a so-called earnings suspense file, which grew by $189 billion in the 1990s and continues to grow by over $50 billion each year, generating up to $7 billion in Social Security tax revenue and about $1.5 billion in Medicare taxes. According to the article, most of these payments come from illegal immigrants.

The Ensign amendment would undermine the work of these people by preventing lawfully present immigrant workers from claiming Social Security benefits that they earned before they were authorized to work in our country. If this amendment is enacted, the nest egg that these immigrants have worked hard for would be taken from them and their families.

It pains me to disagree with my good friend from Nevada on this matter, but I believe the amendment is wrong. It is fundamentally unfair to collect taxes from these workers and then disqualify the taxes paid once the workers achieve legal taxes. I believe instead of supporting the amendment, we should stand for the principle that people who worked and paid into the Social Security system for years should be able to depend on their retirement income to which they contributed.

The amendment compounds the unfairness by ignoring the underlying legislation that already calls for payment of all back taxes and a $2,000 fine. So what we are asking the immigrants to do is pay all back taxes and, at the same time, forgo the taxes they already paid into the Social Security trust fund. It is fundamentally unfair.

Mr. ENSIGN. Mr. President, will the Senator yield?

Mr. McCAIN. As soon as I finish my statement, I will be glad to yield to my friend from Nevada.

I point out to my colleagues a recent Los Angeles Times article that indicates tens of thousands of undocumented immigrants are already lining up to pay current and back taxes. They want to do that because they want to play by the rules. So we are going to tell them there is one set of rules for them to pay their back taxes, but the taxes they have already paid they will receive no benefits for.

What about the fiscal consequences of the amendment? I submit that if Social Security is not available in the future for immigrants, that when they retire or become disabled, then State and local governments and potentially the Federal Government will be forced to absorb significant costs as the Federal Government has refused to provide services and supports paid for by tax dollars of millions of legal immigrants. This amendment would simply continue this trend.

The Senator from Nevada has argued that his amendment is about combating identity theft and that the bill before us says identity theft is OK. That is inaccurate. I don't know one Member of the Senate who would say: I support identity theft. Not one. In fact, the Senate Commerce Committee has been working to approve legislation, which I have cosponsored, to combat this egregious crime.

Identity theft is a serious issue. In fact, the highest rate of identity theft occurs in the State of Arizona. It happened to me and my wife. But this immigration bill isn't drafted to comprehensively address identity theft, and the amendment before us isn't going to do a thing to fix this problem. Maybe we should add the Commerce Committee legislation to the bill. I assume other Members may not be agreeable to doing that, but I stand ready to work with the Senator from Nevada, and I suspect the Senator from Massachusetts would be willing to join us in pushing legislation to combat identity theft in a meaningful, comprehensive way.

Now I will be glad to respond to any question the Senator from Nevada might have. I understand the patience of our manager is somewhat limited. Please go ahead.

Mr. SPECTER. Mr. President, we will hear from Senator ENSIGN in a moment on his amendment. If there are no other speakers desiring recognition to speak on this amendment, at the conclusion of Senator ENSIGN's comments, I intend to move to table.

Mr. DODD. Mr. President, I ask my colleague for a couple minutes, if I may.

Mr. SPECTER. To speak on the amendment?

Mr. DODD. In relation to matters before us on this bill.

Mr. SPECTER. How much time does the Senator desire?

Mr. DODD. Four minutes.

Mr. SPECTER. I agree. I yield to Senator ENSIGN for some comments and then to Senator DODD, and if no other speakers appear, I am going to move to table.

Mr. ENSIGN. Mr. President, I wish to ask my friend from Arizona a couple of questions about the bill and about my amendment in particular. The bill does not require that the people whose status is adjusted pay all back taxes. The bill only requires that people pay any back income taxes. There is no mention of FICA taxes in the bill. Is the Senator aware of that distinction?

Mr. McCAIN. The Senator is aware of that. When their employer pays them, the taxes are withheld.

Mr. ENSIGN. First, if the alien is self-employed, that is not correct. Remember, the employer pays half and sends in those funds.

Mr. McCAIN. As is true of anyone else who works in the United States.

Mr. ENSIGN. That is correct. But the bottom line is if they owe back FICA taxes under this bill, they do not have to pay those back taxes.

Mr. McCAIN. The intent of the amendment is that they must pay and the legislation—I will be glad to state—must pay all backs taxes, a-l-l.

Mr. ENSIGN. I have another question for my friend from Arizona. Is he aware that it is a felony to use someone's Social Security number?

Mr. McCAIN. I am aware of that.

Mr. ENSIGN. Under this legislation, we forgive that felony. We grant amnesty for that felony.

Mr. McCAIN. Under this legislation, we allow the illegal immigrants a path to citizenship which, if they are convicted of felonies or misdemeanors, according to an amendment, then they would be ineligible to embark on that path to earn citizenship.

Mr. ENSIGN. Right. But, Mr. President, in Sections 601 and 614 of the legislation, it actually ensures that aliens who receive legal status cannot be prosecuted for document fraud, including the false use of Social Security numbers. Is the Senator aware of that?

Mr. McCAIN. The Senator is aware that when people come here illegally, obviously, they do not have citizenship, so, therefore, any Social Security number they use, whether it belongs to someone else or is entirely invented, is not valid. But I also know, if I can complete my answer to my friend, their taxes, part of their earnings are going into the Social Security fund, and that is a fact that it is theirs and their employers.

Mr. ENSIGN. Mr. President, I agree with the Senator from Arizona that many people are paying into the system. They paid into the system with no expectation of getting social security's benefit because they didn't know we would be enacting a bill like this. They paid into the system simply because that was the price to pay to get a job in the United States. The immigrant knew they were using an illegal Social Security number but without regards of the impact of the victim. I have reviewed case after case related to identity theft and Social Security fraud. These cases are occurring all over the

United States. In every case, in every State, where someone's Social Security number was stolen by an illegal immigrant to use to find work, the victim's credit history is destroyed. Sometimes their work history is too. Earlier I talked about Caleb, a gentleman in Nevada. The illegal immigrant who used Caleb's Social Security number was not trying to harm that person but he did. Caleb applied for unemployment but couldn't get it because the agency said he was working when, in fact, he wasn't. He lives in Reno. They said he was working in Las Vegas. It was an illegal immigrant using his Social Security number in Las Vegas.

I never said this amendment is going to prevent identity theft. What I have said is that it is not right for somebody to steal somebody else's identity—granted for the noble purpose of getting a job—and reward the theft by giving work credit that counts towards Social Security. We should consider the victims who are forced to deal with the terrible consequences of the crime.

I will make two other points. The chairman of the Finance Committee supports this amendment. One of the reasons the chairman of the Finance Committee supports this amendment is because the Social Security Administration will not be able to make determinations with respect to the earnings suspense files that the Senator from Arizona referenced. As of 2003, there were 255 million instances where the social security number did not match the name given the employer. This bill will legalize those who are in the workforce today—the 7 million or so in the workforce out of the 12 million who are in the country. The effect of this amnesty over the next 10 years, will require the Social Security Administration to hire nearly an additional 2,000 employees to handle the cases of people who worked illegally, received amnesty under this bill, and are now applying for this benefit. A benefit they earned illegally.

Point No. 2 is, it is going to cost $1.7 billion in administrative costs—$1.7 billion in administrative costs. It does not include any future costs in benefits that the United States will have to pay. Some may say that the immigrants will have earned the benefit. But the Senate does not even know what amnesty will cost. The cost estimates for these policies are not known. My amendment is absolutely the right thing to do. Illegal immigrants did not expect to ever receive this benefit. They were using somebody's Social Security number or a made up one. They did so to get a job. I can appreciate that. I appreciate somebody trying to come to this country to better themselves. I don't believe we should reward the conduct of identity theft by giving people the right to claim the work history for purposes of Social Security.

Our Social Security trust fund is already in trouble. We all know that. This will further put the Social Security trust fund in trouble. The costs could be potentially huge. We don't even know that in this bill. That is why I think we should adopt this amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, very briefly, of course, they didn't expect to receive benefits they had to pay into the system because they were here illegally. The whole thrust of this legislation is to give them not only Social Security benefits but, as importantly, the protections under the law, as they now live in the shadows and are exploited and mistreated in many cases. Of course, they didn't expect to. That is why we are going through this process of letting them earn citizenship.

The amendment of the Senator from Nevada will let you earn citizenship, but what you have paid into a system, you will not only not receive the benefits but on top of that is a $2,000 fine.

This is not about administrative costs. The fact is that each year the Social Security trust fund continues to grow by $50 billion, generating up to $7 billion in Social Security tax revenue and about $1.5 billion in Medicare taxes. So as to the Senator's argument that this could cost money administratively—yes. But the fact is that when these people came here, of course, they accepted—because they came here illegally and broke our laws—of course, they accepted the fact that they probably wouldn't get Social Security or Medicare or protection of our laws against exploitation and mistreatment and all of the protections that citizens have. We are trying to give them a path to earn that. Yet under the Senator's amendment, they would be ineligible for the same benefit of citizenship which we, under this legislation, are trying to make them earn.

I apologize to the Senator from Pennsylvania for taking additional time, and I understand the pressing time issue.

I yield the floor.

Mr. SPECTER. Mr. President, Senator DODD is next in line to speak for 4 minutes, as agreed.

Mr. DODD. Mr. President, I thank the chairman very much. I just want to make some brief comments, if I may, not about the matter of this amendment right before us, but about a vote that occurred yesterday regarding the construction of the fence along the southern border. I was 1 of 16 people who voted against that amendment, and I wanted to take a minute or so to explain my concerns.

Primarily, my concern is because the decision to place this fence down here without any other additional consultation with local communities in the United States or with our neighbors to the south is something that worries me. There are implications of that. I firmly believe that any discussion about immigration policy must begin with border security. If there is a failure to do that, I don't think you have much of an audience.

My concern is if we unilaterally do this without seeking the cooperation of the communities involved and the Nation next to us that we are dealing with primarily on this issue, we may have absolutely the opposite effect. In fact, there are implications of this decision. So at some point, in consultation with the managers of this bill, I may offer an amendment that would require some consultation with the U.S. communities involved, as well as with the Mexican Government, so that we are not unilaterally placing a fence here.

Believe me when I tell you this. I have spent a lot of time in this region, as my colleagues know. There will be political implications. There is a national election in Mexico in about 6 weeks, and I will guarantee this issue will be a major issue in that debate. And who wins those elections will have a huge implication in terms of how much cooperation we get on dealing with immigration policy. My colleague from Texas, Senator CORNYN, and I spent a weekend with our colleagues from Mexico about 4 months ago. To their credit, the Mexican Congress, along with all five Presidential candidates, adopted unanimously in their legislation provisions regarding immigration policies. At the very top of those lists were border security issues.

That had never happened before, Mr. President. It was a major change in how Mexico is looking at immigration policy.

My hope is, as we talk about matters we think are important for securing our borders, we will do so in consultation with our neighbors. I am not suggesting we give them veto power, but if you are going to put up a fence of some 3 to 1,000 miles long, first of all, there is a question of whether that will work, but I guarantee you it will not work if we don't have the cooperation of the very government we are seeking cooperation from, if we impose this fence without dealing with them, talking with them, asking their advice, working with them. That is true among neighbors in communities as well as nations that are neighbors.

So my hope is we can draft some language that would be endorsed and supported unanimously. It would certainly then cause me to have a very different attitude about the vote yesterday. But I caution my colleagues. I know the frustration levels. I understand the frustration of the communities along these border areas, but we are not going to succeed with this policy if we don't have a neighbor to the south that is going to work with us.

So while it is frustrating, and certainly Mexico has not been as cooperative as they should have been over the years, I think that has changed and we ought to encourage that change rather than take a step backwards. So again, at an appropriate time, we could try to craft some language that would at least encourage the kind of cooperation we are going to have to have if we are going to succeed with the kind of border security issues that are included in the bill.

I thank the chairman of the committee for giving me a few minutes to explain my concerns.

Mr. SPECTER. Mr. President, I believe there are no other speakers on the other side. I heard there would be no objection to a motion to table, not that I need permission to move to table. We have the Inhofe amendment pending. I very much want to get a vote on the Inhofe amendment this afternoon. So we can either come to a time agreement to finish debate or if there are side-by-sides that have been prepared so that we could move ahead there.

Mr. LEAHY. Mr. President, would the Senator withhold?

Mr. SPECTER. I would.

Mr. LEAHY. Mr. President, the President said: Every human being has dignity and value, no matter what their citizenship papers say. I believe this amendment is antithetical to that sentiment.

Senator ENSIGN has proposed an amendment antithetical to the sentiments that the President expressed, and which most Americans share. Americans understand that for years there are undocumented workers who have tried to follow our laws and be good neighbors and good citizens, and have paid into the Social Security Trust Fund. Many do not yet have Social Security numbers but they and their American employers have paid in their contributions. Once that person regularizes his or her status, and as they proceed down the path to earned citizenship, they should have the benefit after having followed the law and made those contributions. Americans understand fairness. That is fairness. We should not steal their funds or empty their Social Security accounts. That is not fair. It does not reward their hard work or their financial contributions. It violates the trust that underlies the Social Security Trust Fund.

Senator ENSIGN proposes to change existing law to prohibit an individual from gaining the benefit of any contributions made while the individual was in an undocumented status. I oppose this amendment and believe it is wrong.

Under current law, immigrants who have paid Social Security while in an undocumented status may gain the benefit of all of their contributions once they gain legal status and become eligible to collect Social Security benefits. They paid in and they should be entitled to the benefits they have earned. The whole purpose of the path to citizenship program in the bill is to encourage people to become lawful, productive citizens. Penalizing these people is unfair, especially since under the law they are not only working hard and contributing to the Social Security Trust Fund, but also working hard to achieve legal status and earned citizenship. Hard work is rewarded in the country, not penalized. Following the law and advancing on the path toward earned citizenship should be encouraged, not punished.

For example, the children of an undocumented worker who has worked for 20 years and who has paid into the system would be denied all Social Security benefits if their parent dies before becoming a legal resident or citizen. Even though the children are citizens, they would be denied the benefit their parent worked many years and contributed to earn. Not only is this unfair, but it risks encouraging others in similar situations to stay in the shadows and not to pay into the Social Security Trust Fund. This will also have the effect of shifting burdens to the States and local communities and away from the Social Security safety net. I am confident that Vermonters and all Americans understand fairness. They understand respecting other people and respecting their contributions in terms of work and Social Security payments. They will not want to steal those contributions and benefits and deny fairness to lawful immigrants and their families.

They also understand that if the Republican-controlled Senate is prepared to take these Social Security funds today, the risk increases that their Social Security funds could be targeted tomorrow. After all, the Social Security Trust Fund is already being used to mask the deficit. As it becomes harder and harder to pay for tax breaks for millionaires and rising gas prices and lucrative Government contracts, some will be tempted to use money diverted from the Social Security Trust Fund. The President has already proposed draining the Crime Victims Trust Fund. We should maintain these trust funds for the purposes for which Congress created them and keep them safe. We should respect the contributions that people make to these trust funds and not look for excuses to start denying legal residents and citizens the benefits they have been promised.

Let us not take a giant misstep that we will surely regret. If we are going to encourage and support a path to citizenship for many people under this bill, we must do so in a way that ensures independence and security once that journey is completed.

Mr. SPECTER. Mr. President, I move to table the Ensign amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Specter
Stabenow
Stevens
Voinovich
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
Dole
Domenici
Ensign
Enzi
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—1

Rockefeller

The motion was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MENENDEZ. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we have come to an agreement on sequence.

I ask unanimous consent we proceed next to Senator AKAKA; thereafter, we proceed to Senator VITTER under a time agreement for 45 minutes; and the time from 2:40 to 4 o'clock be set aside for the Inhofe amendment, where the expectation is there will be side-by-side amendments, side-by-side for the Inhofe amendment, until 4 o'clock.

Mr. KENNEDY. Mr. President, if the Senator will yield, if there is offered side-by-side, that would be voted on after the Inhofe amendment at 4 o'clock. So there is an hour and a half allocated time for debate on the Inhofe amendment, and as I understand, there would be approximately 45 minutes evenly divided.

I thought Senator AKAKA's amendment was agreeable or acceptable.

Mr. SPECTER. That is correct.

Mr. KENNEDY. Senator AKAKA would like 25 minutes.

Mr. SPECTER. Mr. President, we will take half an hour for Senator AKAKA's amendment. We will give him 25 minutes of that time. Senator KENNEDY and I will take the remaining 5 minutes to accept it.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. The Chair notes that under all the time allocated, as outlined, the time goes beyond 2:40 before proceeding to the Inhofe amendment. The time would go to approximately 2:45.

Mr. KENNEDY. If I could suggest, why don't we vote at 4:15. That gives 45 minutes to VITTER.

The PRESIDING OFFICER. The chair will clarify or summarize the unanimous consent: The proposed unanimous consent agreement would move the Senate to the Akaka amendment first, with half an hour total, 25 minutes to Senator AKAKA, and 5 minutes to split between the floor managers of the debate. Next is the Vitter amendment, with a total of 45 minutes equally divided. Then we proceed from 2:45 to 4:15 to the Inhofe amendment, with a possibility of a Democratic side-by-side amendment.

Is that the summary of the unanimous consent proposal?

Mr. SPECTER. I ask consent for that.

Mr. INHOFE. I object.

Mr. SPECTER. Without any second degrees to VITTER and AKAKA.

The PRESIDING OFFICER. The proposal would exclude second-degree amendments.

Mr. INHOFE. And for clarification, there would be a vote on the Inhofe amendment at 4:15; is that correct?

Mr. SPECTER. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I further ask consent that following the sequencing already discussed, we take up an amendment from the Senator from New York, Mrs. CLINTON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the unanimous consent agreement, the Senator from Hawaii is recognized for 25 minutes.

AMENDMENT NO. 4029

Mr. AKAKA. Mr. President, I call up amendment 4029 to S. 2611 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mr. INOUYE, proposes an amendment numbered 4029.

Mr. AKAKA. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To grant the children of Filipino World War II veterans special immigrant status for purposes of family reunification)

On page 345, between lines 5 and 6, insert the following:

SEC. 509. CHILDREN OF FILIPINO WORLD WAR II VETERANS.

Section 201(b)(1) (8 U.S.C. 1151(b)(1)), as amended by sections 505 and 508, is further amended by adding at the end the following:

"(J) Aliens who are eligible for a visa under paragraph (1) or (3) of section 203(a) and are the children of a citizen of the United States who was naturalized pursuant to section 405 of the Immigration Act of 1990 (8 U.S.C. 1440 note).".

Mr. AKAKA. Mr. President, I ask that Senators MURRAY and CANTWELL be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, it has long been evident that our immigration system needs reform. The debate on immigration has been a long time in coming, and I am pleased that this body is moving forward on this important topic in such a comprehensive fashion. For our work on immigration to be truly comprehensive, however, we must address those issues that have received less attention in the debate as well as the front page issues.

My amendment is regarding one of those issues that has not received widespread attention but is of great importance. As a World War II veteran, this amendment is important to me personally, to Filipino-Americans, and to veterans. My amendment would grant the children of Filipino World War II veterans special immigrant status for the purpose of family reunification. Making this small change to our nation's immigration policy would go a long way toward making our immigration laws more just, and I am hopeful that my colleagues on both sides of the aisle will join me in supporting this amendment.

Before I begin a discussion on the specifics of my amendment, I would first like to thank my dear friend and colleague, the senior Senator from Hawaii, DANIEL INOUYE, for cosponsoring this amendment. In the 101st Congress, Senator INOUYE authored section 405 of the Immigration Act of 1990, which provided for the naturalization of Filipino World War II veterans. Senator INOUYE has a long history of being involved in this important effort and it is an honor to have his support on my amendment today. In addition, Representative ED CASE has introduced a similar bill, H.R. 901, in the House of Representatives.

To understand the significance of this amendment, it is important to first provide some background about the historical circumstances that got us where we are today.

On the basis of 1934 legislation enacted prior to Philippine independence, President Franklin Delano Roosevelt issued a 1941 executive order. Through this order, President Roosevelt invoked his authority to "call and order into the service of the Armed Forces of the United States, . . . all of the organized military forces of the Government of the Commonwealth of the Philippines." This order drafted over 200,000 Filipino citizens into the United States military. Under the command of GEN Douglas MacArthur, Filipino soldiers fought alongside American soldiers in the defense of our country.

Throughout the course of World War II, these Filipino soldiers proved themselves to be courageous and honorable as they helped the United States fulfill its mission. There was no question when they were fighting that they would be treated the same as American troops. For example, Filipino soldiers fought side-by-side with American soldiers in the Battle of Bataan and the Battle of Corregidor. When Bataan fell and the Bataan Death March began, Filipino soldiers were forced to march more than a hundred kilometers from Bataan to Tarlac along with their American comrades. Filipino soldiers faced hardships in concentration camps, and they endured 4 years of occupation by the Japanese. In every sense, Filipino soldiers proved their allegiance to our country through thick and thin.

These Filipino soldiers are war heroes, and they deserve to be honored as such. They served active duty service on behalf of the U.S. military, which should qualify them for the same benefits as other veterans of active duty. Congress betrayed these veterans by enacting the First Supplemental Surplus Appropriation Rescission Act in 1946, which included a rider that conditioned an appropriation of $200 million, for the benefit of the postwar Philippine Army, on the basis that service in the Commonwealth Army should not be deemed to have been service in the Armed Forces of the United States.

Commonwealth Army members were those called into the service of the U.S. Armed Forces for the Far East. These members served between July 26, 1941, and June 30, 1946. Similarly, Congress enacted the Second Supplemental Surplus Appropriation Rescission Act, which provided that service in the New Philippine Scouts was not deemed service in the U.S. military.

New Philippine Scouts were Filipino citizens who served with the U.S. Armed Forces with the consent of the Philippine Government. They served between October 6, 1945, and June 30, 1947.

This generation of veterans is predominantly in their eighties. Of the 200,000 Filipino veterans that served in WWII, there are close to 49,000 left. Some of these veterans receive U.S. benefits, some do not. By 2010, it is estimated that the population will have dwindled to 20,000.

With the passage of the Immigration Act of 1990, the courage of the many Filipino soldiers who fought alongside our troops during World War II was finally recognized by our Government, and Filipino veterans were offered the opportunity to obtain U.S. citizenship. According to the former Immigration and Naturalization Service, about 15,000 Filipino veterans live in the U.S. and became citizens between 1991 and 1995 under the authority of the Immigration Act of 1990. Between that time, about 11,000 veterans who live in the Philippines were successfully naturalized. These thousands of Filipino veterans clearly wished to spend their golden years in the United States, and I am pleased that the 1990 Immigration reform efforts offered them the opportunity to do so.

Unfortunately, the offer did not extend to the adult sons and daughters of these veterans. As a result, the brave Filipino veterans who fought on behalf of America, and who now live in America and continue to contribute to America, must do so alone. Due to a backlog in the issuing of visas, many of the children of these veterans have waited more than 20 years before they were able to obtain an immigrant visa. Unfortunately, many more are still waiting.

It is no secret that U.S. Citizenship and Immigration Services in the Department of Homeland Security is facing significant backlogs. However, it is not as widely known that prospective family-sponsored immigrants from the Philippines have the most substantial waiting times in the world before a visa is scheduled to become available to them. What this means, is that these honorable Filipino veterans who faced numerous dangers to defend this Nation now face the prospect of spending the last years of their lives without the comfort and care of their families.

It is a shameful disgrace that the sons and daughters of these brave soldiers are now last in line to become citizens of our country. This is no way to honor Filipino soldiers who bravely fought on the front lines with American soldiers during World War II.

As a World War II veteran myself. I am proud to have answered my nation's call to active duty. During my time of active service, I was driven by a love for my country, and I was comforted by the love of my family. The support that a soldier's family offers during military service is an invaluable buoy to a soldier's spirit.

A family's role in caring and supporting for a soldier becomes even more important after active military service is completed. I was lucky to be surrounded by my family after my service. My heart goes out to those who were separated from their family for years and years due to bureaucratic backlogs.

As the ranking member on the U.S. Senate Committee on Veterans' Affairs, I have seen firsthand the difficulties that veterans can face when readjusting to civilian life after serving in a war. For many veterans, the difficulty of returning to a home that has changed while at war is eased by being surrounded by the familiar faces of loved ones. While that window of opportunity has unfortunately passed for our World War II Filipino veterans, there are still many important ways that families enrich the lives of veterans after the initial readjustment phase. Being surrounded by the love and care of family, especially for World War II veterans facing their twilight years, offers a special source of support.

Action on this issue is long overdue, and it would be very meaningful for the Senate to pass my amendment during debate on the immigration bill. As you may know, Filipino Americans are celebrating their centennial this year. Late last year, the Senate accepted by UC S. Res. 333, a resolution to recognize the centennial of sustained immigration from the Philippines to the United States, and acknowledge the contributions of the Filipino-American community to our country over the last century.

The Filipino-American community has grown and thrived over the last hundred years. Today, Filipino-Americans are the third largest ethnic group in the State of Hawaii and represent one of the fastest growing immigration groups in the country. Filipinos have made contributions to every segment of our community, ranging from politics and sports, to medicine, the military and business. One of the foremost issues for Filipino Americans is our Nation's commitment to Filipino veterans, and passing my amendment would be a significant way to honor Filipino veterans during a historic year for the Filipino American community.

Over the years, I have listened to the stories of countless Filipino World War II veterans who have been separated from their families and who are patiently waiting in line. Every veteran has a unique story to tell, but those Filipino World War II veterans who have not yet been reunited with their family members share a universal bond of heartache.

Another important commonality among Filipino World War II veterans is hope. Those Filipino World War II veterans still separated from their families are hopeful that we will use this opportunity to rectify the unjust oversight in current law. The poignant truth behind this matter is that if we don't act now, we may not have another opportunity.

This weekend I am participating in the first annual "A Time of Remembrance" event, which honors the families of the American fallen. Family members from all 50 States will come to the National Mall at noon this Sunday, May 21, 2006, to recognize the important contributions our fallen heroes have made on behalf of America. I am proud to take part in this event, which points out the very real ways that families are impacted when soldiers courageously leave their family and fight to defend freedom. For those World War II veterans who are still with us, this event points to the importance of honoring them now, before it is too late.

Let us prove those wrong who say that we are waiting until enough veterans die before we right this injustice. These veterans have been waiting for 60 years to have their benefits reinstated. Unfortunately, our efforts to provide them with the benefits they were promised, the benefits they fought for, have been unsuccessful because opponents have cited the payment of such benefits as too costly.

The Filipino Veterans from World War II have already made extreme sacrifices. They should not be forced to endure the further sacrifice of life without their loved ones. It is time that the United States fulfill its responsibility to these veterans. The least we could do is help to unite these aging veterans with their families. We are a nation that keeps its word . . . not a nation that uses people for our own purposes and then casts them aside.

Ensuring that our World War II Filipino Veterans can enjoy and be supported by their family members in their twilight years is a simple yet profound way of honoring these war heroes.

My amendment has received strong support from Filipino veterans, the Filipino-American community, and the Asian-American community. The Japanese American Citizens League, the Organization of Chinese Americans, and the Asian Pacific American Legal Center have all endorsed my amendment. In addition, the American Coalition for Filipino Veterans, which represents over 4,000 Filipino Veterans across the country, has wholeheartedly endorsed my amendment with a letter of support that states:

> S. Amdt. 2049 will be a timely benefit to address the veterans' loneliness and will provide them with a partial measure of U.S. veterans recognition that they were unjustly denied in 1946.

Mr. President, I ask unanimous consent that the full text of the letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN COALITION FOR
FILIPINO VETERANS, INC.,
Arlington, VA, May 18, 2006.

DEAR SENATOR AKAKA: On behalf of 4,000 members of our national advocacy organization, we highly commend your leadership in introducing S. Amdt 4029 to grant special immigrant status to children of Filipino WWII veterans for the purpose of family reunification.

It is high time for our elderly Filipino American heroes to have their children join them in their twilight years in the U.S.A. These Filipino veterans served the U.S. Army. They as U.S. citizens now deserve to be treated as full Americans.

Sadly, their children with Approved immigration petitions have been patiently waiting for more than dozen years.

S. Amdt 4029 will be a timely benefit to address the veterans' loneliness and will provide them with a partial measure of U.S. veterans recognition that they were unjustly denied in 1946.

Please count on our leaders and members. They will gladly assist you and your colleagues to win priority issuance of immigrant visas to sons and daughters of Filipino American WWII veterans.

We hope and pray your legislation will be passed into law.

Very sincerely yours,
ERIC LACHICA,
Executive Director.

Mr. AKAKA. My amendment has received a letter of support from the Asian American Justice Center. I ask unanimous consent that the full text of the letter from the Asian American Justice Center to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASIAN AMERICAN JUSTICE CENTER,
Washington, DC, May 18, 2006.

DEAR SENATOR: The Asian American Justice Center writes in strong support of S. Amdt. 4029 to S. 2611, the Comprehensive Immigration Reform Act of 2006. This important amendment, introduced by Senators Akaka and Inouye, would allow the sons and daughters of the naturalized Filipino veterans who fought for the United States during World War II to finally reunite with their aging parents in the United States.

Approximately 200,000 Filipino soldiers fought for the U.S. during World War II. They were promised U.S. citizenship as a condition of their service to our country, but that promise was retroactively withdrawn in 1946. To address this injustice, Congress belated granted U.S. citizenship to these veterans as a part of the Immigration Act of 1990.

However, it did not grant citizenship to the children of these veterans, thereby causing many of these families to be separated. A long immigration backlog developed hence these veterans petitioned for their sons and daughters to immigrate to the U.S. This has not only negatively impacted the veterans and their families, but also other Filipinos who are caught in the same backlog. The Philippines have the worst immigration backlogs in the world. A U.S. citizen parent who is petitioning for his or her unmarried son or daughter must wait approximately 14 years before they can immigrate to the U.S. If the son or daughter is married, they must wait roughly 18 years. The Akaka-Inouye amendment would address this problem by allowing the sons and daughters of the U.S. citizen veterans to immigrate to the U.S. without being subject to numerical limitations.

Of the 200,000 Filipino soldiers who fought for the U.S., only approximately 49,000 remain alive, and they are predominantly in their 80's. They have served our country well. They deserve to be reunited with their sons and daughters after years, sometimes even decades, of waiting. Please support the Akaka-Inouye amendment.

Sincerely,
KAREN K. NARASAKI,
President and Executive Director.

Mr. AKAKA. Mr. President, I urge my colleagues to honor their valiant contributions to our Nation by supporting my amendment.

Mr. INOUYE. Mr. President, I rise to join Senator AKAKA in support of his amendment that grants immigrant visas for alien children of Filipino veterans of World War II, who were naturalized pursuant to section 405 of the Immigration Act of 1990, a measure which I authored in the 101st Congress.

In recognition of Filipino veterans' contributions during World War II, the Congress, in March of 1942, amended the Nationality Act of 1940, and granted Filipino veterans the privilege of becoming United States citizens. The law expired on December 31, 1946. However, many Filipino veterans were denied the opportunity to apply for naturalization under this act because of an executive decision to remove the naturalization examiner from the Philippines for a 9-month period. The 9-month absence of a naturalization examiner was the basis of numerous lawsuits filed by Filipino World War II veterans. On July 17, 1988, the U.S. Supreme Court ruled that Filipino World War II veterans had no statutory rights to citizenship under the expired provisions of the Nationality Act of 1940. Section 405 of the Immigration Act of 1990 was enacted to make naturalization available to those Filipino World War II veterans whose military service during the liberation of the Philippines rendered them deserving of United States citizenship. Approximately 25,000 veterans took advantage of the naturalization provision which expired in February 1995.

Unfortunately, the 1990 Act did not confer naturalization to the children of Filipino World War II veterans. Accordingly, they are enduring decades of family separation due to the long waiting periods under the numerical limit on immigrant visas for alien children of citizens of the United States. Many of these veterans are in their twilight years, and declining in health. They long to see their sons and daughters.

Heroes should never be forgotten or ignored, let us not turn our back on those who sacrificed so much. Let us show our appreciation to these gallant Filipino men and women who stood in harm's way with our American soldiers, and who fought the common enemy during World War II by granting their children a special immigrant status to immigrate and reunify with their aging parents who have made sacrifices for this country.

Mr. AKAKA. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. KENNEDY. Mr. President, will the Senator withhold for a moment.

The PRESIDING OFFICER. At the moment, there is not a sufficient second.

Mr. AKAKA. Mr. President, I would like to ask for a voice vote.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. The Chair would note that under the unanimous consent agreement, there is 5 minutes to be split between the Senator from Massachusetts and the Senator from Pennsylvania.

Does the Senator wish to yield that time?

Mr. KENNEDY. Mr. President, I will take 2 minutes. Then I will yield back the time. And then I think we will be prepared to vote.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I commend the Senator for raising this issue. He has been a constant advocate for the families he has spoken about today. And he has communicated with us in the Immigration Committee on so many different occasions about the fairness and the importance of the family unifications and the uniqueness of service that so many of these parents were involved in at a very difficult and challenging time during World War II.

So the Senator from Hawaii deserves great credit for bringing this to the attention of us in the Senate. I speak for the Senator from Pennsylvania, who urges the acceptance of this amendment. This will help provide some very important family reunification. It is entirely warranted and entirely justified.

We thank the Senator for bringing this issue again to our attention and for his continued advocacy on this issue. We will do everything we possibly can to make sure this is carried at the conference as well.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 4029) was agreed to.

Mr. KENNEDY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I thank the Senator.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, under our unanimous consent agreement, it is now time for the amendment by the distinguished Senator from Louisiana under a time agreement of 45 minutes equally divided.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 3964

Mr. VITTER. Mr. President, I call up amendment No. 3964.

The PRESIDING OFFICER. The clerk will report.

The Senator from Louisiana [Mr. VITTER], for himself and Mr. GRASSLEY, proposes an amendment numbered 3964.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the burden of proof requirements for purposes of adjustment of status)

Beginning on page 350, strike line 1 and all that follows through "inference." on page 351, line 1, and insert the following:

"(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

"(aa) bank records;

"(bb) business records;

"(cc) sworn affidavits from non-relatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

"(dd) remittance records.

"(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

On page 374, line 22, insert after "work" the following: ", including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information"

Mr. VITTER. Mr. President, yesterday on the Senate floor I briefly began to explain the purpose of this amendment. As was clear from yesterday's debate, I have grave and serious hesitations with many parts of this bill. One of those hesitations is about the huge loopholes and encouragements for fraud that exist in the bill in many different sections.

We are very good on the Senate floor in debating, tossing around ideas, general concepts, broad principles, but I fear we are often very bad at really looking at the details of a proposal and walking through how it is going to work in the real world and in practice or, perhaps it is more appropriate to say, how it is not going to work. Again, this bill is a glaring example of that.

Amendment No. 3964 does not correct all of those deficiencies. It does not close all of the loopholes to which I generally refer. It does not end all of that invitation to fraud. But it does do it in two significant respects which may be among the most significant examples of that in the bill. Let me explain what those are.

Both of the issues my amendment addresses come under section 601. The first has to do with how an illegal immigrant proves that he has been in the country for over 5 years. Why is this important? The underlying bill deals with illegal immigrants in the country now by putting them in one of three categories: if you have been in the country over 5 years, if you have been in the country between 2 and 5 years, and if you have been in the country less than 2 years. The consequence of being put in one of these categories versus the others is significant; you are treated differently. Over 5 years is the best category to be in from the viewpoint of the illegal immigrant by far because that is the most guaranteed and automatic and clear path to citizenship. Between 2 and 5 years is the next best scenario. That also has a path to citizenship. Less than 2 years is by far the least attractive category. That is all fine and good, to make these distinctions and to have different consequences for people who fall into these different categories. Maybe that makes sense. But it is important to understand what proof an illegal immigrant needs to offer to be put in one category versus another.

One might assume—and certainly the American public watching the debate might assume—with the significance of these three categories, how they color the entire picture of the pathway for that illegal immigrant—clear, objective documentary evidence is going to be required to go into the best category versus the second best versus the worst. That would be a pretty good assumption because these categories are important and lead to different consequences.

Unfortunately, that is not the case. In the underlying bill, the illegal immigrant can present all sorts of things to be put in the best category. And one of the things he can present, if he says he doesn't have any of the others, is a simple statement that he himself signs.

So at the end of the day, we are making all of these very important distinctions between has the person been in the country over 5 years or between 2 and 5 years or under 2 years, but when it comes down to the actual workings of how this will operate in the real world, all that person has to do is write out a fairly simple statement—"I have been here for over 5 years"—sign his name to it, and under the details of the bill that is good enough. To me, that makes a mockery of the entire system that is being proposed. That makes an open invitation for fraud. Why would a person who is in an admittedly difficult and strenuous, stressful, even desperate situation, why would a person put himself in category B or category C when all he has to do is sign a piece of paper to get in the best category, the clearest route to citizenship, category A? It makes no sense. Of course, a lot of folks in that desperate situation will do exactly that. This is a loophole, an invitation to fraud which we need to close.

Under a similar provision of the bill, also in section 601, there is a similar glaring loophole and open invitation to fraud in terms of the type of evidence that a person may present to get in the second category, being in the country between 2 and 5 years. I don't know why this is so much an issue because if I were the person, I would immediately rush to the best category, sign a simple piece of paper, and have the clearest route to citizenship. But still, in the evidence accepted in category B, between 2 and 5 years, a person can supply a simple statement, a piece of paper signed by a nonrelative third party. Again, the requirements for that are so loose, it is a glaring loophole and an open invitation to fraud.

If this system is to have any meaning, if these distinctions in terms of how long a person has been in the country are to have any significance, if this plan is to have any hope of working in practice, rather than just being something pretty to talk about on the floor of the Senate, we need to close these loopholes. We need to end these outright invitations for fraud. That is what my amendment would do in important respects.

To summarize, my amendment would do five specific things that would close these loopholes, shut down these very wide open invitations to fraud.

No. 1, it would strike the language allowing an alien to prove employment history by providing a self-signed, sworn declaration; in other words, nothing more than a piece of paper that he himself signs.

No. 2, it would require that sworn affidavits from nonrelatives who have direct knowledge of the alien's work—and that is a phrase in the underlying bill—can be corroborated by the Secretary of Department of Homeland Security and should include contact information of the affiant, the name, the address, the phone number, the nature and duration of the relationship, so that the Department has some hope, some ability of looking into this declaration, cross-examining the affiant to determine if this is trustworthy and if this declaration is truthful.

No. 3, the amendment would make the types of "other documents" provided to prove work history the same for those illegal aliens who have been living in the United States over 5 years and for between 2 and 5 years. So there would be uniformity, and we would be talking about objective documentary evidence.

No. 4, the amendment would strike the provision stating that Congress believes the Department of Homeland Security should "recognize and take into account the difficulties encountered by aliens in obtaining evidence of employment" because of their illegal status. That quote is in the underlying bill, that the Department must "recognize and take into account the difficulties encountered by aliens in obtaining evidence of employment." In other words, the bill itself is telling the Department: Let it slide. Anything that is stated, you virtually have to accept. That is ridiculous, and we would remove that directive from the bill.

And No. 5, the amendment would clarify that the alien has the burden of proving his or her employment history by "a preponderance of the evidence." It is very reasonable, and, in fact, there is no other workable way to do it, to put the burden of proof on the illegal alien to prove the amount of time he has been in the country. Any lesser burden of proof, any other way of going about it will be a glaring loophole and an open invitation for fraud.

Let me underscore the general thrust of my amendment. It goes to some of my broad concerns about the bill. We are very good, all of us, both parties in the Senate, in making arguments, talking about broad values, outlining generalities, and talking about how a new system of laws should work. In my opinion, we are very bad, almost always, at actually designing a concrete system and paying attention in excruciating detail to the words we pass into law to make sure that system can actually work in the real world and not simply be unworkable beyond being able to be administered full of glaring loopholes, full of invitations to fraud. I believe this bill, unfortunately, is an example of that. I believe in many aspects, including many that are not covered by our amendment, this is going to prove very unworkable in the real world and be wide open with loopholes you can drive a truck through, with open invitations for fraud. My amendment simply highlights perhaps the two most obvious or egregious examples of that and tries to close those loopholes, close down those open invitations for fraud.

With that, I am happy to hear from Members who would like to debate the amendment pro or con.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the amendment, on page 350, you strike lines 8 through the rest of the page; am I correct?

Mr. VITTER. I don't have that in front of me. If you could read me the lines.

Mr. KENNEDY. Well, this is on the intent of Congress, the basic kind of understanding, the intent of Congress be interpreted in a manner that recognizes the difficulties encountered by the alien in obtaining evidence. As I understand, you strike that. And then you strike the burden of proof provisions through the top of 351, once the burden is met, the burden shall shift to the Secretary of Homeland Security. So those provisions are dropped. The essence of your amendment is to tighten up verification in terms of the applicant.

Mr. VITTER. The Senator is correct.

Mr. KENNEDY. And that is effectively the purpose of the amendment. In your description and in the language, you talk about bank records, business records, sworn affidavits from nonrelatives who have direct knowledge of the alien's work, including name, address, phone number of the affiant, the nature and duration of relationship. You also talk about remittance records and that the burden is on the alien applying for the adjustment, the burden of proving by a preponderance of evidence that he has satisfied the employment requirements.

Mr. VITTER. The Senator is correct on all of that.

Mr. KENNEDY. I am going to urge that we accept that amendment. We want to make sure, those of us who support this proposal, that we are going to reach those people who are defined in the legislation. And we want to make sure that it is accurate.

We are not interested in people gaming the system or in the identity theft problems and other kinds of challenges and false documents. We have made a very strong effort because if we have that and we lack the verification of information and lack the verification in terms of the individual and we are going to have continued forgery of documents, this is going to be a disaster. But we have given strong emphasis in terms of legality and veracity, and we are going to have the biometric identification cards. We are going to try to do this correctly and by the book, so to speak.

The Senator has redrafted provisions we had in the legislation to ensure the applicant is going to provide the best information and that the best information has to be reliable and dependable in order to be able to participate in the system. I think it is useful and valuable. At the appropriate time, I will urge our colleagues to accept the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, there is no doubt that we have to have appropriate evidence in order to establish the criteria for moving ahead on the path to citizenship. I believe the Senator from Louisiana has structured a realistic amendment and made improvements to the bill. We are prepared to accept it on this side.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I thank the Senator from Pennsylvania and the Senator from Massachusetts for their encouraging and supportive words. Obviously, I welcome that. Obviously, I welcome this amendment being adopted.

Without taking away anything from that statement, I simply add that, unfortunately, while these are very important cases we have identified in the bill that highlight these problems, these are not the only cases. Unfortunately, I think they are an example of the general nature in which many aspects of the bill were drafted.

In a spirit of working toward the end all of us have said we fully support, I encourage all of the Members intimately involved in continuing to draft the bill, including if a bill should go to conference—and I will certainly include the Senators from Pennsylvania and Massachusetts—to continue to identify those problem areas in the bill language. I hope this amendment will be adopted and we will have addressed two of them. I will continue identifying more. I am encouraged by the comments that they will join us in that endeavor as this work product moves on.

With that, I am prepared to yield back my time if we can proceed to voice vote.

Mr. SPECTER. Mr. President, I think we are ready for a voice vote on the Vitter amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. SPECTER. It is.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (no. 3964) was agreed to.

Mr. SPECTER. Mr. President, we have concluded the Vitter amendment a little earlier than expected. It would be appropriate now to proceed with the debate on the Inhofe amendment, with the prospect of later having a side-by-side. I urge my colleagues who wish to be heard on that subject to come to the floor so we can proceed.

Mr. President, while we are awaiting speakers to arrive on the Inhofe amendment and since we have concluded the Vitter amendment early, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, we are now going to the Inhofe amendment No. 4064. It is my understanding that we have between now and 4:15, with the time equally divided on my amendment and an alternative amendment that is proposed by Senator SALAZAR, and I would ask if that is correct.

The PRESIDING OFFICER. An amendment has not yet been proposed by the Senator from Colorado. However, the time between now and 4:15 is allocated to the Inhofe amendment and any Democratic amendment which might be proposed as an alternative.

Mr. INHOFE. I thank the Chair for that clarification. It could very well be, and it is my understanding that some others do have an alternative that they want to have considered.

Mr. President, this is an issue that has been with us for a long time. Due to the great history that is very often presented to this Chamber by the occupier of the chair, we went back into history and saw that for hundreds of years we have been trying, many of us, as our forefathers tried, to make English the national language. The last time we had a vote was 1983. In 1983, there was a—I don't remember who the author was at the time, but it was before I even came to the House. But that was 23 years ago. So 23 years it has taken now to get a vote on this issue.

Ours is a very simple amendment. It is very straightforward. We have perfected it by adding things that the Senator from Tennessee and the Senator from Arizona and the Senator from Alabama have asked for, and we think as a result of that, we have a bill that is actually better than ours was when it first started.

Mr. DURBIN. Mr. President, would the Senator yield for a question?

Mr. INHOFE. I yield.

Mr. DURBIN. First, I thank the Senator for his cooperation. I think we have had a very valuable dialogue, and the Senator from Oklahoma has made some important concessions. But I would like to make sure that, for the RECORD, I understand the intent and language of the amendment which he currently offers.

Has the Senator changed the version which referenced section 161: "Declaration of official language," which shows on page 2 of the amendment?

Mr. INHOFE. Yes, that was changed. It was actually written up—they wrote the word "national" in the wrong place. It is, "Declaration of national language."

Mr. DURBIN. Thank you. May I ask the Senator if he would tell me whether it is his intention to in any way diminish any rights that currently exist under the laws of the United States of America which would provide individuals with materials or services in a language other than English?

Mr. INHOFE. Mr. President, I think it is very appropriate the Senator asks that question. We have had a chance to discuss that at some length with a large number of people, and I have stood pretty fast to my belief. Now, keep in mind I am one of the few people around here who is not a lawyer, and therefore sometimes that puts me in a better position to understand the law than some of my lawyer friends. But I would say that when we write down, "unless otherwise authorized or provided by law, no person has a right, entitlement, claim," et cetera, in the bill, which is the form of the bill that you have seen and that we have all been working on, so my feeling is that language takes care of any problem within the existing law that is on the books.

Mr. DURBIN. If the Senator would yield, then——

Mr. INHOFE. Mr. President, let me ask if it would be all right, if you have a number of questions—I don't mind yielding, but I would just as soon yield on your time.

Mr. DURBIN. Fine. Mr. President, I would like to have the time for the questions and answers count against me.

So would the Senator say for the RECORD, is it your intention by this amendment to diminish any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English?

Mr. INHOFE. Mr. President, I would respond by saying I think the statement stands by itself, speaks for itself. It says, "unless otherwise authorized or provided by law." We are a country of laws, and if there is anything that is inconsistent, that is an exception under section 162.

Mr. DURBIN. Reclaiming my time, Mr. President, that is the problem. This is what it comes down to. This is an easy question to answer: Yes, it is not my intention to diminish any rights under the law given to any person for services or materials provided by the Government of the United States in any language other than English. If the Senator said yes to that question, it would put a lot of people at ease.

But let me tell you what I am afraid is at stake. In the language which the legal staff has prepared, I am afraid there is more to it. It is apparent that at least some believe you are going further than what you have indicated; that you are trying to diminish existing rights of the law. That is troubling because the rights under law that we are talking about are rights that are over 40 years old, dating back to the 1964 Civil Rights Act. And if the Senator from Oklahoma wants to make a statement of policy that English is the language of the United States and it is a common and unifying language, then he will have 100 votes in the Senate. It will be an important statement. But when he goes on and adds this other language, this amendment raises questions.

I just gave the Senator a chance to clarify the rest of his language, and he didn't want to do it. I am afraid that is where we are going to have a parting of the ways.

I think it is valuable for us to establish that the English language is common and unifying in America and that success depends on it, and I believe that. As I have said many times on the Senate floor, I am the son of an immigrant. My mother came to this country; her parents struggled to learn English. She spoke both English and Lithuanian. I speak only English today. My life experience is not much different than most.

We had a recent survey that found an interesting statistic. The Pew Hispanic Center documents that about 80 percent of third generation Latinos in the United States speak English as their dominant language. Exactly zero percent speak Spanish as their dominant language. It suggests that what happened in my family is happening with most immigrant families.

So they know the obvious: Success in this country depends on mastering and speaking English. So if the Senator wanted to make that statement, that English is our common and unifying language in this country, we would join him.

Mr. INHOFE. Mr. President, let me respond.

Mr. DURBIN. I still have my time, and I would like to say this: When I asked him straightforwardly a question as to whether he wanted to diminish the rights of anyone in this country currently under law, which would include Presidential Executive Orders, I might say to the Senator and his legal staff, if he wants to diminish those, he would not give me an affirmative answer which I think would satisfy many on this side of the aisle.

I reserve the remainder of my time, and I yield back to the Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me first of all say no, it is not my intent, nor is it the intent of this amendment, to do that. This amendment is pretty straightforward. It does say "unless otherwise authorized or provided by law." What that says to me is if there are some of these privileges out there that you believe are not in the law, then I would not be addressing those. I think what you are talking about is a matter of law, but I don't know that. I would rather say if it is a matter of law, we are providing an exception. And I guess I would ask you the question, since I now have the floor, do you believe that some of these rights are entitlements?

Mr. DURBIN. Mr. President, I don't know whose time this counts against.

Mr. INHOFE. It is mine.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. DURBIN. Mr. President, as I said earlier, this is dangerously close to debate in the Senate, and I am glad we are doing it. My feeling is this: When you say: What are you entitled to? Well, we are entitled to be protected from discrimination. That is an entitlement to every American. We are entitled to be protected from discrimination. And the 1964 Civil Rights Act says one of the things you cannot be discriminated against is your national origin, where you were born. We say in America, no, you cannot be discriminated against based on national origin. And based on that provision in the Civil Rights Act, we will provide, when it comes to essential services, appropriate language assistance to help those who are availing themselves of the services.

As I said earlier, in Chicago, that may be Polish or a Filipino dialect. But basically what we have said is, yes, you are entitled not to be discriminated against.

Now, if the Senator wants to wipe away that entitlement, he should make it clear. But I am not sure that he wants to. If he does, I hope he will say so.

Mr. INHOFE. No, no. Mr. President, reclaiming my time, it is certainly not our intention. And I think what the Senator is saying is that language and national origin are the same when, in fact, I am not saying that language and national origin are the same.

Let me go ahead and try to respond, even though I am speaking to lawyers and I am not one, with some court cases that I think might clarify things for all of us.

Mr. SALAZAR. Mr. President, would my friend from Oklahoma yield for a question?

Mr. INHOFE. Mr. President, let me hold off yielding until I get through with what I am about to say. I was going to mention these this morning, but I would like to go ahead and say where I believe we are today in responding to the question that has already been asked. I think it speaks for itself, but let me see after reading these cases whether you agree with that or not.

Mr. SALAZAR. Mr. President, again, if I may ask a question of my friend from Oklahoma.

Mr. INHOFE. All right. I would rather wait until I am through, but go ahead.

Mr. SALAZAR. This is not on the substance——

The PRESIDING OFFICER. The Senator from Colorado is recognized to ask a question.

Mr. SALAZAR. Mr. President, what I would like to do as we move forward in this discussion is also lay down the amendment that I have which I believe accomplishes the objectives which have been articulated by the Senator from Oklahoma and, hopefully, after the Inhofe statement, I can lay down my proposed amendment which I think addresses some of the questions we are talking about on the floor.

Mr. INHOFE. Mr. President, it is my understanding—we talked about this before the Senator came in—that we will have two amendments that we will be talking about: the Salazar amendment and the Inhofe amendment. They will be side by side. There will be a vote at 4:15. That vote will take place on my amendment first and then on the Salazar amendment, is my understanding.

Mr. SALAZAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I would like to get into some of the legal background. For the legal analysis, let me start by mentioning Wesley Newcomb Hohfeld who was the author of the seminal Fundamental Legal Conceptions, a powerful and enduring analysis of the nature of rights and the implications of liberty. Hohfeld noted that rights correlate to duties. A has a duty to B if B has a right against A. If A has no duty, that means B has no right and A has liberty, are the terms that he used. Such Hohfeldian analysis applies here.

My amendment makes clear that nobody has a right or entitlement to sue the Federal workers or the Federal Government for services or materials in languages other than English. In Hohfeldian terms, the Federal Government has no duty to provide services or materials in languages other than English, but the Federal Government is free to do so. In other words, they are not compelled to do it, but they may do it, they have the authority to do that.

The question has been asked: How does this amendment affect the X program? Will the Federal Government be free to offer X service or material in Y language? The answer is, yes, the Federal Government is at liberty to offer, can offer, X services or whatever the program is, in whatever language seems to be appropriate, but the Federal Government only has the duty to offer X services and Y language if a statute creates that right.

In other words, we are talking about English as the national language. We are talking about certain exceptions that are written into law, and we have said on page 2 that I have read several times, "unless otherwise authorized or provided by law."

That means there are many cases where that would be the case. Again, such examples exist, such as the Voting Rights Act, which provides for bilingual ballots, and the Court Interpreters Act of 1978, which provides for translation services in the Federal courts.

Prior to 1978, there was no such act, and that was not the case. This does not change the decision in the change in law that took place in 1978.

For over 30 years, the courts have ruled uniformly and consistently on these matters, of providing services and materials in languages other than English. Federal courts have rejected attempts to equate a person's language with their national origin in dozens of court cases. This is what I referred to. It seems to me perhaps the other side is trying to say they are one and the same.

But the Federal courts have rejected the attempts to equate a person's language with their national origin in dozens of court cases and court decisions going back more than 30 years. Therefore, any expansion of the concept of national origin to encompass a theory repeatedly rejected by the Federal courts must come explicitly from Congress. It must be a law. It must be something that Congress proposes and passes and not be imposed by a flawed or arbitrary interpretation of the law. Today the Senate is stating that there is no right, entitlement or claim to services and materials in any language other than English. That is assuming we pass our amendment.

I will mention just three of the long, unbroken line of court cases spanning over 30 years.

In 1983 the Second Circuit Court of Appeals determined in Soberal-Perez v. Heckler, which the Supreme Court let stand, that there is no right to government forms in languages other than English.

In 1994 the Second Circuit Court of Appeals determined in Toure v. U.S. that there is no right to government deportation notices in languages other than English.

The most recent United States Supreme Court case in this area is Sandoval v. Alexander, the Alabama driver's license case. Justice Scalia wrote the decision in Sandoval in 2001.

The Supreme Court in Sandoval rejected the equation of language and national origin.

Indeed, the Federal courts have repeatedly considered and rejected just this equation of the failure to provide foreign language services and materials with a violation of the prohibition against national origin discrimination.

There is no support in the legislative history or judicial interpretations of title VI for the right or entitlement to Federal Government services or materials in languages other than English. Executive Order 13166 purported to interpret title VI, but it was written before the United States Supreme Court's decision in Sandoval.

This amendment now clarifies in Federal statute the line of cases culminating in the United States Supreme Court decision in the Sandoval case. Here we are making clear that there is no legal basis for Executive Order 13166 that purported to direct services and materials in languages other than English. I state it again clearly: There shall be no right or entitlement to services or materials in languages other than English.

I ask unanimous consent additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEGISLATIVE HISTORY

The legislative history does not support a language-based definition of national origin. The Supreme Court has noted that the legislative history concerning the meaning of national origin, even under statutory law, is "quite meager." *Espinoza* v. *Farah Mfg. Co.*, 414 U.S. 86, 88 (1973). Nevertheless, "[t]he terms 'national origin' and 'ancestry' were considered synonymous." 414 U.S. at 89. During debate on the 1964 Civil Rights Act, Representative Roosevelt stated: "May I just make very clear that 'national origin' means national. It means the country from which you or your forebears came from. You may come from Poland, Czechoslovakia, England, France, or any other country." 110 Cong. Rec. 2,549 (1964).

The Supreme Court supports that assessment: "[t]he term 'national origin' on its face refers to the country where a person was born, or, more broadly, the country from which his or her ancestors came." *Esoinoza*, 414 U.S. at 88; see also, *Pejic* v. *Hughes Helicopters*, 840 F.2d 667, 672–73 (9th Cir. 1988) (persons of Serbian national origin are members of a protected class under Title VII).

CASE HISTORY

Federal courts have rejected attempts to equate a person's language with their national origin in dozens of court decisions going back thirty years. Therefore any expansion of the concept of national origin to encompass a theory repeatedly rejected by federal courts must come explicitly from Congress, and not be imposed by a flawed and arbitrary interpretation of the law.

The Supreme Court has never held that the language a person chooses to speak can be equated to the person's national origin. Though this issue was briefed and discussed in *Hernandez* v. *New York*, 500 U.S. 352 (1991), the Court did not make a holding on this question. "Petitioner argues that Spanish-language ability bears a close relation to ethnicity, and that, as a result, it violates the Equal Protection Clause. . . . We need not address that argument here." 500 U.S. at 360. The Circuits, on the other hand, have rejected such an equation. See, e.g., *Soberal-Perez* v. *Heckler*, 717 F.2d at 41: "A classification is implicitly made, but it is on the basis of language, i.e., English-speaking versus non-English speaking individuals, and not on the basis of race, religion or national origin. Language, by itself, does not identify members of a suspect class."

See, also, *Toure* v. *United States*, 24 F.3d at 446 (affirming Soberal-Perez and rejecting request for multilingual forfeiture notices). "A policy involving an English requirement, without more, does not establish discrimination based on race or national origin." "*An* v. *General Am. Life Ins. Co.*, 872 F.2d 426 (9th Cir. 1989) (table).

The oldest administrative interpretation linking language and national origin is the EEOC's arbitrary presumption against English language workplace rules. 29 C.F.R. §1606.7. The Supreme Court has never reviewed those purely administrative interpretations. But many other courts have reviewed the EEOC guidelines and have rejected them and their underlying equation of language and national origin. See, e.g., *Garcia* v. *Spun-Steak*, 998 F.2d 1480, 1489–90 (9th Cir. 1993), cert. den. 512 U.S. 1228 (1994) (EEOC Guidelines equating language and national origin were ultra vires); *Vasquez* v. *McAllen Bag & Supply Co.*, 660 F.2d 686 (5th Cir. 1981)(upholding English-on-the-job rule for non-English-speaking truck drivers); *Garcia* v. *Rush-Presbyterian St. Luke's Medical Center*, 660 F.2d 1217, 1222 (7th Cir. 1981)(upholding hiring practices requiring English proficiency); *Long* v. *First Union Corp.*, 894 F. Supp. 933, 941 (E.D. Virginia, 1995)("there is nothing in Title VII which protects or provides that an employee has a right to speak his or her native tongue while on the job."), affirmed, 86 F.3d 1151 (4th Cir. 1996).

A few cases indicate that if the language policy is a pretext for intentional discrimination, a language-related rule might violate national origin rules. In addition, two recent lower court decisions have adopted the EEOC's interpretation equating language and national origin. See, e.g., *EEOC* v. *Synchro-Start Products*, 29 F.Supp.2d 911, 915 n. 10 (N.D. Illinois, 1999)(on advice of law clerk, Judge Shadur was "staking out a legal position that has not been espoused by any appellate court."); *EEOC* v. *Premier Operator Services*, 113 F.Supp.2d 1066 (N.D. Texas, 2000) (Magistrate Judge Stickney, rejecting appellate cases against EEOC Guidelines and relying on Synchro-Start Products and Judge Reinhardt's dissent from denial of rehearing en banc in Spun Steak, found disparate treatment of Hispanic employees in the promulgation of an English-workplace rule; the defendant company was bankrupt and did not present a defense).

But almost all cases, including all Circuit decisions, have rejected the equation of language and national origin. See, e.g., *Gloor*, 618 F.2d at 270 ("The EEO Act does not support an interpretation that equates the language an employee prefers to use with his national origin."); *Nazarova* v. *INS*, 171 F.3d 478, 483 (7th Cir. 1999)(permitting deportation notices in English); *Carmona* v. *Sheffield*, 475 F.2d 738 (9th Cir. 1973)(permitting English benefit termination notices); *Frontera* v. *Sindell*, 522 F.2d 1215 (6th Cir. 1975) (civil service exam for carpenters can be in English); *Garcia* v. *Spun Steak*, 998 F.2d 4 1480, 1489–90 (9th Cir. 1993), cert. den., 512 U.S. 1228 (1994) (rejecting EEOC guidelines); *Gonzalez* v. *Salvation Army*, 985 F.2d 578 (11th Cir.)(table), cert. den., 508 U.S. 910 (1993)(rejecting employment discrimination claim); *Jurado* v. *Eleven-Fifty Corp*, 813 F.2d 1406 (9th Cir. 1987) (permitting radio station to choose language an announcer would use); *Vasquez* v. *McAllen Bag & Supply Co.*, 660 F.2d 686 (5th Cir. 1981) (upholding English-on-the-job rule for non-English-speaking truck drivers); *Garcia* v. *Rush-Presbyterian St. Luke's Medical Center*, 660 F.2d 1217 (7th Cir. 1981) (upholding hiring practices requiring English proficiency); *Long* v. *First Union Corp.*, 894 F.Supp. 933, 941 (E.D. Virginia, 1995) ("there is nothing in Title VII which protects or provides that an employee has a right to speak his or her native tongue while on the job"), affirmed, 86 F.3d 1151 (4th Cir. 1996); *Gotfryd* v. *Book Covers, Inc.*, 1999 WL 20925, *8 (N.D. Ill. 1999) (rejecting attempt to use EEOC guidelines to establish hostile workplace); *Magana* v. *Tarrant/Dallas Printing, Inc.*, 1998 WL 548686, *5 (N.D. Texas, 1998) ("English-only policies are not of themselves indicative of national origin discrimination in violation of Title VII"); *Tran* v. *Standard Motor Products, Inc.*, 10 F.Supp.2d 1199, 1210 (D. Kansas, 1998) ("the purported English-only policy does not constitute a hostile work environment"); *Mejia* v. *New York Sheraton Hotel*, 459 F.Supp. 375, 377 (S.D.N.Y. 1978) (chambermaid properly denied a promotion because of her "inability to articulate clearly or coherently and to make herself adequately understood in . . . English"); *Prado* v. *L. Luria & Son, Inc.*, 975 F.Supp. 1349 (S.D. Fla 1997) (rejecting challenge to English workplace policy); *Kania* v. *Archdiocese of Philadelphia*, 14 F.Supp. 2d 730, 733 (E.D. Penn. 1998) (surveying cases: "all of these courts have agreed that—particularly as applied to multi-lingual employees—an English-only rule does not have a disparate impact on the basis of national origin, and does not violate Title VII").

There is, therefore, no basis in the terms, history or interpretation of "national origin" which supports a per se rule equating a person's language and that person's national origin.

The Executive Order 13166 is based on the equation of a person's language and that person's national origin. Again, here we are making clear that there is no legal basis for Executive Order 13166. Neither is there any legal basis for federal regulations based on Executive Order 13166, including, but not limited to those federal regulations in the following list:

INDEX OF FEDERAL REGULATIONS ON EXECUTIVE ORDER 13166

CABINET-LEVEL DEPARTMENTS

Commerce

Department of Commerce: "Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (March, 2003). (reaffirmed on July 29, 2003).

Energy

Department of Energy: Ensuring Access to Federally Conducted Programs and Activities by Individuals with Limited English Proficiency (LEP) Plan DRAFT.

EPA

EPA Factsheet.

HHS

REVISED Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (August 8, 2003).

Strategic Plan to Improve Access to HHS Programs and Activities by Limited English Proficient (LEP) Persons (December 14, 2000).

"Policy Guidance: Title VI Prohibition Against National Origin Discrimination As It Affects Persons With Limited English Proficiency," U.S. Department of Health and Human Services, Office for Civil Rights (September 1, 2000).

Guidance Memorandum, Title VI Prohibition Against National Origin Discrimination—Persons with Limited-English Proficiency, U.S. Department of Health and Human Services, Office of Civil Rights (January 29, 1998).

Proposed HHS Regulations as published in the Federal Register (August 30, 2000).

Fact sheet "Language Assistance to Persons with Limited English Proficiency (LEP)" U.S. Department of Health and Human Services, Office for Civil Rights (September 26, 2000).

Appendix A: "Questions and Answers" (August 29, 2000).

Appendix B: "Selected Federal and State Laws and Regulations Reauiring Language Assistance," U.S. Department of Health and Human Services Office for Civil Rights (August 29, 2000).

Justice

Bush Justice Department issues reaffirmation of E.O. 13166 and a new set of Questions and Answers (October 26, 2001).

Justice Department Policy Guidance Document: "Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons With Limited English Proficiency" (LEP Guidance) (August 16, 2000).

Commonly Asked Questions And Answers Regarding Executive Order 13166, Department of Justice (November 13, 2000).

Civil Rights Forum (Summer-Fall, 2000).

EO 13166 Implementation Plan (January, 2001).

Labor

REVISED Department of Labor Policy Guidance (May 29, 2003).

Department of Labor Policy Guidance.

Transportation

DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries (document undated—appeared in January, 2001).

Treasury

Treasury Department issues EO 13166 regulations (March 7, 2001).

Department of Veterans Affairs

Guidance to Federal Financial Assistance Recipients: Providing Meaningful Access to Individuals Who Have Limited English Proficiency in Compliance With Title VI of the Civil Rights Act of 1964

Subcabinet agencies

Corporation for National and Community Service Plan.

Consumer Product Safety Commission's Plan for Agency Compliance With Executive Order 13166.

REVISED General Services Administration (2003).

General Services Administration.

FINAL Institue of Museum and Library Services (August 7, 2003).

REVISED Institute of Museum and Library Services (April, 2003).

Institute of Museum and Library Services.

Legal Services Corporation (January, 2003).

National Aeronautics and Space Administration Language Assistance Plan for Accommodating Persons with Limited English Proficiency in NASA-Conducted Programs and Activities.

National Council on Disability Implementation Plan for Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency (Dec 12, 2000).

National Credit Union Federation (undated).

National Science Foundation plan.

Office of Special Counsel's Plan for Agency Compliance With Executive Order 13166.

Pension Benefit Guaranty Corporation's Plan for Agency Compliance With Executive Order 13166.

Mr. INHOFE. Mr. President, I know we can get bogged down. I suspect the reason this particular amendment that has been proposed numerous times in the past but not in the last 23 years, and that it is going to get bogged down on a lot of technical questions, is that perhaps some people do not want this amendment, so they come up with all kinds of technical reasons to oppose it. But what we are doing is declaring—we are making a declaration—that English is the national language for the United States of America.

We are taking the exceptions, for example, the Court Interpreters Act. Before the Court Interpreters Act passed in 1978, defendants did not have a right to an interpreter. It was up to the Court's discretion. The Court Interpreters Act protects already existing constitutional rights such as in the sixth amendment, the fifth amendment, the 14th amendment, amendments on due process. It is very important to know that is one of the many exceptions that is written into law. It is a very important exception.

You also have some exceptions found in the Voting Rights Act. Somebody mentioned this morning some disaster could take place in California, a tsunami or something such as that, and when the eviction notices come, obviously, if you are addressing Chinatown, it would be in Chinese. We know that. That protection is there.

I believe we have covered the legitimate concerns that are out there. I know there are some people who do not want this to happen who are going to vote against this. I understand that. That is what this is all about. It has been 23 years since we had an opportunity to vote for it or against it. Those of you who want to vote against it, you are going to have your opportunity at 4:15 today. In the meantime I agree with the Presidents—almost every President of the United States going back long before Teddy Roosevelt. One of the things he said is, "We must also learn one language and that language is English." As we remember, President Bill Clinton in his State of the Union Message in 1999 got a standing ovation when he said that our new immigrants have a responsibility to enter the mainstream of American life. That means learning English and learning about our democratic system of government.

I agree with that. I didn't agree with everything that President Clinton said, but I certainly was one who stood and applauded during that State of the Union Message in 1999.

I think other Presidents have done the same thing as recently as a few days ago, when our President said that an ability to speak and write the English language, English allows newcomers to go from picking crops to opening a grocery, from cleaning offices to renting offices, from a life of low-paying jobs to a diplomat career and a home of their own.

This is an opportunity. We look at people who come to this country and, oddly enough, those individuals that I have spent many hours with—I say to my good friend from Colorado that when I was mayor of Tulsa, we had never had any kind of recognition of our Latin population. Yet I knew it was a very large population. I would say to you, at that time I used to be a commercial pilot in Mexico and I actually spoke the language fairly well at that time. It has been many years, 25, 30 years, I guess. But when I became a mayor I said: I know around here we are very rich in history and have a talented bunch of people who have come here and are good citizens of our city of Tulsa. So I formed the Hispanic Commission of the city of Tulsa. This may or may not surprise you. Some of them were kind of in hiding, not even recognizing that they were Hispanics, and they came out. We had the Cinco de Mayo and all the celebrations there. It is probably the most popular thing that has ever been done in the city of Tulsa.

I went back and talked to these people. I said: Do you agree with the polling data that shows very clearly that Hispanics want to have English as the national language? And they said yes. This is a group I have been dealing with since 1978.

I think it may be someone's impression that certain extremist groups—and I am sure there are some extremist groups that have a large number of Latinos in them. They may be offended. They may not want to have this. That is fine. Let them exercise their influence on every voter, each of the 100 Members of this body. That is the way the system works.

But I will say this. Jumping from the ones I know and the ones I have had experience with back in my city of Tulsa, the Hispanic population is very proud of the fact that they are going to learn English, and it should be our national language. As recently as 2 months ago, a Zogby poll, in March of 2006, found that 84 percent of Americans, including 77 percent of the Hispanics, believe English should be the official language of Government operations. In 2002, the Kaiser Family Foundation poll—which I don't think anyone is going to question—found 91 percent of the foreign-born Latino immigrants agreed that learning English is essential to succeeding in the United States. In 2002, there is also a Carnegie/Public Agenda poll that found by a more than 2-to-1 margin, immigrants themselves say that the United States should expect new immigrants to learn English.

My favorite poll is this one. In 2004, the National Council of LaRaza found that 97 percent—strongly 86.4 percent or somewhat 10.9 percent—agreed that the ability to speak English is important to succeed in this country. That is a no-brainer. We all know that. There is not a country you go to where that is not true.

I would say this. There are 50 other countries around the world today that have English as their national language. In these countries, they expect you, when you come to their country, to learn English. But if you go to another country, if it is Italy or France or any other country, you are expected to be able to communicate in their language.

In 1988, G. Lawrence Research showed 87 percent favored English as an official language with only 8 percent opposed and 5 percent not sure. That was 1988. Very consistent: about the same numbers. A 1996, national survey by Luntz Research asked, "Do you think English should be made the official language of the United States?" and 86 percent of Americans supported making English the official language and only 12 percent opposed and only 2 unsure. That was 1996.

In 2000, Public Opinion Strategies, showed 84 percent favored English as the official language, with only 12 percent opposed and 4 percent not sure.

In 2004 another Zogby poll, that was a different one than the one I quoted, but 92 percent of Republicans, 76 percent of Democrats, and 76 percent of Independents favored making English the national language. Again, that was a March poll of Zogby. It is consistent throughout.

You have some things working here. You have everybody wanting it, including the Latin community. You have more than half the States, 27 of the 50 States—27 States have accepted English as an official language, including Colorado, I might add, I say to my good friend from Colorado. Let's see where Illinois is. Yes, Illinois. You don't have a problem in Illinois. You already have it as a State concept that has been accepted.

So if you have 27 States, you have 51 other nations accepting English as the national language, you have all the polling data showing this is what people want, you have an exception made so no one is going to lose anything by doing it this way, then I can only come to the conclusion that you don't want it as the national language.

That is fine. That is good. If that is the case, we are going to have a vote at 4:15 and make that determination.

Before I yield, let me ask how our time is coming along.

The PRESIDING OFFICER. The Senator from Oklahoma has 30 minutes remaining.

Mr. DURBIN. Will the Senator yield for a question?

Mr. INHOFE. I yield the floor at this point.

Mr. DURBIN. I'll take it on my time. The Senator made it clear. He has two parts of this amendment. The first part is, frankly, an easy part. Is English the common, unifying language of our Nation? The answer is yes. His conclusion is that you can't succeed in America without being English proficient. If that's his amendment, that vote would be 100 to nothing.

It is the second part, the part you called the technical arguments, that we find troublesome. You said, in the course of explaining the amendment, that you didn't want to take away any existing rights of people in law, in courtrooms, for example, or going to vote, and I'm glad to hear that. But I want to ask you directly: Do you want to diminish any of the rights currently available to those living in our country under title VI of the Civil Rights Act of 1964, which prohibits discrimination based on national origin?

Mr. INHOFE. Do I personally want that? No, I don't. This amendment doesn't do that because it makes those exceptions because what you are referring to is the law.

Mr. DURBIN. Let me ask you expressly and specifically, because you did refer to this. This was Executive Order 13166, issued by President Clinton, which implemented the same title of the Civil Rights Act that I referred to. The Executive Order said that agencies of our Government had to make efforts to provide their services and materials to people with limited English proficiency.

Is it your intention with your amendment to, in any way, diminish the responsibilities and rights created by Executive Order 13166?

Mr. INHOFE. It is my understanding, I say to the Senator from Illinois, that the courts already have had some interpretations of that which perhaps are not the same as you are stating right now. What the courts have interpreted I stand behind because that means it is law. That is according to my amendment.

Mr. DURBIN. So will the Senator accept an amendment to his amendment which says that:

> Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English?

Mr. INHOFE. You will have an opportunity to have that in your side-by-side amendment that will be voted on after mine. My answer is no because we have already massaged this language. A lot of people are supporting this. If I start changing things now, as you well know, they are going to start peeling off, and I won't have the support I have right now. We will have an opportunity to vote on my amendment. Then we will have an opportunity to vote on whatever language you decide to put in, in your amendment.

Mr. DURBIN. I thank the Senator.

Mr. AKAKA. I agree that English is the common language of our Nation. Everyone should learn it, just as I believe everyone should learn other languages and more about the world around them. But I must oppose the Inhofe amendment because it does not merely encourage learning the English language. I am concerned that this amendment will have far-reaching consequences and eliminate the rights of many Americans.

First of all, the Inhofe amendment is unnecessary. English is the de facto official language of the United States. In fact, according to the 2000 census, only 9.3 percent of Americans speak both their native language and another language fluently.

Second, the Inhofe amendment is divisive. The sponsors of the amendment claim that this is needed to promote national unity. However, our common language is not what unifies this country. It is our common belief in freedom and justice. The first amendment to the Constitution ensures that we have the freedom of speech. We are free to speak in all languages—not just English. For those individuals who do not speak English, this amendment would deny U.S. citizens with limited English proficiency basic rights. For example, our country was founded on the belief that the people of this country hold the power—they are the check on our Government. However, limiting services to the English language could deny people the right to exercise this power and receive essential Government services.

Moreover, children growing up in homes that speak languages other than English will feel stigmatized. As a young child, I was discouraged from speaking Hawaiian because I was told that it would not allow me to succeed in the Western world. My parents lived through the overthrow of the Kingdom of Hawaii and endured the aftermath as a time when all things Hawaiian, including language, which they both spoke fluently, hula, customs, and traditions, were viewed as negative. I, therefore, was discouraged from speaking the language and practicing Hawaiian customs and traditions. I remember as a young child sneaking to listen to my parents so that I could maintain my ability to understand the Hawaiian language. My experience mirrors that of my generation of Hawaiians.

This is the same problem facing bilingual education. There is a push to stop the learning of other languages when individuals are young, when it is much easier to learn another language, but then we tell those same people that it is essential that they learn another language to preserve our national security. This is contradictory.

Third, the amendment sends the wrong message to our heritage communities. After the terrorist attacks of 9/11, we sought out these individuals to help with our translation efforts; however, now we are telling them that we do not value their language enough to provide them with essential services in their languages. The ability to speak a foreign language is critical to our national security, and we should not discourage that in any way.

Fourth, the Inhofe amendment could prohibit the Government from providing emergency services in other languages or providing critical health and safety materials to non-English speakers since such programs may not be required by law. People's lives might be endangered by this amendment.

Finally, I worry that the very strength of our democracy is threatened by this amendment. I am proud to be an original cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965. Importantly, S. 2703 will continue to require bilingual voting assistance. Unless every citizen has access to the polls and can understand the language on their voting ballot, our democracy is not as strong as it could be.

We want immigrants and individuals from all over the world to learn about the United States and what defines us. I think our basic freedoms are what define us. To limit the ability of non-English speakers to know about the United States and experience and observe the freedoms on which this country was founded, would be a disservice to the United States. Actions speak louder than words, no matter the language. I urge my colleagues to act to oppose the Inhofe amendment.

Mr. ENZI. Mr. President, I rise in support of an amendment introduced by my colleague from Oklahoma, Senator INHOFE.

I firmly believe a common language promotes unity among citizens and fosters greater communication. Establishing a national language would save the Government the expensive and time-consuming task of preparing documents in many languages.

A recent Zogby poll showed 84 percent of our population believes that English should be the official language of our Government. Twenty-seven U.S. States have already made English the official language, including Louisiana which agreed to it as a condition of statehood. My home State of Wyoming made English the official language of the State in 1996. Fifty-one nations also have English as their official language, but the United States does not. It is time that we have a clear statement on our national language.

This amendment also addresses the important issue of English proficiency for new citizens. On May 15, 2006, President Bush addressed the Nation about the needed reform of our current immigration situation. He stressed the positive role that the English language has for new citizens. Many improvements need to be made to the current process that our new citizens go through. I am pleased that this amendment creates a set of goals for updates to the new citizen exam. Some of the goals are demonstration of sufficient understanding of English usage in everyday life and an understanding of American common values. These common values include the principles of our U.S. Constitution, the Pledge of Allegiance, the National Anthem, and the significance of our American flag. The goals will help new citizens better understand our Nation and become productive members of our society.

Senator INHOFE's amendment is a good strong statement in support of English as our national language and the importance of sharing this common value with new citizens. I have worked on legislation that would establish English as the official language of the U.S. Government during my service in the Senate and in the Wyoming State Legislature, and I encourage all Senators to support this important amendment to the immigration reform bill.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 4073

Mr. SALAZAR. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Colorado [Mr. SALAZAR], for himself and Mr. DURBIN, Mr. KENNEDY, Mr. BINGAMAN, and Mr. REID, proposes an amendment numbered 4073.

Mr. SALAZAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place insert the following:
>
> Notwithstanding any other provision:
>
> **SEC. 161. DECLARATION OF ENGLISH.**
>
> English is the common and unifying language of the United States that helps provide unity for the people of the United States.
>
> **SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.**
>
> The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the government of the United States in any language other than English.
>
> For the purposes of this section, law is defined as including provisions of the U.S. Code, the U.S. Constitution, controlling judicial decisions, regulations, and Presidential Executive Orders.
>
> (b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the Language of Government of the United States.

Mr. KENNEDY. Mr. President, I yield 15 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Thank you, Mr. President.

Let me first say that the amendment I send to the desk is sponsored as well by Senators REID, DURBIN, BINGAMAN, and KENNEDY.

I would first like to start by reading the amendment in its basic entirety. I think that it reflects what it is we are talking about in the Chamber this afternoon. My amendment reads as follows:

> English is the common and unifying language of the United States that helps provide unity for the people of the United States.
>
> The government of the United States shall preserve and enhance the role of English as a common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English.

That is the essential and substantive part of the amendment which we are sponsoring today.

As I start to speak about this amendment, I want to say this amendment is a unifying amendment because it speaks to the common language of America. It unifies us from whatever particular language or background we come from.

It is my hope that when we complete this debate today we could have 100 Senators standing up in support of this amendment.

Let me say, for me—as we have approached this debate over immigration and as we approach this debate over official English and other aspects of amendments that have been offered by my friend from Oklahoma—it has been also a time for me to reflect back to the history of America and to the history of my own family in this country. My family came in and founded the city of Santa Fe in 1598, 408 years ago. And the language that is still the language of my home—the language still spoken on our ranch 110 miles north of Santa Fe—is still the spoken language from the 12th and 13th centuries. It is a very old language.

I remember during those days when I was a young man going to school in the 1960s in Conejos County, in the southern part of Colorado, those who spoke Spanish in our school were punished because of the fact they spoke Spanish. I remember seeing the incident where young people would have their mouths washed out with soap because of the fact they happened to be speaking a language other than English in the public school. I have seen these kinds of incidents through a lifetime of personal experience.

I think those kinds of incidents and those kinds of experiences run counter to what America is all about. America becomes richer and stronger because of our diversity. We have learned through the hard times of history that America is stronger when it stands together, when we find those issues that unite us as opposed to those issues that divide us.

We found those issues that divided us in the Civil War and over half a million Americans died in that war. We found those issues that divided us in the era of segregation that led to Brown v. Board of Education and led to the Civil Rights Act of the 1960s. Those acts were intended to bring us together as a country.

My fear is that the proposal which has been presented by my good friend from Oklahoma will serve to divide this country and not unite the country.

That is why the amendment I have offered, along with my colleagues, is intended to be an amendment that says we believe the English language is the common language of the United States and that it is a unifying language of the United States and we stand behind that language as the common language of America.

Let me also make a couple of observations regarding Senator INHOFE's amendment.

First, when you read the language itself and read the technical language of it, you have to ask yourself the question: Why is that language there? You can read in the second part of the second page of his amendment essentially the language that says "no official will communicate, provide services, or provide materials in any language other than English."

I know there have been exceptions written into the language to try to accommodate times and places where the language other than English might have to be spoken.

We have to ask the question: Why is the language written the way it is which says it is in these narrow, tailored exceptions where we will make the exception that a language other than English can be spoken?

It causes me concern because I am not exactly sure what that means. If I am a public official working in law enforcement for one of our Federal agencies, if I work for the U.S. Postal Service, or wherever I might work in any agency of the Federal Government, I might read the language that says officials cannot communicate or provide materials in a language other than English. As someone who might not be a lawyer but a public servant serving within the Federal Government, it might give me a signal—and I think it would—and lots of our Federal employees the signal that perhaps providing services to the citizens of the United States in a language other than English is wrong and violative of the rule of law.

They will not have the opportunity that we have had today to go through the fine review of this legislation in the way that we have, and even after having gone through that fine review of this language there are still many of us who have questions as to how this proposed amendment will take away rights from the people of America.

As I was listening to my friend from Oklahoma speak about the importance of this amendment, one of the things he said is that he thought it was important that we stand together in opposing national origin discrimination. For sure, we can all agree in this Chamber that we are not to discriminate against someone because they happen to be Irish or French or if they happen to be of Mexican descent, whatever it is; we stand united in this country's belief in the proposition that we oppose any kind of discrimination based on national origin. Yet, it seems to me, from what I was hearing from my friend from Oklahoma, that the same thing does not apply with respect to language discrimination; if you happen to speak a language other than English, or if you happen, perhaps, to have an accent that indicates you may be of a native tongue that is other than English, that perhaps discrimination on the basis of language then would be sanctioned under our law in America. That is not the American way. The American way is to say that we are a stronger country when we recognize the differences among us, when we tolerate those who are different among us, and that we create a much stronger country when we stand together.

I believe the amendment which Senator INHOFE has proposed will create division within the country. I think it is putting a finger on a problem that does not exist today.

The statistics which Senator INHOFE cited, which are also cited by the National Council for Larussa, indicates that most Americans, including most Hispanics, speak English. The National Council for Larussa cites a GAO study in which it was consistently found that U.S. Government documents are printed in English only. In fact, less than 1 percent of U.S. Government documents are published in any language other than English.

They also found that the English language is not under attack in our country. In the U.S. census findings, they found that 92 percent of Americans had no difficulty speaking English. We also found in poll after poll that immigrants in America come because they want to learn English. They want to learn English. They want to assimilate into our society because they know that English is, in fact, a keystone to opportunity.

The Inhofe amendment does nothing in terms of including or encouraging people to move forward and learn the English language. We are already a country that speaks English. Senator INHOFE's amendment does not do anything with respect to moving the English language acquisition forward.

Let me finally say that it is true there are many States that have made English their official language. I believe that English being made the official language is also a matter of States rights. It is true that in my State of Colorado, as well as in other States, English has been adopted as the official language of those particular States. I believe we ought to leave it to the States; let the States decide we are a Federal system. I think States ought to decide the way we ought to go with respect to dealing with this issue.

Let me conclude by saying the amendment which I have proposed, along with my colleagues, Senators REID, DURBIN and BINGAMAN, is an amendment that would unify America and not divide our country.

I hope my colleagues will join me in supporting the amendment which we have offered and oppose the Inhofe amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield as much time as the Senator from Tennessee requires.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, first, let me say to my friend from Colorado that if we were to take all 100 of us who are in the Senate, some of whose families have been here for a while, none of us, I would judge, have families who have been in the United States for longer than Senator SALAZAR's family—for 11, 12, or 13 generations. It is a source of great pride to serve with him.

He and I discussed this amendment. I understand his passion and feeling about it. But what I would like to do in a few minutes is take exactly the opposite view from the distinguished Senator from Colorado because I do not see how the United States of America can be unified unless we have a national language. That is all this is about. The Inhofe amendment is not an official English amendment. It is not an amendment to declare English the official language of the United States, which 27 States have done. It does not require that all government documents even be printed in English. It could have done that, but it doesn't.

It simply says English is the national language of the United States, period. That is the first thing it says. Then it has a provision that talks about the importance of encouraging the learning and understanding of English.

Then it has a provision which, the way I read it, says that nothing prevents the government from rendering services in languages other than English.

That would mean that in a whole variety of areas where the Congress last made a decision—whether it is the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Bilingual Education Act of 1967, the provision that Senator Robert Kennedy put into the law recognizing the unusual circumstances of Puerto Ricans who moved from Puerto Rico to one of the 50 States—or an Executive order by any President, this amendment wouldn't change any of that. That is the whole point of the amendment. It is just to say this is our national language.

Then it says that someone does not have the right to sue to get services in another language unless it is provided by law. It doesn't diminish a right already established by law.

It does one other important thing. It draws on the beginnings of an amendment by Senator SESSIONS about the citizenship requirements that have been in our citizenship process. It seeks to make those stronger.

Senator SESSIONS is not the only one in this Senate interested in that. There is probably no one in this Senate more interested in that than the distinguished senior Senator from Massachusetts, who is not only interested in American history, but his family has a place in it.

We have worked together in a variety of ways to try to get a clearer understanding of U.S. history among our children, among our citizens—not because we want to punish them, but because we have such a unique and diverse country that it is critical that we all understand these common unifying principles which come from our history, including what we are debating today: rule of law, equal opportunity, laissez-faire, E pluribus unum. We are not pro-immigrant or anti-immigrant; we just have four principles on which we all agree, and we are trying to put them together into a bill. Those are the things which unite us as a country, along with one other thing, and that is our common national language.

The second part of the Inhofe amendment has in it language to help improve the citizenship exam that legal immigrants take to become citizens, of which 514,000 did last year. It is good language, language which was in the legislation Senator KENNEDY, Senator REID, and I worked on with many others a couple of years ago to help create summer academies for outstanding teachers and students of American history. We tried to define the history we were talking about in the sense of key ideas, key documents such as the Declaration of Independence, the place from which come our unified principles.

Here are the differences between the amendment from the Senator from Colorado and the Senator from Oklahoma. There are four differences. It is important for colleagues to understand.

Senator INHOFE's amendment declares that English shall be the national language. The Senator from Colorado has taken out the word "national." He does not want it to say that. He says "common and unifying" language. I prefer the wording of the Inhofe amendment because while English is our common language, it is more than that. It is the common language of a number of countries, but English is also part of our national identity. It is part of our blood. It is part of our spirit. It is part of what we are. It is our national language. That is one difference.

No. 2, the Salazar amendment does not include the provision that is in the Inhofe amendment that says that for all those people here illegally who may become lawful and put on a path to citizenship, which is the goal of the sponsors, it says those persons must learn English. The Inhofe amendment strengthens that requirement. Currently, in the underlying bill, it simply says they must be enrolled in school to learn English, and the Inhofe amendment strikes that, so those persons have to learn English in order to be here lawfully. That is very important.

This large number of 10 million or so people who are here illegally is the source of most of the problems in this debate. If we are not going to send them all home, which almost no one thinks will happen, then we either have to put them on a path to citizenship or lock in 10 million people in the United States who pledge allegiance permanently to another flag, which is something we have never done before. The Inhofe amendment is preferable because it helps make it easier for those 10 million to learn our national language. Those are two differences.

The third difference is the Salazar amendment completely takes out the excellent work Senator INHOFE and Senator SESSIONS did, much of the language having been borrowed from work that Senator KENNEDY, Senator REID, I and others worked on, which tried to improve the citizenship test. This may not be an intention of the Salazar amendment, but it does it. It takes out the language that says the test should mention the key documents, such as the Constitution, the Bill of Rights, the Emancipation Proclamation, and key events such as the American Revolution, the Civil War, the world wars, the civil rights movement, and the key ideas and key persons.

Why is that important? Because we are not a nation based on race, we are not a nation based on ancestors; we are a fragile idea based upon a few principles and our national common language. So I prefer an amendment that has those provisions in there. That is the third reason.

The fourth, as I read it, suggests that Executive orders issued by the President are just like statutes. Constitutional lawyers would have a problem with that.

A vote for the Inhofe amendment is a vote to say English is our national language. It is a vote to say that those who may not be here legally, but who eventually may be determined legal by this legislation under some process, should learn English on their way to citizenship. And finally, the amendment includes a very good section that helps to define the key ideas and events of our history for citizenship.

Mr. SALAZAR. Would my friend from Tennessee yield for a question?

Mr. ALEXANDER. I would be happy to if we can do that on your time.

Mr. SALAZAR. I would be happy to do so on my time. Through the Chair, I ask the manager.

Mr. KENNEDY. He is asking the question, and he wants to answer the question on our time. I yield 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, through the Chair, I say to my friend from Tennessee, there was an Executive order issued on limited English proficiency and the importance of reaching out to people who are limited English proficient so they could recognize and understand the language of the Government, an Executive order dated August 11, 2000.

Is the Senator's reading of the Inhofe amendment that it would essentially eviscerate the Executive order issued by then-President Clinton concerning limited English proficiency?

Mr. ALEXANDER. The answer to my friend from Colorado is no. The election of a new President might change an Executive order if the new President modified or changed the Executive order. My understanding of Senator INHOFE's amendment, and he can speak for himself, is he does not seek to change any right now granted to anyone.

We can have a good debate about whether there ought to be bilingual ballots. In my opinion, I don't think there should be because you have to be a citizen to vote and you have to demonstrate an eight grade understanding of English to be a citizen. But that is in the law and is not affected by this and neither would an Executive order.

Mr. SALAZAR. I say to my friend from Tennessee, not too long ago in the Senate, we entered into a debate concerning the nomination of Attorney General Gonzales to be Attorney General of the United States. There were Members of this Senate who came to the Senate and spoke eloquently in Spanish about why he should be confirmed, including Senator MARTINEZ. Would the Inhofe amendment make it illegal for that kind of activity to occur in the Senate?

Mr. ALEXANDER. Mr. President, I say to my friend from Colorado, that is a preposterous question for what we are talking about and not really a suitable question for a serious proposal.

This is a simple proposal which declares that English is the national language of the United States and that the Government of the United States should do whatever it can to encourage that. It does not change any right that anyone has today. It also includes a strengthening of the citizenship test. Anyone who understands the founding documents knows that liberty is at the front of our unifying principles. Any citizen has a right to speak in Spanish. A Senator, of course, does as well. This has nothing to do with inhibiting anyone's rights. It just declares that, unlike Switzerland, unlike Canada, unlike Belgium, we have a common national language that is part of our identity. We do not want to be based on race. We do not want to be based on ancestry. We want to be unified by a few things—the unifying principles and our national common language.

So the answer is, of course not.

Mr. SALAZAR. Mr. President, in response to the colloquy I am having with my friend from Tennessee, it seems to me this language could be read that Senator INHOFE has proposed to say that because we are a Government Chamber, since we do not have a law that proactively says—or a rule of the Senate—that you can speak a language other than English here, perhaps when we were speaking about Attorney General Gonzales, we would have been in violation of this exact provision if it stays in the same language.

To continue my question to the Senator, my friend from Tennessee, it was not at all our intention in the drafting of the amendment to take away any of the requirements we have for people who come here under this immigration proposal to learn English or to go through the civics courses which are required now for the legislation that has been included in here. So it is my view that the Senator has misread the amendment we have supported.

Mr. ALEXANDER. Mr. President, if I could have 4 more minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ALEXANDER. The differences I see in the two amendments are, No. 1, the Salazar amendment says no to making English our national language. It uses another description. No. 2, it says no to the requirement that immigrants who are illegally here and who may be put on a path to citizenship should learn English before they go on that path to citizenship. And it says no to the provisions in the Inhofe amendment which improve the citizenship test, requiring those who become citizens to learn the key events, key documents, key ideas of our history.

The Inhofe amendment is well within the mainstream of 90 to 95 percent of the thinking of the American people. It is a valuable contribution. It is a restrained proposal. It does not seek to change any existing right that someone might have to receive services from the Government in some other language.

Mr. INHOFE. Mr. President, I know the minority leader has several speakers who want to speak. I also know that virtually everyone on our side is wanting to stay with the 4:15 vote.

What I would like to do, of course, is encourage the minority leader to use his leader time if necessary but go ahead and allow anyone on the other side to use time at this time.

I yield the floor.

Mr. KENNEDY. I yield 10 minutes to the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague, Senator KENNEDY.

I have been trying to figure out what is, in my mind, objectionable to the Inhofe amendment. I think it comes down to a very basic point; that is, the Inhofe amendment, the language, the operative language of the Inhofe amendment, is:

> . . . no person has a right, entitlement or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.

That is the operative provision. And then it says there are "exceptions." The exceptions are where we have specifically written laws which allow that or which provide for the providing of information or communication in a language other than English.

Why is that objectionable? It is objectionable to me because it is directly contrary to the constitution of my State, the thrust of the constitution of my State.

When New Mexico came into the Union in 1912, we had many more people in my State speaking Spanish than we had speaking English. People were very concerned that the right of individuals in the State to speak either language would be preserved and that no one be discriminated against by virtue of their inability to speak English.

We wrote a provision in our constitution which says that the right of any citizen of the State to vote, to hold office, or to sit upon juries shall never be restricted, abridged, or impaired on account of religion, race, language, color, inability to speak, read, or write the English or the Spanish language except as may otherwise be provided in the constitution. So the presumption is directly opposite to the Inhofe amendment.

The general rule in my State and in my State's constitution is that people shall not in any way be discriminated against in their dealings with the Government by virtue of their inability to speak English. And the Inhofe amendment says that the general rule is people have no right to speak any language or communicate with their Government in any language other than English unless we write a law saying they can. I think that is an unfortunate change in emphasis and change in the law, which I cannot support.

Obviously, we have many court cases. And, I gather, under one of the exceptions to the general rule that the Inhofe amendment contains, this might be covered. But it has been well recognized, I believe, in our courts for a very long time that it is a denial of due process to non-English-speaking persons if they are denied services and communication and interpretation in their own language when they are in criminal proceedings.

We have a provision, again, in my own State constitution which I think is pretty close on this issue. It says: In all criminal prosecutions the accused shall have the right to appear and defend himself in person, and by counsel, to demand the nature and cause of the accusation, to be confronted with the witnesses against him, to have the charges and testimony interpreted to him, and in a language that he understands.

Now, I know there is a Federal law that says the same kind of thing today. So it falls under one of the exceptions that is provided for in the Inhofe amendment.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. BINGAMAN. Mr. President, I am glad to yield.

Mr. INHOFE. You mentioned several things. I believe the last one you mentioned was covered in the Court Interpreters Act of 1978. It does allow you to have that, and it is actually written into law.

I would also suggest that these are already in law. This is not something that has to be done.

Mr. BINGAMAN. Right.

Mr. INHOFE. Those protections are specifically exempted on page 2.

Mr. BINGAMAN. Mr. President, let me reclaim my time and indicate I said that very thing. I am not disagreeing with the Senator from Oklahoma. He has pointed out there are legal provisions that make an exception to his general rule, and the exception in this case is that you are entitled to have the Government provide interpretation when you are accused of a crime and you are trying to defend yourself in court.

All I am saying is, why are we writing into law a general rule that you are not entitled to communicate with your Government or have your Government communicate with you in any language other than English, except where we provide for it? I think that is a mistake. It is directly contrary to what my own State constitution does. It is directly contrary to the sentiment behind my State constitution.

We have the Native American Languages Act where Congress specifically found that there is convincing evidence that student achievement and performance and community and school pride and educational opportunity are tied to respect for the first language of the child or the student. And we talk there about that Native American languages shall not be restricted in any public proceeding.

Well, you can say: OK, now, we have already written a law that protects the rights of Native American languages to be used in public proceedings. So that is not a problem.

I do not know that I want to have to have this Congress write a law to cover every circumstance that might arise where an American wants to communicate with his or her Government in some language other than English. I think it is a bad precedent for us. I think it is contrary to the history of my State. It is certainly contrary to that.

I hope very much we will resist this amendment. I think this is a nonproblem. I do not know why we are spending most of the day debating an issue of this type, except to say to people who do not speak English: You are not going to be entitled to the full rights that other citizens are entitled to.

Clearly, that is true economically. We all know that. We all know you cannot succeed economically in this country in a full way unless you can speak English, and probably speak English with adequate proficiency. But I do not think as a legal matter we need to be writing statutes into the Federal law that say if you are not speaking English, you are entitled to fewer rights, you are entitled to fewer legal rights than other citizens are, and we want to remind you of it.

In fact, as to this amendment, it is very interesting, because it says: Look, even if you fall under one of these exceptions—this interpreter's exception or the Native American exception; the language where we have written a specific law—it says, if exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English.

So we are saying: Look, the general rule is, you have to speak to your Government and communicate with your Government in English. We acknowledge there are exceptions where we will allow you to use other languages, or the Government will agree to communicate with you in other languages, but we are going to be specific about what those are. But let's also remind you—this last sentence says—by making an exception and allowing you to have an interpretation into a language you can understand, we are not giving you a legal entitlement. We are not, in any way, committing ourselves to do anything more.

I do not know that is a very welcoming message to all these immigrants we are welcoming into our country as part of this legislation. I think my State is a State that has a great tradition of cooperation between the Native American community, the Hispanic community, and the Anglo community. And we have been able to maintain that sense of cooperation by respecting each other's languages, by respecting the right of each person, each group, to use his or her language in whatever way they feel is appropriate. I believe this amendment by Senator INHOFE would change that dynamic substantially. So I hope my colleagues will agree with me, will oppose this amendment, will support the Salazar amendment, and then I hope we can get on with more substantive matters.

There are a great many substantive matters involved with this immigration bill. This is an enormous, complex piece of legislation which we ought to be trying to understand and deal with separate from this discussion about English as the national language.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in consultation with the floor manager—this has been a good, important, and constructive debate—we need a few more minutes. And we asked the floor manager——

Mr. INHOFE. Mr. President, let me go ahead and respond.

Mr. KENNEDY. Could I ask consent to get the time?

Mr. INHOFE. Mr. President, it is my understanding the manager has agreed to allow 45 more minutes for the other side; is that correct?

Mr. SPECTER. Mr. President, that is correct.

Mr. INHOFE. That is acceptable.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 45 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, one request I would have, if the Senator would yield for a moment.

Mr. KENNEDY. Sure. Yes.

Mr. INHOFE. Mr. President, when Senator SALAZAR wants to make a correction, I have a correction to make at the same time. We could do that right now, if you want to do it.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 4073, AS MODIFIED

Mr. SALAZAR. Mr. President, I ask unanimous consent that my amendment be modified with the change that is at the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, it is so ordered.

The amendment (No. 4073), as modified, is as follows:

At the appropriate place insert the following:

Notwithstanding any other provision:

SEC. 161. DECLARATION OF ENGLISH.

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the Government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the U.S. Code, the U.S. Constitution, controlling judicial decisions, regulations, and controlling Presidential Executive Orders.

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the Language of Government of the United States.

AMENDMENT NO. 4064, AS FURTHER MODIFIED

Mr. INHOFE. Mr. President, I ask unanimous consent to modify the amendment on page 2, to change the word "official" to the word "national."

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

The amendment (No. 4064), as further modified, is as follows:

On page 295, line 22, strike "the alien—" and all that follows through page 296, line 5, and insert "the alien meets the requirements of section 312.".

On page 352, line 3, strike "either—" and all that follows through line 15, and insert "meets the requirements of section 312(a) (relating to English proficiency and understanding of United States history and Government).".

On page 614, after line 5, insert the following:

SEC. 766. ENGLISH AS NATIONAL LANGUAGE

(a) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following:

"CHAPTER 6—LANGUAGE OF THE GOVERNMENT

"Sec.
"161. Declaration of national language
"162. Preserving and enhancing the role of the national language

"§ 161. Declaration of national language

"English is the national language of the United States

§ 162. Preserving and enhancing the role of the national language

"The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America. Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If exceptions are made, that does not create a legal entitlement to additional services in that language or any language other than English. If any forms are issued by the Federal Government in a language other than English (or such forms are completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.".

(b) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following:

"6. Language of the Government .... 161".

SEC. 767. REQUIREMENTS FOR NATURALIZATION.

(a) FINDINGS.—The Senate makes the following findings:

(1). Under United States law (8 USC 1423 (a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

(2). The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) DEFINITIONS.—For purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term "key documents" means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights) the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term "key events" means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term "key ideas" means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term "key persons" means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of [8 U.S.C. 1423 (a)] that prospective citizens:

(1) Demonstrate a sufficient understanding of the English language for usage in everyday life;

(2) Demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

(3) Demonstrate an understanding of the history of the United States including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States;

(4) Demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

(5) Demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with [8 U.S.C. 1423 (a)] not later than January 1, 2008.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I have spoken several times in the course of this debate about my belief that immigrants should learn the English language. In my experience, most new Americans want to learn our language and make efforts to do so as quickly as possible. The bill that we are debating calls for immigrants to learn English as one of the several steps they must take before they can earn citizenship.

We can all agree that English should be the common language of the United States, but by making English the "national" language, the Inhofe amendment goes too far. The amendment was modified to remove a ban on publishing official documents in any language but English. That was a good correction. In many local communities and States it may well be useful and helpful for the government to reach out to language minorities. Greater participation and information are good and appropriate steps communities should be striving for. We should not be mandating artificial and shortsighted restrictions on State and local government.

I regret, however, that the amendment continues to include language that strongly discourages the use of other languages to inform residents and continues to treat those who speak another language as second-class citizens. We would do better to recognize our diversity and provide greater opportunities to those for whom English is a second language to become more fluent.

My mother spoke Italian as a child and learned English when she went to school. My wife grew up in a family that spoke French. She began speaking English when she started going to school. Both were helped throughout their lives by being completely and totally bilingual as a result.

Mr. KENNEDY. Mr. President, if the Senator will yield, we are trying to find out how much time the Senator wants.

Ten minutes, does that work?

Mr. LEAHY. Mr. President, I tell the distinguished Senator from Massachusetts, I will have a total amount of 10 minutes.

Mr. KENNEDY. I thank the Senator.

Mr. LEAHY. Mr. President, information is vital and sometimes lives depend on it. Is it not in the interests of all Americans to have every member of our society as well-informed on matters of health, safety and our democracy as possible? Do we really want to restrict government publications and communications, such as those on disaster preparedness, public health concerns, if there is an avian flu pandemic, to English only? We have recently seen the extensive and effective reach of Spanish radio in this country. Would we not want to employ that resource in a crisis? Do we really want to tie our hands and require Congress to pass a special statute every time health and safety materials, for example, would be useful?

We already have statutes that call for bilingual election materials to assist language minorities in accordance with our commitment to making participation in voting fair and meaningful. We know that there are many circumstances in which effective access to information requires communications in many ways and many languages.

Would it not have been useful for the President to try to sell and explain the Medicare drug benefit plan with all its complications and permutations in many languages in order to reach the most possible beneficiaries? Do we really intend to require such obviously beneficial actions to need a special statutory authorization? Should we review agency requirements to take warnings in languages other than English off our airlines and automobiles and dangerous equipment? Are we going to stop providing court translators and require all court proceedings, which are themselves official government proceedings, to occur in English, only to the detriment of fairness and justice?

Are we going to go back into the CONGRESSIONAL RECORD and scrub the statements of Senators MARTINEZ and others who have used Spanish here on the floor? If I recall correctly, the Senator from Oklahoma has spoken on this floor in Spanish. Would this amendment make his use of Spanish illegal—or does the Constitution's "speech and debate" clause mean that the rule that he is asking us to adopt applies to everyone else but not to Senators?

Now, the distinguished Senator from Tennessee is on the Senate floor. It was only a few weeks ago that we worked together to adopt the Alexander amendment to S. 2454, the immigration bill we debated in April. The text of Senator ALEXANDER's amendment is included in S. 2611, the bill before us now. The Alexander amendment created a grant program to promote the integration of immigrants into our democracy by teaching civics, history and the English language.

That is the right approach for America to take. The Inhofe amendment takes the opposite approach, the wrong approach and has the effect of stigmatizing those who grew up where Spanish or Chinese or other great languages were spoken. It risks driving a wedge between communities. This is contrary to our values and what we should be seeking to accomplish with this important legislation.

I recognize that not every State is like my home State of Vermont, where the majority of residents speak English. Even in my State, however, there are many families who first came to America speaking only French. My parents-in-law became proud American citizens. They spoke French at home, and that was the first language of my wife. My grandparents emigrated from Italy speaking Italian. That was the first language of my mother until she went to school. We are proud of that.

In prior generations, we welcomed large groups of Irish, Italians, Eastern Europeans, and in recent years, immigrants and refugees from Africa, Asia and many other parts of the world. I wish my French was better. I wish my Latin was more polished. I wish I knew more than a few words and phrases in Chinese and Spanish.

On Monday night, the President spoke eloquently about the need to help newcomers assimilate and embrace our common identity. He spoke of civility and respect for others and said that Americans are bound together by our shared ideals. These are the messages we must send to the American people, not the divisive message of the Inhofe amendment.

I look around this Senate Chamber and engraved in the wall behind the elevated desk and chair of the President of the Senate are the words "E Pluribus Unum." Every school child is taught that expression, "out of many, one" and what it means to our shared value of being the United States of America. It points to an important value from our history and today. It points to our struggle to become a nation of many people, of many States, and of many faiths. What is wrong with our using Latin, as we traditionally have and expressing our unity?

Latin expressions mark our official currency and the reverse of the Great Seal of the United States. The phrases "annuit coeptis" and "novus ordo seclorum" are part of the official symbols of the United States. These expressions are traced back to Virgil and a line from his instruction for farmers, which seeks the favor of God or Providence for our great endeavor to create a nation unlike any that had come before. The second Latin phrase is another allusion to Virgil and notes our seeking a new order.

Our incorporation of languages other than English does not stop there. Take a look at the flag of Connecticut with the phrase "Qui transtulit sustinet"; the flag for Idaho that includes the phrase "Esto perpetua"; the Kansas flag that includes the phrase "ad astra per aspera"; the Maine flag that includes "Dirigo"; the Massachusetts flag that includes the phrase "Ense petit placidam sub libertate quietem"; the Michigan flag includes not only "e pluribus unum" but also "Circumspice," "Si quaeris peninsulam amoenam" and "Tuebor"; the Missouri flag includes the phrase "Salus populi suprema lex esto"; the flag of New York includes the expression "Excelsior"; the Virginia flag includes the phrase "Sic semper tyrannis"; the flag of West Virginia includes the phrase "Montani semper liberi"; and the Wisconsin flag also includes the phrase "e pluribus unum."

I see the distinguished Presiding Officer, the Senator from Minnesota, and I thought I would include the flag from his own State. The flag of Minnesota includes a French language phrase befitting its history, "L'etoile du Nord."

Do we in this Senate mean to demand that the States change their State flags and State mottos to eliminate Latin and French? Do we really mean to frown on their use? Or is it only Spanish, a language derived from Latin that we wish to denigrate? In that case, I remind the Senate that the State of Montana includes on its flag the phrase "oro y plata," a Spanish phrase that serves as the State motto "gold and silver."

I remember how silly we looked a couple of years ago when some in the House demanded that French fries be renamed "freedom fries." Does this prohibition apply to Roman numerals, such as those included on the flag of Missouri? Does this body intend to embark down that road? I hope not, I pray not.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

I think those who have been listening to this debate understand what this discussion is all about. On the one hand, we have the amendment of the Senator from Colorado, which is effectively a way to unite all of us, and on the other hand, we have the Inhofe amendment that is a way that is going to divide us. The language couldn't be clearer. From the Salazar amendment:

> English is the common and unifying language that helps provide unity for the people of the United States.

It is clear.

> Preserving and enhancing the role of the English language. The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America.

On the other hand, we have the Inhofe amendment that has the statement:

> Unless otherwise offered or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.

We have had a debate about how that applies or whether it doesn't apply, and we have had a rather mixed debate.

I would be impressed if the Inhofe amendment had provided some resources to help those who are limited English speaking to be able to learn English. In the immigration legislation before the Senate, we have the requirement that no person, except otherwise provided in this title, can be naturalized upon their application without understanding the English language, including the ability to read, write or speak the English language. That is what we have said. That is underlined. That is what we are committed to.

Now we have this amendment which is effectively a limiting one.

In Albuquerque, NM, Catholic Charities reports 1,000 people on their waiting list and a waiting time of 12 months to learn English. Is there anything in the Inhofe amendment that will help those people? No, there is not. In my hometown of Boston, there are 16,000 adults on the ESL list waiting to learn English. It is 2 to 3 years. Anything in the Inhofe amendment to help those people who want to learn English? No. There is nothing. In Phoenix, AZ, in the Rio Solado community, over 1,000 are waiting 18 months. The list goes on. In New York, 12,000 are waiting. All of these individuals are waiting to study English. But does their amendment do anything about that? No. We can't help people to get to the point where English is their language.

What did the 9/11 Commission say. It said we lacked sufficient translators. It also had a provision in the 9/11 Commission report that we ought to give emphasis to other languages and that that was in our national security interest. It is on page 415, developing a stronger language program with high standards. Do you think that is consistent with the Inhofe amendment? Of course, it is not consistent with the Inhofe amendment.

We have outlined the requirements in this legislation that have to be met. It is very clear that an understanding of the English language, the ability to read and write and to speak, that is the requirement, a restatement of the importance of developing and keeping consistent with a common and unifying language, which is English. I don't understand those who say that English is a part of our national identity. Is that more a part of our national identity than our common commitment to liberty or fairness or decency or opportunity? Are we going to say we are the only ones who own those? Other countries don't own those values; it just belongs to the United States?

The Salazar amendment states effectively and well what we as a nation are committed to. It deserves to be supported. It defines English as the common and unifying language, guarantees that nothing shall diminish existing rights relative to services and materials in a language other than English. I urge my colleagues to reject the Inhofe amendment and support the Salazar amendment.

I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. If the Senator from California could hold off for a minute, I think we have heard some very eloquent statements in opposition to an amendment that doesn't exist. We could stand up and talk about the flags of the different States. This has nothing to do with that. Yes, I have made probably five speeches on the floor in Spanish. Every time we did, I had to go up and put it down in English for the RECORD. I don't mind that. This has nothing to do with that. As far as there being nothing in here encouraging people, if you look at section 767, this is encouraging people and helping people to learn the English language, a concept that 90 percent of Hispanics in America want. I just hope that anyone listening realizes that these are excellent arguments, but they have nothing to do with this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, Senator INHOFE and I have spoken about this amendment. As I said to him when he first decided to offer it, is there any question in anybody's mind that in America we speak English, that that is the language of the country? If you ask any person in this country, they will say English. If you ask any foreigner, they will say English. So the question is: Why do we have to say that English is the language that we speak in America? Are we that insecure about ourselves? Of course, it is. We are a nation of many who proudly keep their own culture. But, of course, English is our language.

If we have to say that it is your language, fine with me. Fine, I have no problem with it. In other words, if there are those who believe we have to now tell people what they already know, fine. But I want to do it in a way that unites us, not in a way that sets up some unintended consequences. Even though my friend from Oklahoma would not agree that there are unintended consequences, I think there are. For example, he said he made five speeches on the floor of the Senate in Spanish. And he went and he translated them so they appeared in English. Did he go over and did he dub in the videotapes? Because the videotapes will show the speech in Spanish. Is he breaking the rule then by not going up and hiring someone to dub in his words? What if there is an outbreak of a pandemic and it is moving quickly and there is no Federal law saying that you have to let people know in a series of different languages to protect our people and we didn't have time?

What if there is a terrorist attack, God forbid, and we are not even here, and we need to spread the word and there is no law, and we can't come in to pass a law. What is going to happen then? And as my friend from Vermont said: Are we going to have to take the State flags out from an exhibit in the basement because many of them have slogans in Latin? There are unintended consequences.

I know my friend tried hard to get us all to unify, but I have to say, if that was what he wanted to do, Senator SALAZAR has put together an excellent amendment. English is the common and unifying language of the United States that helps provide unity for the people of the United States. That is a beautiful statement. It says that English is our common language. But he doesn't set up an issue in his amendment, which I have read very carefully, that can have the unintended consequence of coming back to bite us. His particular amendment unifies us. I thank the Senator for that very much, coming from a State that has great diversity, the great State of California. I thank him for his hard work.

I yield the remainder of my time to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, again, it is a beautiful statement in opposition to an amendment that doesn't exist. When the Senator from California talks about emergencies and an emergency evacuation, I previously used the example of California because I suspected she might be coming down. That is, if there is an evacuation or some emergency, it can be done in Chinese so Chinatown can all evacuate. That is not a problem.

Yet when I spoke on the floor in Spanish, the only reason I had to translate it is because that is one of the rules of the Senate. It has nothing to do with this bill. That would not be affected in any way.

I yield to the Senator from South Carolina 8 minutes.

Mr. GRAHAM. Mr. President, this is a debate which you wonder why you are having it the more we talk about it. How did we get here from where we started?

Let me suggest that what Senator INHOFE was trying to do here is important. Senator BINGAMAN, my good friend from New Mexico—I disagree with him that this is not that big a deal in terms of its importance to the bill or the debate. I think it is a very important part of the debate. I appreciate Senator INHOFE putting it on the floor of the Senate. We will talk about what I think the amendment does and does not do. Let's talk about why it is important to the debate.

One thing we have to remember is that the underlying bill that came out of Judiciary, the McCain-Kennedy concept as changed by Hagel-Martinez, which I support and I think is a good solution for a real problem for America, has as one of the provisions that if you will come out of the shadows and you raise your hand and say: Here I am, I am undocumented, the bill allows you a path to citizenship with several requirements before you can ever apply for citizenship. One of those requirements is that you come out of the shadows, and for a 6-year period you can work here, and you have to pay a $2,000 fine. I think that is fair. I don't think that is being oppressive. That is making people pay for violating the law. It is a punishment that is consistent with a nonviolent offense.

Another condition is that you must learn English. Why did we make that a condition of coming out of the shadows? I think Senator KENNEDY and every other person on that side of the aisle—the Democratic side of the aisle—understands that to require an illegal immigrant to learn English is not unfair. If we thought it was unfair, we should not have put it in the bill. Why did we put it in the bill? We realize as a body the best you can do for people coming out of the shadows is challenge them and help them learn English so they can be value added to our country and they can survive in our economy.

It is true that the Inhofe amendment doesn't provide any resources, nor does the Salazar amendment. The reason neither one provides resources to learn English is that we have already done that with my good friend, Senator ALEXANDER from Tennessee. We put a requirement on the undocumented illegal immigrant to learn English but in a true American fashion. We have put some resources—a $500 grant—on the table which will help meet that obligation.

Here is the important point. If you fail to pass the English proficiency exam, you will be deported. Under the bill, if you fail to pass the English proficiency exam—and I am probably the worst advocate in the country for the English language—you can be deported. That is not unfair. That is not too hard. That is just. So if you are willing to make everybody come forward and learn English, and if they fail you are going to deport them, why can we not say as a body that the Government of the United States shall preserve and enhance the role of English as the national language of the United States of America? If we are willing to deport people for failing to learn English, surely we should stand behind the concept as a nation that it is in our best interest for people to learn English.

Now, as to the unintended consequences, I have looked at this all day, and I am of the belief that this amendment, as written, preserves every legal opportunity avenue available for the Federal Government to interact with the people of the United States by issuing forms and documents in languages other than English. The purpose is to say publicly that English is our national language and that the Government shall preserve and enhance the role of English without having the legal consequence of rolling back laws that are already on the books that allow the Government to interact with its people, provide services in other languages. That is why the term "unless otherwise authorized or provided by law" is there. That means, simply put, if there is a law on the books—a case decision, a regulation, an Executive order, you name the source of law—or a constitutional provision that would allow the Federal Government to interact with its people in a language other than English, it is not affected by this amendment, nor does it prevent in the future the Government expanding those services in a language other than English. It says, also, there is no entitlement to a service from the Federal Government in a language other than English, unless authorized by law. That is just a simple, commonsense concept.

We do business in this country at the Federal level. We have programs at the Federal level that allow languages other than English to be utilized, including the Voting Rights Act, which allows bilingual ballots, and the Court Interpreters Act of 1978, which provides for translations or interpretations of other languages in Federal court. There are a lot of laws that allow the Federal Government to provide services in languages other than English, and this amendment protects those laws; it doesn't change their status at all.

Now, to read this amendment to say that some State flag has to be changed—I will be honest with you, that is not even an honest, fair interpretation of the words as printed on the paper. It is not the intent of anyone. It is something being said that is not rationally related to the words or the intent of the author or the way the bill works. We are trying to preserve whatever legal rights there are to do business in languages other than English that are in existence today, and maybe tomorrow, and we are trying to reinforce the role that English is our national language. If we don't do that, if we back off of that concept, what signal are we sending to the people we are willing to deport if they fail to learn English?

We cannot have it both ways. We need to take a strong stand for a couple of principles. If you want to assimilate into American society, it is important that you learn English. How have we stood for that principle? If you come out of the shadows and you fail the English exam, you are going to get deported. We are giving people money to help them pass that exam, but we are not going to waive the requirement that you learn English to be assimilated for the 11 million undocumented workers. I think it would help everybody in this country if the Senate went on record and said that the policy of this Government will be to preserve and enhance the role of English in our society, and do it in such a way that understands that speaking other languages, having a different culture, is not a bad thing but a good thing. There is nothing in this amendment, in my opinion, that does away with any laws that already exist or might exist in the future for a language other than English.

The PRESIDING OFFICER. Who yields time?

The assistant Democratic leader is recognized.

Mr. DURBIN. Mr. President, the Inhofe language in this amendment contains two basic parts. In the first part, we can talk about changing a word or two, but we all basically agree on it. We basically agree that to be successful in America, you must speak English. I imagine there are people on the margins of our society who survive without a command of English, but that is where they will remain. It is rare that a person in America reaches a level of success without a mastery of English. As I go about the State of Illinois and the city of Chicago, where so many people speak many different languages, it is well understood that learning English is the first step toward becoming an American and becoming successful in America. We don't argue about that.

There are different ways to characterize English as our language. I like the characterization of my colleague, Senator SALAZAR, who characterizes English as "our common and unifying language." It is that; it is our common and unifying language. Senator INHOFE uses the words "our national language." But when you get down to it, there is no argument here about the basic premise. We agree on the basic premise. It is not as if it is just in America. We know that the language of aviation around the world is English. We know that the common universal language in most places on the Internet is English. That is a fact. So when it comes to the first part of Senator INHOFE's amendment and that first part of Senator SALAZAR's amendment, there is no dispute. If the debate ended there, we would have voted a long time ago. But that is not where the debate ends. Senator INHOFE added several sentences beyond that, which now take us into a legal thicket.

He argues that these are technical issues. They are not technical issues. They are issues about a person's basic rights in America. They are issues that really emanate from landmark legislation, such as the Civil Rights Act of 1964. This is not a technicality; it is the Civil Rights Act of 1964. People literally fought and bled and died for the passage of civil rights legislation. Before we casually cast aside some part of the protection of that law, we should think about it long and hard.

I look at the language Senator INHOFE brings to the floor and, on its face, it appears to be easy to accept:

> Unless otherwise authorized or provided by law, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services or provide materials in any language other than English.

You would think if it is not authorized by law, that means the Government cannot communicate or provide materials in any language other than English. How could that possibly come up? Well, let's take one illustration. I happened to be on the floor the day that Senator INHOFE of Oklahoma came to the floor in the midst of a debate on a judicial nominee, Miguel Estrada. The date was November 12, 2003. Senator INHOFE came to the floor and gave his remarks to the Senate in Spanish. I was impressed. He is proficient in Spanish, and I respect his skills in that language, which I do not share. I didn't understand what he said, but I respected him for being confident enough to come to the floor and express himself in the Spanish language. And then what happened was that the CONGRESSIONAL RECORD, which is printed every day from our proceedings, included Senator INHOFE's speech in Spanish and his translation in English. They are both part of the RECORD.

But wait. Had Senator INHOFE's amendment been in effect then—the one he wants us to vote for today—it would have been illegal for our government to print the CONGRESSIONAL RECORD with Senator INHOFE's speech in Spanish. There is no statute which creates the right of any Member to come to the floor and speak in any language. Oh, it happens. Nobody objects to it. They do their best to print those speeches, but there is no law authorizing it. So, if Senator INHOFE's amendment had passed at that time, the speech which he delivered on the floor in Spanish, would not have been allowed to be printed and published by the Government in the CONGRESSIONAL RECORD. Is that what we want to achieve? Is that our goal?

Let me give you another practical example. Near this U.S. Capitol is the famous Potomac River. The Washington Post ran a story 6 months ago. It said that drowning deaths on the Potomac River were down dramatically. Last year, for the first time in 15 years, no one drowned in the Potomac in the Washington area. Park Rangers believe they know why: their new signs that warn swimmers and fishermen about the river's strong current and undertow. The new signs are printed in

English and in Spanish, the native languages of many new immigrants who use the river to relax with their families or to fish. The Park Service posted the bilingual signs after they noticed that many recent drowning victims were also recent immigrants. So, is making this political statement in the Inhofe amendment so important that we wouldn't want to provide safety for those who are using the Potomac River? It was considered to be a sensible, rational thing to do: print the sign in both languages so people will be warned of the danger.

You have heard the arguments here about the potential of avian flu. Wouldn't we want any dangers relative to avian flu or some other epidemic to be shared in enough languages so that we all would be protected? Yet what Senator INHOFE has done is to create an obstacle for those who are trying to achieve public safety and public health.

Why do we need to do this? Why do we need to change the laws of America? I don't think we do. I think instead we have an option which is much better.

Mr. INHOFE. Mr. President, would the Senator yield?

Mr. DURBIN. I would like to yield on your time if you have a question.

Mr. INHOFE. I don't have time. We were very generous in giving you time, I would remind you.

Mr. DURBIN. Mr. President, I will yield for a colloquy for 1 minute, and then I see that the minority leader is here.

Mr. INHOFE. Mr. President, where in this bill does it say you can't put those signs up, or where does it say in this bill that my speech that I made in Spanish would not be able to be included in the CONGRESSIONAL RECORD?

Mr. DURBIN. Mr. President, I am glad the Senator asked that question because that is exactly the point of what I am saying. It is because of your language in the amendment that states, "Unless authorized or provided by law," bilingual printing cannot be done, and it would be illegal.

We have done some quick research but there is no statute we have found which says that when Members give speeches on the floor in foreign languages, the government shall print that speech in the foreign language in the CONGRESSIONAL RECORD. It isn't there. There is no authorization in law for the printing of your remarks in Spanish. And you tell us in the language of your amendment that if not authorized by law, it cannot be done; it is illegal.

The point I am making is that the Senator started with a very positive and important premise, that English is our common and unifying language and that it should be preserved and enhanced by our Government. But the amendment then went too far. I think I know why. I believe what he is really aiming for is an Executive Order by President Clinton. Some on his side want to get rid of that. They don't like that Executive Order because that Executive Order, which is now being followed by our Government as law, says that when it comes to basic Federal services, we will help people who have limited proficiency in English understand their rights and understand their responsibilities. I think that is reasonable. I believe perhaps the Senator from Oklahoma sees it the other way.

I see my leader is here on the floor.

Mr. INHOFE. If the gentleman will yield, colloquy goes two ways. Let me just respond.

Mr. DURBIN. I am sorry, I say to the Senator from Oklahoma, but it is my time. I will conclude by saying that in this situation, I urge my colleagues to take a close look at these amendments. I hope they will consider that the Salazar amendment is really the more positive statement that protects the rights of all Americans. It respects our cultures, but it also makes it clear that we have one common and unifying language in this country, and that is English.

Mr. INHOFE. Mr. President, just one comment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. First of all, I request that the minority leader not use leadership time since he now has 45 more minutes than we have, but that is just a request.

I would say this: We have a very short period of time to wind up. I would have to say that all of these ridiculous examples, such as the one the Senator from Illinois just came up with and the flag examples, have nothing to do with this amendment. It might be some other amendment that was referred to. This merely recognizes and declares English to be our national language. We have exceptions for anything that is in there in law or would refer to anything else that is accepted.

Mr. President, I would like to ask, how much time do we have remaining?

The PRESIDING OFFICER. There is 8 minutes 9 seconds remaining.

The Democratic leader is recognized.

Mr. REID. Mr. President, English is today, as I speak, the language of America. In spite of the fact that in Nevada, we have the beautiful Sierra Nevada mountains; in Las Vegas, the meadows. In one of our counties, White Pine County, 200 miles from Las Vegas, Ely, a longtime mining community, I can remember going there to the Slav festival and being taken to the graveyard because in the days of early Kennecott, they had a section in that graveyard for Greeks, for Slavs, for Italians.

Today, as I speak, the language of America is English. Things have changed around the world. If a person wanted to join the Foreign Service, whether they were in England, the United States, or any country in South America, to be in the diplomatic corps of their country, they had to learn French. That was the language of diplomacy. Not anymore. It is English. The language used in diplomatic relations around the world is English.

If I am a pilot and I am flying into National Airport, the air traffic controller is speaking English. If I am a pilot and am flying into Lima, Peru, the air traffic controller speaks English. If I am a pilot flying into Moscow, the air traffic controller in Moscow speaks English. The language of flying is English. It applies to every country in the world where they have an airport and they have air traffic controllers. English is the language, and my distinguished friend, the Senator from Oklahoma, knows that. He himself has flown around the world as a pilot.

I have affection for my friend from Oklahoma, but I have the greatest disagreement with him on this amendment. While the intent may not be there, I really believe this amendment is racist. I think it is directed basically to people who speak Spanish.

I have three sons who speak Spanish—fluent Spanish. One of them lived in Argentina for a couple of years, one lived in Ecuador, one lived in Spain. They speak fluent Spanish. I am very proud of these young men. They have acted as interpreters for me when I do radio programs that are in Spanish. I can remember once being so frustrated. I was a guest in a hotel. I had locked myself out of my room. There was a lady pushing the cart, and I told her I would like to get back in my room. She did not know what I was saying. She could not converse with me in Spanish. So as luck would have it, here comes one of my sons. The minute he spoke to her in Spanish, her whole demeanor changed. She became a different person because, through my son, we could communicate.

I have a young man who works for me, an American citizen, of course, Frederico. Frederico comes from Puerto Rico. We were talking today after this amendment had been laid down, and Frederico said it wasn't long ago—and these were his words—that a cleaning lady, a janitor, was buying a home here in Washington, DC. She had been an American citizen for 10 years, doing her best to become part of society. She was very concerned, though. She was buying a home. Maybe by some standards the home wasn't much, but to her, it was her first home. She was so frightened. She had papers; she couldn't understand them. She asked Frederico if he would help her, and he did that. She was able to buy the home.

He also told me that he became ill—very sick. He didn't know what was wrong with him. He speaks Spanish, and I don't think I would embarrass

Frederico in saying that even today—he is well educated, a longtime citizen—he still speaks with an accent, a Hispanic accent, for want of a better description. He speaks good English with a slight accent. He was so sick. He didn't know what was wrong with him, and he was afraid, when he went to the hospital, the emergency room, he was afraid that he couldn't communicate to the health care workers what was wrong with him, and he asked: Is there anybody here who speaks Spanish? And there was—one of the nurses—and he was able to communicate. He felt better and the emergency room personnel felt better because he could explain to them what was wrong.

I believe this amendment cuts the heart out of public health and public safety. I gave you the example of the emergency room. I don't know all of the reasons that the Executive order was issued by the President. I think one reason is because of public health. It is so important for us, English speakers only, that when someone goes to get help and they are sick, that they are able to tell the health care personnel everything they need to know because it is important to me if, for example, it is a communicable disease.

So I believe we have to understand that this amendment would hurt public health badly. We need people to be able to take their children, when they are sick, to a facility, whether it is for mumps that is going around now or whether, Heaven forbid, it is avian flu at some later time.

I have served in the Congress of the United States with JIM INHOFE for many years, and we disagree on issues on occasion. But even though I believe this amendment is unfair, I don't in any way suggest that JIM INHOFE is a racist. I don't believe that at all. I just believe that this amendment has, with some people, that connotation—not that he is a racist but that the amendment is. So I want to make sure the record is spread with the fact that I have only the strongest, as I indicated early on, affection for JIM INHOFE, the senior Senator from Oklahoma.

Public safety. Mr. President, one of the earmarks I got a number of years ago in our appropriations bill was for the Las Vegas Metropolitan Police Department because they needed police officers who were fluent in Spanish. Why? Because we have a large influx of Spanish speakers coming to southern Nevada, and the sheriff of Clark County believed he could do a better job with law enforcement if he had people who could communicate. And that is true. That worked out very well. I believe funding for police could be affected by this amendment if it passes.

Domestic violence is a perfect example. There is a lot of domestic violence, and we need people who can speak the language that people understand.

Reporting crimes—it is so important that law enforcement has the ability to understand when people report crimes. In Nevada, 6 percent of the population is Asian American. We have now in Las Vegas a very large, burgeoning Chinese-American community. One of my former employees went from here to the district attorney's office and is now working for a private individual and/or company, building a big hotel in what we call Las Vegas Chinatown.

I have been there. A lot of people there are not real good at speaking English. We have to do everything we can, whether people speak Chinese or whether they speak Spanish, to have them assimilated into our society. It is good for all of us. One of my concerns is that this will turn us back in the wrong direction.

I have said before, my wife is Jewish. Her father was born in Russia. He learned to speak English as a little boy. He spoke good English. His parents didn't. We know what happened in years past. I have heard Senator LEAHY, the ranking member of the Judiciary Committee, state on many occasions that there were signs in his State of Vermont: No Catholics or Italians need apply for jobs. We know that applied to people who emigrated from Germany.

I think this turns us in the wrong direction. I think we should make sure that people who are 911 operators can immediately switch to somebody who can speak Spanish. I think what I did, to get a little extra money there for the metropolitan police department so we could have people who were fluent in Spanish, I think that is the right way to go. I am not too sure this amendment wouldn't stop that, or certainly slow it down.

Today, as I speak, the language of America is English. We want people to integrate, to learn English, but they need tools to do this no matter what their native language. This amendment takes some of those tools away, and we need all of those tools.

The fastest growing component of adult education in America today is English as a second language. This will slow that down. This amendment impacts English speakers, reporting of crimes, reporting of diseases, involvement in commerce. Next, is it going to impact upon the right to vote?

This amendment is divisive. We should be here to unify our country, not divide it by ethnicity or language differences. I rise in strong opposition to this amendment. Everyone who speaks with an accent knows that they need to learn English as fast as they can. Success in America means the ability to speak English. That is the way it is now. We don't need this amendment. Speaking English is critical to the functioning of anyone in our country. It is the language of our Government, of our Nation, and as I have indicated before, air traffic controllers and diplomacy. This amendment, I believe, is unconstitutional. It raises serious concerns that American citizens could lose some of their rights.

This amendment directly conflicts with several provisions of Federal law, I believe, that guarantee the right of non-English-speaking students to learn English in our public schools. Does this amendment apply to a Presidential order, an Executive order? Does it apply to a city ordinance? A county ordinance? A State statute? What does it apply to? Federal law.

This amendment conflicts with provisions of Federal law that require language materials or assistance to be provided to voters in some areas of non-English languages, where there is evidence of educational discrimination resulting in high illiteracy and low registration turnout.

One of the problems we are having all over America is children dropping out of school. This amendment will not help that. Do we benefit by children dropping out of school? Of course not. Don't we want high voter turnout? Don't we want people to vote? This is going to slow that down, people asking to register to vote.

There has been substantial evidence of harassment, intimidation, even violence against language minority voters. This provision makes a blatant violation of the 14th and 15th amendments and criminal provisions of the Voting Rights Act more likely to occur. Look at history. In Nevada, Chinese who came over to build the railroads, the transcontinental railroad, were treated like animals. There were laws passed, State laws, county ordinances, local ordinances promulgated against the Chinese. Those laws which were discriminatory did not help our country. They hurt our country. This amendment is not going to help our country, it is going to hurt our country.

By the very terms of this amendment, persons accused of crimes would be denied the ability, I believe, to receive information material in their native language to assist in their own defense. This clearly violates the due process clause of the fifth amendment of our Constitution.

I have talked about public health. This amendment will stand in the way of efforts made to facilitate the transmission of vital information necessary for the receipt of health care and public safety, including informed consent by non-English-speaking patients.

Doctors need this. Health care workers need this. This undermines our Nation's public health and safety.

The foregoing things I have talked about are not exclusive. There are many more areas, public service and public safety, that will be negatively impacted by this amendment, hurting all Americans in the process. I hope we all support civic integration, but this amendment is not the way to do it.

Why don't we spend more money so we can educate more people who want to learn English? We are short of money. We have programs that are cut every day. That is the way it is in Nevada and around the country. That is where we should be directing our efforts. That brings people together. That is good for all of us. This does not bring people together. It makes it far more likely that we will end up with civic exclusion, including the denial of rights they should have to millions of U.S. citizens.

I hope we reject this amendment. It is bad policy. It is un-American. It turns back the clock on the substantial gains that language minority citizens have made. I hope that there will be a resounding vote against this.

I have no problem going home today and telling the people of the State of Nevada: English is the language of America. We are not going to change that with this amendment. This is divisive, it is mean spirited. I think it is the wrong way to go.

Mr. President, I also want to express my appreciation to the manager of the bill and Senator INHOFE for giving me extra time. We had not enough time over here, and it was gracious of him to allow us the extra time.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. SALAZAR. Mr. President may I inquire as to how much time is left?

The PRESIDING OFFICER. There remains 12 minutes 45 seconds.

Mr. SALAZAR. How much is left on the other side?

The PRESIDING OFFICER. They have 8 minutes 7 seconds.

Mr. SALAZAR. Mr. President, I thank Senator REID and state his eloquence today, in terms of pointing out issues and concerns with respect to the Inhofe amendment, is very much appreciated.

I want to reiterate to my colleagues on the floor of the Senate today that I am asking for your support for an amendment that will unify America, that will say that English is in fact the language of the land and that we will work to make sure English is the common language of America. I am also here to ask my colleagues to vote against the amendment of Senator INHOFE because I am concerned about the unintended consequences that will flow from the proposal which Senator INHOFE has offered.

Let me say there can be no doubt at all that English is, in fact, the unifying language of America. In my own State of Colorado, as I look at some of the statistics on the number of people who are waiting in long lines to learn English, it is an incredibly long line. In the five-county Denver-Metro area, adult ESL programs working with the Department of Education have 5,000 people enrolled in those programs. They have a waiting list that is up to 2 months, because there are so many people in the Denver metropolitan area who want to learn English.

This debate is not about the endangerment of English in America today. People in America understand that we conduct our business in English, that we are conducting our business in the Senate today in English. The people of America understand that the keystone to opportunity is learning the English language, and you need not look any further than the number of people who are enrolled in educational classes, trying to learn English to know they understand that very fact.

The concern with the amendment of Senator INHOFE is that you are going to have unintended consequences that will flow from the language of the amendment. Many of my colleagues have spoken about those unintended consequences. I want to focus on one particular aspect of that which I find to be very un-American and that is the fact that when you allow for discrimination to occur on the basis of national origin, on the basis of race, on the basis of gender, on the basis of language, that we are taking a step backward in the progress that America has made. None of us wants to revisit what has happened in the history of America as we have moved forward as a nation to become a much more inclusive nation and a nation that celebrates the diversity that makes us a strong nation. None of us wants to revisit the latter half of the last century, when segregation was sanctioned under the law until 1954, and until the Civil Rights Act. None of us want to move back into those dark days of American history.

Yet the fact remains today we still have some of that discrimination that exists in our society. We have example after example, personal examples we can cite about people who have been the victims of language discrimination. When we elevate one language, in the manner that Senator INHOFE has attempted to do in his amendment, above every other language, what will happen as an unintended consequence of his amendment is that you will usher in, in my judgment, a new era of language discrimination in America. I do not believe that ushering in a new era of language discrimination in America is something that will be helpful to us as we struggle in this 21st century to make sure that we maintain the strongest America, the strongest Nation possible in our world.

I ask people, those of you who are concerned about language discrimination in America, to vote against the amendment of Senator INHOFE on that point.

Let me conclude by saying that the amendment we have proposed today talks about the importance of English and the importance of unifying America through the English language. I believe we can work together. I believe that will require the immigrants to whom we are trying to address the immigration reform package to learn English. It is important that they learn English.

As I conclude my portion of this discussion, I think back to a mother and a father who in the 1940s were part of that greatest of generations fighting for the freedom of America—a father in World War II as a soldier, and a mother at the age of 20 speaking Spanish but coming to Washington to work in the Pentagon. They were victims of language discrimination. That generation was a victim of language discrimination. They would have had maybe the same opportunities I have had if they had been part of an America that fully understood they would be treated the same as those who speak languages other than English. But I do not want us to go back in the history of our country to a place where we are darkened again by that discrimination which existed in the 1940s or the 1950s.

My fear is that the amendment that my good friend from Oklahoma is offering today will open the door once again to that history of discrimination, which I find very pernicious.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. ALEXANDER. I thank the Senator. I thank the Presiding Officer.

Mr. President, I have been listening to the Democratic leader and colleagues struggle to come up with some reason we shouldn't declare that English is our national language. They are having a very difficult time doing that. In fact, what they have been doing is arguing all sorts of unusual ways against an amendment that no one has proposed.

Let me say what Senator INHOFE's amendment does. It declares English as the national language of the United States. We are free to say whatever we want, speak whatever we want, but it is our national language. Specifically, the Inhofe amendment says it doesn't prevent those receiving Government services in another language from doing so, whether authorized by law or by Executive order or by regulation. That is No. 1. The Salazar amendment, in contrast, does not say English is our national language. That is the first point.

The second thing is the Inhofe amendment would say that those who are illegally here, who might become legal under this law and get on a path to citizenship, would have to actually learn English rather than just enroll in school. Anyone can sign up and not learn anything. Senator SALAZAR's amendment doesn't do that.

A third reason Senator INHOFE's amendment is better, in my opinion, is it has some excellent language that would improve the citizenship test that new citizens take, including the key ideas, key documents, and key events of our history that we all agree on, and which we voted unanimously on a couple of years ago in another piece of legislation.

If you believe English is our national language and don't want to interfere with any existing law or right, if you want new citizens who might be illegally here today to learn English as a part of that path to citizenship, and if you want a better American history test for new citizens, the Inhofe amendment is preferable.

I think a lot of this debate is about unity versus diversity. That is the struggle. It is a real struggle in this country.

Some on the other side of the aisle said this is unimportant. It might be to them, but it is not to me, nor is it to most Americans. I think it is at the center of this whole discussion about what we are doing with immigration. If the American people got any whiff that we thought having a national motto or a national anthem or a national pledge of allegiance or a national language was unimportant to us, I think they would throw us all out because most people know that our diversity is a magnificent strength—we are a land of immigrants—but our greater strength is that we have turned that all into one country.

Iraq is diverse, and Bosnia is diverse. Are they better places for that? They haven't been able to unite themselves into one country. How did we do that? Partly because of these unifying principles which we debate here with respect for one another, and through our national language.

No matter what they say, the opponents of this amendment are reluctant to say that English is our national language. If they were not, they would vote for the Inhofe amendment. First, it declares that if you have any rights now, you will still have them after the Inhofe amendment passes. It requires those who are here illegally but want to become citizens to learn English rather than just enroll in school. And it beefs up the U.S. history requirement in a way the Senate has previously approved.

The Democratic leader talked about how nice it would be for someone to call 9-1-1 and get a Spanish-speaking voice. It wouldn't have been so nice to the 200,000 new citizens from Asia who came in last year because they do not speak Spanish. That is why we have a common language.

My goal is that every child in America be bilingual or even multilingual. But one of those must be to learn English, and every child should learn it as soon as possible. We have a common language because we are a land of immigrants. It is our national language.

A vote for the Inhofe amendment is a vote for our national language. It is a vote to leave everyone's rights to receive services in other languages exactly where they are today. It is a vote to say that those who might be here illegally today but who seek to become citizens must learn English, and it is a vote to beef up our U.S. history tests which are required of those coming into this country and applying for citizenship.

For generations, we have helped people in this country learn English. We do so even further in the underlying bill with new $500 grants. It should be a simple statement to say that English is our national language, that we have a national motto, a national pledge, a national oath.

Then why struggle to come up with reasons not to make English our national language?

I yield the floor.

Mr. INHOFE. Mr. President, I think it is very obvious what is going on here. It has been 23 years since we have had a chance to vote on it. It probably will be the last time most Members—maybe all of the Members in this Chamber—will have a chance to vote to make English the national language.

Those who are offering this amendment today don't want English to be the national language. They use the word "common," the common language.

Those opposing this amendment want an entitlement to have the Federal Government provide for language, services, and materials. They can do it now. If you pass this bill, they can still do it. It is just not mandatory. It is not something that can't be done; it doesn't have to be done. They say that national origin equates to language. Their claims are consistently refuted by the Federal Government, the most recent one being in 2001, the Sandoval case.

The opponents of this don't want people learning English but instead being served in foreign languages.

I think it is interesting that the word "racist" was used. I just wish the people here knew what has happened in the past and what I have been involved in in my State of Oklahoma. This is not the time to repeat what I said earlier. But the bottom line is I received the highest award given by the Hispanic community in the city of Tulsa. I started the first Hispanic community commission, and it is now a model for the Nation.

Mr. LEAHY. Mr. President, I thank the Senator from Colorado for his amendment. He is a Senator who continues to demonstrate his interest and ability in bringing us together rather than seeking to drive wedges between us. We can all agree that English should be the common language of the United States. His is a good suggestion for an alternative that I will support. In many local communities and States, it may well be useful and helpful for the Government to reach out to language minorities. Greater participation and information are good things. We should not be mandating artificial and shortsighted restrictions on State and local government.

I have spoken in the course of this debate about my belief that immigrants should learn the English language. In my experience, most new Americans want to learn our language and make efforts to do so as quickly as possible. The bill that we are debating calls for immigrants to learn English as one the several steps they must take before they can earn citizenship.

I certainly understand why the Mexican American Legal Defense and Education Fund, the Asian American Justice Center, the Lawyer's Committee for Civil Rights, the National Council of La Raza, the National Association of Latino Elected and Appointed Officials Educational Fund and others have been concerned about the Inhofe amendment. I share their concerns. I strongly support the efforts of the Senator from Colorado to find a common ground to unite us rather than divide us and strongly support his alternative amendment.

Ms. MIKULSKI. Mr. President, I rise today in support of Senator SALAZAR's amendment. English is one of the common bonds that bring Americans together. Just as a new immigrant must learn the monetary currency of a country, new immigrants must learn the social currency the English language. Immigrants need to learn English so they can be successful and contribute to their new country. That is why current law already states that anyone becoming a U.S. citizen is required to learn English.

Yet as immigrants are learning English, we need to be able to provide them with critical information in a language they can understand. What if there was an avian flu outbreak? What if there was another terrorist attack? Or a hurricane? Our first priority is to make sure they are safe in any language.

English can bring us together it shouldn't pull us apart. We must remember that our country was founded by immigrants from around the world. Their contributions to this Nation have made it great. My own great-grandparents were immigrants from Poland. Their desire to seek a better life for them and their children is the part of the American dream.

It is ridiculous. I don't think people are going to buy into it.

I agree with my friend from Tennessee. If they are looking, searching for things to object to, they are not going to find it in this bill.

The racist thing, it is interesting. If you will look at polling data in 2002, the Kaiser Family Foundation poll says 91 percent of foreign-born Latino immigrants agree that learning English is essential to succeed in the United States.

Just 2 months ago, the Zogby poll found that 84 percent of Americans, including—this is significant—77 percent of Hispanics, believe that English should be the national language. That is only 2 months ago—77 percent of the Hispanics.

I think it is an insult to the Spanish to say we are not going to have English as a national language because they are not capable of operating and succeeding in a country like this. They are dead wrong.

In terms of people criticizing us for wanting to make this the national language, 51 countries have done it. Isn't that interesting? Fifty-one countries have made English their national language, except for us. Twenty-seven States out of fifty States already have it on a State basis.

When you go to your townhall meetings, it is not even a close call. This comes up every time I go to a townhall meeting in Oklahoma: Why don't we have English as a national language? Now I hope they understand why, if they have seen this debate today, and the dialogue that is going on, pulling out of the air very eloquent statements that might be referring to some bill someone may want to introduce someday, or some amendment. It is certainly not this amendment.

I look at this and wonder, and I shake my head. What have you been reading? It has nothing to do with this. Our amendment does not prohibit using language other than services, or any other Government services in languages other than English. It doesn't prohibit it at all; it allows it. It doesn't prescribe and say you have to do it. There is no prohibition of giving Medicare services or any other Government services in a language other than English. This amendment simply says there is no right unless Congress has explicitly provided that right.

If you read page 2 of the bill, it very specifically says "unless otherwise authorized or provided by law." That is the exception. In every one of these examples that have come up—from the Senator from California, the Senator from New Mexico, the Senator from Illinois, they fall into that category.

This is going to answer the question for a lot of people out there saying: Why can't we have this as our national language?

It has been 23 years since we had our last vote. You can't have it both ways. I wouldn't want anyone here to be under the misconception that they could vote for my amendment and then turn around and vote for the Salazar amendment because that would completely negate our amendment.

This is your last chance to vote to make English the national language. When we listen to the National Anthem: O, say can you see, by the dawn's early light . . . bombs bursting in air . . . gave proof through the night that the flag was still there . . . the land of the free, and the home of the brave—that is not an official anthem, that is not a common anthem, that is the national anthem.

This is our last chance to have English as the national language for America.

Mr. KENNEDY. Mr. President, I will take 1 minute.

Patriotism doesn't belong to a political party or any individual. The Salazar language is very clear. English is the common unifying language of the United States. It helps provide unity for the American people, preserving and enhancing the role of the English language. It couldn't be clearer.

Let us not distort and misrepresent the amendment that is before us.

I ask unanimous consent that it be in order to ask for the yeas and nays on the Salazar amendment and the Inhofe amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask for the yeas and nays on the Inhofe amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—63

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Burns
Burr
Byrd
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—34

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Clinton
Dayton
Dodd
Domenici
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Menendez
Mikulski
Murray
Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Bunning
Martinez
Rockefeller

The amendment (No. 4064), as further modified, was agreed to.

Mr. KENNEDY. Mr. President, what is now before the Senate?

The PRESIDING OFFICER (Mr. CORNYN). The question is on agreeing to amendment No. 4073, offered by the Senator from Colorado, Mr. SALAZAR.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay" and the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Voinovich
Warner
Wyden

NAYS—39

Alexander
Allard
Allen
Bennett
Bond
Burns
Burr
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson

Kyl
Lott
Lugar
McConnell
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—3

Bunning
Martinez
Rockefeller

The amendment (No. 4073), as modified, was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, we are now ready to proceed with an amendment by Senator CLINTON and a side-by-side by Senator CORNYN, with a half hour equally divided. At the conclusion of those 2 votes, we will discuss the business for the remainder of the evening.

Mr. KENNEDY. Mr. President, we intend to support that as soon as we get a chance to see the Cornyn amendment. May we see that before the Senator makes that request? Is that possible?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, while they are looking at that amendment, the plans will be that in about 30 to 45 minutes we will have 2 rollcall votes, and then we will keep amendments going, and we will be voting tonight. We will do at least several other amendments. I will let the chairman speak to that. We plan on having two votes tomorrow morning. We don't know exactly what time. I expect us to be able to debate those. I ask that whatever amendments they be, we debate them tonight so we can vote as early as possible tomorrow morning.

Mr. SPECTER. Mr. President, I think we are now prepared to go to Senator CLINTON and then Senator CORNYN, with 30 minutes equally divided.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from New York is recognized.

AMENDMENT NO. 4072

Mrs. CLINTON. Mr. President, I call up amendment No. 4072, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON], for herself, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, and Mr. SCHUMER, proposes an amendment numbered 4072.

Mrs. CLINTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a grant program to provide financial assistance to States and local governments for the costs of providing health care and educational services to noncitizens, and to provide additional funding for the State Criminal Alien Assistance Program)

On page 259, line 23, strike "section 286(c)" and insert "section 286(x)".

On page 264, strike line 13, and insert the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) ESTABLISHMENT.—There

On page 264, strike line 20, and insert the following:

"218A and 218B.

"(2) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM ACCOUNT; STATE HEALTH AND EDUCATION ASSISTANCE ACCOUNT.—

"(A) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM ACCOUNT.—

"(i) ESTABLISHMENT.—There is established within the State Impact Aid Account a State Criminal Alien Assistance Program Account.

"(ii) DEPOSITS.—Notwithstanding any other provision under this Act, there shall be deposited in the State Criminal Alien Assistance Program Account 25 percent of all amounts deposited in the State Impact Aid Account, which shall be available to the Attorney General to disburse in accordance with section 241(i).

"(B) STATE HEALTH AND EDUCATION ASSISTANCE ACCOUNT.—

"(i) ESTABLISHMENT.—There is established within the State Impact Assistance Account a State Health and Education Assistance Account.

"(ii) DEPOSITS.—Notwithstanding any other provision under this Act, there shall be deposited in the State Health and Education Assistance Account 75 percent of all amounts deposited in the State Impact Aid Account.

"(3) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

"(A) ESTABLISHMENT.—Not later than January 1 of each year beginning after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security, in cooperation with the Secretary of Health and Human Services (referred to in this paragraph as the 'Secretary'), shall establish a State Impact Assistance Grant Program, under which the Secretary shall award grants to States for use in accordance with subparagraph (D).

"(B) AVAILABLE FUNDS.—For each fiscal year beginning after the date of enactment of this subsection, the Secretary shall use ½ of the amounts deposited into the State Health and Education Assistance Account under paragraph 2(B)(ii) during the preceding year .

"(C) ALLOCATION.—The Secretary shall allocate grants under this paragraph as follows:

"(i) NONCITIZEN POPULATION.—

"(I) IN GENERAL.—Subject to subclause (II), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

"(aa) the noncitizen population of the State; bears to

"(bb) the noncitizen population of all States.

"(II) MINIMUM AMOUNT.—Notwithstanding the formula under subclause (I), no State shall receive less than $5,000,000 under this clause.

"(ii) HIGH GROWTH RATES.—Twenty percent shall be allocated on a pro-rata basis among the 20 States with the largest growth rate in noncitizen population, as determined by the Secretary, according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

"(I) the growth rate in the noncitizen population of the State during the most recent 3-year period for which data is available; bears to

"(II) the combined growth rate in noncitizen population of the 20 States during the 3-year period described in subclause (I).

"(iii) FUNDING FOR LOCAL ENTITIES.—The Secretary shall require recipients of the State Impact Assistance Grants to provide units of local governments with not less than 70 percent of the grant funds not later than 180 days after the State receives grant funding. States shall distribute funds to units of local government based on demonstrated need and function.

"(D) USE OF FUNDS.—A State shall use a grant received under this paragraph to return funds to State and local governments, organizations, and entities for the costs of providing health services and educational services to noncitizens.

"(E) ADMINISTRATION.—A unit of local government, organization, or entity may provide services described in subparagraph (D) directly or pursuant to contracts with the State or another entity, including—

"(i) a unit of local government;

"(ii) a public health provider, such as a hospital, community health center, or other appropriate entity;

"(iii) a local education agency; and

"(iv) a charitable organization.

"(F) REFUSAL.—

"(i) IN GENERAL.—A State may elect to refuse any grant under this paragraph.

"(ii) ACTION BY SECRETARY.—On receipt of notice of a State of an election under clause (i), the Secretary shall deposit the amount of the grant that would have been provided to the State into the State Impact Assistance Account.

"(G) REPORTS.—

"(i) IN GENERAL.—Not later than March 1 of each year, each State that received a grant under this paragraph during the preceding fiscal year shall submit to the Secretary a report in such manner and containing such information as the Secretary may require, in accordance with clause (ii).

"(ii) CONTENTS.—A report under clause (i) shall include a description of—

"(I) the services provided in the State using the grant;

"(II) the amount of grant funds used to provide each service and the total amount available during the applicable fiscal year from all sources to provide each service; and

"(III) the method by which the services provided using the grant addressed the needs of communities with significant and growing noncitizen populations in the State.

"(H) COLLABORATION.—In promulgating regulations and issuing guidelines to carry out this paragraph, the Secretary shall collaborate with representatives of State and local governments.

"(I) STATE APPROPRIATIONS.—Funds received by a State under this paragraph shall be subject to appropriation by the legislature of the State, in accordance with the terms and conditions described in this paragraph.

"(J) EXEMPTION.—Notwithstanding any other provision of law, section 6503(a) of title 31, United States Code, shall not apply to funds transferred to States under this paragraph.

"(K) DEFINITION OF STATE.—In this paragraph, the term 'State' means each of—

"(i) the several States of the United States;

"(ii) the District of Columbia;

"(iii) the Commonwealth of Puerto Rico;

"(iv) the Virgin Islands;

"(v) American Samoa; and

"(vi) the Commonwealth of the Northern Mariana Islands.".

On page 371, line 4, strike "(B) 10 percent" and insert the following:

"(B) 10 percent of such funds shall be deposited in the State Impact Aid Account in the Treasury in accordance with section 286(x);

"(C) 5 percent

On page 371, line 8, strike "(C) 10 percent" and insert "(D) 5 percent".

Mrs. CLINTON. Mr. President, I ask unanimous consent that Senators SALAZAR and SCHUMER be added, along with Senators OBAMA and BOXER, as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, as has become abundantly clear from the debate on the floor, immigration is a Federal responsibility. As this debate has shown, for too long the Federal Government has neglected its duty.

My amendment addresses one of the clearest examples of this neglect because our failed national immigration policy has left our State and local governments to bear the brunt of the cost of immigration. Our schools, our hospitals, our other State and local services are being strained.

Obviously, this is a problem in many communities and not just in border communities. Throughout our country and in my State, there are counties and municipalities that are covering the costs of dealing with education, health care, and law enforcement without adequate or any Federal reimbursement. So we have left our local and State governments to fend for themselves. They should not be left to bear these costs alone because it is not they who are making Federal immigration policy.

This amendment does several things. It helps finally provide adequate support for State and local governments. How? Well, it not only appropriates the State Criminal Alien Assistance Program funding to our States, but it establishes a program that provides financial assistance to State and local governments for the cost of health and educational services related to immigration.

Money is allocated to our States in accordance with a funding formula based on the size and recent growth of the State's noncitizen population. The State must then pass the funds on to local governments and other entities that need the money for reimbursement. Here is how this program would be funded, because the amendment does not appropriate any new funds or impose any new fees on immigrants. Funding is drawn solely from existing fees already in the underlying bill.

The underlying bill creates a State impact assistance account at the Treasury, but it does not direct any money into that account. It is an empty account with no State purpose. My amendment would direct certain fees that already exist in the underlying bill into the account and then provide for the disbursement of the collected funds to State and local government.

To which fees are we referring? Well, there is a $500 fee for immigrants who participate in the guest worker program. Right now, that fee is not marked for any purpose, and the funds simply go to the Treasury. My amendment directs this $500 fee into the State impact assistance account. Additionally, the underlying bill imposes a $2,000 fee for the undocumented immigrants to participate in the path to legalization program spelled out in title VI of the bill, plus imposes an additional fine that is left to the Department of Homeland Security to determine later. Eighty percent of these funds go to border security; 20 percent go to processing and administrative costs related to the undocumented.

My amendment does not touch the 80 percent going to border security. Instead, it takes half of the processing fees—in other words, 10 percent of the $2,000 fee and the yet-to-be, unspecified fine by DHS—and redirects that money away from Federal Government administration to this fund which will help State and local governments get reimbursed.

This still leaves about $1 billion for processing and administrative costs at the Federal level. What happens with this money? Pursuant to my amendment, 25 percent goes to the State Criminal Alien Assistance Program, known as SCAAP, to pay for the cost of detention which our State and local governments incur.

Each year, the SCAAP program is underfunded. A 2005 GAO study documents that State and local governments get only 25 percent of their costs reimbursed through this program. A report indicates that my State of New York received even less—21 percent of their costs were compensated in 2002 and 24 percent in 2003. The remaining 75 percent of the money collected from the fees deposited in the State Impact Assistance Account would go to States and localities to pay for the cost of providing health and education services to noncitizens. This money is allocated among the States in accordance with a funding formula based on the size and recent growth of the States' noncitizen population.

Now, to ensure that the funds actually get to the counties and cities and don't sit in State governments, my amendment also requires that at least 70 percent of those funds be passed on to localities within 180 days of the States receiving the money. States can retain the remaining 30 percent to help offset their own costs related to immigration.

I think this amendment helps us fix a problem I care a lot about as I travel around my State. Our local communities have a tradition in New York of being very welcoming. We are a State that is not only built on immigrants but very proud of that, as the Statue of Liberty in New York Harbor so eloquently says. But the costs of immigration have steadily increased, and the Federal Government's neglect has strained local and State government budgets. I think if we pass any kind of immigration reform and we don't take into account the strains on the budget on State and local governments, we will not have done our job.

This amendment also helps State and local governments not only recoup some of their expenditures, but it underlines a message to communities that they are working together, they welcome people who work hard and who make a contribution and will be on the path to earned legalization.

So I hope this amendment will be supported. It has support from the National Immigration Law Center, the National League of Cities, the National Association of Counties, and the National Conference of State Legislatures.

I think our laws can be both fair and strict. I think we can have laws which don't shut the doors of America to people who want to make a contribution and at the same time don't really provide disincentives to communities to be part of that welcoming tradition. Balancing all of the interests in this debate is not easy, but I appreciate the efforts that are being made on this floor to wrestle with this difficult problem. I hope we will also send a message to local communities that we are here to help them because they don't set immigration policy, they don't enforce immigration laws, but they are often left holding the bag for the costs that flow because we haven't done our job.

So I hope that this amendment finds favor in this body and we send a message to our local executives and legislatures around our country that we are going to send them some help to be part of a comprehensive immigration solution.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I congratulate the Senator from New York on her amendment. One of the greatest scams the Federal Government has ever imposed upon taxpayers across the country is unfunded Federal mandates, and education costs and health care costs imposed by the Federal Government on local taxpayers without reimbursement is not only unfair, it is a scandal.

The estimated annual costs to hospitals and other emergency providers of health care nationwide for undocumented immigrants or illegal aliens, which is mandated but not reimbursed by the Federal Emergency Medical Treatment and Labor Act, is $1.45 billion a year. According to congressionally commissioned research, the annual cost to just 24 border counties in my State and in New Mexico and California exceeds $200 million a year. Texans spend more than $4 billion annually on education for the children of illegal immigrants and their U.S.-born siblings. About 12 percent of Texas schoolchildren in K through 12 are children of undocumented immigrants. Texas health care expenditures for illegal aliens are more than $520 million a year.

All States—New York, Texas, and all 48 other States—bear the burden of unfunded mandates providing for the health and education of undocumented aliens because we have failed to enforce our immigration laws. Again, the Federal Government is twice culpable. No. 1, it imposes these costs on local taxpayers and local government; and No. 2, the very reason why they are incurred is because of the Federal Government's failure to secure our borders and enforce our immigration laws.

The Federal Government requires, under the IMTALA act, that hospitals treat every person, irrespective of their immigration status. But then Congress fails to secure the border and our local hospitals have become overrun. So while the Government requires hospitals to treat everyone, the Government then fails in its own responsibility to secure the borders or reimburse those health care providers for carrying out their federally mandated obligations.

The bill before the Senate fails to reimburse States for the costly burden placed upon their health care system and education system by undocumented immigrants. For example, recent reports are that 70 percent of the children born at Parkland Hospital in Dallas, TX, are born to undocumented immigrants.

What will my amendment do? The current Senate bill does not reimburse State and local governments for health care and education costs related to the millions of undocumented immigrants. While the underlying bill creates a State impact assistance account for future temporary workers, it is an unfunded account. The Cornyn amendment would impose a surcharge on any illegal alien who applies for legal status under this bill.

AMENDMENT NO. 4038

Mr. President, at this time I ask unanimous consent to set aside the current amendment and to call up amendment No. 4038 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4038.

Mr. CORNYN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require aliens seeking adjustment of status under section 245B of the Immigration and Nationality Act or Deferred Mandatory Departure status under section 245C of such Act to pay a supplemental application fee, which shall be used to provide financial assistance to States for health and educational services for noncitizens)

On page 264, strike lines 13 through 20.

On page 370, line 21, strike "this subsection" and insert "paragraphs (2) and (3)".

On page 371, between lines 14 and 15, insert the following:

"(5) STATE IMPACT ASSISTANCE FEE.—

"(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to—

"(i) $750 for the principal alien; and

"(ii) $100 for the spouse and each child described in subsection (a)(2).

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

On page 389, between lines 6 and 7, insert the following:

"(3) STATE IMPACT ASSISTANCE FEE.—

"(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, an alien seeking Deferred Mandatory Departure status shall submit, at the time the alien files an application under this section, a State impact assistance fee equal to $750.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

On page 389, between lines 21 and 22, insert the following:

"(3) STATE IMPACT ASSISTANCE FEE.—

"(A) IN GENERAL.—In addition to any other amounts required to be paid under this subsection, the spouse and each child of an alien seeking Deferred Mandatory Departure status shall submit a State impact assistance fee equal to $100.

"(B) USE OF FEE.—The fees collected under subparagraph (A) shall be deposited in the State Impact Assistance Account established under section 286(x).

On page 395, after line 23, add the following:

(e) STATE IMPACT ASSISTANCE ACCOUNT.—Section 286 (8 U.S.C. 1356) is amended by inserting after subsection (w) the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'State Impact Assistance Account'.

"(2) SOURCE OF FUNDS.—Notwithstanding any other provision under this Act, there shall be deposited as offsetting receipts into the State Impact Assistance Account all State impact assistance fees collected under section 245B(m)(5) and subsections (j)(3) and (k)(3) of section 245C.

"(3) USE OF FUNDS.—Amounts deposited into the State Impact Assistance Account may only be used to carry out the State Impact Assistance Grant Program established under paragraph (4).

"(4) STATE IMPACT ASSISTANCE GRANT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Secretary of Education, shall establish the State Impact Assistance Grant Program (referred to in this section as the 'Program'), under which the Secretary may award grants to States to provide health and education services to noncitizens in accordance with this paragraph.

"(B) STATE ALLOCATIONS.—The Secretary of Health and Human Services shall annually allocate the amounts available in the State Impact Assistance Account among the States as follows:

"(i) NONCITIZEN POPULATION.—Eighty percent of such amounts shall be allocated so that each State receives the greater of—

"(I) $5,000,000; or

"(II) after adjusting for allocations under subclause (I), the percentage of the amount to be distributed under this clause that is equal to the noncitizen resident population of the State divided by the noncitizen resident population of all States, based on the most recent data available from the Bureau of the Census.

"(ii) HIGH GROWTH RATES.—Twenty percent of such amounts shall be allocated among the 20 States with the largest growth rates in noncitizen resident population, as determined by the Secretary of Health and Human Services, so that each such State receives the percentage of the amount distributed under this clause that is equal to—

"(I) the growth rate in the noncitizen resident population of the State during the most recent 3-year period for which data is available from the Bureau of the Census; divided by

"(II) the average growth rate in noncitizen resident population for the 20 States during such 3-year period.

"(iii) LEGISLATIVE APPROPRIATIONS.—The use of grant funds allocated to States under this paragraph shall be subject to appropriation by the legislature of each State in accordance with the terms and conditions under this paragraph.

"(C) FUNDING FOR LOCAL GOVERNMENT.—

"(i) DISTRIBUTION CRITERIA.—Grant funds received by States under this paragraph shall be distributed to units of local government based on need and function.

"(ii) MINIMUM DISTRIBUTION.—Except as provided in clause (iii), a State shall distribute not less than 30 percent of the grant funds received under this paragraph to units of local government not later than 180 days after receiving such funds.

"(iii) EXCEPTION.—If an eligible unit of local government that is available to carry out the activities described in subparagraph (D) cannot be found in a State, the State does not need to comply with clause (ii).

"(iv) UNEXPENDED FUNDS.—Any grant funds distributed by a State to a unit of local government that remain unexpended as of the end of the grant period shall revert to the State for redistribution to another unit of local government.

"(D) USE OF FUNDS.—States and units of local government shall use grant funds received under this paragraph to provide health services, educational services, and related services to noncitizens within their jurisdiction directly, or through contracts with eligible services providers, including—

"(i) health care providers;

"(ii) local educational agencies; and

"(iii) charitable and religious organizations.

"(E) STATE DEFINED.—In this paragraph, the term 'State' means each of the several

States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(F) CERTIFICATION.—In order to receive a payment under this section, the State shall provide the Secretary of Health and Human Services with a certification that the State's proposed uses of the fund are consistent with (D).

"(G) ANNUAL REPORT.—The Secretary of Health and Human Services shall inform the States annually of the amount of funds available to each State under the Program.".

Mr. CORNYN. The problem is this, Mr. President: Under the current bill, about 80 percent of the $2,000 paid by undocumented immigrants at the time they apply for a green card or legal permanent residency, 80 percent of that $2,000 fee goes for border security. Ten percent of it goes to administering the process provided for under the underlying bill and another 10 percent for other uncovered administrative costs. In other words, there is an 80–20 split of the $2,000 that are paid by undocumented immigrants at the time they regularize their status, in contrast with the Clinton amendment—the Senator from New York provides essentially an 80, 10, and 10 split, with 80 percent of the money going for border security, 10 percent going to a State impact fund, and 5 percent each for the administrative costs. In other words, rather than an 80–20 distribution, the Senator from New York sets aside 10 percent for the State impact fund, and then retains an additional 10 percent to pay for the administrative costs.

The difference between the Cornyn amendment and the Clinton amendment is this: The Clinton amendment takes money away from the program that administers this immigration reform bill in order to pay the State and local taxpayers under the impact fund.

I don't think most of our colleagues are familiar with this, but actually the $2,000 that is required to be paid under this bill is not paid at the time that illegal aliens get a H-2C card and remain in the country for approximately 6 years, pending their application for a green card or legal permanent residency. It is only at the time they apply for their green card or legal permanent residency that money is due. So for 6 years, they are able to stay in the country with an H-2C card without paying a penny, while continuing to impose financial burdens on local taxpayers for health and educational costs that are unreimbursed. Under my proposal, they will get money right away as the money and costs are being incurred and not some 6 to 8 years later.

Finally, under my proposed fee, which is a surcharge paid, $750, at the very time that a person enters in the system, not waiting 6 years when they apply for their green card. By paying $750 a person and an additional $100 for each family member, this will generate about $7.5 billion in money for this State Impact Fund as opposed to approximately $1.3 to $1.5 billion under the Clinton amendment.

Just by way of comparison, in 1986 when the U.S. Congress granted amnesty to 3 million undocumented immigrants, it set aside $4 billion in taxpayer money to help reimburse the States for these uncompensated costs. In other words, $4 billion for 3 million undocumented immigrants to regularize their status. Yet under this bill, if passed, the bill would regularize four times the number of people. Yet under the Clinton amendment it would only provide $1.3 to $1.5 billion for State impact funds. Under my proposal, which would impose a $750 surcharge at the very time an individual registers for the H-2C program, it would generate $7.5 billion, obviously necessary to pay for the unfunded mandates I mentioned a moment ago.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that we proceed to rollcall votes on the Clinton amendment at 6:20, to be followed by a rollcall vote on the Cornyn amendment, with the Cornyn amendment being a 10-minute vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. I was just going to speak for 5 minutes on the amendment that Senator CLINTON and I and others have introduced.

Mr. KENNEDY. Can I get 30 seconds at the very end?

Mr. SCHUMER. I would ask for 5 minutes. I ask unanimous consent I speak for 5 minutes, and Senator KENNEDY proceed for 1 minute immediately thereafter.

Mr. SPECTER. Reserving the right to object, how much time does Senator CORNYN have left?

The PRESIDING OFFICER. There is no division of time.

Mr. SCHUMER. I will take 3½ minutes. I don't mind.

Mr. CORNYN. I was under the impression there was 15 minutes allotted to Senator CLINTON and 15 minutes to me, a total of 30 minutes.

The PRESIDING OFFICER. That agreement was not entered.

Mr. SPECTER. We are talking about how much Senator CORNYN needs and how much Senator SCHUMER needs. We could delay the votes a bit. How much time does Senator CORNYN need?

Mr. CORNYN. I would be happy with 5 more minutes total.

Mr. SPECTER. I amend the unanimous consent request to give 5 more minutes to Senator CORNYN, 5 minutes to Senator SCHUMER, and that would bring us to 6:25, at which point I ask unanimous consent that we have rollcall votes on Senator CLINTON, then a rollcall vote on Senator CORNYN, with the second vote to be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise in support of the amendment sponsored by my colleague, Senator CLINTON, cosponsored by a number of us on this side. I commend her efforts to address a very important component of the immigration debate.

This amendment is going to provide some much needed and overdue relief to States and localities that have had to bear a disproportionate share of the burden when they have been host to a large number of undocumented immigrants. Too many of our State and local governments are overwhelmed and underfinanced. As the number of undocumented immigrants goes up in a community, so do the costs of services that the local governments provide to them—including increased costs for law enforcement, health care, and education.

These localities are not to blame for the Federal Government's failure to adequately secure our borders or to enforce the immigration laws against employers who do not play by the rules. But more and more, they had to devote already scarce resources to deal with the rising numbers of undocumented immigrants.

They have done the right thing. They have provided medical care, education, other public services. But it has all come at the expense of local taxpayers who are already stretched too thin, and that is not fair.

As we work toward comprehensive reform, we in the Federal Government owe them our help. We need to make sure the flood of new immigrants does not drown out our local governments. We need to make sure that while we embrace our new immigrants we don't give the local communities the cold shoulder.

This is not just a problem on the southern border. In Suffolk County on Long Island there are about 40,000 undocumented immigrants. Total estimates for all of Long Island are about 100,000. In Suffolk, the annual cost of meeting the needs of undocumented immigrants is estimated to be $24 million. Of course, property taxes are too high. The counties are strapped for cash. This amendment will offer some much needed relief to localities such as Suffolk County that have had to go it alone for too long. And it will not require finding new sources of revenue. It will take some of the fees already in the bill and give the bulk of that money for reimbursement of health care and educational costs paid out by the States and localities, and the rest goes to SCAAP, to pay for the costs of detaining noncitizens, a program I have been much involved with in the past.

These funds will be targeted toward States that have seen the sharpest rise in their noncitizen populations, and we are going to get the money from the States to their localities fast because they are feeling the strain now. States will have to get most of the money to the localities within 180 days once the money is allocated.

Taxpayers in our country are already being pushed to the limit. They didn't cause the problems, but they far too often have to bear the financial consequences, and they should not be left holding the bag.

This financial assistance will not solve every problem associated with undocumented immigration, but it will go a long way toward lifting the financial strain in our States and localities all over the country.

I yield. If my colleague from Massachusetts wants, I yield my remaining time to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator has 1 minute 40 seconds.

Mr. KENNEDY. Mr. President, Senator CLINTON has a very sensible and responsible amendment. The way the funds are allocated, there will be approximately more than $1 billion that would be available under her amendment that will be allocated to these needs which she has outlined. It seems to me that is the way to go.

On the other side, Senator CORNYN is going to raise, for these workers, immigrant workers who are working hard, playing by the rules—he is just going to jack up the amounts they are going to have to pay by another $750.

The sky is the limit. Why not $2,000, $3,000, $4,000? I mean, the fact is, they are already going to be paying the $2,000. This is going to add at least $750; $100 per child additional. So you are giving additional kinds of burdens on the worker, those who are in line to become citizens. I think the Clinton proposal is far superior and more fair.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I fail to understand why it poses an unreasonable burden upon the 10 million or 11 million or 12 million undocumented immigrants who currently live in the United States in violation of our immigration laws to pay a modest fee as part of the quid pro quo for their regularization when, in fact, they have been imposing unfunded burdens on local taxpayers and local hospital districts and counties and cities for the entire time they have been present in the United States. No one is talking about being punitive or being unnecessarily harsh. But fair is fair. To suggest that it is not fair for them to pay a fee really stands in stark contrast to the fact that these same individuals, when they apply for legal permanent residency or a green card, will be required to pay $2,000.

The truth is, most individuals who come across at least the southern border in violation of our immigration laws, turn their lives over to human smugglers and pay on average about $1,500 each for each trip they make into the United States. Certainly, these individuals, in return, for the benefits that are conferred upon them under this bill, should be expected, and I think they would expect, to pay some modest cost to help defray the expenses to local and State taxpayers. In fact, these individuals are being given an opportunity for a second chance, and I believe there should be some cost associated with that. In fact, we have been told during the course of this debate that this underlying bill creates a situation where people earn their right to legal status.

As we found out, during the first 6 years of their presence in the United States, after this bill passes, if it passes in its current status, they will be able to live and work and travel and have all the benefits of living in this country and have paid nothing—zero, zip, nada. Only after about 6 years, when they apply for a green card or legal permanent residency, will they then be required to pay the $2,000.

I think it is only just that these individuals be required to pay a surcharge of $750, a reasonable amount for reimbursement to State and local governments and taxpayers for the costs of health care and education that have been imposed by their very presence on local taxpayers. Again, this is not punishing anybody. This is not about making it unusually difficult for them to comply. This is a matter of simple justice.

Indeed, if the only source of that money is the funds that are paid some 6 years after they began to transition into legal permanent residency, under the Clinton amendment—and I applaud the goals of the Senator, to pay some money into a State impact fund, but it will amount to about $1.3 billion as opposed to $7.5 billion under my amendment. We will not see any of that money for at least 6 years and, in fact, it is taking money away from the program necessary to administer this underlying legislation which is necessary to make it a success.

Certainly, we are not going to build failure into this model by underfunding the very administrative process by which it is supposed to work.

I suggest it is the Federal Government's responsibility to step up. This is not taking any tax dollars in order to fund this unfunded mandate. This is coming from the beneficiaries of the program that is supposed to be enacted by this underlying legislation. If, in fact, it made sense to appropriate from tax dollars $4 billion for the 3 million individuals who were given amnesty in 1986, it makes sense to me, today, that it is going to cost quite a bit more than the $1.3 billion under the amendment of Senator CLINTON. But it also makes sense that burden should not be borne again by the taxpayers of the United States but, rather, should be borne by the individuals who are going to receive a benefit under this bill.

I ask my colleagues to support this amendment. I think it only makes sense, it is only fair and just to the local taxpayers around this country, and it is a matter of funding what is currently an unfunded Federal mandate on those tax credits.

The PRESIDING OFFICER. All time has expired.

The question is on the Clinton amendment.

Mr. SPECTER. Mr. President, for the information of our colleagues, we are now trying to work through another amendment following the votes, the Chambliss amendment. We are checking to see how much time would be needed. But it appears that we have a good likelihood of proceeding with that amendment and a later vote tonight, after enough time for debate.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We are not prepared. We thought we were moving ahead with the Kyl amendment. Now we are on the Chambliss amendment. It involves a number of individuals here who feel very strongly. We are just trying to find out the amount of time they would need. Hopefully, we are going to be having two votes now, and by the end of those votes we will have more information.

The PRESIDING OFFICER. The question is on agreeing to the Clinton amendment.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from Florida (Mr. MARTINEZ), and the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ) would have voted "nay."

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 52, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—43

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Specter
Stabenow
Wyden

NAYS—52

Alexander
Allard
Allen
Bennett
Bond
Brownback
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thune
Vitter
Voinovich
Warner

NOT VOTING—5

Bunning
Dorgan
Martinez
Rockefeller
Thomas

The amendment (No. 4072) was rejected.

Mr. BURNS. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4038

The PRESIDING OFFICER. The order calls for the Cornyn amendment.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Cornyn amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) and the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. DORGAN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. ALLEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—64

Alexander
Allard
Allen
Baucus
Bennett
Biden
Bond
Boxer
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Grassley
Hatch
Hutchison
Inhofe
Isakson
Kerry
Kyl
Lieberman
Lincoln
Lott
Lugar
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—32

Akaka
Bayh
Bingaman
Chafee
Dayton
DeWine
Dodd
Durbin
Feingold
Graham
Gregg
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
McCain
Menendez
Mikulski
Obama
Reed
Reid
Salazar
Sarbanes
Specter
Stevens

NOT VOTING—4

Bunning
Dorgan
Martinez
Rockefeller

The amendment (No. 4038) was agreed to.

Mr. CORNYN. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are now prepared to take the amendment of the Senator from Nevada, Mr. ENSIGN, and have a brief debate, 10 minutes. It will be accepted.

Mr. KENNEDY. Would the Senator from Pennsylvania outline what the rest of the evening is going to be?

Mr. SPECTER. That is what I am in the process of doing. I commented about the Ensign amendment. I was about to say we are going to have the amendment of the Senator from Florida, Mr. NELSON, which I anticipate will be accepted as well. Then we are going to take the Kyl amendment under an arrangement where there will be a tabling motion. And it is now anticipated that we will have an hour-and-a-half time limit there. I would like to do it in an hour time limit, if that would be acceptable to that side. Senator KYL is prepared to take a half an hour.

Mr. KENNEDY. That is fine, an hour evenly divided.

Mr. REID. Will the Senator from Pennsylvania yield?

Mr. SPECTER. I do.

Mr. REID. We just received a call from one of our Senators who objects to the Ensign amendment. So let's do the hour and a half on Kyl, and maybe we can work that out while we are doing that.

Mr. ENSIGN. Mr. President, through the Chair, I ask the Senator from Pennsylvania if it would be possible at least to make my statement, lay down the amendment, and then we can consider it at the appropriate time based on the two managers of the bill.

Mr. REID. That certainly is appropriate. Mr. President, as you know, we don't run this place. I don't know why we need to wait an hour and 45 minutes to vote. We are going to have votes in the morning anyway. I talked to Senator KENNEDY. It is all right to go ahead for 90 minutes prior to a motion to table tonight on Kyl; we have no objection. Following that, we can decide what we will do for tomorrow.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I ask unanimous consent that we have a time agreement of an hour and a half. We have just been informed that Senator KYL wants an hour. I hope we can get some of that yielded back.

Mr. REID. We will take 30 minutes prior to a motion to table.

Mr. SPECTER. And a motion to table with no second-degree amendments being in order.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN.

Mr. ENSIGN. Mr. President, did I understand that prior to the debate, I would have 10 minutes?

Mr. SPECTER. I was about to come to that. Let me include in the unanimous consent request that we lay down the Ensign amendment and give him 10 minutes, and then we will move to the Nelson amendment. There would be 5 minutes for Senator NELSON. I anticipate it will be accepted.

Mr. REID. Mr. President, that is not fair to our folks over here. If we are going to have a vote tonight, let's vote and let people go home. Those people who want to still stand around and talk—that is NELSON and ENSIGN and LANDRIEU or anybody else—let them do it.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, may I just ask that at any time tonight or any time in the morning, I be allowed to offer the two amendments that have been pending all week. We can vote whenever the leadership would like, in the morning or later tonight.

Mr. SPECTER. Mr. President, we will take a look at the amendments. I will give the Senator from Louisiana an answer as soon as we can take a look at the amendments.

The PRESIDING OFFICER. The Senator from Nevada, Mr. ENSIGN.

Mr. ENSIGN. Mr. President, I suggest we modify the unanimous consent to accommodate the minority and those who want to vote. I would be first recognized for 10 minutes right after the vote on Kyl to lay down my amendment, debate for 10 minutes, followed by Senator NELSON, followed by Senator LANDRIEU.

Ms. LANDRIEU. I want to modify the unanimous consent request that after Senator NELSON from Florida, Senator LANDRIEU would then be allowed to offer two amendments.

Mr. SPECTER. Mr. President, I am advised that we have not seen the amendments of the Senator from Louisiana. I repeat, we are going to be in here next week. We will take a look at them. We will accommodate her tomorrow, if we can, but we have to see the amendments before we can say anything.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. It is my understanding we are going to have 90 minutes of debate on Kyl—60 for the majority, 30 for the minority—prior to a motion to table the Kyl amendment, no second-degree amendments would be in order, and following that there would be 10 minutes for Senator ENSIGN and then Senator BILL NELSON 10 minutes after that.

The PRESIDING OFFICER. Would the Senator from Pennsylvania wish to restate or state the request?

Mr. SPECTER. Senator REID has accurately stated the unanimous consent request. I adopt his statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, another aspect of our evening business is, at the conclusion of the sequencing stated in the unanimous consent agreement, to then lay down the Chambliss amendment. I am advised there are quite a number of Senators who want to speak on that. They can speak as long as they like. A vote will occur tomorrow on a tabling motion.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, I most certainly don't mind showing the amendments. They have been on file for a week. But I would like it to be in order this week for 10 minutes, either tonight or tomorrow morning.

Mr. SPECTER. Mr. President, we would be glad to respond after we see the amendments. We may need more time. We haven't seen the amendments. That has been a problem continuously, not having seen the amendments. I repeat to the Senator from Louisiana, if we can see the amendments, we can answer the question.

Ms. LANDRIEU. I appreciate that. I cannot agree to any unanimous consent until we get this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair would say to the Senator from Louisiana, there is no request pending. The unanimous consent request was agreed to without objection previously. The Senator from Pennsylvania has subsequently spoken about the amendment of the Senator from Georgia, Mr. CHAMBLISS. There is no request pending.

Ms. LANDRIEU. Then I will wait to object to that next request.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor.

Mr. SPECTER. Mr. President, may we start on the Kyl amendment?

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 3969

Mr. CORNYN. Mr. President, on behalf of Senator KYL and myself, I call up amendment 3969.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN], for Mr. KYL, for himself and Mr. CORNYN, proposes an amendment numbered 3969.

The amendment is as follows:

(Purpose: To prohibit H–2C nonimmigrants from adjusting to lawful permanent resident status)

Beginning on page 295, strike line 8 and all that follows through page 297, line 2, and insert the following:

"(n) Notwithstanding any other provision of this Act, an alien having nonimmigrant status described in section 101(a)(15)(H)(ii)(c) is ineligible for and may not apply for adjustment of status under this section on the basis of such status.".

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, the bill that is on the floor purports to create two different paths to American citizenship for those, first of all, who are in the country living outside of the law in an undocumented status, and secondly, for those who are not yet present in the country but who want to come here at some future date to work. We have given the somewhat misleading name of "guest worker" to the so-called future flow, the people who are not yet here.

As I pointed out earlier, a guest is not ordinarily defined as someone who moves in with you and never leaves. Rather, a guest is someone who comes into your home or wherever it may be temporarily and then leaves. The title "guest worker" to describe the future flow of people coming into the country to work is simply inaccurate. It does not describe what this bill does.

First let me talk about the future flow. Under the Bingaman amendment, the Government would authorize the entry of 200,000 people a year who would qualify for an H–2C visa. These so-called guest workers could work here up to 6 years, live, travel, enjoy the benefits of this country short of citizenship, after which they then apply for a green card, whereby they become a legal permanent resident. They then get on the path to American citizenship 5 years later. Rather than a temporary worker, these are individuals who, under this bill, will become first legal permanent residents and then American citizens. Because of that, the title of "guest worker" is a misnomer. It is a mischaracterization of what this bill does. I submit it is simply misleading.

It is important for us to debate this issue honestly. This is a complicated bill, over 600 pages long. Obviously, the Congress has not debated the issue of comprehensive immigration reform for the past 20 years, since the last time Congress dealt with this in a comprehensive fashion. But at the very least, we ought to require of each of ourselves that we have an honest debate, that we call things what they are and we don't call things what they are not.

The Kyl amendment, one I am proud to cosponsor, simply makes the point that a guest worker ought to be temporary. It doesn't sound like a profound amendment but, in fact, it will change the fundamental structure of this underlying bill to make the representation that everyone, from the President of the United States on down to those of us here, believes that a guest worker program is part of a comprehensive solution to the crisis that now confronts our country with our broken immigration system, that, in fact, we are talking about a temporary worker program.

That is important for many reasons. Let me mention two beyond the initial reason that we ought to be honest and accurate and clear about what it is we are doing.

First, in terms of the future flow of individuals who come into the country to work, it is important that we have a temporary worker program in order to protect American workers. In fact, if we have an influx of 200,000, or whatever the number is, permanent residents and then new citizens in this country, without regard to the fact that our economy is in a boom time when we need those workers or in a bust when we find that those new workers will end up competing with Americans and potentially displacing them from their jobs, it is important that we keep faith with the American people and we protect American workers by being able to dial up or dial down the provisions of this guest worker program in order to meet the demands of our economy.

Secondly, Mexico, as an example, which has a 1,600 mile common border with my State of Texas, has seen the mass exodus of some of its best and brightest and hardest working people permanently out of their country to live forever, the rest of their natural lives, in the United States.

Now, I believe we ought to have a legal system of immigration and that ought to serve our national interests. But the reason why there is so much pressure put on our borders and on illegal immigration is because when a country's young workers leave permanently and never return, how in the world can that country, whatever the country is—Mexico, United States, Guatemala, Honduras, or Brazil—how can any country ever hope to create economic opportunity and jobs within that country if its young, hard-working workers leave permanently and never come back?

Well, a temporary worker program would allow people to come to the United States and work for a while and then return to their country of origin with the savings and skills they have acquired working in the United States. That would benefit not only the employers who need the workforce—a legal workforce that cannot be satisfied with sufficient numbers of Americans—but it would also satisfy the demands and the needs of their country of origin by providing circular migration—in other words, people coming for a while to work and then going home with the savings and skills they have acquired in the United States. What are they going to do with the money they have earned? Some may decide to buy a home or start a small business in their country of origin.

I think that has at least the promise of developing economic opportunity and jobs in those countries that are now a net exporter of people to the United States. It would give them a realistic opportunity of creating jobs for those who, in fact, would prefer not to sever their ties with their home and their family and their culture. It would reinstate this circular migration that would benefit both the United States and their country of origin.

I remember some time ago—maybe 2 years ago—I was visiting Guatemala and had lunch with our American Ambassador to Guatemala at his residence. We were talking about American trade policy, and specifically the Central American Free Trade Agreement, which had not yet come to Congress for a ratification vote. What a gentleman from Guatemala told me at that time very concisely—I will never forget—was that they want to export goods and services, not people. I think he said it perfectly. We ought to provide countries such as Guatemala, Mexico, and others an opportunity to do business with the United States in a way that will help them develop their economy, so their people can stay home and enjoy their culture and their country and their family and not feel compelled to leave permanently to come to the United States and never return home.

Some have said that, well, what attracts countries such as Mexico to massive illegal immigration of its own citizens is the fact that this last year they received $20 billion in remittances; that is, savings that workers from Mexico earned in the United States while working in the shadows, in the cash economy, in the black market, so to speak. They sent that money home to their family to help support them. Recently, though, a high official in the Mexican Government pointed out to me that it is not a benefit to countries such as Mexico to see their people leave just to send maybe 10 percent or 15 percent of their money or savings back home because if you look at the economic activity that occurs in the United States, they would much rather have that economic activity occur in their country of origin.

Let's say, for example, that $20 billion represents a 10-percent savings rate. That means that for the $20 billion that is sent from Mexican workers back to Mexico, there is $180 billion in economic activity occurring in the United States that could occur in Mexico if they had opportunities and jobs there. Obviously, that kind of economic activity feeds on itself and provides greater opportunity for those people and benefits to those people living at home. It takes a lot of pressure of illegal immigration off our borders.

Ultimately, I believe in comprehensive immigration reform because I believe that whatever we do has to be built upon a foundation of security. In 2006, national security is about border security. In a post-9/11 world, we simply must know who is coming into our country and the reasons they are coming here. We cannot assume that people are coming here only for benign reasons. We all understand that when people have no hope and no opportunity where they live, they are going to do whatever it takes. Any one of us, assuming we had the courage, would take whatever risk was necessary, including a risk to life itself, to provide for our loved ones. So at a very human level, we understand why people want to come to the United States.

But we also know, in a post-9/11 world, that the same porous borders that allow people to come across our borders to work are also available to be exploited by violent gangs such as MS-13, by drug traffickers, by all sorts of people that we don't want in the United States because we have a duty to protect the American people and their security.

We also know that in a post-9/11 world, international terrorists can use these same avenues of entry into the United States and potentially create another 9/11, or some similarly catastrophic incident. So we have to have that border security. We also have to have interior enforcement working with local and State law enforcement officials. We also have to have worksite verification, along with secure identification cards that can be swiped through a reader to confirm that the person presenting themselves for work is, in fact, legally authorized to work in the United States.

Indeed, the one thing that people point to, when they point to the mistakes of the 1986 amnesty that was granted, is the failure to create a reliable means of verifying eligibility to work in the United States, and along with that sanctions for employers who cheat. It is absolutely critical that we secure our borders, that we work with our local and State law enforcement officials to enforce the law beyond the borders and the interior, and that we provide security at the worksite by providing secure documents and ways for employers to confirm legal authority to work in the United States; then we punish those employers who cheat. If we do that, I believe we can get this problem under control. If we fail to do any part of that, I worry that we will have been engaged in a futile act, and we will have been laboring and debating in vain on this bill.

Finally, I believe there are sectors of our economy that create jobs that are not being satisfied adequately by Americans and by legal citizens, legal immigrants in the United States. So I believe that to supply a legal workforce for those sectors that cannot find an adequate workforce among native-born and legal immigrants, we ought to create a temporary worker program, as I have described it a moment ago. This would also have the additional benefit of allowing law enforcement to direct their attention at the real problems and to eliminate from their concerns those who simply want to come here and work in a temporary worker program.

Mr. President, I also say that the other part of this amendment deals with those who are already here and who, under the underlying bill, would be able to stay in place and then participate in the H-2C program or those who would have to go to a port of entry and then who could come back in, participate, and get on a path to legal permanent residency and citizenship. This would say that "notwithstanding any other provision of this act, an alien having non-immigrant status is ineligible for and may not apply for adjustment of status under this section on the basis of such status." In other words, temporary means temporary, and that a guest is welcome, assuming they qualify, to come for a time and participate in the benefits of this program but not necessarily be put on a path to a green card or legal permanent residency and citizenship.

Now, there are those who say that this kind of plan will not work and that we have no option but to legalize those who are here in place and those who want to come in the future. There are those who say there is no such thing as a temporary worker because America has not shown itself capable of enforcing its own immigration laws and making sure that people whose visas expire, in fact, leave the country at the expiration of their legal authorization.

I believe that we can, assuming we have the political will, enforce our laws. We can create humane and realistic laws that provide for our Nation's needs and that serve our Nation's interests and which, incidentally, serve the interests of countries who have young workers who want to come for a while and then return to their country of origin.

I don't believe that we are incapable of enforcing our laws. I don't believe we have to throw our hands up and say the only way we can deal with this is to create an opportunity for people to basically stay in place and become legal permanent residents and citizens. It is not that I think that we should not provide that opportunity. In fact, I believe we should do it for those who meet our Nation's capacity to deal with this and who create a realistic cap based on our ability to assimilate those people and for them to become Americans.

So I think we can create a category of temporary workers, people who have no desire to stay, and then those who do want to come to our country, assuming that we can establish realistic caps and can then assimilate that population and they could become American citizens, and that we ought to create a reasonable opportunity to do that.

But our interests ought to be, first and foremost, what is in America's best interest? What is in America's best interest?

I guess I wish that America could open its arms and accept the flood of humanity that might want to come from the four corners of the world, from every oppressed and downtrodden part of the planet. But the fact is that we cannot. We cannot do that without jeopardizing what America is. That is not to say that we would discontinue being the melting pot, where people who want to come legally from any part of the world and become Americans can do so. We ought to provide an opportunity for them to do so, to the extent that it serves America's interests and serves America's needs.

Mr. President, I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. Is this from the time in opposition?

Mr. McCAIN. Yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I rise in strong opposition to the amendment. It undermines both the intention and the spirit of this bill. The amendment would not only treat future workers as less than American workers, it would treat them as less than all other immigrant workers.

The real issue is—I will get right to it—after many long months and weeks and hours of negotiation, we had a proposal that passed through the Judiciary Committee and then a compromise, thanks to Senators HAGEL and MARTINEZ, basically establishing the framework for a compromise in the Senate. If this amendment should pass, that whole compromise is destroyed because a fundamental part of that compromise was that those who have been here for 2 to 5 years, after having gone back to a port of embarkation, would then be eligible for temporary work under the temporary worker program, and then over time be eligible for green card status and citizenship. This amendment would destroy that compromise. I understand very well why the Senator from Texas and the Senator from Alabama on the floor of the Senate, and others, have been opposed to this bill from the beginning. I understand that and I appreciate it and I respect it. But let's have no doubt about what this amendment would do. It would destroy the entire carefully crafted compromise.

Now, the Senator from Texas has an interesting theory about people who would want to come here and only work and then go back, or maybe not go back, but not have any opportunity for citizenship. We have examples today in Europe of the situation that the Senator from Texas and my colleague from Arizona would want to create, which is having people living in your country with no hope to ever be a part of that society.

I would remind my colleagues of what happened not long ago in France. There were thousands of young Muslims who were burning cars everywhere and rioting and demonstrating because they had no hope and no opportunity. Why is it that all over Europe you find these enclaves of foreign workers who are totally and completely separate from society? Because they are in the situation which this amendment would dictate: No hope, no job, no opportunity, no future, but we will let you work.

This is not what we do with highly skilled workers. That is not what we do under various other programs, and especially for those who have already been here between 2 and 5 years under this very carefully crafted compromise, the Hagel-Martinez compromise, as it is called, embodied. I understand why the Senator from Texas or the Senator from Arizona would oppose that. They oppose the very principles upon which the legislation was based and the Hagel-Martinez compromise was shaped.

The Senator from Alabama is on this floor constantly against virtually every aspect of the bill. I understand that.

But I want my colleagues who are voting to understand that if this amendment would pass, this whole compromise and this whole legislation collapses because it removes a fundamental principle of this legislation, which is that we give people an opportunity to earn citizenship, which is exactly what the 2- to 5-year part of the compromise under the Hagel-Martinez proposal represents. If you are here between 2 to 5 years, you have to go to a port of embarkation, you come back, you take part in a temporary worker program, and then over time you obtain eligibility for a green card, and ultimately citizenship. That is what America has been all about: people coming here and having the opportunity to obtain citizenship.

So we have a fundamental disagreement. I hope all of my colleagues will recognize that passage of this amendment would cause the entire bill to collapse, which we have been working on now for a week with excellent debate and good votes, and I think the way the Senate should function. So I hope that everybody understands exactly the implication of this amendment, and I understand and respect the view that is held by my colleagues who support this amendment. But I want all of my colleagues to understand the impact of passage of this amendment. It undermines not only the principles of the bill but, in my view, the principles of what this Nation should be and is all about today.

We have talked many times about people who live in the shadows, the people who don't have the benefits of our citizenship, or an opportunity to become citizens, these 11 million people who are living in the shadows. If this amendment would pass, I can assure you we would keep several million in the shadows because they would never come out of the shadows because they would never want to return to their country and never be able to be on a path to citizenship. So from a principled viewpoint and, frankly, from a practical viewpoint, this amendment is unacceptable.

I know the hour is late. I know a lot of my colleagues are not paying as much attention, perhaps, as they would at other hours of the day, but I hope we make it very clear that the passage of this amendment would cause the entire legislation to implode, and we would then be obviously in a position where we could probably not pass meaningful legislation that would entail comprehensive immigration reform, which is what the President has espoused and what I believe the overwhelming majority of the Senate has proved in numerous votes this week that we support.

Mr. President, I reserve the remainder of my time.

Mr. CORNYN. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas for his hard work on this amendment and his thoughtfulness.

The Senator from Arizona just tells us that he and a few masters of the universe have met somewhere in some room to which I wasn't invited—I am not sure many other Senators were invited—and they have decided that this bill as written is the compromise and if any of it is changed, well, the compromise collapses and the bill fails. So, if I am hearing the Senator from Arizona correctly, he thinks we should all just give it up and quit offering amendments. But I don't think that is the way the Senate does business. I know the Senator from Arizona is a smart man and so are some of the others who have worked on this bill and worked out all of these compromises with Senator KENNEDY.

When they were working out these compromises did they consult the American people? I submit they haven't consulted the American people. The American people, when they find out what all is in this bill, they are going to be more upset with it than they are today.

More is wrong with this piece of legislation than can be explained. I took an hour or so Friday, not condemning the philosophy of comprehensive immigration reform, not condemning steps to make the legal system work properly in a way that we can be proud of, I talked about why the legislation is insufficient and flawed and is unable to do what the sponsors say.

Senator MCCAIN doesn't back down from a challenge, and I don't intend to back down either. I am not going to just hide under my desk because he and Senator KENNEDY have worked out a compromise. They think we shouldn't even make an argument against it, I suppose.

Let me just show you what the bill says. In big print up here: "Title IV—Nonimmigrant And Immigrant Visa Reform." All this rubric at the top in big letters: "subtitle A, Temporary Guest Workers." It says, "Temporary Guest Workers" in big print—not even the normal print. It says "temporary" and "guest" I don't know how many times in this provision.

The President told me—and he has said publicly a half dozen times—he believes in a temporary worker bill. I suppose his lawyers, maybe they thought it must be temporary, right? Well, it is not so. Let's take the people who will be allowed to enter our country in the future under this bill. This bill say that they can come in as a guest worker, temporary, and they can come for 3 years and then they can extend and stay another 3 years.

So that means it is temporary, right? Wrong. All you have to do is read the language of the bill, and as Senator KYL and Senator CORNYN have pointed out, and you discover that the first day the temporary workers are here they can apply for a green card through their employer. And what is a green card? It makes them a legal, permanent resident. Permanent resident, not a temporary guest workers.

Five years after that green card is issued, they are entitled to apply for citizenship, every single one of them that enter under this so-called temporary provision. That is the truth, but it is not the message we are being told.

Earlier today I thought about offering an amendment or a resolution to bar anyone in the Senate from using the phrase "temporary guest worker" when they talk about this bill because it is so bogus. It is an utter and total misrepresentation. As I just explained, and as the Senators have just explained, everyone coming in under this provision for the indefinite future get to become permanent workers. I challenge anybody to dispute that. They have the ability to become a legal permanent resident, and after that, they get to go and become a citizen. So it is just not a temporary worker program, it is permanent immigration. That is the deal.

Now, President Bush, as much as he believes in immigration and has been supportive of it, he has made clear that this is not what he wants. He supports the principles behind the Kyl-Cornyn amendment. We need to listen to him. This is a big amendment. And I do not think the Members of this body should feel in any way that they are not able to reject this bill and improve it by legislation because some group says they have reached a compromise and nobody can fix it, when they have made mistakes, and there are a lot of mistakes. This is just one of them. But I don't believe this Senate has ever seen—since I have been here, a piece of legislation of such monumental consequence have a misrepresentation as great as the allegation that the bill deals with temporary guest workers when it absolutely creates an automatic path to citizenship.

So why don't we do it right? Why don't we do what Senator KYL and what Senator CORNYN say and fix it, make it actually do what we the bill claims it does, make it temporary?

A green card is valuable. It entitles people to great benefits of the United States alone, even short of citizenship. So we have benefits that accrue like the earned income tax credit, like the food stamps and benefits of that kind as you come to be on the path of legal permanent residence. A legal permanent resident can bring their family into the country, their wife, and their children. When they become a citizen, which they will have a right to do in 5 years, they will then be able to bring in their parents who would probably soon, as a matter of demographics, be eligible and in need of substantial health care as they age, which the American taxpayers would provide them in one form or another. They can bring in their brothers and sisters. They all are eligible to come under the chain migration provisions of existing law.

This is a huge provision of the bill, is all I am saying. It is a major increase in the amount of people who will come into the country lawfully. It is a program that allows permanence and citizenship for every single person who comes in under this provision. It is not a temporary guest worker program. It is contrary to the whole message the American people have been told repeatedly that they are somehow dealing with, which is a guest worker program, when it is a permanent citizenship track. It is against what the President of the United States believes in. In fact, he has now endorsed the Kyl-Cornyn amendment because he has been saying all along he thought we ought to have temporary workers in not such a large number that would be coming in permanently under this provision.

There will be other provisions by which people can come and get on the citizenship track. But the temporary guest worker provisions of the bill should be simply that. I think that will meet the needs of workers; I think it will meet the needs of businesses. I think it will be the right way to handle this matter. I think it is what the American people have in their minds and think we are talking about. Unfortunately, if they heard that message and think that is what we are doing, it is not. Unless the Kyl-Cornyn amendment passes, we will not have a temporary guest worker provision in the bill.

The choice is clear. If Senators actually believe what they have been saying about what they are trying to pass, that they want a temporary guest worker program, then they should support Kyl-Cornyn. If not, they ought to come out of the shadows and stand before the American people and say that the temporary guest worker words printed right here in this bill—well, they don't mean what they say. They ought to tell us plainly and simply that they know that this is a provision that takes people straight to permanent resident status and straight to citizenship, so when we vote, Americans will know where we stand.

I thank the Senators from Texas and Arizona for offering the amendment and yield the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Texas.

Mr. CORNYN. Mr. President, I will yield myself 3 minutes. Also, I yield to the Senator from Arizona, Senator KYL, 20 minutes.

One of the hardest things about this whole subject I think is there are so many assumptions that people make based upon their own experience. How in the world can we put ourselves in the place of some of the individuals that this bill impacts and know what their desires are, know what their aspirations are, know what their relationships are to their country and their family and their culture?

I think there are some people who assume if America was to offer individuals from other countries an opportunity to come and qualify and work legally in the United States for a period of time, that they would not want to do that because they would want to stay permanently and they wouldn't want to go back home. I think common sense tells us these individuals love their country, they love their culture, and they love their family as much as we love ours. There is a deep and abiding connection that is not easily severed. The reason why people do sever it is necessity, when they don't have any opportunities where they live so they are willing to do whatever it takes, including leave their country and come to work in the United States. But what they would like—there is at least some segment of these individuals who like to come and work for awhile and then go back home and then maybe come back again and work for another couple of years and maintain their ties to their culture and their country and their family.

I would like to point out to our colleagues there is one piece of what I would call objective evidence out there that is not a supposition or an opinion or a guess as to what people's motivations might be. Not too long ago the Pew Hispanic Center took a survey of 5,000 applicants for the Matricula Consular card in the United States. That is basically a Mexican identification card that citizens of Mexico can apply for and receive while living in the United States. Five thousand Mexican citizens applied for the Matricula Consular card and they were asked this question: If you were provided an opportunity to work legally in a temporary worker program in the United States, would you participate, even though it meant that at the end of that temporary period you would be required to go home?

Seventy-one percent of the applicants said yes. Yes. I think we are fooling ourselves by thinking that the only folks who want to come to the United States want to stay here permanently and that there are not at least a large segment of people who would participate in a temporary worker program.

I hope we don't get too confused about this. There are ways for people to come, immigrate to the United States, and to become legal permanent residents and American citizens. But there are caps on those. There are waiting lists on those. Those are designed with America's best interests involved because, frankly, we can't assimilate everybody who wants to come, as I mentioned a moment ago.

I agree with the Senator from Arizona, Senator McCAIN. We don't want unassimilated populations living permanently in the United States who do not speak our language and do not share our values. That has been the great promise and the hope and realization of America that, no matter who you are, how you pronounce your last name, what country you come from, if you believe in our values, you believe in freedom, and you believe in opportunity, that you, too, can become an American if that is what you want. But I believe we ought to provide a reasonable opportunity, based on our national interest, for people who want to immigrate on a permanent basis, and we also ought to provide another category for people who don't want to sever their ties, don't want to come here permanently, they want a job and then they want to go home.

That is what this temporary worker provision would provide. It is, in fact, I believe, an honest representation of what the program is, as opposed to the problem that the Senator from Alabama noted and that I noted earlier. This bill, as written, is neither a guest worker program or temporary in any sense. This amendment, I believe, would correct that.

I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 22 minutes and 42 seconds. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will take 11 minutes and yield the remaining time to the Senator from Nebraska.

The hour is late. We have had a very good debate over the course of the day. Now we are faced with an amendment that, even though it comes at the late hours of the day, is very basic and fundamental to the success of the whole piece of legislation. Just as important or even more important is the spirit of this particular amendment and what it is meant to achieve and what it is not meant to achieve.

Under the current immigration law, if you have a H–1B, that means you have a visa and you are highly skilled. The concept behind the H–1B is you are highly skilled, and because you are able to have a particular niche, the result of your service means you are going to have 8 or 10 or 15 more Americans working. So there is a limited number of the H–1Bs.

Under our current law, if your employer wants to petition for you, you can get a green card. If you are highly skilled, your employer can get the green card for you. But under the Cornyn amendment, if you are low skilled, you are out the window. One set of treatment for the very highly educated, highly skilled, who are working on the computers. But if you are cleaning a building in America, if you are working in menial jobs, if you are looking after children, if you have one of the lower paid jobs, you are out of luck.

Really a nice, fair standard. The Statue of Liberty is turned around tonight, listening to the argument of our friends over here. It is turned around. One standard for high skilled, and, boy, if you are doing the more menial work, which we know other Americans are not prepared to do, you are out. You are finished. You are gone. No chance at all. Work for 6 years and then maybe they will go out and leave the country or maybe they will stay. If they stay, they will be part of a subclass. Do you hear me? A subclass in the United States of America. That is what we are trying to avoid in the basic immigration bill.

We emphasize legality: legality in coming in as guest workers, the legal system; legality in terms of employment; you can only employ those who come in where there is not an American for the job.

But there is also opportunity. We respect those individuals who do menial jobs because after the 4 years that they are here, if there is not going to be an American to do the job, they can petition, and if they meet all the other requirements—they learn English, they obey the laws—they can be part of the American dream. Boy, if the Cornyn amendment applied to our immigration laws 150 years ago, no Irish needed apply, no Polish needed apply, no Italians needed apply, no Jews needed apply. But tonight we are saying no Hispanics, primarily, need apply because those are the ones—sure, it is 85 percent, the rest 5 percent or 6 percent Asian, the rest from Central America. But that is what the Senate tonight is confronted with. This undermines the whole purpose of the bill. It brings in illegality again. It says your employer hires this person, they work for 6 years, the employer might have trained him, given him decent skills and, bang, you are either part of the subclass or you are reporting to deport.

Those were wonderful words—report to deport. We will know who those individuals are—Homeland Security. As soon as that time is up, six times, they will get picked up and either pushed over and pushed out of the country or they will be in a permanent underclass.

This is probably a very nice amendment that goes over in some circles. But I tell you, if we are talking about fairness in this country, if you are talking about fairness in the immigration bill, you are talking about fairness in the standards, you are talking about the history and the tradition of this country about welcoming the poor and the unwashed in our country, you are changing that with the Cornyn amendment. Make no mistake about it. You are changing that.

I was around during the Bracero period, and the exploitation of humanity was extraordinary. We are returning to it if we accept the Cornyn amendment. We are saying: Because you do more menial jobs, your life, your worth, your being is not worth as much as somebody who is a highly skilled person. That is a wonderful statement for the United States of America to make.

You know what is going to happen? Those individuals are going to be exploited. If they are women, they are going to be abused. You are going to have sexual harassment and abuse for them. That is the record. Read the history of the Braceros. I went to the hearings. I attended the hearings all through the Southwest and into California; one of the most shameful periods in American history. We go back to it tonight with this amendment. That is what this amendment is all about. That is what this amendment is all about. It strikes a dagger at the heart of what this legislation is about: strict enforcement, strict accountability, strict legality if people are going to play by the rules and earn their way to be a part of the American dream.

I withhold the reminder of my time.

The PRESIDING OFFICER. The Senator from Nebraska. The chair would say to the Senator from Nebraska, there are 11 minutes for you.

Mr. McCAIN. Mr. President, how much time on both sides?

The PRESIDING OFFICER. There is 25½ minutes on the Kyl side and 16½ on the opposition.

Mr. McCAIN. I thank the Chair.

Mr. HAGEL. Mr. President, I would like to address the Kyl-Cornyn amendment tonight. I obviously have listened to some of this debate over the last hour. There is one thing I want to address before I get into what I think are the real critical issues here, not just on this amendment that we are going to be voting on but the bill, the purpose, underlying focus.

I heard the junior Senator from Alabama say that the White House, the President, was supporting the Kyl-Cornyn amendment.

That is not my understanding. As a matter of fact, the senior Senator from Arizona, Mr. McCAIN, and the senior Senator from Florida, Mr. MARTINEZ, and I just got off the phone with the Chief of Staff of the President of the United States. He did not tell us what I just heard on the floor of the Senate as to the President's support of this amendment. There seems to be some confusion. I would welcome the junior Senator from Alabama or maybe the junior Senator from Texas clarifying that if they have some tangible evidence that the President is supporting this amendment. As I said, we just got off the phone with the Chief of Staff of the President of the United States.

I would even add further that maybe some of my colleagues didn't hear the President of the United States Monday night. I think most of America did. As a matter of fact, there seems to be some significant approval developing out there because the President of the United States articulated very clearly essentially the underlying bill that we are debating and have been debating this week on the Senate floor. Much of that is about the Hagel-Martinez bill. The President laid that out rather clearly.

I don't know if the President of the United States is withdrawing his position that he clearly articulated to the people of the United States, and why he felt the underlying bill was important. He laid out his principles. Those principles are the principles in this underlying bill.

I welcome clarification of where the President is on this. Maybe the White House would like to clarify that as well.

Let us talk about what this is about. This is a difficult issue. It is complicated. It is wide and deep. Yes. Why is that? Because we have essentially deferred this issue for years. We have provided no leadership for the American people. We have not had the courage to deal with it because it is political, because it is emotional, because it cuts across every sector and every line of our society. It is about national security. It is about autonomy, and our future. It is about our society, our schools, our hospitals. That is difficult. It is difficult.

But what the President of the United States did Monday night—and a number of my colleagues have been doing for a long time—was to try to find a resolution.

Mr. President, the American people have a very low opinion of you, of me, of the Congress, of the President—not because I say it. Read the latest polls. I do not know if the President takes any heart in the fact that his job approval numbers are higher than ours.

Why are the American people upset with us? Because we are not doing our job. We talk about: Let's run to the base. Let's run to the political lowest common denominator. That is not governing. That is cheap, transparent politics. That is why we are all down in the twenties and the low thirties. The people of this country have lost confidence in us, and no wonder. We run from every tough issue. We can get into the subsections on page 17 and 500 and 433 of the underlying bill—all imperfect, absolutely, because resolution on this issue will be imperfect, absolutely. But we are trying to do something. We are trying to come to some resolution. We are trying to find some answer for the American people.

What do we do with the 12 million illegal aliens in this country? Do the American people really believe we are going to ship them all out of here, go down to the bus depot? Is that really what they are going to do? Come on. That is not the answer.

Why are we so afraid of this issue? This issue brings out the best in our society and the worst in our society. Why are we afraid to deal with this issue? Do we really want, as Senator McCAIN, Senator KENNEDY, and others have said, a second-class system in this country? Do we really want that? Do we know what the consequences of that are? I am not sure we do.

This Kyl-Cornyn amendment destroys every fiber of what many of us have worked for, including the President of the United States, to try to find some resolution, some common denominator center point, some consensus of purpose about how we do this. Sure, we can pick apart temporary worker visas. Does that really mean that somebody is going to stay longer or not going to stay longer? All imperfect, absolutely, but do you know what we were doing with a resolution like this, as imperfect as it is? What we are saying to our country, to the world? That we can deal with the tough issue. We, in fact, can put people onto a path of responsible behavior, of legal status, just like America has always stood for—hard work, opportunity, do your best, 12 million illegal immigrants. They are here illegally. Of course, they are. Yes.

This nonsense about amnesty. I said on the floor yesterday—Mr. President, you might remember 1978 when Jimmy Carter gave amnesty, unconditional, no questions asked: Come on back over the border, all of you who ran away from this country and didn't want to serve your country, didn't want to go to Vietnam, didn't want to be a part of our country. Jimmy Carter said in 1978, no questions asked, unconditional, come back. That is amnesty.

What we are talking about is not amnesty. The President said it very clearly Monday night.

We are talking about pathways to legality, responsible processes, opportunities for people to come out of the shadows.

Who are we helping with the current situation that we have today? How are we winning? People stay in the shadows, we don't collect the taxes we need, we don't have the complete involvement in communities that we have always had from our immigrants. There is a national security element to this. There is a law enforcement element to it. There is certainly an economic element to it.

Are we really winning? No, we are losing. We are losing everywhere.

What we are trying to do is find a way to move this forward so that we can start to resolve the issue. I will be the first to say, since I had a little bit to do with helping construct this and I have been at this for many years—I have not been at this as long as Senator KENNEDY has, but I tell you, not many Senators on the floor of this Senate have been at this as long as I have. It doesn't mean that I am right. But I do know a little something about it. I have been down on the border. I have talked to immigrants and have spent personally thousands of hours on this issue, as has my staff. It doesn't mean I am right or that I am smarter. But I know a little something about it. I know a little about this country. I know how this country was built, and I know about the people of this country.

The people of this country want us to resolve the problem. It isn't perfect. That is what we have been doing this week. We have been adding amendments. Some amendments I did not vote for, some I didn't like. But adding to this, crafting something for the future, for our history, for our children, and for our society, that is what it is about.

If this amendment passes tonight, if this goes down, the entire compromise will go down. What will stand in its place? What will stand in its place?

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona, on the proponent's side, 25 minutes 28 seconds; on the opposition side, 7 minutes 22 seconds.

The Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 5 minutes and then the remaining period of our time to the Senator from Arizona, Mr. KYL.

Mr. President, I respect enormously the contributions that the Senator from Nebraska and the senior Senator from Arizona, Mr. McCAIN, and Senator KENNEDY have made to try to address this problem that has festered for so long and which cries out for resolution.

I daresay, as chairman of the Immigration, Border Security, and Citizenship Subcommittee of the Senate Judiciary Committee, that I have been trying to make a contribution to that solution, as has Senator KYL. We have held numerous hearings of our subcommittee. He chairs the Terrorism Subcommittee of the Senate Judiciary Committee. Inasmuch as our border presents national security concerns, we have held many committee hearings to try to, first, find out what the problem is, and, second, try to couple with practical solutions. I appreciate the contributions of each and every Senator who has tried to find a solution to this problem.

I recognize this is what some have called a "fragile compromise"—that if we tinker with it, all of a sudden it implodes and nothing is going to happen. I personally don't believe that because we have seen a number of amendments offered and accepted during the course of this debate which I believe has done nothing but make this bill stronger and better. I am absolutely committed to seeing passage of a bill out of the Senate and then going to the conference with the members of the House of Representatives. They have some very different views from all of us.

If our colleagues from Nebraska and Massachusetts and the senior Senator from Arizona think that they have found some adversaries on some of these points among those of us here, just wait until they get to the conference with Members of the House. Then they will see that we really have a shared vision for comprehensive immigration reform, and we are going to have to work through all of that.

But I don't believe it is appropriate to say that this amendment which merely tries to bring accuracy and truth in advertising to this temporary worker program, that it, in fact, be made temporary and not permanent that a guest worker program does not mean permanent residence and American citizenship.

I differ with the interpretation of some of our colleagues who say we are trying to replace the normal immigration path with legal permanent residency and citizenship with a temporary worker program. That is not true at all. What we are trying to do is say there is an additional way that people who want to come here and don't want to stay here can come for a while and work in a legal system and then go home, and those who want to become American citizens we ought to provide a reasonable path for them to do so subject to cap, subject to our ability to determine what is in America's best interests.

I know the Senator from Massachusetts talked about distinguishing between immigrant populations based on skills, based on talents and their contribution. I say we have every right as a nation to determine what the attributes are of the immigrants we want to come here and contribute to our country, whether they are a net-plus in terms of their contribution. Let's say have engineer, math, or science skills as opposed to low-skilled workers. I think we have a right to make that distinction.

This is an important amendment. I do not believe it will gut the bill but will advance it.

I yield the remainder of our time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, this is a simple amendment, a very important amendment. It is not inconsequential. It changes in a major way a specific feature of the underlying bill. But I believe that feature is wrong and needs to be changed. The underlying bill sets up a temporary worker program, but it is not temporary in the sense that the workers who come here and get a temporary worker permit can then apply for permanent legal residency and ultimately citizenship. There is no reason to deny them that under the bill.

As a result, you never have temporary workers. You always have permanent workers, people who are allowed to come here originally as temporary but who can in effect automatically convert their status to permanent legal residency and then citizenship.

The question is, Why is that necessary? The second point is it creates a problem when economic conditions change.

Why would it be necessary? There are many visas in our system today that are temporary. In fact, there are skilled labor visas that are temporary. They can be renewed. They are based upon an economic need. When there is a job here that is going unfulfilled by an American worker, we have the ability to issue visas to foreigners who can then come here and work for a temporary period of time. Then they return home. As long as there are jobs here, those visas ordinarily continue, but when the work is not here, the visas stop. That is a good thing.

I support a temporary worker program under this legislation. However, it should be temporary. That is to say, the program may be permanent, but the visas under it are temporary, for a limit period of time. They may be 8 or 10 months out of the year; they may be 1 or 2 or 3 years in duration. In my view, they should be renewable. There are a lot of different ways to construct it. The bottom line is, when you come in because there is a job available for you as a temporary worker, that same job or another job may not be available to you 5 years later. There may be no work for you 5 years later.

Let me give an illustration I have used before. In my home State of Arizona, we are in a construction boom period. We cannot get enough people to help build houses. There are jobs that go begging, and therefore we have to rely on a large supply of foreign labor to help. It is undoubtedly the case that many of the foreign laborers are illegal. They are not documented in the appropriate way. However, they are workers who are performing a valuable function in our economy today.

Here is the question. I have been in Arizona now for almost 50 years. We have seen lots of upturns and lots of downturns. What happens when the downturn comes, when we are not building as many houses or office buildings, there aren't many jobs available, and Americans begin to find that jobs are not available for them, they are unemployed, and there is just not the work for people? What happens if you have a temporary visa issued and say that visa is for a period of 2 years? That visa expires, and there is no more job available. In fact, there are Americans looking for work. That foreign worker goes home. When another job opens up, when the construction industry gets going again and there are opportunities for foreign labor because Americans can no longer provide all of the labor required, the visas would begin being issued again, and that individual could come back and begin working again. Perhaps there is some other industry in which the individual can work. In any event, the visa for that job would, after a year or after 2 years, expire, and if there is not a job available, you do not issue a new visa.

The problem in the underlying bill is that once you get your temporary visa, you can apply or your employer can apply for you to turn that automatically into a permanent legal residency status or a green card status. And we know from that you can apply for citizenship. When you have a green card, it does not matter whether there is a job here for you, it does not matter whether we are in the middle of a recession and Americans are looking for work; you have a legal right to be in the United States and no one can kick you out. That is what legal permanent residency means.

So there is no reason in a temporary worker program to be able to convert the temporary visa or permit into a legal permanent residency. In fact, there can be great harm done if the economy changes, the economic situations change, jobs are no longer available, and instead of having those visas expire, you have converted the individuals into people who have a permanent right to stay in the United States.

This amendment does absolutely nothing to change the existing law with respect to how you can acquire a green card in the United States or convert other legal status into benefits under our immigration laws. You can still apply for a green card. You can still apply for other ways of remaining in the United States for differing periods of time. We do not change any of that. If you are somebody who wants a green card, there is still a way to get a green card. In fact, under different versions of the bill, the number of green cards is increased so that there are greater opportunities for green cards. The bottom line is, you do not have to convert the temporary worker program into a permanent worker program.

There are economic studies which back up what I am saying. For the sake of time, I will not get into the details of some of the studies. Among other things, in previous times, going back to the year 2000, for example, in the skilled visa era where we issued large numbers of visas, there were economic studies that suggested we could have a continuing need for those visas on into the future for some number of years, and we were issuing those visas at a very high rate at that time. Little did we know that the economic conditions were going to change very rapidly, and very quickly those high-skilled jobs fell off. Yet we had issued visas for people to come into the country at a time when, in fact, we were starting to go into a recession and, in fact, those jobs were not available for those people.

If they had been able to permanently reside in the United States after they got their temporary visas, it wouldn't matter whether there were jobs available for them; they would be here. It would be legal. There would be no way to remove them. And of course, with green cards, they would be entitled to benefits which would flow from that status. The United States is going to have to pay a lot of unemployment compensation if we now have two bodies of workers, neither one of which can get a job or both of which are competing with each other, American workers and foreign workers.

Whether you are talking about purely the future flow workers under the temporary worker program which many in this Senate want to create, although we differ somewhat on the details of it, I would like to create a temporary worker program because we think they may be needed in the future, or you are talking about the people in the underlying bill who have been here 5 years or less and are required to go into the temporary worker program—those are the two groups of people we are talking about—our view is they should be temporary workers, subject to the economic conditions of the United States, not replacing American workers but fulfilling a work requirement when there aren't enough Americans to do the job. It is basically the same thing the President said in his speech earlier this week when he said that the temporary workers should have an opportunity to be matched with a willing employer when there are not Americans who can do the job. When the job is finished, they can return home. I am paraphrasing, but I think those are the words of the President.

The concept the President has articulated is the same concept that we believe is appropriate. It is the basis of the temporary worker bill in the Kyl-Cornyn legislation. We believe it is appropriate for that same concept to be embodied in this legislation.

Might I inquire how much time remains on both sides?

The PRESIDING OFFICER. Twelve minutes to the Senator from Arizona and 7 minutes to the Senator from Massachusetts.

Mr. KYL. I will give someone on the other side an opportunity to speak.

Mr. KENNEDY. Mr. President, I yield the remaining time to the Senator from Idaho.

Mr. CRAIG. Mr. President, I approach this part of the debate on a critical piece of legislation with due caution. I say that because of my respect for my colleagues from Arizona and from the State of Texas and the work they have done as members of the Judiciary Committee and the due diligence they have always put into this critical issue.

I believe there is a component missing from this debate that speaks to the need for this country to be in a continual and progressive mode of training and shaping a permanent stable workforce.

Unlike all of the demographic studies of the last decade or two, there is something upon us as a nation that we have never experienced before. I am a 1945 baby. I am 60 years old. I am just 1 year ahead of a great class of people—77 million Americans—called baby boomers. They, similar to myself, because of their age, will soon be leaving the American workforce. There are demographic studies out there today which suggest that if we are to sustain a 3.5- to 4-percent growth economy, we have to have about 500,000 new, non-U.S. citizen workers in our workforce on an annual basis.

Yes, we will have ups and downs in the economy. We always have. But in the last downtrend we had, in the final days of the Clinton administration and the early days of the Bush administration, it was about 3.5 million in the downturn before it came back. In the 5.2 million jobs created since that time, one-third of them have been claimed by foreign nationals. It speaks to an economic growth pattern that now requires for the first time in our history a sustained, incoming, trainable, and permanent workforce of the kind that the American citizen, by birthrate, is not providing.

If we deny that as a country, if we create instability as a country, we deny ourselves the ability to continue to grow. And if we do not grow, this Senate is going to be faced with public policy decisions we are not yet brave enough to make: Social Security reform, Medicare reform, Medicaid reform—all of those things which, without a sustained economic growth cycle, become phenomenally expensive and maybe unaffordable.

That does not sound like part of the debate that would tie itself to the Kyl-Cornyn amendment, but I suggest it does. I suggest it behooves this country to create a legal transparent immigration system with a secured border that allows America's employers to train and sustain a permanent workforce, a constantly growing permanent workforce, because the American, by birth, is no longer going to do that. It is the nature of our country. It is the maturity of our country. It is, in fact, the wealth of our country. That is, in part, what all of this debate is about.

Americans said: Get your borders secured and get the illegal flow under control; identify them, control them. That is what we are trying to do.

I do not believe that a constant temporary environment is a stable environment. For those who work for long periods of time and get a green card, does it mean they will become a citizen? No, it does not. Does it mean they are eligible? In this bill, it says: Yes, if you go to the end of the line and apply, and that is 6 years, another 5 years, that is 11 years, and it goes on and on.

I don't believe this is an appropriate amendment to this bill. There is enough temporariness to the bill itself by the nature of H–2A's, H–2B's and H–2C's, and that is written in. There has to be some stability of permanency. That is critical to the American economic scene and to the stability of America's workforce. And even in that, we will have the down cycles that the Senator from Arizona talks about. I am not sure at that point, when trained workers are at hand and have supplied the American economy with its growth, that you say: The lights are out, leave the country.

Somehow, we have to balance that out. That is what we are attempting to do. That is why tonight I ask my colleagues to oppose the Kyl-Cornyn amendment.

Mr. LEAHY. Mr. President, this is yet another amendment designed to undermine the well-balanced programs in this bill. The Comprehensive Immigration Reform Act is the product of hard-fought compromise and it reflects a balance between the needs of American business and American workers. Strong coalitions representing both of those sectors of our society support this bill and endorse the temporary worker program contained in it.

One critical provision in the bill creates an opportunity for temporary workers who have followed the rules and worked hard while in the U.S. to seek legal permanent status after a period of time. An employer who has come to rely upon an immigrant guest worker and wants to keep that immigrant on staff can file a petition after 1 year for the immigrant to get in line for a green card. The guest worker does not receive any preferential treatment in this program. He must get in the back of the line and meet all the other requirements to earn citizenship, a process that will likely take more than a decade to complete.

The Kyl amendment strips out this provision, taking away a valuable option for both the immigrants and their employers.

When a similar amendment was debated in the Judiciary Committee—and defeated, as I hope this one will be—the sponsor stated his belief that lower skilled immigrant temporary workers should have to leave the U.S. after a few years. High-skilled workers are not treated in this manner. H–1B visas holders have the opportunity to apply for green cards under current law. But some sponsors of this bill are willing to treat guest workers as second class.

This attitude is deeply disturbing. Lower skilled workers are essential to our economy and deserve to be treated with respect and dignity. Many of our great American leaders, scientists, artists, and teachers have immigrant roots of very modest means. Throughout this debate we have heard many Senators tell their personal stories. Almost all of these reflected early years of hardship and struggle while immigrant parents worked hard under very tough circumstances so that their children could have greater opportunities.

Not only is that attitude offensive to me, but it makes little business sense. Employers of immigrants in the sectors most likely to use these temporary workers, such as hotels and tourism, food service, health care, and meat packing, support the program in the bill. The National Restaurant Association has stated that the restaurant industry is expected to create almost 2 million new jobs by 2016. It expects this growth to outpace available labor. For reasons such as these, the business community, including the U.S. Chamber of Commerce and members of the Essential Worker Coalition support the bill, and strongly oppose this amendment.

Striking the path to citizenship measures in the guest worker program is also the wrong decision for national security reasons. One of the driving forces behind enacting a comprehensive reform program is to ensure that we know who is living and working within our borders. If there is no path available to those who seek it and can meet the tough requirements in the bill, then some guest workers will overstay their visas and continue to live and work in the U.S. out of status. That would put us back in the position we are in right now—the position that we all agree must be reformed.

In fact, the reason that guest worker programs have failed in the past is precisely because they did not contain an option for guest workers to apply to remain in the U.S. legally, if that is what they hope to do. Many guest workers will return home, but not all. We should ensure that the programs we define in law do not send immigrants back into the shadows.

Finally, I express my disappointment in hearing about the White House support of the Kyl amendment. I find it troubling that the White House would choose this amendment to fight so hard to pass. A tremendous amount of effort has been expended by many of us in the Senate, including a handful of determined Republicans, to preserve the core provisions of the bill. These committed supporters of the bill view the Kyl amendment as one that strikes to the core of the compromises contained in it. We would have benefited from the White House's involvement earlier in the process in a helpful way, but its choice to fight against comprehensive reform today is a grave disappointment.

I yield the floor.

The PRESIDING OFFICER. There is 2 minutes remaining on the opposition side and 12 minutes on the proponents.

Mr. KENNEDY. We are prepared to yield back our time if the other side wants to yield back.

Mr. KYL. Mr. President, let me take a couple of minutes to respond to my friend, the Senator from the State of Idaho.

He projects that 500,000 workers are going to be needed every year. That sounds a bit high, but there is a way to resolve the question. If we have a temporary worker program that works well and brings in all of the temporary employment needed to fill your labor needs, then whatever that number is can be satisfied with the temporary worker program. But if the Senator is wrong and we do not need that many people but we have allowed that many people to come into this country and remain here permanently, then we have a big problem because we also have to consider the American worker and the job of the American worker.

The Senator said we need stability in our workforce. Indeed, that is a good thing. But I submit we need stability for the American worker. The American worker needs to know his job is secure. In all of the industries we are talking about, while there is a significant need for foreign labor, there are far more American workers working in those industries than foreign workers.

The bottom line is, there are American workers who will do these jobs. The only exception of any significance is in certain specters of agriculture. And agriculture, in many respects, is a very different animal.

The reality is, whether you are talking about the hospitality industry with people making beds and washing the dishes or talking about the construction industry or landscaping, there are millions of Americans doing those jobs. And we want to know that those jobs are there for those American citizens when the economy is not as strong as it is now.

So in periods of decreasing jobs and increasing unemployment, we want to be able to ensure that American workers can remain employed. With a temporary foreign worker program, we can ensure that because the foreign workers are brought in, to the extent they are needed, when they are needed, in each of these industries. But if they can convert to permanent status automatically, which is what this legislation would allow, they cannot be removed. They are here. They have legal permanent residency and eventually can acquire citizenship, if they desire.

So whether there is a job for them here or not, they are here. The studies show they compete with American workers very well in the low-skilled job categories by usually taking less money than Americans, with the result that many times Americans will be unemployed, for which we will be responsible for paying unemployment compensation and other benefits, and yet the foreign worker might have the job. So instead of a situation in which there is not an American to do the job, we will have a situation in which there is a job, but it is held by a foreign worker rather than an American worker.

Why do we need to take the chance, is my question. We all agree with the concept of a temporary worker program for skilled labor. In skilled labor, these visas expire. For student visas, they expire. For tourist visas, they expire. They can be renewed in certain situations. In the different categories of temporary workers that we have in the law today, they are all for a specific period of time, and then they expire.

What is the matter with that same principle being applied to low-skilled workers? In fact, the experts all agree—we had testimony before our committee—that with respect to low-skilled workers, you are more likely to have people who are undereducated or less well educated and likely to work in the lower skill occupations. No surprise there. So if you are going to end up in a situation in which you have extra workers who are here, would you rather have them be of the high-skilled variety or the low-skilled variety, unable to be as flexible in the job market as somebody with better education and skills?

Our immigration law has always been very leery of allowing large numbers of undereducated and low-skilled workers into the country because they represent a potential expense for this country in the event that the employment that was promised to them does not materialize or goes away.

So there is no need to take a chance on this. If, in fact, my colleague is correct that we will need more laborers, we can get them under a temporary program where permits can continue to be expanded. We can expand the number or they can be renewed.

In any event, there is always the opportunity for people to acquire green cards. In fact, under I think all of the bills that are pending, the number of green card slots is increased. So there is also an opportunity for that.

But in case they are wrong, and jobs evaporate over time, and even Americans cannot find work, why would we want to be granting these foreign residents who are here temporarily the right to be here permanently? It seems to me it is unnecessary. It is potentially devastating, devastating to American workers, and we ought to change it.

As a result, I hope my colleagues will support this amendment, which could go a long way toward improving this bill, creating a true temporary worker program rather than one which automatically converts to legal permanent residency.

The PRESIDING OFFICER. Who yields time?

There is 5½ minutes on the proponents' side and 2 minutes on the opponents' side.

Mr. KYL. Mr. President, the Senator from Massachusetts is willing to yield back his time. And if there is no one else on this side desiring to speak, I will be happy to yield back our time. I hope our colleagues will support the amendment. Thank you.

Mr. McCAIN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will please call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. GRAHAM), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay" and the Senator from Florida (Mr. MARTINEZ) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 35, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—58

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Brownback
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Dayton
DeWine
Dodd
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

NAYS—35

Allard
Allen
Bennett
Bond
Burns
Burr
Byrd
Chambliss
Coburn
Cornyn
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—7

Boxer
Bunning
Graham
Lott
Martinez
Rockefeller
Shelby

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we have made good progress on the bill but, candidly, not enough progress. We have about two-thirds of the Republican list included, and I think that much or perhaps even more of the Democrats' list. We are not sure there because we just got the list. We have been trying hard to schedule two votes for tomorrow to try to get the Senate back on a schedule where we work on Fridays. It would take about a half hour to go through the chronology of about eight different amendments that we have tried to structure but all of which have collapsed. Managing a bill has a lot of pitfalls, where we have absences for dinners on both sides, where we have adjournments for signing ceremonies, where we have recesses for social events at the White House and other places. In one situation, we had an arrangement for a half hour, equally divided, and to have a vote tomorrow and that was changed to we cannot do it tomorrow to we can do it tomorrow, but we want 2 hours, to we cannot do it ever.

I think there would be a 100-to-nothing vote on the point that we don't have enough discipline here to move ahead with our work. We have tried to get this bill complete. So after telling the majority leader what the situation was, it was decided that it would be fruitless to have two 99-to-0 votes which are meaningless when they could be accepted. It would be ludicrous, notwithstanding the fact that we all deserve to be voting tomorrow on ludicrous matters. But the majority leader decided we will not bring in people to have meaningless votes. It is our hope that this will spur us to some meaningful votes early on.

The Chambliss amendment will be laid down tonight, and there will be 30 minutes of debate on it before the vote at 5:30 on Monday. We will have a vote on Senator FEINSTEIN's amendment, where she will have substantial time on Monday afternoon. We will see if we can construct a vote for Senator ENSIGN on what he is trying to work out, which has quite a number of concerns. Senator BOND has an amendment that we may be able to take.

The remaining business tonight is to take the amendment of the Senator from Florida by a voice vote, which will, I believe, conclude business on this bill for the evening and the week.

Mr. FRIST. Mr. President, in the big picture, let me say at the outset that things are going very well. It is 9:30 on a Thursday night. We are making decisions about tomorrow and Monday. We have had a very good week. I thank the Democratic leader and both managers for making great progress over the course of the week.

It is very frustrating, from a leadership standpoint, for the Democratic leader and myself, where we have to truncate and essentially stop tonight when we could have had a productive day tomorrow morning. Two reasons. The managers have done such a good job addressing such a large number of amendments—more than I had anticipated—which is good, which means the amendments that remain, they want a lot of people around to be able to vote on those. In part, I am making an excuse because I told everybody we are going to vote tomorrow morning. Given where we are, it is in our best interest to complete debate tonight, and the votes we would have had tomorrow we will have Monday. There will be at least two votes starting at 5:30 on Monday.

We do have to recognize in this body that we cannot stop work on a Thursday afternoon or evening. We have to be able to use Fridays, especially over the remainder of the session. We don't have that many days. Even between now and next week, we have this bill—and that is why we are working as hard as we can—and we have the Kavanaugh nomination, which is out there and ready to bring to the floor. We have a supplemental spending bill which funds our troops overseas. I talked to three different generals today and the Secretary of Defense, all of whom say we have to act on that supplemental. So we have to have Senators here. We have to have them participating.

Again, this is not the fault of the managers. They have done a superb job. It means that tomorrow we will likely be in session, but we will not have rollcall votes. We will be voting Monday afternoon at 5:30.

Mr. REID. Mr. President, I will make a brief comment.

Mr. President, we started out on this with the decision that we were going to try to do some legislation on this very difficult bill. This is from our perspective. We wanted to move through this an amendment at a time. I think it worked out well. We are at a point now, I think, as we have done earlier in the day, that we don't have to live by that. We have proven that we can legislate. We can always go back and do an amendment at a time if we have to. We are going to take an amendment at a time on a case-by-case basis, and we have no objection tonight—or very likely in the near future—to being able to set amendments aside and move on. I think we have been able to accomplish a great deal in this short week.

This bill is not finished yet, so there is no reason to give high fives and say work well done. There is still a lot of real hard work to do. I have submitted at the request of the manager, the distinguished chairman of the committee, a list of Democratic amendments that we have hotlined—a lot of them. I have indicated to the managers that I am confident that most of them will not have to be offered. You asked for that and you have gotten that.

I think that this coming week we all have to keep our heads down and push hard. There is a lot of work to do, and we have very significant amendments. I applaud and commend Senator SPECTER and Senator KENNEDY for the way I see the Senate working. I think we have done good work. We have had some very timely amendments and difficult amendments. We have had winners and losers. That is what legislating is all about. Some of the compromise takes place not in the back room but on the Senate floor when we vote.

Mr. KENNEDY. Mr. President, I wish to thank the leaders and my colleague, Senator SPECTER. I think this has been a very good week in terms of talking and debating. I think we have seen some real debates on the floor of the Senate, some which we have not seen for a long period of time. I think the Members know a great deal more about what is in this legislation. They may like it or not, but I think the debate will be even better next week. I think we have made good progress. Sometimes it is useful to take a little time to go over these amendments, as someone who has been here for 12 hours. Sometimes we can have a better debate and discussion if we can go over them and know where we are going to be on Monday and then what the priorities are. The Republicans have had, as I remember, 20 sort of key issues. We have gotten through a fair amount of them. There is still a good group of those. I think they have laid out the issues, and I think we can use this time and be better prepared and have a better debate and a better outcome next week. I thank the leaders for all they have done, and I thank the Members on both sides.

Mr. SPECTER. Mr. President, we will now go to the Nelson amendment.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized.

Mr. DODD. Mr. President, if my colleague would yield, we have an amendment that I think has been agreed to, and I am prepared to take 5 or 10 minutes tonight and get through it. I will leave it up to the leaders how they want to handle it.

Mr. SPECTER. Mr. President, let's take the Nelson amendment. There is always mañana.

Mr. ENSIGN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, my understanding of the earlier unanimous consent agreement was that I would be recognized followed by Senator NELSON.

The PRESIDING OFFICER. The Senator is correct. The unanimous consent agreement recognized the Senator from Nevada for 10 minutes prior to Senator NELSON. The Senator from Nevada is recognized.

AMENDMENT NO. 4076, AS MODIFIED

Mr. ENSIGN. Mr. President, we have spent a great deal of time talking about how to proceed with tonight's debate. We have been trying to work out whether we would have a vote on my amendment No. 4076.

I send a modified version of my amendment to the desk which has been seen by both Senator BYRD and Senator GREGG who had previously expressed problems with the text of the amendment. The modification strikes a particular paragraph which had dealt with the questions of which agency would fund the program if the cost exceeded a certain dollar amount. I would ask for immediate consideration of the modified amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. GRAHAM, proposes an amendment numbered 4076, as modified.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4076), as modified, is as follows:

(To authorize the use of the National Guard to secure the southern border of the United States)

At the end of subtitle C of title I, add the following:

SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States

Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

(1) Ground reconnaissance activities;

(2) Airborne reconnaissance activities;

(3) Logistical support;

(4) Provision of translation services and training;

(5) Administrative support services;

(6) Technical training services;

(7) Emergency medical assistance and services;

(8) Communications services;

(9) Rescue of aliens in peril;

(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States; and

(11) Ground and air transportation.

(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

(f) DEFINITIONS.—In this section:

(1) The term 'Governor of a State' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

(2) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam and the Virgin Islands.

(3) The term 'State along the southern border of the United States' means each of the following:

(A) The State of Arizona.

(B) The State of California.

(C) The State of New Mexico.

(D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

Mr. ENSIGN. Mr. President, I will speak just briefly, because it is late. I am not going to take up a lot of time, but this is a very important amendment. The substance of this amendment is something that I have been working on for over a month. During the last Congressional recess, I went down to Yuma, AZ, where the President was today. I saw firsthand what an extraordinary job our Border Patrol is doing. I also observed firsthand how undermanned the agency is and how overwhelmed they are with the numbers that are coming across our southern border.

When I was at the border, I asked a question of the Border Patrol personnel. That question was: Could you use more National Guardsmen at the border, beyond those in the Counter Drug Program, to help you with your mission of protecting and securing our borders? The overwhelming answer was that they would absolutely welcome our National Guard in larger numbers down on the border.

The Border Patrol was very clear. It would create problems if the National Guard were to come down to the border to carry on law enforcement duties like arresting, detaining, and questioning detainees. Each of those things are part of the speciality role that the Border Patrol should do. They are, after all, highly trained law enforcement personnel while the National Guard is trained in other areas, areas for which the Border Patrol requires support.

In his Monday night address, the President proposed using up to 6,000 National Guardsmen on the border this year. Their presence would help multiply the force of the Border Patrol that is currently on the border. What do I mean by that? In many instances, the Border Patrol is taken away from their normal duties when they have to, for instance, perform a medical rescue of somebody who has gone into distress. This is actually a common occurrence in the southwest desert. Immigrants crossing the desert become dehydrated and nearly die. Some of the Border Patrol surveillance cameras might pick it up, or the alien pulls a distress beacon to signal they need help, and the Border Patrol actually goes to rescue them. This is something the National Guard is very well trained to do. When they are on the border, the National Guard can fulfill that mission which will free up the Border Patrol to perform some of the other functions of their duties, like arrest and detention.

When the National Guard trains today, when personnel are performing their 2 to 3 weeks of training, they are building roads, building fences, and building bridges. They do all of these things as part of their training. Except most of the time when they are training, after they build something they are required to tear it down. It is a training exercise. What this amendment envisions is that what they will build, fences, barriers, and roadways, will all be essential infrastructure needed to secure the border. The National Guard can use training time to build roads down on the border, except this time they won't have to tear them down. What they build will actually be permanent structures.

We had a hearing in the Senate Armed Services Committee yesterday. The National Guard told the committee that they are very excited about this mission, about what they will be accomplishing. Instead of building a road and tearing it up with a tractor, they will actually be building a road that is going to help secure the United States of America. I have received e-mails from National Guardsmen in my State that say they believe in the objective, they believe in the mission, and they are very excited about it.

I want to be clear. Some people have erroneously reported in the media that the National Guard would be on the border and would be arresting, they would be shooting at people, that they would be militarizing the border and performing law enforcement activities. That is not true. Let me tell you exactly what we have put in this amendment that states exactly what the National Guard will be authorized to do. They will be authorized to conduct ground reconnaissance activities, airborne reconnaissance activities, logistical support, provision of translation services in training, administrative support services, technical training services, emergency medical assistance and services, communications services, rescue of aliens in peril, and construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States. They will also cooperate with ground and air transportation.

We are very clear on what their mission is going to be down there. I appreciate the work of Senator CRAIG on this issue. I see him here on the Senate floor. He has been one of the biggest proponents of using the National Guard down on the border, and I appreciate the driving force that he has been in the United States Senate to bring everybody's attention to this issue.

Mr. CRAIG. Mr. President, will the Senator yield?

Mr. ENSIGN. I would be happy to yield.

Mr. CRAIG. Mr. President, I thank the Senator for bringing this issue before the Senate. Yesterday the Senator from Nevada and I were in attendance at a hearing of the Armed Services Committee chaired by Senator WARNER, with the Secretary of the Army, the Chief of the National Guard, the lieutenant general of the Army, and the Chief of the Border Patrol. What we saw was the coming together of a complete unit, a complete unit to secure our border and build an orderly process on the border.

What the Senator from Nevada speaks to tonight is a reality that is very doable, and it is done in the normal activity of the summer training of our Guard. The Senator knows that we are not putting Guardsmen out on the front lines. They will facilitate those of the Border Patrol who are the frontline officers in this defensive securing mechanism that we will call the southwestern border of our country.

So I thank the Senator for bringing this to the floor. It is critical and important. It fits well into what our President has proposed, responsibly so, for our country.

Mr. DURBIN. Would the Senator yield for a question?

Mr. ENSIGN. Mr. President, I would ask unanimous consent for an additional 2 minutes so that I will be able to yield for a question.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would like to ask the Senator a question because perhaps he has thought this through and he could help me understand it. I support the President's effort to make the border stronger and safer. What I understood him to say was at least 6,000 National Guardsmen at any one time, rotated every 2 or 3 weeks to accommodate what was their normal training schedule. By my calculation, that means that in the first year over 100,000 National Guardsmen from around the United States will be sent to the border. And in the second year, when half as many are needed, another, say, 50,000. So out of the 400,000 National Guardsmen nationwide—I hope my figure is correct, although I don't know if it is—but is it your understanding that 100,000 to 150,000 will end up on border duty during that period?

Mr. ENSIGN. Mr. President, I thank the Senator for his question. I was going to address his very point. The way that the Border Patrol, the National Guard, and the administration have developed their plan envisions that about one-third of the 6,000 Guardsmen would actually be on the border for longer than the 21 day maximum. My amendment mirrors their plan. It sets forth that two-thirds of the overall personnel will perform their required 21 days of annual training down on the border. That time is time that the Guardsmen committed to when they signed up. The amendment also says that about a third of the force, consisting of command personnel and guardsmen who are necessary for integration purposes, will be down there full time. They will be there full time to ensure some continuity. The personnel who are rotating in will need to have leadership that can organize and who have some institutional memory. The full time personnel can say to the rotating personnel: you need to go here, this is what you will do, and we need you to work with this other group.

During our hearing yesterday—this very issue came up—according to the National Guard the numbers that the President has committed will work. They have said that this mission can be done, that there is absolutely no problem for them to operate in this fashion, considering they will be going through the training anyway. Personnel will have to go through the 2 to 3 weeks of training and this set up will actually improve the training they are getting.

Mr. DURBIN. Will the Senator yield for another question?

Mr. ENSIGN. I am happy to.

Mr. DURBIN. I would like to address this question through the Chair. About 75 percent of the Illinois National Guard units have been activated to serve in Iraq or Afghanistan, and some have been on more than one tour of duty. During the course of that, they have left behind in Iraq and Afghanistan a lot of wornout equipment, damaged equipment. Currently our National Guard, in some areas of supplies, like certain trucks, is down to 7 percent of what they need, and nationwide we have been told the National Guard stock of supply and equipment has been depleted to the level of 34 percent of what they need.

Can the Senator from Nevada tell me whether our commitment of the National Guard to the border will also be a commitment to replenish the equipment they will need to serve effectively there and return home and do their job?

Mr. ENSIGN. Mr. President, to address that question, we actually talked about that in yesterday's hearing. It was one of the questions that was asked. What the National Guard is going to do, with the Department of Defense, is take the equipment down there, and it will stay down there. If the Illinois National Guard comes down, they won't come down with their own equipment; they will use the equipment that is there. So it will stay there for the 2 years, for the duration, what they need. So that is going to be paid for separately. It is part of the $1.9 billion the administration had requested, so it does not come out of the normal National Guard budget, it doesn't come out of what we are trying to replenish of the National Guard's that are coming back from Iraq and Afghanistan.

Those are excellent questions. We have addressed those. We have addressed those as to how the administration policy is going to happen.

This is the last point I will make. This is a critical stopgap, but it is only a stopgap because we can only train about 1,000 Border Patrol agents a year. It was my amendment actually to ramp us up to 10,000 more Border Patrol agents in the intelligence bill last year. We can't do even the 2,000 that bill envisioned, and we certainly can't get to the 10,000 right way. This bill before us needs this if you are going to have the temporary guest worker program. This National Guard is the temporary measure that we need to fill in so we actually secure the borders. I appreciate very much the indulgence of the manager of the bill. We look forward to further debate, if people have that. I really appreciate your taking the time to allow us to fit in tonight.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for 10 minutes.

AMENDMENT NO. 3998, AS MODIFIED

Mr. NELSON of Florida. Mr. President, since I seem to be the only thing in between now and the Senate adjourning, I will not take the 10 minutes and will make it very short at the request of the chairman.

I call up amendment No. 3998, with a modification which is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. NELSON] proposes an amendment numbered 3998, as modified.

Mr. NELSON of Florida. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3998), as modified, is as follows:

On page 178, line 24, before "20 detention facilities", insert "at least".

On page 179, line 1, strike "10,000" and insert "20,000".

On page 179, line 4, after "United States", insert "subject to available appropriations."

Beginning on page 179, strike lines 5 through 23 and insert the following:

(b) CONSTRUCTION OF OR ACQUISITION OF DETENTION FACILITIES.—

(1) REQUIREMENT TO CONSTRUCT OR ACQUIRE.—The Secretary shall construct or acquire additional detention facilities in the United States to accommodate the detention beds required by section 5204(a) of the Intelligence Reform and Terrorism Protection Act of 2004, as amended by subsection (a), subject to available appropriations.

(2) USE OF ALTERNATE DETENTION FACILITIES.—Subject to the availability of appropriations, the Secretary shall fully utilize all possible options to cost effectively increase available detention capacities, and shall utilize detention facilities that are owned and operated by the Federal Government if the use of such facilities is cost effective.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring additional detention facilities under this subsection, the Secretary shall consider the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with subsection (a).

(4) DETERMINATION OF LOCATION.—The location of any detention facility constructed or acquired in accordance with this subsection shall be determined, with the concurrence of the Secretary, by the senior officer responsible for Detention and Removal Operations

in the Department. The detention facilities shall be located so as to enable the officers and employees of the Department to increase to the maximum extent practicable the annual rate and level of removals of illegal aliens from the United States.

(c) ANNUAL REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, in consultation with the heads of other appropriate Federal agencies, the Secretary shall submit to Congress an assessment of the additional detention facilities and bed space needed to detain unlawful aliens apprehended at the United States ports of entry or along the international land borders of the United States.

Mr. NELSON of Florida. Mr. President, this amendment addresses the problem that, when our Border Patrol apprehends illegal aliens, they have no place in which to process them, no detention beds, so 90 percent in some parts of this country are released. Guess what. They never appear for their formal appearance and they melt into the economy and add to the existing problem.

The chairman has addressed this already. Whereas the current law adds 8,000 of these detention beds per year, and that is on top of a base of only 20,000 detention beds nationwide—the chairman's bill adds a one-time additional 10,000 new beds over and above the 8,000 beds per year. This amendment will double that by adding a one-time 20,000 new beds above the 8,000 beds per year. It is very simple. That is it.

I thank the chairman of the committee for being willing to accept this amendment.

Mr. SPECTER. Mr. President, it is an excellent amendment which is accepted.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3998), as modified, was agreed to.

Mr. NELSON of Florida. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 4009

Mr. CHAMBLISS. I call up amendment No. 4009.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS], for himself, Mr. ISAKSON, Mr. ALEXANDER, and Mr. BOND, proposes an amendment numbered 4009.

Mr. CHAMBLISS. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the wage requirements for employers seeking to hire H–2A and blue card agricultural workers)

On page 452, strike line 1 and all that follows through page 459, line 10, and insert the following:

"(A) IN GENERAL.—An employer applying to hire H–2A workers under section 218(a), or utilizing alien workers under blue card program established under section 613 of the Comprehensive Immigration Reform Act of 2006, shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for alien workers, not less than (and is not required to pay more than) the greater of—

"(i) the prevailing wage in the occupation in the area of intended employment; or

"(ii) the applicable State minimum wage.

"(B) PREVAILING WAGE DEFINED.—In this paragraph, the term 'prevailing wage' means the wage rate that includes the 51st percentile of employees with similar experience and qualifications in the agricultural occupation in the area of intended employment, expressed in terms of the prevailing rate of pay for the occupation in the area of intended employment.".

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that Senators ALEXANDER and BOND be added as original cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I have said it before and I say it again today that I think the approach taken in this legislation we are considering today is contrary to the best interests of agriculture. By ignoring proper enforcement of our immigration laws for many years, the Federal Government has been sending the wrong message to farmers and ranchers across the United States: that it pays to break the law. Quite literally, it has. For those who have flouted rule of law by refusing to utilize the temporary worker program for agriculture—the H–2A program—have gained a tremendous economic advantage over their counterparts who have adhered to the laws on the books today.

I will be the first to admit that some farmers have had little choice but to utilize an illegal workforce—for the H–2A program, as presently written has its limitations—for instance, farmers with jobs that are not seasonal are not able to utilize it. However, changes can be made to the H–2A program to make it more responsive to the needs of agriculture and more user-friendly for farmers.

That is what the focus of immigration reform should be. Instead, the bill we are considering today is putting in statute what has only been implied previously by the Federal Government's blind eye about illegal workers: it pays to break the law.

This statement is truest in the agricultural section of this bill than anywhere else. The amendment I have introduced is one of a series that I will file that will attempt to eliminate some of the hardships this bill levies on those agricultural employers who have been and will continue to utilize the legal program we have in place for temporary agricultural workers.

Currently, agricultural employers who utilize the H–2A program must pay all workers in the occupation in which they utilize H–2A workers the higher of the applicable minimum wage rate, the prevailing wage rate, or the adverse effect wage rate. In almost every instance, the adverse effect wage rate is the highest of these options.

Conversely, those agricultural employers who utilize an illegal workforce and, are often competitors of those using the H–2A program, are governed by no wage floor and generally end up paying around the Federal minimum wage rate, sometimes less. Obviously those who utilize an illegal workforce have a significant competitive advantage over their H–2A user counterparts based on overhead costs due to wage rates alone. And those illegal workers are subject to abusive payment practices by some employers.

Historically, approval of an employer's use of non-immigrant visa-holding foreign workers was predicated on two things: No. 1, No U.S. workers were available to fill the specific job, and No. 2, wages for that occupation would not be depressed by the hiring of foreign workers.

The obvious solution was the imposition of a prevailing wage requirement for specific occupations. The prevailing wage, determined by surveys conducted by States, insured that available U.S. workers would not be discouraged from applying for the job because it paid lower than usual wages. It also guaranteed that all workers, both foreign and domestic, would be paid a wage that was competitive in the local area, thus avoiding depressing wages for that occupation or making the use of foreign workers more attractive than hiring U.S. workers.

At the present time, prevailing wages are required for H–1B, H–2B, and permanent work-related visas. However, H–2A, the agricultural version of temporary, non-immigrant work visas, is required to pay a different wage rate—the adverse effect wage rate.

Unlike prevailing wages, which are established for a local area for specific jobs, and determined by the level of experience, skill, and education they require, the adverse effect wage rate is an average of all wages including incentive pay, bonuses, and seniority for all farm jobs in a multi-State region.

So an H–2A employer in Indiana must guarantee an H–2A worker with no experience who is working on a dairy farm the same minimum wage as a farm employee in Ohio with 5 years of experience operating a combine to harvest soybeans. Likewise, an inexperienced employee who is harvesting lettuce in Arizona must be guaranteed the same minimum wage as an experienced greenhouse worker in New Mexico. It just doesn't make sense.

Prevailing wages are determined by the U.S. Department of Labor through its State partners, using a methodology designed to capture a fair wage that reflects the local standards specific to a particular occupation. This is currently done for H–1B and H–2B visas.

I might add that the new H–2C program that has been approved as part of this particular underlying bill and was accepted as the prevailing wage for that work was accepted by unanimous consent yesterday.

Conversely, the adverse effect wage rate is determined by a survey conducted by the U.S. Department of Agriculture as part of its larger National Agricultural Statistics surveys. Officials in the Department of Agriculture's National Agricultural Statistics Service readily admit that the wage survey used for adverse effect wage rate was never designed to set specific wages—only to describe them in general. As such, the National Agricultural Statistics Service's survey creates an artificial, multi-state wage floor—one that significantly increases annually, regardless of the economy, the agricultural market, and competitive factors within a product line or local area.

Supporters of maintaining an adverse effect wage rate for H–2A workers will tell you that it is necessary to prevent the presence of foreign workers from adversely affecting the wage rates of U.S. farm workers. These are generally the same folks who advocate for greater protections for farm workers.

So you can imagine my surprise when reading this bill when I found that there is no mandated wage floor for those workers who are now illegal working in agriculture once they get on a blue card or once they adjust to permanent resident status—assuming they stay in agriculture.

So while a farmer who utilizes H–2A workers in an occupation will have to pay all workers in that occupation the adverse effect wage rate, those farmers who have been using an illegal workforce and are allowed to continue to use that same workforce, which is legalized through this bill, will only be bound by the applicable minimum wage.

This does not make the least bit of sense.

To give you some examples: a farmer who uses the H–2A program in Oklahoma will have to pay his workers $8.32 per hour, while a farmer in the same place who uses a newly legalized blue card worker will have to pay only $5.15 per hour to his employees.

In Louisiana, an H–2A employer will have to pay $7.58 an hour to his workers while a farmer who employs blue card workers will only have to pay $5.15 per hour.

In Maryland, an H–2A employer must pay $8.95 an hour while a blue card employer only has to pay $5.15 an hour.

In Nebraska, an H–2A employer must pay $9.23 an hour while an employer of legalized blue card workers must pay only $5.15 an hour.

In Arkansas, H–2A employers must pay $7.58 an hour to their workers, while those who continue to use the previously illegal workforce pay only $5.15 an hour.

In Arizona, H–2A employers must pay $8.00 an hour while blue card employers pay only $5.15 an hour for the same work.

In Kansas, H–2A employers will have to pay $9.23 an hour, while employers of blue card workers must pay only $5.15 an hour.

In Montana, H–2A employers must pay $8.47 an hour while blue card employers must pay $5.15 per hour.

You might be asking—well what about those states that have minimum wages higher than the federal minimum wage? The adverse effect wage rate is still higher—for example, an H–2A employer in New York will have to pay his workers $9.16 an hour while an employer who uses blue card workers will only have to pay $6.75 an hour. And in Connecticut, an H–2A employer will be mandated to pay $9.16 an hour while the farmer who uses blue card workers will pay $7.40 an hour. This is not fair to the farmers and it is not fair to the workers.

This bill systematically rewards lawbreakers and punishes those who have, with some difficulty, been obeying the laws on the books today. This amendment is not just about parity, though I would argue strongly that it is needed—for not only will H–2A employers be mandated to pay higher wages than their counterparts who use the newly legalized workforce, H–2A employers will also continue to be responsible for providing to their employees free housing and utilities, reimbursement of transportation costs, and payment of visa, consular, and border crossing fees. This amendment is about what is right for agriculture, both for the farmer as well as the migrant worker.

We know from past experience that once farm workers are legalized through an amnesty, they leave farm work. This means that the farmers who use an illegal workforce today and plan to legalize their workers with the blue card program in this bill will be faced with the reality that the H–2A program will be the only avenue for legal workers when they cannot find others to do the jobs they need in the near future. The failure of the H–2A program in the past to meet the needs of agriculture across the nation has been based, in part, on provisions such as the adverse effect wage rate. H–2A employers simply can't compete with the illegal workforce and they won't be able to compete with employers of blue card workers.

This amendment will require that all workers in agriculture be paid the higher of the applicable minimum wage and the prevailing wage rate, as determined by the Department of Labor.

This will allow the mandated wages to reflect geographic location, occupation, and skill level, unlike under current law and in this bill. In addition, it will provide much-needed additional worker protections to those workers who adjust status under this bill by ensuring that they are guaranteed the same wage as an H–2A worker in the same occupation.

I ask my colleagues to support this amendment.

Let's put parity in agriculture in a temporary worker program that has been on the books for decades and will work—if we can streamline it, if we can make it fairer for the employer, more attractive to the employer to use, and at the same time fair to the employee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, the hour is late. I know those at the desk, including the Chair, would like to dim the lights and say good evening. I will do that in just a few moments.

We are going to have an opportunity to debate in detail what the Senator from Georgia has put before the Senate as it relates to a wage rate for agricultural workers that is embodied within the bill that is before us in comprehensive immigration reform.

I must tell you that after having worked on the agriculture portion of this bill for nearly 5 years, and as a farmer and rancher, I totally agree with the Senator from Georgia, that those who were under the H–2A program and those who weren't were very different, and those who weren't were placing the farmer-producer who had adhered to the H–2A program at a true competitive disadvantage because of the adverse effect wage rate that the Senator spoke to.

As we work to reform and change the character of the H–2A program, and for those Senators who aren't quite aware of that—that is the agricultural portion—we recognize that the adverse affect wage was out of step. It was skewed in large part by comparative and competitive disadvantaged margins that the Senator speaks to. The Senator has proposed moving to a prevailing wage, which, in my opinion, is in itself a minimum wage.

Let me make those points. What the Senator from Georgia has failed to suggest is after an examination of the adverse effect wage rate and recognizing the problems, we changed it dramatically. We said let's freeze it at the 2003 level, January 1, which is actually the 2002 level, and keep it flat for 3 years while we adjust the agricultural workplace into a true prevailing wage.

That is what the bill does. Let me show you what I believe the effects are. I will go into those in more detail on

Monday because they are significant, and in many instances what the bill does for American agriculture is better than what the Senator from Georgia is proposing. It causes us to focus on what is appropriate and right in bringing about equity and balance in the agricultural workforce and in that wage rate.

In 2006, the adverse effect wage rate was $8.63 an hour. This bill drops it to $8.19. In 2010, $10.25 and drops it to $9.06, and many examples on a State-by-State basis drop it more than that. But more than dropping the wage rate down and bringing equity in it, we bring equity in a sense by going in and looking at it and making sure that we effectively change the indices, immediately upon the enactment of the agriculture portion known as AgJOBS of this bill.

In California, the wage rate will drop by 11 percent; in New Hampshire, 13 percent; South Carolina, 13 percent; Montana, 12 percent; Pennsylvania, 16 percent.

I wish the Senator would check his numbers. The numbers he talks about tonight are not prevailing wage. That is minimum wage. And minimum wage will not stand. That is something we are all going to have to look at as we focus on the Chambliss amendment to see if those numbers are truly accurate. I am not in any way suggesting the Senator is wrong, but I am suggesting those who did the research used the Nation's lowest indices possible. I challenge those numbers. It is appropriate to do so.

By 2016, the average farm wage is projected to be $12.81 but the projected adverse effect wage is $10 or down 17.5 percent below the average farm wage if we look at those kinds of indices. It is important we understand we are proposing significant changes in the wage rate and in the market.

The Senator is suggesting, and appropriately so, embodied within adverse effected wage were a variety of other things that agricultural producers had to supply, in some instances, housing, or housing certificates, and other types of amenities at the workplace. That will still happen, whether it is a transitional blue card employment force or an H2–A force because, clearly, once we have transitioned the modified and reformed H2–A program embodied within the bill before the Senate, will be the effective guest worker law portion of it dealing specifically with agriculture.

Agriculture is a different workforce. And it is a different wage scale. We know that.

Had the Senator embodied within it the advantage of piecework, the adverse effect wage rate does that. Do you know some workers who are getting $7 an hour, if they work piecework, get $12 an hour? It is their advantage to do is. There is a higher level of productivity when you bring them all to a common denominator that goes away. There are a variety of things that are critically important to look at.

I do not mean to suggest in any way that the numbers offered were offered in an untruthful way but the numbers that were provided to the offeror are the lowest common denominator at a minimum wage rate and not the 50th medium talked about by the Department of Labor in their analysis and in the establishment of an appropriate wage rate that would be a true prevailing wage rate.

I want a prevailing wage rate. That is what the bill proposes, a transitional pattern of time, a 3-year pattern of time with a frozen adverse effect wage rate, to move us to prevailing. The Farm Bureau asserts that the prevailing crop wage in Ohio ranges from $5.85 to $7.13 an hour. They compare this to the wage rate of $8.38 per hour which would apply during the AgJOBS wage freeze. Those are the kind of numbers that were being offered this evening. However, the medium hourly wage, which would be the prevailing wage under the amendment before the Senate, was $8.57 for crop workers in Ohio in the data sourced by the Farm Bureau.

I am still digging into the numbers because I cannot quite understand it. There is a disparity that is troublesome if we are to arrive at a fair, responsible, and accurate measurement to establish an effective prevailing wage that is fair to the worker, but more importantly, and as importantly, fair to the producer so that we get out of this competitive disadvantage the Senator from Georgia has recognized and sees as critically important.

In other words, if this data source represented agriculture prevailing wage, which in my opinion it does not, the prevailing crop rates I mentioned for Ohio would be at least 19 cents an hour higher than the AgJOBS minimum wage even in 2006 before we tamp it down in the law. The projected Ohio prevailing crop wage in 2010, based on the data source, would be $10.33 per hour compared to the AgJOBS minimum wage of $9.29.

In all sincerity, I offer to the Senator from Georgia a time for us to look at numbers and do some comparisons. There is a disparity. I know what the bill does because the bill is accurately and effectively represented in these charts because we knew what the effected adverse wage was going to be, and there is a very clear projection line. What we do not know are the indices given and provided as it relates to the Chambliss amendment.

I will spend the weekend looking at it and looking at those numbers. They do concern me. It is important we get it right, not that we want to treat anyone in a disadvantaged way, but what we do has to be accurate, it has to create stability, it has to take away the competitive disadvantage the Senator from Georgia is talking about, that is real today in this disparity between those H–2A workers and, if you will, the undocumented workers out there in the American workforce that the provision of the bill that deals with agriculture attempts to get its arms around and legalize through the blue card transition period the Senator and I have spoken to.

It is a very important part of the bill. Both the Senator from Georgia and I have been concerned for some time and have compared numbers about an American agricultural work base built on a faulty employment base. You cannot be working 75 percent undocumented workers and be wholly dependent upon them to bring the perishable crop to the market and then have them swept out from under you.

Yet we also know that when there is 1.2 to 1.5 million people in the American agricultural workforce that are foreign nationals, yet annually, the H–2A as a program only effectively identifies 42,000 to 45,000, something was and is dramatically wrong. That is why the Senator is here with his amendment. That is why I am here with a major reform package within the bill. We both agree that the wage part of this is skewed. That is why we rolled it back dramatically and we are proposing establishing a prevailing wage. And he has proposed a prevailing wage.

We have to get the numbers right. I disagree with his numbers. It is important that in the effort to bring stability and equity we get them right.

I hope the Senate would get the Chambliss amendment, stay with the freeze that is actually the 2002 wage scale for 3 years, while we get the numbers right as it relates to the effective establishment of a prevailing wage.

In the end, I would argue that during that period of time we have substantially lessened the competitive disadvantage and improved the overall wage base for agricultural workers in a sense of equity and balance.

We will be back to this amendment, I understand, Monday afternoon to debate it before a vote on Monday evening at 5:30. It is a challenge for all of us. More than one Senator over the course of the last week has said this is a very complicated bill. And the area that Senator CHAMBLISS and I have ventured into is a very complicated portion of the bill.

I know what the bill does because I helped write it and spent a good number of years attempting to negotiate it. I am yet to clearly understand what I believe the Senator from Georgia is attempting to do as to the accuracy of his numbers and what they would mean on a State-by-State basis based on the indices he proposes to be used if this were to become law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I do not intend to take but a few seconds to not necessarily respond to my friend from Idaho, who correctly states we have been working together in trying to solve a very difficult problem relative to reform of the H–2A program. He has been at it for a long time. My first vote on this was 11 years ago as a Member of the House of Representatives. That is how long I have been working on this issue. And we have yet to get the H–2A program reformed.

I am very hopeful, as we go through this, we will have an opportunity to look at the numbers. I did not even mention prevailing wage numbers for Ohio or any other State. Obviously, I am happy to look at those. But the numbers are what they are. And the Senator from Idaho, I assume, agrees with me and is going to vote with me because he said he wants a prevailing wage, and I am seeking to amend this bill to get a prevailing wage in a bill that has an adverse effect wage rate in it.

But seriously, the numbers are what they are. I think we can agree that the prevailing wage rate is higher than the minimum wage, and it is less than the adverse effect wage rate today virtually in every State and in every location in the country. Our farmers are very much at a disadvantage today, and it is not like they are not willing to pay a fair wage.

You are right, most of our employees work on a piece rate. They cut a bucket of squash, they take it to the wagon, and they get a chip. And that chip may be worth $2 or it may be worth $5. That is the way most agricultural workers are paid: on a piece-rate basis. But there has to be a floor. They have to be paid a certain amount per hour under the law, and that is the way it should be. And that is what we are going to be talking about.

But the numbers are what they are. And the numbers speak for themselves. We look forward to debating in much more detail on Monday. Our purpose today on both ends was simply to get the amendment laid down. We will be back Monday to engage in more extensive debate.

Mr. President, I ask unanimous consent that at 5:30 on Monday, May 22, the Senate proceed to a vote in relation to the Chambliss amendment No. 4009; provided further that the time from 5 to 5:30 be equally divided between Senator CHAMBLISS and the Democratic manager or his designee. I further ask consent that following that vote, the Senate proceed immediately to a vote in relation to the Ensign amendment No. 4076, as modified. Finally, I ask consent that no second degrees be in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 80TH ANNIVERSARY OF THE FOUNDING OF THE DESERT NATIONAL WILDLIFE REFUGE

Mr. REID. Mr. President, I rise today to bring recognition to one of the most majestic places in Nevada—the Desert National Wildlife Refuge. On Saturday, May 20 the refuge will have been in existence for 80 years. Established in 1936 during the Presidency of Franklin Delano Roosevelt, the Desert National Wildlife Refuge is a key part of the National Wildlife Refuge System that protects sensitive lands and species throughout our great Nation.

Covering 1.5 million acres of the Mojave Desert in southern Nevada, the Desert refuge is the largest National Wildlife Refuge in the continental United States. The Mojave Desert is known for its wide variety of geology, plant life, and animal life. The Desert National Wildlife Refuge epitomizes this diversity. It contains six different mountain ranges and four different habitat types. With an average rainfall between 4 and 15 inches, elevations ranging from 2,500 ft to 10,000 ft, and over 300 different animal species, the Desert refuge offers a truly varied landscape.

The Desert National Wildlife Refuge was originally established for the preservation and management of Nevada's desert bighorn sheep population, which had begun to decline as early as the 1880s. The desert bighorn sheep is the State animal of Nevada and, thanks in large part to the refuge and the work of groups such as the Fraternity of the Desert Bighorn and Nevada Bighorns Unlimited, our bighorn sheep population has been steadily rising in recent years.

I would be remiss if I didn't also take a few moments to talk about the incredible sheep range that runs up the east side of refuge. Rising nearly 10,000 feet out of the desert floor and running over 50 miles in length, this mountain range has engaged the imaginations of Americans since well before southern Nevada was settled. This most memorable natural landmark is one of the key reasons that President Nixon proposed much of the refuge for wilderness designation in 1974.

On this occasion of the 80th anniversary of the founding of the Desert National Wildlife Refuge, I thank all those who have worked to protect these lands. I also salute those visionary individuals—some generations ago—that recognized the need to preserve this incredible habitat for desert bighorn sheep and the myriad of other species that still thrive on these lands.

CELEBRATING THE 10TH ANNIVERSARY OF TOYOTA MOTOR MANUFACTURING, WEST VIRGINIA

Mr. BYRD. Mr. President, West Virginians are both a prayerful and a prideful people. We cherish our State, honor its unique heritage, and revere its citizenry. Our respect for one another and for our joint accomplishments is apparent in every cornr and cranny of this wondrous State, filled with unparalleled scenic beauty, old-fashioned hospitality, and a sincere commitment to excellence. Our belief in ourselves and in our abilities is apparent when we welcome our troops home from service overseas; when we watch our sons and daughters receive their high school diplomas; when our communities band together to overcome tragedy; or when we gather together to celebrate shared and lofty achievement. It is always the same: Mountaineer pride runs strong and deep in West Virginia.

West Virginia pride is particularly on display today in Buffalo, WV, where Toyota Motor Manufacturing, West Virginia, TMMWV, is celebrating its 10th anniversary. I commend Toyota on its commitment to West Virginia, and I heartily congratulate the company on its celebration of 10 years in the Mountaineer State.

I have seen, over the past decade, how hundreds of West Virginians each day have committed themselves to their work at Toyota. The high standards that have been set by the men and women who work at Toyota's facility in Buffalo show that our State, though small in size, successfully plays host to one of the world's largest, most successful, and well-respected companies. Toyota's plant in Buffalo truly deserves its fine reputation, based on its gains in productivity, its high standards for fine quality, and its unfailing commitment to the future.

Toyota Motor Manufacturing established its operations in West Virginia in 1996, and currently produces four-cylinder engines for the Toyota Corolla, the Matrix, and the Pontiac Vibe. It also produces V6 engines for the Toyota Sienna and Solara. The plant also manufactures automatic transmissions for the U.S.-built Solara, Sienna and Avalon, the Canadian-built Lexus RX 350, and the Japan-built Highlander, providing quality jobs for over 1,000 West Virginians. And employment there is projected to grow to 1,150 workers when the existing transmission plant is expanded as promised.

In fact, last year Toyota announced that it would undertake a $120 million expansion of its engine and transmission plant in Buffalo. As a result, beginning in 2007, Toyota Motor Manufacturing in West Virginia will build 240,000 additional automatic transmissions per year. This will bring the plant's total automatic transmission capacity to 600,000 units, and this fifth expansion by Toyota in West Virginia will bring its total investment there to near the $1 billion mark.

Every day, in Buffalo, hundreds of West Virginians commit themselves to superior performance. Toyota has become a highly valued member of the West Virginia business community, and the company's commitment to its continued expansion in our State sends a clear message to the world not only that West Virginia's workforce is top of the line, but also that communities throughout West Virginia make our State a beacon for business, including international investment. The employment provided by Toyota at Buffalo constitutes exactly the type of well-paying jobs, with accompanying health and pension benefits, that West Virginia workers so richly deserve.

Mr. President, I would like to take this opportunity to once again congratulate Toyota on its 10th anniversary in West Virginia. I thank Dr. Toyoda for believing in West Virginia. I also congratulate Toyota Motor Manufacturing, West Virginia President Yutaka Mizuno and the men and women of this plant for its all of its truly spectacular achievements in its first decade in our fair State.

I would also like to thank my dear friend and colleague, Senator JAY ROCKEFELLER, who worked so tirelessly and in such good faith to bring Toyota to West Virginia. JAY and I, and all West Virginians, are pleased and proud to have Toyota in Buffalo, WV. May this be the first of many more decades of partnership and accomplishment for our State and for Toyota Motor Manufacturing.

Mr. BAYH. Mr. President, I rise today to congratulate Toyota Motor Manufacturing of Indiana, on celebrating the 10th anniversary of its truck assembly plant in Princeton. Since opening its doors 10 years ago, Toyota's Princeton plant has spurred economic growth in southwest Indiana and brought quality, good-paying jobs to the State, giving more workers the opportunity to provide for their families and live the American dream.

When I was Governor, I was proud to join with Toyota Motor Corporation, TMC, Chairman Hiroshi Okuda in bringing the Toyota truck assembly plant to Princeton as part of my economic development for a growing economy, EDGE, initiative. Over the past 10 years, Toyota's Princeton plant has experienced remarkable growth, which has had a substantial, positive economic impact on the State of Indiana as well as the local economy.

Toyota's initial investment of $700 million in the Princeton assembly plant led to the immediate creation of 1,300 family-wage jobs and resulted in the production of approximately 100,000 trucks per year. Today, Toyota's investment has grown to more than $2.6 billion, and its truck assembly plant now employs more than 4,700 men and women who produce more than 300,000 vehicles each year, including the Tundra full-size pickup truck, Sequoia sport utility vehicle, and Sienna minivan.

This exceptional growth and the recent announcement of Toyota's collaboration with Subaru in Lafayette have made it one of Indiana's largest auto manufacturers. Toyota's efforts demonstrate its continued commitment to the State and highlight the contributions Toyota has made to the United States and local communities in Indiana.

It is estimated that Toyota's annual economic impact on the State of Indiana is equal to about 31,385 jobs, nearly $503 million in employee compensation, and $5.5 billion in business sales. A study conducted by the University of Evansville and the University of Southern Indiana estimates that in Gibson County alone, Toyota is annually responsible for 8,865 jobs, approximately $119 million in employee compensation, and $519 million in business sales.

I am honored to have the opportunity to enter this tribute in the CONGRESSIONAL RECORD of the Senate and commend Toyota Motor Manufacturing of Indiana for all that it has done for Hoosier working men and women over the past 10 years.

DAY OF PRAYER FOR COLOMBIA

Mr. JOHNSON. This Sunday, members of Lutheran World Relief, in conjunction with churches and people of faith, will pray for a peaceful resolution to the conflict in Colombia. Lutheran World Relief advocates for those around the world suffering from poverty, hunger, or injustice. It is a voice for the most vulnerable worldwide, and this weekend Lutheran World Relief will shine a bright light on the current situation in Colombia.

For over 40 years, Colombia has been engulfed in a civil conflict pitting guerrilla groups again the Colombian Government. As a result, innocent civilians have been kidnapped and ransomed; illicit coca production and drug trafficking continue to plague the country; and thousands have died or have been forced from their homes in order to flee violence.

The United States has provided assistance to Colombia, both military and economic, in order to stem the illegal trade in drugs and promote a peaceful resolution to the civil conflict. However, Colombia remains the leading supplier of the world's cocaine, and it is home to at least three illegally armed groups that have been designated foreign terrorist organizations by the U.S. Department of State. Without question, Congress must assist countries in eradicating drug crops and combating terrorism. However, we must also remember that societies are based on the rule of law, and human rights must be respected. We should not sacrifice one goal in order to achieve another.

Lutheran churches in South Dakota an around the Nation are in solidarity with peace communities in Colombia. I commend Lutheran parishioners and worshippers of other faiths, as they pray for peace and remember all those who have perished in the conflict. As a Lutheran myself, I believe protecting human rights in Colombia must remain a high priority.

RETIREMENT OF LEONIDAS RALPH MECHAM

Mr. HATCH. Mr. President, today I rise to pay tribute to Leonidas Ralph Mecham, who recently retired after more than 20 years as Director of the Administrative Office of the U.S. Courts. As that agency's longest-serving Director, Ralph ably guided the judiciary through some turbulent and challenging times, and for such he deserves the praise and commendation of this body.

Ralph Mecham was born on April 23, 1928, in Murray, UT. He earned a bachelor's degree with highest honors from the University of Utah, a law degree from George Washington University, and a master's degree in public administration from Harvard University. Ralph's first stint here in Washington began more than 50 years ago, when he served as a legislative assistant and administrative assistant to Senator Wallace Bennett of Utah, the father of our colleague Senator BOB BENNETT. Ralph returned to our State to serve as vice president of his alma mater, the University of Utah, where he also taught constitutional law and was responsible for creating the University of Utah Research Park.

Ralph could not stay away from Washington and returned to serve as Special Assistant to the Secretary of Commerce. In July 1985, Chief Justice Warren Burger appointed him Director of the Administrative Office of the U.S. Courts. The Administrative Office provides internal administrative support to the judicial branch and communicates on behalf of the judiciary with Congress, the executive branch, and the public.

Ralph served in this capacity during a particularly challenging time for the judiciary. Providing effective judicial administration in the face of budgetary constraints is difficult when the Federal judiciary's caseload continues its upward spiral. Cases filed in the U.S. Court of Appeals, for example, more than doubled during Ralph's time as Director. The number of bankruptcy cases skyrocketed from 365,000 to over 1,780,000 in that same period. In addition, national tragedies such as the terrorist attacks of September 11, as well as catastrophes such as Hurricane Katrina, created their own unique challenges to the continued functioning of the judiciary. Ralph met each challenge effectively. His extensive background in public administration and experience in both the legislative and executive branches served him well in equipping the judicial branch for its critical tasks even through these challenges and troubled times.

Ralph also helped guide the judicial branch through a period of increased public attention and even criticism regarding judicial decisions. Protecting judicial independence while also enhancing public understanding of the function of judges in our system of government is just the kind of balancing act Ralph was prepared to tackle. He did so effectively with a steady hand.

The Director of the Administrative Office serves as secretary of the Judicial Conference and as a member of its executive committee. The judges who chaired the executive committee during Ralph's tenure also have praised his work.

The current executive committee chairman, U.S. District Judge Thomas F. Hogan, says that "[w]atching Ralph operate is like watching a master conductor guide the philharmonic orchestra through a complicated Bach symphony." If only this could be said of us Senators and our work on our committees or on this floor.

Judge Carolyn Dineen King, Chief Judge of the Fifth Circuit, chaired the executive committee from 2002 to 2005. In tackling a wide range of problems, she says, "Director Mecham exhibited his usual inventiveness, intensity, tenacity, and judgment and his remarkable ability to inspire others . . . to do the very best they were capable of."

Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit chaired the executive committee from 1987 to 1989. He has said that "Ralph handled this difficult job with confidence, competence and dedication. It is a testament to his hard work and dedication that today the federal courts to a large extent so successfully manage their own resources and operations."

Judge Ralph K. Winter, also a former Chief Judge of the Second Circuit, chaired the executive committee a decade later, from 1999 to 2000. He believed that Ralph showed "a remarkable capacity for keeping the long view in mind while putting out the short-term fires that would relentlessly pop up in various directions."

Perhaps the best applause for Ralph Mecham's leadership comes from Sixth Circuit Judge Gilbert Merritt, who chaired the executive committee from 1994 to 1996. "The judiciary is in much better shape administratively than it was 20 years ago." Whether in our families, our communities, or our work, we should each strive to leave those in our charge better off than we found them.

I was pleased to hear that Ralph recently received the 2006 National Public Service Award in recognition of his excellence in a half-century of public service. The award announcement noted his support for the Judicial Conference by providing high-quality services to judges and the courts, and by building relationships both inside and outside the judiciary.

Ralph Mecham has been married to the former Barbara Folsom for more than 55 years. With 5 children and 14 grandchildren, he is a devoted family man. Ralph has served in various positions in church and community, including time as a missionary in Great Britain, chairman of the Utah State Heart Association, chairman of the Salt Lake County Cancer Association, and chairman of the University of Utah National Advisory Council. His commitment to the community and to his church continues.

The judicial branch and the country are better because of Ralph's service. I want to commend him for his commitment and for setting a good example of public service. His record tells me that, even in supposed retirement, Ralph Mecham will continue helping and serving those around him.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, which states that the Burma emergency is to continue beyond May 20, 2006, for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 18, 2005 (70 FR 28771).

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 18, 2006.*

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY PROTECTING THE DEVELOPMENT FUND FOR IRAQ AND CERTAIN OTHER PROPERTY IN WHICH IRAQ HAS AN INTEREST—PM 49

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as expanded in scope by Executive Order 13315 of August 28, 2003, and modified in Executive Order 13364 of November 29, 2004, is to continue in effect beyond May 22, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on May 20, 2005 (70 FR 29435).

The threats of attachment or other judicial process against (i) the Development Fund for Iraq, (ii) Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, or (iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by, on behalf of, or otherwise for the Central Bank of Iraq create obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq. Accordingly, these obstacles continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency protecting the Development Fund for Iraq, certain other property in which Iraq has an interest, and the Central Bank of Iraq, and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 18, 2006*.

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:41 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4200. An act to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4200. An act to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 18, 2006, she had presented to the President of the United States the following enrolled bills:

S. 1165. An act to provide for the expansion of the James Campbell National Wildlife Refuge, Honolulu County, Hawaii.

S. 1869. An act to reauthorize the Coastal Barrier Resources Act, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6897. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report of the Commission's authorization request for fiscal years 2007 and 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6898. A communication from the Secretary, Department of Housing and Urban Development, transmitting, the report of proposed legislation entitled "Improving Lead-Based Paint Investigations Act of 2006"; to the Committee on Banking, Housing, and Urban Affairs.

EC–6899. A communication from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Parts 535, 536, 537, 538, 539, 540, 541, 542, 560, 588, 594, and 595; Iranian Assets Control Regulations, Narcotics Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, Weapons of Mass Destruction Trade Control Regulations, Highly Enriched Uranium (HEU) Agreement Assets Control Regulations, Zimbabwe Sanctions Regulations, Syrian Sanctions Regulations, Iranian Transactions Regulations, Western Balkans Stabilization Regulations, Global Terrorism Sanctions Regulations, Terrorism Sanctions Regulations" received on May 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6900. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR part 707—Truth in Savings" (RIN3133–AC57) received on May 17, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–6901. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, the report of proposed legislation entitled "Computer Security Enhancement Act of 2006"; to the Committee on the Judiciary.

EC–6902. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Inspector General Semiannual Report to Congress for the six-month period ending March 31, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6903. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Executive Branch Confidential Financial Disclosure Reporting Regulation" (RIN3209–AA00 and RIN3290–AA09) received on May 17, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6904. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Areas; Order Amending Orders" (DA–06–06; AO–14–A75, et al.) received on May 17, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6905. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, Oregon; Suspension of Handling Regulations, Establishment of Reporting Requirements, and Suspension of the Fresh Prune Import Regulation" (FV06–924–1 IFR) received on May 17, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6906. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Hass Avocado Promotion, Research, and Information Order: Adjust Representation on the Hass Avocado Board" (FV–06–701–IFR) received on May 17, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6907. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Standby Support for Certain Nuclear Plant Delays" (RIN1901–AB17) received on May 17, 2006; to the Committee on Energy and Natural Resources.

EC–6908. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–6909. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles or defense services in the amount of $100,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–6910. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107–243) and the Authorization for the Use of Force Against Iraq

Resolution (P.L. 102-1) for the December 15, 2005 through February 15, 2006 reporting period; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 1899. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes (Rept. No. 109-255).

By Mr. CRAPO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2856. An original bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes (Rept. No. 109-256).

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Craig R. McKinley to be Lieutenant General.

Air Force nomination of Lt. Gen. William M. Fraser III to be Lieutenant General.

Air Force nomination of Lt. Gen. Kevin P. Chilton to be General.

Air Force nomination of Maj. Gen. Norman R. Seip to be Lieutenant General.

Air Force nomination of Maj. Gen. James G. Roudebush to be Lieutenant General.

Air Force nomination of Brig. Gen. Dana T. Atkins to be Major General.

Air Force nomination of Col. Lawrence A. Stutzriem to be Brigadier General.

Air Force nomination of Col. Linda K. McTague to be Brigadier General.

Air Force nomination of Maj. Gen. Robert J. Elder, Jr. to be Lieutenant General.

Air Force nomination of Lt. Gen. David A. Deptula to be Lieutenant General.

Air Force nomination of Lt. Gen. Victor E. Renuart, Jr. to be Lieutenant General.

Army nomination of Brig. Gen. Elder Granger to be Major General.

Army nomination of Lt. Gen. David F. Melcher to be Lieutenant General.

Army nomination of Maj. Gen. Stephen M. Speakes to be Lieutenant General.

Army nomination of Brig. Gen. Ronald D. Silverman to be Major General.

Army nomination of Col. Michael A. Ryan to be Brigadier General.

Army nomination of Brig. Gen. Stephen V. Reeves to be Major General.

Army nomination of Maj. Gen. Jack C. Stultz, Jr. to be Lieutenant General.

Navy nomination of Capt. Alan T. Baker to be Rear Admiral (lower half).

Navy nomination of Rear Adm. (lh) Robert F. Burt to be Rear Admiral.

Navy nomination of Capt. Gregory J. Smith to be Rear Admiral (lower half).

Navy nominations beginning with Captain Townsend G. Alexander and ending with Captain Edward G. Winters III, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2006.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Rosalind L. Abdulkhalik and ending with Jesse B. Zydallis, which nominations were received by the Senate and appeared in the Congressional Record on March 7, 2006.

Air Force nominations beginning with Steven L. Alger and ending with Rachelle Paulkagiri, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Army nomination of Chantel Newsome to be Colonel.

Army nomination of Kenneth A. Kraft to be Colonel.

Army nominations beginning with Mark A. Burdt and ending with Robert L. Porter, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Army nominations beginning with Betty J. Williams and ending with Henry R. Lemley, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Army nomination of Thomas F. Nugent to be Lieutenant Colonel.

Army nomination of Michael F. Lorich to be Major.

Army nomination of Brian O. Sargent to be Major.

Army nominations beginning with Brian K. Hill and ending with Charles W. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on April 27, 2006.

Navy nominations beginning with Robert J. Tate and ending with Edward A. Sylvester, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nominations beginning with William L. Yarde and ending with Bruce R. Deschere, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

Navy nominations beginning with Gregory G. Allgaier and ending with Timothy J. Yanik, which nominations were received by the Senate and appeared in the Congressional Record on April 24, 2006.

By Mr. GRASSLEY for the Committee on Finance.

*W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT (for himself and Mr. PRYOR):

S. 2830. A bill to amend the automobile fuel economy provisions of title 49, United States Code, to reform the setting and calculation of fuel economy standards for passenger automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. SPECTER, Mr. DODD, Mr. GRAHAM, and Mr. SCHUMER):

S. 2831. A bill to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice; to the Committee on the Judiciary.

By Mr. VOINOVICH (for himself, Mrs. CLINTON, Mr. WARNER, Mr. DEWINE, Mr. LOTT, Mr. ALLEN, Mr. BURR, and Mrs. DOLE):

S. 2832. A bill to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965; to the Committee on Environment and Public Works.

By Mr. BROWNBACK:

S. 2833. A bill to suspend temporarily the duty on certain athletic footwear for men and boys; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2834. A bill to suspend temporarily the duty on certain athletic shoes; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2835. A bill to suspend temporarily the duty on certain leather footwear for persons other than men or women; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2836. A bill to suspend temporarily the duty on certain other work footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2837. A bill to suspend temporarily the duty on certain leather and textile footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2838. A bill to reduce temporarily the duty on certain rubber or plastic footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2839. A bill to reduce temporarily the duty on certain footwear for men; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2840. A bill to suspend temporarily the duty on certain welt footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2841. A bill to reduce temporarily the duty on certain turn or turned footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2842. A bill to suspend temporarily the duty on certain work footwear with outer soles of leather; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2843. A bill to suspend temporarily the duty on certain footwear with outer soles of rubber or plastics and with open toes or heels; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2844. A bill to suspend temporarily the duty on certain athletic footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2845. A bill to reduce temporarily the duty on certain women's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2846. A bill to suspend temporarily the duty on certain work footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2847. A bill to suspend temporarily the duty on certain footwear with open toes or heels; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2848. A bill to suspend temporarily the duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2849. A bill to suspend temporarily the duty on certain sports shoes; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2850. A bill to suspend temporarily the duty on certain house slippers; to the Committee on Finance.

By Mr. DEMINT:

S. 2851. A bill to extend the temporary suspension of duty on sodium methylate powder (NA methylate powder); to the Committee on Finance.

By Mr. DEMINT:

S. 2852. A bill to extend the temporary suspension of duty on allyl isosulfocyanate; to the Committee on Finance.

By Mr. DEMINT:

S. 2853. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Finance.

By Mr. KOHL (for himself and Mr. DEWINE):

S. 2854. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

By Mr. BIDEN (for himself and Mr. JEFFORDS):

S. 2855. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

By Mr. CRAPO:

S. 2856. An original bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; from the Committee on Banking, Housing, and Urban Affairs; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN:

S. Res. 483. A resolution expressing the sense of the Senate regarding the importance of oral health, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCONNELL (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. FRIST, Mr. OBAMA, Mr. MCCAIN, Mr. LIEBERMAN, and Mr. REID):

S. Res. 484. A resolution expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the United Nations Security Council to adopt immediately a binding non-punitive resolution on Burma; considered and agreed to.

By Mr. FEINGOLD (for himself and Ms. SNOWE):

S. Con. Res. 95. A concurrent resolution expressing the sense of Congress with regard to the importance of Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 241

At the request of Ms. SNOWE, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 409

At the request of Mr. COLEMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 409, a bill to establish a Federal Youth Development Council to improve the administration and coordination of Federal programs serving youth, and for other purposes.

S. 441

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 441, a bill to amend the Internal Revenue Code of 1986 to make permanent the classification of a motorsports entertainment complex.

S. 619

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 619, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 633

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 914

At the request of Mr. ALLARD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 914, a bill to amend the Public Health Service Act to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 1023

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1023, a bill to provide for the establishment of a Digital Opportunity Investment Trust.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1132

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1132, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require that group and individual health insurance coverage and group health plans provide coverage for treatment of a minor child's congenital or developmental deformity or disorder due to trauma, infection, tumor, or disease.

S. 1200

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1200, a bill to amend the Internal Revenue Code of 1986 to reduce the depreciation recovery period for certain roof systems.

S. 1353

At the request of Mr. REID, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1725

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1725, a bill to strengthen Federal leadership, provide grants, enhance outreach and guidance, and provide other support to State and local officials to enhance emergency communications capabilities, to achieve communications interoperability, to foster improved regional collaboration and coordination, to promote more efficient utilization of funding devoted to public safety communications, to promote research and development by both the public and private sectors for first responder communications, and for other purposes.

S. 1741

At the request of Mr. VOINOVICH, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1774

At the request of Mr. CORNYN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 1840

At the request of Mr. THUNE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1840, a bill to amend section 340B of the Public Health Service Act to increase the affordability of inpatient drugs for Medicaid and safety net hospitals.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2231

At the request of Mr. BYRD, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 2231, a bill to direct the Secretary of Labor to prescribe additional coal mine safety standards, to require additional penalties for habitual violators, and for other purposes.

S. 2308

At the request of Mr. SPECTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2308, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve mine safety, and for other purposes.

S. 2321

At the request of Mr. SANTORUM, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2490

At the request of Mr. COLEMAN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2490, a bill to amend title 5, United States Code, to provide for a real estate stock index investment option under the Thrift Savings Plan.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2592

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2592, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 2616

At the request of Mr. SANTORUM, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2645

At the request of Mr. ALLEN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2645, a bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2688

At the request of Mr. ISAKSON, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2688, a bill to amend the Internal Revenue Code of 1986 to encourage private philanthropy.

S. 2703

At the request of Mr. LEAHY, the names of the Senator from Maryland (Mr. SARBANES) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2770

At the request of Mr. MCCAIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2770, a bill to impose sanctions on certain officials of Uzbekistan responsible for the Andijan massacre.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Ohio (Mr. VOINOVICH), the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Alaska (Mr. STEVENS), the Senator from Rhode Island (Mr. REED), the Senator from Colorado (Mr. SALAZAR), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2819

At the request of Mr. COLEMAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2819, a bill to amend part C of title XVIII of the Social Security Act to provide for a minimum payment rate by Medicare Advantage organizations for services furnished by a critical access hospital and a rural health clinic under the Medicare program.

S. 2824

At the request of Mr. DEMINT, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2824, a bill to reduce the burdens of the implementation of section 404 of the Sarbanes-Oxley Act of 2002.

S. RES. 450

At the request of Mr. DEWINE, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Georgia (Mr. ISAKSON) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 450, a resolution designating June 2006 as National Safety Month.

S. RES. 469

At the request of Mr. McCAIN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 469, supra.

AMENDMENT NO. 4009

At the request of Mr. CHAMBLISS, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of amendment No. 4009 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4023

At the request of Mr. DOMENICI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of amendment No. 4023 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4025

At the request of Mr. DEMINT, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 4025 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4029

At the request of Mr. AKAKA, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of amendment No. 4029 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4057

At the request of Mr. THOMAS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 4057 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4064

At the request of Mr. INHOFE, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arizona (Mr. KYL) and the Senator from Tennessee (Mr. FRIST) were added as cosponsors of amendment No. 4064 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. PRYOR):

S. 2830. A bill to amend the automobile fuel economy provisions of title 49, United States Code, to reform the setting and calculation of fuel economy standards for passenger automobiles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LOTT. Mr. President, I rise today to introduce The Corporate Average Fuel Economy, CAFE, Program Reform Act of 2006. I am pleased to be joined in this effort by Senator PRYOR, who serves on the Commerce Committee with me.

Since being introduced in the 1970s, CAFE standards have been controversial. The effectiveness of these standards is often debated as is their effect on safety, consumer choice, and the automobile industry.

CAFE became so controversial that it essentially was frozen for many years.

The stand-off over CAFE finally eased a little bit when a Congressionally commissioned National Academy of Sciences review of the CAFE program was released in 2002. Although that study found that CAFE had in fact reduced energy consumption, the Academy was critical of how the program was structured and found that there was a negative impact on safety.

Just this spring, the Department of Transportation issued new reformed CAFE rules for pickup trucks, vans, and SUVs. This rule is a radical departure from prior CAFE rules in that it applies different standards to different sized vehicles rather than a uniform standard across the whole fleet. The Department's approach addresses many of the criticisms in the academy's study.

The recent rule did not, however, include new standards for cars. Those standards have been the same since 1984 and there is considerable legal ambiguity about the secretary's ability to increase the existing standards. It is clear, however, that the law does not allow the secretary to "reform" CAFE standards for cars, since that part of the statute is written differently than for light trucks.

As chairman of the Subcommittee on Surface Transportation and Merchant Marine, I held a hearing on reforming CAFE standards last week. We heard from Secretary Mineta, as well as the automobile industry, safety advocates, and fuel economy experts. After listening to what our witnesses had to say, I am convinced that "reform" is a necessary approach.

After that hearing, Secretary Mineta transmitted legislation to Congress asking for the authority to reform CAFE standards.

The bill we are introducing today is very straightforward. The main feature of the legislation is that it gives the Secretary of Transportation the authority to reform the CAFE program in a manner similar to the rule that he issued for light trucks. The bill puts the responsibility of setting CAFE standards where it belongs—and that is with the scientists and technical experts at the Department of Transportation.

The reformed CAFE program authorized by this legislation will address many of the past criticisms. For example, the legislation specifies that the Secretary must take motor vehicle safety into consideration when developing new CAFE standards. The legislation also allows the trading of CAFE credits between a manufacturer's passenger car and light truck fleets. This gives manufacturers the flexibility to increase CAFE where it is most cost effective to do so.

Let me briefly address one issue that is potentially controversial. That is the issue of what is being called "backsliding." The concern is that under a reformed CAFE program, manufacturers could simply stop manufacturing some of their smaller cars since these cars are no longer needed to "average out" the larger, less fuel efficient models. The manufacturer's overall fuel economy average could then end up being below where it is presently. Although this is very unlikely to happen and that isn't the intent of a "reformed" CAFE system, I understand the concern. Senator PRYOR and I have included a provision in our legislation to address that problem. I know that there are many opinions on how to deal with this backsliding issue, and some people may not feel that our approach is strong enough. On the other hand, if the provision is too strict then the benefits of reform are potentially wiped out.

In the past, many in Congress have played politics with CAFE—offering bills that try to set unrealistically high or arbitrary CAFE standards. On the other side are those that have simply opposed doing anything. This has resulted in a stalemate and lots of finger pointing. I hope this doesn't happen again, because we really do need to get tougher standards in place as soon as we can.

Senator PRYOR and I are committed to improving the fuel economy of our vehicles without reducing safety and reliability or losing jobs. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corporate Average Fuel Economy Reform Act of 2006".

SEC. 2. CAFE STANDARDS FOR PASSENGER AUTOMOBILES.

(a) AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—Section 32902 of title 49, United States Code, is amended—

(1) by striking subsections (b) and (c) and inserting the following:

“(b) Passenger Automobiles.—

“(1) In general.—At least 18 months before the beginning of each model year, the Secretary of Transportation shall prescribe by regulation average fuel economy standards for passenger automobiles manufactured by a manufacturer in that model year. Each standard shall be the maximum feasible average fuel economy level that the Secretary decides the manufacturers can achieve in that model year. The Secretary may prescribe separate standards for different classes of passenger automobiles.

“(2) Minimum standard.—In prescribing a standard under paragraph (1), the Secretary shall ensure that no manufacturer's standard for a particular model year is less than the greater of—

“(A) the standard in effect on the date of enactment of the Corporate Average Fuel Economy Reform Act of 2006; or

“(B) a standard established in accordance with the requirement of section 5(c)(2) of that Act.

“(c) Flexibility of Authority.—

“(1) In general.—The authority of the Secretary to prescribe by regulation average fuel economy standards for automobiles under this section includes the authority to prescribe standards based on one or more vehicle attributes that relate to fuel economy, and to express the standards in the form of a mathematical function. The Secretary may issue a regulation prescribing standards for one or more model years.

“(2) Required lead-time.—When the Secretary prescribes an amendment to a standard under this section that makes an average fuel economy standard more stringent, the Secretary shall prescribe the amendment at least 18 months before the beginning of the model year to which the amendment applies.

“(3) No across-the-board increases.—When the Secretary prescribes a standard, or prescribes an amendment under this section that changes a standard, the standard may not be expressed as a uniform percentage increase from the fuel-economy performance of automobile classes or categories already achieved in a model year by a manufacturer.”;

(2) by inserting “motor vehicle safety, emissions,” in subsection (f) after “economy,”;

(3) by striking “energy.” in subsection (f) and inserting “energy and reduce its dependence on oil for transportation.”;

(4) by striking subsection (j) and inserting the following:

“(j) Comments from DOE and EPA.—

“(1) Notice of proposed rulemaking.—Before issuing a notice proposing to prescribe or amend an average fuel economy standard under subsection (a), (b), or (g), the Secretary of Transportation shall give the Secretary of Energy and the Administrator of the Environmental Protection Agency at least 10 days to comment on the proposed standard or amendment. If the Secretary of Energy or the Administrator concludes that the proposed standard or amendment would adversely affect the conservation goals of the Department of Energy or the environmental protection goals of the Environmental Protection Agency, respectively, the Secretary or the Administrator may provide written comments to the Secretary of Transportation about the impact of the proposed standard or amendment on those goals. To the extent that the Secretary of Transportation does not revise a proposed standard or amendment to take into account the comments, if any, the Secretary shall include the comments in the notice.

“(2) Notice of final rule.—Before taking final action on a standard or an exemption from a standard under this section, the Secretary of Transportation shall notify the Secretary of Energy and the Administrator of the Environmental Protection Agency and provide them a reasonable time to comment on the standard or exemption.”; and

(5) by adding at the end thereof the following:

“(k) Costs-Benefits.—The Secretary of Transportation may not prescribe an average fuel economy standard under this section that imposes marginal costs that exceed marginal benefits, as determined at the time any change in the standard is promulgated.”.

(b) Exemption Criteria.—The first sentence of section 32904(b)(6)(B) of title 49, United States Code, is amended—

(1) by striking “exemption would result in reduced” and inserting “manufacturer requesting the exemption will transfer”;

(2) by striking “in the United States” and inserting “from the United States”; and

(3) by inserting “because of the grant of the exemption” after “manufacturing”.

(c) Conforming Amendments.—

(1) Section 32902 of title 49, United States Code, is amended—

(A) by striking “or (c)” in subsection (d)(1);

(B) by striking “(c),” in subsection (e)(2);

(C) by striking “subsection (a) or (d)” each place it appears in subsection (g)(1) and inserting “subsection (a), (b), or (d)”;

(D) by striking “(1) The” in subsection (g)(1) and inserting “The”;

(E) by striking subsection (g)(2); and

(F) by striking “(c),” in subsection (h) and inserting “(b),”.

(2) Section 32903 of such title is amended by striking “section 32902(b)–(d)” each place it appears and inserting “subsection (b) or (d) of section 32902”.

(3) Section 32904(a)(1)(B) of such title is amended by striking “section 32902(b)-(d)” and inserting “subsection (b) or (d) of section 32902”.

(4) The first sentence of section 32909(b) of such title is amended to read “The petition must be filed not later than 59 days after the regulation is prescribed.”.

(5) Section 32917(b)(1)(B) of such title is amended by striking “or (c)”.

SEC. 3. USE OF EARNED CREDITS.

Section 32903 of title 49, United States Code, is amended—

(1) by striking “3 consecutive model years” in subsection (a)(1) and subsection (a)(2) and inserting “5 consecutive model years”;

(2) by striking “3 model years” in subsection (b)(2) and inserting “5 model years”;

(3) by redesignating subsection (f) as subsection (g); and

(4) by inserting after subsection (e) the following:

“(f) Credit Transfers.—The Secretary of Transportation may permit by regulation, on such terms and conditions as the Secretary may specify, a manufacturer of automobiles that earns credits to transfer such credits attributable to one of the following production segments in a model year to apply those credits in that model year to the other production segment:

“(1) Passenger-automobile production.

“(2) Non-passenger-automobile production.

In promulgating such a regulation, the Secretary shall take into consideration the potential effect of such transfers on creating incentives for manufacturers to produce more efficient vehicles and domestic automotive employment.”.

SEC. 4. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end thereof the following:

“(e) Research and Development and Use of Civil Penalties.—

“(1) All civil penalties assessed by the Secretary or by a Court shall be credited to an account at the Department of Transportation and shall be available to the Secretary to carry out the research program described in paragraph (2).

“(2) The Secretary shall carry out a program of research and development into fuel saving automotive technologies and to support rulemaking related to the corporate average fuel economy program.”.

SEC. 5. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), this Act, and the amendments made by this Act, take effect on the date of enactment of this Act.

(b) Transition for Passenger Automobile Standard.—Notwithstanding subsection (a), and except as provided in subsection (c)(2), until the effective date of a standard for passenger automobiles that is issued under the authority of section 32902(b) of title 49, United States Code, as amended by this Act, the standard or standards in place for passenger automobiles under the authority of section 32902 of that title, as that section was in effect on the day before the date of enactment of this Act, shall remain in effect.

(c) Rulemaking.—

(1) Initiation of rulemaking under amended law.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking for passenger automobiles under section 32902(b) of title 49, United States Code, as amended by this Act.

(2) Amendment of existing standard.—Until the Secretary issues a final rule pursuant to the rulemaking initiated in accordance with paragraph (1), the Secretary shall amend the average fuel economy standard prescribed pursuant to section 32092(b) of title 49, United States Code, with respect to passenger automobiles in model years to which the standard adopted by such final rule does not apply.

Mr. PRYOR. Mr. President, I rise today with my good friend and colleague from Mississippi, Senator Lott, to introduce legislation to reform and raise the corporate average fuel economy standard for the first time since its inception over 30 years ago.

In 1975 this body passed, as a part of the Energy Policy and Conservation Act, the very first fuel economy standards for our passenger car fleet, setting a standard that all manufacturers must achieve 27.5 miles per gallon. This was done in response to the first oil embargo and the energy crisis of the early 1970s. Americans realized for the first time that we as a nation must set and achieve attainable goals for energy conservation, not only for our economic security but also for our national security.

At that time, the fuel economy of passenger cars averaged around 14 miles per gallon. Ten years after CAFE was enacted, the fuel economy of passenger cars had almost doubled, saving an estimated 2.8 million barrels of oil a day. There can be no doubts as to the benefits of the original CAFE standard. Still 20 years after reaching this peak around 1985, the fuel economy of the Nation's passenger car fleet has stagnated. Some have even argued the fleet of vehicles entering the marketplace today gets less fuel economy than those models in 1985. While fuel efficient technology has improved over the years, the fuel economy of the Nation's passenger fleet has not. Also today, our dependence on oil is greater than ever before. This dependence has complicated decisions we make as a country, such as foreign policy decisions, and as individuals, such as whether or not to fill up your gas tank or buy groceries.

I believe we must do better for families in Arkansas and around the Nation. We must protect our national security by reducing our dependence on foreign oil and uncomplicating our foreign policy decision-making in oil-rich regions. We must protect the environment by reducing greenhouse gas emissions. We must reduce the cost of transportation for consumers. We must begin implementing more stringent CAFE standards now before these problems worsen. Gasoline is over 70 cents higher than this time last year, and the number of miles driven by every American over the age of 16 has risen over 60 percent since 1970—and is continuing to climb at a rapid pace.

This is why I have joined my colleague and worked in a bipartisan manner to introduce comprehensive CAFE reform. For over 30 years the original CAFE standard has remained in place while a rapidly advancing marketplace and rapidly advancing technology have left it behind. Each time fuel economy standards have been debated in this body, they have been mired in partisan politics resulting in nothing but stalemate.

Senator LOTT and I are choosing progress over politics with our common sense legislation, the Corporate Average Fuel Economy Reform Act of 2006. The bill will help accomplish our national security and energy conservation goals while preserving motor vehicle safety, American manufacturing jobs, and consumer choice for vehicles.

Specifically, it will clarify the authority of the Secretary of Transportation to raise and reform CAFE standards. It requires the Secretary to begin the reform process within 60 days in addition to requiring the Secretary to complete an expedited rulemaking to immediately amend the current CAFE standard before a reformed standard takes effect.

For the first time, it will require the Secretary to consider greenhouse gas emissions when promulgating a CAFE standard as well as require the Secretary to obtain comments from the Administrator of the Environmental Protection Agency on the impact of any new rule on the environment.

Our legislation also gives automobile manufacturers more flexibility in the way they can apply CAFE credits in order to help them preserve American jobs. It preserves the 18-month lead time required before the Secretary can issue more stringent CAFE standards. It also allows the Secretary to use the fines collected for violations of the CAFE standard for research and development of fuel saving technologies and to conduct CAFE rulemakings. Finally, our bill provides a backstop fuel economy average which no manufacturer can go below, regardless of their fleet mix.

There is no silver bullet in accomplishing our national security and energy goals, and we must seek short-term alternatives in addition to long-term solutions. CAFE reform is one part of a long-term solution to reduce our dependence on oil, but it is one that can have lasting impact. Still, I believe for the long-term security of our country, this is as good a place as any to start. We must start now.

I thank my colleague from the Commerce Committee, Senator LOTT, for his hard work on this bipartisan legislation. I look forward to working with him and the rest of my colleagues to ensure that this reform becomes law.

By Mr. LUGAR (for himself, Mr. SPECTER, Mr. DODD, Mr. GRAHAM, and Mr. SCHUMER):

S. 2831. A bill to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice; to the Committee on the Judiciary.

Mr. LUGAR. Mr. President, the bill at the desk is introduced on behalf of myself, Senators SPECTER, DODD, GRAHAM, and SCHUMER. I am pleased to join my good friends and colleagues, Senators SPECTER and DODD, in introducing a revised version of the Free Flow of Information Act.

I believe that the free flow of information essential element of democracy. In order for the United States to foster the spread of freedom and democracy globally, it is incumbent that we first support an open and free press nationally. The role of the media as a conduit between government and the citizens it serves must not be devalued.

Unfortunately, the free flow of information to citizens of the United States is inhibited. Over 30 reporters were recently served or threatened with jail sentences in at least four different Federal jurisdictions for refusing to reveal confidential sources. I fear the end result of such actions is that many whistleblowers will refuse to come forward and reporters will be unable to provide our constituents with information they have a right to know.

In 1972, the Supreme Court held in Branzburg v. Hayes, that reporters did not have an absolute privilege as third party witnesses to protect their sources from prosecutors. Since Branzburg, every State and the District of Columbia, excluding Wyoming has created a privilege for reporters not to reveal their confidential sources. My own State of Indiana provides qualified reporters an absolute protection from having to reveal any such information in court.

The Federal courts of appeals, however, have an incongruent view of this matter. Each circuit has addressed the question of the privilege in a different manner. Some circuits allow the privilege in one category of cases, while others, have expressed skepticism about whether any privilege exists at all.

Congress should clarify the extraordinary differences of opinion in the Federal courts of appeals and the effect they have on undermining the general policy of protection already in place among the States. Likewise, the ambiguity between official Department of Justice rules and unofficial criteria used to secure media subpoenas is unacceptable.

There is an urgent need for Congress to state clear and concise policy guidance.

Senators SPECTER, DODD, and I have introduced legislation today that preserves the free flow of information to the public by providing the press the ability to obtain and protect confidential sources. It provides journalists with certain rights and abilities to sources and report appropriate information without fear of intimidation or imprisonment. This bill sets national standards, based on Department of Justice guidelines, for subpoenas issued to reporters by the Federal Government.

Our legislation promotes greater transparency of government, maintains the ability of the courts to operate effectively, and protects the whistleblowers that identify government or corporate misdeeds and protect national security.

It is also important to note what this legislation does not do. The legislation does not permit rule breaking, give reporters a license to break the law, or permit reporters to interfere with crimes prevention efforts. Furthermore, the Free Flow of Information Act does not weaken national security nor restrict law enforcement. Additional protections have been added to this bill to ensure that information will be disclosed in cases where the guilt or innocence of a criminal is in question, in cases where a reporter was an eye witness to a crime, and in cases where the information is critical to prevent death or bodily harm. The national security exception and continued strict standards relating to classified information will ensure that reporters are protected while maintaining an avenue for prosecution and disclosure when considering the defense of our country.

Reporters Without Borders has reported that more than 100 journalists are currently in jail around the world, with more than half in China, Cuba, and Burma. This is not good company for the United States of America. Global public opinion is always on the lookout to advertise perceived American double standards.

I believe that passage of this bill would have positive diplomatic consequences. This legislation not only confirms America's constitutional commitment to press freedom, it also advances President Bush's American foreign policy initiatives to promote and protect democracy. When we support the development of free and independent press organizations worldwide, it is important to maintain these ideals at home.

In conclusion, I thank, again, my colleagues, Senator SPECTER, the distinguished chairman of the Judiciary Committee, and Senator DODD for their tireless work on this issue. With their assistance, I look forward to working with each of my colleagues to ensure that the free flow of information is unimpeded.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to join with Senator LUGAR, the principal sponsor, and Senators DODD, GRAHAM, and SCHUMER on the introduction of legislation which will codify a reporter's privilege, something that is very necessary. The matter came into sharp focus recently with the contempt citation and the incarceration of New York Times reporter, Judith Miller, for some 85 days. The Judiciary Committee held two hearings on this subject. Senator LUGAR, with Congressman PENCE in the House, introduced legislation which has formed the nucleus of the bill we are introducing today.

The Branzburg v. Hayes case, 33 years ago, which was a 5-to-4 decision, with a concurring opinion by Justice Powell, has led to what is accurately called a "crazy quilt" situation in the circuits—five circuits going one way, four circuits going another way, and laws unsettled in some circuits. This bill, modeled significantly after the Department of Justice regulations, will codify this important issue.

There is an exception on reporter's privilege for national security cases. Keeping in mind the incarceration of Judith Miller, this bill makes a sharp distinction between national security and an inquiry in the grand jury for obstruction of justice or perjury. As a prosecutor in the past, I have great appreciation for the offenses of obstruction of justice and perjury. But in my judgment, they do not rise to the level of importance as a national security case. When a special prosecutor's investigation shifts from the disclosure of a CIA agent, to a question of obstruction of justice, it is a very different situation. This bill would not permit, would not compel the disclosure of a source for obstruction of justice or perjury, but would compel the disclosure of a source for a national security case.

This legislation has the endorsement of 39 of the major media organizations in the United States: The New York Times, the Washington Post, the Associated Press, Time, Hearst Corporation, Philadelphia Inquirer, Newspaper Association of America, ABC, NBC, and CBS. It goes a long way to protecting sources, but it also leaves latitude, in the form of a balancing test, for Federal prosecutors to gain information under limited circumstances for plaintiffs and defendants in civil cases to have access to sources. And, it does not have a shield if a reporter is a witness to some criminal incident.

In recent months, there has been a growing consensus that we need to establish a Federal journalists' privilege to protect the integrity of the newsgathering process—a process that depends on the free flow of information between journalists and whistleblowers, as well as other confidential sources. I do not reach this conclusion lightly. The Judiciary Committee held two separate hearings in which it heard from sixteen witnesses. Included in this number were seven journalists, six attorneys, including current or former prosecutors and some of the Nation's most distinguished experts on the first amendment.

These witnesses demonstrated that there are two vital, competing concerns at stake. On one hand, reporters cite the need to maintain confidentiality in order to ensure that sources will speak openly and freely with the news media. The renowned William Safire, former columnist for the New York Times, testified that "the essence of news gathering is this: if you don't have sources you trust and who trust you, then you don't have a solid story—and the public suffers for it." Reporter Matthew Cooper of Time magazine said this to the Committee: "As someone who relies on confidential sources all the time, I simply could not do my job reporting stories big and small without being able to speak with officials under varying degrees of anonymity."

On the other hand, the public has a right to effective law enforcement and fair trials. Our judicial system needs access to information in order to prosecute crime and to guarantee fair administration of the law for plaintiffs and defendants alike. As a Justice Department representative told the committee, prosecutors need to "maintain the ability, in certain vitally important circumstances, to obtain information identifying a source when a paramount interest is at stake. For example, obtaining source information may be the only available means of preventing a murder, locating a kidnapped child, or identifying a serial arsonist."

As Federal courts considered such competing interests, they adopted rules that went in several different directions. Rather than a clear, uniform standard for deciding claims of journalist privilege, the Federal courts currently observe a "crazy quilt" of different judicial standards.

The current confusion began 33 years ago, when the Supreme Court decided Branzburg v. Hayes. The Court held that the press's first amendment right to publish information does not include a right to keep information secret from a grand jury investigating a criminal matter. The Supreme Court also held that the common law did not exempt reporters from the duty of every citizen to provide information to a grand jury.

The Court reasoned that just as newspapers and journalists are subject to the same laws and restrictions as other citizens, they are also subject to the same duty to provide information to a court as other citizens. However, Justice Powell, who joined the 5-4 majority, wrote a separate concurrence in which he explained that the Court's holding was not an invitation for the government to harass journalists. If a journalist could show that the grand jury investigation was being conducted in bad faith, the journalist could ask the court to quash the subpoena. Justice Powell indicated that courts might assess such claims on a case-by-case basis by balancing the freedom of the press against the obligation to give testimony relevant to criminal conduct.

In attempting to apply Justice Powell's concurring opinion, Federal courts have split on the question of when a journalist is required to testify. In the 33 years since Branzburg, the Federal courts are split in at least three ways in their approaches to Federal criminal and civil cases.

With respect to Federal criminal cases, five circuits—the first, fourth, fifth, sixth, and seventh circuits—have applied Branzburg so as to not allow journalists to withhold information absent governmental bad faith. Four other circuits—the second, third, ninth, and eleventh circuits—recognize a qualified privilege, which requires courts to balance the freedom of the press against the obligation to provide testimony on a case-by-case basis. The law in the District of Columbia Circuit is unsettled.

With respect to Federal civil cases, nine of the twelve circuits apply a balancing test when deciding whether journalists must disclose confidential sources. One circuit affords journalists no privilege in any context. Two other circuits have yet to decide whether journalists have any privilege in civil cases. Meanwhile, 49 States plus the District of Columbia have recognized a privilege within their own jurisdictions. Thirty-one States plus the District of Columbia have passed some form of reporter's shield statute, and 18 States have recognized a privilege at common law.

There is little wonder that there is a growing consensus concerning the need for a uniform journalists' privilege in Federal courts. This system must be simplified.

Today, we are taking the first step to resolving this problem by introducing the Free Flow of Information Act. This bill draws upon 33 years of experience, as embodied in the Department of Justice's regulations, the law established by the Federal courts of appeals, State statutes, and existing national security provisions. The purpose of this bill is to guarantee the flow of information to the public through a free and active press, while protecting the public's right to effective law enforcement and individuals' rights to the fair administration of justice.

This bill provides ample protection for the Nation's journalists, as demonstrated by the fact that it has been endorsed by 39 news organizations identified in a list I will include at the end of my remarks.

This bill also provides ample protection to the public's interest in law enforcement and fair trials. In drafting this legislation, we started with what works. Both the Department of Justice and the vast majority of journalists with whom we have met—in individual meetings and over the course of two hearings—have generally voiced strong support for the regulations that the Department of Justice currently applies to all of its prosecutors. Moreover, time has proven that these regulations are workable. The Department of Justice has been effectively prosecuting cases under these regulations for 25 years and a majority of State prosecutors carry out their duties under similar statutes.

I have two concerns with the Department's regulations, however. First, under current law, these regulations do not apply to special prosecutors. Special prosecutors are often called upon in cases that are politically sensitive, may potentially be embarrassing to senior government officials, and are high profile—those cases that seem to carry the greatest risk of an overzealous prosecutor needlessly subpoenaing journalists.

Second, the Department regulations are presently enforced by the Attorney General, not a neutral court of law. This places the Attorney General in a difficult position; namely, the primary check on Federal prosecutors' ability to subpoena journalists is the nation's highest Federal prosecutor. Most Americans, I believe, would feel more comfortable having the competing interests weighed by a neutral judge instead of a political appointee who answers to the President. Accordingly, this bill, in large part, codifies the Department of Justice's regulations into law; applies them to all Federal prosecutors, including special prosecutors; and provides that the courts, not a political official, shall decide whether the public's need for information outweighs the interest in allowing a journalist to protect a confidential source.

The Free Flow of Information Act addresses two additional areas of considerable confusion and concern. First, it addresses the situation of a criminal defendant who subpoenas a journalist. To ensure that every criminal defendant has a fair trial, a criminal defendant has less of a burden than a prosecutor does, to show that the journalist's privilege should be waived. This is consistent with our long standing belief as a nation that a criminal defendant must be given ample opportunity to defend himself.

Second, it addresses private civil litigation. This bill provides that before a private party may subpoena a journalist in a civil suit, the court must find that the party is not trying to harass or punish the journalist, and that the public interest requires disclosure. Again, this should help clarify the existing law in federal courts.

Finally, the Free Flow of Information Act adds layers of safeguards for the public. Reporters are not allowed to withhold information if a federal court concludes that the information is important to the defense of our Nation's security or is needed to prevent or stop a crime that could lead to death or physical injury. Also, the bill ensures that both crime victims and criminal defendants will have a fair hearing in court. Under this bill, a journalist who is an eyewitness to a crime or takes part in a crime may not withhold that information. Journalists should not be permitted to hide from the law by writing a story and then claiming a reporter's privilege.

It is time to simplify the patchwork of court decisions and legislation that has grown over the last three decades. It is time for Congress to clear up the ambiguities journalists and the Federal judicial system face in balancing the protections journalists need in providing confidential information to the public with the ability of the courts to conduct fair and accurate trials. I urge my colleagues to support this legislation and help create a fair and efficient means to serve journalists and the news media, prosecutors and the courts, and most importantly the public interest on both ends of the spectrum.

I ask unanimous consent to print the list of organizations and companies that support the legislation in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS/COMPANIES SUPPORTING "FREE FLOW OF INFORMATION ACT OF 2006"

ABC Inc.; Advance Publications, Inc.; American Business Media; American Society of Newspaper Editors; Associated Press; Association of American Publishers, Inc.; Association of Capitol Reporters and Editors; Belo Corp.; CBS; CNN; Coalition of Journalists for Open Government; The Copley Press, Inc., Court TV; Cox Enterprises, Inc.; Freedom Communication, Inc.; Gannett Co., Inc.; The Hearst Corporation; Magazine Publishers of America; The McClatchy Company; The McGraw-Hill Companies.

Media Law Resources Center; National Newspaper Association; Nation Press Photographers Association; National Public Radio; NBC Universal; News Corporation; Newspaper Association of America; Newsweek; The New York Times Company; Radio-Television News Directors Association; Raycom Media, Inc.; The Reporters Committee for Freedom of the Press; E. W. Scripps; Society of Professional Journalists; Time Inc.; Time Warner; Tribune Company; The Washington Post; White House Correspondents' Association.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me express my gratitude to my colleague from Indiana, Senator LUGAR, and his colleague from Indiana, Congressman PENCE, and his colleague, Congressman BOUCHER of Virginia, who are drafting similar legislation and propose similar legislation in the other body and, of course, Senator SPECTER, the chairman of the Judiciary Committee, my colleague from New York, Senator SCHUMER, and the Presiding Officer for their work on pulling together this bill which is a very sound proposal. As the Senator from Pennsylvania has explained, it deals with an issue that many were concerned about, and that is the national security question.

The point I would like to make is that while this is about journalists and the collection of information and revealing stories that might otherwise not be told, the real winners of this proposal are not journalists or news media outlets, television stations, or the like. The real winners are the people we represent, our constituents, and the consumers of information. This is most important for them. It is really not that significant. If it were only about journalists, frankly, we might have second questions about it.

Jefferson, of course, said it better than anyone many years ago when he said if he had to choose between a free country and a free press, he would select the latter. Madison, on the same subject, talking about freedom of information, freedom of the press, had this quote:

> Popular government without popular information or the means of acquiring it is but a

prologue to a farce, or tragedy, or perhaps both.

Today, that fundamental principle—that a well-informed citizenry is the cornerstone of self-government—is at risk in a manner in which it has not been at risk previously.

In the past year alone, some two dozen reporters have been subpoenaed or questioned about their confidential sources. Most of theme face fines or prison time. Seven have already been held in contempt. One has been jailed. Another was found guilty of criminal contempt for refusing to reveal a confidential source and served 6 months under house arrest. Why? Because they received information from confidential sources and pledged to protect the confidentiality of those sources. In other words, they have committed the "offense" of being journalists.

These actions by our Government against journalists are having a profound impact on news gathering. For example, in testimony last summer before the Senate Judiciary Committee, Norman Pearlstine, the editor in chief of Time, Inc., said this about the fallout from the Justice Department's efforts to obtain confidential information from a Time reporter:

> Valuable sources have insisted that they no longer trusted the magazine and that they would no longer cooperate on stories. The chilling effect is obvious.

Confidential evidence may be just the tip of the iceberg. We have no way of knowing for certain the number of journalists who have been ordered or requested to reveal confidential sources. We can only speculate as to how many editors and publishers put the brakes on a story for fear that it could land one of their reporters in a spider web spun by the Federal prosecutors that could include prison. If citizens with knowledge of wrongdoing could not or would not come forward to share what they know in confidence with members of the press, serious journalism would cease to exist, in my view. Serious wrongs would remain unexposed. The scandals known as Watergate, the Enron failure, the Abu Ghraib prison photos—none of these would have been known to the public but for good journalists doing their work.

That scenario is no longer purely hypothetical. It is, in some respects, already a reality. When journalists are hauled into court by prosecutors and threatened with fines and imprisonment if they don't divulge the sources of their information, we are entering a dangerous territory for a democracy. That is when not only journalists, but ordinary citizens, will fear prosecution simply for exposing wrongdoing. When that happens, the information our citizens need to remain sovereign will be degraded, making it more and more difficult to hold accountable those in power. When the public's right to know is threatened, then I suggest to you that all of the liberties we hold dear are threatened, as well.

Again, I thank Senator SPECTER for working out this compromise, and I emphasize that the issue of national security, which was a very legitimate concern, has been handled by this proposal. The underlying issue is the right of citizens to have access to important information that might otherwise never become available were it not for the ability to have confidential sources share that information and the ability of these journalists to protect the confidentiality of those sources. Thirty-nine States have provisions dealing with the shield law. I think 10 States have regulations regarding the same matter.

I think it is long overdue that the Federal Government have a similar piece of legislation to protect the kind of information we seek. I commend my colleagues for their efforts in this regard. I am happy to join them.

Mr. SESSIONS. Mr. President, I say with regard to what has just taken place, these are complex areas, and we need to be careful about protecting our free speech rights. Nobody denies that. But you have to be careful, too. I was thinking that if a spy comes into our country and gets secure information and gives it to our enemy, we put him in jail, and they can be convicted, I guess, of treason. If a reporter gets information and publishes it to our enemies and to the whole world, they get the Pulitzer prize.

I think we have to be careful about how we word this. I am sure we will come up with a pretty good solution.

Mr. SPECTER. Mr. President, I ask unanimous consent that Senator SCHUMER be recognized for 4 minutes to speak on the Lugar-Specter-Dodd bill.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I join as a cosponsor of the bill just introduced because I think it really cuts the Gordian knot. There has been a deadlock on improving the shield law for the very reason that not all disclosures by Government officials to members of the press are equal. We certainly want to protect a whistleblower. We certainly want a person, if they work at the FDA and see that tests are being short-circuited and they go to higher-ups and get nowhere, to be able to go to the press and expose it. It is a far different matter when something is prohibited by statute from being made public, such as with grand jury minutes. Frankly, that dealt with the Plame case. In both cases making that information public was a violation of law. There was a public policy against disclosure, which there is not in the typical whistleblower case.

I believe the reason that the legislation my colleagues from Indiana and Connecticut put in didn't get as much support is that it failed to distinguish that difference. We need to protect the press, especially with a large Government that keeps things secret more and more. But we also have to have some respect for the fact that there are certain things that should not be made public by statute in open debate.

As I said, this legislation cuts the Gordian knot. It protects those matters that should not be made public and doesn't put them under the shield of law but strengthens the protections for whistleblowers and others who might want to expose Government wrongdoing when there is no other way to expose it.

This is a large step forward. It is legislation I am proud to cosponsor. I am very glad that the deadlock has been broken by this thoughtful legislation, which I now believe will garner enough support to become law. Whereas, the previous legislation, as sweeping as it was, would not.

I compliment my colleagues from Indiana, Connecticut, Pennsylvania, and South Carolina, with whom I join as lead cosponsors because it is going to make our country a better place.

By Mr. KOHL (for himself and Mr. DEWINE):

S. 2854. A bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Oil Industry Merger Antitrust Enforcement Act. This legislation will significantly strengthen the antitrust laws to prevent anticompetitive mergers and acquisitions in oil and gas industry.

We have all seen the suffering felt by consumers and our national economy resulting from rising energy prices. Gasoline prices have now shattered the once unthinkable $3.00 a gallon level, have doubled in the last 5 years, and increased more than 30 percent in the last year alone. And prices for other crucial energy products—such as natural gas and home heating oil—have undergone similar sharp increases.

Industry experts debate the causes of these extraordinarily high prices. Possible culprits are growing worldwide demand, supply disruptions, the actions of the OPEC oil cartel and limits on refinery capacity in the United States. But about one thing there can be no doubt—the substantial rise in concentration and consolidation in the oil industry. Since 1990, the Government Accountability Office has counted over 2,600 mergers, acquisitions and joint ventures in the oil industry. Led by gigantic mergers such as Exxon/Mobil, BP/Arco, Conoco/Phillips and Chevron/Texaco, by 2004, the five largest U.S. oil refining companies controlled over 56 percent of domestic refining capacity, a greater market share than that controlled by the top 10 companies a decade earlier.

This merger wave has led to substantially less competition in the oil industry. In 2004, the GAO concluded that these mergers have directly caused increases in the price of gasoline. A study by the independent consumer watchdog Public Citizen found that in the 5 years between 1999 and 2004, U.S. oil refiners increased their average profits on every gallon of gasoline refined from 22.8 cents to 40.8 cents, a 79 percent jump. And the grossly inflated profit numbers of the major oil companies—led by Exxon Mobil's $8.4 billion profit in the first quarter of 2006, which followed its $36 billion profit in 2005, the highest corporate profits ever achieved in U.S. history, are conclusive evidence—if any more was needed—of the lack of competition in the U.S. oil industry. While it is true that the world price of crude oil has substantially increased, the fact that the oil companies can so easily pass along all of these price increases to consumers of gasoline and other refined products—and greatly compound their profits along the way—confirms that that there is a failure of competition in our oil and gas markets.

More than 90 years ago, one of our Nation's basic antitrust laws—the Clayton Act—was written to prevent just such industry concentration harming competition. It makes illegal any merger or acquisition the effect of which "may be substantially to lessen competition." Despite the plain command of this law, the Federal Trade Commission—the Federal agency with responsibility for enforcing antitrust law in the oil and gas industry—has failed to take any effective action to prevent undue concentration in this industry. Instead, it permitted almost all of these 2,600 oil mergers and acquisitions to proceed without challenge. And where the FTC has ordered divestitures, they have been wholly ineffective to restore competition. Consumers have been at the mercy of an increasingly powerful oligopoly of a few giant oil companies, passing along price increases without remorse as the market becomes increasingly concentrated and competition diminishes. It is past time for us in Congress to take action to strengthen our antitrust law so that it will, as intended, stand as a bulwark to protect consumers and prevent any further loss of competition in this essential industry.

Our bill will strengthen merger enforcement under the antitrust law in two respects. First, it will direct that the FTC, in conjunction with the Justice Department, revise its Merger Guidelines to take into account the special conditions prevailing in the oil industry. In reviewing a pending merger or acquisition to determine whether to approve it or take legal action to block it, the FTC follows what are known as "Merger Guidelines." The Merger Guidelines set forth the factors that the agency must examine to determine if a merger or acquisition lessens competition, and sets forth the legal tests the FTC is to follow in deciding whether to approve or challenge a merger. As presently written, the Merger Guidelines fail to direct the FTC, when reviewing an oil industry merger, to pay any heed at all to the special economic conditions prevailing in that industry.

Our bill will correct this deficiency. Many special conditions prevail in the oil and gas marketplace that warrant scrutiny, conditions that do not occur in other industries, and the Merger Guidelines should reflect these conditions. In most industries, when demand rises and existing producers earn ever-increasing profits, new producers enter the market and new supply expands, reducing the pressure on price. However, in the oil industry, there are severe limitations on supply and environmental and regulatory difficulty in opening new refineries, so this normal market mechanism cannot work. Additionally, in most industries, consumers shift to alternative products in the face of sharp price increases, leading to a reduction in demand and a corresponding reduction in the pressure to increase prices. But for such an essential commodity as gasoline, consumers have no such option—they must continue to consume gasoline to get to work, to go to school, and to shop. These factors all mean that antitrust enforcers should be especially cautious about permitting increases in concentration in the oil industry.

Accordingly, our bill directs the FTC and Justice Department to revise its Merger Guidelines to take into account the special conditions prevailing in the oil industry—including the high inelasticity of demand for oil and petroleum-related products; the ease of gaining market power; supply and refining capacity limits; difficulties of market entry; and unique regulatory requirements applying to the oil industry. This revision of the Merger Guidelines must be completed within 6 months of enactment of this legislation.

The second manner in which this legislation will strengthen antitrust enforcement will be to shift the burden of proof in Clayton Act challenges to oil industry mergers and acquisitions. In such cases, the burden will be placed on the merging parties to establish, by a preponderance of evidence, that their transaction does not substantially lessen competition. This provision would reverse the usual rule that the government or private plaintiff challenging the merger must prove that the transaction harms competition. As the parties seeking to effect a merger with a competitor in an already concentrated industry, and possessing all the relevant data regarding the transaction, it is entirely appropriate that the merging parties bear this burden. This provision does not forbid all mergers in the oil industry if the merging parties can establish that their merger does not substantially harm competition, it may proceed. However, shifting the burden of proof in this manner will undoubtedly make it more difficult for oil mergers and acquisition to survive court challenge, thereby enhancing the law's ability to block truly anti-competitive transactions and deterring companies from even attempting such transactions. In today's concentrated oil industry and with consumers suffering record high prices, mergers and acquisitions that even the merging parties cannot justify should not be tolerated.

As ranking member on the Senate Antitrust Subcommittee, I believe that this bill is a crucial step to ending this unprecedented move towards industry concentration and to begin to restore competitive balance to the oil and gas industry. Since the days of the break-up of the Standard Oil trust 100 years ago, antitrust enforcement has been essential to prevent undue concentration in this industry. This bill is an essential step to ensure that our antitrust laws are sufficiently strong to ensure a competitive oil industry in the 21st century. I urge my colleagues to support the Oil Industry Merger Antitrust Enforcement Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oil Industry Merger Antitrust Enforcement Act".

SEC. 2. STATEMENT OF FINDINGS AND DECLARATIONS OF PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) American consumers are suffering from excessively high prices for gasoline, natural gas, heating oil, and other energy products.

(2) These excessively high energy prices have been caused, at least in substantial part, by undue concentration among companies involved in the production, refining, distribution, and retail sale of oil, gasoline, natural gas, heating oil, and other petroleum-related products.

(3) There has been a sharp consolidation caused by mergers and acquisitions among oil companies over the last decade, and the antitrust enforcement agencies (the Federal Trade Commission and the Department of Justice Antitrust Division) have failed to employ the antitrust laws to prevent this consolidation, to the detriment of consumers and competition. This consolidation has caused substantial injury to competition and has enabled the remaining oil companies to gain market power over the sale, refining, and distribution of petroleum-related products.

(4) The demand for oil, gasoline, and other petroleum-based products is highly inelastic

so that oil companies can easily utilize market power to raise prices.

(5) Maintaining competitive markets for oil, gasoline, natural gas, and other petroleum-related products is in the highest national interest.

(b) Purposes.—The purposes of this Act are to—

(1) ensure vigorous enforcement of the antitrust laws in the oil industry;

(2) restore competition to the oil industry and to the production, refining, distribution, and marketing of gasoline and other petroleum-related products; and

(3) prevent the accumulation and exercise of market power by oil companies.

SEC. 3. BURDEN OF PROOF.

Section 7 of the Clayton Act (15 U.S.C. 18) is amended by adding at the end the following:

"In any civil action brought against any person for violating this section in which the plaintiff—

"(1) alleges that the effect of a merger, acquisition, or other transaction affecting commerce may be to substantially lessen competition, or to tend to create a monopoly, in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas; and

"(2) establishes that a merger, acquisition, or transaction is between or involves persons competing in the business of exploring for, producing, refining, or otherwise processing, storing, marketing, selling, or otherwise making available petroleum, oil, or natural gas, or products derived from petroleum, oil, or natural gas;

the burden of proof shall be on the defendant or defendants to establish by a preponderance of the evidence that the merger, acquisition, or transaction at issue will not substantially lessen competition or tend to create a monopoly.".

SEC. 4. ENSURING FULL AND FREE COMPETITION.

(a) Review.—The Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly review and revise all enforcement guidelines and policies, including the Horizontal Merger Guidelines issued April 2, 1992 and revised April 8, 1997, and the Non-Horizontal Merger Guidelines issued June 14, 1984, and modify those guidelines in order to—

(1) specifically address mergers and acquisitions in oil companies and among companies involved in the production, refining, distribution, or marketing of oil, gasoline, natural gas, heating oil, or other petroleum-related products; and

(2) ensure that the application of these guidelines will prevent any merger and acquisition in the oil industry, when the effect of such a merger or acquisition may be to substantially lessen competition, or to tend to create a monopoly, and reflect the special conditions prevailing in the oil industry described in subsection (b).

(b) Special Conditions.—The guidelines described in subsection (a) shall be revised to take into account the special conditions prevailing in the oil industry, including—

(1) the high inelasticity of demand for oil and petroleum-related products;

(2) the ease of gaining market power in the oil industry;

(3) supply and refining capacity limits in the oil industry;

(4) difficulties of market entry in the oil industry; and

(5) unique regulatory requirements applying to the oil industry.

(c) Competition.—The review and revision of the enforcement guidelines required by this section shall be completed not later than 6 months after the date of enactment of this Act.

(d) Report.—Not later than 6 months after the date of enactment of this Act, the Federal Trade Commission and the Antitrust Division of the Department of Justice shall jointly report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives regarding the review and revision of the enforcement guidelines mandated by this section.

SEC. 5. DEFINITIONS.

In this Act:

(1) Oil industry.—The term "oil industry" means companies and persons involved in the production, refining, distribution, or marketing of oil or petroleum-based products.

(2) Petroleum-based product.—The term "petroleum-based product" means gasoline, diesel fuel, jet fuel, home heating oil, natural gas, or other products derived from the refining of oil or petroleum.

By Mr. BIDEN (for himself and Mr. JEFFORDS):

S. 2855. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

Mr. BIDEN. Mr. President, I rise today to introduce the Community Water Treatment Hazards Reduction Act of 2006. This legislation would completely eliminate a known security risk to millions of Americans across the United States by facilitating the transfer to safer technologies from deadly toxic chemicals at our Nation's water treatment facilities.

Across our Nation, there are thousands of water treatment facilities that utilize gaseous toxic chemicals to treat drinking and wastewater. Approximately 2,850 facilities are currently regulated under the Clean Air Act because they store large quantities of these dangerous chemicals. In fact, 98 of these facilities threaten over 100,000 citizens. For example, the Fiveash Water Treatment Plant in Fort Lauderdale, FL, threatens 1,526,000 citizens. The Bachman Water Treatment in Dallas, TX, threatens up to 2 million citizens. And there are similar examples in communities throughout the Nation. If these facilities—and the 95 other facilities that threaten over 100,000 citizens—switched from the use of toxic chemicals to safer technologies that are widely used within the industry we could completely eliminate a known threat to nearly 50 million Americans.

Many facilities have already made the prudent decision to switch without intervention by the government. The Middlesex County Utilities Authority in Sayreville, NJ, switched to safer technologies and eliminated the risk to 10.7 million people. The Nottingham Water Treatment Plant in Cleveland, OH, switched and eliminated the risk to 1.1 million citizens. The Blue Plains Wastewater Treatment Plant switched and eliminated the risk to 1.7 million people. In my hometown of Wilmington, DE, the Wilmington Water Pollution Control Facility switched from using chlorine gas to liquid bleach. This commendable decision has eliminated the risk to 560,000 citizens, including the entire city of Wilmington. In fact, this facility no longer has to submit risk management plans to the Environmental Protection Agency required by the Clean Air Act because the threat has been completely eliminated. There are many other examples of facilities that have done the right thing and eliminated the use of these dangerous, gaseous chemicals.

The bottom line is that if we can eliminate a known risk, we should. The legislation I am introducing today will do just that. It will require the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Homeland Security, to do a few simple things. First, water facilities will be prioritized based upon the risk that they pose to citizens and critical infrastructure. These facilities—beginning with the most dangerous ones—will be required to submit a report on the feasibility of utilizing safer technologies and the anticipated costs to transition. If grant funding is available, the Administrator will issue a grant and order the facility to transition to the safer technology chosen by the owner of the facility. I believe that this approach will allow us to use Federal funds responsibly while reducing risk to our citizens.

Once the transition is complete, the facility will be required to track all cost-savings related to the switch, such as decreased security costs, costs saving by eliminating administrative requirements under the EPA risk management plan, lower insurance premiums, and others. If savings are ultimately realized by the facility, it will be required to return one half of these savings, not to exceed the grant amount, back to the EPA. In turn, the EPA will utilize any returned savings to help facilitate the transition of more water facilities.

A 2005 report by the Government Accountability Office found that providing grants to assist water facilities to transition to safer technologies was an appropriate use of Federal funds. The costs for an individual facility to transition will vary, but the cost is very cheap when you consider the security benefits. For example, the Wilmington facility invested approximately $160,000 to transition and eliminated the risk to nearly 600,000 people. Similarly, the Blue Plains facility spent $500,000 to transition after 9-11 and eliminated the risk to 1.2 million citizens immediately. This, in my view, is a sound use of funds. And, this legislation will provide sufficient funding to transition all of our high-priority facilities throughout Nation.

Finally, I would like to point out that facilities making the decision to transition after 9–11, but before the enactment date of this legislation will be eligible to participate in the program authorized by this legislation. I have included this provision because I believe that the Federal Government should acknowledge—and promote—local decisions that enhance our homeland security. In addition, we don't want to create a situation where water facilities wait for Federal funding, before doing the right thing and eliminating those dangerous gaseous chemicals.

Last December the 9–11 Discourse Project released its report card for the administration and Congress on efforts to implement the 9–11 Commission recommendations. It was replete with D's and F's demonstrating that we have been going in the wrong direction with respect to homeland security. One of the most troubling findings made by the 9–11 Commission is that with respect to our Nation's critical infrastructure that "no risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocations of scarce resources. All key decisions are at least a year away. It is time that we stop talking about priorities and actually set some." While much remains to be done, the Community Water Treatment Hazards Reduction Act of 2006 sets an important priority for our homeland security and it affirmatively addresses it. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Water Treatment Hazards Reduction Act of 2006".

SEC. 2. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j–21 et seq.) is amended by adding at the end the following:

"SEC. 1466. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) HARMFUL INTENTIONAL ACT.—The term 'harmful intentional act' means a terrorist attack or other intentional act carried out upon a water facility that is intended—

"(A) to substantially disrupt the ability of the water facility to provide safe and reliable—

"(i) conveyance and treatment of wastewater or drinking water;

"(ii) disposal of effluent; or

"(iii) storage of a potentially hazardous chemical used to treat wastewater or drinking water;

"(B) to damage critical infrastructure;

"(C) to have an adverse effect on the environment; or

"(D) to otherwise pose a significant threat to public health or safety.

"(2) INHERENTLY SAFER TECHNOLOGY.—The term 'inherently safer technology' means a technology, product, raw material, or practice the use of which, as compared to the current use of technologies, products, raw materials, or practices, significantly reduces or eliminates—

"(A) the possibility of release of a substance of concern; and

"(B) the hazards to public health and safety and the environment associated with the release or potential release of a substance of concern.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security (or a designee).

"(4) SUBSTANCE OF CONCERN.—

"(A) IN GENERAL.—The term 'substance of concern' means any chemical, toxin, or other substance that, if transported or stored in a sufficient quantity, would have a high likelihood of causing casualties and economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

"(B) INCLUSIONS.—The term 'substance of concern' includes—

"(i) any substance included in Table 1 or 2 contained in section 68.130 of title 40, Code of Federal Regulations (or a successor regulation), published in accordance with section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)); and

"(ii) any other highly hazardous gaseous toxic material or substance that, if transported or stored in a sufficient quantity, could cause casualties or economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

"(5) TREATMENT WORKS.—The term 'treatment works' has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

"(6) VULNERABILITY ZONE.—The term 'vulnerability zone' means, with respect to a substance of concern, the geographic area that would be affected by a worst-case release of the substance of concern, as determined by the Administrator on the basis of—

"(A) an assessment that includes the information described in section 112(r)(7)(B)(ii)(I) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(ii)(I)); or

"(B) such other assessment or criteria as the Administrator determines to be appropriate.

"(7) WATER FACILITY.—The term 'water facility' means a treatment works or public water system owned or operated by any person.

"(b) REGULATIONS.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator, in consultation with the Secretary and other Federal, State, and local governmental entities, security experts, owners and operators of water facilities, and other interested persons shall—

"(A) compile a list of all high-consequence water facilities, as determined in accordance with paragraph (2); and

"(B) notify each owner and operator of a water facility that is included on the list.

"(2) IDENTIFICATION OF HIGH-CONSEQUENCE WATER FACILITIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), in determining whether a water facility is a high-consequence water facility, the Administrator shall consider—

"(i) the number of people located in the vulnerability zone of each substance of concern that could be released at the water facility;

"(ii) the critical infrastructure (such as health care, governmental, or industrial facilities or centers) served by the water facility;

"(iii) any use by the water facility of large quantities of 1 or more substances of concern; and

"(iv) the quantity and volume of annual shipments of substances of concern to or from the water facility.

"(B) TIERS OF FACILITIES.—

"(i) IN GENERAL.—Except as provided in clauses (ii) through (iv), the Administrator shall classify high-consequence water facilities designated under this paragraph into 3 tiers, and give priority to orders issued for, actions taken by, and other matters relating to the security of, high-consequence water facilities based on the tier classification of the high-consequence water facilities, as follows:

"(I) TIER 1 FACILITIES.—A Tier 1 high-consequence water facility shall have a vulnerability zone that covers more than 100,000 individuals and shall be given the highest priority by the Administrator.

"(II) TIER 2 FACILITIES.—A Tier 2 high-consequence water facility shall have a vulnerability zone that covers more than 25,000, but not more than 100,000, individuals and shall be given the second-highest priority by the Administrator.

"(III) TIER 3 FACILITIES.—A Tier 3 high-consequence water facility shall have a vulnerability zone that covers more than 10,000, but not more than 25,000, individuals and shall be given the third-highest priority by the Administrator.

"(ii) MANDATORY DESIGNATION.—If the vulnerability zone for a substance of concern at a water facility contains more than 10,000 individuals, the water facility shall be—

"(I) considered to be a high-consequence water facility; and

"(II) classified by the Administrator to an appropriate tier under clause (i).

"(iii) DISCRETIONARY CLASSIFICATION.—A water facility with a vulnerability zone that covers 10,000 or fewer individuals may be designated as a high consequence facility, on the request of the owner or operator of a water facility, and classified into a tier described in clause (i), at the discretion of the Administrator.

"(iv) RECLASSIFICATION.—The Administrator—

"(I) may reclassify a high-consequence water facility into a tier with higher priority, as described in clause (i), based on an increase of population covered by the vulnerability zone or any other appropriate factor, as determined by the Administrator; but

"(II) may not reclassify a high-consequence water facility into a tier with a lower priority, as described in clause (i), for any reason.

"(3) OPTIONS FEASIBILITY ASSESSMENT ON USE OF INHERENTLY SAFER TECHNOLOGY.—

"(A) IN GENERAL.—Not later than 90 days after the date on which the owner or operator of a high-consequence water facility receives notice under paragraph (1)(B), the owner or operator shall submit to the Administrator an options feasibility assessment that describes—

“(i) an estimate of the costs that would be directly incurred by the high-consequence water facility in transitioning from the use of the current technology used for 1 or more substances of concern to inherently safer technologies; and

“(ii) comparisons of the costs and benefits to transitioning between different inherently safer technologies, including the use of—

“(I) sodium hypochlorite;

“(II) ultraviolet light;

“(III) other inherently safer technologies that are in use within the applicable industry; or

“(IV) any combination of the technologies described in subclauses (I) through (III).

“(B) CONSIDERATIONS IN DETERMINING ESTIMATED COSTS.—In estimating the transition costs described in subparagraph (A)(i), an owner or operator of a high-consequence water facility shall consider—

“(i) the costs of capital upgrades to transition to the use of inherently safer technologies;

“(ii) anticipated increases in operating costs of the high-consequence water facility;

“(iii) offsets that may be available to reduce or eliminate the transition costs, such as the savings that may be achieved by—

“(I) eliminating security needs (such as personnel and fencing);

“(II) complying with safety regulations;

“(III) complying with environmental regulations and permits;

“(IV) complying with fire code requirements;

“(V) providing personal protective equipment;

“(VI) installing safety devices (such as alarms and scrubbers);

“(VII) purchasing and maintaining insurance coverage;

“(VIII) conducting appropriate emergency response and contingency planning;

“(IX) conducting employee background checks; and

“(X) potential liability for personal injury and damage to property; and

“(iv) the efficacy of each technology in treating or neutralizing biological or chemical agents that could be introduced into a drinking water supply by a terrorist or act of terrorism.

“(C) USE OF INHERENTLY SAFER TECHNOLOGIES.—

“(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of submission of the options feasibility assessment required under this paragraph, the owner or operator of a high-consequence water facility, in consultation with the Administrator, the Secretary, the United States Chemical Safety and Hazard Investigation Board, local officials, and other interested parties, shall determine which inherently safer technologies are to be used by the high-consequence water facility.

“(ii) CONSIDERATIONS.—In making the determination under clause (i), an owner or operator—

“(I) may consider transition costs estimated in the options feasibility assessment of the owner or operator (except that those transition costs shall not be the sole basis for the determination of the owner or operator);

“(II) shall consider long-term security enhancement of the high-consequence water facility;

“(III) shall consider comparable water facilities that have transitioned to inherently safer technologies; and

“(IV) shall consider the overall security impact of the determination, including on the production, processing, and transportation of substances of concern at other facilities.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), subject to paragraph (2), the Administrator—

“(A) shall prioritize the use of inherently safer technologies at high-consequence facilities listed under subsection (b)(1);

“(B) subject to the availability of grant funds under this section, not later than 90 days after the date on which the Administrator receives an options feasibility assessment from an owner or operator of a high-consequence water facility under subsection (b)(3)(A), shall issue an order requiring the high-consequence water facility to eliminate the use of 1 or more substances of concern and adopt 1 or more inherently safer technologies; and

“(C) may seek enforcement of an order issued under paragraph (2) in the appropriate United States district court.

“(2) DE MINIMIS USE.—Nothing in this section prohibits the de minimis use of a substance of concern as a residual disinfectant.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), the Administrator shall provide grants to high-consequence facilities (including high-consequence facilities subject to an order issued under subsection (c)(1)(C) and water facilities described in paragraph (6)) for use in paying capital expenditures directly required to complete the transition of the high-consequence water facility to the use of 1 or more inherently safer technologies.

“(2) APPLICATION.—A high-consequence water facility that seeks to receive a grant under this subsection shall submit to the Administrator an application by such date, in such form, and containing such information as the Administrator shall require, including information relating to the transfer to inherently safer technologies, and the proposed date of such a transfer, described in subsection (b)(3)(B).

“(3) DEADLINE FOR TRANSITION.—An owner or operator of a high-consequence water facility that is subject to an order under subsection (c)(1)(C) and that receives a grant under this subsection shall begin the transition to inherently safer technologies described in paragraph (1) not later than 90 days after the date of issuance of the order under subsection (c)(1)(C).

“(4) FACILITY UPGRADES.—An owner or operator of a high-consequence water facility—

“(A) may complete the transition to inherently safer technologies described in paragraph (1) within the scope of a greater facility upgrade; but

“(B) shall use amounts from a grant received under this subsection only for the capital expenditures directly relating to the transition to inherently safer technologies.

“(5) OPERATIONAL COSTS.—An owner or operator of a high-consequence water facility that receives a grant under this subsection may not use funds from the grant to pay or offset any ongoing operational cost of the high-consequence water facility.

“(6) OTHER REQUIREMENTS.—As a condition of receiving a grant under this subsection, the owner or operator of a high-consequence water facility shall—

“(A) upon receipt of a grant, track all cost savings resulting from the transition to inherently safer technologies, including those savings identified in subsection (b)(4)(B)(iii); and

“(B) for each fiscal year for which grant funds are received, return an amount to the Administrator equal to 50 percent of the savings achieved by the high-consequence water facility (but not to exceed the amount of grant funds received for the fiscal year) for use by the Administrator in facilitating the future transition of other high-consequence water facilities to the use of inherently safer technologies.

“(7) INTERIM TRANSITIONS.—A water facility that transitioned to the use of 1 or more inherently safer technologies after September 11, 2001, but before the date of enactment of this section, and that qualifies as a high-consequence facility under subsection (b)(2), in accordance with any previous report submitted by the water facility under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and as determined by the Administrator, shall be eligible to receive a grant under this subsection.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $125,000,000 for each of fiscal years 2007 through 2011.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 483—EXPRESSING THE SENSE OF THE SENATE REGARDING THE IMPORTANCE OF ORAL HEALTH, AND FOR OTHER PURPOSES

Mr. COCHRAN submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 483

Whereas the Surgeon General has determined that oral health is integral to general health;

Whereas the Surgeon General has identified numerous oral-systemic disease connections, including possible associations between chronic oral infections and diabetes, heart and lung diseases, stroke, low-birthweight, and premature births;

Whereas the burden of dental and oral health diseases restricts activities of an individual at school, at work, and at home, and often significantly diminishes the quality of life of an individual;

Whereas oral health diseases, including dental caries and periodontal disease, are largely preventable;

Whereas the effective treatment and prevention of those diseases are substantially aided by access to highly trained dental primary care professionals;

Whereas the Academy of General Dentistry was officially incorporated in 1952, with the mission to serve as the premier resource for general dentists who are committed to improving patient care through lifelong learning and continuing education;

Whereas the Academy of General Dentistry has grown to represent over 33,000 general dentists who provide primary care, oral health care services;

Whereas the Academy of General Dentistry encourages excellence in continuing education and professionalism through its earned professional designation programs known as “Mastership”, “Fellowship and Lifelong Learning”, and “Service Recognition”; and

Whereas the Academy of General Dentistry has signed a memorandum of understanding with the Department of Health and Human

Services to help improve the oral health status of the citizens of the United States and achieve the objectives of the Healthy People 2010 initiative of the Department: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) access to oral health care services and the prevention of oral health care disease is integral to achieving and maintaining good health; and

(2) the Academy of General Dentistry and the members of that organization are recognized for—

(A) promoting—

(i) excellence in continuing dental education; and

(ii) high standards of training and professionalism in the field of primary dental care; and

(B) helping to address the treatment and prevention of oral health disease.

SENATE RESOLUTION 484—EXPRESSING THE SENSE OF THE SENATE CONDEMNING THE MILITARY JUNTA IN BURMA FOR ITS RECENT CAMPAIGN OF TERROR AGAINST ETHNIC MINORITIES AND CALLING ON THE UNITED NATIONS SECURITY COUNCIL TO ADOPT IMMEDIATELY A BINDING NON-PUNITIVE RESOLUTION ON BURMA

Mr. MCCONNELL (for himself, Mr. BROWNBACK, Mrs. FEINSTEIN, Mr. LEAHY, Mr. LAUTENBERG, Mr. FRIST, Mr. OBAMA, Mr. MCCAIN, Mr. LIEBERMAN, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 484

Whereas the regime in Burma, the State Peace and Development Council (SPDC), reportedly threatened to abolish the pro-democracy National League for Democracy;

Whereas recent reports indicate that the SPDC escalated its brutal campaign against ethnic groups in November 2005;

Whereas reports indicate that the military operation has resulted in approximately 13,000 new internally displaced persons in Burma;

Whereas reports estimate that approximately 540,000 people are now internally displaced within Burma, the most serious internal displacement crisis in Asia;

Whereas the Thailand Burma Border Consortium reports that the military junta in Burma has destroyed, relocated, or forced the abandonment of approximately 2,800 villages in eastern Burma over the past 10 years;

Whereas refugees continue to pour across Burma's borders;

Whereas those forced to flee their homes in Burma are increasingly vulnerable, and the humanitarian situation grows more dire as the rainy season approaches;

Whereas the United Nations Security Council was briefed on the human rights situation in Burma for the first time ever in December 2005;

Whereas United Nations Secretary-General Kofi Annan and Under-Secretary-General for Political Affairs Ibrahim Gambari acknowledged the seriousness of the problems in Burma, and the Secretary-General's office suggested the first-ever course of action on Burma at the United Nations Security Council at the December 2005 briefing;

Whereas numerous efforts outside the United Nations Security Council to secure reform in Burma, including 28 consecutive non-binding resolutions of the United Nations General Assembly and United Nations Commission on Human Rights, have failed to bring about change;

Whereas there is ample precedent in the United Nations Security Council for action on Burma; and

Whereas Daw Aung San Suu Kyi remains the world's only incarcerated Nobel Peace Prize recipient:

Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to condemn the military junta in Burma for its recent campaign of terror against ethnic minorities; and

(2) to call on the United States and other democracies to continue to work with the Association of South East Asian Nations to promote democracy, human rights and justice in Burma; and

(3) to call on the United States to lead an effort at the United Nations Security Council to pass immediately a binding, non-punitive resolution calling for the immediate and unconditional release of Daw Aung San Suu Kyi and all other prisoners of conscience in Burma, condemning these atrocities, and supporting democracy, human rights and justice in Burma.

SENATE CONCURRENT RESOLUTION 95—EXPRESSING THE SENSE OF CONGRESS WITH REGARD TO THE IMPORTANCE OF WOMEN'S HEALTH WEEK, WHICH PROMOTES AWARENESS OF DISEASES THAT AFFECT WOMEN AND WHICH ENCOURAGES WOMEN TO TAKE PREVENTIVE MEASURES TO ENSURE GOOD HEALTH

Mr. FEINGOLD (for himself and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 95

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4066. Mr. KENNEDY (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes.

SA 4067. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4068. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4069. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4070. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4071. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4072. Mrs. CLINTON (for herself, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2611, supra.

SA 4073. Mr. SALAZAR (for himself, Mr. DURBIN, Mr. KENNEDY, Mr. BINGAMAN, and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4074. Mr. OBAMA (for himself, Mr. REID, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4075. Mrs. FEINSTEIN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4076. Mr. ENSIGN (for himself, Mr. GRAHAM, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4077. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4078. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4079. Mr. OBAMA (for himself, Mr. DURBIN, Mr. REID, Mr. HARKIN, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4080. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4081. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4082. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

CORRECTED TEXT OF AMENDMENT SUBMITTED ON MAY 17, 2006

SA 4052. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike line 10 and all that follows through page 395, line 23, and insert the following:

Subtitle A—Mandatory Departure and Reentry in Legal Status

SEC. 601. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218C, as added by section 405, the following:

"SEC. 218D. MANDATORY DEPARTURE AND REENTRY.

"(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

"(b) REQUIREMENTS.—

"(1) PRESENCE.—An alien shall establish that the alien—

"(A) was physically present in the United States on the date that is 1 year before the date on which the Comprehensive Immigration Reform Act of 2006 was introduced in Congress; and

"(B) has been continuously in the United States since that date; and

"(C) was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

"(2) EMPLOYMENT.—An alien must establish that the alien—

"(A) was employed in the United States before the date on which the Comprehensive Immigration Reform Act of 2006 was introduced in Congress; and

"(B) has been employed in the United States since that date.

"(3) ADMISSIBILITY.—

"(A) IN GENERAL.—The alien must establish that the alien—

"(i) is admissible to the United States (except as provided in subparagraph (B)); and

"(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

"(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), as applied to individual aliens—

"(i) for humanitarian purposes;

"(ii) to assure family unity; or

"(iii) if such waiver is otherwise in the public interest.

"(4) INELIGIBLE.—An alien is ineligible for Deferred Mandatory Departure status if the alien—

"(A) has been ordered removed from the United States—(i) for overstaying the period of authorized admission under section 217; (ii) under section 235 or 238; or (iii) pursuant to a final order of removal under section 240;

"(B) failed to depart the United States during the period of a voluntary departure order under section 240B;

"(C) is subject to section 241(a)(5);

"(D) has been issued a notice to appear under section 239, unless the sole acts of conduct alleged to be in violation of the law are that the alien is removable under section 237(a)(1)(C) or inadmissible under section 212(a)(6)(A);

"(E) is a resident of a country for which the Secretary of State has made a determination that the government of such country has repeatedly provided support for acts of international terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) or under section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

"(F) fails to comply with any request for information by the Secretary of Homeland Security; or

"(G) the Secretary of Homeland Security determines that—(i) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States; (ii) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or (iii) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

"(H) the alien has been convicted of a felony or 3 or more misdemeanors.

"(I) Exception.—Notwithstanding subparagraphs (A) and (B), an alien who has not been ordered removed from the United States shall remain eligible for Deferred Mandatory Departure status if the alien's ineligibility under subparagraphs (A) and (B) is solely related to the alien's—(i) entry into the United States without inspection; (ii) remaining in the United States beyond the period of authorized admissions; or (iii) failure to maintain legal status while in the United States.

(J) Waiver.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraphs (A) and (B) if the alien was ordered removed on the basis that the alien—(i) entered without inspection; (ii) failed to maintain status, or (iii) was ordered removed under 212(a)(6)(c)(i) prior to April 7, 2006, and—(i) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a); or (ii) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or (iii) the alien's departure from the United States now would result in extreme hardship to the alien's spouse, parent, or child who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

"(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

"(A) if the Secretary determines that the alien was not eligible for such status; or

"(B) if the alien commits an act that makes the alien removable from the United States.

"(7) APPLICATION CONTENT AND WAIVER.—

"(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

"(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

"(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

"(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

"(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

"(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

"(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

"(3) APPLICATION.—An alien shall submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

"(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

"(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

"(e) Acknowledgment.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

"(1) an acknowledgment made in writing and under oath that the alien—

"(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

"(B) understands the terms of the terms of Deferred Mandatory Departure;

"(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

"(3) any false or fraudulent documents in the alien's possession.

"(f) Mandatory Departure.—

"(1) In general.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant Deferred Mandatory Departure status to an alien for a period not to exceed 5 years.

"(2) Registration at time of departure.—An alien granted Deferred Mandatory Departure shall—

"(A) depart the United States before the expiration of the period of Deferred Mandatory Departure status;

"(B) register with the Secretary of Homeland Security at the time of departure; and

"(C) surrender any evidence of Deferred Mandatory Departure status at time of departure.

"(3) Return in legal status.—An alien who complies with the terms of Deferred Mandatory Departure status and departs before the expiration of such status—

"(A) shall not be subject to section 212(a)(9)(B); and

"(B) may immediately seek admission as a nonimmigrant or immigrant, if otherwise eligible.

"(4) Failure to depart.—An alien who fails to depart the United States before the expiration of Deferred Mandatory Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, except as provided under section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(5) Penalties for delayed departure.—An alien who fails to immediately depart the United States shall be subject to—

"(A) no fine if the alien departs the United States not later than 1 year after being granted Deferred Mandatory Departure status;

"(B) a fine of $2,000 if the alien remains in the United States for more than 1 year and not more than 2 years after being granted Deferred Mandatory Departure status;

"(C) a fine of $3,000 if the alien remains in the United States for more than 2 years and not more than 3 years after being granted Deferred Mandatory Departure status;

"(D) a fine of $4,000 if the alien remains in the United States for more than 3 years and not more than 4 years after being granted Deferred Mandatory Departure status; and

"(E) a fine of $5,000 if the alien remains in the United States for more than 4 years after being granted Deferred Mandatory Departure status.

"(g) Evidence of Deferred Mandatory Departure Status.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

"(h) Terms of Status.—

"(1) Reporting.—During the period in which an alien is in Deferred Mandatory Departure status, the alien shall comply with all registration requirements under section 264.

"(2) Travel.—

"(A) An alien granted Deferred Mandatory Departure status is not subject to section 212(a)(9) for any unlawful presence that occurred before the Secretary of Homeland Security granting such status to the alien.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) shall establish, at the time of application for admission, that the alien is admissible under section 212.

"(C) Effect on period of authorized admission.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) Benefits.—During the period in which an alien is granted Deferred Mandatory Departure status under this section, the alien—

"(A) shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) may be deemed ineligible for public assistance by a State or any political subdivision of a State that furnishes such assistance.

"(i) Prohibition on Change of Status or Adjustment of Status.—An alien granted Deferred Mandatory Departure status may not apply to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

"(j) Application Fee.—

"(1) In general.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) Use of fee.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(k) Family Members.—

"(1) Family members.—

"(A) In general.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

"(B) Application fee.—

"(i) In general.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(ii) Use of fee.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(l) Employment.—

"(1) In general.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens.

"(2) Continuous employment.—An alien granted Deferred Mandatory Departure status shall be employed while the alien is in the United States. An alien who fails to be employed for 30 days may not be hired until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) Enumeration of Social Security Number.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) Penalties for False Statements in Application for Deferred Mandatory Departure.—

"(1) Criminal penalty.—

"(A) Violation.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) Penalty.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) Inadmissibility.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) Relation to Cancellation of Removal.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) Waiver of Rights.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

"(r) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218C the following:

"Sec. 218D. Mandatory departure and reentry.".

(2) DEPORTATION.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218D),".

SEC. 602. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 603. EXCEPTIONS FOR HUMANITARIAN REASONS.

Notwithstanding any other provision of law, an alien may be exempt from Deferred Mandatory Departure status and may apply for lawful permanent resident status during the 1-year period beginning on the date of the enactment of this Act if the alien—

(1) is the spouse of a citizen of the United States at the time of application for lawful permanent resident status;

(2) is the parent of a child who is a citizen of the United States;

(3) is not younger than 65 years of age;

(4) is not older than 16 years of age and is attending school in the United States;

(5) is younger than 5 years of age;

(6) on removal from the United States, would suffer long-term endangerment to the life of the alien; or

(7) owns a business or real property in the United States.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out this title and the amendments made by this title.

TEXT OF AMENDMENTS

SA 4066. Mr. KENNEDY (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 295, after line 16 insert the following:

"or

"(iv) the Secretary of Labor determines and certifies that there are not sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be, employed; and

"(v) the alien submits at least 2 documents to establish current employment, as follows:

"(I) Records maintained by the Social Security Administration.

"(II) Records maintained by the alien's employer, such as pay stubs, time sheets, or employment work verification.

"(III) Records maintained by the Internal Revenue Service.

"(IV) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

SA 4067. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

§ 161. Declaration of English

English is the common language of the United States that helps provide unity for the people of the United States.

§ 162. Preserving and enhancing the role of the national language

The Government of the United States shall preserve and enhance the role of English as the national language of America. Unless otherwise authorized or provided for by law, no person has a legal entitlement to services authorized or provided for by the Federal Government in any language other than English.

(b) CONFORMING AMENDMENT.—A The table of chapters for title 4, United States Code, is amended by adding at the Language of the Government of the United States.

Section 767. Requirements for Naturalization

(a) FINDINGS.—The Senate makes the following findings:

a. Under United States law (8 USC 1423 (a)), lawful permanent residents of the United States who have immigrated from foreign countries must, among other requirements, demonstrate an understanding of the English language, United States history and Government, to become citizens of the United States.

b. The Department of Homeland Security is currently conducting a review of the testing process used to ensure prospective United States citizens demonstrate said knowledge of the English language and United States history and government for the purpose of redesigning said test.

(b) DEFINITIONS.—for purposes of this section only, the following words are defined:

(1) KEY DOCUMENTS.—The term 'key documents' means the documents that established or explained the foundational principles of democracy in the United States, including the United States Constitution and the amendments to the Constitution (particularly the Bill of Rights), the Declaration of Independence, the Federalist Papers, and the Emancipation Proclamation.

(2) KEY EVENTS.—The term 'key events' means the critical turning points in the history of the United States (including the American Revolution, the Civil War, the world wars of the twentieth century, the civil rights movement, and the major court decisions and legislation) that contributed to extending the promise of democracy in American life.

(3) KEY IDEAS.—The term 'key ideas' means the ideas that shaped the democratic institutions and heritage of the United States, including the notion of equal justice under the law, freedom, individualism, human rights, and a belief in progress.

(4) KEY PERSONS.—The term 'key persons' means the men and women who led the United States as founding fathers, elected officials, scientists, inventors, pioneers, advocates of equal rights, entrepreneurs, and artists.

(c) GOALS FOR CITIZENSHIP TEST REDESIGN.—The Department of Homeland Security shall establish as goals of the testing process designed to comply with provisions of [8 USC 1423 (a)] that prospective citizens:

a. demonstrate a sufficient understanding of the English language for usage in everyday life;

b. demonstrate an understanding of American common values and traditions, including the principles of the Constitution of the United States, the Pledge of Allegiance, respect for the flag of the United States, the National Anthem, and voting in public elections;

c. demonstrate an understanding of the history of the United States, including the key events, key persons, key ideas, and key documents that shaped the institutions and democratic heritage of the United States; and

d. demonstrate an attachment to the principles of the Constitution of the United States and the well being and happiness of the people of the United States; and

e. demonstrate an understanding of the rights and responsibilities of citizenship in the United States.

(d) IMPLEMENTATION.—The Secretary of Homeland Security shall implement changes to the testing process designed to ensure compliance with [8 U.S.C. 1423(a)] not later than January 1, 2008.

SA 4068. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 350, strike line 1 and all that follows through "inference." on page 351, line 1, and insert the following:

"(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

"(aa) bank records;

"(bb) business records;

"(cc) sworn affidavits from non-relatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

"(dd) remittance records.

"(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

Beginning on page 366, strike line 9 and all that follows to page 368, line 16.

On page 374, line 22, insert after "work" the following: ", including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information".

At page 391, line 25, strike "deferred mandatory departure status" and replace with "any benefit under this title".

At page 392, line 12, strike "deferred mandatory departure status" and replace with "any benefit under this title".

At page 393, lines 6–7, strike "deferred mandatory departure status" and replace with "any benefit under this title."

At page 393, lines 11–12, strike "deferred mandatory departure status" and replace with "any benefit under this title".

At page 392, lines 8–9, strike "deferred mandatory departure status" and replace with "any benefit under this title".

Insert at page 392, line 23: "(r) The Secretary of Homeland Security shall ensure that denials of any benefit under this title are subject to supervisory review and approval."

SA 4069. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 21 and 22, insert the following:

"(V) The employment requirement in clause (i)(I) shall not apply to an individual who is over 59 years of age on the date of enactment of the Immigrant Accountability Act of 2006.

SA 4070. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NUMERICAL LIMITATIONS ON H–2A VISAS.

Section 214(g)(1) (8 U.S.C. 1184(g)(1)), as amended by sections 408(g) and 508(c)(1), is further amended—

(1) in subparagraph (A)(ix), by striking "or" at the end;

(2) in subparagraph (B), by striking "and" at the end;

(3) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(D) under section 101(a)(15)(H)(ii)(a) may not exceed 90,000.".

SA 4071. Mr. BOND (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 336, strike line 14 and all that follows through "(d)" on page 337, line 19, and insert the following:

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

"(J) an alien with a residence in a foreign country that (except in the case of an alien described in clause (ii)) the alien has no intention of abandoning, who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

"(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii)) designated by the Secretary of State, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

"(ii) has been accepted and plans to attend an accredited graduate program in the sciences, technology, engineering, or mathematics in the United States for the purpose of obtaining an advanced degree.".

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (J)(ii), (L), or (V)".

(d) REQUIREMENTS FOR F–4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.".

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" before "No person";

(2) by striking "admission (i) whose" and inserting the following: "admission—

"(A) whose";

(3) by striking "residence, (ii) who" and inserting the following: "residence;

"(B) who";

(4) by striking "engaged, or (iii) who" and inserting the following: "engaged; or

"(C) who";

(5) by striking "training, shall" and inserting the following: "training,

"shall";

(6) by striking "United States: *Provided*, That upon" and inserting the following: "United States.

"(2) Upon";

(7) by striking "section 214(l): And provided further, That, except" and inserting the following: "section 214(l).

"(3) Except"; and

(8) by adding at the end the following:

"(4) An alien who has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(J)(ii), or who would have qualified for such nonimmigrant status if section 101(a)(15)(J)(ii) had been enacted before the completion of such alien's graduate studies, shall not be subject to the 2-year foreign residency requirement under this subsection.".

(f) On page 339, line 10, strike "(e)" and insert "(g)".

On page 340, strike line 12 and all that follows through "(f)" on page 341, line 5, and insert the following:

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before the completion of such alien's graduate studies;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.".

(h)

SA 4072. Mrs. CLINTON (for herself, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 259, line 23, strike "section 286(c)" and insert "section 286(x)".

On page 264, strike line 13, and insert the following:

"(x) STATE IMPACT ASSISTANCE ACCOUNT.—

"(1) ESTABLISHMENT.—There

On page 264, strike line 20, and insert the following:

"218A and 218B.

"(2) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM ACCOUNT; STATE HEALTH AND EDUCATION ASSISTANCE ACCOUNT.—

"(A) State criminal alien assistance program account.—

"(i) Establishment.—There is established within the State Impact Aid Account a State Criminal Alien Assistance Program Account.

"(ii) Deposits.—Notwithstanding any other provision under this Act, there shall be deposited in the State Criminal Alien Assistance Program Account 25 percent of all amounts deposited in the State Impact Aid Account, which shall be available to the Attorney General to disburse in accordance with section 241(i).

"(B) State health and education assistance account.—

"(i) Establishment.—There is established within the State Impact Assistance Account a State Health and Education Assistance Account.

"(ii) Deposits.—Notwithstanding any other provision under this Act, there shall be deposited in the State Health and Education Assistance Account 75 percent of all amounts deposited in the State Impact Aid Account.

"(3) State impact assistance grant program.—

"(A) Establishment.—Not later than January 1 of each year beginning after the date of enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary of Homeland Security, in cooperation with the Secretary of Health and Human Services (referred to in this paragraph as the 'Secretary'), shall establish a State Impact Assistance Grant Program, under which the Secretary shall award grants to States for use in accordance with subparagraph (D).

"(B) Available funds.—For each fiscal year beginning after the date of enactment of this subsection, the Secretary shall use ½ of the amounts deposited into the State Health and Education Assistance Account under paragraph 2(B)(ii) during the preceding year .

"(C) Allocation.—The Secretary shall allocate grants under this paragraph as follows:

"(i) Noncitizen population.—

"(I) In general.—Subject to subclause (II), 80 percent shall be allocated to States on a pro-rata basis according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

"(aa) the noncitizen population of the State; bears to

"(bb) the noncitizen population of all States.

"(II) Minimum amount.—Notwithstanding the formula under subclause (I), no State shall receive less than $5,000,000 under this clause.

"(ii) High growth rates.—Twenty percent shall be allocated on a pro-rata basis among the 20 States with the largest growth rate in noncitizen population; as determined by the Secretary, according to the ratio that, based on the most recent year for which data of the Bureau of the Census exists—

"(I) the growth rate in the noncitizen population of the State during the most recent 3-year period for which data is available; bears to

"(II) the combined growth rate in noncitizen population of the 20 States during the 3-year period described in subclause (I).

"(iii) Funding for local entities.—The Secretary shall require recipients of the State Impact Assistance Grants to provide units of local governments with not less than 70 percent of the grant funds not later than 180 days after the State receives grant funding. States shall distribute funds to units of local government based on demonstrated need and function.

"(D) Use of funds.—A State shall use a grant received under this paragraph to return funds to State and local governments, organizations, and entities for the costs of providing health services and educational services to noncitizens.

"(E) Administration.—A unit of local government, organization, or entity may provide services described in subparagraph (D) directly or pursuant to contracts with the State or another entity, including—

"(i) a unit of local government;

"(ii) a public health provider, such as a hospital, community health center, or other appropriate entity;

"(iii) a local education agency; and

"(iv) a charitable organization.

"(F) Refusal.—

"(i) In general.—A State may elect to refuse any grant under this paragraph.

"(ii) Action by secretary.—On receipt of notice of a State of an election under clause (i), the Secretary shall deposit the amount of the grant that would have been provided to the State into the State Impact Assistance Account.

"(G) Reports.—

"(i) In general.—Not later than March 1 of each year, each State that received a grant under this paragraph during the preceding fiscal year shall submit to the Secretary a report in such manner and containing such information as the Secretary may require, in accordance with clause (ii).

"(ii) Contents.—A report under clause (i) shall include a description of—

"(I) the services provided in the State using the grant;

"(II) the amount of grant funds used to provide each service and the total amount available during the applicable fiscal year from all sources to provide each service; and

"(III) the method by which the services provided using the grant addressed the needs of communities with significant and growing noncitizen populations in the State.

"(H) Collaboration.—In promulgating regulations and issuing guidelines to carry out this paragraph, the Secretary shall collaborate with representatives of State and local governments.

"(I) State appropriations.—Funds received by a State under this paragraph shall be subject to appropriation by the legislature of the State, in accordance with the terms and conditions described in this paragraph.

"(J) Exemption.—Notwithstanding any other provision of law, section 6503(a) of title 31, United States Code, shall not apply to funds transferred to States under this paragraph.

"(K) Definition of state.—In this paragraph, tha term 'State' means each of—

"(i) the several States of the United States;

"(ii) the District of Columbia;

"(iii) the Commonwealth of Puerto Rico;

"(iv) the Virgin Islands;

"(v) American Samoa; and

"(vi) the Commonwealth of the Northern Mariana Islands.".

On page 371, line 4, strike "(B) 10 percent" and insert the following:

"(B) 10 percent of such funds shall be deposited in the State Impact Aid Account in the Treasury in accordance with section 286(x);

"(C) 5 percent

On page 371, line 8, strike "(C) 10 percent" and insert "(D) 5 percent".

SA 4073. SALAZAR (for himself, Mr. Durbin, Mr. Kennedy, Mr. Bingaman, and Mr. Reid) submitted an amendment intended to be proposed by him to the bill. S. 2611. to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place insert the following notwithstanding any other provision:

SEC. 161. DECLARATION OF ENGLISH

English is the common and unifying language of the United States that helps provide unity for the people of the United States.

SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE

The Government of the United States shall preserve and enhance the role of English as the common and unifying language of America. Nothing herein shall diminish or expand any existing rights under the law of the United States relative to services or materials provided by the government of the United States in any language other than English.

For the purposes of this section, law is defined as including provisions of the U.S. Code the U.S. Constitution, controlling judicial decisions, regulations, and Presidential Executive Orders.

(b) Conforming Amendment.—The table of chapters for title 4, United State Code. is amended by adding at the Language of Government of the United States.

SA 4074. Mr. OBAMA (for himself. Mr. Reid, and Mr. Harkin) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 151, between lines 6 and 7, insert the following:

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Director of the Federal Bureau of Investigations $3,125,000 for each of fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services.

(d) Report on Background and Security Checks.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act. the Director of the Federal Bureau of Investigations shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services

(2) Content.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps the Federal Bureau of Investigations is taking to expedite background and security checks that have been pending for more than 60 days.

SA 4075. Mrs. FEINSTEIN (for herself and Mr. Grassley) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 343, strike lines 12 through 24 and insert the following:

(B) in subparagraph (A)—

(i) in clause (vii), by striking "each succeeding fiscal year; or" and inserting "each of fiscal years 2004, 2005, and 2006; and"; and

(ii) by adding after clause (vii) the following:

"(viii) 115,000 in each succeeding fiscal year; or"; and

On page 344, line 7, strike the semicolon at the end and all that follows through line 24 and insert a period.

SA 4076. Mr. ENSIGN (for himself, Mr. GRAHAM, and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of subtitle C of title I, add the following:

SEC. 133. TEMPORARY NATIONAL GUARD SUPPORT FOR SECURING THE SOUTHERN LAND BORDER OF THE UNITED STATES.

"(a) AUTHORITY TO PROVIDE ASSISTANCE.—(1) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform annual training duty under section 502(a) of title 32, United States Code, to carry out in any State along the southern land border of the United States the activities authorized in subsection (b), for the purpose of securing such border. Such duty shall not exceed 21 days in any year.

(2) With the approval of the Secretary of Defense, the Governor of a State may order any units or personnel of the National Guard of such State to perform duty under section 502(f) of title 32, United States Code, to provide command, control, and continuity of support for units or personnel performing annual training duty under paragraph (1).

"(b) AUTHORIZED ACTIVITIES.—The activities authorized by this subsection are any of the following:

"(1) Ground reconnaissance activities;

"(2) Airborne reconnaissance activities;

"(3) Logistical support;

"(4) Provision of translation services and training;

"(5) Administrative support services;

"(6) Technical training services;

"(7) Emergency medical assistance and services;

"(8) Communications services;

"(9) Rescue of aliens in peril;

"(10) Construction of roadways, patrol roads, fences, barriers, and other facilities to secure the southern land border of the United States; and

"(11) Ground and air transportation.

"(c) COOPERATIVE AGREEMENTS.—Units and personnel of the National Guard of a State may perform activities in another State under subsection (a) only pursuant to the terms of an emergency management assistance compact or other cooperative arrangement entered into between Governors of such States for purposes of this section, and only with the approval of the Secretary of Defense.

"(d) COORDINATION OF ASSISTANCE.—The Secretary of Homeland Security shall, in consultation with the Secretary of Defense and the Governors of the States concerned, coordinate the performance of activities under this section by units and personnel of the National Guard.

"(e) ANNUAL TRAINING.—Annual training duty performed by members of the National Guard under subsection (a) shall be appropriate for the units and individual members concerned, taking into account the types of units and military occupational specialties of individual members performing such duty.

"(f) DEFINITIONS.—In this section:

"(1) The term 'Governor of a State' means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

"(2) The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"(3) The term 'State along the southern border of the United States' means each of the following:

"(A) The State of Arizona.

"(B) The State of California.

"(C) The State of New Mexico.

"(D) The State of Texas.

(g) DURATION OF AUTHORITY.—The authority of this section shall expire on January 1, 2009.

(h) PROHIBITION ON DIRECT PARTICIPATION IN LAW ENFORCEMENT.—Activities carried out under the authority of this section shall not include the direct participation of a member of the National Guard in a search, seizure, arrest, or similar activity.

(i) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse the Secretary of Defense for any support beyond that authorized by subsection (a)(1) that is provided by the National Guard or the armed forces to components of the Department of Homeland Security for the purpose of securing the southern land border of the United States.

SA 4077. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 259, strike lines 5 through 8 and insert the following:

"(1) any relief under section 240A(a), 240A(b)(1), or 240B; or

"(2) nonimmigrant status under section 101(a)(15) (except subparagraphs (T) and (U)).

SA 4078. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RETURN OF TALENT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Return of Talent Act".

(b) TEMPORARY RETURN OF ALIENS TO HOME COUNTRY.—

(1) IN GENERAL.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"TEMPORARY ABSENCE OF PERSONS PARTICIPATING IN THE RETURN OF TALENT PROGRAM

"SEC. 317A. (a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall establish the Return of Talent Program to permit eligible aliens to temporarily return to the alien's country of citizenship in order to make a material contribution to that country if the country is engaged in post-conflict or natural disaster reconstruction activities, for a period not exceeding 24 months, unless an exception is granted under subsection (d).

"(b) ELIGIBLE ALIEN.—An alien is eligible to participate in the Return of Talent Program established under subsection (a) if the alien meets the special immigrant description under section 101(a)(27)(O).

"(c) FAMILY MEMBERS.—The spouse, parents, siblings, and any minor children of an alien who participates in the Return of Talent Program established under subsection (a) may return to such alien's country of citizenship with the alien and reenter the United States with the alien.

"(d) EXTENSION OF TIME.—The Secretary of Homeland Security may extend the 24-month period referred to in subsection (a) upon a showing that circumstances warrant that an extension is necessary for post-conflict or natural disaster reconstruction efforts.

"(e) RESIDENCY REQUIREMENTS.—An immigrant described in section 101(a)(27)(O) who participates in the Return of Talent Program established under subsection (a), and the spouse, parents, siblings, and any minor children who accompany such immigrant to that immigrant's country of citizenship, shall be considered, during such period of participation in the program—

"(1) for purposes of section 316(a), physically present and residing in the United States for purposes of naturalization within the meaning of that section; and

"(2) for purposes of section 316(b), to meet the continuous residency requirements in that section.

"(f) OVERSIGHT AND ENFORCEMENT.—The Secretary of Homeland Security, in consultation with the Secretary of State, shall oversee and enforce the requirements of this section.".

(2) TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 317 the following:

"317A. Temporary absence of persons participating in the Return of Talent Program.".

(c) ELIGIBLE IMMIGRANTS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)), as amended by section 508, is further amended—

(1) in subparagraph (M), by striking "or" at the end;

(2) in subparagraph (N), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(O) an immigrant who—

"(i) has been lawfully admitted to the United States for permanent residence;

"(ii) demonstrates an ability and willingness to make a material contribution to the post-conflict or natural disaster reconstruction in the alien's country of citizenship; and

"(iii) as determined by the Secretary of State in consultation with the Secretary of Homeland Security—

"(I) is a citizen of a country in which Armed Forces of the United States are engaged, or have engaged in the 10 years preceding such determination, in combat or peacekeeping operations;

"(II) is a citizen of a country where authorization for United Nations peacekeeping operations was initiated by the United Nations Security Council during the 10 years preceding such determination; or

"(III) is a citizen of a country which received, during the preceding 2 years, funding from the Office of Foreign Disaster Assistance of the United States Agency for International Development in response to a declared disaster in such country by the United

States Ambassador, the Chief of the U.S. Mission, or the appropriate Assistant Secretary of State, that is beyond the ability of such country's response capacity and warrants a response by the United States Government.''.

(d) Report to Congress.—Not later than 2 years after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall submit a report to Congress, which describes—

(1) the countries of citizenship of the participants in the Return of Talent Program established under section 317A of the Immigration and Nationality Act, as added by subsection (b);

(2) the post-conflict or natural disaster reconstruction efforts that benefitted, or were made possible, through participation in the Return of Talent Program; and

(3) any other information that the Secretary determines to be appropriate.

(e) Regulations.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section and the amendments made by this section.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for fiscal year 2007, such sums as may be necessary to carry out this section and the amendments made by this section.

SA 4079. Mr. OBAMA (for himself, Mr. Durbin, Mr. Reid, Mr. Harkin, and Mr. Salazar) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 151, between lines 6 and 7, insert the following:

(c) Authorization of Appropriations.—There is authorized to be appropriated to the Director of the Federal Bureau of Investigation $3,125,000 for each of fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigation on behalf of the Bureau of Citizenship and Immigration Services.

(d) Report on Background and Security Checks.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report, unclassified to the greatest extent possible with a classified annex, if necessary on the background and security checks conducted by the Federal Bureau of Investigation on behalf of the Bureau of Citizenship and Immigration Services.

(2) Content.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps the Federal Bureau of Investigation is taking to expedite background and security checks that have been pending for more than 60 days.

SA 4080. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes: which was ordered to lie on the table; as follows:

On page 409, between lines 19 and 20, insert the following:

(vi) English language.—The alien has demonstrated an understanding of the English language as required by section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

SA 4081. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 250, strike lines 5 through 10, and insert the following:

''(a) Authority.—

''(1) In general.—The Secretary of Homeland Security may grant a temporary visa to an H-2C nonimmigrant during the 5-year period beginning on the date of the Comprehensive Immigration Reform Act of 2006 if such nonimmigrant demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

''(2) Sunset.—Notwithstanding any other provision of law, after the date of end of the 5-year period referred to in paragraph (1), no alien may be issued a new visa as an H-2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H-2C nonimmigrant pursuant to such subsection after such date.

SA 4082. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, line 22, strike the period at the end and insert ''and stated in such posting that a worker hired for such opportunity will receive compensation that includes health insurance that provides benefits that are, at a minimum, actuarially equivalent to the benefits that the worker would receive under the State Medicaid plan established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) of the State in which the employment opportunity will be located if the worker were eligible for benefits under such plan, as determined by such State.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 18, 2006, at 9:30 a.m. to conduct a hearing on ''The Report of the Congress on International Economic and Exchange Rate Policies.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to met during the session of the Senate on Thursday, May 18, 2006, at 9:30 a.m. to mark up S. 1811, the ''San Francisco Old Mint Commemorative Coin Act;'' S. 633, the ''American Veterans Disabled for Life Commemorative Coin Act;'' and S. 2784, the ''Fourteenth Dalai Lama Gold Medal Act.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 10 a.m. on S. 2686, the Consumer's Choice, and Broadband Deployment Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for an Executive Session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, May 18, 2006, at 10:30 a.m., in 215 Dirksen Senate Office Building, to consider proposed legislation implementing the U.S.-Oman Free Trade Agreement, and the nomination of W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 9:30 a.m. to hold a hearing on Iran's Political/Nuclear Ambitions and U.S. Policy Options.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 18, 2006, at 10 a.m. to consider the nomination of Robert I. Cusick to be Director of the Office of Government Ethics.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 18, 2006 at 9:30 a.m. to hold a confirmation hearing on General Michael V. Hayden to be Director of the Central Intelligence Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Aging be authorized to meet May 18, 2006 from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, May 18, 2006, at 2:30 p.m. for a hearing regarding "Unobligated Balances: Freeing up Funds, Setting Priorities and Untying Agency Hands."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Thursday, May 18, 2006, at 2:30 p.m. to hold a hearing on Nepal: Transition from Crisis to Peaceful Democracy.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. AKAKA. Mr. President, I ask unanimous consent that Dr. Bonni Berge, a Brookings fellow in my office, be allowed floor privileges for the duration of the Senate's debate on S. 2611, the Comprehensive Immigration Reform Act of 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROES EARNED RETIREMENT OPPORTUNITIES ACT

Mr. CHAMBLISS. Mr. President, I ask that the Chair now lay before the Senate the House message to accompany H.R. 1499.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

H.R. 1499

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 1499) entitled "An Act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes", with the following House amendment to Senate amendment:

At the end of the Senate amendment add the following:

On page 3, after line 3 of the House engrossed bill, insert the following:

(c) CONTRIBUTIONS FOR TAXABLE YEARS ENDING BEFORE ENACTMENT.—

(1) IN GENERAL.—In the case of any taxpayer with respect to whom compensation was excluded from gross income under section 112 of the Internal Revenue Code of 1986 for any taxable year beginning after December 31, 2003, and ending before the date of the enactment of this Act, any contribution to an individual retirement plan made on account of such taxable year and not later than the last day of the 3-year period beginning on the date of the enactment of this Act shall be treated, for purposes of such Code, as having been made on the last day of such taxable year.

(2) WAIVER OF LIMITATIONS.—

(A) CREDIT OR REFUND.—If the credit or refund of any overpayment of tax resulting from a contribution to which paragraph (1) applies is prevented at any time by the operation of any law or rule of law (including res judicata), such credit or refund may nevertheless be allowed or made if the claim therefor is filed before the close of the 1-year period beginning on the date that such contribution is made (determined without regard to paragraph (1)).

(B) ASSESSMENT OF DEFICIENCY.—The period for assessing a deficiency attributable to a contribution to which paragraph (1) applies shall not expire before the close of the 3-year period beginning on the date that such contribution is made. Such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

(3) INDIVIDUAL RETIREMENT PLAN DEFINED.—For purposes of this subsection, the term "individual retirement plan" has the meaning given such term by section 7701(a)(37) of such Code.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

BROADCAST DECENCY ENFORCEMENT ACT OF 2005

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 193, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 193) to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

There being no objection, the Senate proceeded to consider the bill.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 193) was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Broadcast Decency Enforcement Act of 2005".

SEC. 2. INCREASE IN PENALTIES FOR OBSCENE, INDECENT, AND PROFANE BROADCASTS.

Section 503(b)(2) of the Communications Act of 1934 (47 U.S.C. 503(b)(2)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(2) by inserting after subparagraph (B) the following new subparagraph:

"(C) Notwithstanding subparagraph (A), if the violator is—

"(i)(I) a broadcast station licensee or permittee; or

"(II) an applicant for any broadcast license, permit, certificate, or other instrument or authorization issued by the Commission; and

"(ii) determined by the Commission under paragraph (1) to have broadcast obscene, indecent, or profane language, the amount of any forfeiture penalty determined under this subsection shall not exceed $325,000 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of $3,000,000 for any single act or failure to act."; and

(3) in subparagraph (D), as redesignated by paragraph (1), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)".

CONDEMNING THE MILITARY JUNTA IN BURMA

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 484 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 484) expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the U.N. Security Council to adopt immediately a binding, nonpunitive resolution on Burma.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Mr. President, today's Burma resolution reflects the Senate's grave concern about the deteriorating situation in Burma. It also reflects the view of the Senate that, while a second United Nations Security Council briefing on Burma is welcomed, there now needs to be a legally binding, nonpunitive resolution regarding Burma passed by the U.N. Security Council. Absent such action, the Association of South East Asian Nations could very well end up being tougher on Burma than the U.N. The Senate has expressed its concern for the plight of the Burmese not only through this resolution but also by recently including $5 million in the emergency supplemental bill to assist refugees from Burma who are in Thailand.

On a related note, I have concerns about the visit of U.N. envoy, Ibrahim Gambari, to Burma this week. This visit should not be viewed as a success unless and until Mr. Gambari has an audience with Nobel Peace Prize winner, Daw Aung San Suu Kyi and Burmese leader, Than Shwe. Mr. Gambari should consider cutting his trip short if it becomes apparent he will not be permitted to hold these meetings, or if the SPDC otherwise interferes with his visit.

I would also add that I applaud the President's action today in extending the state of emergency with respect to Burma. It reflects the clear recognition by the President of the grave problems facing this beleaguered country.

These problems were poignantly addressed by Benedict Rogers, in his May 16, 2006, piece in The Wall Street Journal. In that piece, Rogers told of his encounter with a 15-year-old Burmese boy. This youth had witnessed the murder of both parents and the razing of his village and had endured abduction into forced labor. He hauntingly pleaded to Rogers '[p]lease tell the world not to forget us.' The Senate has not forgotten Burma and it is my profound hope that the U.N. will not either.

Mr. CHAMBLISS. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 484) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 484

Whereas the regime in Burma, the State Peace and Development Council (SPDC), reportedly threatened to abolish the pro-democracy National League for Democracy;

Whereas recent reports indicate that the SPDC escalated its brutal campaign against ethnic groups in November 2005;

Whereas reports indicate that the military operation has resulted in approximately 13,000 new internally displaced persons in Burma;

Whereas reports estimate that approximately 540,000 people are now internally displaced within Burma, the most serious internal displacement crisis in Asia;

Whereas the Thailand Burma Border Consortium reports that the military junta in Burma has destroyed, relocated, or forced the abandonment of approximately 2,800 villages in eastern Burma over the past 10 years;

Whereas refugees continue to pour across Burma's borders;

Whereas those forced to flee their homes in Burma are increasingly vulnerable, and the humanitarian situation grows more dire as the rainy season approaches;

Whereas the United Nations Security Council was briefed on the human rights situation in Burma for the first time ever in December 2005;

Whereas United Nations Secretary-General Kofi Annan and Under-Secretary-General for Political Affairs Ibrahim Gambari acknowledged the seriousness of the problems in Burma, and the Secretary-General's office suggested the first-ever course of action on Burma at the United Nations Security Council at the December 2005 briefing;

Whereas numerous efforts outside the United Nations Security Council to secure reform in Burma, including 28 consecutive non-binding resolutions of the United Nations General Assembly and United Nations Commission on Human Rights, have failed to bring about change;

Whereas there is ample precedent in the United Nations Security Council for action on Burma; and

Whereas Daw Aung San Suu Kyi remains the world's only incarcerated Nobel Peace Prize recipient:

Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to condemn the military junta in Burma for its recent campaign of terror against ethnic minorities; and

(2) to call on the United States and other democracies to continue to work with the Association of South East Asian Nations to promote democracy, human rights and justice in Burma; and

(3) to call on the United States to lead an effort at the United Nations Security Council to pass immediately a binding, non-punitive resolution calling for the immediate and unconditional release of Daw Aung San Suu Kyi and all other prisoners of conscience in Burma, condemning these atrocities, and supporting democracy, human rights and justice in Burma.

ORDERS FOR FRIDAY, MAY 19, 2006

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, May 19; I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the Comprehensive Immigration Reform Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAMBLISS. As announced this evening, tomorrow we will continue to work on the bill, but we will not have any rollcall votes during Friday's session. The next rollcall votes will occur on Monday afternoon. At this point, we have two votes locked in for 5:30 Monday. We will be in session tomorrow to continue this constructive debate.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CHAMBLISS. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:17 p.m., adjourned until Friday, May 19, 2006, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 2006:

FEDERAL RESERVE SYSTEM

DONALD L. KOHN, OF VIRGINIA, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS, VICE ROGER WALTON FERGUSON, RESIGNED.

SECURITIES AND EXCHANGE COMMISSION

KATHLEEN L. CASEY, OF VIRGINIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2011, VICE CYNTHIA A. GLASSMAN, RESIGNED.

THE JUDICIARY

BOBBY E. SHEPHERD, OF ARKANSAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT, VICE MORRIS S. ARNOLD, RETIRING.

KIMBERLY ANN MOORE, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE RAYMOND C. CLEVENGER, III, RETIRED.

DEPARTMENT OF JUSTICE

MARTIN J. JACKLEY, OF SOUTH DAKOTA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH DAKOTA FOR THE TERM OF FOUR YEARS, VICE STEVEN KENT MULLINS.

HOUSE OF REPRESENTATIVES—*Thursday, May 18, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BONNER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC.
May 18, 2006.

I hereby appoint the Honorable JO BONNER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Chaplain Blan Maurice Stout, Jr., Office of the Army Chief of Chaplains, Arlington, Virginia, offered the following prayer:

Almighty God, You dwell in lofty places, yet You also live in the hearts of those who are lowly in spirit. The greatness of Your person inspires our heart to worship, while the goodness of Your concern shapes our character to wholeness.

As we align ourselves with Your nature, fling open the shuttered windows of our souls so that we may see beyond the walls of individual perspective and view this world, at least in part, as You do.

As we remember our military, wipe the tears from the faces of brokenhearted warriors who have lost beloved comrades. For the families of the fallen heroes, be a "father to the orphan and husband to the widow." Encourage all who support them in this Congress, and we ask Your blessing on the military chaplaincy, whose courageous spirit and compassionate service provide for the free exercise of religion.

In the name of Jesus I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Georgia (Ms. MCKINNEY) come forward and lead the House in the Pledge of Allegiance.

Ms. MCKINNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNIZING CHAPLAIN MAURY STOUT

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to welcome Chaplain Maury Stout to the House floor. Chaplain Stout is presently an action officer at the Army Chief of Chaplains at the Pentagon. Prior to that he served as the brigade chaplain for the First Brigade, First Infantry Division at Fort Riley in my district.

Prior to coming to Fort Riley, Chaplain Stout served as the Task Force Chaplain at Camp Kabal, Kuwait. He has also served at many other posts and was awarded the FORSCOM Excellence in Ministry Award while serving as the Squadron Chaplain at Fort Polk, Louisiana.

Chaplain Stout is impressively educated, holding degrees from Central Bible College, Harvard University, the Assemblies of God Theological Seminary, and Georgetown University.

He has been honored with numerous awards, including the Meritorious Service Medal, the Army Commendation Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Military Outstanding Volunteer Service Medal, the Korean Defense Service Medal, to name just a few.

But I am sure he will tell you that his highest honor is with his family, who is up here seated in the gallery today, his wife, Jeressa, and they have four children.

Mr. Speaker, it is my distinct honor to welcome Chaplain Stout to the House Chamber. I commend him for his outstanding service, and express my appreciation to him for opening our session today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize each side for up to 10 minutes for 1-minute remarks.

RECOGNIZING GEORGE OLSON

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, I rise today to recognize a heroic American that winters in my district and lives in Muskegon, Michigan. George Olson, a World War II veteran, has traveled here with his family to visit the long-overdue memorial dedicated to veterans of the greatest generation.

Sergeant Olson served in the European theater in the U.S. Army Air Force as a tail gunner in a B-17. His plane was shot down, he was held a prisoner of war for some 11 months. Mr. Olson was awarded the Purple Heart, among other commendations.

The sacrifice of those like Sergeant Olson ensured we could live in a free society as we do today, and they deserve every bit of gratitude we can offer.

Like so many silent heroes of his generation, Mr. Olson returned home, married his sweetheart, Rose, and they had three children, Stuart, Garry and Lisa. Also with us today are his grandchildren, Katherine, Ryan and Kyle, Doug, Becky, Charlotte, Kelly, Jack, Nina. Kelly and Ken are also in the Chamber.

Mr. Speaker, I hope you will join me in acknowledging a great American, George Olson, today and wish him and his family well as they continue their visit to Washington, DC.

The sacrifices of his generation ensured we could live in a free society as we do today, and they certainly deserve every bit of gratitude we can offer.

FEMA HOUSING

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, the Bush administration failed the people of the Gulf Coast before Hurricane Katrina and continues to fail them today.

Now, people who were abandoned and left to fend for themselves are about to get kicked to the curb again.

First, we had to fight and force FEMA to allow survivors to temporarily stay in hotels and motels. Now, survivors may be on the streets again.

On May 31, 55,000 displaced families could lose emergency shelter assistance, even though it was promised to them for at least a year.

FEMA says that these families are supposed to apply for a different kind of assistance, yet four out of five applicants reportedly are being turned down. Those who do receive assistance have to reapply every 3 months. Why are we messing with these people who deserve to be treated better by their own government?

FEMA has failed to submit its plan for permanent transitional housing for Congress, which was due in January. Instead of assistance, they have offered incompetence. In the place of aid, they have offered nothing but bureaucracy.

Why in the world are we adding insult to injury? Katrina survivors deserve better.

THE PARTY OF NO

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, the rhetoric from the other side of the aisle, which is usually full of hyperbole, has suddenly dissolved down into one simple word. No.

It is no to energy solutions. It is no to immigration reform. It is no to tax relief.

Last year Republicans passed not one but two energy bills, the Gasoline for America's Security Act, and the Energy Policy Act. More recently, we passed the Refinery Permit Process Schedule Act. And the Democrats' response: No.

Last year Republicans passed not one but two immigration reform bills, the Border Protection, Antiterrorism and Illegal Immigration Control Act, and the REAL ID Act. And the Democrats' response: No.

Finally, just last week, Republicans approved a tax conference agreement that will help keep the Bush economic boom going and prevent a massive tax increase. The Democrats' response: No.

Mr. Speaker, the Democrats favorite new slogan is "America Can Do Better." The American people have a clear choice in November: The party that is accomplishing things, or the party that stands on the sidelines and says "no." Yes, America can do better, better than the party of no.

KATRINA SURVIVORS

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, after evicting all Katrina survivors in temporary housing on March 15, FEMA has now announced that 55,000 families will lose their emergency housing assistance as of May 31.

Tens of thousands of these families are being told they are ineligible for further assistance because of FEMA's onerous and discriminatory rules.

Is this how we treat people who have lost everything?

Where do we expect families who have lost their homes, their jobs, even their city, to turn without housing assistance?

Nearly 9 months have passed since Hurricane Katrina hit. If FEMA can't help these families reclaim their lives, then Congress has to act.

Literally dozens of Katrina bills are still languishing in committees, including H.R. 4197, the most comprehensive relief package offered to date.

I urge my colleagues to pass H.R. 4197 in support of Katrina's survivors.

MEXICO SUES AMERICA—LONE STAR VOICE: CURTIS KRUEGER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, my office has been inundated by calls from citizens since the announcement that the Mexican government plans to sue the United States over our military troops along our border, hauled into court by the Fox south of the border.

Curtis Krueger of Kingwood, Texas, writes to me:

"Now I read that Mexico is considering suing the United States over border patrols. To not respond to this would be egregious. We as Americans have a sovereign right to have our borders protected by however and whomever we see fit. Our government should vocalize this in every way possible, not sit back and let someone else formulate public opinion. To say we cannot handle the immigrant insurgency in our country flies directly in the face of what we are doing in Iraq. If we are in Iraq to handle insurgents, why aren't we able to do so within our own borders. I, along with a vast majority of Americans, say to you and the government, 'We want our country back.'"

America is now going to be sued in our courts by foreign nations for protecting our Nation.

Mr. Speaker, this ought not to be. We the people have become we the defendants. Mr. Krueger has got it right. Hopefully our government does.

And that's just the way it is.

CHENEY'S SECRET ENERGY TASK FORCE HAS PAID DIVIDENDS FOR BIG OIL

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, 5 years ago this week Vice President CHENEY convened his secret energy task force, bringing Big Oil and energy lobbyists together to craft the Bush administration energy agenda. Last year House Republicans rubber-stamped that agenda, and the administration happily signed the legislation into law.

Today, the results are in. Big Oil is laughing all the way to the bank. During the first quarter of this year, the big five oil companies reported profits of $32.8 billion. These profits are a direct result of those secret Cheney meetings. Big Oil has experienced record profits because Washington Republicans chose to shower Big Oil with more than $20 billion in gifts.

While Big Oil is prospering, the decisions made in those secret Cheney meetings are not paying off for the American consumer. Over the past 5 years the average American family is paying $2,000 more a year in gas, home heating and electrical bills.

Washington Republicans continue to hurt everyday Americans by cozying up to Big Oil. Is it any wonder that Americans are demanding change? Democrats will end Big Oil price gouging and rapidly move our country to energy independence and a renewable, clean energy future.

CONGRATULATING RICHMOND NATIVE AND AMERICAN IDOL CONTESTANT ELLIOTT YAMIN

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, today I rise to congratulate Richmond, Virginia, native and American Idol contestant Elliott Yamin for pursuing his dream while sharing his powerful voice with all of us. Elliott is returning home a star; a man with an extraordinary gift who dared to put his talent on display and achieved great success. Elliott's personality and amazing ability won over the judges and the viewers to earn him national recognition as a final contestant on the most popular show on television. Elliott will be returning home to Richmond, having inspired and entertained millions with his extraordinary singing voice and charisma. I join Elliott's community, family and friends in proud recognition of his fantastic achievement and undoubtedly bright future.

☐ 1015

URGING VIDEO GAME MAKERS TO ACT RESPONSIBLY IN WAKE OF RECENT POLICE SHOOTINGS

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, the suburbs of Washington were shaken last week by the senseless murder of two police officers in Fairfax, Virginia. This shooting occurred just days after the 25th annual Police Officers Memorial Service honoring the 155 police officers who, like Shawn Silvera from Lino Lakes, Minnesota, died in the line of duty last year.

These deaths come at a time when violence against police officers is being glorified by video games like 25 to Life which gives players points for shooting police officers.

This is unacceptable, it is outrageous, it must be stopped.

I urge the makers of this game to think carefully about the message they are sending to the families of fallen officers and the impact it has on impressionable children. If companies like those that produce 25 to Life continue to market this filth to our children, I say to my colleagues, we have a duty to act.

ONGOING HOUSING CRISIS ON THE GULF COAST

(Mr. JEFFERSON asked and was given permission to address the House for 1 minute.)

Mr. JEFFERSON. Mr. Speaker, after almost 9 months, I suppose it doesn't surprise anyone to hear that FEMA is failing the citizens of the gulf coast. In the wake of the storms, FEMA expressly advised the survivors of Hurricanes Katrina and Rita that they could expect 1 year of assistance. Moreover, section 408 of the Stafford Act provides for 18 months of assistance to victims of natural disasters.

Yet just 9 months after these devastating storms, FEMA is working feverishly, not to house the victims of the hurricanes but to terminate their housing assistance, to kick them out into the street without any assurance that the survivors will be able to find housing for themselves or their families.

Why? Because FEMA says it's time to move on. May 31 is the deadline. After that, you're on your own.

There is a reason the Stafford Act provides for more than $20,000 in aid per household and for up to 18 months of assistance. The Stafford Act, unlike FEMA, recognizes that every disaster is different and that each disaster cannot be treated the same.

Over the next few months, our State's housing plan, The Road Home, will be up and running; SBA loan funds will begin to flow into homeowners' hands; insurance claims will be resolved and paid; and then the people of New Orleans will begin rebuilding in earnest.

The President has the authority to issue waivers, to make adjustments to accommodate the survivors. FEMA also can behave more reasonably, more humanely. Until FEMA has a workable plan for transitional housing for these American survivors, it must not evict them. To do so is unconscionable.

YOUTH COUNCIL

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I am pleased to take this opportunity to talk about a group of exceptional students in my district. After coming to Congress last year, I put together several advisory councils made up of constituents. These panels perform research, investigations and advise me on the needs and concerns of my district, our State and our Nation across a variety of different areas.

Most recently, my Youth Advisory Council presented their report. Made up of 46 students representing 25 local high schools, the council met monthly to discuss and debate three very pertinent topics of their own choosing: Social Security, tax reform, and illegal immigration. During that time they also compiled and reviewed data from surveys administered to fellow students.

Much to my delight, the most consistent conclusion in all three working groups was that many of our young Americans are thirsty for more information on these issues. They want to be a part of the national dialogue.

I am excited to have had the opportunity to hear their voices. The information and conclusions they presented to me were extremely thorough and valuable. I thank them for their time and effort. I will work with colleagues here to implement many of their recommendations.

HOUSE REPUBLICANS CHOOSE TO PENALIZE CASH-STRAPPED SENIORS

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Mr. Speaker, say it isn't so. House Republicans are ready to penalize millions of American seniors who did not sign up for a prescription drug plan by that arbitrary May 15 deadline. Congress should have extended that deadline to give seniors more time to pick the right plan for both their health and their pocketbook.

House Republicans expected seniors to choose a plan by May 15 even though they knew seniors were receiving incomplete and incorrect information from the Bush administration. An investigation by GAO concluded that the CMS was giving out wrong information to seniors 60 percent of the time.

You would think that Washington Republicans would not start penalizing seniors with the Bush prescription drug tax until the administration began giving out accurate information. But no, they chose instead to force seniors into a plan by midnight on May 15 or face the Bush prescription drug tax that will remain with them for the rest of their lives.

House Republicans and the President who the Congressional Black Caucus called on had a chance to help seniors and they didn't. Congress should have extended the deadline to give seniors more time. They still can. I call on them to do so.

Bring the Congressional Black Caucus bill to the floor and pass it.

CRITICAL CONDITION: THE STATE OF THE UNION'S HEALTH CARE, 2006

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, a couple weeks ago, I provided for Members of Congress this document: "Critical Condition: The State of the Union's Health Care, 2006," put out by my office. In that we outlined many programs that would help reduce costs of health care in America.

Let me expand on one of them about Community Health Centers, which are nonprofit centers to provide primary and preventative care for folks who are low income or who are uninsured and underinsured. However, a recent report by the Journal of the American Medical Association said that although these clinics are of tremendous value, there is a shortage of medical personnel at them. A study published by Dr. Roger Rosenblatt of the University of Washington says that there is a 13 percent shortage of family physicians, a 20 percent shortage of obstetricians, and a 22.5 percent shortage of psychiatrists for these positions.

Oddly enough, if a physician is employed by a Community Health Center, they are covered by the Federal liability, but if someone wants to volunteer at a clinic, they are not.

It is important that we provide mechanisms to allow physicians and other medical personnel to volunteer at these clinics. America needs that. The uninsured and underinsured need that, and, quite frankly, it would save a tremendous amount of money.

People can receive further information on my Web site, murphy.house.gov.

DO NOTHING CONGRESS NOT TACKLING ANY OF THE ISSUES IMPORTANT TO THE AMERICAN PEOPLE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, our Nation faces many pressing issues; yet the House Republican leadership prefers to send Congress home for breaks rather than working to solve any problems.

Back in 1948 President Truman dubbed that Congress the "Do Nothing Congress" because it only met 108 days the entire year. The Republican Congress of 2006 is set to break that record, scheduled to meet for only 97 days this year, 11 fewer than the first "Do Nothing Congress."

Now, the budget continues to spiral out of control after finally being balanced by President Clinton back in the late 1990s; yet House Republicans approved a budget last night that makes the deficit worse and offers no plan to bring the budget back into balance.

Gas prices continue to hover at or above $3 a gallon; yet House Republicans continue to do the bidding of the big oil execs rather than providing any real relief to the American consumer.

House Republicans, Mr. Speaker, are presiding over the most "Do Nothing Congress" in our Nation's history. They simply cannot govern and it is time for a change.

THE NATION'S CONSENSUS: SECURE OUR BORDERS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the topic of this week, the topic of discussion with our constituents, with those who are calling us is illegal immigration and their concern over Mexico's choosing and wanting to sue the United States for defending our borders.

Mr. Speaker, America has reached a consensus and our constituents have reached a consensus on this issue. What they are telling us is secure our borders. Show us a secured border. Show us a plan of action. Allow us to know that we can have our faith restored in your ability to secure this Nation.

We hear from them. They are letting us know that they expect us to uphold our oath to defend and protect this Nation. Mr. Speaker, we are listening. In this body we have been listening. Last fall we took action.

We encourage all to join us in securing the border of this great Nation.

THE REPUBLICAN BUDGET

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute.)

Ms. KILPATRICK of Michigan. Mr. Speaker, at 1 o'clock this morning, the Republicans in the House of Representatives passed a budget that is fiscally irresponsible; increases the national debt; cuts veterans' health care; cuts student loans; and at the same time, President Bush passed a $70 billion tax cut bill for the wealthiest of America.

What is just as bad is that the debt limit for our Nation has been increased five times since 2001 under President Bush and the Republicans. This is more than any Presidents that preceded him.

Is this the kind of America that you want? American people, please speak out. Please speak up. We can do better. This is the best Nation in the world. We must change the way we do business in Congress.

One hundred percent of Democrats voted against that budget at 1 o'clock this morning. It is bad for America. It is bad for our families, and we can do better.

THE EFFECTS OF ENERGY COSTS ON OUR AGRICULTURE ECONOMY

(Miss McMORRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss McMORRIS. Mr. Speaker, agriculture is a billion dollar industry in Eastern Washington. And for those of us from Eastern Washington, as well as all across America, we must be promoting policies and projects that are going to help our farmers and ranchers.

Over the past several months, I have heard from our farmers about high energy costs that are hurting their ability to do business. At a time when their profit margins are slim, unexpected increases in energy costs are having a devastating effect.

I recently received a letter from a third generation farmer who prides himself on being a good steward of the land. He has never seen circumstances as severe and depressed. He mentions that the reason we are losing good family farms is because our agriculture economy is unable to absorb the energy costs for fuel and fertilizer. His costs alone are up 66 percent, and fertilizer costs are up 46 percent.

We have the energy resources available here in the United States to solve this problem. We need to be taking steps right now to better meet our energy needs because America needs American energy. It includes increasing supply, conservation, and alternative fuels.

Growing up on a family farm, I learned firsthand about these challenges, and I look forward to working with my colleagues to address this situation.

THE TAX BILL

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, the President signed another tax bill that will add to the Federal deficit. And the House budget resolution that passed last night, with 100 percent of the Democrats voting against it, contains a provision to raise the debt ceiling for the fifth time on President Bush's watch.

This President and this Congress have squandered the fiscal discipline of the Clinton years of the 1990s and created a legacy of deficits and debt that will erode the standard of living of our children and our grandchildren. This is a record-setting administration, but they are setting the wrong kinds of records.

We have seen the Federal budget deficit set a record in dollar terms. We have seen the national debt rise to a record level. And we have seen our trade deficit and our indebtedness to the rest of the world rise to a record level.

America can do better.

FLOYD COUNTY SCHOOLS

(Mr. GINGREY asked and was given permission to address the House for 1 minute.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate the Floyd County school system on receiving an "outperformer" rating in the Standard and Poor's 2006 School Evaluation report. Floyd County was one of only 20 school districts in the State of Georgia to receive this distinction.

This award recognizes the great work Floyd County schools are doing to educate our children. I know everyone in the community was excited, but not surprised, by this honor, as Floyd County consistently displays exceptional levels of student achievement.

Mr. Speaker, I want to thank the dedicated Floyd County educators whose hard work earned this award. Floyd County superintendent Kelly Henson, members of the Floyd County School Board, principals, teachers, parents at every school in the system deserve our gratitude for a job well done. I know Floyd County will continue its long tradition as a leader in educational achievement for the State of Georgia.

Mr. Speaker, I ask that you join me in congratulating the Floyd County school system and in thanking its educators for their dedication to developing the minds of our community's rising leaders.

OLDER AMERICANS

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute.)

Mr. HINOJOSA. Mr. Speaker, May is Older Americans Month. Let us celebrate Older Americans Month by passing a budget that will promote their dignity and health.

The once-per-decade White House Conference on Aging put reauthorization of the Older Americans Act at the top of its list of national priorities. I am proud that we are working in a bipartisan manner to pass a consensus bill to reauthorize this essential law that has built the foundation for our aging network.

However, we must couple reauthorization with real resources. We know that every dollar spent providing a meal or supporting seniors so that they can remain at home and in their communities not only improves their quality of life, but saves entitlement spending on long-term care. That is the genius of the Older Americans Act. Yet we know that the Older Americans Act's purchasing power per individual has dropped by 50 percent since 1980.

It is incumbent upon all of us to step up and invest in these programs. It is one sure way to help control the cost of our growing entitlement programs. It is the right thing to do.

☐ 1030

PROVIDING FOR CONSIDERATION OF H.R. 5386, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 818 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 818

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 73, lines 3 through 8; section 425; and title V. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of House Concurrent Resolution 376, and until a concurrent resolution on the budget for fiscal year 2007 has been adopted by the Congress, the provisions of House Concurrent Resolution 376 and its accompanying report shall have force and effect in the House for all purposes of the Congressional Budget Act of 1974 as though adopted by the Congress.

(b) Nothing in this section may be construed to engage rule XXVII.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the resolution provides for an open rule on H.R. 5386, the Interior Appropriations Act for 2007. It provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Interior Subcommittee on Appropriations.

The rule waives all points of order against consideration of the bill, except for certain legislative provisions which are specified under the text of the rule.

For purposes of the amendment, the rule provides for priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, at this time I am pleased to stand and introduce this rule as well as the underlying legislation. I appreciate the hard work and the hard choices that have been done by the subcommittee members, specifically Chairman TAYLOR and Ranking Member DICKS, as well as the full committee under the leadership of Chairman LEWIS and many others who have played a essential role in putting this budget together, which actually comes in at $145 million less than last year's enacted levels.

This important measure provides funding for the entire Department of Interior, except for the Bureau of Reclamation, for the U.S. Forest Service within the Department of Agriculture, for the Indian Health Service within the Health and Human Services Department, the Environmental Protection Agency, as well as other programs.

At the same time, this measure provides for a moderate increase over the President's proposed budget for the Forest Service, for the National Park Service, EPA, Environmental programs and management.

This budget provides for $5.9 billion to programs for Native Americans, including three new health centers in underfunded and depressed areas. It provides for a fully-funded National Fire Plan, eliminating duplications, which will result in the stopping of wildfires from getting out of control and becoming more expensive and damaging to both people, as well as wildlife and the environment.

There is land acquisition, which has been reduced to $60 million for in-holding, which is significant and important to do, but it is significant that it does not add inventory to our public land policies that are above and beyond what we can already afford.

There is one particular note of significance to me I wish to address, that this bill provides $228 million for the Payment in Lieu of Taxes Program at the Department of Interior. This figure is $30 million above what the President requested, and I appreciate the efforts of Chairman TAYLOR, ranking member DICKS and the entire committee in providing the restoration of funds. However, it is still below the $332 million that was provided for in last year's budget, and significantly below the authorized level of $350 million, which would be there today.

If one were to draw a line from Montana through New Mexico on the map, everything west of that line has 57 percent ownership by the Federal Government. Everything east of the line is 4 percent ownership by the Federal Government.

When the western States, which I live in one, entered this country under their enabling acts, there were legal commitments that were made, that in the 1950s the Federal Government unilaterally changed and since that time have been repeatedly changing. In fact, there are several amendments that have been threatened to be only the floor today which would increase that change in commitment.

No one who does not live in that area understands the significance of Federal ownership of that particular land. Chairman TAYLOR though, having a significant amount of Forest Service land in his district, is one of those that is empathetic to this situation, and we are appreciative of all his efforts in this particular area. I wish the administration were the same. In dealing at one time with an administrative official, he asked me why I was so concerned about all this Federal land; it was simply useless land and no one lived there anyway.

It has to be realized that half of the West is essentially tied up in Federal lands and is controlled by it. Payment in lieu of taxes is not charity, it is simply rent on land that is due to compensate for economic problems created by the Federal Government, created by Federal Government actions, and in contradiction to the deals that were made when these States originally came into the Union.

The Department of Interior took the concept of payment in lieu of taxes from the BLM as an effort, in their words, "to ensure appropriate emphasis," and that it would be a benefit accrued to both Congress, the Department, BLM and to the counties of the West as well.

Since that time, that has not been the case. In fact, in each of the last 2 years, the administration and the OMB have actually cut this particular program, only to have it restored by Congress, which once again I thank Chairman TAYLOR, his committee and his staff for their efforts in that area.

In like contrast though, it is unusual that even though the overall funding for the Interior Department has been around 7 percent over the past 5 years, if my math is correct, the Department of Interior's administrative budget has increased 100 percent in that same time, from $64 million to $118 million today.

While I may disagree with this portion of the bill, we will be joining with other western Congressmen later on today to try to present an amendment through regular order that will address this one particular issue.

I am appreciative once again to Chairman TAYLOR and the ranking member from the State of Washington who have been understanding of this situation, empathetic of this situation, and very helpful to us, as we move forward to try and find some kind of redress with this particular situation.

Mr. Speaker, while I have a few disagreements obviously that I have just stated, overall that is only one aspect of this important underlying bill that will be presented by this rule. We will be trying to address that agreement at some other time.

Still, the overwhelming majority of this bill is very positive and it does move us forward, and it was a responsible result of a lot of bipartisan work done on the part of this particular subcommittee.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Utah, my friend Mr. BISHOP, for yielding me the time.

Mr. Speaker, I rise today in opposition to this rule, not because of what it allows, but rather because of what it blocks. I am also inclined to oppose the underlying legislation, not because of the process, but rather because of the lack of progress which we have made in the last year in our efforts to protect and improve our environment.

Nearly 1 year ago to the day, I stood on this floor also with the gentleman from Utah when the House considered the fiscal year 2006 Interior, Environment and related agencies appropriations bill. Under that bill, $240 million had been cut from the Clean Water State Revolving Fund. Conservation funding was approximately $750 million below, or less than half of what was promised when Congress passed the Conservation and Restoration Act of 2000, and, overall, EPA's budget had been cut by $300 million.

Today, the House is being asked to consider an Interior appropriations bill that is even worse. Indeed, this is not by any fault of the Appropriations Committee, but it is the fault of the majority in this body, which has tied our hands in a knot of fiscal irresponsibility.

If this rule passes, the House will be forced to consider an Interior appropriations bill that not only includes the massive cuts from last year, but actually cuts these programs even more, so that my friends in the majority can pay for their massive tax cuts to the very wealthiest 2 percent of Americans.

The underlying legislation cuts the Clean Water State Revolving Fund by another $199 million, to a level that is more than $660 million less than it was in 2001. The bill cuts funding for the Land Water Conservation Fund by $28 million, to a level that is $90 million less than it was in 2001. Overall funding for Federal land acquisition aimed at helping States preserve open spaces is cut in this bill by $98 million, a level that is more than $400 million less than 2001. This is an 86 percent cut in funding, Mr. Speaker; 86 percent.

Certainly it just can't be true that only Democrats care about preserving our lands so that future generations will enjoy them. Yet where is the outrage from the majority Members of the other side of the aisle?

Yesterday evening, the ranking Democrat of the Appropriations Committee submitted an amendment to the Rules Committee that restored $800 million in funding cuts to these and other critically needed environmental programs. Mr. OBEY's amendment, most importantly, was revenue neutral and would have required not one penny of additional cuts in this or any other bill. During the hearing, however, Rules Committee Republicans, along a straight party line vote, blocked Representative OBEY from offering his amendment.

I am also troubled by language in the bill which overrules longstanding Presidential and Congressional moratoria for drilling for natural gas on the Outer Continental Shelf. This provision will permit drilling to occur as close as 3 miles to the shores of coastal States, including my home State of Florida. In doing so, the health of Florida's beaches and tourism industry, the largest industry in our State, will be in direct danger.

Let there be no mistake about it, Mr. Speaker: Drilling for natural gas on the Outer Continental Shelf will have zero impact at the gas pumps. It will not under any circumstances reduce the cost of a gallon of gasoline.

☐ 1045

I say if supporters of lifting those moratoria are serious about reducing our dependence on foreign energy supplies then they should join me and others in calling for increased fuel conservation and investment in mass transit and alternative energy sources.

Mr. Speaker, while I cannot speak on behalf of every Member of Florida's delegation, I can tell you that the overwhelming majority of us in Florida and our citizens and our Governor do not want offshore oil drilling in Florida, and we intend to do whatever is necessary to strip this provision from the bill today.

Mr. Speaker, I would be remiss if I failed to mention that I am extremely grateful that under this bill Congress furthers its commitment to restoring Florida's Everglades. This is a project that is absolutely crucial to the environment and to the potable fresh water supply of many south Florida and Treasure Coast communities in my district.

My constituents and I deeply appreciate Chairman TAYLOR and Representative DICKS' continued efforts in this area. Equally, I was also very pleased to learn that the committee has restored the President's proposed budget cut for the Office of Environmental Justice at EPA and included the limitation language that I offered last year ensuring that EPA respects the needs of the environmental justice community.

Yet despite these positive provisions, Mr. Speaker, this bill is an overall disappointment. I firmly believe that the appropriators did the best they could do with what we gave them to work with.

Nevertheless, I find it offensive that the majority of this body is more concerned today about protecting $114,000 tax cuts for people making more than $1 million than fully funding programs which ensure that all Americans have access to clean air and drinking water.

Enforcement is not free, and neither is environmental restoration. Everyone in America shares in the responsibility of contributing her or his own share. Is there anybody in this body who is unwilling to pay just a little more to ensure that everyone in America has clean air to breathe and safe water to drink? If given the chance, who would not be willing to pool her resources with others in her neighborhood to collectively ensure that everyone has safe drinking water, or that no child will be forced to grow up playing in backyards polluted by dangerous levels of mercury and other toxins?

If the budget is about priorities, Mr. Speaker, then appropriations bills are about fiscal reality. The fiscal reality of this bill and the appropriations bill that will soon follow are that America is in trouble with the majority at the helm. Their fiscal mismanagement has placed the wishes of wealthy individuals, and I question that. I do not know whether wealthy people have made these requests. Most wealthy people I know are willing to share their resources for the collective needs of their respective communities.

Is there something in the DNA here in the majority that allows them to decide that wealthy people ought be prioritized over the collective needs of a community? The underlying legislation is, unfortunately, only the first of 11 installments this year of the grim reality of which Democrats have warned for the last 5 years.

Mr. Speaker, I would urge my colleagues to understand that before we finish this appropriations process all of us will understand those grim realities, for the chickens are coming home to roost.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield 4 minutes to the gentlemen from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentlemen from Utah for yielding me time.

Mr. Speaker, I rise to support the rule and I rise to support the underlying legislation. Mr. Speaker, what I would like to speak to at this point is in the underlying bill there is a provision which states that this body, that there is a sense of Congress that we should recognize that there is an ongoing problem with the amount of carbon dioxide, CO_2 that is being emitted as a result of burning fossil fuel and that the United States should take steps to reduce that emission of CO_2.

Now, carbon dioxide makes up a fraction of less than 1 percent of the atmosphere, and yet that one element in the atmosphere, less than 1 percent, a fraction of 1 percent, pretty much determines the heat balance or the climate of the planet.

CO_2 is increasing, especially over the last 100 years, as a result of burning fossil fuels. We are having a dramatic impact on the heat balance of the planet. Let us just look at some simple scientific observations.

This is data that is conclusive among the scientific community. 10,000 years ago we were at the end of the last ice age, and we can measure the amount of CO_2 in the atmosphere 10,000 years ago. It was 180 parts per million. 180 parts per million of CO_2 in the atmosphere 10,000 years ago.

Now, let us fast forward almost 10,000 years. It was 280 parts per million 100 years ago. So almost 10,000 years it took to increase CO_2 into the atmosphere from natural processes 100 points, from 180 parts per million to 280 parts per million 100 years ago.

Now, let us fast forward 100 years to today. It is 380 parts per million. So what took 10,000 years to increase in the last 100 years, we have done that that fast, from 280 parts per million to 380 parts per million in just 100 years.

What we are saying is that dramatic increase is attributed to human activity burning fossil fuel. That dramatic increase has resulted in glaciers receding traumatically around the planet, the warmest 10 years on record from the 1990s. Hurricanes are getting stronger and more fierce, and all we have to do is take a look at what happened in New Orleans, lower Louisiana, Katrina, Rita, Wilma, Florida, et cetera, et cetera, because the atmosphere is warming as a result of an increase in CO_2.

The seas, the oceans are warming as a result of increasing CO_2 into the atmosphere that is directly attributed to fossil fuel burning by human activity. The polar ice cap is melting. In the last 20, 25 years it has decreased in volume by 40 percent. Twenty years ago, the amount of water running off the ice caps of Greenland was 20 cubic miles a year. Now it is 53 cubic miles a year flowing off Greenland.

If Greenland's ice cap melts, that is a 23-feet sea level rise, try to imagine that, depending on where you live. Human activity, the burning of fossil fuel, is increasing CO_2, and so the idea that we should have a sense of Congress that this is an observable problem and we should take a look at it is only reasonable.

The U.S. is losing competitiveness, economic opportunities for advanced technologies unless we move forward with this. I support the underlying rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to my good friend and fellow member on the Rules Committee, the gentlemen from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I thank the gentlemen for yielding me time.

Mr. Speaker, I want to say to the gentleman from Maryland who just spoke that I agree with almost everything he just said, except when he said that he was going to vote for the underlying rule, because the rule specifically does not protect the global warming language.

So I do not know how the gentlemen can feel on the one hand very passionately about doing something about global warming and having us look into the issue, and on the other hand go ahead and vote for a rule that will allow anybody on this floor to strike it.

Mr. Speaker, it has been nearly a year since we considered the Interior appropriation, the last Interior appropriations bill. One year ago I joined with my colleagues in voicing my outrage at the inadequate funding levels for critical environmental and conservation programs, and last year, like this year, we were told that because of the budget allocation this was the best that we could do, we will try to do better next year.

So here we are today in the wake of having the Republican leadership ram through a martial law rule in order to take up a budget resolution that just like last year's version slashes programs in areas of education, job training, conservation, public health and medical research and social services.

Another year has gone by, but it is still the same old story. And so I rise today, sadly, in opposition to the fiscal year 2007 Interior appropriations bill. This bill is an assault against our environment and it should be defeated.

Once again, it significantly cuts funding for the Land and Water Conservation Fund and completely eliminates the Stateside Grant Program. That is right, zero dollars for the Stateside Land and Water Conservation Program. I am simply not interested in hearing the same old argument that this is simply the best we can do given the budget allocation.

The budget allocation does not just fall from the sky, this Congress voted on the budget yesterday. The Republican majority chose to slash environmental programs. The Republican majority chose to eliminate the State grants for the Land and Water Conservation Fund. The Republican majority chose to pass a budget that requires a completely inadequate allocation for the Department of Interior and environmental programs.

Mr. Speaker, we have the results of those choices before us today. We could have done better. We could have chosen to move away from the deliberate policy of putting the privileges of millionaires ahead of the needs of our communities and families.

Since 1964, LWCF funding has been used to support the acquisition and maintenance of our national wildlife refuges, parks, forests and public domain lands, and the stateside program has helped to preserve open space, slow urban sprawl and given our children safe places to play.

This program has broad bipartisan support, and success stories can be found in every single State and every single community throughout this country. In fact, this year I joined with my colleagues from New York (Mr. KING) and New Jersey (Mr. HOLT) in urging the committee to restore funding to the Stateside Grant Program. One hundred fifty Members shared this concern and signed on to a bipartisan letter.

Mr. Speaker, it is all about priorities: Tax breaks for the wealthy few or open space and environmental protections for the majority of Americans. I commend Mr. TAYLOR and Mr. DICKS for the good in this bill, but the good is not enough to outweigh the bad.

The Republican majority in this House have made their choices. It is the wrong choice. I urge my colleagues to hold true to their promise to the American people and reject this bill. We must do better.

CONGRESS OF THE UNITED STATES,
Washington, DC, March 14, 2006.

Hon. CHARLES TAYLOR,
Chairman, Subcommittee on Interior Appropriations, RHOB, Washington, DC.

Hon. NORM DICKS,
Ranking Member, Subcommittee on Interior Appropriations, LHOB, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to urge the Subcommittee to restore funding to the Land and Water Conservation Fund (LWCF) state and local grant program to $100 million for FY 2007.

The LWCF state assistance program provides matching federal grants to states and local communities to develop outdoor recreation facilities and resources. This competitive grant program provides funds to the states that choose local projects based on need and quality of the project. Unfortunately, the FY 2007 budget eliminates funding for the state assistance program. An inadequate funding level for this program has had detrimental effects on communities across America, a number of which have been unable to begin certain new projects or to complete recreational projects already begun. This lack of funding would also mean that youth sports teams trying to access more facilities to relieve the stress of overcrowded fields and resources won't be able to find such fields, or community service organizations needing public recreation resources won't have them.

The recently revised USDA/HHS Dietary Guidelines call for 30 minutes of regular physical activity to promote health, psychological well-being, and a healthy body weight. Every American needs to take this call to heart, and for most Americans, local public parks and recreation areas are the place they would most like to do their daily physical activity. Our communities need funding for this program, which will increase opportunities for adults and children to have better access to close to home health promotion and disease prevention resources.

The Land and Water Conservation Fund State Assistance program has aided local recreation projects in over 98% of all U.S. counties, and the federal investment has been matched many times over with local funds in 40,000 sports fields, community recreation facilities, and natural parks. We believe that this program is vital to assisting communities that are trying to provide close to home places for all Americans to get active and stay healthy.

The LWCF matching grants especially help those communities that are facing the problems associated with exploding growth such as a critical lack of sports fields and lack of necessary community planning. These grants also assist many small communities to build possibly their only public recreation facility, a facility or park that would not exist with out the federal funds that match their local funds and make the investment possible.

Given the national obesity crisis and the need for all Americans to have access to public places and spaces to have a place to get active and stay healthy, we strongly urge you to support an appropriation of $100 million in FY 2007 for the LWCF state assistance program.

Sincerely,

James McGovern, Peter King, Rush Holt, Neil Abercrombie, Gary Ackerman, Thomas Allen, Robert Andrews, Brian Baird, Tammy Baldwin, Melissa Bean, Xavier Becerra, Shelley Berkley, Timothy Bishop, Earl Blumenauer, Sherwood Boehlert, Leonard Boswell, Rick Boucher, Jeb Bradly, Henry Brown, Sherrod Brown, Dave Camp, Lois Capps, Michael Capuano, Benjamin Cardin, Dennis Cardoza, Russ Carnahan, Julia Carson, Ed Case, Ben Chandler, Donna Christensen.

Wm. Lacy Clay, Emanuel Cleaver, James Clyburn, John Conyers, Jerry Costello, Joseph Crowley, Henry Cuellar, Elijah Cummings, Jo Ann Davis, Susan Davis, Tom Davis, Peter DeFazio, Diana DeGette, William Delahunt, Rosa DeLauro, John Dingell, Lloyd Doggett, Michael Doyle, Rahm Emanuel, Eliot Engel, Anna Eshoo, Lane Evans, Mike Ferguson, Michael Fitzpatrick, Harold Ford, Jeff Fortenberry, Vito Fossella, Barney Frank, Wayne Gilchrest, Charles Gonzalez.

Bart Gordon, Gene Green, Raul Grijalva, Luis Guitierrez, Jane Harman, Alcee Hastings, Brian Higgins, Tim Holden, Darlene Hooley, Jay Inslee, Steve Israel, William Jefferson, Tim Johnson, Sue Kelly, Dale Kildee, Ron Kind, Dennis Kucinich, John Kuhl, James Langevin, Tom Lantos, Rick Larsen, John Larson, Barbara Lee, Sander Levin, John Lewis, Daniel Lipinski, Frank LoBiondo, Stephen Lynch, Carolyn McCarthy, Betty McCollum.

Thaddeus McCotter, Jim McDermott, Mike McIntyre, Cynthia McKinney, Michael McNulty, Carolyn Malone, Ed Markey, Jim Marshall, Jim Matheson, Doris Matsui, Mike Michaud, Juanita Millender-McDonald, George Miller, Dennis Moore, Jerrold Nadler, Grace Napolitano, Richard Neal, James Oberstar, Solomon Ortiz, Tom Osborne, Frank Pallone Jr., Donald Payne, David Price, Nick Rahall II, Silvestre Reyes, Tom Reynolds, Mike Ross, Tim Ryan, John Salazar, Bernie Sanders.

Jim Saxton, Janice Schakowsky, Adam Schiff, Allyson Schwartz, John J. H. Schwarz, David Scott, Robert Scott, Christopher Shays, Brad Sherman, Rob Simmons, Ike Skelton, Louise Slaughter, Adam Smith, Vic Snyder, Mark Souder, John Spratt, Pete Stark, Ted Strickland, Bart Stupak, Ellen Tauscher, Lee Terry, John Tierney, Edolphus Towns, Stephanie Tubbs-Jones, Mark Udall, Tom Udall, Chris Van Hollen, James Walsh, Diane Watson, Melvin Watt, Henry Waxman, Jerry Weller, Lynn Woolsey.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), my good friend, the ranking member of the relevant subcommittee.

Mr. DICKS. Mr. Speaker, I appreciate the gentleman from Florida for yielding me time.

Mr. Speaker, I rise in opposition to this rule for the consideration of H.R. 5386, the fiscal year 2007 Interior and Environmental appropriations bill.

Mr. Speaker, while I appreciate that this is an open rule, I am deeply disappointed that the Rules Committee did not protect a provision for which I specifically asked for such protection. I also strongly oppose the self-enacting clause which puts into place the cuts contained in the budget resolution passed on a strictly partisan basis last night.

Mr. Speaker, the provision I sought for, section 425 of the bill, results from an amendment I successfully offered in the Appropriations Committee that simply expresses the sense of the Congress that global climate change is in part due to human activity. I think that is pretty self-evident.

□ 1100

The provision also stated that this reality of climate change may result in a comprehensive and mandatory program to reduce the impact of human activity on global warming.

Let me repeat. The provision was nonbinding. The provision would have resulted in no change in spending by the agencies funded by the Interior and Environmental Appropriations Subcommittee. This provision authorizes nothing. In fact, it was the same language that the other body adopted last year during consideration of the energy bill that was dropped during conference.

I still think it is important that the House go on record as acknowledging that we are in part responsible for the recent increases in global air and ocean temperatures. And I want to associate myself with the remarks of the gentleman from Maryland. Although the amendment I offered and the Appropriations Committee accepted would not lead directly to any actions by the Federal Government, it remains an important first step. At least the House Appropriations Committee is on record as facing the truth on climate change. I see that as a victory. But we still have the responsibility to go beyond a sense of the Congress resolution and launch the necessary comprehensive program the United States must take to lead the world in reversing the threat of global warming.

I am also let down that the Rules Committee chose not to protect the provision accepted by the Appropriations Committee that seeks to correct an undue windfall being reaped by the oil and gas industry due to erroneously written contracts by the Mineral Management Service. These faulty contracts could cost the Federal Government $7 billion in royalties between now and 2011. Because of these shortcomings in the rule and the self-enacting clause, I will have to vote "no" on its passage.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield to the distinguished ranking member of the Appropriations Committee, my very good friend, Mr. OBEY from Wisconsin, 4 minutes.

Mr. OBEY. I thank the gentleman for the time.

Mr. Speaker, today, the House of Representatives enters the land of make believe. Since April, the majority party has been trying to pass its misbegotten budget resolution, and they have had a very difficult time doing that because their more moderate Republican brethren in the Senate have regarded the budget pushed by the majority party as being extreme, and it is something that they don't want to take home to their constituents.

Last night, in a very interesting kabuki dance, the majority party managed to finally find the votes some more than a month late to pass their budget resolution in this House. But it still has not been passed by the Senate, and I think objective observers feel it is not likely to ever pass the Senate.

So now we have a problem. The appropriations bills are not supposed to move forward until we have a budget resolution passed by both chambers in place. So what do our friends on the majority side of the aisle decide to do? They use this rule to deem as passed the budget resolution which they have not been able to pass. In other words, the rule says "Let us pretend that in spite of the fact that the Congress hasn't passed its budget, it has." That is what we are doing.

And so I think that is reason enough to vote against this bill and this rule. Unless, of course, you think it is right to provide $40 billion in tax cuts to people who make over $1 million a year, while at the same time we are cutting needed domestic programs such as education, health care, science, and environmental protection by $13 billion below the current service level. Unless you think, of course, that it is perfectly justifiable to cut the clean water revolving fund by 50 percent, as this bill will do, at the same time that you are giving the wealthiest 1 percent of people in this country who make over $400,000 a year $64 billion in tax cuts. The average person making over $1 million a year will get a tax cut well over $100,000.

If you make $42,000 a year, the tax break that you are going to get in the bill that the majority passed last week is about 80 cents a week; but if you make over $1 million, your tax cut is going to be as large as the entire salary of that person who made $42,000. I don't think that is the kind of budget that I want to take home to my constituents.

So I would say the underlying bill itself is bad enough with what it does to the clean water revolving fund, the way it shreds land acquisition programs, the way it hems in EPA's ability to enforce the law against polluters, it is bad enough to vote against as is. But when you add to it this "Let's Pretend" fiction that the House has passed a budget which it hasn't passed, it therefore becomes an endorsement of that budget. I don't think the American people want that budget. I certainly don't want that budget. I intend to vote "no."

Mr. BISHOP of Utah. Mr. Speaker, I am going to reserve.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield to my good friend from West Virginia (Mr. RAHALL) 3 minutes.

Mr. RAHALL. I thank the distinguished gentleman from Florida for yielding me the time.

Mr. Speaker, I rise in opposition to this rule, and I want to address that portion of the pending appropriations bill concerning the Office of Surface Mining, and specifically the Abandoned Mine Reclamation Fund.

In regard to the Abandoned Mine Reclamation Fund, there exists an unexpended balance in the AML trust fund approaching $2 billion, and it is my hope that in conference this particular appropriation will be increased.

With respect to the Office of Surface Mining, I would observe that just yesterday news emerged that the President intends to nominate John R. Correll to serve as the agency's director. I have not met the gentleman, and I look forward to doing so. But what immediately catches the eye is that, since 2002, Mr. Correll served as the deputy assistant secretary of labor and was responsible, according to the administration's press release yesterday, of all aspects of the mine's safety health administration.

Now, it is no secret that 26 coal miners have perished this year, a rate that this Nation has not witnessed in recent memory. It is also no secret that many of these fatalities could have been avoided if MSHA had been doing its job. Mr. Correll had been part of the leadership of MSHA during the time when the policy floor fell out. Under his leadership, the philosophy at MSHA changed from one of oversight and compliance to one of partnership and complicity. Rule-makings were abandoned, opportunities to improve coal mining safety were closeted away, and Mr. Correll and others within the Bush Labor Department advocated partnering with industry to address safety concerns rather than to enforce the law. In fact, in 1998 Mr. Correll testified before the House Committee on Education and Workforce, Subcommittee on Workforce Protection, advocating fewer inspections, incentives over penalties, and cooperation over regulation.

While other nations have soared ahead in mine safety, incorporating new technologies to ensure and improve protections for their most precious mining resource, their workers, this Nation through a cultural shift at MSHA remained at the dust. It has been a shameful record that I would be loathe to see carried over to OSM.

The health and safety of the residents in our mining communities should not be gambled on in the way that the health and safety of our mine workers has been. It is time that concern and compassion and correctness for our miners take precedent over loyalty to industry and loyalty to this administration.

So it is passing strange, to say the least, that the Bush administration would nominate as OSM director a person who presided over MSHA during the worst rash of coal miner fatalities in recent times. One must wonder if this person will bring the same philosophy to overseeing the environmental protection of coalfield citizens.

I urge opposition to this rule for many other reasons that have been stated by my colleagues.

Mr. BISHOP of Utah. Mr. Speaker, I want to reserve one more time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 2 minutes to the gentleman from North Dakota, my classmate and friend, Mr. POMEROY.

Mr. POMEROY. I thank the gentleman for yielding.

Mr. Speaker, it has only been a few hours since we resolved the vote on the budget. To the disappointment of many of us, the budget was passed, and the fifth debt limit increase, the second since March of this year alone, has now been authorized.

But there are other features in this budget passed last night that many of us found objectionable, including those steep, steep cuts in nondefense discretionary spending in order to pay for those tax cuts disproportionately benefiting the wealthiest people in this country. Those who need the help the least get the most help in terms of huge tax cuts, and vital programs to this country get savaged under the spending cuts moved forward.

I want to elaborate on the earlier debate carried by our ranking member, DAVE OBEY, in the Appropriations Committee, because in this rule there is language which incorporates the spending limits of the House-passed budget last night. I want to make this point very clear, because there were 12 Members of the majority that voted against that budget. There was another group that got nonbinding language saying some of the money may somehow, somewhere, possibly be put back. Well, now we know that nonbinding language means nothing at all. The rule carries forward enforcement of these cuts.

And so if you are a moderate Republican or a member of the minority that believes going down this path is unwise and sells out priorities of the American people, then you should not vote for this rule today. Anyone voting against that budget with concerns about these devastating cuts in nondefense discretionary spending should vote against this rule. It imposes the cuts on the appropriations process.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Pennsylvania (Mr. PETERSON) to try to correct an inaccuracy that was stated a little bit earlier.

Mr. PETERSON of Pennsylvania. I thank the gentleman for yielding, and I rise to support the rule. I would like to commend the committee and staff for good work in tough times.

Mr. Speaker, I think this House better get used to tough budgets if we are going to get a handle on the Federal deficit. We are not going to have a lot of surpluses, we are going to have to pass budgets and appropriations bills that leave us all a little painful because it is important that we get a handle on the fiscal affairs of this country.

In this bill there is a provision that was mentioned by the gentleman from Florida that removes the congressional moratorium for producing energy on the outer continental shelf. Now, why would I propose that in the committee? I am pleased to tell you why.

The industries of this country that provide the very best jobs we have left in America are being made noncompetitive and have been noncompetitive for several years because of high natural gas prices. Five years ago, the price of natural gas in America averaged $2. Last year, the average price was $9.50. You don't have to be very good in math to know that was a huge, huge increase. If it was gasoline at the pump, it would be $7 gasoline to fill our cars.

This is preventing Americans from being warm in their homes, it is preventing Americans from being warm in their businesses. I was at a lot of businesses where it was 60 degrees and they were wearing jackets running their retail businesses. America cannot afford to be warm with energy prices increasing that fast.

Businesses, the petro-chemical industry, 55 percent of their cost is natural gas both as an ingredient and a fuel. Fertilizer, as high as 70 percent to make nitrogen fertilizer, the cost of natural gas. The steel industry, the aluminum industry, the glass industry, the brick industry will not remain in America unless we provide affordable natural gas.

Now, here is the tragedy. What people don't realize, when we pay $75 for oil, the whole world does. When we paid $9.50 for gas last year and for 4 months it was $14 and $15, Europe was at $6, China and Taiwan was at $3.50, South America at $1.80, Russia and North Africa at 90 cents.

Folks, we are driving the best blue collar working people jobs out of this country because they cannot afford to stay here. We have lost between three and five paper mills since the first of the year because of energy costs, and some of them put in new units within the last 1½ years.

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Energy can make a company noncompetitive overnight because of the use of energy. This government is the reason we are in trouble. We expanded the use of natural gas 10 or 12 years ago before I got here to make electricity.

Now a huge amount of our natural gas makes electricity, close to 20 percent. We did not open up supply. We are the only country in the world that has locked up the Outer Continental Shelf. I had a visitor from the U.K. yesterday. He said, Why do you people not produce in the OCS? Everybody does. Canada does right off the coast of Maine, right off the coast of Washington. Canada has been drilling for gas in Lake Erie since 1913 and selling the gas to us currently because we buy 17 percent of our gas this year from Canada.

Natural gas we are rich with. We have chosen to lock it up, and caused our homeowners to pay double and triple heating costs, our small businesses to become nonprofitable, and our large corporations to literally move away. We have lost several million jobs already because of energy costs, and we are going to lose millions more.

What I am going to tell you is it will not be the America we grew up in with lots of opportunity. The America we are going to leave is an America that decided to starve itself on the cleanest fuel known to man, the cleanest fossil fuel. Natural gas is the least polluting fuel, and those who today were talking about CO_2 and global warming, it produces much less CO_2 than all the other fossil fuels.

So, if we had the price down, it can become a major player in our transportation system. Not 5 years down the road, tomorrow. Every gasoline engine can run on natural gas. Our buses, our short-haul trucks, our construction vehicles could all be on natural gas with a modest change.

Natural gas can be the bridge to all the alternatives that are slowly moving forward. It can quadruple the savings that we can do with CAFE, and I am probably going to support that this time, but it is an immediate thing. Natural gas is what can keep America competitive until we get a handle on the other energies that can replace oil.

I urge you to not remove the moratorium. It does not threaten our coastline. We still have a presidential moratorium. We still have a 5-year plan that takes 2 years to implement and it is not the end of that. It is the first step in saying we are going to deal with natural gas and energy in this country.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

I would urge my colleague from Pennsylvania to understand that tourism is the major industry in Florida, and offshore gas drilling is nothing but the nose under the tent. There is no such thing as just gas drilling, and I do not have enough time, if you could get some time from Mr. BISHOP, I would be happy to engage you ad nauseam on this subject, but when Mr. PETERSON says that it is not going to be environmentally harmful, offshore gas drilling routinely dumps into the ocean spent drilling muds containing vast quantities of mercury and other toxins, contaminated produced waters that often contain radium and other dangerous substances, and additional harmful marine discharges that include benzene, toluene, lead, cadmium, and zinc.

Maybe Pennsylvania does not have the tourist industry that we do because that is right, you do not have an offshore. We do in Florida, and we are going to protect it.

Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from Indiana (Ms. CARSON), my good friend.

Ms. CARSON. Mr. Speaker, certainly I am very grateful to my dear friend from the State of Florida (Mr. HASTINGS).

Mr. Speaker, I rise in opposition to this rule, which does not protect the language added in committee regarding global climate change.

Global climate change is one of the most serious environmental threats of our time. Yet, this House has failed repeatedly to act on this issue or even acknowledge the bleak outlook voiced by many scientists.

Global temperatures are rising. This fact is indisputable. As we speak, sea levels are rising, glaciers are melting, and polar bears are drowning in the Arctic. There is a growing scientific consensus that human activities, primarily the burning of fossil fuels, have contributed to greenhouse gas accumulation in the atmosphere.

The effects of global warming are devastating. Approximately 160,000 people die each year from the side effects of global warming, which range from malaria to malnutrition to heat exhaustion in our seniors. If temperatures continue to rise, coastal flooding and drought could occur, and the intensity of hurricanes could increase.

In my neighborhood alone in Indianapolis, Indiana, we have finally got the EPA to look at the fact that it is the environment that is snapping away people's lives prematurely.

We have seen that voluntary limits on greenhouse gas emissions simply do not work. This bill currently includes language that recognizes our responsibility to establish a national program of mandatory, market-based limits and incentives on emissions of greenhouse gases.

Mandating reductions in carbon emissions will spur innovation and help slow this moving trend. We have a moral imperative, Mr. Speaker, to future generations to address this threat because the cost of inaction is too high. We cannot let our legacy be one of destruction.

Thank you very much for your attention and your consideration. Vote against the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MALONEY), my very good friend.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for yielding and for his outstanding work on this issue and so many others.

I rise in strong opposition to this rule. In this rule, the Rules Committee failed to report out important amendments that were approved by the Appropriations Committee, including the important Dicks-Obey language expressing the need to address global climate change. Why in the world can you not include that important issue in this bill?

This bill is woefully underfunded at $800 million below the level needed to maintain current services, and I must say that a very important amendment that would save taxpayers money, the Hinchey amendment, was not included, although the committee supported it. His amendment would suspend the royalty relief program and authorize the Secretary of the Interior to renegotiate existing leases.

This would save taxpayers dollars. It would save dollars in our Treasury. Right now, in New York and L.A. and across this country, a gallon of gas costs more than $3, while the oil and gas companies continue to make record profits. All of this is happening while the taxpayers are losing out in billions of dollars in royalty payments from oil and gas taken from land owned by the American people.

Earlier this year, the New York Times reported that the Federal Government will lose at least $7 billion over the next 5 years in undercollected royalty payments. Why in the world will the majority not correct this program that would put money into the budget for student loans, to help the disadvantaged, to help our seniors? Yet, they would not include it and the underpayment continues, and that money rightfully belongs to the American people.

We are talking about oil and gas extracted from land owned by the American people with rip-off leases to the oil and gas companies where they are reporting record profits. What is wrong with having those leases negotiated to express fair market value so that the taxpayers and the Federal Government can have that money for the services that the people need?

It is a really terrible rule. They did not even include amendments that were passed out by the Appropriations Committee. Please vote "no."

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I will be calling for a "no" vote on the previous question. If the previous question is defeated, I will amend the rule so we can consider Mr. Obey's amendment to restore vital funding to the Interior appropriations bill, the amendment that was rejected in the Rules Committee last night on a straight party-line vote.

I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, the Interior appropriations bill is currently funded at $145 million below the fiscal year 2006 level and $800 million below the level that is needed just to maintain current services. These shortfalls will negatively impact our national parks and forests, critical environment and conservation programs, clean water programs, and services for Native Americans.

Mr. Speaker, the Obey amendment would restore $800 million to the bill to ensure that these vital programs and services are able to continue at current levels, and that amendment is fully paid for by reducing the tax break given to those fortunate individuals among us with incomes more than $1 million annually. Their generous tax savings, which average $114,000, would be reduced by $2,000, certainly a small sacrifice to maintain these essential programs and services.

I want to assure my colleagues that a "no" vote will not prevent us from considering the Interior appropriations bill under an open rule, but a "no" vote will allow Members to vote on Representative Obey's amendment. However, a "yes" vote will block consideration of this amendment to restore severe funding shortfalls in this bill.

Vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

I find these opportunities exhilarating to say the least. There are a couple of things that I would like to point out.

We have spent a great deal of time talking about one of the provisions that is in this bill that deals with the drilling of natural gas, which is far different than the drilling of oil would be. It seems in Congress sometimes that we talk so much about the problem of heating in winter. We appropriate billions of dollars for the LIHEAP program so that Federal money can go directly through an individual over to the utility companies, when it would seem logical or at least rational to try to explore in some way a way of increasing the availability so that all people have to pay less for heat for their homes in the winter, and that instead of trying to subsidize the poor, we try to solve the problem at its root.

It is difficult to sometimes be here and have people criticize the lack of natural energy, wanting to consume more without producing more, at the same time being critical of any efforts to actually increase that consumption possibility. Not only is this an issue that hits individuals in trying to heat their homes, but it also hits businesses, much of which runs on natural gas.

I have farmers in my constituency that cannot fertilize this year because there is not enough fertilizer being produced and because natural gas becomes a critical element in its production and its distribution form. Industries are not being able to operate because of that.

I do, though, want to thank Mr. Hastings for the very end talking about increasing fund because this is, after all, a funding bill. I do want to also talk about two issues that were raised in defense of the bill and defense of the position of the Rules Committee.

Section 2 of the resolution says that it is essential to allow the House to have the so-called deeming resolution, which means we deemed the budget resolution which was passed by the House last night as having force and effect until we can get a conference report. It is essential to move that forward if there is to be any kind of parameters and discussion over the debate. If we do reject this rule and subsequent rules on appropriations items which do that, we simply have the net effect of this body of postponing any rational discussion in a logical and determined way of any of the appropriations items.

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We might as well just dust off the old omnibus bill, because that will be the end result of not moving forward in a rational and logical approach on each and every one of these budget areas. I don't think that is the appropriate tact that we as a body wish to take.

Secondly, I want to talk also about a couple of other provisions that have been criticized. In section 2 clause b it says: "A provision changing existing law may not be reported in a general appropriations bill." Over in rule 4 it says, "A bill or joint resolution carrying an appropriations may not be reported by a committee not having jurisdiction to report the appropriations."

What it basically means is that appropriation bills are supposed to be appropriating, authorizing bills should be for authorizing, and the function of the Rules Committee is to try and make sure those distinctions are clear. To be honest, we sometimes will fudge on that and put authorization language in an appropriation bill if the authorizing committee agrees and does not object. In this particular situation, the Rules Committee did what it was supposed to do and simply said, where an authorizer objects to a provision in an appropriation bill they will have the opportunity to come forward and do just that.

One of the speakers said we pulled out certain amendments, or that we did not allow certain amendments to be in the bill. No, they are still in the bill. We did allow an authorizer to come in and exercise his right under the rules to protest that authorization language in an appropriation bill, and then we will deal with that issue when the time comes.

I am telling you that what I think the Rules Committee has done here with this open rule, so that any amendment that actually deals with the appropriation side is legitimate, is to protect the process as written in our rules. And if appropriators wish to be authorizers and authorizers wish to be appropriators, maybe they should look at trying to rearrange their committee schedules to accommodate that process.

This rule is a good rule because it follows the rules, it defends the process that we have, and it moves us forward in the debate. I feel comfortable with that. I feel comfortable with much of the actual appropriations in this particular bill.

I did have times when I was given a kind of start. As an old teacher, every time they said the word education my ears perked up, because I was wondering where education fits into this bill. And then I realized we are debating a whole lot of other issues not necessarily related to this appropriations process.

I do want to say something that is extremely personal to me as it deals with potential taxes. The last time my party did not control the House and the Senate and the Presidency, the solution to our budget situation was the largest tax increase in the history of this country, and it started out with the concept of taxing the rich. I was a school teacher. My taxes increased at a greater percentage and with a greater dollar amount than ever in my lifetime. My wife had just taken a part-time job that year. Everything she made in that part-time job went to pay for the tax increase, supposedly on the rich.

I guess I should be grateful to the Congress that at that time, as a schoolteacher, I was labeled as one of the rich in this country. But that was the reality. And if indeed we never go back to those days again, I will be grateful and I will be happy.

Mr. Speaker, this is a good rule. This is a good bill. It will be talked about at length today, and I am sure will be amended in appropriate ways as time goes on, but it is still a good bill and I urge the adoption of the rule.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION FOR H. RES. 818—RULE FOR H.R. 5386 THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FY2007

At the end of the resolution, add the following new sections:

"SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 4. The amendment referred to in section 3 is as follows:

AMENDMENT TO H.R. ____, AS REPORTED (INTERIOR AND ENVIRONMENT APPROPRIATIONS, 2007)

OFFERED BY MR. OBEY OF WISCONSIN

At the end of the bill (before the short title), insert the following:

TITLE VI—ENHANCED APPROPRIATIONS FOR CONSERVATION, RECREATION, THE ENVIRONMENT, AND NATIVE AMERICANS

SEC. 601. In addition to the amounts otherwise made available by this Act, the following sums, to remain available until expended, are appropriated:

(1) $300,000,000 for clean air and water programs administered by the Environmental Protection Agency as follows:

(A) $250,000,000 for the Clean Water State Revolving Fund, as authorized by title VI of the Federal Water Pollution Control Act.

(B) $50,000,000 for clean diesel and homeland security programs, as requested in the President's budget.

(2) $300,000,000 for protection of Federal lands administered by the Department of the Interior and the United States Forest Service as follows:

(A) $100,000,000 to address maintenance backlogs within the national parks, refuges, forests, and other lands of the United States.

(B) 150,000,000 for acquisition and preservation of priority lands within the national parks, refuges, and forests when such lands are threatened by development activities that could restrict access to such lands in the future by the American people.

(C) $50,000,000 to address staffing shortages for visitor services at national parks and national wildlife refuges.

(3) $30,000,000 for grants to States administered by the National Park Service for support of conservation and recreation programs within the States.

(4) $20,000,000 for the State and Tribal Wildlife Grants program administered by the United States Fish and Wildlife Service.

(5) $50,000,000 for "Payments in Lieu of Taxes" as administered by the Secretary of the Interior and as authorized by sections 6901 through 6907 of title 31, United States Code.

(6) $50,000,000 for "Indian Health Services" for support of expanded clinical health services to Native Americans.

(7) $50,000,000 for "Bureau of Indian Affairs—Operation of Indian Programs" for support of educational services to Native Americans.

SEC. 602. In the case of taxpayers with income in excess of $1,000,000, for calendar year 2007 the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 1.94 percent.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and, with gratitude that we are done at this point, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 818, if ordered; and motion to suspend the rules on H. Res. 795.

The vote was taken by electronic device, and there were—yeas 218, nays 191, not voting 23, as follows:

[Roll No. 160]

YEAS—218

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—23

Bachus
Brady (TX)
Cardin
Cummings
Davis, Tom
Evans
Fattah
Flake
Franks (AZ)
Hayworth
Hinojosa
Hoyer
Kennedy (RI)
Kolbe
Larson (CT)
Leach
Moran (VA)
Reynolds
Shadegg
Stupak
Weldon (PA)
Wolf
Wynn

□ 1158

Mr. BRADY of Pennsylvania, Ms. DEGETTE, Mr. HINCHEY, Ms. BALDWIN and Messrs. THOMPSON of Mississippi, HOLT, and JACKSON of Illinois changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 160, had I been present, I would have voted "nay."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 192, not voting 22, as follows:

[Roll No. 161]

AYES—218

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette

Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—22

Brady (TX)
Cardin
Cummings
Davis, Tom
Evans
Feeney
Flake
Franks (AZ)
Hayworth
Hoyer
Kennedy (RI)
Kolbe
Larson (CT)
Leach
McCaul (TX)
McKinney
Moran (VA)
Reynolds
Shadegg
Stupak
Wolf
Wynn

□ 1207

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING IN THE STRONGEST TERMS THE TERRORIST ATTACKS IN DAHAB AND NORTHERN SINAI, EGYPT, ON APRIL 24 AND 26, 2006

The SPEAKER pro tempore (Mr. BONNER). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 795.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. McCOTTER) that the House suspend the rules and agree to the resolution, H. Res. 795, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 23, as follows:

[Roll No. 162]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Young (AK)
Young (FL)

NOT VOTING—23

Berman
Cardin
Cummings
Davis, Tom
Evans
Flake
Franks (AZ)
Hayworth
Hoyer
Kennedy (RI)
Kolbe
Larson (CT)
Leach
Moran (VA)
Pickering
Reynolds
Shadegg
Sherwood
Stearns
Stupak
Wolf
Wu
Wynn

□ 1217

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed three rollcall votes.

Had I been present, I would have voted "no" on rollcall vote No. 160; "no" on rollcall vote No. 161; and "yea" on rollcall vote No. 162.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5386, and that I may include tabular and extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 818 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5386.

The Chair designates the gentleman from Ohio (Mr. LATOURETTE) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. KUHL) to assume the chair temporarily.

□ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. KUHL (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we bring to the House floor the 2007 budget for the Department of the Interior, environment, and related agencies. This bill provides $25.9 billion, which is $418 million above the budget request and $145 million below the 2006 enacted level.

It has been a challenging year and difficult choices were made to stay within our allocation for the bill. In keeping with long-standing tradition, this bill has been developed as a bipartisan effort and focuses funding increases on the operations of our national parks and other public lands; Indian programs, including health and education; forest health: and preservation of our national cultural treasures.

In order to provide these increases, there are decreases to many grants programs and there are limited new construction and land acquisition projects. In most cases, these choices are not a reflection on the effectiveness of the programs being reduced, but rather reflect the committee's belief that mission-essential Federal programs like the national parks, National Forest and Native American programs must be the number one priority.

While we appreciate input from the administration each year, we have made some significant changes to the request, including restoring funds for Johnson O'Malley Education Grants in the Bureau of Indian Affairs; restoring funds for the operations of 32 urban Indian health clinics; restoring funds for PILT; restoring funds for Superfund remediation and environmental education, and research in EPA; restoring funds for forest health and forest road maintenance; and restoring funds for National Heritage Areas and for U.S. Geological Survey mineral assessments.

We have provided significant increases to support the operations of our national parks and the Indian Health Service, and we fully fund the National Fire Plan.

One area that deserves particular mention, in which we have supported the administration's budget proposal, is the energy area. In the Bureau of Land Management, there are significant increases that will enable us to expedite the permitting of on-shore oil and gas exploration and development on Federal lands. In EPA, we were unable to provide all the requested increases that were associated with the Energy Policy Act of 2005, but we have provided significant increases, including $26 million for the National Clean Diesel Initiative.

This committee, and this member in particular, soundly rejects the administration's proposal to sell National Forest lands throughout the country, and we think this will not be happening.

We have eliminated Stateside Land and Water Grants, the Forest Service Economic Action Program, the BLM Rural Fire Program, and the Asia Pacific Partnership in EPA.

This is a responsible bill that is focused on protecting Federal lands, Indian programs, environmental programs, cultural programs, and other programs under the committee's jurisdiction. I urge you to support this bill.

The Ways and Means Committee has recommended that we make a technical change in the appropriations language for the Leaking Underground Storage Tank program in EPA, and we will do that in the final conference agreement.

Mr. Chairman, I include for the RECORD a table detailing the various accounts in the bill. I want to thank our staff, and my colleague, Mr. DICKS, and his staff for the fine work that they have done in preparing the bill and the cooperation they have shown.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R 5386)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	848,132	863,244	867,738	+19,606	+4,494
Rescission (P.L. 109-148)	-500	---	---	+500	---
Wildland fire management:					
Preparedness	268,839	274,801	274,801	+5,962	---
Fire suppression operations	230,721	257,041	257,041	+26,320	---
Other operations	255,726	237,718	237,411	-18,315	-307
Subtotal	755,286	769,560	769,253	+13,967	-307
Construction	11,750	6,476	11,476	-274	+5,000
Land acquisition	8,621	8,767	3,067	-5,554	-5,700
Oregon and California grant lands	108,451	112,408	111,408	+2,957	-1,000
Range improvements (indefinite)	10,000	10,000	10,000	---	---
Service charges, deposits, & forfeitures (indefinite)	25,483	25,483	25,483	---	---
Offsetting fee collections	-25,483	-25,483	-25,483	---	---
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	---	---
Total, Bureau of Land Management	1,754,145	1,782,860	1,785,347	+31,202	+2,487
United States Fish and Wildlife Service					
Resource management	994,037	995,594	1,016,669	+22,632	+21,075
Emergency appropriations (P.L. 109-148)	7,398	---	---	-7,398	---
Construction	45,216	19,722	39,756	-5,460	+20,034
Emergency appropriations (P.L. 109-148)	30,000	---	---	-30,000	---
Land acquisition	27,990	27,079	19,751	-8,239	-7,328
Landowner incentive program	23,667	24,400	15,000	-8,667	-9,400
Rescission (P.L. 109-148)	-2,000	---	---	+2,000	---
Private stewardship grants	7,277	9,400	7,000	-277	-2,400
Cooperative endangered species conservation fund	81,001	80,001	80,507	-494	+506
Rescission (P.L. 109-148)	-1,000	---	---	+1,000	---
National wildlife refuge fund	14,202	10,811	14,202	---	+3,391
North American wetlands conservation fund	39,412	41,646	36,646	-2,766	-5,000
Neotropical migratory birds conservation fund	3,941	---	4,000	+59	+4,000
Multinational species conservation fund	6,404	8,217	6,057	-347	-2,160
State and tribal wildlife grants	67,492	74,666	50,000	-17,492	-24,666
Total, United States Fish and Wildlife Service	1,345,037	1,291,536	1,289,588	-55,449	-1,948
National Park Service					
Operation of the national park system	1,718,415	1,742,317	1,754,317	+35,902	+12,000
Emergency appropriations (P.L. 109-148)	525	---	---	-525	---
United States Park Police	80,213	84,775	84,775	+4,562	---
National recreation and preservation	54,156	33,261	47,161	-6,995	+13,900
Historic preservation fund	72,172	71,858	58,658	-13,514	-13,200
Construction and major maintenance	313,858	229,269	229,934	-83,924	+665
Emergency appropriations (P.L. 109-148)	19,000	---	---	-19,000	---
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	---	---
Land acquisition and state assistance	63,954	24,343	29,995	-33,959	+5,652
Use of prior year balances	-17,000	---	---	+17,000	---
Total, National Park Service (net)	2,275,293	2,155,823	2,174,840	-100,453	+19,017
United States Geological Survey					
Surveys, investigations, and research	961,675	944,760	991,447	+29,772	+46,687
Emergency appropriations (P.L. 109-148)	8,970	---	---	-8,970	---
Total, United States Geological Survey	970,645	944,760	991,447	+20,802	+46,687

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Minerals Management Service					
Royalty and offshore minerals management	274,121	285,381	286,226	+12,105	+845
Use of receipts	-122,730	-128,730	-128,730	-6,000	---
Emergency appropriations (P.L. 109-148)	16,000	---	---	-16,000	---
Oil spill research	6,903	6,903	6,903	---	---
Total, Minerals Management Service	174,294	163,554	164,399	-9,895	+845
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	108,810	112,109	112,109	+3,299	---
Receipts from performance bond forfeitures (indefinite)	99	100	100	+1	---
Subtotal	108,909	112,209	112,209	+3,300	---
Abandoned mine reclamation fund (definite, trust fund)	185,248	185,936	185,936	+688	---
Total, Office of Surface Mining Reclamation and Enforcement	294,157	298,145	298,145	+3,988	---
Bureau of Indian Affairs					
Operation of Indian programs	1,962,190	1,966,594	1,973,403	+11,213	+6,809
Construction	271,582	215,049	215,799	-55,783	+750
Indian land and water claim settlements and miscellaneous payments to Indians	34,243	33,946	39,213	+4,970	+5,267
Indian guaranteed loan program account	6,255	6,262	6,262	+7	---
Total, Bureau of Indian Affairs	2,274,270	2,221,851	2,234,677	-39,593	+12,826
Departmental Offices					
Insular Affairs:					
Assistance to Territories	48,440	46,641	49,841	+1,401	+3,200
Northern Marianas	27,720	27,720	27,720	---	---
Subtotal	76,160	74,361	77,561	+1,401	+3,200
Compact of Free Association	3,313	2,862	3,362	+49	+500
Mandatory payments	2,000	2,000	2,000	---	---
Subtotal	5,313	4,862	5,362	+49	+500
Total, Insular Affairs	81,473	79,223	82,923	+1,450	+3,700
Departmental management	130,238	118,845	118,303	-11,935	-542
Payments in lieu of taxes	232,528	198,000	228,000	-4,528	+30,000
Central hazardous materials fund	9,710	9,923	9,923	+213	---
Office of the Solicitor	54,624	56,755	56,755	+2,131	---
Office of Inspector General	38,541	40,699	39,688	+1,147	-1,011
Office of Special Trustee for American Indians					
Federal trust programs	188,774	185,036	150,036	-38,738	-35,000
Indian land consolidation	34,006	59,449	34,006	---	-25,443
Total, Office of Special Trustee for American Indians	222,780	244,485	184,042	-38,738	-60,443

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Natural resource damage assessment fund	6,016	6,109	6,109	+93	---
Total, Departmental Offices	775,910	754,039	725,743	-50,167	-28,296
Total, title I, Department of the Interior	9,863,751	9,612,568	9,664,186	-199,565	+51,618
Appropriations	(9,815,358)	(9,642,568)	(9,694,186)	(-121,172)	(+51,618)
Emergency appropriations	(81,893)	---	---	(-81,893)	---
Rescission	(-33,500)	(-30,000)	(-30,000)	(+3,500)	---
TITLE II - ENVIRONMENTAL PROTECTION AGENCY					
Science and technology	730,810	788,274	808,044	+77,234	+19,770
(By transfer from Hazardous substance superfund)	(30,156)	(27,811)	(30,011)	(-145)	(+2,200)
Environmental programs and management	2,346,711	2,306,617	2,336,442	-10,269	+29,825
Office of Inspector General	36,904	35,100	35,100	-1,804	---
(By transfer from Hazardous substance superfund)	(13,337)	(13,316)	(13,316)	(-21)	---
Buildings and facilities	39,626	39,816	39,816	+190	---
Hazardous substance superfund	1,242,074	1,258,955	1,256,855	+14,781	-2,100
Transfer to Office of Inspector General	(-13,337)	(-13,316)	(-13,316)	(+21)	---
Transfer to Science and Technology	(-30,156)	(-27,811)	(-30,011)	(+145)	(-2,200)
Leaking underground storage tank program	71,953	72,759	72,759	+806	---
Emergency appropriations (P.L.109-148)	8,000	---	---	-8,000	---
Oil spill response	15,629	16,506	16,506	+877	---
Pesticide registration fund	15,000	10,000	10,000	-5,000	---
Pesticide registration fees	-15,000	-10,000	-10,000	+5,000	---
State and tribal assistance grants	2,100,634	1,708,264	1,884,764	-215,870	+176,500
Categorical grants	1,113,075	1,089,184	1,122,584	+9,509	+33,400
Subtotal, State and tribal assistance grants	3,213,709	2,797,448	3,007,348	-206,361	+209,900
Rescissions (various EPA accounts)	-80,000	---	---	+80,000	---
Total, title II, Environmental Protection Agency	7,625,416	7,315,475	7,572,870	-52,546	+257,395
Appropriations	(7,697,416)	(7,315,475)	(7,572,870)	(-124,546)	(+257,395)
Emergency appropriations	(8,000)	---	---	(-8,000)	---
Rescissions	(-80,000)	---	---	(+80,000)	---
(Transfer out)	(-43,493)	(-41,127)	(-43,327)	(+166)	(-2,200)
(By transfer)	(43,493)	(41,127)	(43,327)	(-166)	(+2,200)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	277,711	267,791	280,318	+2,607	+12,527
State and private forestry	278,966	244,410	228,608	-50,358	-15,802
Emergency appropriations (P.L. 109-148)	30,000	---	---	-30,000	---
National forest system	1,415,646	1,398,066	1,445,659	+30,013	+47,593
Emergency appropriations (P.L. 109-148)	20,000	---	---	-20,000	---
Wildland fire management:					
Preparedness	660,705	655,887	655,887	-4,818	---
Fire suppression operations	690,186	746,176	741,477	+51,291	-4,699
Other operations	395,200	366,132	413,202	+18,002	+47,070
Subtotal	1,746,091	1,768,195	1,810,566	+64,475	+42,371
Capital improvement and maintenance	431,334	382,601	411,025	-20,309	+28,424
Emergency appropriations (P.L. 109-148)	7,000	---	---	-7,000	---
Land acquisition	41,772	25,075	7,500	-34,272	-17,575
Acquisition of lands for national forests, special acts	1,053	1,053	1,053	---	---
Acquisition of lands to complete land exchanges (indefinite)	231	231	231	---	---
Range betterment fund (indefinite)	2,920	3,932	3,932	+1,012	---
Gifts, donations and bequests for forest and rangeland research	63	63	63	---	---
Management of national forest lands for subsistence uses	4,975	5,311	5,311	+336	---
Total, Forest Service	4,257,762	4,096,728	4,194,266	-63,496	+97,538
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services:					
Non-contract services	2,174,802	2,268,241	2,275,877	+101,075	+7,636
Contract care	499,562	536,259	536,259	+36,697	---
Catastrophic health emergency fund	17,735	18,000	18,000	+265	---
Total, Indian health services	2,692,099	2,822,500	2,830,136	+138,037	+7,636
Indian health facilities	353,211	347,287	363,573	+10,362	+16,286
Total, Indian Health Service	3,045,310	3,169,787	3,193,709	+148,399	+23,922
National Institute of Health					
National Institute of Environmental Health Sciences	79,108	78,414	79,414	+306	+1,000
Agency for Toxic Substances and Disease Registry					
Toxic substances and environmental public health	74,905	75,004	76,754	+1,849	+1,750
Total, Department of Health and Human Services	3,199,323	3,323,205	3,349,877	+150,554	+26,672
OTHER RELATED AGENCIES					
Executive Office of the President					
Council on Environmental Quality and Office of Environmental Quality	2,677	2,627	2,627	-50	---
Chemical Safety and Hazard Investigation Board					
Salaries and expenses	9,064	9,108	9,208	+144	+100

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	8,474	5,940	5,940	-2,534	---
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	6,207	6,703	6,703	+496	---
Smithsonian Institution					
Salaries and expenses	516,568	537,394	517,094	+526	-20,300
Facilities capital	98,529	107,000	107,000	+8,471	---
Total, Smithsonian Institution	615,097	644,394	624,094	+8,997	-20,300
National Gallery of Art					
Salaries and expenses	95,179	101,794	101,794	+6,615	---
Repair, restoration and renovation of buildings	15,962	14,949	14,949	-1,013	---
Total, National Gallery of Art	111,141	116,743	116,743	+5,602	---
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	17,538	18,909	18,909	+1,371	---
Construction	12,809	19,800	19,800	+6,991	---
Total, John F. Kennedy Center for the Performing Arts	30,347	38,709	38,709	+8,362	---
Woodrow Wilson International Center for Scholars					
Salaries and expenses	9,065	9,438	9,438	+373	---
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration	124,406	124,412	124,412	+6	---
National Endowment for the Humanities					
Grants and administration	125,728	126,049	126,049	+321	---
Matching grants	15,221	14,906	14,906	-315	---
Total, National Endowment for the Humanities	140,949	140,955	140,955	+6	---
Total, National Foundation on the Arts and the Humanities	265,355	265,367	265,367	+12	---
Commission of Fine Arts					
Salaries and expenses	1,865	1,951	1,951	+86	---
National Capital Arts and Cultural Affairs					
Grants	7,143	6,534	6,534	-609	---
Advisory Council on Historic Preservation					
Salaries and expenses	4,789	5,118	5,118	+329	---
National Capital Planning Commission					
Salaries and expenses	8,123	8,265	7,623	-500	-642
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	42,150	43,786	43,415	+1,265	-371
Presidio Trust					

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2007 (H.R.5386)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Presidio trust fund	19,706	19,256	19,256	-450	---
White House Commission on the National Moment of Remembrance					
Operations	247	200	200	-47	---
Total, title III, related agencies	8,598,535	8,604,072	8,707,069	+108,534	+102,997
Appropriations	(8,541,535)	(8,604,072)	(8,707,069)	(+165,534)	(+102,997)
Emergency appropriations	(57,000)	---	---	(-57,000)	---
TITLE IV - GENERAL PROVISIONS					
Across-the-board cut (.476%) (rescission) (Sec. 439)	-589	---	---	+589	---
Across-the-board cut (1.0%) (rescission) (Sec. 601)	-1,179	---	---	+1,179	---
Grand total	26,085,934	25,532,115	25,944,125	-141,809	+412,010
Appropriations	(26,052,541)	(25,562,115)	(25,974,125)	(-78,416)	(+412,010)
Emergency appropriations	(146,893)	---	---	(-146,893)	---
Rescissions	(-113,500)	(-30,000)	(-30,000)	(+83,500)	---
(Transfer out)	(-43,493)	(-41,127)	(-43,327)	(+166)	(-2,200)
(By transfer)	(43,493)	(41,127)	(43,327)	(-166)	(+2,200)

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the outset, I want to thank Interior Subcommittee Chairman CHARLES TAYLOR and his staff for the fairness with which the minority has been treated in the development of this bill. We have been consulted throughout the process. As a result, the bill reflects our input in a number of places.

From a process point of view, this bill is a model for how the majority and minority should work together to produce legislation. Unfortunately, as Chairman TAYLOR and I have discussed throughout the year, a fair process cannot produce a good bill when the Interior Subcommittee is given an inadequate allocation. What we were given to work with for 2007 is, once again, inadequate.

The $25.9 billion allowed by the full Appropriations Committee for Interior and environment programs is essentially a hard freeze at the FY 2006 enacted level. This is roughly $800 million below the level necessary to maintain current services for the programs funded by the Interior Subcommittee.

The result is a bill in which our parks, refuges and forests are again to be squeezed to cover fixed costs. It means funding for clean water and clean air programs at the EPA are going to be substantially reduced. It means critical new investments requested by the President in areas like homeland security and diesel emissions reductions are dramatically reduced or in some cases not funded at all. Assistance to our States with their environmental and conservation programs is dramatically reduced.

It means the very real problem of global warming will not be adequately addressed. And I assume that when consideration of the bill is completed, the provision approved by the Appropriations Committee acknowledging the existence of global climate change and the human involvement in that change will no longer be part of it. I will talk about my disappointment over that later.

I won't go through all the numbers today, but I think it is important that Members are aware of some of the most troubling recommendations. Despite facility maintenance backlogs of at least $15 billion in our parks, refuges and national forests, funding for construction projects throughout the bill are cut by $216 million below last year and more than $400 million below the level in 2001. There is no funding at all for new schools on Indian reservations. Park Service construction is cut by $100 million.

In most cases, this bill has only been able to fund 70 percent of the increases mandated by law for Federal pay and for other fixed costs. As our recent GAO report on the parks made clear, this inevitably will mean cutbacks in staff and cutbacks in visitor services for people who visit our parks, refuges and other Federal facilities. Staffing in our wildlife refuges has been cut by more than 700 FTEs over the past 5 years.

Funding for the Clean Water Revolving Fund is cut by another $200 million below the 2006 level. Over the last 3 years, the Clean Water Program, which EPA cites as one of its most effective, has been reduced by $662 million, or nearly 50 percent. This means either that essential infrastructure repairs for this country's aging water infrastructure won't occur, or that local water and sewer rates will increase as communities pick up the Federal share of these costs.

Other State grant programs broadly supported in the House are cut below the current rate. This includes a $14 million cut in PILT, as well as a significant reduction in State Wildlife grants and the North American Wetlands programs. Stateside Conservation grants are completely eliminated. Over the past 5 years, assistance to States for these environmental or conservation programs have been reduced by more than $750 million.

Funding for Federal land acquisition and to help States preserve open spaces is cut by $98 million in this bill and by more than $400 million since 2001. Funding in this area has been cut by more than 80 percent in the last 4 years. These are not vast stretches of new land for the Federal Government to manage. Unfunded acquisitions include smaller parcels in icon parks such as Valley Forge, Grand Teton, and Acadia. These purchases are the highest priorities of the Bush administration and are ready to go in 2007 if we had funding.

I want to express my strong support for the cuts totaling $20 million to the Smithsonian contained in this bill, which Chairman TAYLOR and I believe is the best way for the Interior Subcommittee to express our extreme displeasure with recent actions taken by the Smithsonian. This situation involves the recently negotiated commercial venture with Showtime, the details of which have been kept from Congress by the Smithsonian.

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On a more positive note, and one our constituents who visits D.C. certainly will appreciate, the bill makes an important down payment towards the much needed improvement of the infrastructure at the National Zoo. This will be a multiyear task to upgrade the zoo's facilities to a level where they should be. In a smart move, tackling the most important tasks first, this bill has placed significant emphasis on replacing and upgrading the fire protection and suppression systems.

As I mentioned earlier, Chairman TAYLOR and I have discussed previously the problems with the Interior subcommittee repeatedly being given inadequate allocations to meet the needs of this country in terms of taking care of our Federal lands and protecting the environment. This is not a pretty picture.

Mr. Chairman, I hope we can improve the bill as it moves forward, but this is not a bill in my opinion which adequately addresses our country's needs.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Chairman, I rise in support of H.R. 5386, the Department of Interior Appropriations bill for fiscal year 2007.

Mr. Chairman, I commend the distinguished chairman, Mr. TAYLOR, and his committee for including funding in the Indian Health Service facilities budget for joint venture projects. I believe the Service should take advantage of opportunities like the joint venture program to leverage tribal dollars with Federal dollars.

In my State of Oklahoma, I am pleased to note that the Chickasaw Nation has pledged an unprecedented $135.000 million in tribal funds to design, construct, and equip a new state-of-the-art medical center to meet the needs of its people, its community, and neighboring tribes.

Congress and the Indian Health Service should look favorably upon tribes willing and able to make those investments back into their community and provide the necessary supplemental resources.

With that, Mr. Chairman, I urge the support of H.R. 5386.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, the majority party believes that if we just keep drilling for more gas and oil then our energy crisis will be over. Unfortunately, they are not looking for a solution to our energy crisis and a solution to our rising gas prices. They are just looking short term for false security solutions that ultimately line the pockets of big oil companies.

Mr. Chairman, that is why we are here today discussing offshore oil drilling instead of promoting efficient and renewable energy policies. The people that I am fortunate to represent in Marin and Sonoma Counties north of San Francisco, across the Golden Gate Bridge, do understand. They get it. The coast of my district is one of the most biologically productive regions in the entire world, and it would be threatened, threatened by oil and gas exploration if this bill passes as is.

For this reason, I have introduced a bill to extend the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries along the entire coast of Sonoma to protect it from offshore drilling threats.

The coastal communities in my district rely on tourism and fishing, industries that would be severely hurt if offshore drilling was permitted. If you were to visit this beautiful stretch of coast you would understand why, and you would know that we must protect it.

Mr. Chairman, the people who live in my district strongly oppose offshore drilling. They understand that we need an energy policy that focuses on investments in energy efficiency and renewable energy sources, not on oil rigs and the endless depletion of our natural resources.

Mr. Chairman, I urge my colleagues to join me in supporting the Capps-Davis amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlemen from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, first I want to thank the chairman for the incredible job that he has done on this bill. It is one of the toughest pieces of legislation that comes before us every year, and he has done an incredible job. His staff is always willing to listen to all of us and put up with all of us, I thank them as well, and they know who I am referring to.

But I do need to say, Mr. Chairman, that there was an amendment put on during this process that I think would have, could have a devastating effect on the State of Florida, and that it would potentially allow for the drilling of natural gas, potentially up to just 3 miles off the coast of Florida.

And I do not need to remind everybody how important tourism is for the economy of Florida, $57 billion to the economy. We depend on that environment being pristine. There is a consensus in Florida, among the people in Florida and just about all of the elected officials of Florida, that this could be devastating for the State of Florida.

There will be an amendment by Mr. PUTNAM and others to try to remedy that. I will support that. I want to thank the chairman and staff again for always listening to us, and we hope that this great bill could be improved by taking out that part that can be very devastating to Florida.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentlemen from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I would like to further elaborate on the drilling issue that has been discussed by the last two speakers, Democrat and Republican.

Mr. Chairman, since 1981, this Congress has included language in this Interior spending bill that says that we draw a line as far as the extent to which we are willing to risk oil spills off the coast of Florida and off the coast of the United States in return for drilling. It has been a matter of balance.

This bill today contains a provision that repeals this language, that has been there since 1981 and, as was mentioned earlier, will allow the possibility of leases for oil or gas as close as 3 miles off the east coast of Florida and 9 miles off the west coast of Florida, my home.

The risk of a spill to the State of Florida is devastating, and to be perfectly honest, it is entirely uncertain to all of us what the risk is. But it is a risk that we do not want to accept in Florida, particularly because the quantities are so modest in return as far as what the Nation needs.

Now the language in the bill, which I would like to discuss, it is important to point out what it does and what it does not do. It gives the White House the authority to issue leases should it choose to do so right off the coast of Florida.

The language says, it is only for natural gas. But if you look at the record, including the President's own leader in the Department of Interior, he says when you go to drill you get what you get. If you make an investment as a company to drill for gas and you get oil, you are going to take oil. So this is about having an oil spill as well as gas.

Secondly, there has been a representation made that this drilling off the coast of Florida and other parts of the United States is going to lower the price at the pump. With respect to Florida, nothing can be further from the truth. The representation is made that if we convert massive amounts of our cars and trucks to natural gas, then this provision will lower the price at the pump.

The price at the pump is the problem with the price of oil. This provision is not going to help deal with the Nation's needs as far as oil. It could produce enough oil to generate a spill off the coast of Florida, but it is not going to lower the price at the pump.

Let me finally just say, reasonable people can disagree on where this line should be drawn. But the way to do that is through hearings around the country, in the State of Florida. We want to be part of the solution in terms of meeting the Nation's energy needs.

Mr. Chairman, I do not question for a minute the motives behind the sponsor of this bill, but there is a right way and a wrong way to have this debate. The right way is to have an open and honest discussion in the committee, around the country. Come to Florida. Our beaches are not just a State treasure, they are a national treasure.

But the wrong way to do it is this last one, to change a balance that has existed since 1981 is to have a very short debate and to simply erase what Congress has had in place for decades through other energy crises and subject the State of Florida and other parts of the country to the possibility of an oil spill that could be enormously devastating, not just to our environment, not just to our economy, but to our way of life.

Mr. Chairman, I hope that the Members of Congress will choose to take a responsible approach to this very important issue. This is not just about Florida. It is about coastlines that are pristine in terms of the entire country as well as the rest of the coastline.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I also want to point out that this restriction, which has been in the law since 1981, was also in the President's budget. This was part of the President's budget.

So we are not only overturning this congressional restriction, but we are also doing it in the face of the Bush administration's budget.

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time. I do not think anybody on the floor of this Congress is going to accuse the President of being bashful about drilling. He does not support this drilling right off the coast of Florida.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. I thank Chairman TAYLOR as well as his excellent staff for allowing all of the Members to participate in the drafting of this amendment and a debate on this amendment.

Mr. Chairman, there is one provision that is very harmful to my home State of Florida. Along with my Florida Members, we will be fighting the Peterson language that is attached to this bill which will allow offshore drilling just 3 miles off our Nation's coastlines.

The Peterson language would overturn a 25-year bipartisan moratorium on such drilling. It is bad for the environment, it is bad for national security, and it is not the answer to our pressing energy needs.

Three miles. That is the distance in which drilling structures could appear off of Florida's shoreline. These structures could blight the coast, damage sensitive habitat, undermine our State's economic future. Last year alone, 85 million people visited Florida, many to experience the national beauty of our sandy beaches and marine habitats.

Offshore drilling would introduce toxins and pollutants into the ocean environment. The Florida delegation will unite to promote the Putnam amendment later today to strip the Peterson language from the bill.

Mr. Chairman, I am so proud to represent the national treasures of the

Florida Keys. The Florida Keys National Marine Sanctuary is home to thousands of plants and animal species as well as the world's third largest living coral reef system. Drilling would threaten the health of this national marine sanctuary and undermine our efforts to foster and restore sensitive areas.

Mr. Chairman, I encourage my colleagues' help in making sure that we can protect Florida's coastline and our Nation's ecosystem by adopting the Putnam amendment and rejecting the Peterson language.

Mr. Chairman, I thank again Chairman TAYLOR for his time and for this opportunity.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, it is clear that the principal issue that is going to be before us as we deal with the overall bill is going to be the lifting of the moratorium, the congressional moratorium with respect to drilling in the Outer Continental Shelf.

As a supporter of a bill that Mr. PETERSON and I hoped to have heard in the Resources Committee that will deal with the issue in a much broader scope, I hope I can bring some level of reality here to what this is all about.

Mr. Chairman, it is the quite true, as has been mentioned by previous speakers who want to see this amendment taken out of the overall bill, that 25 years ago the question of drilling 3 miles off of Florida or California or anywhere was an issue, and the reason that the moratorium was put in was to prevent that from happening. But that was 25 years ago, and now the issue is up for reconsideration, not to drill 3 miles, but whether there is going to be any drilling at all and whether it should take place and under what circumstances, given what has happened over the past 25 years.

□ 1245

The reason the Peterson amendment is in the overall bill is to give us the opportunity to start that discussion. There will be no drilling off of Florida or anyplace else if we pass this bill. It just gives us the opportunity to begin a discussion as to whether we should reconsider that position and where it should happen. That is what is at issue here, lifting the congressional moratorium. There is still a Presidential moratorium against it; there is still a 5-year plan that has to be implemented. We need to consider whether we want to continue with that particular approach.

So what we are asking for is every Member here to be able to vote his or her own views on whether we can have a discussion on this issue. Our problem, Mr. Chairman, is, particularly for those of us who are Democrats, that we are in the grip now of an assault by an environmental Taliban out there that has absolute revealed wisdom as to what is involved with us trying to achieve an independent energy source that we can have as an alternative energy source right now in our country, and not be in the grip of people around the world who wish us ill with regard to energy.

All we are asking for is the opportunity to be able to discuss this issue. If we defeat the Peterson amendment or have it taken out and pass the Capps-Putnam amendment and whatever other amendments are associated with it, we won't have the chance to even begin a discussion about whether natural gas is an alternative independent source of energy that we need to have now.

That is what our request is. Let us have this discussion. Keep the Peterson amendment in the bill so we can begin the discussion and have the hearings that Mr. DAVIS and others indicated they would like to have. I agree with them. I think Members know me for a long time, I would never try to embarrass somebody else or put somebody else in a position of saying, look, I am right and you are wrong and I have the only position possible. That is not what it is about. We need to have this discussion. Let us defeat the Capps-Putnam amendment so that we can have this discussion. Mr. Chairman, I hope that everybody understands this is not a Democratic-Republican issue; this is an American issue about independent energy resources for this Nation.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. First, let me thank the gentleman for yielding. I would like to engage the distinguished chairman in a colloquy regarding funding for an important conservation project in New Jersey.

Mr. Chairman, the State of New Jersey has only 3 percent of its real estate in Federal land ownership. It is also the most densely populated State in the country, as everyone knows. From national parks to wildlife areas, our investment in conservation, preservation, wildlife, and recreation pay tremendous dividends every day. The coastal areas of our Nation are under extreme pressure from development.

The areas surrounding the Edwin B. Forsythe National Wildlife Refuge is no exception. It is vital that we assist our State and local governments in true Federal/State/local partnerships to purchase tracts of land like the ones surrounding the Forsythe refuge boundary, environmentally valuable land that can be bought now but most likely will be lost permanently for public use in the very near future because of development.

I appreciate the challenges that the subcommittee faced in this very difficult budget year. However, I am also hopeful that, Mr. Chairman, you will recognize the importance of this project. We have a responsibility to our children to ensure that green spaces remain, to provide clean air and water, and ample opportunities to enjoy wildlife and the great outdoors.

Mr. TAYLOR of North Carolina. I thank my colleague from New Jersey for bringing this important project to my attention. I will be pleased to consider this funding need, should additional funds become available in conference.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this bill, which should be one of the highlights of this congressional session, of any congressional session, as it touches on things that are near and dear to the hearts of the people we represent: clean air, vast open space, environmental protection, investment in the arts, and the public lands that are so meaningful to people.

Mr. Chairman, there are important provisions in this bill that I do support. I appreciate the subcommittee funding for land acquisition in the Columbia River Gorge which will help us honor Federal commitments to communities in Oregon and Washington along a priceless national treasure. But, sadly, overall what should be a positive expression of our values, our hopes, and opportunities instead is a pattern of broken promises to our communities. It does represent a lost opportunity and is a symbol of the inability of those of us in Congress this year and the administration to match priorities with those of our constituents and, most importantly, for the future.

I appreciate the fact that there is dramatic underfunding through the budget allocation in the Interior Appropriations Subcommittee, putting them in the hole from the beginning. I appreciate that the funding for land acquisition has been increased over the President's budget. But there is no reason that the billions of dollars set aside in the trust fund for the land and water conservation fund for that express purpose should not be used for those purposes.

Without the funding, communities will lose opportunities to purchase ecologically rich lands and waters, preserving and protecting recreation and conservation and historic values.

Remember the commitment that was made on this floor in the year 2000. I appreciate the leadership that Mr. DICKS exhibited with the committee working with Mr. YOUNG and Mr. MILLER in the CARA legislation, which passed overwhelmingly in the House, but a deal was brokered to establish funding levels. It is a point of great embarrassment that that commitment that was made to realize the overwhelming sense of what needs to happen in this body with CARA is being violated with this legislation today.

I hope that we will be able to, before we finish deliberations and move it through this session, go back and revisit it, because that commitment was made in good faith. I appreciate the work of the gentleman from Washington together with Mr. YOUNG and Mr. MILLER, Mr. OBEY I see here. We should not be violating that commitment.

Mr. Speaker, I do hope that we can focus more attention and have a healthy discussion on that in the course of these deliberations.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. I thank the gentleman for yielding, and I want to thank the chairman of the Appropriations Committee for his work and the staff on the hard work they have done on this bill. Based on the limited allocation that they have received, I think they did a pretty good job.

Mr. Chairman, I want to speak specifically to a provision in the bill that I support, and I want to thank Mr. DICKS for putting the provision in the bill, and I want to thank the chairman for allowing it to stay in the bill.

Basically, the provision I would like to speak to is the sense of Congress in this bill that deals with the fact that this Congress should pay attention to, work with, and try to understand the increasing amount of carbon dioxide into the atmosphere, and what does that mean.

Carbon dioxide in the atmosphere, while it represents a tiny fraction of 1 percent of the whole atmosphere, is the chief gas that determines the heat balance; it determines the climate. And there is a scientific consensus that within the last 100 years, especially within the last 50 years, human activity burning fossil fuel has put huge amounts of carbon dioxide in the atmosphere, thus debilitating or changing that heat balance that we have known for a long time.

An example: 10,000 years ago, at the end of the Ice Age, it is calculated through analysis that there was 180 parts per million of carbon dioxide in the atmosphere. It took 10,000 years for that to go up 100 points. 10,000 years. Now, in the last 100, but especially in the last 50 years, it has risen 100 points. So what the natural environment did in 10,000 years, human activity burning fossil fuel has done in less than 100 years.

Now, what does that mean? Does that mean whoever talked about global warming is crying Chicken Little, the sky is falling; don't worry about it, nothing will happen? Or does it mean we need to pursue knowledge?

What it means is, that increase in carbon dioxide in less than 100 years that took the natural process 10,000 years to produce, this U.S. Congress, this government should pay attention to that issue. And the sense of Congress contained in this legislation should remain in this legislation.

I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman on his statement. This is not an issue that should be partisan in any way. We have had six former EPA administrators in both parties say that this is the issue of our time. A former Member, former Vice President of the United States, Al Gore, has made a national issue out of this. I would like the gentleman to repeat what he said about Greenland. I thought that was very dramatic. I would appreciate it. I think we have more Members now. If you would repeat that, I think that would be important to the debate.

Mr. GILCHREST. Greenland is an interesting place because you can go back several hundred years. People were tracking the increasing or decreasing glacier ice cap. So there is a very accurate record. We saw some 20 years ago that the ice cap really significantly began to melt and about 20 cubic miles of ice was flowing into the North Atlantic. Today, that has increased to 53 cubic miles of ice cap on Greenland flowing in the form of water, melted water, into the North Atlantic. The rate we are going, we are going to lose the Greenland ice cap. When we do lose the Greenland ice cap, sea levels will rise 23 feet around the globe.

Mr. DICKS. I want that to be repeated: 23 feet. I want my colleagues from Florida who are sitting here on the floor to think about what that would mean in Florida, what that would mean in the coast of California, the coast of Washington.

Mr. GILCHREST. New York City, Boston.

Mr. DICKS. This could be a catastrophic event. Yet we are not even willing to have a sense of the Congress resolution that says that human activity may be part of the problem. I mean, we have got to wake up on this. It is time to wake up.

The former Vice President has been out making speeches all over the country. There was a movie which opened last night on this issue. This could be the issue of all time. If we don't get busy and start realizing we have got a role and a responsibility to play here, it may be too late. For every one of us who either has grandchildren, or may have grandchildren, we have got to think about this. What legacy are we leaving if we don't face up to this reality?

The authorizers simply haven't done it. That is why the chairman, I thought, was very kind to accept this amendment. But now I understand they are going to knock it out on a point of order. This is like putting your head in the sand. I want to thank the gentleman from Maryland, who is one of the more enlightened Members of this body, for all the facts that he has brought to this debate today. I hope somehow working together we can resurrect this at some future point. I would hope even that maybe the chairman of the Commerce Committee might rethink his opposition to this sense of the Congress resolution.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. KUHL of New York) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The Committee resumed its sitting.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, 25 years ago, I stood at this very microphone at this very desk and offered the amendment that initiated the first Outer Continental Shelf moratorium dealing with drilling for oil and gas. Over the years, that 25-year period, working with industry, working with the Federal Government, working with the State government and working with the Congress, we have evolved a program that has worked. During that time we have opened up some of the areas for exploration and for drilling. During that time we have also bought back some of the leases that were environmentally threatening.

This amendment that was added in the appropriations committee, the so-called Peterson amendment, happened without any hearings on the part of the subcommittee, no hearings on the part of the appropriations committee, and now we are trying to do something about that, at least give us time to work with our own House committee that has been working diligently for the last 6 to 8 months on trying to come up with a proper type of moratorium.

We should not allow this language, the so-called Peterson amendment, to stay in this bill today. We should continue the work with the House committee that is already working on it and try to maintain the environmental protection that is so important to so many areas of the waters in and around the United States of America.

As I said, this moratorium has been here for 25 years. It has evolved during that time. It has worked extremely well. I believe that we should be very careful in changes that we might make and we shouldn't make them wholesale without definite thought and consideration.

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I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman from Florida who has been a leader on this issue. We all know the sincerity of Congressman PETERSON on this issue. It is a very important issue. But I want to say, I agree with you. I think to do it in an appropriations bill, and especially when it is part of the President's budget and the plan, to me this isn't the right way to proceed. I realize that there is some history here but it is 25 years since this was done and I think this has worked very effectively. Let's try to work together to maintain this provision.

Mr. YOUNG of Florida. I thank the gentleman for his thoughts.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I was really going to wait and discuss this on the Peterson amendment or at least on the Putnam-Capps amendment to strike the Peterson language that is in the bill, but listening to all the Members, I thought maybe we ought to at least have a voice that is on the other side.

I can't near entertain as much as my colleague from Hawaii, who I agree with on this, and I am not going to call environmentalists Taliban, but I know we have considered this amendment for over a year and this issue has been debated on this floor many times, including the energy bill last year.

Supply and demand for energy is out of whack and our Nation needs more energy. The Federal Government tried to mandate demand reduction in the last energy crisis and it contributed to a nationwide recession we do not want to repeat. Opening the Outer Continental Shelf could save $300 billion in natural gas costs over 20 years for consumers and manufacturers. High natural gas costs are sending manufacturing jobs overseas, following the cheap gas. Environmentally conscious nations like Norway, Denmark, Canada, Japan and the United Kingdom are safely and successfully producing natural gas from their coastal waters. Canada uses natural gas only wells in Lake Erie, but right across the line the U.S. is not allowed to do the same.

No nation can produce energy more responsibly than ours. I have been on oil and gas rigs and they have such few discharges into the ocean, a medium sized fishing boat will leak more in a year.

The Peterson language is a major opportunity for us to respond to today's energy crisis with a national solution. I feel justified in supporting the amendment because I come from a coastal district. My constituents feel the same way. Chemical production and oil and gas exploration, processing and refining are Texas' top coastal industries.

My colleagues from California and Florida think only they have beaches. We have coastal tourism and it is our second biggest income producer. That fact alone shows that the argument that oil and gas production and coastal tourism is mutually exclusive is just plain wrong.

I would close by saying if you're acting like Chicken Little and cannot point to one beach in Texas that has been ruined by oil and natural gas, then you should oppose the Putnam, Capps, et al. amendment.

There will be less need for LNG facilities and LNG tankers when we tap our own offshore resources so we can use the safest mode of transportation in the world—pipelines.

To address the needs of American families, we need a 3 pronged strategy. First, we need more production and infrastructure to meet our needs of today and tomorrow.

Second, we need more conservation to keep our economy going as resources become more competitive globally.

Third we need more research to transition our economy to future sources of energy, for a time when petrochemicals are only used for materials, and not as an everyday fuel.

Suppprting only long-term solutions and conservation is just not enough. It might be easier if it was, but we need to do more for today's energy problems. We will need continued American energy production for some time.

If we allow domestic production to die out, conservation and research will not save us, and we will have to pay a terrible economic price.

I urge my colleagues to support oil and gas production in the Outer Continental Shelf, and oppose this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, the Interior and Environmental appropriations bill we have before us today is a responsible, balanced piece of legislation that very much deserves our support. It might not be a perfect bill, but it is the best possible product given the tight budget restraints that we have had trying to control Federal spending. Chairman TAYLOR and Ranking Member DICKS deserve our respect and gratitude for drafting a bill which funds a variety of Federal responsibilities, including our national parks, our Federal forests, abandoned mine reclamation, fish and wildlife resources, EPA, Indian programs, museums and arts agencies.

This is a bipartisan bill, and it is the product of fair and impartial hearings. I think it is fitting that this first appropriations bill of the season shows that it is funded at $211 million below the current fiscal year. We are on a track here to some fiscal sanity.

Tough choices had to be made. The chairman made the right choices.

Also important, it includes a very important amendment offered in full committee by Mr. PETERSON which modifies the current congressional moratorium to allow for safe and efficient production of natural gas along our Outer Continental Shelf. This is a rational step to take in a time when we need to be increasing domestic production to meet our Nation's energy needs. Any effort to take this out would be the wrong thing to do right now. This is in this bill because that is where the rule is.

I believe that this bill provides the environmental, energy, resource, cultural and recreational needs of our Nation while still playing a significant role in controlling Federal spending.

Again, I commend the chairman and Mr. DICKS for their hard work in bringing this bill to the floor, and I urge my colleagues to support the bill and to support the Peterson amendment.

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), my friend and colleague.

Mr. FARR. Mr. Chairman, let us be very clear what is going on here. This is an election year. Everybody in this House is up for election.

The Governor of California and the President of the United States, who is the former Governor of Texas, have not supported the idea that we ought to open up oil and gas drilling under the guise of just doing gas drilling off the coast. Why? Because they represent States and a Nation that knows that one of the biggest industries in this Nation is tourism, and tourism is jobs. I can assure you, the people do not go visit the coasts of Florida, the coasts of California to watch oil wells. That is not what draws tourism to the coast. It is not what makes those coastlines the biggest economic engines in the United States.

This is not about trying to respond to the high gas prices. This is a giveaway. The oil companies tell you they are not interested in offshore drilling because there is a lot of expense that goes into it and it takes years and years. So just be mindful, what is this? This is a play to the oil companies.

Let me just tell you what the Governor of California says, the biggest gas guzzling State in the Nation. "The current movement to lift the ban is nothing more than a weak attempt to cater to oil interests in the face of high gasoline prices. I encourage you to move your focus instead to reducing our consumption of fossil fuels and supporting the development of alternative fuels such as ethanol in order to diversify our energy portfolio."

Let us be creative about how we diversify the energy portfolio. Let us not use the dinosaur effect that we are just going to go after oil and gas wherever it was. These same people will tell you if there is oil right under this Capitol, drill for it. My God, can we not in the leadership of the United States Congress respect the fact that it is just not about oil and gas, it is about a lot of other values in this country?

The provision in the bill is a bad one, and I strongly support the amendment to take it out.

STATE CAPITOL,
Sacramento, CA, May 10, 2006.
CALIFORNIA CONGRESSIONAL DELEGATION,
House of Representatives,
Washington, DC.

DEAR CALIFORNIA CONGRESSIONAL DELEGATION: I strongly oppose any efforts to end or weaken the federal moratorium on oil and gas leasing off the coast of California and I will fight any effort to expand offshore drilling as long as I am Governor. This current movement to lift the ban is nothing more than a weak attempt to cater to oil interests in the face of high gasoline prices. I encourage you to move your focus instead to reducing our consumption of fossil fuels and supporting development of alternative fuels such as ethanol in order to diversify our energy portfolio.

The moratorium has been in place for twenty-five years and enjoys widespread support from the people of California, including bipartisan support from elected leaders. It has been widely recognized by an overwhelming majority of Californians that there are better ways to address our energy needs without populating our waters with oil platforms and adding additional scars to our beautiful coastline.

The actions taken today by the House Appropriations Committee is extremely disappointing. As a result, the federal FY07 Interior Appropriations bill that you will be asked to vote on as early as next week ends the twenty-five year bipartisan Congressional moratorium and the protection it guarantees California's coast. Moreover, the bill's provisions would allow drilling to begin just three miles from our coast. Rather than watching the sun set on the western horizon each day, millions of Californians and visitors will now see grotesque oil platforms in plain sight. I urge the Delegation to oppose these provisions and work to defeat them during the House debate. California's beautiful coastline is an integral part of our culture, our heritage and our economy. Putting it at risk would be an absolute travesty.

The price of gasoline has risen dramatically in California, but reducing our use of fossil fuels and diversifying our energy supply would have a much greater and more direct impact on prices than drilling off shore. California has gone to great lengths to do just this. We have dedicated $6.5 million to the Hydrogen Highway initiative to build hydrogen fueling stations and expand research for cleaner, reliable fuels; we have implemented new car standards that will reduce emissions by thirty percent in the next ten years, cutting ozone-forming pollutions by five tons per day by 2020; we have invested $165 million to get gross polluters off of California's streets; and finally, we have created incentives to reduce gasoline consumption by making more people eligible to receive $1,000 when they turn in gross-polluting, inefficient vehicles. California leads the nation on these initiatives.

Ending or weakening the current moratorium on offshore oil and gas leasing will not result in reduced prices for consumers nor is it the foundation for a sustainable energy policy. I urge your support for renewing the OCS moratorium and your continued support for California's economy and coastal environment.

Sincerely,

ARNOLD SHWARZENEGGER,
Governor.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, later today, we will debate a natural gas exploration provision in this bill over which I have grave concerns. Thus, Mr. Chairman, I rise in support of the bipartisan Putnam-Capps amendment.

We are all acutely aware of the financial strain that higher gas prices place on average Americans. We imperil our national and economic security if we do not identify alternative energy sources to meet our Nation's ever increasing demand for energy.

The answer, however, is not in this provision. It will end the 25-year bipartisan Outer Continental Shelf, OCS, moratorium that Chairman YOUNG spoke earlier about and, thus, allow construction of these gas wells as close as 3 miles from every coastal State.

From an economic perspective, this provision will jeopardize coastal economies that rely on healthy tourism industries for continued prosperity. Setting up natural gas wells visibly 3 miles from the shore would have a crippling effect on these coastal communities and the residents whose livelihoods they support.

Additionally, opening up our most sensitive coastlines to offshore natural gas drilling within these 3 miles could adversely impact the coastal waters, the fisheries and the marine ecosystems.

If the Putnam-Capps amendment is not adopted, States would be shut out from offshore oil drilling decisions. Coastal Governors and the State legislatures would be denied a meaningful role in decisions about where and when drilling might occur. They would be silent, yet subject to a Federal mandate.

Finally, the Secretary of Defense has indicated that areas east of the military mission line are vital to military operations and training. Specifically, Secretary Rumsfeld has indicated that language akin to what is currently in this bill would be incompatible with military operations and that it could be crucial to our Nation's security.

For these reasons, I urge my colleagues to support the bipartisan Putnam-Capps amendment.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman.

It is sad that as we stand on the cusp of the most profound change in our environment the civilized world has ever seen, the actions of a few in Congress can stop desperately overdue action.

The science is clear. This is not a problem of the future. It is happening now. The United Nations has declared that at least 5 million cases of illness and more than 150,000 deaths every year are attributed to global warming. The 2003 European heat wave killed over 20,000 people. The 10 hottest years on record have occurred in the last 15 years. Two consecutive record-breaking hurricane seasons. The problem will not fix itself.

And yet we will not allow a provision in this bill that has no timeline, no specific targets and no commitment. The committee inserted text that merely expressed the sense that we should take action on global warming, but the Rules Committee chose to leave it open to challenge by anyone, and I understand that challenge will be coming on a technicality. So we cannot even say we should be doing something about this.

Just how bad does it have to get?

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Chairman, I rise in strong support of the Putnam amendment that will be given later here this evening.

We have heard a lot today about drilling off the coast of Florida. Let me make a parallel here and something every Member should think about. Would we allow oil rigs on the edge of the Grand Canyon, on the rim? How about at the foot of Old Faithful?

The Florida beaches are really tremendously important. When you start to think about how far that this bill, as it is presently written, would bring these oil wells and gas wells into proximity to our beaches, we are talking about 3 miles. The line of sight is over 7 miles.

This bill just goes way too far in really imposing mass destruction on our beaches and on our tourism. Florida beaches are really the most important thing that we have for our economy. It is the lifeblood of our economy, and the very thought that with the tremendous opposition that Florida has to this particular amendment that this body would do anything except strike it.

I urge all my colleagues, Democrats and Republicans, this is a bad provision. ADAM PUTNAM is going to be putting an amendment in this evening that would strip it out of this particular bill, and I think as Mr. YOUNG said earlier, that if we are going to be doing this, you need discussion and you need to talk about it.

It was said that we have talked about it. I cannot remember one time that we have ever talked about bringing them within 3 miles of the coastal State of Florida.

I urge all my colleagues to vote with the Florida delegation. Kill this amendment to the appropriations bill that was put in inside the committee and support the Putnam amendment that would strip it out.

Mr. HINCHEY. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, we have had a lot of discussion about the amendment that has been put forward by the gentleman from Pennsylvania (Mr. PETERSON). There are some technical problems with this amendment that I think have not been adequately addressed in the context of this debate thus far.

☐ 1315

One of those technical amendments has to do with the fact that the experts on this issue, both within Interior and Energy, believe that it may not be possible to give leases for the extraction of natural gas alone. All the leases that we have currently are for natural gas and oil. And the reason for that is, if you drill for natural gas, the likelihood is that you are going to hit oil. And if you hit oil, and you are not capable or prepared to deal with that, then you are going to encounter some very serious problems.

So the amendment that Mr. PETERSON is going to bring before the House sometime later this afternoon or this evening has within it this very serious technical problem, and for that reason alone it ought to be rejected.

The gentleman from Florida, the former chairman of the Appropriations Committee, was up here just a few minutes ago talking about the serious damage that this amendment, if it is passed and put into action, might have on the tourist industry in Florida and on the general situation of the coastal region in Florida and California and in parts of the gulf.

So when you are thinking about this particular amendment, keep in mind that if you think you are going to drill just for natural gas, the likelihood is if you hit natural gas you are going to hit oil too. And if you are not prepared for it, you are going to have some very serious problems. We ought to address this issue, but address it in a much more comprehensive way.

As has been pointed out, again by the gentleman from Florida on the other side of the aisle just a few minutes ago, we have not had adequate hearings on this. This is an issue that has not gone through the appropriate authorizing committee. We are attempting to inappropriately put it into the context of this appropriations bill, and for that reason also that amendment ought to be rejected.

Furthermore, we need to be conserving our natural resources, particularly our energy resources. Anything that you find anyplace in the world on energy resources, natural gas and oil, these materials are fungible. They go out anywhere. If we are smart about our natural resources, we ought to be doing everything we can to conserve them, keep them where they are because the value of those natural resources is going to dramatically increase over time. If we exploit them now, extract them now, exhaust them now, we are going to be very sorry for it later on.

In addition to that, we have another circumstance with regard to this amendment and the ideas behind it, and that has to do with the fact that we are not now receiving adequate royalties from the natural resources, particularly petroleum and natural gas, that are being extracted by oil companies from public lands, whether those public lands are dry or under water. And there will be an amendment coming up later this evening, in all likelihood towards the end of this bill, which will deal with the need to get those royalties.

So for those reasons I think that this amendment ought to be rejected.

Mr. Chairman, may I inquire as to how much time we have.

The CHAIRMAN. The gentleman's time has expired.

Mr. HINCHEY. The entire time for the bill?

The CHAIRMAN. The entire time for general debate has expired. The gentleman from North Carolina remains the only person with time, and he has 9½ minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the appropriations chairman, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my chairman yielding me this time, and I want to express my deep appreciation to him for his work, as well as for Norm Dicks of Washington. This is a fabulous bill, in my view. It is the first step in the passage of 11 of our bills between now and the 4th of July break, all of them off the House floor.

This bill reflects exactly the approach and style we are attempting to take within our committee this year and in the years ahead. The total spending on this bill provides $19.5 billion in total discretionary spending. That is a $145 million decrease from the previous year.

The chairman and the ranking member are attempting to help us balance the importance of preserving our resources, our environment, and, indeed, our country as we move towards energy independence. And one of the pieces of preserving our independence is to make certain that our appropriations process is spending less money, not more money, in the years ahead.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the chairman for yielding me time. Opponents of the Putnam-Capps amendment say that the underlying language does nothing to hurt the readiness of our military here in the United States, and I can say that that is 100 percent wrong.

This map is the eastern Gulf of Mexico off the State of Florida. This is a joint test range that extends from the panhandle of Florida all the way to Key West. Let me tell you, the Air Force uses this for live fire. Live fire. And the Navy uses the gulf ranges to predeploy certification and to fire Tomahawk cruise missiles from submarines.

Now, I want to read you a list, if I can, which is just a sampling of some of the future and current missions conducted in the eastern Gulf of Mexico: the F-35 Joint Strike Fighter initial training and live fire; the F-22 pilot upgrade training, including the AMRAAM live fire; Tomahawk cruise missiles launched from submerged vessels; testing of Small Diameter Bomb program against man-made targets in the Gulf of Mexico; F-16 weapons system testing and evaluation; air dominance munitions; unmanned combat air vehicles; directed energy weapons and classified programs.

Now, the former commander of the Air Armament Center, Major General Robert W. Chedister, said last August: "Clearly, structures associated with oil and gas production are totally incompatible with, and would have a significant impact on, the mission activity in the eastern Gulf of Mexico."

The Secretary of Defense, Donald Rumsfeld recently wrote: "Areas east of 86/41, which is the military mission line, commonly known as the mission line, are critical to DOD." He went on to say: "In these areas east of the military mission line, drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, and weapons testing and training."

Now, let me show you where that military mission line is. The underlying language in this bill would open the door to drilling in the entire Joint Gulf Range and is completely incompatible with the military mission of our Air Force and our Navy. We cannot allow this area to be impacted.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I wish to engage in a little colloquy with you.

As you know, the administration proposed $49.5 million for the National Clean Diesel Initiative, which was authorized at $200 million in the Energy Policy Act. We were only able to fund that at $26 million. I am concerned the demand will far exceed the amount the committee was able to provide.

For example, Pennsylvania's 13 school districts have filed applications with EPA for funding to retrofit diesel engines, and we are going to have a lot more of this.

I would like to yield to my friend from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Chairman, I want to compliment my colleague from Pennsylvania (Mr. SHERWOOD) on his efforts on this particular important matter. And while he addresses the issues dealing particularly with his district in Pennsylvania, which I think is laudable, we should know that actually diesel engines play a very important role in our Nation's economy. They are, however, responsible for a substantial portion of particulate matter emissions and there are 11 million vehicles that need to be retrofitted, nearly 500,000 of which are school buses, which my colleague has addressed.

So I compliment again my colleague, Mr. SHERWOOD, for approaching this problem, and certainly I compliment the chairman for what he has been able to do. Hopefully, he will be able to supplement what has been appropriated in this bill by substantial increases in the appropriation.

Mr. TAYLOR of North Carolina. Mr. SHERWOOD, I agree that the demand for funding for retrofitting diesel vehicles has exceeded the funding made available to date. However, it is important to note that in fiscal year 2006, funding for programs under the National Clean Diesel Initiative was less than $12 million, and the $26 million recommended by the committee for fiscal 2007 represents an increase in funding of nearly 120 percent.

I have been personally involved in programs to promote the use of diesel retrofits back in my district, and I believe the generous amount provided by the committee will make significant strides in addressing the clean diesel program's objectives. Having said that, I would be happy to work with my colleagues to see if we might be able to increase the funding for this program should additional funds be made available when we go to conference with the Senate.

Mr. Chairman, I yield 3½ minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I thank the chairman. We are beginning the most important debate this country has had on energy in a long time, and I am glad to see we have finally moved forward.

My good friend, BILL YOUNG, 25 years ago started the moratorium. Back then, the cost of natural gas was a dollar something a thousand. Oil was less than $10. It didn't matter that we locked up our resources. Last year, the average price of natural gas was $9.50. At times it was 14 and 15, and the rest of the world was a fraction of that. We are putting our industries and businesses out of business in this country.

We have witnessed today serious fear from coastline people, and I respect that. This is not "us against you." This is about America. Fear is only in our hearts when we don't have the facts, and I feel convinced in my heart that when we have the facts, and we debate this issue, we will do the right thing and we will figure out how to produce natural gas off our shorelines at the right distance so that we have wonderful tourism, we have affordable energy, our people can stay in their homes in the north and keep warm, and our businesses can stay in this country and prosper and build our economy.

Now, this bill, if it passes, only removes the legislative moratorium. The Presidential moratorium still remains. I could not remove that because that is legislating on an appropriations bill. We still have the 5-year plan, which is a 2- or 3-year process that we all react to before any drilling is done anywhere. We have to change language that we can have gas-only leases. You all know that I have a bill that gives 20 miles of shoreline protection and gives the States control over that and only allows for natural gas production.

Folks, States like Florida, that use 235 times more gas than they produce, could be self-sufficient and could bring in a lot of money to the State of Florida. California likewise, huge energy users, could bring in huge amounts of money and could produce natural gas only.

And those who say we can't produce natural gas only just don't understand how you drill. I grew up in this. I have never been in the oil business, but I grew up around it. You drill through the layers of the surface. You drill through oil sands, coal sands, and gas sands; and you put a steel casing down, you cement the top and the bottom, and you go back and open that casing up where you want to produce. It doesn't all just come gushing out.

We have been drilling for oil for hundreds of years. It is a sound science today. I am not promoting oil, but the last major oil spill was Santa Barbara in 1969. How long do they have to do it right? There has never been a gas well that has polluted a beach and made it a place we wouldn't want to be.

I have spent dozens of vacations on Florida beaches. I just spent a week at Duck. Do you think I don't appreciate the value of that, folks? But I also want my kids and my grandchildren to have a job and to have economies, and polymers, plastics, petrochemicals, bricks, and all of the industries, steel and aluminum, which use huge amounts of natural gas.

The President of U.S. Steel told me his cost went up $600 million; and if we don't get gas below $8 consistently, he cannot compete in America. Every glass company will be in South America where gas is $1.87, and every brick company. We won't even make bricks in America. We will bring them in from South America. The petrochemical business has 120 plants being built, with one in America. The rest will move jobs out of this country when they are completed, folks.

We don't have a lot of time. We need to provide affordable energy.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Chairman, I want to rise to express my strong opposition to language in the bill that earmarks $13 million in funding to continue operations at an existing U.S. Geological Survey mapping facility in Rolla, Missouri. This facility is planned to be closed based on a careful and thorough analysis of the 21st-century role of the USGS mapping. The amendment also prohibits the planned consolidation of the mapping functions at the USGS, which is estimated to save the American taxpayers millions of dollars.

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Two formal investigations, including one by the Department of the Interior's Inspector General, have assessed the process used to select the consolidated site and have supported the decision.

I would like to yield back to the chairman and engage him in a colloquy and suggest to him that we have an obligation here in Congress to be prudent stewards of the taxes that our constituents back home pay and give them value for the dollars with improved service.

I believe this earmark fails both standards of accountability, and I would ask and hope that the chairman can correct that error in conference.

Mr. TAYLOR of North Carolina. I say to my friend and colleague that I share his concern and will work with him in the conference to do what we can.

Mr. BEAUPREZ. I thank the chairman.

Miss McMORRIS. Mr. Chairman, the northern portion of my district in Washington State is contiguous with the United States border with Canada. One of the Indian tribes in my district, the Confederated Tribes of the Colville Reservation, has for the last several months been experiencing an epidemic of crossborder drug smuggling activity from Canada onto its reservation. I mention this, Mr. Chairman, because since 1990 Congress has funded a very important program that as of late has had a direct impact in fighting this smuggling activity, and I am hopeful that the Congress can again restore the funds in this bill.

This program, identified as Lake Roosevelt Management/Enforcement funds in the Bureau of Indian Affairs budget, enables both the Colville Tribe and the Spokane Tribe to employ law enforcement officers to patrol Lake Roosevelt and its shoreline to enforce Federal laws and tribal health and safety laws. Lake Roosevelt is the 151-mile reservoir of the

Grand Coulee Dam, the largest hydroelectric power plant in the United States and the third largest in the world. A portion of the dam lies within the boundaries of the Colville Reservation.

Currently, the Colville Tribe's law enforcement officials are under increasing strain due to crossborder smuggling activity that is on the rise. In recent months, numerous sightings of unmarked fixed-winged aircraft capable of landing on water have been reported on the lakes and waterways within and near the Colville Reservation.

Most significantly, on March 15 of this year, Colville tribal law enforcement officers funded with the Lake Roosevelt Management/Enforcement funds seized an unmarked float plane from Canada that was attempting to smuggle illegal drugs into the United States through the Colville Reservation. After being alerted to the plane and after a long chase, the tribe's officers captured and detained the pilot and handed over to Federal law enforcement authorities an estimated $2 million in illegal drugs that had been dropped by the plane on the bank of Columbia River near the Grand Coulee Dam. Last month the U.S. Border Patrol honored the Colville Tribal officers that participated in this seizure.

In addition to this incident, other incidents involving float planes from Canada smuggling drugs through the lakes and waterways on the Colville Reservation have also resulted in arrests in recent months and have also involved the Colville Tribe's law enforcement personnel. I understand from the Colville Tribe that its law enforcement personnel register two to three reports of float plane sightings per week and that the tribe's police department has reason to believe that up to 25 aircraft may be involved in cross-border drug smuggling activities using the lakes and waters on the Colville Reservation.

The apparent ease with which these small planes fly back and forth across the northern border is truly cause for alarm. In commenting on these recent smuggling incidents, the U.S. Attorney for the Eastern District of Washington was recently quoted by a northwest newspaper as saying that "a person that will smuggle drugs, guns, meth, Ecstasy and cash will also be the kind of person who would smuggle a special-interest alien or a terrorist." As disturbing as this prospect is, I believe that it is equally important for all of our law enforcement agencies on the northern border to have the resources available to combat these incursions, including the Colville Tribe.

Congress has in past years funded this program at the $630,000 level and our colleagues should know that both the Colville Tribe and the Spokane Tribe contribute significant funds of their own and secure matching funds from various sources to keep these patrols running. Given the critical importance of this program to both border security and homeland security, and given the relatively modest request, I very much hope the chairman can support this request in conference, with an eye toward inclusion in the conference report.

Mr. UDALL of Colorado. Mr. Chairman, I regret that I cannot vote for this appropriations bill.

Colorado has a special stake in the bill because it provides funds for Federal agencies that are particularly important for our State, including most of the Interior Department, the Forest Service, and the Environmental Protection Agency.

And of course the bill is important for the entire country, because it provides much of the funding necessary for the Federal Government to meet its responsibilities regarding protection of the environment and the conservation of our natural, historic, and cultural resources.

If the bill dealt adequately with those matters, I would gladly support it. Unfortunately, however, it falls so far short of the mark that I do not think it should be approved.

Responsibility for the bill's shortcomings lies with the Republican leadership and the misguided budget resolution that they forced through the House in the very early hours of this morning. Their budget plan provides $9.4 billion less for domestic programs than the amount necessary just to maintain current service levels.

That is why the funds available for this bill are $145 million below this year's level and about $800 million below what would be required to maintain current services. That is why the bill includes only about 70 percent of increases mandated by law for Federal pay and for other fixed costs for the Federal agencies covered by the bill. And that is why despite maintenance backlogs of some $12 billion in our parks, refuges and forests, funding for construction projects throughout the bill are cut by $216 million below last year and there is no funding at all for new schools on Indian reservations.

And that is why there are similar cuts in the Clean Water Revolving Fund, wildlife grants, and the North American Wetlands program while funding for Federal land acquisitions—already reduced by more than 80 percent over the last 4 years—is cut by $98 million.

These cuts are particularly bad for Colorado because our growing population puts increasing pressure on our open spaces and wildlife as well as the water-related infrastructure of our rural communities.

If the bill now before the House were to be enacted as it stands, the result would be dirtier water and air, reduced care for our natural landscapes and historic structures, and declining levels of services for the visitors to the national parks, wildlife refuges, and national forests in Colorado and across the country. I cannot support such results and cannot support the bill.

Of course, today's vote is not the end of the story for this legislation. Once the Senate has acted on the bill, differences between its version and the House-passed bill will have to be resolved and a final version considered. I hope that the result of that process will be a version that deserves to be supported and enacted into law.

Mr. FORTENBERRY. Mr. Chairman, I am pleased to express my support for H.R. 5386, the fiscal year 2007 Interior-Environment appropriations bill and I urge my colleagues to vote for it.

I would like to begin by commending the distinguished gentleman from North Carolina (Mr. TAYLOR), the chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the ranking member of the subcommittee, for their outstanding work in bringing this bill to the Floor.

I recognize that extremely tight budgetary constraints this year made the job of the subcommittee much more difficult. Therefore, I believe the subcommittee should be commended for its diligence in creating this fiscally responsible measure.

In light of these fiscal constraints, I am very pleased that the bill includes $1 million for a sanitary sewer crossing between Nebraska and Iowa. This new crossing is a very immediate need for the community of South Sioux City, NE. The existing crossing is more than 40 years old and 3 years ago, the pipe carrying sewage between South Sioux City to the treatment plant in Sioux City, IA, broke. For several weeks, about 1.6 million gallons of raw sewage each day was dumped into the Missouri River. The pipe was eventually replaced, but the incident highlighted the need for a second crossing. The new crossing that is proposed, to be located south of the city, would provide a more direct link to the regional treatment plant in Sioux City.

Since the original sewer pipe was installed in the early 1960s, South Sioux City's population has increased more than 60 percent. Also, the community's economic base continues to grow, which places an additional burden on the sewer system. In an effort to meet the growing needs for an improved sewer system, the city's residents have seen significant rate increases over the past several years. However, it is now clear that Federal assistance is necessary.

Again Mr. Chairman, I appreciate the subcommittee's inclusion of $1 million for the South Sioux City sanitary sewer crossing project. I support passage of H.R. 5386 and urge my colleagues to vote for it.

Mr. HOLT. Mr. Chairman, I rise today in opposition to the Department of Interior and related agencies appropriations bill for fiscal year 2007. Today we are considering a bill that funds the majority of our Nation's environmental programs. However, the funding levels that this bill allows are inadequate to meet the needs of our country. By passing this bill today we are turning our back on programs that conserve our public lands, protect our wildlife, and protect our environment.

I am disappointed with a variety of programs that are losing funding in this appropriations bill but I want to talk specifically about the cuts to the Land and Water Conservation Fund LWCF. As many of my colleagues know, for the last 40 years, the Land and Water Conservation Fund program has helped State and local government preserve open space and develop recreational facilities. By providing Federal matching grants, LWCF has helped create a national legacy of public parks and outdoor leisure areas.

This bill would provide for LWCF a mere $60.3 million in funding, the lowest in more than 30 years. This funding level is more than $80 million below last year's funding level. LWCF's State and local matching grant program that helps States acquire open space and recreational land has been completely eliminated in this bill.

My good friend and colleague, Representative JIM MCGOVERN, the gentleman from Massachusetts, and I have worked together to try to restore "State side" funding for LWCF. I was pleased that over 150 of my colleagues joined a letter that Representative McGOVERN, Representative PETER KING and I sent to the Interior Appropriations Subcommittee to restore state side LWCF funding. Mr. McGOVERN, Mr. KING and I all represent densely populated States that are combating overdevelopment, and programs like the matching grant program help our local communities establish the recreational and open space areas that are so vitally important to our children's health, appreciation for the environment and community development. In the past 40 years, roughly 40,000 grants to States and local governments have been funded through the LWCF State side program.

According to the National Park Service "Today, there is clear evidence that the grant program has been successful in encouraging States to take greater responsibility for the protection and development of recreation resources at every level." Now is not the time to cut funding for conservation programs that help our local communities.

Protecting open space is not an abstract environmental matter—it is a quality of life issue. I urge my colleagues to vote against this rule and the underlying bill and demand real attention to our Nation's environmental needs.

Mr. KING of Iowa. Mr. Chairman, I wish to take time to highlight a watershed-related project at Storm Lake, IA, in my district. As background, Storm Lake's depth and water quality have been deteriorating since the last dredging in the early 1960s. Storm Lake is among 156 water bodies to make the U.S. Environmental Protection Agencies list of "imperiled" streams and lakes because of siltation. Removing silt and radically improving water quality will prevent massive fish kills. Storm Lake is well known for being a conducive environment to Walleye breeding. The Department of Natural Resources has come to depend on this Walleye population to assist in feeding other lakes and tributaries within the State of Iowa.

The Storm Lake community has implemented practices by both business and residents in an effort to ensure that the current dredging of Storm Lake will last for several generations to come. Finally, local agricultural land owners on or near the Storm Lake watershed have incorporated farming practices that help curb or reduce the amount of runoff into the Storm Lake Watershed. I believe this comprehensive approach to water resource management by the Storm Lake community is to be commended.

Funds will be used to dredge 700,000 cubic yards of spoil from the lake. Through decades of ground erosion and silt freely entering Storm Lake the lake levels have diminished. In order to remove the silt and prevent the continued inflow of silt, a Lake Restoration Program was needed to dredge a large portion of the lake and to develop watershed protection practices. Therefore the Iowa Department of Natural Resources believes this dredging and watershed work plays a vital role in the water quality and restoration of the lake. Buena Vista County, the city of Storm Lake, and the city of Lakeside view the dredging project as an essential component in the overall economic development of the area. Dredging will create positive environmental effects while increasing the natural habitat for native fish and marine organisms.

Mr. Chairman, I look forward to working with Chairman TAYLOR for the inclusion of funding in the final conference report.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 5386.

Rural America is hurting economically. Our families are faced with the highest fuel prices in history. And this bill cuts $142 million from last year's funding level for essential services like environmental protection.

These cuts come from state grants that help fund rural water, sewer, and infrastructure projects. They come from state wildlife preservations grants and wetland preservation funds. This bill even cuts funding to EPA programs like the clean air diesel program; all while rolling back the mandatory pollution control standards for power plants for the first time ever.

This bill would also allow drilling off of our pristine coastlines, and it would provide for the exploration and development of drilling in the Alaska National Wildlife Refuge (ANWR), an area that is currently off limits for drilling, at a cost of $113 million.

The priorities of this Congress are wrong for the American people. I urge my colleagues to vote against this legislation.

Mr. STARK. Mr. Chairman, I rise today in opposition to the Interior Appropriations bill.

Given their commitment to "conservative values," I would think that Republicans would be more committed to actual conservation. Instead, this bill shortchanges our environment, attacks our natural heritage, and recklessly endangers public health.

This bill slashes funding for environmental programs by $145 million and provides about $800 million less than is necessary to maintain current environmental protection services. Specifically, this legislation cuts Land and Water Conservation programs, which provide funding for the acquisition of land for national parks, wildlife refuges, forests and monuments, to their lowest funding levels in 30 years. At the same time, this bill cuts the Forest Legacy Program by more than $43 million, the Fish and Wildlife Service by $55 million and the National Park Service by $100 million.

We have an obligation to ensure that future generations can enjoy the beauty of our national parks and public lands. With this bill, however, the "Moral Majority" has abandoned their social and ethical responsibility to protect our environment and invest in America's future.

This indefensible legislation not only harms our environment but places Americans' health at risk by cutting the Clean Water State Revolving Fund to its lowest funding level in a decade. According to the EPA, close to $20 billion—nearly 30 times the appropriated amount—is necessary to maintain our current water quality. I am not willing to endanger the health of millions of Americans by exposing them to dirtier water.

I don't believe something as important as our natural resources should be left in the hands of Republican members of the flat-earth society who don't even believe in global warming. There is scientific consensus that the earth is warming because of manmade greenhouse gases and the threat posed by global warming is real and immediate. Recent polls show that 85 percent of Americans believe that global warming is probably happening and 76 percent, including 63 percent of conservatives, think the Federal government is not doing enough to address the problem. Yet Republicans are so reluctant to acknowledge global warming, they won't even allow the House to consider the issue.

If Republicans want to preach conservative values, perhaps they should start with actually conserving our most precious resources. I simply cannot vote for this mockery of environmental legislation and I encourage my colleagues to join me in opposing this bill.

Mr. HAYWORTH. Mr. Chairman, the state of Arizona has a rich history, much of it left to us by Native Americans from centuries past. One way in which the great tribal traditions and cultural stories of our native predecessors are passed down is in the form of petroglyphs. These scenes, pictures and designs carved into rock formations tell the stories of the first Americans, and it is important that we give special attention to the preservation of these artifacts.

One of Arizona's largest collections of petroglyphs is housed at the Deer Valley Rock Art Center in Phoenix. Conceptualized with the intent to both preserve and educate, the center is operated and maintained by Arizona State University and the 47 acre facility is home to over 1,500 petroglyphs.

I would like to encourage the Bureau of Land Management to engage in conversations with the Deer Valley Rock Art Center in order to see where the agency might be able to provide assistance to the center. It is my hope that strengthening the relationship between the agency and the center will make it possible for Arizona's historical treasures to continue to be preserved, allowing the center to remain a valuable educational tool for generations to come.

Mr. CARTER. Mr. Chairman, in 1991, the Texas legislature authorized the establishment of the Texas Institute of Applied Environmental Research (TIAER) at Tarleton State University. Congress quickly recognized the merits of the effort and since 1992 has provided an average of $500,000 a year and the U.S. Department of Agriculture has added $4.5 million dollars. These dollars have been effectively leveraged, and when added to state and private funds, total funding has exceeded $45 million. This project is an excellent example of how critical federal support can effectively trigger matching funds to help meet the needs of this country.

The mandate for the organization has been to:

Conduct applied research on environmental issues that have public policy implications

Provide a setting for environmental studies that focuses on the interface between government and the private sector

Provide national leadership on emerging environmental policy

Establish programs and partnerships with public and private institutions of higher education, governmental agencies, or private entities to develop and implement new policies, technology, strategies, relationships and sources of funding.

The organization's mission statement is: "TIAER conducts scientific research, economic inquiry, and institutional, statutory and regulatory analyses to address pressing environmental issues facing the state and nation and assists public entities in developing and implementing policies that promote environmental quality."

STRONG ECONOMY, HEALTHY EARTH

TIAER continues to fulfill its mission by assembling and supporting a multidisciplinary research staff. TIAER houses economists, engineers, attorneys, agricultural scientists, mathematical modelers, communication specialists, water quality scientists, graphic artists, computer scientists, and water quality monitoring specialists to address the next generation of Clean Water Act initiatives.

TIAER was among the first to recognize that emerging environmental issues in agriculture required new policy. TIAER developed the Planned Intervention Microwatershed Approach (PIMA) to address landscape-based, polluted runoff issues. PIMA uniquely links USDA voluntary programs with EPA programs in a manner that is tailored to the needs of production agriculture. PIMA protects privately-held lands from government intrusion.

TIAER operates a one-million-acre outdoor laboratory, the Bosque River watershed, which consists of cropland, ranch land and, in the upper reaches of the North Bosque, a 250,000-acre watershed that is home to one of the largest concentrations of dairy farms in the Nation. The Bosque River watershed provides TIAER with a cross-section of agricultural lands and enables TIAER to address many of the environmental issues that production agriculture will face over the next quarter-century.

INDUSTRY-LED SOLUTIONS (ILS)—LEADERSHIP TOWARD ENVIRONMENTAL SOLUTIONS

A major focus of TIAER's work began with the conception of "Industry-Led Solutions" (ILS) in 1999. TIAER has hosted four national workshops and two regional Gulf of Mexico workshops with leaders of animal agriculture, the row crop industry, environmental groups, and government to explore ways that agriculture can proactively address environmental initiatives that will enable agricultural producers to be good stewards of the land while maintaining the economic viability of the industry. The intent is for ILS to serve as a "think-tank" for agricultural environmental issues.

The Nation is at a strategic point in determining how agriculture can meet Clean Water Act objectives. ILS is TIAER's response to the need for agriculture to become proactively involved in both policy initiatives and developing science-based programs that will lead to sustainable agricultural practices that provide for a strong economy and a healthy Earth.

Agricultural producers and TIAER work together in a unique manner. Agricultural producers lead all ILS initiatives. TIAER provides staffing for ILS programs. The multidisciplinary staff of TIAER enables ILS to address all issues related to resolving environmental issues in agriculture. TIAER is unique in other ways:

TIAER recognizes that the U.S. economy must remain strong in order to have a healthy Earth—"Strong economy, healthy Earth."

TIAER has the capacity to move quickly to address new initiatives. The TIAER Director reports directly to the Tarleton State University President. In addition, TIAER staff work full-time, further enabling TIAER to move quickly.

The institute operates in an entrepreneurial manner. TIAER has no permanent funding. Therefore, the institute must address issues that are seen by TIAER clientele as pertinent and useful in addressing problems and issues they face.

As a proponent of ILS, TIAER brings together the distinct concerns of entrepreneurs and environmentalists to develop effective public policies and cooperative, science-based solutions.

In the past 30 years, efforts to improve the Nation's waters focused on cleaning up point source discharges—with great success. Now, however, water quality efforts will increasingly address nonpoint sources for the next increments in water quality improvements. The Clean Water Act of 1972 provided little insight into how agriculture would address polluted runoff from crop and ranch lands. It has become evident over the past decade that agricultural lands are in the crosshairs of the EPA and environmental groups. The challenge lies in developing programs that are specifically tailored to the needs of agriculture. At this fifteen-year anniversary, TIAER looks toward facilitating future successes in improving our Nation's air and water quality. That is a laudable goal, and it is made possible by congressional appropriations support that triggers valuable matching dollars. I hope my colleagues will continue to support successful efforts like this—responsible federal funding triggering additional financial support. That is a partnership that makes sense.

Mr. SHAYS. Mr. Chairman, I rise in support of the resolution expressing the Sense of Congress that calls for mandatory reductions of greenhouse gas emissions to address global warming.

There is no doubt in my mind that global warming is happening and that man is contributing to it. Now, it is our responsibility to work to mitigate the impacts of potentially catastrophic climate change.

The year 2005 is currently tied for the warmest year on record with 1998. However, the warmth in 2005 is remarkable because, in contrast to 1998, it was not boosted by El Niño. And since 1990, we've had the 10 hottest years on record.

Hurricanes are getting stronger, heat-waves are hitting harder and more often, and the polar ice cap and Greenland's ice are melting. We must act now.

We need to deal with climate change with concerted action and with bipartisan dialogue, regional cooperation and an alliance between industry and environmentalists.

The threat from global warming is very real, and we must act now to combat potentially catastrophic climate change. We cannot leave this legacy to our children and grandchildren.

We simply will not have a world to live in if we continue our neglectful ways.

Mr. NUSSLE. Mr. Chairman, I rise to speak on the appropriations bill for the Department of the Interior, Environment, and Related Agencies. This measure is the first appropriations bill to be considered for fiscal year 2007, and has reached the floor one day after this House passed its budget resolution for the coming year. As such, the procedure for bringing up the measure deserves a brief explanation.

Although the House and Senate have passed their respective budget resolutions, a final conference agreement on the budget has not been completed. Therefore, to proceed with the consideration of 2007 appropriations measures, the House has agreed in effect to ratify the levels in the House-passed budget resolution (H. Con. Res. 376) as the ones to be enforced in the House. This second confirmation of those levels was included in the rule for consideration of this bill (H. Res. 818). With the adoption of the rule, the budgetary levels established under the budget resolution will be enforced in the House as if the resolution were a conference report. More specifically, the appropriations bills will be limited to the budget resolution levels of $873 billion; and any emergency spending will be subject to the procedures established in the budget resolution House-passed budget resolution.

This bill provides new budget authority [BA] equal to the subcommittee allocation, so is in compliance with the Budget Act provisions regarding consideration of appropriations measures in excess of the suballocation. Further, because this is the first bill considered under the budget resolution, it does not cause a breach of the budgetary aggregates, which would violate the Budget Act.

This measure provides for the resource management needs for our Nation, clearly a national priority. The bill, which is in compliance with H. Con. Res. 376, the concurrent resolution on the budget, provides appropriations for most of the Department of the Interior, the Environmental Protection Agency, the Forest Service, the Indian Health Service, the Smithsonian Institution, and the National Foundation for the Arts and Humanities, among others.

INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

H.R. 5386 provides $25.9 billion in appropriations for fiscal year 2007, which is $4 million, or less than one percent, below the fiscal year 2006 level. The level is $411 million over the President's request. The bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

H.R. 5386 does not contain any emergency-designated BA, which is exempt from budget limits. The bill reduces a National Park Service contract authority account by $30 million—an account not subject to annual appropriations—thereby offsetting discretionary spending through changes in a mandatory spending program. The contract authority allows the National Park Service to enter in to contracts to purchase lands under the Land and Water Conservation Fund Act of 1965. If this provision were stricken (because it constitutes legislating on an appropriations bill) the measure as reported would exceed its allocation under section 302(b) of the Congressional Budget Act.

The second change in mandatory programs reduces the Coastal Impact Assistance Fund by 3 percent from 2007 to 2010 ($9 million each year) and spends the money on the Mineral Management Service's Royalty and Offshore Minerals Management Account. The

Coastal Impact Assistance fund provides infrastructure and environmental remediation grants to states with oil and/or gas production on Outer Continental Shelf waters adjoining their borders. As a result, transfers to states under the Coastal Impact Fund reduced by an equal amount.

As we enter the appropriations season, I wish Chairman LEWIS and our colleagues on the Appropriations Committee the best in maintaining their admirable pace of bringing bills to the floor.

In conclusion, I express my support for H.R. 5386.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I rise today to thank the Chairman and the Interior Appropriations Subcommittee for their continued support of the Florida Everglades in the Interior Appropriations bill.

This legislation includes funding for implementation of the Modified Waters Deliveries Project. This project is critical to Everglades Restoration, and will ensure natural water flows continue through Everglades National Park.

The Florida Everglades is a unique and precious ecosystem that must be preserved for future generations. Everglades Restoration is a long-term investment that will ensure the Everglades is restored and protected.

I am pleased that the Chairman included $69 million for Everglades Restoration, which is so critical to ensuring continuation of this vital project. The Interior share of funding combined with the appropriations made to the Army Corp of Engineers in the Energy and Water Appropriations bill will allow restoration to move forward.

I thank my colleagues from Florida for their continued support of the Florida Everglades and Restoration funding. Additionally, I would like to thank the Governor of Florida for his steadfast support of Everglades Restoration. Floridians understand the great benefit the Everglades provide not just to our ecological diversity, but also to our economy, which is so dependent upon tourism.

On behalf of myself, and the residents of Southern Florida I am so proud to represent, I thank the Chairman and his hardworking staff for their support of this funding.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in reluctant support of H.R. 5836, the bill making appropriations for the Department of the Interior, Environment, and related agencies for fiscal year 2007. I support this bill because so many people and places in northern New Mexico rely on the funding that is controlled by this bill. But my reluctance rests in that very same reason.

Many people, such as the Native Americans I represent, the Forest Service employees who care for the watersheds that are vital to everyone in my State, and the Federal land managers who make sure we are extracting carefully the oil and gas that is becoming more expensive every day, look to Congress year after year for wise guidance to help them care for their people and do their jobs. In my opinion, this bill we are debating today could do much better.

We are cutting the funding States and communities need to protect their clean water, precious lands and dwindling wildlife. For example, the Clean Water State Revolving Fund, which provides low-interest loans to upgrade sewage treatment plants and improve water quality, was cut by $241 million. While I would like to commend the Committee for increasing the overall amount provided for clean water over that requested by the President, it is still far, far below what the EPA itself has projected is needed to insure clean water for all Americans.

Again this year, the Federal Land and Water Conservation Fund is being severely reduced. Since its enactment in 1965, the Land and Water Conservation Fund has been instrumental in creating and maintaining State, local and national parks—from local recreational field to our National Parks. The stateside program, which provides matching grants for local and State park land acquisition, recreation facility development, and open space conservation, has been entirely zeroed out. These relatively small amounts of funding have had an incalculably positive impact on the lives of all of our constituents, and it is short-sighted and bad budgeting that we are letting these funds founder.

Additionally, this bill zeroes funding for the United Tribes Technical College (UTTC) and Crownpoint Institute of Technology (CIT). However, I would like to thank Chairman TAYLOR and Ranking Member DICKS for their pledge to work to provide funding in conference for UTTC and CIT. These two institutions provide a strong educational foundation for students. I also appreciate the statement in the House report accompanying today's appropriations bill, which urges OMB, "to give these colleges full consideration in future budget requests and to work with these institutions to resolve concerns and disparities over funding formulas prior to submission of the fiscal year 2008 budget request." I look forward to working with Chairman TAYLOR and Ranking Member DICKS in conference to assure funding for these very important schools.

Although I raise these concerns, I again reiterate the importance of the funding in this bill to my district. That is why I will reluctantly support its passage. I do so with the hope that it is improved in conference and that next year we are able to revisit these national and regional priorities and do well by our constituents.

Mr. VAN HOLLEN. Mr. Chairman, I rise to explain my opposition to the Interior Appropriations bill. This important bill should reflect our national commitment to protecting our air, our water, and some of our most treasured public lands, including our national forests, parks, and open spaces. Unfortunately, this bill fails to live up to our responsibility to be good stewards of our natural heritage. This bill cuts the Clean Water State Revolving Funds by $200 million and cuts State Conservation Grants to below last year's levels. Most egregiously, this bill cuts funding for essential projects to repair and upgrade facilities in our National Parks by $216 million below last year's levels and more than $400 billion below the level of six years ago. This bill does not meet the federally mandated increase in federal pay and other fixed costs of the National Park Service. As a result, we will see cutbacks in staff and visitor services at our parks. This bill also does not include any funding for schools at Indian reservations.

I am disappointed to have to vote against this bill because it did contain some worthwhile provisions. In it, the Congress finally recognized the reality of global warming. Though the bill does not include any concrete steps to address the problem, I was pleased that Congress finally acknowledged the issue. I also supported an amendment included in this bill that would require energy companies to pay royalties for the oil and natural gas they obtain from publicly-owned lands. This common sense amendment ends an unnecessary and illogical subsidy to the oil and gas industry and allows the American people to benefit from the use of our public resources.

There was a Democratic amendment that would have addressed this bill's most critical failings. We proposed a plan to add essential funds to this bill by making a small reduction to the average tax cut for the wealthiest Americans. My Republican colleagues reject this proposal, upholding tax cuts for a few at the expense of important initiatives that benefit all Americans. As a result, we have a bill that fails to adequately protect the air we breathe, the water we drink, and our shared natural heritage that we hold dear.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $867,738,000, to remain available until expended, of which $1,250,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $2,750,000 shall be available in fiscal year 2007 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

Page 2, line 15, after the dollar amount, insert the following: "(reduced by $1) (increased by $1)".

Page 28, line 2, after the first dollar amount, insert the following: "(reduced by $5,000,000)".

Page 46, line 8, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Page 75, line 1, after the dollar amount, insert the following: "(reduced by $2,000,000)".

Page 107, line 1, after the dollar amount, insert the following: "(increased by $5,000,000)".

Page 107, line 21, after the dollar amount, insert the following: "(increased by $5,000,000)".

Ms. SLAUGHTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Chairman, over the past 40 years the National Endowment for the Arts and the National Endowment for the Humanities have proven themselves time and time again to be among our country's most valuable and successful organizations.

Their reach is national, their impact profound. They are tremendously beneficial to our economy, generating $134 billion annually in economic activity. Artistic endeavors return some $10.5 billion to the Federal Government in income taxes every year. And the arts support nearly 5 million full-time jobs.

When our children have art education in their lives, they score higher on their SATs, have greater self-confidence, and are more focused on their studies.

I ask you today to urge stronger Federal commitment to the arts by supporting this amendment to provide modest increases to the NEA and NEH of $5 million each.

Unless we provide an overall increase for NEA, the programs like Challenge America and the Big Read, which have been so important, will be slashed. And they will reach fewer people.

Challenge America has enhanced America's communities through direct grants for arts education, at-risk youth and cultural preservation, community arts partnerships and improved access to the arts for all Americans, with local programs in every single congressional district.

Because of the NEA, more children have music in the classroom today than ever before, and high school students are participating in poetry sessions and learning more about Shakespeare. And our brave men and women serving on our military bases throughout our country are entertained by popular opera performances.

NEA's Big Read program has resulted in committed partnerships among local government officials, schools, libraries and arts organizations to address the terrible national decline in literary reading.

As part of the program, a book is selected and everybody is encouraged to read it. It is that simple. The first 10 pilot programs now under way have proven to be overwhelmingly successful. The neighbors talk about "Great Gatsby," friends are locked in heated debate about "To Kill a Mockingbird," and coworkers are analyzing "Fahrenheit 451."

Imagine the conversations, connections and community enrichment that will be generated if NEA expands the Big Read into 100 communities, as it currently plans.

The value of these programs should no longer have to be proved. The real question is, Will the Congress, with its patriotism and pride in America, prioritize the betterment of its culture?

In the late 1980s and 1990s, we funded the NEA at $170 million. The NEA was last funded at this amount in 1994 and has never recovered from the awful budget cut it took.

As a result, today its invaluable programs remain seriously underfunded. The increases I propose today are modest, but without adequate funding the NEA and the NEH will be unable to continue these and other important programs.

I urge Members to vote for the Slaughter-Shays-Dicks-Leach-Price amendment and to preserve its funding in the final conference report. I thank my colleagues who have joined me today.

Mr. DICKS. Will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Washington.

Mr. DICKS. I want to rise in strong support of the gentlewoman's amendment. She has been a leader and a valued advocate on this issue for many, many years; and I am very proud to be associated with her on this amendment.

Mr. Chairman, I rise to urge support for this amendment offered by Mrs. SLAUGHTER and myself to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities.

The amendment would provide an additional $10 million to be split equally between the two Endowments. The increase would be offset by a series of small cuts to several Interior Department programs.

I am gratified to note that the debate over the last few years has calmed down. The votes in favor of this annual Arts and Humanities amendment had been growing by an increasing margin. And last year, Chairman TAYLOR accepted this amendment without the need for a rollcall vote.

Although we offer this amendment each year, it is important that we again discuss the importance of how this rather modest Federal support can have such large impact on our home districts. Most importantly, this seed money spurs private donations to the arts and humanities.

I still wish that we could restore the funding levels for the NEA and NEH back to their level 12 years ago but this amendment will get us closer. I urge your support on this important amendment.

Mr. SHAYS. Will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Connecticut.

Mr. SHAYS. It is my understanding that the chairman, if we can close this debate quickly, will gladly accept it.

Mr. Chairman, I rise in support of the Slaughter/Shays/Dicks/Leach/Price amendment which will increase funding for the National Endowment for the Arts and National Endowment for the Humanities.

As Dana Goia, the NEA Chairman, said "A great nation deserves great art."

How we prioritize the arts and humanities and their impact on our society and children's education says a lot about us as Americans.

Support of the arts should come from so many sources—individuals, foundations, arts consumers, and, yes, taxpayers. In a bill where we are spending $29.5 billion on various government programs, I believe spending $275.3 million on cultural programs is well worth the investment. It is a moderate amount of money that can have a big impact because today's economy is driven by ideas and innovation.

In fact, nationwide, there are 548,000 businesses involved in the creation or distribution of the arts and employ 2.9 million people. The fourth District of Connecticut is home to 2,841 arts-related businesses employing 14,711 people.

The Federal investment in the arts is the smallest part of arts funding. But we have a role—an important one. A stabilizing one. And one that we should continue.

I grew up in an arts family. My parents—both performing actors—met in the theater.

Listening to my father play the piano each night and hearing stories from their days on the stage gave me a profound appreciation for creative expression—an appreciation that I know so many of the constituents I represent share.

I thank the Chairman TAYLOR and Ranking Member DICKS for their continued support of the arts and humanities.

I urge my colleagues to support this amendment.

Mr. TAYLOR of North Carolina. We accept this amendment, Mr. Chairman.

Ms. SLAUGHTER. I thank the chairman very much.

Mr. FARR. Mr. Chairman, I rise in support of the Slaughter/Shays Amendment to the FY07 Interior Appropriations Bill that would add $5 million each to the National Endowment for the Arts and the National Endowment for the Humanities.

Many of us do not recognize the role the arts play in our lives. But without the arts, our lives would be black and white. Arts add the color. Arts add the diversity and aid the understanding. Arts allow for expression and facilitate the acceptance. These experiences are truly immeasurable.

Cultures that have the ability to create, preserve and appreciate the arts are truly unique. I know you can think of times when a certain peal of a trumpet, or glimpse of a color triggers something—a memory, an awareness, or an idea. Though art can trigger strong emotions, the value of these has not historically been measured. But they are no less important than our experiences that are quantifiable.

NEA and NEH ensure that Americans across the country can discover and share the treasure of artful expression while instilling a sense of historical and cultural heritage throughout the generations.

I urge my colleagues to recognize the benefits of preserving the arts and humanities by supporting this amendment's funding to NEA and NEH.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the Dicks-Slaughter-Shays-Leach-Price amendment to increase National Endowment for the Arts by $5 million and increase the National Endowment for the Humanities by $5 million.

The dividend this Nation receives from the Endowment for the Arts and the Humanities far exceeds the investment we make with the limited Federal dollars.

We could eliminate all funding for the endowments tomorrow, and the arts and humanities would survive.

That's not the issue.

The grants NEA provides don't make or break most theater productions, studio exhibitions or symphonic performances.

What NEA does with its grants is to ensure that these performances, exhibits and productions are shared with greater audiences of Americans.

Scholarly research on the humanities will continue without the NEH, but research, writings and creative thought on what it is to be an American, like the We the People initiative, the embodiment of who and what we are, and diffusion of this understanding and insight among Americans will suffer.

Mr. Chairman, there is too much that divides us as a Nation.

We need institutions like the NEA and the NEH, that find common ground through performances and pamphlets that inspire us to look past the parochial and appreciate greatness.

Support the Dicks-Slaughter-Shays-Leach-Price amendment.

Mrs. MALONEY. Mr. Chairman, as a proud representative of New York City, an important center of the creative industries in our Nation, I rise in enthusiastic support of the Slaughter-Shays-Dicks-Leach-Price amendment.

This amendment will provide a very small, but critical increase in funding for the National Endowment for the Arts and the National Endowment for the Humanities.

Earlier this week, I was honored to be joined by the gentlewoman from New York and the gentleman from Connecticut—sponsors of this amendment and co-chairs of the Arts Caucus—in passing legislation recognizing the American Ballet Theater for their 65 years of service as "America's National Ballet Theater."

The ABT is just one of well over 7,000 arts-related businesses in my district, employing nearly 120,000 employees—the highest number of arts-related jobs in the country. And the NEA is key in bolstering the economic and creative force of these organizations.

Mr. Chairman, for the 120,000 arts-related employees that I represent and the countless others who enjoy and benefit from their creativity and hard work, I urge a yes vote on the Slaughter-Shays-Dicks-Leach-Price Amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I rise as a cosponsor of the Slaughter amendment providing increased funding for the National Endowment for the Humanities and the National Endowment for the Arts.

For 40 years, the NEH has helped advance the study and understanding of our Nation's history, culture and heritage. The NEH provides seed money for high quality projects and programs that reach millions of Americans each year.

As Co-Chair of the Congressional Humanities Caucus, I am pleased to support this amendment, which would increase funding for NEH by $5 million and for NEA by a like amount.

With a modest appropriation, the Humanities Endowment provides seed money for projects including continuing education for K–12 teachers and college and university faculty, television documentaries, educational museum exhibitions, and preservation of historically important books and newspapers.

The State humanities councils, in partnership with the NEH, reach millions of Americans each year in all 50 states with such activities as teacher institutes, literacy programs, and programs on local history and culture.

Today, the humanities play an increasingly important role in preparing our students and the public to be contributing and productive American citizens who also have a global awareness.

This modest funding increase will aid NEH's efforts to conserve and nurture America's heritage, bring the humanities to communities across the country, and educate the next generation of Americans.

I encourage my colleagues to support this amendment.

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment and strongly urge its adoption.

Our contributions to the arts and humanities are the standard by which our history as a society will be measured. A strong public commitment to the arts and humanities, along with a dedication to freedom, is the hallmark of great civilizations. History has shown that religious and political freedoms go hand in hand with greater artistic and literary activity, and that the societies that flourish and have a lasting influence on humanity are those that encourage free expression in all of its forms. This is a lesson that resonates with people of every age, background, and belief, and one that we can guarantee our children learn.

By sharing ideas and images from a diverse range of hack grounds and through many different media, the arts and humanities help to create a more informed citizenry. We are better prepared to meet the responsibilities of democracy; to ask ourselves the hard questions; to demand of our leaders the full answers; and to judge fairly the actual and potential endeavors of our country.

Our support for the arts and humanities also has a profound impact on our economy. In my Congressional District, there are close to 2,000 arts-related businesses, providing more than 9,000 jobs. This creates a substantial economic impact. Nationally, the arts industry generates $134 billion in economic activity, sustaining over 4 million jobs.

Even more significant is the return on the investment for the American taxpayer. While the Federal Government spends just over $250 million on the NEA and NEH annually, it collects over $10 billion in tax revenue related to the arts industry. Federal funding for the NEA and NEH is crucial to the arts community, helping leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is important not only to our national identity, but also to our national economy.

Mr. Chairman, we must act decisively to commit ourselves to our national heritage and culture, by voting to increase funding for the NEA and NEH. I urge my colleagues to support creativity and reflection, to support our economy, and to support the continued growth and expression of democracy in its fullest form.

Mr. HOLT. Mr. Chairman, I rise today in strong support of the Slaughter-Shays-Dicks-Leach-Price amendment to provide much needed funds for the National Endowment for the Arts and the National Endowment for the Humanities.

As a scientist, I am often advocating for investments in math, science, and technology research, development, and education. These are worthwhile expenditures that contribute to innovation and economic growth, but our nation requires a parallel investment in the arts to retain the cultural and creative growth that ties our diverse society together.

This modest increase in funding will build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America. The additional funds provided through this amendment would support the very successful Challenge America program, which brings the arts to rural communities and inner-city neighborhoods whose limited resources don't always allow for community arts programs.

In 2005, the Challenge America program provided grants to towns and cities in 99 percent of Congressional districts for jazz and blues festivals, showcases for regional musicians and artists, and public-private partnerships that bring the arts into local schools. Dozens of studies have demonstrated the significant positive effect of arts education on students' academic performance, self esteem, and behavior, and the Challenge America grants are an excellent mechanism to bring the arts to students who can greatly benefit from that exposure.

Similarly, the NEH serves to advance the nation's scholarly and cultural life. The additional funding contained in this amendment would enable NEH to improve the quality of humanities education to America's school children and college students, offer lifelong learning opportunities through a range of public programs, and support new projects that encourage Americans to discover their storied and inspiring national heritage.

It is clear that increasing funding for the arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly sustenance. They power economic development, even in regions that are down and out.

Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending. I urge my colleagues to support this amendment.

Ms. LEE. Mr. Chairman, I rise in strong support of the bipartisan Arts' Caucus amendment that would fully fund the National Endowment for the Arts, NEA, and the National Endowment for the Humanities, NEH.

I Would like to especially thank co-chairs of the Arts Caucus and the authors of the amendment—the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS)—for their leadership on this issue.

In my district, the 9th congressional district of California, more than 10,000 people are employed in arts related jobs. They play an integral role in building and sustaining our local economy.

The AXIS Dance Company, an NEA grants recipient in Oakland California, is just one example of an organization in my community that relies on these funds to sustain their programs.

The AXIS Company includes dancers with and without disabilities. Thanks to an NEA Access to Artistic Excellence Grant, the company launched their first-ever Summer Intensive session last year.

As Judith Smith, the companies' artistic director, explains: "By presenting dance that includes dancers with and without disabilities we show youth what is possible when people with differences collaborate. . . . Ultimately it helps them see that they can do and accomplish whatever they set their mind to. This is the beauty of art."

The AXIS Company is but one example; nationally there are 548,000 arts-related businesses, but it is impossible to count how many lives are impacted by their services. The facts speak for themselves—if you cut arts funding, you cut jobs and opportunities for all.

Mr. Chairman, I strongly urge my colleagues to vote "yes" on the Arts' Caucus bipartisan amendment.

Mr. NADLER. Mr. Chairman, I rise in strong support of the amendment to increase funding for the NEA by $5 million and the NEH by $5 million. Frankly, this is a modest amendment; I wish this amendment asked for an even greater increase in arts funding. It's astounding that this year the President will spend $60 billion in Cold War-era defense programs, such as a missile defense system that doesn't defend against missiles, and yet each year we have to come to the floor to defend this minimal amount of spending. The amount we are asking for is little more than a fraction of one percent of the Federal budget.

This is not controversial funding. The NEA and the NEH are two of the best investments this Nation makes. The NEA distributes grants in all 50 states. These grants fund theatres, orchestras, dance companies, and visual artists that move us, challenge the way we think, foster dialogue, and help us to understand one another. The NEH is the largest single funder of humanities programs in the country. NEH grants help museums, archives, libraries, universities, scholars and documentary filmmakers allow us to understand our rich history and cultural heritage.

The cost-benefit ratio of this funding is tremendous. Each year, the arts generate $134 billion in economic activity; arts organizations employ 4.85 million Americans; they generate $89.4 billion in household income; and lead to $24.4 billion in total tax revenues.

Not only do the arts and humanities have a positive economic impact, but they strengthen and build communities. They help revitalize our nation's cities, and provide venues for people from disparate communities to come together and share a common experience. Students who are exposed to the arts have higher test scores—in math and sciences as well as liberal arts—and have better attendance at schools and increased self-discipline. At-risk teens who participate in arts programs are half as likely to repeat their crimes.

Mr. Speaker, every year, my friends from the other side of the aisle try to slash funding for the arts. I just don't understand their thinking. This modest amendment is the very least we should do today. I urge my colleagues to support this amendment, and to vote against any attempts to slash funding from the arts that may be offered in other amendments.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the chairman. I would like to thank the gentleman from North Carolina in this colloquy. And, Mr. Chairman, as a resident of Southern California, I have witnessed the impact diesel emissions has had on our air quality. Our constituents are more likely to contract cancer, asthma and other respiratory problems. The emissions from older heavy-duty trucks, in particular, are among the highest contributors of ground level ozone, volatile organic compounds, and particulate pollution in the country. These trucks are the highest polluters among on-road transportation emissions sources.

As a primary player in the movement of goods, diesel engines play an important role in keeping our economy strong. While the administration has taken action with the diesel fuel engine regulations to reduce emissions, the EPA estimates that there are 11 million existing engines that still need to be fixed. This is why providing the necessary resources for the important diesel initiatives under the Diesel Emissions Reduction Act should be central to any current national transportation plan.

We have worked extremely hard to ensure that Americans may have cleaner air where they work and live. I know, despite the bipartisan support we received for DERA funding, finding the funds for this program was a tough process. Ultimately, while cuts had to be made to DERA's appropriation, I am very proud to have worked with the subcommittee leadership to get the funds that we did receive. However, the fight is not over.

While the $26 million will go far in the mission for reducing diesel emission, a great deal more is needed. Despite the fact that today's diesel vehicles are 99 percent cleaner than their 1970 counterparts, each older truck contributes an average of 1 ton of pollutants into the air per year. We must make certain that every effort will be made during conference to increase funding above the $26 million level, or at least to consider keeping it where it is.

So, Mr. Chairman, the DERA program is very important to my district. These funds play a critical role in fully integrating today's technological advances with consumer demands and environmental needs in order to provide cleaner air where our constituents live and work. And I would like just to have the chairman respond that we hope that in the conference, at least the money that has been placed there by the administration will be maintained with perhaps increases if we can.

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentlewoman has made a huge contribution on this matter to the committee. We did increase the amount up 12 percent from where we were. But I agree with the gentlewoman, if we can do more in conference, we will try to do it because the great need is there.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $867,738,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $769,253,000, to remain available until expended, of which not to exceed $7,338,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding

42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $11,476,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $3,067,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,408,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

Section 28 of title 30, United States Code, is amended: (1) in section 28 by striking the phrase "shall commence at 12 o'clock meridian on the 1st day of September" and inserting "shall commence at 12:00 ante meridian on the 1st day of September"; (2) in section 28f(a), by striking the phrase "for years 2004 through 2008"; and (3) in section 28g, by striking the phrase "and before September 30, 2008,".

Refunds or rebates received on an on-going basis from an information technology (IT) vendor as part of the Bureau of Land Management (BLM) consolidated IT procurements for the Department of the Interior and other Federal Government departments hereafter may be deposited into the Management of Lands and Resources Fund to be used to offset BLM's costs incurred in providing this service.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $1,016,669,000, to remain available until September 30, 2008, except as otherwise provided herein: *Provided*, That $2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further*, That not to exceed $17,759,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $12,581,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2006: *Provided further*, That of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further*, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $39,756,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $19,751,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $15,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, federally-recognized Indian tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

PRIVATE STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $7,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That the amount provided herein is for the Private Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $80,507,000 to remain available until expended, of which $20,161,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $60,346,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,202,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $36,646,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $4,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), and the Marine Turtle Conservation Act of 2004 (Public Law 108–266; 16 U.S.C. 6601), $6,057,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally-recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $50,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That no State, territory, or other jurisdiction shall receive a grant if its comprehensive wildlife conservation plan is disapproved and such funds that would have been distributed to such State, territory, or other jurisdiction shall be distributed equitably to States, territories, and other jurisdictions with approved plans: *Provided further*, That any amount apportioned in 2007 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2008, shall be reapportioned, together with funds appropriated in 2009, in the manner provided herein: *Provided further*, That balances from amounts previously appropriated under the heading "State Wildlife Grants" shall be transferred to and merged with this appropriation and shall remain available until expended.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUTNAM:

Page 16, line 13, after the dollar amount insert "(increased by $500,000)".

Page 107, line 21, after the dollar amount insert "(reduced by $500,000)".

Mr. PUTNAM. Mr. Chairman, I rise today to submit an amendment to assist States dealing with the increasing problem of alligator attacks.

As you may know, just in the past week there have been a number of attacks resulting in three human fatalities, just in the State of Florida. Florida is not the only State that has to deal with this problem. Citizens across Alabama, Georgia, Louisiana, South Carolina, and Texas have all been victims of alligator attacks, often deadly, over the years.

The number of alligator complaints received by the Florida Fish and Wildlife Commission continues to grow. Last year there were over 18,000 complaints alone, which resulted in the removal of over 7,000 alligators.

Unfortunately, with three deaths in 1 week, current efforts are insufficient to prevent these attacks. I rise today to offer an amendment to add $500,000 to the monies available to the States to hire trappers and expand alligator trapping activities.

Our support for nuisance alligator programs helps provide the critical resources States need to respond and remove these alligators, as well as educate the public on the prevention of these attacks.

Across the gulf coast and throughout the South, these attacks are increasing in frequency and severity and this amendment will help the States obtain the resources they need to accelerate their trapping program as we continue to face this challenge of an urban interface with the wildlife that are listed as threatened only because of their resemblance to the American crocodile.

□ 1345

There is no population concern whatsoever with the alligator.

And I thank my colleagues for their support and urge adoption of the amendment.

I see that the distinguished chairman of this subcommittee has risen, and I would be happy to yield to him for any comments.

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate what the gentleman is trying to do, but I would ask him to withdraw his amendment.

The money that you want is in control of the State, and if you could withdraw, we will sit down between now and the conference and try to work with you.

Mr. PUTNAM. Mr. Chairman, reclaiming my time, certainly I recognize the difficult position that Mr. DICKS and Mr. TAYLOR are in in crafting an appropriate spending bill for this area. I appreciate the gentleman's expression of concern about this problem. Obviously being from the South, he understands the issues we are dealing with, and I hope that we will be able to work something out in conference toward that end.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. PUTNAM. I would be happy to yield to my friend from Washington.

Mr. DICKS. Mr. Chairman, even from Washington State we understand the severity of this problem because we have seen it on national television, but I want him to know we are very willing to work with the gentleman on this issue before the conference and during the conference.

Mr. PUTNAM. We appreciate that. Obviously, the Wildlife Grant Fund is something that is a formula-driven process and was an imperfect vehicle, but we certainly wanted to take this opportunity to make the important case for doing everything we can to ameliorate what has become a deadly situation this alligator mating season.

Mr. WELDON of Florida. Mr. Chairman, I rise to express my concerns about both the underlying Peterson amendment that was adopted in the committee and the amendment offered by my colleague from Florida. I voted against the Peterson amendment when it was offered in committee because it fails to include the 100-mile buffer along Florida's coast that I believe is important to ensuring that we can adequately protect Florida's shoreline. I am not opposed to the drilling for natural gas, provided we have a 100-mile buffer to protect Florida's coast.

I want it to be very clear what I support and that is: a policy that allows for natural gas wells 100 miles or more off the coast of Florida.

The amendment before us, offered by my Florida colleague, however would ban natural gas wells not only along the Florida coast, but also along southern, central and northern California; Washington; Oregon; and the North Atlantic. It would not permit natural gas wells located 100 miles or more off the coast of Florida, and for that reason I will not support it.

There is some confusion that must be cleared up. No one here today is proposing that we allow natural gas wells within 3 miles of the Florida coast. In the event that the underlying bill before us is approved today the Presidential moratorium remains in place protecting Florida, and President Bush has pledged to ensure that Florida is permitted to maintain at least a 100-mile protective buffer. Moreover should the Presidential moratorium be removed, the Congress must enact legislation directing the Department of Interior on where to permit Outer Continental Shelf (OCS) leases. This is not a one step process.

Some have suggested that allowing natural gas wells will do little to address the energy costs in the United States. This claim simply is not based on sound economics. As many of my colleagues know, over the past decade there has been a dramatic increase in the use of natural gas to produce electricity. Switching to natural gas for electric power generation has been a very quick and cost effective way to reduce greenhouse gas emissions. According a 2005 report from the Florida Public Service Commission, in 2003, 26 percent of Florida's electric power was generated using natural gas. By 2013, just seven years from now, the FPSC projects that over 50 percent of Florida's electric power will be generated using natural gas. Clearly, Florida is increasingly relying on natural gas to meet our everyday energy needs and ensuring a longer-term affordable supply of natural gas will help keep Florida consumer's power bills affordable.

When you consider this growing reliance on clean burning natural gas along with price increases we have seen, it is clear that Florida consumers will continue to pay higher costs for electricity if we don't address natural gas supply concerns. According to the U.S. Department of Energy, the costs of natural gas for electric power generation increased 300 percent between 2000 and 2005.

I look forward to working with my colleagues to support ensure that Florida has an adequate protective buffer while looking to meet our long-term clean energy needs.

Mr. PUTNAM. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 54 passenger motor vehicles, of which 54 are for replacement only (including 15 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That, notwithstanding any other provision of law, the Service may use up to $2,000,000 from funds provided for contracts for employment-related legal services: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That, notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

I rise to engage the distinguished chairman of the subcommittee in a colloquy, along with Mr. KIRK from Illinois.

Chairman TAYLOR, let me first thank you and the committee for the funding you provided to the Science and Technology Account of the EPA. This important funding will be used to address a wide range of environmental and health concerns, including both long-term basic research and near-term applied research in order to discover knowledge and develop technologies necessary to protect our environmental resources and prevent future harm. I recognize that the apparently dramatic increases are primarily due to transfers of funds from other accounts, and for that reason I would strongly discourage any Member from offering an amendment to reduce this account. Nevertheless, the minor increases in basic science research funding are much appreciated, and I wanted to convey my appreciation.

But I rise today to discuss an issue of pressing national importance: the cleanup and protection of the Great Lakes. The Great Lakes comprise the largest source of freshwater in the world, 20 percent of the Earth's total and 95 percent of surface freshwater in the U.S., and they provide drinking water, transportation, and recreation to millions of people in the U.S. and Canada. However, the Great Lakes are plagued by contaminants from years of industrial pollution that have settled into the sediments of tributaries to the lakes. These pollutants degrade the health of both humans and wildlife and disrupt the beneficial uses of those waters. The longer we take to clean up these areas, the greater likelihood that the sediment will be transported into the open waters of the Great Lakes where cleanup is virtually impossible.

The Great Lakes Legacy Act, which was enacted in 2002 in response to slow cleanup progress, authorizes the EPA to clean up contaminated sediments in the Areas of Concern in the Great Lakes. This Legacy Act has an added advantage in that 35 percent of the funding comes from the local communities and the States. The Legacy Act program was funded at about $29 million last year, and the authorization is $50 million. The bill your committee drafted provides a small increase to $29.6 million. Frankly, I considered offering an amendment to boost this total to that recommended by the President, to near full funding of $49 million. I am also disappointed by the $500,000 cut to the Great Lakes National Program Office, which operates the Legacy Act program, directs other EPA cleanup and protection actions in the lakes, and helps to coordinate the activities of other Federal agencies within the region. But I decided against offering an amendment because I recognize that limited resources are available to you in this bill because of your small allocation.

I can assure you that I am not the only one concerned about these funding levels. Last year over 1,500 Federal, State, and local government officials, scientists, engineers, and other stakeholders participated in the President's groundbreaking Great Lakes Regional Collaboration. This diverse group of experts and advocates developed a strategic action plan for restoring the Great Lakes. Among the recommendations was $150 million in annual funding for the Legacy Act. This funding level is justified because of the success of the six projects that are completed or underway or in the pipeline and nine other potential projects being considered by the EPA. In fact, Federal and State officials involved in cleaning up contaminated sediment have recently estimated that 75 million cubic yards of sediment need to be remediated at a total cost range of $1.6 billion to $4.4 billion. The comparatively small amounts in the Legacy Act will help leverage State, local, and private dollars and get some of these ready-to-go projects off the ground.

Chairman TAYLOR, I urge you to work with me and my Great Lakes colleagues on increasing funding for this important, oversubscribed program, and help to jump-start restoration efforts for this national treasure. We simply cannot wait.

I yield now to my friend from Illinois, a stalwart champion of Great Lakes restoration and my Cochair of the Great Lakes Task Force, Mr. KIRK.

Mr. KIRK. Mr. Chairman, I thank my friend for yielding and strongly share his sentiments regarding the importance of funding the Great Lakes and especially the Great Lakes Legacy Act.

As the gentleman from Michigan noted, the Great Lakes are a national treasure. Our history is filled with supporting these national treasures, and in 2000 Congress and the administration rose to the occasion, providing a restoration plan for the Everglades that yielded impressive results.

Today the country is beginning to recognize a new effort. The Great Lakes Regional Collaboration brought together local, State, and national officials and interests, including the administration, to work on a coherent plan, a thorough plan for Great Lakes restoration and protection. Last December all Great Lakes Collaboration members met and endorsed this process. But we must go further. We must waste no time in moving forward with tangible changes in practice and funding. The Great Lakes face a myriad of threats, from invasive species to mercury contamination to the effects of long-term pollutants which are awaiting cleanup. These same Great Lakes are also an invaluable resource for drinking water, recreation, and transportation purposes. And to protect them we must increase coordination and funding of Great Lakes programs.

The Great Lakes Legacy Act provides an essential function: addressing sediment contamination in areas of concern in the Great Lakes. My district contains Waukegan Harbor, a contaminated area that, if properly cleaned, would increase the economic value of lakefront property by over $800 million.

Mr. KIRK. Mr. Chairman, I move to strike the last word.

The Great Lakes Legacy Act funding cleans one of our national treasures while simultaneously adding value to the areas it addresses.

I strongly urge the chairman to lend his support to this program as we move through the committee process. More funding for the Great Lakes Legacy Act is extremely important in the overall effort to clean up the Great Lakes and to restore the economy of our region.

Mr. Chairman, I yield to the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, I appreciate the comments of the gentleman from Michigan and the gentleman from Illinois. I recognize the importance of the Great Lakes as a natural resource and an issue of national importance. I commend those involved in the Regional Collaboration for their work, which will provide research managers and policymakers with a helpful guide in setting priorities and implementing critical resource and protection programs.

The committee allocation did not allow us to provide a sizable increase in the funding for the Great Lakes Legacy Act. Indeed, many programs in the bill are funded substantially below the 2006 level while the Great Lakes program received an increase, albeit a small one.

I would be happy to work with my colleagues to see if we might increase funding for this program should additional funds be available when we go to conference with the Senate.

Mr. EHLERS. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Chairman, I thank the chairman for his assurance. I thank him for his consideration.

And I also wish to thank the Chairman of the Committee of the Whole House for being generous with his time and also for his outstanding work over the years in working for the Great Lakes.

Mr. KIRK. Mr. Chairman, I thank these two chairmen.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,754,317,000, of which $9,829,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $86,164,000, to remain available until September 30, 2008, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $1,909,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: *Provided further*, That funds in this account may be spent without regard to the "no net loss" of law enforcement personnel policy.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 20, line 3, after the first dollar amount, insert the following: "(increased by $1,000,000)".

Page 46, line 8, after the dollar amount, insert the following: "(reduced by $1,000,000)".

Mr. WEINER. Mr. Chairman, on September 11, like so many institutions of the Federal Government, everything came to a halt, including all the facilities of the national parks. Almost immediately thereafter, we began a process to reopen them. We reopened them literally but we also reopened them symbolically to say, in the words of Secretary Norton from September 12 of that year, "Even though atrocities such as those of September 11 can affect us, they cannot close us down." She said that while standing above Hoover Dam on September 12, 2001.

Today, after a period of a couple of months after September 11, all of the facilities of the national parks were reopened. Today these many years later, all of them are reopened except one, perhaps the most symbolic national park that there is, the Statue of Liberty. The Statue of Liberty is still not reopened. Why? Well, it is not for lack of money. We in Congress have allocated more than $19 million to do security upgrades, to do improvements to the facility. In fact, there has been over $6 million that was raised privately. We all remember the Statue of Liberty Foundation, major companies lined up, people sent in their coffee tins. Boys and girls from around the country collected pennies and dimes and nickles to help reopen the Statue of Liberty. So it is not for lack of funding.

Frankly, the reason that the Statue of Liberty is still closed is the lack of imagination and will on the part of the Park Service. Over the course of years, we in this House have said in many different ways either open it or tell us why you cannot. And each time they said things like, well, we are still thinking about it, we are pondering it, we are trying to figure it out.

The final analysis is quite clear. They do not want to reopen it. They are concerned they cannot possibly make it safe. Some of us have suggested why not have no bags permitted? Why not say only a limited number of people can go in? Why not suggest that you have reservations in advance? Why not come to us and say maybe we need additional security? No. In fact, what they said is you can go to the part that was built here in the United States, but the iconic Statue of Liberty that all of us remember climbing up to when we were children is closed. It is the only national park that is.

It is a shame. In fact, in the words of the Daily News, it is worse than a shame. It says we need to break the ties that bind Miss Liberty and that continue to make her a laughingstock for al Qaeda. That might be strong, but I want to tell you something. It is hard to explain any other way how the one park that was closed after September 11 is still closed. Let us have it reopen. And if the Park Service says we cannot do it, we figured out a way to open the Capitol. We figured out a way to open the Washington Monument. We figured out a way to open Hoover Dam. We figured out a way to open up all of the other national parks. This one, we simply cannot figure it out.

Have them come to us. Have them come to Mr. DICKS and Mr. TAYLOR, who have shown great creativity in finding ways to help the Park Service do their job and let us reopen Statue of Liberty to her crown. Doing anything else is, frankly, to cower in the face of this challenge. This is not that difficult a challenge, but I can tell you this: It is certainly a symbolic one. To say that we simply cannot allow future generations of children to climb up through the statue, to peer out and to say, you know what, we are completely back on our feet after September 11, to make this of all the symbols the one that we refuse to open is simply a shame.

What my amendment does is simple. It does not say the words "Statue of Liberty" anywhere. It takes $1 million and moves it from a personnel account to the equipment account to help them provide security. But this is a chance and it is a chance for all of us in the House to go on record and say reopen Statue of Liberty. If you need to come back, if you need to say to us there are considerations that we need to take into account, we have never been shy in this House in a bipartisan fashion of accommodating the Park Service and every other agency of government.

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If they have a legitimate concern, we are Americans, we can solve those concerns. This might be a difficult challenge to make because they are narrow. It is an old structure, it is a historic structure, it is a symbolic structure, it is an iconic structure.

To simply say, well, you can go visit the island and pat Lady Liberty's toes is not good enough. This is an opportunity for us to say reopen the Statue of Liberty, and all of those of you who go on record and say "yes" to this amendment, we will send a clear message not only to the Park Service that we mean business, but we will send a clear message to terrorists who think we are going to start closing down our icons simply because they attack us.

We were bowed on September 11. We lost over 2,800 of my neighbors. But I can tell you this: the closest national park to Ground Zero still being closed is an insult to their memory, and this is an opportunity for us to do something.

I want to thank in advance the gentleman from Washington and the chairman of the subcommittee for their indulgence. This is a chance for us to do the right thing and also do the symbolic thing.

Mrs. MALONEY. Mr. Chairman, I rise in support of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can understand the gentleman's concern. The Statue of Liberty was reopened to the public on August 3, 2004, but the crown was not opened at that time, and let me tell you why the crown was not opened to the public: safety and security.

The statue has long been recognized by the intelligence community as one of the highest profile targets for terrorists. After the events of 9/11, the Department of the Interior made the decision to close the statue to assess its vulnerability to attack.

The Interior Department asked the Defense Threat Reduction Agency and other recognized experts to conduct bomb blast and other security analyses on the statue. Based on the results, the Park Service spent nearly $20 million on numerous safety and security improvements.

They did open the statue, except for the crown. The decision was made that the visitors could not be properly protected on the narrow spiral staircase in the crown, the thinnest part of the statue, and the Department of the Interior made the decision not to open that section. So I would urge defeat of this amendment.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I am concerned that the narrowness of the stairwell is such an inhibitor. We have some awful narrow passageways in this building. We have reopened the White House with very intricate security concerns.

Certainly, with all of us putting our minds together, with the resources that we have, certainly we can figure out a way. For example, we could say you can have no bags. We will have a second security check. We will limit it only to a few dozen people a day. The symbolism is so important, I can't imagine we are technically unable to secure this site.

Mr. TAYLOR of North Carolina. I am not qualified to speak on why the intelligence service says this, but I would yield to a gentleman to make a comment about who is qualified to make statements on that.

Mr. PEARCE. I thank the gentleman for yielding and I appreciate the concerns of the gentleman from New York. As the National Parks Subcommittee chairman, I would say that this issue has not been brought to us and that we would gladly hold a hearing on it.

On my own last year, Mr. Chairman, last year in October I did go to the Statue of Liberty to ask similar questions. The island is open. The statue is open to the base.

Originally, the stairs all the way to the crown were installed for maintenance. They are extremely narrow, and the problem with evacuations, I forget the exact time, but the time to evacuate the statue is very high.

Again, the gentleman talks about securing the statue, and that is a plus and a minus question. The idea of securing the World Trade Center would have 5 years ago or 6 years ago been just, yes, it is possible. I don't think we can anticipate all of the factors that could come in.

Like I said, I would be more than happy to look into the issue. I would be happy to have public hearings, but I would like that request submitted to the Parks Subcommittee.

I would oppose the gentleman's amendment, with all due respect. I understand what he is trying to do, and I understand the frustration. I am not always on the side of the park's management team, but in this case I have been; and I have taken a look at it myself and see the problems they are wrestling with. No amount of money can change the size and scope of the stairways. It is limited by the inside diameter of the statue itself.

I recognize what your concern is. Our attempt in going to see so many parks is to see how we can increase visitation, how we can increase the enjoyment. So you and I are approaching this from a very similar fashion. But, myself, I struggle.

The Park Service did have a significant study, a multiple-page study; I have copies of that and would be happy to share them with the Members of the Chamber. But, Mr. Chairman, I would oppose the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. Are you suggesting a public hearing?

Mr. PEARCE. Yes, I would be happy to do public hearings. Since I have been chairman, just almost a year, I suspect we have done oversights or hearings on business plans and the numbers of visitors coming into parks. We have done two field hearings. We have done hearings on access for the handicapped.

So we have done multiple, multiple oversight on subjects such as this. I would be happy to work with the gentleman.

Mrs. MALONEY. Mr. Chairman, I rise in support of my colleague from New York's amendment that would re-open all of the Statute of Liberty, the symbol of American freedom. When our Nation was attacked on September 11, 2001, a number of our national landmarks were temporarily closed to the public for security reasons. It is now four and a half years since that terrible day, and only one of these national treasures remains closed—Lady Liberty. Visitors to Liberty Island, which remains open while most of the statute is closed, have been down as much as 50 percent from pre-9/11 levels, and that hurts the economy of New York City.

Mr. Chairman, when terrorists attacked our country, they hoped that they could restrict our freedom and our way of life. They miscalculated the tremendous freedom-loving spirit of New Yorkers and Americans, who have showed their resilience. But it would be a tremendous additional display of our Nation's ever-lasting freedom to re-open the Statute of Liberty and to welcome visitors from around the world back to the statute that has long been a signal of hope. The Park Service shouldn't have to resort to essentially holding a bake sale for private donations to try to get it re-opened. Our Nation's beacon of liberty deserves better than that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. MCHENRY. Mr. Chairman, I move to strike the last word for the purpose of entering into a colloquy with the chairman.

Chairman Taylor, thank you for your leadership for North Carolina. We are so grateful in our State for your steadfast work and dedication to the cause of decreasing the size and scope of government. I just want to commend you for that work.

I would like to discuss an important issue in my district, as well as for western North Carolina.

In recent months, one of the most pressing matters that the Unifour Air Quality Committee, which is comprised of representatives from various organizations in four counties in western North Carolina within my district, has been dealing with is the accurate monitoring and control of fine particulate matter emissions, better known as PM 2.5, specifically in Catawba County.

As you know, PM 2.5 monitor readings at the Water Tower monitoring site, maintained in Catawba County by the North Carolina Division of Air Quality, recently indicated an annual reading slightly above 15 micrograms per cubic meter for PM 2.5, although the measurement was within the equipment's margin of error. Thus, Catawba County has been placed in non-attainment status for PM 2.5.

Mr. TAYLOR of North Carolina. I am aware of this situation. I understand that the Environmental Protection Agency should soon be releasing the results of the March audit for the Catawba area.

Mr. MCHENRY. I thank the chairman. It is also my understanding of the EPA audit. We hope to have the results of the audit as soon as possible so the Unifour Air Quality Committee can best determine what proactive steps need to be taken to control and monitor PM 2.5 emissions effectively. We also hope that the EPA has given careful consideration in its audits to the maps and other data the Unifour Air Quality Committee provided to the EPA in an effort to place the PM 2.5 monitoring data in context.

Mr. TAYLOR of North Carolina. I thank you, Congressman MCHENRY. I appreciate your leadership on this important issue and assure you that I will look forward to working with you on this issue. The committee will be in contact with EPA on the monitoring of PM 2.5 emissions in the Catawba area of North Carolina. Thank you for your effort.

Mr. MCHENRY. Thank you, Mr. Chairman.

Mr. PEARCE. Mr. Chairman, I move to strike the last words for purposes of entering into a colloquy with the chairman of the Interior Appropriations Subcommittee.

Mr. Chairman, as chairman of the House Resources Subcommittee on National Parks, I am deeply concerned with the fate of our national parks along our southern border, Organ Pipe Cactus National Monument, Coronado National Monument, Big Bend National Park, Amistad National Recreation Area, Padre Island, National Seashore and others. Both staff and I have seen firsthand the wanton destruction and detrimental effects that illegal immigration and drug-running has had on some of our most fragile desert environments in our country.

It has become so bad at Organ Pipe Cactus National Monument that up to one-third of the park is now closed to the public because the area is occupied by armed drug traffickers, and park employees cannot work throughout the park without an armed escort. We are not talking about potential impacts or future problems. These damages are occurring as we speak.

I believe the National Park Service has blatantly ignored the congressional mandate to conserve these resources, including a number of listed species, unimpaired for the enjoyment of future generations.

While the U.S. Border Patrol is doing what it can to slow the flow of illegal activities through our parks, resource protection is not their priority. The National Park Service must be given the manpower to protect the visiting public and the national resources.

Mr. TAYLOR of North Carolina. I, too, am aware of this increasingly difficult situation, not just in the national parks, but along other public lands funded in this bill. They comprise 43 percent of the border, the southern border. We need to work together. I would like to travel to that area. Perhaps we could hold a hearing in that area to draw the attention necessary. We need to work with our friend and former colleague, Rob Portman, once he is confirmed as the new director of OMB to ensure that adequate funds are provided to protect these lands.

We have very little money for park rangers for 43 percent of the border. However, I believe that this is primarily the responsibility of Homeland Security. This subcommittee has expressed its concern to the administration over the past 4 years about additional Homeland Security duties imposed on agencies like the Park Service without providing additional funds. We also find in many other tribal lands that we are having some of the same problems.

Mr. PEARCE. I would like to thank the chairman for his recognition of a serious problem and take seriously his commitment to meet with both Director Mainella and incoming OMB Director Portman to discuss what we can do. I think if we address this serious growing problem, then your willingness to work with us will cause the situation to become much better for the public to be better served and for the Park Service to be better served. I thank the chairman for his indulgence.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $84,775,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, $47,161,000: *Provided*, That none of the funds in this Act for the Rivers, Trails and Conservation Assistance program may be used for cash agreements, or for cooperative agreements that are inconsistent with the program's final strategic plan.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), $58,658,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2008, of which $15,000,000 shall be for Save America's Treasures for preservation of nationally significant sites, structures, and artifacts and of which $3,000,000 shall be for Preserve America grants to States, Tribes, and local communities for projects that preserve important historic resources through the promotion of heritage tourism: *Provided further*, That any individual Save America's Treasures or Preserve America grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant: *Provided further*, That competitive projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations and with the Advisory Council on Historic Preservation prior to the commitment of Preserve America grant funds.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $229,934,000, to remain available until expended: *Provided*, That none of the funds available to the National Park Service may be used to plan, design, or construct any partnership project with a total value in excess of $5,000,000, without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That notwithstanding any other provision of law, the National Park Service may not accept donations or services associated with the planning, design, or construction of such new facilities without advance approval of the House and Senate Committees on Appropriations: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be expended consistent with the requirements of the fifth proviso under this heading in Public Law 108-108: *Provided further*, That funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation only if matching funds are appropriated to the Army Corps of Engineers for the same purpose: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if any of the funds appropriated to the Army Corps of Engineers for the purpose of implementing modified water deliveries, including finalizing detailed engineering and design documents for a bridge or series of bridges for the Tamiami Trail component of the project, becomes unavailable for obligation: *Provided further*, That none of the funds provided under this heading for implementation of modified water deliveries to Everglades National Park shall be available for obligation if the consent decree in United States v. South Florida Water Management District is terminated prior to the achievement of the requirements of the consent decree as set forth in Appendix A and Appendix B, including achievement of the 10 parts per billion numeric phosphorus criterion throughout the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park: *Provided further*, That hereafter, notwithstanding any other provision of law, procurements for the National Mall and Memorial Park, Ford's Theatre National Historical Site accessibility and infrastructure improvements may be issued which include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2007 by 16 U.S.C. 460l-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $29,995,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $1,625,000 is for the State assistance program administration: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 233 passenger motor vehicles, of which 193 shall be for replacement only, including not to exceed 190 for police-type use, 11 buses, and 6 ambulances: *Provided*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project: *Provided further*, That not to exceed $66,000 of funds available to the National Park Service in this Act may be used to provide a grant to the Washington Tennis and Education Foundation for recreation and education programs to be offered to at-risk school children in the District of Columbia.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

If the Secretary of the Interior considers that the decision of any value determination proceeding conducted under a National Park Service concession contract issued prior to November 13, 1998, misinterprets or misapplies relevant contractual requirements or their underlying legal authority, then the Secretary may seek, within 180 days of any such decision, the de novo review of the value determination by the United States Court of Federal Claims. This Court may make an order affirming, vacating, modifying or correcting the determination.

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefiting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefiting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefiting unit, in the amount of funds so expended to extinguish or reduce liability.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $991,447,000, of which $64,171,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $7,882,000 shall remain available until expended for satellite operations; of which $21,083,000 shall be available until September 30, 2008, for the operation and maintenance of facilities and deferred maintenance; of which $2,000,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; of which $175,597,000 shall be available until September 30, 2008, for the biological research activity and the operation of the Cooperative Research Units; and of which, $13,000,000 shall be available only for the Mid-Continent Mapping Center (MCMC) in Rolla, Missouri to continue functioning as a full service mapping organization: *Provided*, That none of the funds made available under this Act may be used to consolidate the functions, activities, operations, or archives of the Mid-Continent Mapping Center (MCMC), located in Rolla, Missouri, into the National Geospatial Technical Operations Center (NGTOC): *Provided further*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

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AMENDMENT NO. 8 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. TANCREDO:

Page 28, line 14, strike "; and of which" and all that follows through "*Provided further*," on line 22.

Mr. DICKS. Mr. Chairman, I reserve a point of order on this amendment. We have not seen the amendment. The gentleman has not shown us the amendment.

The CHAIRMAN. The point of order is reserved.

Mr. TANCREDO. Mr. Chairman, this amendment will strike language added during the committee markup that prevents the U.S. Geological Survey from consolidating its older and obsolete mapping centers into a single consolidated national geospatial technical operations center.

According to the agency, the consolidation is critical to the USGS's ability to lead the Nation in facilitating and leveraging geospatial information services.

The centers USGS is attempting to consolidate were established many years ago to support a large field-based workforce spread out across the country when map production involved exhaustive field survey and was more manually intensive. That was fine back then, but it makes no sense now.

USGS, by their own admission, no longer manually collects and plots this kind of information, nor do they print a large volume of maps. Advanced technologies like remote sensing, we have all seen Google Earth, along with consumer demand for easy access to digital products have the USGS role.

The language in my amendment would strike needlessly imposing a 20th century paradigm on an agency that is desperately trying to make its way into the 21st century. This consolidation is not only saving taxpayers money, but it will create a more effective, efficient and modern USGS that is better prepared to work with partners in the State, local and private sectors.

In addition, it will make the agency more user friendly, a better place to respond to the needs of the most important customers, the U.S. taxpayer. This consolidation plan announced in September of last year has been rigorously reviewed twice, once by an internal USGS review team and again by the Interior Department Inspector General.

Both found the process leading to the decision to consolidate the facilities was open, fair and adequate. The mission of the USGS is to serve the Nation by providing reliable, scientific information to describe and understand the Earth, minimize loss of property from natural disasters, manage water, biological energy and mineral resources and enhance and protect the quality of life.

Its mission is not to maintain antiquated facilities or outmoded paradigms to serve the parochial interests of the State or the Nation.

Mr. Chairman, I do intend to withdraw this amendment, but I first would yield to my colleague from Colorado.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, the gentlemen makes a compelling point that we would be following the recommendations of a number of groups. Primarily the Bush administration has pointed out that this is a sound business decision that is fair to the taxpayers.

I believe the gentlemen's amendment should be supported today, but we will support whatever decision he decides is appropriate.

The amendment would remove language from the bill requiring the USGS to have a "full service mapping organization" at a specific location.

The Interior Department says that this would require them to continue to use outdated technology and would block them from their plans to consolidate mapping operations.

The Bush Administration objects to the language now in the bill because they say it is not fiscally responsible and would reduce their ability to provide needed geospatial information.

In a letter to the appropriations committee, the Interior Department describes their plans as being "a sound business decision" that is "fair to the taxpayers."

I think that description is accurate, showing that even this Administration sometimes gets things right.

So, I think that on this matter we should do what they suggest.

I urge adoption of the amendment.

Mr. TANCREDO. I yield to the gentleman from Colorado.

Mr. BEAUPREZ. I thank the gentleman for yielding.

Mr. Chairman, I would join with my additional colleague from Colorado in supporting the gentleman's amendment. I entered into a colloquy earlier on the debate over the underlying bill and had that colloquy with the chairman of the subcommittee, and so my comments are in the RECORD. But I too am very supportive. I want to be on record as supporting the gentleman's amendment in every way, shape and form, and join my colleague, Mr. UDALL, as well.

Mr. TANCREDO. Mr. Chairman, reclaiming my time. I hope we can work together on this issue.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mrs. EMERSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am pleased that the gentleman has decided to withdraw his amendment, because if he had been studying this issue as long as we had in Missouri you would find, number one, that the cost of moving the mapping facility to Denver, Colorado, is an increase to taxpayers of $2,069,322, and a 13.8 percent increase over the cost today of managing this program.

Now, let me just give you a little bit of history about this. Originally the goal was to consolidate the four USGS mapping sites and find the office that would be most competitive against the private sector. This is according to the former USGS Director. And Rolla, Missouri, the facility that we have today, has scored the best out of all of the criteria that the USGS committee put together for this planning. As a matter of fact, it scored 4.18 out of a possible 5, and Denver scored 2.84 out of a 5. The USGS planning committee actually recommended that the mapping center be located in Rolla, but it was subsequently decided by one individual within USGS to move it arbitrarily, so that it would lose against private competitors.

And let me also say that the Inspector General who did a report at the request of Senators BOND, TALENT and I, has found that USGS "failed to effectively and transparently demonstrate the entirety of its criteria or communicate the magnitude of its rationale." In effect, the decision was made by one person who dismissed an entire team and planning process which was convened to select the site.

Mr. Chairman, I would like to yield to my colleague from Missouri (Mr. HULSHOF).

Mr. HULSHOF. I appreciate first of all the tone in which the gentleman offers this amendment. In the health care field, the Hippocratic Oath says first do no harm. A colloquialism from the outstate Missouri region that I think is appropriate here is, if it ain't broke, don't fix it.

I can assure my friend from Colorado that the National Geospatial Technical Operations Center in Rolla, Missouri, is a bargain for America's taxpayers and then some. The 160 employees at USGS Rolla are extremely proficient and possess a specialized technical skill. In fact, I heard the word "obsolete." These specialized individuals worked around the clock to produce digital data sets of graphics in the aftermath of Hurricanes Rita and Katrina.

USGS Rolla continually provides the most current imagery and other geospatial data to the Departments of Homeland Security and Defense. They form useful partnerships with Fort Leonard Wood as well as University of Missouri Rolla. The latter especially focuses on earthquake preparedness, as the gentlewoman from southeast Missouri knows is so important in response to the New Madrid fault.

USGS is not obsolete. It does play a critical role in Rolla in disaster response, and is the best and most affordable choice for this functionality.

Mrs. EMERSON. Mr. Chairman, reclaiming my time, I want to thank the gentlemen from Missouri. I also want to point out to my colleagues from Colorado that the USGS facility in Rolla provides geospatial data to the border health issue, which I know is of great interest to the gentlemen.

And I do want to correct a mistake. I did say that Denver scored 2.84 out of 5 as compared to Rolla, which was 4.18. Denver actually scored 3.11 out of 5, as compared to 4.18 for Rolla.

Mr. TANCREDO. Mr. Chairman, I move to strike the last word. I would like to engage in a colloquy with the chairman.

Mr. Chairman, I had intended to offer an amendment that would prevent the use of funds to delay action on a petition to remove the so-called Preble's Jumping Mouse from the Endangered Species List.

I say so-called, because in December of 2003, a scientific study conducted by biologists and the Chair of the Denver Museum of National History's zoology department, concluded that the Preble's Mouse is, in fact, not really a valid subspecies at all.

Ms. Ramey's findings contradicted a 1950 study based on just three museum specimens. That was the basis of the original "threatened" designation. Ironically, the Arizona professor who conducted the study a half century ago himself now agrees that Ramey's research invalidates his findings.

In early 2005, in the wake of Ramey's study, the U.S. Fish and Wildlife Service determined the petition to delist the mouse was warranted, and the agency began the delisting process. Better late than never, although that belated policy shift is not much of a consolation to those who have coughed up an estimate $8 to $17 each year in compliance costs.

Mr. Chairman, I believe that Dr. Ramey's work and the courage of former Interior Secretary Gail Norton to take action on it were important steps in our effort to base conservation decisions on science instead of politics or emotion.

Unfortunately, however, progress is stalled. In January of this year, the bureaucracy questioned the Ramey study, and in February the agency pushed back a decision on the delisting petition for another 6 months.

Mr. Chairman, I feel the agency is falling back into the all too familiar analysis paralysis that has become the hallmark of the Federal resources agency.

Quick action on this petition is extremely important to the people of my congressional district. I hope we can work together to ensure the agency's bureaucrats do not successfully subject this delisting petition to death by delay.

Mr. TAYLOR of North Carolina. Will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from North Carolina.

Mr. TAYLOR. Mr. Chairman, I sympathize with the gentleman's position. The Director of the Fish and Wildlife Service has informed the committee that he does not anticipate further delays in the delisting decision.

I would be happy to work with the gentlemen to ensure that the Service lives up to that commitment. I appreciate the gentleman calling that to our attention.

Mr. TANCREDO. I appreciate the chairman's attention to this issue. It is an extremely critical one in my area.

Mr. STEARNS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment that I was going to offer and then withdraw it. So I think all I am going to do today is place my statement in the RECORD and speak briefly in a colloquy with the chairman about this.

Mr. Chairman, I want to bring to my colleagues' attention a very important site called Fort King, which is in Florida. It is in my hometown of Ocala. It is a very prominent place in American history. Fort King is a site where Chief Osceola fought against the United States in the chapter of American history, the Second Seminole War. This is from 1835 to 1842.

This site in Ocala, Florida is represented by my good friend, Congressman KELLER, who also supports the idea of making Fort King part of a National Historic Landmark, because it played such a distinct role in the founding of our wonderful State of Florida.

Secretary of the Interior Gail Norton designated Fort King a National Historic Landmark on February 24, 2004, and we were greatly pleased. Then in November, 2005, Fort King entered a draft special resource study and environmental impact statement public comment period.

This continued, Mr. Chairman, and we look forward to moving Fort King along in the process, and so now I am working toward preserving Fort King in perpetuity as a National Park.

Mr. Chairman, I would like to bring this to your attention. We have put in a request to fund it, and I think my only purpose today is to bring it to the chairman and his staff's attention how important it is to the history of Florida and its founding, and then if you in the future would consider it, that would be utmost appreciated.

Mr. Chairman, I would be glad to yield to Chairman Taylor.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentlemen. I do recognize and appreciate you drawing it to our attention, the significance of the history of this matter, and we will take a look at it and see what we can do to work with the gentlemen.

Mr. STEARNS. Mr. Chairman, reclaiming my time. I thank the gentleman.

Mr. Chairman, I would like to take this opportunity to talk about an important site called Fort King, Florida, a site prominent in American history. Specifically, Fort King is the site where Chief Osceola fought against the United States, in a chapter of American history, the Second Seminole War from 1835–1842.

My home (and Representative RIC KELLER's), Ocala, Florida, is home to Fort King.

This Fort played a direct role in the founding of Florida as a State.

Secretary of the Interior Gale Norton designated Fort King a National Historic Landmark on February 24, 2004, to our great delight. Then, in November 2005, Fort King entered a Draft Special Resource Study and Environmental Impact Statement public comment period. This continues, and we look forward to moving Fort King along in the process of preservation. And now, I am working towards preserving Fort King in perpetuity as a National Park. My good friend and colleague in the neighboring District, the Honorable RIC KELLER, who also represents Ocala, has collaborated with me on this effort.

Historic sites are a vital link between current and future generations of Americans and those who came before us. These landmarks give context to the national experience and help us understand our past so that we can envision our future.

What happened at Fort King? It is a very long story, about which I will elaborate longer on another occasion. The abbreviated story is that on December 28, 1835, Fort King was the site of an outbreak of hostilities between the United States Government and the Seminole Indians. The Seminoles were led in this attack by Chief Osceola. This attack began the Second Seminole War, which lasted longer than any other United States armed conflict, except for the Vietnam War.

Chief Osceola's first appearance to the world was at Fort King in October 1834. The defiant young war chief rejected the U.S. orders to leave Florida and threatened war unless the Seminoles were left alone. There was no trust left between the U.S. Army and the Seminoles. Then came the fateful day of December 28, 1835. That morning 40 miles to the south along the Fort King Road, the Seminoles ambushed and annihilated two companies of U.S. Army regulars in route to Fort King. That afternoon, Osceola shot and killed the Indian Agent Wiley Thompson outside the walls of Fort King. The Second Seminole War had begun.

During the 7 year guerrilla war that followed, every major general and every regiment of the U.S. Army was stationed at or passed through Fort King: men who would gain fame in the Mexican and Civil Wars. And here stood the enlisted men: Bemrose, Clarke, and hundreds of others who served in the Florida War.

Following the initial series of engagements, most of which the Seminoles won, U.S. forces withdrew from the interior of Florida abandoning Fort King in May 1836. The Seminoles stood victorious, and burned the hated Fort King to the ground. But it would be a short lived victory, when the Army returned a year later and rebuilt Fort King.

When it finally ended in 1842, most of the Seminoles had been killed or captured and relocated to Indian Territory in Oklahoma. These native Americans constitute the Seminole Nation of today. An unconquered and defiant few withdrew to the vastness of the Florida Everglades and survived to the present as the Seminole Tribe of Florida.

In March 1843, Fort King was abandoned by the U.S. Army for the last time and transferred to the people of Marion County. The Fort was used as the County's first courthouse and public building. In 1846, it was dismantled by the citizens of Marion County for its lumber. The great pines had done their job.

Fort King and the surrounding area contain artifacts used in the attack and in the life of the Seminole Indians. Preserving our past for our children and grandchildren is imperative. Fort King is a historical gem that should be accessible to all. This site is significant, not only in Florida's history, but to the history of the Nation. I have been working on advancing Fort King through National Historic Landmark status towards hopeful, eventual National Park Service status, for the past several years, and am looking forward to see this project come to fruition. Representative KELLER and I hope that I can count on the Chairman's support to preserve this unique historic site for future generations.

FORT KING HISTORY

Fort King was originally constructed in 1827 to implement the conditions of the Treaty of Moultrie Creek, which restricted Florida Indians to specified reservation boundaries and prohibited all but authorized persons from entering the reservation. The fort, which was located at the edge of the Seminole Reservation, provided protection and security to the inhabitants of Florida.

On December 28, 1835 a band or Seminoles led by Osceola attacked and killed the Seminole Indian Agent Wiley Thompson and several others at Fort King. Simultaneously, a force of Seminole and Black Seminoles attacked 100 federal troops making their way to Fort King from Fort Brooke. Only one soldier survived the attack. Most scholars consider these two events as the beginning of the Second Seminole War.

Fort King played an important military role throughout the Second Seminole War by serving as a council site for negotiations between Seminole and the U.S. Government and as headquarters for the U.S. Army of the South.

CHRONOLOGY OF ENDEAVORS TO SAVE THE FORT KING SITE

The Ocala Chapter of the Daughters of the American Revolution purchased one acre of land that was thought to have the Fort King cemetery located on it in the 1930s.

Hurricane Gladys blew over a pine tree in 1968, exposing a cellar from a building associated with Fort King.

1988—1991: Ocala received matching grants from the Florida Department of State, Division of Historical Resources, for archaeological auger surveys to find the location of Fort King. The grants totaled $56,000. Ground penetrating radar was used and foundations from structures were recorded on the high ground.

In August 1991, the Marion County Board of County Commissioners voted to proceed with the attempt to purchase the Fort King site, using funds from the "Pennies for Parks" program.

The Marion County Commission with the help of the McCall family, City of Ocala, Bureau of Historic Preservation and Trust for Public Lands pursued the acquisition of the site from 1988 to 2001.

In 2001 the County, City, and State purchased the entire Fort King site with the City agreeing to maintain and protect the site.

On June 12, 2003 the National Park System Advisory Board unanimously recommended Fort King for National Landmark status.

On February 24, 2004 Fort King was designated as a National Landmark.

WHY A NATIONAL PARK?

Since the early 1900s local citizens recognized the historical value of this site not only to our community but to the nation.

On a national level, Fort King played a key role in the Second Seminole War and is strongly associated with the broader national themes of Indian Removal and Jacksonian Democracy, Manifest Destiny and Westward Expansion. The fort also had strong ties to persons, such as the famous Seminole Indian leader Osceola and General Wiley Thompson, who are significant in the history of our country. Most of the West Point graduates during this time period served at Fort King.

Compared to other Second Seminole War sites, Fort King contains the greatest wealth of intact subsurface features and artifacts presently documented. Archaeologists have also found that the site contains several precontact American Indian components, which with further research could answer important questions as to the transition between the Archaic (circa 2300–500BC) and Cades Pond (circa AD100–600) periods. Archaeological studies have already identified structural and artifactual features that relate to the early post-military use of Fort King. This site has the potential to provide important information about the establishment, early settlement and expansion of the Florida peninsula.

The City of Ocala and Marion County were politically and geographically established because of Fort King. This nationally significant historical resource fundamentally defines our sense of place, who we are as citizens and our role in our Nation's history.

SIGNIFICANCE OF A NATIONAL PARK

The designation of Fort King as a National Park will provide citizens the opportunity to experience the interpretive and educational benefits that the site has to offer. It will also create a new recreational opportunity, which is currently unavailable within the region. A National Park will attract visitors not only to this region but to the State of Florida.

Most importantly, the citizens of Ocala/Marion County are very proud of their heritage and have gone to great lengths to continually try to preserve it for future generations. The City of Ocala, Marion County, the Historic Ocala Preservation Society, the Marion County Black Archives, the Marion Country Historical Commission, the Marion County Museum of History, the Seminole War Foundation and many individuals have worked tirelessly to save buildings, sites and historic information as well as to create local preservation laws. These preservation efforts would not have been possible were it not for the continuous help and support from the State of Florida.

Mr. RENZI. Mr. Chairman, I rise to strike the last word for the purpose of engaging the chairman in a colloquy.

Mr. Chairman, I want to begin by thanking the chairman for his hard work on the National Fire Plan and also for the ranking member. The $2.7 billion in funding under the National Fire Plan increases the amount over last year by $80 million. It is essential in preventing forest fires throughout our Nation.

This map here shows the largest southern Ponderosa pine forest in America. I know the gentleman is very, very familiar with it. We have the largest stand of heavy fuel loads left in the forest, which are providing large-scale size forest fires throughout Arizona.

The last fire we had in our State broke the State record from the previous fire, which was over 560,000 acres. Communities like Flagstaff and Payson and Prescott, are entrenched with a fuel load around them that is making it a threat to live in this community and causing the insurance rates to skyrocket.

□ 1430

Severe drought, bark beetle infestation, and poor forest management have all led to this kind of a condition.

I would ask, please, and would thank both gentlemen that the report language include some of the boundary projects that need to go in place for people who do live in the forest, who make their livings there, who raise their families there, to be able to survive through the next forest fire season. Our forest fire season begins in February, the earliest in the country, and goes all the way to the end of autumn. And I would like to thank both gentlemen for their work on this effort.

Mr. TAYLOR of North Carolina. If the gentleman will yield, I realize the threat of the forest fires in Arizona, and I appreciate the hard work this gentleman has done on this issue. I will be happy to work with you to encourage the Forest Service to work on the fire breaks and the hazardous fuel projects in the vicinity of the Payson and other areas such as the gentleman represents in these important needs.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. RENZI. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to associate myself with the chairman's remarks and the gentleman's remarks. These are very serious issues. I would just say one thing: also in this bill is a sense of Congress on global warming, on the warming of our climate; and one of the things that the scientists talk about is more severe droughts. And this warming will exacerbate this problem if we don't do something about it.

So I just would say to the gentleman, because I know he is extremely sincere in his efforts to deal with protecting and allowing the clearing out of this understorage, you have got to also think about the severity of these droughts which is being made worse by the warming of the climate. So they are interrelated.

Mr. RENZI. Reclaiming my time. I appreciate the gentleman's comments. We in Arizona understand warming, the sunshine State; and our initiatives are more towards the area of trying to thin the forest. We are so far behind in getting those fuel loads out, and I know the gentleman recognizes that. And I do appreciate the chairman talking about the town of Payson, Arizona, which we almost lost last year, an entire community where the fire was burning so hot and so fast it actually blew embers a mile and a half in the air as they were landing in and near that community. So I thank you very much for your comments. Mr. Chairman, I thank you for your hard work on the National fire plan.

Mr. POMBO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage Chairman TAYLOR in a colloquy regarding the State Water Research Institute's program.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would be happy to discuss the matter with the distinguished chairman of the Resources Committee.

Mr. POMBO. Mr. Chairman, as chairman of the Resources Committee, I have fought to add more domestic water supplies to blunt the effects of drought, population growth, and environmental mandates. We have made significant progress in this effort, but more change can be made to existing programs to help create more water supplies. One needed reform is to the State Water Research Institute's program which is funded through the USGS in this bill. This program needs to be reauthorized and changed to reflect current-day water supplies. In fact, the Resources Committee held a hearing just last week on Mr. DOOLITTLE's bill to reauthorize the program by adding water supply creation as a focus and to create better transparency and results-oriented research.

I have concerns with the appropriation in this bill to a program in desperate need of change, but I want to work cooperatively with the distinguished gentleman from North Carolina to resolve this concern. Absent such authorization, it will be difficult for Congress to continue its support for this program in the future.

Mr. TAYLOR of North Carolina. I want to ensure my colleague from California that our water research program should be targeted and focused to solving real water supply problems. I am aware that the Resources Committee is advancing Mr. DOOLITTLE's bill and that reauthorization is needed. I look forward to working with my colleague on this important issue and thank him for bringing that to our attention.

Mr. POMBO. I thank the gentleman very much.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for the purchase and replacement of passenger motor vehicles; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $157,496,000, of which $79,158,000 shall be available for royalty management activities; and an amount not to exceed $128,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided*, That to the extent $128,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $128,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That $3,000,000 for computer acquisitions shall remain available until September 30, 2008: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further*, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), MMS in fiscal years 2007 through 2010 may retain three percent of the amounts which are disbursed under section 31 (b)(1), such retained amounts to remain available until expended.

AMENDMENT NO. 11 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. MALONEY:

Under "Minerals Management Service royalty and offshore minerals management", after the first dollar amount insert "(increased by $1,000,000) (reduced by $1,000,000)".

Mrs. MALONEY. Mr. Chairman, the Maloney-Miller amendment would direct $1 million of the overall appropriation for the Minerals Management Service to States and tribes for auditing purposes. I understand that the majority will accept this amendment, and I want to thank Chairman TAYLOR and Ranking Member DICKS and their staff for their assistance and support.

I also want to thank Representative GEORGE MILLER for working with me to provide this critical funding to the States and tribes to perform these audits. According to data collected from MMS in previous years, the States and tribes collect $5 for every dollar spent on audits. I believe this amendment is an important step in ensuring that the companies responsible for remitting royalties from minerals produced from Federal and Indian leases do so in compliance with applicable lease terms, regulations, and policies governing the valuation of the produced minerals. At a time of increased values for gas and oil, States and tribes should be given more resources to ensure that royalty payments are paid in full.

Mr. Chairman, I yield to the chairman of the committee, and hopefully he will support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I am willing to accept this amendment and work with the gentlewoman and the Interior Department to increase State and tribal auditing funds. Thank you very much for bringing it to our attention.

Mrs. MALONEY. I thank the chairman and Ranking Member DICKS.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,903,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $112,109,000: *Provided*, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2007 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $185,936,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided*, That grants to minimum program States will be $1,500,000 per State in fiscal year 2007: *Provided further*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts allocated under section 402(g)(2) of such Act as of September 30, 2006, but not appropriated as of that date, are reallocated to the allocation established in section 402(g)(3) of the Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and Tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,973,403,000, to remain available until September 30, 2008 except as otherwise provided herein, of which not to exceed $74,179,000 shall be for welfare assistance payments and, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $151,628,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2007, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $457,352,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2007, and shall remain available until September 30, 2008; and of which not to exceed $66,277,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed the welfare assistance payments cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $44,060,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2006 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2006, of Bureau-operated schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2008, may be transferred during fiscal year 2009 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2009.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $215,799,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2007, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of replacement school construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any tribe or tribal organization receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction of the replacement school: *Provided further*, That this Appropriation may be reimbursed from the Office of the Special Trustee for American Indians Appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $39,213,000, to remain available until expended, for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 107–331, and 108–477, and for implementation of other land and water rights settlements, of which $316,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation and of which $5,067,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004 and of which $200,000 shall be transferred to the "Bureau of Land Management, Management of Lands and Resources" account for mitigation of land transfers associated with the Snake River Water Rights Act of 2004.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $6,262,000, of which $626,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $87,376,744.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase and replacement of passenger motor vehicles.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and executive direction and administrative services (except executive direction and administrative services funding for Tribal Priority Allocations and regional offices) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the chairman in a colloquy regarding the Klamath River Basin recovery in northern California.

Mr. Chairman, as you know, salmon fishing off the coast of California and Oregon has been shut down this year due to poor returns of Chinook salmon to the Klamath River. In 2001, farmers in the Klamath Basin were similarly shut down due to the resource problems in this watershed.

I know the chairman would agree with me that these two occurrences demonstrate the urgent need to combine peer-reviewed science with local stakeholder cooperation in order to help fish in the Klamath Basin recover so that fishing and farming in the area can continue. Mr. Chairman, you have helped with this effort in the past, and I thank you for your attention to this important issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I agree with the gentleman that accurate science, local input, and the establishment of a clear plan is the best approach to solve the problems in the Klamath Basin, and the committee has tried to be helpful in this regard.

Mr. THOMPSON of California. As you know, Mr. Chairman, one important aspect of addressing Klamath issues is the development of a salmon recovery plan. And no plan will be successful without broad support and voluntary cooperation by local stakeholders. Fortunately, there has been progress in the Klamath Basin to develop voluntary recovery plans and projects for the threatened Coho salmon. This has been done collectively with farmers, tribes, fishers, and scientists. Would the chairman support me in requesting that the U.S. Fish and Wildlife Service and NOAA fisheries use their existing authorities and the conservation funds identified in this bill for the Klamath Basin to implement the salmon recovery projects that have been developed by this local stakeholder group?

Mr. TAYLOR of North Carolina. I agree with the gentleman that plans that identify locally supported and on-the-ground recovery projects are an important part of helping to solve the problems. I would be pleased to support the gentleman by directing the Fish and Wildlife Service work with NOAA fisheries and the local stakeholders. Further, the Committee would be glad to facilitate a meeting as soon as possible with the Fish and Wildlife Service on this important issue. I thank the gentleman for bringing this to our attention.

Mr. THOMPSON of California. I thank the chairman for his cooperation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding 25 U.S.C. 2007(d), and implementing regulations, the funds reserved from the Indian Student Equalization Program to meet emergencies and unforeseen contingencies affecting education programs appropriated herein and in Public Law 109-54 may be used for costs associated with significant student enrollment increases at Bureau-funded schools during the relevant school year.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if a tribe or tribal organization in fiscal year 2003 or 2004 received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such tribe or tribal organization using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $77,561,000, of which: (1) $69,537,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) $8,024,000 shall remain available until September 30, 2008, for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,362,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $118,303,000; of which $7,915,000 for appraisal services and Take Pride in America activities is to be derived from the Land and Water Conservation Fund and shall remain available until expended; of which not to exceed $8,500 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations.

AMENDMENT NO. 10 OFFERED BY MR. CANNON

Mr. CANNON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CANNON:

Page 46, line 8, after the dollar amount insert "(reduced by $18,000,000)".

Page 47, line 1, after the first dollar amount insert "(increased by $16,000,000)".

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from Utah is recognized for 10 minutes.

Mr. CANNON. I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this amendment that I offer on behalf of myself, Mr. MARK UDALL, Mr. ROB BISHOP, Mr. RAHALL, Mr. GIBBONS, and Mr. SALAZAR to redirect $16 million from Departmental salaries and expenses to the Payment in Lieu of Taxes program.

I am pleased to be working with this bipartisan group and thank the gentlemen for their support. All of us have something in common: we represent some of the 1,900 counties that host public lands that rely on the Payment in Lieu of Taxes program to mitigate the impact of the lost tax revenues resulting from Federal land ownership.

The Federal Government owns nearly 650 million acres of land, most of it in the West. The map I have here has all land owned or held in trust by the Federal Government in red. As you look at this map, you can see that we have a problem: the Federal Government owns the bulk of the West. That means that we do not tax those lands, and that means that in the western United States we pay less per child for education but we tax our people more per family because we are supporting the Federal Government.

As the chairman of the Congressional Western Caucus, I know well that my fellow colleagues in the West struggle with these issues. It is only fair that we pay a reasonable amount in lieu of taxes to cover this shortfall. The Payment in Lieu of Taxes program was created in 1976 to provide payments to counties to make up for the property taxes they are prevented from collecting on Federal lands located within their boundaries. This year, the administration's budget proposed to cut PILT by $34 million, a paltry 56 percent of the authorized level.

Under Chairman TAYLOR's leadership, and I might say also Ranking Member DICKS', we have been able to achieve historic levels of PILT funding. We thank them both for that and for their efforts this year that have nearly restored last year's PILT funding levels.

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While the number currently in the bill is significantly above the administration's recommendation, it is well under last year's level and far from what it should be, and our counties are bearing the brunt of it.

While the Department's administrative budget has nearly doubled since 2001, PILT funding levels have not kept pace, and this is not acceptable.

It is imperative that we keep fighting for funding so our rural counties will not have to continue to foot the bill for lands owned by the Federal Government.

I urge my colleagues to support the amendment to bring PILT funding levels to the nearly 70 percent of authorization and support the counties that host our public lands.

This amendment will add a modest sum to the PILT program, a sum that is important to the American people who live in and around these Federal lands and those who travel to them and enjoy them from around country.

Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in support of this important amendment. The amendment would increase funding for the so-called PILT program, the Payment in Lieu of Taxes, by $16 million. It would bring the total in the bill to about 81 percent of the authorized amount. In my opinion, that is still not enough, but it is an important down payment and a definite improvement for all of our rural counties.

As you can see here on the map, those of us in the West, in particular, are affected by payment in lieu of taxes payments because we have the great majority of public lands in the West. Uncle Sam is everybody's neighbor in the West, and we look to our neighbors for help. PILT is one of the best ways that Uncle Sam can help Colorado and other States. So this is an important amendment and one that deserves to be adopted by the House.

If I could, I would like to use the rest of my time to talk about how we can do more.

We should act to make it unnecessary to continue debating PILT as a part of the appropriations process every year, and this is why I have introduced along with my colleague the gentleman from Colorado (Mr. SALAZAR) H.R. 788, which would provide permanent and automatic funding at the full authorization level and outside the appropriations process for PILT.

Under our bill, PILT would no longer be held hostage every year to the appropriations and budget processes so local counties could count on receiving full and timely payments based on the formulas set by law.

This legislation is similar to a bill proposed by our former colleague Congressman McInnis before he retired from the Congress, and like his bill, our legislation has bipartisan support.

In addition, my neighbor, the gentlewoman from Wyoming (Mrs. CUBIN), has introduced a bill that would phase in PILT funding over a 3-year period, and this, too, would be an improvement over the current situation.

So I know, along with all of my Western colleagues, Republican and Democrat alike, I stand here hoping that the Resources Committee will take up our legislation soon, but in the meantime we should do the next best thing and adopt this important bipartisan amendment.

I want to thank the gentleman for yielding.

Mr. CANNON. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Chairman, I rise today to express my support for the amendment that would add $16 million of PILT funding for the program.

This bill is a great disappointment to me. Being from Colorado, in my district, where 74 percent of all of our lands is public lands, the State has vast public lands and public resources, and the funding this bill provides is vital for my State, but the funding fails us at many levels.

One of the many problems with this bill is the cuts to the Clean Water State Revolving Fund and the State Tribal Assistance Grants, and probably the most frustrating part of this bill is the lack of adequate funds for payment in lieu of taxes. As my colleague Mr. UDALL said, we have introduced legislation that would actually make it an automatic funding.

In fact, my district has 29 counties and over 60 percent of that in Federal ownership. This is lost revenues to these counties, and all 29 counties receive PILT payments.

Through legislation passed, the PILT funding program is authorized for $350 million in funding for fiscal year 2007. Yet, year after year, this funding program does not receive the adequate, authorized funding needed.

This year, the Appropriations Committee chose to only fund $228 million. This is $122 million short. My colleagues and I offer this amendment to help provide needed funding. This is vital to Western States. It is vital to rural America, and I would like to thank Mr. CANNON, Mr. UDALL of Colorado, Mr. BISHOP of Utah, Mr. RAHALL and Mr. GIBBONS for their hard work on this issue.

I urge my colleagues to support the passage of this amendment.

Mr. CANNON. Mr. Chairman, I want to thank the gentleman from Colorado for his comments, and I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I want to thank the gentleman from Utah for yielding me the time, and Mr. Chairman, I am grateful to stand here in support of this bipartisan amendment, grateful not just as a Member of Congress from Nevada, but as member of the Western Caucus as well.

Mr. Chairman, as you can see, in Nevada, the Federal Government owns more than 60 million acres of land, which equates to nearly 87 percent of the State. More often than not, for those of us in the West, the Federal Government is not just our neighbor, it is the neighborhood. With such a large Federal presence comes significant challenges, especially in our rural communities.

The PILT program helps compensate for the inability of our rural communities to generate sufficient property tax revenues needed for schools and local infrastructure because of the overwhelming Federal land ownership, and since Nevada cannot generate revenue from nearly 87 percent of the State, PILT funding is vital. Yet the program has never been adequately funded.

In my congressional district alone, Nevada has lost more than $68 million over the last 10 years because PILT has not been fully funded.

I want to thank the chairman, Mr. TAYLOR, for his efforts to increase PILT this year. The $198 million requested by the administration was very disappointing and would only serve to exacerbate the current funding discrepancy and increase the burden on our rural communities.

Chairman Taylor added $30 million to the PILT this year above the administration's request, and for that we are grateful but we cannot stop there.

This amendment will allow all communities, and especially our rural communities, to continue to provide not only for their residents but for essential services for visitors to our public lands such as law enforcement, emergency health care, and search and rescue.

It bears mentioning again that Nevada cannot raise revenue from more than 87 percent of our State, and many counties across the country face similar loss of tax based revenue.

I strongly encourage all of my colleagues to support this bipartisan amendment that will help the Federal Government fulfill its commitment and obligations to communities and ease the burden of heavy Federal land ownership in our rural communities.

Mr. CANNON. Mr. Chairman, I yield the remaining 1 minute to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the other maps were in green and red. Mine is in blue, and my chart is to show in the blue the total amount of each State's land that is now combined and controlled by the Federal Government.

You can see an obvious change in States here that in the West who, when they were admitted to the States, were admitted with certain conditions for the yielding of that State land. It was unilaterally changed by the Federal Government in the 1950s, and in the 1970s when the PILT program came into effect, it was somehow to try and offset the impact of those particular changes.

The Department of the Interior said 2 years ago when they took over the funding of the PILT issue they would ensure appropriate emphasis. It has not happened to this date.

This amendment would actually do that by putting PILT up to what was appropriated last year and to where the Senate purports to be at the end of this year's session.

Let me just say that in the short time I have to finish, the Washington Post has endorsed this amendment. You may not have known that because they do not know it either, but last year, they wrote the Federal Government is the largest landowner in Washington, DC, and since this land cannot be taxed, the Federal Government is the principal contributor to the district's chronic fiscal imbalance.

That is our point for those of us in the West exactly. This is the problem that we have, and PILT is the one that tries to change that economic impact to mitigate the losses that we indeed have. The Department of the Interior has a commitment to make sure PILT was fully funded. All we are trying to do with this amendment is to help the Department of the Interior to maintain their commitments.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Mr. DICKS and I in our original markup, which was a $34 million cut, reinstated $18 million in that first appropriation. Later, we added another $12 million in for that and brought it within $4 million of last year's effort.

Now, when the gentleman takes $18 million out of the funding for the Department, we do considerable damage, and the Department oversees one in every five acres of national land, including vital tributaries and recreation areas, and produces over $14 billion in royalty revenue for the U.S. Treasury, and it must have the funds in the operations account.

Frankly, if we were doing more harvest in our national forests we would not need this much PILT because that was really where it was to come from when the forests and other public lands were started, but we will try to do what we can.

I will yield to the gentleman's amendment, and we will accept his amendment, knowing that in conference we may not be able to hold this third increase.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the amendment to increase funding for PILT.

I am proud to join my colleagues from Western States to make the point that PILT is a vital part of communities across this great land. PILT funds help make communities safer, cleaner and healthier in 49 of our 50 States—from Maine, to West Virginia, to California. In seeking adequate PILT funding, we are truly all in this together.

Now some may say that, in the grand scheme of our Federal budget, PILT payments to counties are just not that important. Well I can tell you that the PILT funding received by Greenbrier County or Pocahontas County in West Virginia is crucial to their ability to provide the quality and quantity of local services the families of West Virginia deserve.

I am also here to support more funding for PILT because I support public land ownership and acquisition, where it is appropriate. As the ranking member on the House Resources Committee, I have the privilege of working with the other committee members to oversee our national parks, forests and refuges. These lands are part of our national identity and they are a birthright we will pass on to future generations of Americans.

But along with responsibility for these public lands comes a responsibility to the surrounding local communities. PILT payments compensate these local communities for lost revenue due to public land ownership. Making good on those payments is part of being a good steward but it is also part of being a good neighbor, and that is something we take very seriously in West Virginia.

The budget priorities chosen by this administration and this Congress force many very painful decisions. However, funding for a program as broad and important to local governments as PILT must be funded adequately. I urge adoption of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. CANNON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 46, line 8, after the dollar amount insert "(reduced by $1,800,000)".

Page 64, line 11, after the dollar amount insert "(increased by $1,800,000)"

Mr. SANDERS. Mr. Chairman, first, I want to thank the majority and the minority because my understanding is they have accepted this amendment, and I appreciate that very much.

The legislative intent of this amendment is to increase the funding for the Environmental Protection Agency's EnergyStar Program in K-12 school systems by $1.8 million offset by a reduction in administrative expenses for the Department of the Interior.

Mr. Chairman, our Nation's 17,450 school districts are facing serious problems. Their budgets are threadbare, and most can barely pay their teachers a living wage. To make matters worse, America's school buildings are aging. The average age is over 42 years, and the vast majority could greatly benefit from energy saving improvements.

According to the EPA, energy costs represent a typical school district's second largest operating expense after salaries, more than the cost of computers and textbooks combined. Amazingly, in a typical school, one-third of the energy used goes to waste, largely due to old and poorly functioning equipment, poor insulation, and outdated technology.

Unfortunately, school administrators are often hard pressed to allocate any of their limited funds toward improving the energy efficiency of their buildings and systems, even when it is clear that such improvements would save them substantial sums of money that could help pay for their other needs.

Fortunately, the EPA has an energy conservation program that can help these schools do just that: to implement energy-saving strategies that save money, help children learn about energy, and create improved teaching and learning environments.

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The EPA's EnergyStar Program, in its partnership with America's K through 12 school districts, is committed to building a new national infrastructure of schools that are smart about every aspect of energy.

In addition to helping school districts save up to 30 percent on their energy bills each year, energy efficiency prevents greenhouse gas emissions and improves the students' learning environment. Schools that are well lit, well ventilated, and in good repair create a healthy, comfortable learning and teaching environment. A better physical environment is among the many factors that have been demonstrated to contribute to increased learning and productivity in the classroom, which in turn affects performance and achievement.

Right now, more than 200 school districts across the country are partnering with EnergyStar. But for a Nation whose schools spend $5 billion annually on energy, there is obviously a lot of work to do. Of the 11,000 school buildings that have been rated, only 16 percent of the Nation's total school building inventory, only 530 schools have earned an EnergyStar rating by achieving a score of 75 or higher, a score that means that they use about 40 percent less energy than average buildings.

Fortunately, the EPA is now working with partners such as the National School Boards Association, the National Parent-Teacher Association, and the Sustainable Buildings Industry Council to collaboratively improve the energy efficiency and the indoor environments of many more of our Nation's K through 12 schools. These efforts are helping school districts to save big on utility bills and maintenance costs, in turn freeing up funds to pay for books, computers and teachers, and to improve indoor air quality and comfort. These efforts deserve our support.

In short, Mr. Chairman, the EnergyStar Program helps our Nation's schools to implement energy saving strategies that save money, help children learn about energy and create improved teaching and learning environments. This amendment would add $1,800,000 to this important work in our Nation's K through 12 school systems.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word.

This amendment would provide an increase of $1.8 million, and while I do not approve of the proposed offset, I am prepared to accept the amendment and we will do that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C.

6901–6907), $228,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided*, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,923,000, to remain available until expended.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $56,755,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $39,688,000.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $150,036,000, to remain available until expended, of which not to exceed $45,000,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Departmental Management, "Salaries and Expenses" account: *Provided further*, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2007, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $34,006,000, to remain available until expended, and which may be transferred to the Bureau of Indian Affairs and Departmental Management accounts: *Provided*, That funds provided under this heading may be expended pursuant to the authorities contained in the provisos under the heading, "Office of Special Trustee for American Indians, Indian Land Consolidation" of the Interior and Related Agencies Appropriations Act, 2001 (Public Law 106–291).

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101-380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,109,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further*, That no programs funded with appropriated funds in the "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund: *Provided further*, That the annual budget justification for Departmental Management shall describe estimated Working Capital Fund charges to bureaus and offices, including the methodology on which charges are based: *Provided further*, That departures from the Working Capital Fund estimates contained in the Departmental Management budget justification shall be presented to the Committees on Appropriations for approval: *Provided further*, That the Secretary shall provide a semi-annual report to the Committees on Appropriations on reimbursable support agreements between the Office of the Secretary and the National Business Center and the bureaus and offices of the Department, including the amounts billed pursuant to such agreements.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 104. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONAWAY:

Page 54, beginning at line 15, strike section 104.

Mr. CONAWAY. Mr. Chairman, I rise today to talk about an issue that is in every paper and on every television program almost, on every news channel, and that is the supply of oil and gas that this country not only uses but in particular produces.

For 25 years now, we have used this appropriations bill to unnecessarily restrict access by those who would explore for oil and gas to lands and properties and, in this instance, the Outer Continental Shelf, where it is clear that significant supplies of oil and natural gas exist. The additional production that would be gained from these areas is self-evident as to the values of it, not only the balance of payment, because every MCF of gas that we produce from these lands would offset gas that is imported, and any number of jobs are created when we are drilling for oil and gas on our own properties and our own lands.

The industry's safety record over the last 25 years has continued to improve. The risks to the beaches in this area off the gulf coast of Mexico is de minimis. The safety record is exemplary not only in the drilling phase but also in the production phase.

With respect to the production phase, you cannot paint a worse scenario to go through the Gulf of Mexico and destroy those production platforms than Hurricane Katrina in August. As a result of the sub-sea engineering that is in place to protect against oil and gas spills, when Hurricane Katrina came through and destroyed many of the production facilities, there was no release of crude oil and natural gas into the environment.

The estimates for the amounts of oil and gas in this region range from trillions of cubic feet of natural gas and billions of barrels of oil, all of which would go to reduce America's dependence on imported crude oil and natural gas. So my amendment would simply strike these provisions that have unnecessarily restricted access to these waters.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to oppose the amendment, and I would ask the gentleman to withdraw the amendment.

I would say to the gentleman that I am concerned about high energy prices, and I would agree with him that it would be better to increase the production of oil and gas from our Federal waters, but this year I think the oil moratorium should be addressed with comprehensive authorizing legislation which would guide the appropriate leasing.

So I would say to him that we would commit to working with him on this issue and ask that he withdraw his amendment.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I appreciate that. It was my intent to withdraw this amendment but after a discussion with my colleague from Florida. If I could have that discussion, sir.

Mr. PUTNAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage my good friend from Texas. This is an issue that the State of Florida and other coastal areas have been dealing with for the past 25 years in terms of the appropriateness of the moratorium. This particular issue is one that has obviously reached critical mass, with the shortages of natural gas that we are facing and the high price of gas that consumers are dealing with.

However, this is an important balancing act that this Congress must consider very carefully. Whatever we do as it relates to offshore drilling ought to be done in a comprehensive manner, it ought to have the input of the States, and it ought to recognize the sensitive areas.

My friend from Texas makes a very important point about the economic necessity and, frankly, the improvements in technology that allow for safer production and safer exploration capabilities. But it is my belief, and the belief of certainly the Florida delegation, that we must deal with this separate and apart from the spending bill.

We must also deal with it in a way that does not expose an area as close to the beaches as 3 miles to the prospect of oil and gas rigs, and one which allows a range of input from throughout the membership so that we can move forward with the goal of dealing with our national energy crisis, do it in a safe and comprehensive way, and do it in a way that respects the rights of States to opt in or opt out, as appropriate, dealing with their own individual environmental sensitivities.

We recognize our obligation as Floridians as major energy consumers, that we have an obligation to review our previous positions. We recognize the improvements in technology. But, frankly, 3 miles off of our coast is an unacceptable limit, and we believe that this issue is best served as a stand-alone comprehensive bill.

Mr. CONAWAY. Mr. Chairman, in the spirit of cooperation with my colleague from Florida and the chairman, and in the interest of working on a comprehensive solution that addresses the supply issues that face our Nation, as well as the States' rights issues that are very legitimate concerns as to where the drilling begins off a particular State's coast, and the opportunity to allow each State to make that decision for their own, as Texas has done for many, many years, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 105. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 106. No funds provided in this title may be expended by the Department of the Interior to conduct oil preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

AMENDMENTS OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer three amendments, and I ask unanimous consent they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. TAYLOR of North Carolina. Mr. Chairman, reserving the right to object, and I will not object, with the understanding with the gentleman that he will agree with a unanimous consent request that I will make to limit debate on the amendment to 10 minutes, with 5 minutes divided on each side. Does the gentleman share that understanding?

Mr. POE. That is correct, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. POE:

Page 54, beginning at line 15, strike section 104.

Page 54, beginning at line 24, strike section 105.

Page 55, beginning at line 6, strike section 106.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 10 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Without objection, they may be considered under that limitation.

There was no objection.

Mr. POE. Mr. Chairman, the United States has to be more self-sufficient when it comes to energy. We import 60 percent of our crude oil from foreign countries. In doing so, we are subject to the illegal price-fixing cartel known as OPEC. The Gulf of Mexico is responsible for one-third of the domestic oil production and 20 percent of the domestic natural gas production. My amendment will end the congressional moratoria on energy exploration along the Outer Continental Shelf.

Right now, Mr. Chairman, the areas shaded in blue are where we drill offshore. We drill offshore of the coast of Texas, Louisiana, and part of Mississippi and Alabama. All of the red on the West Coast, East Coast, and the other parts of the Gulf of Mexico are prohibited by law. Since the 1980s, Congress has been placing appropriations moratoriums on drilling in all these red areas that are outlined on the map, which is about 90 percent of the Outer Continental Shelf that is off limits to energy development.

All of these areas in these coastal States certainly want cheap gasoline and they want natural gas, but they do not want to drill in their neighborhoods. They would rather that Texas and Louisiana keep drilling in our neighborhoods. We can't have it both ways, cheap gasoline and refuse to drill offshore. It seems to me to be somewhat hypocritical, because this does not make sense.

In the Outer Continental Shelf there are about 300 trillion cubic feet of natural gas and more than 50 billion barrels of oil yet to be discovered. That is enough natural gas or oil to replace current imports from the Persian Gulf for 60 years and produce gasoline for 116 million cars for 15 years. And these are conservative estimates, since these are largely unexplored. There is going to be drilling off this area because Cuba and China are already making plans to drill 47½ miles off Florida in those rich gulf reserves. It seems to me that we should take advantage of those reserves.

While people talk about the pollution that comes from drilling, many of the problems have been overstated. According to the 2002 National Academy of Sciences report, the largest cause of pollution is from nature. Shown by this chart, 60 percent of the pollution to our shores is by nature itself. So the best way we prevent the number one cause of pollution to our shores is to eliminate this and drill for it.

Boating. All those boats off the shores of our coasts are producing 32 percent of the oil seepage. Tankers from the Middle East are 3 percent. And offshore drilling only accounts for 2 percent of the pollution to our shores.

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It obviously makes sense to drill offshore, Mr. Chairman, because nature is the primary cause of the pollution to our beaches.

When Katrina and Rita hit the gulf coast this last year, over 100 platforms were damaged. But seepage from the Gulf of Mexico almost did not exist because the valves and the pumps for these offshore rigs were shut off immediately. So it seemed that opening up these areas would be an obvious choice.

We are the only major industrial power in the world that has this silly rule about not drilling offshore. They drill in the North Sea and around the world, and they do so safely. It is important that we use some common sense.

Americans worry about skyrocketing energy prices and lack of energy and want solutions. A decision where we drill is going to have to be made and made very soon by Americans. This is a price issue, but it is also a national security issue. Those who say "no" to offshore drilling have no solutions to this problem. We can drill offshore safely, environmentally correct; and when we get over the fear factor and take control of our own energy needs, this country will be better off.

I yield 1 minute to Mr. GREEN from Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, Members, I want to thank my colleague for yielding me a minute. I support his amendment. Obviously, I think that would be the ideal provision we need to do to eliminate that moratorium. The committee, I think, has struck a compromise on natural gas, although Congressman POE and I know the difficulties of just drilling for one substance over the other. But obviously I support the amendment and I think the committee, though, came up with a compromise, and we will fight that battle later.

Mr. POE. Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I certainly understand the politics of petroleum. But I represent Florida, and I represent the coast that we consider a valuable resource for tourism, the environment, the ecology.

Let me remind my colleagues the area that they are proposing to drill both oil and natural gas wells has recently been referred to as Hurricane Alley. The gulf coast, we all know now, after Katrina, is responsible for 25 percent of U.S. production of natural gas. Following Katrina and Rita, almost 75 percent of the natural gas production in the gulf was shut down and not producing.

As of May 3, almost 13 percent of natural gas production in the Gulf of Mexico was still offline 9 months later. So it begs the question, why would you put more rigs in a vulnerable place?

Now, I understand some States like drilling, like oil and like offshore rigs. And my question, or my statement, to you is, have at it. But I do want to have the opportunity as a Floridian to defend ourselves from having oil drilling rigs off our coastline.

Several Governors are opposed to the provisions, including Governor Schwarzenegger; my own Governor Bush who sent a letter to the Speaker just yesterday; Governor Mark Sanford, our former colleague from South Carolina; Democrat Governor Corzine of New Jersey; Mike Easley of North Carolina; and Ted Kulongoski of Oregon. Our delegation remains strongly opposed to drilling for oil and gas in this very, very vulnerable area.

Let me tell you the infrastructure problems suffered by our recent hurricanes. A Congressional Budget Office study estimated that gulf energy infrastructure repair costs will be between $18 billion and $31 billion, just from the damages the hurricane created. So let's build some more rigs in this very vulnerable area.

I mentioned the responsibility of natural gas. The gulf has 30 percent of U.S. crude oil production, again another reason we do not want to endanger our coastline. Again, 9 months later, almost 22 percent remain offline.

So I urge defeat of this amendment, removal of the Peterson amendment from this appropriation bill, and let us do something right and not simply succumb to the politics of convenience on energy prices.

Mr. POE. Mr. Chairman, I yield myself such time as I may consume.

I would like to point out to my friend from Florida, we just respectfully disagree. But he has made the argument for why we need to drill somewhere other than the gulf coast. Rita and Katrina basically shut down all the rigs in the gulf coast. Twenty-two percent of the refineries in the United States come from my district. They were shut down for weeks. That is 20 percent of the gasoline for the rest of the United States. We drill in one area. We drill in Hurricane Alley, as Mr. FOLEY has pointed out. We need to drill off even the sacred west coast of California and off the east coast because there is oil and natural gas there. We need to open up the moratoriums that this Congress has put on us. The American people are demanding answers. They want cheaper gasoline, but yet we refuse to take care of ourselves.

I urge adoption of this amendment which will allow or release the restrictions and then we can start drilling where there is oil and natural gas to take care of ourselves. The hurricanes proved we can do it safely and securely without damage to the environment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I rise in opposition to this amendment. In my home State of New Jersey, tourism supports nearly 500,000 jobs and indirectly generates $16.6 billion in wages and $5.5 billion in State tax revenues. Much of that enormous economic engine is driven by our coastline which we have worked hard to protect.

All it takes is one incident from an industrial drilling rig sitting in the ocean to put this entire economic engine at risk. What this amendment would do is open up OCS areas as close as 3 miles from shore to drilling. There is no buffer here, no minimum barrier. If we pass this amendment, we can see drilling rigs as close as 3 miles from our shores. And for what?

This will do nothing for the price of oil. It takes up to 7 years to begin producing from an offshore lease.

And I would also like to know why the oil industry is so keen on getting these areas open for drilling when they have thousands of leases already in place, both onshore and offshore that they haven't bothered to explore.

Mr. Chairman, our coasts are simply too valuable to risk like this. If we had to do a balancing act, there is no way you could support this amendment.

I urge a "no" vote on this amendment. Vote to protect our coasts.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield for the purpose of making a unanimous-consent request to the gentleman from Washington.

Mr. DICKS. I just want to rise in opposition to the amendment and in support of the position taken by the chairman and the committee.

Mr. TAYLOR of North Carolina. I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in strong opposition to the Poe amendment, and I would like to set the record straight. This current ban on new drilling is actually two moratoria, one of which is enacted by Congress annually through a ban on Federal funding to drill for oil in areas now off limits.

In addition, there is a complementary moratorium put into place originally in 1991 through an executive moratorium by George H. W. Bush, extended till 2012 by Bill Clinton, embraced by the current President in his current 2007 budget.

The provision in the Interior bill and in the Poe amendment eliminate the annual congressional moratoria. It doesn't end the Presidential moratorium. However, the President certainly has the authority to revise or revoke his existing Presidential moratorium before 2012.

I am not a betting person, but I would wager that if Congress eliminates the moratorium through this legislation and encourages the President to do the same, he is going to revoke the Presidential moratorium. Why not? Drilling advocates will argue that the people, through Congress, have spoken in favor of new drilling; and when that Presidential moratorium is revoked, it would mean an immediate end to the ban on new drilling in waters off our coastal States.

It is not just coincidental this amendment is coming up just as the next 5-year plan is being enacted. This would happen right away.

Mr. TAYLOR of North Carolina. I yield 1 minute to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, this is not some political issue. This is serious business. You are dealing with some of the most fragile marine ecosystems in the world. This moratorium was put on here for a good reason. And I mentioned earlier during general debate, it has evolved into a workable, effective protection for those ecosystems.

The ecology of some of those Florida waters is just unbelievable. Now, the authorizing committee has been working on this issue for several months trying to come up with a good answer, a good responsible answer. Now, this is being offered without any hearings by the subcommittee, no hearings by full committees, just as a whim to accomplish something that some special interests want to see accomplished. This is not good government. This is a bad amendment, and we need to be very careful about what we do, not only on this amendment today, but on the Peterson amendment that we will deal with later.

Mr. KING of Iowa. Mr. Chairman, I rise today in support of Congressman POE's amendment to open the outer continual shelf (OCS) to oil and gas exploration. Opening the OCS to exploration would expand America's energy pie. The Gulf of Mexico OCS has been producing oil and natural gas since the 1950s. Virtually all of the oil and natural gas produced from the OCS is from the Central and Western sections of the Gulf of Mexico. The 1.5 million barrels per day of oil from the Central and Western Gulf of Mexico OCS is equivalent to our imports from Saudi Arabia. Imagine if we expanded OCS production and could cut out Saudi Arabian imports altogether. No more subsidies for radical Islamists who are intent on harming Americans.

Currently 4.4 trillion cubic feet of natural gas is produced annually from the Central and Western Gulf of Mexico. To put that impressive number into perspective, the undiscovered resources on the federal OCS, that could be recovered with today's technology, is estimated at 420 trillion cubic feet, almost 100 percent more than current production.

While the Central and Western sections of the Gulf of Mexico OCS have been the workhorse of oil and natural gas production, Mineral Management Service and the Department of Energy forecast that, without expanded access beyond the Central and Western Gulf of Mexico, the growth in deepwater production will not be able to offset declines in shallow water production for more than a few years.

U.S. energy policy has not sufficiently emphasized the importance of developing domestic oil and natural gas supplies which are essential to our economic growth and to our energy security. Supporting Congressman POE's amendment is the right first step in the domestic production of energy.

The CHAIRMAN. All time for debate pursuant to the unanimous consent request has expired.

The question is on the amendments offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. POE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendments offered by the gentleman from Texas will be postponed.

The Clerk will read.

The Clerk read as follows:

SEC. 107. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities, except that total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

SEC. 108. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2007. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 109. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 110. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 111. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District and Ice Age National Scenic Trail, and funds provided in division E of Public Law 108–447 (118 Stat. 3050) for land acquisition at the Niobrara National Scenic River, may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 112. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 113. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 114. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 115. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 116. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 117. (a) IN GENERAL.—Nothing in section 134 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (115 Stat. 443) affects the decision of the United States Court of Appeals for the 10th Circuit in Sac and Fox Nation v. Norton, 240 F.3d 1250 (2001).

(b) USE OF CERTAIN INDIAN LAND.—Nothing in this section permits the conduct of gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) on land described in section 123 of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 944), or land that is contiguous to that land, regardless of whether the land or contiguous land has been taken into trust by the Secretary of the Interior.

SEC. 118. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 119. Notwithstanding the limitation in subparagraph (2)(B) of section 18(a) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)), in fiscal year 2008, the total amount of all fees imposed by the National Indian Gaming Commission shall not exceed $13,000,000.

SEC. 120. Notwithstanding any implementation of the Department of the Interior's trust reorganization or reengineering plans, or the implementation of the "To Be" Model, funds appropriated for fiscal year 2007 shall be available to the tribes within the California Tribal Trust Reform Consortium and to the Salt River Pima-Maricopa Indian Community, the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Chippewa Cree Tribe of the Rocky Boys Reservation through the same methodology as funds were distributed in fiscal year 2003. This Demonstration Project shall continue to operate separate and apart from the Department of the Interior's trust reform and reorganization and the Department shall not impose its trust management infrastructure upon or alter the existing trust resource management systems of the above referenced tribes having a self-governance compact and operating in accordance with the Tribal Self-Governance Program set forth in 25 U.S.C. 458aa–458hh. The California Trust Reform Consortium and any other participating tribe agree to carry out their responsibilities under the same written and implemented fiduciary standards as those being carried by the Secretary of the Interior. The Consortium shall demonstrate to the satisfaction of the Secretary that they have the capability to do so. The Department shall provide funds to the tribes in an amount equal to that required by 25 U.S.C. 458cc(g)(3), including funds specifically or functionally related to the provision of trust services to the tribes or their members.

SEC. 121. Notwithstanding any provision of law, including 42 U.S.C. 4321 et seq., nonrenewable grazing permits authorized in the Jarbidge Field Office, Bureau of Land Management within the past 9 years, shall be renewed. The Animal Unit Months authorized in any nonrenewable grazing permit between March 1, 1997, and February 28, 2005, shall continue in effect under the renewed permit. Nothing in this section shall be deemed to extend the renewed permit beyond the standard 1-year term.

SEC. 122. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

SEC. 123. Upon the request of the permittee for the Clark Mountain Allotment lands adjacent to the Mojave National Preserve, the Secretary shall also issue a special use permit for that portion of the grazing allotment located within the Preserve. The special use permit shall be issued with the same terms and conditions as the most recently-issued permit for that allotment and the Secretary shall consider the permit to be one transferred in accordance with section 325 of Public Law 108–108.

SEC. 124. Notwithstanding any other provision of law, the National Park Service final winter use rules published in Part VII of the Federal Register for November 10, 2004, 69 Fed. Reg. 65348 et seq., shall be in force and effect for the winter use season of 2006–2007 that commences on or about December 15, 2006.

SEC. 125. None of the funds in this or any other Act may be used to set up Centers of Excellence and Partnership Skills Bank training without prior approval of the House and Senate Committees on Appropriations.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $808,044,000, to remain available until September 30, 2008.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; and not to exceed $9,000 for official reception and representation expenses, $2,336,442,000, to remain available until September 30, 2008, including administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $35,100,000, to remain available until September 30, 2008: *Provided*, That in fiscal year 2007 and thereafter, notwithstanding any other provision of law, the Inspector General shall not serve as the Inspector General for the Chemical Safety and Hazard Investigation Board.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $39,816,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project; $1,256,855,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2006, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,256,855,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $13,316,000 shall be transferred to the "Office of Inspector General" appropriation to remain available until September 30, 2008, and $30,011,000 shall be transferred to the "Science and Technology" appropriation to remain available until September 30, 2008.

Leaking Underground Storage Tank Program

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $85,000 per project, $72,759,000, to remain available until expended.

Oil Spill Response

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $16,506,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

State and Tribal Assistance Grants

(INCLUDING RESCISSION OF FUNDS)

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,007,348,000 to remain available until expended, of which $687,555,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which up to $50,000,000 shall be available for loans, including interest free loans as authorized by 33 U.S.C. 1383(d)(1)(A), to municipal, inter-municipal, interstate, or State agencies or nonprofit entities for projects that provide treatment for or that minimize sewage or stormwater discharges using one or more approaches which include, but are not limited to, decentralized or distributed stormwater controls, decentralized wastewater treatment, low-impact development practices, conservation easements, stream buffers, or wetlands restoration; $841,500,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended; $24,750,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico border, after consultation with the appropriate border commission; $14,850,000 shall be for grants to the State of Alaska to address drinking water and waste infrastructure needs of rural and Alaska Native Villages: *Provided*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in 2004 for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $200,000,000 shall be for making special project grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $89,119,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $26,000,000 shall be for the national grant and loan program authorized by section 792 of the Energy Policy Act of 2005 for the National Clean Diesel Initiative; and $1,122,584,000 shall be for grants, including associated program support costs, to States, federally-recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $14,850,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, not less than $18,500,000 of the funds available for grants under section 106 of the Act shall be for the water quality monitoring initiative that meet EPA standards for statistically representative monitoring programs, $17,567,000 to make grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended, and to federally-recognized tribes under Public Law 105–276, and to provide financial assistance to States and federally-recognized tribes for the purposes authorized by Title XV, Subtitle B of the Energy Policy Act of 2005, with the exception of leaking underground storage tank cleanup activities that are authorized by section 205 of Superfund Amendments and Reauthorization Act of 1986, and $15,930,000 shall be for making competitive targeted watershed grants: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2007 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2007, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally-recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2007, notwithstanding the limitation on amounts in section 518(c) of the Act, up to a total of 1½ percent of the funds appropriated for State Revolving Funds under title VI of that Act may be reserved by the Administrator for grants under section 518(c) of that Act: *Provided further*, That no funds provided by this Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That of the funds made available under this heading in Division I of Public Law 108–447, $500,000 is for Monticello, AR water and wastewater infrastructure improvements and $500,000 is for Pine Bluff, AR water and wastewater infrastructure improvements: *Provided further*, That funds that were appropriated under this heading for special project grants in fiscal year 2001 or earlier that have not been obligated on an approved grant by September 1, 2007, are rescinded.

□ 1530

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of North Carolina:

On page 67, line 2, strike "$3,007,348,000" and insert in lieu thereof "$3,009,348,000".

On page 69, line 2, strike "$26,000,000" and insert in lieu thereof "$28,000,000".

Mr. TAYLOR of North Carolina. Mr. Chairman, this amendment would increase the EPA State and Tribal Assistance Grants account by $2 million for the National Clean Diesel Initiative. This is an important initiative that was authorized by the Energy Policy Act of 2005. These funds will be used to retrofit school buses and heavy duty trucks and contribute significantly to reducing harmful emissions into the air.

I urge a "yes" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Administrative Provisions

For fiscal year 2007, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally-recognized Indian Tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act (as added by subsection (f)(2) of the Pesticide Registration Improvement Act of 2003), as amended.

None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

By December 31, 2006, EPA shall finalize a rule for the Federal Water Pollution Control Act, as amended, section 106 (Water Pollution Control) grants that incorporates financial incentives for States that implement adequate National Pollutant Discharge Elimination System fee programs.

POINT OF ORDER

Mr. DUNCAN. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DUNCAN. Mr. Chairman, on behalf of the Transportation and Infrastructure Committee, I raise a point of order against the provision beginning on page 73, line 3 and ending on line 8.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair finds that this paragraph includes language imparting direction to the Executive.

The paragraph therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the paragraph is stricken from the bill.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALLONE:

On page 73 after line 2 insert the following:

None of the funds made available in this Act may be used to promulgate in final form, issue, implement, or enforce the Environmental Protection Agency's Toxics Release Inventory Burden Reduction Proposed Rule published in the Federal Register on October 4, 2005 (Volume 70, Number 191) at pages 57822 and following or the Toxics Release Inventory 2006 Burden Reduction Proposed Rule published in the Federal Register on October 4, 2005 (Volume 70, Number 191) at pages 57871 through 57872.

Mr. PALLONE. Mr. Chairman, I am introducing this amendment with the gentlewoman from California (Ms. SOLIS) to protect local communities' rights to know what toxic chemicals are being dumped in their backyards.

Eighteen years ago Congress passed the Emergency Planning and Community Right-to-Know Act, which established the Toxics Release Inventory Program. This simple program does not force companies to reduce the amount of toxic chemicals they use. Rather, it requires that they disclose the types and amounts of chemicals used at a particular facility and how those substances were disposed of, recycled, or released into the environment.

This critical disclosure requirement lets communities know specifically how much of which chemicals are being dumped where. For citizens concerned about their health, this information can be critical. It is also valuable to a host of other constituencies, including workers who could be affected on the job site, first responders and others who need to plan for incidents at specific facilities.

Not only does the program provide this important information to those who need it, it also has been extremely successful at getting companies to voluntarily reduce their toxic releases. Since the program started, overall toxic releases are down 59 percent around the country.

In fact, the chemical industry themselves thinks this is a good program. Earlier this year the Washington Post quoted Michael Walls, manager of Regulatory and Technical Affairs for the American Chemistry Council, saying, "It's one of the most successful regulatory programs we have been involved in."

Unfortunately, Mr. Chairman, the EPA does not seem to agree. Last year they proposed a set of changes that would seriously undermine the intent of the program.

First, they are proposing to eliminate reporting for more than 22,000 facilities that release up to 5,000 pounds of toxic chemicals every year. These facilities would switch to a simple form merely indicating what chemicals they have on site, not how they are released and in what quantities.

Second, the EPA is proposing to eliminate the same type of detailed reporting from facilities that manage up to 500 pounds per year of persistent bioaccumulative chemicals, some of the deadliest substances used in industry today. These chemicals, which include mercury and lead, can cause serious harm even in tiny quantities.

And, third, EPA is proposing to require that companies report only every other year rather than every year as the program currently requires. This final change makes the least sense of all. EPA themselves point out that data for certain chemicals can swing widely from year to year depending on the actions of one particular facility such as a large mining operation.

The EPA would gut the intent of the TRI program, and I would like to remind my colleagues that this program was created in the wake of the Bhopal disaster in India, where an explosion at a Union Carbide facility more than 20 years ago killed thousands. We have the program so we know where we might have the potential for another Bhopal, but also so we know where slow, silent releases of toxic chemicals could pose serious threats to public health.

So I would like to emphasize again to my colleagues that our amendment is really about protecting community right to know. It is about standing up for the principle that your constituents should be able to find out what toxic chemicals might be getting dumped in area streams, pumped out into the air, or trucked to a nearby landfill. And it is also about protecting a highly successful program, one of the few that has been consistently recognized even by industry as being effective and worthwhile.

So, again, I ask that my colleagues join me in supporting this amendment, and I would like to thank Chairman TAYLOR for being open to discuss this issue, and I hope that we can continue to work together.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this proposal, this amendment, and I want to tell you it is really difficult for me to see us put more and more barriers in the way of keeping and creating jobs in America.

What the gentleman is doing with his amendment is striking language that will allow reforms to the Toxic Release Inventory annual reporting requirements. The reason it is important is because it directly affects small businesses. In fact, it has a tremendously greater impact on small businesses than it does on large businesses.

There was an example given by W. Mark Crain in a report called The Impact of Regulatory Costs on Small Firms. It was done by the Small Business Administration Advocacy Group, the overall regulatory burden was, as estimated by Mr. Crain, to exceed $1.1 trillion in 2004. The costs have gone up since then. But for manufacturing firms of fewer than 20 employees, the annual regulatory burden of 2004 was $21,919 per employee, two and a half times greater than the $8,748 burden per employee with firms of 500 or more employees. So by striking this language, you target the small businesses, and in Kansas small businesses are four out of five jobs. So this is a direct assault on the jobs in America because it raises costs making us less competitive.

Now, the EPA has followed the proper process of reforms. In response to the continuing calls for this Toxic Release Inventory annual reporting system, EPA conducted stakeholders outreach meetings in 2003. It took public comments in 2003 and 2004 on possible reporting reforms. The EPA subsequently proposed and revised a Form A and took additional public comments on that proposal, and they came up with a plan that works. It alleviates the burden and it still has 99 percent of the current information now reported on a different form, on Form R. This is going to reduce the cost for small businesses. It is going to allow us to continue to have the reporting on these toxic release inventories.

But let me just tell you the impact on one of the local small businesses. Nancy Klinefelter is president of Baltimore Glassware Decorators. Her small business specializes in printing small quantities of custom glass and ceramicware for special occasions. Some of Nancy's work can even be found in the House Gift Shop right here. When they print these mugs or glasses for customers, they sometimes use lead-bearing colors on the outside surfaces. These colors are expensive; so they use only a minimal amount of paint needed, which reduces waste, and the finishing process ensures that none of the lead leaches out. So their products are completely safe for anyone who uses them. I am even told that the EPA sells her products in their gift shop. But because of this Toxic Release Inventory lead rule, Nancy's business is forced to compile daily records on how much color is used for the mugs because the colors contain a very small amount of lead. Each year her small business then has to report to the EPA how much lead has been used. This may sound like some innocuous rule, but the truth is it costs Nancy $7,000 annually. When you add up all the other small businesses, it is over $70 million every year.

And what do Americans get for this? Do they get cleaner air? No. Do they get less lead being used? No. Is there less exposure to lead by children because of this? No. The answer is none of these things. All the American people get are thousands of reports on estimates on how much lead is being used. Many reports are never read, and our air is not any cleaner. The average citizen does not gain any public health benefits. Instead, small businesses have to comply with the EPA reporting rule and are literally wasting tens of millions of dollars every year, and it is costing us good-paying jobs. These jobs end up in other countries, offshore.

Rather than focussing on reducing the real pollution and focusing on real pollution cleanup, EPA has to spend an inordinate amount of time on these small reports that nobody ever uses. Now, with an average cost of $21.919 per employee for small businesses that have less than 20 employees, is a lot of money. It could be reinvested and create more jobs. But, instead, it is just reporting paperwork that piles up.

The gentleman has good intents on having clean air and clean water, a clean environment, and I support that. But striking this language will not make the environment any cleaner. It will only cost us jobs. Again, ninety-nine percent of the same information will still be reported under the reforms conducted by EPA and put in place correctly by EPA.

So for that reason I rise in opposition to the gentleman's proposal, and I encourage all my colleagues to vote against this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

The amendment would block the EPA from changing the reporting requirements for toxic releases. I appreciate the proponent's concerns that the information on toxic releases should be reported in a timely manner and that this information should be publicly available. These concerns are shared by many State and local officials.

On the other hand, I believe that some accommodation should be made by EPA for small businesses that have no toxic releases or have only trace amounts of toxic releases.

I am prepared to accept the amendment today with the understanding that we will work with EPA to determine how we can accomplish the amendment's goals without placing unnecessary reporting burdens on businesses that release no toxics or have only trace amounts.

I commend the amendment's authors for pursuing this and look forward to working with EPA on that matter.

□ 1545

The Acting CHAIRMAN (Mr. FOLEY). The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. PENCE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. FOLEY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5386, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5386 in the Committee of the Whole pursuant to House Resolution 818, notwithstanding clause 11 of rule XVIII, no further amendments to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 1 and 7;

The amendment printed in the RECORD and numbered 6, which shall be debatable for 20 minutes;

An amendment by Mr. PUTNAM regarding a moratorium on drilling in the OCS, which shall be debatable for 60 minutes;

An amendment by Mr. CHABOT regarding a limitation on funds for roads in the Tongass National Forest, which shall be debatable for 20 minutes;

An amendment by Mr. OBERSTAR regarding a limitation on funds for activities under the Clean Water Act, which shall be debatable for 30 minutes;

An amendment by Mr. HINCHEY regarding a limitation on funds for suspension of royalty relief, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY or Mr. DICKS addressing global climate change by modifying the amount provided for EPA Environmental Programs and Management, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY regarding funding increases for various accounts with a tax offset;

An amendment by Mr. TIAHRT regarding business competitiveness;

An amendment by Mr. GARY MILLER of California regarding the San Gabriel Watershed;

An amendment by Mr. CONAWAY regarding EPA drinking water regulations for arsenic;

An amendment by Mr. GORDON regarding Federal building energy use;

An amendment by Ms. JACKSON-LEE of Texas regarding a limitation on funds for urban reforestation;

An amendment by Ms. JACKSON-LEE of Texas regarding a limitation on funds on Smithsonian outreach programs;

An amendment by Mr. GARRETT of New Jersey regarding Federal employee travel to conferences;

An amendment by Mr. DENT regarding a limitation on funds to enforce the Indian Gaming Regulatory Act;

An amendment by Mr. ANDREWS regarding Forest Service salaries and expenses;

An amendment by Mr. MEEHAN regarding EPA national emissions standards;

An amendment by Mr. TAYLOR of North Carolina regarding funding for various accounts;

An amendment by Mr. BEAUPREZ regarding funding for wildland fire management;

An amendment by Mr. FLAKE regarding any Iowa State University project on mitigating emissions from egg farms;

An amendment by Mr. FLAKE regarding funding for ivory-billed woodpecker research;

An amendment by Mr. FLAKE regarding funding for Neosha National Fish Hatchery;

An amendment by Mr. FLAKE regarding funding for the Blackwater National Wildlife Refuge;

An amendment by Mr. FLAKE regarding Santa Ana River Wash program;

An amendment by Mr. FLAKE regarding staffing for the National Zoological Park;

An amendment by Mr. FLAKE regarding NFS recreation sites in North Carolina;

An amendment by Mr. FLAKE regarding citrus studies in Florida;

An amendment by Mr. FLAKE regarding the Pacific Crest National Scenic Trail;

An amendment by Mr. FLAKE regarding the Florida National Scenic Trail;

An amendment by Mr. FLAKE regarding the Continental Divide National Trail.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Interior, Environment, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. OBEY. Mr. Speaker, reserving the right to object, I don't intend to object, but I do want to point out to each and every Member that if this unanimous consent agreement is accepted by the body, the way I count it, that means that we will go to about 12 o'clock tonight before we begin to vote. I ask that Members remember that as they are entertaining their enthusiasm for offering a number of these amendments tonight. It just seems to me that Members need to know that this is going to take a long, long time; and we would appreciate it being shortened by people whenever it is possible to do so.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 818 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5386.

□ 1553

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. FOLEY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) had been postponed and the bill had been read through page 73, line 8.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

SEC. 201. None of the funds made available by this Act may be used in contravention of, or to delay the implementation of, Executive Order No. 12898 of February 11, 1994 (59 Fed. Reg. 7629; relating to Federal actions to address environmental justice in minority populations and low-income populations).

SEC. 202. None of the funds made available in this Act may be used in contravention of 15 U.S.C. 2682(c)(3) or to delay the implementation of that section.

TITLE III—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $280,318,000, to remain available until expended: *Provided*, That of the funds provided, $62,329,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $228,608,000, to remain available until expended, as authorized by law of which $9,280,000 is to be derived from the Land and Water Conservation Fund: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,445,659,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances under this heading available at the start of fiscal year 2007 shall be displayed by budget line item in the fiscal year 2008 budget justification.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,810,566,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal years 2006 and 2007 shall be transferred to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.) if necessary to reimburse the fund for unpaid past advances: *Provided further*, That, notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $296,792,000 is for hazardous fuels reduction activities, $5,000,000 is for rehabilitation and restoration, $22,800,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $43,000,000 is for State fire assistance, $12,810,000 is for volunteer fire assistance, $14,800,000 is for forest health activities on Federal lands and $10,000,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the "State and Private Forestry", "National Forest System", and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the report accompanying this Act: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further*, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $9,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: *Provided further*, That funds designated for wildfire suppression shall be assessed for indirect costs on the same basis as such assessments are calculated against other agency programs.

AMENDMENT NO. 5 OFFERED BY MR. BEAUPREZ

Mr. BEAUPREZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. BEAUPREZ:

In title III of the bill under the heading "WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFER OF FUNDS)", insert after the first dollar amount the following: "(increased by $28,700,000)".

In title III of the bill under the heading "NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION", insert after the first dollar amount the following: "(reduced by $30,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. BEAUPREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BEAUPREZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, simply put, this amendment will reduce funding for the National Endowment for the Arts by $30 million and transfer those funds to the United States Forest Service to reduce the threat of catastrophic wildfires.

Earlier this week, I was pleased to support the passage of the Forest Emergency Recovery and Research Act because it will expedite the restoration of forest land affected by catastrophic wildfires. However, we can all agree that prevention comes first. Additional resources are needed if we are to get a handle on the wildfire crisis gripping the West.

In 2002, the American taxpayers spent over $1.5 billion containing these devastating blazes. When Congress spends so much annually to put out wildfires, doesn't it make more sense to spend that money on additional thinning treatments that could help prevent these fires from starting in the first place?

According to the House Resources Committee, 190 million acres of BLM and Forest Service land are at risk to catastrophic wildfire. To put that in perspective, this area is larger than the States of California and Arizona combined.

The Wall Street Journal reported that parts of the National Forest system contained more than 400 tons of dry fuel per acre, or 10 times the manageable or appropriate level. Disease and insect infestation have also contributed to an increase in combustible fuels.

In Colorado alone, my State, surveys have recorded that approximately 1.2 million trees were killed by mountain pine beetle outbreaks in 2004. This is nearly 100 times the mortality rate reported in 1996, the first year a study was released by the Colorado Forest Service on pine beetles damage.

Unfortunately, beetle kill leaves behind the kind of timber that turns small fires into the kinds of infernos that have devastated Colorado and other western States in recent years, destroying homes, poisoning the air, scorching critical habitat, and choking streams and rivers with tons of soot and sediment.

Even with increased attention to thinning and fuel treatments efforts with legislation like the Healthy Forest Initiative, more funding is needed.

Since the majority of our forests are federally owned, the burden to protect our States and local communities from the devastating effects of forest fires lies with the Federal agencies designated to protect them. Congress must fully fund their needs.

The question arises. Why take funding from the NEA? I actually applaud the progress that has been made recently by the NEA in repairing a very damaged image in the view of many Americans. It is important, however, to recognize that only a small percentage of funding for the arts comes from the Federal Government. In 2001, Americans spent $27 billion on nonprofit arts funding. At $124 million, the NEA funding is just a drop in the bucket for an art industry that seems to be doing exceedingly well.

Congress has to choose its fiscal priorities and obligations responsibly. This amendment amounts to one-tenth of one percent of total arts funding, but it is a massive help to ensure the safety of our western communities, prevent forest fires and save lives.

Anyone who has witnessed the devastation to life, property, wildlife, water and air from the monster that is a forest fire understands that investing in prevention infinitely outweighs the incalculable long-term costs of a forest fire. This amendment allows us to invest in prevention, Mr. Chairman, and I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

□ 1600

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, no one is a stronger supporter of the National Forests health and wildfire management. But this amendment goes too far. The amendment cuts the NEA funding drastically, and this is much too much of a cut.

The President's budget in the committee bill is a fair amount, is level funding with the fiscal year 2006 enacted level. We did raise it slightly and agreed to that.

But that remains to be seen. We should support the NEA. The reforms which this committee put in place are working. The new chairman of the NEA is doing an excellent job of ensuring that important works are supported and that funding is well distributed.

The bill makes a very strong contribution to the National Fire Plan. It is something that Members can be proud of. The bill increases overall wildfire funding $80 million over last year. That includes a large $70 million increase for Forest Service fuel reduction, and this is $34 million above the 2005 level.

I agree with the gentleman that this work is essential, but the agencies can only ramp up so fast. So extra funding is not necessarily needed this year.

Mr. Chairman, the gentleman is incorrect when he says that the fire funding is down 14 percent from 2005. His calculations may have included the $500 million in emergency funding provided that year. Not counting the emergency fire suppression funds, this bill is $145 million above the 2005 funding level, and this is enough for these fiscally tight times.

I also want to point out that this bill has increased funding for forest health management, an important key for preventing forest fires by $31 million above the President's request, and I want to point out that the Forest Service was able to carry over extra wildfire suppression funds from 2005 to this year.

So they have or should have plenty of funds for the fire season absent a catastrophic season. Despite the good intentions behind this amendment, we do not need this additional increase for the fund's work at this time. We should not gut the administration's effort in the NEA.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to say to the gentlemen, our committee has been a great advocate for money for fire. There is $2 billion, 579 million, for fire in the bill. $500 million of the fire emergency funds are still available.

We just increased the NEA by $5 million to $129.4 million, and NEA still is $40 million below its high point back in 1994. We fund programs in all States. This would be a devastating cut, and we do not need the money for fire. And I have offered amendment after amendment after amendment to put emergency fire money in when it is necessary.

Also, the agencies can borrow money internally if necessary to deal with the problem. So I urge a no on this amendment. I think it is well intended, but simply not necessary and would do great damage to the NEA.

Mr. Chairman, I urge a no vote.

Mr. BEAUPREZ. Mr. Chairman, I appreciate the chairman. I will be brief. I respect and appreciate the effort put forth by both the minority as well as the majority side of the committee on this issue.

But with all due respect, I would point out again that the private sector, and a very large private sector, supports our arts industry. The public sector, we in government, have an obligation to look after the government's assets and people's lives, and that is what is at stake with this amendment.

With all due respect to the comments that have already been made, no one looks after our national forests other than we in government, and I would encourage both the chairman and the ranking member at the next opportunity to come out to the West and visit and see the devastation the pine beetle damage has created in our forests. We are sitting literally on a matchbox awaiting someone to light the first match.

I urge the adoption of this amendment. I think it is common sense. I think it is about us in government establishing priorities to protect and defend our Nation's assets and our citizens' lives.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BISHOP of Utah). The gentleman from North Carolina has 1½ minutes remaining.

Mr. TAYLOR of North Carolina. Mr. Chairman. I yield 1½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I thank the gentlemen for yielding.

Mr. Chairman, I do not disagree with what the gentleman from Colorado is saying. There has been devestation in our forests. We do need the funding for firefighting and so forth. But I will tell you that taking it out of the NEA is the wrong place in the bill.

Mr. Chairman, they have done a tremendous job under the chairmanship of Gioia. They have brought the NEA back to what we originally intended it to be, and that is a means of getting the arts out to the rest of America, to rural America, particularly.

And if you will look at some of the programs that they have, their masters program and the Shakespeare program and others, they have done a great job of getting the rest of rural America exposed to those types of things. That is what the NEA is all about.

And yes, there is private organizations that fund a lot of these. But oftentimes it is in conjunction with private and public financing. Sometimes they just finance a very small portion of it. So I think that while I agree with the gentlemen's intent in terms of fire protection, taking the money out of the NEA, which is substantially below what it was in its high peak as was mentioned. I think is the wrong direction to go and would set this program back, when it is moving in the direction that we all hope it will go.

Mr. Chairman, I appreciate the gentleman's amendment, but I will be voting against it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. BEAUPREZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BEAUPREZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $411,025,000, to remain available until expended for construction, reconstruction, maintenance, and acquisition of, buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That $7,400,000 of the funds made available in section 8098(b) of Public Law 108–287, to construct a wildfire management training facility in San Bernardino County, shall be transferred within 15 days of the enactment of this Act to the Forest Service, "Wildland Fire Management" account and shall be available for hazardous fuels reduction, hazard mitigation, and rehabilitation activities of the Forest Service in the San Bernardino National Forest so long as this funding is used in addition to, and not in place of, all normal funding allocated to this Forest.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $7,500,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: *Provided*, That the Forest Service may not use funds in fiscal year 2007, including funds made available in Public Law 96–586 or any other Act, to purchase land for the Homewood Conservation Project in Lake Tahoe, California.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,053,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts (16 U.S.C. 4601-516–617a, 555a; Public Law 96–586; Public Law 76-589, 76-591; and 78-310), pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $63,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,311,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions upon notification of the House and Senate Committees on Appropriations and if and only if all previously appropriated emergency contingent funds under the heading "Wildland Fire Management" have been released by the President and apportioned and all wildfire suppression funds under the heading "Wildland Fire Management" are obligated.

The first transfer of funds into the Wildland Fire Management account shall include unobligated funds, if available, from the Land Acquisition account and the Forest Legacy program within the State and Private Forestry account.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the report accompanying this Act.

Not more than $73,052,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,500,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $2,500,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $100,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, $2,250,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs. Such funds shall be matched on at least a one-for-one basis by the Foundation or its subrecipients.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: *Provided*, That such amounts shall not exceed $500,000.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $45,000,000, shall be assessed for the purpose of performing facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,830,136,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That up to $18,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That $536,259,000 for contract medical care shall remain available until September 30, 2008: *Provided further*, That of the funds provided, up to $27,000,000, to remain available until expended, shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $270,316,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2007, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service and tribes and tribal organizations operating health facilities pursuant to Public Law 93–638 such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.).

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $363,573,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $1,000,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process. Personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full time equivalent level of the Indian Health Service below the level in fiscal year 2002 adjusted upward for the staffing of new and expanded facilities, funding provided for staffing at the Lawton, Oklahoma hospital in fiscal years 2003 and 2004, critical positions not filled in fiscal year 2002, and staffing necessary to carry out the intent of Congress with regard to program increases.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $79,414,000, of which $3,000,000 for individual project grants shall remain available until September 30, 2008.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i), 111(c)(4), and 111(c)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986, as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,754,000, of which up to $1,500,000, to remain available until expended, is for Individual Learning Accounts for full-time equivalent employees of the Agency for Toxic Substances and Disease Registry: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: *Provided further*, That funds paid for administrative costs to the Centers of Disease Control and Prevention shall not exceed 7.5 percent of the funding provided under this heading: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2007, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $2,627,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $9,208,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That in fiscal year 2007 and thereafter, notwithstanding any other provision of law, the Environmental Protection Agency Inspector General shall not serve as the Inspector General for the Board: *Provided further*, That up to $600,000 of the funds provided herein may be used for personnel compensation and benefits for the Members of the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $5,940,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $6,703,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $517,094,000, of which $10,000,000 is for facilities maintenance at the National Zoological Park; of which not to exceed $9,964,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and of which $2,077,000 for fellowships and scholarly awards shall remain available until September 30, 2008; and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $107,000,000, to remain available until expended, of which $20,000,000 is for maintenance, repair, rehabilitation, and construction of facilities at the National Zoological Park, and of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109: *Provided*, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without the advance approval of the House and Senate Committees on Appropriations.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Committees on Appropriations.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the statement of the managers accompanying this Act.

None of the funds in this or any other Act may be used to purchase any additional buildings without prior consultation with the House and Senate Committees on Appropriations.

None of the funds made available by this Act may be used to execute any contract or legal agreement with a for-profit entity which has the effect of significantly limiting access by the public to Smithsonian personnel or to Smithsonian collections unless such agreement has been publicly noticed at least 30 days prior to entering into such contract or agreement and has been approved by the Regents of the Smithsonian Institution after reviewing any public comments that have been received during the public comment period. This section does not limit the Smithsonian's existing authority to grant or deny any specific request, by any organization or individual for access, based on its judgment of the appropriateness of the use of Smithsonian resources being proposed in a specific application.

None of the funds in the Act shall be used to administer or otherwise facilitate the payment of compensation to any officer or employee of the Smithsonian or any of its subsidiary organizations at an annual rate of pay, including any bonuses or similar cash or in-kind amounts, in excess of the rate of pay of the President of the United States.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $101,794,000, of which not to exceed $3,239,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,949,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price: *Provided further*, That, notwithstanding any other provision of law, a single procurement for the Master Facilities Plan renovation project at the National Gallery of Art may be issued which includes the full scope of the Work Area #3 project: *Provided further*, That the solicitation and the contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18.

John F. Kennedy Center for the Performing Arts

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $18,909,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,800,000, to remain available until expended.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $9,438,000.

National Foundation on the Arts and the Humanities

National Endowment for the Arts

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $124,412,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, including $14,097,000 for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts "Matching Grants" account and "Challenge America" account may be transferred to and merged with this account: *Provided further*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–108.

National Endowment for the Humanities

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $126,049,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $14,906,000, to remain available until expended, of which $9,648,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

Administrative Provisions

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson: *Provided further*, That 20 U.S.C. 954(e) shall not apply to grants and contracts funded solely with nonappropriated monies.

Commission of Fine Arts

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,951,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $6,534,000.

Advisory Council on Historic Preservation

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,118,000: *Provided*, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

National Capital Planning Commission

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–711), including services as authorized by 5 U.S.C. 3109, $7,623,000: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

United States Holocaust Memorial Museum

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $43,415,000, of which $515,000 for the equipment replacement program shall remain available until September 30, 2009; and $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibition design and production program shall remain available until expended.

Presidio Trust

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $19,256,000 shall be available to the Presidio Trust, to remain available until expended.

White House Commission on the National Moment of Remembrance

SALARIES AND EXPENSES

For necessary expenses of the White House Commission on the National Moment of Remembrance, $200,000.

TITLE IV—GENERAL PROVISIONS

Sec. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

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Mr. TAYLOR of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the Record, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The text of the remainder of title IV is as follows:

Sec. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

Sec. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

Sec. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

SEC. 407. None of the funds available to the Forest Service or the Bureau of Land Management may be used in fiscal year 2007 or fiscal year 2008 to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2005.

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2007, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, and 109–54 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2006 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 410. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 411. Amounts deposited during fiscal year 2006 in the roads and trails fund provided for in the 14th paragraph under the heading "FOREST SERVICE" of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 412. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 413. Prior to October 1, 2008, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 414. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 415. In entering into agreements with foreign countries pursuant to the Wildfire Suppression Assistance Act (42 U.S.C. 1856m) the Secretary of Agriculture and the Secretary of the Interior are authorized through the end of fiscal year 2010 to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the country receiving said services when the individuals are engaged in fire suppression. The Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign country (either directly or through its fire organization) agrees to assume any and all liability for the acts or omissions of American firefighters engaged in firefighting in a foreign country. When an agreement is reached for furnishing fire fighting services, the only remedies for acts or omissions committed while fighting fires shall be those provided under the laws of the host country, and those remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country. Neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action whatsoever pertaining to or arising out of the firefighter's role in fire suppression.

SEC. 416. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities. Notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business. The contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management. The terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101–624. The Secretaries shall develop guidance to implement this section. Nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

SEC. 417. No funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

SEC. 418. (a) LIMITATION ON COMPETITIVE SOURCING STUDIES.—

(1) Of the funds made available by this or any other Act to the Department of the Interior for fiscal year 2007, not more than

$3,450,000 may be used by the Secretary of the Interior to initiate or continue competitive sourcing studies in fiscal year 2007 for programs, projects, and activities for which funds are appropriated by this Act until such time as the Secretary concerned submits a reprogramming proposal to the Committees on Appropriations of the Senate and the House of Representatives, and such proposal has been processed consistent with the reprogramming guidelines included in the report accompanying this Act.

(2) Of the funds appropriated by this Act, not more than $2,500,000 may be used in fiscal year 2007 for competitive sourcing studies and related activities by the Forest Service.

(b) COMPETITIVE SOURCING STUDY DEFINED.—In this section, the term "competitive sourcing study" means a study on subjecting work performed by Federal Government employees or private contractors to public-private competition or on converting the Federal Government employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

(c) COMPETITIVE SOURCING EXEMPTION FOR FOREST SERVICE STUDIES CONDUCTED PRIOR TO FISCAL YEAR 2006.—The Forest Service is hereby exempted from implementing the Letter of Obligation and post-competition accountability guidelines where a competitive sourcing study involved 65 or fewer full-time equivalents, the performance decision was made in favor of the agency provider, no net savings was achieved by conducting the study, and the study was completed prior to the date of this Act.

(d) In preparing any reports to the Committees on Appropriations on competitive sourcing activities, agencies funded in this Act shall include all costs attributable to conducting the competitive sourcing competitions and staff work to prepare for competitions or to determine the feasibility of starting competitions, including costs attributable to paying outside consultants and contractors and, in accordance with full cost accounting principles, all costs attributable to developing, implementing, supporting, managing, monitoring, and reporting on competitive sourcing, including personnel, consultant, travel, and training costs associated with program management.

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

SEC. 419. None of the funds in this Act or prior Acts making appropriations for the Department of the Interior and Related Agencies may be provided to the managing partners or their agents for the SAFECOM or Disaster Management projects.

SEC. 420. Section 331 of the Department of the Interior and Related Agencies Appropriations Act, 2000 (as enacted into law by section 1000(a)(3) of Public Law 106-113; 113 Stat. 1501A-196; 16 U.S.C. 497 note), as amended, is amended—

(1) in subsection (a) by striking "2006" and inserting "2007"; and

(2) in subsection (b) by striking "2006" and inserting "2007".

SEC. 421. The Secretary of Agriculture may acquire, by exchange or otherwise, a parcel of real property, including improvements thereon, of the Inland Valley Development Agency of San Bernardino, California, or its successors and assigns, generally comprising Building No. 3 and Building No. 4 of the former Defense Finance and Accounting Services complex located at the southwest corner of Tippecanoe Avenue and Mill Street in San Bernardino, California, adjacent to the former Norton Air Force Base. As full consideration for the property to be acquired, the Secretary of Agriculture may terminate the leasehold rights of the United States received pursuant to section 8121(a)(2) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 999). The acquisition of the property shall be on such terms and conditions as the Secretary of Agriculture considers appropriate and may be carried out without appraisals, environmental or administrative surveys, consultations, analyses, or other considerations of the condition of the property.

SEC. 422. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture or the Secretary of the Interior, including support personnel of the Department of Agriculture and the Department of the Interior, relating to wildfire management or wildfire suppression programs.

SEC. 423. None of the funds made available in this Act may be used to work on or enter into a contract with a private party to carry out, the Fire Program Analysis system, unless both the Secretary of Agriculture and the Secretary of the Interior certify, in writing to the Comptroller General, that this funding will accomplish the existing work plan, as determined by the Wildland Fire Leadership Council, and that State wildfire agencies will be full participants in the use and development of the system.

SEC. 424. Notwithstanding any other provision of law, no officer or employee of the Smithsonian Institution or any of its subsidiary organizations shall be compensated directly or indirectly at an annual rate of pay in excess of the statutorily established rate of pay of the President of the United States.

SEC. 425. (a) The Congress finds that—

(1) greenhouse gases accumulating in the atmosphere are causing average temperatures to rise at a rate outside the range of natural variability and are posing a substantial risk of rising sea-levels, altered patterns of atmospheric and oceanic circulation, and increased frequency and severity of floods and droughts;

(2) There is a growing scientific consensus that human activity is a substantial cause of greenhouse gas accumulation in the atmosphere; and

(3) mandatory steps will be required to slow or stop the growth of greenhouse gas emissions into the atmosphere.

(b) It is the sense of the Congress that there should be enacted a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that (1) will not significantly harm the United States economy; and (2) will encourage comparable action by other nations that are major trading partners and key contributors to global emissions.

POINT OF ORDER

Mr. YOUNG of Alaska. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. YOUNG of Alaska. Mr. Chairman, I raise a point of order that the language contained in section 425 beginning with "the Congress finds that," on page 125, line 3, through "contributors of global emissions" on page 125, line 25, violates clause 2 of rule XXI of the rules of the House representing prohibited legislation in appropriation bills.

The language that I have cited contains congressional findings and a sense of Congress on global warming. This language clearly constitutes legislation in appropriations bill, and such violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. DICKS. Mr. Chairman, I would like to be heard on the point of order. This is my amendment, and I want the gentleman to understand that this doesn't have anything to do with authorizing language either for Interior or for Agriculture and that this amendment is a sense of the Congress.

Now, I don't see, and it would seem to me that the gentleman from Alaska would be more concerned about the global warming issue because of the consequences for his State. So I am very surprised that he is offering this point of order against my amendment, and I would hope he would reconsider.

The Acting CHAIRMAN. Does the gentleman from Alaska wish to be heard further?

Mr. YOUNG of Alaska. I will not reconsider. The language clearly constitutes legislation on an appropriations bill, and you know I do not like legislation on appropriations bills, period. I have been up here before, and I will be up here again every time on legislation on appropriations bills.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

The Chair finds that this section states a legislative sentiment of the Congress. The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

Page 125, after line 25, insert the following new section:

SEC. 426. The amounts otherwise provided by this Act are revised by reducing the amount available for Environmental Protection Agency, Environmental Programs and

Management, and increasing the amount made available for Environmental Protection Agency, Environmental Programs and Management, by $1.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Alaska (Mr. YOUNG) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I offer this amendment simply to have an opportunity to comment on what has just transpired on the House floor.

My great mentor and friend through most of my public life has been Gaylord Nelson, the founder of Earth Day, and perhaps the greatest environmentalist who ever served in the United States Senate. Just before he died, I had my last conversation with him about environmental issues, and he made quite clear that he thought the greatest environmental threat to mankind over the next 100 years was the issue of global warming. And it is time this Congress face up to that fact and does something about it.

I don't know what it takes to have this government get off its you-know-what and start dealing with the most critical environmental problem that confronts the entire planet. If we just take a look at a few of the pieces of evidence that are lying all around: core drillings in glaciers around the world enable us to study bubbles that go back as far as 300,000 years, and we see that we have a higher concentration of carbon dioxide than we have had in the known history of the planet.

Since 1970, the duration and intensity of hurricanes has increased by 50 percent, the number of tornados in this country has now reached the highest number in recorded history, some 1,700 in one year. Two hundred western cities have broken heat records in the past 2 years.

Glaciers, which are serving really as the proverbial canaries in the mines, are trying to tell us something. Twenty-seven of the 38 glaciers in Glacier Park are gone, and the rest of them are likely to be gone before this century reaches its halfway point. The Larsen ice shelf, 700 feet thick, was expected to last 100 years; it suddenly began to collapse in two weeks. The Arctic ice cap has lost half of its thickness in the last half century. The Greenland ice cap, as was referred to on that side of the aisle earlier, is melting at a highly accelerated rate. And, if it goes, one third of Florida goes with it. It will be underwater. If it goes, it could shut down the major Atlantic Ocean current. The current that drives the gulf stream has already decreased 30 percent in 50 years, and that is driven by differences in temperature and salinity of the water.

So this to me is not just an environmental problem; it is a moral problem. It isn't going to affect my generation. All of you who are in my generation are going to be gone within 20 years. But it most certainly is going to affect our kids, it most certainly is going to affect our grandkids. And I would hope that we would demonstrate that we care more about the welfare of the planet than we care about committee jurisdictional dung hills.

But what is apparent today is that this Congress is going to be prevented from making a simple statement of fact that humans and human activity are driving, at least significantly driving, the problem of global warming and that we have an obligation to do something on the national level and the international level to deal with it, and we have an obligation to do it now.

John Sawhill, who served a variety of Republican administrations in a variety of capacities, said this just before he died: "In the end, our society will be defined not only by what we create, but by what we refuse to destroy." And I think we ought to remember that when we think of this issue.

To me, I think we need to remember what those who were present saw in 1933 at FDR's inaugural when he took the oath of office on the very steps of this Capitol. He is remembered mostly for saying that "we have nothing to fear but fear itself." But the line that got the greatest reaction from the crowd at that time was when FDR said, "We need action, and we need action now." We most certainly do. And I regret very much that the gentleman felt it necessary to knock out this language. If he is going to do that, then I would suggest that the authorizing committees have an obligation to sit down with the White House and begin immediately, not 6 months, not 6 years from now, the real process of producing actions that will indeed save this planet from what is most assuredly going to occur if we continue the drift that is implied by this action today.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I have the greatest respect for the gentleman who just spoke. My interest is in fact legislation on appropriation bills. And I do believe we have the opportunity to in fact have good hearings on this issue, because there is a difference of opinion.

Do me a favor, my friends, and go back and read 1972, 1973, 1974 and 1975. You were here, Mr. OBEY. I believe you were. I was. Maybe you weren't.

Mr. OBEY. Yes.

Mr. YOUNG of Alaska. We call that the Ice Age. Every scientist of any renown said we were faced with an ice age. It was irreversible. We were going to be faced with famines. The world was coming to an end. And we had to do something about it immediately. We had to do something about it as the Congress.

Check the records. That is the reality. What concerns me the most is the possibility of a fear tactic being implemented in the warming threat.

Let's have a good study. Let's have a debate and division of what is occurring by scientists. Let's look at the model. Yes, the Earth is warming, in some areas. I just read a report, in fact, that Greenland is cooling. The thing I think strikes me the most is if you will take the time to study the globe, the world as we know it, and look at what has occurred in the past and possibly will occur in the future, we are now pumping 1 million barrels a day from Prudhoe Bay. Prudhoe Bay, the most northern part of this continent, we are pumping that oil.

Now, I ask you, my friends, if you studied science, where does oil come from? What occurred on this globe at that time to allow mastodons, ferns, tree stumps, a tropical atmosphere to be there to create that oil? And that is the reality.

I ask you, secondly, if you go back to the Ice Age, and we have had four ice ages, three majors and one minor, if you go to New Mexico 12 million years ago, there was 287 feet of ice in New Mexico. I won't ask you what created that ice. But I will ask each and every one of you and everybody watching and everybody talking this fear tactic what melted that ice all the way to the North Pole before mankind set foot on this continent. It certainly wasn't hair spray or freon or automobile emissions. It melted, 287 foot of ice, before we set foot.

I am a little bit concerned when everything that is wrong is our fault, that the human factor creates all the damages on this globe. That is pure nonsense. That is nonsense.

And so I am asking you, let's have the hearings, let's have the scientists, let's have some debate about really what is occurring here instead of having hysteria and saying it is all our fault.

And, by the way, it is always the fault of the Americans. It is never the fault of the bigger countries that burn as many barrels of oil as we are doing today, not per capita but as many barrels of oil, and burn the coal as we are trying to do. It is never their fault. It is our fault.

So let's have a sound debate about this issue and not be caught in this attitude that we must do something right now because we are the Federal Government. Let's do it the right way.

I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I knew we still had charter members of the Flat Earth Society walking around this country. I didn't realize there were quite so many in the United States Congress.

Mr. YOUNG of Alaska. I am just curious, were you referring to yourself?

Mr. OBEY. The rules don't allow me to say who I was referring to.

The gentleman says we should have studies, we should have hearings. Your party has controlled this Congress for 14 years. The time for studying is over. The time for studying is past. There is a huge scientific consensus that human beings are driving global warming. And James Hansen from NASA has told us that in his view we may have less than 10 years to deal with this problem before we hit a critical tipping point beyond which we will be facing catastrophe.

He may be right, and you may be right. If you are right, then moving to deal with this problem costs us very little. If he is right, not moving costs us everything. The gentleman refers to an ice age.

☐ 1630

If you shut down the ocean currents' conveyors, you are going to have an ice age in one heck of a hurry. So I would suggest the gentleman has committee responsibilities. If he does not want this committee to meet our responsibilities, as we have tried to do, then it is about time you meet yours and actually do something about it rather than denying that this is a real problem.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 2 minutes.

I thank the gentleman, again, for his presentation. I am glad he gave us an additional 2 years because the way I record it we have been in power for 12 years, not 14 years. I would gladly take two more. Maybe that is an omen of this next election, but I am just saying we have actually been going on 12 years.

Lastly, let us say this is not about the action itself. It is about legislating on appropriation, but I do, and ask you sincerely, I do not have jurisdiction with that committee. Thank God, I do not really run the White House, but I think we have to legitimately and not respond to the fear tactic. Read the book, Controlled By Fear. It is very interesting you can frighten people into doing most anything, including taking away the economy and the opportunity for future generations, easily done.

That is what I do not want us to fall into. If we are the driving factor, I am willing to accept that responsibility and do something of it, but again, go back to the history of this globe and what has occurred. It is ironic when I go into many of these States and I see seashells at 11,000 feet, seashells. This continent was covered with water at one time, retreated and allowed humanity to grow. Now, keep that in mind. Do not keep getting caught in the idea that everything that is here now is permanent. The Earth is a natural, evolving phenomenon.

That is all I am asking people to do. It is not to be caught into the fear and driving and say it is all our fault what is occurring. If that is the case through such studies, then let us accept that, but right now it has not been proven. There is a large division that says this is not happening because of humanity.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 1 minute.

I would simply say to my good friend that just about the only scientists left in the world who do not recognize that this is a serious and real problem are those who have an economic interest in not recognizing it, and that, in my view, is an absolute fact.

The gentleman talks about not wanting to fall into a trap. What you are going to fall into if we listen to the gentleman is sea levels 20 to 30 feet higher than they are now, and virtually every coastal city in the world is going to be under water, and New Orleans is going to be the norm rather than the unhappy exception. That is what the world is going to face if we do not deal with this problem and begin to deal with it while we still have time.

Mr. Chairman, how much time do we have remaining on each side?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 7½ minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 9 minutes remaining.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding.

I am sorry that the gentleman from Alaska has raised this point of order because planet Earth is warming. Climate scientists of all persuasions agree that the average surface temperature of the Earth has risen by about 2 degrees Fahrenheit since 1850, and all agree that the accurately measurable concentration of carbon dioxide in our atmosphere has risen from about 280 parts per million in 1850 to over 380 parts per million today. Furthermore, 75 of that 100 parts per million rise has occurred in just the last 40 years.

As a scientist, my attention became totally focused on global warming some 15 years ago by the elegant and powerful measurements of carbon dioxide trapped in ice cores taken as much as 2 miles deep from the great East Antarctica ice sheet.

Those data give a continuous 400,000-year record of concentration of CO_2 in the atmosphere at the time the snow that now makes up that great ice sheet fell. Through four successive cycles of deep cold followed by interglacial periods of warming, in the coldest part of each cycle the concentration of CO_2 in the atmosphere never fell below 190 parts per million, and in the warmest period of each cycle never rose above 280 parts per million.

Suddenly, within the last 40 years, concentration of carbon dioxide in our atmosphere has smashed through the 400,000-year maximum of 280 parts per million to a 380-part per million level and continues to rise.

Since 1850, burning of fossil fuels, coal, oil and natural gas has increased 100 times to produce energy as the world has industrialized to serve the world's more than 6 billion and growing population. The scientists who do climate research understand that much of the ever increasing concentration of CO_2 in the atmosphere since 1850 must be attributed to burning those fossil fuels to produce the energy that drives industrialization.

With this chart, let me touch one facet of the climate crisis that we are dealing with. 6.3 billion people, on average, produce four tons of CO_2 every year. That comes to a total of slightly more than 25 billion tons of CO_2 produced every year. Our 290 million people produce 20 tons per person, and China, with its almost 1.3 billion people in 2003 produced 2.7 tons per person of CO_2.

We all know that China is industrializing at a growth rate of 8 to 10 percent per year. China is on track to pass the U.S. as the largest economy in the world in 20 to 25 years, and China is determined to give its people a chance at this high standard of living that we enjoy.

Consider a hypothetical case. If every country except China stayed exactly where they are on population and energy usage, and China alone industrialized to our level, using the same mix of energy sources that the U.S. uses in emitting the same 20 tons of CO_2 per person that the U.S. emits, it is a simple calculation to reach a number by taking the 1.3 billion Chinese and multiplying it by the difference between 20 and 2.7, 17.3 additional tons per person, and that comes to 22.5 billion tons of added CO_2 over what is presently emitted by the whole world. That is 90 percent as much as is being produced by the whole world today.

The industrialization of China alone would increase by 90 percent the concentration of CO_2 in our atmosphere and would at least increase the atmospheric CO_2 by at least another 100 parts per million.

That simple example tells why climate scientists are so concerned about the lack of effective measures to curb CO_2 emissions, to develop new technology, to produce energy that does not produce CO_2, to increase efficiency of present technology and, frankly, to conserve energy.

The sense of the Congress resolution on which a point of order has been raised recognizes the looming crisis that human life faces if we continue to produce the energy needed by methods that disrupt the Earth's climate by adding humongous amounts of CO_2 into our atmosphere. It is a critical first step in any effort to address global warming.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank and appreciate the gentleman from Alaska for the time.

The issue that we are debating here, this sense of Congress, is to ask the Members of Congress to take a look at a potential problem of global warming that human activity is causing by burning fossil fuel and adding increasing amounts of CO_2 to the atmosphere that helps with the greenhouse effect.

Carbon dioxide makes up less than 100th of 1 percent of the atmosphere, a very, very tiny amount. Yet that tiny amount has a large impact on the heat balance or the climate of the planet, and so if you can take an analysis, which we can, without dispute from the scientific community, over the past 10,000 years, you can actually go back 5 million years, but if you look at the last 10,000 years, we have increased in CO_2 by a natural amount from 180 parts per million of CO_2 to 280 parts per million. It took 100 years to increase the amount of CO_2 in the atmosphere by 100 parts per million.

But then if you look at the last 100 years, especially the last 50 years, we have increased it by another 100 parts per million. Now, that is a tiny amount. It is another very small percentage. It took 10,000 years to increase it by 100 parts per million. It took really less than 100 years to increase it another 100 parts per million, which can be directly attributed to human activity burning fossil fuel.

Now, it is still a very tiny amount. Even if the human input to the increasing CO_2 is only 4 percent, when we are working at levels of hundredths of a percent, that 4 percent is significant.

So we are seeing, as a result of the change in increase in CO_2, warming temperatures of the atmosphere, warming temperatures of the oceans, receding glaciers, and that is not to scare people.

We, as adults, always want better science for our students in our schools. We need better science here on the House floor. If you look at the Greenland ice sheet 25 years ago, 20 cubic miles of that ice sheet was flowing into the North Atlantic. Today, just a few decades later, 53 cubic miles a year of the Greenland ice sheet is flowing into the North Atlantic, and like the gentleman from Wisconsin said earlier, if the Greenland ice sheet were to go, and it is growing, we should recognize a potential for a 23-feet increase in the sea level.

So, all we are asking for on the House floor is let us look at the data. Let us acknowledge our future.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to remind people, this is an appropriations bill, and we can go through the process. I think the debate has been good. We have had some good presentations. It is just a matter of difference of opinion, and some day we will decide who is right, and when I become the correct one I hope you all recognize that.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, let me yield the remaining 2 minutes of my time to the distinguished gentleman from Washington (Mr. DICKS), who was the originator of the language which was stricken.

Mr. DICKS. Mr. Chairman, I am going to be brief here.

The reason I offered this global warming amendment is because I believe this is a serious problem. When you have six former administrators of the Environmental Protection Agency saying this is a reality, when you have just heard Congressman GILCHREST talk about the increases in parts per million of carbon dioxide, and when you have the visible evidence of our glaciers melting, the Greenland ice sheet is melting at a faster rate, the polar bears are dying because there is not enough ice. I mean at some point can the majority here not figure out we ought to have some study, we ought to look into this, that this is a real issue that affects everyone on the Earth?

While Alaska melts away, their Congressmen will be down here in D.C. and everybody will be wondering whatever happened to Alaska.

All I am saying is this is a serious problem, and it is time for serious people to get serious, including the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I just want to remind him, if you look at any of the studies that are taking place now, the polar bear pack is very healthy and, in fact, increasing. Keep that in mind. Read something that really has some merit to it. Do not just read the fear tactic. This is science from the Fish and Wildlife people. Read that. They will tell you we are increasing the numbers, not decreasing. Where you got this idea, I have no idea. Because someone told you that.

Mr. DICKS. Mr. Chairman, I do not think you and I will be here to figure out who was right. I would rather do some serious research about it now than wake up 10 years from now and find out if we would have acted back in 2006 and done something about this, we might have been able to save all of humanity.

I mean, this is real and it is an important issue, and I hate to see it be treated so frivolously by the gentleman from Alaska.

□ 1645

Mr. OBEY. Mr. Chairman, I yield for the purpose of a unanimous consent request to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I support keeping the language in because, as the gentleman from Washington has said, it is very, very important to deal with this problem.

Mr. Chairman, I am extremely disappointed that the Rules Committee did not protect the global warming language in the Interior Appropriations Bill. Global warming is real and human activities are largely to blame. Many scientists believe the erratic and record-breaking weather events we are seeing across the country, such as the prolonged droughts in my home state of New Mexico, are the direct result of global warming. The United States must act, and we must act soon.

The language that was removed from the Interior Appropriations Bill today declared the need for a mandatory cap on greenhouse emissions. Stripping this language further shows the lack of political will of the House of Representatives on this issue. Mr. Chairman, global warming is perhaps the biggest problem that present and future generations of Americans will face. We cannot leave this to our children.

Our colleagues in the Senate have already begun the much needed debate on this issue. In fact, they passed a sense of Congress exactly the same as the one that was stripped today. In addition, they held a day-long climate change forum that gathered stakeholders on this issue, including the leadership of numerous top American companies such as GE and Walmart. Many positions and recommendations for federal greenhouse gas control legislation were aired and debated. It is way past time for the House of Representatives to join the debate. At this point, Mr. Chairman, our neglect has become a dereliction of duty.

Several pieces of legislation have already been introduced on the monumentally important and complex issue of global warming. Certainly, it will take considerable time, effort and investment to mitigate the negative effects of greenhouse gas emissions. And, this must be done equitably and without unnecessary harm to hard-working Americans.

Fortunately, much is already known on what we can do. Research and development on creative solutions to global warming has been underway for some time. Indeed, there is a lot of optimism that we can control the worst effects if we make the commitment. Many companies, states and cities around the country have begun the process. The United States House of Representatives remains silent.

We have not had a single hearing on global warming legislation. In the mean time, the United States continues to increase its greenhouse gas emission levels and China and India are developing fossil fuel dependent, carbon-intensive economies at astounding rates. Mr. Chairman, the process must begin. The United States must be a leader on this issue.

Included in the list of legislation foundering in the House is a bill that the Gentleman from Wisconsin, Mr. PETRI, and I introduced. H.R.

5049, the Keep America Competitive Global Warming Policy Act, is a bipartisan policy that will address greenhouse gas emissions but not put America's jobs at risk. This monumental step of putting a price on carbon will stabilize and eventually reduce emissions, finally putting the United States on the road toward curbing the effects of global warming.

Mr. Chairman, I urge the House of Representatives to immediately begin the debate on solutions to global warming.

Mr. OBEY. Mr. Chairman, I want to congratulate the gentleman from Alaska. He always does the best job possible in selling a very bad case.

Mr. PETRI. Mr. Chairman, I would like to take this opportunity to encourage the House to seriously look at the issue of climate change.

I agree with many of my colleagues who have spoken today on the need to address global warming and that any national policy should not significantly harm the United States economy and encourage comparable actions by other nations.

That is why I am the lead cosponsor of Congressman TOM UDALL's Keep America Competitive Global Warming Policy Act. This legislation is a mandatory, economy wide, cap-and-trade all greenhouse gas reduction policy.

It sets a reasonable standard for emissions and allows companies to buy the time they need to meet reduction requirements without incurring irreparable harm.

The bill will maintain U.S. competitiveness by encouraging research and innovation as well as tie increases in the price of an emission allowance to the emissions-reducing actions of developing countries.

So I hope at some point we can come together and begin the discussion in a thoughtful, bipartisan manner and work to address this issue.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V—SUSPENSION OF ROYALTY RELIEF

SEC. 501. (a) REQUIREMENT TO SUSPEND.—The Secretary of the Interior shall suspend the application of any provision of Federal law under which any person is given relief from any requirement to pay royalty for production oil or natural gas from Federal lands (including submerged lands), for leases occurring in any period after the date of the enactment of this Act with respect to which—

(1) in the case of production of oil, the average price of crude oil in the United States over the most recent 4 consecutive weeks is greater than $34.71 per barrel; and

(2) in the case of production of natural gas, the average wellhead price of natural gas in the United States over the most recent 4 consecutive weeks is greater than $4.34 per thousand cubic feet.

(b) DETERMINATION OF MARKET PRICE.—The Secretary shall determine average prices for purposes of subsection (a) based on the most recent data reported by the Energy Information Administration of the Department of Energy.

POINT OF ORDER

Mr. PEARCE. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PEARCE. Mr. Chairman, I make the point of order that the language contained in section 501 of the bill violates clause 2(b) of rule XXI and constitutes legislation on an appropriations bill.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule. The Chair finds that this section contains language imparting direction to the Executive.

The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 502. RENEGOTIATION OF EXISTING LEASES.—The Secretary of the Interior shall seek to renegotiate each existing lease authorizing production of oil or natural gas on Federal land (including submerged land) that was issued by the Department of the Interior before the date of the enactment of this Act as necessary to modify the terms of such lease to ensure that any suspension of a requirement to pay royalties under such lease does not apply to production referred to in section 501(a).

POINT OF ORDER

Mr. PEARCE. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. PEARCE. Mr. Chairman, I make the point of order that the language contained in section 502 of the bill violates clause 2(b) of rule XXI and constitutes legislation on an appropriations bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair will rule. The Chair finds that this section contains language imparting direction to the Executive.

The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the section is stricken from the bill.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

At the end of the bill (before the short title), insert the following:

TITLE —ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to issue any new lease that authorizes production of oil or natural gas under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et. seq.) to any lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note), where such existing lease is not subject to limitations on royalty relief based on market price.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the amendment I have at the desk is a simple one. It says that none of the funds made available in this act may be used to issue any new leases that authorize production of oil or natural gas under the Outer Continental Shelf Lands Act to any lessee under an existing lease where such lease is not providing the proper royalties based upon market price.

We have a situation here where the American public is being gouged for the price of oil on two separate occasions, once at the gasoline pump and once when their oil and natural gas is being drilled and obtained by oil companies that are not paying the royalties on those leases. This is something that needs to stop.

We have right now over 1,000 leases, roughly 1,032 leases, to major oil companies to drill in the Outer Continental Shelf and elsewhere, and there is no provision for those oil companies to pay royalties on the product owned by the American citizens that is being taken out of the ground, whether it is dry or under the Continental Shelf. That needs to change. We are losing roughly $1 billion a year, and unless this is changed over the course of the next 20 years, we will lose more than $20 billion.

So we need a situation that is going to address this, and this amendment will do so. It simply says that anyone who is interested in having leases to extract oil or natural gas from the Outer Continental Shelf, and they have already leases upon which they are not paying the proper royalties, is not going to be permitted to take those new leases.

Those new leases provide for royalties between 12 and 16 percent. The royalties are on a product that is owned by the citizens of this country, whether it is the oil or the natural gas; and any oil company that is taking those products out of the ground, out of public lands, taking this public property and not paying royalties on it should not be provided with additional leases unless they are willing to pay royalties both on the additional leases and the leases that they already have.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 15 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I stand to oppose this amendment offered by the gentleman from New York. In committee, the gentleman from New York offered an amendment that conditioned eligibility for future leases on renegotiation of price thresholds in old leases. Today's amendment seeks to obtain the same coercive result by indirection.

I share the gentleman's concern about the lack of price thresholds in leases negotiated by the Clinton/Gore administration in 1998 and 1999. The Department of the Interior's Inspector General has appropriately launched an investigation into this, as has the Resources Committee. However, these leases were valid legal contracts signed between the government and these companies in good faith. They paid hundreds of millions of dollars in bonus bids for these leases, bidding on the basis of the royalty relief that they were being offered.

If the lessees seek to maintain their valid legal rights under these contracts, the amendment would penalize them for doing so, in violation of their due process rights under the Constitution. At best, the amendment is an invitation to litigation, which the government will likely lose at a high cost to the taxpayer. A more dire impact will be the lack of development of energy resources that America badly needs.

The amendment would disqualify many companies from bidding on new leases. Remember, these leases were valid leases signed by the government, legally binding. They are contracts. So what we are going to do is penalize these companies because they are abiding by their legal contracts.

Sure, we want them to negotiate. We want them to renegotiate. We would like them to pay the royalties. But the Clinton/Gore administration at that time put these contracts in place. They were signed by the companies. They were signed by the government. And now we are going to go in and say if you don't renegotiate, then you are not going to be eligible for any of these contracts. If you don't pay royalties on these contracts, wherein you are doing exactly what you are required to do by law, if you don't pay royalties voluntarily, then you are not going to be eligible for any of the new leases that are out there.

To me, that is discrimination against those companies. Sure, we would like them to pay the royalties. We think they should. We think they should renegotiate, but I don't think you can go in and break the contract that the government signed with these companies by pressuring them with the threat of not being eligible for future leases.

Mr. Chairman, this is a bad amendment and we should reject it.

Mr. HINCHEY. Mr. Chairman, I just want to point out to my friend from Idaho that the Congressional Research Service has told us that the enactment of this amendment would not constitute a taking of existing leaseholders' rights, and goes on to say that this amendment is perfectly appropriate and should be adopted.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

What is it about the marketplace that the Republicans don't understand? You signed a valid lease, although there is some argument about it. But you have a valid lease and now you want to lease the space next door. You leased a couple hundred thousand square feet, and you leased a thousand square feet, and now you want to lease next door. The economy has changed and now the land is available and so the landlord says to you, I think we will do is, we will do a wraparound lease. You want this?

This is done all the time. It is done all the time in the business world. Various assets at various prices are combined, and the landlord thinks about extracting what he can at that time when you come to renegotiate. This happens all the time in the real estate field, all the time in the minerals field.

All we are saying to the government is, these people have such a huge advantage because of the failure of the cap, we don't think they ought to get any additional leases. They can keep those leases without the caps and not lease, or they can negotiate those caps with the government to be like the rest of the oil companies and they can lease. This is a business transaction. It just happens to be a business transaction on behalf of the people of the United States of America who own these lands.

What is it about the marketplace that you think at $70 a barrel you need royalty relief? I think you are confusing this with the idea that the oil companies are somehow royalty and we must bow down to them. At $70 a barrel, the conservative chairman of my committee, the Resources Committee, said nobody deserves royalty relief. The President of the United States says at these prices nobody deserves royalty relief. And here you are on the floor of the House of Representatives arguing for people who get $70 a barrel.

I talked to the CEOs of these companies when this royalty relief came up, and most of them thought it was balderdash. Most of them thought it was about trying to rescue a couple of companies that made some real bad decisions in the gulf shelf when oil was a bad price. Fine, we agreed that under $34 a barrel you can have some royalty relief. Oil today, my friends, maybe you haven't been out of the Chamber here, it is $70 a barrel; and that is why we are asking the marketplace to work on behalf of the taxpayers of the country who are paying $3.50 for gasoline.

The gentleman's amendment should be unanimous in this House on behalf of people who are buying gas and commuting to work and are paying that price every day. Why do they now have to pay it through this tax break through this royalty relief?

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Thank you, Mr. Chairman. I appreciate what the gentleman from California was saying, but he was wrong. Just dead wrong.

These leases were signed by the government. They were legal leases. They were valid leases. All we are saying is that the government ought to keep its word. When they sign a contract, they ought to honor the contract. The gentleman is absolutely wrong. Congress and the government should keep their word when they sign a contract. That is all we are saying.

Do we want them to pay royalty on this? Certainly we should, and I do not know why in the world the Clinton/Gore administration, the Clinton/Gore administration, let these leases go without any royalty. I do not know why they did that, but the reality is that they were signed contracts. And all we are suggesting is that you should not penalize those companies that actually signed these contracts in good faith. You should not penalize them for future leases. Why should we penalize them? There is absolutely no reason why we should penalize them. We should honor our word and our contracts, and then we should go forward.

We hope, we hope that they will renegotiate for leases, but this is not giving a break to those companies. That is not what we are intending. We hope they renegotiate. That is the reality.

Mr. HINCHEY. Mr. Chairman, the Bush administration has allowed these leases to continue for 5 years, and they haven't renegotiated them. I would just like to draw that to the attention of my friend from Idaho.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. You have a loan on your home. You have a second mortgage on your home and you want a new line of credit. It is a valid line of credit and it is a 4 percent loan. What does the bank tell you? We want you to pay it off, and the new rate is 7 percent or 6 percent.

People renegotiate these contracts all the time. You just refuse to negotiate them on behalf of the taxpayers.

You renegotiate them all of the time on behalf of the oil companies. We do it all of the time.

This is what people do when they want to refinance their homes. The banker says, here are the new rules. You can stick with your loan and be happy as you are; but if you want another $50,000 out of your house, here are the points you have to pay. People understand this.

Why don't you let the marketplace work for once and why don't we run the government like a business, like so many of our constituents stand up and tell us to do. We now have an opportunity. We now have an opportunity, and you are refusing to take the opportunity on behalf of the taxpayers.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. I am sorry the gentleman from California left the floor. We do renegotiate all the time, but it is up to me to decide whether I want to renegotiate or not.

What we are doing is imposing a penalty on these companies if they choose not to renegotiate. And I really don't care what CRS says. I don't think they are a bunch of attorneys down there. All I know is that in Idaho, we believe that when you write a contract you abide by the contract. We have written a contract. We ought to abide by it.

We are the Government of the United States. If you can't trust us to abide by the contracts we sign, why should we trust anybody else to?

Mr. HINCHEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

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Mr. MORAN of Virginia. Mr. Chairman, this amendment is legal, it is simple, and it is fair. All we are asking is to preserve existing contracts but that those firms that fail to renegotiate fairly would then not be granted new oil or gas leases.

Not to accept this amendment is to take sides, is to choose to stand by an industry that has posted the highest profits of any industry in modern history by charging consumers about $50 every time they fill up their gas tank. Those profits are coming from our constituents. And not to support this amendment is to decide we are going to side against our constituents. We are going to give up as much as $80 billion, $80 billion over the next 25 years. That is money that should be our constituents' because it is their Federally owned land that the oil companies are drilling on.

We have a responsibility to represent the American people before we represent a very wealthy and profitable industry. And to decide that we are going to figure out a way to let them continue with these contracts that never should have been signed this way in the first place, that gives up $80 billion of American taxpayers money, is wrong. It is wrong.

It is wrong that our consumers are paying so much when these oil companies are making tens of billions of dollars more than they have ever made. Here is an opportunity, legal, fair and simple, to represent the interests of our constituents, the American taxpayer.

To turn down this amendment is to choose one of the major political contributors in this corrupt political system instead the interest of our constituents.

Pass this amendment.

Mr. TAYLOR or North Carolina. I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I don't know why the Clinton/Gore administration negotiated these leases. They do some rather extraordinary things that there would be no built-in provision when the price of oil reached a certain amount that you wouldn't start to pay royalties.

I have read that substantial amounts of money were raised by the Clinton administration and the Gore candidacy from the major oil companies. Maybe that had something to do with it. I don't know.

All I know is it is wrong and to me it seems inherently unfair, and to violate due process and equal protection of the law, to take people who have current leases that are legal and say to them, we are not going to allow you to bid on some leases over here unless you change the leases you presently have. That is coercion. That is almost extortion. And it is not the right of the government to behave in such a fashion.

And I have heard asserted here that private companies can do that, and I would question that. But the government is bound by the provisions of the United States Constitution not to impair contracts, not to deny equal process of the law, and to guarantee due process.

Therefore, I would urge defeat of this amendment.

Mr. HINCHEY. Mr. Chairman, I just want to mention that we have an administration now in the White House that is replete with oil contacts; and the transition team that set up the energy policy of this administration was made up entirely, except for one person, of people from the oil companies. That is what needs to be dealt with.

I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I rise in support of the Hinchey-Markey amendment. This amendment does absolutely nothing to any existing contract. The oil companies signed a deal at $25 a barrel, royalty relief complete. It goes to $50 a barrel, they still don't have to pay royalties; $75 a barrel, they still don't have to pay royalties; $100 a barrel, still no royalties. And we are not going to take that contract away.

All we are saying is that if you are going to play Uncle Sam as Uncle Sucker, then we are not going to allow you to have any new contracts, because the American consumer is being shaken upside down and having money shaken out of their pockets. Subsidizing the oil industry at $70 a barrel to drill for oil is like subsidizing fish to swim. You don't have to do it.

President Bush said on April 19, I will tell you with $55 a barrel oil we don't need incentives to oil and gas companies to explore. Bush said in a speech to newspaper editors. There are plenty of incentives.

But here is the GOP, not the Grand Old Party, but Gas and Oil Party. That is what they have turned into.

And by the way, last night they cut public health programs by $16 billion. They cut veterans programs by $8 billion. And where could the money have come from? Well, another $10 billion from royalties. If Kerr McGee wins their case, another $60 billion.

If you kicked the Republican budget in the heart, you would break your toe. Keep the money, they say, in the hands of the oil companies. Let them rake off all this money from the taxpayer. Cut the programs in public health, in education, and for veterans, even as their own president is saying they don't need these royalties.

So, ladies and gentlemen, we say keep those contracts, but you are not getting any new contracts with our government if you are going to keep these windfall profits. That is why you should vote for the Hinchey-Markey amendment to send a message to the oil companies in our country.

Mr. TAYLOR of North Carolina. I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, we have heard a lot of talk here. I have heard about a corrupt political system.

I would point out that I went to Russia, the Soviet Union, in about 1991. They are awash in petroleum. They are awash in enough petroleum to change the price of the world price of petroleum significantly. But they have a corrupt political system, and they can't even produce.

To claim that the American oil companies are somehow gaming the system simply just doesn't wash. Oil is traded as a commodity. No company is large enough to affect the price of oil. It is set worldwide. The price of oil is set.

When I look at a demand curve from China, I see that the price of oil is exactly mirroring China's increased demand through the last few years. India is sitting out there requiring a lot of oil too.

For us to begin to talk about punishing people who are bringing a product to the market when people desperately need it, and another system, the Soviet system, cannot even get into the market at $70, in which anyone should be able to get oil to the market at that price, seems ludicrous; and it seems like we are not even talking in the United States of America.

This is a free market economy. The price is set because of supply and demand. We have arbitrarily limited the supply through our failure to drill in ANWR. We are limiting the supply by not issuing BLM leases throughout the Nation. This BLM today is issuing one-third fewer leases than 5 to 10 years ago. Those are the reasons that we have a price that is going up rather than down. It is a matter of supply and demand.

Mr. HINCHEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, it is about families. It is about families across this country who are wrestling with record-high gas prices. This Congress not only has the obligation to do something; but with this amendment, we have an opportunity to do something.

National average price of gasoline per gallon, double what it was when President Bush took office. Oil executives making off with half billion dollar retirement packages.

We can all agree that we have better things to do with as much as $80 billion of taxpayer money than giving it to the oil companies for nothing in return.

$80 billion is how much the GAO says we could simply be giving away to the oil companies over the next 25 years if we do not change the royalty relief law.

Royalty relief is not without its purpose. Prices are low; royalty relief can create a powerful incentive to remove more oil from the ground.

Let's look at the prices. This is nothing more now with royalty relief than a giveaway to those who least need it. One Shell official, New York Times said the other day, under the current environment we don't need royalty relief. They sure don't. ExxonMobil, $36 billion last year. Record, historic. Shell, $22.9 billion.

It is about the people in our communities, the people that we represent that are taking their savings and they are putting it in their fuel tanks.

These folks are taking their money. They are dealing with their stock options. They are paying down their debt, and they are taking high salaries. It is time we took away this opportunity to do that.

And I will tell you that my colleagues on the other side that want to talk about contracts, the Federal Government is given the right to terminate contracts without cause. It is in contract law; it is called the termination of convenience of the government. So we can do this. Let's do it with this bill.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, the sponsors of this amendment suggest that it will fix an error made by the Interior Department in failing to include price thresholds for royalty relief in leases issued in 1998 and 1999.

The fact is, most companies pay their royalty obligations as they are required. A very small number have disputed their obligations, and that matter is under litigation.

Congress should let the legal system do its work and not meddle.

The oil and gas industry spends billions of dollars in this country every year, providing good-paying jobs for Americans and providing energy to fuel this massive economy.

The Gulf of Mexico is one of the most attractive investment opportunities in the world right now, and it is in our best interest to keep it that way.

If we adopt this amendment, we will send a signal that the United States does not abide by its contracts and obligations.

In this time of high prices and unrest in oil markets, the last thing we should do is limit our access to our domestic resources.

If companies holding 1998 and 1999 leases are, in effect, precluded from participating in the 2007 sale, it will impair the domestic oil and gas supply chain. At a time of record-high energy costs and an uncertain global market, we need to encourage our domestic companies to invest here at home, not shut them out of the process.

Mr. Chairman, I urge my colleagues to oppose this amendment that is full of unintended consequences and is wrong for America.

Mr. HINCHEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise in support of the Hinchey amendment. This amendment is a fair and fiscally responsible way to fix a huge problem in our country.

Because of mistakes made in lease agreements in the 1990s and other subsidies contained in last year's Energy Policy Act, we currently are allowing energy companies, who already are reaping huge profits, to take oil and gas from our public lands and waters without paying any return to the taxpayer.

The situation as it currently stands will result in the loss of many billions of dollars in revenue.

So while our constituents suffer from skyrocketing gas and home heating prices, oil companies are able to take publicly owned resources for free.

Both oil company executives and the President said that there is no need for incentives because oil prices are so high, to encourage companies to drill for new sources.

Yet, this Republican leadership has thus far failed to take any action to address the situation.

Energy companies should willingly come forward to renegotiate the leases in question. They should refuse more subsidies. To continue to benefit so much from mistakes made in the 1990s and to take subsidies when they are not needed is corporate irresponsibility at its worst.

My constituents are angry about taxpayer handouts to an industry awash in cash. This amendment is a fair way to deal with an issue that is currently defying common sense and fiscal responsibility.

Vote "yes" for the Hinchey amendment, and in that way, protect our consumers and in that way respect the hardworking American taxpayers.

Mr. HINCHEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in support of the Hinchey amendment.

As I understand the situation, because of the price of crude oil, energy companies have made profits over the last three years totaling more than $125 billion. Exxon alone had profits in one quarter last year of $9.9 billion and are estimated to have had a profit of $36 billion in a single year.

A portion of those profits—about $7 billion according to the New York Times—came because of an administrative error made by the Mine and Minerals Service. At issue is a set of oil and gas leases entered into during the 1990's when oil was selling for $10 a barrel. As an incentive for oil companies to drill, the U.S. government said it would waive its right to royalty payments if oil prices remained low. These royalty forgiveness leases also, however, typically had a clause that said if oil exceeds $35 per barrel, the deal is off and you have to pay the royalty.

The error occurred in about 1000 leases when, evidently by accident, the $35 cancellation clause was not included. This small clerical error has created an enormous windfall estimated at, as I said, $7 billion over the next five years. GAO estimates that this problem could result in the loss $60 billion over the next 25 years in lost royalties.

This amendment merely calls on these companies to renegotiate in good faith to include the proviso included in all other leases. It does not actually void any lease. On the other hand it does say that if a company does not want to be a good citizen, the government may not want to do business with you in the future.

I don't know all the legalities of contract law in this case or the issues of constitutionality. But I think the amendment does nothing more than try to recover $7 billion of excess profits which this country needs and—the oil companies don't. I urge adoption.

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Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from North Carolina for yielding.

I rise in opposition to Mr. HINCHEY's amendment because it does not follow sound logic or the rule of law. Basically what we are saying in this amendment is that if you are out there with a lease today that has a provision that was put in place by the Clinton administration in the Outer Continental deepwater area, then you cannot have any future leases. So if you have made a deal, you have signed a contract, and you are out there producing product that is helping us keep our gas prices from going completely through the roof instead of just high like they are now, then you cannot do that any more unless you break your existing contract.

I think this is commonly referred to as blackmail. If you do not do this, then we are going to make you suffer. And under this amendment, an oil company who in good faith entered into a contract with the Clinton administration to produce a product when nobody else was willing to do it, and you entered into that contract in good faith, we are going to punish you for that unless you completely absolve yourself of that contract and start paying more money to the Federal Government.

Personally, in the private sector nobody gets a free ride on royalties, and I do not think anybody should produce a product without paying royalties if it is natural gas or if it is crude oil. Any place in Kansas where we have been drilling for oil and gas for over 100 years, we pay royalties. But that is really not the point here. The point is the Clinton administration made these agreements and are we going to allow, as the Federal Government, them to abide by that contract or are we just going to blackmail them into doing something totally different?

I think we should vote down this amendment, that we should honor the contracts that we have made, whether it was with the Clinton administration or the Bush administration, and not blackmail people who are just trying to produce a product, something that we greatly need.

So oppose the Hinchey amendment and let us move on.

Mr. HINCHEY. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I rise in support of the Hinchey amendment. The Hinchey amendment is about fairness, common sense, and doing what is right.

It merely states that the oil companies should renegotiate their leases to pay a fair price, a market price, on oil and gas that is owned by the American people or they do not get any other leases.

Our constituents, Americans, are suffering under high gas prices. The oil companies have record profits. The only fair thing to do is to renegotiate these windfall leases that are sweetheart deals. The New York Times estimates that at a minimum, renegotiating these leases will bring $7 billion over the next 5 years.

Last night many of my colleagues on the other side of the aisle voted to cut student loans, seniors, veterans, many areas. Support this amendment so that money will be in the budget so that we can fund things instead of giving more profits to the oil companies. It is absolutely wrong. Support this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I like a good demagoging just like anybody else, but this is not terribly relevant to everything we have said here to this bill or what has actually happened.

Mr. MILLER a little while ago made an analogy to a loan that could be changed from time to time. The problem is if you have got a 4 percent rate for 10 years fixed and the bank comes along and says, it has been 5 years and I want to take that up to 8 percent, you are going to say forget you, I have got a contract that keeps me at 4 percent for 10 years, not 5. And then the courts are going to uphold what you are saying. Also if you say, well, I have got a way here where I can blackmail you and you will come across, the court is going to come down on you like a ton of bricks.

Now, we could do that that the gentleman suggests, but the problem is we are going to spend lots of money, the courts are going to uphold the law because the Constitution and the law are still in place in this country.

Now, a lot of people might not want it to be. I cannot remember and do not know why the Clinton-Gore administration overlooked this and did not put a rate after the rates rose a certain number and royalties were beginning to flow, but they did not. Now, that was caught and after that any drilling in that area is going to pay a royalty.

We have got a small period of time. We cannot do anything about it. If I sell my car for $200 and then later find out it is worth $600 and I have signed a contract, we have a law that says I have got to sell that car for $200. And if I try to get around that, I will pay twice because I will pay all my legal fees, I will pay any sort of penalties, any blackmail money, and I will still lose my car for $200.

So that is pretty much where we are now, and I would say we need to vote against this. We do not want to waste any more money from the mistake that was made in 1998 and 1999.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the Hinchey royalty relief amendment and am proud to be included as a cosponsor.

When the original deep water royalty relief legislation was on the House floor in 1995, I opposed it and said that it was "an early Christmas" for big oil.

Eleven years later, the holiday has never ended and royalty relief keeps on giving ever-bigger gifts.

We were assured by the champions of royalty relief that the 1995 act was a miraculous piece of legislation that would end up making money for the taxpayers by giving away publicly owned oil as an incentive for drilling.

But the concept of paying big oil companies to do what they would do anyway did not make any sense then and it makes even less sense now. Simply put, the taxpayer should not continue to massively subsidize an industry reaping the benefits of record prices and swimming in profits.

According to a recent estimate by the GAO, deep water royalty relief under the 1995 act will cost the taxpayers between $20 billion and $80 billion over the next 25 years, depending upon the outcome of an industry lawsuit.

Thankfully, today we have an opportunity to adopt the Hinchey amendment and put a halt to this fiscal rip-off.

This carefully crafted amendment provides an incentive for the major oil and gas companies which were granted royalty-free leases under the Clinton administration—companies such as ExxonMobil, Shell, and others—to renegotiate those leases to include a price cap on royalty relief. The companies may choose not to do so, but would then not be eligible for new OCS leases.

Mr. Chairman, there is a lot of false bravado and empty rhetoric in this Chamber when it comes to reducing the budget deficit. But this amendment is the real deal. Let's stand up for the taxpayers and adopt it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HINCHEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. RAHALL

Mr. RAHALL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. RAHALL:

At the end of the bill (before the short title) insert the following new section:

SEC. ____. LIMITATION ON USE OF FUNDS FOR SALE OR SLAUGHTER OF FREE-ROAMING HORSES AND BURROS.

None of the funds made available by this Act may be used for the sale or slaughter of wild free-roaming horses and burros (as defined in Public Law 92–195).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from West Virginia (Mr. RAHALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, this amendment has been passed unanimously by this House in previous years, including last year.

Mr. Chairman, last year the House voted 249 to 159 to adopt my amendment to end the sale and slaughter of wild horses and burros. I ask the House today to reaffirm the stand it took to protect these icons of America's western heritage.

Earlier this year the Nevada State Quarter was issued by the U.S. Mint. Now, Nevada is known as the "Silver State."

However, if you look on the back of the quarter, you will not see a picture of a silver mine. No, what the good people of Nevada chose as the representation of their state was a wild horse.

Nevadans are rightly proud of the heritage of their wild horses. It is unfortunately a heritage at risk because of a legislative rider inserted into an Appropriations bill in the dead of night in late 2004 that puts thousands of wild horses and burros in danger of ending up on dining tables overseas.

We need to stop the slaughter of wild horses and burros not only because it is morally wrong but also because the program itself is a failure.

As a result of this failure, 41 wild horses have been slaughtered and thousands more face an uncertain fate.

While the Bureau of Land Management may have good intentions to prevent sales for slaughter, the legislative rider that created this problem in the first place severely handicaps any such effort.

Make no mistake about it, more wild horses and burros will end up slaughtered. After all, if the purpose of the legislative rider was to only sell off these animals to good homes, why was the long-standing prohibition on slaughter removed from the law.

According to the BLM's own statistics, the agency has approximately the same number of wild horse and burros in the sale program today as when the program started. For each one the agency has sold, another one has been added to take its place.

BLM has resorted to sending out letters to public land ranchers pleading with them to buy a horse. It has teamed up with a private entity to offer limited financial incentives to purchasers. These are not the actions of a sound program but the desperate attempts to implement and unwise and unsound policy.

Mr. Chairman, the wild horse and burro program is a failure both morally and administratively. We can and must do a better job of protecting these magnificent creatures. It is time to sheath the sword that hangs over these animals.

I urge the adoption of my amendment.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I am pleased to support this amendment to help save a national treasure—the wild horse.

The wild horse is known throughout the world as a symbol of the American West and we should be doing everything we can to protect it.

In the 1800s, more than 2 million wild horses roamed the American West. Today, that number is down to 35,000.

Due to a provision slipped into the 2004 omnibus appropriations bill, the sale of any wild horse that has been rounded up and is more than 10 years old is now allowed. This language was placed into law without any hearings or public debate.

This rider removed protections under the Wild Free Roaming Horse and Burro Act, which was passed in 1971 after the public demanded that something be done after the shooting of hundreds of thousands of horses and burros for pet food and meat in European restaurants.

Already, at least 41 horses have lost their lives due to this irresponsible language, and the lives of 8,400 horses now being held by the Bureau of Land Management are in jeopardy.

This is an inhumane slaughter against these majestic animals, and there is no need for it to continue.

There are other options we can explore.

The Bureau of Land Management could reopen over 100 herd management areas or use animal contraception methods to keep the size of the herds manageable.

There is simply no reason for these horses to be slaughtered for use as meat in other countries.

The American public want the wild horses protected. In my district alone, countless constituents have asked me to stop this senseless slaughter.

The horse is more than just an animal to our country. It is a beloved literary figure, a character in a movie or television show, a symbol of adventure, a friend of the cowboy, and an important part of our history.

Poet and author Pam Brown says, "A horse is the projection of people's dreams about themselves—strong, powerful, and beautiful—and it has the capability of giving us an escape from our mundane existence."

I cannot say it any better, and encourage all of my colleagues to support this amendment and help save the wild horse.

Protect America's Wild Horses

After 34 years, protections for wild horses from sale to slaughter were removed through an omnibus rider. No bill, no hearings, no debate. Late in 2004 (and late into the night), Senator Conrad Burns (R–MT) attached this highly controversial rider to the omnibus appropriations bill. The amendment, passed with no hearings or public review, reversed longstanding federal policy of protecting wild horses from being sold at auctions and subsequently shipped to slaughter plants. Representatives Nick J. Rahall (D–WV), Ed Whitfield (R–KY), John Sweeney (R–NY), and John Spratt (D–SC) will offer the Rahall-Whitfield-Sweeney-Spratt Wild Horse Amendment to the FY 2007 Interior Appropriations bill. Just last year, the House overwhelmingly approved an identical amendment, as well as another similar appropriations amendment to prohibit horse slaughter, but the Department of Agriculture has thwarted Congress's will and used private funding to enable the grisly slaughter of horses to continue. "A public outcry has again begun across the United States over the change in law that now allows the commercial sale and slaughter of these animals," said Rahall. "We need to act before it is too late for thousands of these animals."

It is already too late for 41 mustangs. On April 15, 2005, six horses were purchased by Oklahoman Dustin Herbert. Only three days later, these horses were sent directly to a foreign-owned slaughter plant in Illinois. Mr. Herbert told the Bureau of Land Management (BLM) that he intended to use the horses for a church youth program. Another 35 were killed at the same slaughter plant one week later after being traded unwittingly by the Rosebud Sioux Tribe soon after they were sold by BLM. By pure chance, another 52 were snatched from the slaughterplant line in a last minute effort to preserve their lives by fast-thinking officials. We have graphic evidence in hand now that sale authority is not a workable solution.

Horse slaughter is fundamentally inhumane. The cruelty of horse slaughter is not limited to the slaughter itself. Economic rather than humane considerations dictate transport conditions, as horses are shipped in crowded trucks, frequently over long distances, and are typically given no food, water or rest. The truck ceilings are so low that horses are not able to hold their heads in a normal, balanced position. Heavily pregnant horses, horses with broken limbs, and horses missing one or both eyes may be legally shipped for many days to slaughter. Inappropriate floor surfaces cause slips and falls, and sometimes even trampling. Some horses arrive at the slaughter house seriously injured or dead. Horses are required to be rendered unconscious prior to slaughter, usually with a captive bolt pistol, which shoots a metal rod into the horse's brain. Some horses are improperly stunned and still conscious when they are shackled and hoisted by a rear leg to have their throats cut. In addition, conditions in the slaughterhouse are stressful and frightening for horses. Death at the slaughterhouse is not a humane end for horses. All three of the remaining horse slaughterhouses in the United States are foreign-owned. Congress acknowledged this in the strong, bipartisan votes cast on the FY2006 interior and agriculture appropriations bills in both the House and Senate (House Interior 249–159; House Agriculture 269–158; Senate Agriculture 69–28), yet the United States Department of Agriculture undermined the will of Congress by constructing a private payment system specifically to enable the continuation of this brutal practice.

The number of horses in the US is dwindling. In the 1800s, over two million wild horses roamed the American West. When Congress passed the Wild Free-Roaming Horse and Burro Act (WFRHBA), there were 60,000. Today, the combined number of wild horses and burros is approximately 35,000. That represents a nearly 50% reduction of wild horses out on the range since Congress passed federal legislation to protect them. The entire wild horse and burro populations of six western states have been completely eradicated.

Wild horses and burros have been federally protected for decades. In 1971, Congress passed the WFRHBA in response to enormous public outcry over the shootings of hundreds of thousands of horses and burros and the slaughter of horses for pet food and human consumption in European restaurants. The Burns rider removed crucial protection under the WFRHBA by requiring that the BLM sell wild horses over the age of ten or those offered for adoption more than three times. The lives of 8,400 horses now being held by BLM—and more in the future—are in jeopardy due to this controversial rider and the law must be changed.

BLM's current removal policy is costing taxpayers over $39 million a year. According to the U.S. Geological Service, $7.7 million could be saved annually through the use of contraceptive measures alone. Since 1988, seveeral wild horse populations have been controlled under pilot programs using a contraceptive vaccine (PZP) developed with the help of The Humane Society of the United States. Additionally, there are other, less expensive alternatives available. A 1990 GAO Report states that, "[r]educing authorized grazing levels would likely be cheaper than wild horse removals to achieve the same reduction in forage consumption."

Cattle outnumber wild horses and burros at least 100 to 1 on public lands. BLM's private livestock grazing program encompasses 214 million acres of public lands and costs over $130 million to manage annually. Over 4 million head of private cattle enjoy subsidized grazing on public lands. A congressionally-mandated study by the National Academy of Sciences found that, in one year, livestock consumed 70% of grazing resources on public lands, while wild horses and burros consumed less than 5%. The WFRHBA mandates that wild horses and burros be provided 47 million acres of public lands on 303 herd areas. Since 1971, the BLM has reduced the number of herd areas to 201, taking approximately 13 million acres of land from these federally protected animals.

Horses are not crusing rangeland degradation. The 1990 GA0 study detemined that (1) the primary cause of rangeland degradation is poorly managed domestic livestock grazing, (2) wild horse removals have not demonstrably improved range conditions, (3) wild horse behavior patterns make them less damaging than cattle to vulnerable range areas, and (4) wild horse removals are occurring in some locations not being damaged by widespread overgrazing (GAO/RCED-90-110, Rangeland Management—Improvements Needed in Federal Wild Horse Program).

Americans want wild horse protection. Support for the Rahall-Whitfield-Sweeney-Spratt Amendment to protect our cherished wild horses crosses all social, cultural, and political boundaries. When it was revealed that wild horses had been sent to slaughter since the enactment of the Burns' rider (with widespread media coverage in Peole Magazine, CNN, MSNBC, and dozens of papers across the country), Americans made sure their voices were heard, resulting in BLM temporarily suspending their sales program. Without the passage of protective legislation, sales will resume.

The answer is simple. There is no need to sell off and slaughter America's Western heritage. With the millions of acres of public land in the US, we can surely make room for 35,000 horses. Americans do not wish to have their tax dollars spent on the sale and slaughter of this last living icon of our American heritage.

Mr. TAYLOR of North Carolina. Mr. Chairman, we accept this amendment.

Mr. SWEENEY. Mr. Chairman, I rise today in support of the Rahall-Whitfield-Sweeney-Spratt Amendment, which bans the sale and slaughter of wild free-roaming horses. I am pleased to state this exact same amendment passed the House last year with overwhelming support with a vote of 249-159.

As my colleagues have stated, a measure was snuck into the FY05 Omnibus Appropriations bill to allow wild horses to be slaughtered for human consumption overseas. The provision to allow the sale and slaughter of wild horses was underhanded and wrong.

When Congress unanimously passed the Wild Free-Roaming Horse and Burro Act of 1971, it established a policy to protect wild horses from capture, harassment, and death. BLM responsibly carried out this mission for 33 years, before the statute was secretly changed 2 years ago. Americans have clearly made their voices heard that these wild horses must be protected.

This amendment is a responsible solution to this problem. The passage of this amendment would prevent BLM from selling horses—and close the loophole on slaughter.

Since BLM began the sale of wild horses, a number of horses have been purchased and slaughtered. This has generated a massive public outcry. In response to this, BLM temporarily suspended its sale program, with the intent to resume the sale shortly. Mr. Speaker, this is not enough—it is urgent we pass this amendment and end this practice now.

The slaughter of wild horses is indicative of the larger overall problem of horse slaughter. Last year, 90,000 American horses were slaughtered in this country and served as meals in restaurants in Europe and Asia. That is why I'm fighting for the passage of my legislation, the American Horse Slaughter Prevention Act, H.R. 503, which bans the slaughter of ANY horse for human consumption.

In addition to this same amendment last year, I also offered an amendment to the FY06 Agriculture Appropriation's Bill to temporarily suspend this horrific act. Although our amendment had enormous public support and overwhelmingly passed both chambers, the USDA defied the will of Congress by granting a petition allowing a fee-for-service option submitted by three foreign-owned horse slaughter plants to circumvent the ban.

I am pleased to hear that I may finally get my stand-alone legislation, H.R. 503, addressed in committee so we aren't forced to do these stop-gap measures each year. I appreciate our Leadership and Chairman BARTON reviewing the need for this legislation. I look forward to working with you as we address this cruel topic.

Horse Slaughter is not humane euthanasia—it is a malicious, painful end for these animals. Americans don't eat horses, nor do we raise them for human consumption. This amendment will right a wrong and is a positive step forward in our ultimate goal of ending the slaughter of horses in the United States for human consumption overseas.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical emergency and I would like to submit this statement for the RECORD in support of the amendment offered by Representative RAHALL to protect wild, free-roaming horses and burros from commercial slaughter.

Since 1971 when Congress passed the Wild Free-Roaming Horses and Burros Act, the federal government has ensured the protection of wild mustangs and burros roaming on public lands. Unfortunately, in 2004, a controversial rider rolling back these protections was slipped into the massive omnibus appropriations bill for fiscal year 2005. Congress must act to right this wrong. We owe it to the next generation to preserve a piece of American heritage—to protect our wild and free horses.

As cosponsor of H.R. 297—the bill upon which this amendment is based, I urge my colleagues to support the Rahall amendment and reinstate the humane and appropriate protection of wild, free-roaming horses and burros.

Mr. RAHALL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. RAHALL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GORDON:

At the end of the bill, before the short title, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

The CHAIRMAN. Pursuant of the order of the House of today, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Federal Government wastes $250 million a year by not enforcing its conservation statutory requirements in its Federal buildings. I do not think we can ask the American public to do adequate conservation if we are not going to do it ourselves.

My amendment simply requires the Interior Department to follow the law.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, the amendment requires Federal agencies to comply with the requirements of an Executive Order that deals with instituting energy efficiency improvements in Federal buildings and reporting on progress in that regard.

We have no objection to the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHABOT:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to plan, design, study, or construct, for the purpose of harvesting timber by private entities or individuals, a forest development road in the Tongass National Forest.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and the gentleman from North Carolina (Mr. TAYLOR) each will control 10 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. I yield myself such time as I may consume.

Mr. Chairman, since 1982 the Forest Service has lost $850 million subsidizing private timber in the Tongass National Forest. That is a $40 million annual loss. If anyone wonders why our national debt is as large as it is, and it is currently $8.3 trillion, by the way, one needs to look no farther than taxpayer boondoggles like this one. They really add up.

The Tongass National Forest was established in 1907 by President Theodore Roosevelt. It is America's largest forest, about the size of West Virginia. Located along Alaska's southeastern coast, it is often referred to as "America's Rainforest" and is home to abundant wildlife: bald eagles, grizzly bears, wolves, and salmon; as well as old growth trees such as the giant Sitka spruce, western hemlock, and yellow cedar.

There are thousands of miles of roads in the Tongass right now. The Forest Service acknowledges that existing roads are "sufficient to satisfy local demand for roaded recreation, subsistence, community connectivity needs and demands in most districts." Yet year after year the Forest Service spends millions of tax dollars building roads for private timber companies that by the agency's own admission are not really necessary. To make matters worse, the Forest Service has a nationwide road maintenance backlog of about $10 billion, tens of millions of which are in the Tongass. Incredibly, the Forest Service is not maintaining existing roads; yet they want to build more, even though they admit there are enough already.

The timber program is not a profitable business in the Tongass the way the Forest Service is currently running it. Nobody argues this. The Forest Service concedes that 90 to 95 percent of all existing timber sale contracts in the Tongass are unprofitable. Nearly half of Tongass timber contracts go unsold. Of those that are sold, the majority have only a single bidder, resulting in a bargain basement, discounted sale.

Mr. Chairman, this is a simple, straightforward amendment. It would simply prohibit the Forest Service from building logging roads for timber companies subsidized by the American taxpayer in the Tongass. It does not prevent the Forest Service from building roads to connect communities, to provide recreation, or to otherwise manage the forest. It does not stop timber companies from building their own roads. I know that there are some who want you to believe differently, but this amendment has nothing to do with the roadless rule. It has everything to do with good government.

Opponents of this amendment will argue that the massive losses in the Tongass are due to litigation, that taxpayer dollars are ending up in the pockets of trial lawyers. Mr. Chairman, I am not often accused of being a darling of the trial lawyers.

As some may know, the Freedom of Information Act request was filed with the Forest Service in 2002. Although the request was to be for the years ranging from 1991 to 2001, the Forest Service could only provide numbers from 1998 to 2001. During that time the Forest Service spent $121 million on its timber program. Litigation costs amounted to $1.6 million. That means only 2 percent of the total cost were spent on appeals and litigation. Just 2 percent.

Opponents of this amendment will say that the National Environmental Policy Act requirements also increase costs, and they are right. The NEPA process needs reform, and I supported legislation to do this, as many of us have. But whether we like it or not, NEPA is on the books. To gouge taxpayers year after year and justify it by pointing to burdensome environmental requirements is just wrong.

Some say this amendment is an attempt to take away jobs in Alaska. It is not. In fact, as timber subsidies have increased, timber-related jobs have decreased. Taxpayer subsidies per Tongass timber job have risen from $12,000 in 1996 to over $150,000 per job now. Think of that. Every job, $150,000 in taxpayer subsidy for that one job.

Finally, according to a 2003 National Forest Service publication, there is enough timber available off the current road system of the Tongass to meet demand for several years.

Mr. Chairman, let us restore some fiscal sanity to the Tongass timber program. I urge my colleagues to stand up for the American taxpayers and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding.

The Chabot amendment is not about fiscal responsibility. The costs within this program, the cost of appeals and litigation, attempts by the agency to bulletproof all of its documents from those lawsuits amounts to 75 percent of the cost of running the program within the agency. In fact, if you took out those costs that are incurred because of lawsuits, the litigation, the appeals, and attempts by the agency to bulletproof their environmental documents, the Tongass forest sales would actually produce a 13 percent profit margin.

In an effort to gain support from fiscal conservatives, some group called the Taxpayers for Common Sense has tried to couch this as a fiscal argument, and again 75 percent of the costs are brought in by many of the same groups that are supporting this amendment. These outside groups, because they have not been able to achieve their goals legislatively of completely devastating the forest program and eliminating any kind of timber sales, have now tried to do it in this manner, in bringing it before the appropriations bill and trying to limit the ability.

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Again, if you look at the actual cost in this entire program, 75 percent of the costs associated with these timber sales are because of the NEPA reviews, the appeals and the litigation. Only 25 percent is the actual cost of preparing the sale.

Yes, I guess if you run up enough lawsuits, if you appeal all of those lawsuits, if you continue to badger the Forest Service, you can run up the cost to make this program unprofitable. But this is a long debate we have had in this House; and trying to couch this as a fiscal debate, I believe, is just a smokescreen over what the true intention of most of these outside groups is, and that is just to try to eliminate the timber program completely.

So I urge a "no" vote on the Chabot-Andrews amendment.

Mr. CHABOT. Mr. Chairman, I yield such time as he might consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my friend for yielding. It is my pleasure and honor to offer this amendment with him, and urge our colleagues to vote "yes."

Mr. Chairman, the question in this amendment is whether or not the public should pay to build more roads in the Tongass National Forest. I think the answer is no. I think the answer is no for three reasons:

First, building more roads would further put at risk what is truly a treasure, a jewel in the National Forest system. Environmentally, I think it simply makes no sense to build more of these roads.

Second, it is a terrible investment for the taxpayers. Since 1982, the taxpayers have expended $850 million more than we have taken in in revenues from this investment. In fiscal year 2005 alone, the taxpayer cost was nearly $49 million, and the taxpayer revenue was about $500,000. I don't know any of my constituents who would make an investment of $49 million in a business that is only going to return $500,000 on the investment.

Finally, building more roads in the Tongass National Forest is an unnecessary idea when it comes to the jobs that are involved. I think that we always should be involved and concerned about the jobs of any of our fellow citizens, no matter where they are, in what region. But the fact of the matter is, the roads that already exist in the Tongass National Forest open up an area of that forest that would permit the harvesting of those trees for years and years and years to come. A substantial amount of the trees that could be harvested in that section of the forest already open to roads have not yet been harvested.

So I would urge our colleagues in both political parties to vote "yes" in order to preserve an important national environmental treasure, in order to continue with the jobs that are presently going on there, and, most importantly, to protect the wallets of our taxpayers. For every $100 that we spend to run the Federal Government, we only bring in $75 worth of revenue. We need to start to reduce what we spend. This is a great place to do that. I would urge my colleagues to vote "yes."

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, it is no surprise, of course, that I am adamantly opposed to this sneaky amendment offered by two people that don't know what they are talking about, have never known what they are talking about, deal not with what they are talking about, and will never know what they are talking about.

The Alaskan rainforest, as you gentlemen recognize, is as big as Vermont, Massachusetts, Connecticut and Rhode Island combined, including New Jersey.

I am sure you will be happy to know that we have 19 designated sites of wilderness in that area, a national monument that takes up 35 percent of the forest. Seventy-eight percent of the Tongass is slated for roadless areas already. All I am saying is what this is attempting to do is put the last remaining small group of Alaskans out of work.

Ironically, the two gentlemen that are offering this amendment are crying about outsourcing: My God, we are losing jobs. They are going overseas. But here we are in Congress taking away the jobs of my Alaskan constituents. That is the thing that probably disturbs me the most about this, is we had a forest of 21 million acres, 21 million acres. And we were told in this body in 1980 that we will only lock up all of it but 2 million acres and you will have those acres to actually retain a timber industry and have your people work. And now we are down to 1,000 acres, and you want to take that away.

And you say we don't need the roads. That is not what the Forest Service says. They say we need these roads if we are going to harvest the timber. They will put up the sales. Who is going to bid it, if they can't get the timber?

That is true. Anybody that debates that, you better understand it, because what is happening here is you are trying to put the last remaining, the last remaining few Alaskans that are trying to make a very meager living, 300 people, 300 jobs, take it away from them for the environmentalists. It has nothing to do with taxes.

By the way, I hope you understand, my good friends that are offering this amendment. I was precluded from offering an amendment to the amendment today because of the unanimous consent; but if this amendment is adopted, I will offer the same amendment to the forests in Ohio, which loses money every year, a large sum; to New Jersey, if you have national forests; and to the areas in New Hampshire. Every area, every person that votes for this amendment, there will be an amendment next year on this bill to do the exact same thing. Because if we are going to be true to ourselves, if you are talking about fiscal responsibility, then you will step up to the plate and take your forests and make sure they are under the same category.

Unless you are saying, All right, it is just Alaska. He is way away. It is just his district. On a personal note, none of you in this body has ever seen me address anybody's one district, because I believe in the representative form of government. Representative form of government. If it is your district and it is what you want and in your district, I will support that. If you don't want it, I will support that.

But to have two Members of this House, and, yes, it is bipartisan, and I shall not forget that, to come and attack a single Member and his total district, to take away the jobs of his people, I say is wrong. And each one of you think about this in this room: this should be representative form of government, and what you are doing is dead wrong, and I shall not forget it.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, just a couple of points I would make. First of all, it certainly is not an attack on any Member of this body nor an attack on any State. I would just note that those jobs that are being paid for and the $48 million paid out last year alone, those tax dollars come from New Jersey and they come from Ohio and they come from Pennsylvania.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I will be happy to yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. That $48 million went to the Forest Service. It didn't go to my 300 civilians. It went to the Forest Service. That is what people must understand. You are creating jobs for the Federal Government.

Mr. CHABOT. Mr. Chairman, reclaiming my time, since 1982, there has been almost $1 billion, $850 million in all, spent for this. And relative to jobs, back in 1996 there were 1,500 jobs. It is down to below 300 right now. So every one of those jobs is basically being subsidized by the American taxpayer to the tune of $150,000 per job. So what we are trying to do here is be responsible to the taxpayers of my State, Ohio, and New Jersey and Pennsylvania and Texas and New York and Vermont and all the other States who right now are donor States who are sending these dollars up to Alaska to sustain those few jobs.

Now, I am all for timbering, I am all for allowing roads to be built; just not at taxpayer expense, not when the taxpayer is getting ripped off.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, once again we are confronted with the question of how to manage one of our great national treasures, the Tongass National Forest in Alaska. It is my hope that we will choose more wisely this time.

The choice here is really quite simple. We can choose to follow the law and respect the results of the forest planning process, or we can trump the law and substitute our own political needs for those of an economically depressed region of the country.

The gentleman's amendment is the final piece of a long-standing strategy to do one thing and one thing only, to kill what remains of the forest products industry in Alaska. This is not a decision about protecting pristine forests. My friends, we have already done that. More than 96 percent of the Tongass National Forest has not and will not be managed for timber under the existing forest plan. This amendment simply says "get lost" to the last few sawmills in the region and the hundreds of jobs they provide.

The Tongass National Forest has a newly revised forest management plan, a carefully considered plan that took more than 13 years to complete. The plan provided for careful roadless area management following established planning processes, including extensive public participation. The gentleman's amendment ignores all of this for no other reason than to shut down the Alaska timber industry.

I urge my colleagues to vote "no" on this amendment.

Mr. CHABOT. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank my coauthor, and salute him for his integrity for bringing this amendment under difficult circumstances.

President Kennedy said 40 years ago or so, governing is choosing, and every time we make a choice, somebody doesn't like it. But when you avoid choices, that is how you wind up with an $8 trillion debt. That is how you wind up borrowing 25 percent of the money that you spend to run the government.

It is always easier to say yes when people want to spend the public's money, but it is not always right; and here it isn't right. Since 1982, the taxpayers have put about $1 billion into building roads into this forest. We have gotten back $150 million. We should stop building these roads. That is what this amendment does. It does it artfully and correctly. I would urge a "yes" vote.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, I find the arguments amazing. The Lincoln National Forest is in the Second District of New Mexico. One of the retired foresters grabbed me one day and said. You know, I used to run this 1 million acres by myself and one part-timer. Then he said, Myself and the part-timer did all the timber sales, all of the conservation projects, all of the business opportunity projects by ourselves. Now the Lincoln National Forest has 142 people.

If the gentlemen were really interested in the operation, in the use of the operation of the Forest Service and the use of Federal funds, they would go in and de-fund every timber sales department that has not sold a tree in decades, because we are still funding timber sales departments that don't fund it.

I find your arrogance tremendously offensive, that you come into another man's district and begin to take away his jobs. In the Second District of New Mexico, there used to be 22 mills that processed these forest products, and we are down to two. The Lincoln National Forest is in a position to offer them the product that would keep them in business. They grow 50 million board feet a year of new timber in Lincoln. They will not even commit 12 million.

There is a policy and culture in our Forest Service that says we will not cut trees, we will not keep our forests healthy. We will watch them burn down before we cut a tree. That is what I find offensive about the debate from our friends on the other side of the issue.

Mr. CHABOT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would just note there are very diverse groups on all sides of the political spectrum that strongly support this amendment, group likes Citizens Against Government Waste, National Taxpayers Union, Taxpayers For Common Sense, on the one hand; the National Wildlife Federation, the Sierra Club and many others; and I would strongly urge my colleagues to take a vote here which is in the best interests of the taxpayers of this country.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are talking about roads. The roads are used for many things, recreation, all those sorts of things. Over 90 percent of the Tongass is unroaded, won't be roaded and so forth.

It ought to be that forests in America, managed the best in the world, should be providing the resources for all over the world. For instance, if we don't have wood, we will have to rely on steel or plastic. Steel takes lots more energy, about eight times as much to make a steel 2 by 4 versus a wooden 2 by 4, and plastic, we know what that comes from.

Mr. Chairman, I urge defeat of this amendment.

Mr. KIND. Mr. Chairman, I rise today in support of the Chabot-Andrews amendment to the FY 2007 Interior Appropriations bill to block taxpayer spending on new commercial logging in Alaska's Tongass National Forest. Facing massive Federal deficits, every dollar counts, and we must take a stand against the Forest Service's fiscal mismanagement of the Tongass.

In addition, I would like to state my disappointment with the deep cut proposed in this bill for the State Wildlife Grants Program. This bill includes only $50 million for this program, a cut of $17.5 million below FY 2006 and nearly $25 million below the President's request.

The State Wildlife Grants program is not just a "Grants Program" it is the Interior Department's core program for preventing wildlife from becoming endangered by working in partnership with State Wildlife Agencies. The deep cut included in this bill will have a dramatic impact on Wildlife conservation efforts in Wisconsin and across the country.

State Wildlife grants program has strong bipartisan support from every corner of the country. Earlier this year 170 representatives joined together on a letter of support for $85 million in funding for this program. This program has also been championed by the Congressional Sportsmen's Caucus, the largest caucus in the House. Across the Capitol, 56 Senators joined together on a similar letter.

Further, this program is championed by the teaming with Wildlife Coalition, which includes hunters and anglers, environmentalists, wildlife agencies and others. In Wisconsin, this coalition includes almost 200 organizations, including the Wisconsin Wildlife Federation, Audubon Chapters, and local businesses. and there are similar coalitions in every state.

Again, I urge my colleagues to support the Chabot-Andrews amendment.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical emergency and I would like to submit this statement for the RECORD in support of the amendment offered by Representative CHABOT to protect the Tongass National Forest.

The Tongass National Forest spanning 17 million acres in southeastern Alaska is the United States' largest national forest and home to the world's largest temperate rain forest. Over the past 24 years, the American taxpayers have provided $850 million in subsidies to the timber industry to harvest areas within the Tongass. The American taxpayers deserve better. The bipartisan amendment offered by Representative CHABOT and Representative ANDREWS would simply prohibit the Forest Service from using any more tax dollars to build more roads for private timber in the Tongass. I urge my colleagues to support this environmentally smart and fiscally responsible amendment. Additionally, I am submitting for the RECORD an editorial in the Hartford Courant that also expresses support for the amendment.

[From the Hartford Courant, May 16, 2006]

PROTECT TONGASS NATIONAL FOREST

Later this week, Congress will have a chance to right a wrongheaded public boondoggle that last year gave the timber industry $48.5 million in Federal funds to defile the Tongass National Forest in Alaska.

Tongass was established as a national forest by Teddy Roosevelt in 1907 and occupies the extreme southeast corner of the Alaskan coast. The world's largest intact temperate rainforest, it's a place of unimaginable lushness and beauty strewn along the Inside Passage like a jade necklace. It is home to ancient Sitka spruce, bald eagles, bears and wolves. It's also a renowned destination for tourists who fish, hunt, hike or simply want to witness the rugged grandeur of one of the world's last wild places.

During the past two decades, the Federal Government has spent as much as $1 billion to prop up the timber industry in the Tongass. Putting aside the environmental consequences of clearcutting and road-building in this natural treasure (consequences including the destruction of rare, old-growth trees and woodland habitat, erosion, streams choked with silt and the loss of fish habitat), this practice is also a singularly bad investment.

Last year for example, the forest service spent $48.5 million to help timber interests build roads in the Tongass. In return, the government—or, rather, taxpayers—received $500,000 in logging revenues. It's a situation reminiscent of the oil-industry giveaway uncovered early this year by The New York Times. The investigation found that, while prices for natural gas nearly doubled between 2001 and 2005, the royalties paid by companies to the Federal Government for right to drill on public lands and coastal waters actually declined.

Thursday, the House is scheduled to consider an amendment to the House Appropriations bill that would put an end to the Tongass boondoggle. The amendment is being offered by Representatives STEVE CHABOT, a Republican from Ohio, and Democrat ROB ANDREWS of New Jersey.

Congress should support this amendment. Wasting taxpayer money is bad. Wasteful corporate welfare with little or no public benefit is worse. Publicly subsidizing the destruction of the largest intact temperate rainforest is beyond the pale.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. WEINER of New York.

Amendments by Mr. POE of Texas.

Amendment by Mr. PALLONE of New Jersey.

Amendment by Mr. BEAUPREZ of Colorado.

Amendment by Mr. HINCHEY of New York.

Amendment by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 152, not voting 14, as follows:

[Roll No. 163]

AYES—266

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Boehner
Bono
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Campbell (CA)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fossella
Frank (MA)
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hefley
Hensarling
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Platts
Pombo
Pomeroy
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Reyes
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—152

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Bonilla
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Goode
Granger
Graves
Green (WI)
Hall
Harris
Hastings (WA)
Hayes
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Keller
Kline
Knollenberg
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Myrick
Neugebauer
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pearce
Peterson (PA)
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Wamp
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Evans
Flake
Franks (AZ)
Gutknecht
Hayworth
Hinojosa
Kennedy (RI)
Kolbe
Larson (CT)
Leach
Musgrave
Reynolds
Shadegg
Stupak

☐ 1809

Mr. GILLMOR and Mr. CAMP of Michigan changed their vote from "aye" to "no."

Messrs. MEEK of Florida, JONES of North Carolina, CULBERSON, ISSA, HENSARLING, ROHRABACHER, FOLEY, GINGREY, and LATHAM changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 163, had I been present, I would have voted "aye."

AMENDMENTS OFFERED BY MR. POE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendments offered by the gentleman from Texas (Mr. POE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendments.

The Clerk redesignated the amendments.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 141, noes 279, not voting 13, as follows:

[Roll No. 164]

AYES—141

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Boehner
Bonilla
Boozman
Boren
Boustany
Brady (TX)
Burgess
Burton (IN)
Buyer
Camp (MI)
Cannon
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
DeLay
Dent
Doolittle
Duncan
Edwards
Emerson

Everett
Fortenberry
Fossella
Foxx
Gerlach
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Hart
Hastert
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Istook
Jefferson
Jenkins
Jindal
Johnson, Sam
King (IA)
King (NY)
Kline
Knollenberg
Kuhl (NY)
Latham
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller, Gary
Mollohan
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Pickering
Pitts
Poe
Porter
Price (GA)
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Ryan (WI)
Ryun (KS)
Salazar
Schmidt
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (TX)
Souder
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Walden (OR)
Wamp
Westmoreland
Wicker

NOES—279

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Bonner
Bono
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Campbell (CA)
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Hall
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Reichert
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Stearns
Strickland
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Evans
Flake
Franks (AZ)
Gutknecht
Hayworth
Kennedy (RI)
Kolbe
Larson (CT)
Leach
Musgrave
Reynolds
Shadegg
Stupak

□ 1817

Ms. CORRINE BROWN of Florida changed her vote from "aye" to "no."

Mr. EVERETT and Mr. ROGERS of Michigan changed their vote from "no" to "aye."

So the amendments were rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PALLONE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 187, not voting 14, as follows:

[Roll No. 165]

AYES—231

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—187

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Cardoza
Carter
Chabot
Chocola
Coble
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
Everett
Feeney
Forbes
Fortenberry
Fossella
Gallegly

Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hastings (WA)
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sensenbrenner
Sessions
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Tancredo
Tanner
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—14

Evans
Flake
Foxx
Franks (AZ)
Gutknecht
Hayworth
Kennedy (RI)
Kolbe
Larson (CT)
Leach
Musgrave
Reynolds
Shadegg
Stupak

□ 1825

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. BEAUPREZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. BEAUPREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 306, not voting 14, as follows:

[Roll No. 166]

AYES—112

Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Blackburn
Boehner
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Chocola
Coble
Cole (OK)
Cubin
Culberson
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Diaz-Balart, M.
Doolittle
Dreier
Feeney
Forbes
Foxx
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Herseth
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Lewis (KY)
Linder
Lungren, Daniel E.
Manzullo
Marchant
McCaul (TX)
McHenry
Miller (MI)
Miller, Gary
Myrick
Neugebauer
Ney
Norwood
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Radanovich
Renzi
Rogers (AL)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salazar
Sensenbrenner
Sessions
Shuster
Skelton
Souder
Stearns
Tancredo
Taylor (MS)
Thornberry
Tiahrt
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—306

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—14

Bishop (UT)
Blunt
Evans
Flake
Franks (AZ)
Hayworth
Kennedy (RI)
Kolbe
Larson (CT)
Leach
Musgrave
Reynolds
Shadegg
Stupak

□ 1833

Mr. MARCHANT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HINCHEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. HINCHEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 252, noes 165, not voting 15, as follows:

[Roll No. 167]

AYES—252

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)

Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Frank (MA)
Gerlach
Gilchrest
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—165

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Bishop (UT)
Blackburn
Boehner
Bonilla
Bono
Boozman
Boren
Boucher
Boustany
Brady (TX)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
English (PA)
Feeney
Forbes
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kline
Knollenberg
Latham
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Murphy
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Porter
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reyes
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—15

Blunt
Cannon
Evans
Flake
Franks (AZ)
Hayworth
Kennedy (RI)
Kirk
Kolbe
Larson (CT)
Leach
Musgrave
Reynolds
Shadegg
Stupak

☐ 1840

Mr. SCHWARZ of Michigan and Mr. WELLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. KIRK. Mr. Chairman, on rollcall No. 167 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. CHABOT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 181, not voting 14, as follows:

[Roll No. 168]

AYES—237

Ackerman
Akin
Allen
Andrews
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Boehlert
Bonner
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Butterfield
Campbell (CA)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Doyle
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gillmor
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hensarling
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Kuhl (NY)
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—181

Abercrombie
Aderholt
Alexander
Baca
Bachus
Baker
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chocola
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Cuellar

Culberson
Davis (AL)
Davis (KY)
Deal (GA)
DeLay
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Everett
Feeney
Foley
Forbes
Ford
Fossella
Gallegly
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hefley
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
Jindal
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pombo
Porter
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rush
Ryun (KS)
Schmidt
Schwarz (MI)
Sessions
Sherwood
Shimkus
Shuster
Simpson
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Thomas
Thompson (MS)
Thornberry
Tiahrt
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)

NOT VOTING—14

Blunt
Diaz-Balart, L.
Evans
Flake
Franks (AZ)
Hayworth
Kennedy (RI)
Kolbe
Larson (CT)
Leach
Musgrave
Reynolds
Shadegg
Stupak

☐ 1848

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. . None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from Kansas is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, this is a sad day for the future of American jobs and for our future economy. Tonight we have decided to keep energy prices higher by blocking exploration offshore on the Outer Continental Shelf.

We have also blocked the EPA from reducing the paperwork burden on small businesses and on pop and mom shops, because we have blocked them from reducing the toxic relief information paperwork.

We have even tried to blackmail oil companies tonight that entered into contracts in good faith to produce oil and gas. Now, we have adopted an amendment to force them to breach those contracts or else they are unable to drill offshore in the future.

Mr. Chairman, my amendment is very simple. It says that none of the funds made available in this act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses. It is very simple: it is about American jobs.

"Without consideration" is a very simple term. It is like being polite to people in the future. Being polite often says that we are just going to be considerate of others. In terms of our future economy and in terms of our children's opportunities, we should be considerate. We should be considerate of the barriers that have been created by this Congress and by Congresses before us over the past generation that are keeping us from creating and keeping American jobs.

We have excessive health care costs, much of which is driven by an archaic system called Medicare which was created in the 1960s and today is heavily laden with paperwork, and it drives up our health care cost.

Mr. Chairman, we have a tax policy that is punitive to success. We have regulation burdens, as I spoke about tonight, in relationship to the toxic release inventory deduction. We also have a trade policy that goes largely unenforced in some areas, allowing other countries to target businesses and run them out so that they can import their products.

We also have excessive litigation costs. The one thing that we do have in excess in this country is lawsuits. We should be exporting our lawsuits through our trade policies, holding other countries accountable when they violate our trade agreements. But litigation costs have driven up the expenses for small businesses and large businesses alike. When expenses go up, we are less competitive and we lose jobs.

Our energy policy has failed to meet the demands of our economy. That is why we have $3 gas. That is why our natural gas costs are the highest in the world because of policies created by this Congress.

And our education policy has failed to meet the needs of our high-tech society these days. Our math scores, our science scores, those students pursuing engineering degrees and science degrees are diminishing, and so are their test scores. And our unfocused research and development programs have also created barriers to keeping and creating jobs here in America.

So, Mr. Chairman, that is why I created this very simple amendment that just says that we won't put a barrier in place when it comes to writing regulations because it costs us American jobs.

Now, I realize that my amendment is subject to a point of order because our rules say that a Member cannot add authorization language to an appropriations bill. And I assume that there is wisdom in the process, and we will abide by that.

So with reservations, I will withdraw this amendment. But I will not withdraw from the fight to remove the barriers that Congress has created that prevent us from keeping and creating jobs here in America.

Mr. Chairman, respectfully, I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

I yield to my friend and colleague from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I rise for the purpose of entering into a colloquy with the chairman of the Interior Appropriations Committee, the ranking member, and the chairman of the National Park Service Subcommittee regarding the National Park Service's extension of the current contract to provide ferry service to the Statue of Liberty/Ellis Island National Monument, in spite of Congress's explicit instruction that concessions contracts be put out to bid upon their expiration.

Mr. Chairman, the current concessionaire, Circle Line, has held the contract to provide ferry service from Manhattan to the Statue of Liberty for decades. They provide what is less than enjoyable service for park visitors. The old clunky boats and temporary screening facilities they use when docking at the edge of a city park hardly do Lady Liberty justice.

In 1998, Congress passed, thanks to the leadership of the House Resources Committee, a bill that overhauled the National Park Service Concession Program and instilled for the first time competition into the contract process. Specifically, the preferential right of renewal for an incumbent that grossed more than a half a million dollars annually was eliminated. In section 403, subsection 2, the National Parks Omnibus Management Act of 1998 says: "Prior to awarding a new concession contract, including renewals or extension of existing contracts for concessions, the Secretary shall publicly solicit proposals for a concessions contract."

It was clearly the intent of Congress to put an end to the Park Service's age-old practice of indefinitely renewing existing contracts to the detriment of each park's service, was it not, Mr. Chairman?

Mr. PEARCE. Will the gentleman from New York yield?

Mr. WEINER. Certainly I will.

Mr. PEARCE. The gentleman from New York is right. It was and continues to be the intent of Congress that the National Park Service open contracts to competition upon their termination.

Mr. WEINER. Reclaiming my time. However, when Circle Line's contract expired in 2004, the Park Service utilized language in the 1998 act providing the Secretary with extension authority and awarded Circle Line a 3-year extension, did it not, Mr. Chairman?

Mr. PEARCE. If the gentleman from New York will yield?

Mr. WEINER. Certainly I will.

Mr. PEARCE. The Service did indeed extend the Circle Line contract from March 31, 2004, to March 2007 due to a number of factors stemming from the events of September 11, including the fact, as my colleague knows, that the statue was closed to the public from 9/11 through August 2004. During this time, Liberty Island underwent an extensive security and safety assessment that focused on a number of vulnerabilities such as the statue's 3/32 of an inch thick skin, and local park officials spent much more time focusing on those issues than preparing for a new contract prospectus. Obviously, they dropped the ball.

Mr. WEINER. Reclaiming my time. Mr. Chairman, now as we approach the expiration of the extended 2004 contract, I have been informed, as have my colleagues on the authorizing and appropriations committees, that the National Park Service will not have a prospectus on the street to solicit bids and award a new contract by the expiration of the current Circle Line contract in March 2007 when the 3-year renewal is scheduled to expire, meaning that the Circle Line contract will have been extended again.

Mr. TAYLOR of North Carolina. If the gentleman will yield.

Mr. WEINER. I am happy to yield to the chairman.

Mr. TAYLOR of North Carolina. The gentleman from New York is right, the National Park Service has notified the Interior Appropriations Subcommittee that due to its inability to complete an open bid before the expiration of the current extension in April 2007, the Park Service will have to temporarily extend Circle Line's contract once again to prevent the disruption of service to Liberty Island.

Mr. WEINER. Reclaiming my time, I thank the chairman. Mr. Chairman, would Chairman TAYLOR, Ranking Member DICKS and Chairman PEARCE agree with me that the National Park Service has failed to heed Congress's direction that expiring contracts are to be put to bid on schedule, and that extending the Circle Line contract beyond March of 2007 should be called into question?

Would they further agree to work with me to ensure that those who are responsible for ignoring Congress's intent are held accountable?

Mr. TAYLOR of North Carolina. If the gentleman will yield.

Mr. WEINER. I certainly will.

Mr. TAYLOR of North Carolina. I agree with the gentleman from New York that the Circle Line contract set to expire March 2007 should not be extended. I look forward to working with the gentleman from New York, the chairman of the authorizing committee and the ranking member of this subcommittee to ensure that the new contract is in place as soon as possible and those responsible for the current delay are held accountable.

Mr. WEINER. Reclaiming my time, I thank the chairman.

Mr. PEARCE. If the gentleman will yield.

Mr. WEINER. Certainly I will yield.

Mr. PEARCE. I agree also with the gentleman from New York that the Circle Line contract set to expire on March 2007 should not be extended. I look forward to working with the gentleman from New York and the chairman and ranking member of the appropriations subcommittee to ensure that a new contract is in place as soon as possible and those responsible for the current delay are held to account for their actions.

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I also thank the gentleman for bringing this problem to my attention. With over 600 concession-related contracts in the National Park system, it is difficult for me and the subcommittee staff to always stay on top of these ongoing deadlines.

Mr. WEINER. Mr. Chairman, reclaiming my time, I thank the chairman.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. WEINER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to thank the gentleman from New York for his leadership on this issue. I look forward to working with him, with the chairman, and with the authorizing committee to ensure that a new contract is in place as soon as possible and those responsible for the current delay are held to account.

Mr. WEINER. Mr. Chairman, I want to thank Mr. DICKS, and I also want to extend my gratitude to Mike Stephens of your staff, Deb Weatherly of Mr. TAYLOR's staff, and Rob Howarth of Mr. PEARCE's staff for their cooperation.

Mr. Chairman, I submit the following articles for the RECORD.

[From the New York Times, Aug. 4, 2004]

LIBERTY IS OPEN AGAIN TO THE MASSES, BUT JUST TO THE HEM OF HER ROBES

(By Carolyn Curiel)

For anyone who has ever trekked up the spiral staircase of the Statue of Liberty and peered through the crown's narrow windows, the statue's reopening this week, for the first time since the 9/11 attacks, is bittersweet. Its surrounding grounds and facilities have been spruced up, and members of the National Park Service gamely claim that the statue, an international icon, is better than ever. But there's no way to ignore the loss of what was the main attraction: tourists can no longer knock themselves out by climbing those storied 354 steps.

It's perhaps an unavoidable result of the vigilance against terrorism, but a sad one nonetheless. The new tour stops short of the hem of Liberty's robes, at the top of her thick concrete pedestal, in a room that holds only 30 people at a time, or about 3,000 people a day who are quickly shuffled in and out. While a guide gives a short talk and shows a video, tourists are invited to look up at the ceiling, where a few glass panels give a glimpse of a few feet of the interior. Tourists can also step into the open air on a deck that lines the pedestal. That's as good as it gets. And that's only after each visitor is screened twice, by X-ray and metal detectors before boarding a ferry to the monument, and then on the premises by new scanners looking for explosives and narcotics.

Throughout the statue's base are monitors showing the routes to the nearest exits in case of an emergency, while across the bottom scrolls a constant message: "If you see something, say something." Oddly enough, this antiterrorism mantra, which appears in bilingual postings in city subways and buses, is only in English at this symbol of America's polyglot immigration.

Larry Parkinson, a deputy assistant secretary for law enforcement and security at the Interior Department, says greater access to the statue itself has not been ruled out. But it isn't in the works right now, and the motives for caution seem to stretch beyond security. There is concern about wear and tear on the statue. The people who used to climb the stairs were apparently not unlike those unconscionable climbers of Everest who left behind proof of their presence in the form of garbage—in this case, mostly chewing gum and food refuse.

But it's hard to avoid the impression that the officials who spent millions in private and public funds to restore and fortify the statue don't want anyone to mess it up. With the nonprofit charity that has been in charge of soliciting donations under fire for paying its executives too much money, this seems like a time when everyone should be trying to make things as accessible as possible.

Obviously, security will have to come first, but visitors to the Statue of Liberty, the symbol of American freedom, shouldn't be constrained forever.

[From the Daily News, May 7, 2006]

CARRYING A TORCH

Sen. Bob Menendez did his best at Interior Secretary nominee Dirk Kempthorne's confirmation hearing last week. The New Jersey Democrat eloquently explained why the Statue of Liberty must be reopened to the public, and he pressed Kempthorne to explain when that might happen. But the Idaho governor has his bureauspeak down pat. He can answer a question while saying nothing at all.

Menendez is to be thanked for raising the issue of how Lady Liberty is being held hostage by the National Park Service (under Interior Department auspices) and the Statue of Liberty-Ellis Island Foundation. Since Liberty Island was closed 9/11, only the pedestal has reopened, despite much-improved security measures for the island and the statue. The public is denied access to the crown and the spiral staircase leading there—a staircase trod by multitudes before the feds began cowering.

Citing those new security measures, Menendez told Kempthorne: "I hope that you will help us liberate Lady Liberty. We should not buckle in to the fear of terrorism. We should let Americans travel to the top of Lady Liberty." Exactly.

Then Menendez expressed hope that Secretary Kempthorne "would make a commitment" to do what is necessary to reopen the statue in its entirety. Responded Kempthorne: "I will take your counsel" and "look into" how access can be expanded "while understanding that we want to make sure that it is done safely." And yada yada yada.

Americans are sick of double-talk. Open the statue. All of it.

[From the Daily News, May 4, 2006]

LIBERATE LADY LIBERTY

The Statue of Liberty, held hostage by the Interior Department and the National Park Service, has a new champion in Senator Robert Menendez who, it is hoped, will be able to free her from the bureaucratic shackles that have imprisoned her since 9/11. Today, Menendez and the rest of the Energy and Natural Resources Committee will hold a confirmation hearing for Interior Secretary-nominee Idaho Gov. Dirk Kempthorne, at which time the New Jersey Democrat will demand answers and action to ensure Lady Liberty is open to the public, which she is not, despite lies by the feds and their nonprofit fund-raising partner, the Statue of Liberty-Ellis Island Foundation.

All that is open is the pedestal. Visitors can look up her skirts. They cannot, as had been the case before 9/11, climb the spiral stairway to her crown. She has become the Statue of Cowardice, thanks to the people who run Liberty Island and are terrified of terrorism.

Aren't we all? No. We are aware of it and wary of it, but we are not terrified. If we were, this whole city—full as it is of ripe, potential targets—would have shut down. If we were, the terrorists would have won. Thus far, they can claim victory over only the statue.

Though strict security measures have been implemented—reserved admission, repeat metal detection—the frightened feds are loath to let visitors climb the statue. The entire situation is shameful. May Menendez bring that to the attention of Kempthorne, and the entire nation, and may there be such an outcry as to break the chains that bind Miss Liberty and make her a laughingstock for Al Qaeda.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, we will accept the amendment.

Mr. GARRETT of New Jersey. I appreciate that, and I will be very brief, just to say that Members on both sides of the aisle may disagree on exactly how we got to this point, but I think most people will agree that our deficit in this country is too high.

If people watched TV last night and watched the debates on the floor with regard to our budget, there was much disagreement on our spending levels and the like. But one thing we all came to agreement on at the end of the evening is that we are spending too much and that when we spend too much it creates a deficit. So when we can at an appropriate time try to limit and rein in those spendings, I think that is an appropriate and common sense approach to do that. To do that we have this amendment.

This amendment is basically to say that when Federal agencies travel overseas on international conferences there should be some limit as to how many members and their staff goes. The amendment picks out a reasonable number and that is 50.

No one would disagree with the fact that we should attend international conferences and no one would disagree with the fact that we should allow staff to go to them. Our amendment simply says that only essential staff should attend those conferences, and we therefore set a limited number.

I appreciate the fact that the chairman has agreed to this amendment in past legislation, and I certainly appreciate the fact that the amendment once again is agreed to by the chairman at this point in time as well.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARY G. MILLER of California:

At the end of the bill, before the short title, insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. No funds made available by this Act may be obligated or expended to conduct the San Gabriel Watershed and Mountains Special Resource Study (authorized by the San Gabriel River Watershed Study Act (Public Law 108–42)) in the cities of Diamond Bar, La Habra, Industry, Chino Hills, and the community of Rowland Heights in Los Angeles County, California (as defined by the following boundaries: the City of Industry on the north, Orange County on the south, the City of Diamond Bar and California State Route 57 on the east, and the City of La Habra Heights and Schabarum Regional Park on the west.).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. GARY G. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

In 2003, I was approached by the chairman of the Resources Committee, RICHARD POMBO, and he was asked to put language in a bill that would authorize the National Park Service, San Gabriel Valley Watershed and Mountain Special Resource Study to survey the San Gabriel River and its tributaries and the San Gabriel Mountains north of, and including, the City of Santa Fe Springs to determine if any resources are available for National Park Service designation. And when he approached me, it was because I am from the region, and we looked at the maps. His staff determined that this had no impact on my district. I agreed, when I reviewed the language, that it had no impact on my district.

However, since then the National Park Service has been conducting public hearings in my district. The cities that they have been conducted in have stated very clearly, the cities I mentioned in my amendment to be removed, that they do not want to be part of the study.

My city is clearly not in San Gabriel Mountains nor is it north of Santa Fe Springs. It is clearly far to the east of Santa Fe Springs. My cities have no affiliation with the National Park Service nor do they believe they should be part of the National Park Service.

My reason for not objecting to this when the language was presented to me was I was assured by Chairman POMBO that this would not impact my district. In fact, the chairman wholeheartedly supports my language in this amendment that is asking that no funds made available by this act may be obligated or expended to conduct the survey in the cities listed within my amendment.

We worked with the National Park Service. We have tried to get them to eliminate our cities. In fact, Chairman LEWIS today even called them and asked them once again to delete these cities from that study. They said they believed they had congressional authorization, although the committee chairman believes that is not the case. And what we are saying is I have no problem with what any other Member of Congress wants to do within their district. In fact, when this was proposed to me I supported what they wanted to do because it is their district.

INTRODUCTION

This amendment is simple. It only affects the communities within my district who do not want to be the subject of a Federal National Park Service study.

My amendment would exclude cities within my congressional district (and one neighboring city) from a study being conducted by the National Park Service (NPS): "the San Gabriel River Watershed and Mountains Special Resource Study."

NATIONAL PARK SERVICE STUDY HAS GONE BEYOND CONGRESSIONAL INTENT

In 2003, Congress authorized the National Park Service San Gabriel Watershed and Mountains Special Resource Study to survey the "San Gabriel River and its tributaries and the San Gabriel Mountains, north of, and including the city of Santa Fe Springs" to determine if any resources are available for National Park Service designation.

Let me be clear—My district is not in the San Gabriel Mountains, nor does it contain a tributary, and it is not north of Santa Fe Springs.

It is east of the area that was authorized to be studied.

I did not oppose the original authorization of this study because, according to my interpretation of the language, my district would not be affected.

I strongly believe that the inclusion of cities in my district in the NPS study went beyond the scope of the congressional authorization.

MY CITIES DO NOT WANT THEIR LAND TO BE ADDED TO THE NATIONAL PARK SYSTEM

We have reached out to the NPS on numerous occasions asking them to remove these cities from the study—they have refused.

I rise today to ask that you support my efforts to ensure these cities are not forced to be included in a study they did not seek.

This amendment does not affect any other cities in the study than those in my district (plus the City of Industry) that have asked to be excluded.

If other members want their cities to continue to be included in the study, then this amendment will not affect them.

The bottom line is that I represent these cities and they have told me they do not want to be included in this study.

CONCLUSION

The cities in the 42nd Congressional District, which I represent, have worked hard to address the challenges associated with the rapid pace of growth in our region, including finding innovative solutions to manage future development, alleviate traffic congestion, and preserve open space.

These cities are in the best position to make decisions regarding land use within their boundaries and I am opposed to any federal action that falsely conveys the perception that this authority might be curtailed in the future.

The results of this study could ultimately be used to compromise the ability of local governments to decide what is best for their communities.

Land management responsibility and decision-making should be made at the local level where officials have a clear understanding of community needs.

Existing land use management by local municipalities is preferable to Federal involvement in this rapidly growing region.

I urge my colleagues to support my efforts to protect the communities that I represent.

A vote in favor of this amendment is a vote against spending Federal dollars where they are not welcomed.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I understand there is opposition being included in the Special Resource Study currently being conducted by the National Park Service.

Would the gentleman agree to work with the ranking member and myself to see if we can resolve that?

Mr. GARY G. MILLER of California. Yes. I would ask that my amendment be adopted, but I would be happy to work with you.

Mr. TAYLOR of North Carolina. Mr. Chairman, I have no objection to the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I agree that there is still some confusion over this, but for the sake of moving the process forward, we will cooperate with the gentleman. But we need to be able to work this out.

Mr. GARY G. MILLER of California. Absolutely. Reclaiming my time, Mr. Chairman, I would do nothing to impact anybody else's district. The cities delineated within the amendment are clearly under my purview, and they all have issued letters requesting to be removed; so I would be happy to work with the gentleman.

Ms. SOLIS. Mr. Chairman, I rise in opposition to the amendment sponsored by Congressman MILLER. This amendment is based on a fundamentally flawed understanding of the study process incorporated in the legislation which I authored and which was signed into law on July 1, 2003 and would result in a change in the study design.

The San Gabriel River Watershed Study Act was signed into law on July 1, 2003 after a lengthy effort to build consensus, an effort which included outreach to and coordination with all the members of the San Gabriel Valley delegation, including the Representatives of Diamond Bar, La Habra Industry, Chino Hills, and the unincorporated area of Los Angeles County in the community of Rowland Heights. As a result of this effort, the legislation passed the U.S. House of Representatives with broad support.

Congressman RADANOVICH noted in a letter to the editor on August 4, 2002, that "the legislative process works best when those with differing views get together to resolve those differences and arrive at solutions that are responsible, workable and widely acceptable. That is what happened in this instance." I am proud of the iterative and compromising process by which this legislation was drafted and enacted. In fact, upon passage, Representative POMBO noted that this bill "enjoys the broad support of both the majority and the minority, and I urge my colleagues to support it."

During this process, the boundaries of the study were clearly defined. According to the legislative text, the Secretary of the Interior shall conduct a special resource study of the following areas: (1) the San Gabriel River and its tributaries north of and including the city of Sante Fe Springs, and (2) the San Gabriel Mountains within the territory of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy—as defined in section 32603(c)(1)(C) of the State California Public Resource Code. This study was directed to be done in consultation with Federal, State and local governments, including the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy and other appropriate Federal, State and local governmental entities. These areas were chosen for their importance in the regional watershed.

During consideration of this legislation, the Department of the Interior recognized the need for this study. It noted that:

> The watershed of the San Gabriel River contains important natural resources which are disappearing throughout Los Angeles County. Continuous greenbelt corridors provided by the river serve as habitat for breeding, feeding, resting or migration birds and mammals, which allows migration to take place through developed areas. The rugged terrain of the higher reaches of the watershed contains different vegetations including rock outcroppings and vegetation native to the Pacific Coast foothills. This area also has a rich cultural heritage which is evident by the large number of historically significant properties within the proposed study area. Among them is the Mission San Gabriel Archangel, founded in 1771 by the Spanish missionaries who were moving up the coast of California.

The Department of Interior also noted that this study would have to examine a number of alternatives for protecting resources in the area. Specifically the Department of the Interior stated:

> Alternatives to federal management of resources are often considered in a special resource study for this type of area including national trail designations, national heritage area designations, and the provision of technical assistance to state and local governments for conservation of rivers, trails, natural areas, and cultural resources. A

study of an area where land ownership and jurisdictional boundaries are as complex as they are in the San Gabriel River Watershed would likely emphasize public-private partnerships.

This study provides a multitude of opportunities for public comment. The National Park Service has made accommodations to boundaries where these changes do not alter the intent of the study. In its final report to Congress, the National Park Service will make recommendations and include with those recommendations the comments provided by the local stakeholders. Additional legislative acts of Congress would be required before any recommendation could be implemented. This action would require local and Federal support. By design, no action could be implemented as a result of this study without consent.

This study provides our communities with a very rare opportunity to develop a plan to bring and protect natural resources in our area for future generations. Many of the possible recommendations could result in additional monies being brought to the community, improved health for our children, and high property values at no loss of local control.

I am proud that this process is a transparent one which provides all stakeholders an equal opportunity to participate in the process of developing recommendations for future consideration and commenting on particular land use needs. The National Park Service is committed to finding creative ways to help improve the community and I encourage everyone to think outside of what is perceived as the traditional Federal land management process.

I believe the concerns represented by those in support of this amendment are unfounded based on the legislative record and encourage all stakeholders to work together to come to an agreement which preserves the intent of the authorizing legislation. I oppose this amendment because I believe the legislative record provides ample support for the inclusion of these areas and provides ample protections for local landowners, stakeholders, and other interested parties.

The CHAIRMAN. Does any Member claim the time in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBERSTAR:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds in this Act may be used by the Administrator of the Environmental Protection Agency to implement or enforce the Joint Memorandum published in the Federal Register on January 15, 2003 (68 Fed. Reg. 1995).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 15 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order has been reserved.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

The amendment that the gentleman from Michigan (Mr. DINGELL), the gentleman from Iowa (Mr. LEACH), and I and others offer today will define where we stand on protecting water quality in America. Will we allow the Federal Water Pollution Act, the Clean Water Act, to be a national program, as it was intended by Congress when written and enacted in 1972, to protect the Nation's waters; or will we allow it simply to become a limited program that abandons the national priority for clean water by leaving a rather substantial number of lakes, streams, and wetlands unprotected?

This bipartisan amendment we offer would prevent the Administrator of the Environmental Protection Agency from implementing or enforcing the wetlands policy guidance issued in a joint memorandum of EPA and the Corps of Engineers in 2003. That memorandum was drafted in response to the U.S. Supreme Court decision in the Solid Waste Agency of North Cook County against Army Corps of Engineers, commonly known as the SWANCC case. The EPA's guidance in pursuance of the court's decision goes well beyond what the court directed. The court held that the Clean Water Act jurisdiction did not extend to isolated intrastate waters where jurisdiction is asserted solely on the presence of migratory birds. But the joint memorandum, EPA expanded upon the case and made it more difficult to protect all intrastate waters regardless of impact on water quality or on commerce. Our amendment would prevent EPA from implementing that unsound policy.

With our amendment EPA and the Corps of Engineers will once again be able to follow their own regulations and procedures in determining what waters are subject to protection under the Clean Water Act. If the amendment is defeated, streams, ponds, wetlands will continue to endure unregulated wastewater and other damaged water discharges. The result will be loss of habitat for waterfowl, loss of habitat for wildlife, endangered wildlife, increased frequency and increased severity of flooding and increased risk of drinking water and polluted groundwater supplies.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I withdraw my reservation of point of order and claim the time in opposition to the amendment.

The Acting CHAIRMAN (Mr. GUTKNECHT). The gentleman from North Carolina will control 15 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me thank the leaders of this amendment, Mr. OBERSTAR, Mr. LEACH, Mr. DINGELL, to protect water quality.

This amendment reverses the harmful policy of EPA and the Corps of Engineers that empowers regulators to allow the pollution of waters and destruction of wetlands but eliminates the authority of local regulators to protect waters from such pollution and destruction.

Since January, 2003, EPA and the Corps have restricted the ability of their own personnel to implement regulations that have been in use since 1986. These regulations are valid, understood in the regulated community, and are the method we use to protect some 20 percent of the Nation's waters. The Nation's ponds, streams, rivers, lakes, and wetlands can be no healthier than the headwaters and runoff that feed them.

Since EPA guidance was put in place in 2003, regulators have allowed the pollution and destruction of these critical waters, imperiling the health of the entire aquatic system.

This amendment is not about stopping the direct pollution of our great rivers such as the Mississippi or the Trinity River, which flows through my home city of Dallas. It is about protecting the waters that feed into these systems and that serve as the origins of these great rivers. When we fail to protect smaller bodies of water, we lose the flood control, water supply, water filtering, and habitat benefits that these waters provide.

Waters that may appear isolated on the surface tend to be interconnected with the ground and surface waters elsewhere. We cannot simply ignore the connections among and the values of all of the Nation's waters.

I support this bipartisan amendment and urge all of my colleagues to join me in voting "yes."

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

I would like to oppose this amendment strongly. On January 9, 2001, the Supreme Court ruled that there must be a significant and important connection between traditional navigable waterways and the wetlands or waters to be regulated by Federal agencies.

The EPA and the Corps of Engineers issued guidance to their field staff in

2003 clarifying that the Clean Water Act jurisdiction did not extend to isolated waters that are both intrastate and non-navigable. This guidance also clarifies that field staff should continue to assert jurisdiction over traditional navigable waters and adjacent wetlands and their tributaries systems and adjacent wetlands. Field staff was directed to make jurisdictional and permitting decisions on a case-by-case basis.

The plain text of the Clean Water Act emphasizes that Congress constructed the statute in a manner that intended, as the Supreme Court has articulated, to "recognize, preserve, and protect the States' primary authority and responsibility over local land and water resources." Misguided efforts to expand the geographical scope of the Clean Water Act will create and exacerbate local land and water resource decisions with burdensome and costly Federal controls.

I will give you an example. Right now the Clean Water Act is being used in farms, with livestock, cattle primarily, to try to clean the streams where cattle are grazing.

□ 1915

If we allow the situation we have here for navigable waters to be translated to ditches, small tributaries with an ounce of water, the soil conservation today, and we are providing grants for soil conservation to take those streams, provide drinking water for cattle, and then enable them to go back into a stream which is fenced off, if we rule according to what has been asked here, we will find that the soil conservation will be barred from doing any sort of work in cleaning water. We will actually get dirtier water. We could have up to six agencies get involved in trying to clean up water on a farm. Not only will the cost be prohibitive, but the bureaucracy, because many of those agencies do not agree in this thing.

Eliminating this guidance will create confusion and could lead to the classification of ditches, drains, curbs, roads, gutters and erosion features as "navigable water of the United States." Clearly, this goes beyond common sense, but it won't be the first time that the Federal Government has tried to force something like this.

Such an expansive regulatory reach would have the Federal Government interfering and frustrating local decisions regarding construction, operation, maintenance, management, transportation, flood control, and agricultural production.

For instance, soil water conservation, which would be working with the farmer, has an elected delegation inside the county, as well as the State delegations elected, and they are trying to do the right thing, and we are spending Federal money to help it. This could be stopped by the Corps of Engineers simply for bureaucratic action.

Eliminating this guidance would require Federal oversight of ditches, storm drains and sewers. These are local structures that are constructed and managed and maintained at the local level. We don't want the Corps of Engineers and all the bureaucracy that would be entailed to get down to a small storm drain or a small ounce of water on a farm. The cost would be prohibitive, and it would go against what the Clean Water Act is trying to do, and that is clean water for a special agriculture problem.

One critical consideration is the Supreme Court is expected to rule in two new Clean Water Act cases prior to the expiration of the current term in June. The decisions in these cases will provide important clarification of the geographic scope of the Clean Water Act jurisdiction. We should not act at this time on issues that are being actively deliberated by the Supreme Court.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the distinguished gentleman Michigan (Mr. DINGELL), who, along with my predecessor, John Blotnick, was the original inventor of the clean water program.

Mr. DINGELL. Mr. Chairman, I thank my dear friend from Minnesota, who has done so much for the natural resources of this country and for the protection of its waters. I salute you, Jim.

When the original Clean Water Act and its amendments were passed, the waters of this country were so filthy that they were unsafe for recreational purposes, for swimming, for drinking and even for industry. Imagine that. And we were ditching, draining, drilling and drying our wetlands at a pace which was unbelievably bad for the country. We also were destroying in that process not only wildlife habitat, but one of the finest natural flood control systems that has ever been devised by the mind and hand of the almighty God.

Now, in the debates on the Clean Water Act, if you read the history, you will find that there the managers of the bill in a colloquy with me said that this law was to cover all navigable waters of the United States and all waters that affected the navigable waters of the United States, and that has been the settled interpretation of the law ever since. It has stopped the drainage and the drying up of our wetlands. It has done an enormous amount of good to clean up the waters, so that now they can be used for swimming and boating and recreation and industry and irrigation and other things which were not available before.

If you will but take a look, you will find the consequences of this understanding which this amendment would deny funding for. The guidance that we are talking about has wiped out the protections for bodies of water like the Sacramento River in New Mexico, a water supply for a number of communities. Despite being a drinking water source, the Folsom South Canal in California has been determined not to be water under the Clean Water Act. Imagine that, if you please. Forested wetlands in Delaware that connect to the Little River, feeding directly into Delaware Bay were declared isolated and not covered. An 86-acre lake in Wisconsin, popular with fishermen, is no longer covered by the Clean Water Act.

Now, I want to remind my colleagues that not long back, 218 Members of this body joined in sending a letter to the President of the United States asking him not to implement the plans that were in the offing in the administration. That letter was honored by the President withdrawing the regulatory change, but he left in place the guidance. The guidance is every bit as bad.

This corrects that situation. It makes it possible for matters to be corrected so that we can continue the protection of wetlands in the United States, we can continue to protect our drinking water, our recreational waters and the waters which are so important and precious to fish, wildlife, and conservationists.

This is an amendment which will stop wrongdoing. This is an amendment which will protect the water resources of this country at a time when the need is clear. This is a proposal which sees to it that the wishes of 218 Members of this Congress, communicated to the President from Members from both sides of the aisle, Democrats and Republicans, are carried forward and that we do serve as wise conservators and protectors of the natural resources and, above all else, the precious water of the United States.

I urge the adoption of the amendment offered by my good friend Mr. OBERSTAR and by the distinguished gentleman from Iowa, Mr. LEACH.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, I want to introduce you to Gene, who is a third-generation sugar beet farmer. That is a root crop that can't grow in wetlands. Nonetheless, his sugar beet farm was ruled by the Federal Government as a wetland. The reason it was a wetland was because the creek was connected to his farm by way of an irrigation ditch with a pipe in it. The water to his wetland went through an irrigation pipe which he allowed to pool so the higher end of his farm could actually be irrigated the same way. In our district, 8 days of irrigation is one of the criteria for a wetland.

I don't believe that those who actually wrote the Clean Water Act intended an irrigation pipe to be considered one of the navigable waterways of the United States, but the act is written so loosely and the interpretation by bureaucrats on the administrative side has been so perverse that indeed those kinds of decisions have been made in reality.

The SWANCC decision by the courts simply said enough is enough. We need to bring some element of logic, write some rules that actually are the intention of this particular act. So Gene, when he took the irrigation pipe away and the water dried up, was still threatened with fines because he had interrupted the navigable waterways of the United States. And when he and his wife for medical needs tried to use the only asset that they had, which was their farm, and they tried to sell it for their needs and their family needs, the value of their farm was shot, because this is now farmlands. They were forced to sell their property for one-quarter of the value of the exact neighboring farm with the same kind of crops on the same road.

What we are doing with the Clean Water Act, as it is being interpreted, is hurting people. We are taking their property rights away without any kind of compensation from the Federal Government and forcing them to suffer. We are forcing them to try and prove to the person who made the original accusation that his accusation was inaccurate.

For example, when the water actually dried up on his property, the person who made this request, who made this declaration it was water land, simply said we are in a drought cycle; we have to wait until we have a wet cycle in Utah to see if the water will return automatically by itself.

This is unfair to people. And this amendment, well-intentioned as it is, just like the law, well-intentioned as it is, in its practice hurts people. It hurts real people in the United States, and that is not why we are here.

I urge you to reject this amendment. Let the SWANCC decision go forward, so logical rules on how we deal with real people can be put into place.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this amendment. This amendment has a very clear purpose, to ensure that the Clean Water Act, one of the most vital and effective laws, to ensure that the Clean Water Act protects as many waters as possible.

The Environmental Protection Agency has issued guidance that, sadly, has the effect of limiting the application of the Clean Water Act. There is no good reason to do that. The guidance goes beyond any limitation that was necessary because of the Supreme Court ruling in what is known as the SWANCC case, and the guidance is not even helpful. The Government Accountability Office has documented that the guidance is actually causing confusion and inconsistent interpretation of the law. Some guidance.

The guidance is so misguided, that 2 years ago, 218 Members of this House, a bipartisan group, wrote to the EPA asking that the guidance not be implemented. Our call went unheeded, so we need to send a stronger message here and now.

We need to block the implementation of this guidance to protect our Nation's waters. This amendment will not prevent EPA from issuing new, more thoughtful guidance; but this amendment will prevent a rollback of the Clean Water Act.

I urge my colleagues to vote for this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to support the chairman in opposition to this amendment. I have 8 years of local government experience, 30 years of small-town business experience, and 19 years of State government experience before I came here; and I can't tell you the time I have spent bringing reason to wetland designation in my district.

The problem we have had, and what I believe the creep here is, we are going to bring EPA and put them in charge of wetlands in small-town USA neighborhoods that are not real wetlands; they are wet spots. They are spots where someone has put dirt in an appropriate place and water no longer drains, and we now have a few cattails and certain grass is growing, and it is determined a wetland.

I can't tell you the cases where companies who build a new building, when they did their soil movement afterwards, didn't get good drainage, had a wet spot, and when they went to expand their building, they couldn't because it was declared a wetland. It took a year or two for them to litigate it.

I have farmers who have had to stop farming fields because they were cleaning out the ditches and the corps came by and said you can't clean that ditch, a ditch your father put in with Federal support to drain so you could farm those fields.

□ 1930

I have one near Titusville, Pennsylvania where they stopped the construction of a new building. Do you know what the site was? It was wet. There was grasses and cattails growing there. There were three railroad tracks there where there used to be a factory. It was on top of a landfill. It was the old city dump.

Folks, it was not a wetland, but it was declared a wetland because it was wet on top. Drainage was no longer available. Water was standing there. Folks, our local soil conservation people are diligent in our rural areas in dealing with these issues. We do not need EPA officials and Corps officials boring down the backs and stopping what little growth and prosperity we have in rural America by regulating every wet spot and drainage ditch that has a cattail or certain grasses growing.

Mr. Chairman, we need to not expand their ability.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the chairman of the subcommittee how many speakers he has remaining?

Mr. TAYLOR of North Carolina. Mr. Chairman, we have one more.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from Minnesota for yielding me time.

Mr. Chairman, what I would like to do for my colleagues is to demonstrate the 1987 manual of the Army Corps of Engineers to determine what is a jurisdictional wetland that is associated with navigable waters, which gives the Army Corps of Engineers, through the Clean Water Act, as passed by both Houses of Congress and signed into law by the President. The Clean Water Act is to make sure that waters of the United States are clean, and the Corps of Engineers determines what are waters of the United States. So the experiment is as follows.

Gravity pulls water downhill. So the 1987 manual of the Army Corps of Engineers, to determine what are waters of the United States so that the Federal Government can protect those waters from pollution, determines that in three ways.

What is the soil type? What is the vegetation in that area? And what is the hydrology of that area? If it meets that criteria and it comes under their jurisdiction, it means that no matter where that water is, if it runs downhill and eventually gets miles away to a stream or a tributary that runs into navigable waters or the seas, that what you do in that isolated wetland, if the hydrology is such that it moves with gravity, will eventually pollute the navigable waters or seas of the United States.

And so the Federal Government has decided to use its resources in a reasonable, practicable way, based on the 1987 manual, to ensure that waters of the United States, of which we all depend, are not polluted. And in most instances, I represent an agricultural district with a lot of wetlands, on the Delmarva Peninsula. Those areas in my district, an agricultural community that depends on agriculture, that depends on silviculture, that depends on the fishing community to harvest their striped bass or eels or catfish or whatever, we have understood the compatibility of human activity with nature's design. And we want to ensure that that is still in law and that our waters of the United States can continue to be protected.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman ought to go talk to his farmers more, because if this passes the farmer will soon find out, Mr. Chairman, that he no longer can drain even a few drops of water out of his ditch and try to collect it or put it in a way that he can responsibly manage his farm, even if that has been done for years and years.

The Soil and Water Conservation has tried working with the EPA in this Clean Water Act to put common sense into these measures, to try to see that reality happens, that you can farm in a responsible way. In fact, they are doing more to clean up the water, especially in farms, by putting in systems that are drained into a central watering spot that is covered by fabric and stone, and then the cow will not contaminate the water that goes in it, rather than going into the streams themselves.

Now, there is much government money going into this. But the Corps right now will stop that any time, any time that they get a chance. And I know that in my home. And that is why the Farm Bureau is against this group, the Home Builders, the American Forest and Paper, the National Association of Realtors, the National Rural Electric Cooperatives, and the Edison Electric Institute, the National Grange, the National Association of Counties, the National Cattlemen, and the National Corn Growers, because it goes beyond common sense.

We have been successful. I worked with the EPA, and we have tried to fund the EPA for clean water. But what we find often is if we have a rule, some people think that if we double or triple that rule it will be better. Actually, after you start and get a certain distance with that rule, it becomes corrupting in the sense that it disrupts the whole purpose of the original rule.

And that is what we are about to have here. The individuals landowners and the taxpayers certainly know what they can do inside small watershed areas. And the Soil and Water Conservation would be directly against this type of program, because they cannot have six agencies trying to manage the farms of the American people.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, since the gentleman has either himself or perhaps one other speaker remaining, I yield myself the balance of our time.

Mr. Chairman, the previous speakers have missread the issue. The holding by the Supreme Court very clearly stated, this is the exact language, says that the Clean Water Act jurisdiction cannot be asserted based solely on the presence of migratory birds.

Previous speakers have alluded to other issues that have nothing to do with the question at hand. So the Corps of Engineers no longer can make decisions based on presence of migratory birds. Now, if we take the interpretation of what the Corps of Engineers and the EPA have done in previous cases and applied it to the district of the gentleman in the chair, presiding at this moment, we would not have been able to put in place very likely, the Rochester Flood Control Project and the Soil and Water Conservation projects investing over $100 million dollars to protect the City of Rochester from flooding.

Mr. Chairman, that just does not make sense. Now, all of those who have said the Clean Water Act meant this and meant that, I was on the staff at the time of the Clean Water Act passage in the House. In fact, I was involved in drafting the language that is at stake here.

The issues that the gentleman, the chairman of the subcommittee raised, have to do with nonpoint-source discharges. We have many farms across this country, including some in my district, where cattle, dairy cows go right up to the water's edge and do what cows do in the water, and that pollutes the water for the guy downstream. You do not want that to happen. Well, habitat, increased severity of flooding are issues related to this matter that we are discussing here.

What we want to do is to restore to the Corps of Engineers its ability to protect these endangered waters, not to deal with some little puddle that was there once in 50 years and not to have the Corps declare that this is wetlands simply because a migratory bird came over it at one time or another.

The Supreme Court said, no, you cannot do that to the Corps of Engineers. We are trying to restore responsibility and authority to the Clean Water Act so it can be implemented to protect the quality of our waters, the fishability of our waters, the swimability of our waters and to protect Americans' clean water future.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would only point out that the gentleman's recommendation is entirely contrary to what is happening in a sense. The Soil and Water Conservation is trying to put small tributaries underground, put into a pond, a clean water pond, with fabric around it, and so forth, to cow's activities getting involved in the water.

Now that is what they are trying to do. The Corps is trying to oppose them in my own State, time after time. And we may have to get back and take money away that the Federal Government put forth for the Soil and Water Conservation, because the Corps bureaucratically says that one drop of water is in their control and the Corps has no authority.

Now, if you want to pollute streams, enact this bill and you will see on farms more and more activities that will be ignored. No farmer would get involved in this, and we will have to have a police state to go by every cow and every animal to see that there is any compliance.

Right now the farmer knows best and is the best steward of his lands. He is working with the Soil and Water Conservation, with elected members from that community, and they are doing a good job. Put more bureaucracy in it, we will bring it to a halt and create more pollution.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, Mr. Speaker, I rise today in support of the clean water amendment offered by my colleagues Mr. LEACH, Mr. OBERSTAR, and Mr. DINGELL.

This is an important amendment for public health and safe drinking water, for hunting, boating, and swimming, for protecting homes and businesses from floods, and for our economy, much of which depends on a clean environment, especially clean water.

That is why the 1972 Clean Water Act is one of the nation's most fundamental and popular environmental protection laws. Clean water is vital to almost every aspect of quality of life in our nation.

The policy adopted by the EPA and Army Corps of Engineers in 2003 undermines the Clean Water Act's promise of clean water for all Americans and is contrary to the letter and spirit of the law. It threatens to reverse decades of progress in cleaning up the nation's waters.

This policy is leaving many wetlands as well as headwater and seasonal streams without federal limits on water pollution. The policy tells the agencies' field staff they must get permission before applying Clean Water Act protections to certain so-called isolated waters, although that term is not used in the Clean Water Act to exclude waters from the law, nor is the term even defined in the policy, leaving it unclear at best what is and is not protected. No permission is needed before the EPA or Corps staff can deny protections for waters, and leave them open to pollution from sewage and industrial wastes, or even destruction.

The total number of streams at risk across the country—and consequences for drinking water health and safety—are significant and potentially severe.

Maintaining safe drinking water requires protecting the sources of drinking water—both surface water and groundwater supplies—from pollution. The EPA recently concluded that the majority of public drinking water systems that rely on surface waters get their water from "source water protection" areas that contain headwater streams or seasonal and intermittent streams.

Again, these are the very types of streams both I and my colleagues offering this amendment believe are most at risk of losing federal

Clean Water Act protections under the agencies' policy.

According to the EPA's letter:

> In total, over 90 percent of surface water protection areas contain start reaches or intermittent/ephemeral streams. Public drinking water systems which use these intakes (as well as other sources) are estimated to provide drinking water to over 110 million people.

If this policy continues, some or all of these source waters could lose federal Clean Water Act restrictions against water pollution, and the people who rely on these waters will either pay the price: either with dirtier water or higher costs for safe drinking water.

I hope all of my colleagues will join me today in voting to reaffirm protections from all of the nation's waters, including streams and wetlands, as the Clean Water At has always done. Vote for the Oberstar-Leach-Dingell clean water amendment.

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Oberstar/Leach/Dingell amendment to H.R. 5386, the Interior-Environment appropriations bill for fiscal year 2007. As co-chair of the Congressional Great Lakes Task Force, I believe it is imperative that we take immediate steps to prevent polluted discharges into streams, ponds, and wetlands in the Great Lakes basin. The Great Lakes have already lost more than half of their original wetlands, and invasive species, non-point source runoff and food web disruptions continue to threaten the health and sustainability of this delicate ecosystem.

The Oberstar/Leach/Dingell amendment would prohibit the Environmental Protection Agency (EPA) from moving forward with a plan that will make it overly difficult to protect intrastate waters. Should EPA's policy remain intact, our Great Lakes basin will face greater threats of pollution to our drinking water, increased frequency and severity of flooding, and the loss of habitat for waterfowl and endangered wildlife.

Mr. Chairman, the Oberstar/Leach/Dingell amendment has broad support among Great Lakes interests, and I strongly urge my colleagues to vote for it. I am pleased to submit for the RECORD a letter from the Heal Our Waters-Great Lakes Coalition in support of this important amendment.

MAY 17, 2006.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the Healing Our Waters®-Great Lakes Coalition, we ask you to vote for the Oberstar-Leach-Dingell 'Clean Water Amendment' to the House's Fiscal Year 2007 Interior and the Environment Appropriations bill when it is considered on the floor this week. This amendment will help protect the remaining wetlands, streams, rivers, and lakes in the Great Lakes Basin.

The Healing Our Waters Coalition is a group of 85 national, regional and local organizations working to restore and protect the Great Lakes. The Coalition represents millions of Americans that live, work, and love this national treasure.

As you know, the Great Lakes basin is defined by its rich water resources, its vast sand dunes, biologically rich coastal marshes, lake plain prairies, blue-ribbon trout streams, rocky shorelines, sparkling inland lakes, and diverse wetlands. Yet the wetlands, marshes, and shorelines people in the region remember are being lost. The Great Lakes have lost more than half of their original wetlands, including 90 percent in Ohio and 50 percent in Michigan. Invasive species, non-point source runoff and food web disruptions threaten the health and sustainability of this delicate ecosystem.

In response to these threats, the Great Lakes Regional Collaboration, which was commissioned by President Bush, recommended in its December 2005 strategy to restore and protect the Great Lakes that Congress ensure that all wetlands are protected, including so-called "isolated" wetlands. Yet federal policy not only fails to implement this simple recommendation, it also puts many of the remaining Great Lakes wetlands at risk of degradation or destruction.

The Oberstar-Leach-Dingell "Clean Water Amendment" ends the implementation of an out-dated policy put in place by the Environmental Protection Agency (EPA) in 2003. EPA's policy was intended to interpret a narrow U.S. Supreme Court decision that limited protection for certain socalled "isolated" waters. Instead, it threatens—by EPA's own estimation—the 20 percent of wetlands left in the contiguous United States and withholds Clean Water Act safeguards from countless numbers of streams and large lakes. The Oberstar-Leach-Dingell amendment prohibits funds from being used to implement a misguided policy that is resulting in the loss of even more of the Great Lakes precious few wetlands.

Support for ending this policy is not new. 218 members of the u.S. House of Representatives wrote to the Administration calling for this policy to be rescinded. It is, unfortunately, still in effect.

It is time for the federal government to end its out-dated policy. Great Lakes waters depend upon it. Please vote yes on the Oberstar/Leach/Dingell Clean Water Amendment.

Sincerely,

TOM KIERNAN,
Co-Chair, Healing Our Waters Coalition.
ANDY BUCHSBAUM
Co-Chair Healing Our Waters Coalition.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment to protect clean water. For more than three decades, the Clean Water Act has been protecting all of our Nation's waters from unregulated pollution, filling and destruction.

However, in May 2002, the Environmental Protection Agency (EPA) finalized a rule that changed the definition of "fill material" for both the EPA and the Army Corps of Engineers (Corps). The new definition allows waste to be used to fill streams, wetlands and other waters.

Allowing coal mining spoil and other types of waste material to be dumped into our waters and wetlands is contrary to the central goal of the Clean Water Act: preserving physical, chemical and biological integrity of the Nation's waters.

While there may be a need for some regulatory changes so that the Corps and EPA use consistent definitions of "fill" material, this can and should be accomplished by ensuring that both agencies' definitions explicitly exclude the use of wastes to fill our Nation's waters—not, as proposed, to weaken the Corps' regulations to sanction this long-prohibited practice.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to enforce the National Primary Drinking Water Regulations for arsenic and radionuclides promulgated under section 1412(b) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(4)(E)) in the case of any public water system serving 10,000 people or less.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. A point of order is reserved.

Pursuant to the previous order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, I am sure that you agree that sound science, not unproven theories be at the root of our Federal drinking water rules.

Families in rural communities should not be required to pay thousands of additional dollars each year to comply with regulations that are founded in theory rather than in fact.

Mr. TAYLOR of North Carolina. Mr. Chairman, I certainly agree with the gentleman that the Federal regulations should be based on sound science, that rural communities should not be unfairly asked to pay additional, unnecessary costs for their drinking water.

Mr. CONAWAY. Mr. Chairman, reclaiming my time, currently rural communities across America are being forced to comply with extremely costly regulations regarding arsenic and radionuclide standards that have been established by the EPA.

There is no data available to support the assertions made by the EPA that these regulations materially protect public health and safety. I am concerned that the current EPA rules are not supported by public health information, that the results from unvalidated mathematical models are used to support these rules, and that the rules are unnecessarily creating a category of radioactive waste for which there is currently no approved method of disposal.

Mr. Chairman, my comments are supported by the EPA's own statement and the notice of data availability document from April of 2000. "EPA recognizes the inherent uncertainties that exist in estimating health impacts at the low levels of exposure, and the exposure rates expected to be present in the environment.

EPA also recognizes that at these levels, the actual health impact from ingested radionuclides will be difficult if not impossible to distinguish from natural disease incidences, even using very large epidemiological studies employing sophisticated statistical analysis.

Mr. Chairman, I believe the rural communities are not protected, but rather are harmed by water standards that allegedly promote health at the expense of economic well being. I have rural constituents who are currently paying 770 percent more for water service than that of urban populations due to the regulatory burdens placed on them by EPA.

Small water suppliers cannot comply with these standards. Current consumer rates will inevitably result in the loss of customers, and poor families will be forced to go back to using unregulated shallow ground water and dirt tanks for human and livestock consumption.

□ 1945

As more people exit these systems, the costs for the remaining customers will continue to rise.

Currently, the EPA exempts water systems with fewer than 25 users. I believe we should extend that exemption to water systems that service fewer than 10,000 users. This would provide hope for the viability of small rural systems and the areas and communities they serve. The current requirements reach far beyond what is reasonable and are bankrupting local governments.

Mr. TAYLOR of North Carolina. I commend the gentleman for his efforts on the part of his constituents and for all the rural water users who are facing similar problems. I commit to work with the gentleman to see what can be done to fix this problem. The committee will be glad to facilitate a meeting with the EPA to address this important issue and see what can be done as we move this bill through conference with the Senate.

Mr. CONAWAY. Mr. Chairman, I will ask unanimous consent now to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. PUTNAM

Mr. PUTNAM. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PUTNAM:

TITLE —ADDITIONAL GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. . No funds provided in title I may be expended by the Department of the Interior—

(1) for the conduct of offshore natural gas preleasing, leasing, and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude;

(2) to conduct offshore natural gas preleasing, leasing, and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002; or

(3) to conduct natural gas preleasing, leasing, and related activities in the Mid-Atlantic and South Atlantic planning areas.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentleman from Florida (Mr. PUTNAM) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. PUTNAM. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time to the gentlewoman from California (Mrs. CAPPS) for her to control and yield.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. PUTNAM. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise today to offer language to strip from this bill a grievous assault on Florida and on other States that are dramatically impacted by what will be a 3-mile drilling limit. It does not recognize the needs of our military; it jeopardizes world-class one-of-a-kind ecosystems and industries. It doesn't respect the rights of our States to manage our own resources. It is an ill-conceived plan tied to the back of the wrong legislative vehicle.

We come here this evening to debate a very important component of our national energy policy. This particular piece of our national energy policy needs to be comprehensive in nature; it needs to be dealt with in a forum other than the annual spending bill which controls everything from the National Park Service to wetlands mitigation and the national endowment for the arts and the humanities. It should be a stand-alone bill for this House to consider the merits and challenges of opening up the Outer Continental Shelf to exploration to assuage our national energy needs.

We are in the process of negotiating a comprehensive solution to this problem. The sponsor of the legislation that found its way into this spending bill has his own comprehensive solution at 20 miles, and yet this jeopardizes our coasts at 3 miles. It does not leave any room for error, it did not have any input from the affected States, and it is opposed almost across the board by the Governors of those States.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. PETERSON of Pennsylvania. I will take 2 minutes to respond to the opening comments, and then I will share time.

Why are we here tonight on an appropriations bill? Because for 25 years we have had authorizing language placed in the initial draft of an appropriations bill that has nothing to do with appropriating, but has a lot to do with the energy policy of this country.

This country is in an energy crisis, and the crisis in this country is natural gas. But natural gas is readily available in this country onshore and offshore. We are the only country in the world that has locked up its Outer Continental Shelf. That is from 3 miles to 200 miles. We are the only country in the world.

Now, my language that I placed in this bill, because it is all I could do in an appropriating bill; I can move authorizing language. I chose not to remove gas and oil because I think gas is the crisis that we can deal with. I removed the prohibition of natural gas only. I couldn't put my language in there from the bill I have that protects the shorelines for 20 miles. I couldn't do that. But we removed it for natural gas only. Still, we have a Presidential moratorium. Nothing can happen. We have a 5-year plan that anything that is leased, nothing can happen. We have to have authorizing language to allow gas leases only. Nothing can happen.

This is the beginning of a debate, folks, that you have all been avoiding. This debate has been avoided year after year as the gas crisis in this country has continued to skyrocket. We used to have gas for less than $2 about 6 years ago. Last year, the average price was $9.50 a thousand and peaked at 14 and 15 for 4 months. We have the petrochemical business moving away. We have lost half of the fertilizer business in the last 2 years. Polymers and plastics are moving away. Steel, aluminum, bricks, and glass cannot do business in this country with these gas prices.

It is important that we deal with this issue, and we start that debate tonight.

Mrs. CAPPS. Mr. Chairman, I yield myself 3 minutes.

Our amendment restores the long-standing bipartisan ban that currently protects sensitive coastal and marine areas from new drilling. We support the current ban not just because the coastlines are beautiful; they are. And not just because we believe our coastlines provide valuable environmental habitat, and they do. We support the ban because we know our coasts are the economic engines of our communities, and that is threatened by new drilling. The people in these communities whom we represent know the value of their coastline, and that is why they are so against new drilling.

Under this bill, we could literally see the push for new drilling as close as 3 miles to our coasts begin almost immediately. The oil and gas companies, awash in profits from our constituents' pockets, would have you believe that all offshore resources are off limits today; that we are only talking about drilling for natural gas and not oil; and that today's high gas prices demand this new drilling. These arguments simply don't hold up to scrutiny.

First, the industry already has access to the vast majority of natural gas in the Outer Continental Shelf. Indeed, according to the Bush administration, about 80 percent of the known reserves are located in areas where drilling is already allowed.

Furthermore, the oil and gas industry already owns drilling rights to more than 4,000 untapped leases in the Gulf of Mexico alone.

Second, there really is no such thing as gas-only drilling. Drilling for natural gas means drilling for oil. Even the Bush administration and energy industry honchos have dismissed the so-called gas-only drilling as unworkable. This is the president of the American Petroleum Institute on gas-only drilling:

"We are somewhat concerned about some gas-only leasing proposals that have been embraced by people who don't know how the industry works."

And this is the head of MMS:

"Natural gas seldom comes totally by itself. Do you want to drill a well offshore that will cost anywhere between $20 million and $80 million? And then, if you find oil with it, what will you do? I do not know how successful it will be."

Finally, new drilling 3 miles off our coasts will not lower gas prices today or anytime in the near future. It would take an estimated 7 years for natural gas for new leases to come online. Serious energy efficiency measures and more use of renewables would reduce demand and bring down prices much faster.

Mr. Chairman, the grand energy plan President Bush unveiled 5 years ago is over 95 percent implemented according to his own energy department; yet, with this plan in place, energy prices and industry profits are at record highs, the predictable result of a strategy of increasing supplies and ignoring demand.

The Peterson amendment to drill within 3 miles off Florida, California, and other coastal States is just more of the same. With 3 percent of the world's resources, 25 percent of the world's demands, shouldn't it be obvious that we can't drill our way out of this problem? We need to be using energy smarter, develop renewable and alternative energy, and use the one resource which we do have in abundance, our creativity. I urge my colleagues to vote to protect our coasts.

Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. I yield to the gentleman from Nebraska (Mr. OSBORNE) for 4 minutes.

Mr. OSBORNE. I thank the gentleman.

Mr. Chairman, I am sorry to oppose anything with my friend ADAM PUTNAM's name on it, but in this case I feel that I am required to do so because of my constituency.

As everyone knows, we are currently in very short supply of natural gas, and this of course has led to tremendously increased prices. In Nebraska, which is mostly rural, mostly agricultural, this has increased the cost of center pivot irrigation exponentially. We have even seen at one time 60, 70 percent of the irrigation wells were powered by natural gas. We have had to shift to diesel which is very expensive and electricity which is very expensive, and as a result farmers who at one time were making reasonable profits are now struggling just to have a profit line at all.

This has increased the cost of fertilizer, anhydrous ammonia, that is made from natural gas, and of course anhydrous ammonia is a principle ingredient in fertilizer. So we have seen as much as 400 and 500 percent in the last 5 years, again eating into the bottom line for most people in agriculture. Of course, everyone knows what this has done to home heating and cooling, 400, 500 percent increases, which has hit every American in every corner of the Nation. And so we have a crisis in this area that we need to address.

The United States has large reserves of natural gas. It has been pointed out that we have maybe 3 percent of the world's petroleum reserves, but we have huge amounts of natural gas reserves, and we are handicapping ourselves in a way that is pretty much unprecedented in this area.

At the present time, only 15 percent of available Outer Continental Shelf acres are not under a moratorium. Another way to put this is that roughly 85 percent of Outer Continental Shelf acres are off limits to exploration. And, of course, this is again handicapping what we are trying to accomplish here in reducing this shortage.

I am sure that these moratoria are due to fear of spills and pollution, and yet we have had numerous hurricanes in the last few years that haven't caused oil rigs to malfunction or lines to rupture. We have not seen any massive pollution even though we have had huge damage from these hurricanes.

Canada has natural gas wells in the Great Lakes with no pollution. In Lake Erie, they have 2,200 wells on the Canadian side alone. Now, if you have ever been on the Great Lakes, you realize that this is very much like the ocean; they can get as rough as the ocean. I have been up there fishing many times. And so if Canada has been able to do this with no great environmental threat, why can't we do this anywhere from 3 miles to 200 miles offshore in the ocean? I would think we can do this very efficiently. China will be drilling for gas off the coast of Cuba within a short period of time. Now, this is very close to Florida.

So we think these are things that we need to consider. And so at the present time we are handicapping ourselves because of this not-in-my-backyard mentality. We all want to have something happen somewhere else, but not anywhere close to ourselves. Natural gas is clean burning; it is environmentally friendly. We need to open these supplies both offshore in the U.S. and in Alaska.

It was mentioned earlier that it would take about 7 years for natural gas to come online. But if you don't start at some point, it will be 7 years from next year, and then it will be 7 years from 2 years from now, and at some point we have to begin to address this problem.

Mr. PUTNAM. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman who represents the pristine Florida Keys, Ms. ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank our leader, Mr. PUTNAM, for the time. And along with my colleagues from the Florida delegation, I rise in strong support of the Putnam amendment and in passionate opposition to any amendment, any language which would allow offshore drilling a mere 3 miles from our Nation's coast.

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The Peterson language would overturn the current moratorium on drilling, a moratorium which has been in place for over 25 years.

The bipartisan Florida delegation position remains firm, remains strong: oil and gas drilling in the Outer Continental Shelf is dangerous for the economy, is dangerous for the environment, runs contrary to national security interests, and is not an immediate nor a long-term answer to the Nation's growing energy needs.

Drilling 3 miles off a Florida coast, as Mr. PUTNAM pointed out, I am so proud to represent the ecological treasures of the Florida Keys. It is a premier destination for ecotourism. Any offshore drilling near this area would place thousands of rare and vulnerable marine plant species in harm's way and could cripple the Keys' tourism economy.

Drilling structures along the gulf coast would be located in the middle of a hurricane zone. So I hope that we strongly oppose the Peterson language by adopting the Putnam language tonight, and I thank the chairman.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2½ minutes to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Chairman, I am here to speak on an issue of paramount importance to my constituents in south Louisiana and I think the entire Nation. Outer Continental Shelf production and coastal impact assistance are very important.

Louisiana is uniquely positioned in the OCS debate. Our State is one of the few that allows production off its coast. We are also major consumers of this production, through chemicals, fertilizers and various other gas-intensive manufacturing.

Some quick facts for you. Among the 50 States, Louisiana ranks first in crude oil production; second in natural gas production; second in total energy production from all sources; second in petroleum refining capacity; second in primary petrochemical production; third in industrial energy consumption; third in natural gas consumption; fifth in petroleum consumption; eighth in total energy consumption. We are a State that is a working State with a working coast.

Our State is a vital part of the domestic energy production and consumption, which keeps our entire economy humming. As others refrain from similar production, natural gas supplies tighten and the prices rise, jeopardizing tens of thousands of well-paying jobs that are being shipped overseas, many of these from my own State and district.

The energy support Louisiana and other coastal States provide for our Nation is not without cost. We are happy to provide what others would rather not. However, this supply also impacts our coastal communities and wetlands conservation, and we bear the costs of onshore infrastructure required to support this production activity.

Every debate on OCS production should also include an equity discussion. Coastal producing States should receive a fair share of revenues off their coasts, just as inland States receive from onshore production.

I appreciate the leadership Mr. PETERSON has taken on this issue, and I respectfully oppose Mr. PUTNAM's intent to strike this language from the bill.

If you look off the coast in the next several years, if not sooner, between Cuba and Key West, you will see the Chinese and the Cubans starting their venture to drill right off the coast of Florida. They may not be visible but they will be there.

Gas and oil production offshore, the technology that is there today, is astounding. I would invite every one of you that have never been on an offshore rig or seen the technology for drilling, I invite you to come to Louisiana to take the trip offshore, to understand what energy production is all about. It is not what it is perceived to be, as it was some 50 years ago.

Mrs. CAPPS. Mr. Chairman, I yield myself 10 seconds to respond to a previous speaker.

According to an Army Corps of Engineers report on the drilling in the Great Lakes, "Routine drilling is known to be hazardous to human health. Discharges and accidental spills of toxic chemicals from drilling can also contaminate the water of Lake Erie contaminating a primary drinking water source for millions of people."

Drilling, either in the Great Lakes or offshore, is a dirty process.

Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. DAVIS), my colleague.

Mr. DAVIS of Florida. Mr. Chairman, I thank Representative CAPPS for yielding.

One of the things that everyone agrees on tonight with respect to this amendment is that we need to have an adequate supply of energy to meet the needs of this country. Eighty percent of the known oil and gas reserves in the Outer Continental Shelf are already available to the energy companies that need them. There are more than 4,000 leases held by these energy companies that are currently not used at all.

It is important to point out what this amendment does. The amendment says it allows drilling for gas up to 3 miles off the east coast of Florida, 9 miles off the coast of Florida, my home the West Coast, as well as the Outer Continental Shelf of the United States. It has been pointed out, and it has not been objected to, this is not just about gas, it is also about oil because if a company makes an investment to earn a profit for gas and they get oil, they are going to go for oil.

The bitter irony here is off the coast of Florida there is very little oil. It is really a drop in the bucket. That is why the amendment does not talk about oil, but it is enough to make a difference to the State of Florida.

There has been a lot of conversation here tonight about other States, about this being about jobs. Let me tell you about my home State Florida. This is about jobs. Last year, we had 88 million tourists visit our State. Those of you who are here tonight represent families who are saving their money to enjoy their family vacation, what State will be the number one destination for beaches? Florida. This is not just a State treasure; it is a national treasure. Yes, this is about jobs and Florida's beaches are a critical part of our economy.

There has been some discussion tonight that there is no risk as far as spills. The truth of the matter is none of us really know exactly what the risk is. One of the few things we do know is last year when Tropical Storm Arlene hit off the coast of Louisiana, there was an oil spill. There was a rig that resulted in a spill that soiled the coast of Louisiana. We cannot have this happen in Florida. It is too devastating. It is too important to our economy.

This is about balance. It is about protecting jobs. It is about respecting the rights of States. Nobody has a monopoly on what the truth is as to where the line is drawn. There is plenty of drilling off the coast of Florida right now in the central and western gulf, but this is the wrong time and the wrong place to have this debate.

The folks we represent in Florida deserve an open and honest discussion in our State, on our beaches, with small business owners whose livelihood depends upon the risk of a spill to our coast, and there we will discuss the balance, the tradeoff in meeting the country's energy needs, but not tonight in a one-hour debate in the evening on the floor of the House of Representatives.

Floridians deserve better. Americans deserve better. I urge adoption of the amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

This is the beginning of the debate. This is not the end. The gentleman from Florida knows, no drilling can happen. There is still a presidential moratorium. There is still a 5-year plan. We have to have legislation to allow gas only. Florida is rich in gas. They are not rich in oil. I am not about oil. We need gas in this country. We cannot drill our way out of oil.

We can help ourselves in other places, but natural gas is a richness this country has. It is the clean fuel. It has the least pollutants when you use it. It is the mother's milk of everything we make in this country. From women's face creams to every chemical we buy at the hardware store, the grocery store, polymers, plastic, carpet, drapes, it all is full of natural gas.

There is about 3 million jobs in those industries I have just mentioned, and every one of them are already moving offshore. They do not want to. They have to. We cannot put the disadvantage of $9.50 gas last year, $14 and $15, when South America is $1.80, Russia is about a buck, China and Taiwan 3-something.

This is about the economy of America. Drill only gas? Canadians have drilled 2,200 wells successfully, gas only. I grew up around the oil patch. I have never been in the oil business. I have never made a dollar off the oil business. They drill down through and they choose what they are going to produce. They mark it as they drill through it, and they produce what is there.

Florida is rich in gas. Florida uses 235 times more natural gas than they produce. They could be self-sufficient. They could have huge royalties, and there has never been a gas well that has polluted a beach. I have asked for examples. I was told the Santa Barbara spill. That was an oil well.

A gas well is a steel pipe in the ground. It is cemented at the bottom, and it is cemented at the top. It is open where the gas vein is, and you let gas out. In Lake Erie it runs underground onto shore. Citizens do not even know it is there.

Natural gas is not something to be afraid of. It is something this country needs. I am not for 3 miles offshore. I have legislation that protects us, but I cannot put that on this bill or I would. I can only start this debate tonight.

This debate has been put off. For 3 years I have been talking about this issue. From this day forward, we are going to debate this issue until we do what is right for the future of America.

Mr. PUTNAM. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. MILLER), who represents the cradle of naval aviation.

Mr. MILLER of Florida. Mr. Chairman, I thank the gentleman for yielding.

You have heard a lot tonight about the potential environmental impacts, but let me just draw to your attention the issue as it affects our national defense.

Looks pretty cluttered, but this is a test range for Eglin Air Force Base where they do weapons testing from the panhandle of Florida all the way to the Florida Keys. This red line right in here is a military mission line. Basically, the Air Force says, the Secretary of Defense has said, the Navy has said that anything that is east, anything that is east of that military mission line is incompatible with the mission at Eglin Air Force Base. There is live fire testing. We are not just practicing out there. This is not Top Gun flying airplanes around. These are new weapons systems, classified new weapons systems that are being tested over the Gulf of Mexico.

Yes, the beaches of Florida are a national treasure, but I can tell you from a national defense standpoint, this entire area of the extreme eastern Gulf of Mexico is a national treasure because there is no other weapons testing area like it in the country or in the world.

Opponents of the Putnam amendment say that the underlying language does nothing to hurt the readiness of our military. Well that is 100 percent wrong!

As you can see from this map, the Joint Gulf Test Range extends from the Panhandle of Florida to Key West.

The Air Force uses this area for Live Fire testing and evaluation of weapons systems. The Navy uses the Gulf Ranges to do predeployment certifications and to fire Tomahawk cruise missiles from submarines.

Let me read you a list of just a sampling of current and future missions that are conducted in the Eastern Gulf of Mexico.

F–35 Joint Strike Fighter Initial Training and live fire F/A–22 pilot upgrade training including AMRAAM live fire Tomahawk Cruise Missile launch from submerged vessels Testing of Small Diameter Bomb program against manmade targets in the Gulf F–16 weapons systems testing and evaluation, U.S. Navy predeployment certification, testing and development of hypersonic munitions, low-cost miniature cruise missiles, Air-Dominance munitions, unmanned combat air vehicles, Directed Energy weapons, and classified programs.

The Commander of the Air Armament Center, Major General Robert W. Chedister, said last August "Clearly, structures associated with oil/gas production are totally incompatible with, and would have a significant impact on, the mission activity in the Eastern Gulf of Mexico. Accordingly, it is absolutely 'visceral' that the vast water area encompassed by the Gulf be preserved in order for us to continue to serve the needs of national defense."

Secretary of Defense Donald Rumsfeld recently wrote "areas east of the 86°41′ line in the Gulf of Mexico commonly known as the 'military mission line' are specially critical to DoD." He went on to say "In those areas east of the military mission line drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, weapons testing, and training."

Now let me show you where this mission line is.

The underlying language in this bill would open the door to drilling in the entire Joint Gulf Range and is completely incompatible with the military mission of our Air Force and Navy.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Chairman, this is about American jobs, the American family and the American economy. Here are the plain facts.

Natural gas costs less than a $1.50 per Btu in Russia, Iran, Saudi Arabia, but here in the United States this one report had it at $8.85, and it has been as high as $13. This means homeowners pay about $200 more to heat their homes. This means the United States steel, for every dollar the price of natural gas goes up, costs them $80 million.

If you are a company and you ask yourself where are you going to build or where are you going to move to, we have already lost 90,000 jobs in the chemical industry. We have lost 3 million jobs in the manufacturing industry due to energy prices.

We talk about the law of supply and demand of the 1990s. Ninety percent of new electric energy plants use natural gas. World demands have gone up. It is expected about a 90 percent increase in natural gas demands in the next 10 years, but since 1982 this Nation had a self-imposed moratorium on offshore natural gas and oil drilling.

Here is the real law of supply and demand we need to look at now. Americans are demanding that lawmakers increase the supply. We cannot afford to continue to have these high gas prices and send jobs to Saudi Arabia, Qatar, Oman, Iran and Russia or let other countries do with natural gas prices like they did with Ukraine and double the prices on them. We cannot compete as a nation for jobs with this.

It is no wonder the building trades have come out with a very strongly worded letter and said, please, let us start lowering the prices for goods and services in America. People get up here time and time again and say China is eating us for lunch. What are we doing here? We are cutting our own legs off and destroying jobs in America.

We have abundant supplies of natural gas. We can protect the coastline. This will not be within 3 miles. It takes entirely different legislation to do that, but please, please, let us save jobs in America for a change and stop talking about it.

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

I respond to my colleague, Mr. PETERSON. I lived in Santa Barbara in 1969. I saw that devastation with my own eyes, beach closures, fish kills, air pollution.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

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Mr. PALLONE. Mr. Chairman, let me follow up on what the gentlewoman said. I was in New Jersey in the late 1980s where I live, and we saw the beaches closed. We saw the entire tourism industry destroyed for not only that one summer in 1988 but two or three summers afterwards.

I listened to what the previous speaker here on the Republican side said, and he talked about jobs. He talked about the economy. He talked about housing. That is what is at stake here. In my home State of New Jersey, people think of New Jersey as an industrial State, tourism is as big an industry in New Jersey as the petrochemical industry. We depend on that tourism economy, and we cannot have our beaches dirtied by an oil spill that would result from natural gas drilling. And don't tell me that you are going to drill for natural gas and you are not going to affect oil. There is no question that you can.

The problem I see here is that the gentleman from Pennsylvania said, well, this is not a real debate because if this happens it won't matter because the President has an executive order. Well, I can't depend on the President. The President is an oil man. For all I know he could lift the executive order if this legislation goes through and you can drill for natural gas and we don't have the moratorium in effect any more.

I want you all to understand that we are not just talking here pie in the sky. We have seen our beaches closed. We have seen the impact. In New Jersey, tourism is 500,000 jobs, $16.6 billion in wages, and $5.5 billion in State tax revenue. You shut that down, the way it was closed in the late 1980s in New Jersey because of a different type of pollution, and you basically shut down a significant portion of our State. We are talking about real things here.

When you talk about the fact that you can drill for natural gas and you are not going to hit oil, every indication is the opposite. The American Petroleum Institute has said the opposite and the Minerals Management Service has said the opposite. And we are talking 3 miles from shore. You could actually see these rigs. We could actually have oil rigs right up to 3 miles from the shore if this legislation passes and we don't have this amendment.

Pass this amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, let us not confuse medical waste off New Jersey. That was medical waste dumped in the ocean.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Edwards).

Mr. EDWARDS. Mr. Chairman, I oppose this amendment because it will continue the status quo of high natural gas prices that are harming every day hardworking American families.

The choice is clear: we can either increase the supply of natural gas in this country, or we can continue to pay some of the highest prices in the world for natural gas.

So what is wrong with the status quo? What is wrong with high natural gas prices? First, millions of middle- and low-income working families are suffering from costly increases in their home heating and cooling bills. Those high monthly bills are straining and even breaking family budgets all across America.

Second, family farmers and ranchers are already struggling with natural disasters, high diesel costs, and foreign government-subsidized competition. Now, high natural gas costs have driven nitrogen fertilizer costs from $100 a ton to more than $350 a ton. For many ag producers, higher fertilizer costs will be the straw that breaks the camel's back.

And by the way, if you like what OPEC has done for high oil prices, you will love what dependence on foreign food will do to the price of food products in American grocery stores.

The third reason I oppose this amendment is that I am sick and tired of seeing good-paying American jobs being shipped overseas. American factories run by high-priced natural gas here at home are being put at a huge disadvantage against foreign factories using lower-cost natural gas. For American factories and businesses to compete with foreign factories and businesses, it is kind of like trying to run a race with a 20-pound weight tied around your ankle. It just won't work. And the price for that is we are losing the race for international competition for good-paying jobs.

The final reason I oppose this amendment is that in my district the utility companies in Texas want to build five new coal-fired plants for electric power. Tell me how replacing natural gas-fired plants with coal-fired plans, increasing mercury, CO_2, and other pollutants in the air, in our streams, and in our lakes is good for America.

Stand up for our farmers, our factories, and for hardworking American families. Vote "no" on this amendment.

Mr. PUTNAM. Mr. Chairman, I yield 1 minute to the gentlewoman who represents Florida's gulf coast (Ms. Harris).

Ms. HARRIS. Mr. Chairman, I rise in support of the bipartisan amendment by Mr. Putnam and Mrs. Capps. This is not just a Florida issue: it is a national issue. If the Putnam amendment is not adopted, the 25-year bipartisan Outer Continental Shelf moratorium will come to an abrupt end, thus allowing natural gas wells as close as 3 miles from every coastal State.

If the Putnam amendment is not adopted, coastal State economies that rely on a healthy tourism for their continued prosperity will be severely jeopardized, and coastal waters, fisheries, and marine ecosystems will be greatly jeopardized as well.

And, finally, there would be severe national security consequences when the military could no longer conduct military operations and training.

In closing, there is no doubt that high energy prices pose a serious challenge to our Nation's manufacturers, farmers, and consumers. However, the gas exploration provision in this bill will not provide Americans with short-term relief, nor will it lead toward an energy independent future.

I urge my colleagues to support the bipartisan Putnam-Capps amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. Regula).

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding, and I just want to point out that the natural gas beyond the 3 miles belongs to all the people of America: 280 million of us own that, and we are entitled to use it. We are entitled to use it for jobs, and we are entitled to use it for fueling our industry. Many of you have seen the buses on the highways in our cities that are fueled by clean-burning natural gas.

I want to point out something else, and that is that in the Labor-HHS bill we put in a lot of money for LIHEAP. Why? Because the price of natural gas keeps going up and we, therefore, have to subsidize this with tax dollars, tax dollars that could be used for medical research, tax dollars that could be used for education and things that build the quality of life for Americans.

I do not think it is fair to 280 million Americans to deny them access to an asset that belongs to all of them, the resources that lie beyond the 3-mile limit. That limit is there for a reason.

I also want to point out one other thing. For those that have not seen it, the technology today is vastly improved. The drilling rigs are safe. The production platforms are usually under the water and you don't even know they are there. And they are not going to be an impediment to military operations, and they are not going to be an impediment to the viewscape of the tourists who go to Florida, California, or wherever the case might be.

I think for jobs for America, for health research, for education we need to use this natural resource that belongs to all of us.

Mrs. CAPPS. Mr. Chairman, I yield myself 15 seconds to respond to a couple of statements that have been made.

First, LIHEAP has been underfunded for years, high natural gas prices or not. Yesterday's price of natural gas was $5.91 per million Btus. That was about 8 percent less than it was 1 year ago. There is a better way to respond to today's high prices than by drilling. We can start by making our homes, our buildings, and our cars more energy efficient.

Mr. Chairman, I am pleased to yield 2 minutes to my colleague from Florida (Ms. Wasserman Schultz).

Ms. WASSERMAN SCHULTZ. I thank the gentlewoman, and I rise in support of the Putnam-Capps bipartisan amendment which strikes the Peterson language that would allow for drilling just 3 miles off our shoreline.

Members, let us put this in perspective. Imagine yourself on the west steps of the United States Capitol admiring the view of our Nation's Capitol, taking in the scenery and enjoying the environment. Now imagine yourself gazing towards the Kennedy Center, and just beyond the Kennedy Center, right there in the middle of the Potomac River, you see a big old oil rig. It is not quite as appealing any more, is it?

Now, I know that we are not going to be drilling for gas or oil in the Potomac River, but I paint this scenario for a reason. That distance from the Capitol to just beyond the Kennedy Center is the same distance that Mr. Peterson is proposing we place natural gas rigs off our Nation's beaches.

There are drastic and devastating environmental and economic repercussions that come with drilling into the ocean floor so close to our beaches, for my own State of Florida and for the rest of the Nation. For example, the uncontrollable discharges of mud, rock, and minerals that come with piercing a hole into our Earth would be devastating for our near-shore activities.

Now, for our colleagues that feel they need to vote for something, anything, to be able to say they are trying to address gas prices, I have a reminder: cars don't run on natural gas. People who are now paying upwards of $50 to fill their gas tanks, this amendment, if we leave it in place, will do nothing to change that. Gas prices will still be astronomically high.

And to address the issue of oil rigs off our shoreline put there by Cuba and China, do we want to emulate the actions of nations like Cuba and China? Do we want the Florida straits dotted with oil rigs? I think not, and I think most Americans would also agree.

I urge my colleagues to protect the coast of the United States and vote "yes" for the bipartisan Putnam-Capps amendment.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I have been having this debate with the Florida delegation and other delegations for some time, and I really appreciate and like all and respect them very much, but I find recently that poll data show me that Floridians are ahead. Over 60 percent of Floridians in all the recent polls I have seen support production of energy off their shores.

Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I rise in opposition to the amendment of my good friend and colleague from Florida here, and I am dismayed that, unfortunately, politics has not kept up with technology or good energy policy in this country.

Florida has faced an energy crisis before. Back in the 1970s, I was in the Florida legislature and I voted during that crisis to drill in the Florida Everglades for oil. You won't believe this, but today we are producing oil safely and in an environmentally sound fashion from the Everglades.

This is a myth here about this 3 miles, and we should not drill as close as 3 miles. We should look at the conditions. But today we have the technology to drill safely and in an environmentally sound manner.

Florida's population is expected to grow 29 percent by 2020. The consumption of natural gas is expected to grow by 140 percent. Why? You all were here, many of you here, during the 1990s. The Clinton administration proposed that we convert our coal and oil plants in Florida to natural gas. Well, 28 of the 34 electrical generating plants designed in Florida are going to need natural gas. We built a billion dollar pipeline across the gulf, and we need to hook up to that.

Cuba and China are going to be drilling very close to our shores, and they will be getting oil and gas. The American people and Floridians will be getting the shaft. We can do this in an environmentally sound fashion. We don't have to play politics.

What is our alternative for stable sources? Nigeria? The Mideast? I say no.

Mr. PUTNAM. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, the sponsor of this, and now one of his supporters, have both said 3 miles is not their ultimate goal. That is what is in the language. If that is not your ultimate goal, let's withdraw this amendment and have a real debate on a separate basis about a comprehensive solution to this problem.

Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Jacksonville, Florida (Mr. CRENSHAW).

Mr. CRENSHAW. Mr. Chairman, this is really just a question of whether you solve a problem the right way or you solve it the wrong way.

Now, we ought to adopt this amendment, we ought to leave the moratorium in place while the Resources Committee, which has been working on this, having hearings, having testimony, comes up with a comprehensive program to solve this problem and to deal with this issue.

This is not the only time or the only place. In fact, it is not the right time, on this appropriation bill, or the right place. It is a complicated issue. You heard that it deals with environmental issues, economic issues, and military issues. It doesn't lend itself to a quick fix.

If we don't adopt this amendment, we will end up with a knee-jerk reaction that will allow offshore drilling anytime, anywhere, off any coastline within 3 miles. And that is just terrible public policy. Terrible public policy.

So let us be reasonable. Let us let the Resources Committee do their work, and then let's make a decision based on the facts.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague from Pennsylvania for his diligence in working on this issue.

I understand tourism is Florida's biggest producer of revenue, and a lot of people go there. But if we don't pass an amendment that will help us get more natural gas, people at Disney World are going to have to be drinking their Cokes, or whatever they drink, out of something other than a plastic cup.

□ 2030

Our plastics industry in our country is made from natural gas, not only the feed stock, but the actual plastic. And so I don't know what we are going to do in our country if we continue to see high natural gas prices. We are already paying huge amounts to cool our homes in our part of the country, or heat our homes in the north. But we have a chemical industry that may not be popular if it is down the street, although it is in my neighborhood. But it produces jobs, high-paying jobs; and it produces this plastic that we drink from every day. And if we don't come up with some other way to lower the price of natural gas, we can just kiss this plastic goodbye.

Eighty percent of our U.S. offshore waters are currently excluded from production: the eastern gulf, the Pacific, the Atlantic coast and some coasts of Alaska. Only Texas, Louisiana, Mississippi, and Alabama have coastal production.

100,000 jobs have been lost because of the high prices of natural gas. And these are high-paying manufacturing jobs that we desperately need to keep in our country.

We have the highest natural gas prices in the industrialized world primarily because of our offshore moratorium. Even Northern Europe has cheaper gas, and I know we have had jobs move from my district to Northern Europe because the price of natural gas there is so much cheaper. And their environmental laws are so much stronger.

Norway, Great Britain produce off their coast. Are we saying that they are not concerned about their beaches? It is ludicrous.

We only have two options to prevent the loss of jobs, either import more LNG, liquefied natural gas, which we will bring in, or produce offshore. There is no alternatives. We have got to have it.

Mr. Chairman, I urge Members to vote against the Putnam-Capps amendment.

Eighty percent of our U.S. offshore waters are currently excluded from production—the eastern gulf, the Pacific, and the Atlantic coast, and some coastal areas off Alaska. Only the Texas, Louisiana, Mississippi, and Alabama coasts have production.

This contributes to high natural gas prices that have cost the U.S. nearly 100,000 jobs, primarily high paid manufacturing jobs.

We have the highest natural gas prices in the industrialized world, primarily because of our offshore moratoria. Even Northern Europe has cheap, because they produce in the North Sea. Norway, Great Britain, who have drilled off their coasts with strong environmental laws.

We only have two options to prevent the loss of further jobs—we can build more LNG import plants and we can produce more gas offshore. There is no alternative to natural gas in many cases.

Unfortunately, the opponents of both options are often the same pepple—they oppose LNG and they oppose drilling for gas. Maybe they think energy and plastics are made from thin air.

Natural gas is the cleanest energy source we have besides solar or wind, and it is a critical fuel for industrial facilities and is a feedstock for the petrochemical industry that makes plastic.

If we cannot produce natural gas here, we are going to have to import gas to heat our homes and import more plastic in bulk or in consumer products. That hurts our balance of trade.

Canada has been producing gas-only wells in Lake Erie for decades. Any producer would rather have oil too at these prices, but if Congress says "gas-only" then it will be gas-only, and there will be no chance of oil spills.

Mr. Chairman, I urge Members to support U.S. jobs, U.S. energy, and reducing the trade deficit by supporting U.S. natural gas. And oppose the Putnam-Capps amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself 30 seconds.

I remind the gentleman that there is production off my district as well. Several coastal State Governors are voicing concerns about the proposal to allow drilling as close as 3 miles off our coast, including California's Governor, Arnold Schwarzenegger; New Jersey Governor, Jon Corzine; North Carolina Governor, Mike Easley; South Carolina Governor, Mark Sanford. And this is what our former colleague, Mark Sanford, had to say: "Energy independence is something we are all after, but we think it makes more sense in the long run to pursue that goal through focusing on alternative forms of energy rather than fossil fuels. Tourism is our State's number one industry, and we don't think it makes sense to undertake something that could potentially damage our coast."

I am pleased to yield 1 minute to my colleague from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to rise in support of the amendment. You know, I have been an elected official for 25 years, 14 years in the Congress. And I want to be clear that the people of Florida are united against any drilling in Florida. Now, when I listen to the people from Texas and other places, you know, I understand that Florida is the number one tourist destination in the world. The number one. And we shouldn't do anything that would be against the people of Florida and the people of the United States. People save their money to come to Florida.

And certainly we need a comprehensive energy policy. But someone said that the people in Florida in some surveys support drilling in Florida. That is definitely untrue. The people of Florida do not support drilling in Florida. And the people in Florida are united against any drilling in Florida.

Florida's coastline is a treasure not just for Floridians, but all Americans and the rest of the world. For years Florida's delegation has worked together to protect our coastline and natural resources. Even conducting an inventory of resources in the Gulf of Mexico will begin to destroy the efforts we have made as a state to preserve our sensitive lands. As long as there are rigs in the area, the potential for devastation to Florida's beaches persists. Florida's beaches are not something we can afford to compromise. This decision goes against everything that Floridians have worked for over so many years. Certainly, the people of Florida do not support off of our shores.

In fact, the impact of offshore drilling threatens irreversible scarring to the landscape, affecting thousands of species, each critical to the ecosystem. The great weather, pristine beaches, and I marine wildlife are the number one draws to our fine state. By moving forward with even a resources inventory, you risk a multi-billion dollar industry for only a few extra barrels of petroleum.

There are environmental risks associated with near-shore natural gas drilling despite claims to the contrary. Liquid hydrocarbon found with natural gas could float on top of the water and was up on Florida's beaches. Moreover, one huge problem with the plan is that the areas that are off limits to drilling now are not where the resources are. In fact, 80 percent of the Nation's undiscovered technically recoverable natural gas on the OCS is located in the Central and Western Gulf of Mexico and offshore Alaska—where drilling is currently allowed and already underway.

Indisputably, allowing drilling would be harmful to tourism and risk Florida's $57 billion tourist economy. In fact, this policy would affect all U.S. coastlines from Alaska to Maine. Any drilling would also be visible from the beach and have no effect on oil prices, especially when natural gas prices are falling.

Mr. PETERSON of Pennsylvania. Mr. Chairman, fear can be overcome with facts. And hopefully down the road here we will get the facts.

At this time I yield 2 minutes to my friend from Pennsylvania (Mr. SHERWOOD).

Mr. SHERWOOD. Mr. Chairman, I rise strongly against this amendment. It was said earlier that this is not the right time to make this decision. Well, it is always easy to say it is not the right time to make a tough decision. And the reason we are in this terrible situation is we have made bad decisions in the past.

There is no reason at all that we should have a North America gas market that is four or five times the rest of the world. We should be paying a competitive price for gas, but we are paying this outrageous price because of the decisions that we have made in the past. And we have made them based on outdated facts.

Let's look at the true facts. Let's look at the facts that technology has changed. We can do this safely; we are doing it safely in other places. We want to preserve Florida's coastline. Nobody wants to do anything that would have any harm. But we also need the natural gas.

We are losing jobs every day because of the price of natural gas in North America. Now, when we lose jobs to China because people over there are willing to work real cheap, we are real upset about that, as we should be.

But we are losing jobs because of the price of natural gas that would pay top American wages, jobs we can't afford to lose. We cannot afford to be uncompetitive in the world. This ban must be lifted. We must figure out how to do it properly so that we are not locking up the resources that we need to be competitive in the world.

This is a very simple subject that just needs a little cold logic put on it, and we can't be worrying about the fears of the past. We have to be taking care of the future. We need to defeat this amendment.

Mr. PUTNAM. Mr. Chairman, I say to my friends again, we agree on the technology having been improved. We agree on the need for a comprehensive solution. But you all agree with us that 3 miles is too close. If that is the case, let's adopt this amendment and do this the right way.

I yield 1 minute to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Chairman, I am an ardent supporter of safe deep sea drilling for natural gas. However, the current language does not contain necessary safeguards to protect our Nation and our coastal States. Revenue sharing must be included. And we must address the needs of our military.

The coast of Virginia is a valuable training area. We must not impact that training capability. We currently are in discussions with the Navy as to whether we can develop a way to coexist with industry and create a win/win situation, realizing that the needs of the Navy are the top priority.

We must also address the issue of the boundaries drawn by Minerals Management Service and correct the existing map.

It is for these reasons that I support the Putnam amendment and look forward to a complete and detailed discussion of this issue.

Mr. Chairman, I rise today to share my concerns regarding the Peterson language included in H.R. 5386 which would lift the Congressional moratorium on natural gas in the Outer Continental Shelf (OCS). While I am an ardent supporter of safe, deep-sea drilling for natural gas, I do not support the Peterson language. I do support the Putnam amendment, which strikes the Peterson language.

Our Nation is in an energy crisis. Consumers are paying more to heat their homes and to buy American-made products and crops. Because natural gas is a domestic product, its price is determined by domestic supply and demand. Companies and jobs are moving to other countries where the price of doing business is cheaper because of lower costs in natural gas. The moratorium on offshore drilling places our nation at an extreme disadvantage.

However, I can only support a plan for deep sea drilling that contains the safeguards that I feel will best suit the needs of our nation and the citizens of coastal states. First, the plan must allow the states the option to opt-out of the moratorium on offshore drilling. Coastal states know what is in their best interest. As such, they should be able to determine what terms should be allowed for drilling off of their shore.

The Commonwealth of Virginia and the Hampton Roads area in particular are very proud of the military presence in our region. Norfolk, Virginia is home to the largest Navy base in the world and much of their training occurs off the coast of Virginia. I am committed to ensuring that the Navy will continue to use these areas offshore for training and recognize that offshore drilling can only occur off the coast of Virginia if the military training areas are preserved. I have shared with the Navy that it is my desire to work with the military to come up with the best plan for the coexistence of energy production and military presence. I look forward to continuing our conversations so that offshore drilling is compatible with our military's mission.

In addition, a suitable plan must include a revenue-sharing component with the states. This money can be used for important projects such as transportation, education, sand replenishment, and Chesapeake Bay restoration.

I also believe that the plan that will come out of Congress must fix the Minerals Management Services' (MMS) federal OCS offshore administrative boundaries which determine OCS state adjacent administrative zones. These boundaries, as they are currently drawn, do not accurately reflect the relative boundaries of States and furthermore penalize States, such as Virginia, with concave coastlines and result in grossly unfair zoning. This inequity affects all of the Commonwealth's activities in the ocean including sand and gravel dredging, mariculture, and offshore renewable energy projects involving wind, waves and currents. I have expressed my concerns regarding these administrative boundaries to the Department of the Interior and it is my desire that these boundaries be revised as part of Congressional legislation.

The House Committee on Resources, of which I am a member, is the authorizing committee with jurisdiction over OCS. While I applaud Representative PETERSON for bringing this critical issue to the forefront, I believe it is the responsibility of the Resources Committee to approve legislation that contains the principles I have outlined. I am looking forward to working with my colleagues towards passage of a bill that encompasses all of these principles. At this time, I do not believe including the Peterson language in the Interior Appropriations bill allows for the debate that is necessary for such an important issue. For these reasons, I support the Putnam amendment and will continue to discuss this important national security issue with my colleagues in Congress and the important stakeholders on the coast of Virginia.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment. I do so always reluctantly when it involves my good friend from Florida (Mr. PUTNAM), with whom I have the greatest respect.

But in 1981, Congress enacted a ban on energy exploration covering more than 85 percent of U.S. Outer Continental Shelf. At the time, U.S. natural gas prices were the lowest in the industrialized world. Today, U.S. natural gas prices are the highest in the industrialized world.

Prices for natural gas continue to increase while the government continues to promote new natural gas consumption. To balance the market, we need to invest in efficient and alternative energy. But we also need to increase access to new sources of supply to keep pace with new sources of demand.

The high cost of natural gas has a major impact on both the farm and forest sector. Paper mills, a major employer in my district, are very energy intensive. Energy costs account for 18 percent of the cost of operating a mill, almost eclipsing costs for employee compensation. The impacts have been dramatic. Over 232 paper mills across the country have closed, and 182,000 jobs lost since 2000, when energy prices started a steep rise.

For farmers, higher natural gas prices mean higher costs for fertilizers. According to the USDA, average fertilizer prices in March 2006 stood 74 percent higher than their 1990–1992 level, very near all time high records. The Interior appropriations bill begins to address the supply piece of the puzzle to help bring natural gas prices down.

We can no longer continue to ban access to large sources of supply, even as we continue to encourage new demand. The bill exempts natural gas from the congressional ban on energy development in the OCS. The ban on oil development remains in place. It allows the Federal Government to begin the process of developing these important resources.

The bill's provisions are a starting point. It is the first time in a quarter century that Congress is acknowledging that it can no longer continue to promote natural gas consumption and, at the same time, prohibit more production.

I urge my colleagues to oppose the amendment.

My friends, I rise in opposition to the amendment.

In 1981, Congress enacted a ban on energy exploration covering more than 85 percent of the U.S. Outer Continental Shelf. At the time, U.S. natural gas prices were the lowest in the industrialized world.

Today, U.S. natural gas prices are the highest in the industrialized world. Prices for natural gas continue to increase, while the government continues to promote new natural gas consumption.

To balance the market, we need to invest in efficiency and alternative energy, but we also need to increase access to new sources of supply to keep pace with new sources of demand, like ethanol and hydrogen.

The high cost of natural gas has a major impact on both the farm and forest sector.

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The Interior Appropriations bill begins to address the supply piece of the puzzle to help bring natural gas prices down. We can no longer continue to ban access to large sources of supply, even as we continue to encourage new demand.

The bill exempts natural gas from the Congressional ban on energy development in the OCS. The ban on oil development remains in place. It allows the Federal government to begin the process of developing these important resources.

The bill's provisions are a starting point. It is the first time in a quarter century that Congress is acknowledging that it can no longer continue to promote natural gas consumption and, at the same time, prohibit more production. I urge my colleagues to vote "no" on the amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself 30 seconds.

Mr. PETERSON wants to discuss the facts, so here are the facts:

Most of the natural gas off our shores is already available. In February MMS released its inventory. This is the copy right here that was required by our energy bill. It says that 80 percent of the Nation's undiscovered technically recoverable natural gas on the Outer Continental Shelf is located in the central and western Gulf of Mexico and offshore Alaska where drilling is currently allowed and well under way.

I reserve the balance of my time.

Mr. PUTNAM. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise in very strong support of the amendment that we have before us that was crafted by many of my colleagues from Florida, as well as friends on the other side of the aisle from California.

Obviously, because of the bipartisan stance that we have taken in Florida, it is very, very important to the State of Florida.

The Peterson language which is included in the Interior appropriations bill basically will have drilling within 3 miles of our shores. I can tell you that back in Florida, when we even talked about having drilling 25 miles from the shore, it was not at all popular.

I would be doing a disservice to my constituents if I didn't fight to keep the moratorium on drilling in the Outer Continental Shelf in place.

Many of you on both sides of the aisle have come up to me and said, you know, my mother or my grandmother or my dad lives in Florida. Many of them live in my district. I would ask you, pick up that phone, call your mom and dad and listen to what they have to say about how much they love Florida, and how much they love the beaches, and how much they want to make sure that we have a State that will continue to be number one in tourism.

Mrs. CAPPS. Mr. Chairman, I am very pleased to yield 1 minute to my colleague from Florida (Mr. BOYD).

Mr. BOYD. Mr. Chairman, ladies and gentlemen, this provision in this bill, if it goes into law, will have the effect obviously of lifting the prohibition on drilling in the Gulf of Mexico, which is of interest to many of those of us from Florida. And if that provision were to be lifted, I think there is a very significant impact on the military training mission that exists along the gulf coast.

As many of you may know, Tyndall Air Force Base is the home of the training for the F-22 and the F-15. The Joint Strike Fighter is going to be based up in that area, and if that prohibition were to be lifted, obviously, that would seriously impact, according to the military, the officials in the Pentagon, the Chief of Staff of the Air Force, the Secretary of Defense, all have said that the critical nature of that Gulf of Mexico training range will be seriously impacted and our military as a result will be impacted.

Mr. PUTNAM. Mr. Chairman, I am pleased to yield 1 minute to my friend from Florida (Mr. FOLEY).

Mr. FOLEY. Thank you very much, Mr. PUTNAM, and all the Members who have spoken on this critical issue tonight. I thank you.

Most of those supporting the drilling do not live in Florida. It is interesting, we haven't had many speakers from the Sunshine State who have said, let's go ahead and drill. And I think there is a reason for it.

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Let me give you the statistics. NOAA, a very trusted agency, has said we are entering a 20-year cycle of heavy hurricane activity. Since 2004 there have been nine hurricanes that have hit the Gulf of Mexico. One of the reasons there has been a spike in energy prices is because most of it is located in the gulf, exactly where some proponents of drilling would have us build more drills. We simply do not need it. We do have to be more conservative in our approach to fuels and use alternative energy. Sticking pipes in the ground in Hurricane Alley is not a solution.

So I would urge my colleagues to heed the warnings and advice of those who live in Florida and ask you to reject the notion that we should drill there. Support our amendment, support the amendment to strip this provision from the bill, and allow us to continue to talk and negotiate with those parties who are involved.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I reserve the balance of my time.

Mr. PUTNAM. Mr. Chairman, I yield myself 30 seconds.

We have begun an important debate here that even the author of the language that we are seeking to strip admits is Draconian, and allowing drilling 3 miles offshore, even the sponsor admits that is not his goal. If that is not his goal, adopt the Putnam-Capps amendment and let us move on to the appropriate way to discuss comprehensive energy policy in this Nation and how it impacts the Gulf of Mexico.

Mr. Chairman, I reserve the balance of my time.

Mrs. CAPPS. Mr. Chairman, I yield myself the balance of my time.

I will make three points. First, the Poe amendment and the Peterson amendment are the same thing. Two hundred and seventy-four Members just voted "no" on the Poe amendment. If you voted "no" on the Poe amendment, you should vote "yes" on our amendment.

Drilling for gas is drilling for oil. The American Petroleum Institute says as much, as does MMS. Second, it is simply untrue to say that we do not have access to the vast majority of resources on the Outer Continental Shelf. The Bush administration itself says that we currently can drill in areas where 80 percent of the natural gas is located.

Finally, this is more of the same failed energy strategy that has gotten us record high energy prices and record high profits for the oil companies. We need a new direction on energy.

Vote for the Putnam-Capps amendment, protect our coasts, and take a step into the future.

Mr. Chairman, I yield back the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Chairman, I am standing here on what is normally the Republican side to emphasize, and I have said this right from the very beginning when Mr. PETERSON and I have tried to deal with this issue in the Resources Committee, that is not a Republican and Democratic issue. And I think you can see from the fact that people have come to both sides here tonight to speak about it that it is not a Democrat and Republican issue. This is an issue of trying to come to a sensible conclusion on what American policy should be.

And believe me, I think I am in a good position to say to folks that I can appreciate the fact that tourism is on the minds of our good friends from Florida and from California and elsewhere in the country, particularly around the coasts. I do not think that anybody is as close to tourism or is closer, I should say, to tourism in terms of their representation than myself.

So the issue is what should we do and what can be done to advance America's independence with regard to energy and what at the same time can protect our constituents in a way that we can all be compatible with?

I think what needs to be said and has not been said tonight are what some of the origins of our difficulties are. Right now the Republicans have their particular difficulties with certain segments, factions, as our Founding Fathers and mothers said, factions that come in. You have got your problems. Certain people have religious views.

What we have on the Democratic side are other people with religious views. We have environmental Talibans out there now who have revealed wisdom with regard to drilling, in this instance, for natural gas, and you cannot thwart them. You cannot stand up and say let us have a discussion to see whether that really represents today's reality. That is all this is about.

Believe me, no one, Mr. PETERSON, myself, nor any other advocate, wants to drill 3 miles off of anybody's coastline. What this gives us the opportunity to do is to have a responsible conversation in the Resources Committee about whether or not we should move forward with natural gas extraction and exploration and, if so, how should we do it in a way that is responsible to everyone?

So what I ask is please allow us to begin that conversation by not supporting the amendment and allowing us to move to the Resources Committee to have the discussion Mr. PUTNAM has requested.

We are with you and we would like to be able to do it.

ENVIRONMENT

Lifting the moratoria will not allow production 3 miles off of the coast. This is only the first step and will provide for discussion and consideration of the kinds of restrictions that are needed for responsible production. Mr. PETERSON and I have introduced legislation to give States a 20-mile buffer zone and 40 percent revenue sharing for producing States.

Natural gas-only drilling is possible and takes place in Canada on the Great Lakes and will begin next year in the Barents Sea by Norway.

Drill cuttings are contained and shipped to shore for proper disposal, not left to pollute the ocean and hurt marine life. This disposal technology is used throughout the world and was recognized by a blue ribbon panel of judges from the U.S. Coast Guard, the Minerals Management Service and the National

Academy of Sciences' Marine Board as an outstanding contribution to safety and protection of the environment.

Eighty percent of known resources are already open to development. This is based on 40-year-old estimates that are hopelessly out of date. New technology, 3–D seismic and the like, could give better estimates, but MMS is prohibited by the appropriations moratorium from conducting physical assessments in those areas.

JOBS AND THE ECONOMY

The Putnam amendment is opposed by the International Brotherhood of Boilermakers; Sheet Metal Workers International Association; Building and Construction Trades Department, AFL–CIO; and the Forest Products Industry National Labor Management Committee.

Since 2000, U.S. natural gas prices have been the highest in the world. U.S. companies—and U.S. workers—are at an unfair competitive disadvantage in the global market.

The Department of Commerce estimates that during 2000–04, natural gas price increases reduced civilian employment by an average of 489,000 jobs/year. Losses in the manufacturing sector accounted for 16 percent of that loss, 79,000 jobs per year.

BUILDING AND CONSTRUCTION TRADES DEPARTMENT, AMERICAN FEDERATION OF LABOR—CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, May 18, 2006.

DEAR REPRESENTATIVE: On behalf of the affiliated unions of the Building and Construction Trades Department and the millions of union members and their families whose livelihoods depend on affordable natural gas, I am writing to ask you to stand up for the American worker and vote against the Putnam-Capps Amendment to the Interior Appropriations bill.

Putnam-Capps is a slap in the face of every union member who works in an industry that is losing business due to the high price of natural gas.

Manufacturing industries consume large amounts of natural gas to power their equipment, and as a raw ingredient that goes into thousands of manufactured goods. Union workers make the production, distribution and consumption of those goods possible. Since 2000, U.S. natural gas prices have been the highest in the world. U.S. companies—and U.S. workers—are at an unfair competitive disadvantage in the global market. Industrial production is shutting down or moving overseas and more than three million manufacturing jobs have disappeared in that time.

The cause for high U.S. natural gas prices is a severe imbalance between supply and demand. U.S. government policy pushes up demand by encouraging new uses for natural gas, including electricity generation, ethanol and hydrogen. At the same time, Congress severely restricts access to new supplies. In the absence of new supply, new sources of demand are driving traditional industrial demand out of the market, wiping out union jobs in the process.

Supporters of the Putnam-Capps Amendment are turning a blind eye to the problem and they are jeopardizing millions of good paying union jobs by prohibiting access to new sources of natural gas supply.

For the Building Trades, offshore natural gas production is first and foremost a jobs issue. If you support keeping good-paying union jobs in the USA, you will vote against the Putnam-Capps, Amendment.

Sincerely,

EDWARD C. SULLIVAN,
President.

Mr. PUTNAM. Mr. Chairman, I yield myself such time as I may consume.

I thank my friend from Hawaii. That conversation is well underway. I appreciate the leadership of our friend from California, the chairman of the Resources Committee, Mr. POMBO, who has led that discussion and has led to a very bipartisan, thoughtful, and candid approach to the proper way to deal with this Nation's energy crisis, the proper way to deal with exploration in the Gulf of Mexico, the proper way to make sure that we are not impeding the military mission that would affect our Nation's defense.

This language that the amendment I have sponsored with Mrs. CAPPS and a number of others is an overreach. The amendment fixes what even the authors of that language admit is an overreach. Three miles is not supported by even the person who wrote the language. So if that is the case, let us pass the Putnam-Capps amendment and begin to move further down that road of the exploration question to solve our Nation's energy problems.

Mr. Chairman, I am pleased now to yield the balance of my time to a champion for Florida, a stalwart in this debate, the chairman of the Defense Subcommittee of the Appropriations Committee, my good friend, Mr. YOUNG.

Mr. YOUNG of Florida. Mr. Chairman, my friends who are opposing the Putnam-Capps amendment would like us to believe that in the Gulf of Mexico there is an unlimited supply of nice, clean, cheap natural gas just waiting for someone to punch a hole and it will come flowing out. That is really interesting because Mr. PETERSON's effort last year was to create an inventory to see if there was any natural gas in the Gulf of Mexico. There is something wrong here. That is not really consistent. Last year we did not know if there was or not. This year we are prepared to violate environmental concerns. Is there gas there or is there not gas there?

And what about the high cost? I learned something interesting at the Appropriations Committee the other day, that no matter what it costs to produce a barrel of oil domestically in the United States we still pay the same price that OPEC charges. Why? I do not know. One Member told me that his State produces oil for $30 a barrel that has to go through Canada, and they sell it back to us at 70 some dollars a barrel. There is something wrong with that. And then this afternoon I learned that natural gas is priced the same way. So is it going to be less expensive to produce in the Gulf of Mexico, where the environmental issues are real and the national defense issues are real, or should we allow, as Mr. PUTNAM has suggested and I suggested earlier on the Poe amendment, and that was a good vote on the Poe amendment, to let the authorizing committee that holds hearings, and there were no hearings on this, on the appropriations part of it, let the authorizing committee do their work and let us make a decision based on what is the truth versus fiction versus opinion, what is real, what is safe for the environment, and let us pass the Putnam amendment here this evening.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to reiterate an important fact that was made in the full committee. Federal offshore lands already open to exploration is 80 percent of potential gas reserves offshore. Of the most current mean estimate of undiscovered, technically recoverable gas: offshore non-moratoria reserves, 328 trillion cubic feet; offshore moratoria reserves, 77 trillion cubic feet.

There is a lot of offshore drilling that can be done that is legal, as the gentlewoman said, from the Minerals Management Service's most recent report. So let us go drill there and protect our beaches. That is the best way to move forward and let the authorizers go forward and try to come up with a responsible end to this. But to precipitously move out tonight on this Peterson amendment would be a mistake, and I support strongly the Putnam-Capps amendment.

Mr. YOUNG of Florida. Mr. Chairman, reclaiming my time, I appreciate the gentleman's comments and I appreciate his support, and it is more than just beaches. It is fisheries, ecosystems that are critical to the food chain in the Gulf of Mexico. This is more than just beaches, and beaches are important. And I represent a lot of beaches and they are beautiful, and we welcome all of you to come.

Mr. DICKS. If the gentleman will yield, we do, Mr. Chairman.

Mr. YOUNG of Florida. Actually, yes, and we appreciate that very much.

But, anyway, let us pass the Putnam amendment. This is the right thing to do, and let us let the House work its will through the established process, through the committee process, a committee that has appropriate jurisdiction.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself the balance of my time.

I want to thank everybody tonight. There has been a good tone of this debate. There has been no personalities. It has been friendly, but I think it has been very informational.

I want to share this letter with you. Mr. ABERCROMBIE was supposed to.

"Supporters of the Putnam-Capps amendment are turning a blind eye to the problem, and they are jeopardizing millions of good-paying union jobs by prohibiting access to new sources of natural gas supply," says the Building and Construction Trades and Contractors. In fact, eight unions in the last few days have signed up in support of this legislation.

Folks, this is not about 3 miles offshore. This is not about hearings. Did we have hearings before this authorizing language was placed in this bill 25 times? I was here 5 years before I knew I was voting to prohibit offshore production of natural gas. I would have been protesting a long time ago.

Folks, this is about our future. America's richest energy source is natural gas. It is the cleanest, it is the mother's milk of all of our industries. American women in the North should not have to keep their thermostats at 55 degrees, and they have in my district. Churches in rural areas should not have to meet in the basement in January and February because they cannot a afford the gas bill, and they have in my district.

Folks, natural gas prices are changing how people live in this country, and they are changing to where companies decide on whether they want to live here. When we lose the industries we have talked about, folks, it is happening. We cannot delay.

They talk about the years it is going to take to get the supply. That is why we need to do it tomorrow. We need to do authorizing language. We need to have the President look at this issue with a bright eye. We have a lot of work to do, folks. But energy is the mother's milk of our country. We will never balance the budget without a growing economy, and our economy will stop growing if we do not have affordable, clean natural gas to fuel it.

Ms. ESHOO. Mr. Chairman, I rise in support of this bipartisan amendment to retain the moratoria on drilling in protected offshore areas of the United States.

If we don't approve this amendment, we will undo a 25-year legacy of protecting the coast of my State of California and other States from the damage that can be done by drilling.

Three Presidents . . . George Bush, Bill Clinton, and George W. Bush, have supported the drilling moratoriá in sensitive coastal areas of the United States.

The Governor of the State of California has written to Members of the California delegation to express his support of the moratorium and he opposes the language in this bill. He wrote:

> "[T]he bill's provisions would allow drilling to begin just three miles from our coast. Rather than watching the sun set on the western horizon each day, millions of Californians and visitors will now see grotesque oil platforms in plain sight. I urge the Delegation to oppose these provisions and work to defeat them during the House debate. California's beautiful coastline is an integral part of our culture, our heritage, and our economy. Putting it at risk would be an absolute travesty."

The argument we're hearing is that we need to develop domestic natural gas supplies to bring down prices and avoid dependence on foreign sources of energy.

This argument is a masquerade.

It's well known that there cannot be selective drilling for natural gas. Drilling is drilling, and where gas is found, oil is also found. Last fall, the Director of the Mineral Management Service, Johnnie Burton, said so. He said:

> Natural gas seldom comes totally by itself. It has some liquids with it. Sometimes it is oil, sometimes it is very refined oil . . .

So lifting the moratorium on gas drilling will also effectively lift the ban on oil drilling.

Mr. Chairman, if we're concerned about prices and security, we need to begin requiring the use of renewable fuels and improving the fuel economy of our automobiles. We shouldn't tear our oceans apart and ruin our coastlines.

Mr. LARSON of Connecticut. Mr. Chairman, I regret that I could not be present today because of a family medical emergency and I would like to submit this statement for the RECORD in support of the Capps amendment to H.R. 5386, the FY2007 Interior-Environment Appropriations Bill.

The bill before the House today includes a provision lifting a long-standing Congressional ban on natural gas drilling and production in most of the Outer Continental Shelf (OCS). More import than what it does, however, is what it fails to do. For instance, rather than giving States a "buffer zone" which allows them to block the construction of natural gas platforms within 20 miles of their shores, the provision in this bill opens the OCS to drilling as close as three miles. Since this provision is being tacked onto an appropriations bill, it does not include the critic authorizing language that will provide the Department of the Interior with guidance on how and where to provide for drilling and production, or even grant them the authority to issue leases. In addition, it lifts only the Congressional prohibition on OCS natural gas drilling and leaves intact the Executive ban in effect until 2012, making this provision meaningless without more extensive authorizing legislation.

Many of our colleagues have deep concerns about the impact that opening our OCS to natural gas drilling and production will have on their States. This is therefore not an issue we should rush into with only cursory debate in an appropriations bill. Rather, it is one that should be carefully considered, with input reflecting all sides of this issue, through hearings held by the House Resources Committee. I urge my colleagues to support the Capps amendment.

Mr. BILIRAKIS. Mr. Chairman, I rise in support of the Putnam-Capps amendment to restore the congressional spending moratorium against natural gas leases off the coastline of the national Outer Continental Shelf (OCS).

The repeal of the congressional spending moratorium that was adopted by the Appropriations Committee limits States' ability to safeguard their natural resources and would set current OCS policy badly adrift. The prohibition of OCS drilling has been a national priority for over 20 years. Congress led the way by passing the first moratorium on OCS leasing in 1982, which was soon extended to waters throughout much of our nation's coastal areas.

Opposition to OCS drilling is particularly strong in Florida due to the potentially devastating consequences it could have for our economy, natural resources, and quality of life. Our pristine beaches and waterways represent our best and most distinctive qualities and attract millions of visitors from across the country and world every year. Repealing the moratorium severely jeopardizes Florida's $57 billion tourist economy.

Our natural habitats, particularly our marine life, represent some of the richest and most diverse ecosystems in the world. The quality of life enjoyed by Floridians is due in large part to these natural endowments, which has made my state one of the most desirable places in the country to work and live.

I am also concerned about the impact the repeal of the moratorium could have on our military readiness. The language incorporated into H.R. 5386 poses a serious threat to the critical missions of our Air Force and Navy which are conducted in the Gulf of Mexico. Since the closing of the ranges in Vieques, Puerto Rico, the Gulf of Mexico is home to a number of training missions for our military, specifically those conducted by the U.S. Navy. The Navy uses the Eastern Gulf of Mexico to conduct pre-deployment certifications. Additionally, submerged U.S. Navy submarines launch Tomahawk cruise missiles from the Eastern Gulf of Mexico. If natural gas companies were allowed to begin to explore the area, serious encroachments on these pre-deployment training exercises would be created.

The Air Force also uses the Gulf of Mexico water ranges to do live fire tests and evaluations of many of its new weapons systems. For example, the F–35 Joint Strike Fighter Initial Training is being located at Eglin Air Force Base. The projected Air-to-Surface live fire weapons training requirements of the F–35 will, according to the Air Armament Center, "significantly increase the amount or airspace needed over the Eastern Gulf."

In a letter to the Chairman of the Senate Armed Services Committee, Defense Secretary Rumsfeld wrote that "Prior analysis and existing agreements recognize that areas east of the 86° 41′ line in the Gulf of Mexico commonly known as the 'military mission line' are especially critical to DoD due to the number and diversity of military testing and training activities conducted there now, and those planned for the future. In those areas east of the military mission line drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, weapons testing, and training."

The current language in H.R. 5386 could open the entire eastern Gulf of Mexico, including areas east of the military mission line, to natural gas exploration and activities. This is in direct conflict with the statement from Secretary of Defense Rumsfeld and a direct threat to the readiness of the United States military.

I urge my colleagues to support the Putnam-Capps amendment.

Mr. STEARNS. Mr. Chairman, I rise today in strong support of the Putnam-Capps amendment to H.R. 5386. This amendment, which has broad bi-partisan support, would remove the provisions in the underlying bill that lifts three long-standing moratoriums on offshore natural gas leasing.

This provision will not provide the relief its supports claim it will. It will merely hinder our efforts to get a real and permanent solution to this problem.

The repeal of the congressional moratorium will limit States' ability to safeguard their natural resources and would set current OCS policy badly adrift. The prohibition of OCS drilling has been a national priority for over 20 years. Congress led the way by passing the first moratorium on OCS leasing in 1982, which was soon extended to waters throughout much of our nation's coastal areas. Dismantling this 25-year congressional moratorium in an appropriations bill is an unwise approach to our nation's energy needs.

Comprehensive legislative is needed to deal with the many complex oil and gas issues on the OCS. For the past few months, I have been working with some of my Florida colleagues on a comprehensive solution to this issue, not a patchwork of legislative initiatives. We have worked with Chairman POMBO on legislation that would give the states the final authority to decide whether or not to allow drilling or leasing off its shores.

It is imperative to empower all coastal states to determine their own future, putting decisions regarding offshore development in the hands of our state elected officials instead of the federal government. The bill would have put a 125-mile buffer permanently under state control for purposes of oil and gas leasing.

Ms. LEE. Mr. Chairman, I rise in strong opposition to the interior appropriations bill and in support of the Putnam/Capps amendment.

For 25 years we have maintained a bipartisan agreement to ban any new drilling off our shores because we believed it was more important to safeguard the health and beauty of our coastal environment for future generations to enjoy.

But now the interior appropriations bill threatens to upset this agreement and open our coastal areas to drilling despite overwhelming opposition from the American people.

We should not be trading away our pristine coastal habitats to fatten the coffers of the administration's cronies in the oil and gas industry.

The fact of the matter is that new offshore drilling will do nothing in the short term to reduce the high gas prices that consumers are facing at the pump, and will do nothing in the long term to wean us away from our addiction to oil.

The best way to fight high gas prices now is to hold oil companies accountable for gouging consumers by instituting a windfall profits tax.

At the same time, we need to make immediate investments to expand energy efficiency by raising vehicle fuel economy standards, increasing the use of renewable fuels, and by adopting a foreign policy that does not hold our constituents hostage to the latest political crisis in the Middle East.

Today our constituents are paying the price for this administration's deliberate decision to prioritize the profit margins of the oil and gas industry over a comprehensive and sustainable long term energy policy.

Vote against another giveaway to the energy industry. Support the Putnam/Capps amendment and save our coastal environments.

Mr. TIAHRT. Mr. Chairman, I rise today in strong support of jobs and lower energy costs for the American people. The House Appropriations Committee correctly voted to take a first step toward opening more access to natural gas in the outer continental shelf. Natural gas is an affordable, clean-burning fuel that can be safely extracted without causing harm to the environment. But there are opponents of expanded access to this domestic energy source who are trying to strip language that lifts the annual congressional moratoria on natural gas leasing and production in the OCS.

I urge my colleagues to join Mr. PETERSON and Mr. ABERCROMBIE in defeating all attempts to prohibit America from taking this small, but important, step toward energy independence. I commend Mr. PETERSON for his work on this important issue and for his persistence in bringing this issue before the American people.

America is the only country in the world that has a moratorium on off-shore drilling for natural gas. While there are vast amounts of this environmentally clean energy source available in areas far off our shorelines, opponents of lifting the moratorium are standing in the way of lowering energy costs for our farmers, chemical workers, small businesses and manufacturers.

Because Americans pay as much as 600 percent more for natural gas than other countries, American businesses are often at a competitive disadvantage when trying to compete with foreign businesses.

Our farmers depend upon natural gas for everything from irrigation to food processing to nitrogen fertilizer production. When the price of natural gas is high, that translates to more economic hardship for rural America. Unlike most other businesses, farmers are not able to pass along their increased input costs to consumers. It simply means less income for them and the rural communities that depend on an agriculture economy.

Natural gas prices account for most of the cost of fertilizers, which means that as long as we refuse to open up more of our natural gas reserves and lower the costs, farmers and rural farming communities will continue to suffer. Additionally, 21 fertilizer plants in this country have closed in the past 6 years because they were no longer able to compete. High natural gas prices are closing businesses and killing jobs.

Small businesses suffer when natural gas prices are high because they have to spend more money for heating and cooling bills rather than investments in new technologies or better wages for workers. Instead of being able to sell their products and services for less, many businesses are forced to raise their prices. And in today's economy, many small businesses are often competing with foreign competitors.

Manufacturing jobs are even more at risk for leaving if we do not address the high cost of natural gas in this country. Over 100,000 chemical jobs have been lost over the past 5 years because of high natural gas costs. These are jobs that we should not be forced to lose. Americans deserve better than a continuation of an out-dated moratorium on offshore drilling for natural gas.

I urge my colleagues to join me in defeating the amendment to strip language that would help make America more energy self-sufficient.

Ms. LEE. Mr. Chairman, I rise in strong opposition to Interior appropriations bill and in support of the Putnam/Capps amendment that will be considered on the floor today.

For 25 years we have maintained a bipartisan agreement to ban any new drilling off our shores because we believed it was more important to safeguard the heath and beauty of our coastal environment for future generations to enjoy.

But now the Interior appropriations bill threatens to upset this agreement and open our coastal areas to drilling despite overwhelming opposition from the American people.

We should not be trading away our pristine coastal habitats to fatten the coffers of the administration's cronies in the oil and gas industry.

The fact of the matter is that new offshore drilling will do nothing in the short term to reduce the high gas prices that consumers are facing at pump, and will do nothing in the long term to wean us away from our addiction to oil.

The best way to fight high gas prices now is to hold oil companies accountable for gouging consumers by instituting a windfall profits tax.

At the same time, we need to make immediate investments to expand energy efficiency by raising vehicle fuel economy standards, increasing the use of renewable fuels, and by adopting a foreign policy that does not hold our constituents hostage to the latest political crisis in the Middle East.

Today our constituents are paying the price for this administration's deliberate decision to prioritize the profit margins of the oil and gas industry over a comprehensive and sustainable long term energy policy.

Vote against another giveaway to the energy industry. Support the Putnam/Capps amendment and save our coastal environments.

Mr. KUCINICH. Mr. Chairman, I submitted the attached statement, in support of the Putnam-Capps Amendment to ban drilling for natural gas on the Outer Continental Shelf on May 18, 2006.

FLOOR STATEMENT IN SUPPORT OF THE OCS DRILLING BAN AMENDMENT TO THE FY2007 INTERIOR APPROPRIATIONS BILL, H.R. 5386

I rise in strong support of this amendment to preserve the popular and longstanding ban on drilling off our coasts. First, let's be clear that there is no such thing as drilling for gas only. Even the Administration and the energy industry have dismissed the idea as unworkable. So this is nothing more than a fig leaf.

But it's a fig leaf that will bring toxic contamination to our marine environment merely three miles off our coasts. And it could open the door to drilling in the Great Lakes, which is also opposed by Great Lakes residents.

We cannot forget that new drilling will have no effect on energy prices for years. In contrast, we have technologies to reduce our addiction to oil and natural gas that are ready to go today. The problem is that we're subsidizing unsustainable energy production like drilling for natural gas and oil while failing to fund real renewable solutions. I urge my colleagues to vote for the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. PUTNAM).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to eliminate or restrict programs that are for the reforestation of urban areas.

The CHAIRMAN. Pursuant to the previous order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

□ 2100

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the chairman and ranking member of the subcommittee for their kindness and understanding of the importance of this amendment and allowing me to present this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I would be delighted to yield to the gentleman from North Carolina. I would like to be able to explain the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, we would be happy to accept it, if the gentlewoman would explain it briefly.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the chairman. You are very kind.

Mr. Chairman, I live in an area that is urban, but yet rural, and I ask in this amendment that no funds be used to eliminate or restrict programs that are for reforestation of urban areas.

If I might, Mr. Chairman, just indicate to you, the surveys indicate that some urban forests are in serious danger. In the past 30 years alone, we have lost 30 percent of all of our urban trees, a loss of over 600 million trees. Eighty percent of the American population live in dense quarters of a city.

This amendment simply emphasizes the importance of urban reforestation, and allows me to salute the City of Houston Parks Department, the Pleasantville community that invested in the reforestation of their neighborhood, and it also provides the umbrella of trees that cleans the air, clears the air of toxic entities, and provides the quality of life that all of us would like.

So I appreciate the opportunity to present this amendment to reemphasize the importance in the Interior Department to as well affirm the value of reforestation.

I ask my colleagues to support the amendment.

Mr. Chairman, I rise today to offer an amendment that emphasizes the importance of urban forests, and preserves our ability to return urban areas to healthy and safe living environments for our children.

Surveys indicate that some urban forests are in serious danger. In the past 3 years alone, we have lost 30 percent of all our urban trees—a loss of over 600 million trees.

Eight percent of the American population lives in the dense quarters of a city. Reforestation programs return a tool of nature to a concrete area that can help to remove air pollution, filter out chemicals and agricultural waste in water, and save communities millions of dollars in storm water management costs. I have certainly seen neighborhoods in Houston benefit from urban reforestation.

In addition, havens of green in the middle of a city can have beneficial effects on a community's health, both physical and psychological, as well as increase property value of surrounding real estate.

Reforestation of cities is an innovative way of combating urban sprawl and/or deterioration. Commitment to enhancing our environment involves both the protection of existing natural resources and active support for restoration and improvement projects.

In 1999, American Forests, a conservation group, estimated that the tree cover lost in the greater Washington metropolitan area from 1973 to 1997 resulted in an additional 540 million cubic feet of storm water runoff annually, which would have taken more than $1 billion in storm water control facilities to manage.

Trees breathe in carbon dioxide, and produce oxygen. People breathe in oxygen and exhale carbon dioxide. A typical person consumes about 38 lbs of oxygen per year. A healthy tree, say a 32 ft tall ash tree, can produce about 260 lb of oxygen annually. Two trees supply the oxygen needs of a person for a year!

Trees help reduce pollution by capturing particulates like dust and pollen with their leaves. A mature tree absorbs from 120 to 240 lbs of the small particles and gases of air pollution. They help combat the effects of "greenhouse" gases, the increased carbon dioxide produced from burning fossil fuels that is causing our atmosphere to "heat up".

Trees help cool down the overall city environment by shading asphalt, concrete and metal surfaces. Buildings and paving in city centers create a heat-island effect. A mature tree canopy reduces air temperatures by about 5–10 degrees Fahrenheit. A 25-foot tree reduces annual heating and cooling cost of a typical residence by 8 to 12 percent, producing an average $10 savings per American household. Proper tree plantings around buildings can slow winter winds and reduce annual energy use for home heating by 4–22 percent.

Trees play a vital role in making our cities more sustainable and liveable, and this amendment simply provides for continued support to programs that reforest our urban areas. I urge my colleagues to join me in supporting these efforts.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone claim the time in opposition?

If not, the question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501: None of the funds made available in this Act may be used to limit outreach programs administered by the Smithsonian Institution.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, we will be happy to accept this amendment also.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Mr. Chairman, I want to thank the ranking member of the subcommittee, the ranking member of the full committee, and the chairman of the full committee.

Very briefly, Mr. Chairman, this reemphasizes the importance of the Smithsonian, but what it says is that no funds shall be used to eliminate the outreach programs of the Smithsonian.

The reason why I offer this is simply a quote from James Baldwin that says "the great force of history comes from the fact that we carry it within us, and that history is literally present in all that we do."

The outreach programs for the Smithsonian will help cities beyond the Beltway to establish culturally grounded museums that present the history of America. The City of Houston is attempting to do an African American History Museum, and it will be the importance of the Smithsonian outreach program that provides the thousands of communities that serve millions of Americans and hundreds of institutions in all 50 States through loan objects, traveling exhibitions and sharing of educational resources via publications, lectures and presentations, training programs and Web sites.

I know that we are going to be able to establish that museum in the City of Houston. It will be through reaffirming the value of the outreach programs of the Smithsonian, and we ask that no funds be utilized to stop that outreach program.

Mr. Chairman, I ask my colleagues to support the amendment.

Mr. Chairman, I rise today to offer my amendment that encourages support of the Smithsonian Institution's outreach programs.

It is of the utmost importance that none of the funds made available in this Act be used to limit outreach programs administered by the Smithsonian Institution.

The Smithsonian's outreach programs bring Smithsonian scholars in art, history and science out of "the nation's attic" and into their own backyard. Each year, millions of Americans visit the Smithsonian in Washington, D.C. But in order to fulfill the Smithsonian's mission, "the increase and diffusion of knowledge", the Smithsonian seeks to serve an even greater audience by bringing the Smithsonian to enclaves of communities who otherwise would be deprived of the vast amount of cultural history offered by the Smithsonian.

The Smithsonian's outreach programs serve millions of Americans, thousands of communities, and hundreds of institutions in all 50 states, through loans of objects, traveling exhibitions, and sharing of educational resources via publications, lectures and presentations, training programs, and websites. Smithsonian outreach programs work in close cooperation with Smithsonian museums and research centers, as well as with 144 affiliate institutions and others across the nation.

The Smithsonian's outreach activities support community-based cultural and educational organizations around the country; ensure a vital, recurring, and high-impact Smithsonian presence in all 50 states through the provision of traveling exhibitions and a network of affiliations; increase connections between the Institution and targeted audiences (African American, Asian American, Latino, Native American, and new American); provide kindergarten through college-age museum education and outreach opportunities; enhance K–12 science education programs; facilitate the Smithsonian's scholarly interactions with students and scholars at universities, museums, and other research institutions; and publish and disseminate results related to the research and collections strengths of the Institution.

One example of a large and successful outreach program is the Smithsonian Institution Traveling Exhibition Service (SITES).

SITES will be the public exhibitions' face of the Smithsonian's National Museum of African American History and Culture, as the planning for that new Museum gets under way. Providing national access to projects that will introduce the American public to the Museum's mission, SITES in FY 2007 will tour such stirring exhibitions as "381 Days: The Montgomery Bus Boycott Story".

The mission of Smithsonian Affiliations is to build a strong national network of museums and educational organizations in order to establish active and engaging relationships with communities throughout the country. There are currently 138 affiliates located in the United States, Puerto Rico, and Panama. By working with museums of diverse subject areas and scholarly disciplines, both emerging and well-established, Smithsonian Affiliations is building partnerships through which audiences and visitors everywhere will be able to share in the great wealth of the Smithsonian while building capacity and expertise in local communities.

The Smithsonian also offers access to its resources to underserved audiences in urban locales and to individuals with disabilities.

I urge my colleagues to support this amendment, and support the Smithsonian's high quality education and its ability to share our wealth of knowledge to every American.

[From Museum News, November/December 2005]

THE FIRE THIS TIME: RACE, MEMORY, AND THE MUSEUM

(By Lonnie G. Bunch)

Recently I was asked if museums that explore the African American experience are still valuable as they once were in this diverse and more integrated America. While I responded quickly, I realized later that the question deserved more thought.

The notion that African American history has limited meaning should be a concern for all Americans. We would be better served if we remember the words that James Baldwin wrote in his powerful novel, The Fire Next Time: ". . . history does not refer merely or even principally to the past. On the contrary, the great force of history comes from the fact that we carry it within us, are unconsciously controlled by it in many ways, and that history is literally present in all that we do."

Let me cite four reasons why the interpretation and preservation of African American history and culture are so important and relevant for an America still struggling with the legacy and impact of race.

(1) The Danger of Forgetting: You can tell a great deal about a country or a people by what they deem important enough to remember, what they build monuments to celebrate; and what graces the walls of their museums. Throughout Scandinavia there are monuments and museums that cherish the Vikings as a proud symbol of Nordic curiosity, exploration, and freedom. In Scotland, much is made of the heroic struggles of William Wallace (whom we know as Mel Gibson) to throw off the yoke of British domination. Until recently, South Africa was dominated by monuments and memories of the Vortrekker, while the United States traditionally revels in Civil War battles or founding fathers, with an occasional president thrown into the mix.

Yet I would argue that we learn even more about a country by what it chooses to forget. This desire to omit—to forget disappointments, moments of evil, and great missteps—is both natural and instructive. It is often the essence of African American culture that is forgotten or downplayed. And yet, it is also the African American experience that is a clarion call to remember.

A good example of this nexus of race and memory is one of the last great unmentionables of public discourse about American history—the story of slavery. For nearly 250 years, slavery not only existed but it was one of the most dominate forces in American life. Political clout and economic fortune depended upon the labor of slaves. Almost every aspect of American life—from business to religion, from culture to commerce, from foreign policy to western expansion was informed and shaped by the experience of slavery. American slavery was so dominant globally that 90 percent of the world's cotton was produced in the American South. By 1860 the monetary value of slaves outweighed all the money invested in this country's railroads, banking, and industry combined. And the most devastating war in American history was fought over the issue of slavery.

And yet few institutions address this history for a non-scholarly audience. And there are even fewer opportunities to discuss—candidly and openly—the impact, legacy, and contemporary meaning of slavery.

I remember a small survey from the early 1990s that assessed the public's knowledge about slavery. The results were fascinating: 81 percent of white respondents felt that slavery was a history that had little to do with them; 73 percent felt that slavery was an important story but that its real relevance was only to African Americans. Even more troubling was the fact that the majority of African Americans surveyed expressed either little interest or some level of embarrassment about slavery.

There is a great need to help Americans understand that the history of slavery matters because so much of our complex and troubling struggle to find racial equality has been shaped by slavery. And until we use the past to better understand the contemporary resonance of slavery, we will never get to the heart of one of the central dilemmas in American life—race relations. But it is also important for those who preserve and interpret African American life to help combat the notion of embarrassment. I am not ashamed of my slave ancestors, I am in awe of their ability—in spite of the cruelties of slavery—to maintain their culture, their sense of family, their humor and their humanity. I wish more people knew the words of William Prescott, a former slave who when asked about slavery by a WPA interviewer in the 1930s said, "They will remember that we were sold but not that we were strong; they will remember that we were bought but not that we were brave."

(2) The power of inspiration: There is a great need and opportunity to draw inspiration, sustenance, and guidance for African American culture. And from this inspiration, people can find tools and paths to help them live their lives. The importance of inspiration was brought home to me on a trip a few years ago.

In 1997, I was lecturing in South Africa. One day I found myself in the small city of

Pietermaritaburgr. which is located in Durban in Kwa Zulu Natal. This city has a significant Indian population and it was the site of Mahatma Gandhi's first brush with the racism of South Africa in 1903. While I was there, Nelson Mandela came to this city that was the ancestral homeland of his political and tribal rivals, the Zulus. He was to receive "the freedom of the city." I was privileged to sit on the podium as Mandela gave his speech. As is his custom, he spoke in several languages—from Xhosa to Zulu to N'debele—about his struggles against apartheid. And then in English he spoke about his 27 years in the prison on Robben Island. He said one of the things that gave him strength and substance was the history of the struggle for racial equality in America. He spoke passionately and eloquently of how American abolitionists such as Sojourner Truth, Harriet Tubman, William Lloyd Garrison and Frederick Douglass inspired him and helped him to believe that freedom and racial transformation were possible in South Africa.

Mandel's words helped me to remember the power of African American culture. We hold such important moments within our collective institutions. Who could not be inspired by the oratory, the commitment to racial justice, or the ultimate sacrifice of Dr. King? Who is not moved by the beauty of the work of Betty Saar, the richness of the words of Langston Hughes or the quiet bravery of Rosa Parks and John Lewis? Or who is not moved by the family who came north during the Great Migration or the person who struggled and risked death to keep his name on the voter registration list during the 1960s? It is crucial to remember that we are all made better by embracing the inspirational stories and lessons of African American culture.

(3) The power of illumination: Far too often, many view the experiences of the African American community as an interesting and occasionally exotic ancillary story that has limited impact on most Americans. Yet the story of how race, how African American culture has shaped and continues to re-shape American life, is less understood than it should be. It is important that we help all to grapple with the centrality of race in the construction of American identity.

As American continues its internal debates about who we are as a nation and what our core values are, where better to look than through the lens of African American history and culture. If one wants to understand the notion of American resilience, optimism, or spirituality, where better than the black experience. If one wants to explore the limits of the American dream, where better than by examining the Gordian knot of race relations. If one want to understand the impact and tensions that accompany the changing demographics of our cities, where better than the literature and music of the African American community. African American culture has the power and the complexity needed to illuminate all the dark corners of American life, and the power to illuminate all the possibility and ambiguities of American life. One of the challenges before us, whether we write, preserve, exhibit history or consume culture, is to do a better job of centralizing race.

(4) THE MIRROR: A final reason why African American history and culture are still so vital, so relevant, and so important is because the black past is a wonderful but unforgiving mirror that reminds us of America's ideals and promises. It is a mirror that makes those who are often invisible, more visible, and it gives voice to many who are often overlooked. It is a mirror that challenges us to be better and to work to make our community and country better. But it is also a mirror that allows us to see our commonalities. It is a mirror that allows us to celebrate and to revel but also demands that we all struggle, that we all continue to "fight the good fight."

The struggle to create a national monument to black life goes back to the late 19th and early 20th centuries. This desire for recognition, acceptance, and cultural acknowledgement was thwarted until the recent legislative success engineered by Congressman John Lewis and Senator Sam Brownback. Legislation was passed by Congress in 2003 and signed by the President. Now at last the National Museum of African American History and Culture exists. It is not yet what it will be one day—a site has yet to be chosen from the four now under consideration—but that begs the question, What is NMAAHC?

It is a museum that will celebrate and honor African American history and culture by reveling in and revealing the richness, the lessons, the ambiguities, the challenges and the beauty of African American culture. And through that exploration, the many publics will find meaning, relevance, and understanding.

When I imagine the museum I see interactive exhibitions on the history and legacy of slavery, on the Cultural Renaissance of the 1920s, on the Civil Rights movement. But I also see the opportunity to explore cultural expressions like dance, performance, and of course, art. But while the museum must explore the large stories, it must also provide glimpses into more intimate moments of the African American story.

The museum must also use this culture as a lens for all to better understand what it means to be an American, so that all who visit, interact with its online activities, and experience its national programming will see how America was and will always be shaped by this culture.

The museum must be a place of collaboration and education—especially with the African American museum field. I see this museum as a collaborator, not a competitor. And I see that collaboration beginning immediately. I believe that this museum must begin strategic program and collaborations right away. I want to work with many of our African American museums to develop lectures and performances that we can co-sponsor in their communities. I would also like to work together to craft a national campaign to "save our treasures" so that sister institutions can continue to collect the patrimony that is quickly vanishing. And I would like to find ways that this national museum in Washington can also highlight the work and increase the visibility of museums in communities across the country. It may be as simple as suggesting that as visitors explore an exhibition on migration here at the Smithsonian, they are encouraged to visit the DuSable museum in Chicago, or the African American museum in Los Angeles to get a deeper look at this history, or letting visitors know about related exhibits at museums of every kind—art, history, science, living collections, children's museums—in communities everywhere.

There are many possibilities to explore from collaborating to help train future generations of African American museum professionals to working through and with the Institute of Museum and Library Services to help ensure the sustainability of the African American institutions.

If we do the job right, the National Museum of African American History and Culture will be a place of meaning, of reflection, of laughter, of learning, and of hope. A beacon that reminds us of what we were, what challenges still remain, and points us toward what we can become.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone claim opposition to the gentlewoman's amendment?

If not, the question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following new title:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. Each amount appropriated or otherwise 3 made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1 percent.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will try to be very brief because, first of all, it is wonderful to be here with my amendment at a time when the chairman is in the mood to accept amendments. I am sure he will probably accept this one as well.

This is one that I have offered for the last 3 years, and it is identical to them. It is an amendment which trims outlays for H.R. 5386 by 1 percent under the Holman rule, which means that if the amendment passes, it will be up to the administration to determine where the cuts will fall.

I think Mr. TAYLOR, as always, has done a solid and conscientious job on this bill. That said, I don't think that the funding levels in this bill are reflective of a country with a deficit in excess of $350 billion. This amendment would trim a penny on a dollar across the agencies funded by this bill.

Last night there was a lot of pontificating about how we need to balance the, budget and we need to get our spending under control. Well, this is a way to prove that you are really serious about that, not that this is going to balance the budget, of course. It is not. But it would at least symbolically say we care about this issue.

So, Mr. Chairman, I would move the amendment, and ask for support of the committee.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 5 minutes in opposition.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I love the gentleman from Colorado like a brother, but I am going to have to oppose his amendment. First of all, the bill has already been reduced $145 million below the $206 million level. The nine largest agencies in this bill have absorbed more than $2 billion in pay and other fixed costs over the past few years, and this bill assumes that several hundred millions of dollars more in costs will have to be absorbed.

The committee has done a responsible job, and one might say we gave at the office. We have already cut this bill about as much as we can. I have to oppose the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. I would encourage its passage, and yield back the balance of my time.

Mr. TAYLOR of North Carolina. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

TITLE VI—ENHANCED APPROPRIATIONS FOR CONSERVATION, RECREATION, THE ENVIRONMENT, AND NATIVE AMERICANS

SEC. 601. In addition to the amounts otherwise made available by this Act, the following sums, to remain available until expended, are appropriated:

(1) $300,000,000 for clean air and water programs administered by the Environmental Protection Agency as follows:

(A) $250,000,000 for the Clean Water State Revolving Fund, as authorized by title VI of the Federal Water Pollution Control Act.

(B) $50,000,000 for clean diesel and homeland security programs, as requested in the President's budget.

(2) $300,000,000 for protection of Federal lands administered by the Department of the Interior and the United States Forest Service as follows:

(A) $100,000,000 to address maintenance backlogs within the national parks, refuges, forests, and other lands of the United States.

(B) 150,000,000 for acquisition and preservation of priority lands within the national parks, refuges, and forests when such lands are threatened by development activities that could restrict access to such lands in the future by the American people.

(C) $50,000,000 to address staffing shortages for visitor services at national parks and national wildlife refuges.

(3) $30,000,000 for grants to States administered by the National Park Service for support of conservation and recreation programs within the States.

(4) $20,000,000 for the State and Tribal Wildlife Grants program administered by the United States Fish and Wildlife Service.

(5) $50,000,000 for "Payments in Lieu of Taxes" as administered by the Secretary of the Interior and as authorized by sections 6901 through 6907 of title 31, United States Code.

(6) $50,000,000 for "Indian Health Services" for support of expanded clinical health services to Native Americans.

(7) $50,000,000 for "Bureau of Indian Affairs—Operation of Indian Programs" for support of educational services to Native Americans.

SEC. 602. In the case of taxpayers with income in excess of $1,000,000, for calendar year 2007 the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 1.94 percent.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the previous order of the House today, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I won't take much time. The Republican bill before us is based on the assumption that the Senate has passed the House Republican budget resolution. It hasn't. This amendment is based on a more responsible assumption.

It is in conformance with the Spratt budget amendment. It adds roughly $800 million for restoring the Clean Water State Revolving Fund. We add $50 million to the EPA budget to protect local water supplies from terrorist attacks. We add $300 million for our national parks, refuges, and forests. We provide $150 million to provide some key land acquisitions at Valley Forge, Acadia, Grand Teton, Mount Rainier and a number of other purposes.

We pay for it with a modest 2 percent reduction in the tax cuts expected for millionaires. It would reduce the size of their tax cuts by about $2,200.

I would hope that no one lodges a point of order on this amendment so we could have a more constructive approach to these programs.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina insist on his point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. TAYLOR of North Carolina. Mr. Chairman, I raise a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill. Therefore, it violates clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I reluctantly must concede the point of order. I would have preferred that the gentleman had not made the point of order, but given the fact he has done it, the rule under which this bill is being debated precludes the inclusion of this amendment. I very much regret that.

The CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. DENT

Mr. DENT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DENT:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. DENT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. DENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, which I do intend to withdraw, would prevent the Department of the Interior from using any appropriated funds to further the expansion of off-reservation gambling under the Indian Gaming Regulatory Act.

Casino gambling sponsored by Indian tribes is a multi-billion dollar business that today comprises some 23 percent of gambling revenue nationwide. Unfortunately, as these casino profits increase, so does the motive to use the Indian Gaming Regulatory Act as a vehicle not for promoting Indian culture, but only as a tool to spread casino gambling into places where tribes have no federally recognized historical presence.

Because profits in this industry are so high, many of these casinos are being established long distances, in some cases hundreds of miles, from existing reservations.

The residents of my district in Pennsylvania, where there are no federally recognized tribes, have felt the sting caused by the unbridled expansion of tribal gambling. Recently, the Delaware Nation, which is headquartered in Bartlesville, Oklahoma, filed suit in U.S. District Court in Pennsylvania seeking title to land in my district based on a conveyance that allegedly occurred in 1737.

This land is currently occupied by approximately 25 homeowners as well as commercial entities such as the Binney and Smith Corporation, makers of the world-famous Crayola crayons. These innocent homeowners and businesses have had to go to court to defend their title against this encroachment, and only after a couple years of litigation and attorneys' fees has the third circuit found in their favor.

This suit, which has nothing whatsoever to do with the preservation of Indian culture and everything to do with establishing a casino, represents just how out of control the pursuit of off-reservation gambling rights has become.

Mr. Chairman, I would like to take a moment to engage in a colloquy with my friend and colleague from California (Mr. POMBO).

Mr. POMBO, my specific question to you, I know you plan to advance legislation out of your committee that will deal with the issue of reservation shopping.

Mr. POMBO. Mr. Chairman, if the gentleman would yield, I appreciate your agreeing to offer this amendment and withdraw it. This is a major issue and you have talked to me several times in the past about this issue and the impact that it has on your district.

I fully understand that. It is something that we in the committee have taken very seriously. As we move forward with this issue in the committee, it is something that is extremely important to us and to a number of other Members of Congress; and I can guarantee you that as we move forward that the issues that you raise will be taken under consideration.

In terms of crossing State lines and having the ability to locate off current reservation land, we will deal with that.

Also we have the issue dealing with tribes who do not currently have land in trust. That is a major issue. It is an issue in California, and something we are dealing with in the underlying legislation. As the authorizing committee moves forward, this is something that we are going to address.

I appreciate you bringing this to the attention of Congress. I do know that it is a major issue in your district, and we will deal with it.

Mr. DENT. Mr. Chairman, reclaiming my time, I yield 1 minute to my friend from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, I thank Mr. DENT, and I rise in support of his amendment because of a proposed Indian gambling casino for the Columbia River Gorge National Scenic Area. The Columbia River Gorge National Scenic Area is the crown jewel of Oregon's natural heritage. The Columbia River cuts the only sea level passage through the Cascade Mountains. It is, to many, another Yosemite, with many waterfalls and the second tallest waterfall in North America.

There is a proposed 700,000 square foot casino for this national scenic area. It would draw 3 million people per year and 1 million extra cars with the attendant pollution and urbanization.

I support Mr. DENT's amendment and would ask the committee chairman to address the issues, because the amendment as originally structured would put a pause and encourage the Department to consider on reservation sites this for the tribe with the largest reservation in the State of Oregon.

Mr. DENT. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. OBERSTAR of Minnesota.

Amendment by Mr. PUTNAM of Florida.

Amendment by Mr. HEFLEY of Colorado.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBERSTAR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 198, not voting 12, as follows:

[Roll No. 169]

AYES—222

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Platts
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (FL)

NOES—198

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling

Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

Bishop (GA)
Blackburn
Cannon
Evans
Kennedy (RI)
Larson (CT)
Leach
Musgrave
Reynolds
Strickland
Stupak
Weldon (PA)

☐ 2142

Messrs. TIBERI, BARRETT of South Carolina, SMITH of Texas, TERRY, Mrs. JO ANN DAVIS of Virginia and Ms. PRYCE of Ohio changed their vote from "aye" to "no."

Mr. LATOURETTE and Mrs. JOHNSON of Connecticut changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PUTNAM

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. PUTNAM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 203, not voting 12, as follows:

[Roll No. 170]

AYES—217

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Boyd
Bradley (NH)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Campbell (CA)
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Drake
Dreier
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gordon
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Michaud
Millender-McDonald
Miller (FL)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Putnam
Ramstad
Rangel
Reichert
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—203

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bean
Beauprez
Berry
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boucher
Boustany
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costello
Cubin
Cuellar
Culberson
Davis (KY)
Deal (GA)
DeLay
Dent
Doolittle
Doyle
Duncan
Edwards
Emerson
English (PA)
Everett
Flake
Forbes
Ford
Fortenberry
Foxx
Franks (AZ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson, E. B.
Johnson, Sam
Kanjorski
King (IA)
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Rahall
Regula
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

Bishop (GA)
Cannon
Evans
Kennedy (RI)
King (NY)
Larson (CT)
Leach
Musgrave
Pombo
Reynolds
Strickland
Stupak

☐ 2150

Mr. SCHWARZ of Michigan changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 312, not voting 11, as follows:

[Roll No. 171]

AYES—109

Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez

Bilirakis
Blackburn
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Chabot
Chocola
Coble
Cooper
Cubin
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Duncan
Everett
Farr
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McHenry
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Norwood
Otter
Oxley
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Tiahrt
Tiberi
Westmoreland
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—312

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—11

Bishop (GA)
Cannon
Evans
Kennedy (RI)
King (NY)
Larson (CT)
Leach
Musgrave
Reynolds
Strickland
Stupak

□ 2157

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FARR. Mr. Speaker, on rollcall No. 171, I inadvertently voted "aye" when I meant to vote "no" and I would like the RECORD to so state that had I voted correctly, I would have opposed the Hefley amendment.

The CHAIRMAN. The Clerk will read the last three lines.

The Clerk read as follows:

> This Act may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2007".

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 818, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 293, nays 128, not voting 11, as follows:

[Roll No. 172]

YEAS—293

Abercrombie
Aderholt
Akin
Alexander
Baca
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Biggert
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe

Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thompson (MS)
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Waters
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—128

Ackerman
Allen
Andrews
Baird
Baker
Baldwin
Becerra
Berman
Berry
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Brown (OH)
Capps
Cardin
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Costello
Cummings
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Engel
Eshoo
Etheridge
Everett
Flake
Ford
Frank (MA)
Franks (AZ)
Green (WI)
Grijalva
Gutierrez
Hastings (FL)
Hefley
Hensarling
Holden
Holt
Honda
Hooley
Hoyer
Jackson (IL)
Jones (NC)
Kanjorski
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lynch
Markey
Matheson
Matsui
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Obey
Owens
Pallone
Paul
Payne
Pelosi
Petri
Poe
Rahall
Rohrabacher
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Sensenbrenner
Shadegg
Sherman
Smith (WA)
Solis
Stark
Stearns
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thornberry
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Watson
Watt
Waxman
Wexler
Whitfield
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Bishop (GA)
Evans
Johnson (CT)
Kennedy (RI)
Larson (CT)
Leach
Musgrave
Reynolds
Slaughter
Strickland
Stupak

☐ 2216

Ms. WATSON changed her vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, May 18, 2006 to vote on rollcall vote Nos. 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, and 172 due to a family medical emergency.

Had I been present, I would have voted:

"No" on rollcall vote No. 160 on calling the previous question on H. Res. 818—the rule providing for consideration of H.R. 5386—Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2007;

"No" on rollcall vote No. 161 on passage of H. Res. 818—the rule providing for consideration of H.R. 5386—Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2007;

"Yea" on rollcall vote No. 162 on suspending the rules and agreeing to H. Res. 795—Condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006;

"Yea" on rollcall vote No. 163 on an amendment to H.R. 5386 to fully reopen the Statue of Liberty up to the level of her crown, which has been closed since 9/11;

"No" on rollcall vote No. 164 on an amendment to H.R. 5386 to strike all remaining moratoria in the bill on oil and gas drilling on the Outer Continental Shelf;

"Yea" on rollcall vote No. 165 on an amendment to H.R. 5386 to prohibit the EPA from raising the threshold which requires reports to be issued on toxic chemicals and substances in the Toxics Release Inventory;

"No" on rollcall vote No. 166 on an amendment to H.R. 5386 to cut $30 million from the National Endowment for the Arts in order to provide an increase in funds for the Forest Service's wildfire management account;

"Yea" on rollcall vote No. 167 on an amendment to H.R. 5386 to prohibit the awarding of new leases to oil companies in taxpayer-owned waters—unless those companies agree to pay royalties for the oil and natural gas they are extracting from such areas;

"Yea" on rollcall vote No. 168 on an amendment to H.R. 5386 to prohibit funds in the bill to plan, design, study, or construct roads in Tongass National Forest in Alaska for the purpose of harvesting timber;

"Yea" on rollcall vote No. 169 on an amendment to H.R. 5386 to prohibit funds in the Act from being used by the administrator of the EPA to implement or enforce the Joint Memorandum published in the Federal Register on January 15, 2003 (68 Fed. Reg. 1995);

"Yea" on rollcall vote No. 170 on an amendment to H.R. 5386 to prohibit use of funds in the bill to conduct activities in violation of the moratorium on drilling in the Outer Continental Shelf;

"No" on rollcall vote No. 171 on an amendment to H.R. 5386 to cut all funds in the bill by one percent across-the-board, and;

"No" on rollcall vote No. 172 on passage of H.R. 5386—Department of the Interior, Environment, and Related Agencies Appropriations Act for Fiscal Year 2007.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–110)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice to the *Federal Register* for publication, which states that the Burma emergency is to continue beyond May 20, 2006, for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 18, 2005 (70 FR 28771).

The crisis between the United States and Burma arising from the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 18, 2006.*

CONTINUATION OF THE NATIONAL EMERGENCY PROTECTING THE DEVELOPMENT FUND FOR IRAQ AND CERTAIN OTHER PROPERTY IN WHICH IRAQ HAS AN INTEREST—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-112)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication. This notice states that the national emergency declared in Executive Order 13303 of May 22, 2003, as expanded in scope by Executive Order 13315 of August 28, 2003, and modified in Executive Order 13364 of November 29, 2004, is to continue in effect beyond May 22, 2006. The most recent notice continuing this emergency was published in the *Federal Register* on May 20, 2005 (70 FR 29435).

The threats of attachment or other judicial process against (i) the Development Fund for Iraq, (ii) Iraqi petroleum and petroleum products, and interests therein, and proceeds, obligations, or any financial instruments of any nature whatsoever arising from or related to the sale or marketing thereof, or (iii) any accounts, assets, investments, or any other property of any kind owned by, belonging to, or held by, on behalf of, or otherwise for the Central Bank of Iraq create obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq. Accordingly, these obstacles continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency protecting the Development Fund for Iraq, certain other property in which Iraq has an interest, and the Central Bank of Iraq, and to maintain in force the sanctions to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 18, 2006.*

COMMUNICATION FROM THE HON. STEVEN C. LATOURETTE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable STEVEN C. LATOURETTE, Member of Congress:

14TH DISTRICT, OHIO,
CONGRESS OF THE UNITED STATES,
Washington, DC, May 15, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the Cuyahoga County, Ohio Court of Common Pleas.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII of the Rules of the House.

Sincerely,

STEVEN C. LATOURETTE.

GULF COAST RENEWAL CAMPAIGN

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, in the months following Hurricanes Katrina and Rita, FEMA sent notices to survivors indicating that they would receive up to 1 year of assistance. FEMA has recently announced that 55,000 families of Katrina survivors currently receiving housing emergency shelter assistance will have their housing assistance terminated or reduced significantly as of this May 31.

Survivors are supposed to apply for assistance under section 408 and, if the application is accepted, they can reasonably expect further assistance up to 18 months from the date of the hurricane. Some reports indicate, however, that the rate of rejection has been as high as 80 percent or four out of five household applicants. Also, section 408 individualized rental assistance required reapplication every 3 months.

Now, how many landlords offer 3-month leases? It has been a sham and a shame, Mr. Speaker. FEMA and this country has to do better to its evacuees.

Mr. Speaker, in the months following Hurricanes Katrina and Rita, FEMA sent notices to survivors indicating that they would receive up to one year of assistance. FEMA has recently announced that 55,000 families of Katrina survivors currently receiving housing "emergency shelter" assistance under Section 403 (Stafford Act) will have their housing assistance terminated or reduced significantly as of May 31, 2006.

Survivors are supposed to apply for assistance under Section 408, and if the application is accepted they can reasonably expect further assistance up to 18 months from the date of the hurricane. Some reports indicate, however, that the rate of rejection has been as high as 80% or 4 out of 5 household applicants. Households who are rejected but are still in distress must rely on the good will of local and state governments, even though they may not be actual constituents in those jurisdictions. Section 408 individualized rental assistance required re-application every 3 months. How many landlords offer 3 month leases? According to FEMA numbers, the reapplication rate is only 30 per cent. These facts raise very serious concerns regarding low income, elderly, disabled and other vulnerable persons among the displaced will find themselves with inadequate assistance, and there are reports of widespread despair, anxiety and lack of faith in the government.

Under FEMA regulations, only one head of household may apply for assistance. But this rule discriminates against low income African-American families from New Orleans, among whom multiple families living in one dwelling unit is common. Additionally, FEMA is telling many survivors whose applications have been refused that the basis for refusal is because their home has been deemed habitable, even when their homes are located in neighborhoods where no public services are available and where widespread destruction and environmental contamination remain. These inaccurate assessments of eligibility should be investigated and re-evaluated.

Section 408 Individualized assistance does not cover utilities. However, section 2501 of the Supplemental Bill now in Conference Committee grants FEMA the authority to provide funds to a state or local entity to pay for utility costs associated with the thousands of leases currently in place. It is essential that the Conference Committee leave this language in place, because without it many Katrina survivor households will be in further jeopardy of being unable to retain current housing leases.

FEMA has failed to submit its plan for permanent and transitional housing to Congress, which was due in January of 2006. Thus FEMA continues to operate without an overall plan, instituting more rolling deadlines and bureaucratic bungling which has brought additional hardship to survivors and their families.

FEMA has wasted hundreds of millions of dollars on mobile homes that have never been relocated to a place where survivors can use them, and on trailers that cost as much as $120,000 per unit after transport costs are paid, sometimes exceeding the cost of producing the unit. With FEMA set to receive $9 billion or more from the Supplemental Bill now in Conference Committee, FEMA could use the housing envelope to simply purchase apartment buildings at a unit cost that would be less than trailers. This would allow for permanent, not temporary housing and would avert the jeopardy of returning residents being caught in trailers during hurricane season, which is only weeks away.

The President has the authority to institute alternative, comprehensive provisions for all Katrina survivors under the Stafford Act, and thus to ensure that no survivor is left homeless as a result of the disaster and subsequent evacuation.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE TRUTH ABOUT OIL PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, we heard some interesting debate on the floor today. There are those who allege, well, if only, if only we opened up our most sensitive coastal areas, areas that are critical, for instance, for our fisheries, that we could drill our way out of this crisis. We could drill our way out of high prices for oil and gas.

But as one gentleman from the Republican side pointed out, actually, that is far from the truth, because even if additional significant finds are made, they would be sold into a market which does not reflect the costs of the production of the oil or its origins. It is essentially a market controlled by OPEC, the cartel mostly based in the Middle East, that is violating international trade laws by colluding to restrict supply and drive up the price of crude oil. And the Bush administration, who are great fans of free trade, the World Trade Organization, and rules-based trade, refuses to file a complaint against OPEC. I guess they are scared of OPEC and their clout.

But the point is, even if these finds were made, for instance, today it costs about 28 bucks on average for a barrel of Texas crude. But guess what? It sells for $70 a barrel.

Now, where does that other $42 go, one wonders. Well, it goes, in good part, to speculators. It turns out that the trade in crude oil in the United States of America, only a quarter of that market is regulated and controlled by the government under the rules for commodities. Commodities Futures Trading Commission. The rest of it is traded off the books. There is a lot of self-dealing going on, trades that would be illegal. One dealer sits next to another dealer and says trade, $5. Trade you back, $5. Trade you back, $5; trade you back $5, and suddenly we have jacked up the price to $70 a barrel.

Experts say that if we merely took the step, totally within the authority of this administration and the Congress to bring crude oil under the regulation of the Commodity Futures Trading Commission, we would see an immediate 20 to 25 percent drop. That is not free-market oil. And then, if we took on OPEC and filed trade complaints against OPEC, we could further drive down the price.

Yes, there is a long-term problem with the availability of oil. Yes, we need to wean ourselves and become more energy efficient. But in the short-term, we don't need to allow the American consumers to be price gouged by the likes of ExxonMobil. Oh, they are not price gouging. They only made $100 million a day last year. And they handed their retiring CEO a $400 million pension. That is 4 days of gouging at the pump for ExxonMobil. That was no big skin off their backs. $400 million extracted from American consumers unfairly. Price gouging.

So if we were to regulate the markets and, secondarily, tax the windfall profits. Now some say, oh, we tried that in the Carter administration. It won't work. No, we say, okay, we are going to tax your windfall profits unless you invest that money in new refinery capacity, unless you invest that in new production. Unless you invest it in alternate fuels, we will tax the heck out of it. We are not going to allow you to give 400 million bucks to your retiring CEO or the next retiring CEO. We are not going to allow you to price gouge consumers and buy back your stock to drive up the value of the stock options of all the people sitting on the board of directors. But if you put it to productive uses, then it won't be taxed away from you. So we could take those two steps and provide some immediate price relief to the American people.

And then we need to begin investing in alternate fuels. You know, it would be nice if instead of buying our oil from the Mid East and that incredibly volatile region, supporting many countries who are, you know, working with the terrorists against the United States of America with our dollars, if we became energy efficient like Brazil did. They had a vision 30 years ago. They decided they were not going to import oil anymore. It took them 30 years. Tell me we can't do that in the United States of America; that we can't move it toward biofuels and alternative fuels and more efficient and alternative technology.

Now, the President has talked about it, which is nice. It is a change. It is a big change. He is talking about it. But his budget doesn't contain any money to get us there. If you invested the same amount of money into energy independence and efficiency that the President has proposed, if JFK had invested the same amount in getting us to the Moon, we wouldn't have gotten to the Moon yet. So he isn't following up on his rhetoric; might have something to do with his history with the oil industry and DICK CHENEY's history with the oil industry and every other member of the administration's history with the oil industry.

We can become energy independent and efficient and have a greater future for the American people.

FISCAL DISCIPLINE

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent to take Mr. JONES' time.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. MCHENRY. Mr. Speaker, tonight I rise to talk about fiscal discipline. This House proudly passed a conservative budget last night with not a single vote from the opposition party. We passed a good budget last night that brings our Nation in the right direction.

Ronald Reagan correctly stated it, that we don't have deficits because people are taxed too little; we have deficits because big government spends too much. And our House budget that we passed last night, in essence, freezes non-defense discretionary spending, which is a strong thing to do, especially when we have government that is so out of control.

We have stopped the excesses that have been put in place over previous generations. Beyond that, we have put in place $6.8 billion worth of entitlement reforms that are going to move our budget in the right direction.

It also prevents tax increases which the opposition party wants to put in place. Tax increases on capital gains, on dividends, on income, all the income tax cuts President Bush put in place over the last 5 years. Beyond that, it reforms AMT for another year, which is a good thing.

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But beyond that it extends the tax reforms we put in place in 2001, 2003, and President Bush is responsible for, again with no votes from the Democrats.

Let us talk about what this version of tax simplification has done that this President has put in place. It has benefited every American who pays taxes. Now, Mr. Speaker, there are some on the other side of the aisle, some Democrats, who say that President Bush gave a sop to the wealthy. Well, Mr. Speaker, I am happy to say that if you pay taxes in this country, you received a tax cut because of President Bush and the Republican Congress. However, if you do not pay taxes, if you do not pay taxes, you did not receive a tax cut.

Now, Mr. Speaker, I know there may be people in America who hear that and say that is ridiculous. If you do not pay taxes, you cannot receive a tax cut. But, indeed, that is what the Democrats and the liberals in this body are fighting for is giving a tax cut to those people who do not even pay taxes. I know it is nutty sounding. That is liberal lunacy for you. But these tax cuts put in place over the last 5 years have created 5.2 million new jobs and 138,000 new jobs were created in April alone, indeed moving in the right direction. And the budget we passed actually reduces the deficit, cuts it in half by 2011. That is a very good thing over the next 5 years, cutting it in half.

Beyond that, Mr. Speaker, I am proud to say that I voted for the Republican Study Committee, the conservatives in the House, and our version of budget reform. It was called the Contract with America Renewed. And a dear friend of mine, a good friend of mine, MIKE PENCE of Indiana, helped craft this budget along with JEB HENSARLING of Texas, and I am very proud and honored to have voted with them and to be a cosponsor of this conservative budget alternative.

And do you know what that budget did? Unfortunately, it had zero votes from the opposition on the other side of this body, but what it did was eliminate our budget deficit over the next 5 years and bring us to balance. That is what we need to have a debate on. How do we bring our budget back to balance? We on this side of the aisle want to cut excessive government spending, put some bureaucrats out of work, and let the American people keep more of what they earn. The Democrats' alternative is to raise your taxes. And I say that to every taxpaying American, Mr. Speaker.

But let me tell you this Republican Congress is getting ahold of the fiscal excesses of the past here in Washington, DC. For 40 years, Mr. Speaker, for 40 years, Washington, DC was governed with the mindset of more government is good, and we as the Republican Congress have to get ahold of this out-of-control bureaucracy, out of this out-of-control government excesses and bring us back to balance. And that is what this Republican Congress is doing, and I am proud to be fighting alongside my conservative brethren, the men and women in this House that want fiscal sanity.

THE PRESIDENT'S TAX CUTS AND THE MIDDLE CLASS

Mr. MCDERMOTT. Mr. Speaker, I ask unanimous consent to take claim the time of the gentleman from Illinois (Mr. EMANUEL).

The SPEAKER pro tempore. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. MCDERMOTT. Mr. Chairman, the President has signed into law a bill that guarantees a massive tax increase for the middle class. They just do not know it yet. Make no mistake. The President's tax giveaway to the rich will be paid for by the middle class for generations to come. In fact, Americans living overseas are already reeling from the President's fuzzy math. It is the largest single tax increase in 30 years for these Americans.

I will enter into the RECORD a story published on Tuesday in the International Herald Tribune entitled "Americans Abroad Outraged Over Tax Changes." Not only does the President's giveaway hurt Americans living and working overseas, his tax giveaway will actually encourage companies to hire executives in other countries because the new law is so onerous for Americans.

The President declared "Mission Accomplished," but the words ring as hollow now as they did on that aircraft carrier when he declared an end to major hostilities in Iraq on May 1, 2003, almost 3 years ago.

What the President signed yesterday is a massive $70 billion tax giveaway. Americans earning $1 million a year will enjoy an average $41,000 windfall every single year through 2010. The President handed out $16 to the average middle class family.

There is no money to pay for this presidential giveaway, just as there is no money to pay for the President's Iraq War. He keeps signing credit card slips for the U.S., but what kind of credit limit does he actually have?

The Washington Post called it the "Day of Reckoning for the next President in and Congress. I will enter into the RECORD a May 4 story. The story of the "Day of Reckoning" is January 1, 2011. Let me read a paragraph out of the Post story:

"At that moment politicians will face a choice: Either allow taxes to rise suddenly and sharply on everyone who pays income taxes, is married, has children, holds stocks and bonds, or expects a large inheritance, or impose mounting budget deficits on the government far into the future."

I urge you to read the rest of that story, which will be in the RECORD.

This is not voodoo economics; this is black magic. The President and the Republican majority have made the surplus disappear. They have replaced a Nation enjoying strong financial security with a country insecurely surviving on a growing addiction to massive foreign debt. They are transferring the wealth of our Nation to the very rich and leaving the bill for the reckless plundering of the Treasury to the middle class, and they made sure the pain will not begin until the President leaves office.

Two generations ago when income tax rates exceeded 70 percent, economists could argue that a tax cut could fuel economic growth. But that logic is as scarce today as gasoline at $1 a gallon.

To independently confirm this point, I turn to none other than the very conservative Cato Institute. Here is what they said in the Los Angeles Times story on May 14, which I will put into the RECORD: In the story the Cato Institute shows that since 1981 for every dollar in tax cuts, the government spending increased by 15 cents. So they kept going. They gave away $1 and they spent $1.15. The President and his surrogates are pretending otherwise. The bills are piling up and so is the debt on the American middle class, until we stop.

But the Republicans did the opposite. They rammed through a reckless budget bill yesterday. This much we know: The Republican budget is all gain and no pain for big oil. The Republican budget is all riches for the rich and rags for the rest. The President and the Republicans are hurting the poor, the disadvantaged, the vulnerable kids, the seniors, and the middle class. And the Republicans are passing on a legacy of debt, not to their children but to their grandchildren.

When the President signed the latest tax giveaway, he gave those earning $1 million a year, earning $1 million a year, an extra $41,000. That is the average salary of the middle class in this country. For doing nothing. He just simply gave it to them. They will not work a single day for it. Meanwhile, the House Republican budget will add another $254 billion to the deficit to pay for that. They are going to borrow from the Chinese to give it to the rich. So the debt ceiling had to be raised again yesterday. Buried in the bill for the fifth time under Mr. Bush, we have raised the debt ceiling. Their spending is so out of control, they do not know how to stop. But that is not the half of it. In 2007 the rich will receive even more funding.

There is no end to their spending. The only way is to take them out in November.

By 2010, the Republican giveaway will cost as much as all of the funding for the Departments of Education, Veterans Affairs, Homeland Security, Housing and Urban Development, State, and Energy.

And, median family income in America is down.

Under this President, the tallest mountain in the world is no longer Mt. Everest; it's Mount U.S. Deficit. The rich are sitting on top with Republicans. Rock slides are crashing down on the rest of us. And the landslide is coming.

This mountain of debt will collapse on the American people. That's the record of a Republican President and Republican majority who have defined themselves as the party of one percent, representing only those with a seven figure income or above.

[From the Los Angeles Times, May 14, 2006]

BANKRUPTED BY VOODOO ECONOMICS

(By Jonathan Chait)

If you remember the 2000 election, you probably remember President Bush's warning about why we needed to cut taxes: if we did not return the surplus to the taxpayers, Washington would spend it. Well, we all know what happened next. Bush returned the surplus to taxpayers—and Washington spent the money anyway.

Conservatives have a number of analogies to explain why tax cuts will lead to spending restraint: Cut your child's allowance. Starve the beast. But the analogies are all wrong. The child has a credit card. The beast has a private meat locker. Washington can spend whatever it wants, regardless of how much it taxes.

The right has been congenitally unable or unwilling to grasp this lesson. Last week, though, there was a faint glimmer of recognition. William Niskanen, chairman of the fervently anti-government Cato Institute, did a calculation showing that, since 1981, every $1 in tax cuts tends to produce 15 cents of extra spending. Likewise, every $1 of tax hikes tends to reduce spending by 15 cents. The notion that tax cuts cause spending to dry up, or that tax hikes encourage more spending, is not just wrong, it's completely backward.

Now, Niskanen is not the first policy wonk to discover this correlation. Four years ago, Richard Kogan of the liberal Center on Budget and Policy Priorities discovered the same thing. I wrote about it in the New Republic—and nobody paid any attention.

But Niskanen's finding is getting some attention. Moderate libertarian Jonathan Rauch wrote about it in the Atlantic, and a Washington Post columnist picked it up from there.

You'd think conservatives would pay some attention to a study that empirically demolishes one of the central underpinnings of their domestic policy. Indeed, my fellow columnist, Jonah Goldberg, wrote on National Review's blog last Monday that "conservatives are going to have to respond to Jonathan Rauch's argument in the new Atlantic."

Of course, no response ensued. Indeed, the next day, National Review was on its merry way, editorializing for more tax cuts, as if Niskanen's study didn't exist.

The curious thing is why conservatives persist in supporting a strategy that is demonstrably counterproductive to their stated goal of shrinking government. The answer can be found in the same entry by Goldberg. He proceeded to write: "There are others better qualified to deal with the economic issues. But if tax increases can be demonstrated to shrink government in some significant way, I'm certainly open to them."

Indeed, there is plentiful evidence that tax hikes can slow spending. There is a sizable chunk of the Democratic Party that is willing to inflict pain on their constituents in the form of spending cuts as long as the rich bear some of the burden in the form of higher taxes. In 1982, 1983, 1990 and 1993, Democrats in large numbers voted for budgets that ratcheted back spending and raised taxes.

In 1995, many Democrats offered to cut spending and balance the budget. But Newt Gingrich and the Republicans quashed that move by insisting on huge tax cuts too.

The insistence on tax cuts tends to weaken fiscal restraint all around. Having tended to the rich with tax cuts, Bush had to buy off enough voters with spending hikes to win reelection.

Most conversatives are like Goldberg—they want to shrink spending. But most conservatives, also like Goldberg, tend to think that "others are better qualified" to make those decisions. Conservative option outlets tend to subcontract out their economic thinking to a handful of polemicists, and virtually all of them are committee advocates of supply-side economics. They're theologically committed to tax cuts and don't really care about spending cuts. They studiously ignore any evidence that weakens their case—which is to say, most of the evidence.

So, basically, you have a handful of supply-siders leading the rest of the conservatives around by the nose. The conservatives could cut a deal with the Democrats to tighten spending and taxes, but the anti-tax nuts are the ones who set policy for the movement.

It's funny. Almost all the conservatives, including Goldberg, are furious at Bush for raising spending. But it hasn't occurred to them to question the dogma of the voodoo economists who led them into this mess in the first place.

[From the International Herald Tribune, May 16, 2006]

AMERICANS ABROAD OUTRAGED OVER TAX CHANGES

(By Dan Bilefsky)

BRUSSELS.—Americans living abroad have reacted angrily to a decision by U.S. lawmakers to approve $70 billion in election-year cuts that will benefit wealthy taxpayers in the United States but impose what some experts have called the biggest tax increase on American expatriates in 30 years.

President George W. Bush is scheduled to sign the tax cut bill this week.

Under the bill, which the Senate approved last week, Americans working abroad will be exempted from paying U.S. taxes on the first $82,400 of their foreign earned income, up from $80,000. But the tax exemption on foreign housing expenses will be significantly reduced, and investment income will be taxed at a higher rate.

In addition, the amount of foreign earned income that surpasses the level of exemptions will be taxed as though the income had been earned in the United States, at a much higher rate, and income from foreign retirement accounts, which previously did not reach taxable levels, can now be taxed.

"This is the worst hit to Americans living abroad for three decades," said Eric Way, a tax specialist at the Federation of American Women's Club Overseas who also works as a senior engineer in France for Volvo. He estimated that Americans abroad who earned $20,000 in investment income could expect to see their U.S. tax bill double.

A single manager living in Paris who earns $75,000 and whose company pays his $3,000-a-month housing would see his income tax bill rise to $5,110 from $600 because of the capping on tax exemptions for housing costs, Way said.

This changes, will apply to the 2006 tax year and were introduced in a modification to the tax bill, were guided through Congress by Charles Grassley, Republican of Iowa, chairman of the Senate Finance Committee.

In 2003, Grassley played a leading role in trying to eliminate the $80,000 exclusion on income earned by Americans abroad. He called the exclusion an unnecessary "subsidy" and contended that it did little to increase U.S. exports. His efforts to repeal the tax break failed, however, following a corporate lobbying offensive that extended to Bush.

Republicans are hoping that the current tax legislation will give a lift to Bush and the Republican-controlled Congress, which have experienced their lowest approval ratings in polls since his election in 2000.

But many Americans abroad protest that it unfairly targets them. The Joint Committee on Taxation in the U.S. Congress estimated that the new measures would cost $200 million a year in taxes for the 4.1 million Americans—excluding military personnel and Foreign Service officers—living abroad.

The United States is the only developed country that imposes worldwide income tax on its citizens working overseas. Tax experts say that new taxes on Americans working abroad could prompt U.S. companies to start hiring employees from places like Britain and Canada, while provoking American executives in Europe and Asia to return home.

American taxpayers working abroad can deduct some housing expenses, a benefit that has helped attract U.S. executives to jobs in high-cost European capitals such as London or Paris.

But under the new system, this tax exemption on housing will be capped at $11,536, although is some cases the Internal Revenue Service could adjust it based on geographic differences in the cost of living.

Lucy Stensland Laederic, a free-lance translator based in Paris and American liaison for the Federation of American Women's Clubs Overseas, said she was particularly aggrieved that her France-based retirement fund would not be subject to U.S. income taxes.

"We are 4.1 million ambassadors living outside the U.S.," she said. "We buy American products, fly American airlines, send our children to American universities and improve the image of Americans overseas. Why are we being punished?"

[From the Washington Post, May 4, 2006]

TAX DEAL SETS DAY OF RECKONING

(By Jonathan Weisman)

With this week's hard-fought agreement on a $70 billion tax-cut extension, President Bush and congressional Republicans have effectively set a date for a fiscal day of reckoning for the next president and a future Congress: Jan. 1, 2011.

House and Senate negotiators reached agreement this week on legislation to extend the deep tax cuts on capital gains and dividends beyond their scheduled 2008 expiration date, through 2010. Final passage of the agreement must wait until Republican tax writers agree on a second tax bill that includes many of the tax breaks jettisoned from the measure on capital gains and dividends. If the deal wins congressional approval, every major tax cut passed in Bush's first term will be set to expire on the same day five years from now.

At that moment, politicians would face a choice: Either allow taxes to rise suddenly and sharply on everyone who pays income taxes, is married, has children, holds stocks and bonds, or expects a large inheritance, or impose mounting budget deficits on the government far into the future, according to projections by the nonpartisan Congressional Budget Office.

"It is now a decision-forcing event," said Robert L. Bixby, executive director of the Concord Coalition, a budget watchdog group. "This is a potential calamity that cannot happen. They are going to have to deal with it and face the consequences."

In a speech yesterday before the American Council of Engineering Companies, Bush hailed the agreement to extend his 2003 tax cuts on dividends and capital gains, and he implored Congress to make all his tax cuts permanent.

"If the people have their way who want this tax relief to expire, the American people will be hit with $2.4 trillion in higher taxes over the next decade," Bush said. "A tax increase would be disastrous for business, disastrous for families and disastrous for this economy."

Taking a partisan turn, the president mocked Democrats who had opposed his tax cuts and had warned that they would lead to economic disaster. "The Democrats' record of pessimism has been consistent: It's been consistently wrong," Bush said to loud applause.

But the decisions taken now inevitably will cause politicians in the future to confront difficult choices—a trade-off that Bush did not acknowledge in his speech.

Rudolpy G. Penner, a Republican and former director of the Congressional Budget Office, agreed that tax increases so broad and sudden would be a major shock to the economy.

Tax cuts that have accrued over five years of the Bush administration—lowering income tax rates, benefiting married couples, doubling the child tax deduction, cutting tax rates on investment returns and eliminating the estate tax—would disappear overnight.

"I can't even imagine that happening," Penner said.

At the same time, Republican and Democratic budget experts said they could not imagine all the tax cuts being extended simultaneously. According to CBO projections, if the Bush tax cuts are extended in 2011, a deficit of $114 billion forecast for the year of their expiration will more than double, to $274 billion. A budget surplus of $67 billion, anticipated for 2016 if all the tax cuts expired, would turn into a $310 billion deficit.

And the red ink would only grow worse from there, as the baby-boom generation swells Medicare and Social Security costs, said Douglas Holtz-Eakin, a former Bush White House economist who recently retired as CBO director.

In that sense, Holtz-Eakin said, synchronizing the tax-cut expiration dates will have a positive impact, forcing politicians to confront what they so far have refused to acknowledge: the mathematical disconnect between government spending and a tax system that can no longer finance those programs.

"The next president has to have a plan for this, at a minimum," Holtz-Eakin said. "This is going to have to be elevated to the top end of the political spectrum soon."

Both Bush and the Republican congressional leadership expressed no alarm yesterday. Speaker J. Dennis Hasert (R-Ill.) said sharp reductions in the tax rates on dividends and capital gains have boosted business investment, created jobs and buoyed the economy since their passage in 2003. That outcome, in turn, brought more revenue to the federal government, not less, he said.

Bush said the budget could be balanced by controlling spending while maintaining his tax cuts.

"The best way to reduce our deficit is to keep pro-growth economic policies in place so the economy expands, which will yield more tax revenues, and be wise about how we spend your money," the president said.

Democrats attacked the agreement to extend the tax cuts for dividends and capital gains as another gift to the rich. Senate Minority Leader Harry M. Reid (Nev.) declared: "Bush's tax plan offers next to nothing to average Americans while giving away the store to multimillionaires." House Minority Whip Steny Hoyer (Md.) said Bush's comments on fiscal rectitude "read like a passage from 'Alice in Wonderland.'"

This kind of rhetoric bodes ill for future cooperation on tax and spending questions, Penner said. "Unless there is some reduction in the vicious partisanship that has come to dominate our politics, it's very hard to imagine people coming together on anything," he said.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5385, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2007

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–472) on the resolution (H. Res. 821) providing for consideration of the bill (H.R. 5385) making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HONORING THE LIFE OF SPECIALIST DAVID N. TIMMONS, JR.

Ms. FOXX. Mr. Speaker, I ask unanimous consent to claim the time of the gentlewoman from Texas (Mr. POE).

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, it is with a heavy heart that I rise today to express the heartfelt condolences of a grateful Nation and to honor the life of Army Specialist David N. Timmons, Jr. of Lewisville, North Carolina. Specialist Timmons passed away on May 5, 2006, while serving in Afghanistan.

Specialist Timmons served our country as a calvary scout assigned to the 3rd Squadron, 71st Cavalry Regiment, 10th Mountain Division at Fort Drum, New York. His strong patriotism and desire to make a difference led him to join the army after attending Forsythe Technical Community College.

Specialist Timmons was a loving son and brother. He leaves behind his father, David Timmons, Sr.; his stepmother, Cynthia Timmons; and his sister, Shalante Timmons. May God bless them and comfort them during this very difficult time.

We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our country could not maintain its freedom and security without heroes like Specialist Timmons who make the ultimate sacrifice. Americans, as well as Afghanis, owe their liberty to Specialist Timmons and his fallen comrades who came before him.

Mr. Speaker, please join me in honoring the life of Army Specialist David N. Timmons, Jr.

HONORING FORMER CONGRESSMAN SONNY MONTGOMERY

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Ohio (Mr. BROWN).

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, I rise this evening to pay tribute to a former Member of this body, Congressman Sonny G.V. Montgomery of Meridian, Mississippi. Our Nation laid him to rest this week in his home State.

As a Congresswoman who arrived here in the early 1980s, it was my great privilege to serve on the committee which he chaired, the Veterans' Committee, which was his life here in the Congress of the United States. I can recall so many times, as a Member of that committee, what a gracious, gracious Chair he was. Even to the new young members who had much to learn. I remember so much of what he did and the camaraderie that he established as a very precious gift not just to the committee or to the Congress but to the Nation. And we could use more of that spirit here today.

I remember in 1984 when the Montgomery G.I. Bill passed in a Democratic Congress with his leadership, how generation after generation a young veteran would come to be able to afford an education and to obtain decent health care and what he did to strengthen our Armed Forces, including our Guard and Reserve, and given us the best Armed Forces that the world has ever known. He hardly ever claimed credit for that publicly, and yet he worked on it for years.

I can remember many State of the Union addresses where in what I called the Montgomery chair back there in the back row he would sit and he would welcome the Presidents from each party as they would come into this Chamber, and I cannot ever remember Sonny Montgomery losing his temper. If he did, I certainly never saw it.

I watched him when we struggled with the issue of Agent Orange. When some of the scientists who testified before the committee said, We really cannot show causality, we cannot show that, in fact, this veteran has cancer because he was mixing Agent Orange in big vats with paddles in Vietnam back in the 1960s and early 1970s. And there came a point in the committee when Sonny said, You know, there is a time when you have to do what is morally right even though it may not be scientifically provable. And for the first time in the Nation's history since Vietnam we were able to treat veterans who contracted serious illnesses as a result of their service. Special centers were set up, such as in New York, in order that we could assess and learn about these terrible, terrible illnesses that resulted from exposure to Agent Orange.

☐ 2245

Sonny Montgomery traveled to the districts of the Members of his committee. I was so impressed, because many times we would get a veteran who, unfortunately, because of illness would be out of control in the audience, and Sonny had a way of moving his hand and talking to the veteran, kind of calming him down. He was an amazing, amazing man to watch.

He loved veterans. He loved Americans, but he had a special gift to be able to reach those who sometimes were distant. Half of the homeless in America are veterans. The work that he did as Chair of that committee helped us to recognize for the first time the problem of homeless veterans.

He got great assistance from a young Congressman then who had joined the committee, LANE EVANS of Illinois, who currently due to Parkinson's illness is in Illinois right now trying to heal himself. These men did so much for our Nation and for the improvement of the conditions under which our veterans serve.

I can remember when Sonny came to my district in Ohio. It didn't matter where you took him, to a Veterans Post, a Legion Post, a public meeting, people would stand and cheer. He was "Mr. Veteran" from coast to coast. And he left a legacy of improved education, of improved health care, of a veterans system that increased the number of health care clinics, both in urban and rural areas, to care for our veterans, and he took very seriously the slogan from Lincoln that is on the front of the Department of Veterans Affairs, "To care for them who shall have borne the battle, his widow or widower, and his or her orphan." He lived it.

He traveled the world. We improved cemeteries around the world for our veterans. We worked on housing programs to go beyond the GI single-family home mortgage to multiple family home construction.

He did so much so quietly and so effectively. Personally, he worked with me many, many years as we were trying to build the World War II memorial here in Washington in three different committees of jurisdiction, and yet was that steady force that was always at our side as we worked for 17 years to move that piece of legislation from dropping it here in the hopper all the way to dedication just a few years ago here on the Nation's Mall.

His staff, Matt Fleming, Gloria Royce, so many people who served on that committee, knew that they had worked with a very great man, a man who always carried himself with great humility and great humor.

He was one of the founders of the Prayer Breakfast, the Bipartisan Prayer Breakfast here that meets every Thursday morning, and he offered the "sick and wounded report." He took an interest in every Member here, and he would know about their families and he would report to us on what was happening, and he built such a bond between people on both sides of the aisle. I look at a certain Member whose voting record is different than mine, and I will say, how did I meet that person? My gosh, I met that person at the Prayer Breakfast with Sonny Montgomery.

He would go to the national meetings of the VFW or when the young winners would be selected from the Voice of Democracy awards at the VFW or through the American Legion and would receive standing ovations by thousands and thousands and thousands of people.

He was a two star general himself, having served in World War II, in Korea and then, of course, in the Guard, and he became a champion of the Guard and Reserve at a time when so many Americans were not really paying attention. He improved the facilities, he improved their opportunities.

So today, Mr. Speaker, in ending my remarks, I just want to say it was truly a deep, deep privilege to serve with Congressman and General Sonny G.V. Montgomery of Meridian, Mississippi. It is obvious the people of his district love him and appreciate him, and so does America. God bless him and God bless America.

THE BALTIC COUNTRIES' ENTRANCE INTO THE U.S. VISA WAIVER PROGRAM

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. SHIMKUS. Mr. Speaker, today I rise to speak in opposition to the perceived exclusions of the countries of Estonia, Latvia and Lithuania from an amendment offered by the Senate in the immigration bill yesterday.

While I approve of this amendment to allow for a 2-year trial expansion of the Visa Waiver Program, I disagree with the requirements that are placed upon countries that would want to participate. This program enables nationals of certain countries to travel to the United States for tourism or business for stays of 90 days or less without obtaining a visa.

According to the language of Senate Amendment 4000, a country must provide "material support," which means that current provision of the equivalent of but not less than of a battalion, which consists of between 300 to 1,000 military personnel, to Operation Iraqi Freedom or Operation Enduring Freedom to provide training, logistical or tactical support or military presence.

I feel that it is ineffective to place a number requirement on these smaller countries in the region. All the Baltic countries have been steadfast in support of allies of the United States since they gained their independence following the fall of the Soviet Union and have continued to be supportive in the ongoing war on terror.

While these countries are short of this amendment's required troop number, it seems to me that the best way to evaluate a country's eligibility for the Visa Waiver Program is to determine whether the country is a good ally and friend of the United States, not put a number on their commitment.

All these former Soviet satellite countries are continuing to actively work to implement the highest of technology with their border security, including biometric passports far ahead of some of their western European neighbors.

Currently, several of the 27 countries already in the Visa Waiver Program have committed zero troops to either mission. Why should such a requirement be placed on those countries that have already made a sacrifice, when others are rewarded for their non-participation?

Furthermore, small countries like Lithuania, with a population of 3.5 million, Latvia, with 2.8 million, or Estonia, with 1.3 million, clearly do not have as large a military as a country like Poland, which has over 38 million citizens, 30 million more than all three Baltic States combined. I feel that this is irresponsible to belittle the commitment and sacrifice to Operation Iraqi Freedom and Operation Enduring Freedom by not allowing them into the Visa Waiver Prógram with the specifics of this amendment.

Maybe if you combine the total deployment of the Baltic countries and add them up, which is as of my count today, 287 troops deployed, that is very close to the 300 minimum number. But, remember that these three countries combined still are 30 million people less than a country like Poland.

Also each of the Baltic States have troops participating in out-of-area NATO missions. One of the provisional reconstruction teams in Afghanistan is led by Lithuanian troops. Do these soldiers operating within the North American Treaty Organization not count toward their troop commitment in the language of this amendment? These are important questions that need to be addressed.

As Cochairman of the House Baltic Caucus, I understand the concerns that the Baltic countries have with this amendment, and I urge the conferees of the immigration bill to keep their concerns in mind as we work through the differences between both the Senate and the House.

HONORING THE LIFE OF DANIEL WULTZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, there is nothing more painful than a senseless death, particularly when a child's life is cut short.

As parents, we do everything we can to protect them. We keep them in car seats protected by seat belts and air bags. We watch what they eat and lock cabinets and plug outlets. We put safety knobs on exterior doors and put gates up at the top of the stairs and around swimming pools. We give them curfews and cell phones so we know where they are and when they'll be home. We teach them right from wrong and we impart our values.

And when they are older, we have no other choice but to hope for the best. We hope that all of the cajouling and caring, crying and cradling, helped them become the best grownups, parents, citizens, professionals, but most of all, we want to help our children to be the best people that they can become.

After all of that planning, preparing, protecting and sometimes panicking, most of us are blessed with the fact that our children do become adults.

So much of our children's lives are beyond our control, including their safety, yet we do everything within our power to protect them.

But what parent in God's name would expect their child to be killed in a terrorist attack? Blown up by a suicide bomber at an outdoor cafe? How does one guard against that? What product is made to shield them from explosives strapped to the body of a madman determined to destroy an entire people? How do we teach our children that some parents raise their children with this hatred embedded inside their heart?

How, if we want to raise our children as tolerant, understanding, open-minded individuals, do we teach them to look out for certain people who may want to do them harm, without painting an entire people with the same broad brush? Naturally, we teach them that they should be cautious about strangers in general, wary of people who act in a certain way.

Mr. Speaker, I ask this question today because the other day, Tuesday afternoon, I attended the funeral of a young boy, just 16 years old. He was a constituent of mine who lived in the same town where my family and I live.

When I got home, I explained to my two older children where I had been. As inquisitive little ones, they asked how the boy died. And I can still taste the bile in my mouth, Mr. Speaker, when I had to explain that this young boy in our hometown was killed by a bomb that blew up near where he was sitting in a cafe in Israel. I had to explain to my twin 7-year-olds that there are some people in the world who have so much hate in their hearts and who don't believe that the Jewish people should have our homeland, Israel, that they will do anything, including bombing innocent people to try to destroy us.

Mr. Speaker, I could not bring myself to explain that the bombs were strapped to the bomber's body as they were detonated. Thankfully, that was beyond their comprehension, because it was beyond my ability to explain to their young, innocent minds.

Daniel Wultz was sitting at an outdoor cafe with his father in Tel Aviv during Passover. A suicide bomber detonated a bomb strapped to his body, which injured Daniel's father and critically injured Daniel. Daniel lost his leg in the explosion, and, despite severe injuries, emerged from a comatose state and went through several surgeries with many more in front of him. He lived for a month, but succumbed to his injuries on May 14th.

Daniel Wultz was eulogized by his family and friends on Tuesday. He was described as a beautiful young man with a big heart, someone who always did the right thing, who stood up for others, and had a big, beautiful smile. I listened to his Rabbi, Rabbi Yisroel Spalter, talk about officiating at Daniel's Bar Mitzvah. I listened to how proud Daniel was of that accomplishment and how his Judaism had become so much more important to him recently.

I listened to Daniel's best friend and aunts talk about what a righteous person Daniel was, describing how he was always there for his friends and how he taught younger kids basketball and waited with them when their parents were late.

I listened to Daniel's sister talk about how painful it was to lose her beloved brother and how badly they all wanted him to remain with the family and the struggle they were going through with God, who obviously needed him more.

But the most difficult was listening to Daniel's father's angst-ridden voice, wishing that he could have protected his one and only son, and describing that he knew his son's beautiful body ultimately protected him.

Mr. Speaker, as a Jew, as a Member of Congress, as an American, but, more than anything, as a mother, I rise this evening to honor the memory of Daniel Wultz and to ask my colleagues to join me in condemning in the strongest possible way the ongoing cowardly terrorist attacks perpetrated against innocent victims in Israel and throughout the world.

As Golda Meir once said, "Peace will come when the Arabs love their children more than they hate us."

Hate is a weapon from which there is no safe haven.

□ 2300

PROGRESS IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, before the gentlelady leaves, I want to thank her for I think just a very moving and important message about what Israelis are faced with. I just thank her for that message.

Mr. Speaker, I would like specifically to talk about Iraq and to say that in the 12 visits I have had to Iraq, when I ask Iraqis what their biggest fear is, it almost always is this: "That you will leave us." Then they might say, "That you will leave us before we can grab hold of democracy."

Well, I have to say, frankly, that is one of my biggest fears. I am not afraid that we will see the war in Iraq lost in Iraq. I am most fearful that we will see the war in Iraq lost here at home.

It would seem a little surprising to say that I have seen significant progress in Iraq, because people see the way we were in April 2003 and they think it was so exciting, and they compare it to April 2003. But, unfortunately, after April 2003 there was a significant decline in what took place in Iraq.

First we allowed the looting. And to Iraqis, they would ask me when I would go there, why did you allow people to trash our country? These were not all Iraqis who were doing it. These were people who were looting. And Americans were just standing by and allowed this to happen. And they believed, frankly, that we wanted it to happen, because they believed that we could have prevented it had we wanted to.

And then we proceeded to disband their army, their border patrol and their police and leave 24 million Iraqis totally and completely defenseless in a country the size of California.

And then what did we do? We said to 150,000 coalition forces, primarily Americans, some Brits, that you had to be the police, the border patrol and the army in a country the size of California with 24 million people.

That was basically an impossible task. And so what I saw happen in April 2003 is that things just kept getting worse. They were worse in December 2003. And even worse by April 2004. But then, at that point, we had started to reverse the slide. We reversed it by beginning to train their police, their border patrol and their army.

And we began to see a change when we transferred power in June of 2004. And Iraqis started to take ownership. And so when I kept going back every 3 to 4 months, I kept seeing progress. And then by 2005, I was there for the elections when they took place in January of 2005. It is just historic and moving, every time I think about it. Iraqis came out and voted. The Sunnis did not, but the Shiias and the Kurds did.

They formed a government, and they created a constitutional convention and invited Sunnis in. They did not participate in the voting, so they were not represented, but they were invited in. And they created a constitution. They voted on that constitution by October.

And I was told by the UN that it would be one of the fairest elections with the best participation, put our elections to shame, and frankly it did. Mubarak of Egypt, the president, said they would not accept their constitution. 79 percent ratified it. It was extraordinary.

And now they had this constitution and a third election in just 11 months. And 76 percent of 100 percent of the eligible voters voted. Now if you get 65 percent voting in our country, that is 65 percent of the two-thirds that bother to register. So it was an amazing event.

They chose a government. But Jafari, the prime minister who was selected by the Shiias was not liked by the Sunnis and the Kurds, and the minority said no to the majority, and the majority said we rule. And the minority side minority rights. And they went back and forth, and for 3 months we had this standoff.

The minority was able to demonstrate minority rights, and the majority was able to say we accept your minority rights. That is maturity taking place.

Now you have a new prime minister, and this new prime minister is reaching out to Sunnis, Shiias and Kurds. When I ask a Kurd if they are a Kurd or a Shiia, or Shiia if they are Shiia or Sunni, they will say, I am a Sunni, but I am married to a Shiia, or I am a Shiia and my son is married to a Sunni.

And if I ask a Kurd, they will say I am Kurd, but you do not seem to understood. Kurds are Sunnis. We tend to divide them up more than they do. My biggest fear is that in spite of the progress that is being made, huge progress, in spite of the fact that Sunni radicals tried to ignite the country in sectarian violence, you only saw that sectarian violence in two places, Baghdad and Ramadi, and actually Basra.

They held off. This is an amazing thing that we are seeing take place. The Iraqis deserve our staying the course with them. They did not attack us, we attacked them. We disbanded their army, their police and their border patrol. It is absolutely imperative, absolutely imperative that we not leave before they have their police, their border patrol, and their army to protect themselves.

CHICAGO JAIL'S AREA 2

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, mock executions by putting the barrel of a shotgun into the mouth of a prisoner and pulling the trigger. Using alligator clips on ears, noses and genitals. Racial attacks and use of racial slurs, burns all over the body, electric shock to the genitals. Suffocation with bags.

In other words torture which is now almost synonymous with U.S. run prisons and detention centers. Immediately the U.S. facility at Guantanamo Bay, Cuba and Abu Ghraib in Iraq come to mind when even the word is said.

But the question I have, Mr. Speaker, is how did we get to this point? Some prison activists immediately pointed out that we must not forget Attica when we are talking about Guantanamo or Abu Ghraib. And so I participated in a forum entitled, From Attica to Abu Ghraib.

But now as the memory of Attica has been invoked, it appears that another U.S. detention facility must be named too. Area 2 in Chicago, run by the Chicago police department. Area 2 will now go down in U.S. annals as a domestic torture center.

Sadly, over 135 African Americans have come forward to say that they were tortured, mostly in Chicago's Area 2, in what could be one of the greatest scandals of modern day American prison practice and procedure. Documentation shows that torture of African American men occurred in Areas 2 and 3 of Chicago jails for over 20 years, and no one with authority to stop it did so.

Moreover, these actions were covered up for 30 years by those in Chicago in authority. How many people are in jail today because confessions were tortured out of them? Incredibly, some prisoners were even on death row after having had confessions tortured out of them.

Moreover, the torture victims have psychological issues that have never been clinically resolved. Thank goodness former Illinois Governor Ryan commuted all of the death row cases, and gave full innocent pardons to four death row inmates who should never have been in prison.

Incredibly, even after Governor Ryan's actions, the City of Chicago is paying more than $5 million to lawyers who represent the accused police officers. How do we know about this? Due to the hard work and the thankless hours put in by activists, lawyers, and journalists who refused to let this issue go or be swept under the rug.

And thank goodness we have dedicated journalists for what is referred to as the alternative media, who are willing to write those stories and get the message out.

I learned about this story from Amy Goodman's Democracy Now broadcast on the Pacifica network of stations. This week or next, the judge will rule whether or not to release the report to the public. But in the interim, one thing is clear, and that is, that Areas 2 and 3 of the Chicago city jail must be added to the annals of U.S. prisoner abuse, from Attica to Abu Ghraib and beyond, Chicago now owns an unfortunate chapter.

CHICAGO'S ABU GHRAIB: UN COMMITTEE AGAINST TORTURE HEARS REPORT ON HOW POLICE TORTURED OVER 135 AFRICAN-AMERICAN MEN INSIDE CHICAGO JAILS

Extraordinary rendition. Overseas prisons. Abu Ghraib. Guantanamo Bay. Practices and places that have become synonymous with the abuse of detainees in U.S. custody are getting renewed attention at the United Nations this week, where the UN Committee Against Torture is holding hearings on U.S. compliance with its international obligations. But there is one name expected to arise this week that few people in this country will have heard about—and it's the one that's closest to home.

It's called Area 2. And for nearly two decades beginning in 1971, it was the epicenter for what has been described as the systematic torture of dozens of African-American males by Chicago police officers. In total, more than 135 people say they were subjected to abuse including having guns forced into their mouths, bags placed over their heads, and electric shocks inflicted to their genitals. Four men have been released from death row after government investigators concluded torture led to their wrongful convictions.

Yet the case around Area 2 is nowhere near a resolution—to date, not one Chicago police officer has been charged with any crime.

The most prominent officer, former police commander Jon Burge, was dismissed in the early 1990s. He retired to Florida where he continues to collect a pension. Today, a special prosecutor is now in the fourth year of an investigation. Just last week, a group of Chicago police officers won a court ruling to delay the release of the prosecutor's preliminary report.

David Bates, one of dozens of men to come forward with allegations of abuse at the hands of the Chicago police.

Flint Taylor, an attorney with the People's Law Office in Chicago, which he helped found in the late 1960s. He has represented many of the torture victims and was directly involved in spearheading the special prosecutor's investigation.

John Conroy a journalist and author who has covered the case for over a decade. He has written several articles for the Chicago Reader, and is the author of the book "Unspeakable Acts, Ordinary People: The Dynamics of Torture."

AMY GOODMAN. We go now to Chicago, where we're joined by three guests: David Bates, Flint Taylor and John Conroy. David Bates is one of dozens of men to come forward with allegations of abuse at the hands of the Chicago police. Flint Taylor is an attorney with the People's Law Office in Chicago, which he helped found in the late 1960s. He has represented many of the torture victims and was directly involved in spearheading the special prosecutor's investigation. And John Conroy is a journalist and author who's covered the case for over a decade. He's written several articles for the Chicago Reader and is the author of the book, Unspeakable Acts, Ordinary People: The Dynamics of Torture. We welcome you all to

Democracy Now! I want to begin with Flint Taylor for an overview. You have been working on this case for years. You have represented people who said they were tortured. Give us the scope of this story.

FLINT TAYLOR. Well, the scope started out with one man who was tortured by electric shock and having a plastic bag put over his head and being beaten by Jon Burge and others at the Area 2 police station. He, on his own, brought a lawsuit in the mid-'80s. That lawsuit, we got involved in, and over the years we were able to uncover, with the help of journalists such as John Conroy, others such as David Bates, who had also been tortured and had told their stories in various courts, but no one had put all this evidence together.

We were able to assimilate, over many years, over 60 cases of torture, and when I say "torture," I mean electric shock, I mean suffocation with bags, I mean mock executions, I mean racial attacks, that kind of thing. And they were all coming out of the same station, and they were all headed up by this man, Jon Burge, who came out of Vietnam, started out as a detective and quickly rose in the ranks through sergeant, lieutenant and commander. This went on—the actual documentation now shows that this went on for over 20 years, from 1972 to 1992, when in fact Burge was finally, after community outrage, suspended and fired from his job.

As you said, he has never been prosecuted. The State's Attorney of Cook County at the time this evidence first came to light in the mid- '80s was none other than the now major Richard Daley. The Superintendent of Police at that time contacted him with the evidence of torture and said, "Are you going to prosecute this?" Daley did not intervene or prosecute at that time. Later on, his first assistant, Richard Devine, became State's Attorney of Cook County. Remarkably, Devine, while he was in private practice, had been Burge's lawyer, defending many of these civil cases. He then became prosecutor in 1997. Of course, he did nothing either, because his clients were the ones that needed to be investigated. So for 20, 25, 30 years, no one in the prosecutor's office, the current mayor or the current state's attorney, no one else did any investigation.

Finally, the community outrage was so strong with regard to all of that that a special prosecutor was appointed. That was four years ago, as you said. Four years of investigation has led to his publicly saying that he now has 192 cases of torture and abuse at Area 2 and later at the Area 3 station, where Burge was transferred to later on. He now is talking about releasing a report. He still is not talking about indicting anybody. The rumor has it that, because it is so long, that we're going to have a catch-22 situation, and we're going to have the statute of limitations invoked by the special prosecutor, who's going to release a report but say it's too late to indict anybody.

Of course, we all say that that's ridiculous, that there are ongoing conspiracy allegations and evidence that there's an obstruction of justice going on in the various courts. There's perjury going on. So, no one's going to be satisfied if, in fact, all that happens is a report, no matter how damning the report may be. So the struggle here in Chicago continues and will continue, as long as people are still in jail because of the confessions that were tortured from them, and as long as Burge and others sit in Florida and other places and collect hundreds of thousands and even millions of dollars in police pensions, rather than to face criminal charges, whether they be state charges, federal charges or charges before the International Court of Justice.

AMY GOODMAN. We are also joined by David Bates. Can you tell us what happened to you? When did it happen? Tell us the whole course of events.

DAVID BATES. Well, I believe it was October the 28th or 29th of 1983, when a few officers knocked on my mom's door and announced that they were police officers and let my mom know that I'll be taken away and that I'll be coming home shortly. There were supposed to be some questions regarding a case. Of course, I got to the police station. I was questioned. I let the officers or detectives know that I had nothing to do with the case. I knew nothing. This went on for two days.

At that time, it was five sessions of torture, starting with two with slaps and kicks and threats. It was two particular sessions of torture that was very devastating, in which a plastic bag was placed over my head. I was punched and kicked. And I'll tell you, when you talk about torture, you're talking about individuals who, most part, were young, had a few brushes with the law, but never in a million years thought that they would have a plastic bag placed over their head.

More importantly, the torture has never been resolved. No one has ever owned up to the torture. So we have hundreds of individuals who have psychologically been warped, been destroyed. There's never been any clinical resolution to the torture. No one has owned up to it.

And I tell you, the fact that this attorney and this journalist have spent years trying to uncover the truth and community organizations and individuals—we're talking about a city. We're talking about a state. We're talking about legislators, who have not looked into the issue of torture, and I say it's a shame. And I would like to commend these gentlemen for working hard to bring the issue of torture out. But I say it's time for the legislators and mayor and individuals who had firsthand knowledge of it to come clean with it and bring these individuals to justice.

AMY GOODMAN. Flint Taylor, I remember years ago with an especially active group of mothers, mothers in Chicago of men on death row, who kept raising the issue of this police commander, Burge, and saying that their sons had been tortured, that one had engraved in a metal bench in the police station, "I am tortured, I'm forced to confess," something like that. What about this? What about death row cases, where men ended up on death row?

FLINT TAYLOR. That's been a major, major piece of this whole struggle against police torture. In the early and mid-'90s, the movement against police torture and for human rights came together with the anti-death penalty movement here in Chicago and raised a very strong set of voices, some of whom you've just mentioned. For people, there were at least ten to twelve people on death row here in Illinois who alleged and had evidence to show that Burge and his men had tortured them into giving confessions, one of whom was Aaron Patterson, whom you just mentioned, who during a break in one of his torture sessions etched in a bench that he had been suffocated with a bag and was being tortured. That later came out.

Ultimately, due to the combination of the factors, and articles that John wrote, and speaking out by David and others in the community, and the work of various lawyers, Governor Ryan looked at all of these cases, and as you know, he not only commuted the sentence of all of those on death row, some 160-odd people, but he looked specifically at four cases of torture by Burge and others and found that those individuals were innocent, that they had been tortured into giving false confession, and he gave full innocence pardons to those four individuals. That's Aaron Patterson, Stanley Howard, Madison Hobley and Leroy Orange.

Those four men are now "fortunate" enough—and I put that with quotes around it—to be able to, because they've been exonerated, bring lawsuits in federal courts. So there is not only the special prosecutor, but there are these lawsuits by the individuals who have been pardoned in federal court, where we are fighting the issues of torture and bringing out evidence in that forum, as well.

And there's an obstruction of justice going on in that courtroom, as well as against the special prosecutor, as the city has paid over $5 million to a set of private lawyers to represent the police officers, including Burge, in all these cases. Burge now and his men—and there's now over 50 detectives that are named in one or more of these 192 cases—they are all getting free lawyers, and they're getting the advice from the city-paid lawyers to take the Fifth Amendment. So you now have the spectacle of, in these federal cases and in front of the special prosecutor, that former and present law enforcement officers, rather than to answer questions about whether they tortured and abused people like David Bates and the men on death row, they have all lined up and taken the Fifth Amendment as to each and every allegation of police torture.

AMY GOODMAN. John Conroy, you're a journalist and author. You've covered the torture case for over a decade for the Chicago Reader, and you wrote the book, "Unspeakable Acts, Ordinary People: The Dynamics of Torture." How has this taken so long to come out, though it has come out in parts over the years and in certain communities well-known? And now the question of whether, in fact, it will be released, this report that among other people calling for this, four black aldermen are calling for the public release of this report.

JOHN CONROY. Well, it hasn't taken that long to be out. It was out in 1990, when we did the story in the Chicago Reader, the first story, and we've done more than 100,000 words since. And I think that what's dragged on—the reason why it's dragged on—I differ with the estimable Mr. Taylor here on this—is that there is no community outrage. People don't care. As in every society in which people are tortured, there's a torture book class in Chicago. It's African American men, most of them with criminal records. And they're just beyond the pale of our compassion. We just don't care.

And that's why it's taken 15 years for you probably to do this program and many others now interested in this report, when the information has been out there for a very long time. The New York Times, I think, it's covered this twice: once, when the men were pardoned; and once, when there was a float in the St. Patrick's Day parade that was going to honor four of the officers who had been accused, and the float never came to be in the parade, but there was a controversy about it. So, that shows you, I think, the level of concern in the United States about this issue.

AMY GOODMAN. We are talking to John Conroy, author of Unspeakable Acts, Ordinary People: The Dynamics of Torture. We're also joined by David Bates, a torture victim, and Flint Taylor, an attorney who has worked on this case for decades.

AMY GOODMAN. Our guests in the Chicago studio are John Conroy, who is a journalist and author, covered the torture case for over a decade for the Chicago Reader, author of Unspeakable Acts, Ordinary People: The Dynamics of Torture; David Bates is also with us, as is Flint Taylor, attorney with the People's Law Office in Chicago. David Bates, are you going to sue the police department?

DAVID BATES. Well, I have to consult with my attorneys regarding that. I'll just have to say that in conjunction with what Flint said and John, this has been going on for so long, and there hasn't been the outrage needed to bring attention to the torture in order to get those convictions. But, again, I just want to commend individuals who have been tirelessly working to keep this issue of torture in the news. We have to look at this from a human perspective. These are individuals who were tortured and beaten at the hands of people who basically are supposed to serve and protect them. And imagine keeping this thing and not being able to talk to people about this. A lot of these gentlemen went to prison and served long stints of time incarcerated. There was no one to talk to about the torture. Even contact with public officials or community leaders, it was no one to talk to about it. And, again, I just want to commend everybody for coming on board with this issue. But there's a lot need to be done.

AMY GOODMAN. David Bates, did you hear about this happening to other people at the time that this happened to you?

DAVID BATES. Well, see, the problem comes in, is that when you're in prison and you're in an environment like that, you do not want to let anyone know that you made a confession, whether you were tortured, whatever—however you made the confession, it was not in your best interest to expose that while you were in prison. You would be considered weak. So, imagine these individuals in prison not able to even seek legal help and advice. I liken it to being raped, honestly. Individuals not able to be—go for help. Then, when you did go for help, when you had the opportunity to go for help, people said it didn't happen. So, I tell you, when you get rid of all—when you get down to the human aspect of this problem, you're going to deal with a lot of sick men, a lot of sick men that need clinical— some type of clinical help to deal with the torture.

AMY GOODMAN. David Bates, when you saw the pictures at Abu Ghraib, what were your thoughts?

DAVID BATES. Well, the pictures, I'll say this. My thoughts on the whole process was: how the hell did they get hearings, and torture from anywhere is wrong. But as we've spoke on, this torture has taken place for over two to three decades in America, on the Southside of Chicago. Why didn't we have public hearings? Why didn't the state legislators come in and do investigations? We actually had to go outside the country to an international court to deal with police torture. On October the 14th, the People's Law Office and other attorneys met in front of the Organization of American States to bring attention to the issue of torture, and we're looking for delegation of individuals to come in and to ask Mayor Daley questions that he hasn't been able to answer to the public since this Jon Burge stuff has been going on. And I tell you, it's going to be an embarrassment to a lot of people, but like my good friend Conroy said, they've been knowing about it.

AMY GOODMAN. Let me ask about the knowledge to the very top. Some are saying—and I want to put this question to Flint Taylor, attorney with the People's Law Office in Chicago—that the report could well implicate, as you were talking about, the State's Attorney, Richard Daley, his assistant Richard Devine, who now holds the top job. Can you talk more about how they knew, the whole issue of them being told early on?

FLINT TAYLOR. Well, as I said, Richard Daley was previously the State's Attorney of Cook County. In 1982, when one of the major—the first major case broke with regard to police torture, the Andrew Wilson case, the superintendent of police was informed by the head of the hospital, the prison hospital where Andrew Wilson was being held, that there was serious evidence of torture, that Andrew Wilson not only said, but had physical evidence that supported the conclusion that he had been tortured by electric shock, by beating, and he had 15 injuries all over him, burns and everything like that. And the head of the hospital was so shocked, he brought it straight to the superintendent of police.

The superintendent of police then brought it straight to Richard Daley. He knew that Andrew Wilson had been charged with very serious offenses, shooting two police officers and killing them. So Daley decided that rather than to investigate the criminal activities of Jon Burge in torturing Andrew Wilson, that that would, in fact, undercut and undermine, he thought, the prosecution of Wilson, so he did nothing. He did no prosecution at that time.

He then presided over the next eight years over the State's Attorney's office, which was complicit in taking over 55 confessions from 55 different victims of Burge and police torture. In all of those or many of those cases in the individual courts, there was testimony from those victims that they had been tortured. However, Daley defended all those cases, put all those people behind bars, many of them on death row, and in no instance did he investigate the continuing allegations that were coming out of Burge's police headquarters that people were tortured. Daley then went on to be the mayor of the City of Chicago.

There was—and John and I disagree in the sense that there had been at times public outrage. The public outrage reaches certain proportions at different times. We're at one those key points again today. We had been in the early '90s. And one the reasons for that was this Andrew Wilson trial that brought out all this evidence and put together all these different allegations of torture. Because of all of that, the police department was forced to reinvestigate. This was in the early 1990s.

They put an honest investigator in charge of the investigation, and lo and behold, he came to an obvious conclusion. He said there was systematic torture at Area 2. He said he had looked at 50 cases, and there was systematic torture. Well, what did the superintendent of police do? He suppressed that report. He then met with the mayor of the City of Chicago, after we had gotten that report released by a judge, and he and the mayor, who is now Richard Daley, instead of saying, "Now we have the evidence to prosecute. Now we should proceed. Now we should lock Burge up," what did they do? They not only attempted to suppress the report, but then they went publicly and discredited it. Daley stepped forward and said, "These are only rumors and innuendo." So, at every point, as I've mentioned, Daley, rather than taking his responsibility as chief law enforcement officer and chief executive officer of the City of Chicago, moved to suppress and to do nothing.

AMY GOODMAN. Legally—let me ask you, Flint Taylor. Legally, if crimes are known about, and they are covered up, is Mayor Daley criminally liable?

FLINT TAYLOR: Well, at this point, is he criminally liable? I suppose you could see him a co-conspirator, in that it was certain obstruction of justice over the years, certainly. But I think at this point what we're looking for is if a special prosecutor comes out with a report and says, "I can't indict, because it's too late," then the people of the City of Chicago have to look in two directions. They have to look backwards to Daley and Devine and say, "Well, the special prosecutor was hamstrung by the fact that Daley and Devine didn't act when they should have," and then we have to look forward and say, "That's not sufficient. That's not right."

There are continuing criminal violations here, and if the special prosecutor won't do anything about them, then Fitzgerald, who is the U.S. Attorney here and who, of course, has made his name in the Valerie Plame case and has already indicted Daley's people in a wide-ranging truck scandal, he has to open his investigation into federal RICO or racketeering charges, as well as obstruction of justice and perjury. And as David has mentioned, it has been taken to the international forum, not only last fall to the Inter-American Commission on Human Rights, which is the Organization of American States, who is still looking into this issue, but this past week and right now, it's been presented to the Committee Against Torture of the United Nations in Geneva, and one of our people has spoken with and presented evidence to the Committee Against Torture, and that committee has ordered the government to respond and to speak to the issues of torture here in this country. And in its concluding remarks, it put with Abu Ghraib and put with Guantanamo the situation of Chicago.

And so, perhaps there's not enough public outrage here, but the international community is looking at it in a very strong way, and to hear Chicago put in the same breath with Guantanamo and Abu Ghraib is something that—if that doesn't wake up the powers that be here in the City of Chicago and that doesn't wake up the U.S. Attorney's office and that doesn't, in fact, put on the carpet the State's Attorney of Cook County and the Mayor of the City of Chicago, I don't know what will.

AMY GOODMAN: John Conroy, the Midwest Coalition for Human Rights will present a report that includes the Chicago torture allegations to the U.N. Human Rights Commission. How significant is this? And, finally, why do you call your book "Unspeakable Acts, Ordinary People"?

JOHN CONROY: Well, let me take the second question first. I call the book "Unspeakable Acts, Ordinary People," because torture is always done by—we want our torturers to be monsters, but it turns out that they're just ordinary people like you and me. And I can go back and cite you all kinds of psychological experiments in which they have found that people will do extraordinary things, inflicting pain on other people, if they are simply ordered to do so, simply following orders someone else is taking responsibility. And it doesn't require any sort of a twisted mind to do this. We are all—most of us are given to obedience. And so, I've interviewed torturers from around the world, former torturers, and they all struck me as very ordinary men.

How significant the international attention will be remains to be seen. It's a unique turn, and it's somewhat thrilling, I think, for those of us who have been watching this for a long time to see it finally raise to the level of being mentioned in a phrase with Abu Ghraib and Guantanamo. But whether this will just be one of those media—you know, where the media comes in for a day or two and then leaves remains to be seen.

AMY GOODMAN: And what's the timetable on this?

JOHN CONROY: The special prosecutor is supposed to—I'm sorry. The judge who oversees the prosecutor is supposed to rule, I believe, on the 12th of May, as to whether the report will be released or not.

AMY GOODMAN: That will be Friday, and we will certainly follow it up. I want to thank you all for being with us: David Bates, torture victim himself, telling his own story; Flint Taylor, attorney with the People's Law Office in Chicago, who has represented many of the victims; and John Conroy, who has written about this for years for the Chicago Reader, author of "Unspeakable Acts, Ordinary People: The Dynamics of Torture."

AMERICAN HOMELAND SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for half the time until midnight as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, for much of our history the United States has not feared a direct attack. The vast expanses of the Atlantic and Pacific Oceans allowed our young Nation to survive and thrive safe from the predation of the great powers of the 19th Century, and the growth of our military power in the 20th Century reinforced the belief that no hostile power could strike us here at home.

Only the British, nearly two centuries ago during the War of 1812 have mounted a sustained military campaign on American soil. Japan attacked both Hawaii and Alaska during World War II, but was unable to carry out a major ground offensive against the United States.

Our relative physical isolation fostered a sense of the invulnerability of the American people. Our borders with Canada and Mexico were relatively open, and we traditionally welcomed foreigners to our shores both as visitors and immigrants.

Throughout the 1970s and 1980s, American policymakers viewed terrorism as primarily a Middle Eastern and European problem. Even when the targets were Americans the acts themselves took place abroad. The hijacking of TWA 847, the Rome and Vienna airport massacres, the La Belle discotheque bombing, the seizure of the Achille Lauro and the bombing of Pan Am 103 resulted in hundreds of American casualties, but they all took place overseas.

This reinforced the deeply held belief that terrorists would not strike in this country. As a result, our Government at all levels was not configured to deal with terrorism, nor was the phrase "homeland security" part of our national lexicon.

During the 1990s terrorism came to America. The 1993 truck bombing of the World Trade Center began to rouse us from our complacency, and the Oklahoma City bombing 2 years later shocked Americans into the realization that mass casualty terrorism could happen here.

The fact that the Oklahoma City bombing was an act of home-grown terrorists, however, mitigated the sense of urgency that should have spurred Congress and the executive branch to take serious action to prepare for an act of international terrorism on our shores.

So, Mr. Speaker, our Nation did not see the gathering clouds for what they were, and America remained complacent. The September 11, 2001 attacks shattered that sense of security. Through the tears and their anger the American people demanded action. And the President and Congress promised swift and comprehensive measures to safeguard our Nation.

In the 4½ years since 9/11, the Federal Government has undergone a massive reorganization centered on the creation of the Department of Homeland Security, and a reorganization of the American intelligence community.

Government buildings and other high-value targets are now ringed by concrete barriers. Aviation security has been Federalized, foreign visitors are routinely fingerprinted and photographed upon entry into the United States. Law enforcement has been granted greater authority to monitor the activities of people it considers potential terrorists.

But to what end? Are these measures and hundreds of others making us safer? The answer, Mr. Speaker, is that in some ways we are safer now than we were on September 11. In other ways we are not safer. And we are not nearly as safe as we should be and as we could be.

Numerous commissions and investigations at the Federal, State and local level, as well as a multitude of private studies have pointed to broad systemic and other flaws in our homeland security program.

Tonight I have a message for the American people. The Democrats have a plan to better secure our homeland. Our plan is tough and smart and it is comprehensive.

This plan is part of an overall effort to reconfigure America's security for the 21st Century, a plan that we call Real Security. Several weeks ago Members of our party from both the House and the Senate, Minority Leader PELOSI, Senate Minority Leader REID, and others unveiled a comprehensive blueprint to better protect America and to restore our Nation's position of international leadership.

Our plan, Real Security, was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

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In a series of six Special Orders, my colleagues and I have been sharing with the American people our vision for a more secure America. The plan has five pillars, and each of our Special Order hours has been addressing them in turn.

The first, building a military for the 21st century. The second, the steps to winning the war on terror. Third, protecting our homeland. Fourth, a way forward in Iraq. And, fifth, energy independence for America.

Three weeks ago, we discussed the first pillar of our plan, building a military for the 21st century. We discussed the need to rebuild our state-of-the-art military, to provide the best equipment and training to our troops, to assure accurate intelligence and a strategy for success, to build a GI bill of rights for the 21st century, and to strengthen the National Guard.

Last week, we discussed a comprehensive plan to win the war on terror which focused on a wide range of strategies to destroy the threat posed by Islamic radicalism. We outlined steps to destroy al Qaeda and finish the job in Afghanistan, to double our special forces and improve intelligence. We talked about how we will eliminate terrorist breeding grounds, the preventative diplomacy and new international leadership that must be brought to the cause in the war on terror; our goal of securing loose nuclear materials by 2010, probably the most urgent national security threat we face and stopping the nuclear weapons development in Iran and North Korea.

In the coming weeks we will be discussing a new course in Iraq to make sure that 2006 is a year of significant transition to full Iraqi sovereignty, with the Iraqis assuming primary responsibility for securing and governing their country with the responsible deployment of U.S. forces. Democrats will insist that Iraqis make the political compromises necessary to unite their country, defeat the insurgency, promote regional diplomacy, and strongly encourage our allies and other nations to play a constructive role. Our security will remain threatened as long as we remain dependent on Middle Eastern oil.

The fifth pillar and the one with the far-reaching ramifications for our country and the world is to achieve energy independence for America by 2020.

The real pillar of security that I will be addressing tonight with my colleague DAVID SCOTT, the gentleman from Georgia, is the one that most directly touches on the lives of ordinary Americans. Since 9/11, the lives of Americans have been changed by the new reality of the need to secure the United States and the American people here at home. As I have just said, most experts have concluded that there are huge gaps in our preparations and that we need a new strategy to secure America. Tonight, we will introduce you to our plan.

When Democrats are in charge, we will immediately implement the recommendations of the independent bipartisan 9/11 Commission, including securing national borders, ports, airports, and mass transit systems. We will screen 100 percent of our cargo bound for the U.S. in ships and airplanes at the point of origin, and secure and safeguard America's nuclear and chemical plants, its food, and water supplies. We will prevent the outsourcing of critical components of our national security infrastructure such as our ports, our airports, and our mass transit. We will provide our firefighters, emergency medical workers, police officers, and other workers on the front lines with the training, the staffing, the equipment and the cutting-edge technology that they need. And we will protect America from the biological terrorism and pandemics including the avian flu by investing in public health infrastructure and training public health workers.

Providing real homeland security requires taking a pragmatic and comprehensive approach that uses resources to effectively maximize security and balances our offensive and defensive efforts. At any given time, we have to make hard choices about how to spend our national security dollars. The Democratic plan directs resources to those areas that minimize the risk of a terrorist attack. We rejected the reactive mentality that too often plagues the Federal bureaucracy of planning against the last attack. Under real security, we will integrate our foreign and domestic security efforts, balancing the projection of power abroad with securing the country at home. Central to this will be the implementations of the recommendations of the 9/11 Commission.

This commission was one of the most effective bipartisan commissions in our Nation's history. It had access to some of the most experienced professionals and influential experts on homeland security. The commissioners weighed a wide range of issues, including emergency preparedness, transportation, critical infrastructure, and first responders and made sensible and sweeping recommendations to the administration and to Congress.

Unfortunately, the administration's performance on implementing these recommendations has been unimpressive. In fact, in December of last year the 9/11 Commission Public Discourse Project, made up of the members of the commission, issued a report card on its progress. The report card was filled with Cs, Ds, and Fs for the administration's implementation of the 9/11 recommendations.

In a statement accompanying the report card, Chairman Thomas Kean, a Republican, and Vice Chair Lee Hamilton, a Democrat, said, "Many obvious steps that the American people assume have been completed have not been. Some of these failures are shocking."

What we have seen over the last 4 years, Mr. Speaker, has been a failure of leadership and a failure of initiative.

I would now like to yield time to my colleague, a leader on national security issues, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank the gentleman. As always, it is indeed a pleasure to join you on the floor of our very distinguished Congress of the United States to address what is without a doubt the most pressing issue facing the American people, and that is security of our Nation, national security, homeland security.

I think it is very important for us to make the first step, to show that we as Democrats are indeed not only strong on security, but we are the stronger party on security.

Our legacy, our history is rich. We have built this military all the way through Democratic Presidents, from World War II with Franklin Delano Roosevelt, through the Korean War with Harry Truman, through all of the crises that we have had with Lyndon Johnson, with John Fitzgerald Kennedy; and with Bill Clinton leaving this Nation with a tremendous surplus and built a military that was capable of moving and being able to handle any threat in the world.

But then 9/11 came and then President Bush's response. And I am here to say tonight that the American people deserve much better than what we have gotten in that response from President Bush and this Republican-led Congress. Let us review for a moment 5 years.

Five years ago, 9/11 took place. And what has happened since that time? Can we say we are safer? Are our ports safer today? Obviously they are not, for not only do you and I and the rest of America know that only 5 percent of our cargo is being checked, the whole world does. The President's response to checking our ports was to turn the security over to a company that was owned by a country, the United Arab Emirates. That was one of only three countries in the world that recognize the Taliban as the ruling authority in Afghanistan.

At a time when our young men and women were dying and are dying and putting their lives on the line fighting the Taliban in Afghanistan, our President, this administration, so cavalierly says let these people guard our ports, a nation that we had from our intelligence that proved to be the central banking process that handled the financing of al Qaeda and other terrorists coming through that country; yet this was the country that owned the company Dubai Ports to handle security at our ports, a country that we know from our intelligence that was the cross-trading ground for shipping nuclear material, building fusion material into Iran, who has subsequently said they want to knock Israel off the face of the Earth and then turn and do the same to the great Satan, the United States of America. That has been that response on the port security.

And as Democrats have tried to do time and time again since then, to rein that in, joined by Republicans, we were successful in defeating that move, that very foolish and unwise move made by the President and this administration. And then, as we turn then to one of the worst disasters, perhaps the worst natural disaster in the history of this country, the very first opportunity for this Nation to be responsive to the major threat to homeland security, when Hurricane Katrina rolled in, another disturbing, disappointing, mismanagement, incompetence, and failure of the worst kind that resulted in the loss of over 2,000 American lives, billions and billions of dollars of loss and damage, farms and crops out of place, energy costs zooming, all because of slow mismanagement that we have not been able to recapture our place to this day.

FEMA, the lead organization in homeland security, a total F in response. And right to this day, exactly 14 days before the next hurricane season begins, we do not even have not just an executive director of FEMA, we don't even have a regional director of FEMA in the Atlanta region, my home base, in the region which will be most devastated by a natural disaster and the hurricanes.

And in that region, while I am at it, the response has been, even to reorganizing our military, even to realignment of our military bases, to take the primary base that trains, that deploys all of the National Guard and first responders in the event of a terrorist attack or a hurricane threat, a hurricane hitting this country at Fort Gillam. Instead of responding and building that base up, this administration comes in and recommends that that base be closed. And yet when Katrina hit, where did they have to turn? The only bright spot we had in the whole response to Katrina was to come and take our first responder commander, General Honore, and dispatch him down to the scene. Total mismanagement in every single aspect of response to our homeland security.

Now here we are with a great threat to our borders, which, quite honestly, is perhaps the single most aspect of our own threat to not just homeland security but our national security, untold numbers, thousands of undocumented illegal immigrants sneaking into this country putting extraordinary downward pressure on our wage system, and providing in a way a very serious threat to the basic social services infrastructure of this country.

But it just didn't happen overnight. Where has this administration been? Why are the American people so upset? Why are the polls so low in the face of these Republicans and this administration? It is obvious: slow response, mismanagement. And nowhere is it more exacting and exemplary than with the response to Katrina, a threat to our homeland, and a response to our border security. And that is what is happening.

What is the response? Now it is because in this budget that they get on the floor and they are clapping about that they passed, a budget that cut homeland security by over $6 billion, a budget that would not fund the 1,000 border agents that the 9/11 Commission and a bipartisan group of us Democrats and Republicans in this Congress have recommended. And then to take and overtax the overextended National Guard that has been overextended in Iraq, in Afghanistan, in responding to our hurricanes, and to say now we are going to put them on the border. Too little, too late of the wrong type. And how hypocritical.

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How hypocritical to take 6,000 of our National Guard and put them on the border, but to cut the funding for an additional 1,000 to 2,000 border agents that actually need to be there? The American people want some answers to that. That is not an adequate response. America deserves better, and I assure you that Democrats are going to give them better.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Georgia for his comments and for all of his work in this area.

The gentleman highlighted the lapses that we saw in homeland security with Katrina, which I think were all the more graphic with the fact that we could literally see Katrina coming. Now, with infinite ways to perpetrate a terrorist attack, we may not see it coming in exactly the form it takes, and if we were not better prepared as a Nation for the hurricanes we could see coming, it gives me great concern about those attacks we do not foresee with that degree of precision.

These failures in the preparation and response to Katrina were also, I think, the result of a failure of initiative. The report of the bipartisan congressional committee that investigated the response to Katrina, in fact, was entitled "A Failure of Initiative." The report cataloged a series of errors in judgment and in planning, including a failure to prepare for a catastrophic event, a failure to execute the National Response Plan, a failure to evacuate New Orleans and other vulnerable areas, and a lack of information sharing and coordination. We were not prepared for a natural disaster that gave us several days of advance notice. We are even less likely to be prepared for a disaster, natural or man-made, that strikes us suddenly.

Under our Real Security plan, the Department of Homeland Security would develop a comprehensive national emergency preparedness and response plan that spells out the responsibility for government and private agencies at every level. While the Department of Homeland Security had a response plan before Katrina, it lacked the details about coordinating various agencies and jurisdictions, and it was not treated seriously even within the bureaucracy.

For example, a review by the Joint Chiefs of Staff found that the National Response Plan did not even specify the role of the Pentagon and other Federal agencies in assisting local leaders during disasters.

In addition, a GAO report found that the National Guard units that responded to Katrina had only 34 percent of their authorized equipment, which also slowed their response.

These, I think, are some of the failures my colleague from Georgia alluded to, and these are also I think incumbent on the party in power in Congress to do its oversight, to make sure that we are prepared, to hold the executive accountable.

We have not done that oversight. We did not do it before Katrina. We have not done it adequately since, and under Real Security, it not only requires organizational changes within the executive, but also requires Congress to step up to its responsibilities, would you say?

Mr. SCOTT of Georgia. Absolutely, and I will tell you another example of the lack of response as well.

When we look at our military and the overextension of our military, all of our generals are saying that, and we have got to listen to them. They are the ones that we have in place to be able to run the military and be able to execute our programs, to maintain and keep us safe.

Now, we in this Congress, for example, have just allocated the money and the space for 17,000 additional National Guardsmen, and what did this administration do? Cut it, at a time when we have our National Guard so overextended.

As you have been, I have been to Iraq and as I have been to Afghanistan, and I might say at the outset here that our soldiers are doing an extraordinary job. My hat's off to them, and it is just a pleasure to just get on a plane and fly over there into Kuwait and into Baghdad as we have done and into Afghanistan and Kabul and to see them do their job under most extraordinary circumstances and the sacrifices that their families are making.

But this administration and this Republican-led Congress, to not fund them at the levels that the military leadership is asking us to and to have them go on two and three tours of duty and then come back here and to shortchange them in their training operations, that they took 2 weeks periods of times in rotation, to go and provide and do paperwork on the border security, quite honestly sometimes feels insulting to me, and our military deserves better. We have got to strengthen our military.

Mr. SCHIFF. Mr. Speaker, I thank the gentlemen, and these issues and the others we will continue to explore in the coming weeks as we further amplify Real Security.

Let me just end on this note. I had lunch with one of the Guardsmen from my district who served in the war in Iraq. He described to me how they had to put sheets of plywood and sandbags in to fill the doorways in their humvees because they did not have uparmored vehicles for their runs. The fact that our Guard have to go to those lengths, part of the Real Security plan that I outlined earlier was making sure our troops have the best equipment possible. We have not lived up to that standard. That is going to change under Real Security.

Mr. SCOTT of Georgia. Or you go into junk yards, they are scrapping metal just to give them some body armor. That is despicable. That is never going to happen again. We are going to make sure of that.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman.

BORDER FENCING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you and the House of Representatives.

As you all know, I have been to Iraq a number of times, and our troops over there in the early stages of this theater and in the overall global war on terror, and it is also known, that we did not send over there humvees that were armored because that was not something that was anticipated was the IEDs. As they began to materialize and manifest themselves, this Nation and our military and all branches of the services that were exposed, they aggressively moved down the path of armoring our equipment.

As I was there, I saw the retrofitting of humvees, the retrofitting of trucks, the retrofitting of the equipment that was going out on to the streets and the roads of Iraq. Given the nature of the logistics of the difficulty, I saw people that mobilized, put their equipment in shape, and it was not very long before nothing that went outside the wire was left unarmored.

So the argument that we did not have enough bulletproof vests or we did not have enough armor, that is true early in the war. It is not true today, and we have provided resource after resource to our people in the Middle East and our people in this global war on terror.

It needs to be noted, Mr. Speaker, that Secretary of Defense Rumsfeld has been in the front of this. They have done everything they can to accelerate the development, the manufacturing, the delivery and I will say the installation of the armor on our humvees, on our mobile vehicles and the bulletproof vests and the equipment for our military. There has never been a military in history that was so well-armored as our military, Mr. Speaker, and I do think it does a disservice to the efforts of all to bring up the issue and make the allegation that that is not enough over there.

Those would be isolated cases, if they are anything, but isolated. I would hope that that information comes to me so I can look into it with my colleagues who just left the floor. I wish they were here to respond to that, Mr. Speaker.

But I came here to talk about the issue that the President has raised today when he made his trip down to the southwest border, the Arizona-Mexico border, Mr. Speaker. Air Force One left Andrews Air Force Base early this morning, headed out along that way, landed and they did some stops along the southwest border of Arizona and Mexico and then turn around, came back here into Washington, D.C.

I have got a clip here from ABC News that says, Bush says border fencing makes sense, Mr. Speaker, and I have made that statement for a long time. I will contend that it does make sense. It makes a lot of sense, and I am here, Mr. Speaker, to endorse that statement and that philosophy. I may want a little bit more fence and I may want it a little more solid than the President wants, but philosophically, we are in key on this border fence.

A week ago, last weekend, so about 10, 11 days ago, I spent 4 days on the ground on the border between Arizona and Mexico. I did not go on a formal CODEL. I did not go on a formal, appointed trip. I went down there on an unannounced trip because even though I appreciate the hospitality that comes from the border patrol and the National Guard and the other entities down there that are defending our border and the work that they do and the way that they have welcomed me and given me the guided tour in the past times I have been down on the border, this time I chose to go down on the border in a less announced fashion, less formal fashion, to be able to go in and simply show up at our ports of entry, show up at our border patrol operations and be there to see simultaneously, and I will say spontaneously, what is going on.

This last trip I learned more down there than I have any previous trip, and the reasons are because it was essentially a surprise trip, a spontaneous trip down to the border. I have spoken about this on the floor in the past, Mr. Speaker, but I just quickly reiterate that in my time there I went to a place down on the border at Naco, Arizona. There they used to have illegal traffic where vehicles just drove across the border because there was no barrier. Sometimes they would be hauling illegals, sometimes they would be hauling illegal drugs, and sometimes they would be hauling illegal drugs and illegals into the United States.

The violence down there was getting to be intolerable, and the traffic was essentially relentless. They finally built a fence, Mr. Speaker, and I will call it a wall. It is a steel one, with corrugated, heavy duty steel with horizontal corrugations in it. Once that fence went in place, it cut down on a fair amount of illegal traffic. From the links of the fence that was built high enough that people cannot climb over it, with a screen to extend it above and solid enough down into the ground that I will say I did not see any signs that anyone had gone underneath it, extended from there on were vehicle barriers that would keep vehicles from driving across the border but would not keep a human being from walking underneath the vehicle barrier and coming into the United States. After a mile or two of that, it simply went off into a fence, and then some places there was not even a fence and not even a marker that one could tell exactly where the border was.

But it was an improvement, Mr. Speaker, and I saw where people had crossed the border there, and it is a consistent process. There are tracks that go continually. You do not have to be, I will say, a guide or a hunter to be able to see that, and I am a hunter, but it is easy enough to go along that border and pick the places where they are coming through the fence, crossing the border, doing so without much impediment and doing so with impunity, Mr. Speaker, at that location at Naco, Arizona.

And then I moved along and went on down to the Tohona O'odham Reservation, and while I was there, there was a drug smuggler that had been stopped by them. Underneath a box in the false bed of a pick-up, there was 18 bails of marijuana, roughly 10 pounds or a little more per bail, at least 180 pounds of marijuana hidden underneath the bed of that pick-up truck. It was pretty good body work that was done on the south side of the border for the marijuana that came in from there into the north side of the border. So I was there to see that apprehension and the confiscation of those drugs, which I hope end up in a prosecution and conviction of the person, whom I believe is guilty.

That individual had tattoos from his waist up to his neck. He had a 13 tattooed inside his arm. I am pretty sure it was an indication he was MS-13, Mara Salvatrucha 13, the most violent and dangerous gang that has been known in the Western hemisphere.

This individual was hauling marijuana into the United States, and they told me that, even though they had caught him, perhaps he was a decoy with 180 to 200 pounds of marijuana that they had sacrificed in order to run a larger load through when everyone converged on him.

There are mountains down there that have lookouts on the mountains and two men per lookout with infrared optics and for the daytime, high quality, clear, daytime optics and automatic weapons, AK-47s, well-supplied, solar panels to recharge their radios, their radios that send out encrypted audio so they can talk to each other and we cannot listen to them, but they have scanners so they can listen to us, Mr. Speaker. That is going on where they observe all of the travel routes along the entire border. Anyplace they want to smuggle drugs, they know where the border patrol is, where the law enforcement officers are, and they are able to talk from hilltop to hilltop, mountaintop to mountaintop, line of sight to line of sight, and be able to communicate with their entire network and operation. There are at least 45 mountaintops covering that whole area.

That is the kind of position that would be taken if there were a military invasion, Mr. Speaker. They are taking it in order to control transportation routes so that they can run their drugs up into the United States.

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And the drugs that come into the United States from the southern border are, according to our Federal Government's announcement, 90 percent of the illegal drugs in America come across our southern border with Mexico. Ninety percent, Mr. Speaker, at a value of $60 billion a year. That is $60 billion, with a B, a year in illegal drugs coming across into the United States from our southern border. Those are illegal drugs brought in here by illegal entries and drug smugglers.

But just the illegals seeking entry into the United States, in 2004, the Border Patrol stopped 1,159,000. Turned them back, to use the President's phrase. For 2005, that calculates out to be 1,188,000 turned back across the southern border into Mexico. Something like 155,000 other than Mexicans came into the United States, many of those, in the past, have been caught and released. We are working to change that policy. We haven't succeeded totally in changing that policy, but I do believe we have a real commitment to eliminating the catch and release policy with the OTMs, the "other than Mexicans."

Many of the Mexicans that are caught, and 80 to 85 percent of the illegal entries into the United States across our southern border are Mexicans, those 80 to 85 percent, when they are caught, they are, I will say, presumably and likely, and I hope 100 percent of them are, at least fingerprinted, photographed, identified and then they are put on a bus, taken to a port of entry where they are let out of the bus and they walk back through the turnstile, so to speak, back into Mexico. Sometimes we transport them further down south, closer to where their home territory is, in hopes that they won't be back quite so quickly.

I have asked the Border Patrol to produce the numbers for me so we can crunch the database and find out of that 1,188,000 how many of them had crossed the border before. How many times are we catching them, sending them back, releasing them into their own country and then catching them again. At least 30 percent of that, according to the Border Patrol, are people that have been caught before. So that is 30 percent of the 1,188,000 were caught at least twice in the same year. So we really haven't turned back 1,188,000. We have turned back 70 percent of 1,188,000, but the other 30 percent we have done so twice, and perhaps some of them more than that.

More details to come as the days and weeks unfold, Mr. Speaker, and as I seek to pry into this information and bring a better perspective to the American people.

President Bush says border fencing makes sense. I say border fencing makes sense. In the time we have between now and the end of this period, I want to demonstrate how much sense one can make with a border fence; but I first want to allude to a study that was done by a Robert Rector at the Heritage Foundation who, for weeks, has been poring through statistics in trying to understand what the bills before the United States Senate really say and what they mean and how many people that might be that could be granted amnesty according to the Hagel-Martinez bill that was being debated before the United States Senate today.

That study came out, on Monday it was released, and it had a low of not 11 million, not 12 million, but the low was 103 million people legalized into the United States under Hagel-Martinez. That was the low. The high, if you presume the 20 percent growth and guest worker that was essentially uncapped, that would take it to 193 million. Well, there is a Bingaman and Feingold amendment that capped the guest workers, took the 325,000 annual cap down to 200,000. Then, when I apply that math to this spreadsheet, I come up with a number, Mr. Speaker, of 66,100,000 that would be legalized to bring into the United States, even after the Bingaman-Feingold amendment. That is 66,100,000.

That is if you assume that those that come into the United States would, by the chain migration rule, where they can bring in their spouse and their children, and when they access citizenship they can bring in their parents, their spouse, their children, and their siblings, that each one of them would only bring in 1.2 people. So I don't know anyone that would only have 1.2 or that small a number they would want to bring into the United States. I presume that number would be significantly larger than that.

So we checked with the USCIS, the United States Citizenship Immigration Services, and these are the people that speak for the President. Their number was not 1.2 for every legalized amnestied alien that would be given a path to citizenship here in the United States. Their number was four people for every one. So I plugged that into the spreadsheet, Mr. Speaker, and this 66,100,000 became 88 million and a little more. That is 88 million people with the legislation in the United States Senate today.

We are debating this subject as if it were 11 million or 12 million people that would be given amnesty and legalized, and we are really in that number somewhere between 66 million and 88 million, and perhaps more. Now, I submit this question, the question that is seldom asked and not very often answered by those who are for a guest worker plan: American people, is there such a thing as too much immigration? Is there such a thing as too much?

And the follow-up question is: If there is, then how much is too much? Is 11 million too much, or 5 million, or 1 million, or 12 million, or 13 million, or 20 million, or 66 million, or 88 million, or 103 million? How many are too many?

How many of them will fundamentally forever alter the United States and put a burden on our services that we can never recover from? What is that number? How many does it take before they can no longer be assimilated, Mr. Speaker?

Those are legitimate questions that need to be asked and answered, and I would submit those questions to the President of the United States. He is leading this debate, and he has an obligation to stand up before the American people and answer some questions.

Mr. President, how much is too much? Is there such a thing as too much? And if the answer is yes, then how much is too much? How many are too many? Please give us a number. And, Mr. President, how many do you think are granted a path to citizenship and permanent residency in the United States under Hagel-Martinez? How many do you think, Mr. President?

I believe that number is at least 66 million. My number is 66.1 million; and I would submit that if one would go back to 1789 and the ratification of the Constitution, the earliest records we have, and actually the earliest solid records we have are in 1820, and add up every single person that has been brought into the United States legally, through Ellis Island and through shipping manifests and every way we can add those up, the records and the data that are available today, totaling from 1820, when the first records begin, up until 2000, when my last records are available, that number, Mr. Speaker, in all the history of America, is 66,100,000 total allowed into the United States under an immigration policy. Hagel-Martinez matches the total for the history of America almost exactly, a minimum of 66,100,000.

Now, Mr. Speaker, how do we stop this? How do we seal up our border? And I have submitted many times that we need to seal the border, end birthright citizenship, shut off the jobs magnet, and apply attrition. So that when people can no longer get jobs in the United States because employers will have to pay sanctions, then they will decide they will go back home. When they do that, many of them will go back home with an American education and a new free enterprise ideal, and they will be able to help their home country grow. Mexico needs it.

It is a crying shame what is going on down there. The levels of corruption and the inability of a government to provide a functioning society in the midst of all the natural resources they have is a crying shame. But we can't fix it by taking on the poverty of the world. We cannot export American values, and we will not be able to maintain them unless we can seal our border.

And, Mr. Speaker, I will submit that it is not that hard to do. The President asked for another $1.9 billion for our southern border. Now, no one is saying what we are already spending on that southern border, but I can tell you it is more than $6 billion spent on our southern border. So the President has asked for another $1.9 billion. That will take us to more than $8 billion. That is $8 billion for less than 2,000 miles, which is easily $4 million a mile.

Now, how many Americans couldn't take on a mile of that border and guarantee nobody is going to get across it if we just paid them $4 million? I will submit what I would do. I would take this desert that I have here, this cardboard box is essentially a desert, and I would build a wall, a concrete wall. I would go in here and, Mr. Speaker, this gap in here represents a trench that I would dig down right along about 100 feet north of our border so that we had some room to work on both sides of it, and we could put a fence right on the border.

This would represent the desert. I would dig the trench, and then I would slip form and pour a concrete footing. And this example would be this, about 4 feet, or we could go 6 feet deep easily, and about 2 feet on either side of the wall a notch that can receive precast concrete panels. I would slip form that and I would dig the trench, and I would pour this concrete right in here, right behind my machine.

And here would stand, then, the foundation for a precast concrete wall. A very simple project to go through. Once this is established in this location, then we bring in the precast concrete panels. And these precast concrete panels look like this. They are 12 feet high, 10 feet wide, and they way 9,000 pounds each. You pick them up with a crane and set them here in this foundation.

Just this simple, Mr. Speaker. Install it like an erector set. You put these panels together. I have spent my life in the construction business, and I can tell you that it is not that hard to do. Except I have to have the rings on top so I can put the wire up there. They go together this simply, Mr. Speaker. Not quite this fast, but pretty quickly. And I can tell you that the small crews we have had in my construction business could build a mile of this a day easily. You can add a lot more manpower and a lot more machines to move this a lot more quickly.

But as you can see, I would build a wall that is 12 feet high, and these are 10 foot wide panels. It has a footing underneath it that is 4 feet deep. We can go 6 feet deep cheaply and easily. And we can put on top of it then a nice little, it might be too hard to do here, but we can put our wire on top of this wall. I have a little bit of wire, but it is a little too hard to put together here. Maybe another time I will string this along and set it on top to demonstrate what that looks like.

We can also, with a wall like this, we can put on infrared cameras, we can put on vibration sensors, we can put on motion sensors; but what it does is it makes it very difficult to cross this wall. It makes it difficult to dig underneath, it is difficult to climb over the top, and it slows people down. It is a barrier that causes them to go somewhere else, Mr. Speaker.

Now, this might seem like it is pretty expensive, but the administration has submitted a request that will take us up to $4 million a mile, $8 billion for 2,000 miles of wall, and I can build this for less than $500,000 a mile. The administration proposes to spend enough money that we could pave an interstate, four lanes down through there at least every year, maybe even twice a year, the full length of the border for the cost that we are spending to have people driving around in Humvees, sitting on ridge tops and trying to chase people down that are pouring across a border that is 2,000 miles long.

And it gets dark down there in the night, like it does anywhere, and that is when the activity begins. That is when the illegal smugglers start to move. That is when the illegals come in and the illegal drugs come in. They don't come through a barrier like this very easily, Mr. Speaker. With $500,000 a mile, which would be $1 billion for the entire span from San Diego to Brownsville.

That is one out of every $8 we would spend on our southern border to build this kind of a barrier that I will submit will stop 90 percent of the traffic. And we could even go further and we could put out an RFP and let the private sector bid these miles for security. It is that easy and that simple, and we are dug into an idea that we are going to continue to hire more personnel, grow the size of the Border Patrol, and put our military on the border.

And I will support all those things, if that is the best we have to work with. But this makes far more sense. We can cut the number of Border Patrol we are using now on the border, and we can increase the efficiency of our enforcement. And this wall is an easy wall to dismantle as well. We can take it down just about as easily as we can put it together. In fact, maybe a little more easily.

What it says to Mexico is, you haven't been taking care of your people. You haven't taken care of your government. You have a corrupt form of government. Clean up your act. Clean up your act so people will stay in Mexico, and so they want to go to Mexico. Mr. Fox, fix your country so we can tear down this wall.

With that, Mr. Speaker, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

Mr. LEACH (at the request of Mr. BOEHNER) for today on account of giving a commencement address in his district.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. FLAKE (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. FRANKS of Arizona (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. HAYWORTH (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

Mr. KOLBE (at the request of Mr. BOEHNER) for today on account of traveling with the President of the United States to Arizona.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. SCHWARTZ of Pennsylvania, for 5 minutes, today.

The following Members (at the request of Mr. SHAYS) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Friday, May 19, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7576. A communication from the President of the United States, transmitting requests for FY 2006 supplemental appropriations for the Departments of Defense, Justice, and Homeland Security; (H. Doc. No. 109-111); to the Committee on Appropriations and ordered to be printed.

7577. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Competition Requirements for Federal Supply Schedules and Multiple Award Contracts [DFARS

Case 2004-D009] received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7578. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Transition of Weapons-Related Prototype Projects to Follow-On Contracts [DFARS Case 2003-D106] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7579. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Prohibition of Foreign Taxation on U.S. Assistance Programs [DFARS Case 2004-D012] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7580. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Chemical Weapons Convention Regulations [Docket No. 990611158-5327-06] (RIN: 0694-AB06) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7581. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Labor Laws [DFARS Case 2003-D019] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7582. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Incremental Funding of Fixed-Price Contracts [DFARS Case 1990-037] received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7583. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Global Terrorism Sanctions Regulations; Terrorism Sanctions Regulations; Foreign Terrorist Organizations Sanctions Regulations—received May 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7584. A letter from the Paralegal, FTA, Department of Transportation, transmitting the Department's final rule — Buy America Requirements; Amendment to Definitions [Docket No. FTA-2005-23082] (RIN: 2132-AA80) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7585. A letter from the Attorney, PHMSA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revisions to Civil and Criminal Penalties; Penalty Guidelines [Docket No. PHMSA-05-22461] (RIN: 2137-AE14) received March 24, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7586. A letter from the Chief, Europe Division, Office of International Aviation, OST, Department of Transportation, transmitting the Department's final rule — Certain Business Aviation Activities Using U.S.-Registered Foreign Civil Aircraft [Docket No. OST-2003-15511] (RIN: 2105-AD39) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7587. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30489; Amdt. No. 3162] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEWIS of California: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2007 (Rept. 109–471). Referred to the Committee of the Whole House on the State of the Union.

Mr. GINGREY: Committee on Rules. House Resolution 821. Resolution providing for consideration of the bill (H.R. 5385) making appropriations for the military quality of life functions of the Department of Defense, Military Construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (Repot. 109–472). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMAS:

H.R. 5416. A bill to provide for grants to conduct research toward the development of a vaccine against Valley Fever; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. BOUCHER, and Ms. ZOE LOFGREN of California):

H.R. 5417. A bill to amend the Clayton Act with respect to competitive and nondiscriminatory access to the Internet; to the Committee on the Judiciary.

By Mr. ISSA (for himself and Mr. SCHIFF):

H.R. 5418. A bill to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5419. A bill to direct the Architect of the Capitol to fly the flag of a State over the Capitol each year on the anniversary of the date of the State's admission to the Union; to the Committee on House Administration.

By Mr. CARNAHAN (for himself, Mr. RANGEL, Mr. SOUDER, Mrs. JONES of Ohio, Ms. CARSON, Mr. CLAY, Mr. CLEAVER, Mr. GORDON, Ms. HARRIS, Mr. HOLT, Mr. JENKINS, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MICHAUD, Mr. MOORE of Kansas, Mr. NADLER, Mr. PAYNE, Mr. ROTHMAN, and Mr. SKELTON):

H.R. 5420. A bill to amend the Internal Revenue Code of 1986 to expand the incentives for the rehabilitation of older buildings, including owner-occupied residences; to the Committee on Ways and Means.

By Mr. PETERSON of Minnesota (for himself, Mr. LATHAM, and Mr. MARSHALL):

H.R. 5421. A bill to amend the Internal Revenue Code of 1986 to restore the estate tax and repeal the carryover basis rule, to increase the estate and gift tax unified credit to an exclusion equivalent of $5,000,000, and to reduce the rate of the estate and gifts taxes to the generally applicable capital gains income tax rate; to the Committee on Ways and Means.

By Mr. SENSENBRENNER (for himself, Mr. GREEN of Wisconsin, Mr. CANNON, Mr. CHABOT, and Mr. GOODLATTE):

H.R. 5422. A bill to amend the Internet Tax Freedom Act to make permanent the moratorium on taxes on internet access and on multiple and discriminatory taxes on electronic commerce; to the Committee on the Judiciary.

By Mr. SERRANO (for himself, Mr. CROWLEY, Mr. HINCHEY, Mr. ISRAEL, Mrs. MALONEY, and Mr. OWENS):

H.R. 5423. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Oak Point and North Brother Island in the Bronx in the State of New York as a unit of the National Park System; to the Committee on Resources.

By Mr. SOUDER (for himself and Mr. PITTS):

H.R. 5424. A bill to allow certain existing retirement plans maintained by churches to continue to provide annuities directly to participants rather than through an insurance company; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. FORTENBERRY, and Mr. OSBORNE):

H.R. 5425. A bill to amend the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Transportation and Infrastructure.

By Mr. SHERMAN:

H. Res. 820. A resolution expressing support for the celebration of "Human Rights Day" and "Human Rights Week"; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. OBERSTAR, Mr. SABO, Mr. MCGOVERN, Mr. PAYNE, Mr. MORAN of Virginia, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, and Mr. ABERCROMBIE):

H. Res. 822. A resolution promoting local peace building efforts in Colombia and recognizing the courageous efforts of Colombian civil society and churches to establish peace communities, advance non-violent conflict resolution, and advocate for human dignity; to the Committee on International Relations.

ADITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. BISHOP of New York.

H.R. 111: Mr. KING of Iowa.

H.R. 303: Mr. SHIMKUS.

H.R. 475: Ms VELÁZQUEZ.

H.R. 515: Mr. CLAY.

H.R. 602: Mr. CAPUANO.

H.R. 663: Ms. MCKINNEY.

H.R. 699: Mr. WHITFIELD.

H.R. 783: Mr. JONES of North Carolina and Mr. PLATTS.

H.R. 824: Ms. McKinney.

H.R. 838: Mr. Holt.

H.R. 865: Mr. Price of North Carolina and Mr. Jefferson.

H.R. 877: Mr. Gary G. Miller of California.

H.R. 881: Mr. Calvert.

H.R. 1018: Mrs. Maloney.

H.R. 1131: Mr. Barrow.

H.R. 1227: Mr. Feeney, Ms. Herseth, Mr. Marchant, Mr. Fattah, Mr. Cole of Oklahoma, and Mr. Markey.

H.R. 1264: Mr. Stupak, Mr. Fortenberry, Mr. Cummings, and Mr. Moran of Kansas.

H.R. 1298: Mr. Boozman.

H.R. 1345: Mr. Case.

H.R. 1351: Mr. Miller of Michigan.

H.R. 1370: Mr. Shadegg.

H.R. 1384: Mr. Sodrel.

H.R. 1432: Ms. McKinney.

H.R. 1433: Ms. McKinney.

H.R. 1434: Ms. McKinney.

H.R. 1494: Mr. Jindal and Mrs. Miller of Michigan.

H.R. 1498: Ms. Carson.

H.R. 1545: Mr. Clyburn.

H.R. 1634: Mrs. Jo Ann Davis of Virginia, Mr. Kirk, Mr. Jones of North Carolina, Mrs. Biggert, and Mr. McCaul of Texas.

H.R. 1709: Mrs. Jones of Ohio and Mr. Langevin.

H.R. 1773: Mr. Boswell.

H.R. 1792: Ms. Jackson-Lee of Texas.

H.R. 1806: Mrs. McCarthy.

H.R. 1816: Mr. Goodlatte.

H.R. 2014: Mrs. Jo Ann Davis of Virginia and Mr. Kuhl of New York.

H.R. 2037: Mr. Pastor.

H.R. 2047: Mr. Green of Wisconsin.

H.R. 2089: Mrs. Capito and Mrs. Myrick.

H.R. 2177: Mr. Shays.

H.R. 2178: Ms. Solis and Mr. Pomeroy.

H.R. 2231: Mr. Hayworth, Mr. Udall of New Mexico, Ms. Hart, Mr. George Miller of California, and Mr. Sherwood.

H.R. 2239: Mr. Hayworth.

H.R. 2305: Mrs. McCarthy.

H.R. 2306: Mr. Boswell.

H.R. 2317: Ms. Schakowsky.

H.R. 2429: Ms. Harman.

H.R. 2488: Mr. Hulshof.

H.R. 2736: Mrs. McCarthy.

H.R. 3019: Ms. Hart.

H.R. 3080: Mrs. Bono.

H.R. 3082: Mrs. Davis of California.

H.R. 3255: Mr. Neugebauer.

H.R. 3279: Mr. Boswell.

H.R. 3318: Mr. Lewis of Kentucky.

H.R. 3326: Ms. Berkley.

H.R. 3352: Mr. Burton of Indiana.

H.R. 3358: Mr. Young of Florida.

H.R. 3373: Mr. Brown of Ohio.

H.R. 3385: Ms. Hart and Mr. Kline.

H.R. 3476: Mr. Gordon and Mr. Terry.

H.R. 3478: Mrs. Myrick.

H.R. 3479: Mr. Clyburn.

H.R. 3540: Mr. Van Hollen.

H.R. 3628: Mr. Udall of New Mexico.

H.R. 3781: Mr. Wexler.

H.R. 3858: Mrs. Schmidt and Mr. Clay.

H.R. 3875: Mr. McCaul of Texas and Mr. Baird.

H.R. 4033: Mr. Hoekstra, Mr. Nadler, Mr. Tom Davis of Virginia, Mr. Davis of Alabama, Mrs. Jo Ann Davis of Virginia, Mr. Farr, Mr. Hayworth, Mr. Ramstad, Mr. Pickering, Ms. Corrine Brown of Florida, Mr. Clay, Mr. Taylor of Mississippi, Mr. Bishop of New York, Mr. Rothman, Mr. Kind, Mr. Walsh, Mr. Smith of New Jersey, Mr. Costello, Ms. Woolsey, Mr. Hinojosa, Mr. Oberstar, Mr. Chandler, Mr. Strickland, Mr. Boswell, Mr. Sherwood, Mr. Ford, and Mr. Neal of Massachusetts.

H.R. 4158: Mr. McIntyre.

H.R. 4236: Mrs. Cubin.

H.R. 4239: Mr. Peterson of Minnesota.

H.R. 4282: Mr. Bilirakis and Mr. Hostettler.

H.R. 4325: Mr. Moran of Virginia, Mr. Gordon, Mrs. Biggert, and Mr. McCotter.

H.R. 4341: Mr. Rogers of Michigan, Mr. Simmons, Mr. Etheridge, Mr. Terry, Mr. Bachus, and Mr. Akin.

H.R. 4347: Mr. Davis of Alabama.

H.R. 4366: Mr. Davis of Florida.

H.R. 4384: Mr. McNulty and Mr. Larsen of Washington.

H.R. 4409: Mr. Scott of Georgia, Ms. McCollum of Minnesota, and Mr. Smith of Texas.

H.R. 4450: Mr. Tancredo.

H.R. 4542: Mr. Hayes.

H.R. 4560: Mr. Ford and Mr. Rogers of Kentucky.

H.R. 4562: Mr. Clay, Ms. Woolsey, Mr. McIntyre, Mr. Baird, Mr. Clyburn, Mr. Dicks, Mr. Emanuel, Ms. Eshoo, Mr. Holt, Mr. Israel, Ms. Eddie Bernice Johnson of Texas, Mr. Markey, Mr. Meeks of New York, Mrs. Jones of Ohio, Ms. Norton, Mr. Pallone, Ms. Schakowsky, Mr. Sherman, Ms. Millender-McDonald, and Mr. LaHood.

H.R. 4710: Mr. Clay and Mrs. Biggert.

H.R. 4761: Mr. Boozman.

H.R. 4772: Mrs. Myrick.

H.R. 4774: Ms. McKinney.

H.R. 4843: Ms. Zoe Lofgren of California.

H.R. 4856: Mr. Peterson of Minnesota.

H.R. 4867: Mr. Jefferson and Mr. Meek of Florida.

H.R. 4873: Mr. Hayworth and Mr. Terry.

H.R. 4894: Mr. Boehlert and Mr. Pearce.

H.R. 4897: Mr. Sanders.

H.R. 4946: Mr. Mario Diaz-Balart of Florida.

H.R. 4963: Mr. Hyde.

H.R. 4974: Mr. Pallone and Mr. Tom Davis of Virginia.

H.R. 4982: Mr. Schiff and Mr. Barrow.

H.R. 5017: Mr. Meehan and Mr. McGovern.

H.R. 5053: Mr. Chandler, Mr. Moore of Kansas, Mr. Goodlatte, and Mr. Lewis of Kentuky.

H.R. 5091: Mr. Meek of Florida, Mr. Snyder, Mr. Conyers, Mr. Rangel, Mr. Oberstar, Ms. Kilpatrick of Michigan, Mr. Owens, Mrs. Christensen, Ms. Corrine Brown of Florida, Mr. Davis of Florida, Mr. Hastings of Florida, Ms. Waters, Mr. Kucinich, Mr. Foley, and Ms. Zoe Lofgren of California.

H.R. 5113: Mr. Cummings and Mr. Olver.

H.R. 5126: Mrs. Cubin.

H.R. 5141: Mr. Moore of Kansas.

H.R. 5150: Ms. Pelosi, Mr. Honda, Mrs. Maloney, Mr. Meek of Florida, Mr. Cleaver, Mr. Hinojosa, and Ms. DeLauro.

H.R. 5159: Ms. Baldwin, Ms. Zoe Lofgren of California, and Mr. Porter.

H.R. 5182: Mr. Whitfield, Mr. Filner, Mr. Leach, Mr. Schiff, and Mrs. Jo Ann Davis of Virginia.

H.R. 5185: Mr. Abercrombie, Ms. Watson, and Ms. Zoe Lofgren of California.

H.R. 5188: Mr. Gene Green of Texas and Ms. Hart.

H.R. 5200: Mr. Ruppersberger, Mr. Bass, Mr. Gerlach, and Mr. Calvert.

H.R. 5201: Mr. Crowley, Mr. Saxton, Mr. George Miller of California, Mr. Filner, Mr. Kuhl of New York, Mr. Blumenauer, Mr. Evans, and Mr. Udall of New Mexico.

H.R. 5202: Mr. Boswell.

H.R. 5209: Mr. Wexler.

H.R. 5212: Mr. Baird, Ms. McCollum of Minnesota, and Mr. Baca.

H.R. 5223: Mr. Doggett.

H.R. 5225: Mr. Wexler and Mr. Kucinich.

H.R. 5249: Mr. Schwarz of Michigan.

H.R. 5255: Mr. Carter.

H.R. 5262: Mr. Miller of Florida and Mr. English of Pennsylvania.

H.R. 5273: Mr. Capps and Mr. Stark.

H.R. 5290: Mr. Waxman.

H.R. 5291: Mr. Pearce.

H.R. 5314: Mr. Fossella, Mr. Weldon of Pennsylvania, Mr. Sessions, Mr. Paul, Ms. Ginny Brown-Waite of Florida, Mr. Jindal, Mr. McCotter, Mr. Pearce, and Mr. Miller of Florida.

H.R. 5316: Mr. Keller, Mr. Moran of Kansas, Mr. Michaud, and Mr. Gerlach.

H.R. 5319: Mr. Poe.

H.R. 5333: Mr. Calvert, Mr. Chandler, and Mr. Bachus.

H.R. 5344: Mr. Conyers.

H.R. 5346: Mr. Bishop of Georgia and Mr. Goode.

H.R. 5348: Mr. Farr and Ms. Zoe Lofgren of California.

H.R. 5353: Mr. Terry.

H.R. 5362: Ms. Solis.

H.R. 5367: Mr. Davis of Alabama and Mr. McGovern.

H.R. 5371: Mr. Towns, Mr. Serrano, Mr. Case, Mr. Brady of Pennsylvania, Mr. Lantos, Mr. Brown of Ohio, Ms. McCollum of Minnesota, Mr. George Miller of California, Mrs. Maloney, Mr. Ackerman, Mr. Waxman, Mr. Kucinich, Mr. Abercrombie, Mr. McDermott, Mr. Owens, Mr. Neal of Massachusetts, and Mr. Farr.

H.R. 5382: Mr. McNulty.

H.R. 5388: Mr. Renzi and Mr. Ruppersberger.

H.R. 5399: Mr. Saxton.

H.R. 5403: Mr. Sam Johnson of Texas.

H. Con. Res. 346: Mr. Ortiz.

H. Con. Res. 347: Mr. Capuano.

H. Con. Res. 393: Ms. Kilpatrick of Michigan, Mr. Owens, Mr. Meeks of New York, Mr. Davis of Illinois, and Mr. Bishop of Georgia.

H. Con. Res. 400: Mr. Boozman and Mr. Kennedy of Minnesota.

H. Con. Res. 401 Mr. Meek of Florida, Mrs. Jones of Ohio, Mr. Crowley, Mr. Becerra, Mr. Salazar, Ms. Lee, Mr. Jackson of Illinois, Mr. Honda, Mr. Ortiz, Mr. Gonzalez, Mr. Pallone, Ms. Zoe Lofgren of California, Ms. Moore of Wisconsin, Mr. Ackerman, Mr. Israel, Mr. Weiner, Mr. Cannon, Mr. Cardoza, Mr. Issa, Ms. Bean, Mr. Ruppersberger, Ms. Wasserman Schultz, Ms. Solis, Mr. Ramstad, Mr. Udall of Colorado, Mr. Chandler, Mr. Matheson, Mr. DeFazio, Ms. Roybal-Allard, Mr. Sanders, Mr. Miller of North Carolina, Mr. Pastor, Mrs. Capps, Mr. Cuellar, Ms. Linda T. Sánchez of California, Mr. Inslee, Mr. Spratt, Mr. Case, Mr. Davis of Illinois, Mr. Andrews, Mr. Holt, Ms. Berkley, Ms. Woolsey, Ms. Hooley, Ms. Matsui, Ms. Slaughter, Mr. George Miller of California, Mr. Lantos, Mr. Blumenauer, Ms. Watson, Ms. Eddie Bernice Johnson of Texas, Ms. Loretta Sanchez of Calfornia, Mr. Kildee, Mr. Michaud, Ms. Kilpatrick of Michigan, Ms. Corrine Brown of Florida, Mr. Langevin, Mr. Snyder, Ms. DeLauro, Mr. Hastings of Florida, Mr. Serrano, Mr. Butterfield, Mr. Cleaver, Mr. Bishop of Georgia, Mr. Tierney, Mr. Kuhl of New York, Ms. McCollum of Minnesota, and Mr. Meehan.

H. Res. 78: Mr. Strickland.

H. Res. 466: Mr. Cardin.

H. Res. 498: Mr. Etheridge, Mr. Smith of Washington, Mr. Boyd, Mrs. Johnson of Connecticut, Mr. McHugh, and Mr. Wamp.

H. Res. 507: Mr. Oberstar.

H. Res. 723: Mr. Miller of North Carolina.

H. Res. 727: Ms. Schakowsky.

H. Res. 729: Mr. Manzullo.

H. Res. 760: Mrs. MILLER of Michigan, and Mr. MCCOTTER.

H. Res. 765: Mr. WEXLER and Mr. FITZPATRICK of Pennsylvania.

H. Res. 790: Mr. TOWNS and Mrs. SCHMIDT.

H. Res. 792: Mrs. NAPOLITANO, Mr. JEFFERSON, Mr. CROWLEY, Mr. WEXLER, Mr. FATTAH, and Mr. LANTOS.

H. Res. 812: Mr. RANGEL and Mr. JEFFERSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5386

OFFERED BY MR. DENT

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following:TITLE VI—A

TITLE VI—ADDITIONAL GENERAL PROVISIONS

SEC. 601. None of the funds made available in this Act may be used to implement, administer, or enforce section 20(b)(1) of the Indian Gaming Regulatory Act (25 U.S.C. 2719(b)(1)).

H.R. 5386

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 13: At the end of the bill (before the short title) insert the following:

SEC. _. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

EXTENSIONS OF REMARKS

RECOGNIZING LEROY AND BARBARA SHATTO

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Leroy and Barbara Shatto of Osborn, Missouri. They are the owners of Shatto Farms Milk Company, a family owned and operated business in Northern Missouri. Recently, Leroy was selected as the 2006 Missouri Small Business Person of the Year by the United States Small Business Administration.

Through hard work and the assistance of a Small Business Administration loan, the Shatto family has developed a very successful business. The Shatto Farms Milk Company produces "pure" milk with no added hormones, in a variety of flavors. The milk has grown quickly in popularity and is available in local grocery stores in Missouri and Kansas.

Mr. Speaker, I proudly ask you to join me in recognizing Leroy and Barbara Shatto. Their entrepreneurial spirit and innovation in milk production are remarkable. I commend them for the achievement and I am honored to represent them in the United States Congress.

IN HONOR OF BOB GRIES RECIPIENT OF THE CLEVELAND SPEECH AND HEARING CENTER'S INAUGURAL DANIEL D. DAUBY AWARD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Bob Gries, upon being named the recipient of the 2006 Daniel D. Dauby Award, presented annually by the Cleveland Hearing and Speech Center of Cleveland, Ohio.

Since the 1930s, Mr. Gries and his family have been unwavering champions of support and advocacy for individuals and families who are impacted by hearing, speech and deafness issues. His leadership and volunteerism is evidenced throughout our Cleveland community, especially in the outstanding programs, services and awareness campaigns that originate from the Cleveland Hearing and Speech Center.

The Gries and Dauby families are connected not only by bloodline, but also by their collective sense of commitment to community involvement. Daniel Dauby, for whom the award is named, was born deaf. His father was Nathan L. Dauby, general manager for the former downtown May Company Department Store, a position he held for nearly 50 years. Mr. Gries is the nephew of Daniel Dauby, and his work serves to keep Daniel's legacy alive and relevant to the thousands of individuals whose challenging world is filled with hope, joy and the potential to soar far above the walls of silence.

Mr. Speaker and Colleagues, please join me in honor, recognition and gratitude of Mr. Bob Gries, up in being named the Daniel D. Dauby Award recipient. Mr. Gries' unwavering commitment and volunteerism, focused on advancing the services and programs offered at the Cleveland Speech and Hearing Center, continues to have a profound and positive impact on the lives of children, adults and their families who face daily challenges in a hearing world, giving them the practical resources to dream, achieve and succeed. I wish Mr. Gries and his entire family an abundance of health, peace and happiness, today and always.

IN RECOGNITION OF THE WOMEN'S CITY CLUB OF NEW YORK ON THE OCCASION OF ITS 90TH ANNIVERSARY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Women's City Club of New York, a non-partisan, non-profit civic association that shapes public policy through teaching, advocacy and citizen engagement. This august institution is celebrating its 90th anniversary this month, and I salute its remarkable success in working to achieve fairness, equity and inclusion for all New Yorkers.

Since its founding in 1915 by suffragists and social reformers, the Women's City Club of New York has drawn upon the skills and qualifications of its pool of volunteers to identify, analyze and increase awareness of current and emerging trends in public policy, develop a carefully reasoned platform on key issues, and educate and empower the public at large through a variety of informational programs and publications. Its membership works in concert with advocacy and community based organizations to effect meaningful change for the better in our government! and our society.

From its origins in women's suffrage movement, Women's City Club members have honored women's hard-fought right to vote by helping the public become more informed and better educated about the political and governmental issues of the day. Throughout the long and proud history of the Women's City Club, its members have fulfilled a critical mission by helping New Yorkers understand and scrutinize all aspects of their municipal government and to become active in policy debates and the political process. The Women's City Club also achieved remarkable success in educating and enlightening elected officials, thus playing an instrumental role in shaping responsible government and public policies.

Today, Women's City Club members continue to effect change at the city, State and Federal levels. Its members informed engagement has earned the Women's City Club the respect of the government officials, opinion-makers in the news media, and civic activists of all stripes. Members of the Women's City Club of New York have rightly been dubbed reasoned citizen-advocates who know the way to City Hall.

Today, the Women's City Club is ably led by its president, Blanche E. Lawton, and its operations effectively managed by Paulette Geanacopoulos, LMSW. Through its network of committees and task forces, the Women's City Club continues to educate and inform its members and the public at large and help keep New York's municipal government a role model for cities around the Nation.

Mr. Speaker, I ask that my distinguished colleagues join me recognizing the enormous contributions to the civic life of our Nation's greatest metropolis by the Women's City Club of New York.

WOMEN IN THE IRAQ WAR: A DIFFERENT KIND OF MOTHER'S DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD an article published in the Washington Post of April 18, 2006 "Limbs Lost to Enemy Fire, Women Forge a New Reality" and to offer my heartfelt gratitude and good wishes on Mother's Day to the women serving in the United States Armed Forces who have fought in Iraq and Afghanistan and come home with life-changing physical or mental injuries. Some of these women might not be mothers themselves yet; some may never enjoy the precious gift of motherhood because of their injuries, but they all have mothers. I send the mothers of injured female troops a wish for the speedy recovery of your child and for a healing of your heart.

For the mothers of women who have died in combat I offer my humble apology and heartfelt sorrow. Your grief as a mother is more than I can ever understand but I grieve with you and for this Nation. The loss of your child, a brave woman and a blessing you delivered to this country is a loss to us all.

I wished to enter the particular article I cite above about women amputees because it is not widely enough known that the Iraq war is the first to make amputees of women in combat. The story in the Washington Post is subtitled "Women After War: The amputees."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Post features the story of Dawn Halfaker, a 26-year-old retired Army Captain, whose right arm and shoulder were ravaged by a rocket propelled grenade that exploded in her Humvee in 2004. According to the Post, she was one of the newest soldiers "To start down a path almost unknown in the United States: woman as combat amputee."

Retired Captain Halfaker underwent multiple surgeries, learned to eat on her own and write with her left hand. "She was part of a new generation of women who have lost pieces of themselves in war, experiencing the same physical trauma and psychological anguish as their male counterparts."

But there is a difference from male amputees for these women who have lost limbs in combat. They do not know how society will view them as society has never experienced female amputees. They do not know how they will view themselves. Body image is an important part of every female child, teenager and woman in this country, more so and differently than it is for men. Society knows women will starve themselves to be "thin" because a thin body is important. They undergo implants, botox injections, and plastic surgery to make sure they look like society's favorite model or celebrity. Girls in their teens are susceptible to life threatening bulimia and anorexia for fear of "getting fat."

On April 18, 2006, when the Washington Post published the story about women amputees, the numbers were "small." In 3 years of war there were only 11 female amputees. On that same date there were 350 male amputees.

Dawn Halfaker was on night patrol in Baqubah, Iraq on June 19, 2004, when her vehicle was hit. Another soldier's arm was sheared off in the same accident and went flying past her head. As the medics worked to stabilize her, she warned them not to cut off her arm. She had been a strong athlete, a basketball standout at West Point, a starting guard through 4 years of college. When she was at Walter Reed, she did not want to know what she looked like. She asked her mother to cover the mirror in her room with a towel.

One of the more shocking aspects reported by this article in the Washington Post is the following information from historian Judy Bellafaire of the Women in Military Service for America Memorial Foundation, which researches such issues. Ms. Bellafaire is quoted as saying: "We're unaware of any female amputees from previous wars." More shocking still is the report from the Post that follows: "Surprising many political observers, the fact of female casualties has produced little public reaction. Before Iraq, many assumed that the sight of women in body bags or with missing limbs would provoke a wave of public revulsion." Yet the Post quotes Charles Moskos of Northwestern University, a leading military sociologist: According to Moskos, "The country has not been concerned about female casualties." Moskos goes on to say, politically the issues of female casualties "are a no-win political issue. Conservatives fear it will undermine support for the war if they speak out about wounded women, and liberals worry they will jeopardize support for women serving in combat roles by raising the subject."

In a section of the article entitled Motherhood Redefined, the Post article tells the story of Juanita Wilson, a mother of a 6-year-old girl. Ms. Wilson returned from Iraq with her left arm in bandages and her hand gone. At first she did not want to see her daughter but would only talk to her by telephone. It was 4 weeks before Ms. Wilson would allow her husband and daughter to visit her. For this visit, she insisted the nurse help her with makeup and stow her IV in a backpack for an outing to Chuck E. Cheese. When she finally was home, she was disturbed to learn she could not make her daughter a sandwich.

My Mother's Day wish for our female troops is that you come home soon, safe and to the life you dreamed of and if you are changed, you find the political will of your country has made your return as comfortable and satisfying as possible. You deserve no less.

[From the Washington Post, Apr. 18, 2006]

Limbs Lost to Enemy Fire, Women Forge a New Reality

(By Donna St. George)

Her body had been maimed by war. Dawn Halfaker lay unconscious at Walter Reed Army Medical Center, her parents at her bedside and her future suddenly unsure. A rocket-propelled grenade had exploded in her Humvee, ravaging her arm and shoulder.

In June 2004, she became the newest soldier to start down a path almost unknown in the United States: woman as combat amputee.

It was a distinction she did not dwell on during days of intense pain and repeated surgeries or even as she struggled to eat on her own, write left-handed and use an artificial limb. But scattered among her experiences were moments when she was aware that few women before her had rethought their lives, their bodies, their choices, in this particular way.

She was part of a new generation of women who have lost pieces of themselves in war, experiencing the same physical trauma and psychological anguish as their male counterparts. But for female combat amputees has come something else: a quiet sense of wonder about how the public views them and how they will reconcile themselves.

Their numbers are small, 11 in 3 years of war, compared with more than 350 men. They are not quite a band of sisters, but more a chain of women linked by history and experience and fate—one extending herself to another who then might offer something for the next.

They have discovered, at various points of their recovery, that gender has made a difference—"not better or worse," as Halfaker put it, "just different."

For Halfaker, an athlete with a strong sense of her physical self, the world was transformed June 19, 2004, on a night patrol through Baqubah, Iraq. Out of nowhere had come the rocket-propelled grenade, exploding behind her head.

Another soldier's arm was sheared off. Blood was everywhere.

"Get us out of the kill zone!" she yelled to the Humvee driver. She was a 24-year-old first lieutenant, a platoon leader who two months earlier had led her unit in repulsing a six-hour attack on a police station in Diyala province. As medics worked to stabilize her, she warned: "You bastards better not cut my arm off."

In the hospital, there had been no other way to save her life.

At first, in the early days, she tried to ignore the burns on her face, her wounded right shoulder, the fact of her missing arm. She had been a basketball standout at West Point, a starting guard through four years of college. She was fit, young, energetic.

Suddenly, she was a disabled veteran of war.

"I didn't want to know what I looked like," she recalled recently. She asked her mother to get a towel and cover the mirror in her hospital room.

NEW TERRAIN, NEW PERILS

The Iraq war is the first in which so many women have had so much exposure to combat—working in a wide array of jobs, with long deployments, in a place where hostile fire has no bounds. In all, more than 370 women have been wounded in action and 34 have been killed by hostile fire.

The war has created what experts believe is the nation's first group of female combat amputees. "We're unaware of any female amputees from previous wars," said historian Judy Bellafaire of the Women in Military Service for America Memorial Foundation, which researches such issues.

Surprising many political observers, the fact of female casualties has produced little public reaction. Before Iraq, many assumed that the sight of women in body bags or with missing limbs would provoke a wave of public revulsion.

"On the whole, the country has not been concerned about female casualties," said Charles Moskos of Northwestern University, a leading military sociologist. Politically, Moskos said, it is a no-win issue. Conservatives fear they will undermine support for the war if they speak out about wounded women, and liberals worry they will jeopardize support for women serving in combat roles by raising the subject, he said.

In the hospital, female combat amputees face all the challenges men do—with a few possible differences. Women, for example, seem to care more about appearance and be more expressive about their experiences, hospital staff members said. Among the women, there also was "a unique understanding or bond," said Capt. Katie Yancosek, an occupational therapist at Walter Reed.

The advent of female combat amputees has left an enduring impression on many hospital staff members. "We have learned not to underestimate or be overly skeptical about how these women will do," said Amanda Magee, a physician's assistant in the amputee care program. "Sometimes they arrive in really bad shape, and people are really worried. . . . But we've learned they can move on from a devastating injury as well as any man."

MOTHERHOOD REDEFINED

Two months after Dawn Halfaker was wounded, Juanita Wilson arrived on a stretcher at Walter Reed, her left arm in bandages, her hand gone. It was August 25, 2004, just days after a roadside bomb went off under Wilson's Humvee. She came to the hospital as the Iraq war's fourth female combat amputee—the first who was a mother.

From the beginning, Wilson decided she did not want her only child to see her so wounded. She talked to the 6-year-old by phone. "Mommy's okay," she assured the girl. "What are you doing at school now?"

It was only after four weeks that Wilson allowed her husband and child to travel from Hawaii, where the family had been stationed, for a visit. By then, Wilson was more mobile. She asked a nurse put makeup on her face, stowed her IV medications into a backpack she could wear and planned an outing to Chuck E. Cheese's.

"Mommy, I'm sorry you got hurt," her daughter, Kenyah, said when she arrived.

hugging her. And then: "Mommy, I thought you died."

The sort of mother who mailed her daughter penmanship exercises and math problems from the war zone, Wilson wanted Kenyah to stay focused on school and the ordinary concerns of being 6. "I wanted it to be like I was going to be okay when she saw me," said Wilson, 32.

Changes revealed themselves one at a time.

Wilson remembered that her daughter eyed a plate of croissants in the hotel-like room where the family stayed at Walter Reed that first time they were together again. The child asked her mother for a sandwich.

"I realized, 'Oh, I can't even make a sandwich,'" she said. "It was a hurting feeling, your kid asking you to make her a sandwich and you're saying, 'You'll have to make your own sandwich' to a 6-year-old."

In November 2004, she heard that a female pilot had just been shot down in her Black Hawk helicopter in Iraq. Within days, Tammy Duckworth arrived at the hospital missing both legs, her right arm in jeopardy. She lay in a coma, her husband and parents at her bedside. "You care about everybody, but somehow amputees connect to amputees," Wilson said, especially if they are women. "It was a big deal to me," she said.

Wilson headed to the pilot's room to sit with her family. She found herself returning to Duckworth's bedside again and again—arranging her get-well cards, decorating her room, kissing the top of her head. One day, when Duckworth, now 37, was conscious, Wilson rolled up her sleeve to reveal her own amputated arm.

In a soft voice, Wilson said, she reassured her that another soldier was with her now. Wilson told her she could not imagine exactly how she felt but that she cared deeply.

She could not hold the pilot's hand because Duckworth was too injured.

Instead, Wilson stroked her hair.

THE SKY IS THE LIMIT

By mid-2005, Juanita Wilson was back to the rhythms of daily life with her husband and daughter. The couple bought a house in the suburbs of Baltimore. She took a new job with the Army, is a staff sergeant and is up for a promotion.

At 6:30 one winter morning, Wilson was cooking Cream of Wheat on her stovetop—taking great care to pour with her prosthetic and stir with her other arm. In her life as a woman, a mother and a wife, there are limits she once didn't face and could not even imagine.

"Kenyah," Wilson called.

When the child came down the stairs in bright pink pajamas, she saw her mother's trouble: Wilson was in uniform, almost ready for work, but she needed help with her hair.

Wilson sat on a chair as Kenyah brushed gently, and then brought her mother's hair up in a bun. She is "a happy helper," Wilson said.

The girl, now 7, tells all her friends about "handie," as she has nicknamed Wilson's artificial limb. "My daughter is definitely not bashful about telling anybody," Wilson said. "She tells other kids at school. Kids don't judge you. They think it's the coolest thing that I have a robotic arm."

But Wilson continues to shield her daughter from the discomfort and anguish of her injury. "I didn't want to take her childhood away. That's my focus—that she is happy and enjoying life and not thinking about me. She'll ask me questions, and I'll say, 'Oh that's not for children to worry about'"

On that winter morning, Wilson had already tied her combat boots, her right hand doing most of the work and her prosthetic holding the loop before it is tied. "I want it to be known that just because you're a female injured in combat, you don't have to give up your career and you don't have to look at yourself as disabled," she said.

She added: "I haven't met any female soldier yet who feels she shouldn't have been there."

How the world sees war-wounded women like her, she said, is a little harder to pinpoint.

"When you're in Walter Reed, you're in a bubble. I could walk around with my arm off. It's acceptable. Everyone there knows. . . . But when you walk out that gate, it's a whole different world. No one knows what I've been through, no one probably cares, and to avoid all of that, I never come outside without my [prosthetic] arm. Never."

Wilson added, "I have noticed that when you're a female walking around as an amputee, everybody's mouth drops."

Lately, she has set new career goals, aiming high, perhaps even for the Army's top enlisted job. She listened with glee to the news that Tammy Duckworth—at whose bedside she had prayed—had decided to run for Congress in Illinois.

Soon after she learned about her friend's new political life, she called Duckworth, joked that she would serve as her assistant in Congress, and then reflected: "It definitely says the sky is the limit."

SCARS FARTHER FROM THE SURFACE

Long out of Walter Reed, Dawn Halfaker is also deeply into a life remade. It has been 17 months since she was wounded, and her favorite yoga tape is playing on a small VCR in an apartment in Adams Morgan. Halfaker barely seems to notice her image, which once was difficult to bear and is now reflected back at her from a large mirror: red hair and trim, athletic build, one arm extended perfectly above her head.

In place of her missing limb is a T-shirt sleeve, empty, hanging. Following along with the yoga tape, Halfaker visualizes that she still has a right arm; it helps her balance.

She retired from the Army as a captain—a tough choice only four years out of West Point, but one she made as she tried to imagine fitting back into military culture. Without her arm, she could no longer do push-ups, tie her combat boots, tuck her hair neatly under a beret.

She still has friends in Iraq, although one was killed in December. But the Bronze Star that she was awarded last year for her role at the Diyala police station is tucked away in a box. That day, she was in charge of 32 soldiers during the sustained firefight, taking a position on the roof with a grenade launcher, then quelling a jail riot.

Lately, she works at an office in Arlington, mostly as a consultant to the Defense Advanced Research Projects Agency. She has applied to graduate school in security studies, bought a condo in Adams Morgan and co-wrote a book proposal about postwar recovery.

To get to this new place, Halfaker has made all sorts of adjustments. She types on a computer one-handed. Drive a car with a push-button ignition. Uses her knees to hold steady a peanut butter jar she wants to open. To write a note or a letter, she learned to use her left hand, practicing nightly at Walter Reed as she penned her thoughts in a journal.

"You don't think about how many times you have a lot of things in your hands, like for me just carrying my coffee from cafe downstairs up to my office on the seventh floor is a total battle every day," she said. She has to hold the coffee cup, scan her identification badge, open doors, press elevator buttons. Sometimes she spills. Sometimes the coffee burns her.

In her apartment, Halfaker bends and stretches into yoga poses, her artificial arm lying beside the mirror. More functional prosthetics did little good for her type of injury, she found. So she persuaded prosthetic artists at Walter Reed to make this one—lightweight and natural-looking, easier on her body, allowing her to blend in with the outside world.

Halfaker goes without a prosthetic when she is exercising, jogging through the streets of Washington or snowboarding in Colorado or lobbing tennis balls around a court.

"I never really wanted to hide the fact that I was an amputee," she said, "but I never wanted it to be the central focus of my life." For some men, she said, it seems a badge of honor that they do not mind showing. "For a woman, at least for me, it's not at all. . . . The fact that I only have one arm, I'm okay with that, but I want to be able to walk around and look like everyone else and not attract attention to myself."

Last year, a guy she met on the Metro asked her out, saying that he thought she was pretty. She agreed to meet him for lunch but felt nervous about mentioning her missing limb. It turned out that he was no less interested, she said. In the fall, she started dating an Army anesthesiologist, to whom she has become close. He is deployed in Iraq.

As a woman in her twenties, "I want to look as good as I can look," she acknowledged. "I think that's very much a female perspective, based on the roles that society has put men and women in."

Even more, she said, "I don't want to be known for being one-armed. I want to be known for whatever it is I do in my life."

RECOGNIZING LIEUTENANT COLONEL DEWAYNE L. KNOTT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Lieutenant Colonel Dewayne L. Knott of St. Joseph, Missouri. He has served most recently as the Vice Commander of the 139th Medical Group of the Air National Guard based in St. Joseph. After 37 years of distinguished service, Lieutenant Colonel Knott is retiring from the Missouri Air National Guard.

The Lieutenant Colonel began his years of service in March of 1969 as an enlisted member of the United States Air Force. He served dutifully in Kuwait during Desert Storm operations in 1991 and in Iraq during Operation Iraqi Freedom from 2003 to 2004. He was recently decorated with Valor for his duty in Iraq.

Mr. Speaker, I proudly ask you to join me in recognizing Lieutenant Colonel Dewayne L. Knott. His many years of distinguished service and commitment to serving his country have been an inspiration. I commend him for his service and I am honored to represent him in the U.S. Congress.

TRIBUTE TO TINA FALLON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. CASTLE. Mr. Speaker, it is with great honor and pleasure that I rise today to pay tribute to State Representative Tina Fallon, who after 28 years of service, has chosen not to seek another term in the State House of Representatives. This extraordinary woman is certainly a valuable asset to the State of Delaware as well as being a friend to all. She has been described as not only a benevolent and accomplished citizen, but also an admirable leader. A fixture of her beloved Seaford-area district, she truly is a distinguished Delawarean.

In addition to raising four sons with her late husband, James Fallon, she spent three decades as a Seaford School District biology teacher. While there, she shared her love of education with young people. Upon her retirement from teaching in 1978, she turned her attention to politics, offering Delaware another three decades of amicable and selfless service. Additionally, she served as a member of the influential Joint Finance Committee.

After 14 consecutive terms in office, Representative Fallon is well recognized and respected by her constituents. She has received numerous honors during both her political and professional tenure. In 1998, then Gov. Thomas R. Carper declared her as the "Travel and Tourism Person of the Year," honoring her dedication to promoting and developing the state's tourism industry. In that same year, the National Republican Association recognized her as a Legislator of the Year. Clearly, the service offered by Representative Fallon has been a vital attribute to innumerable causes.

I congratulate State Representative Tina Fallon for her years of remarkable service and countless contributions to the State of Delaware. I am sure that in retirement, she will remain a dynamic and influential member of the community. I would like to thank her for the many sacrifices that she has made for the State of Delaware.

RIGHT-TO-RIDE LIVESTOCK ON FEDERAL LANDS ACT OF 2005

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. WAMP. Mr. Speaker, I rise today as a strong cosponsor of H.R. 586, the Right-to-Ride Livestock on Federal Lands Act of 2005.

Pack and saddle stock animals were a critical element in many early Americans' livelihood. This bill will preserve their traditional, cultural and historic use of these lands and facilitate the continued access of pack and saddle stock animals on parts of National Park System, Bureau of Land Management lands, National Wildlife Refuge lands and the U.S. Forest System. This legislation will also ensure that any proposed reduction of these uses will undergo the full review process required under the National Environmental Policy Act of 1969.

Defining managed recreation of this historical practice within our national forests is critical in recognizing the cultural contributions and precedent of pack and saddle stock in our public lands above simple recreational use.

In my congressional district in Tennessee, I have spoken with many of my constituents whose families have spent generations riding horseback through our National Forest trails. Especially in this age of the internet, television and video games, it is vital that we enhance opportunities for people of all ages to come and engage in outdoor activities in America's backyard.

I believe that horse and saddle stock hold a unique place in our heritage. We must pass this bill to ensure its historical preservation and continued enjoyment as a national pastime.

I want to thank the sponsor of this legislation for his support of this important issue and hope that all members can support this legislation.

TRIBUTE TO MRS. PEGGY REIPSA ON HER RETIREMENT FROM ORLAND PARK SCHOOL DISTRICT 135

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mrs. BIGGERT. Mr. Speaker, I rise today to congratulate Mrs. Peggy Reipsa on the occasion of her retirement from Orland School District 135. On June 30, 2006, Mrs. Reipsa will be stepping down after 34 years of distinguished service to the young people of Orland Park, Illinois.

From 1977 to 1998, Mrs. Reipsa served School District 135 in multiple capacities, including that of Special Needs Resource Teacher, Reading Teacher, and Instructional Services Assistant. In July of 1998, she accepted a position as Principal of Orland Center School, where she has served the students, faculty, and the community with great distinction.

On behalf of the families of School District 135, I would like to thank Mrs. Reipsa for her tremendous contribution to the education of so many young children over the years. Her guidance and leadership have helped countless children develop the confidence, knowledge, and skills to lead fruitful and fulfilling lives.

So one again, I congratulate Mrs. Peggy Reipsa and wish her a happy and relaxing retirement.

RECOGNIZING LARRY L. HARPER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to posthumously recognize Larry L. Harper of St. Joseph, Missouri. Mr. Harper was an outstanding Missourian with a passion for flying and his love of flying has remained an inspiration long after his passing. That passion will be memorialized by a statue, The Aviator, commissioned by his wife Carolyn and placed at Rosecrans Memorial Airport in St. Joseph, Missouri.

Larry's love of flying began at a young age, he would hang around the Rosecrans Airport offering to wash and fuel planes in exchange for flying lessons. While working as a mechanic, Larry eventually earned his pilots license. He logged over 30,000 hours in flight over 40 years of flying for four different companies in aircraft ranging from Aircoupes to Lear Jets. His last flight came just one week before his passing, as he jumped at the opportunity to fly a Lear 55, every flight was a special flight for him.

Mr. Speaker, I proudly ask you to join me in recognizing Larry L. Harper. He was a pilot whose passion for the skies inspired the many people whom he met. He has been missed, but his love of flying will never be forgotten and the commitment of his beloved wife Carolyn ensures that all who come to Rosecrans Airport will know his passion. I commend him for his spirit and commitment to aviation and I was honored to represent him in the United States Congress.

IN HONOR OF THE GREATER CLEVELAND PEACE OFFICERS MEMORIAL SOCIETY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor, recognition and remembrance of the men and women of our local law enforcement agencies who have made the ultimate sacrifice in the line of duty and every police officer who braves daily peril in order to protect and safeguard the citizens of our Cleveland community.

The Greater Cleveland Peace Officers Memorial Society was formed by a dedicated group of police officers and their families, committed to keeping the immense sacrifice and memories of their loved ones forever alive for themselves and for the entire community to honor. Their focus resulted in a striking, black polished granite monument, consisting of gently sloping walls that cover 1,000 square feet and tower six feet above the ground. The monument bears the name, law enforcement agency, and date of death of each of the 158 officers who have died in the line of duty. Every May, the Greater Cleveland Peace Officers Memorial brings together hundreds of police officers and their families from throughout greater Cleveland in unity with the general public to recognize and honor the fallen, to celebrate their lives and great contribution, and to honor those who continue on the noble work of service, safety and assistance.

Mr. Speaker and colleagues, please join me in honor and recognition of the men and women in blue who have paid the ultimate price in protecting the safety of others. We also join in honor and recognition of the family members whose lives were forever altered upon losing a loved one in the line of duty. We extend our deepest gratitude to all police officers, for their commitment, courage and unwavering sense of duty in their vocation of service to others. The individual and collective work of our police officers is framed by integrity, dedication and excellence, serving as a shield of security and hope for every one of us—and their courage and sacrifice will be forever honored and remembered.

IN RECOGNITION OF THE PAN-PONTIAN FEDERATION OF THE UNITED STATES AND CANADA ON THE ANNUAL DAY OF REMEMBRANCE OF THE PONTIAN GREEK VICTIMS OF GENOCIDE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mrs. MALONEY. Mr. Speaker, I rise to recognize the annual day of remembrance of the genocide of the Pontian Greek people at the hands of the Ottoman Empire that took place from 1915 to 1923, and to salute the Pan-Pontian Federation of the United States of America and Canada for its role in preserving and passing on the vibrant history and traditions of the Pontian Greeks.

With a long and distinguished history and a proud culture, the Greek Pontians have for millennia upheld Hellenic traditions against all odds. Named after Pontus, the Greek term denoting "the sea," the Pontians trace their origins to the region of the southeastern part of the Black Sea. There, one of the first Greek cities of Pontus, Sinope, was founded in 785 B.C.

The seeds for the Pontian genocide were planted during negotiations among the European powers that led to the signing of the Treaty of Berlin in 1878. The ensuing rise of nationalism led to many revolutionary wars and independence movements within the decaying Ottoman Empire, causing Turkish leaders to become increasingly fearful that their ethnically diverse domain would begin to disintegrate.

By the turn of the 20th century, many nations within the Balkans had acquired their independence from the Turks. However, due to the politics of the era, many of these newly formed nations only consisted of a small portion of their population, as the great powers had no desire to see these new Balkan states become too strong. As a result, many Serbians, Greeks and Bulgarians still lived within the borders of the Ottoman Empire. The nations of the Balkans yearned to incorporate and unite their people who still lived under Turkish rule. This situation led to the Balkan Wars of 1912–1913, in which the members of the Balkan League joined to present a united front against their Turkish oppressors. The Ottoman armies were soundly defeated, and national borders were created and rearranged accordingly.

The reality was that many different nationalities existed within the Ottoman Empire and that their increasing desire to unite with their mother countries did indeed pose an ultimately fatal threat to the continued existence of the Ottoman Empire. In reaction, the Young Turk movement ushered in a new nationalistic and ethnocentric ideology in the Ottoman Empire. From 1916 to 1923, largely under the leadership of Kemal Ataturk, the Ottoman Empire began to practice a ferocious genocide of the Christian population within its borders.

In 1916, after the Turks had concluded their massacre of the Armenian people, the Pontians became their next victims. The Pontian Greeks were subject to massacres, atrocities, mass rapes and abductions of women and children. They were forced into starvation and sent on long marches whose true intended destination was the graveyard of history. This genocide almost resulted in the extinction of a people who had lived on Asia Minor for nearly three millennia. Between the years of 1915 and 1923, more than half of the Pontian population, or about 353,000 human beings, fell victim to what the world now knows to be genocide. These Pontians who did survive the Turkish onslaught were exiled from their ancestral homes, and many fled to Greece, Russia and the United States. It is estimated that there were about 400,000 Pontian refugees during this cataclysmic era.

Despite the death and displacement of almost 1 million Pontians, their traditions and culture still resonate across the world to this day. While forces of evil tried to obliterate an entire people, the determination and endurance of the Pontian Greeks stand as a testament to mankind's extraordinary ability to defy all odds in the hope of ultimately living in peace and justice.

Mr. Speaker, I ask that my distinguished colleagues join me in observing the annual day of remembrance of the victims of the Pontian Greek genocide, and in recognizing the Pan-Pontian Federation of the United States of America and Canada, its vital mission of preserving Pontian Greek culture and history, and its significance as a symbol of mankind's hope and endurance.

IN TRIBUTE TO THE LIFE OF FLOYD PATTERSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. RANGEL. Mr. Speaker, I rise in tribute to the life and legacy of Floyd Patterson, a giant of our time. He emerged not only as a heavyweight boxing champion, but as a champion for morality and an exemplar of courage. Patterson's life achievements span throughout the world, though his most notable accomplishments are in the sport of boxing. Patterson defeated opponents in the ring and those challengers he had to overcome outside the ring, particularly the likes of poverty and social marginality.

Patterson was born January 4, 1935, in a dilapidated cabin in rural Waco, NC. He later as a small boy moved to a poor neighborhood in Bedford-Stuyvesant in Brooklyn, New York. His early years were met by challenges in school and emotional unrest. At the age of 11 he was sent to Wiltwyck School for Boys, an institution for emotionally disturbed youths in upstate New York. In a later account of Patterson, he said the school and a particular teacher, Vivien Costen, saved his life. At Wiltwyck he first discovered his interest with boxing and it was encouraged by his teachers.

In 1947 he returned to Brooklyn. At age 14 he began working out with his brothers at Gramercy gym on New York's Lower East Side. The gym was owned by the legendary Constantine "Cus" D'Amato, who later would become Patterson's manager. At age 16, Patterson won the New York Golden Gloves middleweight title at Madison Square Garden. He was successful in winning 11 amateur championships in the Golden Gloves and the Amateur Athletic Union. In 1952 at the Olympics in Helsinki he won a gold medal and later that year, at age 17, he turned pro.

In 1965, the Washington Post described him as "a quietly confident young man with a school boyish air who likes ice cream, sweet potatoes and cream-colored cars." D'Amato was protective and careful with the progression of his career. However, when Rocky Marciano retired, D'Amato navigated a channel for his young fighter to the number one contender spot. On June 8, 1956, Patterson defeated Tommy "Hurricane" Jackson even though he suffered a broken hand 2 weeks before the fight. The victory positioned him to fight for the heavyweight title. On November 30, 1956, Patterson knocked out Archie Moore in Chicago to become the youngest world heavyweight champion.

Patterson has been described as a good guy in the bad world of boxing. His fans loved him—the way he fought and his admirable personality and quiet spirit. Cus D'Amato, his trainer, called him "a kind stranger." Red Smith, the New York Times sports columnist, called him "the man of peace who loves to fight" Patterson once said of himself, "You can hit me and I won't think much of it, but you can say something and hurt me very much."

Patterson's career as a boxer has set the standard for greatness in the world of boxing. He became the first to hold the heavyweight title twice. He suffered a hard loss to Swedish boxer Ingemar Johansson at Yankee Stadium on June 26, 1959, but regained the title a year later when he knocked out Johansson in the fifth round. Patterson said that it was the most gratifying moment in his life. He successfully defended his title until he fought "Sonny" Liston in September 25, 1962 in Chicago. Overall, Patterson finished 55–8–1 with 40 knockouts. Patterson was voted into the United States Olympic Committee Hall of Fame in 1987 and he was inducted into the International Boxing Hall of Fame in 1991.

After he retired, Patterson became a passionate advocate for the sport of boxing. At a congressional subcommittee hearing he said, "I would not like to see boxing abolished. I come from the ghetto, and boxing is a way out. It would be pitiful to abolish boxing because you would be taking away the one way out." Patterson was a member of the New York State Athletic Commission, which supervises the sport of boxing in the state and from 1995 to 1998 he chaired the Commission.

Mr. Speaker, it is an honor to highlight and celebrate the accomplishments of Floyd Patterson, an American hero.

RECOGNIZING DEAN BYRD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Mrs. Dean Byrd of St. Joseph, Missouri. As a long time citizen of St. Joseph, Mrs. Byrd will be celebrating her 80th birthday. She has seen many events over the past 80 years and awoke each day with a strong sense of family and community that improved the lives of everyone she has touched. Her life should be celebrated with the same joy and excitement in which she gives back to our community.

Mr. Speaker, I proudly ask you to join me in recognizing Mrs. Dean Byrd. Throughout her 80 years, she has always given back more than was expected of her. Her life is an inspiration to many and I am proud to serve her in the United States Congress.

HONORING THE 30TH ANNIVERSARY OF THE MARY CAMPBELL CENTER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to celebrate the 30th anniversary of the Mary Campbell Center, a facility serving disabled people in Delaware. The Mary Campbell Center as been home to thousands of people, some of who have lived there since the 1976 opening. Whether the residents of the Center have been there for a long or short time, they share in their daily lives of eating, learning, working, exercising, and playing with each other, the staff, and friends.

The Center is located on ten acres in Wilmington, Delaware. Amos and Mary Talley Campbell originally owned the property and lived there with their daughter, Evelyn, who was born with Down's Syndrome. Upon Mrs. Campbell's death, Mr. Campbell donated the land so that a long-term-care facility for Evelyn, and other people with disabilities, could be built in his wife's honor. Helping these individuals achieve a higher quality of life remains the main purpose of the Center.

Since its inception, the Center, home to 65 residents, has grown in many ways. What began as one building, now is a state-of-the-art facility with an indoor swimming pool, learning center, greenhose, and an adaptive playground. These facilities help residents accomplish their dreams and keep in touch with family and friends.

I congratulate and thank those at the Mary Campbell Center for all they have contributed to the State of Delaware. Many disabled Delawareans and their families are grateful for them and I am pleased to be able to vocalize their appreciation. Thank you to those who have made the Mary Campbll Center what it is today and to those who will carry on this tradition into the future.

HONORING EVERETT ROBERTS

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. WAMP. Mr. Speaker, I rise today to honor Mr. Everett Roberts from my home town of Chattanooga, TN, for his unending efforts on behalf of the Girl Scouts of Moccasin Bend Council, who, on Sunday May 21st, will be dedicating their building on Dayton Boulevard to him for his years of tireless service and devotion.

Everett has served on the Board of the Moccasin Bend Council for almost 40 years as a member and chairman, and has been a vital asset to the Council's growth and success.

As the first male president of the Council in 1972, he is described by both friends and colleagues as a very special person who dedicates all of his energy to the improvement of the world around him.

Everett has been instrumental in developing Camp Adahi, the Girl Scout resident camp on Lookout Mountain in Georgia to provide outdoor programs for tens of thousands of girls, and his selfless commitment to the Girl Scouts serves as just one example of his vigorous dedication to the people and city he loves.

I want to take this opportunity to express my sincerest appreciation and gratitude to Mr. Everett Roberts for all he has done and continues to do for both the Girl Scouts of Moccasin Bend and the overall community in Chattanooga. He serves as a shining example of integrity, loyalty and leadership and I am proud to stand here on his behalf today.

TRIBUTE TO THE 50TH ANNIVERSARY OF DOWNERS GROVE BOY SCOUT TROOP 89

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mrs. BIGGERT. Mr. Speaker, it is with great pleasure that I rise today to join the members of Downers Grove Boy Scout Troop 89 in celebration of their 50th anniversary.

Since 1956, the Scouts of Troop 89 have acted as role models for the youth of our community. By teaching values like loyalty, kindness and thrift, the Scout program has given generations of our sons and grandsons the foundation they will need to live honorable and successful lives.

Both my husband and my son were Boy Scouts, so I know firsthand what a positive force Scouting can be. Scouts make outstanding leaders and volunteers who give of themselves to make communities like Downers Grove a better place in which to live.

So congratulations to the members of Troop 89—past, present, and future. After 50 years, you continue to make us all very proud. And thank you to the families and friends of these Scouts who have supported them over the years. Without you, we could not have hoped to celebrate this momentous anniversary.

RECOGNIZING PAUL A. WHITE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Paul A. White of the Mid-Continent Public Library in Independence, Missouri. Mr. White is retiring after 45 years of service to Missouri's public libraries.

Paul began his service as a Branch Assistant in the Kansas City Public Library in 1961. Over the next 45 years, Paul would make stops in the Missouri State Library, Springfield-Greene County Library, and the Kinderhook Regional Library before settling in the Mid-Continent Public Library in 1988.

Beyond his official responsibilities, Paul participates in the American Library Association serving as the Missouri Chapter Councilor, on the Constitution and By-Laws Committee and the Committee on Organization. He also participates in the Missouri Library Association where he has served as treasurer, secretary, vice president, and president. Paul is currently serving on the Missouri Library Network Corporation and various Missouri Library Association Committees.

Mr. Speaker, I proudly ask you to join me in recognizing Paul A. White, an outstanding Missourian. His service to the community and dedication to Missouri's Public Libraries is greatly appreciated. He will certainly be missed and I would like to ask the House of Representatives to join me in thanking him for all of his hard work and dedication over the years. I am honored to represent him in the United States Congress.

IN HONOR OF AUXILIARY BISHOP RICHARD LENNON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. KUCINICH. Mr. Speaker, it is with great pleasure that I rise today to honor and recognize Auxiliary Bishop Richard Lennon and warmly welcome him to Cleveland. Today, Auxiliary Bishop Lennon will be installed as the 10th Bishop of Cleveland.

Born on March 26, 1947, in Arlington, Massachusetts, Auxiliary Bishop Lennon attended high school and undergraduate college in Massachusetts before receiving a Masters of Theology degree in Sacramental Theology from St. John's Seminary in 1973. That same year, a age 26, he was ordained a priest.

During his distinguished career with the church, Auxiliary Bishop Lennon has served as parochial vicar of St. Mary of the Nativity Church in Scituate, Massachusetts and held the same position at St. Mary Church in West

Quincy, Massachusetts. In 1988, he was named assistant for canonical affairs at the Archdiocese of Boston. Auxiliary Bishop Lennon was ordained Auxiliary Bishop at the Boston Archdiocese in 2001, and went on to become apostolic administrator in 2002. In 2003, he became vicar general and moderator of the curia at the Boston Archdiocese in 2003.

Mr. Speaker, it is a great honor and distinct pleasure, to welcome Auxiliary Bishop Lennon to Cleveland. He has dedicated himself to our church, and to the betterment of all mankind. His distinguished record of service speaks volumes, and I look forward to working with him to strengthen our community.

Mr. Speaker and Colleagues, please join me in honoring Auxiliary Bishop Lennon and welcoming him to Cleveland as our community's 10th Bishop. Today is a great day for the Catholic Church and the Cleveland community. Auxiliary Bishop Lennon brings a wealth of experience and knowledge, and I ask my Colleagues to join me in sharing in this tremendous day.

TRIBUTE IN HONOR OF JENNY CHANG

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mrs. MALONEY. Mr. Speaker, I rise to honor a former staffer, a friend and an inspiration, Jenny Chang.

When Jenny came to work in my office in 2003, she had already been through one round with a formidable opponent, breast cancer. But you certainly couldn't tell. She brought an energy and positivity rarely seen, and none of us will ever forget her laugh.

I admire leaders, and Jenny Chang was a leader. Jenny was student body president and president of her senior class at North Carolina State University—she was the first woman of Asian descent to hold that position. Through her battle with a terrible disease, Jenny reached out to fellow cancer sufferers and survivors and used her position on Capitol Hill to make a difference. Despite her illness, she worked on my colleague DAVID PRICE's campaign and in his Congressional office, making scores of new friends and admirers at each stop.

And for 8 months, she was the soul of my office, always showing how things can be done and how problems can be solved.

It saddened us all when Jenny's cancer returned and she had to take leave of my office and Capitol Hill.

Mr. Speaker, Jenny Chang passed away on April 29. We should all be so lucky to work with such a terrific soul as Jenny Chang. She did many great things in her short time with us. And what she left us—the memory of her smile, her spirit and her strength—is so much more than any of us could ever give her.

Sometime God takes the best of us far sooner than we want. I thank God for giving us our time with Jenny and I wish her family and friends my deepest condolences.

RECOGNIZING SHARON KOSEK

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sharon Kosek of St. Joseph, Missouri. After long tenure in the St. Joseph, Missouri School District, Sharon will be retiring. Sharon has taught in the St. Joseph School District for the past 23 years and has recently been named the Association for Career and Technical Education Outstanding Teacher in Community Service. She has been a model of strong service and civic leadership.

Sharon has served as the Business Coordinator and Administrative Office Systems instructor at the Hillyard Technical Center, as well as the advisor for the Phi Beta Lambda adult business student organization. Outside of the classroom, Sharon has remained active in the ACTE, Missouri ACTE, National Business Education Association, and as the Legislative Chairperson for the St. Joseph Parent Teacher Association.

Mr. Speaker, I proudly ask you to join me in recognizing Sharon Kosek. Her commitments to excellence in education and community service have remained as an inspiration to all of those people around her. She will certainly be missed and I would like to ask the House of Representatives to join me in thanking her for all of her hard work and dedication over the years. I am honored to represent her in the United States Congress.

RECOGNIZING KENT STATE UNIVERSITY PRESIDENT CAROL A. CARTWRIGHT FOR 15 YEARS OF SERVICE TO OHIO EDUCATION

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. REGULA. Mr. Speaker, I rise today to recognize Carol A. Cartwright, President of Kent State University, for 15 remarkable years of academic, community and national leadership. It has been my genuine pleasure to work with her on a range of priorities in northeast Ohio, including education and learning, economic development, healthcare and research.

Kent State has eight campuses, including the Stark campus in my District, with more than 34,000 students seeking from 2-year to Ph.D. degrees. Its leader must be a great communicator, able to multi-task and an innovative thinker in her approach to getting the job done. Carol Cartwright does that every day with a smile and a quick wit, as well as considerable knowledge and experience.

Throughout her career, Dr. Cartwright has been a role model for women in higher education and every walk of life. After working as a teacher, university professor, pioneering researcher in the field of special education and as a university executive officer, she made history in 1991 when she became Kent State University's first woman president and the first woman president of a public university in Ohio. From the outset of her presidency, she has been an active advocate of professional-development and personal-growth initiatives for women. In her first year of eligibility, she was elected to the Ohio Women's Hall of Fame.

She was also a member of the committee that worked with my wife, Mary, to bring the long-overdue idea of a National First Ladies Library to life, and Carol continues to serve on the Library's national board. She also serves on the American Council on Education Commission on Women in Higher Education and the board of directors of National Public Radio.

Carol has a clear commitment to all students, and she has been instrumental in building one of the finest programs in the nation to help GED candidates advance to pursue college degrees. I look forward every year to attending the graduation ceremony to hear wonderful success stories and to learn of students' academic achievements—thanks to the GED Scholars Initiative at Kent State.

On October 5, 2005, Dr. Cartwright, Kent State University's 10th president, announced her decision to step down from the leadership position she has held since 1991. She will retire from the presidency upon the arrival of her successor. I want to congratulate her on a tremendous job and wish Carol and her husband, Phil, health and happiness in the future.

VALLEY FEVER VACCINE DEVELOPMENT ACT

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. THOMAS. Mr. Speaker, I rise today to discuss the Valley Fever Vaccine Development Act, which I introduced today.

Valley Fever or coccidioidomycosis is a serious human disease caused by the inhalation of a soil-borne fungus, Coccidioides, and particularly impacts public health in the southwestern United States, specifically California, Arizona, Nevada, New Mexico, Utah, and Texas. According to researchers involved in the Valley Fever Vaccine Project, each year a estimated 130,000 people nationwide are exposed to Valley Fever and there are about 5,000 cases. Of those cases, between 2,500 and 5,000 are serious and about 500 people die from Valley Fever. The disease is especially prevalent in Kern County, California, which I represent; 1,540 cases were reported in 2004, which was an increase of 1,137 from the 403 cases reported in 2000. Similar increases have been reported in Arizona, where some anticipate the number of cases this year will exceed 4,000. Moreover, 46 Kern County residents died from Valley Fever from 2000 to 2004.

Valley Fever particularly affects those with impaired or less developed immune systems, including children and the elderly. The disease has a high incidence among minority populations as well as among those who work outside in occupations such as construction, agriculture, mining, energy, and the military. In addition, the disease also impact those who engage in outdoor recreational activities, such as biking, golf, hiking, jogging, motorcycling, rock collecting, and tennis.

The drugs currently used to treat Valley Fever are often ineffective and the average hospitalization charges for the seriously ill exceed $30,000. Accordingly, a preventative vaccine is desperately needed. Unfortunately, there currently is no vaccine for Valley Fever and there is no private industry interest in making the investment, estimated to be about $40 million, needed for the development of the vaccine.

However, nonprofit organizations have sponsored exploratory research conducted by the Valley ever Vaccine Project and their efforts have resulted in the identification of candidate vaccines for pharmaceutical development. While I greatly appreciate the $930,000 that has been provided through the federal appropriations process since Fiscal Year 2003 for the California State University at Bakersfield (CSUB) Foundation to purchase equipment needed by the Valley Fever Vaccine Project, additional funding is needed to develop a vaccine, particularly as incidences of Valley Fever continue to increase while treatment options are limited.

Thus, I have introduced the Valley Fever Vaccine Development Act, which would authorize, from Fiscal Year 2007 through Fiscal Year 2012, funding for grants through the Centers for Disease Control for efforts to develop a vaccine to prevent and reduce the prevalence of this serious disease. As the development of a Valley Fever vaccine will directly enhance public health, I ask my colleagues to join me as I work to enact this important legislation.

RECOGNIZING VICTOR FONTANEZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly ask you to join me in recognizing United States Army Private Victor Fontanez, a soldier who exemplifies stellar qualities of dedication and service to Northwest Missouri and the United States of America in his service to our country in World War II. Beginning his service in January of 1941, Victor served with the honor and integrity that we have come to admire.

In his military service during World War II, Victor landed in the 9th Infantry Division Company B 47th Infantry 1st Battalion engaged in the African section of the European Front. During an operation in April of 1943 located in Tunisia, Private Fontanez took shrapnel fire and was rewarded the Purple Heart. After recovery he was transferred to the 36th Infantry Division as a Combat Engineer in the Italian Campaign. After the liberation of Rome and victories throughout Italy, Victor and the 36th Infantry Division invaded Southern France on August 15, 1944.

During this invasion of France by the 36th Infantry, Private Fontanez had witnessed the explosion of an Allied plane over the beach. The plane and crew crashed into a lagoon nearby and Private Fontanez acting without hesitation rescued some of the injured flight crew. It was this act of selflessness and bravery that earned Private Fontanez the Soldiers Medal for Heroism.

Victor Fontanez's service to the United States of America in defending freedom will never be forgotten. His courage and dedication when his country needed him the most is something to be admired. I am honored to represent one of America's great heroes and I ask the United States Congress to join me in honoring his service.

50TH ANNIVERSARY OF THE WILLIAMSON FLYING CLUB, INC. CELEBRATED ON MAY 18, 2006

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. WALSH. Mr. Speaker, I rise today to recognize the 50th Anniversary of the Williamson Flying Club, Inc. The Williamson Flying Club began as a shared dream by five men from Williamson, New York. These men held informal hearings to share their aspirations of wanting to fly and starting their own flying club. On May 4, 1956, these men began to realize part of their dream and purchased their first aircraft. With time, the group began to expand their membership and services. By May 18, 1956, the Williamson Flying Club became incorporated as a member corporation. In the beginning, the group operated from the Palmyra airport, later they moved to a dirt strip that became the Williamson-Sodus Airport. The Williamson-Sodus Airport was an 1800-foot runway that was seeded in July 1957. Over the years the runway has been upgraded and is now a 3,800 ft. hard surface asphalt runway with modern lighting and taxiways and is always under improvement. By 1975 the club had expanded to 6 aircraft and today they have over 140 members.

The Williamson Flying Club, Inc. has a storied history ranging over five decades. As stated in their corporation certificate: "The purpose for which the corporation is to be formed are to promote and encourage interest in aviation and all allied sciences . . . to teach the members of the corporation to fly and improve their ability . . . to purchase . . . airplanes . . . airports, hangars . . . but not for profit." Out of a deep love and respect for aviation, the group carries an altruistic spirit to share and spread the wonders that flying can bring not only to individuals but also to the surrounding community.

I congratulate the Williamson Flying Club, Inc. on a successful history and wish them the I best of luck for the many more years of flying they have ahead.

HONORING FAUSTO MIRANDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to address the House in honor of Fausto Miranda, a legendary sports reporter and one of the most outstanding members of our Cuban-American community. Last week, Fausto Miranda passed away in his Miami home at the age of 91.

Miami and the Cuban people grieve in the face of this loss. Fausto Miranda was born on July 4, 1914, not knowing that history would turn this date into two reasons for him to celebrate. In 1960, Fausto Miranda came to the U.S. where, like so many other Cubans fleeing the newly installed Castro regime, he found a safe haven and the opportunity to continue his extraordinary journalistic career. The fourth of July from now on provided him with two reasons to celebrate—the day he was born and the day America became independent and turned into a home for the oppressed and persecuted.

Born and raised in the town of Puerto Padre in eastern Cuba, Fausto Miranda dreamt of becoming a lawyer; instead his poor background forced him to work in the sugar industry for a mere 30 pesos a month. Young Fausto was very shrewd when it came to making a living—he took on such diverse jobs as street vendor, prison guard, trumpeter, orchestra manager, doorman, cleaning person, music critic, social annalist, and political reporter.

At the age of 20, fate showed him where his real talent lay buried. Working as a stadium announcer, he one day passed his notes on to a journalist of Diario de Cuba, one of the count's major newspapers. The next day, the article on the baseball game that appeared in the Diario was signed by 'Fausto Miranda, Special Correspondent'. Years later, Fausto Miranda recalled: "The night the newspaper came out and I saw the article with my name, I did not sleep."

His career began to take off when he moved to Cuba's capital city of Havana in 1933. He started writing a column called "Stardust" which soon brought him further writing assignments for the newspapers El Crisol, Información, Diario de la Marina and Alerta as well as a job as sports commentator for radio COCO. Fausto Miranda rose to become "an all-time pillar of Cuban sports journalism with an encyclopedic knowledge of baseball", according to Felo Ramirez, a veteran sports commentator and member of the National Baseball Hall of Fame in Cooperstown.

During Fausto's time in Havana, the Cuban people were fortunate to have the best sports journalists in the hemisphere, including great personalities like Eladio Secades, Jessie Losada, and Pedro Galiana. When Fidel Castro came to power in 1959, Miranda was president of the Sports Writer Association. Like so many other branches of the vibrant Cuban civil society, the Association was closed down by the dictator and Fausto Miranda was forced to flee the tyrant's grasp.

He arrived in New York City, the haven to so many freedom-seeking immigrants, where he once again started off by taking on a simple job as doorman before entering the American sports journalism. While his little brother Willy Miranda was out on the field playing for the New York Yankees, Fausto was reporting from the American sports world for a wide variety of national and international media. He wrote for the newspaper La Prensa, the Gesto magazine as well as the French news agency AFP, and broadcast for the radio stations Canal 47, Radio X and WQBA-La Cubanisima.

In 1975, Fausto moved to Miami where he founded the sports section of El Miami Herald, predecessor of El Nuevo Herald, the Spanish-language version of the Miami Herald. In his famed weekly column "Los viejos", Fausto Miranda revived the Cuban-American's community memories of their tropical homeland. The popularity he gained was so great that even after his retirement in 1995, Fausto continued to publish the popular weekly column.

The Cuban-American community mourns an outstanding man, whose love of sports would always drive him forward. Calling himself a "very bad athlete . . . very bad in everything", his passion for the athletic world paved his way from a stadium announcer to one of the Western Hemisphere's most high-profile sports journalists. Not even the murderous dictator Fidel Castro could stop him—from stardom in Havana, Fausto went to stardom in Miami.

Fausto Miranda was not only an annalist of the times when legends like the boxers Kid Chocolate and Joe Louis were attracting huge crowds, and baseball legends Babe Ruth and Lou Gehrig were filling the stadiums, but through his writing he also helped the Cuban American community to keep our memories of our native Cuba alive, "the most beautiful land human eyes ever beheld," as he once said. We will greatly miss him.

RECOGNIZING TYLER R. BOGGESS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Tyler R. Boggess, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities including High Adventure and the Brownsea Leadership Camp. Over the 11 years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. The city of Kearney, Missouri benefited from Tyler's leadership in the re-roofing of nine shelters at the Lions Park in Kearney for his Eagle Scout Service Project.

Mr. Speaker, I proudly ask you to join me in commending Tyler R. Boggess for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO JOHN M. EVANS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. MORAN of Virginia. Mr. Speaker, today I pay tribute to John M. Evans, one of our Federal Government's finest public servants and a long time resident of the Commonwealth of Virginia. This March he retired from an exceptionally distinguished career of service to his country. He has served our Nation as a career civil servant for over 33 years. He has been an exceptional leader and has played a key role in ensuring effective financial management for the Department of Defense. It gives me pride to have the opportunity to honor him today for his tremendous accomplishments.

Mr. Evans began his career with the Navy in the financial management field working for various field activities. He progressed to a management position in the Military Traffic Management Command at the Department of Defense where he had responsibility for personnel and administration.

Mr. Evans first served in the Department of Defense Comptroller office as a senior budget analyst for a number of major Department of Defense-wide programs, including the DoD Family Housing Program, the DoD Real Property Maintenance Program, Navy Military Construction, and DoD Depot Maintenance.

Mr. Evans also served as the director for revolving funds beginning in April of 2000. While director, he was responsible for financial management oversight for all DoD revolving and working capital funds, including the Defense Working Capital funds.

Since 2001, Mr. Evans was the director for operations. As director, Mr. Evans was responsible for the Department's Operations and Maintenance appropriations, including programs that support the global war on terror and the Department's homeland security functions.

Senior leaders, both in the Congress and the Department of Defense, have benefited from Mr. Evans' experience, outstanding leadership, and distinguished performance. His efforts have enabled our Nation's leader to make the most effective use of defense resources to ensure America's military strength. On behalf of my colleagues, I thank him for his service to our country and wish him well on his retirement.

SUPPORT FOR H.R. 2231

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. BALDWIN. Mr. Speaker, I rise today in support of H.R. 2231, the Breast Cancer and Environmental Research Act, and I ask my colleagues to work with me to pass this important legislation.

Last Sunday was Mother's Day, and in honor of all mothers, I rise today to stand with the National Breast Cancer Coalition and the 3 million American women living with breast cancer today to urge all my colleagues to push for passage of the Breast Cancer and Environmental Research Act—H.R. 2231. Too many mothers, daughters, wives, and sisters are dying from breast cancer. We will not end this disease until we find out what causes it.

It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. Less than 30 percent of breast cancers are explained by known risk factors. However, there is little consensus in the scientific community on how the environment impacts breast cancer. Studies have explored the effect of isolated environmental factors such as diet, pesticides, and electromagnetic fields, but in most cases there is no conclusive evidence. Furthermore, there are many other factors that are suspected to play a role but have not been fully studied.

Clearly, more research needs to be done to determine the relationship between the environment and breast cancer. What is needed is a collaborative, comprehensive, national strategy to study these issues. H.R. 2231 makes that strategy possible.

This bill would create a new mechanism for environmental health research. It would establish up to eight research centers to study environmental factors and their impact on breast cancer. Modeled after the successful Department of Defense Breast Cancer Research Program, it would include consumer advocates in the peer review and programmatic review process.

This Federal commitment is critical for the overall, national strategy and the long-term research investments needed to discover potential environmental causes of breast cancer, so that we can prevent it, treat it more effectively, and cure it.

Mr. Speaker, I am proud to be a cosponsor of H.R. 2231, and I urge my colleagues to work with me to pass this bill this year.

SENATE—*Friday, May 19, 2006*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

May we pray.

O Sovereign Lord, make even our thoughts pleasing to You. Banish bitter thoughts that erect walls between people. Banish proud thoughts that prompt us to become preoccupied with power and prestige. Banish selfish thoughts that keep us from hearing the cries of the marginalized. Banish impure thoughts that would tempt us to dishonor You.

Control the minds of our Senators. Infuse them with the peace that comes from reflecting on Your purposes. Give them pure and loving thoughts that will empower them to serve You by serving others.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we return to the comprehensive immigration bill. We had a very constructive day and evening yesterday. I appreciate everyone's patience and participation in moving the debate along. We worked late last night, up to about 11 o'clock, and we had votes over the course of the day and the night. Because of that, and our agreement for multiple votes on Monday afternoon, we were able to announce no rollcall votes for today.

I do encourage Members to take advantage of the session today if they desire to speak on the immigration legislation, to look over amendments that are likely to be proposed, and to spend time getting ready for those amendments once they reach the floor. Today would be a great opportunity to come to speak on some of those amendments in advance as well.

It is my intention to complete action on the bill next week, and it would expedite the process if Members would use the time productively today and Monday.

BROADCAST DECENCY ENFORCEMENT ACT

Mr. FRIST. I want to comment on a couple of issues and take advantage of the time that we have this morning.

Late last night, in closing, we passed the Broadcast Decency Enforcement Act to address abuses and potential abuses in the broadcast arena and to raise indecency fines by a factor of 10.

We told broadcasters in a loud and direct and unanimous voice—it was a unanimous vote last night: Clean up your act or face the consequences.

When families are watching Sunday night football games, they should not have to brace themselves for a televised striptease. I am, of course, referring to Janet Jackson's infamous "wardrobe malfunction" during that 2004 Super Bowl.

While this particular incident represented a new low in broadcasting, unfortunately, as all of us know who do watch television regularly, it was not an isolated incident. Numerous studies have shown that prime-time network programming is growing, has grown, and continues to grow over time increasingly coarse, even during the evening family hour when children are most likely to be watching TV either by themselves or with their other family members or parents.

That Super Bowl stunt was just the latest in the ever-worsening attempts to grab out commercial attention. It is obvious why this tried to appeal to a low, broad, very coarse common denominator—to make people look, and to make people look to increase those commercial ratings and thus end up accumulating more money.

Between the hours of 6 a.m. and 10 p.m, when there is a reasonable chance that children are watching, broadcasters are required to keep television clean. The requirement is there. Families should be able to turn on that television during that period of time and trust the broadcasters to abide by the law. Broadcasters should know that if they cross the line the penalties will be serious. That is why this legislation is so important.

Broadcasting has become such big business that, steadily, the current FCC fines have become a little drop in this sloshing bucket of profits. This bill, the bill we passed late last night, the Broadcast Decency Enforcement Act, will help change all of that. The fact is, airwaves are a limited natural resource that we, in essence, all own.

In return for free access to this limited space, this limited supply, broadcasters are obligated to serve the public's interest. If adults want to watch adult material in the middle of the day, there are plenty of pay stations they can go out and purchase so they can see that material. And late at night, between 10 o'clock and 6 a.m, the FCC rules allow a safe harbor for material adults can handle but kids really should not be seeing. When they know kids are watching on free TV, broadcasters should not be able to shrug their shoulders, to look the other way, to disobey the rules.

I hope to see the decency bill we passed last night become actual law and toughen those penalties. I hope TV becomes smarter, becomes more engaging. That is a task not for us but for the people who make TV. Our job as legislators is to protect those basic standards of decency.

LITTLE BOY BLUE

Mr. FRIST. Mr. President, briefly on another issue, just because each day we are bombarded with so much bad news, disappointing news, news that makes you want to put the newspaper down or turn off the television, I want to share with my colleagues a piece of good news, heartwarming news, news that is reflective of the compassion that we as an American people have, that we have the opportunity to express at times, and this particular incident, I believe, represents it quite concretely. It is about a very special 7-year-old boy from Afghanistan.

His name is Mohammad Omar. He suffers from a congenital anomaly, a birth defect that is not all that rare but we didn't know how to treat until the beginning of the 1940s, 1950s, when the research was initially done. Before that, it had a 100-percent mortality rate. As you will tell from the outcome of the story, surgery has changed that.

His defect is called tetralogy of Fallot. Tetralogy means there are four things—It doesn't matter what they are—but it is a hole between two chambers of the heart; a ventricular septal defect it is called. The second is an outflow tract obstruction from the right ventricle to the lungs, and therefore the obstruction there means the blood does not get up through the lungs. There is an overriding VSD and then there is some right ventricular hypertrophy—the right side of the heart is big and very muscular.

Mr. REID. Mr. President, will the Senator yield? Would you like me to help explain some of that for you?

Mr. FRIST. That is three of the four tetralogies. I know my colleague knows the fourth is that right ventricular hypertrophy. I would be happy to yield to the Democratic leader.

Mr. REID. I have forgotten quite a bit about that, so maybe you should go ahead and explain it.

Mr. FRIST. I will be brief. But what is fascinating is that with science and with the great progress that is made, today it can be cured, where before it couldn't. What is interesting about the overall story is that Mohammed's father, Fateh, about a year ago—this is over in Afghanistan—brought his son to an American military hospital, reaching out, not knowing where to go. The province is the Khowst Province. He happened to run across my colleagues, or colleagues in the military, who are cardiologists, who are heart specialists. And looking at the blue appearance—because you don't get this oxygen flow through the heart, blood through the right side of the heart—they said it was probably tetralogy of Fallot.

With a few tests they made the diagnosis and they petitioned Mohammed to come to the States for treatment, but the visa applications by Mohammed and his dad, Fateh, were initially denied. But somewhere out there was a little angel looking out, and sure enough they ran into a fellow who happened to be a student of mine back at Vanderbilt, Dr. Sloane Guy, whom I hadn't seen for a while, and I was with him at a time when he was looking to the future, didn't know where he was going, whether it was heart medicine, cardiology, heart surgery. He was on active duty in Afghanistan.

He called me and said: Isn't there anything that we can do? So, working together, I—and this is really compassion, reaching out, going beyond what a lot of people usually do—but working with the State Department, again reaching out, the Department of Defense, we were able to get approval for young Mohammed to come here and, indeed, on Tuesday, just 3 days ago, they arrived at Andrews Air Force Base.

Yesterday morning, Mohammed underwent surgery at the Children's National Medical Center. Straightforward surgery, it would be described by Dr. Jonas, Richard Jonas, who is a renowned cardiac surgeon, fellow cardiac surgeon, but does the surgery over at Children's National Medical Center—fairly routine surgery, although it was pretty complex surgery in truth, repairing the hole between the ventricles—the right outflow obstruction—and hooking things back up so they flow normally. Right now the young boy is still in the intensive care unit. That is the normal course, but he is recuperating nicely. You never want to predict the long-term outcome because in the first 5 or 6 days anything can happen.

But my point is, that is the kind of story you don't hear. It took a lot of people reaching out, coming together, the best of the public sector, the best of the private sector, the best of the generosity of doctors, the compassion of individuals in Afghanistan who made the initial diagnosis coming together with the result that just a few miles from here is unfolding.

Larry King, whom you know, although sometimes we are here after he is on at night, many of us turn him on at night, just about every night—the Larry King Cardiac Foundation provided much of the financial support to bring him here. The Afghan Embassy, right now, is providing support for the family and support with interpreters and food and the like. Dr. Jonas and his cardiac surgical team, including the people who run the part of the pulmonary bypass machine, and all the technicians there who contributed their time, the great resource of the Children's National Medical Center, which is right here—everybody came together to make this story possible.

To me, this reflects the stories that never get told. But it also shows how humanitarian outreach can be used as a currency for peace. It is built around trust. It is built around outreach. It is built around selflessness and going beyond faces that you see every day; everybody working towards a common goal.

So I just wanted to take the opportunity to tell that very brief story. I do wish Mohammed a speedy recovery and wish his dad the very best. While waiting in Afghanistan, not knowing whether or not this lifesaving surgery—without surgery he would die—without knowing whether this lifesaving surgery would be provided by people in a country they had no idea even existed, in terms of the people, he became known as the little blue boy; Little Boy Blue, I guess, is what they called him because of that blue appearance.

So it will be a great story because that blue appearance, Little Boy Blue no longer will be Little Boy Blue. He will be a healthy young child with a normal lifespan thereafter.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

Ensign/Graham modified amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States.

Chambliss/Isakson amendment No. 4009, to modify the wage requirements for employers seeking to hire H-2A and blue card agricultural workers.

The PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, while the majority leader and the Democratic leader are still in the Chamber, I wish to express my gratitude to each of them, as well as the managers of the comprehensive immigration reform bill that is in the Chamber and that we have been debating this week, for the progress we have made. I think it has been in the greatest traditions of the Senate that we have taken a controversial subject where debate that has been long overdue and we have had an open and honest and vigorous debate on many important amendments that have helped improve the bill, from my perspective. But this is the Senate at its best. While we know we will not always agree with one another, there is one place on the face of the planet where we have the freedom, we have the opportunity to have debates and try to build consensus.

I know there are some—and I was just on a talk show moments before I came to the floor, and the person hosting that had expressed some frustration about what has been going on here, and I encouraged him to think of this according to the old adage that watching legislation being made is somehow like watching sausage being made.

Parenthetically, I note sometimes that we maybe give sausage-making a bad name, but in all sincerity the important thing is that we are having the debate, we are having votes, and majorities are ruling. I do not necessarily always like the outcome of those votes. Sometimes I do. But the fact is that we are having votes and we are letting the process move forward. Hopefully we will have a comprehensive reform bill passed by the Senate, a bill we can be proud of and will then be sent to the President's desk for consideration and possible signature. My hope is we will continue to have this process move forward and have an opportunity to call up additional amendments.

I wanted to speak briefly about an amendment I intend to offer not today but at a later time. I have previously spoken about this issue.

The compromise bill that is currently in the Chamber contains language that prohibits information sharing and restricts how the Department of Homeland Security may use information submitted in applications. The text in the underlying bill is exactly the same as that contained in the 1986 amnesty legislation. Twenty years ago now, we know from hindsight and experience, those provisions led to hundreds of thousands of ineligible aliens receiving green cards. The amendment I intend to offer does not eliminate the confidentiality provisions. It does, however, state that once an individual's application is denied, there is no longer a need for confidentiality, and that information may be shared with law enforcement personnel, that may be necessary to investigate fraud and bring others to justice.

The underlying bill says that information furnished by an applicant can only be used to make a determination on that specific application. The information may also be used in connection with a criminal investigation or prosecution. But if the Department of Homeland Security identifies a pattern of fraud, it would be prohibited from using that information in one fraudulent application to deny another application that was submitted as part of a criminal conspiracy. The same restrictions were included in the 1986 legislation program, and that caused widespread fraud and abuse. There is no reason to treat legalization applications any differently from any other immigration application submitted to the Department of Homeland Security.

The New York Times described the 1986 agricultural worker amnesty as "One of the most extensive immigration frauds ever perpetrated against the United States Government." Although the estimated size of the illegal alien population engaged in agricultural work in the 1980s was only about 300,000 to 400,000 out of a total agricultural workforce of 2.5 million, 1.3 million aliens were amnestied under the program.

Let me make sure that is clear. Although the estimated size of the illegal alien population engaged in agricultural work in the 1980s was only 300,000 to 400,000, 1.3 million aliens were amnestied under that program.

The confidentiality provisions of the 1986 act were credited with causing the widespread fraud and abuse. In 1999, the General Counsel during the Clinton administration testified before the House that "the confidentiality restrictions of the law in the 1986 amnesty also prevented the Immigration and Naturalization Service from pursuing cases of possible fraud detected during the application process."

In 1995, a man by the name of Jose Velez, the ex-president of LULAC, was found guilty of immigration fraud after he filed fraudulent applications under the 1986 amnesty. The task force that brought down that particular conspiracy resulted in guilty pleas or convictions of 20 individuals who together were responsible for filing false legalization applications for in excess of an estimated 11,000 unqualified aliens. In other words, 20 people pled guilty to falsified legalization applications for in excess of 11,000 unqualified aliens.

Between March of 1988 and January 1991, Velez and his coconspirators submitted approximately 3,000 fraudulent applications. In connection with the 1986 legalization program, there were 920 arrests, 822 indictments, 513 convictions for fraud and related criminal activity.

(Mr. ISAKSON assumed the Chair.)

Mr. CORNYN. This is not about history. This is about what is also happening even today. I am reminded of the report of the 9/11 Commission and the studies and investigations we conducted after 9/11 which indicated a consensus that we had to bring down some of the stovepipes that prohibited information sharing in our intelligence community. Essentially this amendment is designed to bring down the stovepipes that have prohibited the Department of Homeland Security from sharing information that would lead to discovery of evidence of massive fraud in our immigration system. I hope that when the amendment is called up, when we have a chance to vote on it, my colleagues will support it.

But again, this is not just about history. This is about what is happening today. I have in front of me a news release dated May 19, 2006, from the U.S. Immigration and Customs Enforcement Agency entitled "Six People Indicted in Multi-State Amnesty Fraud Conspiracy."

This is out of Atlanta, GA, which may be of particular interest to the Presiding Officer. Several individuals—it looks like six individuals were indicted by a Federal grand jury on May 9, 2006, on charges of conspiracy to encourage and induce aliens to reside unlawfully in the United States and to make false statements in applications presented to the Department of Homeland Security. They were charged in separate counts for making false statements in applications presented to the Department of Homeland Security, and also there were two counts of money laundering.

The U.S. attorney in charge described this conspiracy in these words:

> The six individuals indicted in this conspiracy were involved in a multi-state scheme to solicit immigrants who were illegally present in the United States to file fraudulent applications for amnesty with the Department of Homeland Security. The defendants, as part of a money making scheme, allegedly assisted immigrants who did not meet legitimate amnesty program requirements to file applications containing false statements. This office—

The Office of the U.S. Attorney—

> is committed to vigorous investigation and prosecution of schemes such as this one as part of the President's initiative to strengthen enforcement of our Nation's immigration laws.

The U.S. attorney goes on to say:

> Not only did these individuals seek to exploit our legal immigration system for personal financial gain, they used their positions as religious leaders to prey upon the immigrant community.

That statement was attributed to Ken Smith, special agent in charge of the Office of Immigration and Custom Enforcement. That office is located in Atlanta. He goes on to say:

> This case highlights the importance of ICE's close partnership with other law enforcement agencies as we seek to dismantle criminal document and benefit fraud networks.

Mr. President, I will not read the rest of this news release, but I will ask unanimous consent that at the end of my remarks this document be made part of the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. I thank the Chair.

So, Mr. President, we have had a productive week in the Senate dealing with the issue of comprehensive immigration reform. Each of us has perhaps won some and lost some in terms of the amendments we favored or disfavored, but I think it has been a good week for the Senate, a good week for the cause of securing our borders and restoring public respect for our laws. At the same time, as we continue to be a nation that does welcome legal immigration, one of the things that I will say that I hope we continue to focus on is what in our immigration system really is in America's best interest—recognizing that we can't simply open our borders to anyone and everyone who wants to come to the United States or we would be swamped by a veritable tsunami of humanity.

We should continue to be a welcoming country but one that respects not only our heritage as a nation of immigrants but also respects our heritage as a nation of laws. Indeed, at this time, we are trying to export that heritage as not only the Democratic country that respects democracy but one that respects the rule of law in places such as Afghanistan and Iraq, and so we need to tend to business here at home.

But as we continue to debate and discuss and hopefully pass laws that are in America's best interest and improve our system, we will look at exactly what type of legal immigration we should encourage. I would ask my colleagues to not only focus on the massive low-skilled immigration that is part of this underlying bill but also focus on those people who have special talents and special educational credentials and experience, highly skilled individuals whom we ought to encourage to come to this country and, if they want to become American citizens, provide them an opportunity to do so. When we look at the costs associated with the underlying bill, what we have learned is low-skilled, poorly educated individuals are more likely to be a financial burden on the American taxpayer than those who are highly skilled and highly educated. Indeed, those highly skilled and highly educated legal immigrants whom we ought to be encouraging to come to the United States and become part of this great country are people who are going to help America to continue to be competitive in the global marketplace. That includes, of course, foreign students who study at our universities.

I personally believe that when someone graduates with one of these important advance degrees in math, science, engineering, the very sorts of skills and talents which will make America competitive, we ought to give them preferential treatment when it comes to their application for legal permanent residency and putting them in line for American citizenship, if that is their wish.

I hope what is not lost in all of this debate about immigration reform is America's great heritage as a nation of immigrants, our heritage as a nation that believes in the rule of law. What that means to me is we ought to be encouraging legal immigration that is in the best interests of this Nation while discouraging and preventing illegal immigration by comprehensive border security, interior enforcement, worksite verification, and sanctions against employers who cheat, while we also create a legal immigration system to deal with the workforce needs and our prosperity in America going forward.

I yield the floor.

EXHIBIT 1

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,
May 19, 2006.

SIX PEOPLE INDICTED IN MULTI-STATE AMNESTY FRAUD CONSPIRACY

ATLANTA, GA.—Emma Gerald, 54, of Kennesaw, Ruy Brasil Silva, 49, of Roswell, Marcos Amador, 19, of Atlanta, Denise Silva, 45, of Roswell, Douglas Ross, 29, of Marietta, and Hudson Araujo, 27, of Brockton, Massachusetts, were indicted by a federal grand jury on May 9, 2006, on charges of conspiracy to encourage and induce aliens to reside unlawfully in the United States and to make false statements in applications presented to the Department of Homeland Security (DHS). Emma Gerald, Ruy Brasil Silva, and Marcos Amador are charged in separate counts for making false statements in applications presented to DHS. Emma Gerald is also charged with two counts of money laundering.

Ross was arraigned today in Atlanta. Araujo was taken into custody by federal agents in Brockton, Massachusetts, and had his initial appearance in federal court in Boston today. Denise Silva is a fugitive being sought by federal law enforcement authorities. Gerald, Ruy Brasil Silva, and Amador were indicted on related charges on February 14, 2006. Gerald was released on a secured bond and Ruy Brasil Silva and Amador are in custody. Their arraignments on this indictment have not yet been scheduled.

United States Attorney David E. Nahmias said, "The six individuals indicted in this conspiracy were involved in a multi-state scheme to solicit immigrants who were illegally present in the United States to file fraudulent applications for amnesty with the Department of Homeland Security. The defendants, as part of a moneymaking scheme, allegedly assisted immigrants who did not meet legitimate amnesty program requirements to file applications containing false statements. This office is committed to vigorous investigation and prosecution of schemes such as this one, as part of the President's initiative to strengthen enforcement of the Nation's immigration laws."

"Not only did these individuals seek to exploit our legal immigration system for personal financial gain, they used their positions as religious leaders to prey upon the immigrant community," said Ken Smith, Special Agent-in-Charge of ICE's office of Investigations in Atlanta. "The case highlights the importance of ICE's close partnerships with other law enforcement agencies as we seek to dismantle criminal document and benefit fraud networks."

According to United States Attorney Nahmias, the charges and other information presented in court: Emma Gerald, the pastor of a local church, held herself out as a consultant to aliens seeking amnesty in the United States. Gerald did business under the name "EJ Consulting Services." Under a program known as the "Catholic Social Services/Lulac/Newman Amnesty Program" (the "CSS Amnesty Program"), certain aliens who were illegally in the United States were eligible to apply for temporary residence in this country. In order to be eligible, an alien had to meet certain requirements, including having been present in the United States unlawfully from prior to January 1982; and having previously applied for temporary residence but having been turned down because the alien left and re-entered the United States without the permission of the now-defunct Immigration and Naturalization Service (INS).

Gerald conducted meetings at Marietta churches to solicit aliens, largely Brazilian nationals who were illegally present in the United States, to apply for the CSS Amnesty Program. Ruy Brasil Silva was a pastor of one of the churches and made it available to Gerald for the meetings. Marcos Amador acted as a translator and assistant to Gerald. Gerald advised the Brazilian aliens that the Department of Homeland Security did not have records to establish whether an alien met the CSS Amnesty Program requirements as to length of residence in the United States or previous unsuccessful application for amnesty, so that they could apply even if they did not qualify. Over the course of the scheme, Gerald charged the aliens between $300 per person/$500 per married couple to approximately $600 per person/$1100 per married couple. For an extra fee, Gerald and Amador would provide the aliens with letters falsely stating that they met the program requirements as to length of residence and previous application for amnesty. Douglas Ross, Gerald's son, attended the meetings, assisting Gerald with preparing and collecting applications and collecting money from the aliens.

Gerald, Ruy Brasil Silva, Amador, Ross, and Denise Silva conducted similar meetings in Florida, collecting money from Brazilian aliens to assist them in filing fraudulent applications. Gerald, Ross, and Hudson Araujo conducted meetings in Brockton, Massachusetts.

The United States is seeking forfeiture of Gerald's Kennesaw, Georgia home and several vehicles, including Gerald's Mercedes-Benz automobile, on the grounds that they were purchased with proceeds of the criminal scheme or were used to facilitate the criminal activity. The United States is also seeking forfeiture of several bank and investment accounts, on the grounds that criminal proceeds were deposited into the accounts.

The indictment charges one count of conspiracy against all the defendants, one count of false statement against Gerald and Amador, one count of false statement against Gerald and Ruy Brasil Silva, and two counts of money laundering against Gerald. The conspiracy charge and false statement charges each carry a maximum sentence of 5 years in prison and a fine of up to $250,000. The money laundering charges each carry a maximum sentence of 10 years in prison and a fine of up to $250,000.

This case is being investigated by special agents of the Department of Homeland Security, U.S. Immigration and Customs Enforcement, and postal inspectors of the United States Postal Inspection Service.

Assistant United States Attorneys Teresa D. Hoyt and Jon-Peter Kelly are prosecuting the case.

Members of the public are reminded that the indictment contains only allegations. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. REED are printed in today's RECORD under "Morning Business.")

Mr. REED. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4038, AS MODIFIED

Mr. CORNYN. Mr. President, I ask unanimous consent that amendment No. 4038, previously agreed to, be modified to reflect a technical change in the instruction line of the amendment. The modification is at the desk.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 4038), as modified, is as follows:

On page 264, strike lines 10 through 20.

On page 370, line 21, strike "this subsection" and insert "paragraphs (2) and (3)".

Mr. CORNYN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have had some good debate this week on the immigration bill that is before the Senate. We made some progress toward improving the legislation. I think to some degree the good and decent and deeply felt views of the American people are beginning to be heard—but not clearly enough in this body. We still need to listen to them more.

I submit that on every single issue the American people have it right. We discussed last night and debated last night some key issues. I know one of the supporters of the bill described this as a difficult issue, complicated, emotional, but we are trying to do something. He suggested that was courageous and we should be not afraid to move forward. Well, we do need to move forward but we did not have to move forward on this bill. We could have moved forward, as the House did, taking the first step to ensure that we have a legitimate legal system of enforcement that works, and then we could move on to the comprehensive solution of what to do with the illegal alien population and the future immigration policies of the United states. We can do that separately, or we can try to do them together at the same time.

I was inclined to believe that we weren't ready to deal with this issue comprehensively. That is why I thought the House's idea wasn't so bad. But it was complained about on this side, with great moral superiority, that their approach to security first was somehow bad and not worthy of respect.

I think it is very worthy of respect. In fact, I think this bill would show that we probably would have been better off to have followed their lead. This is the great Senate of the United States of America, and we are not here just to do something, anything. We are here to do the right thing. We are here to confront one of the big issues of our time, and to do it in a way that is consistent with our laws and our values and the values of the American people. That is what we should do. That is our responsibility to our constituents, to our posterity, to the heritage we have been given. That is absolutely our responsibility.

I will tell you, and I will say it plainly, and others may not, but this legislation fails miserably in that regard. It is unworthy of the Senate. It should never pass, it should never become the law of the United States of America. It does not meet our highest ideals. It does not create a system that is consistent with the national interest of the United States.

Let me say with regard to the work that we did this week, I will sort of run down and point out some of the things that occurred, some good things occurred, and some things that were not so good that occurred. Also, in my time today, I want to move from that to a more thoughtful discussion of what any good immigration reform bill should have in it, what issues it should deal with, and point out how this bill is defective in the most fundamental way it lacks the basic principles of any good immigration reform bill.

We started out on the floor of the Senate with a 614-page bill , My staff, Cindy Hayden and her team, discovered that the bill on the floor that they were urging passage of would have brought 78.7 to 217 million legal immigrants into the United States in 20 years, equal to 26 to 66 percent of the entire total population of the United States of America of 298 million. That is what we were being asked to vote on.

I believe we were correct. We were the only group, apparently, to have ever researched this, and I think that includes the authors themselves.

Those who were opposed to this bill were being accused of wanting to lock up people and close our borders and not let anybody in and do all these horrible things, which was never the case. We simply said let's talk about a good policy for America.

We attempted to deal with the important issue of making sure enforcement will happen. I raised it in the Judiciary Committee and got a modest amendment on this issue passed. The Presiding Officer, Senator ISAKSON from Georgia, went right to the heart of the issue and drafted a very good amendment that I thought had a very good chance to pass, and should have passed, and it deals with this fundamental problem, most clearly demonstrated by what happened in 1986.

In 1986, they passed comprehensive amnesty and immigration reform. Those who were in the Senate then—I was not yet here—and remember the debate know it was an amnesty to end all amnesties. It was supposed to create a legal immigration system, and we were told we would not have to do this again. Those concerned about it warned, however, one amnesty begets another amnesty. The more you go down that path, the easier it is. This sends a signal to the world that we are not serious about our laws. In that one bill in 1986, we passed the amnesty, and we authorized a number of things to occur that were supposed to result in an effective legal system. Well, the amnesty became law just like that. But the other things that the enforcement side took—the required funding and congressional assistance, and mostly Presidential leadership—never occurred. It didn't occur.

So Senator ISAKSON came up with an amendment this week that I thought was pretty good. It basically would have ensured that the borders were secure before any of the amnesty provisions could be implemented. They are telling us constantly that the borders are going to be made secure if we pass this bill, so let's hold their feet to the fire and say this time the American people want to have a little hold on you before you grant amnesty again. Let's be sure the borders are secure first, that Congress won't forget that goal after the bill passes. Without the Isakson language, the amnesty provisions in the bill take effect the day the bill is signed. But we didn't accept that amendment. Instead, we will remain in the position where we hope that we will have immigration enforcement in the future. We accepted the Salazar trigger amendment that simply requires the President to determine that the bill's amnesty and guest worker provisions will "strengthen the national security of the United States."

That is not sufficient. That doesn't go to the meat of the issue like Senator ISAKSON proposed. And why was it rejected? Why was it rejected? I have had a suspicion and a growing suspicion over the years that this Congress is always willing to pass some bits of legislation dealing with immigration. But if any piece of legislation hits the floor of the Senate that will actually work, that is when the system pushes back and, for one reason or another, one excuse after another, it never happens. So I think this would have worked, and that is the reason it got rejected.

What else occurred, good and bad, through the week? My amendment was accepted 83 to 16 to put 870 miles of physical barriers on the border, 370 miles of fencing, and 500 miles of vehicle barriers—a good amendment, consistent with what the Secretary of Homeland Security and the President said they desired. We probably need more, but we need at least that. It was accepted.

Amusingly, I saw in the paper—I wasn't there when the final vote was counted, but I saw in the paper that 17 Senators changed their votes, mostly on the other side, the Democratic side, after it became clear the amendment was going to pass. Many Senators, for months, have been rolling their eyes and said we don't need fences. That is not very good. That is not a good thing to do. Fences will work, trust me. They will work. But that, of course, begets the objection, I suspect. But when we voted, it was interesting that we ended up with a vote of 83 to 16, suggesting that the American people are beginning to have their voices heard a little bit in Congress.

Then perhaps the most significant amendment that was adopted was a Bingaman amendment. It would reduce the incredible escalating number under the new H–2C visa foreign worker program. Under the original bill, the numbers were unbelievable. The amendment reduced the total number of immigrants that would have come into the United States if that bill became law from 78 to 217 million to a lower 73 million to 93 million. That was a strong vote for that provision and we make progress in reducing the numbers.

However, this bill, S. 2611, still enacts a four- to fivefold increase over the current levels of legal immigration into America over 20 years. Current law would bring in 18.9 million over 20 years. Did you get that? This bill, if passed today, even after the Bingaman amendment passed by a substantial majority, would still bring into our country three, four, five times—at least four times, I suggest—the number of people who can come into our country legally today.

That is a huge number and will lead us at the end of 20 years to have the highest percentage of foreign-born Americans this Nation has ever had in its history, including the great migration period between 1880 and 1925. It is a colossal bill still in terms of those numbers.

The Senate also accepted, after rejecting it 3 weeks ago when the bill first came up—the bill was pulled from the floor because we couldn't get a vote on Senator KYL's amendment to make certain that criminals are not given amnesty under the bill. It was a simple amendment to say criminals, felons, couldn't be given amnesty, and we couldn't get a vote on that amendment. It was so bad apparently, the Democratic leader was so determined to block this vote, that Senator FRIST pulled the bill down.

As time went on, we were ready to vote on that amendment, and they accepted it, not graciously, but they took it. It certainly makes sense that we do that.

The Senate rejected the Vitter amendment by a substantial amount—66 people voted against it—which would strike the bill's provisions that adjust the illegal alien population to lawful permanent residents, the so-called amnesty provision.

The Senate narrowly accepted the Cornyn amendment, 50 to 48, which protects U.S. jobs for workers by making sure the H-2C visa holder can only apply for green cards if they have actually worked—they are supposed to work—if they actually worked for 4 years and their employer attests they will still have a job after they are given a green card, and the Secretary of Labor determines there are not enough U.S. workers available to fill the job position.

Then the very next vote, a companion amendment by Senator KENNEDY which was adopted with 56 votes, gutted that protection, in effect, and it no longer requires that the employer promise to continue to employ an H-2C alien.

Federal benefits was a key vote yesterday. The Senate shockingly rejected the Ensign amendment 50 to 49—close, close vote—that would have prevented aliens from collecting Social Security benefits as a result of their illegal entry into the country, their illegal work, and their illegal presentation of a Social Security number. Fraudulent presentation of a Social Security number and criminal entry into the United States, and this bill provides they can draw Social Security. We had an amendment to clarify that issue, and the Senate voted to keep the provision in the bill.

Social Security is in trouble now. Thankfully, the Senate accepted the Cornyn amendment that assessed a $750 fine to illegal aliens that will go into the State impact assistance account, and the money will be used to help the States pay for costs that are connected with immigration.

The Senate accepted an amendment by Senator INHOFE on a 63-to-34 vote, 34 Senators voting no, stating that English is a national language and strengthening the citizenship test where one is supposed to know something about the Constitution, the Declaration of Independence, George Washington, John Adams, Thomas Jefferson and crew, and the history of the United States. It would strengthen that a bit. But 34 Senators voted against that amendment. It was adopted. We are moving forward.

My good friend, Senator CORNYN, who is as positive and effective a Senator as we have had join us in quite a long time, said that we made a lot of progress this week. I say we made some progress. I want to share with my colleagues why I think there are serious problems in the legislation.

Last week, I detailed 15 loopholes in the bill that is before us today. Of those 15, maybe 4, 5, 6 have been fixed in significant part, leaving 8 or 9 that have not been fixed. I will not go over those at this time, but I do want to say that those concerns I raised last week are very real. They really need to be fixed. Those loopholes need to be closed. Those concerns need to be dealt with. I am prepared to debate or negotiate with anyone about the importance of those points I made last week. I think most American people would agree with me on every single one of those issues.

Today I wish to talk about a more broad concern with the bill and its potential impact. I again emphasize that we are sensitive to the good and decent people who come here. Those of us who are unhappy with the way this bill is written are not against immigration and not against immigrants; we are not for closing our borders and not for not having anymore immigration. That is all foolish. We are not for arresting people by the tens of thousands and hauling them out of the country. That is not going to happen. But, I don't think the view of the House of Representatives, that we ought to deal with enforcement first and demonstrate that we can create a lawful and workable system first, is immoral, impractical, or radical. It makes a lot of sense to me.

Secondly, I am not aware of any Member of Congress who favors hostile or extreme measures in dealing with the issues today. We want immigration to occur. We will expect to see some increases in immigration, but we want it to be legal, under policies and terms that are appropriate for the United States of America.

The American people are with us on this issue. They expect us to create an immigration system that works and is legal. They don't want to reward those who break into our country with every single benefit we provide to those who come legally. To me, that is, indeed, amnesty.

The American people do not think big business and advocacy groups should be able to meet in secret and create some great design of a plan, foist it on the Senate, and that we can't consider it, review it, and reject it if we need to.

That is basically part of the debate we had last night. It was argued: Well, there has been a great compromise. Sessions, you and the American people, your views weren't part of it, but we know better for our country than you do. And if you amend this section, the compromise will collapse, and the bill may not get passed. You can't change this bill.

The section we were trying to change was the section that is as bogus as any part of the bill. It is the section that is captioned in big print: temporary guest worker. That is what the President has been saying he favors. He told me that personally a couple of days ago. He told me, when he flew to Alabama, that he believed in temporary workers. But it is not so that this bill creates a temporary worker program. I challenge any one last night to tell me that what I am saying is not true.

Under this bill, under that rubric of big print language, "Nonimmigrant Visa Reform, Subsection A, Temporary Guest Workers"—what it really says is if you come into this country under this work visa you get to convert your status to a green card holder—a legal permanent resident that can then become a citizen. Somebody said last night: Why are people afraid to discuss this issue? I say to the supporters of the bill: Why are you afraid to tell the truth about your bill? Why do you title the section one thing and then write it to actually do another?

Why are you putting in here "temporary guest workers" when there is nothing "temporary" or "guest" about them. Why? Are they afraid the American people will find out what is really in that provision which would have brought in, had it not been amended by Senator BINGAMAN, perhaps 130 million new people into the country permanently? What kind of temporary program is that?

How does it work? This is the way it works: You come in, get a job; you come in under this guest worker proposal, and within the first day you arrive, your employer can seek a green card for you. If you qualify—and most will—then that green card will be issued, and you are then a legal permanent resident. You are a legal permanent resident within weeks or months of entry into the country, and within 5 years of being a legal permanent resident and having a green card, you can apply for citizenship. If you know a little English and don't get arrested and convicted of a felony, you will be made a citizen by right under that provision. So it is not a temporary guest worker program. We need one in the bill. It is not there. That is what the President says he supports.

The American people don't think we ought to huddle up, have some groups come in and meet with a few Senators and have them foist on the American people an immigration bill that ignores their concerns about legality and their legitimate concerns over the depressing of the wages of American citizens. That is not a myth. The law of supply and demand has not been abrogated with regard to wages and labor.

In terms of lawfulness, decency, morality, and the national interest, the American people are head and shoulders above the Members of Congress who are asserting and pushing this flawed legislation. A huge majority of the American people have been right on this issue for decades. It is the executive branch and the Congress that have been derelict in their most solemn duties. If the American people had been listened to and not been stiff-armed by an arrogant elitist bureaucracy and political class, we wouldn't have 11 million to 20 million people in our country illegally today.

The American people have been concerned about this issue—and the polls have shown it—for 20, 30 years. So what is our national interest and what policies should we pursue? What about border workforce enforcement? Any good bill would include a good enforcement system at the border and workplace.

We should focus our policies on higher skill needs, college degrees, instead of low-wage workers. Serious consideration should be given to how we welcome new immigrants into the American world and have them reach their fullest and highest aspirations. We are not able to do that under the current system, and we certainly should fix this illegality and actually provide some mechanism for a large number of people to come out from the shadows, as they say.

We should consider seriously the impact of wages on the American workers, and we need to consider what other developed nations, such as Canada, Britain, and France are doing. How are they confronting these questions? Why don't we do that? I will tell you why we don't. It is because this bill is totally incompatible and inconsistent with the principles those advanced nations are following.

All of this must be done with the full recognition that America cannot accept everyone who might want to come here, and that is just a fact.

I recently took a trip with Chairman SPECTER of the Judiciary Committee to South America. We were provided State Department news clips. There was an article about a poll in Nicaragua that said 60 percent of the people in Nicaragua would come to the United States if they could. Sixty percent of the people of Nicaragua said they would come to the United States if they could.

We next stopped in Peru, and I asked one of the officials at the Embassy about that poll and asked him did he think it was true. He said they just had a poll in Peru earlier this year—I mean this year, both these polls were this year—earlier this year, he said, and 70 percent of the people of Peru said they would come to the United States if they could. What about the whole world? We have people who want to come from India and China and South America and Brazil and Haiti and the Dominican Republic and the Middle East and Bangladesh and Taiwan and the Philippines. These are good people. I am not putting any of them down. I am just saying for an absolute fact—an absolute fact—that we cannot accept everybody who would like to come here. Therefore, we should decide how to create a system that makes the laws enforceable and then enforce them, and we ought to seek to bring in people who provide the greatest asset to America.

So we will be confronting another issue we need to confront, and that is chain migration. Once a person comes in and they get that green card and then they become a citizen, once they get the green card, they can bring their wife and children. They may have six children. And the wife gets to come and the children get to come. Then, in addition to that, once they become a citizen, they can bring their parents and their brothers and sisters, even if it is a large number of them. They can bring, through this chain migration system, huge numbers of people who may not be what our Nation needs at the time. Maybe there is a glut in the skills their brother or sister has. Maybe those things would mitigate against them. And maybe there is some college graduate in the Dominican Republic who is anxious to come but does not qualify, cannot get in because the visas have been used up by this chain migration process, which makes no sense and needs to be altered.

Also, we need to consider the impact on the Federal Treasury. Even as a green card holder and as a citizen, you are entitled to an earned income tax credit. Most of the people legalized or coming in under this bill would be lower wage workers, and the earned income tax credit for those who qualify amounts to a tax refund to a lower wage worker on average of $2,400 per worker, per year. So they would qualify for the earned income tax credit, their parents would qualify for SSI health care, Social Security benefits as we have in this bill, welfare benefits, education, and health care. The bill calls for instate tuition for illegal immigrants. That is still in here via the DREAM Act. Those kinds of things are in this bill.

So we have had a week of some productivity, but we have much more to do in creating a bill that is fundamentally worthy of this Senate and that will deal in an effective way with where we are heading in the future.

Mr. President, I see my colleague from Washington, Senator WYDEN. I don't know how long he wants to speak. I have some more to go. If he is not going to be particularly long, I would—

Mr. WYDEN. Would my colleague yield just briefly for a question?

Mr. SESSIONS. Yes.

Mr. WYDEN. Mr. President, I was going to talk for about 15 minutes or so. I would be happy to wait for my friend from Alabama, if he would like to finish. How much longer do you intend to speak?

Mr. SESSIONS. Probably longer than that. A good bit; probably 30 or so minutes more. So I would be pleased to yield to the Senator if he is ready and pick up after that. I think I am going to be closing out the Senate when we finish up, anyway.

Mr. WYDEN. Mr. President, I would be ready in just a couple of minutes to start. If my colleague would like to go on for a couple of additional minutes, and then I will speak, and then he could return.

Mr. SESSIONS. Sounds great.

Mr. WYDEN. I thank him for his courtesy.

Mr. SESSIONS. So one of the most significant issues facing America today is how many immigrants will be allowed to enter the United States and become citizens. I am not sure we have given any thought to that. As I said, when we announced at the beginning of this week that the numbers could be as high as 200 million people allowed into the country, I don't think most Senators had any idea that was so. My staff worked that up at about the same time the Heritage Foundation did their own independent analysis, and they were very close in numbers to ours. I hope that played a role in our ability to pass a bill the next night that did bring those numbers down. As I say, we are now looking at about 73 million to 93 million more people legally coming into our country in the next 20 years.

I wish to emphasize this: Don't think those are small numbers. We are a 300 million-person country right now, and I am talking about 4 times the legal immigration rate presently existing in our country. Under the current law, we would have 19 million come in over 20 years. Under this bill, we would have 73 million to 93 million coming in by a short 20 years from now.

I asked the Judiciary Committee to hold a hearing on April 19 to examine the full impact of the legislation and what we could do about it. I asked that we examine what the estimated numerical impact is of the immigration proposal and how does the future chain migration of family members impact the total immigration numbers under the proposal. I asked that we have hearings on what will be the legislation's estimated fiscal impact on the Federal Treasury as well as State and local governments; how will the entitlement programs such as Medicaid, TANF, and food stamps be affected; what level of immigration in the future is in our best national, economic, social, and cultural interests; and what categories of immigrants in terms of skills and education should compose the overall level of annual immigration. I stated that we need to have a national discussion on this issue. The American people need to be involved.

We had one committee hearing, and it lasted about 2 to 3 hours and three or four Senators came. The individual provisions of the bill have never been examined by any committee. Let me state that again. The individual provisions of the bill on the Senate floor have never been examined by any committee. But every witness who came to that one hearing acknowledged that high-skilled immigrants are good for the economy and that low-skilled immigrants are a net drain on the economy—on average, not every single one. Many of them turn out to be productive and go on and be productive. But on average, from an economist point of view, based on the data we have, they tend to take out more in taxes than they pay in taxes.

I sent a second letter asking for further committee hearings. I wanted to examine the numerical figures in the bill, the fiscal impact, but we never had any hearings on that.

So we did our studies on the legislation, and we came out with these numbers. We did our calculations, and we believe the numbers would run from 80 million or more people coming in over 20 years to perhaps 200 million people. Two hundred million would be two-thirds of the current population of the United States of America.

So we worked hard on those numbers. I don't think they were ever seriously challenged. This is the way it ran. Under current levels of legal immigration, there would be 18.9 million people coming into the country. If we had passed this legislation as it originally was when it hit the floor, we would have had 78.7 million at a minimum coming in—4 times the current level of immigration—and it could have hit the maximum of 217 million, according to our calculations—about 11 times the current level of immigration. So those are huge numbers. I think they caused great concern.

After the amendment Senator BINGAMAN offered was passed and it took out that 20-percent-per-year escalator clause on the 325,000-person guest worker program per year—under this new program, if you hit that 325,000 one year, automatically the next year's limit was 20 percent more, automatically the next year would be 20 percent more, and automatically the next year would be 20 percent more. I think that would have sent a clear signal to the entire world that the United States was going to accept huge numbers of immigrants, and I believe we would have had applications flooding in and it would have been a very serious problem. We did pare that back to 200,000 per year without any 20 percent increase over 20 years, and that made the huge difference I just mentioned. So now about 73 million to 93 million will come in over 20 years, 4 to 5 times the current rate.

I submit that is still far too large a number. We have had no real serious national discussion about what impact that would have on working Americans, what impact it would have on our welfare and our cultural ability to assimilate and welcome foreign visitors and workers who come to our country, and I think it would cause us great difficulty. So we still need to talk about that.

I ask my colleagues and those in the media, how much have you heard this discussed? How many people in the Senate have actually discussed and debated and acknowledged how huge a change this is and whether it is the kind of change we should carry out? Has it even been discussed? Oh, but they say, we have to pass something. We just have to pass something and get it off our plate. You know, the Senate has a lot to do. We are busy. Let's just move on it. Let's just show courage. Let's just move it on and get something to the House.

Oddly, some of the people who have been making the most fun and complaining about the House of Representatives for their enforcement approach are now justifying and asking us to pass the bill on the basis of, well, it will get better after we go over to the House. They tell me to not be so worried about all of these provisions because the House Members will never agree to it and we might make the bill better in conference.

That is kind of an odd argument to make. If you are so holy and so righteous, why don't you come down here and defend these numbers they tried to slip by 3 weeks ago without a single amendment being considered by the Senate. They tried to move that through here. Finally, it blew up and Senator FRIST pulled the bill down, insisting that at least there be some amendments considered as we move this piece of legislation forward.

So, Mr. President, in a few minutes I will share a few more remarks on some of the specific concerns I have involving this philosophy of the bill in a few moments. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WYDEN are printed in today's RECORD under "Morning Business.")

Mr. WYDEN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I yielded the floor to Senator WYDEN a few moments ago, and I wish to complete some thoughts.

I documented without any real dispute that the provisions in the bill before the Senate today will increase legal immigration into our country by an extraordinary amount, by four to five times the current levels. That is a huge increase.

At the same time, we have done the research on it, and I will not go into the details, but the programs that allow most of the people to come into our country favor low-skilled workers. We think from 70 to 90, maybe 92 percent of the workers who will come in under the provisions of the bill in the Senate today will come in as low-skilled workers. That is very significant because it is quite clear from every professional, independent, pro-immigration economist who has analyzed it that low-skilled workers do not tend to pay as much in taxes as they take out. They become a net drain on the Treasury of the United States. That is an important issue. If we are going to do comprehensive reform, why haven't we discussed this issue? I ask my colleagues and those who promoted the legislation before the Senate today, has that been discussed with the American people? Have we had extensive hearings in committees on this question? The answer is no.

In fact, if you read the bill, you will discover there has been a studied and carefully carried out plan to conceal how many people will come in under the temporary guest worker programs when, in fact, what they mislabel as a temporary program is in fact a permanent worker program that leads on a direct path to citizenship in fairly short order. I am talking about the future immigration programs in the bill here. I am not talking about the other 11 to 20 million illegal aliens who may claim amnesty under this bill.

If we are going to do a comprehensive plan, why don't we think first and foremost about what our Nation needs, what the implications are for immigration, how it has enriched us in so many ways in the past, how many wonderful, decent people come here. But we also need to ask ourselves, what are the limits of immigration? What are the aspects of it that could be better handled? We need to think these things through in a careful, legitimate way, focusing on the legitimate national interests of the United States of America, because it is not our policy and cannot be the policy of any nation to allow immigrants into their nation solely on the basis that it is good for the immigrant.

I don't want to be harsh about this. I am not being unkind. We want to have immigration. I will support an increase in legal immigration over the current levels if it is a reasonable increase focused in the right direction and promotes the interests of the United States. We will have more coming in, but we need to ask the question of how we should do it, who should be allowed to take advantage of the limited number of slots we can legitimately bestow on those who come here.

It cannot be their choice, but there seems to be talk here that reminds me of entitlement talks, rights talks, that someone in a foreign nation around the world has some sort of right to come to America, an entitlement to come to America, that we cannot deny them. Where did that come from? That is not true in any other nation in the world. It is an example of muddled thinking.

It is Mr. Barone who wrote a book called "Hard America, Soft America." Sometimes we need to just have clear thinking. Some things you just need to make a decision about. One of those is the number of people who can come into our country is limited. A great nation, a wise nation, wants to make sure the people who come into the country best suit and best foster that nation's progress. How simple is that?

Let's talk about the national impact of low-skilled workers versus high-skilled workers. I asked for a series of hearings. We got one hearing. It went 2 or 3 hours. We had good professors, but only three or four Senators showed up. I have some of the testimony from that hearing and some other information relevant to that important question that I will read from in a minute. Shouldn't we be talking about those things? We are talking about a lot of issues that may be hot buttons and of concern, and I am pleased we have a fence at the border, but at the same time, the great Senate of the United States needs to think about the future.

This is what we learned. The economic experts who testified before the Senate Judiciary Committee on April 25, 2006, at the immigration economic impacts hearing agreed that low-skilled immigrants unavoidably depress the wages of American workers in low-skilled job categories. They held, it is fair to say, a common consensus. Some are pro-immigration, and they argue benefits and other things, but they all held a common consensus that high-skilled immigrants are better for the economy than low-skilled workers. Low-skilled workers are an overall net drain on the economy.

Professor Richard Freeman, the Herbert S. Ascherman professor of economics at Harvard University, testified, among other things:

> One of the concerns of when immigrants come into the country is that they may take some jobs from Americans or drive down the wages of some Americans. Obviously, if there are a large number of immigrants coming in, and if they are coming in at a bad economic time, that's very likely to happen.

He went on to talk about the impact of high-skilled workers. He noted:

> I think America makes a huge gain, and much of the gains are to us. Some of the gains are to the immigrants, of course.

You will notice he says that more than once. He talks about who actually gains from immigration. For low skilled workers who come here, it is a gain to them because they are coming to a better and freer and more prosperous country. But the real question our Nation should ask is, How does it benefit us? He says:

> There are gains to us from high-skilled workers and to the immigrants.

He goes on to say:

> Having a lot of immigrants coming in at the top, it does make it more difficult for some young Americans to advance in those fields, but we can recompense the young Americans with other policies.

He goes on to note:

> It's very important to understand that the biggest beneficiaries from immigration tend to be the immigrants, particularly if you are a low-skilled immigrant.

He adds this:

> If you are a poor immigrant, your income in the United States will be six to eight times what it is in Mexico.

Professor Dan Siciliano, director of the program in law, economics, and business at the Stanford Law School, a pretty good law school, is a pretty strong advocate in favor of immigration, but he talked about the question of the cost of low-skilled immigrants. He said:

> If you look at the fiscal/economic impact, which is the Government's coffers impact, it might be true that lower-skilled workers, just like all of us, have a negative impact on the fiscal bottom line. And so we may have a modest net negative fiscal impact for all low-wage workers in the United States, not just immigrants. This is not unique to immigrants, documented or undocumented.

What he was saying is that low-skilled American workers who are not trained, not skilled, and not educated, will draw more from the Federal Treasury than they put into it. That is one of the reasons we work so hard to train and provide skills to American workers, so they can rise and be successful and reach their highest possible aspirations. But when that does not occur, it does have a cost to the economy. Why would you want to import large numbers who don't have skills when there are large numbers of people with skills who want to come here?

Dr. Barry Chiswick, head of and research professor at the Department of Economics at the University of Illinois in Chicago, said this:

> What about the impact on low-skilled American workers? How does a large amount of new labor into the country impact American workers of low skill?

He was blunt. He told it like it was. He said:

> There is a competition in the labor market, and the large increase in low-skilled immigration that we have seen over the last 20 years has had a substantial negative effect on the employment and earnings opportunities of low-skilled American workers.

He goes on to add:

> The large increase in low-skilled immigration has had the effect of decreasing the wages and employment opportunities of low-skilled workers who are currently resident in the United States.

We have some Members on the other side who want to bring in five times as many low-skilled workers as we bring in today. Do they want to dispute the professor from Chicago?

He goes on to say:

> The last amnesty [in 1986] actually encouraged additional low-skilled immigration in anticipation of further amnesties.

I went back and saw the summary of the debate in 1986. People who opposed that amnesty predicted that we were going to be driven inevitably to future amnesties and we should stand on principle and fix the system in 1986. This professor clearly agreed that their prediction has come true.

He goes on to add:

> Over the past two decades, the real earnings of high-skilled workers have risen substantially. The real earnings of low-skilled workers have either stagnated or decreased somewhat.

That is a sad statement. It is a sad event, if it is true, because people are doing well today. The economy is booming. But as I will point out to my colleagues in further remarks, the wages for low-skilled workers are not increasing. They are not sharing in the benefits of the progress and prosperity this Nation is enjoying at this point. We have an agreement here struck between the Chamber of Commerce and some political activist groups to move this bill through, and they are not concerned sufficiently about the interests of decent American citizens who may not have the highest skills. These Americans, however, are entitled to a decent wage and their wages should be going up in this time of prosperity.

Dr. Chiswick goes on to say:

> We need to provide greater assistance to low-skilled Americans in their quest for better jobs and higher wages, and one of the ways we can help them in this regard is by reducing the very substantial competition that they're facing from this very large and uncontrolled low-skilled immigration that is the result of both our legal immigration system and the absence of enforcement of immigration law.

I lay this on the table, like I have done before. If people want to disagree with Professor Chiswick, let's have them down here and explain that. Professor Samuelson and a lot of others agree with him, and the numbers tend to confirm that. When you have a shortage of labor, a laboring man's value goes up because he can demand a high wage. When you have a large amount of low-wage people willing to go out and take a job, it can drive down wages an American worker can expect to get when they go out and seek a job. I don't believe we are going to repeal the law of economics for labor. It has always been there, and it always will be.

Dr. Chiswick also shared with us his thoughts about the cost of low-skilled immigrants, and he notes:

> Low-skilled immigrants make greater use of government benefits and transfers than they pay in taxes.

I am not condemning anybody. We should not condemn anybody. We have a nation that is generous and wants to help people who have difficulties getting by in life. We are always going to do that.

But he says:

> Low-skilled immigrants make greater use of government benefits and transfers than they pay in taxes. So in terms of the public coffers, they serve as a net drain. Whereas high-skilled immigrants have the opposite effect. And the consequences of low-skilled immigration are pretty much the same whether they are in legal status or illegal status, although the net effect on the public coffers is actually more negative for legal immigrants who are low-skilled immigrants.

Did you hear that? Once they become legal and get a green card or become a citizen, they are entitled to more benefits than when they are illegal. But in fact, both of them turn out to be net drains on the coffers of the United States, according to Professor Chiswick.

He goes on to say:

> And if you do the analysis separately for high-skilled and low-skilled immigrants, what you would find is that even in a period of surplus, low-skilled immigrants would be paying less in taxes than the burdens that they would be putting on government expenditures.

Mr. Siciliano, who is more pro-immigrant and sees it in a more positive light, interjected and said:

> Truthfully, just like low-skilled U.S. workers.

And Professor Chiswick responded:

> Just like low-skilled natives, yes.

Mr. Siciliano responds:

> Yes, in no different way than low-skilled U.S. workers.

And Mr. Chiswick replied:

> But low skilled natives are here. And low-skilled immigrants, do we want them in?

In unlimited numbers, I would add. What about high-skilled immigrants? What did Mr. Chiswick say about that?

> Two-thirds of the immigrants coming into the United States annually come in under kinship criteria.

That is chain migration.

> Only about 7 percent are skill tested. For only about 7 percent do we really ask the question what will you contribute to the American economy?

He goes on to say:

> We need to alter our immigration policies to increase the focus on attracting high ability, high-skilled immigrants. What we want to do is attract those immigrants who would have the largest positive contribution to the American economy, and they will be highly skilled immigrants, immigrants with high skills in literacy, numeracy, scientific knowledge, technical training. Current immigration law pays very, very little attention to the skills that immigrants bring to the United States.

That is his statement. It is something we need to think about as we pass a bill that pretends to be comprehensive.

Professor Harry Holder, also testifying at our hearing, who was associate dean and professor of public policy at Georgetown University, another pretty good university, said this about the impact of low-skilled American workers:

> There are jobs in industries like construction that I think are more appealing to native born workers. And many native born, low-income men might be interested in more of those jobs, although employers often prefer the immigrants, especially in residential construction. Now, absent the immigrants, employers might need to raise those wages and improve those conditions of work to entice native born workers into those construction, agriculture, janitorial, food preparation jobs.
>
> I believe that when immigrants are illegal, they do more to undercut the wages of native born workers because the playing field isn't level and the employers don't have to pay them market wages.

He was then asked about future immigration policy, and he said:

> I agree with Professor Chiswick. We are not ready to open the floodgates of immigration. We will continue to have controls on immigration. And we need to find cost-effective and humane ways to limit those immigrants.

So we didn't get five hearings. We didn't get a national dialog. We had one hearing for a few hours and a number of professors, pretty much those professors who consider themselves pro-immigrant, and that is what they told us.

Let me share a few more points on that subject from another individual. The Washington Times, on May 8, published a column by Alan Tomlinson. He is an official with the U.S. Business and Industry Council Educational Foundation. He went back and did some studies and dealt with this allegation that without ever increasing flows of immigrants, representatives of numerous industries have warned their sectors will literally run out of workers and the economy will collapse. He was not so impressed after he did some studies. He said:

> Most statistics available show conclusively that far from easing shortages, illegal immigrants are adding to labor gluts in America.

Think about that. He says that we don't have a shortage, we have a glut.

> Specifically, wages in sectors highly dependent on illegals, when adjusted for inflation, are either stagnant or have actually fallen. When labor is genuinely scarce and too many employers are chasing too few workers, businesses typically bid wages up in the competition to fill jobs. When too many workers are chasing too few jobs, employers typically are able to cut wages, confident that beggars can't be choosers.

Then he checked the Department of Labor statistics. He says this:

> The Labor Department data revealed that the wage-cutting scenario is exactly what has unfolded recently throughout the economy's illegal immigrant heavy sectors.

Then he talked about restaurants. We hear there are not enough people to work in restaurants. Illegal immigrants comprise 17 percent of the food preparation workers, 20 percent of cooks, and 23 percent of dishwashers. What did he find?

> According to the data from the U.S. Bureau of Labor Statistics, through inflation-adjusted wages for the broad food services and drinking categories, wages fell in real terms 1.65 percent between 2000 and 2005.

If there is a crisis to get cooks and dishwashers, how are they able to cut salaries? How does the Bureau of Labor Statistics show that salaries went down? This is one of the areas where we have the most numbers of illegal immigrants.

He then goes on to talk about the hospitality industry, which includes hotels. They say we have to have a person who puts that chocolate on your bed every night and makes up your bed and comes in and puts your toiletries in a line for you, whether you want that or not. You have to have them. The Bureau of Labor Statistics data, according to him, who studied them, show that inflation-adjusted wages fell nearly 1.1 percent from 2000 to 2005. So hotels are booming, and they are building new hotels, and they say they cannot get workers.

Why are wages not going up? Perhaps if they pay a little more money to decent American citizens, they might be able to get more to work. They may have to charge $180 instead of $170 a night for a room. Is that going to destroy the American economy? I think not. Maybe the average American worker would be better able to participate in the prosperity that is going on.

He talked about the construction industry. He says that, interestingly, from 1993 to 2005, wages in that sector only increased 3 percent. That is 12 years. The wages, according to the Bureau of Labor Statistics, in the construction industry area only increased 3 percent in 12 years. From 2000 through 2005, at the height of the housing boom, inflation-adjusted wages actually fell 1.59 percent. So we have this crisis in workers, and wages are falling.

He then talks about food manufacturing. They make up a big part of that. Let me point out that even in the construction industry, the illegal immigrants make up only 12 percent of the workforce. So this argument that you cannot get anybody who is native-born to work in construction is bogus. The one thing that hurts me the most when I hear President Bush say it is when he says these are jobs Americans won't do. I reject that. He should never say that. These are good jobs, honorable jobs, filled by honorable American people. In the construction area, almost 90 percent are American workers, and there is nothing they won't do. They may not do something because they don't get enough pay or benefits or retirement, but the jobs themselves are noble contributions to America. They go out and build something—a wall, drywall, a roof on a house—and that is a lot better than some of these lawyers and other people who contribute very little, I submit, to the net economy.

They talked about the 14 percent of the workers in food manufacturing, including animal processing. That includes chicken plants, slaughterhouses, and beef-processing plants. You have heard that we cannot get workers there. Pew Research says that illegals make up 27 percent of workers in that category. That is the highest sector, it looks like, according to this. What happened to their wages from 2000 to 2005? They say they cannot get people to work in the chicken plants. That is what they say in Alabama—they cannot get workers and we might have a real problem without the illegal workers. If so, how did adjusted wages fall 1.4 percent during that period of time?

He goes on to note that examining more closely the pattern within the 2000 to 2005 period provides compelling evidence that illegal immigrants have been used deliberately to force down wages. In most industries that used illegal immigrants heavily, inflation-adjusted wages rose modestly during the first years of the current decade. Yet, soon after, they dropped significantly.

What about the guy who wrote the textbook on economics, Robert Samuelson? I think he would be considered a liberal. Robert Samuelson produced an op-ed on May 17, 2006, this year. He deals directly with the question of immigration. This is what he said:

> The central problem is not illegal immigration, it is undesirably high levels of poor and low-skilled immigrants, whether legal or illegal. Immigrants are not all the same. An engineer making $75,000 annually contributes more to the American economy and society than a $20,000 laborer. On average, an engineer will assimilate easily.

He quotes favorably Professor Chiswick, and I just quoted from his testimony before the hearing. This guy has written books on economics. He quotes the same quote I just gave, I believe. I will not repeat that. He quotes Mr. Chiswick's comments concerning the fact that low-skilled immigrants tend to pay less in taxes. They receive more benefits, such as income transfers, the earned-income tax credit, food stamps, public schooling, and publicly provided medical services. He quotes this from Mr. Chiswick, too: While low-skilled immigrant workers may raise the profit of their employers, they tend to have a negative impact on the well-being of the low-skilled, native-born population and on the native economy as a whole.

Mr. Samuelson adds this:

> Hardly anyone is discussing these issues candidly. It is politically inexpedient to do so. We can be a lawful society and a welcoming society simultaneously, to use the President's phrase, but we cannot be a welcoming society for a limitless number of Latin America's poor, without seriously compromising our own future and indeed the future of the many Latinos already here. Yet, that is precisely what the President and many Senators, Democrat and Republican, support by enforcing large guestworker programs and an expansion of today's legal system of visas. And in practice these proposals would result in substantial increases in low-skilled immigrants.

What are other countries doing? I will wrap up with these thoughts. What are other nations around the world doing as they consider their immigration policies?

In Australia, immigrant applications are considered under either the general migration program, which includes skilled or migrant spouses and those sponsored by family members already settled in Australia, or the humanitarian refugee program. For fiscal 2004–2005, the Australian Government set a goal of 120,000 migrants, far less than our number; 42,000 places for family members; 72,000 for skilled business migrants; and 13,000 for the humanitarian and refugee program—though actual arrivals were just over 123,000.

Under the skilled migration program in Australia, applicants are given points for different criteria. In the fiscal year 2004, the pass mark for general skilled migration was 120 points. So they have a points based system. As it turned out that year, you had to have 120 or more or you were not approved. Points were awarded for age—lower age tends to be better—skill, English language ability, specialized skills, job offers in demand fields, or completion of an Australian university degree. If a foreign student comes here and finishes at the top of their class at Georgetown or the University of Alabama, they have to leave for at least 2 years. Somebody can come in here for a low-skilled job and get a green card the first day they come in. How silly is that? But that is what Australia does. They give 5 additional points for a capital investment in Australia of at least $100,000. Australian work experience, fluency in the Australian community language, and skilled occupations are given various points.

What about Canada? They accept six major categories of immigrants: skilled and independent workers, business immigrants, provincial nominees, family class, international adoptions, and Quebec-sponsored immigrants. Refugees are also counted in immigration statistics. They do not have a country-based or worldwide quota, but they establish annual targets. In fiscal year 2004, approximately 236,000 people were accepted for permanent residence in Canada; 113,000 were skilled, 62,000 family, 10,000 business, 6,000 provincial nominees, and 32,000 refugees. There is a pretty good mix there. Far higher—over half of that number clearly are people with high skills, high education, and business capability.

The strictest preference system is used in Canada for skilled workers and is based on a point system. Under the current system, applicants must obtain at least 67 out of 100 points and have at least 1 year of work experience within the past 10 years in a management occupation or in an occupation normally requiring university or technical training, as identified by the Canadian occupational classification system. Points are awarded for education, languages, employment experience, age, employment, and adaptability. So they have standards. In our system, people come in basically under entitlements. If you meet this standard, you get to come in regardless of your skill.

What about France? Two days ago, France's lower House of Parliament approved a new immigration bill supported by one of the top Cabinet members. The Parliament approved a bill that would allow the country to selectively choose which foreigners can live and work in that country and would require that immigrants learn the French language. You know, they care about that French language. We need to care a little more about the English language.

I remember when Chirac walked out of the European Union conference because a Frenchman, in speaking to the delegation, spoke to them in English. He was so offended that a Frenchman would speak English at an international conference, he left. That is a little bit much, I think, but I don't think there is anything wrong with a nation that is proud of its language and wanting to preserve it.

So this French bill could make it easier for the country to screen out poorly educated immigrants in favor of highly skilled workers.

It would tighten restrictions under which immigrant workers can bring their families to France. That is chain migration. You get to bring your family no matter what skills they bring to the Nation. It would abolish the right of illegal immigrants to receive residency papers after living in France for 2 years. So in a way, it abolishes amnesty. It abolishes the right of illegal immigrants to receive residency papers, even after they have lived in the country for 10 years. The bill passed by 367 to 164 and will be debated in the French Senate next month.

An article I happened to catch on the airplane the other day in the Economist, a London-based newspaper, said Americans are nativists, not internationalists. Why don't we talk about some of these EU countries that are supposed to be so progressive? This is what the Economist wrote on May 6 describing the background of France's immigration policy and the reason for their legislation:

Until the mid-seventies, immigrants to France came to work. Since the law was tightened in 1974, the inflows have changed. Today, only 7,000 permanent workers arrive each year, down from over 107,000 in the late sixties. Three-quarters of legal immigrants to France are family related. Not skill related, family related.

> France has a low proportion of skilled immigrants. France's Interior Minister, Nicolas Sarkozy, argues "that under the pretext of protecting jobs at home, France has created a system that let's in only those who have neither a job nor any useful skills."

How about that?

The Economist article goes on to describe an immigration bill that Mr. Sarkozy has put before the French Parliament this week, which addresses that very problem.

> Mr. Sarkozy's proposal, in many ways, simply follows the practice of other countries, notably Australia, Canada, Switzerland, as well as Britain and the Netherlands. In each case, the policy is based on a recognition that there is no such thing as zero immigration, and that a managed, skill-based immigration policy will not only control inflows, but will also bring benefits to those countries.

Madam President, we have focused on a lot of hot button issues, some of which are very important, but we have not given serious thought to the fundamentals of what we are doing here, and what impact it will have on our country. We are not giving any thought to what the Netherlands, what France, what Britain, what Canada, and what Australia are doing. We are not in any way following their model. In fact, we are ignoring the testimony of some of our Nation's most prestigious economists on those issues.

As a result, we have a fundamentally flawed piece of legislation on the floor of the Senate. It should never ever become law, and it is a sad day when those who are supporting this legislation are reduced to quietly going around and suggesting: Don't worry about it being so bad, we just have to do something and maybe the House of Representatives will save us.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. FRIST. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RHODE ISLAND ARMY NATIONAL GUARD

Mr. REED. Madam President, I rise today to recognize the Army Aviation Association's top National Guard aviation unit for 2005. Since 1969, the Army Aviation Association has presented this award to the best Army National Guard aviation unit. Indeed, it is a great honor to represent the State of this year's winner, the 1st Battalion, 126th Aviation Regiment of the Rhode Island Army National Guard.

The 1st of the 126th has a long and distinguished history. Tracing its roots back to 1930 and the 68th Field Artillery Brigade, the 1st of the 126th was founded as a field artillery unit and later transitioned to medical care specialists. But in the 1960s, the unit was reorganized into an aviation unit. Since that time, it has performed with extraordinary professionalism and skill in its role as an aviation unit.

Deployed to Iraq from January to December of 2005, the 1st of the 126th served as the core of Task Force Dragonwing during Operation Iraqi Freedom. Task Force Dragonwing, based out of Balad Airbase north of Baghdad, was the lead force responsible for conducting combat support aviation operations through the entire Iraqi theater. They accumulated over 16,000 hours of combat mission flight hours during nearly 2,000 missions while transporting 66,000 passengers and 5,000 tons of cargo. During their tour, they flew 46 missions in direct action against known or suspected anti-Iraqi forces, and 22 missions were subjected to known surface-to-air fire, with 7 aircraft receiving battle damage. Throughout the professional performance of their duties, no members of the unit were killed or seriously injured.

The 1st of the 126th is comprised of 457 soldiers who man and maintain 24 UH-60 Black Hawk helicopters and 12 CH-47 Chinook helicopters. Their mission is to perform air assault and movement operations and to provide command, control, supervision, staff planning, and logistical support to all units affiliated with the battalion.

During one of my visits to Iraq, I had the great honor and opportunity to fly with them, to observe their unit firsthand. In fact, I was honored to be accompanied by GEN John Abizaid, whose comments about their skill and professionalism brought great pride to me and all Rhode Islanders. This unit was ably commanded by COL Chris Callahan and was led by soldiers, pilots, and crew members with great skill and courage and professionalism.

I was, indeed, honored and thrilled to be with them in Iraq, to see their operation, to see the contribution they made to our effort in Iraq. The 1st of the 126th has proven itself an exceptional unit and deserves to be selected by the Army Aviation Association as the top aviation unit for 2005. They have served their country with honor. We are all proud of their service, in the State of Rhode Island and throughout the Nation. Indeed, it is heartwarming to see them being recognized nationally for their great success, their great service to the Nation, and their great professionalism. I commend Colonel Callahan and all the officers and personnel of that unit for their service, for their sacrifice, for their dedication to our country.

NEEDLESS SUBSIDIES TO OIL COMPANIES

Mr. WYDEN. Madam President, a couple of weeks ago, I stood in this spot for almost 5 hours because I wanted to prosecute an important cause, the cause of cutting needless subsidies to oil companies when the price of oil is over $70 a barrel. Today the price of oil is still about $70 a barrel, but there is a prospect of some good news. Late last night, the House of Representatives did something that seemed unimaginable in the Senate a couple of weeks ago. They actually had a vote on whether profitable oil companies should get taxpayer-funded royalty giveaways at a time when our citizens are paying record prices at the gas pump.

When I spoke on the floor several weeks ago, all I was trying to do was get an up-or-down vote on exactly what the House of Representatives voted for last night. In fact, I spoke in this spot for more than 4 hours before any Senator of either political party raised any concern about the proposal I was advancing. But despite that extended effort, I was unable to get an up-or-down vote on my proposal to stop ladling out tens of billions of dollars of unnecessary subsidies to the oil industry.

Last night, the House of Representatives not only voted, but they voted overwhelmingly, on a bipartisan basis, to put a stop to this extraordinary waste of taxpayer money.

I remind the Senate and those who may be following this debate that the Government Accountability Office has said that a minimum of $20 billion will be spent on this program. There is litigation involving this program underway. If the litigation is successful, and we are not able to roll back this subsidy, this program could cost taxpayers $80 billion.

Fortunately, the House voted last night to prohibit funding for new offshore oil and natural gas production leases if companies do not pay royalties based on fair market prices. The House vote aims to get oil and gas companies to renegotiate Federal contracts signed in 1998 and 1999 that included royalty relief for companies at a time when crude oil prices were considerably lower than they are now. If the companies wish to continue to get new leases in the future, they would have to renegotiate the old leases and pay royalties based on current market conditions. This is very much along the lines of what I sought, after an extended discussion, to have the Senate vote on just a few weeks ago.

Some have argued that this approach would be essentially like blackmailing the companies by denying new leases unless they renegotiated the old ones. These opponents have argued that, instead, Congress ought to keep in place these giveaway contracts at a cost of billions of dollars to our citizens.

I also point out, as we did several weeks ago on this floor, that this was a bipartisan ripoff. Mistakes were made during the Clinton administration in 1998 and 1999. Secretary Norton sweetened the pot early on, during the President's term, administratively. Then in the summer of 2005, in the conference between the House and the Senate, these subsidies were made still sweeter. So the sugar just kept coming at a time when the program was already way too sweet for the taste of taxpayers.

No one has a constitutional right to get new leases to drill on Federal lands at giveaway prices. Congress can set new terms and conditions for new leases at any time. In fact, the Congress did just that less than a year ago in passing the Energy bill. The House of Representatives did the same thing in their vote last night. I still believe the Senate ought to have an opportunity to debate and to vote on the oil royalty issue as well, and I will tell the Senate today I am going to do everything in my power to get this issue back on the floor of the Senate as soon as possible. This is a ripoff of our taxpayers. It is an outrage, at a time when middle class folks show up at a gas station in Georgia and Oregon and elsewhere around the country, pay huge prices, and then on top of it their taxpayer dollars are being used to subsidize the companies with these giveaway contracts.

This is too important an issue for the Senate to duck. Too much taxpayer money is at stake for the Senate to duck. I do not see how the Senate can explain away not voting on this after the discussion we have had thus far and after the House of Representatives has now voted, in a bipartisan way, to do what was the subject of extended debate on the Senate floor.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. But in order to stimulate production of oil in our country, the Federal Government, over the last decade, has been discounting these royalty fees. These discounts now amount to billions of dollars. The royalty relief that is given to the oil companies is now the granddaddy of all the oil subsidies.

There has been a lot of debate on the floor of this body over the last few weeks about tax breaks for the oil companies. The President, in my view, to his credit, has indicated that he understands that these tax breaks are no longer needed. I was very pleased to see that. I was pleased to hear the President's comment because when the chief executives from the major oil companies came to the Energy Committee last November, I literally went down the row and asked them if they continued to need all of these tax breaks.

The oil executives said they don't need the tax breaks. But the Congress decided to keep ladling them out. So on top of the oil companies' record profits, on top of record prices, on top of record tax breaks, what we have seen is record amounts of royalty relief granted to the oil companies as well.

With prices in the stratosphere, I do not see how anyone can justify this multibillion-dollar subsidy. The point of my amendment several weeks ago was to get rid of these special oil company discounts, the special breaks that amount to billions of dollars, unless the price of oil comes down or unless the Bush administration determines that royalty relief is necessary to avoid supply disruption.

There is, in my view, a growing bipartisan chorus saying that royalty relief is not needed. For example, as another showing of bipartisanship in this cause, a distinguished Member of the other body who chairs the Resources Committee, Congressman RICHARD POMBO, said in a newspaper interview that there is no need for this particular incentive. He said there is not any need for what the Congress has been ladling out and has said it is not necessary at a time of these prices.

In addition, Mr. Michael Coney, a lawyer for the Shell Oil Company, not exactly a place where you would look for somebody to gratuitously bash the industry—he basically said the same thing. He said in this kind of climate you can't make a case for a multibillion-dollar subsidy.

The architect of the program, the author of the program, a very respected, very esteemed former colleague of many of us here, Senator Bennett Johnston of Louisiana, has said what has taken place with respect to the royalty relief program is not at all what he had in mind when he wrote the law.

Last night, the House of Representatives took a landmark step towards reforming this program to reflect current market conditions. I pay a special congratulations to two long-term friends from the other body, Congressman ED MARKEY and Congressman MAURICE HINCHEY. They both spent an enormous amount of time on this issue. They focused on building bipartisan support for their effort. And what Congressman MARKEY and what Congressman HINCHEY were able to do last night was a real breakthrough in terms of protecting the interests of taxpayers. I congratulate those two for building a bipartisan coalition on behalf of this cause.

What I proposed in the Senate was a similar approach to getting the royalty program back on track. I said we ought to roll back these royalty relief subsidies. Let's make sure we are sensitive to the prospect of conditions that can't be anticipated now. If the President says there is going to be a supply disruption or problems are taking place, then we would have a chance to look at it again. Previously, there had been a particular provision in the royalty relief program that said when the oil prices shot up, when they went above a certain level—then it was considered above $34 a barrel—the companies would have to, once again, start paying these royalties. But the problem the Senate and now the House has been looking at stems from the fact that some in the Clinton administration weren't watching the store. They weren't watchdogging this program. They weren't watchdogging the interests of taxpayers as they should have. So they did not put in this clause, the clause that protects taxpayers by setting the price level when you cut off the subsidies, and they didn't include the clause that protects the taxpayers in a number of the leases.

As a result, what has happened is taxpayer money has been wasted and there has been a litigation derby, with scores and scores of lawsuits, with companies still asserting the right to get more cash out of the taxpayer till. The Government Accountability Office has estimated that at minimum the Federal Government is going to be out $20 billion. This is the biggest subsidy of them all in the energy area.

I recall when I was on the Senate floor earlier our colleague from Florida, Senator NELSON, raised an important concern with respect to a oil subsidy program that he was troubled by. It costs the taxpayers $1 billion. Senator NELSON of Florida was spot on, in terms of trying to protect taxpayers and deal with another area where taxpayers' interests have not been well served. But Senator NELSON was talking about something that was relatively small potatoes compared to the money that is involved with royalties.

Suffice it to say, with the subsidies going out the door now and the prospect that the litigation is successful, there is a very real threat that the cost of the subsidy will go still higher, and there are some independent experts in this field who have said that the cost of this program could come in at $80 billion.

Under the Energy bill signed into law last summer, the oil companies were given new subsidies in the form of reduced royalty fees for the oil and gas they extract from Federal land, including offshore drilling in the Gulf of Mexico. This particular new subsidy in the summer of 2005 was signed into law when the companies were already reporting extraordinary profits. We were already seeing the consumer getting pounded at the gas pump, and it would have been an ideal time, in that summer of 2005, for the Congress to do what members of both political parties have been talking about, and that is roll back these unnecessary expenses, these unnecessary costs to taxpayers. It should have been done in that conference in the summer of 2005.

It was wrong that Senators and Members of the other body agreed, in the summer of 2005, to expand a program which has lost any sensible philosophical foundation, a program that began in a time when oil was around $16 a barrel, and now is one that has been reconfigured into one that gives out subsidies when the price of oil is $70 a barrel.

Back when that energy conference got together in the summer of 2005, those Members of the Senate and the other body should have said: This is the time to draw the line. This royalty relief program does not pass the smell test. It makes absolutely no sense to be dispensing billions and billions of dollars of royalty relief to the oil companies on top of everything else they already receive.

What I hope now, with the promising action that was taken in the House of Representatives late last night, is I hope it is possible for some common sense, some practical action on behalf of taxpayers, to win bipartisan support in the Senate. That is what caused me to come to this floor several weeks ago and stay in this spot for almost 5 hours.

I am about done now because I think we have made the point, and I don't think we need to spend 5 hours on it today. But I will tell you that a program like this, which was useful back when prices were low, makes no sense, no sense at all anymore.

You can argue for government subsidies at a time when, for example, oil prices are low, and when we are talking about the need to stimulate production, when the American economy needs a shot in the arm. But you certainly don't need billions of dollars of royalty relief for companies at a time when you have record profits, record costs, and record tax breaks.

I am very hopeful that when the Senate comes back next week, we will begin a bipartisan effort to put in place legislation very much along the lines of what passed the House of Representatives late last night. There will be an opportunity to support the kind of commonsense reform I have been talking about, which passed the House last night, when the Interior appropriations bill comes to the floor.

I also appreciate particularly the efforts of Senator KYL of Arizona who has worked with me on this cause. He was a very active colleague during the debate, and since then has worked with me to try to find a way to advance this cause in the Senate.

We now have a new opportunity to protect the interests of taxpayers and to modernize our energy policy.

Talk about not keeping up with the times. How can you argue in favor of a program that began when oil was $16 a barrel? That is what we are dealing with. We are subsidizing the price of this commodity at a time when it hovers around $70 a barrel using a program that began decades ago when the price of oil was $16 a barrel. It makes no sense.

I am going to be back on this floor at the first possible opportunity to see if it is possible, on a bipartisan basis, to accomplish what I and Senator KYL were not able to do on a bipartisan basis a couple of weeks ago. I hope in the Senate there will be a new interest in saving our taxpayers' money and promoting fiscal responsibility by reining in further royalty relief for oil companies. We ought to stipulate that if the price goes down, or America faces some kind of supply disruption, we could revisit it. But until then, we ought to roll back this oil company royalty relief and save our citizens' hard-earned taxpayer dollars for more worthy causes.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Madam President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the first concurrent resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2006 budget through May 17, 2006. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 concurrent resolution on the budget, H. Con. Res. 95. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the attached report excludes these amounts.

The estimates show that current level spending is under the budget resolution by $11.785 billion in budget authority and by $4.226 billion in outlays in 2006. Current level for revenues is $6.531 billion above the budget resolution in 2006.

Since my last report dated April 6, 2006, Congress has cleared and the President has signed the Tax Increase Prevention and Reconciliation Act of 2005, Public Law 109-222, which reduced 2006 revenues.

I ask unanimous consent that the accompanying letter and material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 18, 2006.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2006 budget and are current through May 17, 2006. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2006 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 on Table 2).

Since my last letter dated April 5, 2006, Congress has cleared and the President has signed the Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109-222), which reduces 2006 revenues by an estimated $10.8 billion.

Sincerely,

DONALD B. MARRON,
Acting Director.

Enclosure.

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF MAY 17, 2006

[In billions of dollars]

	Budget Resolution[1]	Current Level[2]	Current Level Over/Under (−) Resolution
On-Budget			
Budget Authority	2,094.4	2,082.6	−11.8
Outlays	2,099.0	2,094.8	−4.2
Revenues	1,589.9	1,596.4	6.5
Off-Budget			
Social Security Outlays[3]	416.0	416.0	0
Social Security Revenues	604.8	604.8	*

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50.0 billion in budget authority and $62.4 billion in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement ofthe budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 on Table 2), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are also off-budget, but are appropriated annually.

Source: Congressional Budget Office.
Note: * = Less than $50 million.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2006, AS OF MAY 17, 2006

[In millions of dollars]

	Budget Authority	Outlays	Revenues
Enacted in Previous Sessions:			
Revenues	*	*	1,607,180
Permanents and other spending legislation[1]	1,296,134	1,248,957	*
Appropriation legislation	1,333,823	1,323,802	*
Offsetting receipts	−479,868	−479,868	*
Total, enacted in previous sessions	2,150,089	2,092,891	1,607,180
Enacted This Session:			
Katrina Emergency Assistance Act of 2005 (P.L. 109–176)	250	250	0
An act to make available funds included in the Deficit Reduction Act for the Low-income Energy Assistance Program for 2006 (P.L. 109–204)	1,000	750	0
Tax Increase Prevention and Reconciliation Act of 2005 (P.L. 109–222)	0	0	−10,757
Total, enacted this session	1,250	1,000	−10,757
Entitlements and mandatories:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−68,740	879	*
Total Current Level[1 2 3 4]	2,082,599	2,094,770	1,596,423
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Adjustment to budget resolution for emergency requirements[4]	−50,000	−62,424	*
Adjusted Budget Resolution	2,094,384	2,098,996	*
Current Level Over Adjusted Budget Resolution	*	*	6,531
Current Level Under Adjusted Budget Resolution	11,785	4,226	

[1] P.L. 109–171 was enacted early in this session of Congress, but is shown under "enacted in previous sessions" as requested by the Budget Committee. Included in current level for P.L. 109–171 are $980 million in budget authority and −$4,847 million in outlays.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current-level totals exclude the following amounts:

Source: Congressional Budget Office.
Notes: * = not applicable; P.L. = Public Law.

	Budget Authority	Outlays	Revenues
Emergency requirements enacted in previous session	74,981	112,423	−7,111
Katrina Emergency Assistance Act of 2006 (P.L. 109–176)	−250	0	0
National Flood Insurance Enhanced Borrowing Authority Act of 2006 (P.L. 109–208)	2,275	2,275	0
Total, enacted emergency requirements	77,006	114,698	−7,111

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed $50,000 million in budget authority and $62,424 million in outlays in fiscal year 2006 from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current-level totals exclude the emergency requirements enacted in the previous session and the emergency requirements in Public Law 109–176 and Public Law 109–208 (see footnote 2 above), the budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

NATIONAL POLICE WEEK 2006

Mr. LEVIN. Madam President, many of our Nation's law enforcement officers have come to Washington, DC, to commemorate National Police Week. I would like to take this opportunity to recognize all Federal, State, and local law enforcement officials for their outstanding service and their vital contributions to the safety of our communities. I would also like to honor the memory of those who gave their lives in the line of duty. These officers, and their families, have paid the ultimate sacrifice for the safety of others.

The first National Police Week was celebrated in 1962 when President John F. Kennedy signed an Executive order designating May 15 as Peace Officers Memorial Day and the week in which that date falls as "Police Week." The weeklong tribute to our Nation's local, State and Federal police officers honors those who died in the line of duty and those who continue to serve and protect us every day at great personal risk. According to the National Law Enforcement Memorial Fund, 1,635 law enforcement officers have been killed in the line of duty in the last 10 years. In 2005 alone, 155 officers lost their lives, including 5 from Michigan. The names of these officers have been permanently engraved on the National Law Enforcement Officers Memorial along side more than 17,000 others.

Sadly, more police officers have lost their lives to guns than to any other cause over the last 10 years. In 2005, 59 officers were shot to death while in the line of duty. This year's Police Week activities occur shortly after the horrific shooting of Detective Vicky Armel and Officer Michael Garbarino at a police station in nearby Fairfax County, VA. Last Monday afternoon, Detective Armel and Officer Garbarino were ambushed in the parking lot of the police station by an 18-year-old reportedly armed with an AK-47 military-style assault rifle, a high-powered hunting rifle, and five handguns. During the course of the shootout with Detective Armel, Officer Garbarino, and other officers, the gunman fired more than 70 times. Tragically, Detective Armel died later that day and Officer Garbarino passed away early Wednesday morning.

It is not enough to simply mention those, like Detective Armel and Officer Garbarino, who have given their lives protecting our communities. In order to truly honor their service and sacrifice, we should take up and pass commonsense gun safety legislation to help protect law enforcement officials from the threat posed by military style firearms.

The sale of assault rifles like the AK-47 used in last week's shooting were prohibited under the 1994 assault weapons ban. Unfortunately, the President and the Republican congressional leadership allowed this legislation to expire on September 13, 2004, allowing 19 previously banned types of assault weapons and other firearms with military style features to once again be legally sold. Recognizing the especially lethal nature of these military style firearms, I have cosponsored legislation to restore and strengthen the assault weapons ban.

I am also a cosponsor of legislation to prohibit the sale of the Five-Seven armor-piercing handgun and its ammunition in the United States. A number of national law enforcement organizations have publicly called for a ban on these firearms because of the threat they pose to police officers, even those wearing body armor. According to the manufacturer's Web site, the Five-Seven weighs less than 2 pounds fully loaded and measures only 8.2 inches in length, making it easily concealable. A statement which previously appeared on the Web site boasted "Enemy personnel, even wearing body armor can be effectively engaged up to 200 meters. Kevlar helmets and vests as well as the CRISAT protection will be penetrated." These military style pistols clearly have no sporting purpose and pose a great threat to the lives of our law enforcement officers.

We can and should do more to support and protect those who are working to ensure the safety of our communities. The names of law enforcement officers from Michigan who were added to the National Law Enforcement Officers Memorial this year are:

Detective Lavern Steven Brann of Battle Creek, Died May 9, 2005
Officer Owen David Fisher of Flint, Died July 16, 2005
Commander Dale Francis Bernock of Dearborn, Died October 3, 2005
Officer Scot Andrew Beyerstedt of Mattawan, Died July 26, 2005
Sergeant Michael Allen Scarbrough of Wayne County, Died February 9, 2005
Deputy Sheriff Paul Lee Mickel of Wayne County, Died November 18, 1973
Chief Benjamin Lewis Carpenter of Newaygo, Died July 23, 1963
Night Watchman William A. Daniels of Cassopolis, Died January 26, 1903

OIL INDUSTRY MERGER ANTITRUST ENFORCEMENT ACT OF 2006

Mr. DEWINE. Madam President, I join Senator KOHL as sponsor of the Oil Industry Merger Antitrust Enforcement Act. This bill will make it significantly more difficult for oil companies to merge, and should help put an end to the record energy prices that continue to burden America's consumers and businesses.

As we all know, these high fuel costs are affecting every family, and they show no sign of coming back down. We must continue our efforts to do something about it. As Chairman of the Subcommittee on Antitrust, Competition Policy and Consumer Rights, I have been working for years to combat the problem of higher energy prices. Along with Senator KOHL, I have championed legislation to make it clear that that the Department of Justice has the legal authority to prosecute OPEC for its price fixing of crude oil prices. As we all know, the biggest part of our gas prices is the price of crude oil, and the only way we can restore competition in the market for crude oil is to fight against OPEC's blatantly illegal and anticompetitive conspiracy to fix prices of this crucial commodity.

I have also asked the Federal Trade Commission to monitor gasoline prices to make sure that consumers are not subject to price gouging or illegal price manipulation, and in response to that request the FTC has instituted an ongoing project to monitor gasoline prices in 360 markets across the Nation, including 12 in my home State of Ohio.

Further, the Judiciary Committee has held two hearings addressing the causes of higher fuel prices in recent months, and last month I joined with Chairman SPECTER and Senators KOHL, LEAHY, FEINSTEIN, and DURBIN, to sponsor legislation which prevents oil companies from unfairly manipulating the supply of oil in order to artificially raise prices, and also calls for investigations into how effective enforcement of oil mergers has been, whether past mergers need to be revisited, and whether the enforcement agencies need new standards for reviewing oil industry mergers. That legislation also creates a Joint Federal and State Task force to investigate information sharing in the oil industry that may lead to artificially high prices for gasoline, electricity, and heating oil. Perhaps most important, it provides a "NOPEC" provision like the one that Senator KOHL and I have sponsored in the past, which enables Justice to prosecute the illegal OPEC cartel.

While all these efforts are steps in the right direction, we continue to see increasing fuel costs, and one likely reason is the ongoing consolidation in the oil industry. And, as our energy needs increase and as oil gets harder and more expensive to find and produce, it seems likely that this consolidation will continue. Therefore, we need to continue our efforts to maintain competition in this industry, and by making it more difficult for oil companies to merge, this legislation provides a different and useful approach for keeping these companies independent and maintaining the competition that still exists.

Specifically, this bill changes the burden of proof in cases alleging illegal mergers, so that oil companies that want to merge must prove that their merger will not harm consumers. In addition, this bill requires the antitrust agencies to specifically consider the unique conditions of the petroleum market when evaluating these mergers, in order to assure that when reviewing proposed mergers the agencies are focusing on the potential dangers of oil industry mergers. These changes, taken together, will make sure that only pro-competitive mergers are allowed, and will help protect consumers and businesses from higher energy prices.

We still have many challenges to face in our ongoing efforts to combat high energy prices, but this bill will make a difference and I strongly encourage my colleagues to join in support of its passage.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF THE FOUNDING OF CLARK, SOUTH DAKOTA

• Mr. JOHNSON. Madam President, today I rise in order to pay tribute to the 125th anniversary of the founding of the city of Clark, SD. As the county seat of Clark County, this vibrant, progressive community has been a center of commercial and civic activity since its inception.

The site which Clark is built on was chosen by GEN S.J. Conklin, who would later become known as the Father of Clark County. The prospects of the town increased greatly when the railroad was complete in early 1882. With the arrival of the trains came a flurry of economic activity. The first businesses opened in Clark were the Clark House operated by Mattie Greenslet and a general store operated by COL W.H. Lamb. Later there would be a land office and the Big Store, known as the largest department store west of Minneapolis.

Now Clark is home to seven churches, a thriving business community, excellent hunting and fishing, and the high school's Clark Comets, among various other attractions. Each year, Clark hosts both Potato Day and the Halloween Spooktacular. Additionally, there are over two dozen civic organizations doing good work in the community.

I am pleased to announce that Clark will be celebrating its 125th anniversary with a community celebration on June 10 to 11. There are numerous events scheduled, including a parade, street dance, ecumenical church service, community potluck, and baseball games. This celebration is a fitting way to recognize Clark's long and productive history.

Even 125 years after its founding, Clark continues to be a vital community and a great asset to South Dakota. I am proud to publicly honor Clark on this memorable occasion. The citizens of Clark are continuing to live up their motto: Clark is indeed "a nice place to visit . . . a great place to call home."●

THE PASSING OF ANN WEBSTER SMITH

● Mr. CHAFEE. Madam President, I take this opportunity to recognize Anne Webster Smith, a world-renowned preservationist, who died in Washington, DC on April 20, 2006.

Like Rhode Island's grand dame of historic preservation, Antionette Downing, Anne Webster Smith exhibited a tireless and infectious dedication to the preservation of our cultural heritage. Just last year, Ms. Smith was awarded the Piero Gazzola Prize, given once every 3 years by the International Council on Monuments and Sites, for her lifelong efforts to protect the world's historic and cultural sites. This tribute, seconded by scores of ICOMOS leaders from throughout the world, is a statement that leadership is as much about cultivation, persistence and persuasion as it is bold initiative.

In addition to her 30 years of service to ICOMOS, Ms. Smith served as New York's Deputy Commissioner for Parks, Recreation and Historic Preservation, and as a professional staff member at the USDOT and Advisory Council for Historic Preservation. She was most active in those critical years when she and her colleagues created the modern institutional foundation for preservation in the U.S.

In her service to ICOMOS, Ms. Smith was dedicated to recognizing the world's greatest cultural and natural sites through the United Nations World Heritage Program. At the same time, as an American she had greater ambitions for her own country. In a letter she sent me just last January, she lamented: "I have long been concerned by the fact that the United States, the first nation to ratify the Convention after its passage in 1972, has been so slow to recognize the importance of implementing the Convention. In my view the Convention has the potential for increasing community pride, for expanding educational awareness and interest in our Nation's heritage and history, for developing concern about the importance of distinguished architecture and planning, especially in urban areas, and for serving as an important tool for the expansion of development of cultural tourism." Increasing numbers of Americans agree with Ms. Smith's vision.

Clearly, Ann Webster Smith was respected and loved by the entire cultural heritage and preservation community for a lifetime of leadership and friendship. Her work will live on because she inspired so many throughout the U.S. and the world to work as hard as they can to recognize, celebrate and protect our cultural heritage.●

MESSAGE FROM THE HOUSE

At 12:33 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5386. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5386. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with amendments:

S. 457. A bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 2857. A bill to amend the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas; to the Committee on Commerce, Science, and Transportation.

By Mr. BURR:

S. 2858. A bill to reduce temporarily the duty on acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. BURR:

S. 2859. A bill to reduce temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mr. BURR:

S. 2860. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic staple fibers, not carded, combed, or otherwise processed for shipping; to the Committee on Finance.

By Mr. BURR:

S. 2861. A bill to suspend temporarily the duty on Chloral; to the Committee on Finance.

By Mr. BURR:

S. 2862. A bill to suspend temporarily the duty on Imidacloprid Technical (Imidacloprid); to the Committee on Finance.

By Mr. BURR:

S. 2863. A bill to suspend temporarily the duty on Triadimefon; to the Committee on Finance.

By Mr. BURR:

S. 2864. A bill to suspend temporarily the duty on ACM; to the Committee on Finance.

By Mr. BURR:

S. 2865. A bill to suspend temporarily the duty on Permethrin; to the Committee on Finance.

By Mr. BURR:

S. 2866. A bill to suspend temporarily the duty on Thidiazuron; to the Committee on Finance.

By Mr. BURR:

S. 2867. A bill to suspend temporarily the duty on Flutolanil; to the Committee on Finance.

By Mr. BURR:

S. 2868. A bill to suspend temporarily the duty on Resmethrin; to the Committee on Finance.

By Mr. BURR:

S. 2869. A bill to suspend temporarily the duty on Clothianidin; to the Committee on Finance.

By Mr. BURR:

S. 2870. A bill to suspend temporarily the duty on Mesotrione Technical; to the Committee on Finance.

By Mr. BURR:

S. 2871. A bill to suspend temporarily the duty on MKH 6561 Isocyanate; to the Committee on Finance.

By Mr. BURR:

S. 2872. A bill to suspend temporarily the duty on Endosulfan; to the Committee on Finance.

By Mr. BURR:

S. 2873. A bill to suspend temporarily the duty on mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3 ,5-triazin-2-yl)ureido sulfonyl]benzoate, sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2874. A bill to suspend temporarily the duty on Ethyl 4,5-dihydro-5,5-diphenyl-1,2-oxazole-3-carboxylate (Isoxadifen-ethyl); to the Committee on Finance.

By Mr. BURR:

S. 2875. A bill to suspend temporarily the duty on (5-cyclopropyl-4-isoxazolyl)[2-(methylsulfonyl)-4-(trifluoromethyl phenyl] methoanone (Isoxaflutole); to the Committee on Finance.

By Mr. BURR:

S. 2876. A bill to suspend temporarily the duty on Methyl 2-[(4,6-dimethoxypyrimidin-2-ylcarbamoyl)sulfamoyl]-a-(methanesulfonamido)-p-toluate (Mesosulfuron-methyl) (CAS No. 208465-21-8) whether or not mixed with application adjuvants; to the Committee on Finance.

By Mr. BURR:

S. 2877. A bill to suspend temporarily the duty on mixtures of Foramsulfuron and Iodosulfuron-methyl-sodium; to the Committee on Finance.

By Mr. BURR:

S. 2878. A bill to suspend temporarily the duty on formulations of Prosulfuron; to the Committee on Finance.

By Mr. BURR:

S. 2879. A bill to suspend temporarily the duty on Spirodiclofen; to the Committee on Finance.

By Mr. BURR:

S. 2880. A bill to suspend temporarily the duty on Propamocarb HCL (Previcur); to the Committee on Finance.

By Mr. BURR:

S. 2881. A bill to suspend temporarily the duty on chloracetic acid, ethyl ester; to the Committee on Finance.

By Mr. BURR:

S. 2882. A bill to suspend temporarily the duty on chloroacetic acid, sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2883. A bill to suspend temporarily the duty on Phenmedipham; to the Committee on Finance.

By Mr. BUNNING:

S. 2884. A bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Finance.

By Mr. BURR:

S. 2885. A bill to suspend temporarily the duty on Desmedipham; to the Committee on Finance.

By Mr. BURR:

S. 2886. A bill to extend temporarily the suspension of duty on Methidathion Technical; to the Committee on Finance.

By Mr. BURR:

S. 2887. A bill to extend temporarily the suspension of duty on difenoconazole; to the Committee on Finance.

By Mr. BURR:

S. 2888. A bill to extend temporarily the suspension of duty on Lambda-Cyhalothrin; to the Committee on Finance.

By Mr. BURR:

S. 2889. A bill to extend temporarily the suspension of duty on cyprodinil; to the Committee on Finance.

By Mr. BURR:

S. 2890. A bill to extend temporarily the suspension of duty on Wakil XL; to the Committee on Finance.

By Mr. BURR:

S. 2891. A bill to extend temporarily the suspension of duty on Azoxystrobin Technical; to the Committee on Finance.

By Mr. BURR:

S. 2892. A bill to extend temporarily the suspension of duty on mucochloric acid; to the Committee on Finance.

By Mr. BURR:

S. 2893. A bill to extend temporarily the suspension of duty on Trinexapac-ethyl; to the Committee on Finance.

By Mr. BURR:

S. 2894. A bill to extend temporarily the suspension of duty on triasulfuron; to the Committee on Finance.

By Mr. BURR:

S. 2895. A bill to extend temporarily the suspension of duty on Imidacloprid pesticides; to the Committee on Finance.

By Mr. BURR:

S. 2896. A bill to extend temporarily the suspension of duty on crotonic acid; to the Committee on Finance.

By Mr. BURR:

S. 2897. A bill to extend temporarily the suspension of duty on 3,6,9-Trioxaundecanedioic acid; to the Committee on Finance.

By Mr. BURR:

S. 2898. A bill to extend temporarily the suspension of duty on 1,3-Benzenedicarboxamide, N, N′-Bis (2,2,6,6- tetramethyl-4-piperidinyl)-); to the Committee on Finance.

By Mr. BURR:

S. 2899. A bill to extend temporarily the suspension of duty on reaction products of phosphorus trichloride with 1,1′-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol); to the Committee on Finance .

By Mr. BURR:

S. 2900. A bill to extend temporarily the suspension of duty on preparations based on ethanediamide, N-(2-ethoxyphenyl)-N′-(4-isodecylphenyl)-); to the Committee on Finance.

By Mr. BURR:

S. 2901. A bill to extend temporarily the suspension of duty on 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethyl piperidine; to the Committee on Finance.

By Mr. BURR:

S. 2902. A bill to extend temporarily the suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione); to the Committee on Finance.

By Mr. BURR:

S. 2903. A bill to extend temporarily the suspension of duty on Tetraacetylethylenediamine; to the Committee on Finance.

By Mr. BURR:

S. 2904. A bill to extend temporarily the suspension of duty on sodium esters of parahydroxybenzoic acid; to the Committee on Finance.

By Mr. BURR:

S. 2905. A bill to extend temporarily the suspension of duty on sodium petroleum sulfonate; to the Committee on Finance.

By Mr. BURR:

S. 2906. A bill to extend temporarily the suspension of duty on Diclofop methyl; to the Committee on Finance.

By Mr. BURR:

S. 2907. A bill to extend temporarily the suspension of duty on asulam sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2908. A bill to extend temporarily the suspension of duty on ethofumesate; to the Committee on Finance.

By Mr. BURR:

S. 2909. A bill to extend temporarily the suspension of duty on Nemacur VL; to the Committee on Finance.

By Mr. BURR:

S. 2910. A bill to modify the provisions relating to formulations of Triasulfuron and Dicamba; to the Committee on Finance.

By Mr. BURR:

S. 2911. A bill to modify the provisions relating to formulations of Ethanediamide, N-(2-ethoxyphenyl)-N′-(2-ethylphenyl)-); to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. LEVIN, Ms. STABENOW, and Mr. FEINGOLD):

S. 2912. A bill to establish the Great Lakes Interagency Task Force, to establish the Great Lakes Regional Collaboration, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2913. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations; to the Committee on Finance.

By Mr. DEWINE:

S. 2914. A bill to recognize and honor the soldiers of the United States and Republic of Korea who served, were wounded, or were killed from 1953 until the present in the defense of the Republic of Korea, to require the placement of a commemorative plaque at the Korean War Veterans Memorial in Washington, D.C., and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 2915. A bill to amend title 10, United States Code, to improve screening for colorectal cancer for TRICARE beneficiaries over the age of 50; to the Committee on Armed Services.

By Mrs. CLINTON (for herself, Mr. REID, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, Mr. OBAMA, Mr. JEFFORDS, Mr. BINGAMAN, and Ms. CANTWELL):

S. 2916. A bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. DORGAN, Mr. INOUYE, Mr. WYDEN, Mr. LEAHY, Mrs. BOXER, Mr. OBAMA, and Mrs. CLINTON):

S. 2917. A bill to amend the Communications Act of 1934 to ensure net neutrality; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself and Mr. LOTT):

S. 2918. A bill to provide access to newspapers for blind or other persons with disabilities; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 811

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 811, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the birth of Abraham Lincoln.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1046

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1046, a bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance.

S. 1319

At the request of Mrs. LINCOLN, the name of the Senator from Idaho (Mr.

CRAPO) was added as a cosponsor of S. 1319, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 2278

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2430

At the request of Mr. DEWINE, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2430, a bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Resources Restoration Study.

S. 2475

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2475, a bill to establish the Commission to Study the Potential Creation of a National Museum of the American Latino Community, to develop a plan of action for the establishment and maintenance of a National Museum of the American Latino Community in Washington, DC, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2694

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2694, a bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes.

S. 2703

At the request of Mr. LEAHY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2803

At the request of Mr. ENZI, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Alabama (Mr. SHELBY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2811

At the request of Ms. STABENOW, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2811, a bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. 2854

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2854, a bill to prevent anti-competitive mergers and acquisitions in the oil and gas industry.

S. RES. 484

At the request of Mr. MCCONNELL, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. Res. 484, a resolution expressing the sense of the Senate condemning the military junta in Burma for its recent campaign of terror against ethnic minorities and calling on the United Nations Security Council to adopt immediately a binding non-punitive resolution on Burma.

AMENDMENT NO. 4029

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 4029 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUNNING:

S. 2884. A bill to facilitate and expedit direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Finance.

Mr. BUNNING. Mr. President, today I rise to introduce legislation that will ensure fair tax treatment for domestic coal producers and coal exporters to help them receive the coal excise tax refunds due to them from an unconstitutional tax they paid.

For years the Federal Government collected the coal excise tax on coal exports from coal producers and coal exporters. In 1998, the Federal Courts declared the coal excise tax unconstitutional when applied to exported coal.

Although those that export coal are entitled to the refunds of the unconstitutional coal excise tax on exported coal, they face serious and significant obstacles to obtaining refunds of the tax with the Internal Revenue Service and the courts.

This legislation will end unnecessary litigation on this issue and simplify the IRS process that U.S. coal producers and exporters use to obtain refunds of the coal excise tax they paid. It also will ensure that the producer or exporter that actually exported the coal, and thus is entitled to the refund, receives that refund.

I urge my colleagues to join me in support of this legislation.

Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2913. A bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organizations; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, today, Senator BAUCUS and I are introducing legislation that will update and clarify the tax rules for business clients and that use professional employer organizations, PEOs. This legislation will improve the efficiency of small businesses by eliminating any uncertainty about the ability of qualifying PEOs to assume liability for paying wages and collecting and remitting Federal employment taxes.

Business owners are overwhelmed with the challenges of meeting Federal and State employment and tax responsibilities. Many businesses, particularly small to mid-sized businesses are turning to professional employer organizations for assistance with these employment obligations. A PEO works with its business clients to provide comprehensive employment services. The PEO assumes responsibility for the management of human resources, employee benefits, payroll, and workers' compensation, allowing their business clients to focus on their core competencies to maintain and grow their bottom line. In short, this legislation is about improving the efficiency of America's small businesses.

Businesses today need help with the increasingly complex employment related matters. The most important of these matters is the payment of wages and the collection and remitting of employment taxes. Increasingly, businesses are turning to PEOs to assume these responsibilities. Our legislation will eliminate any ambiguity about a PEO's ability to assume employment tax responsibility while providing important safeguards for the PEO's small business clients.

The Small Business Efficiency Act will permit PEOs that are certified by the IRS, CPEO, to collect and remit Federal employment taxes of their business clients' employees. The certification process is voluntary and was designed with significant input from all stakeholders, including the Department of the Treasury and the IRS. To be certified by the IRS, the CPEO would have to meet financial and other standards and maintain ongoing certification by the IRS. The CPEO would be required to assume full and sole responsibility for the collection of Federal employment taxes.

In addition to the many benefits for business clients, the government benefits from improved employment regulatory compliance and tax administration The IRS has stated that CPEOs would facilitate tax administration by reducing the number of returns it processes and by reducing errors in calculating and paying employment taxes. This is a win-win situation. The PEO arrangement not only reduces the governmental burden of collecting employment tax and unemployment compensation obligations, it also assures consistent compliance with complex tax laws and timely and expedited payment of taxes. This is clearly an improvement for PEOs, the business clients of PEOs, and the Federal Government.

The Small Business Efficiency Act will substantially simplify employment tax obligations for businesses that use PEOs. The legislation will provide clarity for PEOs, their business clients, and the IRS regarding the rights of a PEO to assist business client with employment tax responsibilities while significantly improving tax administration. I ask unanimous consent that the text of the bill and a section-by-section description of the bill be printed in the CONGRESSIONAL RECORD and I look forward to working with my colleagues to address this issue in a timely manner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2913

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Efficiency Act of 2006".

SEC. 2. NO INFERENCE.

Nothing contained in this Act or the amendments made by this Act shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by section 3), or

(2) for purposes of any other provision of law.

SEC. 3. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 of the Internal Revenue Code of 1986 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

"(2) the exemptions and exclusions which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a) and 3306(b)(1)—

"(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

"(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

"(c) LIABILITY WITH RESPECT TO WORK SITE EMPLOYEES.—

"(1) GENERAL RULES.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

"(A) the certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (e)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

"(B) the exemptions and exclusions which would (but for subparagraph (A)) apply shall apply with respect to such taxes imposed on such remuneration.

"(d) SPECIAL RULE FOR RELATED PARTY.—Subsection (a) shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(e) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business (including a partner in a partnership that is a customer) is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 of such Code (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) IN GENERAL.—For purposes of this title, the term 'certified professional employer organization' means a person who applies to be treated as a certified professional employer organization for purposes of section 3511 and who has been certified by the Secretary as meeting the requirements of subsection (b).

"(b) CERTIFICATION.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) represents that it will satisfy the bond and independent financial review requirements of subsections (c) on an ongoing basis,

"(3) represents that it will satisfy such reporting obligations as may be imposed by the Secretary,

"(4) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(5) agrees to verify the continuing accuracy of representations and information which was previously provided on such periodic basis as the Secretary may prescribe, and

"(6) agrees to notify the Secretary in writing of any change that materially affects the continuing accuracy of any representation or information which was previously made or provided.

"(c) REQUIREMENTS.—

"(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) BOND.—

"(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

"(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent audit date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant as to whether the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) AUDIT DATE.—For purposes of paragraph (3)(A), the audit date shall be six months after the completion of the organization's fiscal year.

"(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) WORK SITE EMPLOYEE.—For purposes of this title—

"(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to the individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to the individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the certified professional employer organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to the individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 45B of such Code (relating to credit for portion of employer social security taxes paid with respect to employees with cash tips) is amended by adding at the end the following new subsection:

"(e) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of this section, in the case of a certified professional employer organization which is treated under section 3511 as the employer of a work site employee who is a tipped employee—

"(1) the credit determined under this section shall not apply to such organization but to the customer of such organization with respect to which the work site employee performs services, and

"(2) the customer shall take into account any remuneration and taxes remitted by the certified professional employer organization.".

(2) Section 3302 of such Code is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a client of such organization, makes a payment to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such payment.".

(3) Section 3303(a) of such Code is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) a certified professional employer organization (as defined in section 7705) is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(4) Section 6053(c) of such Code (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this section, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 of such Code is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations.".

(2) The table of sections for chapter 79 of such Code is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations.".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this Act with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 of such Code (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this Act shall take effect on the January 1st of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986 not later than 6 months before the effective date determined under paragraph (1).

THE SMALL BUSINESS EFFICIENCY ACT

SECTION-BY-SECTION DESCRIPTION

Section 1. Short Title: The Small Business Efficiency Act.

Section 2. No Inference Language: The legislation is narrowly drafted to provide expressly that except for the payment of employment taxes as provided in the bill, there is no inference regarding the determination of who is a common law employer under Federal tax laws or who is an employer under other provisions of the law.

Section 3. Certified Organizations: Creates a voluntary certification program for Professional Employer Organizations (CPEOs) by establishing basic requirements which must be met in order to be certified by the Internal Revenue Service (IRS).

Section 3(a) describes the responsibility of the CPEO with respect to the covered workers performing services at its business client's worksite, with the CPEO being treated as the employer of those covered workers for employment tax purposes. This section provides that after certification, a CPEO assume the responsibility and liability for payment of wages and collection of Federal employment taxes for covered workers. This section also provides that a CPEO and its clients will be treated as "successor" employers for employment tax purposes with no additional taxes owed simply because a client engages or disengages a CPEO. Finally, the section imposes rules that prevent abuse.

Section 3(b) describes certification requirements which a PEO must demonstrate to the IRS by written application. As established by the Secretary of the Treasury, these could include requirements with respect to tax status, background, experience, business location, and annual financial audits, as well as verification of the continuing accuracy of representations and information on a periodic basis. In addition, this section requires CPEOs to obtain financial reviews from independent CPAs and to post a bond for the payment of employment taxes. A worksite employee is a worker who performs services at the CPEO's business client worksite if the worker and at least 85% of the individuals working at the worksite are covered by a written service contract that provides the CPEO will (1) assume responsibility for payment, reporting and withholding of wages, employment taxes and employee benefits, without regard to the adequacy of payment by the client business. The service contract would also be required to expressly provide that the CPEO assumes shared responsibility with the business client for firing the worker or hiring or recruiting any new worker and for maintaining employee records.

Section 3(c) provides conforming amendments with respect to certain credits and reporting rules.

Section 3(d) makes certain clerical amendments.

Section 3(e) creates regulatory authority to develop appropriate reporting and recordkeeping rules.

Section 3(f) authorizes the creation of a CPEO certification user fee not to exceed $500.

Section 3(g) provides that the provisions of the Act will take effect on January 1 of the first calendar year beginning more than 12 months after the date of enactment. This section further requires the Secretary of the Treasury to establish the certification program not later than 6 months following the effective date.

By Mr. BIDEN:

S. 2915. A bill to amend title 10, United States Code, to improve screening for colorectal cancer for TRICARE beneficiaries over the age of 50; to the Committee on Armed Services.

Mr. BIDEN. Mr. President, today I am pleased to introduce a simple bill that would give military dependents and retirees the same choices for colon cancer screening that every Medicare beneficiary and every Federal employee enjoys. This legislation requires Tricare to abandon its overly restrictive and outdated policy of limiting coverage of screening colonoscopy to a small group of high-risk individuals. By contrast, for several years both Medicare and the Federal Employees Health Benefits Program have paid for screening colonoscopy to detect cancer in average-risk people, and my bill simply applies this same standard to the Tricare program.

Why is this bill so important? Colon cancer is highly curable when detected and treated early but extremely lethal when it reaches an advanced stage. Early detection and prompt treatment are the keys to surviving colon cancer. Among those whose colon cancer has been cured by modern diagnostic and treatment methods are President Reagan, Supreme Court Justice Ginsburg, and our colleague Senator BURNS, to name just a few.

Why is access to colonoscopy so critical? At present, gastroenterologists overwhelmingly recommend colonoscopy as the preferred method to use for screening of colon cancer in average risk individuals over 50. Colonoscopy is more sensitive than other methods of screening in detecting colonic neoplasia, pre-cancerous changes or full-blown cancers, at an early stage; colonoscopy is more reliable in finding colonic neoplasia in the upper ⅔ of the colon; and colonoscopy permits biopsy and removal of abnormal tissue as soon as it is discovered, in a single procedure. In fact, medical specialists refer to colonoscopy as the "gold standard" for colon cancer screening.

Since, 2001, the Medicare Program has permitted the use of colonoscopy to screen for colon cancer in "average risk" individuals, and the Federal Employees Health Benefits Program has used the same criteria since 2003. But the Tricare medical program for military beneficiaries clings to an outmoded policy that authorizes screening colonoscopy to detect colon cancer only for only a very narrowly defined group of "high risk" people, not the much broader group of "average risk" individuals covered by the Medicare and FEHBP programs. By failing to keep up with modern medical practice, as well as with other federal health programs, Tricare seems to be inappropriately restricting access to a potentially lifesaving tool for early cancer detection. The resulting unnecessary delay in detection of colon cancer puts our military community at needless risk.

To remedy this situation, my bill requires the Tricare program to use the same criteria as the Medicare program in paying for screening colonoscopy. My bill does not mandate that screening colonoscopy be used for colon cancer detection in Tricare beneficiaries; that decision is left to Tricare patients and their doctors. Rather, this legislation simply affords Tricare participants the same options that Federal employees and Medicare beneficiaries have enjoyed for some time.

Frankly, I see no logical reason why those who have served our country in uniform for over 20 years, and the family members of those currently on active duty, should not have access to the same high-quality medical choices offered to our senior citizens and to our Federal workers. The policy on colon cancer screening that has worked well for 42 million Medicare beneficiaries and 9 million FEHBP participants, a policy that is endorsed by most medical specialists, seems totally appropriate for the Tricare population. It is time to bring the Tricare program's colon cancer screening criteria into the 21st century.

Mr. President, I encourage my colleagues to join me in supporting this commonsense legislation.

By Ms. SNOWE (for herself, Mr. DORGAN, Mr. INOUYE, Mr. WYDEN, Mr. LEAHY, Mrs. BOXER, Mr. OBAMA, and Mrs. CLINTON):

S. 2917. A bill to amend the Communications Act of 1934 to ensure net neutrality; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce legislation that will preserve the open, unrestricted nature of the Internet. I want to thank my colleagues, Senator DORGAN and Senator INOUYE, with whom I have worked closely to draft this bill. I also want to acknowledge Senator WYDEN, who has introduced similar net neutrality legislation, for his leadership on this issue.

Having risen from its humble beginnings as an obscure tool for a few tech-savvy enthusiasts, the Internet now stands as the epicenter of commerce today. An April 2006 Pew Internet study cites that 73 percent of adults in the U.S. now use the Internet, 45 percent of whom use it for making major financial decisions. Last year alone, over $1.7 trillion in transactions took place on the Internet, and today 725,000 small businesses use e-commerce giant eBay as a way to reach customers. Because anyone, anywhere, can communicate and transact business with virtually any corner of the globe with an Internet connection, the benefits of the Internet on small businesses—and on rural places like my home State of Maine—cannot be overstated.

The Internet became a robust engine of economic development by enabling anyone with a good idea to connect to consumers and compete on a level playing field for consumers' business. Anyone can send an e-mail or set up a Web site at little or no cost, and the marketplace has picked winners and losers, rather than an arbitrary gatekeeper.

When users log onto the Internet, they take a lot of things for granted. They assume that they will be able to access whatever Web site they want, when they want to—and if they have a broadband connection, they expect this to happen at a high speed, regardless of what Web site they choose. They also assume that they can use any feature they like, anytime they choose—watching online videos, searching for information, making purchases, and sending e-mails and instant messages. They assume that they can attach devices to make their online experience better—things such as Web cameras, game controllers, or extra hard drives. What they are assuming is called "net neutrality," the principle at the core of the Internet's DNA. The idea is that the Internet should be open and free, restricted by no one.

Unfortunately, all this may change very soon if Congress does not take action. In August 2005, the Federal Communications Commission issued an order removing virtually all regulation of Internet facilities that connect homes and businesses to the World Wide Web. Among the regulations lifted were the long-standing non-discrimination rules that required the owners of Internet facilities networks—in most cases cable and telephone companies—to allow delivery of all Internet content to the end user at the same speed, refraining from blocking any Web sites. These long-standing rules have enabled small businesses in Maine and across the country to have the same access to customers as giant corporations. Yet without the protections of the legislation we introduce today, those small businesses may be reduced to second-class citizen status on the Web.

Telephone and cable companies supply broadband Internet service to 98 percent of Internet subscribers in this country. Recently, executives from several of the largest of these firms publicly indicated their intention to charge fees to Web site operators before giving them access to their highspeed lines, and relegate those who do not pay up to the slower transmission lines. A Web site owned by a company who is a competitor could even be blocked entirely.

Anyone who has sat frustrated at a computer screen waiting for a file to download knows what this means for the those Web site owners not willing to pay up: their sites and applications will run at a slower pace, thus turning away consumers. These Internet companies, e-mail services, and Web site owners will be relegated to the Information "Dirt Road"—the Information Superhighway will be reserved for those companies who are willing to pay the toll. Worst of all, consumers and businesses who rely on these Internet services will be completely powerless, since it is beyond their control as to which Web site owners are willing to pay the fees.

The legislation we introduce today keeps the rules where they always have been, until last year. First, the bill bars network operators from blocking, degrading or impairing Internet traffic. Second, the bill ensures that network operators are not allowed to create a two-tiered Internet—an Internet that treats those who can afford to do business with large nationwide broadband providers more favorably than those who do not. Virtually everyone has called for more widespread deployment of broadband facilities: this bill ensures that those high-speed networks are available for all users of the Internet.

This legislation already enjoys support from a broad spectrum of groups who care about Internet freedom, such as the Consumer's Union, the Parent's Television Council, the Gun Owners of America, the American Library Association, and the Christian Coalition. Altogether over 140 organizations have backed our efforts to prevent discrimination the Internet.

If we allow companies to set up tollbooths along the Information Superhighway, we will fundamentally alter every Internet user's experience and stifle the entrepreneurship that flourishes on the world's last remaining frontier. Network operators should not have the power to decide which Web pages load faster, which content their customers can access, and whose data has the highest priority. Network operators already enjoy near-monopolistic privileges in many markets across the country. Should this market power now be extended to messaging services, streaming video, or online shopping, just to name a few?

Consumers should decide which businesses succeed and which fail, not network providers. What has made the Internet such a remarkable success is the ability of consumers everywhere to use the connection they pay for to experience a world of their own choosing on their own terms. Earlier this month, the New York Times endorsed the legislation in an editorial when it called for "a strong net neutrality bill that would prohibit broadband providers from creating a two-tiered Internet. Senators who care about the Internet and Internet users should get behind it." I hope my colleagues join me in supporting the Internet Freedom Preservation Act.

Mr. DORGAN. Mr. President, today my colleague Senator SNOWE and I are introducing the Internet Freedom Preservation Act.

Internet freedom, known as net neutrality, is one of the most important issues facing us as the telecommunications landscape continues to change, and frankly, how this issue is resolved could determine whether our Nation continues to be a world leader in the area of innovation and technology.

Consumers, businesses, and the very marketplace of ideas have benefited from the historically open nature of the Internet.

From the largest of corporations to the person working alone in a garage, all have had the ability to offer their content, services, and applications over the Internet and to reach consumers, because of this open structure of the Internet and the existence of net neutrality nondiscrimination rules.

I think it is important to point the wide variety of groups that have called for the preservation of strong net neutrality protections: groups as diverse as Consumers Union, AARP, Microsoft, Amazon, Gun Owners of America, and the National Religious Broadcasters, and over 150 organizations or companies so far have weighed in on this important issue.

The Internet, and the broadband network operators that bring the Internet to businesses and consumers, have enabled even the most rural town in my State of North Dakota to be connected to the rest of the world, and this connection has brought economic opportunities, and advances in health and education that could otherwise not have been possible.

Now, however, the open nature of the Internet is at risk. It is at risk because of actions by the Federal Communications Commission, and because of the lack of competition in the broadband market.

Non-discrimination rules that existed for years on broadband providers have been removed, leaving only the marketplace to act as a check. The problem is, however, that the broadband marketplace is highly concentrated—98 percent of consumers get their broadband from either cable modem or DSL, and up to 50 percent of consumers can only get their broadband from one broadband provider.

Thus, the situation is not a marketplace of players on an equal footing. Broadband network operators have substantial market power and the incentive to use it. There have been public statements by some of their CEOs that have made clear that they intend to use that leverage to exact payments from content providers and to operate as gatekeepers.

These broadband network operators have become more than just the pipe that carries content, services, and applications to a consumer; they now are in the business of these content, services and applications as well. Thus, they have the leverage, and the incentive to favor their own services over competition.

Until now the Internet has been driven by consumers and innovators, which have in turn, encouraged broadband deployment.

Consumers pay for their Internet connection, and expect that they can go anywhere they lawfully want to on the Internet.

But without maintaining the longstanding nondiscrimination rules that have been in place for decades, the Internet could go from being driven by consumers and innovators to bring dictated by network operators.

What will be the impact on the next great application or service over the Internet if the very first thing the next start-up has to do is work out an agreement with the broadband provider?

What will be the impact on consumers if their choices are artificially limited by their broadband providers as to what VOIP or video service they can get?

I agree that broadband network operators are investing millions of dollars in building the next generation of infrastructure, and I commend them for that. Under our bill they will still be able to be compensated for their investments, as they are now, by charging for their broadband connections.

But they should not be able to put up additional tolls on the Internet, or erect barricades to competition that will change the nature of the Internet as we know it.

Our bill will preserve the freedom and the openness of the Internet that we have come to take for granted, but that is now at risk.

I ask my colleagues to support this legislation that I introduce today with Senator SNOWE.

Mr. INOUYE. Mr. President, I rise to today in support of the legislation introduced by my colleagues Senators SNOWE and DORGAN to preserve a founding principle of communications law that is critical to the promotion of innovation and opportunity for all Americans. The preservation of the open, non-discriminatory architecture of the Internet is vital to the American economy and society. Over a relatively short timeframe, the Internet has become a robust engine for market innovation, economic growth, social discourse, and the free flow of ideas precisely because it has allowed consumer choice and control over the use of lawful content, applications and services. In turn, anyone with a good idea has been able to connect to consumers and compete on a level playing field for consumers' business. The marketplace has picked winners and losers, and not a central gatekeeper. This bedrock concept of connecting innovators and consumers without interference, known as "net neutrality," has been a hallmark feature of the Internet and is a principle reason why America leads the world in online innovation.

Regrettably, without this legislation that heritage may be at risk as traditional rules that have required communications operators to follow principles of non-discrimination no longer apply. In August 2005, the FCC refused to adopt meaningful and enforceable consumer safeguards at the time it classified DSL and cable modem as an information service. As a result, the bill that I have cosponsored with Senators SNOWE and DORGAN is necessary to ensure that consumers and content companies have the ability to use the Internet without interference or gatekeeping by the network operators.

This bill responds to recent FCC decisions by preserving the openness of the Internet and thereby encourages the continued development of innovative Internet technologies, services, and content that has fueled the American economy. Specifically, under the bill, consumers will have the ability to access the content of their choosing, and Internet businesses will have the ability to compete head-to-head with network providers on the basis of the merits of their offerings.

As the father of the Internet, Vint Cerf, said to our Committee, the Internet is "innovation without permission." The proposed legislation will ensure that the Internet indeed remains a platform that spawns innovation and economic development for the benefit of all Americans.

By Mr. DODD (for himself and Mr. LOTT):

S. 2918. A bill to provide access to newspapers for blind or other persons with disabilities; to the Committee on rules and Administration.

Mr. DODD. Mr. President, today I am introducing, along with the distinguished Chairman of the Rules Committee, legislation to ensure that the blind and those with disabilities continue to have free access to electronic editions of periodicals and newspapers. This service is an extension of the existing authorization for the Library of Congress to provide Braille books, recordings, sound reproduction equipment, musical scores, and other materials to the blind and physically disabled individuals.

Currently, the National Federation of the Blind provides these services through its NFB–NEWSLINE program which has been funded by the Library of Congress through its Books for the Blind program. The NFB–NEWSLINE program is a telephone-based electronic audio newspaper service serving our Nation's 1.3 million blind Americans by providing 23 million minutes of on-demand service in response to 2,600 calls per day at an average cost of 2.7 cents per minute.

Congress established the Books for the Blind program within the Library of Congress in 1931. The program is administered by the National Library Service for the Blind and Physically Handicapped. NLS, which continues to be the primary source of Braille and audio books and magazines for blind adults today. However, until development of the NFB–NEWSLINE program, it was not economically feasible for NLS to provide timely access to newspapers for the blind. Under current production methods, it would require several weeks for NLS to prepare and deliver a single copy of a daily newspaper.

The NFB–NEWSLINE program, however, is designed for real time rapid distribution of the electronic text of newspapers. Under this program, the blind can access daily newspapers on the day of publication through telephone access to the digital text. The funding for this program has been provided by a public-private partnership between NFB–NEWSLINE, state sponsors, including public libraries, rehabilitation agencies, and several affiliates of NFB, and the Library of Congress. Newspaper and magazine content is contributed by many participating news organization and publishers.

The bill Senator LOTT and I are introducing today will ensure the continued Federal share of this partnership so that NFB–NEWSLINE can continue to serve as the multi-state provider of this service. Currently, NFB–NEWSLINE provides some level of service to all 50 states, the District of Columbia and Puerto Rico by providing local dialing numbers for the blind and disabled to use to access newspapers and periodicals. The annual telecommunications costs for this service is approximately $750,000 which serves approximately 40 percent of the eligible readers.

This bill will enable NFB–NEWSLINE to continue to serve existing readers with improved services while at the same time expanding services to more readers. The bill authorizes $750,000 for this service in fiscal year 2007 and such sums as are necessary in fiscal years 2008–2011. This is a very efficient program that for a very small Federal investment will allow the blind and disabled to more fully participate in their communities through access to the daily news. With the current state of technology, it is simply unacceptable that the blind and disabled do not have real time access to daily newspapers and periodicals.

I commend NFB-NEWSLINE for developing this public-private partnership to serve the needs of the blind and disabled individuals and I pleased to introduce this legislation to ensure the continuation of this program.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4083. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4084. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4083. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 167, strike lines 17 through 20.

SA 4084. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table: as follows:

On page 397, strike line 21 and all that follows through page 409, line 19, and insert the following:

(7) Work day.—The term "work day" means any day in which the individual is employed 8 or more hours in agriculture.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) Blue Card Program.—

(1) In general.—Notwithstanding any other provision of law, the Secretary may confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 150 work days per year during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) Authorized travel.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) Authorized employment.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) Termination of blue card status.—

(A) In general.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) Grounds for termination of blue card status.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) Record of employment.—

(A) In general.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) Sunset.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) Required features of blue card.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) Fine.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $1,000.

(8) Maximum number.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) Rights of Aliens Granted Blue Card Status.—

(1) In general.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) Delayed eligibility for certain federal public benefits.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) Terms of employment for aliens admitted under this section.—

(A) Prohibition.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) Treatment of complaints.—

(i) Establishment of process.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) Initiation of arbitration.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) Arbitration proceedings.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) Effect of arbitration findings.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) Treatment of attorney's fees.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) Nonexclusive remedy.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) Effect on other actions or proceedings.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $1,000.

(vi) ENGLISH LANGUAGE.—The alien has demonstrated an understanding of the English language, as required under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

FLOOR PRIVILEGES

Mr. CORNYN. Mr. President, I ask unanimous consent that Meagan Moroney, who is interning with me this week, be granted privilege of the floor for the remainder of this session today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar No. 631, 635, 636, 637, 638, 639, 641 through 662, and all nominations on the Secretary's desk. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

George McDade Staples, of Kentucky, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Director General of the Foreign Service.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Horace A. Thompson, of Mississippi, to be a member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2011.

DEPARTMENT OF EDUCATION

Kent D. Talbert, of Virginia, to be General Counsel, Department of Education.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

J.C.A. Stagg, of Virginia, to be a member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring November 17, 2011.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Vince J. Juaristi, of Virginia, to be a member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2009.

Jerry Gayle Bridges, or Virginia, to be Chief Financial Officer, Corporation for National and Community Service.

AIR FORCE

The following named Air National Guard of the United States Officer for appointment as Director, Air National Guard and for appointment to the grade indicated in the United States Air Force under title 10, U.S.C., sections 10506 and 601:

To be lieutenant general

Maj. Gen. Craig R. McKinley, 8368

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William M. Fraser III, 9314

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Kevin P. Chilton, 6603

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Norman R. Seip, 6765

The following named officer for appointment as the Surgeon General of the Air Force and appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8036 and 601:

To be lieutenant general

Maj. Gen. James G. Roudebush, 9187

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 64:

To be major general

Brig. Gen. Dana T. Atkins, 1173

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Lawrence A. Stutzriem, 7077

The following Air National Guard of the United States Officer for appointment in the reserve of the Air Force to the grade indicated under title, 10, U.S.C., section 12203:

To be brigadier general

Col. Linda K. McTague, 8129

The following named Officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Robert J. Elder, Jr., 7484

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David A. Deptula, 6792

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Victor E. Renuart, Jr., 0278

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 601:

To be major general

Brig. Gen. Elder Granger, 1583

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David F. Melcher, 8170

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Stephen M. Speakes, 9036

The following named officer for appointment in the reserve of The Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Ronald D. Silverman, 3658

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Michael A. Ryan, 0558

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Stephen V. Reeves, 2272

The following named United States Army Reserve officer for appointment as Chief, Army Reserve and appointment to the grade indicated under the provisions of title 10, U.S.C., sections 3038 AND 601:

To be lieutenant general

Maj. Gen. Jack C. Stultz, Jr., 5861

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Alan T. Baker, 5911

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U. S. C., section 5142:

To be rear admiral

Rear Adm. (lh) Robert F. Burt, 9653

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Capt. Gregory J. Smith, 2462

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Townsend G. Alexander, 8946
Captain David H. Buss, 3577
Captain Kendall L. Card, 8333
Captain John N. Christenson, 4645
Captain Michael J. Connor, 7632
Captain John Elnitsky, II, 1510
Captain Kenneth E. Floyd, 5264
Captain Philip H. Greene, 9852
Captain Bruce E. Grooms, 0608
Captain James C. Grunewald, 3365
Captain Edward S. Hebner, 8910
Captain Michelle J. Howard, 6763
Captain Arnold O. Lotring, Jr., 7794
Captain James P. McManamon, 5156
Captain Joseph P. Mulloy, 0400
Captain Charles E. Smith, 4827
Captain Scott H. Swift, 9644
Captain David M. Thomas, 1168
Captain Kurt W. Tidd, 5355
Captain Michael P. Tillotson, 7164
Captain Mark A Vance, 1181
Captain Garry R. White, 1944
Captain Edward G. Winters, III, 5375

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1383 AIR FORCE nominations (1955) beginning Rosalind L. Abdulkhalik, and ending Jesse B. Zypallis, which nominations were received by the Senate and appeared in the Congressional Record of March 7, 2006.

PN1471 AIR FORCE nominations (6) beginning Steven L. Alger, and ending Rachlle Paulkagiri, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

IN THE ARMY

PN1470 ARMY nomination of Chantel Newsome, which was received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1497 ARMY nomination of Kenneth A. Kraft, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1498 ARMY nominations (4) beginning Mark A. Burdt, and ending Robert L. Porter, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1499 ARMY nominations (6) beginning Betty J. Williams, and ending Henry R. Lemley, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1500 ARMY nomination of Thomas F. Nugent, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1501 ARMY nomination of Michael F. Lorich, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1502 ARMY nomination of Brian O. Sargent, which was received by the Senate and appeared in the Congressional Record of April 27, 2006.

PN1503 ARMY nominations (4) beginning Brian K. Hill, and ending Charles W. Wallace, which nominations were received by the Senate and appeared in the Congressional Record of April 27, 2006.

IN THE NAVY

PN1467 NAVY nominations (5) beginning Robert J. Tate, and ending Edward A. Sylvester, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1468 NAVY nominations (4) beginning William L. Yarde, and ending Bruce R. Deschere, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

PN1469 NAVY nominations (53) beginning Gregory G. Allgaier, and ending Timothy J. Yanik, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CELEBRATING PROGROWTH TAX POLICY

Mr. FRIST. Madam President, we will be closing in a few moments, but I did want to comment on an event this week that in many ways celebrates the progrowth tax policy that President Bush initiated over 5 years ago, and which, with the 2001 and 2003 tax cuts, tax relief, and the relief of regulatory burden, has resulted in quite remarkable growth in our economy over the last 18 months.

This week in the Rose Garden the President signed into law the Tax Increase Prevention and Reconciliation Act of 2005. The bill represents a real victory for the American people, for each and every American family, and for the continued strength and vibrancy and resilience of an economy that leads the world.

The Republican majority has worked hard to resist efforts to raise taxes, and that is exactly what this bill accomplished. It was 6 years ago, back in 2000, that the President inherited an economy that was in recession. It was emerging from a bursting Internet bubble, and the answer to our economic malaise at the time was tax relief, was tax cuts. There was a lot of opposition on the floor of the Senate, but we got them through; sometimes by just a few votes, but we got them through. Now, because of the President's firm, fiscally bold vision and strong fiscal and tax leadership, our economy is doing very well. America's families now feel better off because, indeed, they are better off.

We now have cut taxes for nearly 100 billion hard-working citizens. New home sales were up nearly 14 percent just last month, and minority home ownership is at its highest level ever. Consumer confidence is the highest since May of 2002. The economy has created 5.3 million jobs. Unemployment is down to 4.7 percent, lower than the average of the 1990s, lower than the average of the 1980s, and lower than the average of the 1970s. The tax cuts on capital gains and dividends are benefiting Americans across the income spectrum.

It is interesting that if you look at the income tax returns each year that are reporting capital gains and dividends, almost half of them come from households with reported adjusted gross income of less than $50,000. Tax relief, capital gains, and dividends go across the economic spectrum.

Overall, the economy has enjoyed 18 consecutive quarters of economic growth. Meanwhile, all of this spurred growth has filled the tax coffers just as anticipated, just as we said it would. As we argued back then, and as history has demonstrated, cutting taxes actually results in increased tax revenues.

In January, the Congressional Budget Office found that the tax cuts on capital gains and dividends resulted in the Government collecting an additional $26 billion in revenue in 2004 and 2005. This year, tax revenues will be 29 percent higher than they were in 2003 as a result of tax cuts. In fact, the Treasury Department reported last week that this year's tax revenues were the second highest in American history, giving the country a significant surplus for the month.

Last November, we called for extending the alternative minimum tax relief. In February I insisted that Congress keep rates low on capital gains and dividends. Last week, as part of the Tax Increase Prevention Act, we delivered because we always remember that tax dollars are the people's money, not the government's money.

We believe open markets and abundant opportunity unleashes our greatest resource: the energy of the American people and the ingenuity of the American people. Keeping taxes low helps Americans find and keep jobs, it boosts the family budget, and makes America a great place to do business. It allows the entrepreneur to take a chance on that great idea, to reinvest, to hire more workers, to create jobs. As Republicans, we believe in encouraging that creative and optimistic spirit. It is what has built this country. It is what makes America great.

We will continue to champion economic growth and fiscal responsibility. We will continue to keep America moving forward.

ORDERS FOR MONDAY, MAY 22, 2006

Mr. FRIST. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Monday, May 22. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the comprehensive immigration reform bill, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Madam President, the Senate has made a lot of progress on the immigration bill. After spending almost 2 weeks on the bill a month ago, we brought the bill back this week, and not knowing exactly what to expect, I set out with a pretty high watermark, a pretty high goal, and that is to consider a number of amendments in an open and free debate and have those amendments voted upon. We have accomplished exactly what I had set out to do.

We are going to have another busy week. We have a recess, Memorial Day recess, after next week, so we have Monday, Tuesday, Wednesday, Thursday, and Friday to conduct a lot of business. Senators are using the day today—some of them have come to the floor to speak and to debate and talk about the various issues. Others are using it to study amendments for next week. Our next voting will be with two rollcall votes on Monday, at least two votes, maybe others, beginning at 5:30.

The chairman will be here Monday working through the afternoon, working with Senators on their proposed amendments. It is important that we have the language on amendments people might be offering.

We have a lot of other work to do. The supplemental bill is currently in conference. Our colleagues are working very hard, in the House and Senate, so that we can complete that supplemental bill before the Memorial Day recess. The nomination of Brett Kavanaugh also is pending. Brett Kavanaugh has been nominated to the circuit court, and we need to bring him to the floor before we depart for that Memorial Day recess.

A lot of other issues are underway. The pensions conference report is being worked on aggressively, day in, day out, and I look forward to having that completed so when it is available we will be able to take it to the floor.

ADJOURNMENT UNTIL MONDAY, MAY 22, 2006, AT 1 P.M.

Mr. FRIST. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:13 p.m., adjourned until Monday, May 22, 2006, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate: May 19, 2006:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

HORACE A. THOMPSON, OF MISSISSIPPI, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2011.

DEPARTMENT OF EDUCATION

KENT D. TALBERT, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

J. C. A. STAGG, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 17, 2011.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

VINCE J. JUARISTI, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2009.

JERRY GAYLE BRIDGES, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF STATE

GEORGE MCDADE STAPLES, OF KENTUCKY, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT AS DIRECTOR, AIR NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. CRAIG R. MCKINLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM M. FRASER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEVIN P. CHILTON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. NORMAN R. SEIP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL OF THE AIR FORCE AND APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8036 AND 601:

To be lieutenant general

MAJ. GEN. JAMES G. ROUDEBUSH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. DANA T. ATKINS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. LAWRENCE A. STUTZRIEM

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LINDA K. MCTAGUE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT J. ELDER, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID A. DEPTULA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. VICTOR E. RENUART, JR.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 601:

To be major general

BRIG. GEN. ELDER GRANGER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID F. MELCHER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEPHEN M. SPEAKES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. RONALD D. SILVERMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MICHAEL A. RYAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. STEPHEN V. REEVES

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF, ARMY RESERVE AND APPOINTMENT TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. JACK C. STULTZ, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ALAN T. BAKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

To be rear admiral

REAR ADM. (LH) ROBERT F. BURT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. GREGORY J. SMITH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN TOWNSEND G. ALEXANDER
CAPTAIN DAVID H. BUSS
CAPTAIN KENDALL L. CARD
CAPTAIN JOHN N. CHRISTENSON
CAPTAIN MICHAEL J. CONNOR
CAPTAIN JOHN ELNITSKY II
CAPTAIN KENNETH E. FLOYD
CAPTAIN PHILIP H. GREENE
CAPTAIN BRUCE E. GROOMS
CAPTAIN JAMES C. GRUNEWALD
CAPTAIN EDWARD S. HEBNER
CAPTAIN MICHELLE J. HOWARD
CAPTAIN ARNOLD O. LOTRING, JR
CAPTAIN JAMES P. MCMANAMON
CAPTAIN JOSEPH P. MULLOY
CAPTAIN CHARLES E. SMITH
CAPTAIN SCOTT H. SWIFT
CAPTAIN DAVID M. THOMAS
CAPTAIN KURT W. TIDD
CAPTAIN MICHAEL P. TILLOTSON
CAPTAIN MARK A. VANCE
CAPTAIN GARRY R. WHITE
CAPTAIN EDWARD G. WINTERS III

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ROSALIND L. ABDULKHALIK AND ENDING WITH JESSE B. ZYDALLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 7, 2006.

AIR FORCE NOMINATIONS BEGINNING WITH STEVEN L. ALGER AND ENDING WITH RACHELLE PAULKAGIRI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

IN THE ARMY

ARMY NOMINATION OF CHANTEL NEWSOME TO BE COLONEL.

ARMY NOMINATION OF KENNETH A. KRAFT TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARK A. BURDT AND ENDING WITH ROBERT L. PORTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

ARMY NOMINATIONS BEGINNING WITH BETTY J. WILLIAMS AND ENDING WITH HENRY R. LEMLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

ARMY NOMINATION OF THOMAS F. NUGENT TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF MICHAEL F. LORICH TO BE MAJOR.

ARMY NOMINATION OF BRIAN O. SARGENT TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH BRIAN K. HILL AND ENDING WITH CHARLES W. WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 27, 2006.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH ROBERT J. TATE AND ENDING WITH EDWARD A. SYLVESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

NAVY NOMINATIONS BEGINNING WITH WILLIAM L. YARDE AND ENDING WITH BRUCE R. DESCHERE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

NAVY NOMINATIONS BEGINNING WITH GREGORY G. ALLGAIER AND ENDING WITH TIMOTHY J. YANIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

HOUSE OF REPRESENTATIVES—*Friday, May 19, 2006*

The House met at 9 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the prophetic vineyard of Isaiah, You God Almighty, are recognized as the vine grower. Your people are the treasured vineyard which is cared for by the vine dressers. As believers and servants of Your people, the Members of Congress, viewed as the vine dressers, turn to You, Lord, in prayer. You must bless their work for You alone can produce lasting results in the roots and all the branches.

Only a healthy and prosperous vineyard will provide good wine for the tables of life in America. Yet, so much depends on climatic incidents, the soil, the water, the sunlight, as well as the human labor of distinguished pruning and attentive care.

Lord of the vineyard, help Congress to seize the right moments and make the right decisions. Especially during difficult times do the vine dressers need to cultivate together and be discerning. Only by mutual trust and conversation can there be a structured response focused not only on the long hanging produce or just on some of the branches, but concern for the whole vineyard.

For the entire vineyard, beginning with the grafted vine from the foreign soil to the very best vintage, Lord, belongs to You, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. GARY G. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. GARY G. MILLER of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER. The Chair will entertain up to five 1-minute speeches on each side.

HURRICANE VICTIM IS HURRICANE VILLAIN

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, she lost her house, she lost her way of life, and she lost her innocence. She had fled Katrina. She fled to Texas. But also fleeing with the good were the bad, and then the ugly happened.

Matthew Lindsey, registered sex offender from Louisiana, fled to Texas. He got that free FEMA money and those free FEMA hotel rooms. But FEMA would not let Texas lawmen see their database and cross-check for criminals like Lindsey. It was private, they said.

So it was then while baby-sitting 12 kids at a shelter he molested this 8-year-old girl. Now one little girl has emotional scars that will forever be with her.

Lindsey was one of 146 sex perverts that took the name "hurricane victim" and became that hurricane villain.

Congress must stop this nonsense and make FEMA quit protecting the lawless. The National Center for Missing and Exploited Children and the Fraternal Order of Police supports such legislation. We cannot stop hurricanes; we can stop sex offenders. We can force FEMA to help the lawmen find the outlaws and thereby save the innocent.

And that's just the way it is.

IGNORING FISCAL CRISIS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, yesterday in the House we started the appropriations process, and that continues today, but the problem is that the Republican leadership and the President continue to ignore the fiscal crisis that they have created here in the Congress and across the country.

As you know, we passed a budget this week, but at the same time the debt continues to rise and so much of the money actually being spent is going towards the war in Iraq which is not really being addressed. In fact, many times, the budget simply masks that because it does not include the funding and the cost of the war in the budget itself.

So what I say today, rather than just focus on the appropriation bills and the different items back and forth, the Republican Congress should look at the overall picture. They just passed another tax cut bill, with tax cuts primarily going to large corporations, special interests, wealthy individuals, not the average American; and they continue to increase the debt.

Spending is also out of control, and they are not doing anything about it. Unfortunately, over the long term this leads to a fiscal crisis. We continue to go into debt. We don't have the money available to borrow for new production, and the Republicans need to address this fiscal crisis. They are not doing it, Mr. Speaker.

HOUSE PASSES REASONABLE BUDGET RESOLUTION

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, earlier this week House Republicans voted to pass the fiscal year 2007 House budget resolution. I was pleased to support a reasonable budget that will fund our top priorities, continue our program policies, and increase accountability within Federal Government programs. I was especially pleased to see this budget will help cut the Federal deficit in half by 2009 without implementing any tax increases.

Yet, in keeping with their record of being the party of no, Democrats voted "no" on this budget. They voted "no" to even the smallest attempts on holding the line on spending, and they voted "no" to reforming outdated and ineffective government programs. You see, Democrats would rather just raise taxes on hardworking families.

Mr. Speaker, you can rest assured that House Republicans are going to continue to work to keep taxes low and maintain the pro-growth economic policies that have created 32 consecutive months of job growth. After all, if there is something we should all be saying "no" to, it is the Democrats' tax and spend mentality.

REVEALING THE TRUTH

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, sometimes it takes a heated exchange to reveal the truth. People say things they would not normally say, or reflect their true thinking.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

For instance, while debating the budget the other night, a member of the Republican leadership said, "If you earn $40,000 a year and have a family of two, you don't pay any taxes." Well, that would be news to that middle-class family.

According to the Center of Budget and Policy Priorities, middle-class families paid an average of 13.6 percent of their income in Federal taxes in 2003. Additionally, these hardworking families pay State income taxes, property taxes, gasoline taxes, and sales taxes. If anything, middle-class families are paying too much in taxes.

But the truth serum clearly did not wear off, because the next day the same member of the Republican leadership sent out a press release titled "Fiscal Responsibility is Not an Option in This House."

After 5 years of record budget deficits of $3 trillion in new debt, for a total of $9.6 trillion of debt, never were truer words spoken in that press release.

Mr. Speaker, I am glad that the truth about the Republican Congress has finally come out. Now the American people have a choice between leadership and the Republican Party that cuts taxes on the wealthy and leaves trillions of dollars of debt for the rest of us.

As Ronald Reagan once said, "Facts are a stubborn thing." Mr. Speaker, it is time for a change. It is time for new priorities. It is time to give the people back their House.

HONORING CAMERON STAY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, I rise today to honor a friend of mine, Cameron Stay, a friend from Henderson, Nevada. Cameron has been an inspiration for me. We had a chance to meet recently. He experienced a tragic motorcycle accident just a few months ago.

Cameron is a friend of Nevada and a friend of the country. He is a Green Valley High School graduate from Henderson, Nevada, in my district and has a college degree in criminal justice. He also was a firefighter with the BLM and with the Hotshots 777 group and worked for TAB Construction.

I mention Cameron today because he is an inspiration for me as a Member of Congress. As we look at issues ranging from world peace to education to health care to children and families, Cameron has been that inspiration for his courage, his enthusiasm, and his will to live a full life. He truly represents what this country is about: and today I would like to recognize Cameron and his mother, who is here today, Denice Olson and her husband, Stan, who are in the audience, and say thank you for sharing with us your son as an inspiration for us as Members of Congress.

SECURING OUR BORDERS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Monday night, President Bush demonstrated his commitment to securing our country. By placing thousands of National Guard troops on our borders, he will help decrease illegal border crossings, stop drug trafficking, and prevent terrorism. As a veteran of the National Guard, I know our troops are well prepared to assist temporarily with this critical mission.

In December, the House of Representatives passed legislation to prevent illegal crossings by addressing the hiring of illegals and gaining control of our borders.

As the House and Senate now work to find a long-term solution to America's immigration problem, House Republicans will continue to fight to ensure securing our borders remains the first priority. We will resist any frivolous lawsuits and protect American families.

In conclusion, God bless our troops and I will never forget September 11.

CONGRATULATING LESLI McCOLLUM GOOCH

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, occasionally we have an opportunity to come to the floor to celebrate something. Lesli McCollum Gooch has been my legislative director for over 3 years. She began her service on Capitol Hill in the fall of 1999 as a Congressional Fellow for Marge Roukema of New Jersey. At the conclusion of the fellowship, Lesli served as Representative Roukema's legislative director until the congresswoman retired at the end of the 107th Congress.

Lesli has been working on her Ph.D. for 10 years. She began working as a Graduate Fellow at Carl Albert Congressional Research and Study Center at the University of Oklahoma. In 1998, Lesli joined the University of Oklahoma's Institute of Public Affairs. She received a Master's in political science from the University of Oklahoma in 1999.

Lesli defended her dissertation on April 10, 2006, and graduated with her Doctorate of Philosophy degree on May 12, 2006.

Mr. Speaker, I will not call her "Doctor," but do as I do, call her "PhuD" when you see her.

☐ 0915

PROVIDING FOR CONSIDERATION OF H.R. 5385, MILITARY CONSTRUCTION, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2007

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 821 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 821

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5385) making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for title IV. During consideration of the bill for amendment, the Chairman of the Committe of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considereed as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BOOZMAN). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 821 is an open rule. It provides one hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Appropriations Committee. It waives all points of order against consideration of the bill. Under the rules of the House, the bill shall be read for amendment by paragraph. This rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized appropriations or legislative provisions in an appropriation bill, except as specified in the resolution. It authorizes the Chair to accord priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and it provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of H. Res. 821 and the underlying bill, H.R. 5385, the Military Quality of Life and Veterans Affairs Appropriations Act for fiscal year 2007.

First, I want to thank and recognize Chairman WALSH and Chairman LEWIS for all of the work they have put into this bill. The committee did a great job of staying within the framework of the President's budget request and ensuring the needs of our veterans, those currently serving and their families.

Mr. Speaker, the underlying bill totals $136.1 billion, which is an increase of almost $14 billion over last year's level, more than 10 percent. Of this $136 billion, the bill provides $41.4 billion in mandatory spending and $94.7 billion in discretionary spending.

The bill provides $77.9 billion for veterans' programs, marking approximately a 10 percent increase over the 2006 enacted level. Particularly important is the $32.7 billion for veterans' medical services, 11 percent more than the 2006 enacted level and $38 million above the President's request.

Additionally, the committee followed the recommendations of various veterans groups to make sure more funds are provided to meet the needs of veterans returning from combat in Iraq and Afghanistan. I must also emphasize to the veterans back home in the 11th Congressional District of Georgia, northwest Georgia particularly, and all across this country, that this bill does not, I want to repeat, it does not contain any new fees for veterans' medical services or prescription drugs. It does, however, increase mandatory veterans' benefits by $4.2 billion over the 2006 level.

So, Mr. Speaker, H.R. 5385 also includes significant increases in funding to improve the lives of our veterans and their families. It provides an additional $25 million to open a minimum of 10 new community based outpatient clinics and an additional $20 million to make facility improvements to existing State veterans' homes.

Further, this bill increases basic medical research by $13 million; and it includes an additional $12 million to begin upgrades to VA medical research facilities nationwide.

In regards to military construction, this bill provides $10.6 billion: $5.6 billion for active duty construction, a billion dollars in construction for our reserve components, and $4 billion for the construction of housing for our servicemembers and their families.

Finally, Mr. Speaker, H.R. 5385 provides $21 billion, an increase of $1 billion over current levels, to fund the health defense program allowing for the ongoing preparation of our brave soldiers, sailors, airmen and marines, while caring for their families back home.

Without question, we are again in a tough budget year; and while the underlying bill may not be perfect, it does ensure that scarce resources are allocated in the most effective, efficient and responsible manner possible.

Mr. Speaker, I look forward to this debate. I encourage my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, the rule before us will allow the House to consider the fiscal year 2007 Military Quality of Life and Veterans Administration Appropriations bill. All Members know that the support in this bill for military housing, for veterans' health care, and for retiree benefits is part of the promise we made to the men and women when they joined our Armed Forces.

As we consider this bill, there should be little disagreement over the tremendous demands being placed on the Veterans Administration and on the military construction accounts.

In 1995, the VA treated 2.6 million veterans and their families. By the end of this year, that number will have more than doubled to an estimated 5.4 million people. This places additional stress on the many hospitals and the VA network. These World War II-era buildings are badly in need of upgrades at the cost of billions over the next 5 to 10 years.

It was for this reason, increased strain in time of war, that the Democrats have consistently criticized the administration's less-than-adequate funding for veterans and veterans' health care.

Last year, the administration admitted to accounting errors which underestimated the demand for veterans' services by $3 billion in fiscal years 2005 and 2006. It turned out that the administration had failed to account for the new veterans, those returning from the wars in Iraq and Afghanistan. After Democrats, the American Legion, the Disabled American Veterans and many other veterans organizations expressed outrage, steps were taken retroactively to address the shortfall.

With that backdrop, this year's appropriations bill does increase veterans' medical services by $2.6 billion over last year's amount. Unfortunately, it does so by employing a budget gimmick.

This year's shortsighted budget did not provide full funding to meet this Nation's veterans' health care needs in a time of war. So the Military Quality of Life Appropriations Subcommittee was forced to boost money for veterans using money originally designated for military housing and then pay for military housing by declaring that money emergency funding.

In truth, it was no emergency. It was simply a shell game that ignored the principle of shared sacrifice upon which our Nation has relied in every other time of war, except this one. These budget gimmicks should come as no surprise. Even to the casual observer, this majority has shown disregard for budget matters. After all, 3 years into the Iraq War, the administration and this majority continue to fund it with "emergency spending."

We are using a credit card to pay for war and sending the bill to our children and our grandchildren. Nonetheless, it must be noted that the only reason this bill comes close to meeting the health needs of so many veterans is because of this gimmick. And the bill pays for construction of some housing for military families, but again only because of this gimmick. Many Members on both sides of the aisle are frustrated with this approach.

Mr. Speaker, the Federal Government cannot go back on our responsibility to support our troops, assist their families, and continue our commitment to the veterans. This responsibility is particularly important in a time of war. With troops fighting the war in Iraq, they should not be the only ones to make sacrifices; they must be shared by all Americans. No loopholes for a select few, no kicking the can down the road for another generation to deal with by way of increasing the national debt.

In cities and towns across America, our constituents notice when Congress uses these gimmicks. My local paper, in fact, hit on this very theme of sacrifice in time of war earlier this week, and I include for the RECORD an editorial from the Sacramento Bee. Its title says it all: "Where's the Sacrifice." I could not agree more.

[From the SACRAMENTO BEE, MAY 16, 2006]

WHERE'S THE SACRIFICE?

The Republican majority in Congress wants to go into the November elections bragging that they've cut taxes again. The House and Senate just extended record-high Bush tax cuts until 2010. They call it a political victory.

Will the American people really buy this one-note chant again?

It represents the triumph of rigid ideology over practical reality.

At a time of war, these members of Congress are demanding sacrifice only of the young people fighting in Iraq and Afghanistan. The tax cuts of 2001, 2002 and 2003 have given us record-high deficits and debt, driving this country into a financial mess political leaders are passing on to future generations.

The tax cutters rely on two fallacious arguments.

The first is the "starve the beast" idea. Tax cuts, the theory goes, will reduce government revenues and choke off government spending, making government smaller. Even conservative economists now reject that hypothesis. For example, economists William Niskanen and Peter Van Doren of the Cato Institute show convincingly that since 1981, for each one percentage point decline in tax revenues, federal spending increases by about one-half percent of GDP. Government spending grows because tax cuts make government look cheaper than it actually is, so people want more of it. A tax increase does a better job of reducing government because it forces people to pay for government services.

At least "starve the beast" proponents were honest in saying that tax cuts would reduce government revenues.

Today you have members of Congress actually saying the opposite: "Lower tax rates equal more federal revenue." The facts show otherwise. Bush tax cuts have contributed to revenues dropping in 2004 to the lowest level as a share of the U.S. economy since 1950. Where revenues typically have been 17 percent to 20 percent of the economy, in 2004 they were 16.3 percent, according to the Congressional Budget Office.

A CBO report, "Analyzing the Economic and Budgetary Effects of a 10 Percent Cut in Income Tax Rates," shows that a 10 percent cut in income tax rates lowers revenues by $775 billion over 10 years.

So when tax cut proponents say that tax cuts benefit the Treasury, take it with a grain of salt.

The tax cut vote was a party line vote. Voters know whom to blame for the nation's financial mess come November.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on Military Quality of Life and Veterans Affairs and Related Agencies.

Mr. WALSH. Mr. Speaker, I thank the gentleman for yielding me this time and for his leadership on getting this rule together and also to Chairman DREIER and the members of the Rules Committee for their help and support.

Mr. Speaker, this is a bill that we can be very proud of. After all, we are a Nation at war, and the way we treat our veterans of past wars is a very clear signal to our current active duty people as to how they will be treated in the future. And the commitments we have made in the past are being met in this bill.

One of the key issues always in the Military Quality of Life and Veterans Affairs Appropriations bill is veterans' medical care, the Veterans Health Administration. We have provided almost a 13 percent increase in veterans' medical care in this bill, a remarkable increase, although consistent with the last 6 or 7 years where we have dramatically ramped up funding.

No other budget within the Federal Government's entire purview has received the increases that the Veterans Health Administration has.

Clearly Congress, especially the House, establishes its priorities by the funds it provides, it allocates, it appropriates on the discretionary side of the budget. If that is any indication, our commitment to our Nation's veterans is the highest priority of the House of Representatives and indeed the Congress.

We have also provided additional resources for the benefits administration to make sure that we bring down the time frames that veterans are forced to wait until their benefits issues are resolved. We are working on reducing those delays.

We have also mandated that the Veterans Administration create a minimum of 10 new veterans' outreach clinics. This is part of the CARES Commission statement. People all over the country, veterans all over the country, are benefiting from these new veterans' clinics. The quality of health care has improved dramatically. We are getting to the veterans much sooner, and the process that they follow, they can be treated at the clinics or, if it is a more serious health issue, they can then be referred to the hospital.

□ 0930

But we are getting veterans into the system much sooner, and the view on the part of veterans and their service organizations is that this is a very important major improvement and breakthrough in veterans care. Additionally, we provided more money for mental health.

One of the real focuses of this subcommittee has been not only mental health, which it has been, but also the transition from active duty to veterans status. What we found is that because of the difficulties, very serious challenges to find a safe place for our soldiers in Afghanistan or in Iraq, many of them are coming back with very serious mental health issues, post-traumatic stress disorder and other issues that have caused great stress on the soldier, sailor, airman, marine and their families, additionally, when they return.

One of the things that we will require is that all of our active duty people enter into a dialogue with our mental health professionals within the service while they are active in the field.

Currently, if a soldier has a concern about their mental health, or they are upset or they are depressed or they are anxious about things and they want to get some advice, they have to voluntarily go forward, step forward. People worry about a stigma. How does that affect my record in the future if I go and seek out help?

What we have stated, stipulated in this bill, is that every one of our active duty people will have, as part of their service, a regular routine of working with mental health professionals, psychiatrists, psychologists, counselors, so that there is no stigma, that everybody is in the mix. That way we think that our folks who are in very stressful situations, very dangerous situations, will be more at ease in how they go about getting this very important aspect of their health in order.

Additionally, this subcommittee is responsible for the defense health, TRICARE for Life, et cetera. While the increase is not as substantial as it is in veterans, it is a healthy increase. My view is that as we go forward into conference with the Senate, hopefully we will be able to add additional resources within the defense health portion of this budget to make sure that we are meeting needs.

Our subcommittee traveled last year to Europe. We visited Landstuhl hospital in Germany. It is truly remarkable the quality of care that our soldiers, sailors, airmen, marines are receiving there.

In the field, the Medevac units, the quality of care in the combat zone is beyond description. It is that good. In the history of war, there has never been health care like we are providing today. We can be very proud of that. But we have to make sure that the resources are there, that they are allocated to make sure that those needs are met.

One last point, and that is on the military construction, we have a lot of money in this bill to roll out the 2005 BRAC. The Army, which is very dependent upon this, asked us to get as much money forward as we could, so we did. That was a priority for us. Army is going through transformation, they are going through BRAC. We have people moving from Europe to the U.S., from one place in Asia to another, from places in Asia back to the U.S., and it is all part of this process.

We want to make sure that they had the resources up front so that they could get this moving and meet the commitments that they have made, not only to us, to the taxpayers, but to the troops.

As I said at the outset, Mr. Speaker, this is a bill that we can all be very, very proud of. It has been a bill that we have worked very closely on in a bipartisan way with my opposite number on the Democratic side, Mr. EDWARDS, we have collaborated well.

I would like to, just again, thank the Rules Committee for the rule.

Ms. MATSUI. Mr. Speaker, I yield 6 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I have had the privilege of representing over 40,000 soldiers from Texas who have fought for our country in Iraq. I have one of the larger veterans populations in America, and that is why I am grateful to have the privilege to work with Chairman WALSH in my position as ranking member of the Appropriations Subcommittee on Military Quality of Life and Veterans Affairs.

I will talk about the substance of the bill that will be on the floor in a few moments after the rule debate is over. But let me just list four reasons why I oppose this particular rule to bring our bill to the floor.

First, as I understand this rule, it could possibly leave as much as a half a billion dollars in vital military construction programs during a time of war at risk to a technical point of order on this floor. This whole issue evolved late last night, so perhaps someone could clarify this.

I would urge my colleagues on both sides of the aisle, Republican and Democratic alike, to not use such a technical budget question to put at risk critical infrastructure that is needed to support our troops during a time of war; whether they are serving here at home, or they are in Iraq, Afghanistan or elsewhere.

I don't understand why the Rules Committee, which on a daily basis, bill after bill after bill, bills that are far less important than supporting our veterans or military troops, military construction and defense health care, that the Rules Committee waives technical points of order on a routine basis. I am not sure if my understanding is correct why they didn't do the same for something as important as half a billion dollars investment in military infrastructure.

The second reason I oppose this rule and urge my colleagues to vote against this rule is that the Obey amendment was not allowed. The Obey amendment would have protected that $500 million of military construction funding by paying for it, following the pay-as-you-go principle, rather than putting it under emergency spending, which could allow Members of this House potentially to strike that crucial funding.

Secondly, I was disappointed the Rules Committee refused to protect my amendment that I intended to bring on this bill today, that would have brought defense health care spending back up to the level that President Bush said is needed this year to maintain the quality of care for our troops and our retirees that Mr. WALSH referenced, and that we all should have a right to be proud of.

As a consequence of that Rules Committee decision, we could end up passing this bill today at a funding level that is $735 million below administration's designation of what is needed to maintain military health care quality this year. That could be a tragedy to have any risk of reducing military health care services, especially during the time of war.

The next reason I oppose this rule is that Congressman FARR's amendment was not protected. It was an amendment that was going to add $1.8 billion to veterans programs, important veterans programs. I will talk later in cooperation with Chairman WALSH about what I think is good in this bill for veterans and some of the increases for veterans health care spending, which he and I and members of the committee all supported.

But Mr. FARR wanted to go a step further and say we should not be freezing VA research, health research dollars. He wanted to say it is not right to say to a combat veteran who is making $29,000 a year, that you weren't wounded in combat, you haven't earned the right to get VA health care in a VA hospital because you are too wealthy.

That is kind of ironic, because just earlier this week, the House voted to give Lee Raymond, the just retired ExxonMobil CEO who got a $400 million retirement package, gave him a $2 million dividend. Mr. FARR wanted to say if we can give Mr. Lee Raymond of ExxonMobil and all of his hundreds of millions of dollars of platinum parachute retirement programs, a $2 million dividend tax cut, shouldn't we able to say to veterans making $30- or $35,000 a year, you too have earned the right to get VA health care, along with other veterans?

Mr. FARR wanted to have an amendment that enforced the law that we passed on a bipartisan basis in the late 1990s that said the VA shouldn't reduce the number of beds for veterans nursing home care.

These amendments don't take away any good things from the amendment of the bill, which I will talk about during the bill's debate. But my objection is with the Rules Committee setting one standard for unimportant bills that will, for partisan reasons, and unimportant reasons, will waive technical points of order on bills coming to this floor and do it routinely.

Yet when we come to amendments intended to try to guarantee military construction during a time of war, intended to try to help more veterans get better health care and nursing home care, the Rules Committee, on a partisan basis, said, no, we are not going to allow Democrats to have those kinds of amendments offered and protected on the floor.

For all of those reasons, I urge my colleagues to vote "no" on this rule today.

Mr. GINGREY. Mr. Speaker, before yielding to my good friend from Texas, Judge CARTER, talking about concerns that he has, I want to make sure that all of my colleagues on both sides of the aisle understand that the committee, for the first time ever, for the first time ever, used a veterans service organization's independent budget as a baseline for this fiscal 2007 funding, and essentially adopted the veterans' group recommendations to increase funds by 6.3 percent.

In regard to defense health, the defense health program is increased by $1 billion over the last year. So the total funding of $21 billion for defense health is the same as the budget request.

I want to also say, Mr. Speaker, that I had the distinct honor of traveling last summer with subcommittee chairman WALSH, as we visited some of our cemeteries in Europe, at Anzio and Normandy, our fallen soldiers in World War II and also Bella Woods, for the Marines that fell during World War I.

To see the compassion of Chairman WALSH and what he and our colleagues that served, that have the honor of serving on his committee, on both sides of the aisle, was a moving, moving experience for me. I know how important the work of this subcommittee is.

I commend Members on both sides of the aisle for their hard work in bringing this good budget. I wish we could do more, but I think the compassion is there on both sides of the aisle.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I just wanted to rise to say that one of the great blessings in my life that has been bestowed upon me is that I have been given a district now where we have almost 50,000 of the people who stand on the wall and defend our Nation, Fort Hood, Texas.

It has made me realize the real duty that we have to the American soldier, the American military personnel. Being on this subcommittee and being able to try to do what is good for these men and women who give their duty, honor, to our Nation every day, is a great blessing to me personally.

This bill that we have got here today is an honest attempt, within the resources, to do a great job for our military. I think, quite frankly, we have done a great job.

I would urge, and I listened to what Mr. EDWARDS had to say. Mr. EDWARDS and I worked together. He also is a very good friend of Fort Hood.

I would urge my colleagues, as they look at, as we proceed in this debate, that they, first and foremost, keep in mind that soldier, sailor, airman and marine, that stand on the wall every day and defend this Nation's freedom. As they look for technical challenges and other things that may occur, hopefully, will be corrected, that they will take that soldier's best interest in mind first.

This is, if there is a piece of legislation that goes to the Congress at any time, that thinks about the individual guy carrying a rifle, this is it.

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If we can, we have to; and we must make sure they have the best health care, the best living facilities, the best facilities on post, the best equipment, the best that we can give them. I think we have done our very best to do that, and so I rise to speak on behalf of the American soldier and ask this House to keep the American soldier in mind in this debate.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Texas to respond to the gentleman from Georgia.

Mr. EDWARDS. Mr. Speaker, let me make two comments.

First, let me say I fully associate myself with the views expressed by my friend and colleague, the Representative of Fort Hood, Mr. CARTER. We all should consider our troops as the number one priority in whatever decisions are made today. That is far more important than any technical budget issue that can be brought up, especially during a time of war.

In terms of the gentleman from Georgia, he said that this budget provides the same amount of funding, in so many words, for defense health care as requested by the administration. I think if the gentleman will look more carefully into the budget request, what he will find is that, in addition to the appropriated funds, the administration had proposed an additional $735 million in fees that I hope this Congress will clearly, vociferously oppose.

Our subcommittee certainly didn't endorse those fee increases. Those fee increases would put a 200 percent health insurance premium on men and women who have served our military for 20 and 30 years. But as a consequence of Congress not having made the decision and, in fact, the Armed Services Committee having passed a bill recently saying that we will not increase those fees, in effect, this bill will fund defense health care this year by $735 million less than President Bush said was needed to maintain our quality health care system for our troops and for our military retirees.

That is why I had hoped the Rules Committee in all of its wisdom would have been willing to do what it does on a regular basis, to protect my $735 million amendment to get defense health care spending back where President Bush says it needs to be, to protect my amendment from a technical budget point of order. Unfortunately, the Rules Committee chose to weigh in on the side of budget technicalities that it ignores on a regular basis and didn't weigh in on the side of protecting our present quality of defense health care for our troops.

Mr. GINGREY. Mr. Speaker, the gentleman from Texas, the minority member of the subcommittee, I very much respect. I very much respect the work that he has done.

I mentioned that trip last summer. Of course, Representative EDWARDS was a part of that. Representative CARTER, my good friend from Texas, was also a part of that trip when we visited those military cemeteries and looked at MILCON construction in Europe and the importance of all these things we do.

I agree with what the gentleman said in regard to the administration proposing to increase fees for our military retirees under age 65, certain categories of veterans in copays and deductibles, to be able to raise, I think he mentioned the figure of 700 and something million dollars. He was opposed to it, the subcommittee was opposed to it, the entire committee was opposed to it, and we rejected it as we did last year when the administration wanted to do that.

I commend him, and I commend the chairman and the entire committee for their work in regard to that. We are not really in any disagreement in regard to the points that he just made, and I commend him for his work.

Mr. Speaker, I am going to continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, this morning, I am not even going to talk about the fact that on this side of the aisle we feel that this bill is short by at least $1.8 billion in providing the kind of health and medical care that we think ought to be provided for our veterans.

But I want to talk about two other problems in the bill. Because this bill, first of all, continues the fiction that somehow it is likely, or desirable, that $735 million in additional fees will be laid onto our retired military. I do not believe that that should happen, and I do not believe that will happen. And if it doesn't, then this bill has a $735 million hole that it is going to have to fill.

Secondly, this bill has a very interesting budget gimmick that essentially allows this bill to come to the floor $500 million above the budget resolution that was adopted just 2 nights ago by the Republican majority.

Here is what happened. The administration sent down in the military construction bill their request to move ahead with about 310 military infrastructure projects. What the committee did was to designate 20 of those projects, and there is nothing emergency about those projects, but they need to proceed. What the committee did was essentially to take 20 of those projects and simply label the expenditures for those projects as being emergency.

Why did they do that? Because it then made room in the bill for the committee to add projects of their own totaling $507 million. So that is a $507 million gimmick which allows this bill to come to the floor in reality $507 million above the Republican budget resolution.

As a result of the rule which is now being brought to the floor, there will be several choices that people will have to make. Members will now be free to strike the emergency designation for those projects. If they do, then the bill has to be taken off the floor because it exceeds the budget cap, unless the committee itself moves to simply take all of those projects out of the bill. As a result, if those projects are taken out of the bill, we then have a hole in the administration request. If they aren't taken out of the bill, then we, in effect, are $507 million above the budget that the Republicans pledged their loyalty to just 2 days ago. And in addition to that, down the line you are still going to have to find $735 million to make up for the fiction that there is some possibility in this place that those additional fees ought to be laid on our retired military.

I think this is another quaint example of the majority party fealty to their own budget resolution and we are forced to encounter these ridiculous budgetary gimmicks because the majority party refused to fix the problem. I offered an amendment in committee to try to fix the problem, at least to fix the problem of the $507 million. I simply suggested that we support an amendment which would cut the size of the tax cut for people making a million dollars, and they are going to get a $114,000 tax cut this year. We simply suggested that if you can cut the size of that $114,000 tax cut by 1,400 bucks, you could pay on the square, without any gimmicks, for that $507 million.

That is what we should have done. But the majority party thought that it was more important to deliver a $114,000 tax cut to millionaires than it was to play straight with the budget process and to play straight with their own budget resolution and to play straight with the American people.

Very interesting. Very interesting.

Mr. GINGREY. Mr. Speaker, I have no additional speakers at this time, so I will reserve the balance of my time for the purpose of closing.

Ms. MATSUI. Mr. Speaker, I yield 5½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this bill.

Mr. Speaker, I, too, am sad that we don't have maximum flexibility under the way the rule is structured to speak to the needs of American veterans; and I will vote against it. But I hope that we can spend this time also focusing on some broader issues.

Luckily, there is a provision that will permit me to provide an amendment today to help with the cleanup of the vast toxic legacy that America faces in every State of the Union from unexploded munitions and military toxins, from training exercises, from old military depots, from having shells lobbed by generations of cadets at West Point that have been in the Storm King Forest. Every State in the Union, over 3,000 sites, have been identified as areas that need cleanup.

I want to say I appreciate what Mr. WALSH, Mr. EDWARDS and Mr. FARR have done with this important military quality of life committee in starting to focus on this. Frankly, Mr. Speaker, the real problem is that Congress has been missing in action when it comes to cleaning up this toxic legacy.

I had a Member of this body yesterday tell me, well, we really don't need to put more money in it. He wasn't sure that it was worth it. Let's just have barbed wire around them, keep people out and save the money for things that are more important. This is a Member that I deeply respect but who betrayed a tragic lack of understanding of exactly the scope and magnitude of this problem and what would be the benefit of handling it properly.

I could tell this gentleman that there were dozens of cases where innocent civilians, in some cases children, have been killed because bombs have turned up in the back of a subdivision that people have just walked away from. Or the gentleman rototilling his yard in Five Points, Texas, rototilling up a bomb. Or three times since I have been in Congress we have had to pull firefighters out of forest fires because bombs were exploding, generated by the heat.

Now these are not things that we can simply walk away from. There are areas where munitions break down over time and the toxic leaks into the groundwater which creates a larger problem.

There is also the notion that there are 10 million, 20 million, 30 million acres or more, nobody knows exactly how much, polluted or potentially polluted that is not available for hunting and fishing, that is not available for redevelopment, for housing, for industrial use, to be put back on the tax rolls.

Ultimately, this is a responsibility that the Department of Defense and the Federal Government is going to have to assume. Putting up barbed wire and walking away doesn't solve the problem.

But one of the things that I would hope would focus attention by Members of this assembly is not just the long-term benefits, not just cleaning it up, not just returning it to productive use but think about who is at risk, because it is our soldiers, their families, the employees of these bases and their neighbors that are most at risk.

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What is to be solved by kicking the can down the road and ignoring it?

Last, but by no means least, if we get the technology right that will enable us to find out whether it is a hubcap or a 105-millimeter shell that is buried under the ground, that just doesn't help us clean up these 3,000 sites in the United States. That same technology would save the lives of our soldiers right now who are at risk every day in Iraq from roadside bombs, from land mines. That is how I lost my first constituent in Iraq, was a young man killed by a land mine.

By Congress continuing to be missing in action not taking a significant step to clean up this toxic explosive legacy, we are not just putting at risk the environment, we are not just putting at risk children who are playing in subdivisions or firefighters who will fight in the next forest fire where there are bombs and toxic legacy, they are putting at risk our soldiers, our men and women overseas who won't benefit from the techniques and the technology.

I appreciate what the subcommittee has done trying to train the attention. It is time for this body to step up and agitate to make their job a little harder and for our friends on the Appropriations Committee in Defense appropriations to invest in doing this right.

I oppose the rule. I look forward to bringing an amendment later in the debate to be able to at least put a little bit of money to deal with the problem in other parts of the United States now.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his passion on this issue and the very clear presentation that he made. I want to remind him and my colleagues that I think we authorized an additional $250 million in the Defense Authorization Bill of 2007 which we passed last week.

In regard to specifically, he mentioned about the technology that could be used for ferreting out improvised explosive devices, and he mentioned, of course, that the first soldier from his district was killed by one of those devices. And I know that Members on both sides of the aisle have certainly experienced that. This particular Member from the 11th of Georgia has experienced it as well. So it is an important issue, and it is clear that we are doing everything we can to try to defend against these cowardly attacks of improvised explosive devices.

Mr. Speaker, I will continue to reserve the balance of my time for purposes of closing.

Ms. MATSUI. Mr. Speaker, I have no additional speakers. I understand the gentleman has no additional speakers.

Mr. GINGREY. I have no additional speakers.

Ms. MATSUI. Then I will proceed to my closing.

Mr. Speaker, I will be asking Members for a "no" vote on the previous question. If the previous question is defeated, I will amend the rule so we can consider three important amendments that were not included in this rule. These amendments will help fix the funding shortfalls in this bill.

I ask unanimous consent to insert the text of these amendments and extraneous materials immediately prior to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. The first amendment by Ranking Member OBEY would pay for the $507 million cost for 20 routine military construction projects instead of designating them as "emergency spending" so that the funding would not count against the bill's allocation.

The Obey amendment pays for the 20 projects by reducing the tax cuts for people making more than $1 million a year by $1,400 or 1 percent.

The second amendment by subcommittee Ranking Member EDWARDS provides the $735 million needed to fully fund the Defense Health Program throughout the next year. The cost of the amendment is offset by reducing by 2 percent the tax cut for those making over $1 million annually.

The third amendment by Representative FARR, would increase veterans health care by $1.82 billion and pay for it by reducing the average tax cut for those with incomes above $1 million a year by about $5,000, leaving them with $109,025.

Mr. Speaker, these amendments together will help us meet the obligations we have to the members of our military, our veterans and their families. This Nation made a promise to those serving in the military that they would receive quality health care in return for their valiant service to this country, and now that wounded soldiers are returning to their homes, they deserve the best medical treatment and care available.

We can fix this today if we allow these amendments to be considered on the floor. But the only way that will happen is if we defeat the previous question.

I want to assure my colleagues that a "no" vote will not prevent us from considering the Military Quality of Life Veterans Appropriations bill under an open rule. But a "no" vote will allow us to vote on these important amendments.

Vote "no" on the previous question.

I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I would again like to thank Subcommittee Chairman WALSH, ranking minority member EDWARDS, and Chairman LEWIS for leading the committee in the production and shepherding of this bill.

We can never do enough for our veterans. I think we all want to, but understand that this bill represents a victory for our serviceman and women in all stages of service, from recruitment to retirement.

I encourage my colleagues to support this rule and underlying bill. And so I rise, again, in support of the rule, and as I say, in support of the underlying bill in recognition of its importance to the men and women who have and will continue to serve and protect America. Our servicemen and women put their lives on the line each and every day and we have a responsibility to support them in any and every way possible as they make these significant sacrifices for the safety and security of this great

Nation. We must provide them with everything that they need, not only to succeed in their military duty, but also to enjoy the quality of life that they and their families so much deserve.

Again, Mr. Speaker, with spending totaling $94.7 billion, this bill includes significant increases to the veterans medical care and benefits, military construction and the Defense Health Care Program. I encourage, then, my colleagues on both sides of the aisle to support both this rule and the underlying bill for the sake of those who spend their lives defending ours.

Mr. LARSON of Connecticut. Mr. Speaker, I regret that I could not be present today because of a family medical emergency and I would like to submit this statement for the RECORD in opposition to the previous question and H. Res. 821, the rule providing for consideration of the FY2007 Military Quality of Life appropriations bill (H.R. 5385).

The Veterans' Administration has treated more than 144,000 returning veterans from Operations Iraqi Freedom and Enduring Freedom, and nearly 30,000 veterans are waiting in line for their first appointment—nearly double the number last year. However, funding for veterans and military retiree health care has barely kept pace with the increasing demand. As a result our young men and women will return home from Iraq and Afghanistan to a health care system that is struggling to take care of current veterans—let alone new ones.

While the bill before us today is certainly an improvement over last year's bill, it still underfunds critical programs and services that our veterans and military retirees rely on. For instance, even as the Defense Authorization Bill (H.R. 5122) we passed last week rightfully rejected the President's plan to increase fees for military retirees, this bill still falls $735 million short of the level needed to ensure that military retirees do not face having their TRICARE fees doubled or tripled. In addition, this bill uses a budgeting gimmick to designate $507 million for 20 military construction projects as emergency spending so that the committee could keep the overall total under the bill's allocation level—jeopardizing this critical funding by leaving it vulnerable to procedural points of order that could strip it from this bill. Finally, this bill provides $25.4 billion for veteran's medical services—$2.6 billion more than last year, but still $400 million below the recommendation of the Independent Budget and $2.8 billion below the level recommended by the House Veterans Affairs Committee Democrats.

Unfortunately, Democratic amendments to address these shortcomings were rejected by Republicans on the Appropriations Committee and are blocked from being considered here today by this rule. These pragmatic measures would have made this a stronger bill that fulfils our promise to our military retirees and veterans. I urge the defeat of the previous question and this rule so that we can debate critical amendments to ensure that veterans and military retirees get the timely, quality, and affordable health care they deserve.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION STATEMENT H. RES. 821—RULE FOR H.R. 5385 FY06 MILITARY QUALITY OF LIFE—VA APPROPRIATIONS

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, it shall be in order to consider the amendments printed in section 3, which may be offered only in the order specified, may be offered only by the Member designated or a designee, shall be considered as read, shall not be subject to amendment except pro forma amendments for the purpose of debate, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived.

SEC. 3. The amendments referred to in section 2 are as follows:

(a) Amendment to be offered by Representative OBEY of Wisconsin.

AMENDMENT TO H.R. 5385, AS REPORTED

OFFERED BY MR. OBEY OF WISCONSIN

Page 58, line 20, strike "2011:" and all that follows through line 25 and insert "2011.".

Page 59, line 4, strike "2011:" and all that follows through line 9 and insert "2011.".

Page 59, line 13, strike "2011:" and all that follows through line 18 and insert "2011.".

Page 59, line 22, strike "2011:" and all that follows through page 60, line 2, and insert "2011.".

Page 60, line 6, strike "2011:" and all that follows through line 11 and insert "2011.".

Page 60, line 15, strike "2011:" and all that follows through line 20 and insert "2011.".

At the end of title IV (page 60, after line 20), insert the following new section:

SEC. 401. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 1.23 percent.

(b) Amendment to be offered by Representative Edwards of Texas

AMENDMENT TO H.R. 5385, AS REPORTED

OFFERED BY MR. EDWARDS OF TEXAS

Page 19, line 8, strike "$21,065,163,000" and insert "$21,800,163,000".

Page 19, line 9, strike "$20,218,205,000" and insert "$20,953,205,000".

At the end of title I (page 35, after line 2), insert the following new section:

SEC. 136. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from the enactment of Public Laws 107-16, 108-27, and 108-311 shall be reduced by 1.78 percent.

(c) Amendment to be offered by Representative Farr of California

AMENDMENT TO H.R. 5385, AS REPORTED

OFFERED BY MR. FARR OF CALIFORNIA

Page 39, line 22, strike "$25,412,000,000" and insert "$26,875,000,000".

Page 41, line 1, strike "$3,277,000,000" and insert "$3,390,000,000".

Page 42, line 2, strike "$412,000,000" and insert "$460,000,000".

Page 42, line 14, strike "$1,480,764,000" and insert "$1,553,764,000".

Page 44, line 21, strike "$69,499,000" and insert "$77,499,000".

Page 45, line 13, strike "$283,670,000" and insert "$399,000,000".

At the end of title II (page 56, after line 8), insert the following new section:

SEC. 223. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 4.4 percent.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GINGREY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 211, nays 186, not voting 35, as follows:

[Roll No. 173]

YEAS—211

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—186

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—35

Andrews
Beauprez
Bishop (GA)
Bonner
Cubin
Davis (FL)
Davis (KY)
Diaz-Balart, L.
English (PA)
Evans
Fattah
Fossella
Gohmert
Kennedy (RI)
Larson (CT)
Leach
Lewis (GA)
Manzullo
McCrery
McKinney
Moran (VA)
Musgrave
Oberstar
Pearce
Platts
Reynolds
Rogers (MI)
Sanders
Schmidt
Smith (WA)
Stark
Strickland
Stupak
Thomas
Young (AK)

□ 1034

Mr. RANGEL changed his vote from "yea" to "nay."

Mr. PETERSON of Pennsylvania changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. MATSUI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 187, not voting 29, as follows:

[Roll No. 174]

AYES—216

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg

Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOES—187

Ackerman
Allen
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—29

Andrews
Beauprez
Bishop (GA)
Bonner
Cubin
Davis (FL)
Davis (KY)
English (PA)
Evans
Fattah
Gohmert
Kennedy (RI)
Larson (CT)
Lewis (GA)
Manzullo
McCrery
Moran (VA)
Musgrave
Pearce
Platts
Reynolds
Sanders
Schmidt
Smith (WA)
Stark
Strickland
Stupak
Thomas
Young (AK)

□ 1043

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. SCHMIDT. Mr. Speaker, earlier today, I was unavoidably detained and missed two rollcall votes.

Had I been present, I would have voted "yea" on rollcall vote No. 173, On Ordering the Previous Question on H. Res. 821, the Rule for H.R. 5385; and "aye" on rollcall vote No. 174, On Adoption of the Rule for H.R. 5385.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

The message also announced that the Senate agrees to the amendment of the House of Representatives to the amendment of the Senate to the text of the bill (H.R. 1499) "An Act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes.".

The message also announced that pursuant to section 1928a–1928d of title 22, Untied States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators to the Senate Delegation to the NATO Parliamentary Assembly, during the 109th Congress:

The Senator from Iowa (Mr. GRASSLEY).

The Senator from Colorado (Mr. ALLARD).

The Senator from Alabama (Mr. SESSIONS).

The Senator from Ohio (Mr. VOINOVICH).

The Senator from Minnesota (Mr. COLEMAN).

The message also announced that pursuant to section 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly, during the 109th Congress:

The Senator from Vermont (Mr. LEAHY).

The Senator from Oregon (Mr. WYDEN).

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5385, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1045

MILITARY CONSTRUCTION, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to House Resolution 821 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5385.

□ 1045

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5385) making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from New York (Mr. WALSH) and the gentleman from Texas (Mr. EDWARDS) each will control 30 minutes.

The Chair recognizes the gentleman from New York.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I am proud to present the Fiscal Year 2007 Military Quality of Life and Veterans Affairs and Related Agencies Appropriations Bill for consideration of the House.

The Appropriations Committee has dedicated to providing a suitable quality of life for our servicemen and women from recruitment through retirement. I believe this bill is fiscally responsible, while improving the quality of life for our all-volunteer force throughout their military careers and beyond. It also builds upon initiatives begun last year to get the Defense Department and the Department of Veterans Affairs to be more cooperative and expand synergies that exist between them.

The bill totals $136.1 billion. It stays within our discretionary allocation of $94.7 billion, which is $824 million below the budget request. But, more importantly, the bill is $8.5 billion over last year's level after adjusting VA medical services for contingency funding.

The increases above last year are in four areas: veterans medical care, active duty military medical care, housing allowances for military families, and the first year of major construction for the new BRAC round recommendations.

Mr. Chairman, the bill continues to improve military health care and recommends $21 billion for fiscal year 2007 for the defense health program. This is a sizeable increase of $1 billion above last year's level and represents more than a 40 percent increase in this budget since fiscal year 2003.

For veterans medical care, the bill recommends $25.4 billion, a $2.9 billion increase, or 12.7 percent, over last year's level. This program has increased $7.6 billion, or 43 percent, since 2004. I do not know what could speak more for the priorities of this House or this Congress or our committee than this commitment to our Nation's veterans.

For military construction, including funding to support the global war on terrorism, the bill provides $16.3 billion. The remainder of the bill funds a variety of defense programs and four related agencies, most of which are funded at the budget request.

I would like to mention that an additional $40 million in funding is recommended for two programs to accelerate environmental clean-up at formerly used defense sites and closed installations dating back to the 1988 BRAC round.

Mr. Chairman, we have a responsibility to make sure the limited resources we have are spent efficiently and effectively and that programs achieve their mission. We are, after all, at war; and we need to make sure that our current active duty personnel understand that the commitments to our former warfighters are kept. If we keep our promises to our former warfighters. We will keep our promises to those who are fighting today. This bill accomplishes that, while maintaining fiscal responsibility.

In closing, Mr. Chairman, I would like to thank the chairman of the full committee, Chairman LEWIS, for his vision and leadership and for the allocation that he has provided our subcommittee, probably the most generous of all of the subcommittee allocations.

Mr. Chairman, I would also like to thank sincerely my ranking member and colleague and friend, Mr. EDWARDS of Texas, for his hard work. He knows these issues cold. He is a good collaborator, a good person to work with. I respect his thoughts, I respect his work ethic, and I think this is a product of both of our vision.

I would also like to thank Mr. OBEY, as ranking member of the full committee, for working with us throughout this process. While we may have some differences, I think overall clearly this is a bipartisan bill that expresses the views of this House that our veterans and our active duty service personnel are our highest priority.

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army	1,757,507	2,059,762	1,756,298	-1,209	-303,464
Rescissions	-19,746	---	-43,348	-23,602	-43,348
Total	1,737,761	2,059,762	1,712,950	-24,811	-346,812
Military construction, Navy and Marine Corps	1,145,570	1,162,038	1,193,834	+48,264	+31,796
Rescissions	-50,037	---	-38,000	+12,037	-38,000
Emergency appropriations (P.L. 109-148)	291,219	---	---	-291,219	---
Total	1,386,752	1,162,038	1,155,834	-230,918	-6,204
Military construction, Air Force	1,275,645	1,156,148	1,187,550	-88,095	+31,402
Rescissions	-29,100	---	-2,694	+26,406	-2,694
Emergency appropriations (P.L. 109-148)	52,612	---	---	-52,612	---
Total	1,299,157	1,156,148	1,184,856	-114,301	+28,708
Military construction, Defense-Wide	998,766	1,208,198	1,107,606	+108,840	-100,592
Rescissions	-20,000	---	-110,229	-90,229	-110,229
Emergency appropriations (P.L. 109-148)	45,000	---	---	-45,000	---
Total	1,023,766	1,208,198	997,377	-26,389	-210,821
Total, Active components	5,447,436	5,586,146	5,051,017	-396,419	-535,129
Military construction, Army National Guard	517,919	473,197	512,873	-5,046	+39,676
Emergency appropriations (P.L. 109-148)	374,300	---	---	-374,300	---
Total	892,219	473,197	512,873	-379,346	+39,676
Military construction, Air National Guard	312,956	125,788	207,088	-105,868	+81,300
Rescissions	-13,700	---	---	+13,700	---
Emergency appropriations (P.L. 109-148)	35,000	---	---	-35,000	---
Total	334,256	125,788	207,088	-127,168	+81,300
Military construction, Army Reserve	151,043	166,487	167,774	+16,731	+1,287
Military construction, Navy Reserve	46,395	48,408	55,158	+8,763	+6,750
Rescissions	-16,560	---	---	+16,560	---
Emergency appropriations (P.L. 109-148)	120,132	---	---	-120,132	---
Total	149,967	48,408	55,158	-94,809	+6,750
Military construction, Air Force Reserve	104,824	44,936	56,836	-47,988	+11,900
Rescissions	-13,815	---	---	+13,815	---
Total	91,009	44,936	56,836	-34,173	+11,900
Total, Reserve components	1,618,494	858,816	999,729	-618,765	+140,913
Total, Military construction	7,065,930	6,444,962	6,050,746	-1,015,184	-394,216
Appropriations	(6,310,625)	(6,444,962)	(6,245,017)	(-65,608)	(-199,945)
Emergency appropriations	(918,263)	---	---	(-918,263)	---
Rescissions	(-162,958)	---	(-194,271)	(-31,313)	(-194,271)
North Atlantic Treaty Organization Security Investment Program	204,789	220,985	200,985	-3,804	-20,000
Rescissions	-30,000	---	---	+30,000	---
Total	174,789	220,985	200,985	+26,196	-20,000

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Family housing construction, Army	544,140	594,991	578,791	+34,651	-16,200
Rescissions	-16,000	---	---	+16,000	---
Total	528,140	594,991	578,791	+50,651	-16,200
Family housing operation and maintenance, Army	795,953	676,829	674,657	-121,296	-2,172
Family housing construction, Navy and Marine Corps	216,753	305,071	308,956	+92,203	+3,885
Emergency appropriations (P.L. 109-148)	86,165	---	---	-86,165	---
Total	302,918	305,071	308,956	+6,038	+3,885
Family housing operation and maintenance, Navy and Marine Corps	582,773	509,126	509,126	-73,647	---
Emergency appropriations (P.L. 109-148)	48,889	---	---	-48,889	---
Total	631,662	509,126	509,126	-122,536	---
Family housing construction, Air Force	1,090,868	1,183,138	1,169,138	+78,270	-14,000
Rescissions	-43,900	---	-66,200	-22,300	-66,200
Emergency appropriations (P.L. 109-148)	278,000	---	---	-278,000	---
Total	1,324,968	1,183,138	1,102,938	-222,030	-80,200
Family housing operation and maintenance, Air Force	759,270	755,071	755,071	-4,199	---
Emergency appropriations (P.L. 109-148)	47,019	---	---	-47,019	---
Total	806,289	755,071	755,071	-51,218	---
Family housing construction, Defense-Wide	---	8,808	8,808	+8,808	---
Family housing operation and maintenance, Defense-Wide	45,927	48,506	48,506	+2,579	---
Department of Defense Family Housing Improvement Fund	2,475	2,500	2,500	+25	---
Total, Family housing	4,438,332	4,084,040	3,989,353	-448,979	-94,687
Appropriations	(4,038,159)	(4,084,040)	(4,055,553)	(+17,394)	(-28,487)
Emergency appropriations	(460,073)	---	---	(-460,073)	---
Rescissions	(-59,900)	---	(-66,200)	(-6,300)	(-66,200)
Chemical demilitarization construction, Defense-Wide	---	130,993	90,993	+90,993	-40,000
Base realignment and closure:					
Base realignment and closure account, 1990	252,279	191,220	216,220	-36,059	+25,000
Base realignment and closure account, 2005	1,489,421	5,626,223	5,309,876	+3,820,455	-316,347
Total, Base realignment and closure	1,741,700	5,817,443	5,526,096	+3,784,396	-291,347
Basic Allowance for Housing: 1/					
Army	3,880,723	3,687,905	3,687,905	-192,818	---
Navy	3,511,570	4,135,061	4,135,061	+623,491	---
Marine Corps	1,166,686	1,350,921	1,350,921	+184,235	---
Air Force	3,162,073	2,934,327	2,934,327	-227,746	---
Emergency appropriations (P.L. 109-148)	6,526	---	---	-6,526	---
Total	3,168,599	2,934,327	2,934,327	-234,272	---
Army National Guard	444,819	469,109	469,109	+24,290	---
Emergency appropriations (P.L. 109-148)	32,294	---	---	-32,294	---
Total	477,113	469,109	469,109	-8,004	---
Air National Guard	238,396	277,533	277,533	+39,137	---
Emergency appropriations (P.L. 109-148)	10,289	---	---	-10,289	---
Total	248,685	277,533	277,533	+28,848	---

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Army Reserve	306,642	347,607	347,607	+40,965	---
Emergency appropriations (P.L. 109-148)	361	---	---	-361	---
Total	307,003	347,607	347,607	+40,604	---
Navy Reserve	189,141	208,838	208,838	+19,697	---
Emergency appropriations (P.L. 109-148)	1,053	---	---	-1,053	---
Total	190,194	208,838	208,838	+18,644	---
Marine Corps Reserve	40,134	43,082	43,082	+2,948	---
Air Force Reserve	69,357	76,218	76,218	+6,861	---
Emergency appropriations (P.L. 109-148)	85	---	---	-85	---
Total	69,442	76,218	76,218	+6,776	---
Total, Basic Allowance for Housing	13,060,149	13,530,601	13,530,601	+470,452	---
Appropriations	(13,009,541)	(13,530,601)	(13,530,601)	(+521,060)	---
Emergency appropriations	(50,608)	---	---	(-50,608)	---
Facilities Sustainment, Restoration and Modernization: 1/					
Army	1,832,607	1,810,774	1,810,774	-21,833	---
Navy	1,331,521	1,201,313	1,201,313	-130,208	---
Emergency appropriations (P.L. 109-148)	215,499	---	---	-215,499	---
Total	1,547,020	1,201,313	1,201,313	-345,707	---
Marine Corps	548,420	473,141	473,141	-75,279	---
Air Force	1,827,246	1,684,019	1,684,019	-143,227	---
Emergency appropriations (P.L. 109-148)	69,005	---	---	-69,005	---
Total	1,896,251	1,684,019	1,684,019	-212,232	---
Defense-Wide	115,731	86,386	86,386	-29,345	---
Emergency appropriations (P.L. 109-148)	5,238	---	---	-5,238	---
Total	120,969	86,386	86,386	-34,583	---
Army National Guard	392,579	387,882	387,882	-4,697	---
Emergency appropriations (P.L. 109-148)	49,217	---	---	-49,217	---
Total	441,796	387,882	387,882	-53,914	---
Air National Guard	177,993	255,322	255,322	+77,329	---
Emergency appropriations (P.L. 109-148)	13,557	---	---	-13,557	---
Total	191,550	255,322	255,322	+63,772	---
Army Reserve	202,326	215,890	215,890	+13,564	---
Emergency appropriations (P.L. 109-148)	1,128	---	---	-1,128	---
Total	203,454	215,890	215,890	+12,436	---
Navy Reserve	67,110	52,136	52,136	-14,974	---
Emergency appropriations (P.L. 109-148)	310,024	---	---	-310,024	---
Total	377,134	52,136	52,136	-324,998	---
Marine Corps Reserve	10,004	9,579	9,579	-425	---
Emergency appropriations (P.L. 109-148)	1,094	---	---	-1,094	---
Total	11,098	9,579	9,579	-1,519	---

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Air Force Reserve	49,860	59,849	59,849	+9,989	---
Emergency appropriations (P.L. 109-148)	1,917	---	---	-1,917	---
Total	51,777	59,849	59,849	+8,072	---
Total, Facilities Sustainment, Restoration and Modernization	7,222,076	6,236,291	6,236,291	-985,785	---
Appropriations	(6,555,397)	(6,236,291)	(6,236,291)	(-319,106)	---
Emergency appropriations	(686,679)	---	---	(-686,679)	---
Environmental Restoration: 1/					
Army	403,786	413,794	413,794	+10,008	---
Navy	302,222	304,409	304,409	+2,187	---
Air Force	402,396	423,871	423,871	+21,475	---
Defense-Wide	27,885	18,431	18,431	-9,454	---
Formerly used Defense sites	254,352	242,790	257,790	+3,438	+15,000
Total, Environmental Restoration	1,390,641	1,403,295	1,418,295	+27,654	+15,000
Defense Health Program: 1/					
Operation and maintenance	19,106,789	20,498,163	20,218,205	+1,111,416	-279,958
Rescission	---	---	-40,042	-40,042	-40,042
Emergency appropriations (P.L. 109-148)	120,000	---	---	-120,000	---
Emergency appropriations (P.L. 109-148)	172,958	---	---	-172,958	---
Total, Operation and maintenance	19,399,747	20,498,163	20,178,163	+778,416	-320,000
Procurement	375,328	396,355	402,855	+27,527	+6,500
Emergency appropriations (P.L. 109-148)	28,592	---	---	-28,592	---
Total, Procurement	403,920	396,355	402,855	-1,065	+6,500
Research and development	536,883	130,603	444,103	-92,780	+313,500
Total, Defense Health Program	20,340,550	21,025,121	21,025,121	+684,571	---
Appropriations	(20,019,000)	(21,025,121)	(21,065,163)	(+1,046,163)	(+40,042)
Emergency appropriations	(321,550)	---	---	(-321,550)	---
Total, title I	55,434,167	58,893,731	58,068,481	+2,634,314	-825,250
Appropriations	(53,269,852)	(58,893,731)	(58,368,994)	(+5,099,142)	(-524,737)
Emergency appropriations	(2,417,173)	---	---	(-2,417,173)	---
Rescissions	(-252,858)	---	(-300,513)	(-47,655)	(-300,513)

1/ Funding for these programs in fiscal year 2006 was included in the Department of Defense Appropriations Act, 2006. Amounts are shown here for comparison purposes.

TITLE II - DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Compensation and pensions	33,897,787	38,007,095	38,007,095	+4,109,308	---
Readjustment benefits	3,309,234	3,262,006	3,262,006	-47,228	---
Veterans insurance and indemnities	45,907	49,850	49,850	+3,943	---
Veterans housing benefit program fund program account (indefinite)	64,586	196,692	196,692	+132,106	---
(Limitation on direct loans)	(500)	(500)	(500)	---	---
Credit subsidy	-112,000	-100,000	-100,000	+12,000	---
Administrative expenses	153,575	153,185	153,185	-390	---
Vocational rehabilitation loans program account	53	53	67	+14	+14
(Limitation on direct loans)	(4,242)	(4,242)	(3,369)	(-873)	(-873)
Administrative expenses	305	305	305	---	---

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Native American veteran housing loan program account	580	615	615	+35	---
(Limitation on direct loans)	(30,000)	(30,000)	(30,000)	---	---
Total, Veterans Benefits Administration	37,360,027	41,569,801	41,569,815	+4,209,788	+14
Veterans Health Administration					
Medical services	21,322,141	25,512,000	25,412,000	+4,089,859	-100,000
Emergency appropriations	1,225,000	---	---	-1,225,000	---
Emergency appropriations (P.L. 109-148)	198,265	---	---	-198,265	---
Emergency appropriations (P.L. 109-148)	27,000	---	---	-27,000	---
Subtotal, Medical Services	22,772,406	25,512,000	25,412,000	+2,639,594	-100,000
Medical administration	2,858,442	3,177,000	3,277,000	+418,558	+100,000
Medical facilities	3,297,669	3,569,000	3,594,000	+296,331	+25,000
Medical and prosthetic research	412,000	399,000	412,000	---	+13,000
Medical care cost recovery collections:					
Offsetting collections	-2,170,000	-2,329,000	-2,329,000	-159,000	---
Appropriations (indefinite)	2,170,000	2,329,000	2,329,000	+159,000	---
Total, Veterans Health Administration	29,340,517	32,657,000	32,695,000	+3,354,483	+38,000
Departmental Administration					
General operating expenses	1,410,520	1,480,764	1,480,764	+70,244	---
Emergency appropriations (P.L. 109-148)	24,871	---	---	-24,871	---
Information technology systems	1,213,820	1,257,000	1,302,330	+88,510	+45,330
National Cemetery Administration	156,447	160,733	160,733	+4,286	---
Emergency appropriations (P.L. 109-148)	200	---	---	-200	---
Office of Inspector General	70,174	69,499	69,499	-675	---
Construction, major projects	607,100	399,000	283,670	-323,430	-115,330
Emergency appropriations (P.L. 109-148)	367,500	---	---	-367,500	---
Construction, minor projects	198,937	198,000	210,000	+11,063	+12,000
Emergency appropriations (P.L. 109-148)	1,800	---	---	-1,800	---
Grants for construction of State extended care facilities	85,000	85,000	105,000	+20,000	+20,000
Grants for the construction of State veterans cemeteries	32,000	32,000	32,000	---	---
Disaster Compensation for Veterans (Emergency) (P.L. 109-148)	3,000	---	---	-3,000	---
Total, Departmental Administration	4,171,369	3,681,996	3,643,996	-527,373	-38,000
Total, title II	70,871,913	77,908,797	77,908,811	+7,036,898	+14
Appropriations	(69,024,277)	(77,908,797)	(77,908,811)	(+8,884,534)	(+14)
Emergency appropriations	(1,847,636)	---	---	(-1,847,636)	---
(Limitation on direct loans)	(34,742)	(34,742)	(33,869)	(-873)	(-873)
Discretionary	33,666,399	36,493,154	36,493,168	+2,826,769	+14
Mandatory	37,205,514	41,415,643	41,415,643	+4,210,129	---
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	35,888	35,838	37,088	+1,200	+1,250
Foreign currency fluctuations account	15,098	4,900	4,900	-10,198	---
Total, American Battle Monuments Commission	50,986	40,738	41,988	-8,998	+1,250

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	18,607	19,790	19,790	+1,183	---
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	28,760	26,550	26,550	-2,210	---
Armed Forces Retirement Home					
Operation and maintenance	56,463	54,846	54,846	-1,617	---
Capital program	1,236	---	---	-1,236	---
Emergency appropriations (P.L. 109-148)	65,800	---	---	-65,800	---
Total, Armed Forces Retirement Home	123,499	54,846	54,846	-68,653	---
Total, title III	221,852	141,924	143,174	-78,678	+1,250
Appropriations	(156,052)	(141,924)	(143,174)	(-12,878)	(+1,250)
Emergency appropriations	(65,800)	---	---	(-65,800)	---
TITLE IV - DEPARTMENT OF DEFENSE ADDITIONAL APPROPRIATIONS					
Military Construction, Army (contingency operations)	---	---	379,300	+379,300	+379,300
Military Construction, Navy and Marine Corps (contingency operations)	---	---	26,037	+26,037	+26,037
Military Construction, Air Force (contingency operations)	---	---	49,923	+49,923	+49,923
Military Construction, Defense-Wide (contingency operations)	---	---	44,500	+44,500	+44,500
Military Construction, Army National Guard (contingency operations)	---	---	5,530	+5,530	+5,530
Military Construction, Army Reserve (contingency operations)	---	---	1,713	+1,713	+1,713
Total, Title IV	---	---	507,003	+507,003	+507,003
Grand total	126,527,932	136,944,452	136,120,466	+9,592,534	-823,986
Appropriations	(122,450,181)	(136,944,452)	(136,420,979)	(+13,970,798)	(-523,473)
Emergency appropriations	(4,330,609)	---	---	(-4,330,609)	---
Rescissions	(-252,858)	---	(-300,513)	(-47,655)	(-300,513)

Note: FY 2006 enacted figures for Title I and III reflect a 1% across the board cut (P.L. 109-148). Title II is exempt.

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Emergency appropriations defense	-2,417,173	---	-507,003	+1,910,170	-507,003
Emergency appropriations non-defense	-1,913,436	---	---	+1,913,436	---
ATB adjustment	-230	---	---	+230	---
Total, adjustments	-4,330,839	---	-507,003	+3,823,836	-507,003
Total (including adjustments)	122,197,093	136,944,452	136,120,466	+13,923,373	-823,986
Amounts in this bill	---	---	---	---	---
Scorekeeping adjustments	(-4,330,839)	---	(-507,003)	(+3,823,836)	(-507,003)
Prior year outlays	---	---	---	---	---
Total mandatory and discretionary	122,197,093	136,944,452	136,120,466	+13,923,373	-823,986
Mandatory	(37,205,514)	(41,415,643)	(41,415,643)	(+4,210,129)	---
Mandatory (prior year)	---	---	---	---	---
Mandatory (total)	(37,205,514)	(41,415,643)	(41,415,643)	(+4,210,129)	---
Discretionary	(84,991,579)	(95,528,809)	(94,704,823)	(+9,713,244)	(-823,986)
Discretionary (prior year)	---	---	---	---	---
Discretionary (total)	(84,991,579)	(95,528,809)	(94,704,823)	(+9,713,244)	(-823,986)

MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATION BILL 2006 (H.R. 5385)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
RECAP BY FUNCTION					
Mandatory	37,205,514	41,415,643	41,415,643	+4,210,129	---
Prior year outlays	---	---	---	---	---
Total, Mandatory	37,205,514	41,415,643	41,415,643	+4,210,129	---
General purpose discretionary:					
Defense	53,016,994	58,893,731	58,068,481	+5,051,487	-825,250
Prior year outlays	---	---	---	---	---
Total, Defense	53,016,994	58,893,731	58,068,481	+5,051,487	-825,250
Nondefense	31,974,585	36,635,078	36,636,342	+4,661,757	+1,264
Prior year outlays	---	---	---	---	---
Total, Nondefense	31,974,585	36,635,078	36,636,342	+4,661,757	+1,264
Subtotal, General purpose discretionary	84,991,579	95,528,809	94,704,823	+9,713,244	-823,986
Prior year outlays	---	---	---	---	---
Total General purpose discretionary	84,991,579	95,528,809	94,704,823	+9,713,244	-823,986
Grand total, Mandatory and Discretionary	122,197,093	136,944,452	136,120,466	+13,923,373	-823,986
DISCRETIONARY 302B ALLOCATION					
GENERAL PURPOSE	84,991,579	95,528,809	94,704,823	+9,713,244	-823,986
302B ALLOCATION	44,143,000	---	94,705,000	+50,562,000	+94,705,000
OVER/UNDER	40,848,579	95,528,809	-177	-40,848,756	-95,528,986

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and Members, there are three reasons why I intend to support this bill.

First, it has a significant increase in funding for VA health care, approximately $3 billion, even though I believe the VA needs and deserves more. The increase is significant, it is real, and it is important.

Secondly, this bill includes military construction funding. It is vital to support our troops and their families during a time of war. And also it includes military construction funding needed to implement the BRAC proposals.

Thirdly, I am going to support this bill because Chairman WALSH's leadership in this effort was, at every step of the way, professional and bipartisan. This is the kind of leadership I believe Americans would want and expect from Congress when we are dealing with military and defense and veterans issues.

I salute the chairman for that leadership, for his extensive hearings, for listening to all members of his subcommittee and the Appropriations Committee and Members throughout this House, and for having numerous hearings, listening to veterans and other organizations testify and have input on this bill.

Mr. Chairman, I want to be clear on my position. In my opinion, the House budget resolution passed earlier this week would have better served our Nation if it had been less willing to give the just-retired Exxon CEO a $2 million dividend tax cut and had saved that money for deficit reduction and providing more funding for defense, military construction, veterans health care and defense health care, which we have in this bill.

I did not support that budget resolution, which was passed on a partisan basis. And today, very quickly after that resolution's passage, we start to see the impact of it in real terms. In real terms, our subcommittee was allocated $824 million less than President Bush felt we needed in this area for VA funding, defense health care, and military construction.

Had we had a better budget resolution, a bipartisan budget resolution, I do not think we would have had to cut $824 million from the President's request for the important responsibilities under the jurisdiction of this subcommittee.

But the reality is that the budget resolution has passed the House, and the House leadership intends to implement those budget rules and numbers, at least for now, and our subcommittee had to deal with those numbers.

I think the subcommittee dealt with the limited budget, in my opinion an inadequate budget, in a responsible way, a bipartisan way, and tried to put the limited dollars in the highest priority needs.

I want to talk about what is good in this bill, given that we had so many fewer dollars than the President had asked for in this area. One, the VA health care increase for about $3 billion, I think that is important. It is a huge turnaround from a year or 2 ago, where I, many Democrats, veterans organizations, were pleading with the Republican leadership and the administration to more adequately fund VA health care, because we felt the administration budget request, particularly last year, would have caused significant and serious cuts in VA health care during a time of war.

This is a great turnaround from that and is supported on a bipartisan basis to increase VA health care spending by $3 billion. I am glad, frankly, that the OMB in particular and the administration have heard the voices of Congress and our Nation's veterans that we are going to adequately fund and significantly increase funding for VA health care.

I do want to point out this is a not a Cadillac budget, if anyone wants to suggest that, for our veterans health care system. Because the fact is and the challenge is that the VA system has seen a net increase of veterans needing VA health care between 150 and 250,000 a year.

The reality is that, even this year, the number of Iraqi war veterans needing VA health care is significantly higher than what we had projected, or the VA had projected, and we need to keep our eye on that.

In addition to the increase in VA health care funding which I commend, I want to pay special focus and tribute to Chairman WALSH's leadership on mental health care. I think it is vital that we provide our veterans who have served in combat, risked their lives, given so much for our country, receive the health care they deserve, whether it is mental health care, or to deal with their physical wounds.

In many cases, Mr. Chairman, mental health care wounds last longer than physical wounds; and I think one of Chairman WALSH's great legacies in Congress will have been to send a clear message to the VA and the Congress that we must make VA mental health care a priority. I salute the chairman for that legacy and that leadership.

Mr. Chairman, I am glad that we on a bipartisan basis rejected the Administration's proposal to have a $250 enrollment fee for men and women who served in uniform to be considered for VA health care.

Mr. Chairman, I believe the Congress believes that our veterans paid their enrollment fee when they put on our country's uniform and agreed to go into harm's way.

We also in a bipartisan manner rejected the Administration's proposal to go from $8 dollars to $15 for a copay for veterans prescription drugs. That may not sound like a big increase for many. But when you are an 80-year-old World War II veteran and you are taking six, seven, or eight drugs a month, that prescription copay increase would have created a lot of harm. I salute the subcommittee and the leadership of the subcommittee for rejecting that proposal.

Finally, and Chairman WALSH mentioned this earlier, I think the entire Congress, as well as this committee, ought to be proud of the quality of military health care services our troops wounded in combat are receiving. I was proud to be on the trip to Germany where we went to the Landstuhl Hospital where our medical personnel are saving lives every day.

Mr. Chairman, it is because of the decisions and the budget funding of Congress that men and women are alive today that would have died in any other previous war. That is a great tribute to the effort and leadership of this Congress on defense health care spending.

Finally, I think it is good that we are having the $6.5 billion increase in military construction funding. I also want to put that in perspective, though. Do not let anyone conclude, Mr. Chairman, that that is a Cadillac budget for military construction. That pays for vitally needed construction to support our troops fighting the war on terrorism and those fighting in Iraq and Afghanistan. It also is needed to help implement the Base Realignment and Closing Commission recommendations, which will cost taxpayers additional funding up front but will save billions of dollars in the out years.

Mr. Chairman, let me just say my concerns. My biggest single concern is that, because of the inadequate budget allocation to this subcommittee, again, $824 million less than the President requested, we actually have a bill that underfunds defense health care spending by $735 million less than President Bush said was needed to maintain our quality of care system.

If I felt that the final bill were going to underfund defense health care that drastically, I simply could not vote for this bill. But I hope and I trust that we will work on a bipartisan basis from now to the final passage of the conference report on this bill to find those dollars, because I hope we all agree it would be morally wrong to cut the quality of defense health care for our troops and our military retirees, especially during a time of war.

My second concern is, we have got a huge backlog of cleaning up past military installations that have been closed. I want to urge the administration which, along with the previous administration, frankly, did not recognize the need for these programs.

Thirdly, while we increase VA spending, health care spending by about $3 billion, because of the inadequate allocation for our subcommittee, we had to almost effectively freeze VA health care research. We are going this year from a backlog for veterans having their claims considered by the VA from being an average of 167 days to 185 days.

Mr. Chairman, I urge the VA and I urge Congress to take a look at that. We do not need to be moving backwards, because so often, especially for our older veterans, justice delayed is justice denied.

Mr. Chairman, I also wish the same week we gave the retired, just-retired Exxon CEO a $2 million dividend tax cut we do not say that if you are a veteran making 28 or $29,000 a year, you make too much money to deserve VA care if you did not have combat wounds. I think our veterans making $28,000, $29,000, $30,000 have earned the right to receive VA care.

□ 1100

But having expressed those concerns, I have to salute this subcommittee and its leadership for working on a solid, professional, bipartisan basis to take a limited budget, a budget almost $1 billion below the President's request for this area, and putting the money where it was most needed in very, very positive ways.

Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, at this time, I would yield 3 minutes to the distinguished gentleman from Colorado, the chairman of the Readiness and Military Construction Subcommittee on the House Armed Services Committee, Mr. HEFLEY, for 3 minutes.

Mr. HEFLEY. I thank the gentleman very much for yielding.

As chairman of the authorizing committee for much of this bill, I rise today in support of H.R. 5385.

This is a good bill. It provides more than $16 billion for military construction activities for the Department of Defense, including more than $5 billion to implement Base Realignment and Closure decisions and $4 billion for family housing for military personnel. It will make meaningful improvements in the facilities which our military people and their families live and work.

At the same time, I don't want to argue that it is a perfect bill. For instance, I would have liked to see an increase in funding for military construction facilities restoration accounts. I would also have preferred full funding of the BRAC's 2005 account, as cuts in this account will impact DOD's ability to implement BRAC moves in a timely manner. However, in general, it is a good bill which I am pleased to support.

With respect to the MILCON projects appropriated within the bill, I would note that they largely mirror those projects authorized in the Defense Authorization Act that passed the House last week. This approach whereby specific projects are both authorized and appropriated is unique to military construction activities and is a longstanding practice. Over time, it has helped ensure that construction activities for the Department of Defense are reviewed by multiple bodies within the Congress to ensure that they are viable, affordable, and necessary.

This year, through close scrutiny of the President's budget request, the authorizing and appropriating committees found numerous projects and requests that were flawed, unnecessary, or of low priority. By cutting those projects, we were able to do some of the more crucial projects.

The projects added to this bill are critical to military readiness requirements, such as the child development centers for families of military personnel, alert complexes for pilots, fighter jets that patrol the skies over our cities, and urban training facilities to teach our servicemembers how to fight in city environments.

On a final note, Mr. Chairman, I would like to acknowledge the members and the staff of the Military Quality of Life Subcommittee for their efforts. Their professionalism and willingness to maintain the working relationship and spirit of cooperation between our two committees is extraordinary. I especially want to thank Chairman WALSH and Ranking Member EDWARDS and their fine staff for their help in this process, and applaud them for producing such a very good bill.

Mr. EDWARDS. Mr. Chairman, I yield myself 30 seconds.

I didn't earlier salute Chairman HEFLEY and Mr. ORTIZ, the chairman and ranking member, respectively, of the Armed Services Committee that authorizes these programs.

It is not often and certainly not always, many times not often that the authorizers and appropriators work so closely together, and I salute the leadership on both sides of the aisle of the authorizing appropriations committee for doing this in the right way and doing it together. I thank Chairman Hefley for his leadership in that area.

I would like to now recognize Mr. BLUMENAUER of Oregon for 5 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak. I appreciate Mr. EDWARDS' leadership, that of Chairman WALSH, and my good friend, SAM FARR, for taking the attention to the problem of the toxic and explosive legacy of 225 years of military operations in the United States. We are not talking about problems overseas, we are talking about communities in every single State in the Union.

Mr. FARR's experience with Fort Ord over, I don't know, over 15 years now, has demonstrated the scope and scale of the promise, if we do it right, there are tremendous opportunities. Many of these bases are jewels that can be returned to productive use.

His experience has also shown how complicated they can be; that if we don't have the right plan, we don't invest the resources, it can drag on and on and on. Sadly, we have over 3,000 sites around the country that still are a part of this toxic legacy.

I do appreciate what the subcommittee has done. You have a difficult job. I wouldn't want to have to balance those equities. But I am here today arguing for more attention and more resources to deal with accelerating the problem in the past and the promises of the past.

I am going to offer an amendment in a few minutes that would transfer from the 2005 BRAC account money that will be used to deal with the first four rounds and those communities that are waiting.

Now, there are going to be some who will say, well, you are offsetting a much bigger number than the mere $77 million. And that is because the 5.3 billion, an increase of $3.6 billion that is technically set aside for 2005 is not going to be spent. The payout rate is something like 5 percent for this next year. You are not going to use it. It is a phony number. You can safely transfer resources to help people who have already suffered closure and who have not been dealt with fairly by this Congress. You can look at Mather Air Force Base in California, closed in the first round, and their cleanup isn't slated to be completed until 2072. That is unconscionable.

I would respectfully request that Congress no longer be missing in action when it comes to cleaning up the bombs, the munitions, the fuel depot, the multiple problems that have been left by communities, for communities to deal with, and impede the recycling. On base closures under BRAC, the unexploded bombs and chemical contamination prevents 140,000 acres on closed and realigned bases from being transferred right now to local communities for redevelopment.

The last point I would make is that it goes far beyond this subcommittee. Again, I appreciate their attention and the work they have done, but we have to have the appropriations committee and the authorizing committees to get serious about this. We have an up and down cycle where we put some money in and then the money goes away. We transfer it in areas when all of a sudden there is a huge problem that gets the attention, like Spring Valley in Washington, DC, on the campus of the American University. That is where we tested and developed chemical weapons during World War I.

We have had three cleanups to try and solve that problem. The more that we focus on this, the more that we invest on an ongoing basis, the more that we develop the techniques, the technology, it is not just going to save people around the country from this problem, but that same technology that will help us figure out whether it is a hub cap or a 105 millimeter shell will be able to be used to protect our soldiers in Iraq. That is how I lost my first constituent, was a land mine.

Now, I would suggest that, if we get serious about this, we will not only accelerate the technology and the research that will make our communities safer and healthier here at home, but it will protect lives of our service people overseas and will also deal with the vast amounts of munitions and land mines that are scattered all around the world that kill innocent victims every day.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

What I would like to do is ask, if there is no objection of my colleague from Texas, I have two brief colloquies that I would like to enter into with two of my colleagues.

At this time, Mr. Chairman, I would yield for the purpose of colloquy 2 minutes to Mr. WICKER of Mississippi, a member of the committee.

Mr. WICKER. I thank the chairman for yielding.

Mr. Chairman, may I say initially that I certainly support the passage of H.R. 5385 and urge my colleagues to cast an "aye" vote. But I rise at this point to enter into a colloquy with Chairman WALSH regarding Columbus Air Force Base in Columbus, Mississippi.

During fiscal year 2006 military quality of life appropriations process, funding was authorized and provided for the first phase of the mission support complex at Columbus Air Force Base. Currently, mission support facilities are spread across the base and are too small for their functions. The proposed mission support complex will consolidate many of the command and control functions into one complex adjacent to the wing headquarters. Also, this new facility will meet new force protection antiterrorism standards.

Funding for the second and final phase of this complex is needed to complete the project. I realize this project was not authorized in the House version of the 2007 Defense Authorization Act, and this fact prevented the project from being funded in this appropriation bill, Mr. Chairman. However, I hope the chairman will work with me as this bill moves through conference in order to complete the project on schedule.

Mr. WALSH. If the gentleman will yield for the purpose of colloquy. I thank the gentlemen for bringing this issue to our attention.

Funding in the amount of $10 million was provided in last year's bill, fiscal year 2006, to begin construction of this project. I appreciate the importance of completing this project on time, and the committee will keep the gentleman's concerns in mind as we go to conference with the Senate. I know this is also a priority for the gentleman's Senators from Mississippi.

Mr. WICKER. I thank the chairman very much for yielding and this colloquy.

Mr. WALSH. Now, Mr. Chairman, I would yield 30 seconds to my colleague, Mr. BARRETT of South Carolina, for a brief statement.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding. And I know Chairman WALSH and Representative BEAUPREZ from Colorado have been working to solve veterans' needs in Colorado. And, Mr. Chairman, I would respectfully ask unanimous consent to submit for the RECORD the following statement by my friend and colleague Representative BEAUPREZ from Colorado.

The CHAIRMAN. The gentleman's request will be handled under general leave.

Mr. EDWARDS. Mr. Chairman, I would like to recognize the gentlewoman from California (Ms. LORETTA SANCHEZ) for 2 minutes.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank my colleague from Texas for this time and for his work on this bill.

I support this bill because it represents a vast improvement over the administration's budget request. But I don't think that we have in this bill the answer, the sufficient funds that we need particularly for our VA health care system.

I know without a doubt that all of my colleagues in this House want to support our veterans, but the fact remains that the Veterans Administration is chronically underfunded, and it is struggling to provide very basic services and benefits to the veterans as we have promised them.

The answer to our VA funding problem? Let's adequately fund the VA in the budget so that the veterans will receive the kind of care that they were promised when they signed up to defend this country.

While I am pleased that the Appropriations Committee saw fit to increase the VA funding from the wholly inadequate amount that the President had suggested, I am disappointed that the efforts of several of my colleagues, including Mr. FARR, to provide an additional $2.6 billion for our critical health care needs of our Nation's veterans was not successful in this committee.

□ 1115

As a member of the Blue Dog Coalition, I believe fiscal responsibility should be one of the Federal Government's top priorities, but there should be no higher priority than honoring the promises that we have made to our veterans.

We cannot in good conscience balance this budget or reduce the deficit at their expense. How we treat our veterans, how we treat our veterans is a sign of our character as a Nation. The men and women who have sacrificed so much in defense of our country deserve no less than the very best that we have to offer in return.

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER), the chairman of the Veterans' Affairs Committee of the House.

Mr. BUYER. Mr. Chairman, I would like to thank the good work of Chairman WALSH and my good friend CHET EDWARDS on the bill. I have never questioned the sincerity of both of you in your service for my comrades and the men and women who wear the uniform. I appreciate your service.

I appreciate the advocacy also of the previous speaker, but I also have to disagree with some of her words in context because I think what we have done here is put together a pretty good bill.

Also, at the same time, I have to turn to the administration and express my appreciation to them to send one of the largest increases of any Department once again to Congress. I think it reflects our commitment to care for the veterans who need us most. It also ensures the seamless transition from military to civilian life and to provide our veterans with economic opportunities. At a time when most Federal spending will see very few increases, this spending increase for veterans will rise another 10 percent for fiscal year 2007.

After the budget shortfall that I identified last summer, I commend VA Secretary Nicholson for taking the challenge presented last year as we examined the concerns with regard to VA's budgeting process within the model that is used. Secretary Nicholson took ownership of the fiscal year 2007 budget, and it appears that improving the integrity of the process has born fruit with this legislation.

I would also note that that responsibility did not rely solely upon the Secretary. We can demand accountability of others, but we also have to demand accountability to ourselves. So what I did was I also changed the process here in Congress and said for a long time we would take the counsel and advice from military service organizations and veterans service organizations and we receive that counsel after we put together the budget, and it had been done that way for decades. Now, does that even pass the straight face test? Does that even pass common sense? I think the answer is no.

So what we did was we changed the process on how we receive the testimony from our veterans organizations and military service organizations. Before that decision was made, I met with most of them at Carlisle Barracks in Pennsylvania at a veterans summit, and then the decision was made to sever the joint hearings and receive their testimony as soon as we received the President's budget and before we put together the budget use and estimates, extremely important.

So let me share with all my colleagues that this is something that has never been done before. This right here is the testimony of 19 veterans service organizations and military service organizations that was received prior to the formulation of the budget. What a radical thing to do. It only makes sense to do this. So I am really pleased, and as a matter of fact, it is reflected in what Chairman WALSH has been able to put together, and I have such deep respect for Chairman WALSH and what he has done here.

The other thing I would like to do is I agree with the gentleman from Texas (Mr. EDWARDS) commending the leadership of Chairman WALSH on mental health. I also want to share and enlighten my colleagues with something we are dealing with.

In the VA, we are dealing with the consequences of many of these roadside bombs, and when I say the consequences, let me pause, and once again, I am going to applaud you again. When we created the four polytrauma centers, the ones in Palo Alto, Minneapolis, Tampa and Richmond, these polytrauma centers are caring for the traumatic brain injuries. These wounds that we are dealing with are so much different from wounds from other wars. The American people have placed such demand upon us, and rightfully so, to do all we can to care for the men and women who are serving us, and what do we do? We reach into the Treasury and we do everything to protect the torso. We have them in their body armor. We bought them a new helmet. That helmet is strapped on. The soldier then takes the body armor, they flip it up, they have got on the helmet, the roadside bomb explodes.

Now, typically in an explosion the torso will absorb part of the blast; but right now, we have protected the torso. So when the force comes in and hits the torso, the force goes up, and it disseminates, but that which goes up hits them in the face and goes up into the helmet and cannot escape. So as it goes up into the helmet and cannot escape, we now have more traumatic brain injury than ever before.

I am enlightening all my colleagues to this because I want to work with Mr. EDWARDS and the chairman because I think what we need to do is redesign a new helmet. We need to design a helmet that can have some type of vent system with regard to this force, at the same time not compromise the integrity of the helmet.

Will you join me in this one? We need to do this because when you visit our polytrauma centers and all the traumatic brain injury and the eye injuries that we are receiving, you will have your maxillofacial damage, but some of that can be taken care of. But these brain injuries are very severe, and so we need to look at this helmet, and I want to work with both of you to do that.

I also want to comment on, we are on the authorization side. You are ahead of us here, and we are working on the construction budget, and we have a tremendous challenge in front of us. I want to work with you.

On the construction side of this, it has been 15 years since we have built a VA hospital. So a lot of the institutional knowledge on how to build VA hospitals is no longer there, and this spending $625 million for 170 beds, wow, is a lot of money. So our challenge is we have got Las Vegas and we have got Denver, we have got Orlando, New Orleans and Charleston, South Carolina. As we examine this collaborative effort between a medical university and a VA and how we could share facilities, as we were working on that, then Katrina hits. So then we say, okay, we can leverage that perhaps in New Orleans, and that is what is being done right now between the VA and LSU.

But I want to work with both of you as we move on the construction budget and I commend you.

Mr. EDWARDS. Mr. Chairman, I yield myself such time as I may consume.

I want to thank Chairman BUYER for not only his kind comments but also even more importantly for his service to our country, his military service to our country in Operation Desert Storm in the first Iraqi war.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I would like to thank both the chairman and the ranking member for putting together this legislation and for the appropriations.

It is interesting because I do not serve on Armed Services or obviously Appropriations or Defense approps. but I think every Member of this House is affected by what is in this bill because all of us have seen our young men and women who have come back, who have been injured, and that is what this bill is about, the VA medical facilities, the medical facilities for these service personnel who are injured, and it is great to hear some of the good things that are in this bill. I know it is under very strict limitations, but I want to thank the committee for doing this.

I want to talk about something that is very specific briefly, about an important project in my own area. Now, in Houston we do not have a base. We have a lot of reserve units, but we have the Ellington Field where they have F-16s, and we have a fire station that needs to be put in there. We have one that does not meet either Air Force standards or OSHA standards, and it is a facility that serves not only our Air National Guard but our Army National Guard, the U.S. Coast Guard, NASA, and of course, civil aircraft.

The existing facility, like I said, is rapidly deteriorating and does not meet either OSHA or Air Force standards. Roof leaks and lack of insulation result in equipment being destroyed and extremely high operating costs. The lack of adequate facilities and space do not allow for proper integration of female firefighters. Storage facilities do not exist and require hundreds of thousands of dollars' worth of equipment to be stored outside, and traditional Guardsmen must store issued equipment at their homes.

New firefighting apparatus must be parked outside the station because they do not fit in the truck bays. Currently, our 147th has one fire truck valued at $1 million which is unable to fit into the station, and the unit is expecting delivery of another one this year. This results in slower response times, degraded performance, and vehicle deterioration.

The funding I requested for this new fire station will not only bring the facilities up to OSHA and Air Force standards but will protect the investments already made in the equipment in the base.

Plans are under way to move 2,300 Army, Navy and Marine Corps Reserve troops from elsewhere in the Houston area to Ellington to make it really a joint Reserve base. As this happens, we must ensure there is sufficient infrastructure to support these units.

Again, the fourth largest city in the country affecting not only Johnson Space Center and the petrochemical industry, but I would appreciate any consideration by the committee during the conference report.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the Veterans' Affairs Committee.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I certainly want to commend the committee chairman, as well as the ranking minority member, for working on this very important bill.

Coming from Florida, I represent the highest number of veterans of any Member of Congress. We have worked very hard in the last few years that I have been here to make sure that veterans' needs are adequately funded. Obviously, this bill before us today has a record level of funding for veterans' needs.

The committee, for the first time, used the veterans service organizations' independent budget as kind of the baseline for the fiscal year 2007 funding. Obviously, the veterans groups want to make sure that every single need is met. This appropriation does do exactly that. The total funding is $2.6 billion above last year's level and $100 million below the President's request.

We are improving health care substantially, as well as opening up additional community-based outpatient clinics. The C–BOCs are very, very well received in each one of our districts and do meet the veterans' needs.

Obviously, we were able to again ward off the additional fees that were proposed in the administration's budget.

We want to make sure that we continue to be able to go home and tell our veterans that this Congress, the people on this side of the aisle, people on the other side of the aisle, recognize the need to make sure that our veterans, whether they are from World War II or whether they are coming back from Iraq and Afghanistan, that they are adequately cared for.

The bill also contains an additional $20 million over last year's level for veterans nursing homes, and I again want to commend the chairman of the committee.

Mr. WALSH. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. BRADY) for the purpose of a colloquy.

Mr. BRADY of Texas. Mr. Chairman, as you know, many veterans live hours from major hospitals, making it very difficult for them to get the care they need; and oftentimes, for those who have to travel there two or three times a week, they have a terrible quality of life. That is why our local veterans health care clinics, known as Community-Based Outpatient Clinics, are just so important to deliver quality care for veterans. These have been stalled in recent years; yet, my understanding is that in this bill there is a strong commitment of $25 million to build the highest priority Community-Based Outpatient Clinics in the country. Is that the case?

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BRADY of Texas. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Texas for his concern for veterans and for his leadership on this important area of veterans health care, community outreach clinics; and, yes, in fact, the subcommittee prioritized $25 million for the VA to open up 10 of the highest priority CBOCs in the country, and so the gentleman is correct.

Mr. BRADY of Texas. Well, let me just conclude with this. One of my communities, Conroe, the veterans and I have worked for a number of years to try to make this a reality. This is great news for our veterans; and, more importantly, I think it is great news for all those communities that will get help for their veterans care, and I will just tell you that we are grateful for Chairman WALSH's leadership. This is just awful good news.

Mr. WALSH. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. EDWARDS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. LEE).

□ 1130

Ms. LEE. Mr. Chairman, thank you for yielding, and I want to enter into a colloquy with the chairman of the subcommittee, Mr. WALSH.

I want to thank the gentleman for his hard work on this bill and also for his dedication to our brave young men and women serving abroad. I come to the floor today to raise an issue that I know is very important to all of us, as well as to you, Mr. Chairman, on the issue of the mental health of our troops who are deployed in harm's way.

An investigative report this week by the Hartford Courant, based on records obtained from a Freedom of Information Act request, revealed, and I quote: "United States military troops with severe psychological problems were sent to Iraq or kept in combat even when superiors had been aware of signs of mental illness."

We all know that going to war can be psychologically very difficult, yet it was found that less than one in 300 troops received a referral to mental health professionals before being sent to war. Still, the Pentagon's own physicians have estimated that one in 11 troops going into conflict suffer from some form of major depression, anxiety, or post-traumatic stress disorder.

The 1998 Defense Authorization Act included explicit direction to the Defense Department to include an assessment of mental health in its medical tracking system for troops deployed overseas. However, the Department's predeployment health assessment form has only one question on mental health.

Mr. Chairman, I believe this is a disservice to our troops, and I understand that there is additional money for the military services to begin to integrate mandatory mental health services into the standard operating procedures for our soldiers. I support the chairman in that effort, and I look forward to working with him on the initial assessment of mental health for troops being deployed and to ensure that the intent of the 1998 law is fully implemented.

Mr. WALSH. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from New York.

Mr. WALSH. I thank the gentlewoman for yielding and I thank her for expressing her concern on this very important issue. This is a priority of the highest order for our subcommittee. We take it very seriously.

As you heard Mr. EDWARDS say, we have moved on this issue in a number of ways. So I want to assure the gentlewoman from California that I agree with her on the need for the increased mental health screening and appreciate her intention in raising this issue. I want to assure her that we will be mindful of this issue as we move this bill forward.

Ms. LEE. Let me just thank the gentleman for his attention to this issue, and I look forward to working with him and the ranking member to be ensure it is moved forward and is addressed as he just stated.

Mr. EDWARDS. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding. Mr. Chairman, soon our country will be rightfully commemorating the sacrifices made by our military servicemembers on Memorial Day, and words alone can never sufficiently express our gratitude for their service and their dedication to our country, especially those who have made the ultimate sacrifice.

Today, the House is considering H.R. 5385, a bill that would fund essential medical programs for our courageous veterans. With the return of our servicemembers from Iraq and Afghanistan in particular, we have learned last year that the demands on our veterans health care system have risen at a rate for which we were not prepared.

While I am pleased that H.R. 5385 contains significant increases from last year and does not recommend the administration's fee increases for TRICARE recipients, I am still concerned that this bill does not fully reflect the needs of our returning troops, nor does it guarantee that our veterans receive the very best health care.

I encourage my colleagues to support increased funding so that our veterans have accessible, timely, and affordable health care. I especially support more funding for mental health assessments for servicemembers returning from abroad, particularly now that our troops are stretched incredibly thin and the psychological burdens and the stresses on them are tremendous. We need to make sure that they have sufficient support when they return home, whether it is counseling services or other things, to help them fully integrate into society. It has an effect on them, their families, and society as a whole.

Mr. Chairman, I sincerely hope that we learn from past mistakes that we cannot and must not shortchange the veterans who have so selflessly served our country. Mr. Chairman, it is our job and our duty to ensure that our veterans receive the benefits that they were promised and the recognition that they deserve.

Mr. WALSH. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), a member of the committee.

Mr. KIRK. I thank the chairman.

As a member of the subcommittee, I strongly support this bipartisan bill, and it contains a key reform to ensure that Americans in uniform, veterans, sailors, and their families, will join together in a new joint VA-Navy Hospital to be built in north Chicago, Illinois.

I have worked on this for 5 years. In 2000, the previous administration announced plans to close the north Chicago VA, saying that veterans in northern Illinois could easily get to downtown Chicago in just 30 minutes. Only a Washington consultant with a map and a string would think that.

We knew that we could do much better; that we could dramatically improve health care for veterans who wore green, who wore white, who wore blue, and their families, at a joint Navy-VA facility. This bill begins the funding of that hospital. It includes $23 million for the first joint VA-Navy Hospital in the country.

Already, we have moved many Navy services into the north Chicago VA, and this summer we will open several state-of-the-art rooms. But this embraces the new vision of a brand-new facility taking care of Americans in uniform, veterans, and their families.

Mr. HOLT. Mr. Chairman, I rise today to support the Military Quality of Life Appropriations Bill (H.R. 5385). This is an improvement, albeit a small one, over the President's budget request for the Department of Veterans Affairs. In total, the Committee provided an additional $635 illion above the President's budget. Everyone on my side ofthe aisle—and all of the veteran service organizations—viewed that figure as inadequate. Several of my colleagues—including Mr. EDWARDS, Mr. FARR, and Mr. OBEY—did their best to get the committee to fund adequately hospital construction, personnel hiring, and health care delivery initiatives that are vital to meeting our veterans needs. Instead, the committee voted to give still more tax cuts to millionaires.

Whom do we value more—those who make millions, or those whose valor made it possible for the millionaires to flourish in peace and freedom in the first place?

On January 17, 2003, the Bush Administration stopped enrolling new Priority 8 veterans for VA medical care, and the President's budget continues this restrictive policy. This Republican policy has denied health care to 273,000 and prevented 1 million veterans, who make as little as $26,902, from enrolling in VA health care. Those who are eligible are often forced to wait in line for care. As VA officials admitted to Congress in February, the VA has treated more than 144,000 returning veterans from Operations Iraqi Freedom and Enduring Freedom, and nearly 30,000 veterans are waiting in line for their first appointment—double the number last year.

Nearly a third of returning veterans from Iraq or Afghanistan have been diagnosed with mental disorders, with nearly half of those PTSD, according to the VA. The number of troops back this year from Iraq and Afghanistan with post-traumatic stress disorder could total 15,000 or more—five times higher than the VA predicted. And as the Kansas City Star noted on April 30, the "miscalculation on PTSD echoes last year's underestimation by the Bush administration of how many Iraq and Afghanistan veterans would need medical treatment."

The President and his Congressional allies don't seem to have any problem paying for the weapons of war, but they do seem to have a problem paying for the consequences of war. But the country that sends its people into combat—its sons and daughters, its husbands and wives, its sisters and brothers—has a sacred obligation to take care of those people when they come home—and to care for their survivors when they do not. It is an obligation that goes back to Abraham Lincoln in 1865. It is an obligation we have never fully met—under administrations and Congresses of both parties.

This budget, while better than what the President submitted, does not truly meet that obligtion. Any member of this body who has committed this country to a war costing $400 billion can surely find it in their hearts to their budget to produce the $2 billion that the veteran's organizations say is missing in this bill. Yet this bill fails to provide $6 billion from what current veterans need over the next 5 years for their health care. I hope that next year we will pass a budget that veterans feel meets their needs, rather than one they view as "the best they could get."

Finally, there is a VA clinic in my district leasing space at Fort Monmouth which is scheduled to close under the 2005 BRAC recommendations. Secretary Nicholson has pledged to me in writing that this clinic will stay open through 2010 at its present location and working to maintain its location in Monmouth County beyond that. While the Pentagon must take into account the care and well-being of the veterans served by the base when following BRAC procedures, the VA must have sufficient resources meet the veteran's needs. In this case, it means having the resources to acquire a much needed facility after the Army leaves town. At present those resources are not there. I look forward to working with my colleague to ensure that the veterans of my district will continue to receive the same high quality care they currently have.

Mr. BEAUPREZ. Mr. Chairman, I rise today to acknowledge Chairman WALSH and the members of the Military Quality of Life—VA Appropriations Subcommittee for their willingness to work with the VA to meet the needs of Colorado's veteran population.

The VA's effort to coordinate and reassess the current and future health care needs of our Nation's veterans has been a monumental undertaking. The CARES report cited numerous locations throughout the VA's nationwide network of medical facilities that are in need of improvement. A replacement facility for the VA Eastern Colorado Health Care System in Denver was one of the top priorities listed in the CARES report. Unfortunately, the original plan to share facilities with the University of Colorado was deemed infeasible. After years of hard work and negotiations, the VA has finally found a workable solution that meets their needs, and will allow them to continue their 50-year working relationship with the University of Colorado.

I commend Chairman WALSH for his commitment to this project, and for helping the VA reprogram existing funds for the purchase of the land. This is a critical first step in accomplishing the mission at hand.

While there is still much to be done in order for this project to be a success, I am optimistic that we will be able to overcome the obstacles and provide the veterans of the Rocky Mountain region with the hospital they deserve.

Mr. Chairman, again, I want to thank Chairman WALSH for his commitment to our Nation's veterans, and more specifically to the health care needs of Colorado's veterans. Without question, this project could not move forward without his assistance.

Mr. UDALL of Colorado. Mr. Chairman, the Military Quality of Life-Veteran's Administration appropriations bill we are voting on today is not nearly as good a bill as it should have been. I will support it today, but I'm very disappointed in the Republican leadership's priorities reflected in this legislation.

The House Armed Services Committee, on which I sit, authorized these projects in the authorization bill that the House passed earlier this month. The Administration budget also requested these 20 projects, all of which are conventional military construction projects—things like hangars, barracks and unit headquarters.

To try to square the military priorities funded in this bill with the budget resolution the Republican leadership forced through the House, the Appropriations Committee used budget gimmickry to designate $507 million for 20 routine military construction projects as an "emergency" so that this funding would not count against the bill's allocation.

Those in the Republican leadership concerned more about finding money for tax cuts than for our troops decided to cut these military construction projects today. Because of the projects' "emergency" funding status, Republicans chose to strike all $507 million.

Regardless of whether or not they are labeled as 'emergency funding,' for bookkeeping reasons, they are valid and needed projects, selected through long-term planning exercises developed by the services, vetted through the Administration, and requested by the President.

The fact that the Republican budget put tax cuts ahead of the needs of our troops strikes me as backward and wrong. These are military priorities as defined by the President of the United States, and the majority chose to ignore them. They want to have it both ways—to say they support the troops, but also to be able to cut taxes for wealthy Americans. If this isn't a good example of how this approach doesn't work, I don't know what is.

Mr. EDWARDS. Mr. Chairman, I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,756,298,000, to remain available until September 30, 2011: *Provided*, That of this amount, not to exceed $220,830,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Army" under Public Law 109–114, $43,348,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,193,834,000, to remain available until September 30, 2011: *Provided*, That of this amount, not to exceed $72,857,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–132, $30,000,000 are hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108–324, $8,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,187,550,000, to remain available until September 30, 2011: *Provided*, That of this amount, not to exceed $97,504,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108–324, $2,694,000 are hereby rescinded.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 11, line 11 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill through page 11, line 11, is as follows:

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,107,606,000, to remain available until September 30, 2011: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $172,950,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108–132, $9,000,000 are hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108–324, $43,000,000 are hereby rescinded: *Provided further*, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 109–114, $58,229,000 are hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $512,873,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $207,088,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $167,774,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $55,158,000, to remain available until September 30, 2011.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $56,836,000, to remain available until September 30, 2011.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $200,985,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $578,791,000, to remain available until September 30, 2011.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $674,657,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $308,956,000, to remain available until September 30, 2011.

Family Housing Operation and Maintenance, Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $509,126,000.

Family Housing Construction, Air Force

(including rescissions of funds)

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $1,169,138,000, to remain available until September 30, 2011: *Provided*, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108–324, $23,400,000 are hereby rescinded: *Provided further*, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 109–114, $42,800,000 are hereby rescinded.

Family Housing Operation and Maintenance, Air Force

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $755,071,000.

Family Housing Construction, Defense-Wide

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $8,808,000, to remain available until September 30, 2011.

Family Housing Operation and Maintenance, Defense-Wide

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $48,506,000.

Department of Defense Family Housing Improvement Fund

For the Department of Defense Family Housing Improvement Fund, $2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

Chemical Demilitarization Construction, Defense-Wide

(including transfer of funds)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $90,993,000, to remain available until September 30, 2011: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Department of Defense Base Closure Account 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $216,220,000, to remain available until expended.

AMENDMENT OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Blumenauer:

Under the heading "Department of Defense Base Closure Account 1990", insert after the dollar amount (page 11, line 17) the following: "(increased by $27,500,000)".

Under the heading "Department of Defense Base Closure Account 2005", insert after the dollar amount (page 11, line 24) the following: "(reduced by $440,000,000)".

Under the heading "Environmental Restoration, Formerly Used Defense Sites", insert after the dollar amount (page 18, line 14) the following: "(increased by 50,000,000)".

Mr. BLUMENAUER. Mr. Chairman, I had the Clerk go ahead to read the numbers, because I think that we want to get one point clear from the outset. It looks like there is a big cut of $440 million in order to be able to spend $77,500,000. The point is, it is the same number.

There is a vast increase in the amount of money that has been set aside, a $3.6 billion increase, for the 2005 base closure account. But we are not going to spend that money. The payout rate is only 5 percent. That is why you have to reduce it, under our arcane budget rules, by over $400 million to get $77 million back. The point is the tax dollars are exactly the same; and, additionally, the point, is where are we going to spend it?

I appreciate the opportunity to offer this amendment with my colleague Ms. Ginny Brown-Waite from Florida because we are trying to focus on the serious problem of the toxic legacy of military operations in this country. I have a map behind me where we have identified 3,398 sites around the country already. There are more that we are discovering.

The particular area we want to focus on today is that we are not spending adequate resources to deal with the bases that have already been closed. We have 140,000 acres that cannot be transferred because they haven't been adequately cleaned up from the previous BRAC closings. And this isn't just a case of, well, don't worry about it, put up some barbed wire and it will go away. These are problems that continue over time.

Unexploded ordnance has killed dozens of people. I have interesting little materials here. These are promotional materials that the Department of Defense gives to our soldiers to try and recognize it. This is a problem that threatens the health and well-being of our men and women in service right now on our bases.

One of my favorites is Larry the Lizard. This is being distributed in Southern California, coloring books, to tell children not to pick these things up. Now, if it is your son, your niece, your granddaughter, your little brother, maybe you feel better that there is a Larry the Lizard coloring book. But wouldn't you feel better if we stepped up and met our obligation and actually picked up those bombs, those unexploded munitions? I think you would. I know I would.

I think it is time that Congress no longer be missing in action on the issue of military cleanup. We don't know at this point whether there are 10 million acres or 40 million acres with unexploded ordnance.

Now, I appreciate, and I have expressed my admiration for this subcommittee's sinking their teeth into it and trying to do something, like my colleague, Mr. Farr, for his tireless championing of this cause. But this amendment today, this little amendment, shifting the same amount of money that will be spent from the most recent round of base closures with $5.3 billion to increase the small amount of money that has been allocated to deal with prior facilities is a step in the right direction.

It would be a tragedy if we are going to continue to stretch this out over time. Our first obligation ought to be to those people who have suffered this experience before. Mather Air Force Base in California isn't slated to be cleaned up until 2072 under the current rate of expenditure. They were closed in the first round. That is unconscionable.

At the rate we are going, it is a 200- to 300-year problem, and every delay means that we do not return the land to productive use. It means that people's lives are in jeopardy. We are coming up to fire season, and we are probably going to have to pull firefighters out of some of the forests where there had been training and there is a danger of the bombs exploding.

We are spending enough money on national defense that we can prioritize dealing with this toxic legacy that will make families safer at home and people around the world. Because, bear in mind, the sooner we develop this technology and refine the techniques, not only will it help us clean up here at home, that technology will be available to make our soldiers safe overseas as well.

Mr. WALSH. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, while I certainly understand the intent of the gentleman's amendment and the sincerity with which he brings it, we can't accept this offset.

I understand the problem, and the subcommittee has included an increase of $40 million for formerly used defense sites in the 1990 BRAC Round.

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Additionally, we have included report language directing the Department of Defense to place a larger emphasis on these sites in future budgets. It is a problem. Clearly, it is a problem. Mr. FARR, Mr. BLUMENAUER, to their credit, have raised this issue. We are all concerned about it and we are moving on it. But, this is a bad way to go about it, and here is the reason. The gentleman's amendment would cut funds for the implementation of new BRAC rounds by $440 million to get $77 million. And the problem is the rate at which these funds are outlaid. Clearly, if we took the $440 million out of the 2005 BRAC, that would further delay implementation of the BRAC, which would lead to problems just like this in the out years. If we use the $440 million, it gets us $77 million for these FUD sites, but it leaves $363 million on the table that cannot, will not, won't be used by the Department.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. WALSH. I would be happy to yield.

Mr. BLUMENAUER. I want to understand this because I think it is very important. My understanding is the reason the offset of $440 million is required is because they are not going to spend more than $77 million this next year; is that correct?

Mr. WALSH. Reclaiming my time. While the funds may not be spent this year, they will be spent. They are needed to implement this BRAC round. We learned from the last BRAC round that if we delay the initial investment, it costs far more in the long run to implement these BRACs.

I remind the gentleman again that he voted against the measure that would have delayed the implementation of the 2005 BRAC round, which is exactly what this amendment would do. Additionally, any delay in implementing BRAC reduces the savings and the efficiency of the BRAC that it is designated to promote. It may also cause the same types of environmental restoration problems at these current BRAC sites that we are experiencing from these past BRAC rounds. For that reason I oppose the gentleman's amendment.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly support this amendment. As the map showed, there are so many areas in this country where we have very, very dangerous sites. And let me tell you what the Army Corps of Engineers is doing about it. It not only is distributing coloring books, but it is also distributing, and it has U.S. Army Corps of Engineers on here, they also are distributing Frisbees telling kids to recognize, retreat and report when they see these live ordnances. I don't think this is the way that we should treat our young people, our neighbors who may live near these sites.

In my district there was the Brooksville Gunnery Range, and it was used during World War II for military practice. Since the Range's closure in 1946, thousands of my constituents have moved into the area and/or on adjacent lands that have not yet been surveyed. Unfortunately, inspections have found rockets, mortars and grenades, putting my constituents at substantial risk.

As a matter of fact, in one location there was a live ordnance found underneath a child's trampoline. Let me repeat that. There was a live ordnance found underneath a child's trampoline.

While the Army Corps of Engineers has been working to remove unexploded ordnances from Brooksville Gunnery Range, they must do more. We have to expand the area of exploration to make sure that we find and detonate all of the ordnances.

Now Brooksville is just one of these sites within my district and one of the sites in the United States. Jurisdiction over cleanup at these sites falls under these two major accounts which were mentioned here today, one, the formerly used defense sites account, and the BRAC 1990 account. So we are postponing and not adequately funding the cleanup, but we are working on 1990 sites. 1946 this range was closed.

The committee certainly has been working with us, and they understand that this is a large nationwide issue and urges the Department of Defense to increase funding in future years. How much longer do we have to wait? It has been 60 years since this particular site was closed.

Fifty million dollars will go toward Formerly Used Defense Sites account, and $27.5 million will go to the BRAC 1990 account.

In far too many cases, yesterday's military base is today's housing development. The last thing anyone wants to hear is that someone's child was seriously injured or killed while playing in his or her backyard, or as children often do, wandering through fields.

I don't think a Frisbee is the answer. I think that being responsive and actually making sure that we have adequate funds to clean up those sites is the necessary way to go.

Mr. Chairman, I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I want to just make one point, apropos the distinguished Chair of the subcommittee.

The $5.3 billion that he is talking about, which will not be spent rapidly, is for all of base realignment and closure activity. That is for reconstruction, that is for building, that is for a whole range of things. It is not just the critical cleanup of the explosives. It is not where there is the critical danger.

So there is a whole range of things in there that I think any objective person on this floor would say is much less of a priority to save lives than what the gentlewoman from Florida pointed out. Our amendment focuses on putting the money where it is going to do the most—the clean up that is essential, that has been delayed and delayed and delayed.

I understand the Chair's concern that we don't want to delay the 2005 BRAC. Bear in mind, the amendment that we are offering deals with the people long before that, who have been waiting and waiting and waiting. I would suggest there is no fiscal impact that is going to hurt over the long haul. The financial incentives that he references will be available if we have the economy of scale for the ones that are more dangerous and are more delayed.

Mr. FARR. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Blumenauer amendment. But before I do that, I want to really compliment Chairman WALSH. He did everything possible, with the bad figure he was given, to work out this account and to put some more money into it. But I think that the problem is so severe that we need this time to discuss it.

In essence, what Mr. BLUMENAUER has showed you with his map is that there are about 10 of these sites in every congressional district in the United States. It just averages out to that.

And what are they? Well, they are called UXOs, unexploded ordnances. Those are very serious things. Ordnances were developed to harm people, seriously harm people.

They are also called Former Used Defense sites. And those could just be toxic wastes or other things. It is where the defense, back in the early wars and on the coastal areas, particularly Pacific coast, you had lookout areas and stuff like that. And there is a bunch of stuff in the ground, and that has to be cleaned up.

And then you also have military munitions response, MMR sites across this country.

Mr. BLUMENAUER is a true leader in being able to point out that this is sort of a huge Superfund, a Love Canal that might be in every congressional district. And I know it is just a matter of time before local newspapers who are starting to look at these maps and wondering where these things exist, and we in Congress are going to be hit right between the eyes and saying why didn't you do something about it if you knew it existed? And we know it has existed because it is a fact.

The geography is there. The sites are there. They have been on a list for a long time. And they cause problems.

And of the ones that they are talking about, UXOs are the most serious problems of all. I know, in my own district, people have lost limbs from picking up boxes that they didn't know were explosive. Young kids, that they didn't know that there was an explosive device in it and dropped the box and blew off their arms and legs. So not enough attention is being paid to sort out these messes left behind by the services.

In fact, in our hearing, I am a member of the committee, in our hearing on April 5, the Assistant Secretary of the Army, Keith Easton, testified that it would take approximately $350 million just to clean up the former military base, Fort Ord in California, a base in my district, which was closed in 1991. Yet, the Army has only requested $45 million for clean up activities covered by the 1990 BRAC account, of which $6.6 million would be allocated for Fort Ord. That means $6.6 million out of what is needed is $350 million. We are going to have to adjust some monies around here. And the priority in his amendment is let's do what we know has been caused by former base closures before we try to clean up all of the new ones, those that just closed this year.

So clearly, there is a disconnect between what our cleanup obligations are, and what are services budget has been made. And this cannot continue.

So I applaud Mr. BLUMENAUER in bringing this amendment. Nonetheless, billions of cleanup obligations are still pending and must be addressed. So if we don't deal with it today and don't get it adopted, we are going to be back here next year, and a lot of the Members in this House are going to understand that these sites are in their district and they are going to want to support this amendment. So I say this is either going to be done now or it can be later, but we have got to get to it.

I applaud Mr. WALSH for the effort he has made in trying to beef up the account, but I don't think it is enough.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $5,309,876,000, to remain available until expended.

AMENDMENT OFFERED BY MS. DE LAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

Page 11, line 24, insert after the dollar amount the following: "(reduced by $10,000,000)".

Page 19, line 8, insert after the dollar amount the following: "(increased by $5,000,000)".

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentlewoman's amendment.

The CHAIRMAN. The point of order is reserved.

Ms. DELAURO. Mr. Chairman, after discussing this amendment with the chairman and the ranking member of the subcommittee, I intend to withdraw the amendment. So I will not seek a vote. And I thank my colleagues for giving me a few minutes to discuss a very important issue.

I believe that the issue of mental health services for our troops deploying or returning from combat is one that demands the attention of this body, if only for a few minutes today. And I know my colleague, Congresswoman BARBARA LEE, addressed this issue as well.

My amendment would increase funding for the Defense Health Program by $10 million to establish a pilot program to provide in-person mental health assessments to servicemen when they deploy or return from combat. The offset is a reduction of $10 million in the 1990 BRAC account.

Mr. Chairman, this amendment is about ensuring that we do a better job for those men and women in our military in need of mental health services. Currently, upon the return from combat, our troops are given only a paper questionnaire with just seven questions about their mental health, and that is supposed to be enough to determine their mental health status. This is hardly sufficient for people who, for 12 or 18 months, have been constantly subjected to insurgent violence or the threat of insurgents attacks, or witnesses to horrific devastation and loss of life and, in many cases, will have to go back for a second or third tour.

According to both veterans and mental health experts, this screening process leads to an under reporting of mental health problems. As the Surgeon General Kevin Kiley put it recently, and I quote, "There's only so much we can do for large numbers of troops, and it is not like we wouldn't want to do more."

That is what is so important is to be able to give the Defense Department the needed resources to do right by our troops. As General Kiley says, do more than a seven question paper questionnaire.

With the number of Army suicides on the rise, the Army suicide rate last year was nearly 13 per 100,000 soldiers, the highest since 1999.

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We are simply are not reaching all those men and women in uniform who need our help. In fact, the GAO recently reported that only 22 percent of the servicemembers who might have been at risk for suffering PTSD were ever referred for further mental health evaluation. The report also found that "DOD cannot provide reasonable assurance that OEF and OIF servicemembers who need referrals receive them."

Given that, we should allow the Defense Department to test whether an in-person screening will make the screening process more effective and improve the likelihood of their receiving a referral to receive the mental health services they need.

Recently, the Hartford Courant ran a series of mental health concerns facing our troops today, and I have distributed the series to every single office today. I strongly urge my colleagues to take the time to read it. The stories are poignant as well as tragic. It includes serious allegations that the Defense Department has deployed troops who are mentally unprepared for combat and that all too often antidepressant medication is the only form of treatment that fragile servicemembers can get while they are on the front lines.

We must take the time to assess the emotional well-being of our troops. Would we send a young man or woman into combat if they have suffered severe physical wounds? We would not. By the same token, we should not send them to fight if they are suffering severe emotional wounds. The Defense Department has made great strides in the past 30 years in testing and understanding PTSD and other forms of combat stress. We need to do more. I hope someday this body will get the opportunity to provide the Pentagon with the adequate resources to continue to improve its mental health awareness.

I thank Chairman WALSH and I thank Mr. EDWARDS for their willingness to let me speak on this amendment. They are among the strongest supporters of our military that we have in this Congress. I know they share the concerns, the concerns of so many in this body about this issue. I look forward to continuing my work with them on this important issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Basic Allowance for Housing, Army

For basic allowance for housing, for members of the Army on active duty, $3,687,905,000.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 19, line 3 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill through page 19, line 3, is as follows:

Basic Allowance for Housing, Navy

For basic allowance for housing, for members of the Navy on active duty, $4,135,061,000.

Basic Allowance for Housing, Marine Corps

For basic allowance for housing, for members of the Marine Corps on active duty, $1,350,921,000.

Basic Allowance for Housing, Air Force

For basic allowance for housing, for members of the Air Force on active duty, $2,934,327,000.

Basic Allowance for Housing, Army National Guard

For basic allowance for housing, for members of the Army National Guard on active duty, $469,109,000.

Basic Allowance for Housing, Air National Guard

For basic allowance for housing, for members of the Air National Guard on active duty, $277,533,000.

Basic Allowance for Housing, Army Reserve

For basic allowance for housing, for members of the Army Reserve on active duty, $347,607,000.

Basic Allowance for Housing, Navy Reserve

For basic allowance for housing, for members of the Naval Reserve on active duty, $208,838,000.

Basic Allowance for Housing, Marine Corps Reserve

For basic allowance for housing, for members of the Marine Corps Reserve on active duty, $43,082,000.

Basic Allowance for Housing, Air Force Reserve

For basic allowance for housing, for members of the Air Force Reserve on active duty, $76,218,000.

Facilities Sustainment, Restoration and Modernization, Army

For expenses for facilities sustainment, restoration and modernization of the Army, $1,810,774,000.

Facilities Sustainment, Restoration and Modernization, Navy

For expenses for facilities sustainment, restoration and modernization of the Navy, $1,201,313,000.

Facilities Sustainment, Restoration and Modernization, Marine Corps

For expenses for facilities sustainment, restoration and modernization of the Marine Corps, $473,141,000.

Facilities Sustainment, Restoration and Modernization, Air Force

For expenses for facilities sustainment, restoration and modernization of the Air Force, $1,684,019,000.

Facilities Sustainment, Restoration and Modernization, Defense-Wide

For expenses for facilities sustainment, restoration and modernization of the Department of Defense, $86,386,000.

Facilities Sustainment, Restoration and Modernization, Army National Guard

For expenses for facilities sustainment, restoration and modernization of the Army National Guard, $387,882,000.

Facilities Sustainment, Restoration and Modernization, Air National Guard

For expenses for facilities sustainment, restoration and modernization of the Air National Guard, $255,322,000.

Facilities Sustainment, Restoration and Modernization, Army Reserve

For expenses for facilities sustainment, restoration and modernization of the Army Reserve, $215,890,000.

Facilities Sustainment, Restoration and Modernization, Navy Reserve

For expenses for facilities sustainment, restoration and modernization of the Navy Reserve, $52,136,000.

Facilities Sustainment, Restoration and Modernization, Marine Corps Reserve

For expenses for facilities sustainment, restoration and modernization of the Marine Corps Reserve, $9,579,000.

Facilities Sustainment, Restoration and Modernization, Air Force Reserve

For expenses for facilities sustainment, restoration and modernization of the Air Force Reserve, $59,849,000.

The Department of Defense Environmental Restoration Accounts

Environmental Restoration, Army

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $413,794,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Navy

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,409,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Air Force

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $423,871,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Defense-Wide

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $18,431,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

Environmental Restoration, Formerly Used Defense Sites

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $257,790,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Defense Health Program

(INCLUDING RESCISSION OF FUNDS)

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law,

$21,065,163,000, of which $20,218,205,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2008, and of which up to $10,638,784,000 may be available for contracts entered into under the TRICARE program; of which $402,855,000, to remain available for obligation until September 30, 2009, shall be for procurement; and of which $444,103,000, to remain available for obligation until September 30, 2008, shall be for research, development, test and evaluation: *Provided*, That notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $7,000,000 shall be available for HIV prevention educational activities undertaken in connection with U.S. military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided for "Defense Health Program", operations and maintenance under title VI of Public Law 109–148, $40,042,000 are hereby rescinded.

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is there objection to considering the amendment at this point in the reading?

Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS:

Page 19, line 8, strike "$21,065,163,000" and insert "$21,800,163,000".

Page 19, line 9, strike "$20,218,205,000" and insert "$20,953,205,000".

At the end of title I (page 35, after line 2), insert the following new section:

SEC. 136. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 1.78 percent.

Mr. EDWARDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman is recognized for 5 minutes.

Mr. EDWARDS. Mr. Chairman, I am not going to take up 5 minutes because we had a discussion of this, but I would like to remind all Members what this is about.

Because of what I think was a budget resolution passed on a partisan basis earlier this week, our subcommittee's allocation was $824 million less than President Bush said we needed to pay for VA health care, military construction, and defense health care. As a consequence of our rejecting on a bipartisan basis the administration's gimmick to try to find funding for defense health care, because we rejected the idea of having a 200 percent increase in TRICARE premiums for men and women who served our country for 20 and 30 years, we ended up with $735 million less for defense health care spending than President Bush, the administration, said we need.

My amendment would put back that $735 million and would pay for it by asking those Americans during a time of war who made over $1 million a year to accept a $112,000 tax cut on average rather than a $114,000 tax cut. I think that is a fair request given Americans' principle of shared sacrifice during time of war. Let us ask those making over $1 million a year to give up less than 2 percent of their tax cuts in order to fund defense health care during a time of war at the level the President said was needed.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment changes the application of existing law.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule.

The amendment proposes to prescribe a rule of law regarding the Federal income tax. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 39, line 8 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill through page 39, line 8, is as follows:

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, If the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

SEC. 118. The Secretary of Defense is to provide the Committees on Appropriations of both Houses of Congress with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Sea to assume a greater share of the common defense burden of such nations and the United States.

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. None of the funds made available in this title may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 122. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

SEC. 123. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 124. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: *Provided further*, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: *Provided further*, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

SEC. 125. None of the funds made available in this title under the heading "North Atlantic Treaty Organization Security Investment Program", and no funds appropriated for any fiscal year before fiscal year 2007 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

SEC. 126. Whenever the Secretary of Defense or any other official of the Department of Defense is requested by the subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives or the subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate to respond to a question or inquiry submitted by the chairman or another member of that subcommittee pursuant to a subcommittee hearing or other activity, the Secretary (or other official) shall respond to the request, in writing, within 21 days of the date on which the request is transmitted to the Secretary (or other official).

SEC. 127. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 128. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

SEC. 129. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense," to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 130. None of the funds appropriated in this title available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) or TRICARE shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for persons with disabilities under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 131. (a) The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental and medical equipment of the Department of Defense, at no cost to the Department of Defense, to Indian Health Service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(b) In carrying out this provision, the Secretary of Defense shall give the Indian Health Service a property disposal priority equal to the priority given to the Department of Defense and its twelve special screening programs in distribution of surplus dental and medical supplies and equipment.

SEC. 132. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 133. Notwithstanding any other provision of law, that not more than 35 percent of funds provided in this title for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 134. Notwithstanding any other provision of law, funds available to the Department of Defense in this title shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense in this title shall be made available to to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 135. (1) Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, and Dental Hygienists.

(2) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(3) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $38,007,095,000, to remain available until expended: *Provided*, That not to exceed $28,112,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical administration" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

Readjustment Benefits

(INCLUDING TRANSFER OF FUNDS)

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $3,262,006,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, shall be charged to this account.

Veterans Insurance and Indemnities

(INCLUDING TRANSFER OF FUNDS)

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, $49,850,000, to remain available until expended.

Veterans Housing Benefit Program Fund Program Account

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2007, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $153,185,000, which may be transferred to and merged with the appropriation for "General operating expenses".

Vocational Rehabilitation Loans Program Account

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $67,000, as authorized by chapter 31 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,369,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $305,000, which may be transferred to and merged with the appropriation for "General operating expenses".

Native American Veteran Housing Loan Program Account

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $615,000, which may be transferred to and merged with the appropriation for "General operating expenses": *Provided*, That no new loans in excess of $30,000,000 may be made in fiscal year 2007.

Guaranteed Transitional Housing Loans for Homeless Veterans Program Account

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical administration" may be expended.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code: $25,412,000,000, plus reimbursements, of which not less than $2,800,000,000 shall be expended for specialty mental health care: *Provided*, That of the funds made available under this heading, not to exceed $1,100,000,000 shall be available until September 30, 2008: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

AMENDMENT OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARR:

Page 39, line 22, strike "$25,412,000,000" and insert "$26,875,000,000".

Page 41, line 1, strike "$3,277,000,000" and insert "$3,390,000,000".

Page 42, line 2, strike "$412,000,000" and insert "$460,000,000".

Page 42, line 14, strike "$1,480,764,000" and insert "$1,553,764,000".

Page 44, line 21, strike "$69,499,000" and insert "$77,499,000".

Page 45, line 13, strike "$283,670,000" and insert "$399,000,000".

At the end of title II (page 56, after line 8), insert the following new section:

SEC. 223. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 4.4 percent.

Mr. FARR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. A point of order is reserved.

Mr. FARR. Mr. Chairman, this amendment provides $1.82 billion for veterans, particularly in the health care field. It is in 10 separate areas: mental health and prosthesis, patient workload backlog, research for prosthesis, nursing home beds for long-term care, priority 8 veterans health care for those veterans who earn as little as $27,000 a year, improving the VA casework backlog that currently takes more than 6 months, money for VA hospital construction, medical administration, the VA IG's office, and unproven efficiencies.

Now, why should you be supporting this amendment? Well, Mr. Chairman, next week we will all be going home for Memorial Day recess. And on Memorial Day, we will all, as Members of Congress, get up and tell our veterans all the things we are doing for them. You ought to tell them about this amendment because this amendment does what veterans have asked us to do.

The figures that I have proposed here are the independent budget recommendations for mental health, prosthesis, medical and prosthetic research accounts, and staffing levels to improve timely care. The independent budget was brought to the committee, and I want to applaud the chairman for allowing four veterans organizations to bring this, including AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars. They provided our committee with a budget of what they thought needed to be done. And their budget estimates, according to the committee, were more on mark than the administration's figures last year.

So when you go home to the vets next week, you have a chance to tell them you supported the Farr amendment to add $300 million for mental health and $300 million for prosthetics. You can tell them that you have voted to add $119 million for additional staffing for increased patient workload. You can tell them that you voted for $48 million to pay for inflation in the medical and prosthesis research account.

This amendment is also because the adequate funding for vets has not been made by this bill. So we are helping this bill by adding also for the veterans nursing home beds. The current law requires that we provide 13,391 beds. We only have enough money for 11,100 beds. That is almost 3,000 beds below the level authorized in 1998. So we add $471 million for nursing home care to bring nursing home beds back into compliance with the law.

This amendment would also allow 214,000 priority 8 veterans. Who are priority 8 veterans? Those are veterans who make as little as $27,000 a year. You could claim poverty for the earned income tax credit at that salary, and all we are saying is we are going to make them eligible for the VA health care.

Every Member in this body should support this amendment because every Member has veterans who have been shut out of the VA's health system.

This amendment also pays for the backlog. It adds $73 million to provide increased funding for general operations expenses to help reduce the claims in processing. Every Member has district offices that are working on veterans' cases. 74,000 vets who are waiting more than 6 months to have their claims processed and much longer in some cases. As of last week, that number increased by over 21,000 to 95,000 vets who are waiting just for an answer.

This amendment also restores money for three high-priority projects, hospital construction. Three hospital construction projects in Denver, Colorado; Madison, Wisconsin; and Columbia, Missouri, were cut in the base bill to provide allowances for other accounts. Congressman BEAUPREZ of Colorado sent a letter to the Appropriations Committee earlier this month supporting the Colorado project.

Where does this money come from? We do this by an offset. Mr. Chairman, since the Republican leadership enacted the tax cuts in 2001, we have learned from all the reports and all the papers that the rich have gotten richer. Our progressive tax system is becoming less progressive. Time and again the majority has prioritized the needs of people making more than $1 million a year ahead of the key investments such as health care for our veterans. As a result, our veterans will continue to wait too long for care. Many will not get the mental health assistance they need. Prosthetic research and services will be underfunded, and so-called "wealthy" lower priority veterans, those making as little as $27,000 a year, will continue to be denied access.

This is going to be ruled out of order, and I hope the Members will insist that we get this funding.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point against the amendment because it proposes to change existing law and constitutes legislation on an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." This amendment changes the application of existing law.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule.

The amendment proposes to prescribe a rule of law regarding the Federal income tax. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained. The amendment is not in order.

Mr. EVERETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, recently a concern about VA health care policy regarding certain anesthesia providers was brought to my attention. The VA is currently reviewing regulations to allow anesthesiologist assistants, also known as AAs, to provide care at VA medical facilities.

Mr. Chairman, I rise today to encourage the VA to continue to move forward to officially recognize AAs as anesthesia providers at VA medical facilities. AAs are a small but important contingent of mid-level anesthesia providers, who will be a welcome addition to the anesthesia care team at VA hospitals. In fact, the VA approved AAs to serve at VA facilities in February of 2004. It approved them in February of 2004. But because of bureaucrat delays, AAs are not recognized in the Veterans Health Administration's official provider handbook, not allowing them to practice.

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Mr. Chairman, more than 2 years has passed since the decision was made to include AAs as VA anesthesia providers, yet the program is still on hold. If new specific qualification standards for AAs are needed, then the VA should say so and finalize the regulatory process. In light of potential provider shortages at veterans medical facilities, veterans deserve to have every qualified caregiver as a resource. Anything else is a disservice to our veterans.

I know the chairman of the subcommittee is aware of this situation, and I look forward to working with him to have to help get the VA off the dime.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MEDICAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $3,277,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2008.

MEDICAL FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, $3,594,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2008.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2008, $412,000,000, plus reimbursements.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 44, line 22, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill through page 44, line 22, is as follows:

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $1,480,764,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That the Veterans Benefits Administration shall be funded at not less than $1,167,859,000: *Provided further*, That of the funds made available under this heading, not to exceed $75,000,000 shall be available for obligation until September 30, 2008: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by chapter 3109 of title 5, United States Code, $1,302,330,000, plus reimbursements, to remain available until September 30, 2008: *Provided*, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, $160,733,000, of which not to exceed $8,037,000 shall be available until September 30, 2008.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $69,499,000, to remain available until September 30, 2008.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $283,670,000, to remain available until expended, of which $2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 2007, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2007; and (2) by the awarding of a construction contract by September 30, 2008: *Provided further*, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above: *Provided further*, That none of the funds in this or any other Act may be used to reduce the mission, services or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study as specified by the Secretary of Veterans Affairs without prior approval of the Committees on Appropriations of both Houses of Congress.

AMENDMENT OFFERED BY MS. MOORE OF WISCONSIN

Ms. MOORE of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MOORE of Wisconsin:

Page 45, line 13, after the dollar amount, insert the following: "(increased by $32,500,000)".

Mr. WALSH. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE of Wisconsin. Mr. Chairman, earlier this year, the VA made a priority request for $32.5 million for urgent and necessary upgrades for the spinal cord injury unit at the Zablocki VA Medical Center in Milwaukee. However, the subcommittee mark made a point of zeroing out this project. My amendment would restore the funding for this requested priority.

Mr. Chairman, I can tell you that I am new to this body, so I was very curious as to why they would do this. Clearly the Zablocki spinal cord injury unit is not a "bridge to nowhere." It is one of only 23 spinal cord injury units in the country, serving more than 500 veterans as in-patients and over 10,000 patients on an outpatient basis each year.

Nationally, there are over 44,000 veterans suffering from spinal cord injuries that are now paraplegic and quadriplegic. At such a critical time when we are at war and the number of injured soldiers continues to increase, I had to ask myself, Mr. Chairman, what are they doing and why are we doing this?

So what I did as a new Member is I went to something called the committee record, I believe, and what they said here is that they did this because this was of "relatively low priority."

Well, I was really confused then, Mr. Chairman, because I then checked with the budget documentation submitted by the Department of Veterans Affairs and discovered that they had listed this as their number one priority for fiscal year 2007. Further, they went on to describe the spinal cord injury unit at Zablocki as having by far received the highest score under their project scoring session.

Mr. Chairman, I don't stand under this E. Pluribus Unum boring Members on and on often. I am here because I truly am trying to understand how other projects with lower priority scores were, indeed, funded.

As a matter of fact, Mr. Chairman, I will submit for the RECORD this corroborating evidence that this indeed is a highest priority of the fiscal year 2007 projects.

The Committee recommends an appropriation of $283,670,000 for Construction, Major Projects for fiscal year 2007. This is a decrease of $690,930,000 below the fiscal year 2006 enacted level and a decrease of $115,330,000 below the budget request. When adjusted for supplemental funding, the recommendation is $323,430,000 below the fiscal year 2006 enacted level.

The Committee recommendation does not include funding for refurbishment of operating rooms at the Columbia, Missouri VAMC, and refurbishment of the Spinal Cord Injury Center at the Milwaukee, Wisconsin VAMC, both of which are relatively low priority projects. The estimate submitted in the budget for the Capital Region Data Center project includes a contingency reserve of over 25 percent, well in excess of needs for such a project. The funding for this project is therefore reduced by $5,000,000, leaving 12.5 percent for a contingency reserve. The Committee recommendation includes no funding for the replacement hospital in Denver, Colorado. The Committee notes that less than two years ago, when original planning funds were appropriated for the Denver facility, the estimated total cost of the project was $328,000,000. The current estimate for the project is in the range of $621,000,000, almost double the previous estimate. This is not the only instance of large cost growth for construction projects of the Department, but this is a project at a stage where work can be halted before significant and irreversible financial damage is done. The Committee is concerned with the rapid escalation in the cost of building new facilities and cautions the Department that few, if any, projects will be approved in the future if such costs are not brought under control.

The Committee recommendation also includes a general provision which places restrictions on the use of funds previously appropriated for a new facility in Biloxi, Mississippi. It is the Committee's direction that no funds can be expended on a new facility unless it is a joint-use facility shared with Kessler Air Force Base.

The specific amounts recommended by the Committee are as follows:

Location and description	2007 request	Committee recommendation
Veterans Health Administration [VHA]:		
American Lake, WA Seismic Correction, NHCU & Dietetics	$38,220	$38,220
Columbia, MO, OR Replacement	25,830	0
Denver, CO Replacement Medical Center Facility	52,000	0
Long Beach, CA Seismic Correction, Bldg. 7 & 126	97,545	97,545
Milwaukee, WI Spinal Cord Injury (SCI) Center	32,500	0
St. Louis (JB), MO Medical Facil Improv & Cem Exp	7,000	7,000
Advance planning fund: Various locations	39,255	39,255
Asbestos abatement: Various locations	5,000	5,000
Claims Analyses: Various locations	2,000	2,000
Judgment Fund: Various locations	2,000	2,000
Hazardous Waste: Various locations	2,000	2,000
Facility Security Fund: Various locations	4,000	4,000
Total VHA construction, major projects	307,350	197,020
National Cemetery Administration (NCA):		
Dallas/Fort Worth, TX Phase 2 Gravesite Expansion	13,000	13,000
Gerald B. H. Solomon-Saratoga, NY Phase 2 Gravesite Expansion	7,600	7,600
Great Lakes, MI Phase 1B Development	16,900	16,900
Design Fund: Various locations	2,300	2,300

TABLE 1-3 SUMMARY OF FY 2006 AND 2007 CARES CAPITAL PROJECTS.

2006:				
10	Cleveland, OH	Cleveland-Brecksville Consolidation, Ph 2/2—Construction	FY05–2	$87,300
4	Pittsburgh, PA	Consolidation of Campuses, Ph 2—Construction	FY05–3	82,500
22	Las Vegas, NV	New Medical Center Facility, Ph 2/3—Construciton	FY05–6	199,000
8	Gainesville, FL	Correct Patient Privacy Deficiencies, Ph 2/2—Construction	FY05–7	76,400
20	Anchorage, AK	Outpatient Clinic & Regional Office, Ph 2/2—Construction	FY05–7	63,510
16	Biloxi[1], MS	Hospital Restoration/Consolidation	FY06–1	310,000
16	Fayetteville, AR	Clinical Addition, Ph–1—Design	FY06–5	5,800
	Various	Line Items		55,790
	New Orleans[2], LA	Restoration/Replacement of Medical Center Facility	N/A	75,000

TABLE 1–3 SUMMARY OF FY 2006 AND 2007 CARES CAPITAL PROJECTS—Continued

Total 2006				$955,300
2007:				
19	Denver, CO	Replacement Medical Center Facility	FY05–10	52,000
22	Long Beach, CA	Seismic Corrections—Bldgs 7 & 126	FY05–16	97,545
12	Milwaukee, WI	SCI Center	FY07–1	32,500
15	St. Louis (JB), MO	Medical Facility Improvements and Cemetery Expansion	FY07–1	7,000
20	American Lake, WA	Seismic Corrections—NHCU & Dietetics	FY07–8	38,220
15	Columbia, MO	Operating Room Suite Replacement	FY07–21	25,830
	Various	Line Items		54,255
Total 2007				$307,350

[1] This project received $17.5M in FY2006 appropriations for design and an additional $292.5M in FY 2006 Emergency Supplemental Appropriations.

[2] This project was added as a result of public law 109–148 the FY 2006 Emergency Supplemental Appropriation.

FY 2007 Top-Twenty Major Medical Facility Projects.—In accordance with section 8107 of United States Code 38, below are the top-twenty medical facility projects that were considered for the FY 2007 budget. These projects were selected based on the CARES capital criteria.

TABLE 4–9 FY 2007 VHA TOP-TWENTY MAJOR MEDICAL FACILITY PROJECTS

	VISN	Location	Project Title—Brief Description	Priority store	Estimated cost (000)	Annual cost (000)	Category
The projects listed below were funded in phases in prior years and are therefore considered as top priority projects until funding is complete. Priority scores are from the FY 2005 cycle project scoring session.							
1	4	Pittsburgh, PA	Consolidation of campus	.4532	$189,205	$5,805	General
2	22	Las Vegas, NV	New Medical Center Facility	.3981	$406,000	$142,000	General
3	19	Denver, CO	Replacement Medical Center Facility	.3424	$621,000	$255,700	General
4	8	Orlando, FL	New Medical Center Facility	.3314	$347,700	$138,030	General
5	8	San Juan, PR	Seismic Corrections—Bldg 1	.2888	$145,200	$324,000	Seismic
6	22	Los Angel, CA	Seismic Corrections—Bldgs. 500 & 501	.2536	$79,900	$461,000	Seismic
7	8	Lee County, FL	Outpatient Clinic	.2429	$65,100	$15,800	General
The project listed below was funded in a phase in a prior year and is therefore considered as a top priority projects until funding is completed. Priority score is from the FY 2006 cycle project scoring session.							
8	16	Fayetteville, AR	Clinical Addition	.2962	$56,163	$119,470	General
The projects listed below are additional prjects considered for the FY 2007 planning cycle. The priority scores are from the FY 2007 project scoring session.							
9	12	Milwaukee, WI	Spinal Cord Injury Center	.4412	$32,500	$10,964	General
10	8	Bay Pines, FL	Inpatient & Outpatient Renovation & Construction	.4189	$90,400	$17,310	General
11	17	Dallas, TX	Clinical Expansion & Renovation	.4072	$137,500	$56,071	General
12	4	Butler, PA	Outpatient Clinic & Demolition	.4011	$44,200	$54,744	General
13	21	East Bay, CA	New Outpatient Clinic 2	.3993	$44,000	$10,547	General
14	22	Long Beach, CA	Seismic Corrections—Bldgs. 128 & 133	.3479	$23,500	$2,000	Seismic
15	15	St. Louis (JB), MO	Medical Facility Improvements and Cemetery Expansion	.3414	$69,053	$3,741	General
16	20	American Lake, WA	Seismic Corrections—NHCU and Dietetics	.3376	$38,220	$8,142	Seismic
17	20	Settale, WA	Mental Health & Research Bldg.	.3231	$96,400	$5,459	General
18	22	Loma Linda, CA	Outpatient Clinic	.3113	$113,400	$27,349	General
19	3	Northport, NY	Renovation of Residential & Ambulatory Care Areas	.2808	$27,300	$10,344	General
20	5	Washington, DC	Outpatient Expansion & Renovation	.2769	$131,400	$312,094	General

[1] This project was withdrawn from consideration due the current project underway at Long Beach.

[2] This project is considered a top priority by VHA regardless of its priority score.

Mr. Chairman, I don't know what benchmarks are used with these scoring decisions, but truly it could not be based on the priorities of those valiant veterans that so readily serve our country and depend upon us for the treatments that this spinal cord injury unit provides, folks that are faced with irreversible catastrophic disabilities. This is a hard reality for these veterans and their families, and the very least we can do for them is to provide adequate facilities for them.

I can tell you, Mr. Chairman, that before I became a Member of this body, and indeed before I became a candidate for Congress, I had the opportunity to visit the Zablocki Spinal Cord Unit, and I can tell you that despite the dedication of the workers there, they are working under very, very hard conditions, outdated technology, limited space, it will not compensate for the deteriorating conditions at that facility.

Those spinal cord injury patients, Mr. Chairman, are on the tenth floor, the tenth floor, and they are lacking any adequate safety evacuation criteria. Certainly they are lacking in any ability to maximize their mobility, functionality and independence.

The Department says this is the highest priority. Veterans have said this is the highest priority. I am at a loss as to why the subcommittee believes it is such a low priority.

Before I yield back, Mr. Chairman, I just want to say that I have listened to countless hours of speeches on this floor about veterans and our love for them and our concern for them. You know, Mr. Chairman, it is time for us to do what we say.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2007 on May 18, 2006. The adoption of this amendment would cause the subcommittee's allocation for budget authority made under section 302(b) to be exceeded and it is not permitted under section 302(f) of the Act.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. MOORE of Wisconsin. Mr. Chairman, I do, briefly.

The CHAIRMAN. The gentlewoman from Wisconsin is recognized.

Ms. MOORE of Wisconsin. Mr. Chairman, I understand that I will have to concede to the point of order, but I can tell you that I did not perceive that I had to provide an offset for this funding because it was deemed as the highest, the highest, priority.

The CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 56, line 8, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill through page 56, line 8, is as follows:

Construction, Minor Projects

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $210,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section, for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

Grants for Construction of State Extended Care Facilities

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, $105,000,000, to remain available until expended: *Provided*, That not less than $20,000,000 shall be available only to correct life and patient safety deficiencies and minor modifications at existing facilities.

Grants for Construction of State Veterans Cemeteries

For grants to aid States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $32,000,000, to remain available until expended.

Administrative Provisions

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2007 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 202. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901–5902 of title 5, United States Code.

SEC. 203. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 204. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 205. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2006.

SEC. 206. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 207. Notwithstanding any other provision of law, during fiscal year 2007, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2007 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2007 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 208. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 209. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed $31,246,000 for the Office of Resolution Management and $3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 210. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

SEC. 212. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in "Construction, major projects" and "Construction, minor projects".

SEC. 213. Amounts made available under "Medical services" are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to "Medical services", to remain available until expended for the purposes of this account.

SEC. 215. Amounts made available for fiscal year 2007 under the "Medical services", "Medical administration", and "Medical facilities" accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced

Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the "Construction, major projects" and "Construction, minor projects" accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

SEC. 221. Amounts made available for the "Information technology systems" account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2007.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LYNCH:

At the end of title II (page 56, after line 8), insert the following:

SEC. 223. It is the sense of Congress that the Under Secretary for Health of the Department of Veterans Affairs should—

(1) increase research collaboration and cooperation with the National Institutes of Health in order to facilitate and accelerate research for the screening, diagnosing, and managing of the medical issues associated with hepatitis C; and

(2) do more to—

(A) improve screening and testing for hepatitis C among all veterans;

(B) provide tests to other veterans in the health care system of the Department of Veterans Affairs who have risk factors for hepatitis C; and

(C) participate in a national outreach effort to inform all veterans about the disease.

Mr. LYNCH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. WALSH. Mr. Chairman, I regretfully reserve a point of order against the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Mr. LYNCH. Mr. Chairman, first of all, I want to thank Chairman WALSH and I want to thank Mr. EDWARDS of Texas for their great work on behalf of veterans. I know that their attempts here have been to provide as much support as possible for men and women in uniform.

My amendment, Mr. Chairman, acknowledges that the Department of Veterans Affairs is the largest single provider of medical care to people with hepatitis C and liver disease in the United States, and I have introduced this amendment because I believe that the VA can and should be in the lead on research areas associated with hepatitis C and liver disease, and, importantly, the VA should be at the cutting edge of research and work and collaboration with the NIH to ensure that strides that both agencies have made in this area can be shared, and so that our veterans have access to the best technologies and treatments available.

Mr. Chairman, right now, because of the great work being done by Dr. Joseph Vacanti of Harvard Medical School and Bioengineering Networks and MIT and Draper Labs and others, we are at a critical point in developing amazing and revolutionary technologies and procedures, including constructing an artificial liver assist device by which new microfabrication techniques will allow us to grow liver replacement tissues from our own cells, minimizing the risk of organ rejection and completely eliminating the need to wait for compatible organ donors.

Right now in America, we have 90,000 people waiting for organ transplants. We have 18,000 folks waiting for liver transplants. For veterans with liver disease, Dr. Vacanti's work means the possibility of living a full life with hepatitis C without worrying about getting on a list for liver transplant. We now have an opportunity to revolutionize the way in which we treat liver disease, and this research needs to be funded.

Mr. Chairman, I realize the great work that has been done by Chairman WALSH of New York and Mr. EDWARDS of Texas, and I realize there are limits to what we can do on any one bill. So I am going to pledge my support for this bill, I am going to agree to withdraw my amendment, but I just ask the chairman and the ranking member to continue to work with me on this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $37,088,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, $4,900,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, $19,790,000, of which $1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $26,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $54,846,000.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is there objection to consideration of the amendment at this point in the reading?

Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Page 58, line 13 after "$54,846,000", insert (increased by $1) (reduced by $1)

Page 58, line 20, strike "2011:" and all that follows through line 25 and insert "2011.".

Page 59, line 4, strike "2011:" and all that follows through line 9 and insert "2011.".

Page 59, line 13, strike "2011:" and all that follows through line 18 and insert "2011.".

Page 59, line 22, strike "2011:" and all that follows through page 60, line 2, and insert "2011.".

Page 60, line 6, strike "2011:" and all that follows through line 11 and insert "2011.".

Page 60, line 15, strike "2011:" and all that follows through line 20 and insert "2011.".

At the end of title IV (page 60, after line 20), insert the following new section:

SEC. 401. In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 1.23 percent.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. OBEY. Mr. Chairman, as I indicated earlier in the debate, 2 days ago, the Republican majority passed a budget resolution which imposed a stringent ceiling on total appropriations for the year. The effect of that was to squeeze more than $1 billion of badly needed money out of this bill.

What the committee has tried to do in response is that the administration in this bill asked for about 307 military construction projects, items like barracks and the like, and the committee essentially took 20 of them and designated those as "emergency spending" and that freed up $507 million so that the committee could insert a number of projects which represented their highest priorities. That meant that the bill was effectively, if you are going to look at it in terms of budget accounting, $507 million above the amount allowed by the budget ceiling.

That didn't even take into account the fact that the committee is proceeding on the assumption that a good number of additional fees which the White House wants to impose on veterans might, in fact, go into effect. I don't believe they will. We don't deal with that issue in this amendment, but we do deal with the first issue.

What we are simply suggesting is that we recognize that these projects requested by the White House are necessary, but we believe that they ought to be paid for. So what we suggested in committee and what I am asking on the floor is that we simply limit the size of the tax cut which is scheduled to take place for people who make over $1 million, we are suggesting that we shrink that tax cut from $114,000 on average for a person who makes over $1 million, we are suggesting we shrink that by about $1,400.

□ 1230

That is hardly going to lay a glove on the most wealthy people in this country, but it would enable this bill to proceed with honest accounting, meeting high-priority needs of the military at various bases throughout the country and the world.

So, Mr. Chairman, it is very simple, if you think that we ought to proceed with the military construction priorities laid out by the administration, and if you think that we ought to pay for those, then you would support this amendment.

If you do not, then you would oppose it. I would suggest this is a fiscally responsible way to meet critical military needs, and I would hope that the House would see fit to approve the amendment.

POINT OF ORDER

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment changes the application of existing law. I ask for a ruling of the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I was here when the Budget Act was passed. And the purpose of that Budget Act was to reconcile spending with taxes to try to reduce the deficit.

So the purpose of the Budget Act is to try to see to it that appropriations, direct spending, and revenues all mesh in such a way as to reduce, to the greatest possible extent, the deficit.

That means that if this House takes an action on the tax side that provides large tax cuts, and if that action then imposes on the Appropriations Committee the requirement for deep cuts, that means that the two are, in fact, integrally connected.

It is hard for me to understand how a supposedly conservative party can take the position that we should proceed under the Budget Act to act in a way that pretends that what we do on the revenue side is irrelevant to what we do on the spending side.

This amendment, in my view, is within the spirit of the original intention of the Budget Act. Unfortunately, I must concede that under the way this House is being run these days, and under the rule under which this bill was brought to the floor, I must concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

TITLE IV

DEPARTMENT OF DEFENSE

ADDITIONAL APPROPRIATIONS

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $379,300,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 376 (109th Congress), the concurrent resolution on the budget for fiscal year 2007.

POINT OF ORDER

Mr. HENSARLING. Mr. Chairman, I raise a point of order under clause 2 of rule XXI against the proviso beginning with "provided" on page 58, line 20 through page 58 line 25.

Mr. WALSH. Mr. Chairman, I insist that the point of order be extended to lie against the entire paragraph.

The CHAIRMAN. The point of order is made against the entire paragraph.

The gentlemen from Texas (Mr. HENSARLING) may continue.

Mr. HENSARLING. Mr. Chairman, I would ask for a ruling of the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. WALSH. Mr. Chairman, I regret that the gentlemen has asserted this point of order and put the House in this position. The budget resolution which the body adopted this week included a $50 billion bridge fund for the war.

In this bill, we use the $507 million from that fund to pay for urgent war-related military construction projects. This leaves the remaining $49.3 billion for the Defense Subcommittee to allocate to other war-related expenditures. Every single one of these projects directly supports the war on terror. And every single one of them was included in the Defense Authorization Act that the House passed nearly unanimously last week.

These projects support specialized urban warfare training, mobilization of critical assets in the gulf region, and the easing of troop rotations abroad.

Mr. Chairman, what arises here is the Rules Committee did not protect that designation of emergency funding, and I regret that. But I greatly regret that the gentleman from Texas has raised this point of order.

Mr. Chairman, does the gentleman not understand that we are at war? Does he not understand that we have people in harm's way across the entire southern tier of Asia, that are being fired upon as we speak; that these funds are essential to fight the global war on terror, to bring democracy to these scattered points around the world, that these are soldiers, sailors, airmen and marines are in dire need of this support, of these expenditures?

There is a fiscal point to be made here, a principle to be expressed here. I understand that. But if an emergency situation is not described by a Nation at war, I do not know what determines what an emergency is.

These funds are essential. The battles that our men and women are fighting in Fallujah, in Bayji and Tikrit and Tal Afar and across Afghanistan are supported by the training that they receive here in the United States, the urban warfare training. Their familiarity with the weapons that they use, the weapons systems that they use, the familiarity with each other, that is essential to unit cohesion.

These funds, Mr. Chairman and my colleagues, are essential to our war effort. I would urge the gentleman to withdraw his point of order, support the body of the bill, let us go forward with these essential funds that ensure the quality of life and the health and welfare of our fighting men and women across the globe.

The CHAIRMAN. Arguments should be confined to the question of order. The underlying substantive issues may be debated by pro forma amendment.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS) on the point of order

Mr. EDWARDS. Mr. Chairman, I want to be clear about what this point of order would do. So I would like to raise this question of the Chair and perhaps other Members who would comment on this.

As I understand it, and I do think Members of this House on both sides of the aisle need to know what this point of order will do before the decision is made, as I understand it, this point of order will cut $379 million out of Army military construction projects during a time of war.

I want to be clear and ask, Mr. Chairman, if I understand it, this will cut over $100 million out of barracks and training facilities at Fort Drum, New York; it will cut a brigade complex at Fort Lewis, Washington. All of these are Army projects.

Mr. Chairman, I want to be clear whether this point of order is going to cut over $45 million out of two projects at Fort Stewart, Georgia. Is it going to cut a shooting range at Camp Atterbury in Indiana? Is it going to cut the block-and-brace facility in the vehicle maintenance shop at Fort Campbell, Kentucky in the Blue Grass Depot in Kentucky?

Mr. Chairman, my inquiry regarding this point of order is to have all Members fully understand while we have Army soldiers in harm's way in Iraq and Afghanistan today, this point of order, if sustained by the Chair, is going to cut over $379 million in Army projects, training, housing, other facilities that help support those troops that are risking their lives today, while we are debating technical points of order on the floor of the House.

Am I correct, Mr. Chairman, that the projects I listed, as well as additional Army military construction projects, would be cut by this point of order being made by the gentleman from Texas?

The CHAIRMAN. The point of order will excise the relevant paragraph, if sustained.

PARLIAMENTARY INQUIRY

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. OBEY. Mr. Chairman, if this point of order is upheld, does that mean that the House would be placing a higher value on the ideological accounting contained in the budget resolution than they would be on meeting the critical military needs of the country?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that the paragraph includes special budgetary designations pursuant to the concurrent resolution on the budget. The paragraph therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the paragraph is stricken from the bill.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am rising to speak to this point of order and a series of points of order that may be coming to us, and in an effort to do that, I would like to have an exchange with the chairman of the committee, if I might, Mr. WALSH.

Mr. Chairman, first let me compliment you for the very fine job that you have done on this bill and compliment Members on both sides of the aisle who have worked with us on this very, very important item.

The point of order before us involves some $375 million of funding that affects our military expenditures and the availability of resources, especially in our effort on the war on terror in the Middle East.

There will be additional points of order, apparently raised that will increase that amount significantly if I am correct. Is that correct?

Mr. WALSH. If I understand, there will be other points of order that would further affect the appropriation, generally appropriations for this war on terror.

Mr. LEWIS of California. And so really what we would appear to have before us are Members unilaterally identifying paragraphs that they are not particularly pleased with that involve moneys, maybe at a level, say, of $375 million, that specifically affect our military effort in the Middle East.

Mr. WALSH. Mr. Chairman, I am deeply concerned about the impact of these.

Mr. LEWIS of California. Mr. Chairman, let me say to you, you have done a fabulous job with this bill. It is a very difficult bill. People oftentimes do not understand the difficulties of putting together a bill like this. To exercise themselves in a way that undermines our efforts on the war on terror is not just an affront to the work you are about; I believe it is an affront to the work that we are all about, on a bipartisan effort are attempting to make sure that we have some strength in this effort on the war on terror.

Mr. WALSH. Mr. Chairman, I thank the gentleman for his support on this, and for the allocation we received. This is a tremendous blow to our effort to pass this bill that provides for the military quality of life of our soldiers, sailors, airmen, marines who are in harm's way.

Clearly, this builds the bases and the training facilities that they need to fight this incredibly difficult and dangerous war.

Mr. LEWIS of California. Mr. Chairman, I do want the gentleman to know that I have great respect for the work that you and your staff have been about, but also the work that Mr. EDWARDS and others on the other side of the aisle have been about regarding this very important responsibility that we have here, and I appreciate very much your work.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think it is important that we not personalize this issue. I do not like the fact that these gentlemen are evidently going to be knocking out funding for these important military projects. But I do think it is important to recognize that under the budget resolution which was imposed by the House Republican majority, and under the rule that was voted for by virtually every Republican today, they have that right. That is a parliamentary fact.

So I disagree with the judgment being made by the gentleman. But in all fairness, I think that the responsibility for this debacle lies squarely at the feet of the Speaker and the majority leader and the majority party leadership, because they broke arms for 3 weeks to impose a budget resolution on this House which required the allocation to the subcommittee which wound up being $824 million below the amount proposed by the President.

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Because the majority party leadership decided that it was more important to provide $40 billion in tax cuts to people who make $1 million a year, because the majority party leadership decided that it was more important to provide over $60 billion in tax cuts to people in the top 1 percent of our population who make more than $400,000 a year, because the majority party leadership decided that those priorities were preferable to meeting our education needs, our health care needs, our military construction needs, and our science needs, then the Appropriations Committee is stuck with the dirty job of carrying out those mandates. And under the rule that was imposed by the Rules Committee, which is appointed on the majority side by the Speaker of this House, every last one of them, because that rule was voted on by that leadership ordered and dominated committee, that is the reason that these emotions are in order. And to avoid that, that is why I tried to offer the previous amendment which said: Look it, this is a phony accounting gimmick. Let us be honest about it and pay for it by scaling back those tax cuts for the most well off in this society by just a smidgeon.

So I think, if we are going to start passing out responsibility, this is not the responsibility of Mr. LEWIS, it is not the responsibility of the gentlemen who are going to be offering the points of order, although I think their judgment is defective, but it is, in fact, the responsibility of the majority party leadership of this House. And it illustrates that Mr. DELAY was absolutely right when he said a few months ago: "This is what you get when you elect a Republican president, a Republican Senate, and a Republican House of Representatives," because it means there are no checks and balances in the system. It means that we have no way of stopping the majority party from putting tax cuts for the very wealthy ahead of the needs of our military, ahead of the nêeds of our kids, ahead of the needs of our workers and our sick in this society. This day illustrates how screwed up the priorities are on that side of the aisle.

Mr. EDWARDS. I move to strike the last word, Mr. Chairman.

Mr. Chairman, I had worked with Chairman WALSH on our subcommittee and our Appropriations Committee on a bipartisan basis to pass this bill today.

I am outraged at what has happened. A lot more important than that, every service man and woman and every veteran in America and every American that loves them and respects them ought to be just as outraged. And it is not just what has just been done by a handful of Republican House Members. I think the American people need to understand what has happened this week. Forty eight hours ago, this House on a totally partisan basis passed a budget resolution that, in my personal opinion, put a higher priority on tax breaks for people making over $1 million a year than it put on adequately funding national defense programs and supporting our military troops. We pleaded with our colleagues to vote against that budget resolution, but the vote was partisan and it passed.

Let me tell you what that resolution did. It gave Lee Raymond, who just retired as CEO of ExxonMobil, who, by the way got a $398 million retirement benefit from ExxonMobil, that budget resolution gave him a $2 million dividend tax cut. We said when that budget resolution passed giving Lee Raymond tax cuts is going to hurt education, health care, job training, and, yes, our national defense programs and our service men and women and our veterans. But others said, no, that is not going to happen. So let me tell you what has happened as a result of that budget resolution.

Our subcommittee, Mr. WALSH's and mine, and other subcommittee funding military quality of life, military construction, VA programs and defense health care, had to accept an $824 million cut below what President Bush said was needed to adequately fund these key national defense programs during a time of war. $824 million cut.

What happened? First, we had to accept that $316 million cut in military construction projects that were requested by the administration to implement the base closing process. That means barracks not built, training ranges not built, military facilities not built.

Well, then what was the second result in our subcommittee based on the budget resolution that Mr. Raymond is still smiling about, but our military people ought to be crying about at this moment? We had to fund military defense programs by $735 million below what President Bush said we needed.

What does that mean? That is not just a budget number. That means we potentially put at risk health care for our troops fighting in Iraq today while we are debating budget points of order here, it puts at risk military health care for our retirees, men and women who have already served in Iraq, already served in Afghanistan, already served in Korea, Vietnam, and World War II. It puts that health care system at risk. So that is a $735 million cut below what the administration said we needed.

Now, to add outrage to outrage, this technical point of order caused by the budget gimmicks that were a direct result of the budget resolution passed 2 days ago will cut $507 million out of vital military construction projects. That may not mean anything to some Members on this floor, but it means a lot to the troops at Fort Drum, New York, who have sacrificed immensely on behalf of the American people in our war on terrorism. It will mean a lot to the people at Camp Pendleton, the Marine camp, Camp Pendleton, when their bachelor enlisted quarters are cut and the light armored reconnaissance battalion facility will be cut.

It will mean a lot, even while Mr. Raymond is smiling, to harm the interests of our troops, our Army troops at Fort Campbell, Kentucky, Fort Devens, Massachusetts, at Sunny Point, North Carolina, and Indian Springs, Nevada. And, in Korea. This even cuts $2 million in vital construction projects for servicemen and women stationed in Korea today.

So what does that all mean? Because the budget resolution pushed through by the House leadership, not by the Appropriations Committee or this subcommittee, the House resolution, the budget resolution passed 2 days ago is forcing us to cut $1.5 billion out of vital defense programs even while our troops are risking their lives in Iraq and Afghanistan today. Training facilities, housing facilities, quality of life facilities. It is wrong, and this should not be done. Our military men and women deserve better than this.

Mr. PENCE. Mr. Chairman, I move to strike the last word.

I am still trying to recover, Mr. Chairman, from the remarks just made by the distinguished gentleman from Texas, raising objections to the good-faith efforts of the Members of this majority to live within the budget that we just adopted 2 days ago. Let me say, by way of compliment, that the chairman of the Appropriations Committee and the chairman of this subcommittee are not only my good friends, but my friends, men that I admire and respect, who are using the tools in the box they have been given to meet the needs that they believe represents the Nation's priorities. And I respect that. But, along with my colleague, Mr. HENSARLING, I respectfully disagree.

I rise, though, particularly animated at this moment, Mr. Chairman, because I am reading the minority views of the gentleman who just spoke, minority views listed in this legislation as additional views of Representative CHET EDWARDS, as well as other colleagues, including the distinguished ranking member of this committee. And I will quote it for the record. Speaking to the point of order issue that has been raised and will continue to be raised, the gentleman who just spoke wrote this: "The second Democratic amendment," speaking of their bill, "would have eliminated the budget gimmick that designated $507 million for 20 routine military construction projects as an emergency so this funding would not count against the bill's allocation."

Mr. EDWARDS continues: "None of these projects were unforeseen. The administration budget requested 310 military construction projects, including these 20 projects. They are all conventional military construction projects, things like hangars, barracks, and unit headquarters. These are projects selected through long-term planning exercises."

He went on to say, "Democrats recognize these projects as valid and continue to support them. However, the minority has a more fiscally disciplined and balanced approach to addressing these needs." And there I close the quote.

In the minority views, precisely that to which we are objecting was objected to, described as a budget gimmick that had no place in this legislation so conceived. And so I just say, I agree with what Mr. EDWARDS wrote.

It is time that we leveled with the American people. It is time that we stood for the principle that we mean what we say. And when we adopt a budget, we made the hard choices to live with within the budget. And those of us in the Congress who are committed to doing just that rise today and take this tough stand among friends to say, let's level with the American people, and let us not use what Mr. EDWARDS rightly wrote to be a budget gimmick to find our way around the budget discipline that we just embraced.

Mr. REYES. Mr. Chairman, I move to strike the last word.

I appreciate the opportunity to tell you that back in Texas, we have a saying, bad day at Black Rock. This is one of the blackest days that we could possibly imagine in Texas and anywhere else. The gentleman that just spoke talked about good faith, talked about we have to live within our budget, the budget that we set, talked about the Nation's priorities, talked about hard choices, and finally talked about leveling with the American people.

Well, good faith, Mr. Chairman, is about coming here and doing what is right, making sure that at a time of war we take care of our men and women in uniform and the facilities that they need, the equipment that they depend on, and everything that depends so much on this war on terror.

Live within our budget. I voted against that budget a couple of days ago because I didn't think it was realistic. I knew there were going to be some cutbacks someplace, and now we find out it is cutbacks in our military's budget.

Nation's priorities? Well, I would submit we set the Nation's priorities. The Nation's priorities have been set way too long by the Republican leadership in this House, in the Senate, and in the White House.

Hard choices. Well, our hard choices, people have to live with. Our military people have to live with.

And finally, Mr. Chairman, leveling with the American people means telling the truth about tax cuts versus what is best for our military.

With that, I would like to yield the balance of my time to my good friend from Texas (Mr. EDWARDS).

Mr. EDWARDS. I thank the gentleman for his comments.

I respect my colleague, Mr. PENCE, from Indiana. He is a straight shooter. I will have to say in this particular case, in all due respect, you said you are still trying to recover. I hope you will forgive me in saying, Mr. Chairman and Mr. PENCE, that today I am more worried about our military troops whose lives are at risk all over the world to defend our country. I am more worried about them recovering from this half a billion dollar cut in vital defense programs than I am about any Member of this House, the gentleman or me or anyone else, recovering from this debate.

□ 1300

The gentleman quoted me, and I am glad he did. I think this is a budget gimmick. I think these military construction projects should have been funded in the normal course of the budget process, and that is exactly what my colleague Mr. OBEY tried to do, and I voted for the Obey amendment.

But my friend and his colleagues on the Republican side of the aisle chose to vote against the Obey amendment, and so then where I am left is to say that I would rather accept a budget gimmick forced by a Republican budget resolution that I adamantly opposed 2 days ago, than to ask men and women at Fort Drum, New York, an installation whose troops have made tremendous sacrifices in the war on terrorism, I would rather not ask them to make an additional sacrifice, even if that requires us to pass a budget gimmick.

So is this a budget gimmick? Yes, it is; but do we desperately need these $507 million, including $379 million going to Army facilities to support our troops in the war on terrorism? Absolutely, we do.

I would repeat what I said earlier: having represented 40,000 troops who have served in Iraq, having co-chaired the bipartisan House Army Caucus, having worked on a bipartisan effort in good faith with Chairman WALSH and the Appropriations Committee to pass this bill today, I think every serviceman and -woman in America ought to be outraged that the result of, in my opinion, a dishonest budget resolution that promised tax cuts to the retired chairman of ExxonMobil, without suggesting the pain that would be caused, I think every serviceman and -woman in America ought to be outraged by that because they were told it was a no-pain process, you have a tax cut, that will increase revenues and nobody has to suffer. Mr. Raymond can get his $2 million tax dividend and nobody has to suffer.

Now we are leveling with the American people. Forty-eight hours later we find out it is not American people that are suffering. It is our troops in Korea and here at home and Iraq and Afghanistan who will suffer because of a budget resolution that did not shoot straight with the American people.

This is a sad day for this country, and it is a particularly sad day for all those men and women who are serving in uniform.

Mr. FLAKE. Mr. Chairman, I move to strike the last word.

I rise in support of the gentleman from Texas' (Mr. HENSARLING) point of order. If you look at the description of the bill here, you have a couple of pages. The first page has to do with what is being termed "emergency spending." Let me simply note that these are items that the President has requested.

Now, I have often and all of us have been critical of the White House at times for designating emergency spending when it really is not an emergency. They did not designate one of these items. There are 20 spending items here, mostly facilities and barracks. Not one of them was listed by the White House as emergency. Yet they have been listed here as an emergency and I would submit simply to make room for other projects.

If you look at some other projects that are being funded that are not emergency, tell me if you can see a difference. Number one, there is an item that is an emergency, $18.1 million for bachelor-enlisted quarters at Camp Pendleton. All right. That is one that is an emergency.

Here is one that is not an emergency, $6.7 million for a special weapons assessment facility in Crane, Illinois. How can you designate one as an emergency and not another?

Here is another example: $3.5 million for a block and brace facility at Blue Grass Depot, Kentucky. That is an emergency apparently.

Second, $8.7 million for replacing a troop facility training facility in Savannah, Georgia, that is not an emergency. Tell me where the difference is.

Let me go on: $102 million for a brigade complex in Fort Lewis, Washington. That is an emergency.

There is another $18 million for a maintenance hangar in Fort Hood, Texas. That is not an emergency.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I will be quick. The gentleman refers to this as emergency funding. It is not. That is incorrect. The funds are designated pursuant to section 402 of the budget resolution which is for "contingency operations related to the global war on terrorism," not emergency spending.

Mr. FLAKE. Let me just go on. That is $508 million we set aside as a down payment on the supplemental, the war supplement coming up. We are simply taking from that, and that will be money that will not be spent in the supplemental later on or should be designated for the supplemental later on, but we have designated it saying it is emergency when there is really no difference between the categories here.

I would submit that if you really want to fund, as we are adding here $16.5 million for a rotary wing hangar in Qatar, then perhaps you ought to cut out $2 million for a child care center which is funded here in the bill that is not being challenged here in Redstone Arsenal, Alabama, or you could take out $9.8 million for an educational center complex in Little Rock, Arkansas, if you truly need to spend money, as we say we do, for Predator various facilities at Indian Springs, Nevada.

Now let me just give one more example: $9.7 million for an indoor wash rack in Washington. Perhaps you could take money from that and spend it, if we really do need it, on $3.1 million for shoot houses in Korea.

What I am saying is there ought to be integrity in the budget process. We did pass a budget. The ink is not even dry and here we are using a means to evade it, to actually get some head room up here so we can spend money on other priorities and earmarks.

I do not think it is lost on anyone that the earmark total in the bill is nearly $500 million, almost the same total here that was added as head room, so that we can spend these other dollars.

So I hope that the point of order on all of these is sustained. Let us bring some integrity back to the budget process.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Let us assume there is an infantry company first sergeant sitting here in our midst today and our friends on the other side would be trying to explain to him about the particulars of emergency spending, of points of order and parliamentary procedure. But the infantry company first sergeant would say, but what about my being able to train the troops better? What about being able to train them in emergency urban warfare, or in sharpshooting better or having better barracks conditions so that they will stay in the Army and not consider getting out? How would one explain to that infantry company first sergeant the complexities of what we are facing on this floor and the needs of those wonderful soldiers?

Mr. Chairman, I speak for those soldiers. We need them. We need them to be highly trained, well taken care of, and to try to explain things away on points of order and whether something fits within the "emergency spending" category would be foreign to him because all he knows, he wants to train his troops so they can fight in Afghanistan, Iraq and the war against terror.

That is what is important to this country. That is what is important to the soldiers. I am proud of them. I would like to say all of us in this room speak for them, but unfortunately, we are faced with a parliamentary situation that I could not explain to that first sergeant.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Wisconsin, my friend.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I did not vote to go to war in Iraq. Most of our friends on the other side of the aisle did, but after the Congress voted to send our troops to war, the troops did not ask, is this an emergency or is it regular order of business? They just went. They did their duty. Some of them have done it two and three and four times in Iraq.

I do not know why they should be stuck in the middle of a family squabble within the Republican Party in the Congress, a squabble between people who put tax cuts for the most well-off people first versus the people who put budget accounting nicety first versus people who think that there are some economic and social needs faced by the families of those soldiers.

What the committee tried to do is to cut it down the middle, hedge a little bit here, a little bit there. We do not like that on this side of the aisle. So we tried to substitute honest accounting, and the majority party insisted on knocking that amendment out on a point of order.

So at this point, we have to choose between a faulty accounting system or meeting the needs of the families of people who are in Iraq defending the national interests of this country; and while I have great misgivings about the advisability of having gone to war in the first place, I will be doggoned if I am going to stand here and allow somebody else's squabble about whether a budget item is an emergency or not get in the way of providing the school needs, the barracks needs and the other needs of the families in the military, who are not asking questions of their government; they are just doing their duty.

So I congratulate the gentleman for his comments, and I think that this day, I was going to say it is a sad day in the history of the Congress, but it is not because this finally illustrates what we have been trying to demonstrate for 3 years, that what you do on the tax side of the budget, what you give to Mr. Raymond and his friends, is directly related to what you have left on the table that you can give our military families, our school kids and people in this country who need a little help on the health care front. It is about time that people on the majority side of the aisle recognized that connection.

Mr. ORTIZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, coming from a district like mine, where I represent four military bases, and then looking at what is transpiring this afternoon really worries me. All we have to do is go visit the medical facilities at Bethesda and Walter Reed to be able to understand that these troops need our help now, and we talk about giving them more body armor.

The only emergency here is the completely inadequate allocation that my good friend Chairman WALSH received. This is nothing more than a budget gimmick that adds $500 million to the deficit, the deficit carried by all Americans, young and old, middle-aged, while at the same time millionaires are continuing to enjoy reduced taxes. This is not fair.

Just 2 days ago, we voted to give a tax break in the amount of $70 billion, but we cannot fund it. In fact, we are cutting.

I have military bases. We repair helicopters, and many times they have asked for help. We were forced to leave the air base in Uzbekistan. We have to build up our capabilities. At Bagram Air Base in Afghanistan; that is an emergency.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ORTIZ. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman, but I think I have said enough. I just would hope that this House would reconsider what they have done this week and use this incident to recognize that that budget resolution is simply insufficient to meet the needs of our military, the needs of our school children and a number of other seriously competing needs.

I would hope, and in fact I fully expect, that the Senate will not pass the budget resolution that has caused this problem.

The irony is that the Republican majority in this House had to pass a let-us-pretend resolution yesterday, which said we are going to move ahead with appropriation bills on the assumption that the full Congress had passed the budget resolution, which it has not done, because Republican moderates in the Senate recognize that the budget resolution that is being enforced on the majority side in this House is too extreme for their taste in the Senate.

□ 1315

Senators such as Senator SPECTER have already made that quite clear.

So it is ironic that a budget that hasn't even passed the Congress is being used to enforce these kinds of trade-offs. I don't think the American people are going to be very pleased.

I thank the gentleman.

Mr. SHADEGG. Mr. Chairman, I move to strike the last word. I rise to try to clarify this debate and bring a little clarity here. It is true that we are really arguing over roughly $.5 billion and points are flying back and forth about what that means and whether or not this is a technical point.

But there has also been some focus here on the issue of whether or not our war effort is going to be harmed and whether or not our soldiers are going to be harmed. I want to be clear that there is no effort, in any way, to harm the efforts of our military, or to, in any way, inhibit our ability to fight the war on terror in the point of order that was raised by the gentleman from Texas (Mr. HENSARLING).

Indeed, there has never once been brought to this House by the President of the United States a single request for a war supplemental that this House has not funded. We have funded it, we are currently working on one that will be funded, and there will be another one funded very, very soon, as soon as we get a few more months down the line. There is no issue here about not funding the war on terror. And there is no issue here, ladies and gentlemen, about not funding the quality of life of our soldiers.

So what is the issue? What are we talking about? What we are talking about is sleight of hand. What we are talking about is, well, let us take the really defensible funds and call them a part of the war on terror and let us leave the money that we put in the bill, by the way, there is $.5 billion in this bill not requested by the Pentagon, $.5 billion that the Pentagon said it didn't need, $.5 billion that the Pentagon itself didn't say was necessary either for its ongoing operations, for quality of life for military personnel, or for the war on terror.

Interesting number, $.5 billion. Now, there is an additional $.5 billion listed here as, well, it is not emergency, but we are going to take it out of this fund to fund the war on terror. Now, that is kind of interesting. We take the stuff that we wanted, we take the stuff that was not requested by the Pentagon, $.5 billion, and we put them over here in the bill. But then we say, well, we need another $.5 billion and we will call that critical for the war on terror.

This is not about whether or not we fund the war on terror, it is not about the military quality of life, it is about how we hide spending in this budget process and how we deal with it. And it just so happens that the President himself said none of these were emergencies. He doesn't even agree that these were essential for the war on terror at this point. But if we call them essential for the war on terror, and if we take them out of the fund that we have set up to deal with the war on terror, that enables us down the road to impose that additional $.5 billion burden on the American people.

That is what this discussion is about. It is not about military quality of life. It is not about fighting the war on terror. It is about being able to increase the overall spending and, quite frankly, being able to increase that overall spending for things the Pentagon did not even request.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word, and I yield to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. I thank the gentlewoman.

I am sorry the gentleman wouldn't yield to me, but if he had, I would have asked them this question: He said "we" are engaging in sleight of hand. I just wanted to ask him who that "we" was. Because this report was put together by his own party. It was brought to the House floor by his own party. We on this side of the aisle tried to correct that faulty accounting and we were not allowed to do that by the majority party either.

So I just want to make certain that people understand that in this case the "we" is "thee."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would be happy as well to yield to the distinguished gentleman from Texas (Mr. EDWARDS), the ranking member of the subcommittee.

Mr. EDWARDS. Mr. Chairman, I believe Mr. SHADEGG, my colleague from Arizona, just said a few seconds ago that these projects were not requested by the administration. If I heard him correctly, that is a patently false statement.

These projects, these $379 million worth of army projects, I believe, were either all requested by the administration and the Pentagon or the vast, vast majority were requested by the administration and the Pentagon as being important projects that needed to be funded this year as part of our Nation's defense effort included in the war against terrorism.

Ms. JACKSON-LEE of Texas. I thank the gentleman, and reclaiming my time, I would just say that this is a frustration for many of us. There is no doubt that there are some of us here that did not support the actions initially as our troops were, if you will, directed to go into Iraq, but at the same time, we recognize the responsibility that this Congress and this Nation has.

What frustrates many of us is that my good friends on the other side of the aisle are attempting to make a point. That is all I have heard in their debate, to make a point about the budget and about the appropriations, rather than acknowledging the fact that this is a request by their President of the United States; that it, in fact, strips soldiers who are either on the front lines or distributed around the Nation from the actual needs, job training, barriers, concrete fixtures that they need, physical facilities that they need to carry on the Nation's business of defense.

Why we would utilize this particular section to make a point and strip our soldiers of the necessities of their business one week before Memorial Day baffles me, as does the question of if there is a need to fix this, why could this not have been an internal fix, either with the House and the subcommittee or the President of the United States of America. Because what my friends are doing is, frankly, making scapegoats out of innocent military personnel who are in need of this kind of equipment.

Any of us who have traveled to facilities anywhere in the Nation or around the world know that we have, in some instances, facilities that are in dire need of repair or in dire need of replacement. Striking this point of order, this challenge, goes right to the heart of this equipment.

And I think it is important for the American people to understand. This is stripping away bricks and mortar that soldiers, husbands, wives, sons and daughters of the American people are in need of. And I would simply suggest that while we certainly agree on the war on terror, whether we agree or disagree on any war going on at this point, we cannot disagree on the resources necessary for these soldiers. So I would ask my colleagues to remind themselves of why we are here today.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $26,037,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 376 (109th Congress), the concurrent resolution on the budget for fiscal year 2007.

POINT OF ORDER

Mr. HENSARLING. Mr. Chairman, I make a point of order under clause 2 of Rule XXI against the proviso beginning with "Provided" on page 59, line 13, through page 59, line 18.

This language carries a designation of special budgetary treatment for contingency operations. This language constitutes legislation on an appropriations bill in violation of clause 2 of rule XXI, and I ask for a ruling of the Chair.

Mr. WALSH. Mr. Chairman, I insist the point of order be extended to lie against the entire paragraph.

The CHAIRMAN. The point of order is made against the entire paragraph. Does any other Member wish to be heard on the point of order?

Mr. EDWARDS. Mr. Chairman, I want to be sure I understand this point of order. Having just cut out $379 million for army military facilities needed by our troops, it is my understanding this point of order would cut $26 million out of Marine Corps facilities at Camp Pendleton in California.

So having gutted army military construction projects, we are now going to hurt those serving in the Marines at Camp Pendleton who are an important part of our war on terrorism. Am I correct, Mr. Chairman, in understanding that this point of order, if sustained, would cut marine projects at Camp Pendleton, California?

The CHAIRMAN. The point of order would excise the entire paragraph, if sustained.

Mr. EDWARDS. So in lay terms, I think that answer was yes.

The CHAIRMAN. The Chair will rule on the point of order.

For the reasons previously stated, the point of order is sustained and the paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $49,923,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 376 (109th Congress), the concurrent resolution on the budget for fiscal year 2007.

POINT OF ORDER

Mr. HENSARLING. Mr. Chairman, I raise a point of order under clause 2 of rule XXI against the proviso beginning with "Provided," on page 59 line 13 through page 59, line 18.

This language carries a designation for special budgetary treatment for contingency operations and constitutes legislation on an appropriations bill in violation of clause 2, Rule XXI, and I ask for a ruling of the Chair.

Mr. WALSH. Mr. Chairman, I insist that the point of order be extended to lie against the entire paragraph.

The CHAIRMAN. The point of order is made against the entire paragraph. Does any other Member wish to be heard on the point of order?

Mr. EDWARDS. Mr. Chairman, I would like Members to be clear, and I would like to be clear about what this point of order does. Having now cut vital, according to the administration, vital Army and Marine Corps military installations out of the budget, this point of order, as I understand it, would cut approximately $50 million out of Air Force facilities that the Bush administration and the Pentagon said we needed for the Predator program, which the public might not understand is a vital unmanned aerial vehicle used in our war on terrorism.

Am I correct, Mr. Chairman, that the $50 million cut would affect the Predator Air Force program?

The CHAIRMAN. The point of order would excise the entire paragraph, if sustained.

Mr. EDWARDS. I believe the answer is yes.

The CHAIRMAN. Does any other Member wish to be heard? If not, the Chair will rule.

For the reasons previously stated, the point of order is sustained and the paragraph is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for "Military Construction, Defense-Wide", $44,500,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 376 (109th Congress), the concurrent resolution on the budget for fiscal year 2007.

POINT OF ORDER

Mr. HENSARLING. Mr. Chairman, I raise a point of Order under clause 2 of Rule XXI against the proviso beginning with "Provided" on page 59, line 22, through page 60, line 2.

This language carries a designation for special budgetary treatment for contingency operations. This language constitutes legislation on an appropriations bill in violation of clause 2 of Rule XXI, and I ask for a ruling of the Chair.

Mr. WALSH. Mr. Chairman, I insist that the point of order be extended to lie against the entire paragraph.

The CHAIRMAN. The point of order is made against the entire paragraph. Does any other Member wish to be heard on the point of order?

Mr. EDWARDS. Mr. Chairman, again, so Members can follow this, my question is: Does this point of order, if sustained, cut our U.S. military operations in Qatar, operations under the Special Operations Command that are directly related to our war on terrorism and the war in Iraq?

Mr. Chairman, is that what this point of order will accomplish?

The CHAIRMAN. The Chair continues to state that the point of order would excise the entire paragraph, if sustained .

Mr. EDWARDS. So the answer is yes.

The CHAIRMAN. Are there other Members that wish to be heard? If not, the Chair will rule.

For the reasons previously stated, the point of order is sustained and the paragraph is stricken from the bill.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

I am somewhat amused by the fact that the last two times Mr. EDWARDS has tried to fully explain to the House what the impact of the point of order was that those who are responsible for the points of order tried to urge the Chair to cut off Mr. EDWARDS so that he could not, in fact, explain it. Let me simply say if I were offering these points of order, I would want to have as little discussion about them as possible also. I would not want to have them fully aired either.

Let me just make the point. I find it interesting that we have Members of this House objecting on bookkeeping fine points to what the committee has been trying to do to provide these facilities and services to our military, and they stand in high dudgeon about the fact that the budget resolution is being exceeded.

□ 1330

Yet I do not recall them objecting when the President has submitted to the Congress almost $400 billion in expenditures for Iraq, none of which has been submitted in the regular appropriations order. All of those requests have come in the form of supplemental appropriations, off budget, if you will.

So I find it interesting that we can fight an entire war, spend $400 billion in an off budget, hide-the-cost-from-the-public fashion, and yet when it comes to meeting these small construction needs, and as the gentleman points out, this is not in the United States, this is in the Middle East itself. My understanding is that one of the items affects the special ops unit, and yet the gentlemen feel that their ideological commitment to their precious budget resolution, which they cannot even sell to their compatriots in the United States Senate, ought to be the be all and end all above every other economic or social or moral consideration. I find that, indeed, very interesting and very revealing.

PARLIAMENTARY INQUIRIES

Mr. SHADEGG. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. SHADEGG. Mr. Chairman, it is my understanding that the Chair ruled earlier that once a point of order has been raised, it is not in order to discuss the merits of the underlying issue. It is only in order to discuss whether or not the point of order is appropriate. Is that not what the Chair ruled?

The CHAIRMAN. Arguments should be confined to the question of order.

Mr. SHADEGG. And so if it is the question of the order, that means not the substance underneath, but rather the question of the procedural issue of whether or not the point of order should be sustained?

The CHAIRMAN. The Chair would state arguments should be confined to the question of the order. The underlying substantive issues may be debated by pro forma amendment.

Mr. SHADEGG. By separate amendment not in that debate, is that correct?

The CHAIRMAN. Substantive issues may be addressed by pro forma amendment.

Mr. SHADEGG. Mr. Chairman, does that mean by moving to strike the last word following the ruling of the Chair?

The CHAIRMAN. A pro forma amendment may be offered following the Chair's ruling on the point of order.

Mr. OBEY. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. OBEY. Doesn't this whole thing illustrate that there are some people here who are much more concerned about the technical niceties of the procedures of this House than they are on the human implications of what it is we do here?

The CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

Mr. EDWARDS. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may state his parliamentary inquiry.

Mr. EDWARDS. If I move at this point to strike the last word, am I allowed 5 minutes to discuss the specific impact of the cuts in our military operations and Qatar and the Middle East which have just been put into effect by the Chair's ruling?

The CHAIRMAN. The gentleman may debate substantive issues on a pro forma amendment.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

I am somewhat bothered by my colleagues' effort not only to gut vital military construction projects at this important time in our country's history, but would even go the extra step to try to cut off the right of Members of this House to tell our military men and women who are fighting that war what has just been done to them.

So now that the Chair has given me that opportunity, despite Members' efforts to cut it off, let me explain exactly what has just happened based on this point of order.

The Special Operations Command and Qatar in the Middle East, again, a vital part of our war in Iraq, will lose $28 million requested by President Bush and the Pentagon for a special operations aircraft operations and maintenance hanger, a hanger needed to basically protect vital Special Operations Command components.

It will also cut $16.5 million out of another Special Operations Command facility and Qatar that was going to provide a hanger for Special Operations rotary wing equipment and facilities and operations. So $54 million has just been cut by this action in the House out of Special Operations facilities that the administration says are needed to carry out our Nation's defense and our war in Iraq.

Mr. Chairman, I try not to take things personally in this process, and I respect the rights of every other Member of the House, but I think the service men and women in Qatar and the servicemen and women at Fort Drum, New York, and our Marines at Camp Pendleton in California, and men and women who served our country in uniform in wars past are going to be deeply offended by what has happened today. And I would like to reemphasize what has happened today was not just the action of two or three Members who are putting procedural budget points above the interests of our Nation's military, it was done also by the House leadership, which 2 days, ago forced through a budget resolution that promised no pain, promised $70 billion in tax cuts, many of those going to people making over a million dollars a year.

Today we are feeling the pain. It is pain that will hurt those who have already sacrificed the most for our country, those men and women serving in the war on terrorism. It is a shameful process.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for "Military Construction, Army National Guard", $5,530,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 376 (109th Congress), the concurrent resolution on the budget for fiscal year 2007.

POINT OF ORDER

Mr. HENSARLING. Mr. Chairman, I make a point of order under clause 2 of rule XXI against the proviso beginning with "Provided," on page 60, line 6, through page 60, line 11. This languages carries a designation for special budgetary treatment for contingency operations. This language constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI, and I ask for a ruling from the Chair.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. WALSH. Mr. Chairman, I insist that the point of order be extended to lie against the entire paragraph.

The CHAIRMAN. The point of order is made against the entire paragraph.

Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

For the reasons previously stated, the point of order is sustained, and the paragraph is stricken from the bill.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think the Members of this House, I think Members of our Armed Forces, I think our Nation's veterans and the American people have a right to know that what this House just did, having already cut over $300 million out of Army programs, having cut Marine Corps programs and Air Force programs, having cut programs requested by the administration for Special Operations Command facilities and Qatar in the Middle East, the House has just now cut the Army National Guard, and not just the Guard, the training facilities for the Army National Guard, the very Guard that our military leaders say is a vital part of the total Army effort to defend our Nation and fight the war on terrorism.

In this particular case $2 million was just cut out of Camp Roberts in California, an Army National Guard facility. Based on this action, they will not have the infantry squad battle course funded. In addition to that, in Indiana, Camp Atterbury, the Army National Guard will no longer have funded the Live Fire Shoot House. So now, having already cut quality-of-life facilities and barracks and housing for our military and other vital facilities, and training ranges out of our active duty military, now we are gutting Army National Guard training facilities to help prepare our Guards men and women to be able to carry out their military duty and come back home safely to their families.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for "Military Construction, Army Reserve", $1,713,000, to remain available until September 30, 2011: *Provided*, That the amount under this heading is designated as making appropriations for contingency operations related to the global war on terrorism pursuant to section 402 of H. Con. Res. 376 (109th Congress), the concurrent resolution on the budget for fiscal year 2007.

POINT OF ORDER

Mr. HENSARLING. Mr. Chairman, I raise a point of order under clause 2 of rule XXI against the proviso beginning with "provided" on page 60, line 15, through page 60, line 20. This language carries a designation for special budgetary treatment for contingency operations. This language constitutes legislation on an appropriation bill in violation of clause 2 of rule XXI. I ask for a ruling of the chair.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. WALSH. Mr. Chairman, I insist that the point of order be extended to lie against the entire paragraph.

The CHAIRMAN. The point of order is extended against the entire paragraph.

Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

For the reasons previously stated, the point of order is sustained and paragraph is stricken from the bill.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, again I think the Members and the American people have a right to know that what this House just did was to cut $1.7 million out of the Urban Assault Course Facility at Fort Devens, Massachusetts, for the Army Reserve. So now we can add it up, we have cut the Army, the Navy, the Air Force, the Marine Corps, the Army National Guard, and that was not enough, now we have to cut the Army Reserve Urban Assault Course, the very kind of training needed when we send our Army reservists over to Iraq to police the streets of Baghdad.

Mr. Chairman, with every minute of this process, I think I better understand why the American people at this point have such lowest esteem for the United States Congress. In one week, we have given the retired CEO of ExxonMobil, Mr. Lee Raymond, a $2 million dividend tax cut. And now we have said we cannot afford $507 million in vital military installations. I don't think that reflects the American people's values. Our military men and women deserve better than this.

Mr. BACA. Mr. Chairman, I move to strike the last word.

I am disappointed with the recommendations that have just been made. We have just heard the President over the week talk about the need for 60,000 National Guard troops. Well, basically what we are doing now, it is going to impact the State of California and the family members in that area.

How can we comply then with the President of the United States saying that we need an additional 6,000 troops on the border when we are cutting back additional guards. Mr. President and the Nation should know what we are doing here today and the impact it is going to have on the National Guard and the State of California and the Federal Government to meet the needs of what the President has recommended. I am disappointed in what has been submitted right now.

Mr. HENSARLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have heard a lot about what this debate is about. That is not what it is about. This is not about whether or not this House is going to support our brave men and women in uniform as they fight this war on terror. Every time the Commander in Chief has come to us and asked us to pass a supplemental appropriation to put guns on the front lines, ammunition on the front lines, gasoline on the front lines, equipment on the front lines, we have done it. We have done it. That is not the question.

But as was brought up earlier in the debate, Mr. Chairman, if you look at this bill, we see that roughly half a billion dollars of projects are coming from what might be viewed as a contingency fund to fight the war on terror. It is not literally called an emergency fund, but functionally that is what it is.

Although I have great admiration and respect for the gentleman from New York when he opines about the purpose of that fund, as a member of the Budget Committee and one who has spoken with the chairman of the Budget Committee and the gentleman who wrote the budget and the gentleman who put that into the budget, this is not the purpose for which it was put there. That is not it.

Mr. Chairman, again, there are at least half a billion dollars of Member projects in this legislation. Now had those projects not been there, we would not have been here today. Half a billion dollars of spending that the Commander in Chief did not request, the Pentagon did not request, and I certainly hear my friends from the other side of the aisle be very vocal about wanting to take away tax relief because we have to support the brave men and women on the front. I wonder if they would be as interested in reducing spending on their particular earmarks in order to achieve that particular purpose.

Again, Mr. Chairman, the question is not whether or not we are going to support our troops, the question is how are we going to do it and is our budget a farce. Is our budget meaningless, or does it actually stand for something?

Those on the other side of the aisle will never lose an opportunity to raise taxes, but maybe there is another option here. Maybe we ought to look at other spending. We know there will be a number of appropriation bills to come to this floor. I do not know what will be in all of them. I certainly know looking in my rear view mirror what some of the spending has been in the past.

In appropriation bills for 2006, we added $273,000 for garden mosaics in New York. Maybe that is money we could have spend today on this military construction. We added $179,000 for hydroponic tomato production. Maybe that money could have been spent on military construction. There was a million dollars for the Water-Free Urinal Conservation Initiative; maybe that money could have been spent. Again, we are debating where this money is going to come from.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HENSARLING. I yield to the gentleman from New York.

Mr. WALSH. I would just like to ask the gentleman, those projects that he just mentioned, are those projects in this bill?

□ 1345

Mr. HENSARLING. Reclaiming my time, Mr. Chairman, this represents appropriations that took place in last year's appropriations bills, and I am using them as an example of pools of money that have been available.

Again, there are earmarks in this bill that did not have to be there. They did not have to be there, Mr. Chairman. So what we have is a budget sleight of hand. The ink is not even dry on the budget, and we are already attempting to violate it. And that is simply not right.

Clearly, the greatest threat, the greatest threat to our country is the war on terror. But we also have another threat, and that is out-of-control Federal spending. If we are going to buy the guns, we had better get a little lean on the butter, and we had better quit wrapping the butter in the American flag in this sleight of hand. It is wrong, Mr. Chairman. It is wrong to do it. We will support our troops, but to sit here and pay for all of these earmarks and all the pork projects wrapped in the American flag is the wrong thing to do.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as I was sitting here, it struck me that the gentleman from Texas resembles a poor imitation of Vice President CHENEY because, like Vice President CHENEY, he is shooting at the wrong target. The first rule of thumb is that if you are going to shoot somebody or something, you make sure you are shooting the right person.

What the gentleman just said to us is almost unbelievable. I mean, it sounded to me like I was in a sophomore high school class rather than in the House of Representatives, which is supposed to be the greatest deliberative body in the world. We are told that because he was peaked about a hydroponic tomato project in a bill last year that somehow he was determined to take it out on the military by yanking out military construction projects that were asked for not by me, not by Mr. WALSH or anyone else, but by the President of the United States.

I do not have any projects in this bill. I have a district that has very little to do with military except with respect to the Guard, and almost all of them are stuck in Iraq. So I can speak objectively with respect to projects. But it does seem quaint to me that if the gentleman did not like something that happened in another bill in another year in the deep, dark, distant past that instead he is going to shoot the future by yanking out money that the President of the United States thought it was important enough to ask for. I think that says something about the judgment of the persons making these motions today.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

I want to stipulate, Mr. Chairman, I do not have any projects in this bill. I also want to stipulate that the gentlemen that have been out here on the floor for the last 2 hours, talking about the fact that they support our troops, they support the idea that we should be funding our troops and funding the war, almost all of them voted against the rule that would have funded all of the money for the last supplemental for the war.

You all voted against the rule. So please do not come out here and lecture us on the idea that you are for supporting the troops when you voted against the rule. Every project that you had stricken today was authorized by the last Armed Services bill that was on the floor about 10 days ago. When I last checked the vote on that, only three people voted against that bill. None of you. So please do not come out here and lecture us.

You picked the wrong bill to have your earmark fight. Please do not tell us you support the troops. Please do not tell us you support the war. When you came out here and X'd out all of these important projects that help our troops, help us win the war, help the administration fight the war on terror.

Pick another bill, not this one, and then try to lecture all of us on the idea that you support all of this. You voted for it in the authorization bill; however, you did vote against it in the rule in the last supplemental, which would have funded the supplemental. So you cannot have it both ways. I know you would love to, but you cannot.

And I just want the record to show what happened here.

Mr. BOEHNER. Mr. Chairman, I move to strike the last word.

I want to thank my colleagues for their indulgence for just a moment.

On Wednesday we passed a budget. We did it, I think, in the right way. Members had ample time for debate. We had a 15-minute vote and the budget was passed. And I am proud of my colleagues on our side for coming together to make that happen.

Once that decision was made, we have got to allocate those funds, and we have got to make decisions. And we are beginning that process, yesterday with the Interior approps bill, today with the military quality of life.

I come here today because there is a process fight under way. Not a fight over policy. Not a fight over the quality of the spending that was in here. It was over how it was done. And the leadership could have intervened and could have protected this and irritated one group of Members in favor of another. We did not do that. But I rise to say that all of us in this House want to do everything we can for our troops. As my friend from Wisconsin, Mr. OBEY, would say, we can all pose for the holy pictures. But the points of order that have been raised on this go to a question of how this $50 billion that was set aside for the use of fighting the war on terror and Iraq is set aside to do that. Last year when we had the military quality of life bill, none of those funds were included in this. We worked with the appropriators today, and I have a better understanding of why it is in there. But we obviously have some Members that disagree about the fact that that money was used in this fashion.

But the reason I rise is to ask all of my colleagues to be patient. It is easy around here to get into a fight over issues of process that sound like some big policy fight when, in fact, it is not about the policy. It is not about the fact that we are not supporting our troops. There is a disagreement over about how this was done today. And I am going to pledge to work with the appropriators and all of my colleagues to make sure that we all have a clearer understanding of how this money is to be spent and the process by which it is spent.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE V

GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Mr. WALSH (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 62, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the bill through page 62, line 19, is as follows:

SEC. 502. Such sums as may be necessary for fiscal year 2007 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 503. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 508. The amounts appropriated in Division B, title I, chapter 7 of Public Law 109-148 under the headings "Military Construction, Defense-Wide" and "Construction, Major Projects" may be used only for construction, or modification of joint-use and/or co-located facilities.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

Mr. WALSH. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Mr. TIAHRT. Mr. Chairman, the elected Representatives of this great institution, the House of Representatives, should be very concerned about the direction of our current and future economy.

Over the last generation, past Congresses and this Congress have created and expanded barriers to keeping and creating jobs in America. And those congressionally constructed barriers are affecting us today.

Our trade deficit this year will be somewhere in the area of $700 billion. China will graduate more English-speaking electrical engineers this year than we do if current trends hold true. India will graduate more software engineers than all the universities and colleges in the United States of America added together. Chile is currently pursuing more trade agreements than the United States. And Ireland has taken their economy in the European Union from third-rate status to the hottest and most vibrant economy in the entire European Union.

There is no doubt that we have the number one economy in the world today, but we are jeopardizing that status by the barriers created by this Congress. Those barriers include health care policy, the fastest growing cost in the American economy. It is nearly 15 percent of our total gross domestic product today. Those higher costs mean some jobs will not be created. Those higher costs mean some jobs will be driven overseas.

Our tax policy punishes success and makes it more appealing to move workers overseas to countries like Ireland. Our regulatory burdens are huge roadblocks to new jobs.

Yesterday, this Congress rejected a commonsense proposal for reform with EPA regulations that would have reduced the costs and still retained 99 percent of the reporting data of the Toxic Properties Inventory Report. Small manufacturing firms of 20 employees or less right now spend more than $22,000 a year on regulatory compliance. If we could just put some commonsense reform and cut those jobs in half, we could increase jobs at those small firms by up to 50 percent by just reforming regulations. This Congress chose not to do that last night.

Our litigation expenses raise the cost through court costs, lawyer fees, and liability insurance costs. Lawsuits drive jobs overseas. Other barriers include engineering policy, energy policy, education policy, trade policy, and unfocused research and development investments.

A regulatory problem that directly affects this bill is related to a company called Agriboard. Agriboard is a panel made of wheat chaff. It is stronger than most manmade materials. It is fire resistant, blast resistant, even tested by the military, energy efficient, mold resistant, termite and insect resistant, environmentally safe, and sound resistant.

Agriboard Industries makes panels for construction for residential, commercial, or military buildings. But they are falling victim to the regulatory bureaucratic red tape fiasco at the Department of Defense.

These panels have been used in Sri Lanka for the tsunami victims and have passed or exceeded DOD structural blast tests. They are stronger, environmentally sound, cheaper, and more durable than most construction material. Yet they have had a hard time getting through the onerous procurement system to be considered by the Department of Defense for base construction. Agriboard products deserve consideration; yet our system is preventing them from that consideration.

Base commanders have limited flexibility on how those projects are constructed based on the value of the project. Instead, the process is handed from top down and is cumbersome and ineffective. A company has to get new materials approved by the Pentagon prior to being used in any significant projects. I am told that process for approval is laborious and complex. This makes our government inefficient. It also prevents American companies, such as Agriboard, from competing and expanding their businesses which would mean more high-paying jobs for America.

Mr. Chairman, it is time Congress removed economic barriers, streamlined the procurement process, because in doing so, we will reduce costs and create more opportunity in America to create and keep American jobs.

Mr. Chairman, I realize our rules would recognize that this is an authorization on the appropriations bill and therefore not in order. But I believe it is always in order to fight for American jobs.

Mr. Chairman, respectfully I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

□ 1400

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

Sec. 601. None of the funds appropriated in this Act may be used to implement Paragraph 4.F of "Public Affairs Guidance On Casualty and Mortuary Affairs in Military Operations," (R 311900Z) March 2003.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first I would like to express my appreciation to Chairman WALSH and Ranking Member EDWARDS for their hard work on this hard task on behalf of the Nation's soldiers.

My task today is one of the saddest aspects of being part of the United States military, and that is when our soldiers fall, when they lose their lives in the service of this country on the battlefields around the world.

I remind my colleagues of a very stoic but very brave situation that occurred when President Reagan left the White House in Washington, D.C. and went to Dover Air Force Base to welcome home the fallen soldiers who had died in Lebanon. All the Nation was able to mourn and all the Nation poured their heart out on behalf of those families and those fallen soldiers. I was then quite shocked to realize that there is now an advisory that directs this government not to honor our soldiers when they come, having fallen in battle, back to the soil of the United States of America.

Might I share with you the language. "There will be no arrival ceremonies for or media coverage of deceased military personnel returning to or departing from Ramstein AB or Dover Air Force Base, to include interim stops." What a shocking statement to make to the Nation, that when our soldiers fall in battle or when they lose their lives as members of the United States military, there is a blanket order, an executive order, an order of this administration, not to pay honor and tribute to them.

Mr. Chairman, I am not speaking of disrespecting family members who desire no such formal ceremonies. What I am suggesting is it should be an option and that there should be no blanket barrier that would, in fact, stop the honoring of these soldiers.

I remind you of the words of Abe Lincoln, who said "Family has made the costly sacrifice on the alter of freedom." We owe them the respect of this honor, and a grateful Nation should be permitted to show its gratitude. But with this blanket order that suggests that there can be no public ceremony, I believe we denigrate, we deny the opportunity for honor.

My colleagues will say that there are individual ceremonies and funerals and memorials. And they may be right. But I ask you as Americans and colleagues, how many times have we been able to mourn as a nation the soldiers who are in the war on terror, fighting in places around the world? In these recent years, we have seen none. We have not honored any publicly.

Yes, one week from now will be Memorial Day, but yet we are denied the right to be able to show our gratitude. My amendment is to comfort the widow and the orphans. My amendment is on behalf of Americans.

Mr. Chairman, let me simply say that in reading this language, I struggled with the reason and the premise. I know that my good friend, Chairman WALSH, is going to suggest that there is a point of order and it is not germane. What I would say to him is that because of its importance, I ask you to waive the point of order, because our families and our Nation is crying out to be able to honor these fallen soldiers.

Why can't we join together as patriots, respecting and recognizing the young lives that have been sacrificed, by the Reservists, the National Guard and all the service branches on behalf of this Nation? Why would you have this kind of prohibition with no basis, no premise, particularly when we saw flag-draped coffins being utilized after the tragedy of 9/11? Why would you not allow us as Americans to embrace the widows and orphans and be able to say to them, thank you.

Mr. Chairman, I ask that the point of order be waived and I ask that my colleagues support this amendment.

Mr. WALSH. Mr. Chairman, I rise to strike the last word.

Mr. Chairman, I do not intend to oppose this nor do I intend to raise a point of order, but I want to make it absolutely 100 percent clear that this amendment will have absolutely no impact on this policy. The funds that the gentlelady proposes to limit are not in this bill. The paragraph 4(f) that she cites is not in this bill. This amendment has no impact whatsoever on this bill. For that reason, I have no objection to the gentlelady's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will only take 1 minute. I just want to respond to something the distinguished majority leader said. He indicated that what had occurred on the House floor today was a process fight.

That is not what it was at all. It was a priorities fight. We saw this unraveling today because the majority party insisted on sticking by a budget resolution which puts super-sized tax cuts for the most comfortable in this society ahead of every other consideration.

We may not see arguments quite as dramatic and as chaotic as we did today on this bill, but as appropriation bills move through this House, we will see similar conflicting priorities, because the budget which has caused the problem is a budget which does not put the needs of military families first, it does not put the needs of education first, it does not put the need to invest in critical programs that strengthen the economy of the country in the future first. Instead, it continues to insist that we provide over $40 billion in tax cuts to persons who make over $1 million a year. That is a priorities fight. It is not a technical process fight. I think we need to keep that in mind.

Mr. WALSH. Mr. Chairman, I rise to strike the last word. I don't know whether this will be the last word, but I hope it is, because enough has been said.

Mr. Chairman, I have made every effort throughout the process of constructing this bill to reach across the aisle and to do this in a bipartisan way, not only because I believe that is the way we should operate here, but because on a bill of this importance that involves our national security and the health and well-being of our soldiers, sailors, airmen and marines, we need to be bipartisan, and I am afraid because of the tenor of this debate that the vote, in the end, will not be. I don't know. I can't predict the outcome.

I do have to say, I very much regret the process fight that we had on our side of the aisle. I strongly disagree with my colleagues who chose this bill to make their fight over earmark reform. Every earmark in this bill is authorized. That is the process that we follow.

I also deeply regret that Members on the other side of the aisle chose to make this their political fight, to make their political points about tax cuts and revenues and to make it a partisan bill. This is not a partisan bill. It should not be a partisan bill.

So I feel badly that the tenor of the debate was not about the strength of our military and the importance of their mission, but it was about process and politics. In my mind, on this bill, there is no place for either. Our commitment is to our troops, to their lives, to their families and to our veterans, and I hope that both sides, now that the debate is over, will close ranks, stand shoulder to shoulder and send our troops a very, very clear signal that we support them, we support their mission, and that we support this bill.

Mr. Chairman, I would urge a unanimous vote on this very important subcommittee appropriations bill.

Mr. EDWARDS. Mr. Chairman, I move to strike the last word. Out of respect for the chairman, I will yield to him, because I think he should have the last word. I won't take all 5 minutes.

Mr. Chairman, I intend to vote for this bill for several reasons: One, because the chairman of this subcommittee worked on a professional and thoroughly bipartisan basis to take what I think was an inadequate budget allocation due to the budget resolution and do the very best with it that he could and we could, and we did that. I think we did a good job of it.

Secondly, despite the fact that I am offended that a half a billion dollars of vital Pentagon requested military construction projects were just taken out of this bill, I think our troops deserve the other projects that are still left in this bill, especially as so many of them are facing wartime. That is why I am going to vote for this bill, and I urge my Democratic colleagues to join with me if they share my views.

I do want to say that to the American people perhaps this has been confusing and seemed like a process. I want to summarize what has happened today.

Because of an inadequate budget resolution which many of us opposed 2 days ago, this House has cut $507 million out of military construction projects the Bush administration said were needed to be funded.

The second thing that has happened today is that because of the budget resolution, and, in my opinion, its overemphasis on tax cuts and its under-emphasis on putting the defense needs of our country above those tax cuts, we have a bill that will cut $735 million out of what the administration requested for defense health care programs for active duty military men and women, including those in combat, and for our retirees.

The one place where I would respectfully disagree with my chairman, Mr. WALSH, is that for many of us, this debate wasn't about politics. For many of us, we pleaded genuinely for this House not to vote for a budget resolution that we felt would result in what has just happened today. We predicted it would happen, that we would end up underfunding key vital priorities for our country. We pleaded at the Appropriations Committee in good faith to not adopt a 302(b) appropriation allocation that for our subcommittee for this bill cut $824 million out of the President's request.

I think to talk about the price being paid because of the budget resolution passed earlier this week, it isn't about politics, it is about an honest difference of where our country should go and where we should place our priorities.

Having said that, where I have agreed with the chairman at every step of the way is in his effort to put together a budget for a subcommittee that didn't have enough money in a way that funded the highest possible priorities given those budget constraints. That was a good process, and that was a bipartisan process, and had the technical amendments and debate not been brought up by several colleagues on the chairman's side of the aisle, we wouldn't have had this fight today. We were going to vote for this on a bipartisan basis.

□ 1415

Having said that, I still hope we support this bill. But I think it is time for us to level with the American people. We cannot have our cake and eat it too. And if we are going to vote for budget resolutions, we cannot run from the impact those budget resolutions have on our military men and women, on education, health care, job training, and other programs as well.

Finally, I want to salute the staff, on both the Republican and Democratic side of this subcommittee, an outstanding professional staff, that did an excellent job of taking a tough budget allocation, doing the best with it that I think anybody could have done.

Mr. Chairman, I yield any remaining time to the chairman out of my respect for him so that he can have the last word.

Mr. WALSH. Mr. Chairman, I thank my colleague for yielding.

Mr. Chairman, I very much appreciate the acknowledgement that he gave to our staff who have worked very, very hard, both sides of the aisle, to make the best bill that we could. I assure my colleague and the Members of the House that as we go forward we will find the resources that we need to make sure that our troops have all of the resources at their hand to be successful in their mission.

AMENDMENT OFFERED BY MR. BLUMENAUER

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, the pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 247, not voting 34, as follows:

[Roll No. 175]

AYES—151

Ackerman
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Capps
Capuano
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costello
Crowley
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Ehlers
Emanuel
Eshoo
Farr
Filner
Fitzpatrick (PA)
Ford
Fortenberry
Frank (MA)
Gerlach
Gilchrest
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos

Larsen (WA)
Lee
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Solis
Stearns
Sweeney
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—247

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Carson
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
Etheridge
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (OH)
Keller
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Ortiz
Osborne
Otter
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Sullivan
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—34

Andrews
Baker
Beauprez
Bishop (GA)
Bonner
Boucher
Davis (AL)
Davis (FL)
Davis (KY)
Doyle
English (PA)
Evans
Fattah
Gohmert
Hulshof
Kanjorski
Kennedy (RI)
Larson (CT)
Lewis (GA)
Manzullo
McDermott
Musgrave
Nussle
Oxley
Pelosi
Reynolds
Salazar
Sanders
Smith (WA)
Stark
Strickland
Stupak
Tancredo
Thomas

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1437

Messrs. SMITH of Texas, BARTLETT of Maryland, WYNN, Ms. HART and Miss MCMORRIS changed their vote from "aye" to "no."

Mr. WEXLER, Ms. MOORE of Wisconsin, Ms. HARRIS, and Ms. CORRINE BROWN of Florida changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Military Construction, Military Quality of Life and Veterans Affairs Appropriations Act, 2007".

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALDEN of Oregon) having assumed the chair, Mr. SHIMKUS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5385) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 821, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 0, not voting 37, as follows:

[Roll No. 176]

YEAS—395

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald

Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—37

Andrews
Baker
Beauprez
Bishop (GA)
Boehlert
Bonner
Boucher
Davis (AL)
Davis (FL)
Davis (KY)
Doyle
English (PA)
Evans
Fattah
Garrett (NJ)
Gohmert
Granger
Hulshof
Kanjorski
Kennedy (RI)
Larson (CT)
Lewis (GA)
Manzullo
McDermott
Musgrave
Nussle
Oxley
Pelosi
Reynolds
Salazar
Sanders
Smith (WA)
Stark
Strickland
Stupak
Tancredo
Thomas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1454

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SALAZAR. Mr. Speaker, due to a commitment of my time in Colorado this evening, I must leave before the end of voting on H.R. 5385, The Military Construction, Military quality of Life and Veterans Affairs Appropriations Act of 2007. Had I been able to finish voting on this bill I would have made the following votes: "aye" on the Blumenauer amendment and "yea" on final passage.

PERSONAL EXPLANATION

Mr. DAVIS of Kentucky. Mr. Speaker, on Friday, May 19, 2006, I was absent from the House due to a prescheduled event with the President on his American Competitiveness Initiative at Northern Kentucky University. Had I been present I would have voted: Rollcall No. 173 (previous question)—"yea"; Rollcall No. 174 (rule)—"yea"; Rollcall No. 175 (Blumenauer amendment)—"no"; Rollcall No. 176 (final passage)—"yea."

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Friday, May 19, 2006 to vote on rollcall vote Nos. 173, 174, 175, and 176 due to a family medical emergency.

Had I been present, I would have voted: "Nay" on rollcall vote no. 173 on calling the previous question on H. Res. 821—the rule providing for consideration of H.R. 5385, the FY07 Military Quality of Life, Veterans Affairs, and Related Agencies Appropriations Bill; "nay" on rollcall vote no. 173 on passage of H. Res. 821—the rule providing for consideration of H.R. 5385, the FY07 Military Quality of Life, Veterans Affairs, and Related Agencies Appropriations Bill. "aye" on rollcall vote no. 175 on an amendment to H.R. 5385 that increases the 1990 BRAC accounts by $27.5 million and increases environmental restoration on formerly used bases account by $50 million, and; "yea" on rollcall vote no. 176 on final passage of H.R. 5385, the FY07 Military Quality of Life, Veterans Affairs, and Related Agencies Appropriations Bill.

PERSONAL EXPLANATION

Mr. McDERMOTT. Mr. Speaker, I had an unavoidable conflict on the afternoon of May 19, 2006, and was not able to vote. Had I been able, I would have voted "aye" on rollcall votes Nos. 175 and 176.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5385, MILITARY CONSTRUCTION, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2007

Mr. WALSH. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5385, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–474) on the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come, and I yield to the gentleman from Ohio (Mr. BOEHNER), my friend, the majority leader.

Mr. BOEHNER. Mr. Speaker, the House will convene on Monday at 12:30 for morning hour and at 2 p.m. for legislative business. We have items that will be considered under suspension of the rules. A final list of those bills will be in Members' offices by the end of the day. Any votes called on these will be taken after 6:30 on Monday evening.

On Tuesday and the balance of the week, the House will consider the Ag approps bill, which I anticipate will be scheduled on Tuesday; the Energy and Water appropriations bill, which I would anticipate to be Wednesday or Thursday; and the Homeland Security appropriations bill, which will be Wednesday or Thursday as well.

On Wednesday morning at 11 a.m. there will be a joint meeting of the Congress to receive the Prime Minister of Israel, Ehud Olmert.

We also anticipate action next week on H.R. 4939, the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Hurricane Recovery, if it is finished.

Finally, I anticipate that we will likely consider energy legislation next week. Specifically, the issue of ANWR is likely to come to the floor.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information, and I, again, would simply emphasize that the majority leader said, as he did last week and accurately so, our Members need to make sure that they are available for a Friday session; am I correct on that?

Mr. BOEHNER. That is correct. As we all know, next Friday is the beginning of the holiday weekend. We do have an awful lot of work to do, and Members should anticipate that we will be here until 2 p.m. next Friday.

Mr. HOYER. I thank the gentleman. I was going to ask him about the days for the appropriation bills, but I believe the gentleman has already indicated which days you anticipate that: Tuesday, the Ag bill; Wednesday, the Energy and Water, or Wednesday and Thursday; and then Homeland Security on Thursday.

Would you anticipate that one of those bills might go over till Friday, or is there other legislation that might be on the calendar for Friday?

Mr. BOEHNER. I think the issue would center around the availability of the supplemental, if it is finished.

Mr. HOYER. Reclaiming my time, if the supplemental has not been completed by the conference committee, would you still anticipate that we would be in on Friday? I yield to my friend.

Mr. BOEHNER. It really depends on how quickly we get through the appropriations process. The House was in late on Wednesday night. The House was rather late last night. As the gentleman knows, I like to go to bed at 10 o'clock, and to the extent that we can finish our work during normal business hours would be my approach.

□ 1500

And considering Friday is a getaway day for the holiday weekend, we are going to work together to try to see how quickly these bills move.

Mr. HOYER. I thank the leader, and I want to comment that the leader has been very inclined to try to work together to make his schedule as accommodating for Members as possible. And I want you to know I personally appreciate it, and I believe we appreciate that on this side of the aisle.

Mr. Leader, on energy bills, you mentioned briefly, but do you anticipate, in addition to the ANWR bill that you mentioned as a possibility, any legislation on the refinery siting that might also be here?

Mr. BOEHNER. Mr. Speaker, if the gentleman will yield.

Mr. HOYER. I yield to the gentleman.

Mr. BOEHNER. There was anticipation that we would have the refinery bill up next week, the bill that did not receive the required two-thirds when it was brought up under suspension, but there have been some conversations under way, bipartisan conversations under way on that bill, and we have decided to let those conversations continue to see if there is some way for both sides to resolve their differences, which would mean that the bill would be brought up under some kind of structured rule as opposed to bringing up the same bill under a closed rule.

Mr. HOYER. I thank the gentleman. I am shuffling papers back and forth here, but, again, ANWR, can you anticipate what you might expect with respect to an ANWR bill?

Mr. BOEHNER. Just that we are very likely to have one next week.

Mr. HOYER. Next week?

Mr. BOEHNER. I wish I could be clearer in terms of what it would look like and how it would be considered; but as soon as those decisions are made, we will pass them on.

Mr. HOYER. I thank the gentleman for that information.

Lastly, I want to ask about two conference committees, the supplemental appropriation conference and the pension conference, which we have discussed on a couple of occasions. Can you tell us what your expectations are with reference to those two situations?

Mr. BOEHNER. If the gentleman will yield.

Mr. HOYER. I yield to my friend.

Mr. BOEHNER. I will do the easy one first.

With the pension conference, there are conversations going on. There has been a lot of shuttle diplomacy, if you will, between offices, both Democrat and Republican, trying to bring this bill together. I do believe that we are making progress. We are relatively close. But considering the complexity of this issue and the necessity that it be correct, I am hopeful we will have an agreement next week, but I have got my doubts whether it can be put together in time to be brought to the floor. But my overall point is that I think we are getting close.

On the supplemental, I have made it very clear that the House will not consider a conference report on the supplemental spending bill that spends any more money than what the President called for for Katrina and the war in Iraq. And, secondly, I have made it clear that we ought to remember that the word "emergency" ought to be put back into the emergency spending bill.

And so I think that the appropriators on both sides of the Capitol have their marching orders. I know they have had conversations. It is hard for me to gauge at this point the chances of whether this bill will be up next week. I hope that it is, but I think they have a big job ahead of them.

Mr. HOYER. I thank the gentleman for the information.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MAY 24, 2006, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, May 24, 2006, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting his Excellency Ehud Olmert, Prime Minister of Israel.

The SPEAKER pro tempore (Mr. MCHENRY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO MONDAY, MAY 22, 2006

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT AS MEMBER TO ELECTION ASSISTANCE COMMISSION BOARD OF ADVISORS

The SPEAKER pro tempore. Pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following member on the part of the House to the Election Assistance Commission Board of Advisors to fill the existing vacancy thereon:

Mr. Thomas A. Fuentes, Lake Forest, California

HONORING B-COMPANY FIRST BATTALION, 108TH ARMOR REGIMENT OF THE 48TH MECHANIZED INFANTRY BRIGADE

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, I rise today to recognize and honor a group of true American patriots from Georgia. This past Monday, I had the ultimate privilege to welcome home from Iraq members of the B-Company First Battalion, 108th Armor Regiment of the 48th Mechanized Infantry Brigade.

These brave men and women, known as the Rough Riders, have just returned home after a year-long tour of duty in south Baghdad. The B-Company First Battalion patrolled the streets gathering intelligence, looking for weapon caches, and keeping the peace in a hostile area.

Each of these patriots made remarkably selfless sacrifices for us, for their country, leaving behind family, friends, and careers to protect the liberty and freedoms we cherish in this Nation. It is only because of the brave men and women like the 108th that we are able to enjoy these freedoms. Our level of respect and appreciation for these soldiers should truly know no bounds. We all, as Americans, owe thanks to them and to all our armed services who risk their lives to protect all of us.

Mr. Speaker, the B-Company First Battalion are real-life heroes. We owe them our unwavering gratitude and support. God bless each and every one of them.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CRIMINAL BEHAVIOR ON THE PART OF INSURANCE COMPANIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, as the Representative of the people of south Mississippi, I want to rise once again to thank my fellow citizens, both collectively and individually, for what they have done for the people of south Mississippi in the wake of Hurricane Katrina. We have been the beneficiaries of tremendous generosity, and I don't want at any time for people to think that what they have done as individuals, through groups, through churches, through charities, and as taxpayers that we are in any way ungrateful for that.

Mr. Speaker, one of the continuing problems that persists in south Mississippi is the whole debate over insurance. When people lost their homes, when on the day after the storm there was nothing there and they tried to settle with their insurance company, in almost every instance the insurance companies refused to pay on homeowners' policies, citing those homes had been destroyed by water and not wind. And, of course, when your house isn't there, you don't have much of an arguing position.

That has affected the lives of tens of thousands of south Mississippians, and they suffer individually as a result of that. But, Mr. Speaker, what I am asking my colleagues to look into, and I will offer an amendment to the National Flood Insurance Program when it comes before this body next week or the following week, is to ask for the Inspector General of the Department of Homeland Security to look into whether or not a crime has been committed against the citizens of this country collectively.

Because when the Allstates, the Nationwides, the Farm Bureaus, the State Farms of the world refused to pay the claim on a homeowner's policy and shifted that cost to the National Flood Insurance Program, I suspect that they took costs that they should have paid out of their pockets and their stockholders' pockets and shifted those costs unfairly and, in my opinion, criminally to the taxpayer.

When an adjustment agent walked to any of the 10,000 slabs and said there is nothing there, your house was washed away, and there was no wind damage, that was completely contrary to what the Navy Meteorological Command tells us, that in communities like Bay St. Louis and Waveland there was 6 to 8 hours of 120-to-180-mile-an-hour winds before the water ever arrived. Even farther away from the eye, in towns like Biloxi and Ocean Springs, there were at least, according to the United States Navy, at least 3 hours of maximum wind before the high water arrived.

So when these agents looked the people in south Mississippi in the eye and denied their claims, they not only hurt them but they are hurting us all. Because, again, when that cost is shifted to the National Flood Insurance Program, billions of taxpayer dollars had to be shifted from other accounts and, more honestly, borrowed to help make up the difference. So it is not fair to them, and it is not fair to the American taxpayer.

I think, at the very least, this Congress ought to ask the Inspector General's office to look into it. I am going to offer that amendment, and at this time I am asking for my colleagues' help on that. We will be going before the Rules Committee next week. I do want to thank Chairman OXLEY for his generosity in hearing me out on this. He has offered a Government Accountability Office investigation. But in total honesty, that is already going on.

I think that when you believe a crime has been committed, then I think it calls for a criminal investigation. And everything I see in south Mississippi tells me a crime has been perpetrated on the people of south Mississippi and the taxpayers of this Nation, and I am asking my colleagues to look into what I think is a crime.

BORDER IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized to address you here on the floor of the United States Congress. Our work here today, like it is every day, is exceptionally important. There are a number of subjects that are on the minds and the hearts of the American people, and one of those subjects is what I intend to focus on, Mr. Speaker.

That subject is going to be the subject that brought the President to Arizona yesterday, along with Air Force One that had a pretty substantial congressional delegation from Arizona on board it.

□ 1515

They visited down there around the Yuma area. I would hope there were some local people that had objections to the position that has been taken by the White House with regard to the guest worker, temporary worker, and I hope they had an opportunity to speak to White House personnel as well as our Commander in Chief.

I find myself occasionally addressing that White House from this microphone or other microphones, not as often directly as I think it should be. I am wondering sometimes if the message is actually heard.

But I have made several trips down to the border myself. I have made at least one trip which was essentially a red carpet trip, maybe similar to the one that took place yesterday with Air Force One. It is impossible as a President of the United States Commander in Chief to go into a location like that and be able to actually observe and experience the full, unvarnished events that are driving the issues at the border. It is not something that any President would be able to do unless he wore a disguise and went on his own because the security has to be so tight. Events have to be planned, strategized. There has to be security that has to be built in. It cannot be spontaneous.

For those reasons, Mr. Speaker, and more, the trip for the President yesterday could not have been a trip that was rooted in fact-finding, but a trip that was rooted in sending a message to the American people that the President is committed to border security and border patrol. We know without doubt that he is committed to guest worker, temporary worker and a path to citizenship as we listened to his speech last Monday night.

As we address this subject matter, I have the privilege of exchanging some words with my good friend and colleague who I have known—grown to know and respect for his input to this process and the character that he brings to the floor, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I appreciate the gentleman taking the time to take a look at this subject that obviously is so important to us, the whole area of border security and immigration. There are so many different facets to this. I just wanted to ask a question or two.

Aside from the technology of how do you enforce the border, how do you build at least from a physical point of view or a deterrent point of view, some of the different aspects of this question because the more that people look at it, it seems like there are more and more questions.

One is you have a couple of parents that are illegal immigrants. They have children. My understanding is that some of our judges have decided those children become automatically American citizens. But I also understand that could be very easily challenged, whether the Constitution should be understood in that way. I think that is one of the issues that we are dealing with.

Another one is the question of English as a language. Do we enforce the things that have made us unique as a Nation? Do we make English the official language of the United States? We assume it is, but we have never passed a law to do that very thing.

There are other questions. There are questions about the employees, whether employers should check Social Security numbers, names and birthdays before they hire somebody. Are we going to enforce that law or are we going to ignore it and go in the other direction?

All of these are significant questions. If it is all right, I would just inquire if you would like to talk about those questions in a little more detail with the time we have.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Missouri. As I listen to the subject matter, I am interested in all of them. I point out first the subject matter that you brought up, what we call birthright citizenship. It says in the Constitution that any person born in the United States and subject to the jurisdiction thereof shall be a United States citizen.

I have not done a thorough, scholarly analysis of that, but rudimentary analysis boils down to this: The language was written into the Constitution with the idea in mind that Native Americans would not necessarily be citizens because they are not necessarily subject to the jurisdiction of the United States—being a separate nation. That is an issue that Native Americans can answer more succinctly than I can answer. But I understood that was the root of that exception clause in there, and subject to the jurisdiction thereof.

Yet today we have a practice of granting birthright citizenship, anyone born on U.S. soil is a United States citizen by practice, not necessarily by Constitution. Some would argue we would need to amend the Constitution to end birthright citizenship. I would argue that our most efficient path to that would be to pass a statutory change that would make it clear that it is not the intent of Congress and our interpretation of the Constitution would be to end birthright citizenship and confer that upon someone who was born in the United States if one of their parents is a citizen. That is the position I would take.

Mr. AKIN. My understanding is the same thing. The understanding of that section in the Constitution dated back about to the time of the Civil War and it was dealing with a different situation and it does not necessarily apply to two people who are here illegally, or just the automatic granting of citizenship just because of where are you born.

From my understanding, we could pass a law, and it might be challenged and the courts would have to take a look at that, but there is a good case that could be made to support what you are saying, which is if we are going to talk about birthright, there needs to be at least one parent that is a citizen of the United States.

Also, it troubles me that America, and one of the things I love about this country is the fact that America has always been a place where there is just one class of people. We call them Americans. From our Declaration of Independence it says "all men are created equal." That means equal before the law. Nobody is better than anybody else. We have one class of Americans.

Yet by us ignoring our own laws on immigration, de facto we are starting to move into or create sort of a second class of citizen that does not really have any rights. They are not subject to the minimum wage or any of those things. They do not have a chance to be part of organized labor or anything like that. They simply come here and if they say anything, they are threatened that they can be sent back over the border. We are almost creating a second class of citizenship, and that concerns me a lot.

I think it is absolutely time that we start to enforce the laws that apply to immigration in this country. There are some people who want to argue that we do not have a right to make any laws that control immigration. That is an interesting question, but we really have two choices. We either say we are going to open the borders wide open and no law is legitimate whatsoever, or we are going to enforce the laws we have. If we cannot enforce them, we can take them off the books.

The thing that concerns me is this whole idea of shifting what America really is, which is one people, Americans, instead of us being so weak in terms of enforcing law that we are starting to create a different America and one where people are not all equal.

I do not know if you have thought about that concept of two classes of Americans. It is very distasteful to me.

Mr. KING of Iowa. Mr. Speaker, reclaiming my time, I have given considerable thought to this and have done some research and a fair amount of writing on this subject matter. We have an upper class in America that has gotten richer and richer, and I am for that. I am for success. Some of those people pulled themselves up by their bootstraps, and they are at the economic pinnacle in this country and in the world. A person like Bill Gates, for example, is a fine and shining example of somebody who had an idea, some creativity and some business skills to put that all together, and he put some good people together. He and Steven Jobs both have done an amazing thing in this era, and they have gotten very wealthy, but they have also created a lot of jobs. And the trickle-down of that wealth has been wonderful for America, as well as how the technology that they have produced has made us all more efficient and improved the quality of our lives as well as our production.

Mr. AKIN. The American dream, live and well.

Mr. KING of Iowa. Entrepreneurship is growing. There are many more people at the upper echelons of our economic society than there was a generation or two ago. As I watch that happen, I think that is a good thing for America. But I would point out that the strength for America has been in the breadth for a prosperous middle class that began to grow in a dramatic way during World War II when Rosie the Riveter went off to work. The middle class grew. We had 1.2 percent unemployment rate back during those years.

As the paycheck came back into the household, and I should also credit Henry Ford because when he put his automobile into production, he wanted to make sure that the people he hired had enough money to buy one of his cars, so he paid them a good wage. That was competitive and that spread across this Nation. So the prosperity of the middle class grew, and it grew from the early part of the 20th century and it grew dramatically in the second half of the 20th century. As it did, the greatness of America grew with it.

You could maybe be a high school dropout but if you were a good worker, you could punch a clock at the local factory and take home a paycheck that was adequate enough that you could buy a modest home and raise your family with dignity and pride and values. That middle class got broader and broader up until perhaps 10 years ago when we began to see it shrink. There was pressure on the middle class from the upper class. That is really not a bad thing, to have people moving from the middle class to the upper class. I applaud that.

But the other pressure comes from the lower side of this when many of the elitists in America figured out that with the click of a mouse, they could transfer capital around the world.

The impediments to business transactions diminished with the computer technology that was developed by Steven Jobs and Bill Gates and many, many others. As that happened, they began to feel the frustration that they couldn't transfer cheap labor as efficiently as they could transfer capital. So with that frustration, and business will always work on the most important issue, they began to transfer cheap labor. They wanted cheap labor in the United States because that is where the factories were. As they brought that cheap labor in, the wealthy got wealthier off that margin of profit they were making, and they had a competitive advantage against those who did not hire illegal labor. The Federal Government did not enforce that and so the wealth that came began to also put into people's minds that they had an entitlement to hiring cheap labor to work in their factories doing, quote, "the work that Americans won't do."

And I reject that concept. And at the same time, they wanted cheap servants to take care of their mansions and trim their lawns and nails. As this happened, this servant class which has been created by the elitists, the new ruling class, the servant class has grown and the elitist class has grown, and this has been at the price of the middle class. It has been at the price of the middle class so that an undereducated, American-born citizen that does not go off to college does not have nearly the opportunities that they had 10 or 20 years ago. Cheap labor has taken that away.

Mr. AKIN. Mr. Speaker, some of the studies that I have seen, the people that get hurt the most by having illegal immigrants working are the people at the lower end of the wage scale, because those are the people taking the jobs that would have been taken by people who are legal citizens of this country, people who waited in line, people who took the classes on citizenship. Now all of a sudden they want to be able to take a job and there is somebody who is taking the job for a couple of dollars less. Those are the ones that are hurt the most by this process of what is going on.

I guess the bottom line is that one of the things that people say is if you want less of something, you tax it. If you want more of it, you subsidize it. My concern is that some of the discussion I am hearing from the other body and not so much from the House here is the idea that we are going to make it easy for the illegals just to basically give them citizenship or amnesty. My concern is whatever you reward, get more of.

In 1986, we granted amnesty to a number of people, and then we had a huge wave of other illegals coming here saying pretty soon they will do that again.

We need to avoid making that mistake, make the tough decision and say no amnesty and say we are going to enforce our laws. We have to say we are going to let the people waiting in line trying to follow our laws, we are going to reward those people and not reward law breakers.

My concern is that any proposal we deal with would not be rewarding law breakers because if we do, we will encourage more of them. I think those reasons, economic reasons and many others, we need to take a very good look at our policy on border security and immigration.

I know that you have done some innovative work in terms of what can be done on the border.

□ 1530

In some ways to have certain crossings where everybody knows that is where you go through and we stop just these hordes of thousands of people coming across every day. I really appreciate your imagination and your good work and also your scheduling this time to talk about what I believe is one of the questions that is really foremost on the minds and hearts of many Americans.

We all have a great deal of respect for the American Dream and for the fact that we are really all Americans. I do not even like to use the word "class." I do not think it applies in America. But I know that you have that love and respect for this country, and I appreciate your taking a tough issue this afternoon and dealing with it, and I appreciate the fact that your views on this subject are ones which are going to strengthen our country overall. So thank you very much for taking a little time on that subject.

Mr. KING of Iowa. Mr. AKIN, I thank you for your contributing to this debate in the fashion that you have and your willingness to be flexible in the manner that you delivered it. I really do appreciate that.

I would like to just take a couple of minutes and address the issue of English as the official language, which was part of the subject matter that you raised, and it is something that I have worked on for what is my 10th legislative year that I have promoted establishing English as the official language of the United States. And I spent 6 years actually working to establish that in Iowa to help paint our piece of the American map the color of English, so to speak. And that was a 6-year endeavor. It was far more difficult to accomplish than you would realize from talking to the American people, who out there are almost universal in their support of establishing English as the official language of the United States.

And those numbers are something like, which I saw some today, Democrats, about 82 percent support English as the official language; and Republicans, about 92 percent support English as the official language of the United States. I did not see what the Independents think, but one would think being a little more independent minded they might want it even more than Democrats or Republicans, but I am confident they are in that similar zone between 82 and 92 percent. There are not many issues in America that we can find that kind of an agreement on, but official English is one of them.

And as I brought legislation here to the House and I ended up with 150 different cosponsors on the legislation that would establish English as the official language, I have been trying to find an avenue to bring it through committee and bring it out here.

But what happened in the United States Senate yesterday was Senator INHOFE's bringing an amendment to the immigration bill that was before the Senate yesterday and remains before the Senate today and presumably for several more days before such time that it might be ready for final passage; and he was able to successfully introduce his amendment that would establish English as the official language of the United States and bring it to a vote on the floor of the United States Senate.

Now, we all think in this House that we are the quick reaction group, that we are the ones that are the most in touch with the feel and the mood of the American people. That is how our Founding Fathers envisioned it. They wanted us to be responsive, and that is why they required that we go back for reelection every 2 years. And generally we are substantially more responsive. We feel the mood of the American people. We hear from them. We have to go back and look them in the eye and explain to them what we have done on their behalf and how we have conducted ourselves in office, and they explain to us what they want us to do. And I continually hear from them, they want English as the official language of the United States.

So, happily, yesterday the Senate heard them and they moved and with, I believe the number was, 63 votes, passed English as the official language of the United States.

Now, it is interesting that the President has called for immigrants to learn English and, in fact, to demonstrate a proficiency in English in both reading and writing, essentially the same standard, as I interpret him, that is provided in the citizenship requirements, which are statutory and something that we require of everyone who is naturalized. So with the President advocating for the learning of English for newly arriving immigrants, both legal and illegal, and the Senate's passing legislation that establishes English as the official language of the United States, we sit here now in this House playing catch-up rather than being the leaders.

And I always want us to be the leaders in this Congress, Mr. Speaker. I want us to be the ones that are out there on the vanguard, out on the front, the tip of the spear, so to speak. We need to be the ones that initiate spending by the Constitution. It is our job to initiate the appropriations bills, and we need to be initiating the policy. But we have an opportunity now to link onto the initiation of good policy that was introduced by Senator INHOFE yesterday and introduced several days before, actually, debated to conclusion and voted upon yesterday with 63 votes. It is common sense.

And not only is it common sense; I did some research once to determine why does this make such simple sense to me and why does it make such simple sense to the American people. And I thought, well, I wonder how many countries have an official language. So I got out an almanac and I looked up the location where they have the flags of all the countries in the world. So there I found the names of the countries in the world, and I got out the only research that I had. This was several years ago, before the Internet, and I had the World Book Encyclopedia.

So I thumbed through there and I started with the first country, and I looked up every single country in the World Book Encyclopedia because there they have a list that shows the official language of each country as you look it up. I looked up every country that you could find in the almanac, looked up their official language, and I found that every single country according to that study, in the world, except the United States of America, had at least one official language. And for many of the countries, and it would be surprising, English is their official language. So I thought, well, there is one other sovereignty out there that I had not really checked on, and because of some issues that I had heard that were raised, I thought I should check out the official language of the Vatican. So I looked up the Vatican.

They are a sovereign state, yes. They have their independence within that part of Rome and that part of Italy. But the Vatican actually has two official languages. One is Latin and some of us grew up around Latin. And the other one is Italian. So if it is good enough for the Vatican to have an official language or two, it is good enough for the United States to have one. And throughout all of history, God recognized this, and I do not need to repeat the story of the Tower of Babel, but God recognized this when he scattered people to the four winds by confusing their tongues.

But a common language, a language that would be the same language for all of us to speak, is the single most powerful unifying force known to all humanity. If you want to be unified as a nation, you need to speak all one language. And if we do that, we can work together, we can cooperate together, we can identify ourselves as Americans. There is a camaraderie involved there. There is a bonding agent involved in that language. And to be able to go anywhere in America and pick up a newspaper or go to a public meeting or walk into a business place and communicate in a single language is a very, very good thing for the future of this Nation.

And it is important for us to establish an official language. And I would tell you that if we had another language here that had the kind of penetration and usage that English has, I would be for that. If it were Swahili and 90-some percent of us spoke Swahili, I would be saying Swahili needs to be our official language. It is not the point of what the language is. It is the point of having one language that is official that binds you all together.

Now, the bill that I have and the bill that is in the Senate, as I understand it, does not preclude at any point utilization of other languages. It does not disparage any other languages. In fact, my bill, I believe, has language in it that says one shall not disparage any other language.

We think it is a good thing, and I think it is a good thing, for people to have multiple language skills. Those that are proficient in a number of different languages have an ability then to do business in other countries. And with the communications that we have today with the Internet and with the telephone prices being what they are with voice-over Internet, those who have more language skills have more business opportunities. That is a very good thing. Knowing that we need diplomats and diplomats that can go to foreign countries and be able to step in and understand the cultures of these foreign countries, it is important to encourage and promote the teaching and learning of languages in such a global country as the United States is, where we have people in every country of the world.

There is no country that has a more effective and more diversified diplomatic mission than the United States of America, and we need to draw for those missions from people that are trained in languages, and we need to exchange with other countries so that we can train our young people in languages.

But all of those things notwithstanding, Mr. Speaker, we must establish an official language for a number of good, logical, rational reasons. And among those reasons are, for example, if we do not have an official language, if we have two people that come together and they write up a contract on a business deal and one of those contracts is in German and the other one is in Japanese, and they say, Here, I have my German version and you have your Japanese version, let us sign these. You can keep the one that is your language and I will keep the one that is in my language. And those two people get into a disagreement and they go to court.

Now we bring those documents before the court, and the court has to rule on which one is the one we are going to go by, the Japanese version or the German version. And if so, is it an appropriate interpretation of one or the other. And often we come up with disagreements on interpretations, and that is why we need to have one official language. That would be the English language, one that everything is anchored back to, one that everything that is interpreted is interpreted from.

So as we watch what is happening here, we will see the Voting Rights Act come up on this floor sometime relatively soon, Mr. Speaker. And in that is the reauthorization of the bilingual ballots. And I have taken a stand, and I will continue to take the stand, that there is no reason in the United States of America to produce a bilingual ballot for anybody. This is not something that was part of the Voting Rights Act. There are not people that were being disenfranchised because they did not have ballots in different languages. In fact, because we print them in different languages, people are being disenfranchised. The bilingual ballot provision should be stricken from this bill.

There are only two reasons by which you could even ask for a ballot in a language other than English. And one of them is if you are a naturalized citizen to the United States and you did not speak, read, or write English. You could say, I came over from France and I only speak French, so I want a French ballot, and I am a naturalized citizen. You have to be a citizen to vote in America. And I would say to those people, whatever they might be from, naturalized in the United States of America, welcome. Welcome here. We are glad we have you as a fellow American. But I am sorry, we are not going to give you a ballot in French or any other language because you have to demonstrate proficiency in English in order to gain citizenship in the United States. And if you have somehow duped the system, I do not want to reward you by giving you a ballot and making us jump through hoops and come up with an interpretation that may or not be an accurate one. That is one example.

So a naturalized citizen already had to demonstrate proficiency in English. Therefore, there is no reason for them to ask for a ballot in a language other than English.

So the only other scenario would be if there is a birthright citizenship that Mr. AKIN raised a little bit ago. Someone is born in the United States. That makes them automatically an American citizen, at least by practice today. Not by Constitution, but by practice. And if that individual, by the time they are 18 years old, has not learned enough English to read a ballot that essentially has titles and names on it, for the Fifth Congressional District, STEVE KING, and my name is going to be the same whether it is in Spanish or French or English; so it is simply the title that you have to learn, if that situation where someone who is born in this country can get to be the age of 18 or more and not understand enough English to read a ballot, which I think I could learn to do, in at least anything but the Asian ballots, in a matter of a few hours, then I do not believe they understand the culture well enough in America to give them the authority to begin to contribute to establishing who will be the next leader of the free world, Mr. Speaker.

It would have only taken 527 different votes, half of them changing their minds in Florida, to give us Al Gore for President instead of George W. Bush. And how many of those instances does it take for people who are requiring a ballot in different languages, who have not learned the culture of the United States, and who were born here? So under no circumstances would I grant a pass, but I would encourage people to learn English, and that is the way we can do that. We do not need to be enablers. We do not need to be handing people ballots in languages when they did not request them, and we do that under today's bilingual ballot system.

We need to tie that all together, Mr. Speaker, and we need to have this single most unifying characteristic known to all humanity: a common language, an official language. The American people want it. The American people demand it. The Senate has reacted. The President has spoken favorably about learning English, although he has not endorsed the bill, to my knowledge. We need to bring it here to the floor of the United States Congress.

That would help bond us together as a people. And, Mr. Speaker, we are sorely in need of being bonded together as a people. We are so sorely in need that I am watching Republicans that are running scared, afraid that somehow they are going to alienate an ever-growing segment of the population of the United States. I think there is a lot more that qualifies people and a lot more to celebrate in people than necessarily their national origin.

I will argue this, Mr. Speaker, that we are all created in God's image. He draws no distinction between his creation. He blesses us all equally. We are born in different places in the world, citizens of different countries, but created in His image regardless of our ethnicity, our national origin, our skin color, whatever the case may be.

□ 1545

For us to draw distinctions between perceived differences in people based upon those things is an insult to God, because he draws no distinctions between his creation. He has created us all equally. We are all created in his image. He doesn't draw distinctions, and neither do I, Mr. Speaker. In fact, I applaud everyone who can pull them up by their bootstraps. The spirit of humanity, the competitive nature, the need to take care of your family and the desire to do so.

But I also applaud patriotism. I applaud the things that made this Nation great. We very seldom talk about the things that have made this Nation great, but I submit in a short order this Nation derives its strength from a number of things, and that is the United States of America, of which Iowa is a vital constituent part, is the unchallenged greatest Nation in the world, and we derive our strength from Judeo-Christian values, free enterprise capitalism and western civilization.

When you anchor those things together, when our ancestors and the predecessors to us in this country came over across mostly the Atlantic Ocean and settled on the East Coast, where we stand today, they gave their lives, their fortunes and their sacred honor to building a nation that believed in manifest destiny, and that was a nation that had low, and in many cases no taxes; in many cases low, and in many cases no regulation.

One could invest their capital and sweat equity in work and watch it grow. You had to work hard at it and be smart, and surely there were fetters along the way, there always are. That is part of the system. Some will succeed and some will fail. If we were guaranteed success in everything we do, then it wouldn't be any fun and we really wouldn't try. We would sit back and let it come to us.

But because there is failure, there is also something to measure on the other side for success. And that success allowed for the manifest destiny, for the settlement of this North American continent, for the Transcontinental Railroad to be built and the golden spike driven, tied the two continents together, and this continent was settled in the blink of an historical eye because of free enterprise capitalism, low and almost no taxation, low and almost no regulation.

Free enterprise capitalism and manifest destiny, on the back of western civilization, which gave us the understanding of science and technology, it was a foundation for this dynamic economy that came and this robust American experience that was the characterization of this great American experiment, which still is a robust Nation, still the unchallenged greatest Nation in the world, with the unchallenged dynamic economy that is rooted in free enterprise capitalism, that has grown from western civilization and the science and technology that goes clear back to ancient Greece. We learned from that, we built upon that, the Age of Reason to the Age of Enlightenment, to the North American continent to the United States of America.

But what has been so good about us is that we would have become, I believe, the most imperialistic, power hungry conquering Nation in the world if we hadn't been limiting our appetites for imperialism and conquest because of our religious values and our religious beliefs, our sense of humility, our sense of duty, a sense of being blessed by God with this Nation, and the governing aspects of holding back and giving to the rest of the world rather than taking from the rest of the world. That is what is different about the United States of America, and that short background that I have given is the biggest reason why people want to come here.

We sometimes have people leave the United States to go live somewhere else in the world, but they are few and small in numbers compared to the people that will do about anything to come to the United States to live here. In fact, we have seen plenty of that.

We have the most generous legal immigration policy in the world, both in terms of sheer numbers and as a percentage of our population. We have been extraordinarily liberal with our immigration policies, and yet every Nation must establish their immigration policies.

There has been a backlash to that in Europe. You will see in countries like Denmark, where they have started to shut down their immigration. The Netherlands, they have shut down to some degree, they started again to shut down their immigration. We saw what happened in France with thousands of cars that were burned. That is the results of essentially having more of an open borders policy, and you will see them tightening that down.

We did that in this country too in 1924 when we saw that the massive legal immigration that was coming into the United States that started in the last quarter of the 19th century and ended in the first quarter of the 20th century, the wisdom of the Members of this Congress in this very Chamber, Mr. Speaker, took the position that we needed to allow a rest time, a time out, so-to-speak, a break, so that there could be assimilation take place and that newly arrived immigrants could be assimilated into the American civilization, to the American economy, to the American culture and the American way of life.

Had we not done that, we wouldn't have this distinct character and quality that we have. We wouldn't have had this robust Nation, this sense of togetherness and patriotism that allowed us to fight and win World War II and essentially emerge from that conflict as the world's only surviving industry. The world's only surviving superpower was the United States of America, up on the world stage because we got assimilation right, we got free enterprise capitalism right, we got our values right, our faith in God and the qualities of that foundation that grew from old English common law and their faith that came with that, tied into our Declaration and Constitution and fused into the culture of America, and we have that dynamic, the Protestant work ethic some say.

But we emerged from World War II this dynamic Nation. And we held down the immigration throughout World War II and throughout the fifties, all the way up until 1965, and we did that because we wanted to allow for assimilation. We had a high birth rate. I am a product of the baby-boomer generation, as most of us in this Congress are, Mr. Speaker.

Then as the laws were changed in 1965, they put in place a thing that allows for the thing we now call chain migration. The chain migration, once you come into the United States, presumably legally, with the exception of the '86 amnesty and the six subsequent amnesties to that which we passed, you come into this country during chain migration, then if you become a citizen, even as a green card holder, you can bring in your spouse and your dependent children. When you become a citizen, then you can bring in your parents, your spouse, your dependent children and I believe your siblings.

But this allows for an uncontrolled immigration that is no longer controlled by statute, no longer controlled by Congress, it is controlled by the people who want to come to the United States, not by the people in the United States and not by the people in this Congress. At least we haven't intervened.

Yet we find ourselves today watching 11,000 people every single day pour across our southern border. I have gone down less than 2 weeks ago and sat in the dark on the border and listened as I heard the cars come up, and this is the Arizona-Mexico border, and sat and listened as I heard the cars come up across the desert with their lights out, about an a three-quarter, and I could hear the cars. I could hear one of them dragging a muffler, driving around the brush. They came to the same location each time, a larger mesquite tree, stop. You could hear the doors open, you could hear people get out, you could hear a little chatter. The doors would close, they would talk a little bit more and then hush. And then they would infiltrate through the trees and across the fence and into the United States.

I sat there and listened to load after load after load in one spot that I had, I will call him a guide pick, to take me down there to get a feel for what it is like.

Now, I don't know that they were bringing illegal drugs across the border, but I am very confident they were coming down there for the purposes of crossing the border. And all they had to do was take a five strand barbed wire fence and just cross through the spots that had already been stretched in the same places where the tracks already were and walk into the United States.

So some places we actually have a human barrier, a steel wall that is maybe 20 feet high and actually in some cases, mostly, it is not that high. We installed it in a way that there are horizontal ribs, so they are like little steps to climb up. But those are short little sections.

Then we have some longer sections where we have vehicle barriers, and the vehicle barriers were a negotiation between the environmentalists, who wanted to make sure that you could get, well, let me see, I know for sure one of the species would be a desert pronghorn, so it could get down and walk underneath the barrier that is there. They did not want to upset the ecology.

Never mind all the damage that is being done to our natural resources. If the Members of this Congress, Mr. Speaker, could see the litter that is scattered over our national parks and the parts of our parks that are off limits to American citizens because they have been taken over by drug smugglers and illegals.

Organ Pipe Cactus National Monument is one of those places where they simply said we can't do this anymore, we are going to mark this off so that we will keep the Americans out of here. It is too dangerous, essentially owned by smugglers and coyotes, and I don't mean the fury kind, I people mean the people smugglers that are there.

I have been to those places when I had some security, and it is a tragedy that we can set aside American property, set it aside for illegals who have invaded that part of our world and not let American citizens go there because it is occupied.

In fact the regions down there, many of them, are occupied. The peaks that are good vantage points along the drug smuggling routes are occupied. There are lookouts there. I could take you to any number of them, several dozen lookout locations where there are two men on top of a mountain, 24/7, with AK-47s, with infrared technology, with fine optical equipment, with solar panels to keep the batteries recharged, and they are being resupplied on a regular basis.

They sit up there with their radios that have encrypted messages in them so we can't hear them talk, and they are listening with their scanners to everything that our Border Patrol says. They know where our people are all the time. We don't apparently know that they are there, or for some reason we don't go pick them up off of these peaks.

I would not let the sun rise on a single pair of them if I were in command of this operation. I would have them off of there every single time. If I had to mount a raid every morning, we would go up there and lift them off or we would do it in the night with our infrared technology.

But we cannot allow the Mexican drug dealers to occupy the military positions in the United States, as much as 25 miles into the United States of America, for the purposes of smuggling, according to our Federal Government statistics, $60 billion worth of illegal drugs into the United States every year.

Ninety percent of the illegal drugs in America come across the southern border. Ninety percent, Mr. Speaker. That is $60 billion. There is $20 billion worth of wages, most of those wages earned by people that are in the United States illegally, that get sent back to Mexico. There is another $10 billion that goes to other Central American countries.

But the economic force on that border is $60 billion worth of drugs being sold, pushed into the United States. Now, the demand here is another subject entirely and it is something I am more than happy to address with my colleagues.

But I will address specifically the narrow part of this, which is drugs coming into the United States. $60 billion going to the other side of the border, $20 billion in wages matching that, $80 billion for Mexico alone, add another $10 billion to the Central American countries, there is $90 billion worth of pressure on our southern border, $90 billion.

And the cost in American lives is staggering. The loss of American lives to the people who came across the border illegally is in multiples of the deaths of September 11. That easily documentable. Twenty-eight percent of the inmates in our prisons in America, city, county, State and Federal, are criminal aliens; 28 percent. And they don't comprise anywhere near that percentage of the population. Perhaps 5 percent of the population are alien in one form or another.

But 28 percent of our prisons are occupied by criminal aliens. They aren't in the jail because they broke an immigration law. That hardly exists at all. They are there because they have committed murder, rape, assault, dealing in drugs, theft, grand larceny. That is costing us $6 billion a year in order to incarcerate the criminal aliens in America: $6 billion with a B, and that is a low number, Mr. Speaker.

We are spending another $6 billion to guard our southern border, the 2,000 miles down there: $6 billion. That comes out to be $3 million a mile.

So I had this thought. Me being a capitalist, and I have spoken favorably of capitalism here, what would it be like if you would give me $3 million and say pick your mile, STEVE KING, and go down and guard that. And you have got $3 million to work with for that mile.

I believe that I could set that mile up real easily so that there wouldn't be one soul get across my mile. I would bond it and I would guarantee it and I would make a ton of money doing it, and I would end up the first year a millionaire. Easy enough. $3 million a mile.

Why don't we open up a contract and allow entrepreneurs in America to bid these contracts and say pick out your section of the border that you want to defend and we want to take the best deal we can.

We are spending $3 million a mile. If you can come in here and protect a border for $1 million a mile, that saves $2 million a mile. That is a lot of capital to have left over.

If the Minutemen want to come in and bid that thing and sit in lawn chairs next to each other for a mile, let them bid that mile that way. Then we could count the footsteps, the tracks in the dust of those that get by. We will make them bonded, and for every one that gets by, we will dock their paycheck for that, because they did not do their job on that, and we will pay a unit price. Free enterprise capitalism. And whatever we dock out of the contract for those that get past that mile, we will give that money to the Border Patrol to chase them down.

□ 1600

We can set this structure up easily. And I can tell you what I would do. I would want to bid a lot of these miles. I would want at least 1,000 of them if they would let me do it. Maybe I could only get a mile. Maybe I could only get a demo, Mr. Speaker. But I happen to have, by happenstance, a demo next to me on what I think we can do with this border.

Mr. Speaker, this represents the desert. Pick your place. New Mexico. That is not the Rio Grande, so I do not presume it is Texas. I have to be a little gentle in this chamber when I talk about Texas. I do love Texas, and maybe one day maybe they will adopt me, not as a favored son, but just as a fellow colleague.

However, New Mexico, Arizona, parts of California, it is a desert. And it has got sand there. And now it has got a few rocks. But this would represent just the old flat desert. Now imagine a little brush growing back and forth here. So we go in there and we decide we are going to build a wall.

I do not want people going across my section, because I do not want my contract docked. I want all the money that I have contracted to earn.

So I go in here and I set a trencher in there on that end and I trench this on out. I cut myself a groove, at least 4 feet deep, a toe wall down through the middle. That is the hole we would have. I know there are rocks there. And we can kick some of those out, and some of them we are going to have to stop and go down and maybe drill and put some foundation rods in.

But we have this trench across the desert. Now, we have got a company up there that is a neighbor to me. And they can go in, and I talked to them the other day. I said, could you make me a machine that would slip-form a footing with a 4-foot deep trench and with the capabilities of going 6 foot deep, but also have it so I can have a 4-foot wide trench, 4-foot deep, 6 inches wide down below, but 4 foot wide up on top for 8 inches so that we can have a foundation to put in a 12-foot high concrete precast wall.

Now, here is what we have. This is the footing for the wall that I have designed, Mr. Speaker. And it is pretty simple. This is a 4-foot deep trench, 6 inches wide. Fits right in this trench. That is the trench. You go down, trench that out and pour that full of concrete with a slip-form. And that slip-form also lays the width of this footing, this side here is going to be another 2 feet on this side, and on that side, with a notch in the middle so we can put our precast concrete in there.

Now, as we run along with this trencher in this trench, and go right with the trencher integral with it, we come with a slip-form machine, and we pour this concrete footing. And it fits in the ground just like this, Mr. Speaker.

Now we have got a foundation for our wall. And that foundation will hold up to precast concrete. And it is at least 4-foot deep. And we can make it 6 foot or deeper if we choose to do that. That is actually a pretty cheap piece. That is a matter of the cost of the digging and the machine and laying the concrete. And you put some steel in here so it ties together. We let that cure for a couple a days, then we come along with these precast concrete panels.

They look like this. They are 12 feet high, they are 10 feet wide. And we simply set these precast concrete panels in this foundation with a crane or an excavator. And they go in just like this. And my little old construction company could do this. Now I am really out of the business, it is my son's construction company. I do not have any doubt they can throw these precast concrete panels together and drop them into this footing, they can pour the footing too, along with a lot of other skills that they have developed over the years.

But this is how you build this wall. Pick them up with a crane or the excavator, swing them in place, drop them down like this, sits right in there, put a little expansion in here so it does not buckle on you in that hot Texas sun, and keep throwing this wall together.

Now, we can build a mile of this a day, Mr. Speaker, with the operation that I have spent my life working with. And that is just a little old company. Think what you could do if you were somebody that was a little bigger, maybe like Haliburton or Bechtel or something like that.

But here we have now, in this little bit of time while I stood here, built this nice wall. It is 12 feet high, these are 10-foot wide panels. It is 6 inches thick. It has got steel in it. It has got reinforcement in it. We have got little eyes tied on top here. And that is not really a coincidence, Mr. Speaker, and the reason that it is not is because, you know, there are some folks that actually could find a way to get over the top of this wall.

And our military has determined that a safe and efficient way to keep people from going across those kind of places is if you just go in here and you put a little concertina wire right there. Okay. Concertina wire right on top. And you string that along. Now this is not going to be too fancy, because I am not going to take your time up with a lot of artwork here. But you are going to get the idea when I get done, that this is not all that complicated. Then I am going to tell you what it costs.

All right. I am going to leave that just lay. You get the idea. We have a little wire here on top. We can do that three rolls on top, if you like, it does not have to be one. And it will be easily affixed so that it stays.

We can also put infrared sensors up here, vibration sensors, and motion sensors, inside or outside of the wall. We can monitor this thing. We can put lights on the inside of it. One thing they cannot do is shoot through a concrete wall so good. And so the optical equipment that we put on the inside would be protected from the kind of rifle shots that generally come from the Mexican side of the border shooting out the cameras we have down there now.

Now, build this wall, Mr. Speaker. And the reason is because there is no amount of Border Patrol people that you can put down there, and no amount of National Guard people you can put down there that are going to keep the hoards of people from infiltrating across 2,000 miles of border.

If you think you are going to do that, you might as well go to the barn with a fly swatter and swat flies and think you are going to finish you job. You are not. You have got to do something that will actually stop the flow of human traffic.

And I will say this wall itself will be 90 percent effective. And then you have got to support it. You have got to support it with border patrol people and you have got to drag the wall and track people, and cut that sign and chase them down and catch them.

And over time they will decide it is not worth trying. And they will do something else with their time, Mr. Speaker. So now I have built a wall here pretty fast for you. And you are wondering, this probably costs a lot of money. Well, the reason that I brought this to the attention of the Congress is because it does not cost very much money.

We are spending $6 billion over the 2,000 miles of our southern border, $3 million a mile. The President has asked for another $1.9 billion to be able to start hiring more border patrol and fund 6,000 National Guard troops additionally.

That takes him up actually over $8 billion for our southern border, over $4 million a mile. This wall to these dimensions that I have drawn here can be put up, and I would bid it and I would bond it today, for $500,000 a mile. 500,000, $1 out of the $6 we are spending today, or $1 out of the $8 they will spend tomorrow under the President's proposal.

Mr. Speaker, it will do far more than 6,000 National Guard troops. Far, far more. It will be effective. It will be efficient. And it will send the right message.

Now, I am okay with putting a little website on the other side here in Spanish that tells how to come to the United States legally. I think we ought to do that on every single panel. Here is where you go to see the consulate to sign up for citizenship. I would cast it right in the concrete, just like it says, here is the boundary of the United States on those concrete pylons down there on the border from horizon to horizon.

I would put it right in there. Here is where you go. Hit this website. And then we have established now something that is due, the symbolism of a wall that says, you cannot come here. We are a sovereign Nation. We will establish our own immigration laws.

We are not going to allow people from other countries who have shown disrespect for our laws to establish immigration laws in the United States of America. That is our job here in this Congress, Mr. Speaker.

It seems as though as bright as they have been in the Senate in a few times in the last few days, it is not necessarily the way that they see that over there. And I am concerned. But we can build this cheaply. $500,000 a mile, instead of wasting all of that money that we are spending swatting flies in the barn, as I said, Mr. Speaker.

So this sends a message. It sends a message to Mexico. And it says, clean up your act. Clean up the corruption in your country. Give your people an opportunity. Look around the world and see where it is successful. Emulate those people that are successful. Adopt the policies that you covet. If you want to come to the United States and you want to live with the prosperity that we have here, you also have to learn the reasons for the prosperity of the United States, it is not just because we are a few hundred miles north.

It is not because we are any different as human beings than anyone else. We are created in God's image, as I said. The difference is, we have far less corruption in the United States. We do not have in existence a patronage system like you have in Mexico.

You can learn from us. You can adopt us. But the people of Mexico have got to rise up and change their country. And the very people that will be the change and the salvation in Mexico, are the ones that are coming here.

So one of the good things that can happen is, this free education that is being provided to the children that are in this country illegally gives them the background and the skills to one day go back to their home country and help grow that economy. And when that day comes, when that day comes, then we can say, we can say then to the leadership in Mexico and points on south, Mr. Fox, Vincente Fox, General Fox, because I think he commands a lot of troops that he is sending up this way, you need to clean up your act, you need to get prosperity in your country. And when you do so, Mr. Fox, then and only then can we tear down this wall.

Clean up your country, Mr. Fox, so we can then tear down this wall and we can live together in peace and harmony. And I would happily go down there and pull these panels off and stack them in piles and wait for the next corrupt government to show up in Mexico, Mr. Speaker, and put the wall back up when that time came.

We are fighting a corrupt government in Mexico that is sending us $60 billion worth of illegal drugs, wiring at least $20 billion down south of real earned wages, which I do not really begrudge that so much, and another $10 billion to other parts.

But this policy that is over in the United States Senate today, this Hagel-Martinez policy, you can ask them how many people do they authorize into the United States? Is it 11 million? Is it 12 million? What is your number?

And they might concede 11 or 12 million. But I guarantee you they will not give you the real numbers. Robert Rector's study at the Heritage Foundation rolled out a number based upon language that was very conservatively founded. And that number was 103 to 193 million people legalized into the United States, not at the choice of Americans, but at the choice of the people from the other countries that want to come here.

And then they passed the Bingaman amendment, a Bingaman-Feingold amendment that capped the guest workers, took them from 325 and open-ended growth each year down to a 200,000 per year cap.

Then that number, when you only calculate that each of them would bring in 1.2 members of their family, then that number is only, only, only, Mr. Speaker, 66.1 million. Not 11 million, 12, million, 66.1 million people.

Ironically, when we go back to the beginning of the records of legal immigration in the United States of America, we only have records back to 1820. And we take those up to the year 2000. What is the number of people who have come into the United States legally in all of history?

66.1 million people. The very number that is authorized by Hagel-Martinez, if you low-ball it and each of them only brings in 1.2 people as their chain migration number for spouse, families, children. If you take it up to four, which is the number that is used by the United States Citizenship Immigration Services, four per every authorized guest worker, I will say illegal given amnesty, then that 66 million goes to 88 million.

And Lord knows when it stops. So I have to submit this question. And that is to the people that are advocating for open borders, is there such a thing as too much immigration? And, you know, you cannot get them to say yes to that question. They will not say yes, because they know the next question is, then how much is too much?

They will not put a number on that, because they do not want to discuss the numbers that they are legalizing and authorizing now. I will submit that there is such a thing as too much immigration. And 11 or 12 million is too much. We have our doors open to more than 1 million a year, the most generous of any place in the world. We have 66 also, well, this is actually a number that is not quite correlative, 60.1 million nonworking Americans between the ages of 16 and 65.

Now what country in their right mind, when they looked around and said we need the labor, and in fact if we do need the labor, would they go to a foreign country and bring in people that were illiterate and unskilled to do the work for people that have 60.1 million people that were sitting around not working?

And we would pay a good chunk of them not to work as American citizens and bring in other people to do our work for us. How rational is that? And they argue that there is work that Americans will not do? What is the most difficult, hot, dirty and dangerous job in all the world? I would say it is rooting terrorists out of Fallujah.

And what do we pay a young marine in 130-degree heat with a flack jacket on, his life on the line for you and me? $8.09 an hour if he gets in a 40-hour week. But it is more like a 70-hour week, so he is down to about $2.75.

There is no job Americans will not do, Mr. Speaker. And Americans will do the hot, dirty and dangerous work. We can seal this border. We can end birthright citizenship. And we can shut off the jobs magnet. We need to do all of that. Then and only then can we have a legitimate debate on whether or not we ought to have guest workers.

☐ 1615

EFFECTS OF ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the Chair recognizes the gentleman from Texas (Mr. POE) for 60 minutes.

Mr. POE. Mr. Speaker, the United States is under attack. And like December 7, 1941, we are asleep on a Sunday morning. The reason, Mr. Speaker, is because this Nation is under attack by another nation. We are being invaded, we are being colonized, and there are insurgents from the nation of Mexico and their allies further south.

Mr. Speaker, in 1836, the State of Texas from which I hail from was invaded by Santa Ana and his Mexican Army, and they found those Texans who were seeking independence from Mexico in a beat-up old Spanish mission that was 100 years old at the time called the Alamo. They were led by a 27-year-old lawyer from South Carolina by the name of William Barret Travis. William Barret Travis knew the odds were against him, he knew that freedom was important, and he drew a line in the sand and he said, "All of those who wish to die for liberty, cross this line." And they all did, save one individual who unfortunately hailed from the nation of France.

Texas lost the battle of the Alamo, and Mexico continued its conquering of Texas. General Sam Houston, who hailed from Tennessee, Governor of Tennessee, came to Texas, led the Texas Army at the Battle of San Jacinto. Texas was liberated from the nation of Mexico and gained independence on April 21, 1836.

I bring that history to the floor of the House because history is important for us to understand what is now taking place in the year 2006 in our country. Texas remained an independent nation for 10 years, and then in 1845 became a State in the United States. This body, along with the body down the hallway, admitted Texas to the Union by only one vote. Some wish even now the vote had gone the other way. But be that as it may, Texas became a part of the United States. And in history, the Southwest was first and foremost claimed by the nation of Spain, and I have on this map over here this beige color on the southwestern portion. And Spain claimed what was Texas west and went as far as California, and of course claimed Mexico. And Spain claimed that area and was Spanish for 100 years or more.

In 1810, Mexico decided to gain independence from the nation of Spain. They wanted their own country, and they fought from 1810 to 1821 to gain their independence. Spain lost Mexico because they were at war with Napoleon over in Europe, and Napoleon was hammering Spain at the same time the Mexicans were hammering Spain here in the Americas.

So Mexico became an independent nation, and Mexico claimed much of this area that was formally Spain's. Of course, in this same area lived those people that we call American Indians, mainly the Apaches and the Comanches. Now, they didn't really have towns; they just roamed that entire area that is in beige. So you have the American Indians and you have Mexico claiming this territory. And, of course, Texas was a part of Mexico at the time because it was settled under Spanish rule.

Texas decided to gain independence from Mexico, because Mexico went from a democracy to a dictatorship. Sounds familiar, does it not? That dictator was by the name of Santa Ana. And when Santa Ana became the dictator of Mexico, he abolished what we enjoy as human rights, civil liberties. And that is why Texas gained independence and fought for independence, to have those basic rights that now all Americans have.

Anyway, after Texas spent 10 glorious years being the Republic of Texas and joined the Union, Mexico was upset with that conduct, and in 1846, invaded the United States of America in three places. One was in Matamoras, that is down here in the lower Rio Grande Valley as we call it, and came across the river. Also at that time they came in Palo Alto, Texas, in a place called Palma that no longer exists.

Of course, the United States, seeing that we were invaded and Mexico was trying to reconquer the Southwest, actually declared war on Mexico. Thus, the Mexican-American war.

And just so we understand, Mr. Speaker, what the intentions of Mexico were in 1846, the President of Mexico, President Paradas, spoke of occupying not only Texas, but taking Louisiana, New Orleans, and even going as far as Mobile, Alabama. Well, his desire to conquer the Southwest and part of the South never materialized, because American troops along with Texas Rangers went into Mexico and defeated the Mexican Army at Vera Cruz, occupied Mexico City; civil war broke out in Mexico, the government was replaced.

California is declared an independent republic for a period of time, and the American forces conquered this entire area of the Southwest, California, New Mexico, and Texas, once again. And the treaty of Guadalupe Hidalgo was signed, and Mexico ceded California and New Mexico to the United States. It also recognized the boundary line of Texas and Mexico as the Rio Grande River. That was already done in the previous treaty that Mexico signed when Texas became an independent nation.

So the second time Mexico reaffirmed the border of the Southwest being the Rio Grande River. Mexico got 15 million for this acquisition along with forgiveness of all of the debts that were owed to American citizens in Mexico. And then in 1853, the United States bought more land from Mexico called the Gadsden Purchase, and in that document reaffirmed for the third time that the border between the United States and Mexico was the Rio Grande River.

Now, the reason I mention all of that, Mr. Speaker, is because now today, the year 2006, there are some who still want Mexico to occupy this entire land. And it is obvious from the actions from Generalissimo Fox in Mexico that this is his intention. In fact, let me give you some examples.

The nation of Mexico has furnished school books to the school districts in Los Angeles. Of course, they are in Spanish. And in those books they teach that this land, Los Angeles, still belongs to Mexico. We even have people who live in the United States of Hispanic descent that teach the same thing, that California really belongs to Mexico and they wish to reconquer it.

You know, Vicente Fox, Generalissimo Fox, is really a fox in fox clothing. Unlike his ancestor, Santa Ana who invaded the United States, he won't bring troops into this country. He stays behind the border and sends his people here and expects them to colonize and invade the United States. I will give you an example of that, Mr. Speaker.

We have here on this chart part of a document, a coloring book that is published by the Mexican Government, Vicente Fox's government, and this is handed out to Mexican nationals before they come into the United States telling them how to get into the United States illegally. And this is a portion of the book that I have put for you on this chart, Mr. Speaker; and it is a guide for the Mexican migrante. Here it shows illegally crossing the border. This other panel shows what happens when you come in contact with those mean old border security agents in the United States, what to do about a human smuggler or a coyote and how to pay those individuals, and then this last panel shows another place of where to cross or not to cross.

This whole booklet is given to Mexican nationals so they know where to cross so they can avoid places where the border security is, avoid places where maybe the wall will be built like Mr. KING is proposing to do.

But in any event, it is an insurgency in the United States that seems to me to be sponsored by Generalissimo Fox. You know, it appears to me that Mexico is at war with the United States and we don't even know it. We have 5,000 people a day illegally crossing into the State of Texas. As Mr. KING pointed out earlier, we have 11,000 coming across the entire southwestern portion of the United States every day, and they are not all coming here to work. There are three types of people.

We know that the drug cartels are bringing drugs in this country like never before. We also know that those people that want to do us harm, we still call those people terrorists, they are coming across the southern border of the United States. And there are other people coming here illegally. And what are we doing about it? Well, we have a place called Maywood, California where the public officials have decided that this town in the United States is going to be a sanctuary for illegals. In other words, if you are an illegal from another country, you can go to Maywood, California, and they will make sure that the local police don't arrest you for being in the country illegally. They even want to name a new elementary school there in Maywood, California, U.S.A. by the name of President Benito Juarez. Of course, he happened to be President of Mexico at one time. Colonization of the United States, Mr. Speaker, is taking place.

And to carry it further, last week when it was reported that the National Guard may go down on our borders, the Mexico City newspaper was outraged about this and quoted a lot of locals about what they thought about it. One Mexican national said in the Mexico City newspaper, "No wall, no fence will keep us out. For Mexico, there are no obstacles." It sounds to me like folks are coming over here uninvited and appears to be an invasion.

You know, certain groups in the United States want Mexico to retake California and the Southwest, and they advocate such. Two of those groups, Aztlan and MEChA, both are groups that you can see are in favor of colonization of this country and turning it back over to Mexico.

To give you an example of that, we have one elected official in Baja, California, a reported Gloria Vargas, that says, "Many Mexicans are nourishing the ground in the United States. This was once our land. Those same lands we are reconquering for our country, Mexico."

It seems a bit odd we have American elected officials preaching and advocating that this country, part of it, ought to go back to Mexico.

So apparently there is a movement to conquer the United States. And I wonder, Mr. Speaker, are we going to cross the line and fight for our Nation, or are we going to remain asleep on a Sunday morning while the invasion takes place? The line obviously is drawn in the sand.

I want to mention those three types of groups that are coming into this country. Now, I hail from Texas, southeast Texas. Where I come from is right on the Gulf of Mexico and it borders Louisiana, and so I have been very familiar with the outbreak of folks coming in the United States illegally from all nations. I have spent some time down on the Texas border with our local sheriffs all the way from Roma, Texas, up to Langtry, Texas. Probably no one in this House has ever heard of either one of those places. There was a favorite judge of mine by the name of Judge Roy Bean who used to hold court in Langtry, Texas.

But be that as it may, I was down on the border with some of our Texas sheriffs, and at one time I was there with Rick Flores from Webb County and Ziggi Gonzales from Zapata County, and I wanted to see how the drug dealers were bringing dope into the United States. Now, Webb County is where Laredo, Texas is; across the river is Nuevo Laredo. And so the sheriff said, Okay, I will take you to portions of the Texas-Mexico border, but I am not taking you down to certain portions of the border unless you go with my SWAT team and you are wearing a bullet-proof vest. And I said, Why do I got to wear a bullet-proof vest for? And he says, You go down to the river in certain parts, those drug dealers are going to shoot at you, not from the American side, but from the Mexican side.

Now, Mr. Speaker, I have got a problem with that. I have got a problem with being on sovereign U.S. soil standing on the border getting shot at from the other side. Now, I wonder if that offends anybody besides myself.

Anyway, we went down to the border. We saw what takes place on the Texas-Mexico border, because the drug cartels are fighting every inch to bring that dope into the United States. It is a very well-organized movement. Nuevo Laredo, as I mentioned to you, used to be a town which shared common interests with Texas and Mexico, frequent border crossings, legal border crossings, and tourists would go to Nuevo Laredo. Nuevo Laredo now is a war zone. It is run by the corrupt officials and the drug cartels. Over the past 2 years, the murder rate in Nuevo Laredo is the highest in the world because the drug dealers are killing off the police and they are killing off the citizens and they are fighting with each other. There have been 44 kidnappings in Nuevo Laredo and Laredo of American citizens; and yet of those 44 kidnappings, not one, Mr. Speaker, not one has been solved.

☐ 1630

All of those murders in Nuevo Laredo of the police and of the citizens and of the good people in Mexico, not one have been solved. That is what is going on because of the drug cartels using Nuevo Laredo as the staging area to bring that dope into the United States and sell it among Americans.

It is an epidemic, it is organized, and these folks not only have the narcotics, they have the money and they have the fire power.

I was talking to Sheriff Flores of Webb County. Webb County is about the size of Rhode Island, and he has about 27-30 deputies. At any given time, he has seven deputies on patrol in a county the size of Rhode Island. He was telling me, you know, the drug dealers, they have got more money than we do. And let me give you an example: he said, I make $44,000 a year. My deputies, they make about $27,000 a year. A drug dealer, he makes $30,000 a week bringing drugs into the United States. So there is more money in lawlessness than there is in following the law.

Anyway, he said they had better equipment and they have better fire power and better communications. He said that, you know, when we are out on patrol and we use our cell phones, those drug dealers in Mexico track us with GPS; they know exactly where we are, and they have better vehicles than we do as well.

So that is the armed invasion that we are fighting on the border, and not just in Texas, but it occurs in Arizona and New Mexico and California as well. So it is important that we take care of business and protect the dignity of the United States, to keep the drug dealers from bringing those drugs into the United States for money.

You see, it is all about money, and we will get to more about that in a minute, but you follow the money trail and you will see why people do what they do when they invade the United States.

On the second trip down to the border, I was with other Texas sheriffs, and we saw the same thing where the drug dealers sneak into the United States, and they have paths into our country and they know what we know. Let me explain to you that.

The Border Patrol of the United States patrols the first 25 miles from the border inland. So the drug dealers make sure that they get that dope 30 miles inland because once it is 30 miles into the United States, they can take it anywhere else they want to in the United States. This is all they have to do is avoid the Border Patrol for the first 25 miles because that is all the Border Patrol is allowed to patrol by law. That is why we need not only the Border Patrol but the sheriffs, the Texas sheriffs, the Arizona sheriffs and the California and New Mexico sheriffs, all involved in border security.

So that is the first group that we have to protect ourselves against. That is the duty of government, Mr. Speaker, is to protect the public, protect the people. In this House, we pontificate every day about what government ought to be involved in. Let me tell you something, the first duty of government is national security, protect the people of these United States. Oh, programs and building bridges and that kind of stuff may be important, but it is not as important as the number one duty of government which is to protect us, and our government has the duty to protect us from those criminals who are vicious that are bringing dope into this country.

The second people that we need to be concerned about are terrorists; and, Mr. Speaker, I serve on the International Relations Committee and the Subcommittee on International Terrorism and Nonproliferation, and we understand that terrorists want to do us harm. We forget our history too quickly. September 11 was not that long ago, but the next terrorist attack that occurs against us is probably not going to be because somebody gets on some airplane and flies into Reagan National over here and gets off the airplane and says I wonder what damage I can do to Washington D.C. It is not going to happen that way, even though we are doing the best we can in the airline industry.

It is going to happen that somebody crosses the border into the United States because this country still has porous, open borders. It is easier to cross the border, and we know that has already occurred, Mr. Speaker. How many of those people that are here are going to do us harm? We do not know, but we do know that there are people who wish to do us harm that are forming cells in Mexico, assimilating into the Mexican population, learning Spanish and then sneaking into the United States as migrant workers and setting up cells in this country and some day hoping to do us harm.

We have an obligation to fight the war on terror at our borders. We are protecting the borders of other nations. Why are we not protecting our own border against terrorists? That is the second group of people that we have to demand that we keep out of this country, and those are the terrorists.

Then the third group of the people are those human traffickers. We call those people coyotes because that is what they are is a bunch of coyotes who bring people into the United States for money, and the human smugglers work with the drug dealers. That is what we have got to understand; and that little group of terrorists, we know they are kind of involved in all of that, too. You see, these three groups all work together because they know the routes into the United States to bring drugs, damage or weapons and bring human beings, and for those reasons, we have to protect the dignity of our country.

We know, of course, that the Mexican Government, Generalissimo Vicente Fox is not doing anything to stop this, contrary to what he says, contrary to the comments he makes, that apparently he is not doing anything to stop this nonsense.

We recently understand that in Hudspeth County, Texas, an armed group of military from Mexico, in other words, Mexican soldiers, were on American soil helping drug dealers. The Hudspeth County sheriff so relates this event; and we know that in the last several years, since 1996, there have been 200 recorded incidences of Federal military from Mexico on the American side of the border. Why are they here? Well, they are not over here looking for work, Mr. Speaker.

So now we use our military to go down to the border, the proposal to use the National Guard to enforce the border, enforce the rule of law, to help our border sheriffs, to help our Border Patrol. So what is Mexico's response? They are going to sue us. Well, we are going to take you to court in your own court and try to prevent those military, those American soldiers, from being on our side of the border, protecting us from them. How outrageous is that, going to sue to prevent that from occurring.

Not only that, you know, over in Maricopa County in Arizona, the sheriff there is trying to enforce the rule of law and arrest folks that are illegally in the United States. They threatened to sue him, too, because you do not have the authority to do that says the Mexican Government, and so they are going to take him to court, trying to prevent local law enforcement from enforcing American law.

So how have we allowed ourselves to get in a situation where we have a foreign nation taking us to court in our own courts, preventing us from protecting our borders? Just like in 1836, when William Barret Travis and those volunteers at the Alamo, volunteers from every State in the United States and 13 foreign countries, including Mexico, fighting for dignity were under siege of Santa Ana, it appears that the United States, at least on our southern border, is under siege by Generalissimo Santa Ana Vicente Fox.

The invasion, of course, benefits Mexico and its allies—$20 billion a year in remittance go to Mexico since Mexican nationals working in the United States send that money south of the border. The number happens to be $20 billion. That is just a number. You know, here in Washington, $1 billion here, $1 billion there, does not mean anything; but to Mexico, that $20 billion of money going south of the border into the coffers of Mexico is the second largest amount of foreign income into Mexico, save only the crude oil that they sell on the world market.

We also now understand the population of the northern states of Mexico has declined 35 percent. Well, where are those people? They are all in the United States. When I was down on the Texas-Mexico border, the sheriffs were explaining to me, the border towns across the river, many of which you could see, are almost totally empty of the male population. The only people there are kids and women and older citizens. Well, where is the male population? They are all in the United States, sending money back to Mexico. Mexico, the border towns in Mexico have become ghost towns because those people have come to the United States.

President Fox is making his problem our problem. His failure to get rid of corruption in Mexico, his failure to have a stable economy, his failure to take advantage of the workers in Mexico and the natural resources in Mexico to make that nation a prosperous country, he is making his problems our problems.

Let me at this time, Mr. Speaker, recite to you an immigration policy: number one, if you migrate to this country, you must speak the language. Two, you have to be a professional or investor; no unskilled workers are allowed. Number three, there will be no special bilingual programs in the school, no special ballots or elections, and all government business will be conducted in just one language. Four, foreigners will not have the right to vote. Five, foreigners will never be able to hold public office. Six, foreigners will not be a burden to taxpayers; there will be no welfare, no health care, no government assistance. Seven, if foreigners come and want to buy land, this is highly restricted. Eight, foreigners may not protest; no demonstration, no foreign flag, no political organizing and no criticizing the President or the policies. Nine, if you come into the country illegally, you will be arrested by our Federal police, sent to jail and then deported.

Mr. Speaker, this is not the U.S. immigration policy, but this is the alleged policy of President Vicente Fox in Mexico. It appears to me that the immigration policy of Mexico is quite hypocritical because they have a policy that they do not want us to have in this country, and it is ironic that Mexico defends its southern border from illegals coming in from the South American countries and from Central American countries, has an immigration policy like this, and the United States is harassed, intimidated and criticized for trying to have a simple and fair immigration policy.

Let me continue to show you how absurd this problem has become.

There is this little document called the matricula consular card. Now, what that is, is a card that is issued to people illegally in the United States. That is an identification card, and that matricula consular card is not just used for identification, but it allows people—illegally in the United States—to go and open a bank account. Then the bank, working with the illegal that is in the United States, can ship that money that they are earning here back home to whatever country they come from. Some say there are 11 million people here illegally. Others argue that there are 15 million, maybe 20 million people illegally in the United States.

Let us talk about immigration. Let us talk a little bit about the guest worker program. Oh, how the United States has been criticized by certain countries because we do not let people come here. The United States is a Nation of immigrants, we all know that. It still has the most liberal immigration policy in the world. We let more people in legally in the United States every year than all of Europe does, and let me give you an example of how many people.

This chart shows since 2000 how many people we legally let in the United States each year: 2000, it was about 1 million; 2001, 1.1 million; 2002, 1.1 million; 2003, 1.2 million; 2004, 1.1 million. These are people legally allowed into the United States; and you notice, most of these people stay in the United States. They have a legal permit to be here. Under whatever system they come here legally allows them to stay 3 to 5 years. So we have several million people already in the United States legally. We also know that 40 percent of them that come here legally, when they are supposed to go home, they do not do it. That is another issue.

So this business about we do not have a guest worker program is nonsense. What has this done? Has allowing 1.1 million people legally in the country every year stopped illegal entry into this country? Absolutely not. In fact, all it has done is encourage more people to come here illegally because people are going to come here whether we let them in or not, and that is just the way it seems to be. So the guest worker program does not stop illegal entry into this country.

This body down the hallway from us who want to increase the number of people legally coming here under a guest worker program must understand that that will do nothing to stop the illegal entry into this United States.

We hear that they are taking jobs away from Americans. I think that is nonsense. That is just an excuse to let people who come here illegally and come here legally as an excuse to pay them subpar wages. It appears to me that the United States is sort of staring down the barrel of this big battle and embracing the enemy.

□ 1645

And if we were at the Alamo, it would be similar to asking Santa Anna to come on into the Alamo for whiskey before he takes us over, because we do not seem to understand this problem and the affects on our Nation. If affects our country.

Let us talk about education. Many States are looking for money to educate their youth. Education is one of the bedrocks of this Nation, educating the young to be all they can be. But most States, and I do not know any State that has more money than they need in the area of education, but part of their education problem is they have to educate people that are here illegally because that is the way it is. They have to educate those people. In some States, my State for example, up to 20 percent of the cost of the education system in the State is based upon the fact they are educating people illegally in the United States.

Why don't we talk about that? Why don't we deal with that issue? Is there any other country in the world that one of us in this room could illegally go into and demand an education in our own language and get it? I think not. But in the United States we do it, and we pay the consequences for the illegal entry into our country.

The second one is health care. Every American is concerned about health care and the cost of health care. There are so many Americans in the middle class that are opting out of insurance because they can't afford insurance and they are concerned about health care for themselves and their families and what is going to happen to them down the road. It is one of the biggest concerns all of us in this House hear about every day, the cost of health care. Well, about 23 percent of the cost of health care is being paid by us because people who are in the system aren't paying for it.

And I am not talking about the uninsured. I am talking about the people here illegally in the United States. Just a couple of weeks ago, a hospital down in my district just spent $250,000 on one patient, and he happened to be in the United States illegally. Because of an injury that he had, we paid for it because he certainly didn't have any means to take care of himself.

We know illegals go to the emergency rooms. The highest most expensive costs in our health care system are the trauma rooms, the emergency rooms, and they go there to get taken care of because we don't turn anybody down. That is our system in this country. Does that make any sense at all?

So what are the hospitals doing? They are closing their emergency rooms. Some hospitals are closing down because they can't afford to stay in business because they are treating people that don't pay their own way. And Americans are not getting health care because we are having to pay for the health care of those people who are here illegally in the United States.

The third category, besides education and health care, is the criminal justice system. Before I came to this House, I spent all my time in the criminal justice system, first as a prosecutor, and then 22 years as a judge down in Texas trying felony cases. And about 20 percent of the people that come through our criminal justice system are illegally in the United States. So they are not only committing crimes, they are getting caught, then going through the justice system that taxpayers pay for, and then they go to our penitentiaries, if convicted, and we have to pay for that system too.

So we get hit twice by criminals from other countries all over the world. First, it is the crime, and second, we pay for the crime because we furnish them the system and then we pay for their incarceration as well.

The fourth category, of course, is social services, such as Social Security benefits. Our Social Security System was never designed to be a system that took care of people illegally in the United States and allowed them to send their Social Security benefits back home to the country they came from, and yet that is occurring. The Social Security System was never designed to be an identifying system that employers have got to check Social Security numbers.

Social Security was never designed to be an identification for who you are. It is a retirement system. So we have abused the Social Security System, or allowed it to be abused by those people who don't even belong in the United States.

Another category that I just cannot comprehend is how we allow folks that are illegally in the United States, and I am not talking about legal aliens or immigrants that are here legally, we will get to them in a minute, I am talking about folks who are here illegally in the United States, who graduate from one of our high schools and then want to go to college. Now, if one of these folks from some foreign country, any foreign country, illegally in the United States, gets admitted to one of our State universities in Texas, they pay in-State tuition. They pay the same tuition anybody else in the State of Texas would pay.

Remember, we wonder, do we not, why are they going to school anyway if they are illegally in the country? But let's say you are from Oklahoma. We can talk about Oklahoma or Iowa, where Mr. KING is from, and let's say one of those students, American citizen, legal immigrant, wishes to go to school in the State of Texas to a State school. They pay out of State tuition because they are not from around here. They are from some other place. So we make them pay out of state tuition.

So I ask this question, Mr. Speaker: Why do we discriminate against American citizens in other States, legal immigrants in other States, make them pay out of State tuition and furnish an in-State tuition fee to a person illegally in our own State? That is an absurd policy. I don't understand why we do that. That is certainly not fair to people that are legally in the country or to American citizens.

One thing that has been mentioned and continues to be mentioned is the concept of the fraud that is perpetrated on the United States based upon the 14th amendment. Let me give an example.

Down in south Texas, frequently pregnant ladies come across the Texas River, illegally coming to the United States from all over the world, and then they have a child born then in the United States. We assume that child is an American citizen. And because it is our policy to assume that person is an American citizen, the mother gets to stay. If the husband is here, he gets to stay. And before you know it, the whole family is allowed to stay because of the fraud perpetrated on the American people by that pregnant individual coming into the United States illegally and having a child.

It is based upon a phrase in the 14th amendment that says that "All persons born or naturalized in the United States and subject to the jurisdiction thereof" are citizens. Now, notice, Mr. Speaker, what the phrase says. It says "all persons born or naturalized and subject to the jurisdiction thereof" are citizens.

Well, I think the argument should be made that that individual that perpetrated a fraud on the United States, illegally coming into the country, is not subject to the jurisdiction of the United States. She is subject to the jurisdiction of whatever country she came from. And, hopefully, this matter will be resolved by either legislation from this body or by our Supreme Court across the street to determine whether or not those people really are subject to the jurisdiction of the United States and whether they should be granted automatic citizenship or not. That will be left for another time.

But just to show you how we are our own worst enemy and how we are inviting the insurgents into our country, we have cities in this Nation, it is usually the large cities, the big cities, and, unfortunately, it happens to be my city of Houston, Texas, that have sanctuary policies. What a sanctuary policy is that local police officers are instructed that they are not to stop people and inquire as to their legal status in the country. If they do so, then they will be disciplined. This gives an open invitation to people, because they know they will not be stopped by the police, arrested and deported.

What used to happen, Mr. Speaker, was local police would stop somebody on a traffic or some other minor offense, find out they were here illegally in the United States, and they would turn them over to the immigration officials and immigration officials would then deport that individual. That doesn't happen any more. Now they may stop them and realize they are from some other country, but they let them go because cities have sanctuary policies. Don't arrest people here illegally in the United States.

This means you can get arrested for jaywalking but you can't be arrested for being here illegally in this country. Makes me wonder whether or not we have lost our common sense.

Let me read some letters and correspondence I have gotten and received from individuals about this whole issue of unlawful entry into the country. As many Members of the House have done, we have received numerous comments, e-mails, letters and phone calls of what people think about this whole issue of the border and border security, which is the issue.

One of the towns I represent is a small town called Humble, Texas, and Zine from Humble has written me this comment: She says, "I am an immigrant myself, who was blessed to have the privilege of becoming an American citizen. I came to this country legally many years ago with my two daughters. As soon as we arrived, my daughters were enrolled in school so they could learn English and we spoke only English at home. My sister, who sponsored us, took us to McDonald's and told my daughters that they couldn't really be Americans unless they ate hamburgers and drank Coca-Cola. Five years later, we became U.S. citizens. We are Brazilian by birth and Americans by choice, and we did it legally. We never demanded any rights because we had none until we became citizens. We pay taxes, we obey the law, we love this country with its tradition and all it stands for, and we do not wish to see it destroyed or changed. In 2004, I had to go to the emergency room of a local hospital. I was there for 7½ hours because the waiting room was full of illegals who, according to the law, had to be taken care of. I pay taxes, they don't. Where are my rights?

Another letter I received from Jack, in Houston, Texas, tells me this. He says, "My wife, who I love dearly, is an immigrant, a legal immigrant who took the time and effort and wanted to do the right thing that would allow her to come and stay in this country legally. For illegal immigrants to demand their citizenship and rights I think pretty much violates all this country stands for, which is fair and equal treatment under the law of the land, which they seen fit to break. To me, this is akin to convicts in prison demanding to be released because they want to be released regardless of crimes that they have committed."

Another U.S. citizen of Hispanic descent, Marinell, from Houston, proudly writes, "Speaking for the Hispanic community who are U.S. citizens, I'm asking you for your support to secure the borders. There are some issues that are very important and are simple that should be followed. One, close the border. Two, make illegal entry into the United States a felony. Three, no amnesty programs by any name. Four, guest workers should be fingerprinted and background checked. Five, any detained illegals should be immediately deported.

Six. English only. The cost to us for accommodating so many languages is overwhelming. Seven, no more automatic citizenship for people born in America of parents who are not U.S. citizens. Eight, exact a tax on money wired out of the United States by illegals. Nine, stop listening to illegals and start listening to Hispanics who are U.S. citizens.

Ten, don't believe that our economy will collapse if we don't have illegals. We would all rather pay a little more for goods and services and less for our health care premiums."

Wise common sense by a person who did it the right way, proud to be in the United States and proud to be here legally.

Philip from Montgomery, Texas, says, "I've heard it argued that illegals are only coming to improve their economic standing. Can not the same be said of anyone who commits larceny? They want to improve their economic standing as well. Illegals are systematically robbing our public coffers, denying our citizens adequate education, medical care and other essential services. Enough is enough."

Carl from Beaumont, Texas, writes, "The argument used to justify illegal aliens is that they will do the work that Americans won't do. Well, that is not correct. Americans will do the work if paid the going wage, not less than the minimum wage. I am disheartened that we reward employers who rob Americans of honest work by cheap labor. This has to stop. This country has grown into a powerhouse without resorting to economic slavery of immigrants."

Just this week I received a letter from a member of a local union down in Beaumont, Texas. He sent me a newspaper article. This newspaper article headlines "Fabricator requests 300 Mexican workers. Company claims there's not enough Americans to work." And the article goes ahead and points out that there are three businesses down in Beaumont, Texas, that want pipefitters and welders to come on board from other nations because there is not workers. Well, that is preposterous. This local pipefitters union member wrote me a letter saying he hadn't even heard about this, and his whole responsibility is finding jobs for local citizens as pipefitters and as welders.

And you notice we are talking about pipefitters and we are talking about welders. We are not talking about someone doing unskilled labor. These are good wages. And some of the businesses would rather hire people from other nations, claiming there are no Americans that will take these jobs, and then pay subpar wages. Mr. Speaker, this is just not right, and these individuals certainly, who are American citizens and are legally here, ought to be receiving the jobs over people from other nations.

So what are the solutions? The first one, the government has to fight for America. Some have said that our government's at war but it is at war with the American public, at war with the American will. We ought to make sure our government has the moral will to protect the dignity of our country, the borders, both the northern border and the southern border.

Our government has to quit working for other nations. There are reports even this week that the Minutemen, nonviolent individuals who go and sit on the border and watch for illegals coming in and then notify the Border Patrol, there are reports that the Border Patrol is telling the Mexican government where these Minutemen are so that the illegals crossing into the United States go around them.

I do not know if this is true or not, but we are going to find out if that is true and it is going to stop. The American Government has to work for America not for foreign governments.

We have to protect our borders. I mentioned earlier that we protect the borders of other nations, so maybe we ought to protect the borders of our own Nation. Third world countries protect their borders better than the United States does.

□ 1700

The reason is we do not have the moral will to protect the dignity of the border. We talk about how we are going to protect the border, but we have not done it. There was talk about it in 1996 when this House talked about border security and a guest worker program. Nothing happened. We got the guest worker program, we just didn't get border security.

My grandfather used to say when all is said and done, more is said than done. That is what is going on. We are talking about it and there is a lot of publicity about it, but it does not seem that we are demanding and securing the border.

We have to help the Border Patrol do their job. We need to give them the best equipment. Just like we give our military the best equipment, we need to give our border patrol the best equipment.

The National Guard, they are part of the military. Their responsibility is to protect us. It is a good idea to use them immediately because no wall can be built overnight, yet the National Guard can be deployed overnight. Even if Generalissimo Vicente Fox does not like it, we ought to do it.

We should consider using a fence in appropriate areas. I know other Members of Congress have received all types of correspondence and mail. We get all kinds of things sent to us. But recently, I had an individual from Texas send me four cases of bricks. Here is one of those bricks. He sent a letter along with it. In the letter he said, why don't you use this brick and these other bricks to build a wall to protect us from people illegally coming into the United States. Other Members of Congress have received these bricks as well.

The American public wants something done. Whatever it takes to secure the dignity of the United States, we certainly ought to do it. Maybe we ought to have Extreme Makeover go down to the Texas border and have an "Extreme Makeover Border" edition. As fast as they build something, they would not take long to build a wall. The reason we are building the wall is because of those people illegally coming into the United States. No American should ever feel guilty about that.

Mr. Speaker, we need to use the best law enforcement groups in the United States and that is the sheriffs, the Texas sheriff, the border sheriffs in California, Arizona and New Mexico. Those are some right-thinking folks. They know the area. They know the people. They have dedicated their lives to enforcing the law. But the way the law is written now, we cannot use the border sheriffs in detaining illegals that come into our country, and we ought to use them. We ought to give them the law enforcement power to turn illegals over to Federal authorities and have Federal authorities deport those individuals.

Rick Flores of Webb County made the comment, he said this is not a partisan issue. It is not a Republican issue or a Democratic issue, and he is a Democrat. He said this is a red, white and blue issue. He is right. Our border sheriffs ought to be used because they all grew up in these particular areas. They know the people and know who shouldn't be in those particular areas. So we should give them the money to do this.

The second thing we need to do after we secure the border, and we secure the borders before we start talking about people who are here illegally or any other immigration policy because you must stop the bleeding before you can solve the problem.

Once we secure the dignity of the border, we have to go back and look at our immigration policy. It is chaos in my opinion. It takes too long for people to come here legally. I have had individuals from Mexico who have tried to get into the United States, and it has taken years. People in my district, it took them a long time to come in legally. We seem to discriminate against people. We do not treat them all alike. We have to look at our immigration policy, maybe start over and make it fair and put the world on notice here is how you enter the United States legally.

Whether you want to work here, or whether you want to be a resident alien or become an American citizen. We have to stop the chaos in the immigration department.

One thing that we ought to do, it seems real obvious to me, when people cross from the nation of Mexico or Canada or the Caribbean, they can show one of several hundred documents to prove that they are from some other nation. They can even use a baptismal certificate. Our border agents have to shuffle through all of these different papers to figure out whether these people in this car are legally coming into the United States.

Why do we make it so difficult on ourselves? Why don't we do what every other nation does, and that is if you come to the United States legally, you have to have a passport, just like they do in every other nation in the world. When we let people into this country legally, we do not even know who they are. When they leave, we do not record that they left. With the bar code in a passport, we can check people's criminal record. We can record and keep a database if they are legally coming into this country and when they have to go home.

Then the employer can have a photograph on a visa and the employer can use a government document rather than some Social Security number to see if the person he is hiring is legally in the United States and quit making police officers out of our businesses.

Why people are opposed to a passport, I do not know. We talk about all kinds of identification cards that we want people to carry; simple, universal, worldwide, because we are in the world community, a worldwide document, a passport to enter the United States.

Then we ought to deport felons that are convicted automatically. Let me tell you what happens. Someone would be in this country, they are caught committing a crime. They are tried. They are sent to the Texas penitentiary. You would think that our government would automatically deport those people. But we do not do that. What we do is let them go back in the county in which they were convicted. Then the immigration service has to recapture them and have a deportation hearing and may or may not deport them.

I tried people back in Texas who were illegally in the United States and never deported. They were released, went back and committed another crime, and went back to the penitentiary. We ought to deport people who are convicted of a felony if they are from another country.

Probably the best example of an individual who abused our system was an individual by the name of Angel Resendiz. He came to the United States. He was captured several times, deported a few times. After being released, he committed nine murders in the United States. He was released by Federal authorities after being captured several other times. Resendiz is sitting now on death row in Texas waiting to be executed.

I haven't even talked about those people from all over the world who come here just to commit crime. So deport people who are convicted of felonies in our Nation as soon as they serve their sentence. We have to abolish this catch-and-release policy. Catch and release is a phrase that fishermen use. Catch and release is you catch them, take them off the hook and you let them go.

That is what they do with fish, catch and release. Because we claim we do not have enough facilities to detain individuals. People from Mexico, if you are captured illegally, we deport you. We send you back home. But if you are from some other nation other than Mexico, OTMs, if you are from China or Peru or France, instead of deporting you automatically, you are released. Thus, the catch and release. What they do, they stand before a magistrate and swear that they will come back for their deportation hearing in 6 months.

Mr. Speaker, does it surprise anybody that more than 90 percent of those people we never see them again. They just move on. We catch them, we let them go. This is absurd. Police officers work too hard to capture these individuals just to let them go. We have to find facilities to house these people until they are deported. Put them on old military bases.

We have 10,000 trailers sitting in Hope, Arkansas, owned by FEMA. They are in Hope because they would not bring them down to hurricane areas like Texas because of the floodplain. That violates one of their policies. Why not use FEMA trailers as temporary housing for OTMs. Here we discriminate against Mexican nationals here illegally because we send them home. But if you are from some other Nation other than Mexico, you are released and told to come back. And then we are shocked that people do not come back.

We ought to deny benefits for people here illegally in this country. They shouldn't receive health care, education, welfare, housing, AFDC, Social Security and they certainly should not receive amnesty. The idea that we are going to tell people here is what we are going to do, we are going to give you amnesty, but you are going to have to pay a fine, pay some back taxes and learn English. What if they do not do that? We are going to do nothing because that is what we have been doing, nothing. What prompts those people to do that. They have been dealing with a cash economy. They do not even know what their back taxes are. So this whole idea of rewarding illegal behavior is wrong.

We ought to also go after employers that knowingly hire people illegally in this country. You know, 3 or 4 weeks ago we heard about a couple of businesses in the United States that were raided and captured folks that were here illegally, and the business was being prosecuted for hiring illegals. That has gone away. That is not in the news anymore. Why not? Because all that was a publicity stunt, in my opinion.

There are many businesses that hire people legally from other nations, and there are other businesses for cheap, plantation labor hiring them subpar. We ought to go after those people. It is follow the money. Follow the money trail, and that is something that we ought to do.

There are people with different motives that do not want our borders protected. There are some on the left, those northeastern elites who I think for political gain don't want our borders protected. There are people on the right for cheap labor that do not want our borders protected. Our borders need to be protected because all people in this country have the right to have our borders protected.

Mr. Speaker, the battle for America and its dignity is upon us. I think we ought to fight for our homeland. This has nothing to do with race. It has everything to do with the law. As I have mentioned, there are many good folks from other nations that are legally in this country that have become citizens. But those people that illegally flaunt our Nation and our laws should be held accountable. Our Nation has to be engaged in this process.

I am concerned that maybe our Nation is not engaged. Maybe we do not understand that there are those who wish to colonize our country. We cannot allow this unlawful, illegal invasion and insurgency and colonization to occur. The line has been drawn in the sand, and I hope we are willing to cross it and protect our border. The number one duty of government is public safety. We had better get in the fight. Instead of waving the white flag of indifference, we have to understand that our Nation is sovereign. Part of sovereignty is protecting the borders.

Mr. Speaker, history will reflect on these days and one wonders in the long lamentable catalog of human conduct, were these the best of days or were these the end of our days. Only history will tell how we as a people react to protecting our Nation, to establishing border security, to establishing a fair immigration policy, and then establishing a policy on what to do with those folks already here illegally. We can solve these problems, Mr. Speaker. America has always been able to solve every problem. With the good Lord's help, we have solved every problem we have ever had, but we must have the moral will, we must have the moral desire and the moral integrity to defend our borders.

Mr. Speaker, that's just the way it is.

COMMUNICATION FROM CHIEF OF STAFF OF HONORABLE ROBERT W. NEY, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. McHENRY) laid before the House the following communication from William Heaton, Chief of Staff to the Honorable ROBERT W. NEY, Member of Congress:

MAY 18, 2006.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Rule VIII of the Rules of the House of Representatives, I am notifying you that I have received a judicial subpoena from the United States District Court for the District of Columbia directing me to appear as a witness and provide testimony.

As required by Rule VIII 3., I shall undertake to determine whether the issuance of the subpoena is, among other matters, consistent with the privileges and precedents of the House.

Sincerely,

WILLIAM HEATON,
Chief of Staff,
The Honorable Robert W. Ney.

COMMUNICATION FROM COUNSEL, COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER pro tempore laid before the House the following communication from Paul D. Vinovich, Counsel, Committee on House Administration:

MAY 19, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: Pursuant to rule VIII of the Rules of the House of Representatives, I am hereby notifying you that I have received a judicial subpoena from the United States District Court for the District of Columbia directing me to appear as a witness and provide testimony.

As required by rule VIII(3), I shall undertake to determine whether the issuance of the subpoena is; among other things, consistent with the privileges and precedents of the House.

Sincerely,

PAUL D. VINOVICH,
Counsel, Committee on House Administration.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the order for a 5-minute speech by Mr. POE is vacated.

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP of Georgia (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today after 1:00 p.m. on account of official business in the district.

Mr. KENNEDY of Rhode Island (at the request of Ms. PELOSI) for the week of May 15.

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of a family medical emergency.

Mr. ENGLISH of Pennsylvania (at the request of Mr. BOEHNER) for today on account of family reasons.

Mr. MANZULLO (at the request of Mr. BOEHNER) for today on account of son's graduation from college.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TAYLOR of Mississippi) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, May 22 and 23.

Mr. MCHENRY, for 5 minutes, May 22, 23, 24, 25, and 26.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language; to the Committee on Energy and Commerce.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1499. An act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until Monday, May 22, 2006, at 12:30 p.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7588. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30480; Amdt. No. 3154] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7589. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30478; Amdt. No. 3152] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7590. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30488; Amdt. No. 3161] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7591. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30490; Amdt. No. 3163] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7592. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30482; Amdt. No. 3156] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7593. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30483; Amdt. No. 3157] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7594. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitude; Miscellaneous Amendments [Docket No. 30477; Amdt. No. 459] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7595. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30485; Amdt. No. 3159] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7596. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30484; Amdt. No. 3158] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7597. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30486; Amdt. No. 460] received April 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, report of committee were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on he Judiciary. H.R. 4356. A bill to amend title 18 United States Code, with respect to fraud in connection with major disaster or emergency funds (Rept. 109–473). Referred to the Committee of the whole House on the State of the Union and ordered to be printed.

Mr. HOBSON: Committee on Appropriations. H.R. 5427. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–474). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELLER (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. LAHOOD, Mr. SHIMKUS, and Mr. HASTERT):

H.R. 5426. A bill to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Congressman Owen Lovejoy Post Office Building"; to the Committee on Government Reform.

By Mr. WELLER (for himself, Mr. RUSH, Mr. JACKSON of Illinois, Mr. LIPINSKI, Mr. GUTIERREZ, Mr. EMANUEL, Mr. HYDE, Mr. DAVIS of Illinois, Ms. BEAN, Ms. SCHAKOWSKY, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. JOHNSON of Illinois, Mr. MANZULLO, Mr. EVANS, Mr. LAHOOD, Mr. SHIMKUS, and Mr. HASTERT):

H.R. 5428. A bill to designate the facility of the United States Postal Service located at 202 East Washington Street in Morris, Illinois, as the "Joshua A. Terando Princeton Post Office Building"; to the Committee on Government Reform.

By Mr. POMBO:

H.R. 5429. A bill to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes; to the Committee on Resources.

By Mr. BERMAN:

H.R. 5430. A bill to establish sound criteria for civilian nuclear cooperation with certain countries; to the Committee on International Relations, and in addition to the

Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOSWELL:

H.R. 5431. A bill to amend the Harmonized Tariff Schedule of the United States to extend the tariff duties on ethanol; to the Committee on Ways and Means.

By Mrs. CAPITO (for herself, Mr. RAHALL, and Mr. MOLLOHAN):

H.R. 5432. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of miners; to the Committee on Education and the Workforce.

By Ms. HOOLEY (for herself, Mr. DEFAZIO, and Mr. BLUMENAUER):

H.R. 5433. A bill to amend title XVIII of the Social Security Act to provide for a Medicare Prescription Drug Ombudsman; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEY (for himself, Mr. LATOURETTE, Mr. KUCINICH, Mr. HOBSON, Mr. STRICKLAND, Mrs. SCHMIDT, Mrs. JONES of Ohio, Mr. TIBERI, Mr. RYAN of Ohio, Mr. GILLMOR, Ms. KAPTUR, Mr. REGULA, Mr. BROWN of Ohio, Mr. TURNER, Mr. OXLEY, Mr. CHABOT, Ms. PRYCE of Ohio, and Mr. BOEHNER):

H.R. 5434. A bill to designate the facility of the United States Postal Service located at 40 South Walnut Street in Chillicothe, Ohio, as the "Larry Cox Post Office"; to the Committee on Government Reform.

By Mr. REYES:

H.R. 5435. A bill to amend the Intelligence Reform and Terrorism Prevention Act of 2004 to extend by one year the deadline for the implementation of the Western Hemisphere Travel Initiative; to the Committee on Homeland Security.

By Mr. SCHIFF (for himself and Ms. HART):

H.R. 5436. A bill to improve foster care court capacity through loan forgiveness and performance measurement; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 5437. A bill to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to eliminate coinsurance for screening mammography and colorectal cancer screening tests in order to promote the early detection of cancer; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. THOMAS, Mr. KING of New York, Mr. BERMAN, Ms. DELAURO, Mr. PENCE, Mr. CROWLEY, Mr. KIRK, Mr. BROWN of Ohio, Mr. SOUDER, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. ABERCROMBIE, Mr. LYNCH, and Mrs. MALONEY):

H.J. Res. 86. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Ways and Means.

By Mr. FITZPATRICK of Pennsylvania (for himself and Ms. SCHWARTZ of Pennsylvania):

H. Con. Res. 407. Concurrent resolution condemning the decision by the city of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murderer of Philadelphia Police Officer Danny Faulkner; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana:

H. Con. Res. 408. Concurrent resolution commending the Government of Canada for its renewed commitment to the Global War on Terror; to the Committee on International Relations.

By Mr. LEACH (for himself, Mr. LANTOS, and Mr. FALEOMAVAEGA):

H. Con. Res. 409. Concurrent resolution commemorating the 60th anniversary of the ascension to the throne of His Majesty King Bhumibol Adulyadej of Thailand; to the Committee on International Relations.

By Ms. SCHAKOWSKY (for herself, Mr. CONYERS, Mr. STARK, Ms. LEE, Ms. WOOLSEY, Mr. KUCINICH, Ms. BALDWIN, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Mr. EMANUEL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HINCHEY, Ms. NORTON, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Mr. SANDERS, Mr. SERRANO, Ms. SOLIS, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. TOWNS, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Mr. WAXMAN, Mr. WEXLER, and Mr. WYNN):

H. Con. Res. 410. Concurrent resolution expressing the sense of Congress regarding the enactment of legislation that provides access to comprehensive health care for all Americans; to the Committee on Energy and Commerce.

By Mr. GREEN of Wisconsin:

H. Res. 823. A resolution commending the outstanding efforts by members of faith-based and community organizations in response to Hurricane Katrina and Hurricane Rita; to the Committee on Government Reform.

By Ms. HARRIS (for herself, Mr. MACK, Mr. PUTNAM, Mr. MCGOVERN, Mr. FOLEY, and Ms. BORDALLO):

H. Res. 824. A resolution recognizing the effects of harmful algal blooms, including Red Tide, on the environment, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H. Res. 825. A resolution to support the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room; to the Committee on Energy and Commerce.

By Mr. MCINTYRE (for himself, Mr. HULSHOF, Mr. VAN HOLLEN, Mr. KIND, Mr. PICKERING, Mr. CHANDLER, Mr. WAMP, Mr. TIAHRT, and Mr. BRADLEY of New Hampshire):

H. Res. 826. A resolution expressing the sense of the House of Representatives that a National Youth Sports Week should be established; to the Committee on Government Reform.

By Ms. NORTON (for herself, Ms. LEE, Mr. RANGEL, and Mrs. CHRISTENSEN):

H. Res. 827. A resolution honoring the life and accomplishments of Damu Amiri Imara Smith; to the Committee on Government Reform.

By Mr. PITTS (for himself, Mr. FALEOMAVAEGA, Mr. LEACH, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. SESSIONS, Mr. PUTNAM, and Mr. LANTOS):

H. Res. 828. A resolution commending the people of Mongolia, on the 800th anniversary of Mongolian statehood, for building strong, democratic institutions, and expressing the support of the House of Representatives for efforts by the United States to continue to strengthen its partnership with that country; to the Committee on International Relations.

By Mr. SOUDER (for himself, Mr. SHADEGG, Mr. KING of Iowa, Mr. GRIJALVA, and Mr. COLE of Oklahoma):

H. Res. 829. A resolution expressing the sense of the House of Representatives that the Shadow Wolves should be preserved and fostered as one unit, located on the Tohono O'odham lands; to the Committee on Homeland Security.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. BACHUS, Mr. LATOURETTE, Mr. MANZULLO, Mr. BRADLEY of New Hampshire, and Mr. PEARCE.

H.R. 547: Ms. KILPATRICK of Michigan.

H.R. 561: Mr. CONYERS.

H.R. 784: Mr. WEXLER.

H.R. 801: Mr. JEFFERSON, Mr. MCCOTTER, and Mr. CROWLEY.

H.R. 807: Ms. SCHAKOWSKY.

H.R. 817: Mr. COBLE.

H.R. 881: Mr. RAMSTAD.

H.R. 896: Ms. KILPATRICK of Michigan.

H.R. 916: Mr. ROGERS of Alabama, Mr. COLE of Oklahoma, and Mr. KUHL of New York.

H.R. 997: Mr. KENNEDY of Minnesota and Mr. MORAN of Kansas.

H.R. 1108: Mr. KIND.

H.R. 1130: Ms. VELÁZQUEZ and Mr. WU.

H.R. 1175: Mr. BOOZMAN.

H.R. 1306: Mr. COBLE.

H.R. 1429: Mr. KUCINICH, Mr. BOUCHER, and Ms. MATSUI.

H.R. 1438: Mrs. MILLER of Michigan.

H.R. 1589: Mr. MCNULTY.

H.R. 1633: Mr. LANGEVIN.

H.R. 1707: Mr. WELDON of Pennsylvania and Ms. MOORE of Wisconsin.

H.R. 1708: Ms. SCHWARTZ of Pennsylvania, Mr. BARROW, and Mr. UPTON.

H.R. 1951: Mrs. DAVIS of California.

H.R. 2070: Mrs. NAPOLITANO.

H.R. 2073: Mr. DAVIS of Illinois.

H.R. 2088: Mr. SODREL.

H.R. 2134: Mr. KUHL of New York.

H.R. 2238: Mr. BRADLEY of New Hampshire and Mr. ISTOOK.

H.R. 2257: Mr. HAYWORTH.

H.R. 2295: Mr. BROWN of South Carolina.

H.R. 3145: Mr. GERLACH and Ms. McCOLLUM of Minnesota.

H.R. 3155: Mr. DAVIS of Illinois.

H.R. 3159: Mr. KINGSTON, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, and Mr. BLUMENAUER.

H.R. 3323: Mr. SWEENEY.

H.R. 3360: Mr. SNYDER.

H.R. 3427: Mr. FERGUSON and Mr. PASCRELL.

H.R. 3478: Mr. CONYERS.

H.R. 3559: Mr. CONAWAY, Mr. PETRI, Mrs. McCARTHY, and Mr. BACHUS.

H.R. 3579: Mr. FITZPATRICK of Pennsylvania.

H.R. 3883: Mrs. JO ANN DAVIS of Virginia.

H.R. 4188: Mr. LEVIN, Mr. VAN HOLLEN, and Mr. JACKSON of Illinois.

H.R. 4222: Ms. CARSON.

H.R. 4259: Mrs. CHRISTENSEN and Mr. ORTIZ.

H.R. 4298: Ms. HERSETH.

H.R. 4381: Mrs. MYRICK and Mr. GILLMOR.

H.R. 4542: Mr. WELLER.

H.R. 4547: Mr. SODREL and Mr. SESSIONS.

H.R. 4560: Mr. PETRI and Mrs. JONES of Ohio.

H.R. 4574: Mr. BECERRA, Mr. SABO, Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. ROYCE, Mr. CALVERT, Mrs. DAVIS of California, and Mr. DICKS.

H.R. 4736: Mr. KUCINICH.

H.R. 4755: Mr. PETERSON of Pennsylvania, Mr. HOSTETTLER, and Mr. WELLER.

H.R. 4761: Mrs. SCHMIDT.

H.R. 4769: Mr. PORTER.

H.R. 4772: Mr. POE and Mr. CONAWAY.

H.R. 4808: Mr. ROGERS of Kentucky.

H.R. 4873: Ms. McCOLLUM of Minnesota.

H.R. 4894: Mrs. JOHNSON of Connecticut, Mr. MURPHY, Ms. ROS-LEHTINEN, and Mr. PETRI.

H.R. 4980: Mr. CASE.

H.R. 5005: Mr. SODREL.

H.R. 5013: Mr. SESSIONS, Mr. MARIO DIAZ-BALART of Florida, and Mr. GARRETT of New Jersey.

H.R. 5014: Ms. WATSON and Mr. GONZALEZ.

H.R. 5017: Mr. McNULTY.

H.R. 5018: Mr. TIERNEY.

H.R. 5033: Mr. SERRANO.

H.R. 5058: Mr. McHUGH.

H.R. 5063: Ms. KAPTUR.

H.R. 5067: Mrs. MYRICK and Mr. SCHWARZ of Michigan.

H.R. 5072: Mr. BOSWELL.

H.R. 5092: Mrs. MUSGRAVE, Mr. CONAWAY, Mr. KUHL of New York, Mr. WESTMORELAND, Ms. FOXX, Mr. ISTOOK, Mr. CANTOR, Mr. KLINE, Mr. FEENEY, Mr. SALAZAR, Mr. CARTER, Mr. DeLAY, Mr. MARSHALL, Mr. GOODE, Mr. SESSIONS, and Ms. HART.

H.R. 5106: Mrs. NAPOLITANO.

H.R. 5118: Mr. OSBORNE.

H.R. 5121: Mr. SESSIONS, Mr. GOODE, Mr. McHUGH, Mr. RAMSTAD, Mr. McGOVERN, Mr. AL GREEN of Texas, Mr. WELDON of Pennsylvania, and Mrs. BIGGERT.

H.R. 5139: Mr. EHLERS.

H.R. 5140: Mr. EHLERS.

H.R. 5148: Mrs. DAVIS of California, Ms. SCHAKOWSKY, Mr. WAXMAN, and Mr. CARDIN.

H.R. 5150: Mr. CARDIN.

H.R. 5159: Mr. GORDON.

H.R. 5166: Mr. McCOTTER, Ms. HART, and Miss McMORRIS.

H.R. 5167: Mr. REYES, Mr. SCHIFF, Mr. BERMAN, Mr. BOEHLERT, Ms. LEE, Ms. KAPTUR, Mr. STARK, Mr. ROTHMAN, Mr. VAN HOLLEN, Ms. BALDWIN, and Ms. SCHAKOWSKY.

H.R. 5171: Mr. GENE GREEN of Texas.

H.R. 5177: Mr. RYUN of Kansas and Mr. LINDER.

H.R. 5182: Mr. DAVIS of Kentucky.

H.R. 5196: Mr. McCOTTER and Mr. TERRY.

H.R. 5199: Mr. MOORE of Kansas, Mr. DAVIS of Kentucky, and Mr. CASE.

H.R. 5201: Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, and Mr. FORD.

H.R. 5206: Mr. FOSSELLA, Mr. BISHOP of Georgia, and Mr. WYNN.

H.R. 5217: Mr. FORD and Mr. McINTYRE.

H.R. 5230: Mr. GARRETT of New Jersey.

H.R. 5238: Mr. McNULTY, Mr. ORTIZ, and Mr. DAVIS of Illinois.

H.R. 5246: Mr. EVERETT, Mr. McHENRY, Mr. LaHOOD, Mrs. CAPITO, Mr. HOLDEN, Mr. GIBBONS, Mr. CAMP of Michigan, and Mr. LUCAS.

H.R. 5255: Mr. LEWIS of Kentucky.

H.R. 5262: Mr. SOUDER.

H.R. 5264: Mr. GORDON.

H.R. 5269: Ms. WOOLSEY and Ms. SCHAKOWSKY.

H.R. 5286: Mr. PETERSON of Minnesota.

H.R. 5289: Mr. KIRK.

H.R. 5308: Mr. ENGLISH of Pennsylvania.

H.R. 5309: Mr. RAMSTAD and Mr. CAMP of Michigan.

H.R. 5316: Mr. McINTYRE.

H.R. 5329: Mr. CAMPBELL of California.

H.R. 5341: Mr. ISRAEL.

H.R. 5353: Mr. OTTER.

H.R. 5363: Mr. COLE of Oklahoma.

H.R. 5364: Mr. McGOVERN, Ms. SOLIS, and Mr. ALLEN.

H.R. 5365: Mr. ALLEN, Mr. ROSS, Mr. GORDON, Mr. KILDEE, and Ms. SCHWARTZ of Pennsylvania.

H.R. 5371: Mr. PETERSON of Minnesota, Mr. SHERMAN, Mr. McGOVERN, and Mr. OLVER.

H.R. 5372: Mr. McINTYRE, Mrs. McCARTHY, Mr. KILDEE, Mr. JEFFERSON, Mr. TANNER, Mr. SKELTON, and Mr. LARSON of Connecticut.

H.R. 5390: Mr. ANDREWS, Mr. RAMSTAD, Mr. GERLACH, Mr. WOLF, Mr. LEWIS of Georgia, Mr. McNULTY, Mr. WYNN, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5420: Ms. SCHWARTZ of Pennsylvania, Mr. LEWIS of Kentucky, and Mr. GONZALEZ.

H. Con. Res. 368: Mr. FITZPATRICK of Pennsylvania, Mr. KUHL of New York, and Mr. WEXLER.

H. Con. Res. 380: Mr. SMITH of Texas.

H. Con. Res. 391: Mr. PRICE of North Carolina.

H. Con. Res. 397: Mr. JEFFERSON.

H. Con. Res. 401: Mr. BAIRD and Ms. CARSON.

H. Con. Res. 402: Mr. FITZPATRICK of Pennsylvania.

H. Con. Res. 403: Mr. HAYWORTH.

H. Res. 295: Mr. CAPUANO and Mr. SCHWARZ of Michigan.

H. Res. 318: Mr. TIAHRT, Mr. WYNN, Mr. TERRY, Mrs. JO ANN DAVIS of Virginia, and Mr. MEEKS of New York.

H. Res. 323: Mr. BOUSTANY, Mr. BAKER, and Mr. McCRERY.

H. Res. 723: Mr. HIGGINS, Ms. ZOE LOFGREN of California, Mr. CHANDLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HONDA, and Mr. NADLER.

H. Res. 735: Mrs. CHRISTENSEN, Mr. STARK, Mr. HINCHEY, and Mr. LARSEN of Washington.

H. Res. 739: Mr. SCOTT of Georgia.

H. Res. 790: Mr. RAHALL.

H. Res. 792: Mr. BURTON of Indiana, Mr. DELAHUNT, Mr. WELLER, and Ms. LEE.

H. Res. 799: Mr. FITZPATRICK of Pennsylvania, Mr. SMITH of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. GERLACH, and Mr. BURTON of Indiana.

H. Res. 812: Mr. CONYERS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Chaka Fattah, Adam B. Schiff, Eddie Bernice Johnson, and Bobby L. Rush.

Petition 12 by Mr. MARKEY on H.R. 4263: Danny K. Davis.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5385

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 1: Under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990", insert after the dollar amount (page 11, line 17) the following: "(increased by $27,500,000)".

Under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005", insert after the dollar amount (page 11, line 24) the following: "(reduced by $440,000,000)".

Under the heading "ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES", insert after the dollar amount (page 18, line 14) the following: "(increased by 50,000,000)".

EXTENSIONS OF REMARKS

RECOGNIZING NICHOLAS GIGLIO FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nicholas Giglio, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Nicholas has been very active with his troop, participating in many Scout activities. Over the many years Nicholas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nicholas Giglio for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PAYING TRIBUTE TO THE HOYTS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to pay tribute to two of my most accomplished and most inspiring constituents. Dick Hoyt, of Holland, Massachusetts, and his son Rick, are a world famous pair, known around the world for their frequent appearances at road races, marathons, and triathlons. They are not, however, average athletes.

In 1962 Rick Hoyt was born with his umbilical cord wrapped around his neck. Doctors told Rick's parents, Dick and Judy, that their son would be unable to live on his own and that he should be institutionalized. They refused.

Instead, the Hoyts did all that they could to enroll Rick in public school with other children his age. Their first major breakthrough came when a group of engineers from Tufts University built, in 1972, an interactive computer that enabled Rick to communicate. His first words took his family by surprise. They learned that he had been following the Stanley Cup finals along with the rest of his family when he said, "Go Bruins."

From that moment forward, Rick was unstoppable. He was admitted to public school in 1975, and 2 years after that, asked his father to enter their first race together: a five mile benefit run for another local athlete who had been paralyzed in an accident. Dick says that he remembers Rick telling him that night that he did not feel handicapped when they were competing together.

They completed their first marathon, in 1981 in Boston. Four years later, they competed in a triathlon, for which Dick had to not only learn how to swim, but then do so in the race with a small boat tied to his waist with which he pulled Rick.

While continuing to race, Rick also furthered his education. In 1993, Rick graduated from Boston University with a degree in Special Education.

Today the Hoyts have completed 206 triathlons, 20 Duathlons, 64 marathons, and over 500 other races. They have biked across New England and America. Their best time for a marathon, running together with Dick pushing Rick, is 2 hours and 40 minutes, only 35 minutes short of the world record holder who, of course, was not pushing another person while running. This past year they competed in their twenty-fifth Boston Marathon. I personally have run the SIDS Road Race in Springfield, Massachusetts, with the Hoyts many times including this past fall.

Truly, the Hoyt's story is one of a deep love and commitment between father and son, and is one that speaks to all of us. They have won awards from organizations around the world, and regularly receive letters from others whose lives they have touched. Dick Hoyt and his son Rick are truly two of the most remarkable people I have the honor of calling friends, and I am proud to be able to pay tribute to them here on the Floor of the House of Representatives.

SUPPORTING THE NEOTROPICAL MIGRATORY BIRD CONSERVATION IMPROVEMENT ACT OF 2006

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the Neotropical Migratory Bird Conservation Improvement Act of 2006, introduced by my friend from Wisconsin, Mr. KIND. I was one of the coauthors of the original Neotropical Migratory Bird Conservation Act in 2000, and I am very pleased to see this new legislation make its way through the process again. This has been a highly successful program, and its reauthorization will help to continue this record of success.

The hundreds of species of birds that migrate through our Nation every year are facing urgent threats. Warblers, plovers, and kites were once common, but many species are now listed as endangered or are dwindling rapidly and will soon approach that point. The Neotropical Migratory Bird Conservation Act has greatly helped the effort to protect these creatures here and in Latin America and the Caribbean.

Like the other multinational species conservation programs including the Great Apes Conservation Act—whose reauthorization is still pending—the Migratory Bird program has done an excellent job of matching public funds with private donations. In fact, this program has brought in more than $60 million in private sector funds to protect and restore habitat, to study species declines, to provide technical assistance, and to encourage public-private and international partnerships.

Mr. KIND's legislation will enable the Interior Department to continue providing this much-needed funding to conservation efforts both in the United States and throughout the Americas. He has done an excellent job shepherding this bill through the House, and I am hopeful that the Act will soon be reauthorized.

HONORING TOYOTA MOTOR'S 20TH ANNIVERSARY IN GEORGETOWN, KENTUCKY

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. CHANDLER. Mr. Speaker, I am pleased to congratulate Georgetown, Kentucky, and Toyota for their successful 20-year partnership that has resulted in significant opportunities for Georgetown residents and substantial growth for Toyota.

The benefits to Kentucky cannot be overstated. Toyota is among the top employers in the Commonwealth, with 7,000 jobs in Georgetown alone. That total does not include the many spin-off benefits in terms of economic development from the many suppliers and partners that have started operations in the vicinity of Georgetown. Kentucky benefits from the thousands of secure, well-paying jobs our citizens can be proud to go to every day. Supporting economic development is one of my most important jobs in Congress. It strengthens families and communities, and it makes possible all the promise America has to offer—education, reliable health care, a better home, and safe, stable communities. We are fortunate to have Toyota help provide that environment.

Toyota, also, has thrived during this 20-year period, thanks to its hard-working, dedicated team in Kentucky. Its Georgetown operation now produces a half million cars a year, far more than what was projected when it opened. During that time, Toyota has become one of the top manufacturers of cars, in terms of number and quality, and we in Kentucky are proud that those cars are American-made.

Toyota has given back to Kentucky in so many ways. It is deeply involved in our civic

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

life. Toyota provides jobs for Kentucky residents, but it also supports our schools and youth programs for the next generation. Toyota generates significant tax revenue for Kentucky and our cities and counties, but it also participates in our community activities, sharing its resources and the time and talents of its employees.

And Toyota foresees even more opportunity in Kentucky. I am pleased that it has selected Georgetown as the first site in the United States to produce hybrid vehicles. Toyota perhaps sees this as a wise investment in a potentially rewarding market. I and many in Kentucky see it as an entry into a cutting-edge technology that will continue our leading role in the U.S. auto industry, and we hope eventually provide an alternative for Americans saddled with ever-increasing gas prices.

This is a happy occasion for Toyota, for Kentucky, and for me personally. I hope to see many more such occasions over the coming years as Toyota and Kentucky continue to expand their relationship.

RECOGNIZING THE LIBERTY SCHOOL DISTRICT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GRAVES. Mr. Speaker, I rise to salute the efforts of the Liberty School District, the Council of Parent Teacher Associations, the Parent Teacher Student Associations, students, faculty and staff in their ongoing efforts to support a national project known as Book Relief. Book Relief is an unprecedented, publishing industry-wide effort that will distribute at least five million new books to schools and libraries displaced and destroyed by the 2005 hurricanes. These books will help to replenish school libraries as they rebuild.

In New Orleans, 118 of 126 schools sustained damage; in Mississippi, 300 schools were damaged, 24 of them severely damaged or destroyed. Nearly 190,000 Louisiana students were displaced. As organizations start to rebuild the Gulf Coast, Book Relief will be there to supply them with new books as they reopen.

For every fifty cents raised by Liberty schools, one book will be contributed to the cause. Each school in the district has been actively participating in not only Book Relief, but also Hurricane Katrina relief. Liberty Schools have raised a collective $33,600 to go toward relief efforts. This accomplishment is nothing short of outstanding.

Liberty, Missouri has a rich history of great accomplishments in their school system. Today, I am proud to celebrate and recognize the continued dedication to community, both at home and in the Gulf Coast, of the Liberty School District and its network of staff, students and parents. Their work is truly a shining example of the great works happening in public education today.

THE 65TH ANNIVERSARY OF JACKSON MEMORIAL TEMPLE CHURCH OF GOD IN CHRIST

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Jackson Memorial Temple Church of God in Christ as it celebrates 65 years of fellowship and worship in my hometown of Flint Michigan. Jackson Memorial will commemorate this event with two days of festivities on August 12 and 13.

Founded in December 1941 by Reverend Leo J. Jackson as the Pilgrim Temple Church of God in Christ, the first services were held on the same day Pearl Harbor was bombed. After Reverend Jackson passed away the church was re-named in his memory. Bishop H. J. Williams is the current pastor and along with First Lady, Mother Iola Williams, he provides the leadership, inspiration and example of a life in Christ to the congregation and community.

Dedicating their lives to Jesus Christ, the congregation is pledged to the following beliefs: That there is one God, eternally existent in three persons: God the Father, God the Son, and God the Holy Spirit. In the Blessed Hope, which is the Rapture of the Church of God, which is in Christ, at His return. That the only means of being cleansed from sin is through repentance and faith in the precious blood of Jesus Christ. That regeneration by the Holy Ghost is absolutely essential for personal salvation. That the redemptive work of Christ on the cross provides healing for the human body, in answer to believing in prayer. That the baptism in the Holy Ghost according to Acts 2:4 is given to believers who ask for it. In the sanctifying power of the Holy Spirit, by whose indwelling the Christian is enabled to live a holy and separated life in this present world.

Mr. Speaker, please join me in congratulating Jackson Memorial Temple Church of God in Christ as it celebrates their 65th anniversary. I commend them for 65 years of joyful service to the community and pray they will continue to provide spiritual guidance to the residents of Flint for many years to come.

REMEMBERING A.M. "ABE" ROSENTHAL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. WOLF. Mr. Speaker, last week the Nation lost a giant in the field of journalism when A.M. "Abe" Rosenthal passed away at age 84.

He was a Pulitzer Prize-winning foreign correspondent and executive editor of the New York Times. After his days directing the newsroom were over, he penned the op-ed column, "On My Mind," for the Times and later the New York Daily News, a forum from which he championed the cause of freedom and human rights.

As Nicholas Kristof, who won a Pulitzer Prize last month as a Times op-ed columnist, said at Mr. Rosenthal's funeral, Abe Rosenthal used his column to make matters like human rights violations in China and Sudan "recognizable as issues."

"Abe fought to cure our blind spots, and it worked," Mr. Kristof said. "He did indeed teach us to see."

Mr. Speaker, I insert for the RECORD an obituary from The Washington Post and an op-ed column by Mr. Rosenthal's son Andrew, a New York Times deputy editorial page editor, remembering Abe Rosenthal.

[From the New York Times, May 17, 2006]

I NEVER WROTE FOR MY FATHER

(By Andrew Rosenthal)

Funerals have a way of reframing memories. After the burial of my father, A. M. Rosenthal, who ran The Times for nearly 20 years and wrote a column for 13 more, I recalled the day I met President George H. W. Bush, not long after I became a White House correspondent.

I was allowed to sit in on an interview that two of my colleagues, Maureen Dowd and Thomas L. Friedman, were doing for a magazine article. The White House told me not to ask questions, but after a while, Mr. Bush said to me, "You've been quiet." I said the interview was supposed to be strictly about the magazine article, but as long as he'd asked, what did he think about the latest development on Lithuania?

He was angry and would not answer. He said he was "not gonna be sandbagged in the Oval Office."

On the way out, Marlin Fitzwater, Mr. Bush's spokesman, helpfully noted that my introduction to Mr. Bush had gone badly. He explained that Mr. Bush was unhappy with my father for writing in his column that Mr. Bush had appeased the Communists on China and (oh, great!) on Lithuania. "The president doesn't differentiate between you and your father," he said.

I sputtered that the White House owed me for five years' psychotherapy. I'd only just begun convincing myself I was my own man in my father's field, and now I learned that The Leader of the Free World could not tell us apart?

It was naïve, of course, to think I could hide that little coincidence of a last name. Dad was not just seen as the embodiment of The Times; he saw himself that way. During the tumultuous year 1968, my father said I could not wear an Army fatigue jacket because anti-Vietnam protesters wore them. "When you go out," he said, not for the first or last time, "you're representing The Times." I was 12 years old at the time.

Still, I tried to walk around as if I were not really Abe's son, first at The Associated Press, where I was a national and foreign correspondent for nine years, and then at The Times. (I even left the middle initial, M., out of my byline because my father's initials were so famous.)

I started to get the point that hiding in plain sight was not working when I noticed that I hadn't received any checks from WQXR, the Times radio station, for a weekly radio spot. It turns out that WQXR was sending the $70 checks to A. M. Rosenthal, instead of Andrew Rosenthal.

I called my father, outraged. He had been happily cashing the checks. He said he hadn't known why WQXR was paying him, but "when someone gives me a check, baby, I cash it."

I should have found the whole thing funny, but I didn't. Then about a year later, I got a check for a reprint of my father's classic 1958 essay, "There Is No News From Auschwitz." I sent him a copy of the check stub with a note: "When someone gives me a check, baby, I cash it."

Dad thought it was hilarious. And I've long since realized that I overreacted on the "Abe's kid" front. But since my father died, I've realized something else.

When I read his obituary to my children, their amazement at his accomplishments was matched by my amazement at how much I had forgotten, even discounted. Then colleagues began sharing their experiences of my father.

They said what I knew, that he could be stubborn, unreasonable and prone to anger. But what they held on was how sure he was in his vision for the paper, how filled with exuberance and a certainty about journalism that he freely bestowed. I received dozens of stories about how he'd shaped a reporter's career, how he'd traveled around the world to get a correspondent out of trouble, how he'd stood up equally to K.G.B. generals and to U.S. officials, how he'd helped young people become better journalists, how he'd changed The Times and the newspaper business.

Jose Lopez, a photographer and photo editor, said the first time they met, Abe Rosenthal told him, "Always be the hawk; never be the blackbird that sits on the wire."

David Sanger said when he'd been a news clerk laboring to become a reporter, he'd come to his desk one day to find Champagne and a note: "For an explanation, see the executive editor." Abe had promoted David, and wanted to celebrate with him.

"I wouldn't argue that he was always the easiest boss," David wrote. But, he said, my father "knew how to infuse you with his sheer joy of reporting and experiencing the world."

Alan Cowell recalled how Abe Rosenthal flew to South Africa in 1986 to argue the authorities out of expelling him. John Burns, whose courage is endless, said Abe "set the trajectory of my life." Maureen Dowd reminded me that her mother had kept letters from my father framed in her home until the day she died.

In an era when journalism is commoditized, digitized and endlessly televised, I feel the loss of that passion, drive, emotion and energy. I also feel regret—not for sometimes pushing my father away as I tried to be independent. I know I was right to wait until he'd retired as executive editor before joining The Times.

But I missed something big.

I never got to work for Abe.

[From washingtonpost.com, May 11, 2006]

NEW YORK TIMES EDITOR A.M. 'ABE' ROSENTHAL

(By J.Y. Smith)

A.M. "Abe" Rosenthal, 84, a Pulitzer Prize-winning foreign correspondent who became chief editor of the New York Times and played a key role in modernizing the Gray Lady of American journalism for the new century, died May 10 at Mount Sinai medical center in Manhattan. He had a major stroke two weeks ago.

Mr. Rosenthal's career at the Times spanned 55 years, from 1944, when he began as a cub reporter, to 1999, when he retired as the writer of "On My Mind," a column on the op-ed page. When he left the Times, he took his column to the New York Daily News and continued there until 2004.

In 2002, President Bush conferred on him the Medal of Freedom, the nation's highest civilian honor, along with Katharine Graham, the late chairwoman of The Washington Post Co.

A passionate, driven man, Mr. Rosenthal was ruthless in his pursuit of perfection as he saw it and was never entirely satisfied with his own work or that of others. He was a brilliant and visceral judge of the news. He had boundless curiosity about the world. He often viewed it with a sense of outrage—at tyranny, at all forms of injustice and exploitation, at stupidity, incompetence and "unfairness."

His first big break came in 1946, when he got a two-week assignment to cover the United Nations. He stayed on the beat for eight years. His first foreign assignment was India, where he was posted in 1954. He later worked in Poland and Japan, but India retained a special fascination for him. He once traveled 1,500 rugged miles to have a dateline that read "At the Khyber Pass."

In 1958, he moved to Poland and the next year was expelled by the government for delving too deeply into its affairs. In 1960, he was awarded the Pulitzer Prize for international reporting for his dispatches from Poland. A story he wrote after visiting the site of the Nazi death camp at Auschwitz-Birkenau in southern Poland has become a classic of journalism.

"The most terrible thing of all, somehow, was that at Brzezinka (the Polish name for Birkenau) the sun was bright and warm, the rows of graceful poplars were lovely to look upon and on the grass near the gates children played," he wrote.

"And so there is no news to report from Auschwitz. There is merely the compulsion to write something about it, a compulsion that grows out of a restless feeling that to have visited Auschwitz and then turned away without having said or written anything would be a most grievous act of discourtesy to those who died there."

In 1963, Mr. Rosenthal was summoned to New York from Tokyo to become metropolitan editor. By 1969, he had become managing editor, and in 1977 he was named executive editor. For 17 years, until 1987, when he became an op-ed columnist, he was responsible for the news operation at the Times.

(The editorial page at the Times and at some other papers, including The Washington Post, is run by an entirely separate hierarchy that reports directly to the publisher. It is a distinction that remains extremely important to papers where the division is maintained.)

As a manager, Mr. Rosenthal was said to be abrasive and self-centered. A diminutive, bespectacled figure, he had a volcanic temper. Many found him intimidating. He advanced the careers of many journalists and derailed the careers of others. He was a constant source of friction and controversy in the Times newsroom. Admirers and critics spoke of him with equal fervor.

Arthur Gelb, a friend of Mr. Rosenthal's who also was the Times's managing editor, once offered this explanation of the Rosenthal character: "In every field, in every art, if you talk to an artist who has a very keen mind, you will find they are very restless. Anyone who is truly creative has a restlessness and natural impatience with others."

There was never any question about Mr. Rosenthal's impact on the Times. He insisted on good writing and sent his reporters on stories that often were ignored by other publications—and might have been missed by the Times except for his guidance.

He expanded coverage in every direction. The religion page, for example, became a venue for discussion of broad theological and philosophical questions rather than a summary of sermons.

Reader-friendly stories and features were added and given prominent display. New emphasis was placed on covering sports and the city itself. The daily paper went from two sections to four. The business report became a separate section. SportsMonday, Weekend and Science Times sections were published on different days of the week. Coverage of topics such as food and the arts was expanded.

At a time when many newspapers in New York and elsewhere in the country were losing readers, the Times's circulation increased and its financial health improved dramatically, due to its expanding national and regional editions.

Notable stories that Mr. Rosenthal assigned included the case of Kitty Genovese, who was fatally stabbed in her quiet Queens neighborhood. What had started as a brief crime report became a lengthy examination of why 38 people heard her screams for help without helping her or even calling police.

Mr. Rosenthal wrote a book about the incident, "Thirty-Eight Witnesses," in which he raised this question: "What was the apathy of the people of Austin Street compared, let's say, with the apathy of non-Nazi Germans toward Jews?"

Another memorable story Mr. Rosenthal ordered was about Daniel Burros, 28, the blond and blue-eyed leader of the Ku Klux Klan in New York and the No. 2 man in the American Nazi Party, headed by George Lincoln Rockwell.

After the Times wrote about Burros, Mr. Rosenthal got a tip from a friend that Burros was Jewish and had celebrated his bar mitzvah. When a reporter confronted Burros about his past, he said he would kill himself if it was publicized. The next day, the Times carried the story on the front page, and the next night, Burros committed suicide.

The Times was widely criticized, but Mr. Rosenthal expressed no regrets.

"He was who he was, he did what he did, and I no more would feel guilty of saying that a certain person robbed a bank," Mr. Rosenthal told an interviewer. "Was I happy that he killed himself? Of course not. I did not feel that we had done anything but the appropriate thing. It was he who was misappropriating his life, both in what he was doing and how he chose to end it. There were other ways he could have ended it—he could have quit!"

In 1971, Mr. Rosenthal played an important role in the Times's publication of the Pentagon Papers, a landmark event in the history of journalism. The papers detailed 25 years of U.S. involvement and deception in Vietnam. The archive of several thousand pages was classified as secret, and the management of the Times expected the government to object to the project.

Mr. Rosenthal, by then the managing editor, put his credibility and career on the line by marshaling the arguments to go ahead anyway. He was supported by then-publisher Arthur Ochs Sulzberger.

On the second day of a planned multipart series, the Justice Department went to court to block publication. There followed two weeks of frantic litigation in courts in New York and Washington and an expedited appeal to the U.S. Supreme Court, in which the Times was joined by The Washington Post. In the end, a divided court affirmed the First Amendment right of the newspapers to bring the information to their readers.

Mr. Rosenthal regarded his greatest contribution to the Times as his effort to keep the news report "straight." By that he meant free of bias and editorializing on the part of reporters.

"I used to tell new reporters: The Times is far more flexible in writing styles than you might think, so don't button up your vest and go all stiff on us," he wrote in his farewell column for the Times. "But when it comes to the foundation—fairness—don't fool around with it, or we will come down on you."

Mr. Rosenthal gave up the executive editorship of the Times at the end of 1986 and was succeeded by Max Frankel. His first column on the op-ed page appeared Jan. 6, 1987. His last column for the paper was published Nov. 5, 1999.

As a columnist, Mr. Rosenthal's subjects ranged from the evils of the drug trade—"helping make criminals and destroying young minds"—to all forms of political, ethnic and religious repression, from China and Tibet to Africa, Europe and the Americas. He had a special interest in the security of Israel and made regular visits to the country.

Abraham Michael Rosenthal was born in Sault Ste. Marie, Ontario, the fifth child and only son of Harry and Sara Rosenthal. His father was born Harry Shipiatski in Byelorussia (today's Belarus) but took the name Rosenthal from an uncle in London on his way to Canada in 1903.

He was a trapper and fur trader before moving the family to New York in the early 1930s and settling in the Bronx, where he became a house painter. He died of injuries suffered in a fall from a scaffold when his son was 12.

As a teenager, Mr. Rosenthal lost his four sisters to various illnesses. He contracted osteomyelitis, a bone disease, and used a cane or crutches. He regained his mobility after being taken in by the Mayo Clinic as a charity patient.

He attended what was then called City College of New York. Although tuition was free, he used to say, it was more than he could afford. He worked on the school newspaper and was a stringer for the New York Herald Tribune. When the Times stringer at the college was drafted for World War II service in 1943, he took his job. He became a full-time reporter in 1944.

He became a U.S. citizen in 1951. He kept a plaque marking the occasion on his office wall.

His marriage to Ann Marie Burke Rosenthal ended in divorce.

Survivors include his wife of 18 years, the writer Shirley Lord Rosenthal, who lives in Manhattan; three sons from his first marriage, Jonathan Rosenthal of Clifton, Daniel Rosenthal of Milford, N.J., and Andrew Rosenthal, a New York Times deputy editorial page editor who lives in Montclair, N.J.; a sister; and four grandchildren.

UTB'S GRAVITATIONAL WAVE DISCOVERY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. ORTIZ. Mr. Speaker, I rise today to share with the House a monumental discovery made by scientists in my district that will make it easier for space scientists to map black holes in space. This breathaking discovery on gravitational waves was made by researchers at the University of Texas at Brownsville, and allows scientists—for the first time—to study the warping of space and time produced by colliding black holes.

Now, I'm no rocket scientist—but UTB's gravitational wave studies universal breakthrough will give researchers and other space scientists greater insight into one of the most cataclysmic astrophysical events predicted by Einstein's theory of general relativity, the merger of two black holes. Given that most of us are not scientists, let me just say that this remarkable discovery will guide astrophysicists as they learn more about the origin and history of the supermassive black holes which reside at the core of most galaxies, including our own Milky Way.

Black hole merger models are always challenging to build due to their unique and unknown nature. Black holes in space are regions where gravity is so intense that nothing, including light itself, can evade their pull. Because their mergers generate a remarkably strong burst of gravitational waves when they approach and collide, lasting for years at a time, they affect both space and time by producing ripples in the curved geometry of the universe.

This shift in the concept Einstein defined as "spacetime" has proven to be a difficult task for computer simulations to execute or follow. Yet UTB scientists M. Campanelli, C.O. Lousto and Y. Zlochower devised a novel technique for properly representing black holes during such collisions, which is why UTB's breakthrough is an epic contribution in the study of our universe.

This extraordinary discovery will enable scientists to verify Einstein's famed theory of general relativity—and specifically his theory of spacetime curvature. Results from this discovery will prepare the NASA/European Space Agency's 2015 gravitational wave mission, which aims to detect the gravitational waves produced from supermassive black hole collisions, also considered the most potent source of energy in the universe.

Physicists at UTB's Center for Gravitational Wave Astronomy have made exceptional progress in their field through this development, which is a reflection of their extensive dedication and sheer creativity. Through such efforts, they are establishing south Texas as a force in space science issues and as a leader in innovation.

Several groups have attempted to reach a solution to the computational complications involved in gravitational wave detection, leaving most researchers predicting that this elusive discovery would be incremental, through an arduous series of small improvements. UTB scientists, however, have contradicted this belief with their out-of-the-box thinking and relentless perseverance.

Despite a lack of equipment and economic resources, UTB scientists utilized the least sophisticated computer systems and relied on their stellar ingenuity to achieve a revolutionary breakthrough, the sort that comes along between every 10–50 years.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in applauding a group of intellectuals whose vision and brilliance are truly ahead of their time. These south Texans have inspired us today and changed the way our world will see the future.

THANK YOU HERRERA ELEMENTARY SCHOOL

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to thank the Fifth Grade students of Herrera Elementary which is in my Congressional District for coming to visit us last week on their class field trip.

They came to Washington on their Fifth Grade class trip to learn about our Government and the history of our country. During their 5-day visit, they managed to visit Mt. Vernon and learn about George Washington and what it was like during the colonial era.

They toured several museums in the Smithsonian. The Museum of American History, the Air and Space Museum and the National Museum of the American Indian were all favorites of the students.

On their last full day in Washington, I met with the students of Herrera Elementary during their lunch break. No one knew that one of their most memorable experiences was yet to come.

On our way to the Capitol steps to take a picture, an ABC news crew approached us to ask us if we knew the words to the national anthem. The students and I sang the national anthem on the Capitol steps and the students made it onto ABC's Nightline.

The Students of Herrera Elementary did a great job when they sang the national anthem. They knew all the words and did not miss a note. This was also impressive because the news story on the national anthem stemmed from the controversy over a Spanish version of the national anthem.

Almost all the students from Herrera Elementary are Hispanic and all of them sang the national anthem perfectly in English. They proved that patriotism lives in people of all ages and all nationalities.

Again, I thank Principal Hector Rodriguez and the teachers and parents of Herrera Elementary for making the 5th Grade class trip possible. I especially thank the 5th Grade students for visiting our office and making their visit memorable by singing the national anthem on the steps of the Capitol.

THE BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. KIND. Mr. Speaker, I rise today to stand with the National Breast Cancer Coalition (NBCC) and the three million women living with breast cancer in the country today and urge all my colleagues to push for passage of the Breast Cancer and Environmental Research Act (H.R. 2231) by the end of this year.

The bill authorizes $30 million a year for five years to establish multi-institutional, multidisciplinary centers. The centers would include institutions with different areas of expertise working together to look at different aspects of the issue. Furthermore, this bill would create a new mechanism for environmental health research, and provide a unique process by which up to eight research centers are developed to study environmental factors and their impact on breast cancer. Modeled after the DOD Breast Cancer Research Program, which has been so successful, it would include consumer advocates in the peer review and programmatic review process.

This federal commitment is critical for the overall, national strategy and the long-term research investments needed to discover the environmental causes of breast cancer, so that we can prevent it, treat it more effectively, and cure it. It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not understood. More research needs to be done to determine the impact of the environment on breast cancer, which has been understudied in the past.

Fewer than 30 percent of breast cancers are explained by known risk factors; however, there is little consensus in the scientific community on how the environment impacts breast cancer. Studies have explored the effect of isolated environmental factors such as diet, pesticides, and electromagnetic fields, but in most cases there is no conclusive evidence. Furthermore, there are many other factors that are suspected to play a role but have not been fully studied. These could provide valuable in understanding the causes of breast cancer and could lead to prevention strategies.

We need to enact this bill this year, and I urge my colleagues to cosponsor this bill and bring it to the House Floor for a vote.

REAUTHORIZATION OF THE OLDER AMERICANS ACT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. KUCINICH. Mr. Speaker, I introduced the following amendment to H.R. 5293 on May 17, 2006 and made the following statement afterward.

Page 22, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

(3) by adding at the end the following:

"(f) In addition to sums authorized by subsections (a) and (b) to be appropriated, there are authorized to be appropriated to pay expenses for fuel used to carry out parts B and C—

"(1) for fiscal year 2007, $26,800,000 multiplied by the average price of a barrel of oil for 2006 as reported by the Energy Information Administration, divided by the average price of a barrel of oil as reported by the Energy Information Administration for 2005;

"(2) for fiscal year 2008, the amount authorized for 2007 for fuel multiplied by the average price of a barrel of oil for 2007 as reported by the Energy Information Administration, divided by the average price of a barrel of oil as reported by the Energy Information Administration for 2006;

"(3) for fiscal year 2009, the amount authorized for 2008 for fuel multiplied by the average price of a barrel of oil for 2008 as reported by the Energy Information Administration, divided by the average price of a barrel of oil as reported by the Energy Information Administration for 2007;

"(4) for fiscal year 2010, the amount authorized for 2009 for fuel multiplied by the average price of a barrel of oil for 2009 as reported by the Energy Information Administration, divided by the average price of a barrel of oil as reported by the Energy Information Administration for 2008.; and

"(5) for fiscal year 2011, the amount authorized for 2010 for fuel multiplied by the average price of a barrel of oil for 2010 as reported by the Energy Information Administration, divided by the average price of a barrel of oil as reported by the Energy Information Administration for 2009.".

On May 17, 2006, I introduced an amendment in the House Education and the Workforce Committee, of which I am a member, to H.R. 5293, the Senior Independence Act. The bill reauthorizes the Older Americans Act. My amendment would help provide relief for Administrations on Aging and thousands of volunteers nationwide from being squeezed by the rising cost of gas. It provides a non-binding formula for calculating annual increses in fuel costs for the thre Older Americans Act programs that are the most heavily dependent on transportation. These programs include the in-home nutrition services, the congregate nurtition services, and the supportive services that provide rides to doctor's appointments, trips to the grocery store and to senior centers, among other services. Sadly, he amendment was defeated along party lines by a vote of 23–21.

It is plain to see why these programs have been so successful and so important to seniors. As Americans age, the mobility decreases. Consistent with the intent of the Older Americans Act, these services help seniors maintain independence, dignity and health. In FY2003, the Supportive Services gave almost 36 million rides and provided 20 million hours of personal care, homemaker and chore services. In that same year, 248 million means were served. Fifty-seven percent were provided in the home with the remainder in group settings. Each meal required transportation.

According to the Energy Information Administration, the price of gas the week ending on Christmas of the year 2000 was one dollar, sixty cents. The price for the week of May 15, 2006 was three dollars, fifteen cents. In other words, since the Older Americans Act was last reauthorized, gas prices have doubled.

We know that when the elements of our lives on which we rely go up in the price, the effect is highly regressive. Those with lower incomes pay a higher percentage of their income for the essentials of life than their high-income counterparts. The effect is particularly pronounced when we consider people with fixed incomes like seniors. Almost a third of America's aged are low-income.

High gas prices also affect the programs like the meal and transportation services.

First, programs have to cut back services. For example, in testimony before the Senate Special Committee on Aging last June, Donna Harvey, the executive Director of the Hawkeye Valley Area Agency on Aging in Iowa told of having to eliminate transportation services "for all 'non-essential' trips such as family visits, general shopping, trips to the workplace, and other social activities" because of rising fuel costs.

Second, as with so many other provisions in the Older Americans Act, the meal and supportive services programs are heavily dependent on volunteers. Many of the drivers are called the "young-old"—those who are independently mobile but are still on a senior's fixed income. A significant portion of these volunteers get reimbursed based on rates that precede the gas price hikes because the Administrations on Aging can't afford to keep pace. It is easy to see why we are losing drivers. They are taking the brunt of the gas price increases and are forced to curtail their generosity.

Finally, as those seniors living at the financial margins who cannot afford the inflated cost of gas lose their independence, they rely more heavily on services like those provided by the Administrations on Aging through the Older Americans Act.

At the same time that prices have gone up, funding has gone down. Supportive services has not even been flat funded since FY02, going down six million dollars. The same is true for congregate meals—their funding has decreased by five million dollars since FY02. And funding for home delivered meals has increased by only five million dollars, failing to come close to keeping pace with inflation.

We must do what we can to make sure our mothers, fathers, siblings and grandparents are not losing the services they need to help them lead independent, dignified, healthy lives because of gas prices. My amendment holds harmless from rising gasoline prices the congregate and in-home nutrition services as well as the supportive services. It does this by authorizing a yearly adjustment to the fuel component of their budgets. If the price of crude oil rises year after year, then the agencies' fuel budgets will rise a proportionate amount. If oil prices fall, fuel budgets fall in step as well. I urge my colleagues to vote for it.

HONORING TOP COPS AWARDEES DETECTIVE BRIAN FENNELLY & DETECTIVE ROBERT ZIELINSKI

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. SCHAKOWSKY. Mr. Speaker, it is my pleasure to rise today to congratulate and honor two outstanding police officers, detectives Brian Fennelly and Robert Zielinski for the recognition they received last week by the National Association of Police Officers (NAPO).

On May 12, 2006 Detectives Fennelly and Zielinski, officers with the Morton Grove Police Department, were awarded NAPO's "Top Cops" award for their heroic service in the line of duty. On January 21, 2005, with the assistance of Chicago Police Sergeant Richard J. Plotke (also awarded a Top Cops honor) the officers tracked down two suspects who had forcefully entered a home in Morton Grove and held hostage, robbed and brutalized the woman residing at that property.

While attempting to serve a warrant at the suspects' apartment, all three officers came under heavy gunfire. Despite the violent onslaught, and injuries sustained during the suspects' violent attack, the three officers relied on their skills and training to successfully disarm and render the assailants harmless.

By successfully tracking down those dangerous criminals, putting themselves in the line of fire and ultimately disarming the assailants, Detectives Brian Fennelly and Robert Zielinski (and Sergeant Plotke) prevented the serious threat posed to their fellow law enforcement professionals and to the entire community. Their heroic demonstration of bravery, team work and public service certainly makes them Top Cops in my book and in the eyes of their peers.

On behalf of the entire 9th Congressional District and along with Morton Grove's Police Chief, Paul Tasch, Jr. and Mayor, Richard Krier, I want to commend and thank our Top Cops Detective Brian Fennelly and Detective Robert Zielinski for their heroic service to our community. I urge all members of the House to recognize their outstanding service and the service of all public safety and law enforcement personnel throughout the country.

HONORING REVEREND PERRY SANDERS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. BOUSTANY. Mr. Speaker, I rise today to pay tribute to the Reverend Perry Sanders, a devoted and faithful servant to his God, his church, and his community in Lafayette, Louisiana.

On May 14th, Reverend Sanders gave his last sermon at the First Baptist Church in Lafayette. The day marked the culmination of his 47 years of service to the congregation. Born in South Carolina, Reverend Sanders came to First Baptist in 1959. Following graduation from college and New Orleans Baptist Theological Seminary, Reverend Sanders pastored at several churches in Louisiana before coming to the First Baptist Church in Lafayette. As a young preacher, he made it clear from the beginning that a segregated South would not stop him from preaching to "anybody and everybody" who came to listen. As a result, Lafayette became home to the first Southern white Baptist church to be racially integrated.

During his tenure at First Baptist, Sanders led the church to establish a media ministry that would set the pace for Southern Baptists. The power of the cassette tape was harnessed in the early seventies and his messages have encouraged many in even the most remote parts of the earth. First Baptist was selected as one of the "Great Churches" in a broadcast series in the mid eighties.

Reverend Perry Sanders led First Baptist through remarkable growth, especially considering its location in the Acadian culture with its strong Catholic traditions. From a congregation of a few hundred and a budget of about $70,000 per year, First Baptist has grown and now averages more than one thousand worshippers each weekend and owns buildings on six city blocks. Additionally, several hundred thousand dollars a year is given to missions outside the Lafayette community.

Mr. Speaker, our Nation would benefit greatly if we all dedicated our lives to the service Reverend Perry Sanders has exemplified throughout his career. It is with this in mind that I ask my colleagues to join me in honoring him today.

IN MEMORY OF CHIEF WARRANT OFFICER ERIC W. TOTTEN

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. SESSIONS. Mr. Speaker, I rise today to honor the memory of Chief Warrant Officer Eric W. Totten, an American hero who lost his life in defense of liberty and freedom. He made the ultimate sacrifice so that others might know freedom, and I am humbled by his bravery and selflessness.

Chief Warrant Officer Eric Totten was killed on May 5, 2006 when his CH–47 Chinook helicopter crashed in Kunar Province, Afghanistan while conducting combat operations. Chief Warrant Officer is survived by his stepmother, Tommie Totten.

Chief Warrant Officer Totten was assigned to Company B, the 3rd Battalion, 10th Aviation Regiment, and 10th Mountain Division at Fort Drum, New York. During his service to our Nation, he exemplified the skill, commitment, and passion of a true patriot for freedom's reign. Chief Warrant Officer Totten died accomplishing the task he loved the most—serving his country.

Chief Warrant Officer Totten leaves behind a legacy marked by courage, integrity, and character. May God bless all those he loved, and may I convey to them my sincerest condolences and the gratitude of the American people.

CELEBRATING THE FIRST JEWISH AMERICAN HERITAGE MONTH

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. SCHAKOWSKY. Mr. Speaker, I rise in solidarity with Jewish Americans from Maine to Hawaii to celebrate the designation of this May as the first ever Jewish American Heritage Month.

On Thursday April 20th, President Bush proclaimed that May would be Jewish American Heritage Month. I was a proud cosponsor of H. Con. Res. 315 when it unanimously passed the House of Representatives on December 15th, 2005, urging the President to do just that. Now for the first time there will be a national month recognizing the 352–year history of Jewish contributions to American culture.

As a first generation Jewish American, I have witnessed firsthand Jewish immigrants who have come to this Nation in order to create a better life for themselves, their families, and future generations. Since the first Jews settled here over 300 years ago, Jewish Americans have made endless contributions to our country through technology, the economy, entertainment, academia, politics, art, medicine, military service, and more. Like other important immigrant communities, the Jewish experience in the United States represents the ideal of freedom and the promise and opportunity of America.

Through educational programming, Jewish American History Month will help raise the awareness of a people, their history and contributions. It will help combat anti-Semitism, a phenomenon that is on the rise and that unfortunately still exists in our Nation. At no time in recent history has the need for this observance been greater. According to the Federal Bureau of Investigation's (FBI) most recent Hate Crimes Statistics, 67.8 percent of criminal incidents motivated by religions bias stemmed from anti-Jewish prejudice.

The lessons from the Holocaust have taught Jewish Americans that we must never turn a blind eye to terror or discrimination. It is necessary to combat hate wherever it exists. As a Jew I cannot sit idle while genocidal atrocities continue to unfold in Darfur, Sudan. I was proud to witness American Jewish organizations found the Save Darfur Coalition in June 2004 to mobilize a coordinated interfaith response to the ongoing humanitarian disaster. I hope every American will lend their support to this critical effort.

I look forward to the celebrations that will take place each May for years to come and I encourage everyone to help make this inaugural year's observance memorable by developing educational and celebratory programs in your communities.

And I wish you a happy Jewish American Heritage Month.

SUPPORT FOR THE NATIONAL SECURITY AGENCY

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. OXLEY. Mr. Speaker, as a strong supporter of the efforts being undertaken by the National Security agency to monitor and track terrorists, I commend to the attention of my colleagues the excellent piece by Mort Kondracke in today's Roll Call.

Mr. Kondracke rightly notes that the NSA's interception of international terrorist communications is both legitimate and vital to the Global War on Terror.

[From the Roll Call, May 18, 2006]

IDEOLOGICAL CONFLICT MENACES U.S. ABILITY TO FIGHT TERRORISM

(By Morton M. Kondracke)

Enough already! It's harmful enough that ideological conflict and partisan politics are preventing this country from solving its long-term challenges on health care, fiscal policy and energy. Now, it's threatening our national survival.

I do not exaggerate. Bush-hatred has reached such intensity that CIA officers and other bureaucrats are leaking major secrets about anti-terrorism policy and communications intelligence that undermine our ability to fight Islamic extremism.

Would newspapers in the midst of World War II have printed the fact that the U.S. had broken German and Japanese codes, enabling the enemy to secure its communications? Or revealed how and where Nazi spies were being interrogated? Nowadays, newspapers win Pulitzer Prizes for such disclosures.

In Congress and in much of the media, the immediate reaction to news that the National Security Agency was intercepting international terrorist communications was not to say, "Good work—and how can we help?" Rather, it was to scream about a "domestic spying" scandal, as though Richard Nixon were back in the White House and tapping the telephone of Democratic National Committee Chairman Howard Dean.

And the reaction has been much the same to USA Today's story last week that the NSA "has been secretly collecting the phone call records of tens of millions of Americans" in a program that "reaches into the homes and businesses across the nation by amassing information about the calls of ordinary Arericans."

Sen. Patrick Leahy (D–Vt.), ranking member on the Senate Judiciary Committee, reacted by asserting that "these are tens of millions of Americans who are not suspected of anything but we're just going to collect their phone information for the heck of it. Where does it stop?"

Similarly, Newsweek's cover this week blares "Spying On Your Calls"—no question mark used—and implies that the Bush White House could be tapping everyone's telephones.

In fact, what seems to be happening, though the details are secret, is that most long-distance phone companies have given the NSA their billing records identifying what numbers are calling what other nmbers, when and for how long. Names are not included. And the NSA—not for the heck of it but to protect us from attack—is using the records to track terrorist networks and calling patterns. If a known terrorist in Pakistan calls a number in Los Angeles, I want the government to know what numbers that person calls. Don't you?

Certainly, the government will find out the names of people in a terrorist calling chain. If it wants to tap a domestic phone, it needs a warrant and, unless officials are lying through their teeth, it is asking for them.

The NSA call logs also apparently are being mined to establish patterns of terrorist-related communication—the use of pay phones, duration of calls, times of communication, etc.

But all this scarcely constitutes "reaching into homes and businesses across the nation." If the government is snooping into the business of anyone except terrorists (or drug dealers, Mafiosi and child pornographers, whose names and numbers also can be easily obtained with a subpoena), it is wasting its time and our money.

The phone companies that are cooperating with the government ought to be congratulated for participating in the war on terrorism—as they would have been in WWII. Instead, they are being hauled before the Senate Judiciary Committee as though they were criminals. And trial lawyers are circling like vultures to make them pay zillions for alleged privacy violations.

As for myself, I'm sticking with AT&T as a long-distance carrier because (according to news reports), it did cooperate. If I had Qwest, which reportedly refused, I'd cancel.

Is there a potential for abuse in the NSA spying program? There is. For instance, it would be all too easy for officials to ask the NSA to trace the phone records of the winners of those odious Pulitzers—James Risen of The New York Times and Dana Priest of The Washington Post—in an effort to uncover their sources in the name of "protecting secrets" and "fighting terrorism."

The Senate Intelligence Committee, when it quizzes former NSA Director Michael Hayden in his CIA confirmation hearings Friday, should establish that the terrorist surveillance programs have not been abused, although there is no evidence of it.

To the extent he can do so without giving away secrets, Hayden also should tell the committee and the country why these programs are so essential and what the legal basis for them is.

If the administration believes, as officials often have said, that the 1978 Foreign Intelligence Surveillance Act is obsolete in the age of super-computers and terrorism, it ought to work with Congress to rewrite the law. Skirting it won't work anymore.

But the fundamental problem infecting much of Congress, the media and the political class especially those, left of center—is that they are consumed with loathing for President Bush and all his works and are prepared to do anything to undermine him, even if it makes the country less safe.

Yes, Republicans tried to destroy former President Bill Clinton over sex and politics. But now Democrats what to destroy Bush so badly that they are willing to undercut national security.

Everyone in Congress (and the CIA) should see the movie "United 93" as a reminder of what we are up against, Muslim fanatics will not only try to destroy the Capitol, but also explode a nuclear bomb, if they can.

And, people also should heed the warning delivered by Princeton University professor Bernard Lewis, one of the nation's foremost scholars of Islam, before the Pew Forum on Religion and Public Life here last month.

Lewis, now 90, cast the struggle with Islamic extremism in WWII terms—it is 1938, he said, and "we seem to be more in the mode of Chamberlain at Munich rather than of Churchill."

Osama bin Laden and other would-be Hitlers, he said, consider the United States "an effete, degenerate, pampered enemy incapable of real resistance." It's part of the pattern that we fight among ourselves as much as against our enemies. This is more than serious. It's dire.

HONORING THE 16TH ANNUAL DC BLACK PRIDE CELEBRATION

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. NORTON. Mr. Speaker, Memorial Day Weekend, May 26–29, is the 16th Annual DC Black Pride celebration in Washington, DC.

DC Black Pride is an exciting 4-day event complete with dynamic workshops, receptions, cultural arts activities, small and large nightclub events that culminates in the world's largest Black Pride Festival at Metro Center, on the site of Washington, DC's former Convention Center. Many consider DC's Festival one of the world's preeminent Black Pride celebrations. The Festival consistently draws more than 30,000 people to the Nation's Capital. Attendees come from every major urban area in the United States as well as from Canada, Great Britain, France, Germany, the Netherlands, the Caribbean and South Africa. The Black Pride Festival features activities for the entire family including performances by national recording artists, 200 exhibition booths, book signings from noted writers, participation from national and local health organizations, and arts and crafts.

Black Lesbian and Gay Pride Day, Inc (BLGPD), the celebration's organizing body, chose the theme "Fire 2006" to encourage the Black Lesbian Gay, Bisexual and Transgendered (LGBT) people to "get fired up" about their health and wellness, to strengthen the Black LGBT Community, and to encourage Black LGBT people to live their lives with pride.

Black Lesbian and Gay Pride Day, Inc, a nonprofit organization with a volunteer Board of Directors coordinates this annual event. BLGPD's 2006 Board consists of Clarence J. Fluker, President; James Hawkins, Vice President; Janisha Gabriel, Secretary; Lisa Washington, Treasurer; the following Members at Large: Ramon Gardenhire, Shanika Whitehurst, Sterling Washington, Ray Daniels, Donovan Anderson, Courtney Snowden; and these Members Emeritus: Earl Fowlkes, Eric E. Richardson, and Cheryl Dunn who lead BLGPD in its mission to build knowledge of and to create greater pride in the Black Lesbian, Gay, Bisexual and Transgendered community's diversity while raising funds to ameliorate and prevent health problems, especially HIV/AIDS, in this community.

I ask the House to join me in welcoming all attending the 16th Annual DC Black Pride celebration in Washington, DC, and I take this opportunity to remind the celebrants that United States Citizens who reside in Washington, DC are taxed without full voting representation in Congress.

A TRIBUTE TO THE EAST NEW YORK FAMILY ACADEMY GIRLS' BASKETBALL TEAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. TOWNS. Mr. Speaker, I rise today in recognition of the East New York Family Academy Girls' Varsity Basketball Team. They are champions of the 2006 Girls Varsity Division VIII–B of the Public School Athletic League of New York City. Under the direction of Head Coach Earl S. Mitchell, Assistant Coach Eddie Barron, and Managers Rayon Clarke, Shakeema Mattocks and Bukky Odubanjo; the 2006 "Lady Eagles" excelled to an undefeated regular season record of 18 wins and no losses, while losing only one out of five games during the playoff season. Additionally, the East New York Family Academy Lady Eagles currently holds a record of two consecutive undefeated regular season.

I want to especially recognize the work of Athletic Director, John Cortese; and Principal Sheila Richards, who have worked hard to infuse excellence, respect and accountability not only in athletic programs, but in academic departments as well. At East New York Family Academy, it is truly a family affair. Coaches Mitchell and Barron have received a tremendous amount of inspiration from Tony Yard, the Head Coach of the Boys' Varsity Basketball Team and former member of the Panamanian Olympic Team, and from Donald Vanteerpool, the Head Coach of the Boys' Junior Varsity Basketball Team. Coach Mitchell is deeply appreciative of these coaches for teaching his team to respect the fundamentals of the game and for always being there when needed.

Although athletics are important, academics have not taken a backseat. In an era when sports achievements have sometimes replaced excellence in English, math, science and other academic areas, the coaches have demanded a high level of academic performance from team members. As an example, two players rank in the Top 10 of their senior class and four members of the starting five have received college acceptance offers.

Long after the last shot has been taken and the last ball dribbled, the members of the 2006 "Lady Eagles": Naledi Anderson, Alana Arthurs, Veldina Chaunce, Karanja Craigg, Tiffan Dugue', Tabrese Harris, Ayana James, Shada Jordon, Dalkeitha Layne, Shamika Mcintosh, Krista Mitchell, Tashanya Morris, and Tara Powell will benefit from the leadership, love and guidance given to them by their coaches, teachers and administrators at East New York Family Academy.

I am certain that in the days to come, the members of the 2006 "Lady Eagles" will build upon their experiences in basketball and their days at the East New York Family Academy and there will be more achievements to come.

Mr. Speaker, in this spirit, I believe that the accomplishments of the 2006 "Lady Eagles," and the work of their coaches, teachers and administrators, are truly worthy of our recognition here today.

TRIBUTE TO ST. JOSEPH'S SCHOOL OF THE SACRED HEART

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. ESHOO. Mr. Speaker, I rise today to honor St. Joseph's School of the Sacred Heart, on the occasion of the celebration of its centennial on May 20, 2006.

Emilie Blain Donohoe, an alumna of Sacred Heart in St. Louis, strongly believed in the educational mission of the Religious of the Sacred Heart. In 1904, she made an offer to them to fund a new school if they would agree to run it. In 1906, St. Joseph's School in Atherton, California opened its doors to 74 students. Then and now the school is guided by the spirit of the foundress of the Religious of the Sacred Heart, St. Madeleine Sophie Barat, who said, "Let us respect childhood; let us honor the soul of that small creature of God." It was her vision of teaching children of all social levels that inspired Emilie Blain Donohoe to fund a tuition-free school.

One hundred years later, St. Joseph's School of the Sacred Heart is considered the "gold standard" in K through 8 education. It is led by capable leaders and a faculty headed by Cee Salberg, Principal of the Preschool and Kindergarten, and Karen Eshoo, Principal of grades 1 through 8. Karen is my daughter and a graduate of St. Joseph's (Class of 1983) and Sacred Heart Preparatory (Class of 1987) and as such; exemplifies the best of a Sacred Heart education. The enrollment today is 520 children from Preschool through 8th grade. St. Joseph's has undergone many changes in 100 years but its mission remains the same: the development of the whole child spiritually, intellectually, emotionally and physically.

A St. Joseph's education represents the finest in academics . . . serious in principles, and rich in the spirit of life and love. The five Goals of the Sacred Heart Network inform everything that is done at St. Joseph's. They guide the community in a genuinely integrated approach to learning which is spiritually nurturing, academically challenging, and produces students who are committed to social justice in a spirit of Christian community. St. Joseph's students are continually challenged to support each other, while at the same time achieving their own personal goals.

Mr. Speaker, I ask my colleagues to join me in honoring an extraordinary school, St. Joseph's of the Sacred Heart, as it celebrates one hundred years of educating our children. I pay tribute to the Religious of the Sacred Heart for their inspired work of educating generations of children and my congratulations to the entire Sacred Heart community of students, teachers, staff, alumni, parents and donors who have all helped to shape responsible citizens of our country. May the next century be marked by the excellence and achievements of the first 100 years at St. Joseph's School of the Sacred Heart.

HONORING THE CREW OF USS "LAGARTO"

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. LIPINSKI Mr. Speaker, I wish to pay tribute to 86 brave men who made the ultimate sacrifice for their country and, for freedom—the crew of the submarine USS *Lagarto*—as well as their loved ones—their wives and sweethearts, sons and daughters, brothers and sisters, mothers and fathers—who have all kept them in their hearts for more than 60 years.

The story of the *Lagarto* represents the sacrifices made by sailors in the "Silent Service," the most dangerous of all the missions, as submariners suffered the highest percentage of combat deaths of any service in any branch of the armed forces during World War II.

The *Lagarto,* built in the shipyards of Manitowoc, Wisconsin, had a short but distinguished career. The submarine joined the assault on Imperial Japan in early 1945, and was credited with sinking a Japanese submarine and other enemy vessels.

However, on May 3, 1945, the *Lagarto* and its sister submarine, the USS *Baya,* were coordinating an attack on a Japanese convoy off the coast of Thailand. The Japanese escort minelayer *Hatsutaka* was able to drive off the *Baya* in the early hours of May 4. But the *Lagarto* was never heard from again. Evidence pointed to a depth charge from the *Hatsutaka* that may have sunk the *Lagarto,* and the submarine was presumed lost with all hands on board.

For the next 60 years, many of the loved ones of the *Lagarto* crew continued to wonder where their final resting place might be. Then, in the Spring of 2005, a fishing boat snagged a large object off the Thai coast. Eventually, renowned wreck diver Jamie McLeod investigated and helped confirm that the wreckage in about 180 feet of water was the *Lagarto.*

On Saturday, May 6, 2006, the crew of the *Lagarto* was honored by the Navy during a special annual USS *Lagarto* Remembrance Day Memorial Ceremony at the Wisconsin Maritime Museum in Manitowoc. This event was attended by more than 150 family members of the crew of the *Lagarto.*

As Nancy Mabin Kenney, who was a toddler when her father, Seaman 1st Class William T. Mabin, was lost on the *Largato,* said: "This ceremony will be our way of saying goodbye that we never had."

Mr. Speaker, I rise today to ask my colleagues to join me honoring the brave men of USS *Lagarto* and to express our sincere gratitude to their families and friends upon the ultimate sacrifice these sailors gave for our great nation.

PERSONAL EXPLANATIONS

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. NEUGEBAUER. Mr. Speaker, due to circumstances beyond my control, I missed Roll Call Vote 153 on Wednesday, May 17, 2006. Had I been present I would have voted "aye." This was a vote to order the previous question on H. Res. 817, a rule providing for further consideration of the budget resolution.

THE AMBASSADORS' REVIEW OF THE COUNCIL OF AMERICAN AMBASSADORS

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. SHAYS. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the following statement by Joseph Verner Reed, Under-Secretary-General of the United Nations.

VIEWPOINTS: UNITED NATIONS

Secretary-General Kofi A. Annan will step down from his position as Secretary-General when his second five-year term ends on December 31.

The search for a successor to Secretary-General Annan promises to create differences within the U.N. Security Council. Russia and China back the customary procedure of rotating the post among the world's regions, while the U.S. and Britain are questioning the need to do so.

Since the United Nations was established in October 1945, the post of Secretary-General has been held by Trygve Lie of Norway

(1946–1953); Dag Hammarskjold of Sweden (1953–1961); U Thant of Burma (1961–1971); Kurt Waldheim of Austria (1972–1981); Javier Perez de Cuellar of Peru (1982–1991); and Boutros Boutros-Ghali of Egypt (1992–1996). Kofi A. Annan, who is from Ghana, has served since January 1997.

The list of candidates widely discussed in the international press include: Aleksander Kwasniewski, former Polish president; Vaira Vike-Freiberga, Latvian president; Kemal Dervis, Turkey, currently head of the U.N. Development Program; Surakiart Sathirathai, Thailand's deputy prime minister; Shashi Tharoor, India, U.N. under-secretary-general for Communications and Public Information and an award-winning journalist/novelist; Ban Ki Moon, South Korea's foreign minister; Jose Ramos-Horta, foreign minister of East Timor and a 1996 Nobel Peace Prize Laureate; Jayantha Dhanapala, Sri Lanka, served as U.N. undersecretary-general for disarmament and as ambassador to the United States; Goh Chok Tong, former prime ministr of Singapore; and Prince Zeid Ra'ad Zeid Al-Hussein, Jordanian ambassador to the U.N. The list is not exhaustive and the selection of a dark-horse candidate cannot be discounted.

The BBC (February 14) reported, "Analysts say there is much support for an Asian leader among U.N. member states, in line with an informal tradition that rotates the role on a geographical basis. But Washington's U.N. Ambassador John R. Bolton said last month that Kofi Annan's successor should be selected on merit alone."

There have been calls for a Woman as Secretary-General. Woman's groups have begun lobbying for a woman to succeed Secretary-General Annan. Their campaign has taken on new urgency with the recent announcement that Secretary-General Annan's deputy, Louise Frechette, appointed in 1998 partly because she was a woman, will leave in April to return to her native Canada.

As the campaigns move forward it is to be noted that there are no established qualifications for the post, no search committees, no interviews, no background checks, no campaign rules and no forums for showcasing aspirants and their ideas.

If history is a guide, it is likely that none of the discussed candidates will emerge the winner and that the person who does is not being publicly discussed.

Wang Guangya, China's Ambassador (the PRC holding a Permanent seat on the Security Council) at a recent reception said China would support only candidates from Asia, a polite way of saying the PRC would threaten to veto candidates from elsewhere.

The current Chief of Staff for the Secretary-General is Mark Malloch Brown, recently Head of the UNDP (United Nations Development Program). He will take the post of Deputy Secretary-General in April.

Meanwhile, the Secretary General has presented a far-reaching report with proposals for an overhaul ranging from setting up a 2,500-strong core of mobile peacekeeping professionals to multimillion-dollar invesments in training and technology.

His far-reaching report "Investing in the United Nations: For a Stronger Organization Worldwide," focuses on ensuring efficiency and accountability in a way that reflects the fact that more than 70 per cent of the $10 billion annual budget now relates to peacekeeping and other field operations, up from around 50 per cent of a $4.5 billion budget ten years ago.

"Our current rules and regulations were designed for an essentially static Secretariat, whose main function was to service conferences and meetings of Member States, and whose staff worked mainly at Headquarters," the Secretary-General said as he presented the report in the General Assembly Hall. "Today thanks to the mandates that Member States have given us, we are engaged directly in many parts of the world, working on the ground to improve the lives of people who need help."

In the 16 years since the cold war ended, the Organization has taken on more than twice as many new peacekeeping missions as in the previous 44 years and spending on peacekeeping has quadrupled. Over half of its 30,000 civilian staff now serve in the field—not only in peacekeeping, but also in humanitarian relief, criminal justice, human rights monitoring, supporting national elections, and in the battle against drugs and crime.

The Secretary-General's comprehensive reform blueprint was called for in the Outcome Document adopted by national leaders at last September's World Summit in New York. It builds on a package of reforms Mr. Annan launched last year to enhance ethics and accountability and address weaknesses exposed by the Indepdent Inquiry on the Oil-for-Food Programme as well as evidence of sexual exploitation in certain peace eping operations.

In the report, the Secretary-General urges Member States to seize the moment for change. "This is an opportunity, which may not occur again until another generation has passed, to transform the United Nations by aligning it with, and equipping it for, the substantive challenges it faces in the twenty-first century," he writes. "It is a chance to give Member States the tools they need to provide strategic direction and hold the Secretariat fully accountable for its performance."

While the report identifies a number of areas of potential cost savings and efficiencies, the primary financial message is that it is time to reverse years of underinvestment in people, systems and information technology to address operational deficiencies and ensure that the UN can reach the level of effectiveness expected by Member States.

The Secretary-General said that although the UN had made a number of major organizational changes in recent rears to keep up with the increasing expectations of Member States, these efforts had only addressed the symptoms, not the causes, of the Organization's shortcomings. "It is now time to reach for deeper, more fundamental change," he said.

Along these lines, the proposals encompass a revamped version of how to recruit, contract, train, assign and compensate staff, with an emphasis on bringing conditions for field-based personnel up to par with those at other UN agencies operating in the field. This will include proposals for converting 2,500 existing short-term peacekeeping positions into a new flexible and mobile core of dedicated specialists who can be deployed rapidly in urgent peacekeeping and special political missions.

"Increasingly complex mandates require staff with different skills," the Secretary-General told the Assembly. "We need to be able to recruit and retain leaders, managers and personnel capable of handling large multidisciplinary operations, with increasingly high budgets. "As things stand," he added, "many of our staff, especially the field staff who serve with great idealism and integrity, often in situations of hardship and danger are demoralized and de-motivated by lack of opportunities for promotion, and by the frustrattons of dealing with a bureaucracy that can seem both excessive and remote."

The report calls for consolidating reporting to address logjams associated with the current system, where over 100 senior UN officials are directly answerable to the Secretary-General. It also proposes the formal delegation of responsibility for management policies and overall operational matters to a redefined post of Deputy Secretary-General to help free the Secretary-General to focus on political and policy issues.

The report also proposes significant investment to overhaul the Organization's information and communications infrastructure by replacing current antiquated, fragmented technology systems with an integrated global platform that should be led by a dedicated Chief Information Technology Officer.

Separately, the report identifies significant opportunities to realize cost savings and efficiency gains, recommending that the Secretariat explore options for alternative service delivery, including the potential for relocating core functions from Headquarters to lower cost duty stations and possible outsourcing of less central functions such as printing.

One area where investment could yield substantial savings is procurement, where the report outlines change that would improve transparency and realize up to $400 million.

A number of the proposals fall under the direct authority of the Secretary-General, who said he intends to immediately carry them out. But most of the fundamental changes, particularly with regard to budget and personnel issues, require approval from Member States.

To help ensure momentum for this agenda through the end of his term and to help equip his successor to follow through, the Secretary-General also proposes creating a Change Management Office that would seek to work closely with Member States to drive the implementation of the reforms.

In the report, Mr. Annan cautions against complacency, stressing that the proposals must mark the beginning of a process that will be carried over the next several years. "One of the weaknesses of the old culture is precisely the view that a report or a vote in itself represents change," he notes. "In practice, reports and votes enable and authorize change, but change itself is the long march that follows."

Last week the international community took an important step forward in the fight for global human rights by way of the General Assembly voting to adopt a new Human Rights Council.

The new Human Rights Council represents a significant improvement over the old, discredited Human Rights Commission because it includes a number of new provisions and characteristics that will significantly strengthen the UN's human rights machinery and prevent human rights violators from participating in the Council.

The President of the General Assembly, Jan Eliasson, has done a masterful job of diplomacy, as demonstrated by the broad support that exists among governments and non-governmental organizations.

His proposal was made considerably stronger through pledges by a large number of countries.

These recent pledges will help ensure that countries with dubious human rights records will not be elected to the new Council and that countries under Security Council sanctions are prevented from participating in the Council.

The new commitments significantly enhance the proposal and set the stage for additional efforts to strengthen the new body as it is formed and made operational.

Countries committed to human rights must know that leadership and diplomacy can continue to improve the Council as it gets up and running and into the future.

While this unfortunate that the United States found itself virtually alone in New York and was unable to join consensus, it is a positive sign that the United States did not abandon the Council altogether.

Result of the GA resolution on Human Rights Council: 170 in favour; 44 against (U.S., Israel, Marshall Islands, Palau); and 3 abstained (Venezuela, Iran, Belarus).

Building on these principles, the U.S. should participate actively in the next phase of the Council, exercising leadership and summoning enlightened diplomacy to advance the Council and the cause of human rights.

The creation of this new Council—which was mandated by world leaders in last September's summit at the UN—also fuels the momentum in the ongoing reform process at the UN.

The Secretary-General attended the World Economic Forum in January of this year and addressed the Plenary Session:

"A NEW MINDSET FOR THE UNITED NATIONS"

"Excellencies, Ladies and Gentlemen, Dear friends:

"Some of you may remember me coming to Davos nine years ago, as a freshly minted Secretary-General.

"Since then I have attended all but three of your annual meetings—including the memorable one in 2002 when you came to show confidence in New York, after the attack on the World Trade Center.

"So I did not hesitate one minute, Klaus, before accepting your kind invitation to come here once more, at the beginning of my last year in office. And I was also very happy to accept the title you suggested for this session—'a new mindset for the United Nations'.

"Why? because it expresses something I have striven to achieve throughout these nine years, and something in which Davos itself has played a part.

"In 1999, when I came here and called for a 'global compact' between the United Nations and the private sector, many of my colleagues in the Secretariat—and many representatives of member States—would hardly have been more shocked if I had proposed a compact with the Devil.

"It is the mindset that I have been seeking to change throughout my time in office—the mindset that sees international relations as nothing more than relations between States, and the United Nations as little more than a trade union for governments.

"My objective has been to persuade both the member States and my colleagues in the Secretariat that the United Nations needs to engage not only with governments but with people. Only if it does that, I believe, can it fulfill its vocation and be of use to humanity in the 21st century.

"That's why, in the year 2000, I used the first words of the UN Charter, 'We the Peoples' as the title of my report setting out the agenda for the Millennium Summit, at which political leaders from all over the world came together to assess the challenges of a new century, and adopted a collective response, known as the 'Millennium Declaration.'

"And that was why last year, in my report called 'In Larger Freedom', I urged governments to accept that security and development are interdependent, and that neither can be long sustained without respect for human rights and the rule of law.

"That report was intended as the blueprint, not only for a far-reaching reform of the United Nations itself, but also for a series of decisions that would enable humanity to realize the aims of the Millennium Declaration, particularly in the light of new challenges that had arisen since.

"How far the blueprint will be translated into reality, remains to be seen. But in the meantime the United Nations has not stood still. Far from it! This has been a decade of rapid change. Let me give you a few examples.

"When I took office there was a widespread perception, based on the tragic events in Bosnia, Somalia and Rwanda, that UN peacekeeping was a failed experiment, and that henceforth this task would have to be handled by regional organizations.

"Peacekeepers, especially in countries where conflict is still raging—where there is literally no peace to keep—continue to face immense challenges. Even so, today we have 85,000 people serving in 16 UN peacekeeping operations, spread across four continents. Most of these operations are not static observers of a truce, but active participants in the implementation of peace agreements, helping the people of war-torn countries make the transition from war to peace.

"Certainly, in many parts of the world regional organizations play an important role, and so they should. But most often they do so in partnership with the United Nations. The UN has become, in effect, the indispensable mechanism for bringing international help to countries recovering from conflict—and member States have now recognized this by agreeing to set up a Peacebuilding Commission, within the UN, to manage this highly complex process.

"The last decade has also seen growing use of United Nations economic sanctions. These are now used to influence or restrict the activity not only of recalcitrant States, but also of non-State actors, such as rebel movements or terrorist groups. At the same time, the Security Council has developed more sophisticated and humane types of sanctions, aimed at individuals rather than whole societies—travel bans, for instance, and the freezing of bank accounts.

"The same philosophy of punishing individuals rather than communities has driven the work of the UN criminal tribunals for Rwanda and the former Yugoslavia—one of which was the first international court to convict people of genocide (including a former prime minister) and of rape as a war crime, while the other has become the first to indict and try a former Head of State.

"This in turn has led to further innovations, including the mixed tribunal in Sierra Leone and, of course, the International Criminal Court. The latter is not an organ of the United Nations, but the UN convened and serviced the conference, which adopted its Statute in 1998.

"Over 100 States have now ratified the Statute—which means that the Court's jurisdiction is now recognized by well over half the UN's membership.

"Another way the UN has changed is the increasing focus on human rights—which is reflected in the recent decision by member States to strengthen the office of the High Commissioner for Human Rights. That office is now a dynamic operational entity, which deploys and supports hundreds of human rights workers around the world. And I hope that within the next week or two we may see agreement on a corresponding change at the intergovernmental level, with the establishment of a more authoritative Human Rights Council, to replace the now widely discredited Commission.

"One more example of change: the United Nations has responded to the growth of international terrorism. Even before '9/11', the Security Council had imposed sanctions on Al-Qaida, and set up a special committee to monitor its activities. Immediately after the attack, the Council went much further, with its historic resolution 1373, which imposed stringent obligations on all countries, established a list of terrorist organizations and individuals, and created the Counter-Terrorism Committee to monitor member States' compliance and help them improve their capacity to enact and implement anti-terrorist legislation.

"In short, I believe the United Nations is proving itself an increasingly flexible instrument, to which its member States turn for a wider and wider array of functions.

"For instance, within the last five years the UN has been asked: to shepherd Afghanistan's transition from the anarchic wasteland of the Taliban and the warlords to the nascent democracy—still struggling, but hopeful—that it is today; to help establish the Interim Government of Iraq, and to help organize the referendum and elections there—as it has supported democratic elections in half the world's nations over the last 12 years; to verify the withdrawal of Syrian troops from Lebanon and carry out, for the first time ever, a full criminal investigation into the assassination of a former prime minister; to coordinate global relief efforts after the tsunami, and again after the earthquake in Kashmir; and to take the lead in raising global awareness, as well as funds, to protect the world's peoples against avian flu.

"What all these activities have in common is that they involve the United Nations not simply in relations among its member States, but also in the lives of their peoples. To carry out such tasks, we must engage not only with governments but with all the new actors on the international scene.

"That includes the private sector, but it also includes parliamentarians; voluntary, non-profit organizations; philanthropic foundations; the global media; celebrities from the worlds of sport and entertainment; and in some cases labour unions, mayors and local administrators. And it includes less benign actors such as terrorists, warlords, and traffickers in drugs, illicit weapons or—worst of all—the lives and bodies of human beings.

"That is why I have repeatedly urged all the organs of the United Nations to be more open to civil society, so that their decisions can fully reflect the contribution made by groups and individuals who devote themselves to studying specific problems, or working in specific areas.

"It is also why I myself have cultivated contacts with scholars, with parliamentarians, with practitioners of all sorts, and with young people—seeking to learn from their views and also encouraging them, whatever sector they work in, to use their talents for the public good and to keep the global horizon in view.

"It is one of the reasons why I have worked constantly to make our Organization more transparent and comprehensible to the public, and thereby more genuinely accountable.

"And, of course, it is why I launched the Global Compact, to which the international business community—including some of you in this audience—has responded with such enthusiasm that it is now the world's leading corporate citizenship initiative, involving more that 2,400 companies, in nearly 90 countries.

"This new mindset must also extend to the domain of international peace and security—so that we think of security not only in conventional terms, focusing on prevention of war between States, but also as including the protection of the world's peoples, against threats which, to many of them today, seem more immediate and more real.

"One of those threats is the threat of genocide and other crimes against humanity. I called the General Assembly's attention to this in 1999, warning that such mass atrocities can never be treated as a purely domestic affair. Being rightly called crimes against humanity, they demand a collective response from humanity, which should be organized and legitimized by the United Nations.

"More recently, the High-Level Panel that I appointed in 2003 has identified a broad range of threats, including: poverty, infectious disease and environmental degradation; conflict within States, as well as between them; the spread of nuclear, radiological, chemical and biological weapons; terrorism; and transnational organized crime.

"My 'Larger Freedom' report built on this re-definition of global security, drawing it together with the detailed recommendations of the Millennium Project for achieving the Millennium Development Goals by 2015—which in itself would rescue many millions of people from the threats of poverty and disease.

"But my report also included a third dimension: human rights and the rule of law. Without these, any society, however well-armed, will remain insecure; and its development, however dynamic, will remain precarious.

"Member States took the report as their starting-point in negotiating the outcome of last September's world summit. I won't say that that document fulfills all my hopes. But it does contain many important decisions—from the creation of a Peacebuilding Commission and Human Rights Council, through the commitments to advance the Millennium Development Goals, to the acceptance, by all States individually and collectively, of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

"Excellencies, Ladies and Gentlemen,

"The United Nations cannot stand still, because the threats to humanity do not stand still. Every day the world presents new challenges, which the founders of the UN 60 years ago could never have anticipated. Whether it is a looming crisis over Iran and its compliance with the Nuclear Non-Proliferation Treaty, continuing atrocities in Darfur, or the threat of an avian flu pandemic, people all over the world look to the United Nations to play a role in making peace, protecting civilians, improving livelihoods, promoting human rights and upholding international law. I have worked long and hard to transform the United Nations so that when called upon, as we are every day, we will deliver what is asked of us—effectively, efficiently and equitably. That is the true objective of the changes I have sought to bring about, and it will be the true measure of my success or failure.

"And my successor—since I understand several members of this panel may be interested in the position—need not worry. Changing the mindset of the United Nations, so that it can both reflect and influence the temper of the times, is a never-ending challenge. There will be plenty more work to do in the years and decades to come."

I have worked for three Secretary Generals and been at post for some 20 years. I am honored to have worked for the House of Peace. As we approach the new era of a new Secretary-General I say it is time for renewal.

TRIBUTE TO ROBERT F. CARROLL CHAIRMAN, APLASTIC ANEMIA & MDS INTERNATIONAL FOUNDATION

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great sadness that I rise today to inform the House of the passing of Robert F. Carroll, a constituent of mine from Wolcott, Connecticut. I ask that you join me in paying tribute to this great man, who served both as the Chairman of the Board of the Aplastic Anemia & MDS International Foundation and the Assistant Executive Director for the Connecticut Association of Schools in Cheshire, CT.

In April 1991, at age 57, Bob was diagnosed with myelodysplastic syndromes (MDS), a serious and non-contagious rare bone marrow failure disease. Bob was told he had MDS after having gone to his doctor for a routine check-up required by the school district for which he worked. He was given two to four years to live. He had always told his wife, Marie, that he would not want to know if he had a life-threatening disease. But courageously Bob transformed his fear of dying to a fear of dying without giving back. From at month in 1991 until today, Bob set about to make a difference for individuals and families suffering from bone marrow diseases.

In early 1992, Bob and his wife were searching the Internet and came across the Aplastic Anemia & MDS International Foundation. He contacted the executive director immediately and, as a result, was given everything he needed to educate himself about the disease, clinical trials, and support networks of other patients. He soon became active and a member of the board. Four years later, he became President of the Foundation, the first patient President in the history of the organization. He believed in the same goals as the Foundation, which is to keep patients attitudes positive. He refused to let his life change because of his MDS. He did not retire, and instead continued with his career in education and the many projects that kept him active and busy.

For 15 years, Bob advocated tirelessly for the tens of thousands of individuals diagnosed with bone marrow diseases (about 35,000 new cases are diagnosed annually). He also became involved in the recovery efforts in Sri Lanka after the devastating tsunami of 2004, traveling to that country and raising money in the U.S. for recovery efforts. And through his service with the Connecticut Association of Schools, Bob worked strenuously to improve the quality of education in our school systems.

Bob was able to live with MDS thanks to the hundreds of transfusions he received over a period of 15 years. Unfortunately, though, there is no cure for MDS. The extreme low blood counts that are caused by MDS ultimately took their toll on Bob's long-term health Bob passed away yesterday in Connecticut.

Bob would not want us to remember him as a victim of a rare disease, but rather as one who experienced a new challenge that gave greater purpose to his life. He often referred to MDS as his "gift" because it taught him that relationships with others are what are important in life. Let us honor this spirit today by paying the highest tribute to this great American and tireless advocate for those suffering from rare diseases.

CONGRATULATIONS TO COACH TREY GIBSON AND THE LOUISIANA TECH UNIVERSITY DEBATE TEAM

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. ALEXANDER. Mr. Speaker, I rise today to congratulate the Louisiana Tech University Debate Team for its continued success this academic year. Just last month, the debate team regained its national championship status and the team is poised to continue its success next season.

The team's success is not accidental; the foundation of this team's success was established by hard work, determination, dedication and experience. At the helm of the Louisiana Tech Debate Team is Trey Gibson, a Louisiana native who came to Louisiana Tech in 2000. This year's team includes: Levy Leatherman, John Emory, Bill Willis, Kris Lucas, John McCorkle, Michelli McKnight, Matt LaCaze, Baileigh McClaran, Henry Shuler, Courtney McGuffee, Rachel Taylor, Kyle O'Neal, Taryn Branson, Kacey Richard, Nick Cordaro, Richie Robinson, Christina Linza and Reece Lewis.

Gibson works tirelessly to promote this program and uses his talent, energy and drive toward developing articulate students. Long after these students graduate, Gibson's lessons and dedication will continue to surface as his students succeed in business and public service professions. By winning the national championship, the Louisiana Tech Debate Team also earned the prestigious Protagoras Cup. It is also important to note that this year's team faced the trials and tribulations that Hurricanes Katrina and Rita brought to our state. Most north Louisiana institutions of higher learning had to carry the burdens of finding space for our south Louisiana students from other universities, and all state universities had to address budget cuts. Through all of this, the team continued on its successful journey.

Mr. Speaker, I am also pleased to know that the academic honors these students have achieved will truly pay off for our nation. This type of training will enhance and strengthen each student's educational experience. I am thankful for professors like Trey Gibson, who exude energy and determination in the classroom. The fruits of his labor are evident in his team's storied success.

BILL IN SUPPORT OF RELIEF TO MENNONITE MUTUAL AID

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. SOUDER. Mr. Speaker, I rise today in support of a bill that would offer relief to Mennonite Mutual Aid, a organization affiliated with the Mennonite church based in Indiana that provides individuals with socially-conscious investment and retirement options.

For more than 40 years Mennonite Mutual Aid has been offering defined benefits to its customers in the form of annuities paid directly from its 401(a) defined contribution church retirement plan, a process known as "self-annuitization." However, regulations issued by the IRS in 2002 prohibited the practice of self-annuitization, although they allowed it for church retirement plans organized under section 403(b)(9). Instead, the IRS stated that plans must purchase annuities from commercial insurance companies.

Mr. Speaker, there is no good policy reason for why the two types of church plans should be treated differently regarding self-annuitization. Furthermore, the Department of the Treasury has indicated they would not oppose a legislative change on this issue. Churches should have the right to invest for retirement in the ways they see fit, and commercial insurance companies cannot and do not manage their investments according to these high standards. Moreover, the ability to offer annuities is necessary to prevent the possibility of beneficiaries outliving their retirement funds under an alternative installment payment system. In order to prevent this unfairness, my bill would use a "grandfather" approach to grant the ability to self-annuitize only to those 401(a) plans that were in existence on the date the final IRS regulations were issued in 2002.

Mr. Speaker, I urge my colleagues to support this bill so that the Mennonites can continue to offer annuities invested in the way they see fit.

PERSONAL EXPLANATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. BARTON of Texas. Mr. Speaker, on Wednesday, May 17, 2006, I was diagnosed with an inner ear infection and was unable to fly to Washington, D.C. ahead of all votes. As a result, I missed several votes on this day and ask that my statement be placed in the appropriate part of the RECORD to reflect how I would have voted on the following roll call votes, had I been present.

Wednesday, May 17, 2006:

Nay: on agreeing to the Rahall (WV) amendment Failed by recorded vote: 189–236 (Roll no. 147). Strikes section 103 of H.R. 4200, regarding expedited procedures and certain exceptions to compliance with the National Environmental Policy Act (NEPA).

Nay: On agreeing to the DeFazio (OR) amendment Failed by recorded vote: 184–240 (Roll no. 148). Strikes section 104 of H.R. 4200, regarding "availability and use of pre-approved management practices" and replaces it with a new section 104.

Nay: On agreeing to the Inslee (WA) amendment Failed by recorded vote: 191–231 (Roll no. 149). Adds a new section to H.R. 200, stating that the Act shall not apply to any inventoried roadless area within the National Forest System.

Nay: On agreeing to the Udall (NM) amendment Failed by recorded vote: 197–228 (Roll no. 150). Adds a new section to H.R. 4200, which would require the Secretary concerned (when implementing any pre-approved management practice or catastrophic event recovery project as described in the bill) to "consider the effect of the practice of project fire risk and forest regeneration," and prohibits implementing the project unless the Secretary certifies that the practice or project will not increase fire-risk or decrease forest regeneration.

Aye: On passage Passed by recorded vote: 243–182 (Roll no. 151). H.R. 4200, Forest Emergency Recovery and Research Act.

HONORING THE ACCOMPLISHMENTS OF LARRY KIRK

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. GORDON. Mr. Speaker, today I rise to recognize Rutherford County's Larry Kirk, who will retire on June 30, 2006, from the Murfreesboro Electric Department after 24 years of outstanding service.

Larry has been in the electricity business for 40 years and started working for Murfreesboro Electric Department in 1982. He transferred to Murfreesboro after working in Chattanooga for 13 years and working for Mississippi Power & Light for three years.

Under his leadership, Murfreesboro Electric Department has grown from 15,000 to 45,000 customers as the population of the city has doubled.

Active in his trade, Larry has served as the President of the Tennessee Municipal Electric Power Association. He has also served on the Board of Directors of the Tennessee Valley Public Power Association and currently serves on the Middle Tennessee Industrial Development Association Board of Directors.

Larry has served his country, as well as his community. During the Vietnam era, he served in the U.S. Army Special Forces and the Special Forces National Guard. He has served on the Board of Directors of the Rutherford County Chamber of Commerce and United Way of Rutherford and Cannon Counties, where he was once chairman and president. He has served on the Board of Directors of Heart of Tennessee Chapter of the American Red Cross, and he has donated an astounding 14 gallons of blood over the years.

Upon retirement, Larry plans to devote more of his time to his love of Middle Tennessee State University athletics. Although Larry is a graduate of Ole Miss and Delta State, MTSU is his adopted university. He has served on the Board of Trustees of the MTSU Development Foundation and is an active member of the Blue Raider Athletic Association, where he once served as president.

I commend Larry Kirk on his numerous accomplishments and his involvement within the Murfreesboro community. I wish him all the best in his retirement.

A WELL DESERVED TRIBUTE TO BENNETT CAREER INSTITUTE'S BRIGHTEST SHINING STAR, MS. BRENDA C. ARNOLD

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. BUTTERFIELD. Mr. Speaker, I rise today to pay tribute to Ms. Brenda C. Arnold, one of Bennett Career Institute's most dedicated, compassionate and qualified instructors. I applaud Ms. Arnold for all that she has done over the years to nurture, motivate, and instill confidence in the students who have crossed her path. In her own special way she touches the lives of so many daily.

Mr. Speaker, Ms. Arnold is indeed the human catalyst at Bennett Career Institute who stimulates the cosmetology students in a very unique and special way. While encouraging the students to maximize their greatest potential, Ms. Arnold lets them know that she expects nothing but the best that they have to offer. Because of Mr. Chett Bennett, Chief Executive Officer, Ms. Arnold, Freshman Instructor, and other qualified and dedicated instructors, the Bennett Career Institute has grown over the years in leaps and bounds. The opportunities and exposure that this Institute provides to its students is unsurpassed.

Mr. Speaker, I have learned that Bennett Graduates who have taken instruction under Ms. Arnold, in past years eagerly return to Bennett Career Institute to pay tribute to her and to express their gratitude for the positive ways that she touched their lives. They return frequently to Bennett Career Institute to say "thanks" to Ms. Arnold for her role in enhancing their quality of life.

Mr. Speaker, in addition to the experience at Bennett Career Institute, Ms. Arnold has provided instruction and held management positions at various other Institutions in the District of Columbia. She has worked as a Manager at Jazzmin's Hair Gallery; a Sales Representative with Barry Fletcher Products; as an Instructor with Parvane Institute of Esthetics; as an Instructor with the District of Columbia Beauty Academy; as a Freelance Stylist and Consultant with Added Attraction; as an Educational Therapy Assistant with the District of Columbia Public Schools—Central Diagnostic Placement Center; and as a Director and Instructor with Image Makers Beauty Academy.

Mr. Speaker, I ask my Congressional Colleagues in the United States House of Representatives to help me pay tribute to this bright star, Ms. Brenda C. Arnold, for rekindling the life of so many of our young citizens who, but for her, may have gotten distracted and gone astray joining the ranks of far too many others who are still searching for direction and their station in life.

Mr. Seaker, I wish God's continued blessings upon Ms. Brenda C. Arnold, Mr. Chett Bennett, other members of the Faculty, Administrative Staff and the student body of Bennett Career Institute.

TRIBUTE TO KEN BORELLI

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in gratitude to recognize the social services and social work practices of Mr. Ken Borelli so valued by the residents of Santa Clara County today. Mr. Borelli has worked with the Santa Clara County Social Services Agency for 36 years. I first met Ken over 25 years ago when I was a member of the Santa Clara County Board of Supervisors which had responsibility for funding the Department of Social Services and providing oversight for the Department. Ken was a standout then and he has remained so to this day. He began his career as a Social Work Supervisor in the Food Stamps Unit and moved throughout the Social Services system to include: the Multicultural Child Welfare Unit, Basic Services, Adult Protective Services, Immigration, Social Work Coordinator, Voluntary Foster Home Intake and Coordinator of Special Projects.

Mr. Borelli developed the first Immigration Services Unit for Santa Clara County in 1974, where he worked closely with neighborhood youth groups. In fact, Ken is an expert and leader in the field of Immigration Services and has exhibited his accomplishments in many ways. He not only provided professional development training in the field of immigration, but also significantly contributed to the development of the 1990 Federal legislation which established "Special Immigrant Juvenile Status" laws to help immigrant children in the Child Welfare System across the country. Ken also was responsible for the development of an invaluable "Immigration Resource and Practice Guide" which helped so many families. Ken accomplished other written work in the field of Social work practice including topics such as: Child Welfare, International Social Services, and Domestic Violence. Mr. Borelli continues to remain involved in all levels of social service issues, including: child welfare abuse issues, dependency court investigations, AIDS research and fund-raising, immigration, and development and enhancement of our library systems. His participation in Committees and Advisory Boards included: the Multi-Disciplinary Interview Committee of the Child Abuse Council of Santa Clara County (20 years), the Alum Rock Library Committee, the County Library Commission, the Advisory Board of the Eastside Athletic Club, and the Board of Catholic Charities Immigration Services.

Mr. Borelli is a prominent leader in the community and continues to demonstrate his innovative contributions. He was a founding member and Chair for 20 years of the Social Service Agency's AIDS Services Committee. He is a supporter of the Opera San Jose and is being honored as "2006 Volunteer of the Year" by the Italian American Foundation. I hereby honor Ken Borelli, on the closure of this chapter of his life, but know he will continue to have a tremendous impact on social services in the county.

RECOGNIZING THE LIFE OF DAMU AMIRI IMARA SMITH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. CONYERS. Mr. Speaker, I rise today to pay tribute to Damu Amiri Imara Smith, a prolific fighter for justice and peace who succumbed to colon cancer on May 5th of this year. In keeping with his long and distinguished career of activism, Damu continued his fight until the very end. Helped along the way by his "Army of Angels" and inspired by his enduring love for his daughter Asha, Damu outlived all the doctors' predictions. Not letting his terminal diagnosis dampen his spirit, he turned his personal health crisis into a fight for better health care services for black and poor people.

Just as Damu's resolve to speak truth to power was not constrained by his illness, neither did his sense of justice know any limit. Damu's concerns and actions ranged from the local to the global. He started out fighting for the Martin Luther King holiday and against the apartheid regime in South Africa. Later, his concerns expanded to include environmental justice; he monitored corporate pollution on Louisiana's Gulf Coast as national associate director for Greenpeace USA. He sought to unite the civil rights and environmental movements by founding the National Black Environmental Justice Campaign, which led the nationwide fight against contaminated water and waste dumps in poor and black communities.

Damu furthered his concern for peace and nonviolence at home and abroad as the associate director of the American Friends Service Committee's Washington Bureau. He confronted police bruality and worked to end gun violence in the District of Columbia while advocating for an international freeze on nuclear weapons. He saw health disparities and the lack of adequate health care as another form of violence, and added his efforts to the campaign for universal health care. After September 11th, Damu founded Black Voices for Peace. Continuing in his fearless tradition of speaking truth to power, Damu took on the Bush administration for spending billions of dollars on the Iraq war, money that could have been used for health care, education and basic services here at home.

Damu's voice is something that we'll all dearly remember. I was privileged to be a guest on his WPFW radio show, "Spirit in Action," a number of times and I will remember Damu Smith not only for being a tireless advocate for peace and justice, but for the generosity of his spirit. He could spend his entire program excoriating Condoleezza Rice or Colin Powell, and then end by saying, "But you know I love you." He was able to rise above all of the injustices he spent his life fighting to recognize his opponents' humanity. That kind of bigheartedness is sorely lacking in America's public discourse today. We Members of Congress could stand to learn a thing or two from Damu Smith, and though he is no longer with us in body, but his spirit will live on, as always, in action.

HONORING DR. ROBIN LOWITZ

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Dr. Robin Lowitz on the occasion of her receipt of the prestigious Tikkun Olam Award from the Jewish Community Center of Sonoma County (formerly the Jewish Community Agency). The "Healing the World" Award is bestowed upon an individual who demonstrates this Jewish Value and Obligation of dedication, perseverance, creativity plus giving time, energy, talents and resources to make an important social justice impact on the quality of life in a community.

Robin Lowitz saw a great need in Sonoma County and preceded to fill it by envisioning and implementing The Jewish Community Free Clinic, a medical clinic specifically for the uninsured,—"the working poor, barely able to make ends meet who fall through the cracks."

A Berkeley, California, native, Dr. Lowitz had volunteered for several faith-based free medical clinics in the Bay Area in the 1990's. Upon arriving in Sonoma County and witnessing the need first-hand, she garnered volunteers and financial support from the Jewish Community, synagogues, and other groups and individuals. In October, 2001, she opened the Jewish Community Free Clinic in a space donated by the Lions Club of Petaluma.

That first night there were 6 patients and 15 volunteers. The Clinic now provides 2,500 free medical care visits to over 1,000 uninsured patients annually, offering free medical care for anyone in need, without regard to ethnicity, race or religion. The vast majority of patients are uninsured Latino immigrant men, women, and children (many of whom need immunizations and physicals in order to attend school). They also serve uninsured single parents, students, the elderly, homeless, and temporary/unskilled workers.

The medical equipment at the Clinic is donated, and its 100+ volunteers come from all sectors of the community—including the communities it serves. Fifteen volunteer physicians, with as many nurses, nurse practitioners and physician assistants rotate each week, supplemented by a large referral network of volunteer physician specialists. Volunteers also offer social work, growth and development monitoring, safety awareness in Spanish and English, Spanish language interpreting and community resource referrals.

Mr. Speaker, I am proud to offer my congratulations to Dr. Robin Lowitz. She had the commitment, passion, and energy to make the Jewish Community Free Clinic a reality for the people of Sonoma County and truly exemplifies the spirit of Tikkun Olam, Healing the World.

TRIBUTE TO CORP. NEIL W. REID, POST 2358

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. LEVIN. Mr. Speaker, I rise today to recognize the 70th anniversary of the Corp. Neil W. Reid Post 2358 of the Veterans of Foreign Wars, created in 1936, and named after Neil W. Reid, the first casualty of World War I from Macomb County.

The Post was formed in 1936 by members of the Post in Mount Clemens who sought to establish a separate post in the Village of Roseville. At its foundation, the Corp. Neil W. Reid was operating out of the old township hall and had 24 members. Shortly after, the Ladies Auxiliary of the Post was chartered, made up of 20 former servicewomen and wives, mothers, sisters, and daughters of veterans.

In 1939, members of the Post received a charter from the Military Order of the Cooties, formed to better the metal attitude of bed-ridden soldiers through hospital visitation and fundraising activities.

By the end of World War II the membership of the Post had grown to 175. This growth was recognized in 1950 when the National Commander of the VFW visited the Post's Home, an honor that few Posts throughout the nation have received.

In 1958, Mildred Mueth, a member of the Ladies Auxiliary of the Post, was elected President of the organization in the State of Michigan, and one year later, Post member Fred McDaniel was elected to the position of commander in the State of Michigan. McDaniel would go on to coordinate the National Convention of the VFW, held in Detroit in 1960.

The Post continued to grow, and during the 1960's and 1970's expanded and remodeled its Home several times. With the added space, the Post became an important community institution, hosting baby showers, birthday, anniversary, and retirement parties, as well as funeral lunches.

Over the years, the Post has been an important fundraiser for the Roseville Police and Fire Departments, the Roseville Community Schools Scholarship Foundation and has been active in raising money for several other charities as well. The Post has been rewarded with numerous awards for Community Service, Americanism, and Youth Activities, demonstrating its involvement and commitment to the local community.

Today, the Post helps veterans in need of medical care and other assistance, and has been active in providing household goods to soldiers in Iraq.

Mr. Speaker, I ask my colleagues to join me in recognizing Corp. Neil W. Reid, Post 2358, and its Ladies Auxiliary on the occasion of their 70th anniversary. These organizations have been an important and active force in aiding local veterans as well as the community as a whole.

IN TRIBUTE TO ROBERT B. WEGMAN

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. SLAUGHTER. Mr. Speaker, I rise with sadness today to honor Robert B. Wegman, chairman of Wegmans Food Markets, Inc., who died on April 20, 2006, at the age of 87. Mr. Wegman was surrounded by his family, as he passed away peacefully in his hometown of Rochester, NY.

Mr. Wegman made his mark as a pioneer in the supermarket industry, transforming the conventional grocery store into a superstore, emulated by others across the country. Mr. Wegman's passion for business began as a child, when he worked in the family store operated from the front of his grandmother's home. He developed a philosophy that has served as the foundation for the company. He believed: "I am a merchant and I have, therefore, my own philosophy about merchandising. That is: To do something that no one else is doing, and to be able to offer the customer a choice that she doesn't have at the moment." Mr. Wegman embodied the American entrepreneurial spirit from the start, and proved to be one of the most successful businessmen in the grocery store industry.

From the beginning, Mr. Wegman made it his goal to make Wegmans supermarkets the finest chain in the country—he was not concerned if it was the fastest growing, but more with growth itself. In 1930, Mr. Wegman and his brother received national attention with the opening of their innovative grocery store. The 20,000-square-foot store was unlike anything seen before—it featured modern techniques for keeping produce fresh with vaporized water spray and refrigerated food displays. Over the next 56 years, Mr. Wegman transformed his store with the concept of one-stop-shopping. He imported fine cheeses, and wine, ethnic foods, and introduced patisseries and prepared foods into the grocery stores. In the 20th century, Wegman integrated pharmacies, photo labs and video departments into his stores, propelling the model for customer convenience to its highest levels.

Wegmans Food Markets has expanded to now over 70 stores, and the company is now as well known for its corporate responsibility as it is for exceptional customer service. Wegmans Food Markets has been named one of 'The Top 100 Companies to Work For' by Fortune magazine several years in a row, and in 2005 was ranked #1 as the best company to work for in the nation. Fortune's annual ranking of companies is determined by the number of employees and is measured by benefits, job growth, pay, percentage of minorities and women, and turnover. For example, Wegmans provides a scholarship program which has given close to $60 million in tuition assistance to its employees. Although the superstore helped to shape the Rochester community, Robert Wegman has crafted his company into one that serves as a national model, both for its corporate success and for the opportunities and environment he has provided for his employees.

Mr. Wegman is also highly admired for his philanthropy. In 1995, he and his wife, Peggy, announced a 10-year, $25 million gift in support of Catholic education, allowing hundreds of families to choose Catholic education in the Rochester-area community. Mr. Wegman also made considerable contributions to Aquinas Institute high school, giving $10 million to the school for new athletic facilities and a fine arts center. In 1997, Wegmans Food Markets became the title sponsor of the Wegmans Rochester LPGA (Ladies Professional Golf Association); with proceeds supporting camps for disabled children. Most recently, Mr. Wegman contributed a combined $13 million to St. John Fisher College, which will be used for the establishment of the Wegmans School of Pharmacy and the Wegmans School of Nursing.

Mr. Wegman's pursuit of excellence is portrayed in every aspect of his life: family, community, and corporate responsibility. He will be remembered as a pioneer and leader of his industry and for his extraordinary compassion and generosity.

I ask my colleagues to join me in honoring the life of Robert Wegman.

CONGRATULATING LIEUTENANT COLONEL THEO F. MIDDLETON, JR., ON RECEIVING THE LEGION OF MERIT AWARD

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Mr. BONNER. Mr. Speaker, I rise today to honor Colonel Theo F. Middleton, Jr. on receiving the Legion of Merit Award.

The Legion of Merit Award is a military decoration of the United States armed forces, which is awarded for exceptionally meritorious conduct in the performance of outstanding services and achievements. We congratulate Colonel Middleton on being awarded this medal.

Colonel Middleton is a native of Mobile, who attended UMS Preparatory School and completed the ROTC training program at Marion Military Institute. After graduating from Louisiana State University, Colonel Middleton was commissioned a Second Lieutenant in the United States Army. His initial assignment was to the Korean Demilitarized Zone as Rifle Platoon Leader. Following training as an Army helicopter pilot, Colonel Middleton was assigned as an Aero-Scout Platoon Leader. He is a founding member of Task Force 158, which is the U.S. Army's first long range, night vision capable special operations helicopter unit. He presently serves as the congressional district commander for Alabama's First Congressional District.

Colonel Middleton's other awards and decorations include the Army Commendation Medal, Army Reserve Commendation Medal, Korea Defense Service Medal, Overseas Service Ribbon, and Master Army Aviator wings.

Colonel Middleton served as past president of the Mobile County Wildlife Conservation Association, as well as the Greater Mobile Area LSU Alumni Association. He is an investment advisor with the Wealth Management Group of Regions/Morgan Keegan in Mobile.

Mr. Speaker, I ask my colleagues to join me in honoring Colonel Ted Middleton on receiving his award. I acknowledge his invaluable work and significant contribution to not only the state Alabama but our Nation as well.

IN HONOR OF OFFICER SKERSKI AND PEACE OFFICERS MEMORIAL DAY AND POLICE WEEK

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 18, 2006

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for five minutes and to revise and extend my remarks.

This past Friday, I attended the funeral of Philadelphia Police Officer Gary Skerski. I saw the pain of his wife Anne, 13-year old son Robert, and 10-year old daughter Nicole—a pain that may dull with time, but will never go away.

They lost a husband and a father. And Philadelphia lost one of its finest.

Officer Skerski was a community relations officer, and a 16-year veteran of the force. And, on May 8th at 10 pm, Officer Gary Skerski was murdered in the line of duty.

Gary was working overtime when he and his partner responded to a robbery call. He entered a neighborhood watering hole to stop a gunman who was terrorizing patrons and staff. Gary was shot in the neck by a cold-blooded killer who has no regard for the law and no regard for life. Gary never even had a chance to draw his gun.

Officer Skerski worked to protect the families, homes, and businesses of Northeast Philadelphia. He interacted with my staff often, and I had the pleasure of meeting Gary at a community meeting just this past winter.

Gary was, however, far more than a respected member of our police force. He was a loving husband for more than 18 years, he was the proud father of two, and he was an active, well-recognized, and beloved member of Port Richmond—a home to many Philadelphia police officers.

I rise today to pay tribute to Officer Gary Skerski and in remembrance of the 56 United States law enforcement officers who have died this year in the line-of-duty.

These brave men and women in uniform have given their lives while protecting our communities. These brave men and women died while enforcing and upholding our laws. And, these brave men and women left behind family, friends and colleagues for the benefit of others.

Our nation must never forget their contributions to the safety, security and betterment of our neighborhoods. I know my staff and I will not forget Gary, his sense of dedication, and the contributions he made to our community.

Mr. Speaker, my thoughts and prayers are with the Skerski family during this very difficult time. And, I know that all of my colleagues, and all Americans, join me in honoring Officer Gary Skerski and all of the officers who have made the ultimate sacrifice.

PAYING TRIBUTE TO DR. WILLIAM F. HARVEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Dr. William F. Harvey who donates his optometric services to the Paiute Tribe Health Services, and the Las Vegas Blind Center.

Dr. William F. Harvey was born in Las Vegas, Nevada, on November 2, 1948. Dr. Harvey attended Western High School in 1967 before finishing his undergraduate education at Brigham Young University in 1972. Dr. Harvey graduated at the top of his class at Illinois College of Optometry in 1976 and moved back to Las Vegas to start his private practice.

Dr. Harvey works hard in his private practice and is a devout husband, father of three, and grandfather of six; however, he still reserves time to serve the community. Since 1993 Dr. Harvey has donated his time to the Las Vegas Blind Center and continues to serve the Paiute Tribe Health and Human Services, giving their patients free optometric care.

Mr. Speaker, I am honored to recognize Dr. William F. Harvey on the floor of the House. I commend him for his continued service to the residents of southern Nevada.

RECOGNIZING THOMAS MERSHON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Thomas Mershon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many Scout activities. Over any years Thomas has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Thomas Mershon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO WILBERT "BILL" TATUM, RECIPIENT OF THE 2006 "HUDSON LINK'S BILL WEBBER AWARD"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. RANGEL. Mr. Speaker, I rise today to congratulate a dear friend and colleague on the occasion of a very special awards recognition to honor him with the Hudson Link's Bill Webber Award.

Wilbert "Bill" Tatum has been an integral part of the fabric of New York for many, many years. When I think back on the years of our association many thoughts come to mind. Bill is not only an intellectual, in the best sense of that word, but a pioneering journalist, and entrepreneur who for more than 30 years has guided the Amsterdam News, one of the Nation's most important newspapers. In doing so, he has dedicated his professional life to informing and defending his people, building his community, and fighting to make our country better.

In April 1971, when he. along with Percy Sutton and Clarence Jones. acquired the Amsterdam News, Bill Tatum was determined to play a role in changing the social climate in New York. By the mid-1970's the newspaper took what some called militant positions on civil rights issues but by the end of the decade began to focus more broadly on the social and economic issues. Under Bill's leadership, the Amsterdam News continued to flourish and gained a reputation as an intrepid African American voice on controversial local issues.

Most New Yorkers can remember how tenacious Bill Tatum was when he applied pressure on the then New York mayor, Ed Koch. Bill, through the newspaper, constantly monitored the activities of city hall and the mayor. Holding the mayor's feet to the fire, brought New Yorkers out of the polls, and cleared the way for the election of David Dinkins, New York's first African American mayor.

I would like to acknowledge that Bill's daughter, Elinor, continues the Amsterdam News' legacy into the 21st century. She has pledged to keep the Amsterdam as the unwavering voice the Black community in New York.

Mr. Speaker, again I congratulate my friend Bill Tatum as a much deserving recipient of the prestigious "Hudson Link's Bill Webber Award" as I enter this recognition into the CONGRESSIONAL RECORD.

HONORING THE EDGEWOOD BULLDOGS GOLF TEAM

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor the Edgewood Bulldogs golf team who recently won the Texas University Interscholastic League State 2–A Championship.

On Thursday and Friday, May 11–12, 2006, the golf team competed in the University Interscholastic League Championship tournament at the Jimmy Clay Golf Course in Austin, Texas, for the State Championship. The Bulldogs competed against 200 other 2–A schools, holding to a one-stroke lead that brought home their first ever Boys Golf Championship and second team title in Edgewood High School history.

Today I would like to congratulate Head Coach Stan Williams, and players Dillon Phillips, Brett Perry, Garrett Cecil, Justin King, and Michael Waites.

As the Congressional representative of the players, families, coaches, and supporters of the Edgewood Bulldogs, it is my pleasure to recognize their tremendous victory and outstanding season.

HONORING THE CONGREGATION ETZ CHAIM ON ITS 30TH ANNIVERSARY

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PRICE of Georgia. Mr. Speaker, this Sunday, May 21, 2006, the Congregation Etz Chaim of Marietta, Georgia will mark its 30th anniversary. As the first Jewish congregation in Marietta, Etz Chaim has grown from its beginning in 1975 to be a leader today in the Jewish community of Atlanta.

In celebrating their commitment to faith and service, the congregation is honoring two of their most distinguished members: Judy and Stan Fineman. Over the years, Judy and Stan have dedicated their time and energy to Etz Chaim with a selfless devotion. They share in the excellent reputation and tradition of this congregation, and I applaud their generous contributions to our community.

On this anniversary, we have the opportunity to reflect on the message of excellence and altruism Etz Chaim has brought to Marietta. Spurred by their spiritual leader Rabbi Shalom Lewis and embodied in each individual member, the principles of the message of Etz Chaim are as important today as they were 30 years ago: A "commitment to our faith and tradition, community service, giving to others, life long learning, and the passing of Judaism from generation to generation."

It is my privilege to join Congregation Etz Chaim in looking forward to a future of continued growth and service to others.

PAYING TRIBUTE TO PATTY SUE HUCHINSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Patty Sue Hutchinson to celebrate the anniversary of the McFadden Insurance Agency, which she started 25 years ago.

Patty Hutchinson was born on March 25, 1933 in Springfield, Missouri. After graduating as Valedictorian of her high school in 1950, she started in the insurance business the very next week. Her first time out of her small town she had no formal education on the insurance business she received on the job training due to the lack of insurance education classes at the time.

In 1952, she married Bob Hutchinson, and due to his Air Force career they were transferred first to Anchorage, Alaska then to Nellis Air Force Base in Las Vegas, NV. Patty worked for various independent agents and adjustors after moving to Las Vegas. After the birth of her first child she went to work for Farmers Insurance Company when they opened their first claims office in Las Vegas. When her second child was born she decided to work part time for Key Adjustment Company. When deciding to return to full time employment Patty returned to work for Peccole Insurance Agency. In 1960, she was rehired at Key Adjustment Company. In 1966 she was requested by a former Key Adjustment Employer, to move with him to Horsey Insurance Agency as an office manager and commercial underwriter. In 1979, she took insurance courses, receiving her Certificate for General Principles of Insurance from the Insurance Institute of America. She soon after took the State test and became an agent. Patty then joined with John McFadden opening McFadden Insurance as a 50 percent partner in 1981.

Her commendations include: the Insurance Women's Association of Las Vegas' Woman of the Year, President of the Nevada Independent Insurance Agents from 1983–84, Education Chairperson for the Nevada Independent Insurance Agents, the Nevada Insurance Education Foundation Trustee, and was the first woman to go through the chairs and serve as President of the Independent Insurance Agent's of Southern Nevada. Patty has received many awards with the Nevada Independent Insurance Agents, and most recently in 1996 was Insurance Person of the Year for the University of Nevada Las Vegas's Institute for Insurance and Risk Management.

Mr. Speaker, I am proud to honor Patty Sue Hutchinson for her years of service and her many successes in the insurance industry.

RECOGNIZING ANDREW MEYERS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Meyers, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Andrew Meyers for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 81ST BIRTHDAY OF MALCOLM X

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. RANGEL. Mr. Speaker, I rise today, on what would have been his 81st birthday, to enter the RECORD a salute to El-Hajj Malik El-Shabazz, also known as Malcolm X. Malcolm X was a formidable character who was truly ahead of his time and very much under appreciated during his lifetime. He remained an advocate of racial pride and self-determination during a period in history where African Americans were systematically denied the rights enjoyed by white America.

Malcolm X's teachings focused on helping African Americans to deny negative stereotypes impressed upon them by the white society and also stressed economic empowerment through community building with other African Americans.

To understand the man is to know about his past. To understand the man is to know what life lessons affected his being. Born Malcolm Little on May 19, 1925 to a Baptist minister in Omaha, Nebraska his father was killed while attempting to fight racial oppression. His mother was committed to a mental institution. After moving to New York Malcolm was arrested in 1946 for burglary. Unbeknownst to him, his incarceration led to the first of many life altering experiences. During his incarceration he developed an interest in the philosophy of the Muslim movement and joined the Nation of Islam. Upon leaving prison in 1952 he changed his last name to "X". This change in surname signified the shedding of linkage to the white slaveholders who had given him and other African Americans their family names.

Unde the tutelage of Elijah Muhammad, Malcolm flourished as one of the most effective speakers for the Nation. He increased membership and founded new mosques, eventually being assigned to be the Minister of the Nation's Harlem, New York mosque. In 1963, disagreements with Elijah Muhammad caused Malcolm to leave the Nation of Islam. In 1964 he embarked on a pilgrimage to Mecca, Saudi Arabia. That pilgrimage proved to be another life altering experience for Malcolm X. While in Mecca he witnessed the union of all races. His observances proved to be the foundation that led to the development of the Organization of Afro-American Unity and the Muslim Mosque Inc.

When he returned to New York, Malcolm gained an even more loyal following. His popularity was at a pinnacle. Malcolm's success did not fair well with many of the Muslim sect. He quickly became the victim of death threats from those who disagreed with his views. In February, 1965 his home was firebombed. His family escaped unharmed. A week later Malcolm X was shot to death at the Audubon Ballroom in Harlem as he prepared to make a speech.

Malcolm X had a profound influence on Americans of all races and all around the world. While he was often portrayed as a black militant leader because he encouraged Black Nationalism, separatism and black pride little was said to recognize him for creating a framework for world brotherhood and human justice.

Mr. Speaker: This cursory review that I offer does not do justice to the larger-than-life figure known as Malcolm X. I encourage everyone to read "The Autobiography of Malcolm X" to understand one of the 20th century's true Renaissance figures.

On this 81st anniversary of his birthday, I rise to honor an unforgettable and extraordinary individual who during his lifetime changed the world.

His conviction and devotion to instilling the concept of self empowerment in people of color still resonates today. He left an indelible mark on mankind. I wonder what Malcolm X would think of the world today?

HONORING MORGAN MAYSE OF ATHENS HIGH SCHOOL

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor Morgan Mayse of Athens High School for her first place finish in the Texas University Interscholastic League State 4-A Track and Field Meet.

On Friday May 12, 2006, Morgan competed at the University of Texas in Austin's Mike A. Myers Stadium for the Girls High Jump earning the gold with the record jump of 5′9″.

As the Congressional representative for Athens and the Fifth District of Texas, I would like to congratulate Morgan, as well as her family, coaches, and supporters on her tremendous undefeated season and her second straight District 14–AAAA and Region II–AAAA titles.

EHLERS-DANLOS SYNDROME AWARENESS MONTH

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PRICE of Georgia. Mr. Speaker, May is the first annual Ehlers-Danlos Syndrome (EDS) Awareness Month. Unfortunately, this syndrome, which affects nearly 60,000 Americans and 1.5 million people worldwide, is still largely unrecognized by the healthcare community.

In 1986, the Ehlers-Danlos National Foundation was established to research, support, and awareness for those suffering from this potentially debilitating illness. A heritable connective tissue disorder, EDS, in its most severe circumstances, weakens the vascular system making it rupture. This potential for complication is coupled with an inadequate level of funding and recognition which all too often leads to a lack of diagnosis or a misdiagnosis. Early detection is the key to an effective treatment and affords the individual suffering from EDS the opportunity to manage their syndrome and enhance the quality of life.

It is imperative that, in the absence of a cure, we in Congress join hands with the healthcare community to focus more attention on this matter. Accurate detection and sustained treatment will lead to a more fulfilling life for those afflicted with EDS. I am pleased to have this opportunity to applaud the efforts made by the brave men and women living with this illness as well as the countless friends, families and health professionals that have committed their time and expertise.

PAYING TRIBUTE TO CANDY SCHNEIDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Candy Schneider who is retiring after 33 years of service in the Clark County School District.

Candy ha been a teacher of art, humanities and she is academically talented at the junior high school level as well as a Visual Arts Administrative Specialist with grades K–12 for over three decades. She has also served as the district liaison and coordinated the Congressional Art Contest for the past three years. During her career as an educator, Candy has also served as the Assistant Director of the School-Community Partnership Program, as Nevada Arts Council Chairwoman, as the chair of the Arts in Education Committee and on the Executive Committee. Among Candy's many achievements, she has been honored with the Nevada Educator of the Year Award, the Excellence in Education Award and a National Gallery of Art State Scholarship. Candy is also a member of the Arts Council of Henderson and an honorary member of the Henderson Art Association.

Mr. Speaker, I am proud to honor Candy Schneider for her years of dedicated service to the students in the Clark County School District. Her passion is truly arts education and she has surely enriched countless lives with her tutelage. I wish her the best in her retirement.

RECOGNIZING BRANDON CRAIN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brandon Crain, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Brandon has been very active with his troop, participating in many scout activities. Over the many years Brandon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brandon Crain for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HORSERACING AND THE BLACK JOCKEY—THE RETURN TO CHURCHILL DOWNS AND KENTUCKY DERBY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. RANGEL. Mr. Speaker, I rise today in appreciation of an article printed in New York's CaribNews entitled, "Horseracing and the Black jockey, the return to Churchill Downs and Kentucky Derby". Little is known about the history of Blacks in horseracing and how they dominated the sport, but it spans back from the 19th and early 20th centuries in the United States and Europe.

With such an illustrious and long history, why is it that such few Blacks are seen engaging in the sport? What we come to learn from the article is that because of racism and greed, Blacks were eliminated from the sport in North America. They were simply denied the chance to engage in horseracing, an activity loved by so many. Late tennis great Arthur Ashe made the case in his book, "A Hard Road to Glory", a history of the African American Athlete between 1619–1918, that "Black jockeys enjoyed an unprecedented streak of good fortune until racism forced them off the tracks. No civil rights groups came to their aid and then most had unfortunate endings."

In the article we learn about a man, Patrick Husband who grew up in a poor Barbadian neighborhood who with strong-will and determination was able to ride in the Kentucky Derby. He was not the first to do so, but his mere presence at the Derby that day brought admiration to all that watched. Truly this has become an inspiration for people up in those same neighborhoods as Husband. Witnessing these historic moments encourage Black youths to seek experience and careers as jockeys and trainers, a career once dominated by Blacks.

There is so much history to be studied and very few people know about it, nor do they have access to the information. Few people know that 14 of the 15 jockeys who participated in the inaugural year of the Kentucky Derby in 1875 were Black and that the first winner, Oliver Lewis atop Aristedes was Black. Another interesting fact was between 1875 and 1902, Black jockeys won 15 of the 27 Kentucky Derby races. This type of information should not be hidden from people. There was a time in racing history known as the "golden days" in which the greatest contributions were made by Black jockeys and trainers.

The youth of today should know the names of Isaac Murphy, Willie Simms, Jimmy Winkfield, Billy Walker, Alonzo Clayton, Isaac Lewis, Erskine Henderson and James Perkins who have made history for their achievements in racing in the United States from 1875 to 911. These are names forever to be cherished and embraced by people everywhere. When

L.P. Tralton, a famous trainer, died in 1896 he wrote in the Thoroughbred Record, "I have seen all of the great jockeys of England and this country for years back, but, all in all Isaac Murphy is the greatest of them all."

I enter into the RECORD with pleasure the article by Tony Best published in New York's CaribNews for its careful historical analysis of some of America's most talented yet sadly forgotten athletes. We must never forget the sacrifice Black jockeys have made for the sport of horseracing. The article helps in increasing the awareness about those who have made the sport what it is today and who rightfully deserve their place in the history books.

HORSERACING AND THE BLACK JOCKEY—THE RETURN TO CHURCHILL DOWNS AND KENTUCKY DERBY

When Patrick Husbands climbs aboard Seaside Retreat in Saturday's Run for the Roses, as the world famous Kentucky Derby is often called, his presence astride the horse will write another interesting chapter in the history of horse racing in the U.S.

It's a chapter that brings to mind the glory days of Blacks in the saddle in the 19th and early 20th centuries in the United States and their elimination from a sport in North America that attracts and holds people's attention around the world, the pernicious effects of racism and greed and now the return of Blacks to the pinnacle of a sport from which they should never have been driven out in the first place.

That Husbands, who grew up poor in a Barbadian neighborhood that's within walking distance of one of the Caribbean's leading race tracks, the Garrison Savannah, can make it all the way to Louisville, Kentucky, tells a story about sheer grit, determination and talent and recalls the era of the golden days of Black jockeys and trainers.

Granted, he is not the first Black to ride in the Derby since the turn of the 21st century. That honor belongs to an African American from Louisiana who rode in the race in 2000. But his presence brings pleasure to tens of millions, not only racing fans in North America and the Caribbean but elsewhere. It can also inspire Black youth to seek careers as jockeys and trainers once again in a sport, a multi-billion dollar business that they once dominated.

Unfortunately, too few television viewers and horse racing fans who will watch the 2006 Kentucky Derby from the comfort of their living rooms, sports bars and other places and who will follow the course of the race in their car radios know that Husbands is simply adding his name to a long list of outstanding Blacks who have ridden in the Derby and various major races.

Indeed 14 of the 15 jockeys who rode in the inaugural year of the Kentucky Derby in 1875 were Black and the first winner, Oliver Lewis atop Aristedes was Black. Between 1875 and 1902, Black jockeys won 15 of the 27 Kentucky Derby races.

Names like Isaac Murphy, Willie Simms, Jimmy Winkfield, Billy Walker, Alonzo Clayton, Isaac Lewis, Erskine Henderson and James Perkins dot the pages of racing's history books for their accomplishments in the saddle between 1875 and 1911 in the U.S.

For example, Murphy, a native of Fayette County in Kentucky, became the toast of the horse racing fraternity in the 19th century, so much so that historians insist he was to the sport of kings what Michael Jordan became for basketball, Jessie Owens to track and field, Hank Aaron to baseball, O.J. Simpson, Jim Brown and Jerry Rice to American football, Sir Garfield Sobers to cricket and Tiger Woods to golf. That is the greatest performer in their sport.

Murphy rode winners three times in the Kentucky Derby, including back-to-back victories in 1890–1891; captured the Travers in 1879; the Saratoga Cup in 1881 and 1886; the Kentucky Oaks in 1884. At the height of his career in the late 19th century, he was making more than $20,000 a year back then, in today's money, we are talking about millions of dollars.

When he died of pneumonia in 1896 at the age of 35 years, L.P. Tarlton, a famous trainer, wrote in the Thoroughbred Record, "I have seen all of the great jockeys of England and this country for years back, but, all in all Isaac Murphy is the greatest of them all."

In his book, A Hard Road to Glory, a History of the African-American Athlete between 1619–1918, Arthur Ashe, the late tennis great explained that "from roughly 1800 until the eve of World War I, Black jockeys had few peers in their profession."

He went on: "Black jockeys enjoyed an unprecedented streak of good fortune until racism forced them off the tracks. No Civil rights groups came to their aid and then most had unfortunate endings.

What a pity.

Most observers and historians blame the Jockey Club which was formed in 1894 to license riders for the disappearance of Black jockeys. Greed and racism were the major engines that systematically drove them out. The ebony-skinned riders were just too good and made too much money to suit the whites in charge, complained Ashe.

But Blacks weren't restricted to the saddle or to being grooms. Dating back to the colonial days and continuing long after the Revolutionary War and the Reconstruction period in America's history many of the trainers were Black.

Blacks in horse racing were the first to make a name for themselves in the business of sport.

Now that they are returning astride horses in growing numbers, jockeys from the English-speaking Caribbean, principally Barbados, Jamaica and Trinidad and Tobago are leading the way in North America, especially in Canada where they are consistent winners.

Competitive sport, often called the product of western civilization, a people's desire for conquest, empires and exploration have spawned the Olympics and other major competitions, giving Blacks the chance to show that they can thrive in any area, where ability rather than skin color or place of birth is the means to success.

HONORING THE PALESTINE WILDCATS GOLF TEAM

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to honor the Palestine Wildcats golf team who recently won the Texas University Interscholastic League 3A State Championship.

On Friday, May 12, 2006, the Wildcats golf team competed at the Jimmy Clay Golf Course in Austin, Texas, for the High School Boys State Championship. The Wildcats shot a 2-day total of 594 to claim the University Interscholastic League Class 3–A Title. The Wildcats, who represented four out of the top five players in the tournament, were the only team not to have a single round in the 80's.

Today I would like to congratulate Head Coach Tommy Allison, and players Jacob Taylor, Nicholas Verela, Joseph Totah, Jeremy Lambright, and Steve Harrington.

As the Congressional representative of the players, families, coaches, and supporters of the Palestine Wildcats, it is my pleasure to recognize their tremendous victory and outstanding season.

PAYING TRIBUTE TO CAPTAIN CLAYTON L. ADAMKAVICIUS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of Captain Clayton L. Adamkavicius, who died on April 21, 2006 in Afghanistan, in support of Operation Enduring Freedom.

Captain Adamkavicius, who was assigned to Headquarters and Headquarters Company, 149th Armored Brigade, 35th Infantry Division of the Army National Guard was killed by small arms fire in the Uruzghan Province in the central part of Afghanistan. He was in the process of investigating a weapons cache when he fell.

Mr. Speaker, I am proud to honor the life of Captain Clayton L. Adamkavicius. Captain Adamkavicius made the ultimate sacrifice for his country while fighting the War on Terror and defending democracy and freedom.

RECOGNIZING KYLE MURRAY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Murray, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Kyle Murray for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PANAMANIANS HONOR DR. MARCO A. MASON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to Dr. Marco A. Mason for all that he has done for the Panamanian community here and abroad. A distinguished academic, Dr. Mason has been directly involved in the community through various educational services and youth development for many years. He is very deserving of the honor being given to him.

Due to the fact that Dr. Mason has remained committed to the community for so long, The Panama Canal International Alumni Association Inc. (PCIAA) and The Panamanian American Community Center honored him for Distinguished Community Service at their fourth annual Spring Dinner Dance and Distinguished Awards Presentation, held at Crystal Manor in Brooklyn, New York.

Dr. Mason is also a medical sociologist and serves as an assistant professor of social and behavioral sciences at Medgar Evers College in New York City. He is also a member of an array of associations and councils including being a charter member of the Caribbean Women's Health Association (CWHA), the Caribbean American Medical and the Scientific Association, the Caribbean American Social Workers Association as well as various other community action groups.

An academic at heart, Dr. Mason's primary field of study includes very pertinent topics such as the impact of United States immigration policy on ethnic communities, and the delivery of culturally competent health services to ethnic groups. He is well versed in his field and has written extensively on the subject.

He has contributed so much to not only the Panamanian people in the United States, but to those at home, too. Former New York State Senator Dr. Waldaba Stewart, who currently heads the Diaspora Research and Development Center presented the award to Dr. Mason and he noted that, "under Dr. Mason's leadership for the past two decades, facilitate the growth of CWHA to become a noted urban problem solver that creates innovative solutions to community issues with a focus on breaking the cycle of poverty".

Dr. Stewart makes it clear that Dr. Mason knows what it takes to keep one's community strong for future generations, and it starts with as Dr. Stewart points out, "grassroots initiatives".

I enter into the RECORD with great admiration the article published in New York's CaribNews for its recognition of such a true humanitarian. Dr. Mason without a doubt is deserving of the acknowledgment for all that he has done over the years. He should be recognized for his commitment to the fundamental belief that changes start at home in the community and he did his best to make others see just how much power they really had.

PANAMANIANS HONOR DR. MARCO A. MASON

The Panama Canal International Alumni Association Inc. (PCIAA) and The Panamanian American Community Center Inc., recently honored Dr. Marco A. Mason, for Distinguished Community Service. At their Fourth Annual Spring Dinner Dance and Distinguished Awards Presentation, held at Crystal Manor in Brooklyn, New York.

Dr. Mason is a Medical Sociologist. He serves as an Assistant Professor in the Department of Social and Behavioral Sciences, at Medgar Evers College. He is the President of the Panamanian Council of New York Inc. He is also a charter member of the Caribbean Women's Health Association (CWHA) the Caribbean American Medical and the Scientific Association, the Caribbean American Social Workers Association, among other community and professional organizations.

Dr. Mason also serves as a consultant to a number of private, community, public and international sector organizations. He is accredited to practice Immigration Law.

His principal scholarly interests include: U.S. Immigration Policy Impact on Ethnic Communities, and the Delivery of Culturally Competent Health Services to Ethnic Groups. He has written extensively on these topics.

He has a Doctorate in Social Welfare (Immigration and Health Policy) from the Graduate Center of the City University of New York.

Former New York State Senator Dr. Waldaba Stewart, head of the Diaspora Research and Development Center, presented the award to Dr. Mason and lauded Dr. Mason's solid track record in the Panamanian community at home and abroad.

He also stated that, under Dr. Mason's leadership for the past two decades, facilitate the growth of CWHA to become a noted urban problem that creates innovative solutions to community issues with a focus on breaking the cycle of poverty through building diverse partnership and grassroots leadership initiatives.

CWHA has concentrated its efforts on a variety of issues: Immigration, Youth Development, Public Health, Welfare Reform, Economic Revitalization and Community Empowerment.

Ms. Laura Thomas James, PCIAA's President stated that, PCIAA's objective is to keep the Panamanian Antillean culture and heritage alive and pass it on to future generation through cultural, educational, and social programs. She also stated that Panamanian American Community Center is a non-profit information and referral service that provides services to approximately 500 social support family, immigration, health, housing, legal, emergency shelter, child care, education, employment, cultural, citizenship and youth services. She also said that, this gathering of the finest women and men in our community allows us the opportunity to recognize the outstanding services and accomplishments of outstanding members of our community.

They deserve our best wishes and congratulations. In addition to Dr. Mason, other awardees include: Club El Pacifico, Inc., Ms. Petrona Pet Honeywell, Ms. Gloria A. Spencer Morgan, The Rev. Frank Elcock and Mr. William Ben Townsend.

IN RECOGNITION OF THE 45TH ANNIVERSARY OF THE PEACE CORPS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to extend my sincere congratulations to the men and women of the Peace Corps, which celebrates its 45th Anniversary this year.

Since its creation in 1961, over 180,000 men and women—including several of our colleagues in Congress—have served in the Peace Corps.

These Peace Corps Volunteers have made a difference in a very concrete and personal way. Over the last 45 years, these dedicated volunteers—through their talent, hard work, and dedication—have shown people in 138 countries the very best face of America.

From agriculture to business development to HIV/AIDS prevention, the Peace Corps is a vital, vibrant organization that promotes mutual trust, cooperation, and understanding between Americans and the countries in which they serve.

And course, I can't stand up here and talk about the Peace Corps without noting that the Director of the Peace Corps, Mr. Gaddi Vasquez, is a long-time resident of Orange County, California. I want to express my thanks to him and to all Peace Corps participants, for their hard work, their sacrifice, and their spirit.

PAYING TRIBUTE TO CORPORAL SHAWN T. LASSWELL, JR.

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Corporal Shawn T. Lasswell Jr. who died on April 23, 2006 while in support of Operation Iraqi Freedom and defending America.

Corporal Lasswell, who was assigned to C Troop, 7th Squadron, 10th Cavalry Regiment, 4th Infantry Division, died in Taji, Iraq when an improvised explosive device detonated near his military vehicle. Lasswell, who grew up in Alton, Illinois was laid to rest in Arlington National Cemetery.

Mr. Speaker, I am proud to honor the life of Corporal Shawn T. Lasswell Jr. Corporal Lasswell made the ultimate sacrifice for his country while fighting the War on Terror and defending democracy and freedom.

RECOGNIZING ETHAN STOCKDALE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ethan Stockdale, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Ethan has been very active with his troop, participating in many scout activities. Over the many years Ethan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Ethan Stockdale for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO RON ZIMMERMAN

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PENCE. Mr. Speaker, I rise today to pay tribute to the life of Ron Zimmerman of Connersville, Indiana. He died this week in Afghanistan when a suicide bomber hit his vehicle while he was working as contractor on a U.S. State Department police training project.

Ron was working in Herat, Afghanistan, near the border with Iran and Turkmenistan. Among other things, he was training local police forces in methods of combating the illicit drug trade of opium poppies. He was in a convoy going to work to continue these training efforts when the vehicle he was traveling in was attacked by a suicide car bomber. He had been in Afghanistan since early April of this year.

Ron graduated from Connersville High School. Before going overseas, Ron served in the Fayette County Sheriff's Department, volunteered as a local firefighter, and most recently worked as a police officer in Brookville, Indiana. He left the police force in December 2004 to become a contractor. Prior to going to Afghanistan, he had worked for 1 year as a contractor training police forces in Kosovo.

Ron's courage and selfless dedication to others are shown through his willingness to travel to dangerous areas of the world in an effort to help those areas become safer and more secure. His wife Marla stated, "He was the type of person that felt like he had to do what he had to do. He was a very giving person."

I offer my deepest condolences to his wife, Marla; his two daughters, Mel Walker and Cheyenne Zimmerman, his son, Matt Walker, and all other family and friends who loved and admired this fine man.

PERSONAL EXPLANATION

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 172 I was unavoidably detained. Had I been present, I would have voted "aye."

PAYING TRIBUTE TO JAMES KELLY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of James Kelly, who died Saturday, May 12, 2006.

James served the city of North Las Vegas for decades in a number of different capacities. He was a Justice of the Peace for 24 years, a former city council member, past President of the North Las Vegas Chamber of Commerce, and a past President of the Nevada Judges Association. James lived in North Las Vegas since 1959 and was very community-minded. He quietly led a life of public service.

Mr. Speaker, I am proud to honor the life of James Kelly. His long and distinguished record of public service is admirable and should serve as an example to us all. He will be greatly missed by the city of North Las Vegas.

RECOGNIZING CHARLES K. LIGHT II FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charles K. Light II, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 397, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Charles K. Light II for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

STRONG WOMEN STAND TALL

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mrs. CAPITO. Mr. Speaker, the week of May 14 thru 20, 2006 is designated by the Department of Health and Human Services as National Women's Health Week, an effort to raise awareness about women can take to improve their health.

One disease that disproportionately affects women is osteoporosis. Often called a "silent disease" because bone loss occurs without symptoms, bones become fragile and are more likely to break with age.

Osteoporosis is a major public health threat for millions of Americans. Ten million individuals are estimated to already have the disease and almost 34 million are at risk of developing osteoporosis. Eighty percent of those affected by osteoporosis are women.

One program that is helping to spread awareness about osteoporosis is Strong Women Stand Tall—a new program to motivate women to join together and take action to protect their bone health. Friday, March 12, 2006 was declared as "Fuchsia Friday" to show solidarity among women and to raise awareness of bone health.

When women take even the simplest steps to improve their health, the results can be significant. It is important to action to find out your risk for developing osteoporosis. We need to stay informed and take responsible actions to improve our health.

Reducing our risk for this disease is a lifelong process—it is never too early or too late to protect bone health. Women must recognize their risk for osteoporosis, educate themselves about how to stay strong and healthy, and empower other women to take charge of their bone health. I encourage all women to see their physician and have an osteoporosis screening.

DENOUNCING ANTI-IMMIGRANT HATE MESSAGES

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. BACA. Mr. Speaker, its been 4 years since 9-11, yet the Republicans in Congress and this President have failed to secure our borders and protect this country against future terrorist attacks.

Americans want and deserve better.

The country is depending on us to take action but this Administration and the Republians in Congress have let us down over and over again.

The Democrats' plan offers real security that will protect America from harm.

It's time for Republicans to put politics aside and enact real reforms now.

It's time for Republicans to stop playing politics with our security.

Just take immigration reform, for example.

Instead of recognizing the need for real, comprehensive reform Republicans have used th border security issue to play on people's fears and exploit the debate for their political gain.

They've hijacked the debate to incite xenophobia in the minds of the American people!

I want my colleagues to be aware that this rhetoric can provoke extremists to commit violence against immigrants.

Remember that words have consequences and set the tone for public debate.

Unfortunately, all over America racists are taking advantage of the immigration debate to voice their message of hate.

And they are using the media—which our Constitution protects—to do so.

Several years ago, I founded the Congressional Sex and Violence in the Media Caucus because I was disturbed by the messages our children were receiving.

As co-chair of this caucus, I have led the effort to help parents protect their kids from harmful and inappropriate content such as graphic sex and violence.

Now we must be on the lookout for racist content in the media.

On March 29, 2006, a New Jersey radio talk show host Hal Turner exclaimed, ". . . It is time to fight. To kill such invaders. . . . If you don't fight AND don't support those of us who do, when we're done with them, we can come for you."

I recently learned about a racist game distributed freely on the Internet called "Border Patrol" that encourages Players to shoot at Immigrants as they cross into the United States.

The game first surfaced in 2002, but has come up once again amid the immigration debate.

This is obscene and crosses the line!

For years, White supremacists have used the Internet to get their messages out to as many people as possible.

But the use of computer video games is new.

They are deliberately targeting our children and recruiting them into their hate groups!

The fact that the national immigration debate is fueling their efforts is downright scary.

It just takes one individual with hate in his heart to act on these notions!

Border Patrol is one of several racist computer games that hate groups are currently for sale or download on the Internet.

Other games like "Ethnic Cleansing," "DriveBy 2" and "African Detroit Cop" were created to further racist, anti-Semitic or homophobic opinions.

Already, the National Alliance, a violent neo-Nazi group, is selling "Ethnic Cleansing" and is promising to market and sell similar games.

As the issue of comprehensive immigration reform has moved to the forefront of national policy debate, these hate-messages have grown more radical.

As the Aryan Nation's Web site puts it, "We now have another game animal to add to our list of available targets for our favorite pastime, hunting, and we'll declare permanent OPEN SEASON on these dirty wetbacks! From what I've heard through the grapevine the Skinheads and Klans across the country are more than prepared for this type of action. I say let's play by state and see which state can claim the most kills and let the jewsmedia whores keep score!"

This is a big real concern especially as the debate continues.

These extremist groups are going to gain momentum.

A report by the Anti-Defamation League shows that hate groups have organized numerous assaults against immigrants within this month alone.

As members of Congress, our first responsibility is the security of every American and of that means securing our borders.

But the outcome of this debate will speak volumes about how we embrace diversity in our communities and welcome foreigners in our society.

We cannot have this debate at the expense of the safety of immigrants in our communities.

I understand that not everyone in Congress agrees with a more inclusive vision of the American family.

But regardless of your position on immigration and border policy, I call on you to join me in condemning all the extremists who are hijacking this debate for their hateful agendas.

PAYING TRIBUTE TO FIRST SERGEANT CARLOS N. SAENZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of First Sergeant Carlos N. Saenz, who died on May 5, 2006 in Baghdad, Iraq, in support of Operation Iraqi Freedom and defending America.

Sergeant Saenz was assigned to the 490th Civil Affairs Battalion, 321st Civil Affairs Brigade, U.S. Army Reserves, died when an improvised explosive device detonated near his military vehicle. Sergeant Saenz, who resided in Las Vegas, Nevada, was laid to rest in Arlington National Cemetery.

Mr. Speaker, I am proud to honor the life of First Sergeant Carlos N. Saenz. Sergeant Saenz made the ultimate sacrifice for his country while fighting the War on Terror and defending democracy and freedom.

RECOGNIZING CHRISTOPHER ADAM ROTH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Christopher Adam Roth, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Christopher Adam Roth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

BIOFUEL ACT OF 2006

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Ms. HERSETH. Mr. Speaker, I rise today to acknowledge and address an oversight that occurred on legislation that I recently introduced in the House of Representatives. For the past several months, I have been working with several of my House colleagues to draft a comprehensive bill that would significantly increase the production and utilization of renewable fuels in this country. The bill, H.R. 5372, is entitled the Bioenergy Innovation, Optional Fuel Utilization, and Energy Legacy (BIOFUEL) Act of 2006.

Throughout this process, one of my colleagues, the chairman of the House Democratic Caucus, JIM CLYBURN, was among the most helpful and enthusiastic supporters of this legislation. Prior to introduction of the bill, Chairman CLYBURN had made it clear to my office that he would like to be listed as an original cosponsor when the bill was introduced. Unfortunately, due to an oversight on my part, Mr. CLYBURN's name was not included on the bill as an original cosponsor, as it should have been. His name has since been added to the legislation but I regret this error and I wanted my colleagues to know of his invaluable contribution to the bill and that he should be considered an original cosponsor.

SUPPORT FOR WOMEN'S HEALTH WEEK

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GINGREY. Mr. Speaker, I rise today in support of National Women's Health Week. It is during this week that the Office on Women's Health, within the U.S. Department of Health and Human Services, urges women to focus on their health.

It is a time when we need to tell all the women in our lives; our mothers, wives, sisters, daughters, aunts and friends how important it is to take time out for their health.

This can be as simple as taking the stairs instead of the elevator, eating healthier or scheduling an appointment with their healthcare provider.

A good relationship with your doctor is so important in maintaining your health. Women need to have conversations with their physicians regarding their family health history and the importance of recommended screening tests.

So, today, Mr. Speaker, I want to encourage all of America's women to take a moment to focus on promoting health and preventing disease and illness by taking simple steps to improve their physical, mental, social, and spiritual health.

PAYING TRIBUTE TO JAMES "JIM" MAACK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of James "Jim" Maack, who succumbed to cancer on May 4, 2006.

Jim was a newspaper carrier for the Boulder City News for 24 years, starting off with a small delivery route around Lake Mead Parkway and Van Wagenen Street, he took on larger routes until he was delivering papers to stands and stores throughout the Henderson and Boulder City area. Jim was a good guy, with a great sense of humor, who always had a smile on his face.

Mr. Speaker, I am proud to honor the life of James "Jim" Maack. He was a very special man who enriched the lives of all he encountered.

RECOGNIZING ALEXANDER DANIEL SHINN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Alexander Daniel Shinn, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the many years Alexander has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Alexander Daniel Shinn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE ACHIEVEMENTS OF DR. MICHAEL CHARLES

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. CLEAVER. Mr. Speaker, I proudly rise today to pay tribute to Dr. Michael Charles on his 50th Music Anniversary. Born in 1946 in Kansas City, Missouri, his musical road began with singing locally in the Novice Choir at Mariah Walker A.M.E. in 1956. He is known as a "Son of Psalms" and as an individual whose name has become synonymous with excellence in sacred music in many religious circles.

Dr. Charles has sung individually and with various gospel and church groups, locally and across this country. He is fortunate to have performed at the Apollo Theater in New York City, and in many notable venues across our Nation. At one of his unforgettable engagements, Dr. Charles was able to meet and receive advice from the late, great, Mahalia Jackson, the First Lady of Gospel music.

Through his association with various gospel groups, churches, and church related associations, in 1992 the ultimate recognition, an Honorary Doctorate in Sacred Music, was bestowed upon him by the Maryland School of Theology and Theism of Baltimore, Maryland. On a more personal level, I have been honored to have Dr. Charles' expertise as the Minister of Music for Saint James United Methodist Church, of which I am the Senior Pastor. He has shown enormous energy while facilitating our music ministry which consists of eight singing units, two liturgical dance groups, and a seventeen member music staff. This has lead to the recording of two compact discs, "I Will Lift Up Mine Eyes Unto the Hills," and "A Celebration of Praise."

Dr. Charles composed a tribute to Dr. Martin Luther King, Jr. the day after he was assassinated, called "Freedom After While." This composition is sung as the finale each year at the Southern Christian Leadership Conference's Martin Luther King Celebration in Kansas City, Missouri. It is sung with such feeling and emotion that there is hardly a dry eye in the crowd. I may be biased in my praise of him because he is one of my parishioners, but I am privileged to hear Dr. Charles' music and deeply appreciate the time and care he takes with our congregation. May God continue to bless him and give him inspiration.

Mr. Speaker, please join me in expressing our heartfelt gratitude to Dr. Michael Charles for his fifty years of utilizing music as a means to bring people and God together, not only within the boundaries of Missouri's Fifth Congressional District which I represent, but within the United States and the entire global community. He represents the best in all of us. I urge my colleagues of the 109th Congress to please join me in congratulating Dr. Michael Charles on celebrating his 50th Musical Anniversary.

HONORING THE RETIREMENT OF MAYOR ROBERT S. BERNSTEIN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. ACKERMAN. Mr. Speaker, I rise today to honor the achievements of a man who exemplifies finest combination of civic consciousness, personal drive, and family responsibility. Robert S. Bernstein, Mayor of the Village of Lake Success, has been a catalyst, providing the means and motivation for the continued progress and success of this community.

Half century ago, Robert began his journey in public service as an Eagle Scout. During his tenure at Adelphi University, the student body elected him president of both his freshman and sophomore classes, and as president of the entire student government as a senior. Parallel with his college education, he joined the United States Naval Reserve, and served on active duty for 27 years, retiring at the rank of full Navy Captain. Since then he has served his community in a variety of different capacities: a member of the North Shore University Hospital Cardiology Leadership Committee, a Trustee and then Deputy Mayor of the Village of Lake Success. President of the Great Neck Village Officials Association, and currently as the Mayor of the Village of Lake Success.

Focusing his attention on his community, Robert has accomplished much to be proud of. As a trustee for the Village, he instituted its first Environment Committee in 1986, to promote clean air and water, as well as the safe enjoyment of the outdoors by keeping public land pesticide-free. As Mayor, he improved the infrastructure of the Village by tearing down an old building and building in its place a new Police Station and Courtroom (that doubles as a summer camp for resident children between the ages of three and six), a Community Center, and extra housing for those in need. Robert will step down from his municipal office, after years of dedication, to focus his attention on developing emergency and disaster procedures, and continuing his focus on environmental issues affecting his community.

Mr. Speaker, I am proud to recognize such an accomplished individual and commend Mayor Robert Bernstein for his years of dedicated service. On behalf of his wife, three children, two grandchildren, and the Village of Lake Success, I ask the whole House of Representatives to join me in honoring Mayor Robert S. Bernstein, and wishing him many years of happiness and good health as he celebrates his well deserved retirement.

PAYING TRIBUTE TO PROFESSOR HAL ROTHMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Professor Hal Rothman, who has recently received the President's Medal which is the highest honor awarded by the University of Nevada Las Vegas.

Professor Rothman was selected for this honor based on the recommendation of a University Committee. The honor is granted only after serious consideration of a highly select group of faculty, and awardees must have demonstrated extraordinary qualities both as teachers and scholars and must have achieved national and international recognition in their fields of study.

Professor Rothman joined UNLV's department of history in 1992 and served as chair from 2002–2005. During his tenure, Professor Rothman received numerous awards for his scholarship, teaching and contributions to the academic environment in Las Vegas, including the Marjorie Barrick Distinguished Scholar Award, the Harry Reid Silver State Research Award, and the Alumni Association Distinguished Faculty Award. Professor Rothman is also a prolific author and has published numerous books and articles on a variety of topics, including tourism in the Western U.S., Las Vegas history, and the environment. He has won five prizes for his books and been named to the Nevada Writers Hall of Fame. Professor Rothman is considered one of the Nation's leading experts on tourism and post-industrial economies.

Mr. Speaker, I am proud to honor Professor Hal Rothman for his receipt of the University of Las Vegas President's Award. His demonstrated academic excellence and skillful tutelage have greatly enriched the academic caliber of the University and the quality of education for the students. I congratulate him for receiving this distinguished award and wish him the best in his future endeavors.

RECOGNIZING JONATHAN MATTHEW LEONE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jonathan Matthew Leone, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 98, and in earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many scout activities. Over the many years Jonathan has been involved with scouting, he has not only earned the numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jonathan Matthew Leone for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING MRS. PINKIE HARDY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life of Mrs. Pinkie Hardy of Eunice, Louisiana on the occasion of her 90th birthday.

Born May 19, 1916 in Washington, Louisiana, Mrs. Pinkie and her family moved to Eunice when she was just two years old. A self-educated woman, Mrs. Pinkie attended school until the seventh grade. During the years of the segregated south, African American children did not have a high school to attend in smaller communities like Eunice, and if their parents could not afford to send them to larger towns for a high school education, their schooling was limited to an elementary education. Despite this obstacle, as a girl Mrs. Pinkie developed a love for reading that has stayed with her ever since with the Bible being among her favorite things to read.

Mrs. Pinkie married Herman Hardy in 1936. Together, the couple had seven children and one stepson. They were married for 43 years until he passed away in 1979. During most of those years, Herman worked in the dry cleaning business and Mrs. Pinkie worked in food services at Charles Drew High School, which became Central Middle School when the local high schools were integrated in 1969. She continued to work there until she retired from the Louisiana school system in 1980. Mrs. Pinkie's children are now living and working in various states across the country, and many of them are now retired and pursuing second careers. She has 22 grandchildren and 23 great-grandchildren, and has always encouraged and stressed the importance of education and independence to all her children and grandchildren.

Mrs. Pinkie was and still is active in her church and community. A devout Catholic, she was one of the first Eucharistic Ministers in Eunice, and in 2002 received the Bishop's Medal from the Diocese of Lafayette for her achievements. She also served as State Deputy for the Knights of Peter Claver Ladies' Auxiliary, and was honored with an award for 50 years of service. In 1987, Mrs. Pinkie was presented with the Martin Luther King Jr. Award and in 1990, she was honored as Mother of the Year. Furthermore, in February 2005, she was presented with the "Woman Who Made a Difference" Award from he National Association of University Women. In addition, she has served as President of the Legion of Mary and St. Mathilda School Parent Teacher Association.

In her lifetime, Mrs. Pinkie has witnessed and made a great deal of history, living through some of the most tumultuous periods in our country's history, particularly in the years before and during the Civil Rights Movement. Throughout that time she has been a leader in her community and her family, providing wisdom and direction to all who know her.

One of her sons is married to my sister, so I know firsthand what a strong, caring, unique and inspirational woman Mrs. Pinkie is. As the leader and matriarch of her family, Mrs. Pinkie is who everybody turns to. She is the voice of reason and compassion for all her children, grandchildren, great-grandchildren, relatives, her church community and her friends, and continues to be a bright light we all look to for guidance.

Today, the friends and family of Mrs. Pinkie Hardy come together to celebrate the 90 incredible years during which we have been blessed to have her in our lives and the lives of our loved ones. On this very special day, I join all of them and the entire Eunice community in congratulating Mrs. Pinkie on this wonderful occasion, and in saluting her for her many years of service, leadership and dedication to helping others in her family and her community.

CONGRATULATING RICHARD COSGROVE WHO WAS AWARDED AN HONORARY DOCTORATE DEGREE BY KINGS COLLEGE

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Richard B. Cosgrove, of Pittston, Pennsylvania, who was recently presented with an honorary doctorate degree from King's College.

Mr. Cosgrove enjoys a reputation as the dean of local journalists in Northeastern Pennsylvania. After graduating from St. John the Evangelist High School in Pittston in 1941, he joined the staff of the Wilkes-Barre Times Leader in January, 1943. He later joined he staff of the Pittston Dispatch in 1947 in time for the publication of their very first edition on February 9.

Mr. Cosgrove continued his newspaper career with the Pittston Dispatch until the summer of 2000 when he joined the staff of the Wilkes-Barre Citizens' Voice as a correspondent, a position he continues to hold. He also served for several years as a local correspondent for the Scranton Tribune.

Richard is a son of the late George and Elizabeth Healy Cosgrove. Mr. Cosgrove's wife, the former Mary Neary, died in April, 1981. Their union was blessed with two sons, George B. Cosgrove, principal of the Pittston Area Middle School and Joseph M. Cosgrove, a practicing attorney in Luzerne County. His family also includes two granddaughters, Jill, a nurse at Geisinger Wyoming Valley Hospital and Mary Ann, a drug and alcohol counselor in Scranton.

Mr. Cosgrove has a long history of community service. He is a member and past president of the Wyoming Valley Sierra Club of Wilkes-Barre and he is a past district governor of District 80, Sierra International.

Mr. Cosgrove is also a member and past grand knight of President John F. Kennedy Council 372 of the Knights of Columbus in Pittston and a member of the council's Fourth Degree Assembly.

He is a member of the parish community of St. Casimir, St. John the Evangelist and St. Joseph Churches in Pittston where he serves as a Eucharistic Minister, an altar server and a member of the parish liturgy committee. He also performs bereavement counseling with those who have lost loved ones. He is also a past president of the parish's Holy Name society.

Mr. Speaker, please join me in congratulating Mr. Cosgrove on this auspicious occasion. His love for his community, his devotion to the pursuit of truth and his faithful service to his church have endeared him to many, many people and has earned him widespread respect. Mr. Cosgrove's contributions to his community have clearly improved the quality of life in the greater Wyoming Valley.

PAYING TRIBUTE TO THE HONORABLE BERT M. GOLDWATER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor the life of the Honorable Bert M. Goldwater, who died on May 3, 2006.

Judge Goldwater attended schools in Reno and Stockton, California. He attended Stanford University for three years, and because of his lifelong battle with asthma, returned to the University of Nevada, Reno, where he graduated in 1936. He received his law degree from the University of Colorado in 1939, where he was the Editor of the Rocky Mountain Law Review. Judge Goldwater was admitted to the Nevada Bar in 1939 and practiced both civil and criminal law. He was later appointed the United States Bankruptcy Judge in October

1979. After retiring from the bench in 1982, he joined Lionel, Sawyer and Collins Law Firm, where he practiced private law for more than a decade. Judge Goldwater was recalled to serve as a U.S. Bankruptcy Judge by the United States Court of Appeals for the Ninth Circuit in October 1994, where he served until his death.

Judge Goldwater was also very active in the Nevada Bar. He served as President of the Washoe County Bar Association, Secretary and Chairman of the State Board of Bar Examiners and Chairman of the National Conference of Bar Examiners. Judge Goldwater was also very passionate about education, serving as the president of the B.D. Billinghurst Junior High School P.T.A. and Chairman of the statewide Save Our Schools Committee. In the 1960's, he was appointed by the Nevada Legislature to serve as Chairman of the Citizens Committee on Taxation and Fiscal Affairs. He also served on the Nevada State Gaming Commission, the Nevada State Human Rights Commission, and was a 1964 alternate delegate to the Democratic National Convention.

Mr. Speaker, I rise today to honor the life of the Honorable Bert M. Goldwater. His dedication to justice and community are admirable and should serve as an example to us all. He will be greatly missed by the community.

RECOGNIZING LARRY REETER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GRAVES. Mr. Speaker, I stand to recognize Larry Reeter, a lifelong resident of Livingston County, Missouri and the recipient of the Elks Citizen of the Year Award. Born in 1941, Larry has lived in Livingston County his entire life. He graduated from Chillicothe High School in 1958 and then went to serve his country honorably in the Army National Guard from 1959 to 1968. After 42 years of service as a lineman and construction supervisor for the Farmers Electric Co-op, Larry retired in March of 2004.

In service to his community, Larry joined the Calvary Baptist Church in 1961. Then he became a Deacon in 1970, was licensed to preach in 1979, and ordained as a minister in 1986. During that time he presided over services in the Ludlow Baptist Chapel, Calvary Baptist Church, and for 30 years at the National Guard Armory. He routinely fills in for churches in the area that are in need of a pastor and holds services at the Chillicothe Correctional Center. Larry has also donated his time to many families who have suffered the loss of a loved one or are experiencing an illness in the family, and he makes frequent trips to visit with people in the local hospitals and hospitals in Kansas City.

In his spare time in retirement, Larry continues his service by taking community members to their doctor appointments and to visit family members or friends in the hospital. He also makes presentations portraying Abraham Lincoln to the local elementary schools, giving young students a history of Lincoln's life and the strong values that he believed in.

I am proud to represent Larry Reeter as an outstanding member of our community and now as the recipient of the Elks Citizen of the Year Award. The residents of Livingston County appreciate his service and all of Northwest Missouri is proud to have him as one of our most valued citizens. It is an honor to represent him and I ask the United States Congress to extend their appreciation for his lifelong service.

TRIBUTE TO THE 2006 MIAMI HERALD/EL NUEVO HERALD SILVER KNIGHTS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. MEEK of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to 15 outstanding students in Miami-Dade County schools who were honored on May 16th at an impressive ceremony in the Dade County Auditorium. These 2006 Miami Herald/El Nuevo Herald's Silver Knights were cited for their academic excellence and all-around leadership, as well as for their dedication to uplifting the lives of others. This honor reflects their personal achievement as "visionaries and role models" for whom we feel absolute pride and unique honor. These exceptional students represent the best and the brightest of our youth, and it is in this spirit of service and commitment to their fellow man that our community will rest assured of a bright future.

The awardees and their achievement areas are: Athletics—Amanda Estevez from Florida Christian School; Business—Stephanie Fink from Coral Gables Sr.; English—Gerardo Munoz from Miami Sr.; General Scholarship—Xavier Gonzalez From Coral Park Sr.; Journalism—Marcus Parramore from Coral Gables Sr.; Math—Gongqi "Gina" He from Palmetto Sr.; Music—Cathy Kim-King Ng from Sunset Sr.; News Media—Kemy Joseph from Homestead Sr.; and Speech—Clarissa Parks from Coral Reef Sr.

I would also like to commend the following honorees, who are my constituents and attend schools in my District. They are: Art—Charolette Jarrett from Dr. Michael Krop Sr.; Drama—Brittany Little from Miami Northwestern Sr.; Foreign Language—Dave Fils-Aime from Dr. Michael Krop Sr.; Science—Zachary Sandoval from Dr. Michael Krop Sr.; Vocational-Technical—Chynna Clayton from Turner Technical Sr. In a special manner, I am extending my commendation to Nicholas Nelson-Goedert from North Miami Beach Sr., the Social Science awardee, who is currently serving as an intern in my District Office.

There are other Silver Knight Honorable Mentions from my District: Business—Diana Augustin from Turner Tech Sr.; English—Dmitriy Rokhfeld from Dr. Michael Krop Sr. High; Foreign Language—Carol Toro from Miami Country Day School; Music—Drew Davis from Dr. Michael Krop Sr. and Trestiese Davis from Miami Central Sr. High; Math—Willedra Mosley from Miami Carol City Sr. and Kevin Pan from Dr. Michael Krop Sr.; Science—Genevieve Carvil from Carol City Sr.; and Speech—Rhyanne Carrington from Miami Norland Sr.

This group of accomplished young men and women represent the finest high school seniors around, and their individual and collective achievements give me comfort in knowing that the future of our community is in good hands. With earned scholarships they will soon be attending their respective schools of higher learning to once again compete and demonstrate their abilities and character in tackling the demands of a yet greater challenge. Bound by the same commitment to hard work and personal ethic, I am confident that they will bring to fruition their dreams of personal achievement and scholastic excellence in a manner that will benefit society as they go about spreading their contribution of good will as productive and responsible citizens.

Against innumerable odds that would have intimidated lesser spirits, and guided by their faith, work ethic and utmost discipline, these young men and women have genuinely earned their kudos as the 2006 Silver Knights. My pride and honor in representing them in Congress are only exceeded by my deep gratitude for all that they have done to uphold the honor and dignity of our community.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mrs. MALONEY. Mr. Speaker, on rollcall no. 151, I was listed as voting in favor of H.R. 4200, the Forest Emergency Recovery and Research Act. This was an error; I oppose H.R. 4200 and intended to vote "no".

H.R. 4200 is unnecessary legislation with significant negative consequences. It allows almost any activity, including timbering and roadbuilding, to proceed on an expedited basis with little or no environmental review and with little or no ability for the public to challenge a decision, under a broad array of circumstances beyond what most would view as emergencies. It shares many of the misguided goals and harmful effects of the so-called "Healthy Forest Restoration Act" of 2003, which I voted against.

Again, I intended to vote "no" on H.R. 4200.

IN HONOR AND REMEMBRANCE OF JAMES E. SOMERVILLE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of James E. Somerville, devoted husband, father and grandfather, WWII Veteran, and friend to many.

Mr. Somerville grew up in Cleveland, Ohio, where he learned at an early age the values of family, faith, hard work and community. Together, he and his beloved wife Phyllis raised their three children, Gregory, Peggy and Kathleen. His quick wit and friendly demeanor easily drew others to him. Mr. Somerville consistently lived life with a certain kindness and grace, and he was always willing to help out a family member or friend whenever needed.

Mr. Somerville's life focused on service to country, devotion to family and dedication to work. He served with honor and valor as a Sergeant in the United States army during WWII. After the war, Mr. Somerville focused on providing a safe, stable and loving environment for his family. He was a dependable and hardworking employee in the textile industry for numerous years. His devotion to his Catholic faith never wavered; he was a longtime member of St. Joseph Catholic Church in Strongsville. Although Mr. Somerville struggled with illness for many years, his faith and family gave him strength, and his kind heart and wonderful sense of humor continued to give strength to those who loved him most.

Mr. Speaker and colleagues, please join me in honor and remembrance of James E. Somerville. Please also join me as I offer my deep condolences to his wife Phyllis; to his son, Gregory; to his daughters, Peggy and Kathleen; to his sons-in-law, William and Tom; to his grandchildren, Brandyn, Jordan and Camron; to his sister, Eileen; and to his extended family members and many friends. Although he will be greatly missed, the kindness, humor and love that framed his life, will live on within the hearts of his family and friends, today and for all time, and he will never be forgotten.

IN HONOR OF AUGUSTINE PEREZ

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. SESSIONS. Mr. Speaker, I rise to honor Augustine Perez of the Northwest Postal Station on Northwest Highway in Dallas, Texas, which I am proud to represent in Congress. Mr. Perez's record of accomplishment as a letter carrier is truly remarkable. Very few carriers become members of the U.S. Postal Service's Million Mile Club. Only those carriers who have driven 1 million miles, 25,000 hours, or 30 years without a preventable accident can earn induction. While membership in this club is very exclusive, Mr. Perez continues to exceed these expectations, as he joined the club more than five years ago and is still delivering the mail.

Mr. Perez's normal daily routine includes 240 delivery stops with at least six hours of driving. Moreover, most of his delivery vehicles are without air conditioning in what is often a brutal summer Texas heat.

I salute Mr. Perez for his continued service in delivering the mail to the community, and I wish him many more years of great service to the Post Office and its customers. His dedication is unmatched and for this I express my sincere thanks.

TRIBUTE TO MYRTLE BEACH INTERMEDIATE SCHOOL, WINNER OF THE PALMETTO'S FINEST AWARD

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. BROWN of South Carolina. Mr. Speaker, the Myrtle Beach Intermediate School is one of four schools in South Carolina to have received the 2006 Palmetto's Finest Award sponsored by Carolina First and the South Carolina Association of School Administrators. This award is the highest level of recognition that a school can receive in the state and was presented for the school's accomplishments in the areas of student achievement, student leadership, service learning, school culture including physical environment, safety and relationships, communication and involvement with community, instructional methods, success interventions, innovative programs, use of technology and staff quality.

Myrtle Beach Intermediate School serves a population of 565 students, 60 percent of which received subsidized meals. The school has met Federal Adequate Yearly Progress requirements for the past 2 years, meeting 27 out of 27 subgroup objectives, and has the second highest number of subgroups in the district.

Myrtle Beach Intermediate School has received an Absolute Rating of Excellent on its state report card for the last 3 years and an Excellent Improvement rating for the past 2 years. The school has been recognized by the South Carolina Education Oversight Committee for closing the achievement gap among student subgroups.

Myrtle Beach Intermediate School has been distinguished as a South Carolina Palmetto Gold Award winner for student achievement for the last 2 years and is the recipient of the Superintendent's Award for Service Learning, the Exemplary Writing School Award, and the Red Carpet Schools Award.

Congratulations to the students, teachers and administrators of the Myrtle Beach Intermediate School for a job well done.

FREEDOM FOR ROLANDO JIMÉNEZ POSADA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Rolando Jiménez Posada, a political prisoner in totalitarian Cuba.

Mr. Jiménez Posada is a lawyer and Director of the Democratic Human Rights Center. As a pro-democracy activist, Mr. Jiménez Posada has committed himself to portraying the true horrors of life under the tyrant in Cuba. Because of his vigorous opposition activities, the regime fired him from his job.

According to Amnesty International, Mr. Jiménez Posada has been detained and threatened numerous times over the past years. On December 10, 2001, while taking part in a peaceful celebration to commemorate the anniversary of the Universal Declaration of Human Rights, he and several others were beaten and pushed into police vehicles and then dumped in remote areas. Amnesty International reports that in July 2002, Mr. Jiménez Posada was threatened at his home after handing out copies of the Universal Declaration of Human Rights. Later, Castro's thugs told him that he would be imprisoned if he continued carrying out public activities in support of political prisoners.

Despite the horrific harassment and constant threats, Mr. Jiménez Posada never wavered in his convictions. He was arrested and thrown in the gulag on April 25, 2003. According to Amnesty International, he is still awaiting "formal charges" and a "trial."

Let me be clear, Mr. Jiménez Posada has been locked in sub-human conditions for over three years without "charges" and without even a farce of a "trial." Simply because Mr. Jiménez Posada does not subscribe to the lies and propaganda demanded by the communist dictatorship, he is locked in a miserable dungeon. Mr. Jiménez Posada is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. They are symbols of freedom and democracy who will always be remembered with respect and admiration when freedom reigns again in Cuba.

Mr. Speaker, Mr. Jiménez Posada is languishing in the repulsive squalor of the tyranny's gulag because he believes in truth and freedom. It is detestable that at the dawn of the 21st century, and a mere 90 miles from our shore, honorable men and women are imprisoned in repugnant gulags for believing that all men have an inherent right to live in freedom. My colleagues, we must demand the immediate and unconditional release of Rolando Jiménez Posada and every prisoner of conscience in totalitarian Cuba.

TRIBUTE TO R.R. "PETE" EBBING

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize a valuable and respected member of Michigan's business community, Mr. R.R. "Pete" Ebbing. Pete is retiring from the day-to-day operations of Detroit Edge Tool Company effective today.

Since July 1, 1955, Pete Ebbing has been instrumental in the growth of Detroit Edge Tool Company, a leading supplier of machine ways, rails, knives, and other precision machine parts to industries globally. On June 24, 1885, the company was incorporated in the State of Michigan and is now the oldest machine knife manufacturer in the world. During the first half of the 20th Century, Detroit Edge was a major supplier of industrial knives and associated equipment. However, in the early 1960s the company began to evolve and manufacture machine tool components such as hardened and ground, precision detachable ways and rails.

Throughout this evolution, Pete Ebbing was there working to ensure the company remained successful. The company's headquarters remains in the city of Detroit and has other plants in southeast Michigan.

In fact, Detroit Edge Tool Company has been in the Ebbing family for more than 80 years, spanning four generations. Two of Pete's six children, sons Ray and John, now manages the business together with a highly skilled and experienced staff of employees.

I have known Pete for nearly 40 years and am proud to call him a friend. Pete's dedication and vision for Detroit Edge Tool Company has service set the course for the next generation and I wish him luck in the future.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. KOLBE. Mr. Speaker, yesterday, I missed the following votes because I was traveling with President Bush to Arizona:

H. Res. 818, on ordering the previous question, providing for consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (#160). Had I been present I would have voted "aye."

H. Res. 818, on agreeing to the resolution providing for consideration of the bill (H.R. 5386) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes (#161). Had I been present I would have voted "aye."

H. Res. 795, on motion to suspend the rules and agree, condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006 (#162). Had I been present I would have voted "aye."

H.R. 5386, on agreeing to the Weiner of New York amendment (#163). Had I been present I would have voted "nay."

H.R. 5386, on agreeing to Poe of Texas amendments (en bloc) (#164). Had I been present I would have voted "aye."

H.R. 5386, on agreeing to the Pallone of New Jersey amendment (#165). Had I been present I would have voted "nay."

H.R. 5386, on agreeing to the Beauprez of Colorado amendment (#166). Had I been present I would have voted "nay."

H.R. 5386, on agreeing to the Hinchey of New York amendment (#167). Had I been present I would have voted "nay."

H.R. 5386, on agreeing to the Chabot of Ohio amendment (#168). Had I been present I would have voted "nay."

HONORING SHANE REEVES AS TENNESSEE'S SMALL-BUSINESS CHAMPION

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GORDON. Mr. Speaker, today I rise to recognize Rutherford County's Shane Reeves as Tennessee's recipient of the National Federation of Independent Business' 2006 Small-Business Champion award.

Shane, a partner in the Reeves-Sain Family of Medical Services, comes from good stock. His mother, the former Carolyn Boatwright, got me off to a fine start as my seventh grade student teacher at Hobgood. I also enjoyed working with his father, Richard Reeves, a progressive voice for Murfreesboro for many years while he served on the Murfreesboro City Council and as the city's mayor.

Shane has been a strong leader in Reeves-Sain's success. With two locations in my hometown of Murfreesboro, the company has become the leading provider of pharmaceutical and healthcare services in the area. Since its creation in 1980, Reeves-Sain has grown from a small healthcare business into a multi-million dollar corporation, all the while maintaining its hometown appeal.

Reeves-Sain strives to deliver comprehensive customer care to all patients and to uphold Christian values in the workplace, and Shane has been instrumental in making that goal a reality. Shane has been the recipient of numerous accolades, including University of Tennessee's 1998 Co-Preceptor of the year award, Tennessee's 2000 Most Innovative Pharmacy Award and Tennessee's 2003 Distinguished Young Pharmacist award.

Active in the community, Shane chairs NFIB/Tennessee's Leadership Council and works with NFIB/Tennessee's SAFE trust. He also serves as a board member of the Rutherford County Chamber of Commerce and is past president of Leadership Rutherford. Shane serves as a deacon at North Boulevard Church of Christ.

I commend Shane Reeves on his award, as well as his numerous accomplishments and involvement within the community. I wish him continued success in the future.

CONGRATULATIONS TO PORTLAND STATE UNIVERSITY, WINNING EPA'S P3 AWARD

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. BLUMENAUER. Mr. Speaker, in 2003, the Environmental Protection Agency launched the P3 Award, a competition that focuses on the three components of sustainability: People, Prosperity and the Planet. Groups of undergraduate and graduate students from all around the country collaboratively design and develop projects that improve the environment, economy, and livability of their communities. These projects range from developing green tea polymers to treat cancer, to using bio-composite materials in load-bearing elements in buildings. All of the projects involved in the 2006 competition were innovative and novel, but only a few won the P3 Award, making them eligible to apply for grants of up to $75,000.

Among the winners is a group from Portland State University in Oregon. Michelle Guthrie, Candy Lai Kuen, and Kristen Lans designed an educational and interactive website called WISE—Whole systems, Integrated Site design for Education. The website, hosted by a friendly and informative owl, guides students through a multi-step process to improve the sustainability of their school campus, and ultimately, get them interested in improving the sustainability of their communities at large.

Portland State University has a long standing reputation for innovative and progressive thinking, offering programs that foster and promote sustainability, so it is no surprise that this award-winning project came from Portland State minds. The project, as well as the university community itself, serves as a strong example of the educational values we need to promote in this country.

I want to congratulate the project adviser, Pramod Parajuli, and the entire university community on this tremendous success. Most of all, I congratulate these women whose combination of talent and commitment lead to the development of this exciting and valuable project. I am honored by their service to our community.

PERSONAL EXPLANATION

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Ms. FOXX. Mr. Speaker, on rollcall No. 165, I was unavoidably detained. Had I been present, I would have voted "nay."

HONORING LIEUTENANT GENERAL JAMES RONALD HELMLY ON HIS CHANGE OF COMMAND

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. BUYER. Mr. Speaker, today marks the change of command for one of the finest Chiefs ever to command the United States' Army Reserve. James Ronald Helmly, born 25 September 1947, to John James Helmly and Geneva Maxine Slover, grew up in Savannah, Georgia. Ron Helmly attended high school in Savannah, where he enrolled in the Junior ROTC program. He did very well academically in school and played football and baseball. Though he had an academic scholarship, he found he missed military structure (from ROTC) and took the West Point entrance examination. Circumstances prevailed that saw Helmly leave Armstrong State College and enlist in the Army in 1966, attending Basic Training at Fort Gordon, Georgia. He completed his

Advanced Individual Training at Fort Leonard Wood, Missouri, and transferred to the Infantry Officer Candidate School at Fort Benning, Georgia, because of the delay in getting a slot in the Engineer officer program. Following school, he received his commission as a second lieutenant and went on to complete the Basic Airborne course.

In September 1967, Helmly joined Company B, 3d Battalion (Airborne), 187th Infantry, 101st Airborne Division, at Fort Campbell, Kentucky, as a platoon leader and then went to Vietnam where he says the experience shaped the outlook of his entire life and gave him a fundamental love of soldiers. His Vietnam experience provided him with essential lessons about the need for good leadership and selecting people of good character and disposition, as well as professional preparedness in positions of leadership. He learned the importance of soldiers and leaders having self-confidence and training to standard. Helmly continued to serve on Active Duty from 1966 to 1973 in a variety of company- and battalion-level assignments, to include another tour in Vietnam with the 101st Airborne Division and command of an infantry company in Panama. It was during his time on active duty that Helmly met Maria Glasbrenner, the daughter of a retired Army sergeant major. They married on 6 March 1970, just before Helmly left for his second tour in Vietnam. They have two daughters and three grandchildren.

As an Army Reserve Soldier, Lieutenant General Helmly has held logistics and operations positions in the 87th Maneuver Area Command and the 81st Army Reserve Command (ARCOM). He commanded the 352nd Maintenance Battalion in Macon, GA, and the 449th Area Support Group in Forest Park, GA. He was also the Deputy Chief of Staff for Training and the Deputy Chief of Staff for Personnel of the 81st ARCOM.

He served as the Deputy Chief, Army Reserve, Washington, DC, from June 1995 to June 1999. From June 1999 to August 1999, he served as the commander of the joint task force conducting Operation PROVIDE REFUGE at Fort Dix, NJ. Until taking command of the 78th Division in May 2001, he was the Military Assistant, Manpower and Reserve Affairs (Individual Mobilization Augmentee), Office of the Assistant Secretary of the Army, Washington, DC, from October 1999 to May 2001.

LG James R. Helmly was confirmed by the U.S. Senate for promotion to lieutenant general and appointment as the Chief, Army Reserve, March 21, 2002. He took command of the U.S. Army Reserve Command on May 3, 2002, and became the Chief, Army Reserve, on May 25, 2002. His promotion to three-star rank was effective on May 25, 2002.

During his tenure as Chief of the Army Reserve he managed the mobilization of more than 147,000 Army Reserve soldiers in support of the Global War on Terror. General Helmly increased Reserve units and soldiers' readiness by having developed a progressive and cyclic training strategy that prioritized resources and managed readiness levels, improved facilities, adapted training to ever changing battlefield conditions, and streamlined Command and Control of the Army Reserve Forces.

His military education includes the Infantry Officer Basic and Advanced Courses, the Command and General Staff College, the Armed Forces Staff College and the Army War College. He has a bachelor's degree in liberal studies from the State University of New York in Albany.

Among his numerous awards and decorations are the Distinguished Service Medal, Legion of Merit with one Oak Leaf Cluster, Bronze Star with Valor Device and three Oak Leaf Clusters, Meritorious Service Medal with silver Oak Leaf Cluster, Army Commendation Medal with four Oak Leaf Clusters, Combat Infantryman Badge, Parachutist Badge, Army Staff Identification Badge and Ranger Tab. He was inducted into the Infantry Hall of Fame in 1996. General Helmly will continue his fine tradition of success as he begins his assignment in Islamabad, Pakistan, as the Chief Office of Defense Representative.

COMMENDING THE BOBBY DODD INSTITUTE AND THE JAVITS-WAGNER-O'DAY PROGRAM

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. LINDER. Mr. Speaker, today there are roughly 45 million Americans with a disability, many of whom are forced to rely on public assistance because they cannot find or keep a job. Of people with disabilities, approximately 5.2 million receive Social Security Disability Insurance, 3.5 million receive Supplemental Security Insurance, and 1.3 million receive both.

By tapping into the potential of a person with a disability through a job opportunity we can help them to become taxpaying citizens who can help to power America's economy and strengthen our communities. I recently had the opportunity to visit the Bobby Dodd Institute (BDI) in Atlanta, Georgia, and was able to witness first-hand the power of employment for disabled individuals. BDI offers a variety of vocational services including employee development training, computer and customer service training job readiness classes and daily living courses.

For this reason, I salute the Javits-Wagner-O'Day (JWOD) Program. JWOD provides employment opportunities to Americans with disabilities by using the purchasing power of the Federal Government to buy products and services from participating, community-based nonprofit, agencies dedicated to training and employing individuals with disabilities.

The JWOD program serves 40,000 people with disabilities nationwide, and last year it generated approximately $280 million in earned wages, and nearly $1.5 billion in products sold.

In Georgia alone, approximately 1,000 people with disabilities earned almost $3 million in wages last year as a result of JWOD. These numbers vividly demonstrate the difference that can be made in both the economy and the lives of Americans with disabilities. This is a program that truly makes a difference in lives of people with disabilities, and today I am proud to offer my commendation for all of these noble and inspiring efforts.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. BARRETT of South Carolina. Mr. Speaker, it has come to my attention that one of my votes yesterday, Thursday, May 18, 2006, as recorded as an "aye" but my intent was to vote "nay."

I ask that the RECORD reflect that I would have voted "nay" on Roll Call vote #168 (On Agreeing to the Chabot Amendment to H.R. 5386).

TRIBUTE TO MS. MARTHA R. ROBERTS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a wonderful educator who is retiring after 34 years of service to our Nation's children. Ms. Martha R. Roberts, principal of Lonnie B. Nelson Elementary School in Columbia, South Carolina, will officially retire at the end of this school year from the very same school where her career began.

Ms. Roberts is a product of Richland School District Two, having graduated from Dentsville High School in 1967. She didn't stay away long, securing her first teaching position after graduating from Winthrop College (University) at Richland Two's Lonnie B. Nelson as a combined fourth and fifth grade teacher. She excelled as a classroom teacher winning awards as Outstanding Elementary Teacher of America in 1975, the Association for Supervision and Curriculum Development Award for School Mathematics Program in 1978, and Lonnie Bee Teacher of the Year in 1979. That same year, she took a position as the Lead Teacher for Lonnie Bee's Math Lab program that gives extra attention to students who need it.

The administration at Lonnie Bee recognized the talent they had in Ms. Roberts, and in 1983, she was named Assistant Principal. In this role, she coordinated the school's curriculum and utilized her classroom expertise to help guide other teachers. During her time as Assistant Principal, Lonnie "Bee" earned the distinction as a National Blue Ribbon School Award recipient.

In 1988, Ms. Roberts left South Carolina to pursue opportunities in the Chicago, Illinois area. She consulted first for Kishwaukee Community College and Shabbona School System. She later became principal of Shabbona Schools that served children from preschool (child development) through the 12th grade.

Yet, Ms. Roberts' heart always remained in South Carolina, and she returned in 1992 to Walterboro (South Carolina) High School. Two years later she returned to Richland School District Two in Columbia to serve as principal of Forest Lake Elementary. During her six years there, the school was a National Blue Ribbon School Award winner.

Ms. Roberts later transferred to become principal of Dent Middle School, the former Dentsville High School from which she had graduated, for one year before she retired in June 2001. Her retirement was short-lived.

Ms. Roberts was pressed back into service in June 2002 to serve as a principal trainer at Killian Elementary School in Richland School District Two. The following year, she consulted with the district on creating a comprehensive and effective school choice program. Then in July 2004, she returned once again to Lonnie B. Nelson Elementary School to serve as principal at the very school where she began her career.

During her busy career, Ms. Roberts found time to complete her Masters in Education at the University of South Carolina, and do postgraduate work at USC, The Citadel and Northern Illinois University. She has also raised her son, Chris, and is now the proud grandmother of Chris and his wife, Stephanie's son, Chandler.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Martha Roberts for her exemplary commitment to educating young children. She has demonstrated a tremendous talent and love that has helped nurture countless students during her 34-year career. I applaud her dedication to public education, and extend best wishes and Godspeed upon her retirement.

HONORING SGT. FIRST CLASS ROBERT V. DERENDA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Sergeant First Class Robert V. Derenda, a brave American soldier who paid the ultimate sacrifice in his service to this Nation on a mission in Iraq.

A native of Cheektowaga, New York, SFC Derenda earned a degree in Education from The Citadel and a Chemical Engineering degree from the State University of New York at Buffalo.

After serving 4 years of active duty with the United States Army, SFC Derenda joined the reserves and worked as a drill sergeant in the 1st Brigade, 98th Division, based in Rochester, New York.

Comrades knew SFC Derenda as a leader and a mentor who shared his skills and experience so that others could serve and protect in the name of freedom. In fact, SFC Derenda's last mission involved the training of recruits for Iraq's military.

As a young boy, SFC Derenda walked down Candlelight Lane on his way to St. Joephat's School. On May 20th, western New York will pay tribute to this soldier and patriot by renaming that street "R.V. Derenda Lane" in his honor.

Mr. Speaker, on behalf of the residents of the 27th Congressional District and all Americans, I wish to extend my sincerest gratitude for the supreme sacrifice made by Sergeant First Class Robert V. Derenda, a courageous and noble soldier. He has served to protect the safety and freedoms that make this Nation great and his memory will live on for those who travel down "R.V. Derenda Lane" for generations to come.

CONGRATULATIONS TO LINCOLN ELECTRIC

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today to congratulate Lincoln Electric, a manufacturer in my congressional district, for receiving the President's "E Star" Award for Exports. Lincoln Electric's export achievements are significant because it supports our economy by helping create jobs in Ohio and the United States.

The President's "E Star" Award is awarded for continued superior performance in increasing or promoting exports. Only previous recipients of the "E" Award are eligible. Lincoln Electric was presented with the President's "E" Award in 1994 for its strong commitment to developing and growing exports.

Headquartered in Cleveland, Ohio, Lincoln Electric is the world leader in the design, development and manufacture of arc welding products, robotic arc-welding systems, plasma and oxyfuel cutting equipment and has a leading position in brazing and soldering alloys.

Lincoln Electric has approximately 3,000 hard-working employees in Northeast Ohio, and 7,000 nationwide and throughout the globe. Exhibiting its commitment to its employees, Lincoln Electric guarantees employment to its workers after three years of service. The company has not exercised its layoff options in the United States operations since post war 1948.

Mr. Speaker, on Tuesday, May 23, 2006, U.S. Secretary of Commerce Carlos Gutierrez will present Lincoln Electric with the President's "E Star" Award. I am proud of Lincoln Electric, which since its founding in 1895 by brothers John and James Lincoln, has shown a strong commitment to Cleveland and Northeast Ohio. I praise Lincoln Electric and its hard-working employees and wish them continued success.

TAIWAN'S STATUS IN THE WORLD HEALTH ORGANIZATION

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. BUTTERFIELD. Mr. Speaker, with a population of 23 million people, Taiwan is a democracy and a global economic power, yet it is not a member of the United Nations. In January of this year a proposal failed concerning Taiwan's World Health Assembly observer status during the World Health Organization's Executive Board meeting in Geneva. I am concerned that with the outbreak of SARS and ongoing concerns related to the possible human-to-human transmission of H5NI Bird Flu, Taiwanese membership in international health entities should be considered with a greater sense of urgency.

I urge the Administration to take steps to allow entry of Taiwan into all relevant international health organizations to ensure the best possible response to any potential future health outbreaks that could ultimately invade the United States and detrimentally impact Americans. Despite not being a member of the World Health Organization, Taiwan has declared its voluntary early compliance with all provisions of the International Health Regulations (2005).

Mr. Speaker, I urge the Administration to encourage key leaders of other nations to resume talks with Chen Shui-Bian as soon as possible.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. AL GREEN of Texas. Mr. Speaker, today I was unavoidably delayed and missed the vote on the Inslee amendment to H.R. 4200, the National Defense Authorization Act, Roll Call 149.

I respectfully request the opportunity to record my position. Had I been present I would have voted "yea" on Roll Call 149.

IN HONOR AND RECOGNITION OF MRS. SALLY FALKMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Mrs. Sally Falkman, upon the occasion of her retirement from teaching—an exemplary career that follows 30 years of outstanding service, commitment, inspiration and instruction on behalf of every child who was a student in her classroom.

Mrs. Falkman has dedicated the past 29 years of her professional expertise as a teacher at St. Ignatius of Antioch Elementary School. Her dedicated focus on shaping, growing and inspiring the minds and hearts of young children never faded or wavered. For 30 years, Mrs. Falkman instructed students in social studies and religion classes, teaching third, fourth and fifth graders, and has done so with grace, compassion and a gentle spirit, capturing the curiosity and imaginations of her students and the admiration of parents and peers.

Mrs. Falkman's exceptional work ethic, excellent rapport with her students and her colleagues and creative and enthusiastic style of teaching consistently captivated the children, guiding them to a platform where learning and discovery flourished. As new and advanced teaching technologies and advancements evolved, Mrs. Falkman regularly learned and embraced every new technique. But the heart of teaching—the respect, love and confidence that a teacher expresses to her students, will never change, and this vital element in a child's educational experience is the intangible gift that Mrs. Falkman consistently gave to every student.

Mr. Speaker and colleagues, please join me in honor and recognition of Mrs. Sally Falkman, for giving true meaning to the words: teacher, mentor, guide and friend. Her chosen vocation of teaching will be forever remembered by her students, their parents, and also by the faculty and staff at St. Ignatius of Antioch Elementary School, where her excellence, compassion, kindness, gentle nature and true gifts for teaching and inspiring our children will be remembered always and held as a brilliant example for all young teachers to follow.

RECOGNIZING THE CAREER AND PUBLIC SERVICE OF JOEL CARP—SENIOR VICE PRESIDENT FOR COMMUNITY SERVICES AND GOVERNMENT RELATIONS FOR THE JEWISH FEDERATION/JEWISH UNITED FUND OF METROPOLITAN CHICAGO

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the career and public service of Joel Carp.

For 28 years, Joel Carp has been an effective leader for the Jewish Federation/Jewish United Fund of Metropolitan Chicago, and the Jewish community as a whole. As Senior Vice President, his responsibilities include management of its Government Affairs Program, delegating the budget for social welfare programs, and supervising the State of Illinois refugee and immigration programs, as well as several homeless services programs. Joel's persistent dedication and devotion to social services has truly made a difference in many people's lives and in many organizations.

Joel has dedicated his life to creating public policies that provide quality, comprehensive health and human services for people in Chicago and nationally. He is a member of numerous local, state, and national professional and community service organizations, and has served on various governmental task forces, including the City of Chicago's Task Force on Hunger. His work at the Illinois Department of Human Services includes service on the Governor's Families and Children Leadership Sub-Cabinet. With his knowledgeable background, he has published over 30 articles on various subjects in the field of social work, social planning and resettlement.

Joel was the recipient of the Melvin A. Block Award for Professional Distinction from the Associated YM-YWHAs of Greater New York, and he also received the City of Chicago's Commission on Human Relations Award. His vision is credited as the driving force behind numerous projects that continue to enhance not only Chicago, but our entire nation.

Mr. Speaker, it is hard to overstate the impact that Joel Carp has had on improving the quality of life for thousands of people in Illinois and across the nation. I am proud to call him a friend, and I ask my colleagues to join me in recognizing his contributions and wish him and his family the very best in the future.

A TRIBUTE TO THE LIFE OF MS. VALRIE A. BENNETT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. RANGEL. Mr. Speaker, I rise today to honor the life and legacy of Ms. Valrie A. Bennett who recently departed this world as we know it. Although we grieve her being taken from us we must not see her departure as a loss because she fought the good fight, ran the good race and completed her life's mission. A woman of true character gifted with an endearing spirit, she was an inspiration and mentor to many in her life, including a very close family member and a dear friend and colleague of mine Congresswoman SHEILA JACKSON-LEE of Houston, Texas.

A matron of the family, she dedicated her life to keeping her family together and instilling exemplary values in those she influenced. Congresswoman JACKSON-LEE can attest to this because that same dedication has made her what she is today, a compassionate and honorable public servant.

Ms. Bennett was not only active in providing for those she loved in her own household, but she was deeply involved with the many institutions and people in my Congressional District in New York where she resided for almost 50 years. She was a prominent member of her community church in which she served as an Elder always welcoming strangers into the fellowship and assisting in serving their spiritual needs. She is remembered for her belief in and practice of fervent prayer.

With many years of experience connecting with young people in the community she has influenced my lives. Ms. Bennett has accomplished this through the use of certain outreach programs that get to the core of problems within our inner cities. Ingrained with the caring spirit that only a mother has, she was responsible for many of the great initiatives aimed at keeping young people off the streets.

With high admiration I enter into the RECORD a tribute to Ms. Valrie A. Bennett, for I know that Ms. Bennett's heart of gold has touched someone in the community; whether it is a person of youth, vibrant with life and spirit, or a person of age with greater life experience. All who knew her benefited from her active counsel and example. Even though Ms. Bennett has gone on her strong spirit and commitment live on in each and everyone of us. She will truly be missed.

PERSONAL EXPLANATION

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. LEACH. Mr. Speaker, yesterday, May 18, 2006, I missed a series of votes because of a commitment to give a commencement address at Indian Hills Community College in Ottumwa, Iowa. If I had been present, I would have voted the following way: roll No. 160, On ordering the previous question and agreeing to the resolution, "aye"; roll No. 161, On agreeing to the resolution, "aye"; roll No. 162, On the motion to suspend the rules, "aye"; roll No. 163, Weiner of NY amendment, "aye"; roll No. 164, Poe of TX amendment, "no"; roll No. 165, Pallone of NJ amendment, "aye"; roll No. 166, Beauprez of CO amendment, "no"; roll No. 167, Hinchey of NY amendment, "aye"; roll No. 168, Chabot of OH amendment, "aye"; roll No. 169, Oberstar of MN amendment, "aye"; roll No. 170, Putnam of FL amendment, "aye"; roll No. 171, Hefley of CO amendment, "no"; and roll No. 172, On final passage, "no."

PAYING TRIBUTE TO CAMERON STAY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Cameron Stay, a young man who exemplifies what it means to be a noble citizen.

Cameron, who is 29 years old, was recently involved in a life changing motorcycle accident. I had the pleasure of visiting Cameron while I was in Las Vegas and can personally attest to his courage and his character.

Cameron is a history buff, who graduated from Green Valley High School in 1994, and subsequently attended Community College where he earned a degree in criminal justice.

His strong work ethic and commitment to the greater Boulder City community serve as an example and an inspiration. Having met Cameron, I was struck by his magnetic personality and extremely friendly demeanor. Cameron is an enthusiastic and positive individual. As the eldest son, he has set a good example for his younger brothers and has always been a positive influence.

Mr. Speaker, I am proud to honor Cameron Stay, a young man who personifies what it is to be a civically minded individual and a good man. I wish him a speedy recovery.

TRIBUTE TO THE STANLEY F. ROMANOWSKI POST 6896 VFW

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the 60th Anniversary of the Sgt. Stanley F. Romanowski Post 6896 of the Veterans of Foreign Wars in Westland, Michigan.

On May 12, 1946, the founding members instituted this Post in the Gymnasium of Munger Intermediate School and dedicated its mission to serving the citizens of Wayne County, Michigan. Named after Sgt. Stanley F. Romanowski, a decorated soldier of World

War II who gave his life for his country, the Romanowski Post 6896 courageously pays tribute to the deceased by helping the living.

Each year, the 6896 members of the Romanowski Post 6896 launch charitable initiatives to assist the needy, aid the ill, support the students, and recognize the educators of our community. Among the many notable programs, these veterans host the Christmas Needy Basket Program, which provides food for underprivileged families; a Muscular Dystrophy Drive; a Diabetes Drive; a Cancer Drive; a $50,000 scholarship fund for students; and a Teacher of the Year program.

In memory of Sgt. Romanowski's birthday, members hold an annual December memorial service in remembrance of United States fallen veterans. This summer, the Romanowski Post 6896 will also hold the first monthly memorial service at Westland City Hall dedicated to Prisoners of War, Soldiers Missing in Action, Blue Stars Mothers, and Gold Star Mothers. These deeds serve as a constant reminder, to ensure the bravery of our soldiers, the fragility of our needy, and the heroism of our fallen will not be forgotten.

Mr. Speaker, in honor of his exemplary love for the United States and our citizens, I ask my colleagues to join me in commending these veterans for their bravery and in thanking the Romanowski Post 6896 for 60 years of loyal and unrelenting service to our community and our country.

RABBI BRIAN MICHELSON

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Rabbi Brian Michelson of Berks County for his service to the Jewish Community Center and surrounding community.

Rabbi Michelson grew up in the New York City area and went on to pursue a bachelor of arts degree from Franklin & Marshall College in Lancaster, Pennsylvania. After earning his BA, Rabbi Michelson received his MAHL from Hebrew Union College in Los Angeles, California and then his Rabbinic Ordination from Hebrew Union College in Cincinnati, Ohio. Recently, he completed a graduate certification in Healthcare Ethics from Rush University.

In 1998, along with his wife Holly and their daughters Naomi and Gabriella, the family moved to Reading, Pennsylvania where the Rabbi joined the Reform Congregation Oheb Sholom. Before moving to Pennsylvania, the Rabbi chose to help spread the faith in Melbourne, Australia.

Rabbi Michelson is extremely active in the community. He is the Chair of the Chaplin's Advisory Committee of the Reading Hospital and is also an Associate Chaplain for the health community. Additionally, he is a Board member of Home Healthcare Management, serves on its Medical and Professional Advisory Committee, and is Vice-Chair of its Ethics Committee. In his quest to pursue development of interfaith relations, the Rabbi is also a member of the core group for the Interfaith Hospitality Network.

When not working in the medical arena, the Rabbi is active in the Reform Congregation Oheb Sholom where he teaches adult education programs. He is also an instructor with the Reading Area Community College's Department of Continuing Education, where he teaches an Introduction to Judaism course.

Rabbi Michelson's philosophy of action is to simply do what needs to be done. When not spending time on inter-faith and healthcare issues, the Rabbi manages to spend time cooking, drinking coffee, sailing, and watching movies.

Mr. Speaker, I ask that my colleagues join me today in honoring Rabbi Brian Michelson for his outstanding dedication and service to the Jewish Community Center, the Reading Hospital, and the entire Berks County community.

RECOGNIZING ALS AWARENESS MONTH

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PICKERING. Mr. Speaker, this week I met with Steve Kennedy and Kyle Robertson, both from my home county of Jones County, Mississippi. We discussed ALS—also known as Lou Gehrig's Disease—funding and awareness. May is ALS Awareness Month and an opportunity for us to increase knowledge about this fatal, neurodegenerative disease that attacks nerve cells and pathways in the brain and spinal cord. When these cells die, voluntary muscle control and movement ends and patients in later stages are totally paralyzed, often despite sharp and alert minds.

Steve Kennedy's father, Dr. Larry Kennedy, is the president of William Carey College—an excellent Baptist university in Mississippi. Dr. Kennedy was diagnosed with ALS in July of 2005 and had planned to announce his condition in September, until Hurricane Katrina ravaged the school, destroying the entire Gulf Coast Campus and closing the nursing school in New Orleans. After shepherding the school through that natural disaster, Dr. Kennedy again put off his announcement rescheduled for December of 2005 when the college was presented with a generous contribution. Dr. Kennedy delayed his personal concerns again, so as not to detract from the news of the gift. He finally announced his condition in the Spring of 2006. President George W. Bush greeted Dr. Kennedy and recognized his sacrifice during his recent visit to Mississippi.

Dr. Kennedy is an example of a man facing a deteriorating disease with class and dignity and resolve. He reminds us that anyone can be afflicted by this condition which has no currently known cause, cure or means of prevention. Only one drug currently is available to even treat this disease and it only prolongs life a few months. During ALS Awareness Month, I am advocating greater research investments into ALS.

Every day, on average 15 people are newly diagnosed with ALS—more than 5,400 people per year. The average life expectancy of a person with ALS is two to five years from time of diagnosis. "With recent advances in research and improved medical care, patients are able to have longer, more productive lives. But we have much left to learn about this mysterious and deadly disease."

Mr. Speaker, I hope Congress will include $5 million in the FY 2008 Federal Budget to establish a national ALS registry at the Centers for Disease Control and Prevention, and to enact the ALS Registry Act. This will help identify occurrences of ALS, collect data surrounding it and examine standards of care. Promoting a better understanding of the disease will enhance the nation's efforts to find a treatment and cure. With studies indicating that ALS occurs at a greater rate in military veterans, I encourage the Department of Defense to investigate the causes and take appropriate remedial action to prevent the development of this disease among our fighting men and women. Now is the time for us to invest in seeking the causes, treatments and a cure for this disease.

RABBI JOEL WEINTRAUB

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Rabbi Joel Weintraub of Berks Country for his service to the Jewish Community Center and surrounding community.

Rabbi Weintraub hails from New York City, was educated at Brooklyn College and then went on to get his masters degree and Rabbinical Ordination from Yeshiva College. In 1972, the Rabbi moved to Atlantic City, New Jersey, to take charge of his first congregation. In 1982, the Rabbi moved his wife, Shirley, and their family, sons Yossi and Yissi, to Reading, Pennsylvania, and the Kesher Zion Synagogue.

Once in Reading, the Rabbi became an active member of the community. He has taught at Alvernia and Albright Colleges, being the Director of Hillel activities, and facilitated Passover Seders at both education institutions. Also, in order to promote interfaith dialogue, the Rabbi was involved in the annual Kristallnact program, spoke at local churches and schools, and gave tours of the synagogue. Additionally, Rabbi Weintraub used his dynamic personality to host radio and television shows and write articles for both secular and Jewish newspapers.

When not hosting Bible studies, Shabbat dinners, and teaching Hebrew School, the Rabbi enjoys being able to pursue his hobbies that include racquetball, swimming, and reading.

Mr. Speaker, I ask that my colleagues in me today in honoring Rabbi Joel Weintraub for his outstanding dedication and service to Berks county and the Jewish Community Center.

SALUTING CHARLES YOUNG

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. PICKERING. Mr. Speaker, today I ask Congress to join me in saluting the life and legacy of Mississippi State Representative Charles Young for his 25 years of elected public service. Charles has put his stamp on state's educational system as Chairman of the Universities and Colleges Committee. And his impact on his hometown of Meridian, and indeed across the state, as a seminal player in our civil rights movement, cannot be overstated.

Over the years, Charles and I have partnered on initiatives to benefit East Mississippi: economic development projects, educational improvement goals, and renewal and arts endeavors like the Meridian Grand Opera House. His faith and commitment to state and country have empowered him to make a real difference through service in the lives of his neighbors and in the fabric of his community.

Mr. Speaker, it is totally fitting that tomorrow night I will join other members of the Mississippi Delegation, local and state officials, as well as community leaders and activists in honoring Charles Young as part of the Carnegie Library Renovation Project. It is my wish to take with me the well wishes and congratulations of this Congress to this longtime public servant. I hope you all will join me today—so that I might extend that unity of national goodwill to him tomorrow—in saluting Representative Charles Young.

HONORING 125 YEARS OF FIREFIGHTING HISTORY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Madison Fire Department in the Borough of Madison, New Jersey, a patriotic community that I am proud to represent. On May 20, 2006 the good citizens of Madison will celebrate the Fire Department's 125th Anniversary with a family picnic.

The Madison Fire Department was incorporated on May 23, 1881, "for the purpose of protecting life and property from fire". Prior to this time, the Morristown Fire Department responded to their calls for assistance. In 1882, the Firemen's Relief Association was incorporated "for the purpose of relieving disabled or indigent firemen," and the first hose cart was purchased.

The Fire Department was placed under the authority of the Borough of Madison Mayor and Council in 1890. After a municipal water system was established, a hose cart with 800 feet of hose was purchased for $700.

In 1903, a new fire headquarters was built at the corner of Central Avenue and Cook Avenue. A Gamewell Alarm System was installed throughout the Borough of Madison in 1909 and the boxes were in use until 1990. In 1935, the Hartley Marcellus Dodge Memorial building was dedicated and occupied. Present day fire headquarters are still in this building.

Today, the Borough of Madison's Fire Department Chief is Douglas Atchison. He commands 14 paid and 20 active volunteer firefighters, serving 16,500 residents in a four-square mile area. Construction of a new fire and police facility has begun with an expected completion date of early 2007.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the Borough of Madison Fire Department and all their firefighters, past and present, on the celebration of 125 years of protecting one of New Jersey's finest municipalities.

PERSONAL EXPLANATION

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on Wednesday, May 10, 2006, I voted for H. Res. 802 but unfortunately, the computer did not record my vote. I proudly support H. Res. 802, which encouraged all eligible Medicare beneficiaries who had not yet elected to enroll in the new Medicare Part D benefit to review the available options and to determine whether enrollment in a Medicare prescription drug plan best meets their current and future needs for prescription drug coverage. Please let the record show that had the computer recorded my vote, I would have voted in favor of the Resolution.

Almost 80 percent of the seniors in my district have signed up for the Medicare Prescription Drug Plan. For the first time in history, seniors are saving up to 75 percent on their prescription drug costs, and constituents who are very happy with their plan repeatedly stop me. Most had a favorable experience when enrolling, and I hope that many others will join when the open enrollment begins again.

RABBI YOSEF LIPSKER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. GERLACH. Mr. Speaker, I rise today to honor Rabbi Yosef Lipsker of Berks County for his service to the Jewish Community Center and surrounding community.

Rabbi Lipsker was born and raised in Brooklyn, New York. The Rabbi received his formal training at Yeshiva, New York and continued his education as a student Rabbi in Sydney, Australia. The Rabbi continued a long family tradition of dedication to faith and community.

In 1997, the Rabbi moved his wife Chana and their seven children; Chaya, Seldi, Menachem, Shterna, Sholom, Zalman, and Hudi; to Reading, Pennsylvania. The Rabbi believes that food, faith, and fellowship bring a community together and invites the local community to events such as the Lag B'omer barbecue picnic, the Shavuot Ice Cream Party, and the legendary Matzah Bakery program where couples from Jewish community join the Rabbi on a walking tour of Brooklyn's many eateries. The Rabbi also organizes and holds Chanukah concerts at the Berkshire Mall and the Chanukah on Ice Program for the entire community. The Rabbi does not just bring the community together for holidays, but he uses various speakers and programs to facilitate interfaith dialogue.

Teaming together with Boscov's Department Store, and the Reading Hospital, the Rabbi offers intercommunity relationship classes. Rabbi Yosef understands the importance of bringing the entire community together to learn more about the traditional Judaism and its role in everyday life. When not working in the community, the Rabbi volunteers at the Caron Foundation and welcomes Jewish patients at Caron, together with and members of the local community, to his home for weekly Shabbat dinners.

Mr. Speaker, I ask that my colleagues join me today in honoring Rabbi Yosef Lipsker for his outstanding dedication and service to Berks County, the Jewish Community Center, and the Caron Foundation.

BREAST CANCER ENVIRONMENTAL RESEARCH ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Ms. HARMAN. Mr. Speaker, I recently met a young woman, a constituent, visiting Washington on behalf of the Los Angeles Breast Cancer Coalition. Stefanie LaRue, of Marina del Rey, was recently diagnosed with Stage IV metastatic breast cancer. This is the most advanced stage of the disease, where the cancerous cells have spread beyond the breast and surrounding lymph nodes.

Despite having just undergone treatment, Stefanie had come to Washington to tell me her story and to advocate for breast cancer research. She said to me, "I just want to do my best to be a voice for women with breast cancer." Her inner strength and grace in the face of a very difficult battle are an inspiration, and a reminder of the resilience of the human spirit. I deeply admire her courage, and the way she fearlessly allowed the world to see her beautiful hairless head!

Stefanie is one of 200,000 American women diagnosed with invasive breast cancer each year. What is particularly troubling about her case is that she is only 31 years old. She has no family history of breast cancer. She is a vibrant young woman whose lifestyle prior to the onset of the disease was the embodiment of good health.

We know that certain lifestyles and hereditary factors contribute to the onset of breast cancer. But there is also troubling evidence that environmental factors, such as exposure to certain toxins, may affect a woman's chances of developing the disease. Common pesticides, widely accepted agricultural methods, and even chemicals in everyday household items may contribute to breast cancer. We need to understand these linkages better.

Understanding the causes of the disease is a critical step toward developing strategies for prevention, and ultimately, a cure. That's why it is so critical that the House pass H.R. 2231, the Breast Cancer and Environmental Research Act. The legislation, which was introduced by my colleagues NITA LOWEY and SUE MYRICK, will make grants to research the effects of environmental factors on the incidence of breast cancer.

After decades of research, there is still no known cause, prevention or cure for breast cancer. Every year, over 40,000 women die of the disease. Congress must do what it can to prevent more women from becoming a statistic. I urge my colleagues to pass the Breast Cancer Environmental Research Act.

H.R. 2231, THE BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to stand with the National Breast Cancer Coalition (NBCC) and the 3 million women living with breast cancer in the country today, and urge my colleagues to push for passage of the Breast Cancer and Environmental Research Act (H.R. 2231) by the end of this year.

Too many mothers, daughters, wives, and sisters are dying from breast cancer and we will not end this disease until we find out what causes it. H.R. 2231 would go a long way towards finding out what causes breast cancer and how to prevent it.

It is generally believed that the environment plays some role in the development of breast cancer, but the extent of that role is not fully understood. More research needs to be done in this area since it has been understudied in the past.

H.R. 2231 would authorize $30 million per year for 5 years for the National Institute of Environmental Health Sciences to award grants to study the relationship between environmental factors and breast cancer. The targeted research holds the promise for a better understanding of the causes of breast cancer, breakthroughs in prevention and treatment, and ultimately perhaps a cure.

Furthermore, this bill would create a new mechanism for environmental health research, and provide a unique process by which up to eight centers would be developed to study environmental factors and their impact on breast cancer. Modeled after the highly successful Breast Cancer Research Program, it would include consumer advocates in the peer review and programmatic review process.

There have been isolated studies looking at suspected environmental links to breast cancer. But overall, the issue of what causes breast cancer, and the association between the environment and breast cancer requires a collaborative, comprehensive, national strategy to study these issues. This bill makes that mission possible.

I urge my colleagues to support this legislation and enact it this year so that we can get closer to a day when no woman need worry about breast cancer again.

80TH ANNIVERSARY OF THE FOUNDING OF THE CITY OF OPA-LOCKA, FLORIDA

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. MEEK of Florida. Mr. Speaker, I want to bring to the attention of my colleagues the 80th anniversary of the City of Opa-Locka, Florida, which I am proud to represent in the United States Congress.

Home to more than 15,000 residents in Northwest Miami-Dade County, "The Great City" of Opa-Locka has had a long and colorful history, from its founding in the mid-1920s, rapid expansion prior to and during World War II and its recent efforts at revitalization.

The name Opa-Locka is a contraction of the Native American name for the area, "Opa-tisha-woka-locka", meaning a dry place in the swamp with trees. The area was developed in the early 1920s by aviation pioneer Glenn Curtiss and was based on the Arabian Nights theme with streets that have names like Sultan Avenue, Ali Baba Avenue, and Sesame Street. The Arabian Nights style is also reflected in the city's architecture, which features 105 original buildings with an array of domes, elaborate minarets and outside staircases in brightly painted colors built between 1925–28 during Florida's land boom. Officially incorporated in 1926, Opa-Locka today maintains the largest collection of Moorish architecture in the Western hemisphere and 20 sites are listed on the National Register of Historic Places.

Opa-Locka Airport also has a long and colorful history. In 1918, the Navy relocated a blimp hangar to Opa-Locka from Key West. In the early 1930s, a Naval Reserve Training Base was established here. Commissioned NAS Miami in August 1940, training in fighter, dive-bombing and torpedo bombing skills took place at various times during the history of the base. In addition to serving as headquarters for the 7th Naval District, the station supported a naval air gunnery school, a Marine Corps Air Station, a Coast Guard Station, and a small craft-training center. The peak complement, reached in 1945, consisted of 7,200 officers and men and 3,100 civilians. During the early days of World War II, Opa-Locka's pivotal role in training pilots resulting in the airport having the unique distinction of supporting more take-offs and landings than any other airport in the world.

Opa-Locka today is a working community that is looking to the future and working hard to revitalize its economic and cultural base while maintaining its small town, close knit sense of community. City Hall, the old Opa-Locka Hotel and the original Opa-Locka Train Station have recently been renovated. Additionally, a new State of Florida Services Building and a variety of new business have located in the City in recent years, and recent interest in Opa-Locka airport holds promise for the future.

As the city begins its ninth decade, I congratulate its leaders and citizens and look forward to working with the government, businesses and people of Opa-Locka in building an even stronger, more vibrant community in the coming years.

125TH ANNIVERSARY OF BIRTH OF KEMAL ATATURK, FOUNDER OF MODERN TURKEY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, May 19, 2006

Mr. LANTOS. Mr. Speaker, I rise today, May 19, to commemorate the 125th anniversary of the birth of the founder of modern Turkey, Mustafa Kemal Ataturk, a post-World War I revolutionary leader who demonstrated that Islam and modernity are fully compatible. His example provides instruction and hope for our own era.

Ataturk died at the young age of 57 in 1938. Yet, in a short period of time starting with the end of World War I, Ataturk was able to build a nation from the ashes of the Ottoman Empire, establish secular rule, and lay the groundwork for democratic development. His vision for his overwhelmingly Muslim nation was dominated by two concepts: secularism and progress. In his words, "In an age when inventions and the wonders of science are bringing change after change in the conditions of life, nations cannot maintain their existence by age-old mentalities and tradition-worshipping."

Mr. Speaker, Ataturk's reforms covered virtually every area of public life—political, cultural, legal, educational, and economic—all geared toward bringing the new Turkish nation to the level of what Ataturk called "contemporary civilization." Some of the changes were monumental, such as abolishing the caliphate, recognizing equal rights for men and women, discarding the Arabic alphabet in favor of Latin letters, and adopting secular law. Others were seemingly minor, such as reforming traditional styles of dress and mandating surnames.

His leadership style was epitomized by the alphabet reform. A language commission he appointed endorsed the reform in 1928 and urged that it be phased in over fifteen years. Ataturk had a different time-frame in mind. He phased it in over six months, punctuating his decision with trips around the country in which he personally gave public instruction in the new alphabet. This reform has wrought a fundamental change in Turkey's outlook, as millions of Turks, schooled in the Latin alphabet, have turned westward for their second languages and the learning to which those languages are the key.

As a champion of women's rights, Mr. Speaker, Ataturk encouraged women to become doctors, lawyers, engineers, scientists, writers, and politicians. His credo in this regard was stated as a simple equation in a speech in 1926: "If a society of men and women is content to apply progress and education to one-half of itself, such a society is weakened by half." It is unfortunate that, to this very day, too many nations in the Middle East cannot grasp that easy math.

When I met Pakistani President Musharraf four years ago, I gave him a copy of Andrew

Mango's authoritative biography of Ataturk. "Follow Ataturk's vision," I urged him, "and you will put Pakistan on the path to progress."

Mr. Speaker, I am convinced that this is the right advice for the leaders of every Muslim nation. With forward-looking vision, leadership, and determination in the mold of Ataturk, the entire region could expect a future of secularism, tolerance, democracy, and material progress.

SENATE—*Monday, May 22, 2006*

The Senate met at 1 p.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, guide our Senators today. Teach them to express in word and deed the spirit of justice. Teach them to discharge their duties that other nations may see our true value and honor our decisions. Teach them to labor with such integrity that this Nation will be one we profess, a land of liberty and justice for all. Teach them to work not only for time but also for eternity. So order their steps with Your wisdom that Your will might be done on Earth. We pray in Your holy Name, Amen.

PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 22, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CRAIG assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will be debating the comprehensive immigration bill. Several Senators will be coming over throughout the day to discuss either pending amendments or amendments to be proposed. At this point we have at least two amendments scheduled for votes beginning at 5:30 today. The first vote will be on the Chambliss amendment relating to wage requirements for agricultural workers. The second vote will be on the Ensign amendment which relates to the use of the National Guard.

Other amendments may be offered today, and we hope to schedule debate and votes on those amendments.

I thank my colleagues for helping us move the bill forward to this point. We will finish the bill this week, and I believe Senators will agree to reasonable debate on amendments and we can finish that bill in relatively short order.

We have other issues to consider this week prior to the recess. We will address a supplemental appropriations conference report when that measure is available for floor action. We also will be considering other conference reports that may be raised this week.

We have several important nominations that are available, or soon will be available, after committee action for the full Senate to consider. The Kavanaugh nomination is on the Executive Calendar and will be voted on this week. Other nominations are in committee and will become available.

We have the nomination, for example, of Dirk Kempthorne, our former colleague, to be Secretary of the Interior. This week the Hayden nomination may be available from the Intelligence Committee as well.

We have the nominations of Sue Schwab for the USTR and Rob Portman for OMB—a number of nominations.

Needless to say, the days will go quickly, and we will need to work together in a collaborative, collegial way to get our business completed prior to the start of the recess.

Finally, in order to get all of this done, Friday votes are likely if we are to complete this busy agenda.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized

DEFENSE AUTHORIZATION AND SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, if I could ask the distinguished majority leader a couple of questions, we had a lot of trouble last year and we finally worked something out on the Defense authorization bill. This is such an important bill, and I hope in the planning which is taking place that we will find some time to spend on that most important piece of legislation. I ask the majority leader if we have an idea how the supplemental is coming along? The reason I ask the question is there is no end of questions coming to me and people saying it is really important to get this done before we leave.

Mr. FRIST. Mr. President, on the Defense authorization, I have talked to both the chairman and ranking member, as I am sure the Democratic leader has, and have asked them to do their very best to address how we can best bring that bill to the floor and have reasonable time for debate and amendment where we don't have to be starting and stopping and starting and stopping like we had to do over the last several years. Both of them are working very hard in that regard. It is a high priority.

I agree with the Democratic leader. We want to address it as soon as possible. The supplemental bill is in committee now. I have met with leadership involved in that bill, in terms of the managers on Thursday night and with the House as well. I was advised to let them work hard and aggressively over these last what has now been 3 or 4 days, and I will get a report back later today.

I, too, have been both advised and called by a number of people, both from the Department of Defense, our military, and it is clear that this money is needed. We need to work together to accomplish that this week. That is my intention.

After I talk to our conferees later today, I can get back in terms of whether that is going to be possible, but we are working very hard.

Mr. President, I see the Senator from Iowa. I want to make a statement. If the Senator from Iowa would allow me to suggest the absence of a quorum so I can speak to the leader, and I will be back and talk, it shouldn't be too long.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HORNORING OUR ARMED FORCES

PRIVATE FIRST CLASS JOHN LUKAC AND CORPORAL WILLIAM SALAZAR

Mr. REID. Mr. President, I just finished a meeting in my office. It was emotional, to say the least. Two mothers—both mothers of Marine Corps men—came to my office to tell me about their boys who were killed in Iraq. I asked each of them to tell me about their sons.

Helena Lukac, of Hungarian ancestry, a beautiful woman, spoke with an accent telling me about her boy. He had better than a 4-point grade average at Durango High School. He loved math and science. He wanted to be an FBI agent or a CIA operative.

He told his mom: I am not sure I can do that because we came from a Communist country. I am not sure they would let me do that.

He joined the Marine Corps when he was 18, and at 19 years old he was killed.

Gloria Salazar's son was 23 when he was killed. He wanted to be in the Marine Corps from the time he was little, but at the first attempt he couldn't pass the physical. But he worked on his deficiencies and came back and joined the Marine Corps. She was very proud of him. She showed me a picture of his arrival in Iraq with his camera that he used which was part of his job in Iraq.

The mothers told the same story. They knew when their sons had been killed.

Ms. Salazar was shopping in a mall, and that afternoon her son's picture kept falling out of her purse. She was so troubled she went home, and during the day she went to sleep, which was unusual. The time was assessed thereafter. She slept from the time he was injured until the time he died. The same thing happened to Helena Lukac. She was at work. She described her feeling as "a nut with nothing inside it." She felt empty.

I expressed to them my sorrow and sympathy and the appreciation of a grateful nation for these two young men having given their lives. It was a very emotional experience to hear the mothers talk about PFC John Lukac killed in Anbar Province and CPL William Salazar in Karabilah, Iraq.

FORMATION OF IRAQI GOVERNMENT

Mr. REID. Mr. President, like most Americans, I welcomed the news over the weekend that the Iraqi political leaders had created parts of a new government. It is certainly a useful step toward the kind of Iraq we all want to see.

Like most Americans, I hope this new government will be able to bring security and order to a country wracked by insurgency, extremist attacks, and sectarian strife. We know more work needs to be done, both with forming this government and with fashioning a secure and stable Iraq. Three of the most important security ministers are still unnamed. That is hard to comprehend. We have been waiting and waiting for a cabinet to be formed, but is it really a cabinet? As unbelievable as it may seem to many, there is even talk of disgraced Ahmed Chalabi filling one of those security posts. That is hard to comprehend, but that is what the news accounts indicate.

I wonder how much longer this administration will insist that the burden of securing Iraq continue to fall squarely on the backs of our heroic U.S. troops, troops such as John Lukac and William Salazar. Secretary Rumsfeld was asked the question in Senate hearings last week. It turned out to be a question he could not answer. This past weekend, when he was asked about the possible redeployment of U.S. forces in Iraq coming home, going someplace else, Secretary Rice said that it depends on the outcome of discussions with the Iraqi Government. Apparently, Secretary Rice believes Iraqi leaders should decide the fate of our troops.

We are almost at the midpoint of 2006, the year a bipartisan majority in Congress said must be a year of significant transition. That is the law of the land. It passed on a bipartisan vote during the Defense authorization bill. An amendment was offered and passed on a bipartisan basis saying that the year 2006 must be a year of significant transition in Iraq, with Iraqis assuming responsibility for governing and securing their own country.

Unfortunately, there appears to be little evidence of this transition. In fact, we learned on Friday that there will be an increase in U.S. troops to deal with the recent surge in violence. But none of us should be surprised that this administration in this instance is not following the law. It hasn't on many other occasions.

April was the deadliest month of the year for coalition troops. If the current rate of violence is sustained, May will surpass April. The situation is similar for Iraq's security personnel. More Iraq military and police were killed in April than any time in the previous 6 months.

Economically, the trends are no better. Oil production is still about 400,000 barrels per day, less than it was prior to the war. Available electricity in Baghdad dropped from 16 hours per day prior to the war to its current average of 4 hours per day. Clean water is below prewar levels, and because of mismanagement and violence, only 49 of the 136 U.S. funded projects in the water sector will be completed. The rest have been abandoned. All of these factors reduce Iraq's support for our activities there and fuel anti-American sentiment and insurgent activity.

While we all should welcome this partially formed new government, we recall other political milestones that were achieved and quickly swallowed by more violence. For example, since the December election, 325 coalition troops have been killed.

In order to ensure the milestone produces a different, more lasting result, Iraqis, working with the Bush administration, must address outstanding issues surrounding their Constitution. They must form a police force and diffuse the sectarian conflicts which have left their country on the brink of civil war, if not in a civil war.

Let's not forget that while the President and his team have chosen to focus this Nation's attention on Iraq, we see resurgent Taliban activity in Afghanistan. Iran and North Korea are thumbing their noses at the international community, and there has been a surge in terror attacks across the globe. Also, the mastermind of the deadly attacks on this Nation, Osama bin Laden, remains at large, while his al-Qaida network has morphed into a global franchise operation.

This is a time of great challenge for our Nation and for the Iraqis. Great challenges require strong leadership. Today's speech by the President was yet another missed opportunity to provide that leadership. We heard little about his plan to engage Iraq's neighbors in finding a regional solution to Iraq's problems. We heard little about his diplomatic efforts to end the sectarian strife. We heard little about his thoughts on how to put Iraq's reconstruction back on track. We heard little of what he is doing to counter extreme ideology making such dangerous inroads in Iraq and around the world.

Instead of kicking the can down the road and letting future Presidents find our way out of Iraq, as we have been told by Secretary Rice and the President himself will happen, it is time for the President to lay out the comprehensive strategy that our troops, our families, and the American people have been waiting for. They have been waiting a long time.

The Nation should no longer have to guess what is on the President's mind and grapple for some insight on what "condition based" withdrawal actually means, a phrase the Defense Secretary does not even understand. We should all understand, a full-page ad in major newspapers around the country, paid for by current CEOs, says Secretary Rumsfeld should go. These are CEOs of some of the major companies in America. "Condition based withdrawal" is a phrase the Defense Secretary does not understand. It is time for a clear plan that is as good as the men and women who serve our Nation each day. It is time for the Iraqi people to take control of their own country, their own affairs, and long past time for this administration to come up with a plan that places the burden of securing Iraq forces on Iraq itself. The burden of securing Iraq should be on Iraqis, not the United States. We have done a lot. Even though the news over the weekend creating part of the new government is a step forward, we still have a long way to go.

I apologize to my friend from Iowa for taking as much time as I did. I appreciate very much his courtesy, as usual.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

> Ensign/Graham modified amendment No. 4076, to authorize the use of the National Guard to secure the southern border of the United States.
>
> Chambliss/Isakson amendment No. 4009, to modify the wage requirements for employers seeking to hire H-2A and blue card agricultural workers.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I understand the time is now reserved for the Senator from New Mexico to speak on the pending matter; is that correct?

The ACTING PRESIDENT pro tempore. The Senator may proceed.

Mr. DOMENICI. Mr. President, I rise today to speak about border security and the immigration reform bill. I have some very strong views on this issue because my home State shares its southern border with Mexico. Every day I hear stories about the problems of lax border security, a cause for concern among my constituents. They tell me directly the problems this causes. I am convinced we must do more to secure our borders than we have been doing. However, I am very pleased we are making headway. I hope, in the not too distant future, the American people will see the fruits of that headway. I hope I can explain in my time allotted how we are going to do more and what we are doing.

Border security and immigration enforcement should be top priorities in our debate this week. Whether they are top priorities will influence my vote on any border and immigration package considered in the Senate.

The first step to secure our border is more border security funding. I believe Senator JUDD GREGG, as chairman of the Appropriations Subcommittee on Homeland Security, understands this. Sometimes it has been difficult to let the American people hear what is going on, what he is doing in his subcommittee, what the Senate is doing when it follows his lead, and what happens when we finish work with the House on the bills that start out in his committee.

He helped us provide $635 million for border security in fiscal year 2005 in an emergency supplemental appropriations bill. With his efforts, we provided more than $9 billion for border security and immigration enforcement in the fiscal year 2006 Homeland Security appropriations bill. He worked to include $1.9 billion for border security in the Senate fiscal year 2006 emergency supplemental appropriations bill. Add that up, and one can understand that Congress is finally responding to the gigantic needs of making our international borders secure.

The fiscal year 2006 emergency supplemental funding I have alluded to includes such items as $100 million for sensors and surveillance technology; $120 million for new Border Patrol stations, checkpoints, and vehicle barriers; $80 million for Border Patrol vehicles; and $790 million for border security helicopters and other air assets. Believe it or not, until recently, while we have talked a great deal about the Border Patrol and what they must do, they had helicopters from the Vietnam era. We have finally decided to buy them a new fleet of helicopters. After all these years of talking, we are finally doing something. Also, we included $50 million for an upgraded CBP communications system.

Many Americans must be wondering, what have we been doing all these years in all these appropriations bills when we have talked so much? The truth is, we have done little. But we are doing more now.

Second, we need more border security provisions as part of border security and immigration reform legislation. Many security provisions in the current border and immigration bill are good, but they are not enough. I have filed three amendments to the bill which I will discuss shortly. I understand and think once Senators have heard these amendments and the managers have had a chance to review them, they may be accepted.

Lastly, we should try to address what to do with the millions of undocumented workers in America today. In March, I joined with a bipartisan group of Senators to support what has been called the Hagel-Martinez compromise. I supported the compromise in hopes that it would allow a border security and immigration bill to move forward. I also supported it because, as I understand the bill, anyone who came to the United States illegally after January 7 of 2004 receives no special treatment; that is, those hundreds of thousands of people who have been running to the border or who have been taken to the border, who have purchased their way to the border in the last few months, will receive no special treatment. It is my understanding these individuals—that is, post-January 7, 2004 illegal entrants—would be subject to removal and deportation under existing immigration laws. The record needs to clearly reflect that.

That means one group of people that Americans are wondering about will not receive any special privileges under this bill. They are sort of the Johnny-come-latelies who have run to the border thinking if they can get here quick enough they will be included in our immigration reform efforts. But it is my understanding that these individuals would be subject to removal and deportation under existing immigration law. I repeat that because I believe a number of Senators, on this side of the aisle at least, are indicating their support for this bill because they believe that is in the bill.

As the most senior Senator representing a southwest border State, I would like to now discuss the amendments I have filed, which I believe make eminent sense and should be accepted by the Senate.

The first is an amendment regarding Mexican cooperation. This amendment will require the Secretary of State to cooperate with Mexico to improve border security and to reduce border crime. The amendment is the result of a lot of hard work and is cosponsored by the distinguished Senator from Connecticut, Mr. DODD, who is very familiar with the border problems and the problems with Mexico.

I would like to read that amendment because a reading of it does more than I could do by trying to summarize it. This amendment has as its purpose:

> To improve coordination between the United States and Mexico regarding border security, criminal activity, circular migration, and for other purposes.
>
> (a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary of Homeland Security and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—
>
> (1) improved border security along the international border between the United States and Mexico;
>
> (2) the reduction of human trafficking and smuggling between the United States and Mexico;
>
> (3) the reduction of drug traffic and smuggling between the United States and Mexico;
>
> (4) the reduction of gang membership in the United States and Mexico;
>
> (5) the reduction of violence against women in the United States and Mexico; and
>
> (6) the reduction of other violence and criminal activity.

Next:

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a non-immigrant under United States' law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

I believe this amendment is absolutely necessary, and I am very pleased Senator DODD has joined me in supporting the amendment. I hope this will become part of this bill. My amendment will require an annual report which I think will push the leaders of Mexico to do the kinds of things that Americans expect these two countries to do. If we do not work together, we will have chaos. But with an agreement to work together on these issues, annually the people of both countries should know what is going on in terms of cooperation in the areas I have just spoken to.

Now, sources estimate that as much as 85 percent of apprehended illegal immigrants are from Mexico. So we must work with Mexico to address the security of our southern border and the number of illegal entries from Mexico.

My amendment calls on the Secretary of State to work with Mexico to improve border security; reduce human smuggling, drug trafficking, violence against women, and to inform Mexican nationals of the benefits of U.S. immigration. I have just read the amendment in its entirety on each of these subjects.

Mexico must do its part in this initiative.

On Sunday, there was an Associated Press article titled "Mexico Works to Bar Non-Natives from Jobs." That article says—and I quote—

> Even as Mexico presses the United States to grant unrestricted citizenship to millions of undocumented Mexican migrants, its officials at times calling U.S. policies "xenophobic," Mexico places daunting limitations on anyone born outside its territory.

Mexico expects us to have much more humane, much more liberal, and much more constructive immigration policies in our Nation than it is willing to implement within its own borders. Can you imagine the uproar if we were to try to make our immigration policies anything like the policies of Mexico?

In addition to changing its own immigration policies, Mexico has some other responsibilities, in my view. How many of its citizens, seeking economic sustenance, does Mexico expect us to take before it reforms its own economic policies?

Estimates released over the weekend reveal that about 10 percent of the Mexican workforce now works not in its homeland but in the United States, and that 10 percent provides about 15 percent of the Mexican national income.

We have an unusual, perhaps unique, situation along the border between the United States and Mexico. On no other border of this length in the world does such a disparity exist between the economic prowess and programs of the two nations sharing such a border.

Here is America, the leading economy in the world, bordered for almost 2,000 miles by a nation that persists in economic policies that have failed to provide sufficient jobs or salaries for much of its people. No similar situation exists anywhere on the globe. So we have a unique challenge that is attendant to this unique situation.

That challenge needs to be met not just by the United States, but by Mexico, too. They must join us in an effort to solve this challenge. Economic reform, greater emphasis on the private economy, and modernizing more of its facilities remain great challenges that Mexico must face.

We are forced to tighten our borders not because we are a mean nation, but because the economy to the south of us is driving millions to our country's economy. I believe my amendment will provide for more cooperation between the United States and Mexico. As a result, I believe our border could be more secure.

I have another amendment that has to do with Federal judges. I note the distinguished Senator from California, Mrs. FEINSTEIN, is on the Senate floor, and her state is impacted by this amendment. It has to do with the inadequate number of Federal judges that is going to result when this new law is put into effect. The U.S. district courts in the southwest are overly burdened with immigration caseloads. We must have additional judges, as recommended by the 2005 Judicial Conference.

Let me explain. While immigration cases typically go before immigration judges, repeat offenders can be charged with felonies and tried in Federal district court. As a result, four of our district courts have immigration caseloads that total more than 50 percent of their total criminal filings.

The fiscal year 2004 immigration caseload for the Southern District of Texas totaled 3,668 filings. This is more than 65 percent of the district's 5,599 criminal filings.

The District Court for Arizona had 2,404 immigration filings, more than 59 percent of the district's 4,007 criminal filings.

The Southern District of California had 2,206 immigration filings. That is more than 64 percent of its total 3,400 criminal filings.

The district court for my home State of New Mexico had 1,502 immigration filings. That is more than 60 percent of its total of 2,497 criminal filings.

I am glad we are improving border security and interior enforcement with this legislation. But, obviously, we must also provide the adequate machinery to go along with that, and that means enough Federal judges to handle the caseload that will be generated.

In short, if we put more Border Patrol agents and immigration personnel on the southwestern border, we need to provide more resources to the other Federal agencies that also deal with immigration.

The immigration bill recognizes this to some degree by calling for more DHS and DOJ attorneys, public defenders, and immigration judges. But we must add new district judges necessary to hear the cases of repeat immigration law violators. Failure to do that means we will create even more of an unworkable situation that already involves mass arraignments and sentencings.

As we work on this bill to provide more resources to the Departments of Homeland Security and Justice, we must also address related needs, so I am proud to offer this amendment with Senators KYL, CORNYN, and HUTCHISON.

I also address a related need for more deputy marshals in an amendment. We have a dramatic shortage of deputy marshals to handle the increased caseload that will be associated with repeat immigration law violators. My third amendment, offered with Senators BINGAMAN, KYL, CORNYN, and HUTCHISON, awaits consideration. It adds 50 new deputy marshals each year for 5 years.

Lastly, I would just comment on a very important part of the bill, the land port-of-entry improvements sections. Those provisions are based on legislation I authored in the 108th Congress with Senator DORGAN and which 13 other border state Senators cosponsored.

These provisions address the needs of our land ports of entry.

I am grateful that the managers of the bill have adopted that legislation as part of their bill. These sections are critical because neither American border has undergone a comprehensive infrastructure overhaul since Senator DeConcini, a Senator from Arizona, and I put forth an effort to modernize the southwest border 20 years ago. We have done nothing comprehensive since 1986 on either the north or south international border. A great deal has changed since then, including the passage of legislation to improve security of our airports and seaports, following September 11, 2001.

I appreciate Chairman SPECTER including my legislation to identify port-of-entry infrastructure and technology improvement projects, prioritize and implement these projects based on need, require a plan to assess the vulnerabilities of each of the ports of entry located on the northern and southern borders of our great Nation, implement a technology demonstration program to evaluate new ports of entry technologies, and provide training necessary for personnel who must implement these new technologies. I believe these provisions are essential for border security. I am glad and appreciative that they are in the bill.

Mr. President, we must secure our international borders. I believe with Chairman GREGG's leadership on the Homeland Security Appropriations Subcommittee and strong border security provisions in this bill, we can do just that.

I thank the Chair for the time granted me to express my views and to the Senators who have listened. Certainly, I hope what I have said will have an impact to some extent on this bill and that the amendments that have not yet been adopted, of which I have spoken, will, before we come to final closure, become part of this great effort to secure our borders, provide for an orderly transition for those who have come to our country illegally, and create orderly rules for future guest workers. This is important so the relationships between America and other countries can move forward, and so our country, which is going to need immigrants in the future, can look forward to that in an orderly manner based on a border that is secure and an agreement between the U.S. and Mexico that is going to be carried out and rendered operative.

I yield the floor.

AMENDMENT NO. 4087

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New Mexico for his thoughtful comments on the bill. I have the privilege of serving as a member of the Energy Committee, of which he is chairman. It has been a pleasure for me to serve under his chairmanship. I thank him for those comments.

I come to the floor to discuss an amendment, SA 4087, which I filed this morning. It is entitled "To modify the Conditions Under Which Aliens Who Are Unlawfully Present in the United States Are Granted Legal Status." I ask unanimous consent that Senator HARKIN be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I ask unanimous consent that letters of support for the amendment from the Congressional Hispanic Caucus and over 115 groups and organizations from around the country be printed in the RECORD.

There, being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE
UNITED STATES,
Washington, DC, May 22, 2006.

DEAR SENATOR: We write to express our strong support of the Feinstein amendment to S. 2611 and ask you to vote for it when considered on the Senate floor.

The Feinstein "orange card" amendment would simplify the implementation of the legalization program considerably, creating a uniform and tough path to permanency for all hard-working undocumented immigrants living in the United States—without providing them an automatic pardon or amnesty.

To qualify, undocumented individuals would be required to have been physically present in the United States and working by January 1, 2006. They would have to pay a $2000 fine and back taxes, learn English and American civics, and pass extensive criminal and security background check. After working for at least 6 years, orange card holders could apply for legal permanent residence, but only after all current applicants for a green card are adjudicated.

S. 2611, as currently drafted, creates a complicated, three-tiered process that could undermine the success of the legalization program. We fear that without amendment, the legalization program will be costly and difficult to administer, prone to widespread fraud and inherently unfair to those that it would, perhaps even inadvertently, exclude.

It is our position that for a comprehensive approach to work, immigration reform must be tough and enforceable and bring as many undocumented individuals out of the shadows as possible. If reform fails to do this, we will be wasting an important and historic opportunity to get at the root of the problem with our immigration policy. Rather than fixing our broken system once and for all, S. 2611 could postpone our ability to get control of migration flows into our country and secure our homeland.

The Feinstein amendment would strengthen the effectiveness and fairness of S. 2611, and is, therefore, in the best interests of all Americans. We urge you to vote yes on the Feinstein amendment.

Sincerely,

GRACE FLORES NAPOLITANO,
Chair, Congressional Hispanic Caucus (CHC).
LUIS V. GUTIERREZ,
Chair, CHC Immigration Task Force.

COALITION FOR COMPREHENSIVE
IMMIGRATION REFORM.

DEAR SENATOR: On behalf of the undersigned organizations, we are writing to express our strong support for the Feinstein "Orange Card" amendment which replaces the three-tiered treatment of undocumented immigrants in S. 2611 with one simple process that applies to undocumented immigrants who lived in the U.S. on January 1, 2006 and meet other strict requirements including paying taxes, learning English, passing criminal and security background checks, and paying a $2000 fine.

Under the Feinstein amendment Orange Card holders may become lawful permanent residents when all current applicants for green cards have been received from them (estimated to be 6 years), or 8 years after the bill becomes law, whichever is earlier. This means that they are essentially "in line" behind those who are currently awaiting visas through our legal immigration system. Orange Card holders must check in each year with the government and show that they continue to meet all of the requirements listed above.

There are numerous other important advantages of the Feinstein Orange Card amendment including: one simple process to legalize qualifying undocumented immigrants who entered the U.S. before January 1, 2006; equal treatment of all family members; and ease of administration with less potential for fraud. Moreover, the amendment increases the effectiveness of comprehensive immigration reform by maximizing the extent to which undocumented immigrants currently in the United States can access a path to U.S. citizenship.

We are deeply concerned that S. 2611 will exclude too many immigrants who are hard working, law abiding, and making important contributions to this country. We believe the best way to reform the law is to maximize the number of immigrants who legalize and to create a process that works. We urge you to recognize the many contributions that these immigrants make to our country and provide a path to citizenship which is consistent with the spirit of S. 2611 in that immigrants would have to meet the same requirements for working paying taxes, learning English, and waiting in line behind others but without creating unnecessary and cumbersome parallel processes which will be difficult to administer and will leave too many behind.

We strongly support the Feinstein Orange Card amendment and urge you to support it.

Sincerely,

ACORN; Aceramiento Hispano de Carolina del Sur; The American-Arab Anti-Discrimination Committee; American Friends Service Committee, Miami; Asian American Justice Center; Asian Americans for Equality; Association of Mexicans in North Carolina (AMEXCAN); CASA of Maryland, Inc.; Center for Community Change; The Center for Justice, Peace and the Environment; Center for Social Advocacy; Central American Resource Center/CARECEN-L.A.; Centro Campesino Inc.; Coalition for Asian American Children and Families (CACF); Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA); Coalition for New South Carolinians; Community Wellness Partnership of Pomona; Dignity Through Dialogue and Education; Eastern Pennsylvania Conference of the United Methodist Church; El Centro Hispanoamericano; El Centro, Inc.; Empire Justice Center; En Camino, Diocese of Toledo; FIRM (Fair Immigration Reform Movement); Family & Children's Service; Fanm Ayisyen Nan Miyami/Haitian Women of Miami, Inc.; The Farmworker Association of Florida Inc.; Farmworkers Association of Florida; Florida Immigrant Coalition; Fuerza Latina; Fundacion Salvadoreña de la Florida; Georgia Association of Latino Elected Officials (GALEO); Guatemalan Unity Information Agency; Haitian Women of Miami; HIAS and Council Migration Service of Philadelphia; Heartland Alliance; Hebrew Immigrant Aid Society (HIAS); Hispanic American Association; Hispanic Coalition, Miami; Hispanic Federation; Hispanic Women's Organization of Arkansas; Holy Redeemer Lutheran Church, San Jose, CA; ISAIAH, Twin Cities and St. Cloud Regions, MN; Illinois Coalition for Immigration and Refugee Rights; Interfaith Coalition for Immigrant Rights, California; Interfaith Coalition for Worker Justice of South Central Wisconsin (ICWJ); Intl. Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Miami; International Immigrants Foundation; International Institute of Rhode Island; Institute of the Sisters of Mercy of the Americas; Irish American Unity Conference; Irish Immigration Pastoral Center, San Francisco; Irish Lobby for Immigration Reform; Korean American Resource and Cultural Center, Chicago, IL; Korean Resource Center, Los Angeles, CA; JUNTOS;

Joseph Law Firm, PC; LULAC; Labor Council for Latin American Advancement, LCLAA; Latin American Immigrants Federation; Latin American Integration Center, New York City; Latino and Latina Roundtable of the San Gabriel Valley and Pomona Valley; Latino Leadership, Inc.; Latinos en Acción de CCI, a chapter of Iowa Citizens For Community Improvement; Law Office of Kimberly Salinas; League of Rural Voters; MALDEF; Make the Road by Walking; Mary's Center for Maternal and Child Care; Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA); Medical Mission Sisters' Alliance for Justice; Michigan Organizing Project; Minnesota Immigrant Freedom Network; The Multi-Cultural Alliance of Prince George's County Inc.; Nashville Area Hispanic Chamber of Commerce; National Advocacy Center of the Sisters of the Good Shepherd; National Alliance of Latin American & Caribbean Communities (NALACC); National Capital Immigration Coalition (NCIC); National Council of La Raza; National Farm Worker Ministry (NFWM); National Immigration Forum; National Korean American Service & Education Consortium, Los Angeles, CA; Nationalities Service Center; Nebraska Appleseed Center for Law in the Public Interest; Neighbors Helping Neighbors; NETWORK—A National Catholic Social Justice Lobby; New York Immigration Coalition; ONE Lowell, Lowell, MA; Pennsylvania ACORN; People For the American Way (PFAW); Pineros y Campesinos Unidos del Noroeste (PCUN); Presbyterian Church (USA), Washington Office; Project HOPE; Project for Pride in Living; Rockland Immigration Coalition; Rural Coalition/Coalicion Rural; Service Employees International Union (SEIU); SEIU Florida Healthcare Union; SEIU Local 32BJ; Seattle Irish Immigrant Support Group; Society of Jesus, New York Province; South Asian American Leaders of Tomorrow; Tennessee Immigrant & Refugee Rights Coalition (TIRRC); UN DIA (United Dubuque Immigrant Alliance); UNITE HERE! U.S. Committee for Refugees and Immigrants (USCRI); Unite for Dignity for Immigrant Workers Rights, Inc.; United Farm Workers, Miami; United Food and Commercial Workers; United Methodist Church, General Board of Church and Society; Virginia Justice Center for Farm and Immigrant Workers; We Count!; Westchester Hispanic Coalition; Westside Community Action Network Center (Westside CAN Center); The Workmen's Circle/Arbeter Ring; YKASEC—Empowering the Korean American Community, New York, NY; Yee & Durkin, LLP.

Mrs. FEINSTEIN. Mr. President, I make these remarks as a 13½-year member of the Senate Judiciary Committee and the Immigration Subcommittee. I also come from a State which is very large in terms of immigrants, both legal and illegal, and a State which is a dynamic economic engine for our country. I strongly believe that any comprehensive immigration bill must address three issues: a strengthening of our borders so that they are safe, effective, strong; a limited guest worker program and an overhaul of the visa system; and most importantly, I believe, the creation of a pathway to earned legalization for the large number of people, estimated at between 10 and 12 million, who live today invisibly in our Nation and who have become a critical part of the American workplace and on whom employers depend to do work Americans will simply not do.

I respond to our analysis of the Hagel-Martinez amendment, and my remarks are in two parts. The first part will be to propose an alternative to Hagel-Martinez. The second part will be a critique on what I see are substantial flaws in the Hagel-Martinez amendment.

I first thank both Senators HAGEL and MARTINEZ. They have done a great service to the Senate and our country by trying to come up with a compromise solution to what is a major problem facing our Nation. Nonetheless, I find significant structural and practical faults and have tried to correct those with the proposal I have just introduced and will be speaking on now.

I am introducing what is called an orange card amendment. This amendment would streamline the process for earned legalization. It would create a more workable and practical program and dedicate the necessary dollars to cover its costs of administration. This amendment builds on the compromises already agreed to under McCain-Kennedy and Hagel-Martinez, and it incorporates the amendments already adopted on the Senate floor. But it eliminates what I see as an unworkable three-tiered program under Hagel-Martinez.

This amendment only deals with earned legalization. It does not change any of the border security provisions, the guest worker program, or any other part of this bill. Therefore, this amendment would essentially eliminate the program created by Hagel-Martinez and replace it with the orange card program I am now going to explain.

Under this amendment, all undocumented aliens who are in the United States as of January 1, 2006, would immediately register a preliminary application with the Department of Homeland Security. At the time of the registration, they would also submit fingerprints at the U.S. Customs and Immigration Service's facility so that criminal and national security background checks could commence immediately. That is the first step. It would also create a more precise registration system that would allow the immediate inflow of information into the Department of Homeland Security to be processed electronically, which the Hagel-Martinez amendment does not, and which is what we have been told is essential to ensuring that DHS can handle this new workload. It would give the Department time to vet the application through a thorough and orderly process. This would be the first step.

Under the second step, petitioners would submit a full application for an orange card in person by providing the necessary documents to demonstrate their work history and their presence in the United States. Their application would also require that they pass a criminal and national security background check that would be carried out based on the information and fingerprints from the preapplication; they demonstrate an understanding of English and U.S. history and Government, as required when someone applies for their citizenship; they have paid their back taxes; and they would pay a $2,000 fine. The money from this fine would be used to cover the costs of administering the program. These requirements are the second step of what is required to earn an orange card. They also comply with previous amendments passed on the floor of the Senate during this debate.

If the application is approved, each individual would be issued what I call an orange card. I selected orange because the color had no connotation I could think of. This card would be encrypted with a machine-readable electronic identification strip that is unique to that individual. The card itself would contain biometric identifiers, anti-counterfeiting security features, and an assigned number that would place that individual at the end of the current line to apply for a green card. The number would correspond to the length of time that the petitioner has been in the United States so that those who have been here the longest would be the first to follow those currently waiting to receive a green card. That is the 3.3 million people outside of the country awaiting a green card. These cards would go in order following the expunging of that line.

The issuance of an orange card would allow individuals to remain in the United States legally and work, as well as travel in and out of the country. It would become their fraud-proof identifier, complete with a photo and fingerprints. This is the second step to earning legalization.

The third step is that on an annual basis, each individual who applies for an orange card would submit to DHS documentation either electronically or by mail that shows what they have been doing in that year, the work they have carried out, that they have, in fact, paid their taxes that year, and whether they have been convicted of any crime during that year, either through court documents or an attestation, and they would pay a $50 processing fee. These three steps, plus the required wait at the back of the green card line, clearly indicates that this is not an amnesty program.

The legalization in the orange card must be earned, and it must be earned over a substantial period of time. It would be available to all who are here from January of this year.

This language will ensure that there are enough funds to run the program because there is a $2,000 fine that would be dedicated to paying for the administration of the program and a $50 annual processing fee. For example, assuming there are between 10 and 20 million undocumented aliens already in the United States who would have to pay a $2,000 fine, if 10 million came forward, that alone would raise $20 billion. So the program would be covered. By including this language, this amendment protects against creating a new burden on taxpayers and ensures that the Federal Government has the necessary money to make the program work.

Another safeguard contained in the amendment is the annual reporting requirement. By including this process, this amendment will ensure that individuals who apply to this program remain productive and hard-working members of their communities. The amendment requires that individuals must work for at least 6 years before they may adjust their status. Realistically, from what we know about the number of green card petitioners legally waiting in other countries for their green card, it is much more likely that they would have to wait a longer time before the process is completed. Again, this is not amnesty. It is a clear path to an earned legalization. These prospective reporting requirements ensure that only individuals who deserve to adjust their status and continue to be productive members of their communities may become legal permanent residents.

In addition, by focusing on prospective requirements, this amendment streamlines the process and helps avoid the bureaucratic morass that has been created other times when Congress has acted. If we don't get this right, we will end up repeating mistakes of the past. We will simply create new incentives for illegal immigration, and we will enhance the problems our country now faces in tracking who is coming and going across our borders.

Remember, it is estimated that about one-third of those who receive visas do not leave the United States when their visas expire. So the problem is not only people coming across the border; the problem is also people misusing their visas. In 2004, there were just over 30 million visas issued. That is an unbelievable amount, but it is true. That means there could be up to 10 million people who overstayed their visas and remained in the United States. Now, of course, most of them probably didn't stay here permanently. But it is clear from these statistics that our visa program has a serious problem when it comes to enforceability.

I strongly believe we must find an orderly way to allow those already here, many of whom have families, strong community ties, and some who have U.S. citizen children, to earn legalization over a substantial period of time. And virtually every poll I have seen has shown that over 70 percent of the American people agree. They know there are many people who are critical parts of our workforce. They work in agriculture, in landscaping, in housing, in the service industry, in the hotel industry, and they work all throughout our economy. I know some who not only have children, but their children are excelling. They not only live here, but they own homes, pay taxes, and they work hard. This is important so that this population can live fully productive lives without being subject to abuse or exploitation, and so that American commerce has the workforce that is necessary for agriculture, as well as many other industries.

During consideration of this bill in the Judiciary Committee, of which you are a distinguished member, Mr. President, we adopted an amendment referred to as the McCain-Kennedy program that was offered by Senator GRAHAM. This amendment created an earned legalization program that would also set up a number of hurdles individuals must pass through in order to earn their legalization. The Graham amendment was adopted by a bipartisan vote of 12 to 5 and was in the base bill previously considered by the Senate.

However, since that time, a new program was created and replaced McCain-Kennedy in the underlying bill. That program is known as the Hagel-Martinez compromise. It is important to point out that neither this body nor the Judiciary Committee has voted to adopt the three-tiered system which the Hagel-Martinez compromise proposes and which is now before this body.

Hagel-Martinez would treat people differently, depending on how long they have been in the United States. It is estimated that 6.7 million have been in the United States for more than 5 years; 1.6 million, less than 2 years; and 2.8 million, 2 to 5 years. The source of the numbers is the Pew Current Population Survey. So we have three tiers—more than 5 years, 2 to 5 years, and less than 2 years.

After an examination of the Hagel-Martinez language, I have come to believe that the three-tiered system is unworkable, that it would create a bureaucratic nightmare and it would lead to substantial fraud. My staff has consulted with current and former Government staff who have expressed serious concerns with the practical implications of how such a program could be implemented.

We already know the Department of Homeland Security is overburdened. Just for a moment, look at the problems they face today. Our current system is running neither efficiently nor effectively, and we all know that. Let me just put on the table a few examples.

Currently, the Department of Homeland Security is struggling to implement a fully functioning US-VISIT Program to monitor those who are entering and exiting our country. This system of checking people in and out with a biometric card is only half completed. It is many years overdue.

The Bureau of Citizenship and Immigration Services struggles with enormous backlogs in applications from those who come to this country and attempt to adjust their status legally. FBI background checks often take between 1 or 2 years to process fingerprints. Naturalization lines are so long, it can take a person years and sometimes even decades to get through the system. How on Earth is DHS going to be able to handle a new program which cannot be run electronically and which will require massive documentation and enormous staff time?

What we have done is provided a structure for an electronic handling of the data submitted by the individuals, the electronic verification of the data, the checking out of this data. Hagel-Martinez creates a tiered system where those here less than 2 years are subject to deportation and those here from 2 to 5 years must return to their country and get themselves somehow into a guest worker program. It is estimated that 1.6 million people have been here for 2 years or less, and approximately 2.8 million have been here from 2 to 5 years. So that is 4.4 million people who are going to be asked to leave the country one way or another. Do you believe they will? History and reality shows that they will not. How will the Government find all of them and deport those who do not leave voluntarily? And if they are found and deported, what would lead us to believe they will not come right back to join their families and return to their jobs?

Secondly, individuals who have been here just under 2 or 5 years will inevitably try to argue they qualify for a higher tier. I think it is only realistic to expect that these tiers will become a breeding ground for flawed, fraudulent documents, and true evaluations will be virtually impossible to make. How on Earth are DHS personnel going to be able to verify when an individual entered the country to determine the less than 2 years or the 2- to 5-year tier?

When it comes to the second tier, 2 to 5 years, and the deferred mandatory departure program of Hagel-Martinez, I am concerned about how this process is going to function and who is going to follow through with executing its requirements. How is the Department of

Homeland Security going to find these people who have been here 2 to 5 years and ensure that they actually leave the United States? Does anyone really expect that a father or a mother will voluntarily leave their families and go outside the country for this so-called touchback? What is the incentive for people who have already been living in the United States to come forward and go through this process?

In order to understand why I have these questions, I think it is important for everyone to understand how the deferred mandatory departure program of Hagel-Martinez is supposed to work. There has been a lot of discussion about the program, but when you read the fine print of the bill language, there are serious questions and consequences that need to be better understood.

My understanding of the bill language is that a person who falls into this second tier, who has been here for 2 to 5 years, may remain in the United States legally for up to 3 years and then they must leave the country and find a legal program through which they may reenter the United States. This is the critical flaw in Hagel-Martinez. People will not risk leaving their families or their jobs in the hopes that once they leave the United States they will be able to reenter through a visa program, whether that be the new H–2C guest worker program or another visa program.

To compound this problem but ostensibly to make it possible, Hagel-Martinez waives the 200,000 visa cap that we just reduced from 325,000 in the Bingaman-Feinstein amendment on the H–2C program. In doing that, this would create a larger bureaucratic hurdle, a difficult standard of proof, and a complete decimation of the limits on the guest worker program. Instead of a new guest worker program—H–2C—that will bring in 200,000 people a year, we would be, in effect, creating a guest worker program that is supposed to accommodate 2.8 million people, plus another 200,000 people annually. So through this deferred mandatory departure, the Congress creates a guest worker program that will need to accommodate over 3 million people.

But putting all that aside, assuming this was actually doable, there are other problems. For instance, the H–2C guest worker visa only lasts a maximum of 6 years. So every person will quickly see that this is not an automatic path to earn their legalization, and they will be forced out of the country at the end of the 6 years. Will they go? I doubt it. I think you will have a new illegal immigrant problem.

The path to legalization has been modified through the amendment process on this floor, and now an H–2C worker will likely need their employer to petition for a green card on their behalf. An employer has to petition for it, meaning that, for 2 million people, their only hope to continue to live in the United States is through the grace of an employer. I think this places an undue burden on an employer, and it leaves workers vulnerable to exploitation from bad employers.

Also, H–2C workers, their spouses, and their children are not allowed to remain in the United States if the worker fails to work for an approved employer for more than 60 consecutive at any time during the 6 years, with no exception for health problems or injuries. This will mean that if an individual does become injured or ill, they become deportable. In addition, all rights to administrative or judicial review of any future removal actions, are eliminated. Combined, in my view, these provisions are ill-advised. They make individuals extremely vulnerable to abuse, they put high burdens on employers, and they open the situation up to exploitation.

That leaves me to wonder, with these shortcomings, why would anyone in these categories participate in this program?

Why would someone who is already living here clandestinely, working, and already active in their community voluntarily come forward and register with the Department of Homeland Security and leave the United States to join this program? With these risks and pitfalls, my experience in California and my 13½ years on the Immigration Subcommittee tells me they won't. At worst, I fear we are creating an incentive for individuals to continue living under an illegal status, and I don't know how that benefits this Nation, the people of our Nation, the employers, or the people who are here today in an undocumented status. At best, we are creating a new burden on DHS to locate and monitor millions of people who are clandestinely integrated into the fabric of our Nation today.

In addition, the Hispanic National Bar Association specifically criticized this second tier, and it wrote this: We are particularly concerned that requiring individuals in the [second tier] to leave this country in order to fully legalize their status will result in severe disruptions for families, workers, and employers . . . We [also] believe that creating an additional class of undocumented immigrants will lead to greater administrative burdens as it will require the implementation of two different paths to legalization.

I think that is a very true statement.

Let me speak about the third tier for those who have been here for less than 2 years because according to Hagel-Martinez, they must all be deported. This means that DHS would be required to find and deport 2 million people. That is the bill we are going to pass—2 million, find them, deport them. How is that going to get done? Even President Bush acknowledged that such a large-scale deportation program is unworkable when he said this:

> It is neither wise nor realistic to round up millions of people and send them across the border.

The only method to compel compliance with Hagel-Martinez is through employer sanctions, and we know from experience over dozens of years that employer sanctions do not work.

In fiscal year 2004, only 46 employers were convicted of illegal immigrant employment—46 employers—out of the tens of thousands of employers whom we know employ the undocumented, and the number of employer sanctions cases resulting in fines has declined from a peak of nearly 900 under President Clinton to only 124 in fiscal year 2003. Not to mention even when employers are raided and then sanctioned, there is a backlash from the public.

So I am one who doesn't believe it is realistic to assume that, first, the Department of Homeland Security is going to be able to go out and deport 2 million people; and then secondly, to ensure that the other 2.8 million leave to go back for the touchback program.

So because of these concerns about the workability, the practicality, and the real-world impact of such a three-tiered system, I believe we have to create a much more efficient process, and I believe the orange card process is the best way to ensure that our policy goals in creating a path to legalization can be implemented and realized.

The structural flaws of Hagel-Martinez must be corrected, and this amendment essentially corrects them. It is workable, it is practical, it does not reward illegal immigration, but it creates a pathway for everyone in this country as of the beginning of this year to show over a substantial period of time annually that they have been and will continue to be a responsible and productive member of American society. It puts the burden on them to go in, to petition, to submit their fingerprints, to submit their photographs, and to wait for those to be checked out before they would be issued the orange card.

Once you have this orange card then you know you are legal. You can come in and out. It has the biometric identifiers. It is fraudproof. And the orange card has the additional ability of being numbered, so you also know that the lower numbers are going to people who have been here for the 10, 15, 20, 25, and 30 years that we know people, in fact, have been in this country. It is done in a way that can be carried out electronically, and I think that is part of the strength of the program.

Here we have a pathway that requires an individual to show over a substantial period of time that they have been and will continue to be a responsible and productive member of American society and to do so with certain tangible deeds: the tangible deed of work, the tangible deed of living a legal life, the tangible deed of paying back taxes, the tangible deed of learning to speak English. This is not amnesty. Nothing happens immediately. Amnesty is the immediate transition of someone from an illegal status to a legal status. If an individual cannot demonstrate these things, they will not receive a green card at the end of this long pathway, and then at that time they are deportable.

If a bipartisan majority agrees that an earned legalization program is a critical part of a comprehensive immigration reform bill, then the program must work on the streets and it must be carefully structured so that it can be carried out. I believe this program can be carried out, and I am sorry to say that as currently structured, I do not believe the three-tiered process of Hagel-Martinez can or will be carried out.

This is an amendment on which I hope we will vote. It is at the desk. I ask my colleagues to look at it, study it, and if they have modifications—this is a complicated issue—if they have modifications they would like to see, please bring these to us because we hope there will be a vote in the next couple of days.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. McCONNELL are printed in today's RECORD under "Morning Business.")

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I have been a Member of the Senate, now in my 26th year, and one of the issues that I have some regret about is voting for amnesty in the 1986 immigration bill, the last time that we had amnesty for people who illegally came to our country.

Another regret I have that has followed on is that probably we have not done enough to keep on top of our laws of anticipating when there was labor or workers needed from outside the country to come into our country, and we haven't provided then maybe the workers that we need when there aren't enough Americans to fill various jobs. That could be laborers in the case of construction, it could be service workers in the case of hotels, it could be engineers, if we don't educate enough engineers. And probably those two regrets I have relate to how I feel about the present legislation before the Senate.

I have looked back at my vote for amnesty, and I have tried to recall as best I can 20 years back. But it seems to me that I was convinced at that time that if we had amnesty along with worker verification, along with sanctions against workers, which I think was set in the law with a $10,000 fine, we would solve all of our illegal immigration problems.

Well, at that particular time, we did not predict and foresee the development of an industry of fraudulent documentmaking, so that if I came to this country illegally and I went in to get a job and I showed a passport that looked like the real thing but was fraudulent, and the employer didn't see the difference and they hired me, then he was absolved of any responsibility for willfully hiring a person illegally in this country. And amnesty was supposed to work with that to legalize 1 million people who were illegally in the country at that particular time.

So looking back now 20 years, it seems as though we winked at abuse of the law, and it gives credibility to people who think they can avoid the law because there is never going to be a penalty for it. So what was a 1 million-person problem in 1986, today the number is up to a 12 million-person problem, people coming into this country illegally.

So I have some apologies to the people of this country because I made a judgment that amnesty in 1986 would solve our problems, and ignoring illegality, I find, has encouraged further illegality, and we have 12 million people now in the country illegally.

Then I wonder whether, now that I am 72 years old, 20 years down the road when my successor is in office will they be dealing with an illegal alien problem of 25 million. Another thing I learned from 1986 was that we allowed family members of people who were here illegally to then come to the head of the line, and instead of legalizing 1 million people, we probably made it possible for 3 million people to be in this country as opposed to waiting to come in under the normal process. Then, the other part of it, to repeat, is maybe if we had been a little more on top of the employment situation in the United States in recent years, we would have changed our laws so that more people could come legally to this country to work. Having learned from those lessons—obviously I have been burned once on the issue of amnesty—I am not sure I want to be burned twice on the issue of amnesty.

Of course, at this point, with 1 more week to go in the debate on this bill and many amendments, I don't know, there might be a bill I can vote for. But I don't think I am prepared to vote for amnesty again. I am not prepared to vote for amnesty again and then create a problem 20 years down the road for our successors to have yet a bigger problem.

I think we have learned in America that we are a nation of the rule of law and that we ought to enforce the law. I think we made a mistake by ignoring illegality in 1986 because it encouraged further illegality. It is a little bit like getting crime under control in New York City. When Mayor Giuliani first came into office, he decided that the way to get at big crime was not to allow the petty crime. He went to work concentrating on people who were abusing the law even in a minimal sense. Soon it made an impact that he was going to be tough on crime, and pretty soon you found a great reduction in major crime. If we start enforcing our immigration laws and if at the same time we have a realistic law for people to legally come to this country, then maybe we will be able to get the sovereignty of our Nation to what it is supposed to be, and that is at least the controlling of our borders.

One of the things I wish to make clear is that there is a guest worker program used in place of amnesty. I understood previous speakers to say you can earn your way to legality, you can earn your way to citizenship. There are a lot of people who commit crimes who never get a chance to work their way out of that crime. It probably signals to people in other lands a softness of our concern about whether people come here obeying our laws and sends a signal that it is OK to disregard our laws. So a guest worker program that is used to cover up amnesty I can't buy into.

There are proposals connected with this bill to allow people to come here legally to work, to have a job and to have papers when they cross the border to come into our country to work. We are expanding some of those provisions for people to legally come to this country, and we are inviting people to come in as guest workers.

My belief is people would rather come to work legally than illegally. If we had a temporary worker program that was not a bureaucratic nightmare and people who wanted to work in America and had a job in America knew they could come here legally, they would choose the legal way to come as opposed to the illegal way to come. I believe if we had such a program that worked and was efficient and people could count on it, including employers counting on it, then pretty soon, one by one, we would have legal workers replacing illegal workers because surely employers would rather hire people who came here legally.

If we are going to have an amnesty program, it ought to be one about which people can at least say that it meets the commonsense test, that it is not a joke, that it is a real, serious effort to make people earn their way to citizenship. I want to point out some things in the present bill before the Senate that do not meet the laugh test, as far as amnesty is concerned.

The biggest flaw is providing legal status to 12 million people who are breaking our law by coming here illegally. Not only do we give amnesty to those who are here, but we give it to spouses and children in their home countries. In 1986, I voted for amnesty. I was burned once. I don't want to be burned twice. With a 1 million-people problem at that time, we actually ended up maybe with 3 million people coming here under the laws we passed at that time, particularly considering family. If it is 12 million people we are talking about now, and 3 times that, are we talking about 36 million people as opposed to 12 million people? Amnesty is giving a free ride to 12 million people, and maybe 36 million people if you consider 3 for 1. That was the lesson we learned in 1986.

Let's look at the so-called earned legalization provisions. Proponents of the bill say that an alien has to pay their taxes, pay a fine, learn English, and get in the back of the line—the line leading to legalization, the line that eventually could lead to citizenship.

I respectfully disagree with my colleagues who say that they are earning their citizenship. I will go into detail about each of these provisions, starting with the $2,000 fine. An illegal alien can go from illegal to legal just by paying a fine of $2,000. That is chump change, particularly considering that the same people could have paid a smuggler five times that amount to get across the border in the first place. This is not a heavy fine for the law that they broke. People here illegally knowingly crossed our border and overstayed their visa each day. They get legal status overnight for a small price: $2,000 is a small price to pay for citizenship, especially since they have been working in the country and making a living for over 5 years. This fine is nothing but a slap on the hand, and it doesn't fit the illegality involved.

The fine of $2,000 isn't due right away. In other words, you don't have to pay it right away. For those in the amnesty program, what is called the first-tier program, aliens here illegally are supposed to pay a fine of $2,000. However, the way the bill is written, many aliens here illegally may not have to pay that fine until year 8, 8 years from that point. The bill says that the $2,000 fine has to be paid, in the words of the legislation, "prior to adjudication." What does that mean? The fine is not going to be required up front. If it is left the way it is, then the alien here illegally can live, work, and play in our country and is immune from deportation, all without paying any fine for maybe up to 8 years and all the time imposing a financial burden on local taxpayers for health, education, and infrastructure costs that are not reimbursed for 5 to 10 years.

Let's look at the requirement about learning English and civics. Under the bill, an illegal alien could fulfill the requirement of learning English history and U.S. Government by "pursuing a course of study." Until Senator INHOFE's amendment last week, the alien didn't have to show their understanding of English or civics, yet the authors of this legislation wanted us to believe that in order to get this legal status, you had to show proficiency in English and understand how our political system works. The Inhofe amendment took care of that, but it was certainly a low bar for people illegally in our country to meet.

On the issue of paying taxes: Under the bill, aliens illegally in our country only have to pay 3 of the last years in back taxes. Let me ask any taxpayer, wouldn't you like to have the choice of only paying taxes on 3 out of any 5 years? But that is supposed to be a step toward earning your way to citizenship. Why, if any of us did that and fraud was involved, we would be in jail. At the very least, you would have to pay all your taxes for all those years and pay fines and penalties. But, no, people illegally in our country get an option. You don't get an option; my constituents don't get an option, what years they want to pay back taxes. We have a tax gap of $345 billion in this country, taxes that the IRS is owed but that are not collected. Of course, this makes the problem even worse. This bill would treat tax law breakers better than the American people. Let's make the alien who is here illegally, who gets amnesty, pay all outstanding tax liabilities. That is the only way this bill—or at least the portion of this bill we call amnesty—can meet the commonsense test.

On the issue of payment of taxes and the burden that might cause for the IRS, that is another portion of this bill that doesn't meet the commonsense test. Under the bill, the Internal Revenue Service has to prove that an alien here illegally has paid their back taxes. Frankly, it will be impossible for the Internal Revenue Service to truly enforce this because the Agency cannot audit every single person in the country.

I am chairman of the Senate Finance Committee. We have jurisdiction over the Internal Revenue Service. I can tell you that the tax man is going to have a difficult time verifying whether an individual owes any taxes. Why aren't we putting the burden on the aliens? They need to go back and they need to figure out what they owe. That is what each one of us does every spring between January and April 15, before we file our taxes. We figure out how much we owe, and we have to pay what we owe. Then in turn let who is here illegally certify to the Internal Revenue Service that they have paid their dues.

I have an amendment to fix this language and allow the IRS to devise a system to make that work. But the end result for this chairman of the Finance Committee is that these people who are here illegally should not have a better tax posture toward the IRS than any other hard-working American man and woman.

Now I want to go to security clearances to be given in 90 days, another part of this bill that doesn't meet the commonsense test. The compromise would require the Department of Homeland Security to do a background check on aliens who are here illegally. In fact, this compromise has placed a time limit on our Federal agents. The bill encourages the Federal Government to complete the background checks on 10 million aliens who are here illegally within 90 days. Can you imagine that?

Can you imagine taking care of background checks on 10 million people in 90 days? That doesn't meet the commonsense test. It is unrealistic. It is not only unrealistic, it is impossible, and a huge burden, as you can see, and a huge expense. Homeland Security will surely try to hurry with those background checks. They will pressure Congress to rush them. There will be a lot of rubberstamping of applications despite possible gang participation, criminal activity, terrorist ties, or other violations of our laws.

I am not talking about the vast majority of people who are working in America and here illegally. I am talking about a small percentage of these people. But with that small percentage, we ought to be sure our national security concerns are taken care of, and, no, we should not be rushing these clearances through in 90 days.

When it comes to criminal activity, terrorist ties, other violations of the law, and gang participation, that is not true. I will bet that 99 percent of the people who are here illegally, who are working hard to improve their lot in life but still here illegally, violating our laws, want a better life. But a small group of them, we have to know that they are not a national security risk. And you can't do that in 90 days with 10 million people.

Let's talk about during the amnesty process and people having to go to the back of the line to work their way toward citizenship. The proponents say the aliens who are illegal would have to go to the back of the line so they are not getting ahead of those who use our legal channels. That whole approach, if you are going to have amnesty, is the way to do it. This doesn't meet the commonsense test, but someone has to explain to me actually how it works.

This is important because at my town meetings—I had 19 town meetings in Iowa during the Easter break—some of the most vociferous statements against amnesty were made by naturalized citizens who said: How come I had to go through all these things and stand in line for long periods of time to become a citizen or even be legally in this country and you are going to move all of these other people to the head of the line?

The theory is that they are going to take care of that criticism in this bill, but it isn't very practical. How is the Citizenship and Immigration Service going to keep track of these people? They can't even count right because they give out more visas than the law requires. Besides, an alien on an amnesty track is getting the benefits that people in their home countries waiting in line to come here legally can't get. This whole process denigrates the value of legal immigration.

While here, they get to travel, send their kids to school, open a business, and get health services. Is that really going to the back of the line?

The work requirements also don't meet the commonsense test. The bill says that an illegal alien has to prove that they have worked in the United States for 3 of the last 5 years. It also says they have to work for 6 years after the date of enactment. However, there is no continuous work requirement through amnesty. So you could work 30 days on, 30 days off, 30 days on. It is dishonest to say these people are working the entire time.

Let's get to the evidence of that work history which the bill requires. It says a person illegally in the United States has to prove they have worked in the United States 3 of the last 5 years. How do you do that? They can show the IRS or Social Security Administration records or records maintained by Federal, State, and local governments. Their employer can attest that they have been working; their labor union or day labor center can attest, but that is not all. It might meet the commonsense test. But if you can't get records from the IRS or the labor union, you can ask anybody to attest that you have been employed. The bill doesn't even prohibit the alien to attest themselves. Anybody, including a friend, a neighbor, a man on the street, could sign the attestation.

This opens the door to fraud. The Government cannot realistically investigate them. Senator VITTER tightened this loophole, but sworn affidavits still exist. This is an issue of confidentiality in reporting. If an alien illegally in the country is applying for amnesty, the Federal Government cannot use information provided in the application by adjudication; that is, adjudicating that petition. If aliens illegally in the country write in their application that they are related to, let's say, Bin Laden, then our Government cannot use that information. In fact, it says that the Secretary of Homeland Security can only share that information if someone requests it in writing.

Why shouldn't the Secretary be required to provide that information to the CIA? If we can link an alien to a drug trafficking kingpin, then why shouldn't the application be a source of intelligence?

This provision severely handicaps our national security and criminal investigators, and again a provision in this bill that doesn't meet the commonsense test.

Let's look at the so-called $10,000 fine for bureaucrats. Let's say a Federal agent uses the information I just spoke about by an alien in an application for amnesty. Under the bill, the agent would be fined $10,000. Yes, fined five times more than the alien has to pay to get amnesty in the first place. That does not pass the commonsense test.

Let's look at qualifying for Social Security for aliens who are here illegally. The bill does not prohibit illegal aliens from getting credit for the money they put into the Social Security system if they worked in the United States illegally. Immigrants here illegally who paid Social Security taxes using a stolen Social Security number did not do so with the expectation that they would ever qualify for Social Security benefits. They paid those taxes solely as a cost of doing their job. They never paid into the system with a reasonable expectation that they would receive any benefits. People who have broken the law should not be able to collect benefits based upon unlawful conduct. Their conduct has caused damage to countless numbers of American citizens and legal immigrants. Because of breaking our law, the victims are faced with Internal Revenue audits for unpaid taxes. Americans have trouble finding their own jobs and are left to reclaim the credit and clear up their personnel information. The Enzi amendment would have taken care of this, but it did not pass.

Our Members, again, gave up an opportunity of having this legislation meet another commonsense test. Employers get a criminal pardon for hiring illegal aliens under this bill. Not only does this bill legalize people who are here illegally, it is going to pardon employers who committed criminal activity in hiring illegal aliens in the first place.

The bill says employers of aliens applying for adjustment status "shall not be subject to civil or criminal tax liability relating directly to the employment of such aliens."

That means a business that hired illegal workers now gets off Scott-free from paying the taxes they should have paid. This encourages employers to violate our tax laws and not pay what they owe the Federal Government. Why should they get off the hook?

What damage are we doing, once again as we did in 1986, in ignoring the breaking of law, giving amnesty and encouraging further disregard for the law in the future?

In addition to not having to pay their taxes, employers are also off the hook for providing illegal aliens with records or evidence that they have worked in the United States. The employers are not subject to civil or criminal liability for having employed illegal aliens in the past or before enactment.

Then fines for failing to depart, for aliens illegally in this country—those in what the bill calls the second tier who have been here for a period of time, from 2 years to 5 years, they must depart and reenter. If an alien doesn't depart immediately, they face a fine of $2,000. If they don't leave within 3 years, they get a $3,000 fine. These fines are not incentives for aliens to leave. They could then live in the United States for up to 3 years without facing deportation. There is no requirement for them to leave immediately.

Take a look at that subtlety in this legislation. If you want to be satisfied with paying a $3,000 fine, you can stay here an additional 3 years illegally, and we presumably know that you are here illegally.

The second-tier employment requirements—these illegal aliens also have to prove that they have been working in the United States since January 7, 2004. They can prove it by attesting to the Federal Government or an employer, not necessarily the one that employed them. They can also get around the requirement by providing bank records, business records, sworn affidavits, or remittance records.

Since when does proof of sending money back to Mexico prove employment? That, too, doesn't meet the commonsense test and is another case where the legislation talks about mandatory departure. It really is not mandatory.

The bill says the Secretary of Homeland Security may grant deferred mandatory departure for aliens here illegally in the 2- to 5-year category. He may, the law says, also waive the departure requirement if it would create a substantial hardship for the alien to leave.

In this legislation, there is a waiver interview requirement. Illegal aliens in the second tier who are required to leave the country can reenter the United States on a visa, but the bill says they do not have to be interviewed. In fact, it doesn't even give discretion to our consular officers around the world to require an interview.

I have advocated for in-person interviews since 9/11, especially since the hijackers weren't subject to appear in person. Today, the State Department is requiring interviews for most applicants and waives them for certain people, particularly those over 60 years of age. If an adjudicator wants to have an interview before giving a person a visa, they should have the power to do it.

Guest workers, under the provisions of this compromise, can become permanent workers. Unlike almost all visas, the H–2C visa can be used as an avenue to legal permanent residence and citizenship. The H–2C visa was created as a temporary worker program. In fact, the alien, at the time of application, has to prove they did not plan to abandon their residence in the foreign country. However, the visa can be redeemed for legal permanent residence after only 1 year in the United States.

H–2C workers can self-petition under this compromise. No other visa program allows an alien to petition for himself or herself to go from temporary worker to seeking citizenship. After 4 years, the alien can sponsor themselves for permanent residence in the United States. We had an amendment to tighten this provision, but the self-petition measure is still in the bill.

Family members of H–2C visa holders need not be healthy. Under current law, aliens must prove they are admissible and meet certain health standards. Many times, visa applicants must have a medical exam to show they do not have communicable diseases. They have to be up to date on immunizations and cannot have mental disorders. Spouses and children of H–2C visa holders, however, are exempt from this requirement. I have an amendment to fix this provision.

The H–1B visa cap can increase automatically. The annual cap is increased from 65,000 to 115,000, but it contains an additional built-in escalator. If the cap is reached in 1 year, it can be increased by 20 percent the next year. It cannot be decreased; it can only go up.

There will be no serious evaluation of the need for foreign workers, and Congress loses its control over importation of cheaper labor.

There are no strings attached in this bill to new student visas. The bill creates a new visa that lowers the bar for foreign students who wish to come here and study math, science, and engineering. They can work off campus while in school, thus taking American jobs. They also can easily adjust from a student to a U.S. worker. They do not have to prove they will return to their home country when applying for the visa. Why would a student come here to study anything if they could be approved instantly without the requirement of the old visa system? Have some people forgotten that the September 11 terrorists came on student visas?

Now the US–VISIT provision. Congress mandated in 1996 the entry-exit system known to us under the acronym of US–VISIT. This program was authorized 10 years ago. It is still not up and running.

The bill says Homeland Security has to give Congress a schedule for equipping all land border ports of entry and making the system interoperable with other screening systems. Why, oh why, aren't they getting this job done? Why does Congress give the agency more time to get this system running? It does not make sense for us to ask for another timeline; it seems sensible just to get it done.

In the final analysis, I am probably only 1 of 15 Senators still in this Senate since the 1986 immigration law was passed, but I was led to believe in 1986 that by voting for amnesty with employer sanctions, we would solve our illegal immigration problem. It just encouraged further illegal immigration. I quantify that by saying it was a 1 million-person program in 1986. Today, it is a 12 million-person problem. And 20 years from now, if we do not do it right this time, it is going to be a 25 million-person problem. You get burned once, but you should not get burned twice or you have not learned anything. In the process, we ought to get it right this time. I don't think granting amnesty 20 years after we made the first mistake is the way to do it.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alabama.

Mr. SESSIONS. Mr. President, I express my appreciation for the leadership of Senator GRASSLEY. He spoke from the heart. He was here during the 1986 amnesty debate. I happened to go back and I saw a summary of that debate. The Members argued on one side saying it was a one-time amnesty; others said amnesty begets amnesty, that if this occurs, there will be more to come. In truth, we see which side has prevailed.

Chairman GRASSLEY has given much insight and wisdom. I hope our Members will consider what he has to say. It is thoughtful, honest, and direct, as always.

I do remain troubled that the Senate is moving steadily, like a train down the tracks, to pass an immigration bill that is deeply flawed. It dramatically increases legal immigration and has no guarantee that significantly improved enforcement procedures will ever be carried out. In fact, the Senate rejected the Isakson amendment which would have conditioned amnesty on effective enforcement. Clearly, we have not comprehended the ramifications of rewarding those who have broken our laws with all the benefits we give to those who lawfully enter, thereby undermining, as Senator GRASSLEY said, the rule of law in this country.

Further, this legislation, which claims to be comprehensive, provides a radical increase in future legal immigration almost with no discussion or consideration of what is good policy for our future. In addition, the legislation has been crafted in a way that hides and conceals, even misrepresents, its real effects.

Thus, I have said it should never pass. I have said that these actions are unworthy of the great Senate of the United States. I have said, and I think correctly, we should be ashamed of ourselves.

What should we be doing? What should the Senate of the United States be doing? We should be working openly and diligently on these issues and should have been for some time. We should be seeking the input of experts and carefully studying relevant data. Certainly we should be consulting with those who have hired us—at least for a term—the American people.

In my view, the American people have been right from the beginning. They have rejected an immigration system that makes a mockery of law, a system that rewards illegal behavior, while placing unnecessary bureaucratic hurdles in the face of those who dutifully attempt to comply with the law. In the decades before the 1986 amnesty and after, they have urged and pleaded with the powers that be to end the illegality, to secure the border, and to develop a system based on the commonsense interests of our Nation. The American people have been arrogantly ignored by the executive branch and by the Congress.

We have failed to fulfill our responsibilities, in direct opposition to the legitimate and clearly stated will of the American people.

In every way, the American people have been correct. They have been motivated by the highest of American ideals, despite what the critics say. They have sought a lawful, wise system of immigration. It is unfair to ascribe to the good American people the words of some frustrated and extreme person whose anger overflows—the talk show callers and the like. That is not the heart of the American people, just because someone mis-spoke on a talk show or in a conversation. What they are saying is legitimate, principled, and consistent with the American ideals. We have not responded to it. We did not respond to it before 1986. We did not respond to it in 1986. We have not responded to it since.

The American people will support a fair and generous immigration policy for the future, and they will support compassionate and fair treatment of people who have come here illegally. They are not asking that they be prosecuted, locked up, or that every one be hauled out of America. That is not so. No one is proposing that in any serious way.

Make no mistake, we cannot treat lightly and it is a grave step to concede, to admit, that the laws of the United States will be ignored and not enforced. During the 1986 amnesty debate, it was argued that amnesty would be a one-time event. People argued that if that were done, it would weaken the rule of law and encourage more people to enter the country illegally, confident that at some day in the future, amnesty would be available to them, too. I ask my colleagues, who was right 20 years ago?

Senator GRASSLEY just told us who was right. He said he believed it was a mistake when he voted for it. Not many Senators have the gumption to come to the Senate and admit they made a mistake. While amnesty just 20 years ago created a legal route to citizenship for 3 million people not here legally, today we are expecting, 20 years later, 11 million and perhaps 20 million people could benefit from this amnesty.

We must acknowledge that when you play around with the rule of law in a nation that expects to be treated seriously, you have done something quite significant. It cannot be altered or undermined without real consequences. Life has consequences. If you pass a law and then turn around and admit you cannot enforce it, with a promise that we are going to enforce it in the future and we are going to allow everyone who violated a law a free pass, what does that say about the future? These are not light matters. If we could do it like that, if we could make this kind of 180-degree turn without consequences, it would be one thing, but life is not that way. We are supposed to be a mature branch of Government of the greatest Nation on the face of the Earth. Surely we know that. Surely we know we cannot do this lightly. I am afraid some have not given enough thought to that.

I wanted to share those remarks at the beginning because we are dealing with huge numbers of people who will be legalized. We will be dealing with a fundamental expansion of immigration, a massive amnesty, large increases in governmental expenditures, and an enforcement promise I am not sure we will ever see occur because enforcement was promised in 1986. It was faithfully and honestly guaranteed by supporters of that bill in 1986, and it was never accomplished.

I will introduce four amendments this afternoon. The four amendments are, first, a numerical limit amendment, an amendment to cap the immigration increases caused by this bill. The numbers CBO and the White House say we should expect include 7 million and their dependents under amnesty. Additionally, CBO and the White House estimate that under this bill 8 million new immigrants will flow into the country above the current level 10 million over the next 10 years. Got that? What my amendment will do is cap green cards at 7 million for amnesty, plus we are going to add 8 million to the current flow in the future.

We think the numbers are higher than that. But that is what the CBO says the numbers are. That is what the White House has trumpeted as the numbers. So at least, I suggest, this Senate should make clear those are the numbers, and let's pass it, so we will not have this danger that the bill will spin out of control or in fact will be much more generous to immigration than some are currently suggesting, even CBO.

Another amendment will be the earned-income tax credit. This would be an amendment to eliminate the earned-income tax credit for illegal aliens and those who have adjusted status under this bill. Once illegal aliens become citizens, they will once again be eligible for the earned-income tax credit. But it is a huge expense, maybe over $20 billion over 20 years.

I will have an amendment to deal with chain migration which has to do with provisions that are continued in current law but are not principled and do not serve our Nation well. If we want to admit more skill-based immigrants, we must reduce the right of immigrants to bring in certain categories of relatives, regardless of skill, regardless of ability to perform.

We will work on those four amendments, and I hope we will be able to get a vote on them. I know people are saying: No, no, we need to move this bill on. We can't go another day. We have to finish this debate. You guys have had your little amendments. The train is moving. Get off the track. We are going forward. And I am already hearing that we are moving in that direction: The debate is going to be limited, and we will have to curtail our legitimate amendments.

I submit to you, the amendments I am offering here are legitimate amendments that go to real issues of national importance, not some technical thing.

My amendment that deals with the total number of immigrants into the United States comports with the estimates of the Congressional Budget Office which has run these numbers. I thought they were low, but that is what they say, and the White House has jumped right on it and said: These are the numbers, and SESSIONS and the Heritage Foundation are all wrong. Their numbers are not good. These are good numbers, so let's just have a vote on it and let's make it law.

They estimate that a total of 7 million illegal aliens and their dependents will be granted status under the bill. Of the 11 million, they say 7 million will be granted status.

Additionally, the CBO and the White House estimate this bill will increase current immigration levels—which are now about 1 million a year legally—by about 8 million over a 10-year period, making total immigration into the United States over the next 10 years nearly 18 million instead of the currently expected 10 million, setting aside those who get amnesty.

Under various provisions of current law, the United States issues just under 1 million—approximately 950,000—green cards every year to people coming through immigration channels legally.

In 10 years, if this law remains the same as today, almost 10 million people will join the United States. Over 20 years, it would be about 18.9 million people—just under 20 million—under current law.

Under this bill that is on the floor today, we have been shocked to find the breadth of the numbers.

Almost 2 weeks ago, my staff and the Heritage Foundation did separate extensive analyses to determine the total number of people who would be coming into America under this bill, if it passes.

At a press conference last Monday—the first time anybody had even discussed it—Robert Rector, senior research fellow at the Heritage Foundation, joined with me to reveal the results of our studies and to shed some light on the future immigration policy changes in the bill.

According to my projections, the bill would have increased the legal immigration population by 78 million to 217 million over the course of the next 20 years. I would note, the current population of the United States today is less than 300 million. So 100 million would be a one-third increase in the population by immigration; 200 million, of course, would be two-thirds of an increase in the population.

Mr. Rector's estimate was within the range I projected—coming in at 100 million over the course of 20 years. I just tried to figure out what the low numbers could be and the high numbers could be. He focused on what he thought the number would turn out to be. He found it to be 103 million people over the next 20 years—one-third of the current population of the United States of America.

So the day after those numbers were released, the Senate adopted an amendment offered by Senator BINGAMAN—I see him on the floor today—which is, I think, perhaps, the most significant amendment we have adopted to date, that capped the number of people who could come into the country under that bill's new H–2C temporary guest worker program at 200,000 per year, not 325,000. And it ended this 20-percent automatic escalator clause.

I say to Senator BINGAMAN, I thank you for your effectiveness on that amendment. And it ended up having a pretty nice vote. But until that time, we had not begun to discuss on the floor of the Senate anything other than enforcement at the border and amnesty provisions. We had not even thought about it. How did they put this in there? How did they come up with an automatic 20-percent increase in immigration for a low-skilled provision of this bill? Who wrote that in there? Did anybody even know it was there?

If my fine staff had not been digging into it, I am not sure it would have been found. Well, the Heritage Foundation also dug into it, but awfully late. The bill had been tried to be pushed through this Senate about a month ago without any debate, without any amendments. They were just going to move that through. So it was a good improvement.

We now expect, after this however, that the numbers are still huge. I project the expected numbers in the next 20 years will be between 73 million and 92 million. Robert Rector has estimated that it will be 66 million over the next 210 years. He didn't include H–1B in his calculations.

So without any growth in the H–1B, the high-skilled visa program, we come in at 73 million. Under the maximum growth, we would come in at 92 million. Current levels, under current law, would be 10 million. Now, that is a big, big deal. It represents a serious policy decision of the people of the United States. And how many American people know we are talking about that? And 92 million is over four times the current rate of immigration in this country—five times really. From where did that come?

So even after Senator BINGAMAN's effective amendment, it is important to remember that both the Heritage Foundation's—Mr. Robert Rector's—projections and mine calculate the bill will still increase current levels of immigration three- to fivefold over the next 20 years. The realistic estimate, I think, is four times the current rate. Is that what we need? Maybe it is. But we sure have not talked about it. Have you heard the American people consulted on that? We already have a pretty generous immigration system, I submit. It brings in a million people a year.

People say: Well, you have lots of illegal immigrants too. That would be 50 percent more, maybe 500,000 a year, as estimated. That is not three, four, five times the current rate.

Last Tuesday, the CBO released its final score of the Senate immigration bill. They estimated that if it passes, it would result in an 8 million person increase in the population over the first 10 years. The precise estimate is 7.8 million, which can be found on page 4 of the CBO score.

This estimated 8 million increase accounts for only future legal immigration caused by the bill. It does not include an estimate for the number of illegal aliens. We are not going to take that to zero, surely. Surely, we will make some progress to reduce illegal immigration, but it is not going to zero.

The CBO estimate for how many in the illegal alien population would benefit from the bill's amnesty provisions is contained in a separate calculation on page 22. On page 22, CBO estimates that 1 million illegal aliens will be adjusted under the AgJOBS provisions, and that two-thirds of the 6 million illegal aliens here for more than 5 years, and 50 percent of the 2 million illegal aliens here between 2 and 5 years, will adjust status under the bill's provisions.

So according to CBO, a total of 6 million illegal immigrants will become legal permanent—permanent—residents under the bill and be placed on an automatic path to citizenship.

Now, the White House, last Thursday, in a press release, entitled "Setting the Record Straight"—OK—wholeheartedly embraced the CBO report and claimed that the 8 million future immigration estimate by CBO is "consistent with most research on immigration issues."

The White House press release also embraced the CBO estimate on the current illegal alien population but stated it a little differently. According to the White House, CBO estimated that about one-third of illegal immigrants eligible for legalization under the bill are unlikely to become legal permanent residents. Therefore, the logical conclusion of this statement is that two-thirds of the eligible illegal alien population will likely become legal permanent residents.

The White House press statement directly implies that the White House does not expect more than two-thirds of the illegal alien population to become legal permanent residents under the bill.

If 10.3 million people have been illegally present for more than 2 years, two-thirds of that number would mean approximately 7 million people now living here illegally will benefit from the amnesty provisions. This estimate—7 million—is 1 million higher than the way CBO lays out the numbers on page 22 of their score.

As the press statement points out, these estimates are much lower than the estimates that Robert Rector or my staff, after extensive review, came up with.

Although I highly doubt we have true numbers from the CBO, I sincerely hope they are accurate, and not mine. It is imperative that the American people, however, be able to trust their Government—particularly those agencies that enforce these laws—when discussing issues such as these. My amendment will adopt the CBO and White House estimates as the realistic result of S. 2611's increases in immigration.

Under the amendment we are offering, the number of green cards that CBO and the White House estimate will be needed will be made available for the adjustment of status provisions and future immigration levels caused by the bill.

First, the amendment limits the number of green cards available under the bill's amnesty provisions to two-thirds of the qualified illegal alien population of about 10.3 million—a total of 7 million green cards.

Second, the amendment limits the increase in future immigration to 8 million above the current level of 10 million over 10 years. Under the amendment, the total number of green cards issued shall not exceed 18 million over any 10-year period, starting with the 2007–2016 10-year period.

Because real numbers of current immigration levels would only reach about 9,500,000 in 10 years, an additional 500,000 green cards are added to the White House's estimate in this amendment.

It is important that we limit the bill's effects to the numbers being used to justify the bill's passage, at least. The American people are much more accepting when they know the numbers we are asking them to believe in. And they are asking us to make sure we tell them truthfully, and that we comply with it. Though I am not in favor of granting amnesty to those who break the law, I believe it is important to hold the administration to its word when enacting a comprehensive reform bill.

My amendment limits the number of illegal aliens who can be granted amnesty under the bill. This limit will in turn limit the potential for fraudulent adjustments of status. It would also say if there were more claiming for green cards under amnesty than projected, and they met all the qualifications, they would get those green cards, but the future flow numbers would be reduced to cover that. Unlike the bill as written, my amendment would allow for a controlled increase in legal migration by placing a cap on the number of green cards that can be issued under the bill's other provisions. The fact is, we cannot admit everyone who wants to come to our country. Unlimited immigration will put a strain on finite resources. Therefore, in addition to properly enforcing our laws and securing our borders, we must put reasonable limits on the number of people who can enter permanently.

Under my amendment, future immigration will be increased by—hold your hat—80 percent, but not as much as the current bill allows, 300 to 500 percent. Eighty percent is too high. We haven't had the evidence to justify that, but I am saying, let's put this up for a vote so when this bill goes through here, we will at least know what the top level is.

This amendment is sensible and responsible. I ask my colleagues to vote for it. Later, I hope to have the opportunity in the debate—I see others, and I won't utilize any more time—to talk in more detail about the earned-income tax credit amendment, the need to reform in a significant way the unprincipled chain migration provisions of the bill, and the H–2C green cards future flow cap for H-2C green cards to be issued.

I thank my colleagues for their time. I urge each one of us to spend some serious time in analyzing the impact of this hugely important piece of legislation that the American people care about, and rightfully so. It is our responsibility to get it right. We don't want to be back here, as Senator GRASSLEY has done today, and say we have made a mistake in 2006.

I yield the floor.

The PRESIDING OFFICER. The distinguished majority whip.

Mr. McCONNELL. I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I rise today because five families in Harlan County in the Commonwealth of Kentucky suffered a devastating and tragic loss this past weekend. As many of our colleagues are aware, an explosion rocked the Kentucky Darby Mine No. 1 around 1:30 Saturday morning.

According to news reports, the blast occurred nearly a mile underground near a sealed-off area of the mine. The force of the explosion was so powerful it caused damage over 5,000 feet up at the mine opening.

Five miners were killed. Their families are, of course, completely devastated, and the entire community is struggling for answers in the face of such a catastrophe, an unexpected tragedy that is so overwhelming it breaks your heart and almost leaves you numb.

There is one ray of light in this otherwise very dark episode. One miner, a man named Paul Ledford of Dayhoit, KY, managed to escape the blast. He was injured but reportedly was still able to walk out of the mine on his own two feet. After a short stay in the hospital, he was released, and I am sure his family is thrilled that he survived the catastrophe.

The Darby mine explosion brings this year's total number of deaths from mining accidents in Kentucky to 10, double what it was just 72 hours ago. Thank goodness Paul Ledford's name is not on that list.

But these Kentuckians' names are: Paris Thomas, Jr., 53, of Closplint; George William Petra, 49, of Kenvir; Jimmy B. Lee, 33, of Wallins Creek; Amon "Cotton" Brock, 51, of Closplint; and Roy Middleton, 35, of Evarts. All were lost in this explosion Saturday.

The Harlan County coroner's report indicates that Amon Brock and Jimmy Lee were killed instantly by the tremendous force of the explosion. The other three survived long enough to put on breathing devices, but still died of carbon monoxide poisoning.

Their loved ones will never forget the last time they saw them before they descended into the mines. Nor will they forget the calamity that, sadly, added their names to this list. Neither should we ever forget them.

The authorities are still investigating the cause of this accident. Some accidents are, unfortunately, entirely unpreventable. But other accidents are all the more horrific because they could have been prevented. When it comes to the second type, this Senate can and must act to prevent them. The list of Kentucky mining deaths is too long already.

I am sure my colleagues, Senator ROCKEFELLER and Senator BYRD, will agree that the list of West Virginia names is too long as well. Every American watched the terrible events at the Sago mine this past January, when 12 miners were killed.

The Senate should act quickly by passing S. 2803, the Mine Improvement and New Emergency Response Act of 2006, of which, I am happy to say, I am a cosponsor.

This measure, drafted by Senators ENZI and KENNEDY, was unanimously reported out of the HELP Committee last week, and the Senate should move expeditiously to pass this legislation. It is the most comprehensive package of miner-safety legislation in a generation. Once it is fully implemented, the brave men and women who descend in the darkness to provide the rest of us with light and heat will have safer working conditions than ever before.

The MINER Act, as it is called, will require mining companies to submit to the Mine Safety and Health Administration, MSHA, up-to-date emergency preparedness and response plans. The plans must be adapted to each individual mine, and MSHA must review and recertify them every 6 months. As conditions change, so must the response plans in order to best protect our miners.

The bill will require the mining companies to put in place state-of-the-art, two-way wireless communications and electronic tracking systems. Mine rescue team response will be both faster and safer.

The bill will require every miner to have at least 2 hours of oxygen on hand and stores of oxygen to be stashed every 30 minutes along escape routes for evacuating miners. Randal McCloy, Jr., the only miner who survived the Sago tragedy, has reported that at least four of his fellow miners' air packs were faulty, leaving the team without enough air.

Given the fact that three of the miners in the Darby mine died with their breathing masks on, it seems the same thing happened yet again in Kentucky this weekend. That is unacceptable and must not be tolerated.

The bill will give the Secretary of Labor new, stronger enforcement powers to ensure the mines are in compliance. The Secretary will have the authority to shut down a mine for failing to meet the Department's orders, and the bill raises penalties significantly for serious violations.

The bill will also clarify that mine safety rescue teams are not liable for any injuries or deaths that may happen due to rescue activities. This is important because up to now, some mining companies have hesitated to have mine rescue teams for fear of being sued. This provision of the bill will ensure the mining companies have the incentive to put a mine rescue team in place.

Finally, the bill will create grant programs to improve safety training, direct studies of safety techniques, and create an interagency group to facilitate the development of new safety technologies and activities.

I understand this may not be the perfect bill. Not everyone has gotten everything in it they want. But it represents the best, most comprehensive approach to this problem in many years. In fact, both the National Mining Association and the United Mine Workers of America have endorsed it. That ought to tell you something right there. These two groups don't agree on things very often, so I am sure my colleagues can see how their agreement is a signal that the MINER Act is the breakthrough that we have been waiting for.

It is too late for us to do anything for the five Kentucky miners who died this Saturday. Right now the healing for their families and that community is happening in Harlan County. I was touched by an article I read today about a memorial service that took place at the Closplint Church of God in Clospint, KY, just 10 miles down the road from the Darby mine. The Rev. Frank Howard led a prayer for the victims' families. He said, "We're a coal community, and we need to lift each other up."

I know the people of Harlan County well. And I am sure of this: They certainly do have the strength to lift each other up in this hour of anguish. And when they need help, they will get it. It will pour in from every corner of Kentucky and beyond.

So we here in the Nation's Capital must also do our part. When this Government acts swiftly and with purpose, we can uplift the fortunes of many who may otherwise be cursed to suffer in despair. By passing this legislation, we can lessen the burden on others who work in the mines and their families by letting them know that we are listening and doing everything we can.

It is my understanding that efforts are underway on both sides to get this legislation cleared, we hope, as soon as tomorrow. But there is one other thing we ought to do. I was looking at the Executive Calendar. I noticed that the

MSHA, the Mine Safety and Health Administration, is without a Director, and not because the HELP Committee has not acted. On March 8, 2006, the HELP Committee reported out an individual from West Virginia to be Director of the Mine Safety and Health Administration. His nomination has been languishing on the calendar for 2½ months. I can't think of a worse time to have MSHA without a permanent Director than now. We have had a raft of coal mine deaths this year in West Virginia and Kentucky. With coal production up and coal prices up, it is a virtual certainty that more and more coal is going to be mined. Therefore, more and more miners will be involved in mining coal. We need a permanent Director of MSHA, and we need to pass the legislation I hope we will pass tomorrow.

I know there has been a hold on the MSHA Director nomination on the other side of the aisle. I have been told that there will be an objection yet again today. But I want to plead with those from the other side who may believe that this is not the perfect nominee—he is the nominee, nominated by the President, reported out of the HELP Committee. If he were to be drawn down and this whole process were to be started all over again, we wouldn't have an MSHA Director for months and months into the future. We need a permanent Director of the Mine Safety and Health Administration.

Bearing that in mind, I ask unanimous consent that the Senate now proceed to executive session for the consideration of Calendar No. 553, the nomination of Richard Stickler of West Virginia to be the Assistant Secretary of Labor for Mine Safety and Health; provided further that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

Before the Chair rules, as I have indicated already, let me say again, this nominee has been reported out of the HELP Committee. He has been on the calendar since March 8 of this year. MSHA is without a permanent Director, and I would hope that my unanimous consent request will not be objected to.

The PRESIDING OFFICER. Is there objection?

Mr. BINGAMAN. Mr. President, on behalf of the Democratic leader, I have been requested to object, and I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, if the Senator from Kentucky will yield for a question, just a few years ago, not long after 9/11, we had the Brookwood mine disaster in Alabama, where 13 miners lost their lives. Basically, like the firemen in New York, they were responding to help someone in need, another miner that they believed needed help in an emergency, and lost their lives in a rescue attempt. It was a very emotional time for me and the families and the town. We were joined on that occasion at the Brookwood mine area by the Secretary of Labor, Elaine Chao. I want you to know how proud I was of her that night. She went over to the union hall.

She had to be up at 5 o'clock the next morning to catch a flight. But she stayed there almost 2 hours meeting and talking with the victims of that disaster. I was able to call just Friday several family members and others who were involved in that to tell them of the passage of this piece of legislation out of committee. They were very excited about it—a lawyer for the union official, families of people who were killed in that disaster. As the Senator said, the price of coal is up. The demand for energy is up. We are going to be doing more mining. This legislation will clearly be a step forward into making those mines safer. I thank him for those comments. I hope we can move rapidly.

Mr. McCONNELL. Mr. President, before yielding the floor, I thank my friend from Alabama. I hope this legislation will clear the Senate sometime tomorrow. I know people are working on both sides of the aisle to get it cleared. It should not be controversial. After all, it came out of committee unanimously. It is supported by the National Mining Association and the UMWA. We need to get that bill passed.

I hope, also, we can get a permanent Director of MSHA. It is without a permanent Director at a very important time in the life and safety of our Nation's coal miners.

Mr. SESSIONS. Mr. President, I certainly agree with that. I just ask that when the Senator gets home tonight, he thank the Secretary of Labor for the good work she has given to the committee in helping us pass this legislation.

Mr. McCONNELL. Mr. President, I yield the floor.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

The PRESIDING OFFICER (Mr. CHAMBLISS.) The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I want to speak briefly this afternoon about two amendments that I intend to offer, and I hope can be favorably considered by the Senate before this bill is completed. The first will just take a moment. It relates to forestry workers.

This is amendment No. 4055. It would make H–2B guest workers who are invited here to work in our forestry sector eligible for limited legal aid. I believe this amendment should be noncontroversial. Under current law, agricultural guest workers are eligible for legal aid with respect to employment rights provided for in their H–2A contract. This amendment would provide H–2B forestry workers with the same eligibility for legal aid. We have had hearings in our Energy Committee on the issue. We had a recent hearing where we heard that making H–2B forestry workers eligible for legal aid is the single most effective thing Congress could do to address the problem of exploitation of forestry workers.

These guest workers have been asked to come to the United States because of a labor shortage that was certified by our Government. They are here legally. They pay U.S. taxes. Currently, the law prohibits legal-services-funded organizations from providing them with any legal aid to enforce their rights under their guest worker contract. The amendment would correct this issue, and I hope that this amendment can be adopted when it is appropriate to take action on it.

Mr. President, I also want to talk about another amendment which goes to the issue of the number of employment-based immigrant visas admitted each year—the number of employment-based immigrants that we admit each year under the current version of this immigration bill as it stands in the Senate today. Let me first describe the big picture as I see it, as far as people becoming legal permanent residents under our laws.

First, let me preface this entire discussion by saying that none of what I am talking about relates to the people who are here on an undocumented basis today. There are other provisions of the law that apply to them and that give them rights under this proposed legislation to adjust their status and become legal permanent residents at some stage down the road. So that is separate. I am not in any way talking about that. I know that has been a subject of great controversy in the Senate and in the Congress in general, but that is not the purpose of my proposed amendment.

When you talk about people who are not here illegally today, there are basically two major ways that a person can become a legal permanent resident under our immigration laws. The two ways are through the family-based visa program or through the employment-based visa program. This chart shows the numbers that have been admitted into the country up until the end of 2004 through the family-based and employment-based programs combined, under both of those. You can see that those two together—it comes out to somewhere around 800,000. That is a total annual figure I am talking about for people coming and getting legal permanent residency through both of those major avenues.

Now, this legislation we are talking about would, according to the Congressional Research Service, substantially increase those numbers. You can see that their projection—and this is an estimate because, in fact, we are eliminating some caps that have been in the law previously, and I will discuss that in a minute. But these estimates from the Congressional Research Service are that we will get closer to 2 million legal permanent residents that we are accepting each year under this legislation. So that is the overall picture.

The amendment I am talking about does not try to deal with this entire picture. It just looks at the employment-based legal permanent resident visas.

Let me go to a different chart in order to describe the concern I have. Current law says there is a cap of 140,000 persons, or 140,000 visas, that can be issued under the employment-based LPR categories of our laws. That has been the case now for some time—140,000 per year. This includes family. These are people who come here and seek legal permanent status in order to take work. But it also includes their families. Each member of the family, of course, uses a visa as well. So the total number of employees under this system, and family, spouse, and children, does not exceed 140,000. That is what the law currently provides.

Now, when Senators MCCAIN and KENNEDY—this is my understanding of the history, and I am sorry that neither Senators MCCAIN or KENNEDY are here so they could correct me in case I misstated anything, but my understanding is that they concluded that we needed to reform the law, and part of the reform that we should adopt was to clear out the backlog and make more room for additional immigration under this employment-based LPR system. I agree with that. Clearly, that is one of the purposes of this legislation and one of the effects of this legislation.

They set out to do this in several different ways. Let me mention the three main ways that they set out to do it. First of all, they said let's clear out the backlog. By that, it is meant in the legislation that any visa that was available to be issued in the last 5 years that was not issued because the immigration service could not get the processing done—that any of those visas would be once again made available. And the estimate we have from the Congressional Research Service is that there are about 140,000 of those.

So we are going back for the last 5 years and saying: OK, are there visas that should have been or could have been issued? Let's bring those forward and issue them and make them available again. Clearly, I support doing that.

They also said: OK, in order to help clear out the backlog, we need to encourage some groups to come here and exempt them from any of this cap. This idea that we only allow 140,000 people to come should not apply to people we are particularly interested in bringing to this country, for whatever reason. One idea is to allow students who come here to be exempted from the cap so they can remain here and become legal permanent residents—scientists, technicians, engineers, people with careers in mathematics. We need those people to create a strong economy. Let's allow them to come.

They said also let's eliminate some of these schedule A groups; that is, people who have specialty occupations we need to bring here. So let's take them out from under the cap. Again, I have no problem with that approach.

The one other thing they said, which is a major change in the law—this was the bill they introduced last May, the McCain-Kennedy legislation—is that we should raise the cap, that we have outgrown that. Let's raise it to 290,000, so the total number of people who are being allowed to come each year—employees and their spouses and children—will be 290,000, in addition to the ones permitted to come because of our bringing these visas forward from previous years and in addition to the people who come not subject to any cap at all.

That is how the McCain-Kennedy legislation was introduced. Frankly, my own reaction was that it sounded like a fairly reasonable approach. Then the Judiciary Committee decided to proceed with legislation, and the Judiciary Committee began to mark up the chairman's bill—Senator SPECTER's bill—and as I understand what occurred there, and in reading the record of those hearings, the Specter bill agreed with the effort to clear out the backlog that I have described, agreed with the effort to exempt certain groups from the 290,000-person cap. It agreed to keep the number 290,000, but they changed the definition of what the 290,000 applied to.

Under McCain-Kennedy, it had been a cap on the number of workers, along with their accompanying family members. Under the Specter legislation, it was defined as a cap on the workers themselves, and there was to be no cap on the spouses and family members.

If you look at this chart, you can see the progression. Current law is the first column. The second column is S. 1033, which takes it up to 290,000. Then the third column is the one that is the chairman's mark that was marked up and reported by the Judiciary Committee, and that is the one that keeps the 290,000 but says: OK, on top of that we are going to allow spouses and family members.

On this chart, you see an estimated 638,000. The reason I put that in is because the Congressional Research Service was asked how many spouses and family members they expect to come along with these people? They said, looking back at past history, they estimate perhaps at least 1.2 people per employee. So you would be talking about 638,000, roughly, under that legislation. But that is an estimate. This is the first time we have not had a cap. We have an estimate instead of a cap. So the obvious question we have to deal with is whether that is the right level.

As we all know, the legislation that came through the Judiciary Committee was changed once it got to the floor, and we then began to work on what is called the Hagel-Martinez legislation. That is the legislation pending today. That is the legislation about which we are having a great deal of discussion.

Let me recount what the Hagel-Martinez legislation does. That is the fourth of these columns. The Hagel-Martinez legislation says that we agree with the proposal to clear out the backlog, just as McCain-Kennedy did. They are saying they agree with the proposal to exempt certain categories from the cap. That was also in the McCain-Kennedy proposal. And they agree with the Specter proposal that the definition of who should be covered should not include spouses and family members. But they also believed the 290,000 was too low a figure, and they raised it to 450,000. What we have now is 450,000 workers permitted to come and no limit on the number of spouses and family members who can accompany them. That is the legislation pending before us. That continues under the bill, as it is before us, for a 10-year period, through 2016. After 2016, for the period from then on, it drops back to 290,000, plus their spouses and family members, rather than the 450,000.

Why did Hagel-Martinez insist upon going to this 450,000 instead of 290,000? That is the obvious question. They did it for a very logical reason. They did it because they were providing that a certain group of those who are currently in the country—that is, people who have been here at least 2 years and fewer than 5 years—that group of individuals would have to go through this same system, so they had to increase the amount of that cap as they saw it.

What I am suggesting we ought to do first and what my amendment will propose, once I have the opportunity to offer my amendment, is we should put a cap on the total number of people we are allowing into the country under this employment-based legal permanent residency visa program.

We have always had a cap on the number of immigrants coming into this country on an employment-based system. We have done that now for well over half a century. I think we have done it for over a century. I think it would be a fairly radical change for us to say we are giving up on having any cap on this group and instead we are going to an open-ended system, and we will work on estimates.

Part of the debate we have had in the Senate, frankly, is the result of the fact that we don't have a hard cap for how many people will actually be admitted each year. I believe that is not good public policy. It is not fair to the Immigration Service, which has to plan for the number of employees they will need and the number of applications they will receive each year. We are much better off having a cap.

I also believe we should make it clear that whatever cap we have on this group excludes those aliens who are adjusting their status because they have been here from 2 to 5 years. If they are in that category, they should not be counted in the numbers we calculate.

My amendment would try to exclude that group and would basically otherwise take the numbers that are estimated by the Congressional Research Service and say: OK, let's go ahead and put a cap, and let's make it a 650,000-person cap each year. That is slightly more than the Congressional Research Service estimated would be required or would be expected to apply. It is a substantial increase over current law, more than four times, nearly five times the current level. It is substantially more than twice what Senators McCAIN and KENNEDY proposed in their legislation.

I think, frankly, it would be a major liberalization of our laws. I know there are those who will argue that we shouldn't have any cap at all, but I think that is not a wise course. This legislation will be improved if we can assure our constituents that we have a cap on the number of people who are coming in under this employment-based system. That is what the amendment will do.

I hope to be able to explain it further when we get closer to actually offering the amendment. I am told we cannot offer an amendment today. This would be a very useful change and improvement in the pending legislation.

I hope my colleagues will take the time to look at this issue and will educate themselves on what the effect of the current proposed legislation would be and the reasons we should put some cap on that number. I believe it would be a wise course to follow.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I compliment the Senator from New Mexico. He has approached this very contentious and very complicated issue in a very thoughtful way, looking at realities and numbers. I appreciate his observations today. His proposal, and an amendment he offered that was adopted last week, changes the numbers. I am not going to stand here on the floor as an advocate of the legislation and suggest we have gotten it right, but we spent a great deal of time attempting to get it right, recognizing the importance of the migrant labor force inside the American economy and, at the same time, recognizing the wishes of the American people to make it a transparent legal process with secured borders. That is what they are asking of us. I hope, as we finalize this legislation this week, that is the outcome of it before we send the bill to the President for his signature.

I have come to the Chamber this afternoon to talk once again about an issue that is before us. The Presiding Officer is the author of the amendment. Again, it is one that, in part, is a bit technical. I suggest this afternoon in my opposition to the amendment that it is predicated on what I hope are appropriately the unforeseen consequences of this amendment and the impact it would have on American agricultural employment.

Last Thursday night, Senator CHAMBLISS opened the debate on his amendment, and I talked about its impact on the users of the H–2A agricultural guest worker program. To get right to the bottom line, my argument is that the Senate should keep the provision that is in the bill now and deny Senator CHAMBLISS the success of his amendment. Why? A deal doesn't necessarily have to be a deal, but at the same time, over the course of the last 4 years, in negotiating with agricultural employees and agricultural employers, we attempted to bring some rationale to a method of compensation under the H–2A program that simply in most opinions was out of touch with reality. It was escalating on an automatic basis every year, and it simply was not fitting the need, especially when more and more in agriculture were illegal and were not under that program.

Now a small minority actually, some 40,000-plus a year, are under the H–2A program and identified with the wage set by that program. It is possible—and we are not sure—but a million-plus are not and are simply out there in the marketplace bidding for a salary that, in most instances, is below the H–2A adverse wage that is proposed.

So what did we do? Recognizing that disparity, we reached back, with the agreement of all of the parties involved, and said that one of the pieces of getting this puzzle right was to freeze that wage in 2003 at the 2002 level, and that is what is in the bill. So that pushes that wage scale back substantially for a period of 3 years while we look at what Senator CHAMBLISS has attempted to do in his legislation in developing a prevailing wage for American agricultural employers and employees that fit into this guest worker category.

I don't know that we, with all of the different categories of wages, can automatically put it all under one at this time. Of course, that is what the Senator attempts to do. The agriculture section of S. 2611, as I said, immediately drops that wage down, and then over a period of 3 years, we look at it and adjust as the program is adjusting because we are not going to have everybody inside the program once it becomes law for a period of several years as the program adjusts and as we work our way through and people begin to qualify under the blue card system that we proposed to become legal workers and have permanent visas for the purpose of moving back and forth across the border as guest workers to work in American agriculture.

What I have attempted to do and what I am attempting to understand is what in the bill is now the best deal for American agriculture. That is one reason I believe a vote on the Chambliss amendment is not a good deal for American agriculture at this moment. But that is not the only reason. Let me talk about the rest of agriculture, the million-plus who will now be affected by the Chambliss amendment if it is to become law, because I see that as the rest of the story, and the rest of the story deals with the blue card and the blue card transitional program, the earned status which is a part of the whole of this program. It isn't just a matter of putting in a wage; it is a matter of how that wage ultimately affects the transition into a blue card status.

We have done a pictorial chart tonight that I think better explains what we are talking about.

We believe the blue card built within the agricultural jobs is that transitional tool which allows American agriculture to cross the chasm, if you will, and allow a reformed H–2A program, a guest worker program, to come into being. It won't happen overnight, but it will happen under the law, and it will happen with a wage scale that is pushed back as we make sure we get it right. That is under the reform program.

The second part of the agricultural jobs is a one-time-only program, right here, a blue card. It will last for a specific period of time while we are transitioning the illegals here today into a legal status so they can continue to work and move back and forth across the border in a guest worker program.

The blue card program is a critical piece of the agricultural job solution. It is an essential transition program. Let me repeat, agriculture needs this blue card if we don't want to throw it immediately into havoc because agriculture, whether we like it or not, based on an H–2A law that didn't work at all well and a very transparent border, has grown increasingly dependent on an illegal workforce. There are no wage requirements for blue card workers in the bill. It is only the 40,000-plus H–2A we shove back. They are paid whatever the farmer is paying, whatever the current wage is in the area, and other workers are gaining. And those wages would differ from place to place and job to job, farm to farm.

What the Chambliss amendment does, however, is it says that blue card workers must be paid a prevailing wage. It pushes the base up substantially. The Chambliss amendment doesn't just deal with the wages of the H–2A program, the 40-plus, it applies the same fix to every farmer who employs a blue card transitional worker.

Now, why is that significant? Here is why: By definition, the prevailing wage is neither the lowest nor the highest wage; it is just about in the middle or between the two. It is the 51st percentile in wages. So even if a farmer is paying a lower wage for a particular job, if he hires a blue card worker, if the Chambliss amendment becomes law, he is going to have to pay the blue card worker a higher wage than he is currently paying today. And if the Chambliss amendment is adopted, the lower 50th percentile of wages, that is the figure that becomes the calculating base for the next year. While you freeze for 3 years and let the wage scale work as it is, the Chambliss amendment begins to ratchet the wages up, setting them at a 51st percentile level. I don't think American agriculture has that one figured out yet.

What could ultimately happen is that we lose the value of the transition of the blue card, especially when it comes to vegetable crops and crops that can move very quickly out of this country that aren't mechanized and are labor intensive. Already, we are beginning to lose those farmers because the worker isn't there. If all of a sudden that wage scale shoots up under the Chambliss bill, as I propose it will, to a prevailing status, my guess is not only will you not have the worker but you will not have the producer out there in the field simply because they will not be able to afford to pay that wage in a competitive way. More and more of our production, tragically enough, I believe will go south of the border in some of these areas. Much of that production today happens outside the United States.

So I think when we are talking about what sounds like a good idea, we better put it in the context of what the bill is really about; that is, the transitional time of 2 to 3 years of blue card workers who are in the market today working at a variety of wages, depending upon the particular job, the particular type of agriculture, and all of a sudden establishing a whole new wage base substantially above where they are being paid but, as the Senator from Georgia would argue, below H–2A. But remember, once again, only about 45,000 workers are in H–2A, and there are well over a million who are all of a sudden going to be affected by the blue card status and by the Chambliss amendment. So it is tremendously important that we bring this into context.

Now, that is not going to be just a couple of workers, as I said. That is nearly 70 percent of the current agricultural workforce we believe to be undocumented. Not all of those workers are going to qualify for the blue card program, but a lot of them will. Our blue card program envisions that it could go as high as, over a 3-year period, 1.5 million, and if I am not mistaken, those higher wages won't be limited to the blue card worker.

But what the Senator from Georgia is doing is setting a new, higher floor for all agricultural employment. Somehow, you are talking about inflating the wages of a large percentage of the American agricultural workforce. I am not against higher salaries. I am for a fair salary. What I am concerned about in particular is labor-intense areas, and those crops will simply cease to exist and they will go south of the border, to Chile or somewhere else. In areas of agriculture that are highly mechanized, there will be limited to no effect. And it is that which I believe we have to put into context.

So what is the result? The result is that employers, in my opinion, won't be able to afford blue card workers. Is that the intent of the Senator from Georgia? I don't think so, but I believe it is the unintended consequence we are talking about and something I think my colleagues need to understand.

Part of that was the discussion over the last 4 years. This is something which didn't just come up yesterday. There were 4 years of negotiation between the employer and the employees as to how to get an H–2A wage right. We had the adverse wage for a lot of reasons, such as because of where agriculture was located and because housing wasn't available. There were a lot of things that were brought into that discussion. We know our country has changed since the creation of the first H–2A law. And while there are still other benefits tied to the wage, that is why we could effectively negotiate rolling that wage back and allowing American agriculture and the employers in American agriculture to effectively look at what we were doing and strike the kind of balanced margin that is necessary.

What happens? What happens if the blue card is removed? I am going to argue tonight that the Chambliss amendment has the effect of removing the blue card substantially because it inflates that lower wage base significantly. What happens if it is removed? The bridge that is the chasm we cross as we transition with American agriculture into a legal—a legal—guest worker program goes away. That is what I am worried about, dramatically worried about, and that is why I am urging my colleagues to vote against the Chambliss amendment because I think if that goes away, there is no transition. Within a very short time, even under tight labor conditions today, because our borders are getting tighter and because of shifts in the workforce, this drives that workforce even further out of the ability to be hired by much of American agriculture. I think it is tremendously important that we look at all of that and understand it.

Here is something else that is ironic. The Chambliss amendment creates a federally mandated wage base for American agriculture. Some will argue that we have done it in a couple of other areas, but most of us will say the market ought to work. It was only in the unique status of H–2A that we had a different kind of wage base. I will argue today, and I think appropriately so, that we are setting an entirely new standard for 70 percent of the American workforce. Instead of allowing us to make sure that it fits right in the program, looks at the diversity, looks at the kind of representation that is reflected all over the United States when it relates to where you are working, how you are working, the type of work you are doing—is it piecework, are you doing it by the amount produced instead of by the hour of work—all of that kind of thing works today, and I am not so sure it is not effectively distorted by the proposal which is being offered by the Senator from Georgia.

That is why I hope my colleagues would stay with us and stay with what is in the bill and in the provision that we call AgJOBS, that rolls back—on 40,000-plus workers qualified under the H–2A program, rolls their wage back to the 2002 level, freezes it for 3 years, while the Department of Labor, working with American agriculture, can get this right because I am convinced that the unintended consequences of now mandating a Federal floor, if you will, to American agriculture is not where we want to go.

If we want American agriculture to transition across this chasm, to get its workforce legalized, as it wants and as the Senator from Georgia and I want, then we have to make sure the transition which allows that to happen effectively uses this tool, the blue card, which will allow that kind of transition to go forward in a way that causes us to adjust.

We can't take the blue card off the table. I will argue that in the end, if the Chambliss amendment passes, we have taken that worker out of the workforce. That is not going to be good for American agriculture. That is not going to be good for the crops that are rotting in the fields today if, by that action, we now have a Federally mandated prevailing wage which brings that wage rate up across the board in a way that disallows American agriculture from being competitive.

I believe those are the critical points involved in the difference between where we are and where we know we need to get. We need to get there in a way that allows the worker to be treated fairly, the producer to be treated fairly, and most importantly that we have an available, legal workforce to meet the needs of American production agriculture. That workforce is at risk today, and with the passage of the Chambliss amendment, significantly changing the base rate, it will be at even greater risk as production agriculture looks where it needs to farm to be competitive in a world market. It may not be on the soil of this great country, and that would be the wrong thing for us, the wrong thing for our country, and certainly for our consumers. So I hope my colleagues will look at that and consider it as we deal with this issue.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Georgia is recognized.

Mr. HARKIN. Parliamentary inquiry, Mr. President.

Mr. CHAMBLISS. I am happy to yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, my inquiry is, is the Senate under a unanimous consent agreement that it would go from one side to the other in this debate or is it just jump ball? It is just whoever gets recognized by the Chair to speak?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. I thank the Presiding Officer.

Mr. CHAMBLISS. Mr. President, I appreciate very much the arguments made by the Senator from Idaho, but there are a couple of very obvious faults in the argument relative to the wages farmers should pay to the folks who work for them.

First of all, the adverse effect wage rate, which is in the current law and is in the current bill, and is supported by Senator CRAIG, is the only provision in the labor laws of this land that uses the adverse effect wage rate, and we both recognize that this is a flawed system. By his own admission, the Senator from Idaho recognized it, and I recognize it. It is a flawed system because it was never intended to be used by the Department of Labor as a means by which wages would be set. So my response to that is, let's take what all other labor laws utilize in determining wages, and that is a prevailing wage.

You come up with a method whereby the skills that are attached to the individual laborer, the location where that laborer is going to work, and the type of job for which that person is to be hired determine how much that person is going to be paid. What happens now is there is simply a rollback in the current bill of the adverse effect wage rate to the year 2002. That is 4 years ago. And by rolling it back 4 years, there is an admission that there is a significant problem there.

I don't want to misquote my friend from Idaho, but the other night, Thursday night, when we were arguing about this on the floor—I might add, in a way that moves both of us to the same conclusion, which is to make sure we provide that quality workforce—the Senator from Idaho said that at the end of the day, what he wants to get is a prevailing wage. I am going to talk about that again in a minute. But if we want to get to a prevailing wage, let's get to it now.

Mr. CRAIG. Would the Senator yield?

Mr. CHAMBLISS. I am happy to yield.

Mr. CRAIG. Mr. President, I don't think he and I disagree. My concern is you are affecting 1.5 million workers by your immediate action, and I am affecting 40,000-plus in rolling them back. And we are giving a period of transition of 3 years to get right what you have proposed. My concern is that in getting right what you proposed, you have an immediate effect on the next phase of agricultural jobs, and that is the transitional period of time in qualifying the blue card worker to become a permanent worker or a permanent legal worker, and that immediately inflates the wage base. And then immediately upon inflating it once, you inflate it again the next year and the next year because you have lifted the base, ratcheted it up by each year's calculation. I think that is a very legitimate concern. So I ask you, is that not the impact of what you do? I am affecting 40,000-plus; you are affecting 1.5 million.

Mr. CHAMBLISS. I reclaim my time, Mr. President.

Here is the deal. The deal today is that a farmer in America, wherever he may be, whether he is in Idaho or Georgia, who goes out and hires workers to come here legally, pays the adverse effect wage rate. In my State, that happens to be about $8.37 an hour right now. In addition to that, they pay for their transportation, they pay for all their consular fees, they provide housing, so the $8.37 an hour is a little bit misleading. It is actually more in benefits than that. The neighbor next door to that farmer, which is that category of blue card worker that you address in your comments, he is paying probably $5.15 an hour to that individual. So the farmer who is trying to be legal is paying a fair wage rate, or paying a wage rate with benefits that is significantly different than the gentleman that he is competing with on the farm next door.

What the proposed legislation does is continue that difference. It takes those individuals who are here illegally today and says we are not going to guarantee them the adverse effect wage rate or the prevailing wage rate. We are going to continue to treat them as a second class citizen, and we are going to allow farmers who use them to have an advantage over farmers who use legal workers.

All my amendment says is that everybody ought to use legal workers. We ought to give farmers across America the opportunity to choose from a pool of workers to plant, tend, and harvest their crops. During the whole course of the time that they are here in a legal manner, working under that contract, before they have to go home, we want to make sure they are paid a fair wage. That wage is determined as the prevailing wage rate by the Department of Labor, and it is based, again, on the skill of that worker, on the job for which that worker is hired, and on the wages that are prevailing in the area in which that worker is hired. That is exactly what my amendment does.

We don't eliminate the blue card. You still have the blue card. The folks who hire blue card workers under the current bill are going to have an advantage over those employers, those farmers who have been legal and utilized H–2A and who want to utilize H–2A in the future.

It is a very skewed way of arriving at a wage rate that we both agree upon. The question is, How do you get from today, from May 22, 2006, to a prevailing wage rate?

I say let's do it now. What the underlying bill says is let's take 35,000 or 40,000 workers who are here currently under H–2A, and let's allow them get to a prevailing wage rate down the road, within some certain period of time. But let's take this other 1.5 million and let's keep them depressed. Let's let farmers who hire that blue card worker continue. And it is not going to go away. You better believe they will be here working because they are going to pay them a lower wage rate. It is not fair.

My amendment is all about fairness, and it requires farmers to pay a reasonable wage rate. They don't mind paying a reasonable wage rate to get an honest day's work out of an employee.

This amendment is not about numbers either. We had a lot of discussion the other night about numbers which, frankly, were developed by the American Farm Bureau. The American Farm Bureau has access to every farm in America. They have the ability to come up with what are the wage rates that are being paid by every farmer in America. That is how we arrived at our numbers. It is not about how Senator CRAIG arrived at his numbers for the adverse effect wage rate. That is not an argument on our part. This amendment is simply about fairness.

The AgJOBS portion of the underlying bill is simply not fair. It is not fair to the employers across the United States, and it is not fair to those who work on our farms—whether they are illegal, whether they are in a temporary worker program, a legal permanent resident, or a U.S. citizen.

Why? Because the underlying bill provides wage guarantees only to those foreign workers who come in under the temporary H–2A program. At present, those workers do number in—I don't know whether it is 35,000 to 40,000 or 45,000 to 50,000 this year, but that is the range it will be. The 1.5 million workers who will be legalized under the AgJOBS blue card program do not receive a wage guarantee. This is a tremendous flaw in the AgJOBS bill, in my opinion. If these blue card workers are willing to work for $5.15 an hour, then that is all their employers have to pay them. Those folks who are here legally are going to be required to be paid the adverse effect wage rate, which is significantly above that minimum wage rate of $5.15.

What is ironic to me is that these workers, whether here on a blue card or on a H–2A visa, are essentially the same. Most come from the same country, Mexico; and many from the same villages. Most are here because of the poverty that exists in their home countries. All are here to earn money to support their families and improve the quality of their lives.

Many will work in the same occupations. Shouldn't they be treated the same? I believe they should. Under the AgJOBS bill, they are not. The distinguished Senator from Idaho might argue that they are different and should be treated differently. He does, in a way, say that because those who are legalized with the blue card program will be here permanently. However, legalized blue card workers do not have permanent status. The blue card program simply allows these legal workers to stay here, employed in agriculture, until they meet all the requirements for legal permanent status.

No one can calculate how many of these transitional workers will ever become legal permanent residents. Until they achieve legal permanent resident status they should be considered temporary foreign workers and treated similarly.

From the employer's side, no difference exists between employers who utilize the H–2A program and those who use the blue card program. This applies across the board to all commodities produced and livestock raised production methods and for their need of dependable workers. There is a major difference though. H–2A workers, many of whom have been coming to the same employers for years in this country legally—the vast majority did not bring their family members, and they returned home at the end of their periods of employment, just as the law requires.

These H–2A workers were not exploited while they were here because the employers played by the rules. Playing by the rules was expensive. The adverse effect wage rate is expensive. But those employers did it to their competitive disadvantage with a neighbor who employed illegals at a significantly lower rate, who did not pay the transportation costs of those workers, and did not provide those workers with housing.

On the other hand, illegal workers who will benefit from the blue card program broke our laws when they came here, even though they came here for the same reasons as the H–2A worker. The employers who hired them, perhaps some out of absolute necessity—and I understand that—but, by doing that, they also broke our laws. Regardless of the circumstances under which those illegal workers are employed in agriculture now, I would be willing to bet that many were exploited, underpaid, and indentured along the way.

That is why I do not understand why the underlying bill fails to protect the illegal workers, who adjust their status, and guarantee them a fair wage.

I also don't understand why the AgJOBS bill fails to protect U.S. workers who do farm work by neglecting to require employers who use foreign labor, whether they access via the H–2A program or the blue card program, to pay all workers in that occupation a prevailing wage.

Mr. CRAIG. Will the Senator yield on that point?

Mr. CHAMBLISS. I will be happy to.

Mr. CRAIG. Inside the AgJOBS Act there is a U.S. labor pool established. They would pay the going wage. They have to make sure that pool is exhausted so U.S. citizen agricultural workers are protected. You go there first before you go to hire a blue card worker or a H–2A-qualified worker.

I hope the Senator understands that they are protected in that sense, as it relates to making sure that they are the first in line, if you will, for a job that is available if they would choose to work in that field at the wage that exists at that point.

Mr. CHAMBLISS. I guess the question is, though: How many U.S. workers are out there who do take advantage of that now, or would in the future? I think you and I both know the answer. It is minimal at best.

Reclaiming my time—I am about to run out of time.

Mr. CRAIG. OK.

Mr. CHAMBLISS. We are going to have our time split at 5:15. Agricultural employers who utilize blue card workers must only pay the blue card workers the minimum wage and are not required to pay U.S. workers any more than the minimum wage. I think we can agree on that.

The H–2A program requires that employers who utilize H–2A pay all workers in the same occupations in which they employ H–2A workers the same wage guaranteed to every other H–2A worker.

Throughout this immigration debate we have heard that widespread use of foreign workers will depress wages and that employers will reject U.S. workers in favor of foreign workers who are willing to work for less. In fact, the Senate passed by a voice vote an amendment that was put forward by the distinguished Senator from Illinois, Mr. OBAMA, addressing this very issue.

Rather than trying to make the same argument that Senator OBAMA made, I simply want to quote him because it was on the same issue of prevailing wage for another program, the H–2C program. Here is what he said. It was a very good explanation. Senator OBAMA said that his amendment essentially says:

> . . . the prevailing wage provisions in the underlying bill should be tightened to ensure that they apply to all workers and not just some workers. The way the underlying bill is currently structured, essentially those workers who fall outside of Davis-Bacon projects or collective bargaining agreements or other provisions are not going to be covered. That could be 25 million workers or so which could be subject to competition from guest workers, even though they are prepared to take the jobs that the employers are offering, if they were offered at a prevailing wage. My hope would be that we can work out whatever disagreements there are on the other side. This is a mechanism to ensure that the guest worker program is not used to undercut American workers and to put downward pressure on the wages of American workers.

That is exactly what I am saying because, if we have a prevailing wage, American workers are going to be more inclined to take those jobs rather than blue card workers coming in and being willing to take $5.15 an hour. That is exactly what is going to happen if we set the prevailing wage, which is where it ought to be, rather than utilizing your blue card program, which is going to wind up in millions, or hundreds of thousands of agricultural workers being hired at minimum wage.

Let me close by saying, here is the reason that the adverse effect wage rate is so skewed. This is the chart that shows which States are used in calculating the adverse effect wage rate. In my case we use the southeast region: Alabama, Georgia, South Carolina. A farm worker job, or a worker at the State farmers market in Atlanta, GA, is compared to the same agricultural worker at the farmers market in Thomasville, GA. They are 225 miles apart. One is a very urban area, Atlanta, GA. The other is a very rural area, Thomasville, GA. It is pretty easy to see why the Senator from Idaho says this is a skewed way to calculate wages. With that we agree.

The prevailing wage rate method of calculating wages says individuals who work at the farmers market in Atlanta will be paid a wage comparable to other farm workers in the Atlanta area. That wage earner in Thomasville, GA, will receive a wage that is comparable to agricultural workers who are paid in the Thomasville, GA, region.

I am prepared to yield back, assuming that we have approached the hour where we are going to divide these last 30 minutes?

The PRESIDING OFFICER. Under the previous order, the time until 5:30 shall be equally divided between the Senator from Georgia and the Senator from Massachusetts or his designee.

Who yields time?

Mrs. FEINSTEIN. Mr. President, I have had an opportunity to listen to the discussion between Senator CRAIG and Senator CHAMBLISS on this provision of AgJOBS which we put in as part of the blue card. I congratulate Senator CRAIG on one of the most colorful charts that we have seen.

The labor provision of this bill is a compromise that was negotiated. I think it makes sense to leave it that way. It is left that way for 3 years. This has been the subject of long negotiations. After many attempts to try to find the right balance, Senators Kennedy and Craig struck an agreement that was supported by both growers and farm workers across this Nation. That is the language in this bill.

Under AgJOBS, H–2A workers are paid the greater of the prevailing rate or the adverse effect wage rate. As Senator CRAIG has said, the standard is frozen at 2003, and growers will be required to pay the prevailing wage, or what the adverse wage rate was over 3 years ago. The compromise states that this will be the wage rate just for the next 3 years. And during that time, the GAO and a commission of agricultural and labor experts will perform two studies examining H–2A wage rates and making recommendations to Congress. If at the end of the 3 years Congress fails to enact a new adverse effect wage rate, the adverse effect wage rate would be adjusted by the cost of living.

While changing AgJOBS isn't, alone, a disqualification, I think we have to be very careful before we upset what has been a very carefully crafted compromise that is supported by a broad coalition of Members from all sides of the debate.

If I might, I would like to ask Senator CRAIG a question. Since he was the one who negotiated this, is it not true that this is a broadly agreed upon solution for both farm workers as well as growers?

Mr. CRAIG. I believe it is fair and balanced. The reason it is is because we pushed a wage scale that is already there back 3 years. We do it this time to get right what the Senator from Georgia has proposed. He has shown the disparity that already exists out there—and it exists in all formulations when it relates to agriculture and agricultural jobs. We have never focused on agriculture except in the H–2A area. We believe it did get out of line, and that is why it is shoved back. Then we proceed, just as the Senator mentioned, in a methodical way to examine the country and get the wage scale rate right.

Mrs. FEINSTEIN. Is it not true that when I introduced the blue card program in the Judiciary Committee I just took that part of the H–2A program which the Senator and Senator KENNEDY had put together in the AgJOBS bill?

Mr. CRAIG. That is correct.

Mrs. FEINSTEIN. This has been a longstanding compromise that has been out there, which is a negotiated compromise.

If I might ask one other question, in the negotiations that the Senator had on AgJOBS, how long did it take to come up with this negotiated compromise?

Mr. CRAIG. Frankly, the adverse wage issue was one of the more contentious, for a variety of reasons—first of all, because producers saw it as being complicated with a lot of requirements other than just a wage, and obviously employment saw it as an advantage but limited. As a result, we were able to agree to shove it back.

As I say, that rarely happens in American history, to actually by law push the wage scale back but to do so with the understanding that we would get equity and fairness through the approach that the Senator has outlined. That was the approach we used. A coalition of well over 500, including agriculture, a lot of agricultural producers.

Mrs. FEINSTEIN. How long has this agreement been in place?

Mr. CRAIG. About 3 years—2½ years, actually, as we formulated it.

Mrs. FEINSTEIN. I thank the Senator. My time has expired.

I urge the Senate to vote no on the Chambliss amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, I yield myself such time as I may consume.

The Senator from California was not involved in those negotiations, and I chair the Agriculture Committee. I do not know how to respond to that other than by saying that certain segments of agriculture were involved in the negotiations, I assume. My dear friend from Massachusetts was involved, and I daresay that I have more farmers in my home county than we have in the vast majority of Massachusetts.

My point is not that these discussions did not take place over a long period of time between farmers—I don't know who they were. But I can tell you this: The American Farm Bureau has looked at the AgJOBS provision. They have looked at my amendment. They have looked at the bill that I submitted which was somewhat contrary to AgJOBS. The American Farm Bureau—which, as I said earlier, has access to virtually every farm in America, particularly from the standpoint of the calculation of wages—has concluded that my amendment is fair and reasonable. And the American Farm Bureau is recommending a "yes" vote on the Chambliss amendment.

To say that this has been discussed over a period of time by a group, or a large group—whatever the term was—of farmers across America, my farmers were not involved in those negotiations. Senator CRAIG and I have had any number of conversations about the bill and about our various amendments. But we were not involved in those negotiations.

I see my friend from Iowa, Senator GRASSLEY. He comes from the Farm Belt of America. I daresay that his farmers were not involved in those negotiations. Let us be very clear about this. There was not a discussion or a negotiation by America's farmers for what they thought was best.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. CHAMBLISS. I would be happy to yield.

Mrs. FEINSTEIN. I can speak for California, and California's Farm Bureau has signed off on this. I can tell the Senator that no State has as many farmers and growers as California does. This is the accepted agreement.

I thank the Senator.

Mr. CHAMBLISS. I thank the Senator from California for her comments, and I tell her that I dialog with many farmers in her State on a regular basis, particularly as chairman of the Agriculture Committee. I am hearing from a large number of her farmers in strong support of my amendment.

Again, when you say that a majority number of farmers in America think this is the way to go, you can't say that. That is simply not right. There are only—by Senator CRAIG's numbers—less than 50,000 farmers in America—and I happen to agree with him on this—who currently utilize H–2A. I daresay the rest of the farmers in America don't even know what "adverse effect wage rate" means. But I can tell you they know what "prevailing wage rate" means. They know when they hire a tractor driver in the southwest part of Texas what their neighbors are paying for a tractor driver. And that is how you calculate a prevailing wage. That is not how adverse effect wage rate says you will pay that tractor driver.

Whether farmers in California or farmers in Georgia or the northeast part of our country, the market should dictate, and the market dictates under the prevailing wage rate. It simply does not dictate under the adverse effect wage rate.

That is why, in the Senator's bill, the adverse effect wage rate is rolled back 4 years. There is a flaw in the way the wage rate is calculated. If you are going to roll back the wage rate, which is actually going to move toward the utilization of the prevailing wage rate, let's do it now. Let's require that all farmers in America pay a reasonable wage rate for their employees based upon what other farmers in that region pay for employees.

For example, I know in northern California there are different crops grown than in southern California. There are different types of jobs. But today, under the AgJOBS bill, a farmer in northern California will pay exactly the same wage rate as a farmer in southern California.

Here is the chart. This shows how wage rates under this bill are calculated. They use the entire State of California. It is a different type of farming. There is a different skill required in northern California than there is in southern California. There is a different skill required in a tractor driver versus somebody who goes into the field and cuts lettuce or cuts cabbage or cuts squash or whatever it may be.

Under the adverse effect wage rate in the base AgJOBS bill, that is not taken into consideration. Under the prevailing wage under my amendment, it is taken into consideration.

If anyone says it is difficult to determine, how do I know in my example of Thomasville, GA, what it takes to hire that worker? Let me tell you what you have to do. You simply have to go to the computer and plug into a Web site, the Department of Labor. And you designate the area. You put into the computer where you are located, what the job is, and the computer immediately gives you what the Department of Labor has determined to be a prevailing wage. It is very simple and very easy. It ensures that one farmer next door to another farmer is paying employees the same wage rate. You don't have a farmer who is paying $8.37 currently required by the adverse effect wage rate and the farmer next door paying $5.15 an hour for the same job.

This is about fairness. It is about equity. It is about ensuring that farm workers who come here under the base bill, which I, frankly, don't agree with, but if we are going to pass this, then let us be fair to those employees who come here and work in agriculture. Let us pay them the rate that is prevailing in the area in which they work.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CRAIG. Mr. President, standing in opposition to the amendment, it is fascinating to me that we now want to play a game of what groups and whose associations. I find it fascinating that the California Farm Bureau, which supports the position, isn't quite good enough. The California Apple Commission, the California Avocado Commission, the California Association of Nurseries and Garden Centers, the California Association of Wine Grape Growers, the California Canners and Peach Association, the California Citrus Mutual—we have nearly 500 groups that have endorsed this.

The reason they have endorsed it is because they see the need to do it right and get a reasonable transition.

The Web site the Senator from Georgia is talking about has to be right. It has to be effective and reflective. It doesn't do that today. That information is now not available in that context.

Let me go back to the transition. We are talking about those who are illegal today and wanting them to come forward, get a background check, show us their credentials, qualify for a transitional status, called earned adjustment status, and a blue card, and to do so in a fair and responsible fashion.

They can stay and continue to work. While they are doing that, we are going to work to get the wage scale right. In our work over the last good number of years, literally hundreds and hundreds of agricultural groups and associations have stepped forward and said: Help us fix this. Help us use this blue card to get across, in a transitional way, for a legal workforce, in a reformed H-2A program. The compromise that the Senator from California talked about was just that. It was a transitional wage to get this fair and equitable.

What the Senator from Georgia is doing is not affecting the 40,000-plus of H-2A under adverse wage. We are doing that. We are shoving those wages back. He is affecting the 1.5 million that may cause agriculture to become noncompetitive if we don't get the wage scale rate right and involve agriculture along with the Department of Labor, as our studies would do, to make sure we get an equitable and fair wage. Fair means two sides. For the worker, it means certainty; for the producer, absolutely, the product that is produced—especially in the vegetable crops, in the intensified labor crops—has got to be competitive against a world market crop, or we will shove those producers and that kind of production out of the country.

We have to do it in a balanced way. What we have offered allows the Senator from Georgia, as the chairman of the Agriculture Committee, to participate. He did not participate in these negotiations because he did not agree with them. He did not agree with the transition of getting through what we attempted to do in AgJOBS. That was his choice. In the end, both he and I agreed on many of the provisions except this one. It is important we stay with the work product.

Literally hundreds and hundreds of farm groups and associations across the Nation that deal with this type of workforce recognize the need of the transitional period of time and the legality of the workforce, as do we. It is reflected in the bill. I hope our colleagues continue to support it.

Mr. LEAHY. Mr. President, the Comprehensive Immigration Reform Act includes a subtitle known as AgJOBS, a bill that has long been championed by Senator CRAIG, Senator KENNEDY, and a broad bipartisan group of Senators. I strongly support this bill because it will help both farmers and farm workers in Vermont and around the Nation.

AgJOBS contains a package of reforms that are badly needed in the seasonal agricultural worker program, called H-2A visas. AgJOBS was negotiated with the full participation of agribusiness and farmworkers' unions, and it reflects a fair and thoughtful balance of the needs of both farmers and workers.

The version of AgJOBS contained in S. 2611 protects business by ensuring a steady flow of legal workers. It assists agricultural workers by preventing wage stagnation in a growing economy and by providing labor protections. It helps both business and labor by giving trained and trusted foreign agricultural workers a path to permanent immigration status if they meet the requirements in the bill, such as paying fines and taxes, keeping a clean criminal record, and working the requisite number of hours.

The Chambliss amendment is an attack on wages for agricultural workers who are among the lowest paid laborers in America. By unfairly favoring the growers over foreign workers, the Chambliss amendment would upset the careful balance on wages and labor protections that were negotiated with the participation of agribusiness and unions in the AgJOBS bill.

The Chambliss amendment requires employers to pay workers the highest of two wage rates: the prevailing wage in the area of employment, which may be determined by an employer who conducts his own local survey, or the applicable State minimum wage. Basing wages on the higher of these two rates could result in deep cuts to wages. Some State minimum wages are very low, such as Kansas, which requires only $2.65 per hour. Senator CHAMBLISS previously acknowledged that farm wages could fall by roughly $3 per hour under his proposal. His proposal almost guarantees that no U.S. workers could afford to accept agricultural jobs and that foreign agricultural workers, who are already among the most poorly paid workers in America, would be paid miserly wages for their labor.

The Chambliss formulation does not include the well-balanced provisions of AgJOBS. Under AgJOBS, an employer must pay the highest of three wage rates: (1) the prevailing wage, (2) the Federal or State minimum wage, (3) or the "adverse effect wage rate," or AEWR, a regional weighted average hourly wage rate for agricultural workers. The AEWR was established under the Bracero guest worker program for Mexican workers that ended in the 1960s. It was created to ensure that guest workers would not adversely affect American workers by depressing wages. Removing AEWR from the wage equation drives wages downward, which hurts all workers—American and foreign. It is no secret that our agricultural industries depend on cheap labor, and some estimate that 70 percent of agricultural workers presently working in the U.S. are undocumented. For all the of national security reasons I have cited throughout this debate, we need to bring agricultural workers out of the shadows. But we must also recognize that vulnerable populations deserve our support and protection. Farm workers are among the most vulnerable laborers in the Nation and I cannot support an amendment that would slash their wages further.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. How much time remains?

The PRESIDING OFFICER. The Senator from Georgia has 7½ minutes. The Senator from Massachusetts has 6½ minutes.

Mr. KENNEDY. I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thought there were certain values in this Senate upon which we could agree. If you work hard in this country, you shouldn't live a life of poverty. We have been trying to raise the minimum wage—which is $5.15 an hour—trying to raise that for over 9 years, and our Republican friends, including the Senator from Georgia, have been opposed to it.

Look what this bill does. The current farm wage is $10.11; for an agricultural job, it is $7.86; and the Chambliss amendment is below the minimum wage. Not only is it below the minimum wage, but he specifically writes in his amendment that it will be below the minimum wage and State minimum wages will apply when they apply. But Georgia does not have a State minimum wage.

I don't know what the Senator from Georgia has against someone working for $7.86 an hour. The cost of gas has gone through the roof. The cost of food has gone through the roof. A gallon of milk is $3.09 a gallon; eggs, $1.39; a loaf of bread is $3.29; a pound of hamburger is $3.99. And the Senator from Georgia, if we follow his suggestion, is driving wages down, not up.

This is $7.86 an hour to try to get along. What we are trying to do is reduce the disparity. The Senator from Georgia said we were not involved in this. Well, we have 400 different organizations indicating to the Senate their support. We have broad support. More than 60 Members, Republicans and Democrats, cosponsored it, to bring it up to $7.86. But no, the Senator from Georgia wants this down to what some people have said is paid to pieceworkers, $3 or $4 an hour. Three or four dollars an hour? We might not have many farmers in Massachusetts, but whoever we have in Massachusetts understands below poverty wages, and $3 or $4 an hour for piecework is a poverty wage. It is wrong.

If it is so troublesome that they are going to get paid $7.86, if Members are so worked up about that, if Members think that is too much for someone who works hard, for someone who does some of the most difficult work in this country, go ahead and vote for the Chambliss amendment.

Mr. President, $7.86, when these workers have to pay $3 to get a gallon of gasoline? Talk about fairness. I listen to the Senator from Georgia. Let's talk about fairness. Let's talk about equity. Let's talk about treating everyone the same. They will be treated the same, but they will be treated mighty shabbily. This is a question of respect for those workers. Do you respect them in the United States, these hard-working people? Finally, about 20 percent of agricultural workers are Americans. You will depress their wages, too? Evidently. I hope we are not going to be about that at this time in this debate and discussion.

I noticed that on page 2, the Senator talks about the prevailing wage, the occupation, and the applicable State minimum wage. Is there a State minimum wage in Georgia, I ask the Senator?

Mr. CHAMBLISS. The minimum wage in Georgia is $5.15 an hour.

Mr. KENNEDY. In agriculture?

Mr. CHAMBLISS. Yes.

Mr. KENNEDY. The State minimum wage in agriculture is $5.15 an hour. Am I right that there is no way that even those who are picking per bushel would go below $5.15 an hour?

Mr. CHAMBLISS. What happens is these wage earners in the fields in Georgia and all over the country go out and they take a bucket out into the field. They cut squash, cucumbers, or they cut whatever the crop may be, they put it in that bucket, they dump that bucket in a bin, and they are given a chip. At the end of the day, those chips add up to dollars. They are required to be paid the minimum of either the minimum wage or, in this case, the adverse effect wage rate.

Mr. KENNEDY. I understand I may be wrong, and I wish the Senator from Georgia would correct me, the State minimum wage does not apply to agricultural workers. That is my understanding. If I am wrong, I hope the Senator will correct me. My understanding is the State minimum wage does not apply to agricultural workers.

I withhold the remainder of my time.

Mr. CHAMBLISS. I yield 3 minutes to the Senator from Georgia, my colleague, Senator ISAKSON.

Mr. ISAKSON. Let me respond to the distinguished Senator from Massachusetts.

Something he said—I am sure unintentionally—was very incorrect. He said we are going to force people, by what the Senator is trying to do, to earn less than the minimum wage. What we are, in fact, trying to do is to ensure that those who are working in the fields, who are illegal and are being abused and are not being paid the adverse effect wage rate, prevailing rate, or anything else, all those—maybe 1.8 million—will now get a pay raise under what the Senator is trying to do. He is saying they will be paid the higher of the minimum wage or the prevailing wage.

I ran for the Senate in the years 2003 and 2004. Although I worked farms in the 1950s, I had not been on a farm in a long time, and I spent a lot of time in south Georgia, slept in a lot of barns on farms. I got to know the onion folks, the peanut folks, and the row crops.

I spent the night in a farmer's barn—a mighty nice barn, I might add, with a nice double bed—I spent the night in the barn, and he complained about what happened. He hired H-2A workers, as he should, legal workers. According to the law, he paid them the adverse effect wage rate, and the farmer down the road from him hired illegals and paid them the minimum. They got away with paying much less for picking the same crop he was because he was obeying the law.

The circumstances the Senator has right now in the United States of America are the following: The unintended consequence of the adverse effect wage rate is that you are driving farmers to hire illegally rather than hire legally and pay them at adverse effect wage rates. That is what the Senator is trying to correct.

But it is absolutely incorrect to allege or to say that the bill of the Senator from Georgia, the chairman of the Agriculture Committee, would force people to be paid below the minimum wage. It will, in fact, ensure that workers will be paid the higher of the minimum wage or the prevailing wage; is that not correct?

Mr. CHAMBLISS. That is correct.

Mr. ISAKSON. Facts are stubborn things. We can argue about a lot of things, but treating people right is something Senator CHAMBLISS has been doing in Georgia, what I have grown up in Georgia doing, and I am sure what the Senator from Massachusetts does. The argument here is about repealing a law that has the unintended consequence of making it attractive to hire illegal aliens to work. What this bill is supposed to be doing is fostering legal immigration and equitable treatment for all.

I commend the distinguished Senator from Georgia. I commend the chairman of the Agriculture Committee. I pledge my support to this amendment and congratulate him on this effort.

I yield back the balance of my time.

Mr. KENNEDY. How much time do we have?

The PRESIDING OFFICER. The Senator has 1 minute 34 seconds.

Mr. KENNEDY. I yield a minute to the Senator from Idaho. I will reserve 34 seconds for myself.

Mr. CRAIG. Mr. President, as of April of 2006, the average fieldworker in the United States was paid $8.96 an hour. The average livestock worker was paid $9.30 an hour. The minimum wage is $5.15. Do the math. That is why, when we put this bill together, we said we have to get it right for all parties involved.

I agree with the Senator from Georgia, producers are willing to pay a fair wage. And they should. And workers who work as hard as agricultural workers ought to be paid a fair and good wage. At the same time, we compete in a world market, and I hope we stay there.

I don't think you can meet with one farm organization and establish what the prevailing wage is going to be. That is why we mandated in our bill that the Department of Labor work with agriculture to get it right because we conclude that the H–2A adverse effect wage rate got out of line. I don't know what the right wage is. I wager that the Senator from Georgia probably doesn't know where it ought to be, either, in every segment of agriculture in our country.

I wish the Senators would stay with the bill and vote down the Chambliss amendment because in the end we want to get it right for all involved. We want to keep American agriculture competitive in a world market.

Mr. KENNEDY. Mr. President, no matter how you slice it, this is a major cut for workers with the Chambliss amendment. No. 1.

No. 2, we are trying to remedy the situation between documented and undocumented workers. We hear we have to do this because we are forced to have illegal workers. We are changing all of that. We are putting in place a system so we will have verification.

We do believe this figure, the $7.86, for workers who work hard, play by the rules, and are trying to provide for their families, is not unfair, at a minimum. That is why I hope the Chambliss amendment will be defeated.

The PRESIDING OFFICER. The Senator from Georgia has 4 minutes remaining.

Mr. CHAMBLISS. Mr. President, I simply say to my friend from Massachusetts, I hear what the Senator is saying relative to the numbers the Senator just addressed, but here is what you are doing. You are taking 40,000 agricultural employees who now operate under H–2A and you are reducing their wages immediately. The chart Senator CRAIG had up here Thursday night showed what the numbers are. I don't remember what they are, but it is a significant reduction because you are rolling that wage back to what it was 4 years ago. Now, that is 40,000 agricultural workers.

Here is what you are doing to 1.5 million agricultural workers under your bill. You are going to allow farmers across America who do not participate in H–2A to pay those blue card workers $5.15 an hour. We can argue whether minimum wage is high enough, whether it ought to be more, but that is the effect of what you are doing with your blue card workers. So if the $7 number is good enough for H–2A or not good enough for H–2A, whatever it is, it ought to be good for those 1.5 million workers who will have a blue card. That is what fairness in my amendment is all about.

When Senator CRAIG says let's get it right, let's do get it right. We agree the adverse effect wage rate is wrong. There is no disagreement about that. The question is, How do we correct it? How do we get to the point where it is fair? The way we get to the point where it is fair is we take the same method of calculation we do under every other labor bill, including the one we just passed last week, the H–2C bill that Senator OBAMA said: Let's put a prevailing wage rate on H–2C. I say let's put a prevailing wage rate on H–2A.

We understand we are not the ones to calculate that. It is calculated by the Department of Labor. It is calculated by the Department of Labor based upon the fair and accurate wages paid to individuals in different parts of the country who perform different jobs within agriculture. It is very easy to ascertain by the farmer what that wage rate ought to be.

It will remove the ability of the next door neighbor to come in and undercut that farmer, whether he is a blue card worker or whether they continue to be here illegally. It will depress the wages for those farmers rather than raising the standard for all workers to be paid a fair wage. It will encourage farmers—this is what we want to do—to participate in the H–2A program. If we had every farmer in America doing that, they would have a quality supply of labor from which to choose. They would have to pay those workers a reasonable rate, and America would never be in a position of being dependent upon foreign imports for our food supply.

We cannot afford to get there. This is a national security issue. We need to make sure farmers have those workers from whom to choose to make sure their crops are harvested.

Mr. President, I yield back my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. McCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), would vote "yea."

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 43, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Craig
Crapo
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Shelby
Specter
Stabenow
Voinovich
Wyden

NAYS—43

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
DeMint
Dole
Ensign
Frist
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Smith
Snowe
Stevens
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—7

Biden
Dayton
Enzi
McCain
Menendez
Rockefeller
Sununu

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4076, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, the pending question is now amendment No. 4076, as modified, of the Senator from Nevada.

Mr. ENSIGN. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ENSIGN. I thank the Chair.

The PRESIDING OFFICER. There is now 2 minutes equally divided for debate on the amendment.

The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, very briefly, to inform my colleagues, this amendment is basically the President's proposal to use the National Guard to secure our borders as an interim step as we are adding to our Border Patrol agents on our southern border.

We all know we cannot have a commonsense, comprehensive immigration policy without having secure borders. It is going to take us years to get enough Border Patrol agents down there. In the meantime, we need to have the National Guard to supplement and to multiply the force of the Border Patrol agents down there. That is what this amendment does. I believe it is an important step toward making sure we know who is coming into this country, making sure terrorists are not coming into this country.

Mr. President, the Ensign amendment would codify the President's proposal to deploy the National Guard to the border. The President's proposal strikes a careful balance.

Over the next year, they would send up to 6,000 guardsmen. The following year, they would decrease this to a maximum of 3,000 guardsmen. As the guardsmen stand down, the Border Patrol would stand up, and in the end, we would have 6,000 more Border Patrolmen securing the border.

I remain concerned about the strain on the Guard. It is reassuring that the deployment will be limited in number and duration. I hope the administration will work closely with the Pentagon to ensure that we are not putting greater strain on those specialties that are needed in Iraq and Afghanistan.

Also, I applaud the President's decision to use the Guard in a supporting role and not for direct law enforcement missions. The Guard is not trained for the civilian Border Patrol missions and its complex combination of law enforcement, civil rights, and human rights issues. Nor should we ask them to be, for this is not their mission. They should provide support to the Border Patrol.

We must also ensure that any Guard activity is coordinated with the Governors. I agree with the border State Governors that securing our borders, particularly for the long term, is a law enforcement function. We should not militarize the borders. And, in the short term, we should respect the desires of the border State Governors regarding the utilization of the Guard along the border.

I urge that my colleagues support this amendment.

Mr. WARNER. Mr. President, I rise to add my support to this very important amendment offered by my good friend and colleague from Nevada, Senator ENSIGN.

Last Monday evening, a week ago, the President addressed this Nation, forcefully and articulately making the case that one of the necessary steps in undertaking comprehensive immigration reform is to secure our national borders, particularly along our Southwestern States.

Following the President's speech by little more than a day, the Armed Services Committee held a hearing during which we closely questioned senior members of the Department of Defense, Joint Chiefs of Staff, the Chief of the Border Patrol, and the Chief of National Guard Bureau on the President's plan.

I strongly support the President's plan, and, on the basis of our hearing and subsequent discussions, I strongly believe that the National Guard is capable of providing this temporary support to the Bureau of Customs and Border Protection without degrading either its readiness for combat or its ability to respond to domestic emergencies.

I also believe that this amendment is important to show that the Congress is behind this effort to secure our borders as part of comprehensive immigration reform, and that we will provide the resources and legislation to do so. This amendment provides specific authority for deployment of the National Guard, and does so in a way that is careful to authorize both the types of activities, the duration of the training rotations, a limit on the authority to use the Guard for direct participation in law enforcement consistent with the President's intent, and a sunset date for the authority.

I commend my colleague from Nevada, who serves with me on the Armed Services Committee, for this important amendment that puts the full force of Congress behind the President's initiative to secure our borders and support our Border Patrol with the National Guard.

Mr. LEVIN. Mr. President, I intend to vote in favor of the Ensign amendment to authorize the National Guard to assist in securing the southern border of the United States. The National Guard has been used in a State status to perform Federal missions in the past—for counterdrug and counterterrorism missions—but Congress provided express statutory authorization for these efforts.

I believe that it is essential that we provide a similar statutory authorization here. This authorization gives Congress an appropriate opportunity to define the circumstances in which it is appropriate to provide Federal reimbursement for the National Guard in State status and the types of activities for which Federal reimbursement will be provided.

The key to the Ensign amendment, in my view, is that it makes it clear that the National Guard of a State will perform this mission only if ordered by the Governor of the State to do so. This provision makes it clear that the Governors retain control of the National Guard when it acts in a State status. For these reasons, I support the Ensign amendment and urge my colleagues to support it as well.

Mr. BYRD. Mr. President, the Senate will soon vote on an amendment to authorize the use of the National Guard along the Southwest border of the United States. Last week, in hearings before the Appropriations Committee and the Armed Services Committee, I asked senior administration officials from the Department of Defense, the Border Patrol, the National Guard Bureau, and other military leaders about my concerns that this mission would detract from the ability of the National Guard to respond to emergencies in their home States.

Secretary of Defense Donald Rumsfeld, Chief of the National Guard Bureau General Steven Blum, and other witnesses gave their assurances that this plan to deploy troops to the border would not create a new, strenuous deployment of the Guard, it would not leave our States in a bind should a disaster strike while troops were on deployment, and it would allow Governors to make the final call as to whether National Guard units from their States should be used in support of the Border Patrol. Those witnesses also testified that National Guard units would only be used in missions and roles for which the troops are already trained.

I expect the administration to hold firm to these assurances, and the amendment before the Senate would help to limit the scope of the missions for which the Guard may be deployed.

While I still have questions about how the National Guard will carry out the missions that are assigned to it, we must not overlook the fact that the administration has missed many opportunities to tighten controls at our borders without depending on our citizen-soldiers to do the job. Since September 11, I have offered nine amendments to provide more funds to hire more Border Patrol agents, strengthen security at our borders, and stop the flow of illegal immigrants and contraband into our country. The administration opposed each one of my amendments, labeling them to be "extraneous," "unnecessary" spending that would "expand the size of government." If my amendments had been approved and supported by the administration, there would be thousands more Border Patrol agents on the job today.

Real homeland security cannot be found in a patchwork of quick fixes. Sending troops to the border is at best a Band-Aid solution to a serious problem. I will support this amendment, but I will also continue my efforts to provide the funds that are needed to provide lasting improvements to our border security.

ACTION CONSISTENT WITH PRESIDENT'S PLAN

Mrs. BOXER. Mr. President, the Bush administration has announced a plan that includes the use of National Guard forces to temporarily support Federal border patrol operations. While I support additional efforts to secure our borders, it is disappointing that nearly 5 years after the attacks of September 11, 2001, there are still insufficient U.S. Border Patrol personnel to adequately maintain the southern land border.

I appreciate the efforts by the Senator from Nevada to clarify the role of the National Guard in implementing the President's plan to secure the border. It is my understanding that the National Guard is being utilized under title 32 of the United States Code, which means that command and control rains with the Governor and the State or territorial government even though the Guard forces are being employed in the service of the United States for a Federal purpose. I also understand that under title 32, the Federal Government will reimburse States for costs, including the logistical costs, incurred during the mission. Finally, I understand that the National Guard will not directly participate in any law enforcement function, including search, seizure, arrest or similar activity.

Does the Senator from Massachusetts share my understanding that the Ensign amendment is consistent with the President's plan?

Mr. KENNEDY. Mr. President, the Senator from California is correct.

Mrs. BOXER. Mr. President, I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 18, 2006.

DEAR SENATOR: We the undersigned write to strongly oppose the Chambliss amendments aimed at gutting the "AgJOBS" compromise contained in the Hagel-Martinez bill before the Senate. The AgJOBS language is the product of the hard work of Senators Craig, Feinstein and Kennedy in collaboration with agribusiness employers, farmworker organizations, and a bipartisan group of Members of the House. We strongly support these needed reforms for the agricultural industry and its workers and we oppose changes that would turn this balanced package into a Bracero program.

In particular, we oppose the Chambliss amendment to lower the wages for farmworkers. Amendment 4009 would change the AgJOBS compromise on wage rates and slash the H–2A program's already inadequate wage rates by eliminating the protection of the adverse effect wage rate and the federal minimum wage from H–2A workers.

Currently, H–2A employers must pay the highest of three wage rates—the state or federal minimum wage, the "Adverse Effect Wage Rate" (AEWR), or the local prevailing wage. The AEWR was created under the Bracero guestworker program as a necessary protection against depression in prevailing wages (wage rates often stagnate because the guestworkers have little ability to demand higher wages). Sen. Chambliss himself described the effect of his provision as cutting H–2A program wage rates by roughly $3.00 per hour!!

The AGJOBS compromise already addresses the H–2A wage issue. AgJOBS would reduce the adverse effect wage rates for each state by about 10% by setting them at the rates in effect on January 1, 2003, and would then freeze the AEWR's for three years, while two studies are performed to examine H–2A wage rates and make recommendations to Congress. If Congress were to fail to enact an adverse effect wage rate formula within 3 years, the AEWRs would be adjusted at the end of 3 years by the cost of living. The AEWR issue is a complex one and is best left to the studies agreed to in the AgJOBS compromise.

Congress should not approve amendments that will encourage the agricultural industry to hire guestworkers at depressed wages—and that is exactly what the Chambliss amendments would do. This will harm both foreign workers and U.S. workers)and the effort should be opposed.

Thank you for your consideration of this matter.

Sincerely,

American Federal of Labor-Congress of Industrial Organizations (AFL–CIO); American Federation of State County and Municipal Employees (AFSCME); Catholic Charities USA; Change to Win; Evangelical Lutheran Church in America; Farmworker Justice; Hebrew Immigrant Aid Society (HIAS); International Brotherhood of Teamsters; The International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW); Laborers' International Union of North America; League of United Latin American Citizens (LULAC); Mexican American Legal Defense and Educational Fund (MALDEF); National Council of La Raza (NCLR); National Farm Worker Ministry; National Immigration Forum; National Immigration Law Center; Service Employees International Union (SEIU); UNITE HERE; United Farm Workers of America (UFW); United Food and Commercial Workers International Union (UFCW).

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I believe most of us strongly support deploying the National Guard to our borders. I appreciate very much the sentiment and the direction this amendment goes. Unfortunately, it limits their ability and puts limitations on the time and on the mission the Guard provides. When you are sending troops into a difficult assignment, whether it is war or not, we should not be saying the Guard can only stay so long, the Guard can only do this or the Guard can only do that.

The President has outlined how he wishes to use the Guard. I support that. I believe it is a bad idea for Congress to say how we should be using our troops, whether it is in national security or homeland defense. Therefore, I urge a "no" vote.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I wholeheartedly support what the Senator from Missouri has said.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, I ask unanimous consent for an additional 30 seconds to respond.

Mr. LEAHY. I ask unanimous consent that Senator BOND also have an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, briefly, regarding the limitations the Senator from Missouri has brought up, a third of the forces the President has envisioned would not have any limitations. Two-thirds would basically be on their annual missions of 21 days, and they are specifically for the perception that they are there for police enforcement and are doing what the Border Patrol agents do. We put in the bill specifically what they would be doing.

There is all the flexibility in the world for the Guard to do the mission they are being sent down there to do. I think the concerns being raised are unfounded.

Mr. BOND. Mr. President, I appreciate the effort the Senator from Nevada is making. The problem is, some on the training missions may have to spend longer than that. They may want to spend longer than that. It may have the effect of having a different percentage of the Guard used for more than 15 days. It specifies limits on it.

I believe that while we support the general purpose of using the Guard, Congress should not be putting limitations on how it is used. I disagree with my colleague.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada. The yeas and nays have been ordered.

The clerk will call the roll.

.The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI), the Senator from Arizona (Mr. MCCAIN), and the Senator from New Hampshire (Mr. SUNUNU).

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. DAYTON), the Senator from New Jersey (Mr.

MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 10, as follows:

[Rollcall Vote No. 137 EX.]

YEAS—83

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bingaman
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Talent
Thomas
Thune
Vitter
Warner
Wyden

NAYS—10

Bennett
Bond
Cochran
Conrad
Harkin
Hatch
Jeffords
Leahy
Stevens
Voinovich

NOT VOTING—7

Biden
Dayton
Enzi
McCain
Menendez
Rockefeller
Sununu

The amendment (No. 4076), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that when the Senate resumes the bill tomorrow morning, there be 60 minutes for the Feinstein amendment, with Senator FEINSTEIN in control of 30 minutes, 20 minutes to the chairman, and 10 minutes for the ranking member; provided further that on the expiration of that debate, the Senate proceed to a vote on the Feinstein amendment No. 4087, with no intervening action or debate or second-degree amendments. We will vote on the Feinstein amendment at 10:45 a.m. tomorrow, since the Senate will be coming in at 9:45 a.m.

The PRESIDING OFFICER. Is there objection?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, reserving the right to object, I would like to ask of the chairman of the committee, Senator CANTWELL and I have an amendment that has been pending. We were willing to move forward last week, we were willing to move forward today, and we are willing to move forward tomorrow. I am wondering if the chairman can give us a sense of when our amendment can be brought up so we can be heard and whether we can get a commitment from the chairman that we will have a reasonable amount of time, if not an excessive amount of time to debate it—say, an hour or 2 hours.

Mr. SPECTER. Mr. President, my sense is we will be able to reach it tomorrow. We are juggling a great many considerations. I had discussed the issue with the Senator from New Hampshire earlier. We talked about 1 hour equally divided.

Mr. GREGG. That would be fine with me if the other side is agreeable to that.

Mr. SPECTER. That would be my proposal when we come to it. I know the Senator from New Hampshire is waiting, and he is entitled to have his amendment heard. We will try to get to it tomorrow, and we will try to work out a time agreement of 1 hour equally divided.

Mr. GREGG. I appreciate the chairman making that representation. My concern, of course, is that it not end up in a vote-arama, should we get to a vote-arama, and that we have time to debate it. With that representation, I will not object.

Mr. SPECTER. Mr. President, I do not expect vote-arama on this bill. This is not the budget resolution. The Senator from New Hampshire is familiar with budget resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 4087

(Purpose: To modify the conditions under which aliens who are unlawfully present in the United States are granted legal status)

Mrs. FEINSTEIN. Mr. President, I call up amendment No. 4087.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. HARKIN, proposes an amendment numbered 4087.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. FEINSTEIN. Mr. President, this is an amendment to modify the conditions under which aliens who are lawfully present in the United States are granted legal status. It is submitted on behalf of Senator HARKIN and myself. We have a half hour to argue the amendment tomorrow, but I would like to just raise a few points about it tonight. I did have the opportunity to speak about it earlier, but I recognize many Members were not yet back and available.

This amendment creates an orange card, a replica of which is on my left. This would streamline the process for earned legalization. It would create a more workable and practical program than exists in the Hagel-Martinez compromise, and it would dedicate the necessary dollars to cover the costs of administering this program. This amendment builds on compromises already agreed to under the McCain-Kennedy and Hagel-Martinez proposals, and it incorporates the amendments already adopted on the floor, but it eliminates what I consider to be a very unworkable three-tier program. This amendment only deals with the earned legalization parts of the bill. It does not change any of the border security provisions, the guest worker program, or any other component of the bill. It would simply eliminate the program created by Hagel-Martinez and replace it with this orange card program.

Under Hagel-Martinez, there are three tiers. Now, note this: We have not voted on Hagel-Martinez. Hagel-Martinez was an arrangement put together by Members of this body and it was brought up by using rule XIV. We have not voted on it. It essentially takes the 11.1 million people now in this country—working in this country, living in this country, raising their families in this country, but doing so in a clandestine way—and divides them into three different categories. For the 6.7 million who have been here more than 5 years, it would provide a transition to achieve earned legalization. For the 1.6 million who have been here less than 2 years or the 2.8 million who have been here from 2 to 5 years, it creates two different tiers, and this is the bone of contention, these two different tiers.

I would say for anyone here as of the first of the year, we should provide this orange card process which I will describe in a moment. The problem doing it the Hagel-Martinez way is that it opens the door for fraud and for manipulation because you essentially have 4.4 million people here less than 5 years who would come forward and produce, in all likelihood, fraudulent documents, or simply remain in a clandestine status because they are working and they have families here.

The 2.8 million who have been here 2 to 5 years are then subject to leave the country, to touch back and enter into the country through a visa program, most likely the H–2C worker program which has 200,000. We lowered the cap for the H–2C program from 325,000 to 200,000 in an earlier amendment offered by Senator BINGAMAN and myself. But what people haven't realized is that the cap would be waived for individuals coming in from this tier, which would raise the guest worker program to 3 million people. And then here is the rub with the guest worker program: they would have to return after a period of time to their country. Therefore, there is no automatic path to earned legalization for these people, unless they can get an employer to petition for them for a green card. I think that is an unusual responsibility placed on an employer for so many people, and I think it is not fair for the employee, either.

Therefore, we have put forward a three-step process under the orange card amendment, which has received the support of 115 organizations and groups.

Under this amendment, all undocumented aliens who are in the United States as of January 1 would immediately register a preliminary application with the Department of Homeland Security.

At the time of the registration, they would submit fingerprints to the Customs and Immigration Services facility so that criminal and national security background checks could commence. It would create a more precise registration that would allow this to proceed electronically. That is a major key—proceed electronically so that DHS would have time to do the necessary processing and vet the application in an orderly manner. Then they would submit a full application for their orange card.

Once they have passed the security background check, they have paid their back taxes, they have paid the $2,000 fine, then they would be issued the orange card. The orange card would have biometric identifiers, would have the history of the individual, and would have a number, and this number would be designed so that those who have been here the longest would be first in the line for the green card at the end of the work period.

As everyone recalls, there are 3.3 million people back in their own countries waiting for green cards. None of this goes into play until that green card list is expunged. It is estimated that could take anywhere from 6 to 11 years. So during that period of time, individuals in this country would have an identifier: the orange card. This would be their identification. They could come and go with it. It is fraud-proof, it is biometric, it has a photo, it has a fingerprint, and therefore provides a safe methodology. As long as individuals fill out the annual reports required by the program which attest to their work history, pay the fine, and pay their back taxes, they would keep the orange card effectively in place.

I wish to comment that first of all, Senators HAGEL and MARTINEZ have done a service. They have tried to work out a compromise. I find fault with that compromise only when you read the small print of the bill language. When you read the bill language, you see that it is a huge program with 4.4 million people having to be found, having to be sought out. If they are here for less than the 2 years, they are deported. Who would deport them? How would they be found? You are going to find 2 million people? I think that is very difficult to do. We know employer sanctions haven't worked. In 2004, total convictions under employer sanctions for the tens of thousands of employers who employ these people was a total number of 47.

So I believe the orange card would serve us well. It is a streamlined process. It has the ability to consider all people to avoid the problem of deportation but to create a system which is secure, where people are checked out, where they are held accountable for their work, held accountable for their payment of back taxes, held accountable for the payment of a fine so they can then come out of the shadows and live a more normal and more productive life.

This goes back to the original McCain-Kennedy formula, but in essence it essentially provides that there is an orderly process connected with this.

As I said earlier, I think there is a critical flaw in Hagel-Martinez, and that is those people who fall into the second tier can remain in the United States legally for up to 3 years, and then they must leave the country and find a legal program from which they may reenter the United States. This is the flaw because this would subject people to, once again, going back into a clandestine lifestyle rather than running the risk that they leave their families, go home, can't get into a program, and then can't come back again.

The other problem with the Hagel-Martinez program is that if an individual doesn't work for 60 consecutive days, they are out. There is no provision for injury, there is no provision for illness, and when you are dealing with 6 million people, that is a problem. Some people are going to be the victims of bona fide injuries or bona fide catastrophic circumstances and not able to work for a period of time. So if they become injured or ill and effectively can't be on the job for 60 consecutive days at any given time during the year, they are then subject to deportation.

I believe we have an opportunity, through the border patrol with 12,000 additional agents, 2,500 additional inspectors, the money in the supplemental appropriations bill for the border, the National Guard doing logistical support and physical work on the border, and the fence to be built on the border, to make a major step forward in securing our borders. The next step and the most important part of the bill is what is the proper handling of the 10 million to 12 million people who are here illegally in our country at this time.

I would respectfully submit to this body that the fair handling of these people is creating a pathway to an earned—not an amnesty—but an earned legalization where people have to document over a consequential period of time that they are working, they are good citizens, they are learning English, they are paying their taxes, and they are paying the fine. All of the proceeds from this fine would go to support the costs of the program. If there are 10 million people, at $2,000, that produces $20 billion for the additional hires that are necessary to run this program and hopefully run it well.

So we will continue to argue this tomorrow, and I ask that the amendment be set aside at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I would like to speak briefly on my amendment, which will hopefully be reached at some point here in the next day or so. It is an amendment I sponsored with Senator CANTWELL from Washington, and it addresses what we see as an issue that, although not major in the context of the overall immigration debate, remains rather significant.

There is today something called a lottery system. It is euphemistically called the diversity lottery system, which really I don't understand why it has picked up that name because it is really nothing like that. It is simply a lottery system. It says essentially that 50,000 people will get the right to become American citizens if they win a lottery and they are from countries which are deemed underrepresented. Most of those countries represent Eastern Europe and Africa. They don't have to do anything other than have a high school education or, alternatively, have worked for 2 out of the last 5 years in order to participate in this lottery. So the essential effect of this lottery system is that we are taking from around the world 50,000 people who simply got lucky. There is no real reason we should take them. There is no policy reason to take them.

There is no such thing as an underrepresented country really in our immigration system because of the fact that there are so many illegal immigrants in the country already. For example, if you were to take Poland, there are 47,000 people in this country who under this bill are presently illegal—that is the estimate—who may become legal. From Russia, there are about 46,000 people who qualify in that area. From Africa, there are 120,000 people who fall into that category. So these countries have a lot of people already here—some legally, a lot illegally, and they don't need representation.

Mr. FEINSTEIN. Mr. President, may I interrupt the Senator just for one brief change?

Mr. GREGG. As long as I will not lose the floor.

Mr. FEINSTEIN. Mr. President. I ask that instead of setting aside the amendment, it will be continuing in a pending status.

The PRESIDING OFFICER. The amendment is pending.

Mr. FEINSTEIN. Thank you very much.

Mr. GREGG. So this lottery system, which was created back a while ago—I think in the early 1990s—in a sense of good will or political correctness, really is not all that productive to us as a nation. So Senator CANTWELL and I have taken a look at it and said: Listen, if we are going to have a lottery system, why don't we at least apply it to people we actually need in this country to assist us in being a stronger nation, a more vibrant nation, a more economically successful nation?

We know that in our Nation today, we are missing—or not missing, but we know we are not producing and creating enough people in the sciences which are energizing economic activity in this world: the maths, math doctorates, the science doctorates. We know we have a real lack of technical ability in many arenas and that we are falling well behind other nations, such as China, in our ability to produce people in the sciences and math subjects.

Why not take this lottery system and say, rather than making it available to the cabdriver in Kiev, whom we may or may not really need in the United States, let's make it available to the physicist in Kiev. Why not say to the doctor in Poland or the doctor in Nigeria: You will have a chance to become an American citizen and have the opportunity to participate in this lottery, rather than saying to the street sweeper in Poland or the miner in Nigeria: It is your chance to participate in the lottery. So we have taken this proposal, which is 50,000 names thrown in a hat from these countries which are allegedly underserved, which are not underserved, and we changed it so that two-thirds of the names thrown in this hat will be of people who have advanced science degrees, which our Department of Commerce and Department of State determine are in need here in the United States. Two-thirds of those lottery winners will have those degrees. The other third will remain people who only need to have a high school education or have worked 2 out of the last 5 years.

Basically the lottery system will be changed from being one of, we don't know who is coming in the country and we don't know what they are going to contribute to our society as they come in—we hope they will be people who will be hard-working and committed people, but they may actually be people who are not. In fact, if a person has only worked 2 out of the last 5 years and doesn't have a high school education, they can literally qualify for the lottery. Now I ask you, is that the kind of person we want to have qualified for the lottery? A person who may have been unemployed for 3 of the last 5 years, doesn't have a high school education, but they can get into the United States under the lottery. I think it makes much more sense to say let's have folks who have shown their energy, shown their commitment, shown their willingness to strive within their own communities by obtaining these advanced degrees, let's have those folks participate in the lottery.

Some will say the H–1B program already solves this because it is greatly expanded in this bill, and that allows people with advanced degrees to come into this country. That is true. That is good. This bill is excellent in that manner. But as a practical matter, this lottery would go to people who do not qualify for H–1B. In other words, to get an H–1B visa, you have to have a sponsor or, in other words, an employer here in the United States who is going to hire you or you have to have a family member who will sponsor you to come into the country.

There are a lot of people out there in these allegedly underserved countries who do not have somebody who is going to employ them because the groups that employ foreign nationals who have advanced science degrees don't go to those countries. They don't recruit in those countries, for all intents and purposes. And they don't have a family member here. So they are out of it. They can't get in. So it makes sense to take the lottery system and convert it to something that is going to be an add-on to America's success.

We hear a lot in this Chamber, especially from some of our colleagues, that we are outsourcing jobs, we are outsourcing our jobs to other countries. What this proposal does is it insources people who will create jobs in our country. It says let's go out and find the best and the brightest people around the world and say: Listen, we would like to have you live in the United States and create jobs in the United States, use your ability to produce in the United States. If you don't have a person who wants to employ you and you don't have a spouse here who is willing to sponsor you or a family member who is willing to sponsor you, we still would like you to have a shot at coming here, because most would like to, and we have a lottery system that says you can win it and get into this country.

I note that under the present lottery system, we have seen abuses. In fact, the report of the inspector general of the State Department found significant fraud and mismanagement of this program and the fact that people were coming into the country who really should not have come into the country, but they won the lottery or they were relatives of people who won the lottery. Obviously, the most egregious example of that was the terrorist individual who attacked the L.A. airport and shot up the El Al counter. He was in the United States because his spouse had won the lottery. Not a good decision for us.

It seems to me that rather than just flipping a coin and saying: Hey, listen, if you are out there and you want to come to work and you are from one of these countries which are allegedly underserved—which, by the way, they are not underserved, as I pointed out in the early part of my statement—you have a chance to come here. Let's at least say for the majority of the people who have won the lottery that you have to have done something, you have to have shown something, you have to have produced something, you have to have been willing to go out there and show you have the character and the energy and the intelligence to actually be an addition to our society, an add-on, a creator of jobs in our society, a creator of economic activity, a creator of a stronger society rather than just have the good fortune of having drawn a lucky number.

That is what this bill does. I cannot really understand the opposition to it. A lottery system—I am not sure it ever really had a good time to exist, but clearly now is not a good time for it to exist. We have 12 million people in this country who arguably won the lottery by coming into this country illegally. I guess you could say that. Under this bill, some of them are really going to win the lottery because they are going to go to the back of the line, but they are getting on the line and obtaining what is called earned citizenship, as the Senator from California was saying. But the simple fact is, we don't need to add to that great mass of people. They are here already. If we are going to add people to our culture from the immigration standpoint, let's add people who we know on the face of it are likely to contribute significantly to making us a stronger and more vibrant nation, especially economically.

If we are going to have a lottery, let's just not make it an arbitrary event. Let's make it something that assists not only the person who wins but also our Nation, so that both sides are winners under the lottery, not just one side.

The House took a look at the lottery. In their bill, they determined it was so inappropriate, they simply abolished it altogether. So it seems to me if we take this position we will be strongly positioned in conference to present the case that the lottery can work for us as a nation, rather than be a loss leader. That is why this amendment has picked up considerable support. It is bipartisan support.

I look forward to having a more extensive debate on it with my cosponsor, Senator CANTWELL, who understands. She comes from Washington State where they understand the need to get some top-quality people in our country in the area of science, as the home of Microsoft, which is clearly the engine of the Internet, the engine of the expansion of technology over the Internet and in computer science that has driven the world, not only the United States. They understand uniquely in Washington State, as we all hopefully do, the need to bring smart, intelligence people from across the world into our Nation and keep us competitive with countries such as China that are turning out four or five or six times the number of scientists we are turning out annually.

That is why this is important. It is not, obviously, the biggest vote on this stage. There have been a lot of votes dealing with the substance of this bill which has huge implications relative to the numbers of people who come into this country and how they come into this country and how we protect our borders, but it is one part of the system we have to make more rational, better, but to be a system where not only does the immigrant win but America wins.

With that, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to speak in support of the amendment of Senator GREGG to deal with the lottery provision that is currently in the code involving immigration. We have many odd and curious provisions in our immigration law, but I suppose the lottery provision is one of the most odd and most curious. It seems to me to be unprincipled, without any real thought as to how it would effect a policy that is good for America. What kind of thing is this, that you do a lottery to let people come in from around the world?

His approach would be to say: Let's focus two-thirds of those slots on people with higher skills and higher education. I want to speak in favor of that and say, really, we need not only to do this two-thirds, but it would be better, in my view, to do the whole lottery program in this fashion. In addition, we need to reevaluate entirely this bill which is before us today to ask ourselves with some thoughtfulness how we can make future immigration policy beneficial to our country. It ought to benefit us. Everybody who comes here, no matter how poor or uneducated, according to the witnesses we heard at our one hearing, is benefited economically.

The poorer they are the more they benefit. They benefit, but the question is, What about the United States? Do we benefit? Is it a net gain for the United States?

We had a number of professors who testified—Professor Freeman, Professor Siciliano, Professor Chiswick, and others whose names escape me—and talked about this quite openly. These are the fundamental facts that should be part of any thoughtful, comprehensive reform of immigration in America.

The facts are these: People with college credit, people with a college degree uniformly contribute more to this country in taxes than they take out in benefits. The people who come to our country with less than a high school education, a high school dropout or somebody who just didn't have the opportunity, they don't have a high school degree—and over 50 percent of illegal immigrants entering our country today are without a high school degree—those people, it is uniformly agreed by professional economists who studied this issue, most of whom testified at our committee, strongly favor immigration but they all agree they will on average—not every single one but on average—draw more from the U.S. Treasury and U.S. coffers than they put in.

Does that tell us anything? What is happening in Canada? What is happening in France right now? What has already happened in Britain, Australia, Switzerland, and the Netherlands? These countries have reevaluated their immigration policy. They are focusing on bringing in people who benefit the country.

We cannot accept everybody. Isn't it a simple principle? There is no way this country can accept everybody who would like to come.

The leading expert on immigration—I think universally agreed on immigration—such as Professor Voorhas from the Kennedy School at Harvard, he himself is an immigrant. He immigrated here from Cuba. The name of his book, probably the most authoritative book on the entire subject, is entitled "Heaven's Door." What is that? "Heaven's Door" is entry into the United States.

For a poor person in the Third World who has been abused by a legal system that does not work, who does not have clean water, who does not have a legitimate job, who does not have electricity, getting to the United States, the title of his book, is like going through Heaven's door. It is a tremendous thing.

But the world has a lot of people in it. We already have a lot of people in the United States. We have to ask ourselves: How many can we welcome? What people will achieve their dreams and aspirations most successfully here, people who are high school dropouts or people who have a greater education?

We also need to ask, as Canada does: Do they speak English? Australia does. They ought to speak English before they come here.

What is it about letting in hundreds and hundreds of thousands of people on the theory that they might one day learn English, and that would be a requirement for citizenship. But if we have gotten more applicants than we can accept, why would we not want to ask ourselves whether we should give extra points, a higher listing on the list, if they already speak English? They would be guaranteed to be more successful here and more likely to assimilate, more likely to be promoted, more likely to be a boss over other people. If you can't speak the language, how can you ever rise to be a supervisor?

Those are important things, I submit, and not considered in the legislation before us at all.

Senator CRAIG's amendment is a very good amendment. It focuses on a critical matter. Let me tell you what my staff has concluded from their careful study of the bill. We believe that as it is presently written today only 30 percent of the people coming into this country will come in as a result of their skills or education. That is a pretty stunning number. Only 30 percent coming into our country will have their entry evaluated, their skill level or their education level, whereas 70 percent will come into our country for other reasons.

For example, if a young man came to our country under the new guest worker program that would be made law today, and that guest worker program would allow him to come into the country to file for a green card the first day he arrived here, within 5 years from that he can apply for and obtain as of right his citizenship in the United States. That will happen under the bill. Within 6 years, the person could possibly be a citizen of the United States coming in under a program which the bill says is a temporary guest worker provision. They say it is a temporary guest worker section of the bill. It has big letters, "Temporary Guest Worker."

But on the first day they get here, their employer can ask for a green card. A green card means you have legal permanent residence. Within 5 years of getting that card, they can become a citizen. A legal permanent resident means if you never seek citizenship you can stay in the country once you get that green card for the rest of your life.

What I am saying is, under this provision a young man can come in—and he is 20 years of age. If he works 5 or 6 years, he becomes a citizen. Now he is 30, and he has a 50-year-old brother, a 60-year-old, a 70-year-old mother and father. They can be brought into this country under chain migration, whether or not they have any skills or any education that would be relevant to their success in the United States of America.

Think about this: Let us say they are both from Honduras. Let us say this is a young man who was valedictorian of his school in Honduras, who had a chance to take an English course and took English and learned it well, was able to go to a technical college and became skilled in electricity, and he applies at age 21 to come to the United States. Would he not have the advantage over a 50-year-old brother or a 70-year-old mother of someone who is already here when those people who may or may not have any skills which would be beneficial to the country could likely became a drain on the Nation's resources?

That is how we have 70 percent of the people coming into our country under the new provision who are supposed to be in a comprehensive reform of the immigration system? That does not make sense. We need to focus more on providing opportunities for people to enter our country who have the greatest potential to succeed. It is perfectly proper and legitimate for us to ask: What is the worker status, the wages that are being paid in a given area, and do we have a shortage?

In my view, the Department of Labor should not allow surging immigration when we have certain fields in the United States where there are more workers than there are jobs and you let a bunch of people come in from out of the country to take what few jobs there are leaving Americans unemployed.

We need to consider all of those things. But, fundamentally, when you make a choice between two individuals—a younger person, a person who speaks English, a person who has skills—who is going to be far more successful? If they are successful here themselves, and if they benefit and if they are blessed by the great freedoms and economic prosperity and the free market we have in America, if they are blessed by that, they will pay more taxes to the Government than they draw from the Government. That is a pretty good thing, I submit.

One reason I have been so critical of this legislation—and I remain steadfastly convinced that it is not worthy of the Senate of the United States—is the legislation seems to have given no thought to these issues whatsoever. We certainly never had a hearing to deal with it, to my knowledge. A lot of things we haven't done that we could have done. We could have studied more, we could have had more experts come in and testify and help us craft the legislation. We should have brought in immigration people who work for the Government of the United States to find out what is working and what is not working.

I talked to the person in the Dominican Republic, the American consulate official who meets with those people in the Dominican Republic who would like to come to the United States. He seemed like a very nice guy. He made some mention about sham marriages. So we talked about that.

As a U.S. attorney prosecuting a case where people created a sham marriage for immigration purposes, he said they won't even talk about prosecuting a case in the Dominican Republic. And he has seen lots and lots of sham marriage cases that were never prosecuted.

Why do they have a sham marriage? Because if you are married to somebody who is in the United States, they can take their wife and their children. That is the way to get people here. So they create a sham marriage.

But he told me that 95 percent of the people in the Dominican Republic who were approved to come to the United States were approved under the chain migration or family connection provisions in our code.

Fundamentally, almost no one coming from the Dominican Republic to the United States is coming because they have a skill that would benefit us and that would indicate their likely success in our society. They come in because some other family member of a qualified relation is here as a citizen or even a green card holder. That is how they get to come. They are creating a false document to show these are relatives or their spouses and they are married when it is not so.

As I have said a number of times on the Senate floor, 60 percent of the people in Nicaragua in a recent poll said they would come to the United States if they could, and I understand 70 percent of the people in Peru, when polled, said they would come to the United States if they could.

What does that mean? Think about it.

Mexico, all of Central America, Haiti, the Dominican Republic, Jamaica, Morocco, all of the African nations, the Middle East, Bangladesh, China, India, Taiwan, the Philippines—all these nations around the world with great people in them—wonderful people but in each one of those countries are significant numbers of people, I submit, who would come to the United States if they could. Wouldn't it be a good policy for our Nation? Wouldn't it be the right thing to think seriously about who should come, like Canada and Britain, and as France did last week, and refocus our attention on accepting a certain number of people but making sure those people bring skills and talents with them to indicate they would be a positive benefit to our society rather than a net drain on society?

That is a challenge. We simply cannot accept everyone who wants to come. It is painful to bring people who are not able to speak English or effectively take advantage of the opportunities our country has. When they do not do that, they do not do well. They tend to pull themselves apart and continue to speak their own language. They do not advance and assimilate and become part of the great melting pot we are so proud of as Americans.

It is a big step forward to take this lottery, to put two-thirds of those people who are in it, who are now chosen by random chance, without any regard to skills or abilities or language or those matters, to at least set them aside for high-skilled positions for education, science, mathematics. It would be a great benefit to our country.

I yield the floor.

Mr. LEAHY. Mr. President, when the Senate resumed its consideration of comprehensive immigration reform last week I began by expressing my hope that we would finish the job the Judiciary Committee started in March and the Senate began in April. We need to fix the broken immigration system with tough reforms that secure our borders and with reforms that will bring millions of undocumented immigrants out of the shadows. I have said all along that Democratic Senators cannot pass a fair and comprehensive bill alone. Last week we got some help.

We got some words of encouragement from President Bush last Monday night when he began speaking out more forcefully and in more specific terms about all of the components needed for comprehensive legislation. For the first time, he expressly endorsed a pathway to earned citizenship for the millions of undocumented workers now here. I thank him for joining in this effort. We will need his influence with the recalcitrant members of his party here in the Senate, and especially in the House, if we are ultimately to be successful in our legislative effort. Without effective intervention of the President, this effort is unlikely to be successful and the prospects for securing our borders and dealing with the hopes of millions who now live in the shadows of our society will be destroyed. Those who have peacefully demonstrated their dedication to justice and comprehensive immigration reform should not be relegated back into the shadows.

Last week the Senate made progress. We made progress because Democratic and Republican Senators working together rejected the most strident attacks on the comprehensive bill that we are considering. We joined together in a bipartisan coalition in the Judiciary Committee when we reported the Judiciary Committee bill. Democratic Senators were ready to join together in April and supported the Republican leader's motion that would have resulted in incorporating features from the Hagel-Martinez bill, but Republicans balked at that time and continued to filibuster action. Last week, Republicans joined with us to defend the core provisions of that bill, and we defeated efforts by Senators KYL and CORNYN to gut the guest worker provisions and to undermine the pathway to earned citizenship. Instead, we adopted the Bingaman amendment to cap the annual guest worker program at 200,000 and the Obama amendment regarding prevailing wages in order to better protect the opportunities and wages of American workers.

I spoke last week about the need to strengthen our border security after more than 5 years of neglect and failure by the Bush-Cheney administration. A recent report concluded that the number of people apprehended at our borders for illegal entry fell 31 percent on President Bush's watch, from a yearly average of 1.52 million between 1996 and 2000, to 1.05 million between 2001 and 2004. The number of illegal immigrants apprehended while in the interior of the country declined 36 percent, from a yearly average of roughly 40,000 between 1996 and 2000, to 25,901 between 2001 and 2004. Audits and fines against employers of illegal immigrants have also fallen significantly since President Bush took office. Given the vast increases in the number of Border Patrol agents, the decline in enforcement can only be explained by a failure of leadership.

The recent aggressive and well-publicized enforcement efforts to detain illegal immigrants seem to be election-year posturing that does little to improve the situation. We need comprehensive reform, backed up by leadership committed to using the tools Congress provides, not to piecemeal political stunts.

Once again the administration is turning to the fine men and women of National Guard. After our intervention turned sour in Iraq, the Pentagon turned to the Guard. After the government-wide failure in responding to Hurricane Katrina, we turned to the Guard. Now, the administration's longstanding lack of focus on our porous Southern border and failure to develop a comprehensive immigration policy has prompted the administration to turn once again to the Guard. I remain puzzled that this administration, which seems so ready to take advantage of the Guard, fights so vigorously against providing this essential force with adequate equipment, a seat at the table in policy debates, or even adequate health insurance for the men and women of the Guard.

I have cautioned that any Guard units should operate under the authority of State Governors. In addition, the Federal Government should pick up the full costs of such a deployment. Those costs should not be foisted onto the States and their already overtaxed Guard units.

Controlling our borders is a national responsibility, and it is regrettable that so much of this duty has been punted to the States and now to the Guard. The Guard is pitching in above and beyond, balancing its already demanding responsibilities to the States, while sending troops who have been deployed to Iraq. The Guard served admirably in response to Hurricane Katrina when the Federal Government failed to prepare or respond in a timely or sufficient manner. The Vermont Guard and others have been contributing to our national security since the immediate aftermath of 9/11. After 5 years of failing to utilize the authority and funding Congress has provided to strengthen the Border Patrol and our border security, the administration is, once again, turning to the National Guard.

It was instructive that last week President Bush and congressional Republicans staged a bill-signing for legislation that continues billions of dollars of tax cuts for the wealthy. Instead of a budget with robust and complete funding for our Border Patrol and border security, the President has focused on providing tax cuts for the wealthiest among us. Congress has had to step in time and again to create new border agent positions and direct that they be filled. Instead of urging his party to take early and decisive action to pass comprehensive immigration reform, as he signaled he would in February 2001, the President began his second term campaigning to undercut the protections of our Social Security system, and the American people signaled their opposition to those undermining steps. While the President talks about the importance of our first responders, he has proposed 67 percent cuts in the grant program that supplies bulletproof vests to police officers.

Five years of the Bush-Cheney administration's inaction and misplaced priorities have done nothing to improve our immigration situation. The Senate just passed an emergency supplemental appropriations bill that allocated nearly $2 billion from military accounts to border security. The Democratic leader had proposed that the funds not be taken from the troops. But last week the President sent a request for diverting a like amount of funding, intended for capital improvements for border security, into operations and deployment of the National Guard. The Republican chairman of the Senate Appropriations Subcommittee on Homeland Security came to the Senate floor last week to give an extraordinary speech in this regard.

In addition, last week the Senate adopted a billion-dollar amendment to build fencing along the Southern border without saying how it would be funded. We also adopted amendments by Senators BINGAMAN, KERRY, and NELSON of Florida to strengthen our enforcement efforts.

Border security alone is not enough to solve our immigration problems. We must pass a bill—and enact a law—that will not only strengthen the security along our borders, but that will also encourage millions of people to come out of the shadows. When this is accomplished we will be more secure because we will know who is living and working in the United States. We must encourage the undocumented to come forward, undergo background checks, and pay taxes to earn a place on the path to citizenship.

Last week we defeated an Ensign amendment to deny persons in legal status the Social Security benefits to which they are fairly entitled. I believe that most Americans will agree with that decision as fair and just. It maintains the trust of the Social Security trust fund for those workers who contribute to the fund.

The opponents of our bipartisan bill have made a number of assaults on our comprehensive approach. Senators KYL, SESSIONS, and CORNYN opposed the Judiciary Committee bill. Senators VITTER, ENSIGN, and INHOFE have been very active in the amendment process, as well. I hope that they recognize how fairly they have been treated and the time they have been given to argue their case against the bill and offer amendments. We have adopted their amendments where possible. A narrowed version of the Kyl-Cornyn amendment disqualifying some from seeking legalization was adopted. The Sessions amendment on fencing was adopted. The Vitter amendment on documents was adopted. The Ensign amendment on the National Guard is being considered. Over my strong objection and that of the Democratic leader, Senator SALAZAR and others, a modified version of the Inhofe amendment designating English as our national language was even adopted. This amendment is wrong and has understandably provoked a reaction from the Latino community as exemplified by the May 19 letter from the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected Officials Educational Fund, the National Council of La Raza, the National Puerto Rican Coalition, and from a larger coalition of interested parties as reflected in a May 19 letter from 96 national and local organizations. I will ask copies of these two letters be printed in the RECORD following my statement.

I trust that with so many of their amendments having been fairly considered and some having been adopted, those in the opposition to this measure will reevaluate their previous filibuster, that they will vote for cloture, and, I will hope, support the compromise bill.

Immigration reform must be comprehensive if it is to lead to real security and real reform. Enforcement-only measures may sound tough but they are insufficient. The President has acknowledged this truth. Our bipartisan support of the Senate bill is based on our shared recognition of this fact. In these next few days, the Senate has an opportunity, and a responsibility, to pass a bill that addresses our broken system, with comprehensive immigration reform.

I ask unanimous consent that the aforementioned letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 19, 2006.

DEAR SENATOR: On behalf of the undersigned national Latino organizations, we are writing to express our grave concern at the passage of the Inhofe Amendment to the immigration reform bill currently under consideration in the Senate. We believe this amendment jeopardizes the health and safety of all Americans by undercutting federal, state, and local government's capacity to provide vital information and services to immigrants and Americans who are speakers of other languages. This amendment has nothing to do with immigration reform, and it does nothing to help immigrants learn English. We believe it has no place in this bill and urge you to reconsider it.

Upon review of the language of this amendment, we have reached the conclusion that it would undercut policies that facilitate communication with people who are speakers of other languages. If this amendment becomes law, it would jeopardize the delivery of public health and safety messages that are intended to protect all Americans. The amendment would make it more difficult for agencies like the Federal Emergency Management Agency (FEMA) and the Centers for Disease Control and Prevention (CDC) to respond to a flu pandemic, another hurricane disaster like Katrina, or another terrorist attack. If some portion of the community does not receive information about immunizations or other health threats in a language they can understand. then the entire public is at risk.

We are also offended by the premise reflected in the amendment and the debate which took place on the Senate floor that the English language is somehow "under attack" in the United States. Immigrants and all Americans understand that English is our common language. If there is a challenge to the integration of immigrants. it is that there are insufficient English classes available to meet the demand from immigrants who are eager to take them; the Inhofe Amendment does not help a single immigrant learn English. We stand ready to join in a debate on how to create new resources and options to facilitate English classes and the full integration of immigrants into our society. We deeply regret that the Senate failed to choose this course of action and instead voted on a counterproductive proposal that would do real harm while doing nothing to promote English-language acquisition.

The presence of this amendment in the immigration reform bill calls into question our community's support of the immigration reform package. We urge you in the strongest possible terms to reconsider this damaging vote.

Sincerely,

Hector Flores, National President. League of United Latin American Citizens (LULAC).

John Trasviña, Interim President and General Counsel, Mexican American Legal Defense and Educational Fund (MALDEF).

Arturo Vargas, Executive Director, National Association of Latino Elected Officials Educational Fund (NALEO).

Janet Murguia, President and CEO, National, Council of La Raza (NCLR).

Manuel Mirabal, President and CEO, National Puerto Rican Coalition (NPRC).

MAY 19, 2006.

DEAR SENATOR: We, the undersigned 96 national and local organizations, understand that the Senate voted yesterday to approve an amendment offered by Senator Inhofe which affirms English as the nation's national language and which could undercut policies which facilitate communication with people who are speakers of other languages. We are alarmed at this development and urge you to reconsider this ill-advised vote.

There is no question that English is the common language of this Nation; many of our organizaions offer English-language classes and can testify to the fact that the demand for instruction far exceeds the supply. If there is one single issue that stands in the way of immigrants learning English, it is a lack of resources to provide sufficient classes for those seeking to take them. We are sorely disappointed that the Senate debate on language focused on a proposal to limit communication with immigrants rather than on increasing access to programs that can actually assist immigrants as they attempt to learn English while working, raising families, and contributing in multiple ways to the vibrancy of this country.

In addition, the Inhofe Amendment undermines the health and safety of all Americans by undercutting federal, state, and local government's capacity to provide vital information and services to immigrants and Americans who are speakers of other languages. It would jeopardize the delivery of public health and safety messages that are intended to protect all Americans. The amendment could make it more difficult for agencies like the Federal Emergency Management Agency (FEMA) and the Centers for Disease Control and Prevention (CDC) to respond to a flu pandemic, another hurricane disaster like Katrina, or another terrorist attack. If some portion of the community does not receive information about immunizations or other health threats in a language they understand, then the entire public is at risk.

This amendment has nothing to do with immigration reform, and it does nothing to help immigrants learn English. We believe it has no place in this bill and urge you to reconsider it.

Sincerely,

ACORN; American Immigration Lawyers Association; Americans for Democratic Action, Inc.; Arab Community Center for Economic and Social Services; Asian American Justice Center; Asian American Institute; Asian and Pacific Islander American Health Forum; Asian Pacific Islander Coalition of King County; Asian Communities for Reproductive Justice; Asian Law Alliance; Asian Law Caucus; Asian Pacific American Legal Center of Southern California; ASPIRA; Bell Policy Center-Denver; Break the Cycle; Carter and Alterman; CASA of Maryland, Inc.; Center for Justice, Peace and the Environment; Center for Law and Social Policy; Central American Resource Center/CARECEN-L.A.; Centro de la Comunidad, Inc.

Centro Hispano of Dane County; Chinese for Affirmative Action/Center for Asian American Advocacy; CHIRLA; Coalition of Limited English Speaking Elderly; Community Legal Services, Inc.; Cross-Cultural Communications, LLC; Cuban American National Council; District of Columbia's Fellowship of Reconciliation; Escuela Tlatelolco Centro de Estudios; Fuerza Latina; Greater New York Labor-Religion Coalition; Immigrant Legal Resource Center; Immigration Law Office of Kimberly Salinas; Institute of the Sisters of Mercy of the Americas; Korean American Voters Alliance; Korean Resource Center—Los Angeles; La Causa Inc.; La Clinica del Pueblo; Latino and Latina Roundtable of the San Gabriel Valley and Pomona Valley; Latino Leadership, Inc.;

Law Center For Families; Lawyers' Committee for Civil Rights Under Law; League of United Latin American Citizens; Legal Momentum; Luther Immigration and Refugee Service; Mary's Center for Maternal and Child Care, Inc.; Mexican-American Council; Migrant Legal Action Program; Minnesota Immigrant Freedom Network; NAACP; National Advocacy Center of the Sisters of the Good Shepherd; National Association of Latino Elected Officials; National Association of Social Workers; National Council for Community and Education Partnerships; National Council of La Raza; National Health Law Program; National Immigration Law Center; National Korean American Service & Education Consortium; National Latina Health Network National Organization for Women.

National Network for Arab American Communities; National Network to End Domestic Violence; National Network to End Violence Against Immigrant Women; National Partnership for Women & Families; National Puerto Rican Coalition; New York Asian Women's Center; New York Immigration Coalition; OCA Greater Seattle Chapter; PeaceAction Montgomery; People for the American Way; Presbyterian Church (USA); Resource Center of the Americas; Rio Grande Centers, Inc.; SEIU Local 21—Louisiana; SEIU Local 32BJ; Service Employees International Union; Sexual Assault Services Organization; South Florida Jobs with Justice; Southeast Asia Resource Action Center; SSG/PALS for Health Program—SSG/ALAS para tu Salud.

Tahirih Justice Center; Teachers of English to Speakers of Other Languages, Inc.; The American-Arab Anti-Discrimination Committee; The California Pan-Ethnic Health Network; The Fair Immigration Reform Movement; The Korean American Resource & Cultural Center—Chicago; The Mexican American Legal Defense and Educational Fund; The National Asian Pacific American Women's Forum; The National Capital Immigration Coalition; UFCW Region One; UNITE HERE; United Methodist Church, General Board of Church and Society; WA State Coalition Against Domestic Violence; Women's Committee of 100; YKASEC—Empowering the Korean American Community—New York.

Mr. FRIST. Mr. President, we have had a good process to this point on the immigration bill. I thank the bill managers for their hard work. We are now, as I outlined this morning, in our final week prior to our recess. We have a lot of legislative and executive items we need to complete before that recess. Therefore, in a moment, I will be filing cloture on the immigration bill to ensure we will complete action before the Memorial Day recess, by the end of this week. In doing so I hope we can still have a fair process and continue to work through amendments.

There are a number of germane amendments that may be in order postcloture. I hope Senators will have the opportunity to have votes on them.

Having said that, we also have a lengthy list of important executive nominations that I will be discussing with the Democratic leader. It is my hope we can reach time agreements on these so we can schedule those nominations for votes this week, as well.

One of the nominations we will consider is the nomination of Brett Kavanaugh to be a U.S. circuit court judge. I understand we would not be able to reach a time limit for that nomination for this week. Therefore, it is my intention to file cloture on that nomination, as well.

CLOTURE MOTION

I now send a cloture motion to the desk on the comprehensive immigration bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 414, S. 2611: a bill to provide for comprehensive immigration reform and for other purposes.

William H. Frist, Arlen Specter, Larry Craig, Mel Martinez, Orrin Hatch, Gordon Smith, John Warner, Pete Domenici, George V. Voinovich, Ted Stevens, Craig Thomas, Thad Cochran, Judd Gregg, Lindsey Graham, Norm Coleman, Mitch McConnell, Lamar Alexander.

Mr. FRIST. I ask that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

BRETT M. KAVANAUGH TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

Mr. FRIST. I now move to proceed to executive session and the consideration of Calendar No. 632, the nomination of Brett Kavanaugh.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

CLOTURE MOTION

Mr. FRIST. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 632, the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Arlen Specter, Saxby Chambliss, Larry Craig, Mel Martinez, Elizabeth Dole, Johnny Isakson, Pat Roberts, Ted Stevens, Craig Thomas, Thad Cochran, Chuck Grassley, Judd Gregg, Tom Coburn, Richard Shelby, Lindsey Graham, Orrin Hatch.

Mr. FRIST. I ask unanimous consent the live quorum be waived, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

KAVANAUGH NOMINATION

Mr. FRIST. Mr. President, the last action was filing cloture on the nomination of Brett Kavanaugh, the President's nominee for the DC Circuit Court of the Appeals. I have been discussing with the minority leader the nomination this morning and over the course of the day and will continue to work with him as we try to reach a time agreement with respect to getting an up-or-down vote later this week. It is because we have not been able to agree to that, that I filed cloture to ensure we have a vote on this nomination.

I expect the full Senate to vote on this nomination. I don't know exactly what the schedule will be. It will depend on the outcome of the immigration bill.

I did have the opportunity to meet with Mr. Kavanaugh today. He is an outstanding candidate, a candidate who has stellar credentials, both in the private sector and the public sector, working as counsel and adviser to the President. He has had a distinguished legal career that has had him argue before the Supreme Court and appeals courts around the country. He is a graduate of Yale University and Yale Law School where he served on the law journal. He has, on three separate occasions, received the American Bar Association stamp of approval.

He was nominated 3 years ago. He has waited 3 years for the vote we will have later this week, for that fair up-or-down vote. It is time the Senate fulfills its constitutional duty, the advice and consent, by giving Mr. Kavanaugh that vote he deserves. I look forward to moving ahead on his nomination and upholding the confirmation process.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

Mr. FRIST. Mr. President, I will be closing shortly, but I do want to comment briefly on the immigration bill today. I want to make a few remarks on where we are and then where we will be going.

Mr. President, we began debate on the comprehensive immigration reform before the Easter recess. The majority was at that time set to strengthen the underlying bill by having debate and amendment on the underlying bill to be able to toughen the border security aspect, but at the 11th hour, the other side said: No, we are not going to allow that open debate and amendment process. So what had come to the floor under the leadership of Chairman SPECTER was a bipartisan bill that did need continued work, and that bipartisan effort was scuttled for a period of time.

The Democratic leader and I agreed to a process whereby we could bring that bill back to the floor, which was the beginning of last week, where we, in a bipartisan way, would have that opportunity to offer amendments and attempt to improve or adjust or modify that bill. That is the process we are in the middle of right now.

I am pleased where we are today, but as I said 2 weeks ago or 3 weeks ago, we do need to complete this bill before the Memorial Day recess. Resuming consideration in the early part of last week, we have made real progress. And I do not know the exact number of amendments, but we have had amendments every day come to the floor for those up-or-down votes from both the Republican and the Democratic side of the aisle.

We allowed discussion and debate, and I think the country's understanding of this legislation, which is complex, has improved over the course of the several weeks we have had it on the floor. We are all looking closer at what is in the underlying bill, with the proposing of amendments to modify that, and having good debate—Democrat and Republican—on the issue.

The more time we spend with it, the more time we come to understand there are some very good things about the bill, things that still need some correction. And we will have the opportunity to do that, with the cloture motion filed tonight, over the course of voting in the morning, tomorrow afternoon, Wednesday over the course of the day, and once cloture is in effect, still have germane amendments come to the floor. So that process needs to continue. What it will do is allow us to complete that bill before Memorial Day.

We have had a number of amendments that have been interesting to watch as we have gone forward. Mr. SESSIONS, the Senator from Alabama, had an amendment early on to strengthen our southern border, to build those 370 miles of triple-layered fence, and 500 miles of vehicle barriers at strategic locations—a clear-cut improvement on the bill, strengthening the bill along the border consistent with our first priority; that is, to secure that border.

The Senate also approved the amendment by Senators KYL, GRAHAM, CORNYN, and ALLEN to close a loophole in the bill that would allow criminal aliens to obtain legal status. Once people looked at that, they said that is only common sense. Again, it became overwhelmingly supported in a bipartisan way—again, an important demonstration of why it was important to have open debate and amendment. That amendment clarifies that any illegal alien who is ineligible for a visa or who has been convicted of a felony or three misdemeanors is ineligible for a green card—again, just common sense.

Another commonsense issue of national cohesion that really hits at the heart of what makes this country great was when the Senate voted in favor of an amendment by Senator INHOFE to require that English be declared our national language of the United States. As people listened to that and digested what it meant, people said: Well, of course English is a necessary tool for every aspiring American to be successful and to join the mainstream of American society.

That is just an example of a few of the amendments. Again, we have considered a number of amendments, and we will consider a number more as we go forward.

It was last October when I said we would start with border security and we would build out a comprehensive approach to this very challenging problem of thousands—indeed, hundreds of thousands—of people coming across our borders illegally and millions working in this country illegally and many taking advantage of our social services illegally in this country. So we have made real progress—again starting in October—and we will complete that process by the Memorial Day recess, with the action I took tonight.

Mr. President, given our policy meetings tomorrow afternoon, I now ask unanimous consent that the filing deadline under rule XXII be extended until 2:30 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT JAMES A. SHERRILL

Mr. McCONNELL. Mr. President, I come to the floor today to reflect on the tremendous sacrifice and dedication displayed on a daily basis by our country's soldiers. In particular, I wish to call to my colleagues' attention the story of one young man who laid down his life defending our country.

While words cannot lessen the anguish of those who knew and loved him, they can illuminate his heroism and sacrifice. So it is entirely appropriate that we pause today to remember and celebrate the life of SGT James A. Sherrill of Ekron, KY.

Sergeant Sherrill served in the Kentucky Army National Guard's 2113th Transportation Company based out of Paducah, KY. Tragically, he died in Bayji, Iraq, on April 3, 2005, as he and his fellow soldiers were escorting a supply convoy. An improvised explosive device detonated near his military vehicle. He was 27 years old.

For his valorous service, Sergeant Sherrill was awarded the Bronze Star Medal and the Purple Heart. He had previously received both the Army Good Conduct Medal and the Armed Forces Reserve Medal, and he was awarded the Kentucky Distinguished Service Medal, the second highest honor that the Commonwealth of Kentucky can bestow.

James moved around the country a bit growing up, but while he was still young, the Sherrill family settled in Kentucky—Ekron, to be precise, a small town of a few hundred people in Meade County and the birthplace of legendary Baseball Hall of Famer Pee Wee Reese. In Ekron, James and his younger brother B.J. would grow up together and become well known throughout the community.

The Sherrills are a close-knit family. William "Buddy" Sherrill and his wife Beatrice, two soft-spoken people, have a lifetime of memories of their son James. William and Beatrice raised James and B.J. to love others, respect authority, and to be true gentlemen.

Being the older brother, James took his role as his brother's keeper seriously—most of the time. Beatrice recalls, however, when James and B.J. were still very young, one time when B.J. imagined himself to be the superhero Batman. To inaugurate his career as a caped crusader and to strike fear in the hearts of criminals, B.J. decided to jump out a window.

But heights can be intimidating, especially to a small child. Even one wearing a cape and a mask. So just as he was about to jump, B.J. hesitated.

Noticing his younger brother sitting on the edge of the windowsill in the Sherrill home, James decided it was up to him to help his brother out the only way he knew how. So James came up behind B.J. and gave him the push he wasn't looking for.

Asked why he had just pushed his brother out the window, James looked up at his parents and told them sincerely he was only "trying to help his brother." Thankfully, no one was seriously hurt, and James's understanding of how best to help others, shall we say, "evolved" over time.

A few years later, James found success on the football field. He soon became cocaptain of the Meade County High School varsity football team. His drive on the field spilled over into the weight room, where he broke several of his school's weightlifting records.

James's greatest moments on the field came his senior year with brother B.J., then a sophomore, also on the team. James played fullback, blocking opponents and creating holes for his ball-carrying brother, who played halfback. Over the course of the season, this one-two brotherly combination would amass an outstanding record. "Our whole community knew him because of [the] sports he played," B.J. said of his brother James.

Beyond the yards gained or the touchdowns scored, this portrait of one brother leading the way for the other illustrated the relationship the two shared throughout James's life. William Sherrill said:

> B.J. always looked up to James. They were best friends. Losing James has been particularly hard on B.J. . . . he's more serious now.

James was a protector, not only for B.J. but for others he helped mentor, such as the children at his local church and his fellow soldiers in Iraq. Given the choice between going to college or joining the military, James opted for the Marines, where he expanded his skills, traveled the world, and developed his faith.

After completing his tour with the Marines, James returned home to Ekron, where he decided to continue serving his country and joined the Kentucky National Guard. He also became a student at Elizabethtown Community College, hoping to pursue a career in law enforcement, and he met the love of his life.

James used his experience from the Marines to, as his father put it, "become a leader that everyone looked to." He always emphasized the importance of being focused on the mission at hand to his squad. He constantly double-checked his team to make sure they all knew their roles. James knew he and his fellow soldiers would be navigating some of the most deadly stretches of highway in the world.

Whenever he called home, however, he said the dangers of his job did not worry him. James's father recalls that his son felt at peace with what he was doing, even though he knew he may never make it home. William Sherrill attributes this serenity to his son's faith.

James reached his final resting place on April 12, 2005, in a small plot of land adjacent to the Zion Grove Baptist Church in Ekron. Sergeant Sherrill was buried with full military honors. Later that afternoon, William Sherrill rested on the front porch of a neighbor's home to reflect on the day's events.

Eventually, he looked up to see, stretched out across the sky, one of the brightest rainbows he had ever witnessed. This magnificent rainbow seemed to spring up from the Sherrill family home, stretch into the sky, and then arc downward, delicately landing near the cemetery of Zion Grove Baptist Church.

Every day when William Sherrill drives his truck home from work, his route usually takes him past James's grave site. And every day he is sure to slow his vehicle and blow his son a gentle kiss.

I am grateful to William and Beatrice Sherrill today for sharing their stories of James with us. We are thinking of James's brother, B.J., today as well.

Across the Nation, other families understand the simple gesture of blowing a kiss, for they, too, have lost a loved one in the line of duty. As a nation, we all grieve with these families. Yet we feel a sense of pride as well; pride at the notion that thousands of men and women of courage have volunteered to wear the uniform and face danger in order to protect America.

SGT James Sherrill demonstrated his courage twice over, first by joining the Marines, and again by joining the Kentucky National Guard. His devotion and his sacrifice were a gift to the rest of us. We must treasure that gift.

Mr. President, I ask my colleagues to keep the family of SGT James Sherrill in their thoughts and prayers. They will certainly be in mine.

LANCE CORPORAL DAVID GRAMES SANCHEZ

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. David Grames Sanchez, twenty-two years old, was killed on May 11 in a tank wreck near Karmah, 50 miles west of Baghdad in the Anbar province. Leaving his life and family behind him, David risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

According to his family, joining the Marine Corps had been a lifelong dream of David's and he loved being in the Corps. An Elmhurst High School wrestler remembered for his infectious smile, David followed the family tradition of joining the service. Both his grandfathers had served, and despite the objections of some of his relatives, David enlisted shortly after his high school graduation. His aunt told a local news outlet, "I tried to talk him out of (joining the Marines) because I knew something might happen to him. But he was very independent and loved his country. It seems apparent now that David was called by God and his country to lead a purpose-driven life. He wanted to make a difference." David was on his second tour of duty in Iraq when he was killed.

His death came as a second blow to his community, as David was the second graduate of his high school to die in Iraq. Six months ago, a roadside bomb attack killed Army Corporal Jonathan Blair, a 2002 Elmhurst graduate.

David was killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Tank Battalion, 2nd Marine Division, 2nd Marine Expeditionary Force, Camp Lejeune, N.C. This brave soldier leaves behind his wife, Lindsay Walsh; his 2-year-old son, Corbin; his father, David Grames, and father's fiancée, Lory Burton; his mother, Guadalupe Sanchez; his sister, Emily Grames; and numerous other relatives.

Today, I join David's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of David, a memory that will burn brightly during these continuing days of conflict and grief.

David was known for his dedication to his family and his love of country. Today and always, David will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring David's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of David's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of David Grames Sanchez in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like David's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with David.

SERGEANT LONNIE CALVIN ALLEN, JR.

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Army SGT Lonnie Calvin Allen, Jr., from Nebraska. Sergeant Allen died when an improvised explosive device detonated near his vehicle while on patrol northwest of Baghdad on May 18. He was 26 years old.

Sergeant Allen grew up in Bellevue, NE, and graduated from Bellevue East High School in 1998. After 2 years at Northeastern Junior College in Sterling, CO, he enlisted in the U.S. Army. After his first enlistment was completed, Sergeant Allen reenlisted and was deployed to Iraq in August 2005. He was a member of the 10th Mountain Division based out of Fort Drum, NY. Sergeant Allen will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans such as Sergeant Allen are currently serving in Iraq.

Sergeant Allen is survived by his wife Birgit, and parents, Lonnie and Sallie Allen. Our thoughts and prayers are with them at this difficult time. America is proud of Sergeant Allen's heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring Sergeant Lonnie Calvin Allen, Jr.

UNLV PRESIDENT CAROL HARTER

Mr. REID. Mr. President, I rise today to recognize an outstanding citizen from my home State, Dr. Carol C. Harter. As the longest serving president in the history of the University of Nevada, Las Vegas, Carol has brought a real vision for Nevada's future to her work and to our communities.

On June 30, 2006, Carol will step down president of the university and leave behind an extraordinary legacy of accomplishments. Under her direction, the university created 100 degree programs. She was instrumental in the creation of the William S. Boyd School of Law, the School of Architecture, and the School of Dental Medicine. She increased the size of the university, adding to the number of buildings, programs, students, and faculty. During Carol Harter's tenure as president, she raised over $556 million in gifts and pledges, which accounts for more than 80 percent of all gifts received since the UNLV Foundation's inception in 1982.

Carol brought a style of leadership to the university that was both effective and inspirational. Her strength, vision, and compelling personality provided an example to her students, faculty, and the community. I am well acquainted with her abilities because I have had the privilege of working with her on numerous projects. One project that has great meaning to me personally was the founding of the School of Dental Medicine. Growing up, my family did not have access to good dental care.

and I know what a tremendous impact the dental school's community outreach programs will have on families like mine.

Carol's dedication did more than simply benefit the university; her efforts improved the quality of life in Nevada. Under Carol's leadership, the university has grown to be an institution that attracts professionals and academics to Nevada, provides for a cultural meeting place, trains the minds of all who come through its doors, and raises the level of culture and society in our community. I wish her only the best as she continues her career as executive director of the Black Mountain Institute. Her many accomplishments as president of the University of Nevada, Las Vegas, will benefit the university and the residents of Nevada for years to come.

NATIONAL TRAILS DAY

Mr. REID. Mr. President, I rise today in recognition of National Trails Day, which will be celebrated on June 3. One of this country's greatest natural treasures is its trails. Trails offer an opportunity for people of all ages to recreate, exercise and explore the great outdoors. Oftentimes they are a reflection of our history—a link to our past that allows us to literally follow in the footsteps of those who came before us.

Since its inception in 1993, National Trails Day has increased the awareness of trails in our communities, and it has also provided support to the volunteer trail clubs that do so much to enhance the access and enjoyment of our trails. I extend my thanks to the volunteers who put forth so much time, passion and energy into maintaining the 200,000 miles of trails we are fortunate to call our own.

The theme for this year's National Trails Day celebration is "Experience Your Outdoors." From hiking and climbing to biking and horseback riding, there are many things we can do to experience our outdoors. I encourage all Americans to participate in National Trails Day and truly enjoy their outdoor experience.

I know that many of my fellow Nevadans will be enjoying National Trails Day this year with celebrations scheduled at The John Day Trail and the Greenhorn Cutoff of the California National Historic Trail in Elko, The Pony Express Trail in Eureka, The Tahoe Rim Trail at Lake Tahoe, Condor Canyon in Caliente and the Spring Mountains National Recreation Area in Las Vegas to name a few.

Nevada's trails are rich with history and uniquely beautiful. I invite you all to visit Nevada's trails and experience all that they have to offer.

CREATING OPPORTUNITIES FOR PUBLIC-PRIVATE PARTNERSHIPS FOR SMALL BUSINESSES

Ms. STABENOW. Mr. President, I wish to have included in the RECORD statements of support for S. 2588, the Health Care Access for Small Businesses Act, from all across the state of Michigan. I am proud to have support from organizations as diverse as providers, insurers, and elected officials.

The three share model is an innovative community-based concept that has worked across the United States from California to Arkansas, of course, to Michigan. The name, "three share" stems from the program's payment structure. Premiums are shared between the employer who pays 30 percent, the employee who pays 30 percent and the community which covers the remaining 40 percent of the cost.

I ask unanimous consent that the support letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASCENSION HEALTH,
St. Louis, MO, April 28, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing in strong support of the legislation you recently introduced, S. 2588, the "Health Care Access for Small Business Act of 2006," that would expand health insurance coverage for employees who work for small companies through a "Three-Share Program" modeled on a successful initiative first developed in Michigan. As you know, Ascension Health—through our sponsored hospitals and heal systems in Michigan that include Standish Community Hospital; Borgess Health Alliance in Kalamazoo; St. Joseph Health System in Tawas City; Saint Mary's Medical Center in Saginaw; Genesys Health System in Flint; and St. John Health in Detroit—has a significant presence in Michigan. We believe your legislation will help us in our work at the local level in Michigan and across the country to achieve 100% access to health care.

Over the past 6 years, Ascension Health has fostered the development of local community coalitions to expand access and improve the quality of care provided to the uninsured. Our experience led to the development of a 5 step model to expand access to care. Step One is to build a formal infrastructure that can support safety net services for the uninsured. Step Two is to fill service gaps, such as dental prescription drugs, and mental health services. Step Three is to develop and implement a care model for the uninsured that emphasizes coordinated services throughout the continuum of care. Step Four is to recruit physicians to provide medical homes and specialty care for the uninsured. Step Five is to get funding to ensure the long term sustainability of the initiative.

Since 2000, community coalitions in Michigan with an Ascension Health partner have received over $11 million in federal support through the Healthy Community Access Program (HCAP) and approximately $2 million in matching funds from Ascension Health. These funds have been used to develop and implement many of the steps identified above to achieve 100% access. We believe your legislation would help us reach the final step of achieving long term sustainability by providing small business, owners and their workers an opportunity to afford insurance coverage.

We enthusiastically support your legislation. Please let us know what we can do to further help you in your efforts to expand coverage for the 47 million Americans without health insurance, the additional 40 million Americans who go uninsured during some part of the year, and the additional 80 million Americans who are only partially covered.

Sincerely,

ATHONY R. TERSIGNI,
President and Chief Executive Officer.

UPPER PENINSULA HEALTH PLAN,
Marquette, MI, April 20, 2006.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to express my organization's support for Senator Stabenow's SB 2588, "Health Care Access for Small Business Act of 2006." SB 2588 will provide grants to eligible "three-share programs" for the start-up and operation costs of providing specific health care benefits to eligible covered individuals for a period of five years.

A "Three-Share Program" is a basic plan for health care coverage that brings together employers, workers without health care coverage and outside funding to create a health care coverage plan for those workers who have no other access to health insurance. The plan encourages employers (formerly not offering insurance coverage) to assist in the payment of modest fees for their employees' health coverage. Additional private, state, and/or federal funds are required to augment fees paid by other parties to complete the reimbursement of care. This transforms the "slow pay/no pay" patients into "assuredly-pay/discount-pay" patients.

Presently in Michigan, 1.2 million people do not have health care coverage. Sixty percent of the 1.2 million are employed and work full or part-time. Fifty percent of the 1.2 million are employed by small businesses and are not offered health care benefits. Michigan has seen two successful and separate community initiatives that began offering health care coverage for employed, low-income persons using the three-share model: HealthChoice in Wayne County (1994) and Access Health in Muskegon County (1999). Both are received grant monies for their start-up and operation costs.

The three-share program is a successful model for other regions to replicate. However, without start-up seed money in which to build community involvement, determine market needs, and establish administrative systems to carry out operational functions, these programs cannot get off the ground. In order to begin solving the health care crisis on a local level, communities need monetary supports in which to fund initiatives such as three-share programs.

Michiganders want access to high-quality, affordable health care. Thank you for initiating this legislation to help them receive it.

Sincerely,

DENNIS H. SMITH,
President & CEO.

TRINITY HEALTH,
Novi, MI, May 12, 2006.
Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to congratulate and thank you for your legislation, the Health Care Access for Small Businesses Act of 2006, and to offer Trinity Health's support and assistance in its passage.

As you know, Mercy General Health Partners, one of Trinity Health's twelve hospitals in Michigan, was instrumental in the creation of Access Health, one of the nation's most successful community-initiated programs for the working uninsured. Access Health now has a seven year track record. We are proud to be associated with Access Health, and appreciate your past contributions in helping to make it the success that it is.

The Health Care Access for Small Businesses Act of 2006 will help communities across the nation replicate the Access Health model, and thus become an important piece of the solution for the country's millions of uninsured individuals.

Specifically, your bill would leverage a federal contribution with community funds to help small businesses and their employees purchase a health coverage product developed by the community. In addition to reducing the local uninsured population, increased access to health care in a community will result in community-wide economic benefit. Employers in the community will experience less health care cost-shifting, and increased productivity and employee retention. With greater emphasis on preventive and chronic care, communities' uninsured populations will become less of a financial burden on state and local budgets.

Thank you for your very thoughtful effort to help communities, small business, and to ensure that the uninsured are not forgotten. We look forward to working with you on this national effort.

Sincerely,

MARSHA J. CASEY,
President, Michigan Ministries.

Detroit, MI, May 9, 2006.
Hon. DEBBIE STABENOW
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing to express Wayne County's strong support for S. 2588, the Health Care Access for Small Businesses Act of 2006. As you know, Wayne County, Michigan has long been on the forefront of developing innovative health coverage for small business employees and the uninsured. Our experience demonstrates that these programs have a meaningful impact on employee retention and well-being and provide a much-needed safety net to scores of workers in Wayne County. As such, we appreciate Senator Stabenow's leadership and strongly support the authorization of federal grant programs for pilot demonstrations that will help ensure the establishment and the continued success of three-share health coverage programs across the country.

The "three-share" programs developed in Wayne County provide affordable coverage and quality medical care to working uninsured residents. As you are aware, the two primary three-share programs operating in Wayne County are the Health Choice program and the Four Star Program. Under both programs, workers receive coverage for primary health care, prescription drugs, emergency and urgent care, hospital care, and diagnostic services. Employers, employees, and the County each pay roughly one-third of the premium cost of the coverage, which is less than $60 per month for employees. There are currently 607 employers, including 3,700 members, participating in Health Choice and approximately 40 businesses, including 150 members, participating in Four Star.

These three-share programs not only provide coverage to individuals who badly need it; but they also help small businesses attract and retain skilled employees. In Wayne County, roughly 280,000 persons are uninsured, many of whom are employed by small businesses that cannot afford to bear the cost of providing a health insurance benefit to their employees. The three-share programs operating in Wayne County provide these employers with a low-cost way of providing health insurance to their workers, which in turn reduces sick days, builds employee morale and loyalty, and ultimately improves our local economy.

Federal grants that would be authorized by S. 2588 could enable Wayne County to expand these programs to serve more persons or include additional benefits. Currently, Wayne County's three-share programs only cover employees and their spouses, as the County is unable to provide coverage to the children of employees. Funding could also support the County's outreach efforts to eligible employers, including reaching out to the Hispanic and Arab American communities to ensure awareness of the program and how it operates. Finally, it is possible that federal grant money would allow the County, working with its underwriters to lower the portion of premiums that employers have to pay, thus providing an incentive to additional small businesses to participate in the program. Numerous other counties would similarly benefit from a federal grant program for three-share programs.

Wayne County's programs have enhanced access to health services for the most needy in our community and we commend your leadership and vision for seeking expanded nationwide access to this model. We are confident other municipalities will find your legislation attractive as well. Expanding insurance opportunities for our nation's uninsured and providing small businesses with a meaningful way of offering health coverage to their employees are significant challenges to many, if not most, municipalities. Three-share programs can positively impact other counties and cities nationwide so that both employers and employees benefit from the continued strength of these programs. Thank you again for all your leadership and all your efforts to address pressing national health coverage access problems.

Sincerely,

ROBERT A. FICANO,
Wayne County Executive.

OAKWOOD HEALTHCARE, INC.,
Dearborn, MI, May 16, 2006.
Hon. DEBBIE STABENOW,
U.S. Senator,
Washington, DC.

DEAR SENATOR STABENOW: Thank you for introducing Senate Bill 2588 that certifies and supports programs to provide uninsured employees of small businesses access to health coverage.

As the Chief Executive Officer of a health system in a market experiencing high unemployment and increasing numbers of uninsured patients among the employed, I am hearing of many individuals avoiding visits to their healthcare provider due to lack of insurance. This has resulted in significant decreases in hospital admissions in Southeast Michigan during the past six months.

Of course, the underlying health problems of these uninsured individuals are not going away. We fully expect to see many of them in our Emergency Room when their condition reaches a crisis stage.

While the problem of the uninsured is entrenched and growing, there are potential solutions. Our governor in Michigan is working to create a statewide plan that would cover significant numbers of uninsured residents. While we support this work, we also believe that development of shared resource insurance programs could very quickly begin addressing the problem in a number of local markets.

Oakwood has already established one such program, known as the "Four-Star" health plan, in which Oakwood Healthcare System, St. John Health System, Henry Ford Health System, and the Detroit Medical Center, partner with the Wayne County Health Department to provide coverage to qualified individuals who share the cost with their employer and the county.

We believe this program and others like it offer a timely and viable approach to providing health care access to the uninsured employed by small businesses. It is exactly the approach described in S. 2588.

We welcome the support this bill would provide to build and market plans like ours. While we believe such three-share plans offer the right solution to many employers and their employees, they require significant startup investment. The grants called for in Section 2201 would do much to encourage additional three-share programs, thus providing access to health care for thousands of employed individuals while adding to the viability and competitiveness of many small businesses. We heartily endorse passage of this legislation.

Sincerely,

GERALD D. FITZGERALD,
President and CEO.

WWW.COVERTHEUNINSURED.ORG,
Dearborn, MI, May 2, 2006.
Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I want to thank you for developing and introducing the "Health Care Access for Small Businesses Act of 2006." I support efforts to expand coverage for the uninsured, and I am pleased that your legislation is modeled on the successful multi-share program in Muskegon that provides affordable health insurance options for small businesses. It is this kind of program that should be replicated to reduce the number of working uninsured in our country.

I hope you will find other ways to bring the urgent issue of the uninsured to the forefront of the national political agenda. Nearly 46 million Americans are living without health insurance, including more than 8 million children. As you know, more and more Michigan families are facing the hardship of being uninsured as cutbacks in manufacturing leave them unemployed or in jobs without health benefits.

The economic impact of the growing uninsured is most evident for states and localities like ours trying to attract job-creating investments. Small businesses often find that insurance coverage for their employees is either unaffordable or simply unavailable. Large employers that do provide health insurance are bearing many of the uninsured treatment costs, which are shifted to them through steeply rising premiums. The result is an uneven playing field for employers.

More importantly, the uninsured often receive care that is "too little too late." Minor illnesses become more severe because care is delayed. The Institute of Medicine has determined that thousands of uninsured people die each year because of this delayed care.

I hope you will work to find bipartisan support for the "Health Care Access for Small Businesses Act of 2006," and that you can continue to support other legislative initiatives on behalf of the uninsured. "Coverage and access for all" makes economic sense because it will mean more efficient and effective care, a healthier population, and a more competitive local economy. More importantly, coverage and access for all is the right thing to do for our community. In a just society, no one should be left behind.

Thank you for your efforts on behalf of the uninsured.

Sincerely,

STANLEY GOLDBERG.

ADDITIONAL STATEMENTS

IN RECOGNITION OF 40 YEARS OF FAITHFUL SERVICE TO THE ELIEZER CHURCH OF OUR LORD JESUS CHRIST

• Mr. LEVIN. Mr. President, I would like to take this opportunity to recognize two distinguished religious leaders in Michigan, Pastor Raymond H. Dunlap, Sr. and his wife, Mother Lillian B. Dunlap. On May 21, 2006, they will be honored for their service to The Eliezer Church of Our Lord Jesus Christ of Flint, MI.

Bishop Dunlap, known by many as a "Man with a Vision," entered the ministry in Columbus, OH in 1954 under the guidance of his father, the late Bishop Sandy Dunlap. In 1966, he became the pastor of the newly established Eliezer Church of Our Lord Jesus Christ in Flint, MI. Bishop Dunlap was appointed district elder of the Northern District in 1977 and 3 years later was named junior bishop at the International Convocation. Bishop Dunlap's faithfulness, leadership, and service lead him to be consecrated bishop in 1983. Bishop Dunlap directed the creation of 13 Churches of the Lord Jesus Christ in Michigan, as well as 3 in Minnesota.

Over the years, Bishop Dunlap has founded several programs, including the Michigan Home Builders, the Apostolic Instructions Deliverance Station, and Anti-Juvenile Delinquency. He also organized the Freedom Train Outreach and was editor of the International Church of Our Lord Jesus Christ of the Apostolic Faith. Through these community-based efforts, Bishop Dunlap has provided much needed assistance and leadership to those most in need.

Bishop Dunlap's wife, Mother Dunlap, has dedicated a great deal of her service to youth ministry. Her work with the Youth Department, Sunday School Department, Music Department, as well as the Church of Our Lord Jesus Christ Bible Institute Extension has allowed her to touch the lives of children and adults alike. In addition, she has ministered her faith through several literary contributions, including "Words From the Lord For the Women," "Go To Sleep With Mother's Prayer," and "Mountain Top Prayers." Mother Dunlap's faith has been an inspiration not only to her church but to the entire community.

Bishop and Mother Dunlap have delivered their spiritual message through radio ministry for several years. Bishop Dunlap ministers through "The Hour of Power, for Prayer or to Share". Mother Dunlap extends her message through "The Extension of the Hour of Power—Sleep Well With Mother's Prayer."

I know my colleagues join me in congratulating Bishop Dunlap and Mother Dunlap on their service to the Flint community and on their many achievements over the years. I am pleased to offer my best wishes to them on the 40 years of faithful service at the Eliezer Church of Our Lord Jesus Chris and for many more years of good health, happiness, and service to the community.•

MUNSTER HIGH SCHOOL RECEIVES WE THE PEOPLE CENTRAL STATES REGION AWARD

• Mr. LUGAR. Mr. President, I rise today to congratulate Munster High School's We the People class on being awarded the Central States Region Award at the We the People: The Citizen and the Constitution national competition held April 29–May 1 in Washington, DC. I am pleased that the members of the Munster High School We the People class were among the 1,200 students from across the country that participated in this important event specifically designed to educate young people about the U.S. Constitution and Bill of Rights.

I join family, friends, and the entire Munster High School community in recognizing the hard work and dedication of the following members of the Munster High School We the People class: Sara Brown, Sara Farooq, Scott Goodwin, Lauren Hudak, Hannah Huebner, Casey Jedrzejczak, Alexis Jeter, Joseph Kasenga, Emily Lyness, Shobha Pai, Samantha Skrobot, and Matt Westerlund. I also wish to commend Michael Gordon, the teacher of the class, who committed his time and talent to prepare the students for the national competition.

The success of the Indiana We the People program is also attributed to the hard work of Erin Braun and others at the Indiana Bar Association, as well as Stan Harris and Cathy Bomberger.

The We the People national competition is a 3-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students are able to demonstrate their knowledge and understanding of constitutional principles as they evaluate and defend positions on relevant historical and contemporary issues.

The We the People: The Citizen and the Constitution program is administered by the Center for Civic Education and funded by the U.S. Department of Education through congressional appropriations. I am proud to note that between 2002 and 2005, Indiana had 147,497 students participate in the programs offered through the Center for Civic Education, with 7,074,896 participating nationally.•

MESSAGE FROM THE HOUSE

At 1:25 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5385. An act making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 1499. An act to amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

The message further announced that pursuant to section 214(a) of the Help America Vote Act of 2002 (42 U.S.C. 15344), and the order of the House of December 18, 2005, the Speaker appoints the following member on the part of the House of Representatives to the Election Assistance Commission Board of Advisors to fill the existing vacancy thereon: Mr. Thomas A. Fuentes of Lake Forest, California.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5385. An act making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-321. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to adopt the Senate Appropriations Committee amendment for fishing industry recovery under the Magnuson-Stevens Fishery Conservation and Management Act to H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006; to the Committee on Appropriations.

House Concurrent Resolution No. 109

Whereas, Louisiana's fishing industry is second only to Alaska's in terms of volume with annual landings in excess of 1.2 billion pounds valued at more than three hundred nine million dollars; and

Whereas, Hurricanes Katrina and Rita in August and September of 2005 virtually destroyed the fishing industry in the state of Louisiana, which resulted in the United States Secretary of Commerce, Carlos Guiterrez, issuing a formal fishery failure and fishery resource disaster declaration on September 9, 2005, as a result of Hurricane Katrina and a second such declaration on October 4, 2005, as a result of Hurricane Rita; and

Whereas, the United States Congress is currently working on development of the Katrina Supplemental Appropriations Act to which the Senate Appropriations Committee attached an amendment from the Department of Commerce, National Oceanic and Atmospheric Administration for $1.085 billion for "Operations, Research, and Facilities" under the Magnuson-Stevens Fishery Conservation and Management Act with such funds to remain available until September 30, 2008; and

Whereas, such appropriation is to be used for all aspects of the fishing industry including technical assistance for the states from the National Marine Fisheries Service for oyster bed and shrimp ground rehabilitation; assistance from the National Oceanic and Atmospheric Administration for rebuilding coastal communities; planning efforts to reduce capacity and effort; seafood promotion for Gulf seafood; job retraining for displaced fisheries workers; replacement of fishing gear; reestablishment of docks, icehouses, fuel centers, processing and marine support facilities, piers, and warehouses; replacement of private infrastructure other than vessels; and research and cleanup and repaid activities; and

Whereas, such funding is vital to the recovery of the fishing industry in Louisiana and, indeed, to the recovery of coastal Louisiana generally; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to adopt the Senate Appropriations Committee amendment for fishing industry recovery under the Magnuson-Stevens Fishery Conservation and Management Act to H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-322. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to expedite the Federal Emergency Management Agency's (FEMA) reimbursement process and to make the reimbursement of accrued interest on loans part of its public assistance grants; to the Committee on Banking, Housing, and Urban Affairs.

House Concurrent Resolution No. 13.

Whereas, FEMA awards public assistance grants to state and local governments, Indian tribes, and certain private nonprofit organizations; and

Whereas, public assistance grants provide supplemental federal disaster assistance for debris removal, emergency protective measures, and the repair, replacement, or restoration of publicly owned facilities and facilities of certain private nonprofit organizations damaged by disasters; and

Whereas, since Hurricanes Katrina and Rita, more than one billion nine hundred million dollars have been allocated for public assistance grants, which equals the amount allocated to Florida in 2004 following its four hurricanes; and

Whereas, due to the extreme time delay in the receipt of these grants, certain organizations have taken out loans in order to stay in operation; and

Whereas, loans have also been used to fund the restoration of infrastructure to pre-disaster conditions; and

Whereas, the organizations' loans have been accruing interest which is not reimbursable through the public assistance grants; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to expedite the Federal Emergency Management Agency's (FEMA) reimbursement process and to make the reimbursement of accrued interest on loans part of its public assistance grants; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-323. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to requesting the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices; to the Committee on Commerce, Science, and Transportation.

House Resolution No. 182

Whereas, rapidly rising gasoline prices are rippling through the American economy and creating difficult financial situations for individual families and businesses. With crude oil prices hitting $75 per barrel—an increase of more than 40 percent in less than a year—the country faces a great challenge. While there are numerous factors behind the escalating prices of oil to record levels, there are valid concerns across the country that there could be instances in which prices are being artificially increased in some situations because of activities that are not related solely to market forces; and

Whereas, the path from the oil field to the consumer is a long one. Refining, distribution, marketing, and storage are all processes that must operate above suspicion in order to assure the American people that the prices they pay are honest. Worries over price gouging, collusion, or other illegal activities can seriously undermine the public's trust; and

Whereas, it is essential that all efforts be made to ensure integrity in this critically important element of our economy. The United States Attorney General and the Federal Trade Commission should take the lead in protecting the public from illegal activities. This vigilance must extend to refining; transportation of fuel by pipelines, marine vessels, and trucks; storage and marketing, including at the wholesale level; and commodity trading; and

Whereas, American consumers have every right to expect that markets are fair and that their governmental agencies and personnel are doing all they can to eliminate all illegal activities, including artificial spot shortages; Now, therefore, be it

Resolved by the House of Representatives, That we respectfully request the President of the United States to direct the United States Attorney General and the Chairman of the Federal Trade Commission to investigate all potential price gouging, price fixing, collusion, and other anticompetitive practices related to gasoline prices; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President of the United States.

POM-324. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to formulate a sound energy policy that will provide for the long-term economic and national security needs of the United States of America; to the Committee on Energy and Natural Resources.

House Concurrent Resolution No. 116

Whereas, a constant, dependable supply of affordable energy is absolutely essential to the continued success and well-being of our nation; and

Whereas, the provision of adequate energy supplies is dependent on a rational energy policy which promotes conservation, prevents unreasonable taxation that would inhibit the competitiveness of United States energy producers against foreign-owned firms, and allows the full development of domestic energy sources in an ecologically sound manner; and

Whereas, the windfall profits tax has proven itself to be an impediment to domestic energy production, a barrier to the competitiveness of United States energy companies in the world market, and an unfair penalty on investors; and

Whereas, the windfall profits tax is a direct cause of unnecessarily high retail energy prices and increased dependence on foreign oil; and

Whereas, our national security and economic growth is imperiled by our growing dependence on foreign energy supplies, which could be reduced by the development of a wide array of domestic energy sources; and

Whereas, the exploration and development of all viable energy reserves in the United States is critical not only to our national economy but also to the redevelopment of the Gulf Coast economies decimated by natural disaster; and

Whereas, a report by the Investors Action Foundation indicates that a windfall profits tax would have a severe, negative economic impact on public employee trust funds which could lose as much as two hundred fifty-one million dollars a year in foregone gains; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States

Congress to take, with all due haste, such actions as are necessary to formulate a sound energy policy that will provide for the long-term economic and national security needs of the United States of America, which actions should include opposing any effort to establish a windfall profits tax; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–325. A House Joint Memorial adopted by the Legislature of the State of Idaho relative to demanding that the Federal Lands Recreation Act be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public lands in the state; to the Committee on Energy and Natural Resources.

HOUSE JOINT MEMORIAL NO. 14

Whereas, the Federal Lands Recreation Enhancement Act, H.R. 3283, 108th United States Congress, was introduced in the United States House of Representatives and would have authorized the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the United States Bureau of Reclamation to charge visitor fees for recreation on publicly owned lands; and

Whereas, H.R. 3283 was not voted on separately in the United States House of Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider; and

Whereas, the 108th United States Congress enacted H.R. 4818, and the Federal Lands Recreation Enhancement Act is now codified as 16 U.S.C. sections 6801 through 6814; and

Whereas, the Federal Lands Recreation Enhancement Act includes criminal penalties and is substantive legislation that fundamentally changes the way public land in the state is funded and managed; and

Whereas, the concept of paying fees to use public land is contrary to the idea that public land belongs to the people of the state and is land where every person is granted access and is welcome, a concept that has been and should remain in place; and

Whereas, recreational fees constitute double taxation and bear no relationship to the actual costs associate with recreational use such as hiking, picnicking, observing wildlife, or scenic driving on state roads and public rights-of-way; and

Whereas, the fees imposed by the Federal Lands Recreation Enhancement Act are a regressive tax that places an undue burden on the people living in rural areas adjacent to or surrounded by large areas of federal land and discriminates against lower-income and working Idahoans by placing financial obstacles in the way of their enjoyment of public land; and

Whereas, the public land access fees in the Federal Lands Recreation Enhancement Act are controversial and are opposed by hundreds of organizations, several state legislatures and millions of rural Americans; and

Whereas, the Federal Lands Recreation Enhancement Act establishes an interagency pass that may be used to cover entrance fees and recreational amenity fees for federal public land and water, disregarding the substantially different ways in which national parks and other federal public land are managed and funded; and

Whereas, the limited means of expressing opposition to and the lack of public debate in the implementation of the fee program raises the concern that some citizens may be deterred from visiting and enjoying public land in the state and throughout the United States; and

Whereas, tourism is an important industry to the state, and the imposition of recreational use fees will have a negative effect on state and local economies; Now, therefore, be it

Resolved, By the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho demands that the Federal Lands Recreation Enhancement Act, which was enacted on December 8, 2004, be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land in the state; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Gale Norton, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Ted Stevens, President Pro Tempore of the U.S. Senate, the Honorable William H. Frist, Majority Leader of the U.S. Senate; the Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable John Boehner, Majority Leader of the U.S. House of Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–326. A resolution adopted by the Senate of the State of Michigan relative to memorializing the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 61

Whereas, the average price for unleaded regular gasoline is 71 cents per gallon higher than this time last year; and

Whereas, this is the highest price gasoline has been since immediately after Hurricane Katrina in 2005. The President has instructed the Federal Trade Commission, the Justice Department, and the Energy Department to investigate whether the price of gasoline has been unfairly manipulated; and

Whereas, the average price for a barrel of oil recently topped $75.00 for the first time in history. The President has called on Congress to take back some of the billions of dollars in tax incentives given to energy companies that are not needed in the face of record profits due to high oil prices; and

Whereas, this per-barrel price is approaching the inflation-adjusted highs of the late 1970s and early 1980s; and

Whereas, Michigan's manufacturing, agricultural, and tourism economies are negatively impacted by rising fuel costs; and

Whereas, the Legislature appropriated funds for the Department of Agriculture to add Motor Fuel Quality inspectors and to increase the number of gas pump inspections in the state of Michigan. These inspections help decrease the chance that consumers are being gouged at the pump and should continue so that our citizens get what they pay for; and

Whereas, there are many factors that have contributed to the recent rise in gasoline pump prices. A significant element is the dozens of gasoline formulations that refineries must produce to meet environmental standards nationwide, as well as the switch from winter to summer gasoline blends; and

Whereas, to address these concerns, the President has ordered a temporary suspension of environmental rules for gasoline so that refineries can meet consumer demand more cost effectively, which should in turn dampen prices at the pump; and

Whereas, while our nation's refining capacity has been stagnant for 30 years, our total energy demand has increased by 40 percent. This is due in part to the problems of a large bureaucratic permitting process that has made it extremely difficult to site and construct new refineries; and

Whereas, new refineries could increase gasoline supplies and lower gasoline prices for consumers. It may be helpful for Michigan to identify what state government barriers exist that hamper our ability to site new refineries or to enhance our existing refinery capacity; and

Whereas, legislation to support increased exploration and production of domestic oil and gas reserves has been debated by Congress. Such development would decrease our dependence on foreign sources of oil and meet the nation's future energy needs; and

Whereas, the Strategic Petroleum Reserve was established to guard against any major supply disruption. The President ordered the deferment of deposits into the reserve to leave more oil on the market to meet consumer demand, which should in turn dampen prices at the pump; and

Whereas, one approach to solving America's energy problems is to invest in alternative forms of energy. The President signed the National Energy Policy Act of 2005, which authorizes billions of dollars to promote the production and use of alternative transportation fuels and to enhance domestic energy production. By supporting the production and use of ethanol, biodiesel, and other alternative fuels, our nation will enhance its security by becoming less dependent on foreign sources of oil. Now therefore, be it

Resolved by the Senate, That we urge the United States Attorney General and the Chairman of the Federal Trade Commission to immediately investigate all potential price gouging, price fixing, and other anticompetitive practices related to gasoline prices as directed by the President of the United States; and be it further

Resolved, That we memorialize the Congress to act on the President's call to roll back government assistance and tax breaks for oil companies; and be it further

Resolved, That we support the President's actions to temporarily suspend environmental rules for gasoline to more quickly and efficiently make the switch to summer gasoline and thereby dampen gasoline prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase efforts to decrease the nation's dependence on foreign sources of energy by increasing domestic oil and gas exploration and production; and be it further

Resolved, That we support the President's actions to defer deposits into the Strategic Petroleum Reserve, which could increase supply and dampen prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase their support for the development of alternative forms of energy, including ethanol, biodiesel, blended fuels, and other alternative fuels; and be it further

Resolved, That we memorialize the Governor to divest state investments in oil companies that she feels have made unseemly profits; and be it further

Resolved, That we memorialize the Governor to investigate why it took more than a year and a half for her administration to utilize money provided by the Legislature to increase gasoline pump inspections and deploy new inspectors in a proactive manner. Michigan consumers continue to overpay by hundreds of millions of dollars at the pump while the administration continues a reactive inspection program rather than a proactive inspection program that could protect consumers from paying for more gas than they are receiving; and be it further

Resolved, That we memorialize the Governor to instruct the Michigan Department of Environmental Quality to examine Michigan regulations to identify barriers to increasing refinery capacity in Michigan and to make recommendations to lower and remove such barriers; and be it further

Resolved, That we memorialize the Governor to investigate the barriers to the redevelopment of Michigan oil and gas reserves and to make recommendations to lower and remove such barriers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the Governor.

POM–327. A resolution adopted by the Senate of the State of Michigan relative to memorializing the President of the United States and the United States Congress to take prompt action to provide relief from high gas prices and to call on the Governor of the State of Michigan to investigate potential effects of state government policies that may add to the price of gasoline in Michigan; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION NO. 123

Whereas, the average price for unleaded regular gasoline is 71 cents per gallon higher than this time last year; and

Whereas, this is the highest price gasoline has been since immediately after Hurricane Katrina in 2005. The President has instructed the Federal Trade Commission, the Justice Department and the Energy Department to investigate whether the price of gasoline has been unfairly manipulated; and

Whereas, the average price for a barrel of oil recently topped $75.00 for the first time in history. The President has called on Congress to take back some of the billions of dollars in tax incentives given to energy companies that are not needed in the face of record profits due to high oil prices; and

Whereas, this per-barrel price is approaching the inflation-adjusted highs of the late 1970s and early 1980s; and

Whereas, Michigan's manufacturing, agricultural, and tourism economies are negatively impacted by rising fuel costs; and

Whereas, the Legislature appropriated funds for the Department of Agriculture to add Motor Fuel Quality inspectors and to increase the number of gas pump inspections in the state of Michigan. These inspections help decrease the chance that consumers are being gouged at the pump and should continue so that our citizens get what they pay for; and

Whereas, there are many factors that have contributed to the recent rise in gasoline pump prices. A significant element is the dozens of gasoline formulations that refineries must produce to meet environmental standards nationwide as well as the switch from winter to summer gasoline blends; and

Whereas, to address these concerns, the President has ordered a temporary suspension of environmental rules for gasoline so that refineries can meet consumer demand more cost effectively, which should in turn dampen prices at the pump; and

Whereas, while our nation's refining capacity has been stagnant for 30 years, our total energy demand has increased by 40 percent. This is due in part to the problems of a large bureaucratic permitting process that has made it extremely difficult to site and construct new refineries; and

Whereas, new refineries could increase gasoline supplies and lower gasoline prices for consumers. It may be helpful for Michigan to identify what state government barriers exist that hamper our ability to site new refineries or to enhance our existing refinery capacity; and

Whereas, legislation to support increased exploration and production of domestic oil and gas reserves has been debated by Congress. Such development would decrease our dependence on foreign sources of oil and meet the nation's future energy needs; and

Whereas, Strategic Petroleum Reserve was established to guard against any major supply disruption. The President ordered the deferment of deposits into the reserve to leave more oil on the market to meet consumer demand, which should in turn dampen prices at the pump; and

Whereas, one approach to solving America's energy problems is to invest in alternative forms of energy. The President signed the National Energy Policy Act of 2005, which authorizes billions of dollars to promote the production and use of alternative transportation fuels and to enhance domestic energy production. By supporting the production and use of ethanol, biodiesel and other alternative fuels, "our nation" will enhance its security by becoming less dependent on foreign sources of oil; Now, therefore, be it

Resolved by the Senate, That we urge the United States Attorney General and the Chairman of the Federal Trade Commission to immediately investigate all potential price gouging, price fixing, and other anticompetitive practices related to gasoline prices as directed by the President of the United States; and be it further

Resolved, That we memorialize the Congress to act on the President's call to roll back government assistance and tax breaks for oil companies; and be it further

Resolved, That we support the President's actions to temporarily suspend environmental rules for gasoline to more quickly and efficiently make the switch to summer gasoline and thereby dampen gasoline prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United States Congress to increase efforts to decrease the nation's dependence on foreign sources of energy in by increasing domestic oil and gas exploration and production; and be it further

Resolved, That we support the President's actions to defer deposits into the Strategic Petroleum Reserve, which could increase supply and dampen prices at the pump; and be it further

Resolved, That we memorialize the President of the United States and the United Sates Congress to increase their support for the development of alternative forms of energy, including ethanol, biodiesel, blended fuels, and other alternative fuels; and be it further

Resolved, That we memorialize the Governor to divest state investments in oil companies that she feels have made unseemly profits; and be it further

Resolved, That we memorialize the Governor to investigate why it took more than a year and a half for her administration to utilize money provided by the Legislature to increase gasoline pump inspections and deploy new inspectors in a proactive manner. Michigan consumers continue to overpay by hundreds of millions of dollars at the pump while the administration continues a reactive inspection program rather than a proactive inspection program that could protect consumers from paying for more gas than they are receiving; and be it further

Resolved, That we memorialize the Governor to instruct the Michigan Department of Environmental Quality to examine Michigan regulations to identify barriers to increasing refinery capacity in Michigan and to make recommendations to lower and remove such barriers; and be it further

Resolved, That we memorialize the Governor to investigate the barriers to the redevelopment of Michigan oil and gas reserves and to make recommendations to lower and remove such barriers; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Office of the Governor.

POM–328. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to ensure that any United States Army Corps of Engineer project restoring barrier islands protecting Terrebonne and Timbalier Bays redefine and narrow Whiskey Pass, Little Pass, Wine Island Pass, and Cat Island Pass using hardened material; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 108

Whereas, current techniques of restoring barrier islands use fine materials from water bottoms to rebuild the shoreline of the islands, but a hardened material would not as easily erode back into the sea and both techniques work hand in hand and are applicable; and

Whereas, Louisiana's barrier islands are the primary line of defense against waves and storm surge from the Gulf of Mexico and protect our extensive estuarine system and the mainland marshes; and

Whereas, barrier islands help keep one of the nation's most productive fisheries vibrant, provide habitat to wildlife, and furnish storm protection for homes, roads, waterways, and oil industry infrastructure; and

Whereas, these barrier islands provide valuable habitat for migratory birds, nesting shorebirds and waterfowl, and aquatic nursery habitats for fish and shellfish; and

Whereas, restoration is critical to sustaining the barrier islands and reducing mainland marsh loss; and

Whereas, the erosion and breaching of barrier islands reduces their effectiveness in preventing storm surges from reaching mainland marshes and results in increased wave damage to bay marshes; and

Whereas, Louisiana, which contains forty percent of the wetlands in the forty-eight contiguous states, is losing between twenty-five and thirty-five square miles of valuable marine habitat a year, mainly due to erosion, subsidence, and other forces; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby, memorialize the United States Congress to take such actions as are necessary to ensure that any United States Army Corps of Engineer project restoring barrier islands protecting Terrebonne and Timbalier Bays redefine and narrow Whiskey Pass, Little Pass, Wine Island Pass, and Cat Island Pass using hardened material or rocks; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-329. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to facilitate the construction of a storm surge barrier at Port Fourchon; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 107

Whereas, in August and September of 2005, the state's coast was visited by two devastating hurricanes, Katrina and Rita, respectively; and

Whereas, Hurricanes Katrina and Rita laid massive destruction all along the southern coast of this state, from St. Bernard Parish to Cameron Parish; and

Whereas, the state's oil and gas infrastructure did not escape the wrath of these two hurricanes, suffering major damages to many of the rigs and platforms located in the Gulf of Mexico and to inland processing facilities; and

Whereas, Hurricane Katrina halted oil and gas production along the coast of Louisiana, the source for twenty-five percent of the country's crude oil production; and

Whereas, such percentage indicates the importance of the industry not only to the state, but to the nation as a whole; and

Whereas, the effects of the destruction and damages felt by the oil and gas industry were not confined to this state, but were felt across the country; and

Whereas, such widespread effect mandates that the federal government take a leading role in protecting the oil and gas industry from future destruction; Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions, including funding, as are necessary to facilitate the construction of a storm surge barrier at Port Fourchon; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM-330. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the Social Security Administration to accept a notarized document to suffice as independent verification for evidence of age; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 90

Whereas, in December 2005, the Social Security Administration changed its procedures for accepting "evidence of age" for newborns; and

Whereas, the Social Security Administration is required to independently verify all documents submitted by United States born individuals requesting an original social security card unless the request for a social security number is submitted through the enumeration at birth process; and

Whereas, according to the Social Security Administration, independent verification requires contacting the hospital where the child was born to determine whether a document submitted by an applicant is authentic; and

Whereas, prior to Hurricane Katrina most newborns in Louisiana were issued social security numbers through Louisiana's enumeration at birth process; and

Whereas, birth certificates were filed with the Louisiana Office of Vital Records by Louisiana hospitals shortly after birth; and

Whereas, if requested by the parents, the Louisiana Office of Vital Records would provide the Social Security Administration with the necessary information used to issue social security numbers; and

Whereas, since Hurricane Katrina, the Louisiana Office of Vital Records has experienced severe disruption in services including the ability to process birth certificates; and

Whereas, consequently, many infants born prior to, during, and after Hurricane Katrina have not been issued social security numbers through the enumeration at birth process; and

Whereas, since it is unknown when the Louisiana Office of Vital Records will return to normal operations and the enumeration at birth process is fully restored, parents have begun applying for social security numbers for their newborns at local social security offices throughout the state; and

Whereas, prior to the new social security regulations, parents could use an original verification of birth issued by the hospital, as evidence of age, to apply for a social security number for their newborns; and

Whereas, with the new social security requirements, the social security office must independently verify with hospitals the authenticity of each verification of birth given; and

Whereas, this new requirement mandates that hospital staff spend extreme amounts of time re-verifying the birth of every infant applying for a social security number; and

Whereas, since Hurricane Katrina, Woman's Hospital alone has delivered more than three thousand five hundred infants: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the Social Security Administration to accept a notarized document to suffice as independent verification for evidence of age; and Be it further

Resolved, That a suitable copy of this Resolution be transmitted to the vice president of the medical staff at Woman's Hospital and each member of the Louisiana congressional delegation.

POM-331. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to redirecting and making available to Louisiana federal contingency funds that were set aside through the Temporary Assistance For Needy Families (TANF) Emergency Response and Recovery Act of 2005 to be drawn by states receiving and hosting residents of Louisiana, Alabama, and Mississippi that were displaced by Hurricane Katrina and Hurricane Rita which remains unused; to the Committee on Finance.

SENATE CONCURRENT RESOLUTION NO. 41

Whereas, the devastating effects of Hurricane Katrina are still impacting the lives of many persons forced to evacuate; and

Whereas, Congress passed the Temporary Assistance for Needy Families (TANF) Emergency Response and Recovery Act of 2005 to give host states access to two billion dollars to help hurricane victims scattered across the country due to the results of the recent hurricanes; and

Whereas, this act increased the amount of the state family assistance grants and provided immediate access to TANF contingency funds to ensure families in crisis had access to immediate assistance; and

Whereas, this act allows host states providing services to evacuees to apply for contingency funds until August 31, 2006; and

Whereas, more than five months after the contingency funds were set aside for host states to access, few states have requested the additional aid; and

Whereas, billions of unclaimed dollars of federal disaster aid for Hurricane Katrina and Hurricane Rita evacuees go unused even when many of those affected are still in need of immediate assistance; and

Whereas, the unclaimed and unused federal disaster aid funds could be put to immediate use in the hurricane ravaged states to meet the needs of many families and improve their lives; Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to redirect and make available to Louisiana federal Contingency funds that were set aside through the Temporary Assistance For Needy Families (TANF) Emergency Response and Recovery Act of2005 to be drawn by states receiving and hosting residents of Louisiana, Alabama, and Mississippi that were displaced by Hurricane Katrina and Hurricane Rita which remain unused; and Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-332. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to providing states with the necessary funding to implement the goals of the No Child Left Behind Act of 2001 and other education-related programs and to offer states waivers or exemptions from related regulations when federal funding for elementary and secondary education is decreased; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 60

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students, especially those of minority racial and ethnic backgrounds, lower economic status, and limited English proficiency, and those with learning disabilities or challenges; and

Whereas, the State of Hawaii, therefore, applauds the President of the United States and Congress for setting the same goals in the No Child Left Behind Act of 2001, and emphasizing the urgency in closing the achievement gaps for these students; and

Whereas, the No Child Left Behind Act has encouraged some needed changes in public education and was initially accompanied by relatively large increases in federal funding for public elementary and secondary education; and

Whereas, the increases in federal funding since the first year of implementation of the No Child Left Behind Act have been minimal and insufficient to meet its requirements; and

Whereas, the federal government has decreased funding for programs implementing the No Child Left Behind Act in fiscal year 2006 by almost $800,000,000, and for overall public education by $606,000,000, including cuts of more than $165,000,000 from postsecondary education and over $20,000,000 from programs for students with disabilities: Now, therefore, be it

Resolved, By the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, that the Hawaii Legislature urges the President of the United States and United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for implementation of the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii requests that in any year that federal funding for public elementary and secondary education is decreased, the President, United States Congress, and the United States Department of Education create flexibility in No Child Left Behind Act requirements through the use of state waivers, exemptions, or other mechanisms; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Education, and Hawaii's congressional delegation.

POM–333. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to urging the United States Congress to support changes to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 61

Whereas, the National Conference of State Legislatures created a special task force (Task Force) that spent ten months conducting a comprehensive, bipartisan review of the No Child Left Behind Act of 2001; and

Whereas, this review identified a number of changes that must be made to the No Child Left Behind Act for it to become a positive impetus to school improvement and ensure that young people will learn at their full potential; and

Whereas, the Task Force drafted forty-three recommendations outlining these necessary changes to provide useful, workable requirements for schools, many of which could be easily incorporated into the No Child Left Behind Act; and

Whereas, the four key Task Force recommendations include: (1) removing obstacles that block state education innovations and undermine programs that were succeeding prior to the passage of the No Child Left Behind Act; (2) providing the federal financial assistance necessary for states to meet No Child Left Behind Act classroom goals; (3) removing the "one-size-fits-all" student performance measurements in favor of more sophisticated systems that measure progress on an individualized basis; and (4) recognizing that individual schools face special challenges, and that significant differences exist between rural and urban schools: Now, therefore, be it

Resolved, By the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, that the Hawaii State Legislature strongly urges the Congress of the United States to support the worthwhile recommendations of the National Conference of State Legislatures special task force on revisions to the No Child Left Behind Act; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation.

POM–334. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to increasing funds for federal education initiatives and affording more flexibility to states in relation to the No Child Left Behind Act; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 103

Whereas, all children, regardless of race, income, ethnicity, or disability, deserve a quality public education; and

Whereas, the nation's states are charged with the constitutional responsibility of providing public schools that help all children achieve their full potential; and

Whereas, states have a strong history of innovation, leading education reforms, and responding to the unique needs of their schools and communities; and

Whereas, states have long supported the worthy goals of the federal No Child Left Behind Act to improve academic achievement, provide quality teachers, and increase accountability at all levels; and

Whereas, while a stated goal of NCLB is to provide flexibility for states to improve academic achievement and close achievement gaps, the Task Force on NCLB found that little flexibility has been granted to states to implement NCLB; and

Whereas, the best way for the federal government to make education a national priority is to support states in their continuing efforts to raise student achievement by investing in the core building blocks of educational improvement, including:

(1) A quality classroom environment that provides students with quality teachers, smaller classes, up-to-date books and materials, and tools for technology;

(2) Opportunities for increased parent and community involvement that recognize the crucial role that parents and the community play in student success;

(3) Standard that support, not undermine, state and local education reform efforts that set high expectations, demonstrate clear results, and establish comprehensive and rigorous curricula;

(4) Accurate measures of student achievement that provide schools with a better gauge of student performance by relying on a broader range of measures, including graduation, attendance and dropout rates, classroom grades, and student progress, in addition to test scores; and

(5) Improved measures of accountability that focus on results, rather than the process, provide support and incentives rather than mandates and punishments, and direct sufficient resource to the students and schools most in need; Now, therefore, be it

Resolved, By the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, that the President of the United States and the United States Congress are urged to fulfill their commitment to improving the quality of the nation's public schools by substantially increasing funding for NCLB, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii respectfully requests that the President of the United States, United States Congress, and United States Department of Education provide waivers, exemptions, or other flexibility to help the states with the requirements of NCLB for any year that federal funding for public elementary and secondary education is reduced; and be it further

Resolved, That the State of Hawaii encourages other states to pass similar resolutions; and be it further

Resolved, That certified copies of this Resolution be transmitted to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education, and members of Hawaii's Congressional delegation.

POM–335. A resolution adopted by the Senate of the State of Michigan relative to adding social studies to the testing requirements of the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 108

Whereas, Every generation of Americans has relied on the public schools to prepare young people to be responsible stewards of our national legacy, entrepreneurial economic competitors, and active participants in civic life. The founders believed that well-educated citizens were crucial to a free society; and

Whereas, Citizens of the twenty-first century face unprecedented challenges, including adapting to widely diverse communities and workplaces, economic competition on a global scale, applying rapidly evolving technologies, managing scarce natural resources, and revolving political and cultural conflicts; and

Whereas, The No Child Left Behind Act of 2001 requires rigorous assessment of the core academic subject of reading, mathematics, and science. Success in dealing with the challenges of the twenty-first century require mastering the core disciplines of the social sciences, including civics, government, economics, history, and geography, as well as reading, mathematics, and science; and

Whereas, Assessing or measuring proficiency in some but not all of the academic subjects necessary for a successful education results in a lack of equitable measurement data of student achievement. This limits accountability for the responsible delivery of the untested academic subjects as well as leading to less instructional attention, fewer resources, and less emphasis on the social studies curriculum: Now, therefore, be it

Resolved by the Senate, That we memorialize the United States Congress to add civics, government, economics, history, and geography to the testing requirements of the No Child Left Behind Act of 2001; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United

States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-336. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to providing flexible funding to help states and local communities clean up and deal with the disastrous effects of clandestine methamphetamine labs; to the Committee on the Judiciary.

House Resolution No. 209

Whereas, There is a meth epidemic in the United States, and it is having a devastating effect on our country. Meth abuse is causing social, economic, and environmental problems. Children residing in homes with meth labs live in danger and often suffer from neglect and abuse. Meth production costs citizens and governments millions of dollars for a variety of reasons, including law enforcement costs, drug treatment for offenders, cleanup of production sites, and placement of endangered children; and

Whereas, Meth labs leave behind a toxic mess of chemicals and pose a significant danger to communities. The manufacture of one pound of methamphetamine results in six pounds of waste. These wastes include corrosive liquids, acid vapors, heavy metals, solvents, and other harmful materials that can disfigure skin or cause death. Hazardous materials from meth labs are typically disposed of illegally and may cause severe damage to the environment; and

Whereas, Between 1992 and 2004, the number of clandestine meth lab-related cleanups increased from 394 to over 10,000 nationwide. The cost of cleaning up clandestine labs in FY 2004 was approximately $17.8 million; and

Whereas, States and local governments are bearing the burden of funding the clean up efforts. Many local communities are finding and seizing meth labs. But the lab sites remain dangerous to the public because neither the state or the local community has adequate funding to clean them up; and

Whereas, Federal funding that is supposed to help states and local communities bear the burden of cleaning up meth labs is narrowly crafted and many states and local communities are finding it difficult to qualify; and

Whereas, Federal legislation, such as the Clean, Learn, Educate, Abolish, Neutralize, and Undermine Production (CLEAN-UP) of Methamphetamines Act, introduced in the United States House of Representatives, and the Combat Meth Act of 2005, introduced in the United States Senate, contain funding for meth lab cleanup; Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to provide funding for meth lab clean up and ensure that the criteria to qualify for the funds is broad enough that states and local communities in the midst of the meth epidemic can access the funds; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-337. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to using flexibility in the implementation of rules to allow use of an enhanced drivers license under the Western Hemisphere Travel Initiative which requires all citizens of any age of the United States, Canada, Mexico, and Bermuda to have a passport or other secure documentation to enter or re-enter the United States; to the Committee on the Judiciary.

House Resolution No. 188

Whereas, The Michigan-Canada crossing is the busiest border crossing in North America, including commerce, tourism, trade, workers, and students, averaging hundreds of millions of dollars in trade value per day in Michigan alone and hundreds of billions of dollars per year across the entire northern border. There are 10 land ports of entry between Canada and Michigan, and in 2004 over 21 million passenger vehicles crossed at just five of those ports. In 2004, there were 58,000 daily border crossings to and from Michigan and Canada; and

Whereas, The Western Hemisphere Travel Initiative is a proposal developed by the United States Department of Homeland Security and the United States Department of State, to require that all citizens of any age entering or re-entering the United States from Canada, Mexico, and Bermuda, have in their possession a passport or other secure documentation as the only acceptable documentation required by law as of December 31, 2007; and

Whereas, This proposal could have a devastating economic impact on Michigan by slowing commerce and tourism. The costly ($97 for each adult and $82 for each child) and cumbersome process of obtaining a passport may discourage many families, entrepreneurs, and tourists from traveling across the border. Many residents in border regions would be discouraged from taking spontaneous trips across the border. It is projected that the total number of persons crossing the border would decline, subsequently causing financial difficulties for bridge and tunnel operators along the border who largely depend on toll revenue to undertake maintenance and improvement projects. It is estimated that the impact of this policy would be economically devastating to Michigan because Canada remains Michigan's primary export market, with $175 billion worth of merchandise goods exchanged during 2004 alone; and

Whereas, This proposal could end an 80-year period of trust between the United States and Canada that allowed for seamless cross-border trade and travel and the opportunity for education and employment exchanges; and

Whereas, Protecting our borders is critical to ensuring homeland security, and alternative means of establishing a traveler's identity and nationality should be thoroughly examined by the Departments of Homeland Security and State. One such alternative that would be much cheaper and less cumbersome could involve an identification code on driver's licenses issued in Michigan: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President and the Congress of the United States to use flexibility in the implementation of rules to allow use of an enhanced drivers license under the Western Hemisphere Travel Initiative which requires all citizens of any age of the United States, Canada, Mexico, and Bermuda to have a passport or other secure documentation to enter or re-enter the United States; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-338. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting legislation restricting protests at funerals; to the Committee on Veterans' Affairs.

House Resolution No. 226

Whereas, More than 100 military funerals nationwide have been besieged with protesters in the past three years. Protesters have trespassed on the solitude and dignity of grieving families, who want nothing more than to bury their husbands, wives, sons, and daughters in peace and solemnity. Espousing perverse and hateful language and placards, these protesters celebrate the slaying of our nation's heroes; and

Whereas, No family member, on the blackest day of their life, should have to confront such premeditated viciousness, which is solely calculated to deepen the anguish of bereavement. Under such circumstances, the family's right to privacy outweighs any supposed free speech concerns; and

Whereas, The United States Congress is considering legislation to restrict protests at funerals at national cemeteries for 60 minutes before or after a funeral. The measure would also restrict protesters to remain 500 feet or more from the grave site or from individuals they are protesting: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact legislation restricting protests at funerals; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Susan C. Schwab, of Maryland, to be United States Trade Representative, with the rank of Ambassador.

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

*David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.

*Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics for a term of five years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2919. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to establish a Director of the Pension Benefit Guaranty Corporation and the Internal Revenue code of 1986 to increase certain penalties, and for other purposes; to the Committee on Finance.

By Mr. REID (for Mr. BIDEN):

S. 2920. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

By Mr. REID (for Mr. DAYTON):

S. 2921. A bill to amend title 49, United States Code, to enhance competition among and between rail carriers in order to ensure efficient rail service and reasonable rail rates, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. TALENT:

S. 2922. A bill to suspend temporarily the duty on certain machines used in the assembly of motorcycle wheels; to the Committee on Finance.

By Mr. KYL:

S. 2923. A bill to extend temporarily the suspension of duty on Vinclozolin; to the Committee on Finance.

By Mr. ALLEN:

S. 2924. A bill to suspend temporarily the duty on brominated polystyrene flame retardant; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON (for herself, Ms. CANTWELL, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mrs. MURRAY, Mr. KENNEDY, Mr. SCHUMER, Mrs. BOXER, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. LANDRIEU):

S. Res. 485. A resolution to express the sense of the Senate concerning the value of family planning for American women; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself, Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Ms. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROBERTS, Mr. SANTORUM, and Mr. DEWINE):

S. Res. 486. A resolution designating June 2006 as "National Internet Safety Month"; considered and agreed to.

By Mr. FEINGOLD (for himself and Ms. SNOWE):

S. Res. 487. A resolution expressing the sense of the Senate with regard to the importance of Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; considered and agreed to.

By Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, Mr. NELSON of Florida, and Mr. FRIST):

S. Res. 488. A resolution expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. CHAMBLISS, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 25, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 558

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 559

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 559, a bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1099

At the request of Mr. SHELBY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1099, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1162

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1162, a bill to amend title 10 and 38, United States Code, to repeal the 10-year limits on use of Montgomery GI Bill educational assistance benefits, and for other purposes.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1353

At the request of Mr. MARTINEZ, his name was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1353, supra.

S. 1376

At the request of Mr. COCHRAN, the names of the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1376, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 1862

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1862, a bill to establish a joint energy cooperation program within the Department of Energy to fund eligible ventures between United States and Israeli businesses and academic persons in the national interest, and for other purposes.

S. 1934

At the request of Mr. SPECTER, the names of the Senator from Maine (Ms. COLLINS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1934, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

S. 2278

At the request of Ms. MURKOWSKI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2292

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2385

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 2385, a bill to amend title 10, United States Code, to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 2452

At the request of Mr. BAYH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2452, a bill to prohibit picketing at the funerals of members and former members of the armed forces.

S. 2459

At the request of Ms. COLLINS, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2459, a bill to improve cargo security, and for other purposes.

S. 2494

At the request of Mr. BURNS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2494, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of premiums for high deductible health plans, to allow a credit for certain employment taxes paid with respect to premiums for high deductible health plans and contributions to health savings accounts, and for other purposes.

S. 2506

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2506, a bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes.

S. 2642

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2642, a bill to amend the Commodity Exchange Act to add a provision relating to reporting and recordkeeping for positions involving energy commodities.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2694

At the request of Mr. CRAIG, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2694, a bill to amend title 38, United States Code, to remove certain limitation on attorney representation of claimants for veterans benefits in administrative proceedings before the Department of Veterans Affairs, and for other purposes.

S. 2703

At the request of Mr. SPECTER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2796

At the request of Mr. GRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2796, a bill to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy.

S. 2802

At the request of Mr. ENSIGN, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Oregon (Mr. SMITH), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Florida (Mr. NELSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 2802, a bill to improve American innovation and competitiveness in the global economy.

S. 2803

At the request of Mr. ENZI, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2811

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2811, a bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. 2831

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2831, a bill to guarantee the free flow of information to the public through a free and active press while protecting the right of the public to effective law enforcement and the fair administration of justice.

S. 2855

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2855, a bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 35

At the request of Mr. BYRD, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S.J. Res. 35, a joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools.

S. CON. RES. 71

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Con. Res. 71, a concurrent resolution expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 462

At the request of Mr. GRASSLEY, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 469

At the request of Mr. MCCAIN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

AMENDMENT NO. 4076

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 4076 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2919. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to establish a Director of the Pension Benefit Guaranty Corporation and the Internal Revenue code of 1986 to increase certain penalties, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased to join my distinguished colleague from Iowa, Senator GRASSLEY, to introduce a bill making the position of executive director of the Pension Benefit Guaranty Corporation, or the PBGC, subject to the advice and consent of the Senate.

Quite frankly, I was surprised to find out that this important position is not subject to Senate approval. The Secretary of Labor, the Chairman of the PBGC, simply appoints the executive director. This is too important a position not to be subject to Senate oversight.

Jurisdiction over the PBGC rests with both the Committee on Finance and the Committee on Health, Education, Labor, and Pensions, the HELP Committee. To recognize this, our bill would require both committees to approve the director.

The Finance Committee, the HELP Committee, and indeed the entire Senate have spent considerable time over the last few years fighting to protect the pensions of millions of workers. And the deficit of the PBGC—now over $23 billion—has been growing.

We now have a bill in conference that I hope will be brought back before the Senate soon. And I hope that the simple provision that I am introducing today can be added to that legislation.

It is the perfect time to make the position subject to Senate approval. The current executive director is leaving the PBGC at the end of May. And his replacement should be subject to Senate confirmation.

The PBGC is a government corporation that was created when ERISA was enacted in 1974. It is established within the Department of Labor. Labor controls PBGC for many administrative matters. But PBGC has its own budget, which goes through the PBGC Board, and PBGC's attorneys litigate their own cases. PBGC is controlled by a 3-person Board made up of the Secretary of Labor, as the Chairman of the PBGC, and the Secretaries of the Treasury and Commerce.

PBGC is run on a day-to-day basis by an executive director. This position is not mentioned in ERISA but is a creation of the PBGC by-laws adopted by the board. The Secretary of Labor appoints the executive director, who is a political appointee. Executive directors have stayed on average a couple of years.

The PBGC insures the pensions of 40 million workers and retirees in about 30,000 plans. These plans have trillions of dollars in assets. PBGC itself has more than $40 billion in assets, more than $63 billion in liabilities, and a $23 billion deficit. Even with the rush to terminate or freeze current plans, most of the Nation's biggest companies still maintain defined benefit plans. What happens with defined benefit plans has a big effect on America's competitiveness and affects the retirement security of America's workers and retirees.

Making the executive director's position an advice and consent position would give the Senate say in what type of person serves in this position so that PBGC does not become another FEMA. It would show the importance that Congress attaches to the role of the PBGC for workers, retirees and employers. It would raise the attraction of the PBGC director position.

I ask my colleagues to support making the PBGC executive director position subject to Senate approval.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "PBGC Confirmation Act of 2006".

SEC. 2. DIRECTOR OF THE PENSION BENEFIT GUARANTY CORPORATION.

(a) IN GENERAL.—Title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) is amended—

(1) by striking the second sentence of section 4002(a) and inserting the following: "In carrying out its functions under this title, the corporation shall be administered by a Director, who shall be appointed by and with the advice and consent of the Senate and who shall act in accordance with the policies established by the board."; and

(2) in section 4003(b), by—

(A) striking "under this title, any member" and inserting "under this title, the Director, any member"; and

(B) striking "designated by the chairman" and inserting "designated by the Director or chairman".

(b) COMPENSATION OF DIRECTOR.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

"Director, Pension Benefit Guaranty Corporation.".

(c) JURISDICTION OF NOMINATION.—

(1) IN GENERAL.—The Committee on Finance of the Senate and the Committee on Health, Education, Labor, and Pensions of the Senate shall have joint jurisdiction over the nomination of a person nominated by the President to fill the position of Director of the Pension Benefit Guaranty Corporation under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) (as amended by this Act), and if one committee votes to order reported such a nomination, the other shall report within 30 calendar days, or be automatically discharged.

(2) RULEMAKING OF THE SENATE.—This subsection is enacted by Congress—

(A) as an exercise of rulemaking power of the Senate, and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a nomination described in such sentence, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(d) TRANSITION.—The term of the individual serving as Executive Director of the Pension Benefit Guaranty Corporation on the date of enactment of this Act shall expire on such date of enactment. Such individual, or any other individual, may serve as interim Director of such Corporation until an individual is appointed as Director of such Corporation under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) (as amended by this Act).

SEC. 3. PENALTY FOR FAILURE TO FILE AN ACTUARIAL REPORT.

Section 6692 of the Internal Revenue Code of 1986 is amended by adding at the end the following: "Beginning with plan years beginning in 2005, in the case of a plan to which section 412(l) applied for a plan year, there shall be assessed, in lieu of the penalty in the preceding sentence, a tax equal to 0.1 percent of the plan's unfunded current liability under section 412(l)(8)(A) for the plan year to which the report relates, but in no case less than $1,000 or more than $5,000.".

By Mr. REID (for Mr. BIDEN):

S. 2920. A bill to amend the Safe Drinking Water Act to eliminate security risks by replacing the use of extremely hazardous gaseous chemicals with inherently safer technologies; to the Committee on Environment and Public Works.

Mr. BIDEN. Mr. President. I rise today to introduce the Community Water Treatment Hazards Reduction Act of 2006. This legislation would completely eliminate a known security risk to millions of Americans across the United States by facilitating the transfer to safer technologies from deadly toxic chemicals at our Nation's water treatment facilities.

Across our Nation, there are thousands of water treatment facilities that utilize gaseous toxic chemicals to treat drinking and wastewater. Approximately 2,850 facilities are currently regulated under the Clean Air Act because they store large, quantities of these dangerous chemicals. In fact, 98 of these facilities threaten over 100,000 citizens. For example, the Fiveash Water Treatment Plant in Fort Lauderdale, FL threatens 1,526,000 citizens. The Bachman Water Treatment in Dallas, TX threatens up to 2,000,000 citizens. And there are similar examples in communities throughout the Nation. If these facilities—and the 95 other facilities that threaten over 100,000 citizens—switched from the use of toxic chemicals to safer technologies that are widely used within the industry we could completely eliminate a known threat to nearly 50 million Americans.

Many facilities have already made the prudent decision to switch without intervention by government. The Middlesex County Utilities Authority in Sayreville, NJ, switched to safer technologies and eliminated the risk to 10.7 million people. The Nottingham Water Treatment Plant in Cleveland, OH switched and eliminated the risk to 1.1 million citizens. The Blue Plains Wastewater Treatment Plant switched and eliminated the risk to 1.7 million people. In my hometown of Wilmington, DE, the Wilmington Water Pollution Control Facility switched from using chlorine gas to liquid bleach. This commendable decision has eliminated the risk to 560,000 citizens, including the entire city of Wilmington. In fact, this facility no longer has to submit risk management plans to the Environmental Protection Agencies required by the Clean Air Act because the threat has been completely eliminated. There are many other examples of facilities that have done the right thing and eliminated the use of these dangerous, gaseous chemicals.

The bottom line is that if we can eliminate a known-risk, we should. The legislation I am introducing today will do just that. It will require the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Homeland Security, to do a few simple things. First, water facilities will be prioritized based upon the risk that they pose to citizens and critical infrastructure. These facilities—beginning with the most dangerous ones—will be required to submit a report on the feasibility of utilizing safer technologies and the anticipated costs to transition. If grant funding is available, the Administrator will issue a grant and order the facility to transition to the safer technology chosen by the owner of the facility. I believe that this approach will allow us to use federal funds responsibly while reducing risk to our citizens.

Once the transition is complete, the facility will be required to track all cost-savings related to the switch, such as decreased security costs, costs savings by eliminating administrative requirements under the EPA risk management plan, lower insurance premiums, and others. If savings are ultimately realized by the facility, it will be required to return one half of these saving, not to exceed the grant amount, back to the EPA. In turn, the EPA will utilize any returned savings to help facilitate the transition of more water facilities.

A 2005 report by the Government Accountability Office found that providing grants to assist water facilities to transition to safer technologies was an appropriate use of federal funds. The costs for an individual facility to transition will vary, but the cost is very cheap when you consider the security benefit. For example, the Wilmington facility invested approximately $160,000 to transition and eliminated the risk to nearly 600,000 people. Similarly, the Blue Plains facility spent $500.000 to transition after 9/11 and eliminated the risk to 1.2 million citizens immediately. This, in my view, is a sound use of funds. And, this legislation will provide sufficient funding to transition all of our high-priority facilities throughout the Nation.

Finally, I would like to point out that facilities making the decision to transition after 9/11, but before the enactment date of this legislation will be eligible to participate in the program authorized by this legislation. I've included this provision because I believe that the federal government should acknowledge—and promote—local decisions that enhance our homeland security. In addition we don't want to create a situation where water facilities wait for Federal funding before doing the right thing and eliminating those dangerous gaseous chemicals.

Last December the 9/11 Discourse Project released its report card for the administration and Congress on efforts to implement the 9/11 Commission recommendations. It was replete with D's and F's demonstrating that we have been going in the wrong direction with respect to homeland security. One of the most troubling findings made by the 9/11 Commission is that with respect to our Nation's critical infrastructure that "no risk and vulnerability assessments actually made; no national priorities established; no recommendations made on allocations of scarce resources. All key decisions are at least a year away. It is time that we stop talking about priorities and actually get some." While much remains to be done, the Community Water Treatment Hazards Reduction Act of 2006 sets an important priority for our homeland security and it affirmatively addresses it. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2920

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Water Treatment Hazards Reduction Act of 2006".

SEC. 2. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

Part F of the Safe Drinking Water Act (42 U.S.C. 300j-21 et seq.) is amended by adding at the end the following:

"SEC. 1466. USE OF INHERENTLY SAFER TECHNOLOGIES AT WATER FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) HARMFUL INTENTIONAL ACT.—The term 'harmful intentional act' means a terrorist attack or other intentional act carried out upon a water facility that is intended—

"(A) to substantially disrupt the ability of the water facility to provide safe and reliable—

"(i) conveyance and treatment of wastewater or drinking water;

"(ii) disposal of effluent; or

"(iii) storage of a potentially hazardous chemical used to treat wastewater or drinking water;

"(B) to damage critical infrastructure;

"(C) to have an adverse effect on the environment; or

"(D) to otherwise pose a significant threat to public health or safety.

"(2) INHERENTLY SAFER TECHNOLOGY.—The term 'inherently safer technology' means a technology, product, raw material, or practice the use of which, as compared to the current use of technologies, products, raw materials, or practices, significantly reduces or eliminates—

"(A) the possibility of release of a substance of concern; and

"(B) the hazards to public health and safety and the environment associated with the release or potential release of a substance of concern.

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security (or a designee).

"(4) SUBSTANCE OF CONCERN.—

"(A) IN GENERAL.—The term 'substance of concern' means any chemical, toxin, or other substance that, if transported or stored in a sufficient quantity, would have a high likelihood of causing casualties and economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

"(B) INCLUSIONS.—The term 'substance of concern' includes—

"(i) any substance included in Table 1 or 2 contained in section 68.130 of title 40, Code of Federal Regulations (or a successor regulation), published in accordance with section 112(r)(3) of the Clean Air Act (42 U.S.C. 7412(r)(3)); and “(ii) any other highly hazardous gaseous toxic material or substance that, if transported or stored in a sufficient quantity, could cause casualties or economic damage if released or otherwise successfully targeted by a harmful intentional act, as determined by the Administrator, in consultation with the Secretary.

“(5) TREATMENT WORKS.—The term ‘treatment works’ has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

“(6) VULNERABILITY ZONE.—The term ‘vulnerability zone’ means, with respect to a substance of concern, the geographic area that would be affected by a worst-case release of the substance of concern, as determined by the Administrator on the basis of—

“(A) an assessment that includes the information described in section 112(r)(7)(B)(ii)(I) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)(ii)(I)); or

“(B) such other assessment or criteria as the Administrator determines to be appropriate.

“(7) WATER FACILITY.—The term ‘water facility’ means a treatment works or public water system owned or operated by any person.

“(b) REGULATIONS.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator, in consultation with the Secretary and other Federal, State, and local governmental entities, security experts, owners and operators of water facilities, and other interested persons shall—

“(A) compile a list of all high-consequence water facilities, as determined in accordance with paragraph (2); and

“(B) notify each owner and operator of a water facility that is included on the list.

“(2) IDENTIFICATION OF HIGH-CONSEQUENCE WATER FACILITIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), in determining whether a water facility is a high-consequence water facility, the Administrator shall consider—

“(i) the number of people located in the vulnerability zone of each substance of concern that could be released at the water facility;

“(ii) the critical infrastructure (such as health care, governmental, or industrial facilities or centers) served by the water facility;

“(iii) any use by the water facility of large quantities of 1 or more substances of concern; and

“(iv) the quantity and volume of annual shipments of substances of concern to or from the water facility.

“(B) TIERS OF FACILITIES.—

“(i) IN GENERAL.—Except as provided in clauses (ii) through (iv), the Administrator shall classify high-consequence water facilities designated under this paragraph into 3 tiers, and give priority to orders issued for, actions taken by, and other matters relating to the security of, high-consequence water facilities based on the tier classification of the high-consequence water facilities, as follows:

“(I) TIER 1 FACILITIES.—A Tier 1 high-consequence water facility shall have a vulnerability zone that covers more than 100,000 individuals and shall be given the highest priority by the Administrator.

“(II) TIER 2 FACILITIES.—A Tier 2 high-consequence water facility shall have a vulnerability zone that covers more than 25,000, but not more than 100,000, individuals and shall be given the second-highest priority by the Administrator.

“(III) TIER 3 FACILITIES.—A Tier 3 high-consequence water facility shall have a vulnerability zone that covers more than 10,000, but not more than 25,000, individuals and shall be given the third-highest priority by the Administrator.

“(ii) MANDATORY DESIGNATION.—If the vulnerability zone for a substance of concern at a water facility contains more than 10,000 individuals, the water facility shall be—

“(I) considered to be a high-consequence water facility; and

“(II) classified by the Administrator to an appropriate tier under clause (i).

“(iii) DISCRETIONARY CLASSIFICATION.—A water facility with a vulnerability zone that covers 10,000 or fewer individuals may be designated as a high consequence facility, on the request of the owner or operator of a water facility, and classified into a tier described in clause (i), at the discretion of the Administrator.

“(iv) RECLASSIFICATION.—The Administrator—

“(I) may reclassify a high-consequence water facility into a tier with higher priority, as described in clause (i), based on an increase of population covered by the vulnerability zone or any other appropriate factor, as determined by the Administrator; but

“(II) may not reclassify a high-consequence water facility into a tier with a lower priority, as described in clause (i), for any reason.

“(3) OPTIONS FEASIBILITY ASSESSMENT ON USE OF INHERENTLY SAFER TECHNOLOGY.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the owner or operator of a high-consequence water facility receives notice under paragraph (1)(B), the owner or operator shall submit to the Administrator an options feasibility assessment that describes—

“(i) an estimate of the costs that would be directly incurred by the high-consequence water facility in transitioning from the use of the current technology used for 1 or more substances of concern to inherently safer technologies; and

“(ii) comparisons of the costs and benefits to transitioning between different inherently safer technologies, including the use of—

“(I) sodium hypochlorite;

“(II) ultraviolet light;

“(III) other inherently safer technologies that are in use within the applicable industry; or

“(IV) any combination of the technologies described in subclauses (I) through (III).

“(B) CONSIDERATIONS IN DETERMINING ESTIMATED COSTS.—In estimating the transition costs described in subparagraph (A)(i), an owner or operator of a high-consequence water facility shall consider—

“(i) the costs of capital upgrades to transition to the use of inherently safer technologies;

“(ii) anticipated increases in operating costs of the high-consequence water facility;

“(iii) offsets that may be available to reduce or eliminate the transition costs, such as the savings that may be achieved by—

“(I) eliminating security needs (such as personnel and fencing);

“(II) complying with safety regulations;

“(III) complying with environmental regulations and permits;

“(IV) complying with fire code requirements;

“(V) providing personal protective equipment;

“(VI) installing safety devices (such as alarms and scrubbers);

“(VII) purchasing and maintaining insurance coverage;

“(VIII) conducting appropriate emergency response and contingency planning;

“(IX) conducting employee background checks; and

“(X) potential liability for personal injury and damage to property; and

“(iv) the efficacy of each technology in treating or neutralizing biological or chemical agents that could be introduced into a drinking water supply by a terrorist or act of terrorism.

“(C) USE OF INHERENTLY SAFER TECHNOLOGIES.—

“(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of submission of the options feasibility assessment required under this paragraph, the owner or operator of a high-consequence water facility, in consultation with the Administrator, the Secretary, the United States Chemical Safety and Hazard Investigation Board, local officials, and other interested parties, shall determine which inherently safer technologies are to be used by the high-consequence water facility.

“(ii) CONSIDERATIONS.—In making the determination under clause (i), an owner or operator—

“(I) may consider transition costs estimated in the options feasibility assessment of the owner or operator (except that those transition costs shall not be the sole basis for the determination of the owner or operator);

“(II) shall consider long-term security enhancement of the high-consequence water facility;

“(III) shall consider comparable water facilities that have transitioned to inherently safer technologies; and

“(IV) shall consider the overall security impact of the determination, including on the production, processing, and transportation of substances of concern at other facilities.

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), subject to paragraph (2), the Administrator—

“(A) shall prioritize the use of inherently safer technologies at high-consequence facilities listed under subsection (b)(1);

“(B) subject to the availability of grant funds under this section, not later than 90 days after the date on which the Administrator receives an options feasibility assessment from an owner or operator of a high-consequence water facility under subsection (b)(3)(A), shall issue an order requiring the high-consequence water facility to eliminate the use of 1 or more substances of concern and adopt 1 or more inherently safer technologies; and

“(C) may seek enforcement of an order issued under paragraph (2) in the appropriate United States district court.

“(2) DE MINIMIS USE.—Nothing in this section prohibits the de minimis use of a substance of concern as a residual disinfectant.

“(d) GRANTS.—

“(1) IN GENERAL.—In accordance with the tiers and priority system established under subsection (b)(2)(B), the Administrator shall provide grants to high-consequence facilities (including high-consequence facilities subject to an order issued under subsection (c)(1)(C) and water facilities described in paragraph (6)) for use in paying capital expenditures directly required to complete the transition of the high-consequence water facility to the use of 1 or more inherently safer technologies.

“(2) APPLICATION.—A high-consequence water facility that seeks to receive a grant under this subsection shall submit to the Administrator an application by such date, in such form, and containing such information as the Administrator shall require, including information relating to the transfer to inherently safer technologies, and the proposed date of such a transfer, described in subsection (b)(3)(B).

"(3) Deadline for transition.—An owner or operator of a high-consequence water facility that is subject to an order under subsection (c)(1)(C) and that receives a grant under this subsection shall begin the transition to inherently safer technologies described in paragraph (1) not later than 90 days after the date of issuance of the order under subsection (c)(1)(C).

"(4) Facility upgrades.—An owner or operator of a high-consequence water facility—

"(A) may complete the transition to inherently safer technologies described in paragraph (1) within the scope of a greater facility upgrade; but

"(B) shall use amounts from a grant received under this subsection only for the capital expenditures directly relating to the transition to inherently safer technologies.

"(5) Operational costs.—An owner or operator of a high-consequence water facility that receives a grant under this subsection may not use funds from the grant to pay or offset any ongoing operational cost of the high-consequence water facility.

"(6) Other requirements.—As a condition of receiving a grant under this subsection, the owner or operator of a high-consequence water facility shall—

"(A) upon receipt of a grant, track all cost savings resulting from the transition to inherently safer technologies, including those savings identified in subsection (b)(4)(B)(iii); and

"(B) for each fiscal year for which grant funds are received, return an amount to the Administrator equal to 50 percent of the savings achieved by the high-consequence water facility (but not to exceed the amount of grant funds received for the fiscal year) for use by the Administrator in facilitating the future transition of other high-consequence water facilities to the use of inherently safer technologies.

"(7) Interim transitions.—A water facility that transitioned to the use of 1 or more inherently safer technologies after September 11, 2001, but before the date of enactment of this section, and that qualifies as a high-consequence facility under subsection (b)(2), in accordance with any previous report submitted by the water facility under section 112(r) of the Clean Air Act (42 U.S.C. 7412(r)) and as determined by the Administrator, shall be eligible to receive a grant under this subsection.

"(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $125,000,000 for each of fiscal years 2007 through 2011.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 485—TO EXPRESS THE SENSE OF THE SENATE CONCERNING THE VALUE OF FAMILY PLANNING FOR AMERICAN WOMEN

Mrs. CLINTON (for herself, Ms. Cantwell, Mr. Menendez, Mr. Kerry, Mr. Lautenberg, Mrs. Murray Mr. Kennedy, Mr. Schumer, Mrs. Boxer, Mr. Harkin, Mrs. Feinstein, and Ms. Landrieu) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. Res. 485

Whereas the United States has one of the highest rates of abortion in the industrialized world;

Whereas reducing unintended pregnancies will reduce the number of abortions;

Whereas one of the most effective ways to prevent unintended pregnancy is to improve access to safe, affordable, effective family planning;

Whereas contraceptive use has declined (slightly among all women and precipitously among low-income women) and, as a result, unplanned pregnancy rates have risen among low-income women by 30 percent;

Whereas the impact of contraceptive use is hard to overstate — 11 percent of women in the United States who do not use contraception account for ½ of all unintended pregnancies;

Whereas low-income women today are 4 times as likely to have an unintended pregnancy and more than 4 times as likely to have an abortion as higher-income women;

Whereas abortion rates have increased among low-income women, even as they have continued to decrease among more affluent women;

Whereas 12,800,000 women of reproductive age are uninsured and 9,300,000 women of reproductive age live in poverty;

Whereas lack of coverage for contraception and other health care costs result in women of reproductive age paying 68 percent more in out-of-pocket costs for health care services than do men of the same age;

Whereas family planning is a vital part of helping women achieve the best health outcomes for both women and their babies; and

Whereas Women's Health Week is a time to recognize the important role family planning services play in the lives of women across the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Congress should help women, regardless of income, avoid unintended pregnancy and abortion through access to affordable contraception; and

(2) Congress should support programs and policies that make it easier for women to obtain contraceptives.

SENATE RESOLUTION 486—DESIGNATING JUNE 2006 AS "NATIONAL INTERNET SAFETY MONTH"

Ms. MURKOWSKI (for herself, Mr. Allen, Mr. Craig, Mr. Stevens, Mr. Vitter, Ms. Landrieu, Mrs. Dole, Mr. Crapo, Mr. Burns, Mrs. Lincoln, Mr. Warner, Mr. Johnson, Mr. Roberts, Mr. Santorum, and Mr. DeWine) submitted the following resolution; which was considered and agreed to:

S. Res. 486

Whereas, in the United States, more than 90 percent of children between the ages of 5 years old and 17 years old, or approximately 47,000,000 children, now use computers;

Whereas approximately 59 percent of children in that age group, or approximately 31,000,000 children, use the Internet;

Whereas approximately 26 percent of the children of the United States in grades 5 through 12 are online for more than 5 hours a week;

Whereas approximately 12 percent of those children spend more time online than they spend interacting with their friends;

Whereas approximately 53 percent of the children and teens of the United States like to be alone when "surfing" the Internet;

Whereas approximately 29 percent of those children believe that their parents would express concern, restrict their Internet use, or take away their computer if their parents knew which sites they visited while surfing on the Internet;

Whereas approximately 32 percent of the students of the United States in grades 5 through 12 feel that they have the skills to bypass protections offered by the installation of filtering software;

Whereas approximately 31 percent of the youths of the United States have visited an inappropriate website on the Internet;

Whereas approximately 18 percent of those children have visited an inappropriate website more than once;

Whereas approximately 51 percent of the students of the United States in grades 5 through 12 trust the individuals that they chat with on the Internet;

Whereas approximately 33 percent of the students of the United States in grades 5 through 12 have chatted on the Internet with an individual whom they have not met in person;

Whereas approximately 11.5 percent of those students have later met with a stranger with whom they chatted on the Internet;

Whereas approximately 39 percent of the youths of the United States in grades 5 through 12 have admitted to giving out their personal information, iincluding their name, age, and gender, over the Internet; and

Whereas approximately 14 percent of those youths have received mean or threatening email while on the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as "National Internet Safety Month'';

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

SENATE RESOLUTION 487—EXPRESSING THE SENSE OF THE SENATE WITH REGARD TO THE IMPORTANCE OF WOMEN'S HEALTH WEEK, WHICH PROMOTES AWARENESS OF DISEASES THAT AFFECT WOMEN AND WHICH ENCOURAGES WOMEN TO TAKE PREVENTIVE MEASURES TO ENSURE GOOD HEALTH

Mr. FEINGOLD (for himself and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 487

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

SENATE RESOLUTION 488—EXPRESSING THE SENSE OF CONGRESS THAT INSTITUTIONS OF HIGHER EDUCATION SHOULD ADOPT POLICIES AND EDUCATIONAL PROGRAMS ON THEIR CAMPUSES TO HELP DETER AND ELIMINATE ILLICIT COPYRIGHT INFRINGEMENT OCCURRING ON, AND ENCOURAGE EDUCATIONAL USES OF, THEIR COMPUTER SYSTEMS AND NETWORKS

Mr. ALEXANDER (for himself, Mr. LEAHY, Mr. HATCH, Mr. NELSON of Florida, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 488

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in MGM Studios Inc. v. Grokster, Ltd., reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, "the probable scope of copyright infringement is staggering" (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in MGM Studios Inc. v. Grokster, Ltd., wrote that "deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft" (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States, including local area networks under the control of such colleges and universities, may be illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, illegal peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in the pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns, including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas, according to a recent study released by the Motion Picture Association of America, students at colleges and universities in the United States accounted for $579,000,000 in losses to the motion picture industry of the United States in 2005, which represents 44 percent of that industry's annual losses due to piracy;

Whereas computer systems at colleges and universities exist for the use of all students and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property, the potential legal consequences of illegally downloading copyrighted works, and the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that illegal peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law: Now, therefore, be it

Resolved, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property rights; and

(2) colleges and universities should continue to take steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by adopting or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4085. Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4086. Mr. WARNER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4087. Mrs. FEINSTEIN (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill S. 2611, supra.

SA 4088. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4089. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4090. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4091. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4092. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4093. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4094. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4095. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4096. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4097. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4098. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4099. Mr. OBAMA (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4100. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4101. Mrs. HUTCHISON (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4102. Mr. SCHUMER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4103. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4104. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4105. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4106. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4107. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4085. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IDENTIFICATION REQUIREMENTS.

(a) REQUIREMENT FOR IDENTIFICATION CARDS TO INCLUDE CITIZENSHIP INFORMATION.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

"(8) An indication of whether the person is a United States citizen.".

(b) IDENTIFICATION REQUIRED FOR VOTING IN PERSON.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

"(a) IN GENERAL.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.".

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(c) FUNDING FOR FREE PHOTO IDENTIFICATIONS.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

"SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) IN GENERAL.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

"(b) ELIGIBILITY.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements of section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

"(c) USE OF FUNDS.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

"(d) ALLOCATION OF FUNDS.—

"(1) IN GENERAL.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 298; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

"(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.".

SA 4086. Mr. WARNER (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

SEC. 133. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SA 4087. Mrs. FEINSTEIN (for herself and Mr. HARKIN) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 345 strike line 10 and all that follows through page 395 line 23, and insert the following:

Subtitle A—Earned Adjustment of Status

SEC. 601. ORANGE CARD VISA PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Orange Card Program".

(b) EARNED ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

"(a) ADJUSTMENT OF STATUS.—

"(1) PRINCIPAL ALIENS.—Subject to subsection (c)(5) and notwithstanding any other provision of law, including section 244(h), the Secretary of Homeland Security shall adjust an alien's status to the status of an alien lawfully admitted for orange card status, if the alien satisfies the following requirements:

"(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status in accordance with the procedures established under subsection (n) and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

"(B) CONTINUOUS PHYSICAL PRESENCE.—

"(i) IN GENERAL.—The alien shall establish that the alien—

"(I) was physically present in the United States on or before January 1, 2006;

"(II) was not legally present in the United States on or before January 1, 2006, under any classification set forth in section 101(a)(15); and

"(III) did not depart from the United States on or before January 1, 2006, except for brief, casual, and innocent departures.

"(ii) LEGALLY PRESENT.—For purposes of this subparagraph, an alien who has violated any conditions of the alien's visa shall be considered not to be legally present in the United States.

"(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

"(D) EMPLOYMENT IN THE UNITED STATES.—

"(i) IN GENERAL.—The alien shall—

"(I) submit all documentation of the alien's employment in the United States before January 1, 2006; and

"(II) be employed in the United States for at least 6 years, in the aggregate, after the date of the enactment of the Orange Card Program.

"(ii) EXCEPTIONS.—

"(I) IN GENERAL.—The employment requirement in clause (i) shall be reduced for an individual who—

"(aa) cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy; or

"(bb) is under 18 years of age on the date of the enactment of the Orange Card Program, by a period of time equal to the time period beginning on such date of enactment and ending on the date on which the individual reaches 18 years of age.

"(II) POSTSECONDARY STUDY.—The employment requirements in clause (i) shall be reduced by 1 year for each year of completed full time postsecondary study in the United States during the relevant period.

"(iii) PORTABILITY.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

"(iv) EVIDENCE OF EMPLOYMENT.—

"(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

"(aa) Records maintained by the Social Security Administration.

"(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

"(cc) Records maintained by the Internal Revenue Service.

"(dd) Records maintained by a union or day labor center.

"(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

"(II) OTHER DOCUMENTS.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

"(aa) bank records;

"(bb) business records;

"(cc) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

"(dd) remittance records.

"(v) BURDEN OF PROOF.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

"(E) PAYMENT OF INCOME TAXES.—The alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

"(F) BASIC CITIZENSHIP SKILLS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

"(I) meets the requirements of section 312(a) (relating to a knowledge and understanding of English and the history and Government of the United States); or

"(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

"(ii) EXCEPTIONS.—

"(I) MANDATORY.—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

"(II) DISCRETIONARY.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

"(G) SECURITY AND LAW ENFORCEMENT CLEARANCES.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(H) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

"(I) ANNUAL REPORTING REQUIREMENT.—

"(i) IN GENERAL.—An alien who has applied for an adjustment of status under this section shall annually submit to the Secretary of Homeland Security the documentation described in clause (ii) and the fee required under subsection (m)(3).

"(ii) DOCUMENTATION.—The documentation submitted under clause (i) shall include evidence of employment described in subparagraph (D)(iv), proof of payment of taxes described in subparagraph (E), and documentation of any criminal conviction or an affidavit stating that the alien has not been convicted of any crime.

"(iii) TERMINATION.—The reporting requirement under this subparagraph shall terminate on the date on which the alien is granted the status of an alien lawfully admitted for permanent residence.

"(J) ADJUSTMENT OF STATUS.—An alien may not adjust to legal permanent residence status under this section until after the earlier of—

"(i) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

"(ii) 8 years after the date of enactment of this section.

"(2) SPOUSES AND CHILDREN.—

"(A) IN GENERAL.—

"(i) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident for—

"(I) the spouse, or child who was under 21 years of age on the date of enactment of the Orange Card Program, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

"(II) an alien who, within 5 years preceding the date of the enactment of the Orange Card Program, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

"(aa) the termination of the qualifying relationship was connected to domestic violence; or

"(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

"(ii) APPLICATION OF OTHER LAW.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(B) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

"(C) SECURITY AND LAW ENFORCEMENT CLEARANCE.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(3) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

"(b) GROUNDS OF INADMISSIBILITY.—

"(1) APPLICABLE PROVISIONS.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

"(A) Paragraph (1) (relating to health).

"(B) Paragraph (2) (relating to criminals).

"(C) Paragraph (3) (relating to security and related grounds).

"(D) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

"(2) GROUNDS OF INADMISSIBILITY NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

"(3) WAIVER OF OTHER GROUNDS.—

"(A) IN GENERAL.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

"(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

"(4) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

"(5) SPECIAL RULE FOR INDIVIDUALS WHERE THERE IS NO COMMERCIAL PURPOSE.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

"(6) INELIGIBILITY.—

"(A) IN GENERAL.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

"(i) the alien has been ordered removed from the United States—

"(I) for overstaying the period of authorized admission under section 217;

"(II) under section 235 or 238; or

"(III) pursuant to a final order of removal under section 240;

"(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

"(iii) the alien is subject to section 241(a)(5);

"(iv) the Secretary of Homeland Security determines that—

"(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

"(v) the alien has been convicted of a felony or 3 or more misdemeanors.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

"(i) entry into the United States without inspection;

"(ii) remaining in the United States beyond the period of authorized admission; or

"(iii) failure to maintain legal status while in the United States.

"(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

"(i) was ordered removed on the basis that the alien—

"(I) entered without inspection;

"(II) failed to maintain status; or

"(III) was ordered removed under 212(a)(6)(C)(i) before April 7, 2006; and

"(ii) demonstrates that—

"(I) the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a);

"(II) the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

"(III) requiring the alien to depart from the United States would result in extreme hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(7) APPLICABILITY OF OTHER PROVISIONS.—Section 241(a)(5) and section 240B(d) shall not apply with respect to an alien who is applying for adjustment of status under subsection (a).

"(c) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who files an application under subsection (a)(1)(A) for adjustment of status, including a spouse or child who files for adjustment of status under subsection (b)—

"(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

"(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

"(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

"(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

"(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant orange card that—

"(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note);

"(B) reflects the benefits and status set forth in paragraph (1); and

"(C) contains a unique number that authorizes card holders who have resided longer in the United States to receive the status of lawful permanent resident before similarly situated card holders whose length of residence in the United States is shorter.

"(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

"(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

"(5) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien who satisfies all the requirements under subsection (a) to that of an alien lawfully admitted for permanent residence.

"(B) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this section, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

"(d) APPREHENSION BEFORE APPLICATION PERIOD.—The Secretary of Homeland Security shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a) and who can establish prima facie eligibility to have the alien's status adjusted under that subsection (but for the fact that the alien may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 180 days of the application period to complete the filing of an application for adjustment, the alien may not be removed from the United States unless the alien is removed on the basis that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

"(e) Confidentiality of Information.—

"(1) In general.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

"(2) Required disclosures.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) Criminal penalty.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

"(f) Penalties for False Statements in Applications.—

"(1) Criminal penalty.—

"(A) Violation.—It shall be unlawful for any person to—

"(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) create or supply a false writing or document for use in making such an application.

"(B) Penalty.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) Inadmissibility.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

"(3) Exception.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

"(g) Ineligibility for Public Benefits.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

"(h) Relationships of Application to Certain Orders.—

"(1) In general.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

"(2) Stay of removal.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

"(i) Application of Other Provisions.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

"(j) Administrative and Judicial Review.—

"(1) In general.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

"(2) Administrative review.—

"(A) Single level of administrative appellate review.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

"(B) Standard for review.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(3) Judicial review.—

"(A) Direct review.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

"(B) Review after removal proceedings.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

"(C) Standard for judicial review.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(4) Stay of removal.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

"(k) Dissemination of Information on Adjustment Program.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

"(l) Employer Protections.—

"(1) Immigration status of alien.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

"(2) Provision of employment records.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

"(3) Applicability of other law.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

"(m) Authorization of Appropriations; Fines; Fees.—

"(1) Authorization of appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security $100,000,000 for fiscal year 2007, which shall remain available until expended, to carry out this section.

"(2) Fine.—An alien who files an application under this section (except for an alien under 18 years of age) shall pay a fine equal to $2,000.

"(3) Fee.—Annual processing fee of $50.

"(4) Immigration examinations fee account.—Of the amounts collected each fiscal year under paragraphs (2) and (3), the Secretary of Homeland Security shall deposit—

"(A) $10,000,000 into the General Fund of the Treasury, until an amount equal to the amount appropriated pursuant to paragraph (1) has been deposited under this subparagraph; and

"(B) the remaining amount into the Immigration Examinations Fee Account established under section 286(m).

"(5) USE OF AMOUNTS COLLECTED.—Of the amounts deposited into the Immigration Examinations Fee Account under paragraph (4)(B)—

"(A) such amounts as may be necessary shall be available, without fiscal year limitation, to—

"(i) the Secretary of Homeland Security to implement this section and to process applications received under this section; and

"(ii) the Secretary of Homeland Security and the Secretary of State for administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section; and

"(B) any amounts not expended under subparagraph (A) shall be available to the Secretary of Homeland Security to improve border security.

"(n) RULEMAKING.—

"(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Orange Card Program, the Secretary of Homeland Security shall issue regulations to implement this section.

"(2) APPLICATION PROCESSING PROCEDURE.—The regulations issued under paragraph (1) shall include a procedure for the orderly, efficient, and effective processing of applications received under this section. Such procedure shall require the Secretary of Homeland Security to—

"(A) permit applications under this section to be filed electronically, to the extent possible; and

"(B) allow for initial registration with fingerprints of applicants to be followed by a personal appointment and completed application.".

(2) TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 245A the following:

"Sec. 245B. Access to earned adjustment.".

SA 4088. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 95, strike line 23 and all that follows through page 96, line 21, and insert the following:

"(i) if the violation is the offender's first violation under this subparagraph, shall be fined under such title, imprisoned for not less than 3 years or more than 20 years, or both; or

"(ii) if the violation is the offender's second or subsequent violation of this subparagraph, shall be fined under such title, imprisoned for not less than 7 years or more than 25 years, or both;

"(C) if the offense furthered or aided the commission of any other offense against the United States or any State that is punishable by imprisonment for more than 1 year, shall be fined under such title, imprisoned for not less than 7 years or more than 25 years, or both;

"(D) shall be fined under such title, imprisoned not less than 7 years or more than 25 years, or both, if the offense created a substantial and foreseeable risk of death, a substantial and foreseeable risk of serious bodily injury (as defined in section 2119(2) of title 18, United States Code), or inhumane conditions to another person, including—

SA 4089. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following new section:

SEC. ___.

(a) FINDINGS—

(1) There are currently between 10–12 million illegal immigrants in the United States in 2006.

(2) As many as 70% of such migrants are citizens of Mexico.

(3) More than 1 million illegal migrants are apprehended annually in the United States southern border area attempting to illegally enter the United States, with an additional 500,000 entering undetected.

(4) Despite Operation Gatekeeper which began in 1994 with the construction of fencing in urban crossing areas and other efforts to stem the flow of illegal immigration, the flow of such migration has continued at high levels.

(5) Migrants have continued to cross into remote rural areas where difficult terrain and climate conditions have caused the deaths of some 2500 migrants over the last decade.

(6) Communities on both sides of the border will be impacted by the construction of additional fences and security structures.

(7) Illegal immigration cannot be permanently resolved or contained without the cooperation of Mexico and other countries that are the source of such migration.

(8) After some years of turning a blind eye to the migrant problem, Mexican authorities have recently acknowledged their responsibility for addressing illegal migration by Mexican citizens.

(9) It is in the interest of the United States to have the full cooperation of Mexican authorities in tackling illegal migration and other border security issues.

(b) CONSULTATION REQUIREMENT.—Consultations between United States and Mexican authorities at the federal, state, and local levels concerning the construction of additional fencing and related border security structures along the United States-Mexico border shall be undertaken prior to commencing any new construction, in order to solicit the views of affected communities, lessen tensions and foster greater understanding and stronger cooperation on this and other important issues of mutual concern.

SA 4090. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, insert the following new section:

SEC. 766. GLOBAL HEALTHCARE COOPERATION.

(a) GLOBAL HEALTHCARE COOPERATION.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

"(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other healthcare worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) DEFINITIONS.—In this section:

"(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines is—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

"(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

"(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

"(A) has been lawfully admitted to the United States for permanent residence; and

"(B) is a physician or other healthcare worker.

"(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

"(d) PUBLICATION.—The Secretary of State shall publish—

"(1) not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, a list of candidate countries; and

"(2) an immediate amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".

(b) RULEMAKING.—

(1) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) CONTENT.—The regulations required by paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended as follows:

(1) Section 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end "except in the case of an eligible alien, or the spouse or child of such alien, authorized to be absent from the United States pursuant to section 317A,".

(2) Section 211(b) (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".

(3) Section 212(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(4) Section 319(b)(1)(B) (8 U.S.C. 1430(b)(1)(B)) is amended by inserting "an eligible alien who is residing or has resided in a foreign country pursuant to section 317A" before "and" at the end.

(5) The table of contents is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing healthcare in developing countries.".

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 767. ATTESTATION BY HEALTHCARE WORKERS.

(a) REQUIREMENT FOR ATTESTATION.—Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

"(E) HEALTHCARE WORKERS WITH OTHER OBLIGATIONS.—

"(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other healthcare worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other healthcare worker in consideration for a commitment to work as a physician or other healthcare worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—The Secretary shall begin to carry out the subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as added by subsection (a), not later than the effective date described in paragraph (1), including the requirement for the attestation and the granting of a waiver described in such subparagraph, regardless of whether regulations to implement such subparagraph have been promulgated.

SA 4091. Mrs. CLINTON submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NONIMMIGRANT STATUS FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 101(a)(15)(V) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(V)) is amended—

(1) by striking "the date of the enactment of the Legal Immigration Family Equity Act" and inserting "January 1, 2011"; and

(2) by striking "3 years" each place it appears and inserting "180 days".

SA 4092. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 348, between lines 21 and 22, insert the following:

"(V) The employment requirement under clause (i)(I) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

On page 375, between lines 16 and 17, insert the following:

"(C) EXEMPTION.—The employment requirement under subparagraph (A) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

SA 4093. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title V, insert the following:

DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN AND IMMIGRANT FAIRNESS ACT OF 1998.

(a) IN GENERAL—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

"(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

"(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

"(B) APPLICATION SUBMISSION BY PARENT.-Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.".

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN—

(1) NEW APPLICATIONS.—Notwithstanding section 902a(a)(1)(A) of the Haitian and Immigrant Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; and

(B) 1 year after the date on which final regulations implementing this section are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary of Homeland Security shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendments under subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian and Immigrant Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1), or a motion under paragraph (2), In the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act before April 1, 2000.

SEC 3. INADMISSIBILITY DETERMINATION.

Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting "(6)(C)(i)," after "(6)(A)."

SA 4094. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROMOTING CIRCULAR MIGRATION PATTERNS.

(a) LABOR MIGRATION FACILITATION PROGRAMS.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into agreements, with the appropriate officials of foreign governments whose nationals participate in the temporary guest worker program authorized under section 218A of the Immigration and Nationality Act, as added by section 403 of this Act, for the purposes of jointly establishing and administering labor migration facilitation programs.

(2) PRIORITY.—The Secretary of State shall place a priority on establishing labor migration facilitation programs under paragraph (1) with the governments of countries that have a large number of nationals working as temporary guest workers in the United States under section 218A of such Act. The Secretary shall enter into such agreements not later than 3 months after the date of the enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary and the Secretary of Labor, to confer with appropriate officials of the foreign government to—

(i) establish and implement a program to assist temporary guest workers from the foreign country to obtain nonimmigrant status under section 101(a)(15)(H)(ii)(c) of such Act; and

(ii) establish programs to create economic incentives for aliens to return to their country of origin;

(B) the foreign government to—

(i) monitor the participation of its nationals in the temporary guest worker program, including departure from and return to their country of origin;

(ii) develop and promote a reintegration program available to such individuals upon their return from the United States; and

(iii) promote or facilitate travel of such individuals between their country of origin and the United States; and

(C) any other matters that the Secretary of State and the appropriate officials of the foreign government consider appropriate to enable nationals of the foreign country who are participating in the temporary work program to maintain strong ties to their country of origin.

(b) BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.—

(1) FINDINGS.—Congress makes the following findings:

(A) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(B) Mexico comprises a prime source of migration to the United States.

(C) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(D) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(E) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(F) A majority of Mexican businesses are small- or medium-sized with limited access to financial capital.

(G) These factors constitute a major impediment to broad-based economic growth in Mexico.

(H) Approximately 20 percent of the population of Mexico works in agriculture, with the majority of this population working on small farms rather than large commercial enterprises.

(I) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(J) The Presidents of Mexico and of the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, established the Security and Prosperity Partnership of North America to promote economic growth, competitiveness, and quality of life throughout North America.

(2) SENSE OF CONGRESS REGARDING PARTNERSHIP FOR PROSPERITY.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Security and Prosperity Partnership of North America to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(A) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(B) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(C) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(i) provide long term credit to borrowers;

(ii) develop a viable network of regional and local intermediary lending institutions; and

(iii) extend financing for alternative rural economic activities beyond direct agricultural production;

(D) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(E) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(F) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(G) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(H) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(I) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(3) SENSE OF CONGRESS REGARDING BILATERAL PARTNERSHIP ON HEALTH CARE.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(A) increasing health care access for poor and under served populations in Mexico;

(B) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the region along the international border between the United States and Mexico;

(C) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(D) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

SA 4095. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 250, strike lines 5 through 10, and insert the following:

"(a) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Homeland Security may grant a temporary visa to an H–2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R) of section 101(a)(15)).

"(2) SUNSET.—Notwithstanding any other provision of law, after the date that is 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, no alien may be issued a new visa as an H-2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H-2C nonimmigrant pursuant to such subsection after such date.

SA 4096. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 184, strike lines 5 through 24, and insert the following:

"(3) CONTRACTOR LIABILITY FOR EMPLOYMENT OF UNAUTHORIZED WORKERS.—A person or other entity shall not be liable for a penalty under subsection (e)(4)(A) with respect to the violation of subsection (a)(1)(A), (a)(1)(B), or (a)(2) with respect to the hiring or continuation of employment of an unauthorized alien by a subcontractor of that person or entity unless the person or entity knew that the subcontractor hired or continued to employ such alien in violation of such subsection.

SA 4097. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 362, strike line 4 and all that follows through page 363, line 12, and insert the following:

"(e) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) or as otherwise provided in this section, or pursuant to written waiver of the applicant or order of a court of competent jurisdiction, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the

Secretary of Homeland Security, to examine individual applications that have been filed.

“(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to—

“(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

“(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

“(3) INAPPLICABILITY AFTER DENIAL.—The limitation under paragraph (1)—

“(A) shall apply only until an application filed under paragraph (1) or (2) of subsection (a) is denied and all opportunities for appeal of the denial have been exhausted; and

“(B) shall not apply to use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

“(4) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

SA 4098. Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ANNUAL REPORT ON THE NORTH AMERICAN DEVELOPMENT BANK.

Section 2 of Public Law 108–215 (22 U.S.C. 290m–6) is amended—

(1) in paragraph (1), by inserting after “The number” the following: “of applications received by, pending with, and awaiting final approval from the Board of the North American Development Bank and the number”; and

(2) by adding at the end the following:

“(8) Recommendations on how to improve the operations of the North American Development Bank.

“(9) An update on the implementation of this Act, including the business process review undertaken by the North American Development Bank.

“(10) A description of the activities and accomplishments of the North American Development Bank during the previous year, including a brief summary of meetings and actions taken by the Board of the North American Development Bank.”.

SA 4099. Mr. OBAMA (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

“SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

“(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

“(1) IN GENERAL.—It is unlawful for an employer—

“(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

“(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

“(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) USE OF LABOR THROUGH CONTRACT.—

“(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

“(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

“(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

“(B) INFORMATION SHARING.—The person hiring the alien shall provide to the employer who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

“(C) REPORTING REQUIREMENT.—The employer shall submit to the Electronic Employment Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

“(D) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien failed to comply with the requirements of this section.

“(4) DEFENSE.—

“(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

“(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

“(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

“(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

“(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

“(A) the employer is in compliance with the requirements of subsections (c) and (d); or

“(B) that the employer has instituted a program to come into compliance with such requirements.

“(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

“(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

“(1) ATTESTATION BY EMPLOYER.—

“(A) REQUIREMENTS.—

“(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

“(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

“(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

“(i) a United States passport;

“(ii) driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States provided that such a card or document—

“(I) contains the individual's photograph or information, including the individual's name, date of birth, gender, eye color, and address; and

“(II) contains security features to make such license or card resistant to tampering, counterfeiting, or fraudulent use;

“(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

"(iv) any other documents designated by the Secretary, if—

"(I) the Secretary has published a notice in the Federal Register stating that such a document is acceptable for purposes of this subparagraph; and

"(II) the document contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

"(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

"(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 5 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

"(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States, including a copy of the form described in subsection (a)(3)(B).

"(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

"(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

"(B) such individual is eligible for employment in the United States.

"(2) REQUIREMENT FOR PARTICIPATION.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that funds are appropriated and made available to the Secretary to implement this subsection.

"(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

"(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

"(B) to require any employer or class of employers to participate on a priority basis in the System with respect to employees hired prior to, on, or after the date of enactment of the Comprehensive Immigration Reform Act of 2006—

"(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

"(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

"(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

"(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

"(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

"(A) the attestation requirement in subsection (c); and

"(B) the employment eligibility verification requirements in this subsection.

"(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

"(8) DESIGN AND OPERATION OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

"(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

"(B) INITIAL INQUIRY.—

"(i) INFORMATION REQUIRED.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

"(I) the individual's name and date of birth;

"(II) the individual's social security account number; and

"(III) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such alien identification or authorization number that the Secretary shall require.

"(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

"(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

"(C) INITIAL RESPONSE.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

"(D) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

"(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)((1)(A)(i).

"(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(2), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

"(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

"(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii), or the earlier of—

"(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

"(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

"(vi) AUTOMATIC FINAL NOTICE.—

"(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

"(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

"(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

"(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

"(vii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

"(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

"(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

"(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

"(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

"(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(E) RESPONSIBILITIES OF THE SECRETARY.—

"(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

"(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

"(II) a determination of whether the individual is authorized to be employed in the United States.

"(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Secretary shall submit to Congress a report that includes—

"(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

"(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

"(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

"(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

"(I) information about the reason for such notice;

"(II) the right to contest such notice;

"(III) contact information for the appropriate agency and instructions for initiating such contest; and

"(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

"(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

"(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

"(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(10) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

"(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

"(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

"(i) an error or negligence on the part of an employee or official operating or responsible for the System;

"(ii) the decision rules, processes, or procedures utilized by the System; or

"(iii) erroneous system information that was not the result of acts or omissions of the individual.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final confirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall take such affirmative action as the Secretary determines is appropriate, which shall include compensating the individual for reasonable costs and attorney's fees, not to exceed $25,000, and for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

"(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

"(11) JUDICIAL REVIEW.—

"(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

"(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

"(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall take appropriate affirmative action, which shall include compensating the individual for reasonable costs and attorney's fees, not to exceed $25,000, and for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(12) LIMITATION ON COLLECTION AND USE OF DATA.—

"(A) LIMITATION ON COLLECTION OF DATA.—

"(i) IN GENERAL.—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

"(I) information necessary to register employers under paragraph (5);

"(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

"(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

"(IV) information necessary to detect and prevent employment related identity fraud; and

"(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

"(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

"(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(13) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(14) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

"(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

"(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

"(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

“(iii) specify the amount of fines or other penalties to be imposed;

“(iv) disclose the material facts which establish the alleged violation; and

“(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

“(B) REMISSION OR MITIGATION OF PENALTIES.—

“(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

“(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

“(h) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(j) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(l) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(d)".

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

"(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

"(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(II) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.".

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

"(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

"(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

"(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

"(i) establishing and enforcing employer participation in the System,

"(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(iii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)", and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

"(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).".

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2007 through 2009" before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 4100. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 540, strike line 11 and all that follows through page 549, line 25.

SA 4101. Mrs. HUTCHISON (for herself and Mr. BOND) submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 313, after line 22, add the following:

Subtitle C—Secure Authorized Foreign Employee Visa Program

SEC. 441. ADMISSION OF TEMPORARY GUEST WORKERS.

(a) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by this title and title VI, is further amended by inserting after section 218 the following:

“SEC. 218I. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

“(a) AUTHORIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall, subject to the numeric limits under subsection (i), award a SAFE visa to each alien who is a national of a NAFTA or CAFTA-DR country and who meets the requirements under subsection (b), to perform services in the United States in accordance with this section.

“(b) REQUIREMENTS FOR ADMISSION.—An alien is eligible for a SAFE visa if the alien—

“(1) has a residence in a NAFTA or CAFTA-DR country, which the alien has no intention of abandoning;

“(2) applies for an initial SAFE visa while in the alien's country of nationality;

“(3) establishes that the alien has received a job offer from an employer who has complied with the requirements under subsection (c);

“(4) undergoes a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice;

“(5) passes all appropriate background checks, as determined by the Secretary of Homeland Security;

“(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

“(7) pays a visa issuance fee, in an amount determined by the Secretary of State to be equal to not less than the cost of processing and adjudicating such application.

“(c) EMPLOYER RESPONSIBILITIES.—An employer seeking to hire a national of a NAFTA or CAFTA-DR country under this section shall—

“(1) submit a request to the Secretary of Labor for a certification under subsection (d) that there is a shortage of workers in the occupational classification and geographic area for which the foreign worker is sought;

“(2) submit to each foreign worker a written employment offer that sets forth the rate of pay at a rate that is not less than the greater of—

“(A) the prevailing wage for such occupational classification in such geographic area; or

“(B) the applicable minimum wage in the State in which the worker will be employed;

“(3) provide the foreign worker one-time transportation from the country of origin to the place of employment and from the place of employment to the country of origin, the cost of which may be deducted from the worker's pay under an employment agreement; and

“(4) withhold and remit appropriate payroll deductions to the Internal Revenue Service.

“(d) LABOR CERTIFICATION.—Upon receiving a request from an employer under subsection (c)(1), the Secretary of Labor shall—

“(1) determine if there are sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the foreign worker is sought; and

“(2) if the Secretary determines under paragraph (1) that there are insufficient United States workers, provide the employer with labor shortage certification for the occupational classification for which the worker is sought.

“(e) PERIOD OF AUTHORIZED ADMISSION.—

“(1) DURATION.—A SAFE visa worker may remain in the United States for not longer than 10 months during the 12-month period for which the visa is issued.

“(2) RENEWAL.—A SAFE visa may be renewed for additional 10-month work periods under the requirements described in this section.

“(3) VISITS OUTSIDE UNITED STATES.—Under regulations established by the Secretary of Homeland Security, a SAFE visa worker—

“(A) may travel outside of the United States; and

“(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

“(4) LOSS OF EMPLOYMENT.—The period of authorized admission under this section shall terminate if the SAFE visa worker is unemployed for 60 or more consecutive days. Any SAFE visa worker whose period of authorized admission terminates under this paragraph shall be required to leave the United States.

“(5) RETURN TO COUNTRY OF ORIGIN.—A SAFE visa worker may not apply for lawful permanent residence or any other visa category until the worker has relinquished the SAFE visa and returned to the worker's country of origin.

“(6) FAILURE TO COMPLY.—If a SAFE visa worker fails to comply with the terms of the SAFE visa, the worker will be permanently ineligible for the SAFE visa program.

“(f) EVIDENCE OF NONIMMIGRANT STATUS.—Each SAFE visa worker shall be issued a SAFE visa card, which—

“(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

“(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and

“(3) shall, during the alien's authorized period of admission under subsection (e), serve as a valid entry document for the purpose of entering the United States.

“(g) SOCIAL SERVICES.—

“(1) IN GENERAL.—SAFE visa workers are not eligible for Federal, State, or local government-sponsored social services.

“(2) SOCIAL SECURITY.—Upon request, a SAFE visa worker shall receive the total employee portion of the Social Security contributions withheld from the worker's pay. Any worker who receives such contributions shall be permanently ineligible to renew a SAFE visa under subsection (e)(2).

“(3) MEDICARE.—Amounts withheld from the SAFE visa workers' pay for Medicare contributions shall be used to pay for uncompensated emergency health care provided to noncitizens.

“(h) PERMANENT RESIDENCE; CITIZENSHIP.—Nothing in this section shall be construed to provide a SAFE visa worker with eligibility to apply for legal permanent residence or a path towards United States citizenship.

“(i) NUMERICAL LIMITS.—

“(1) ANNUAL LIMITS.—Except as provided under paragraphs (2) and (3), the number of SAFE visas authorized under this section shall not exceed 200,000 per fiscal year.

“(2) WAIVER.—The President may waive the limit under paragraph (1) for a specific fiscal year by certifying that additional foreign workers are needed in that fiscal year.

“(3) INCREMENTAL ADJUSTMENTS.—If the President certifies that additional foreign workers are needed in a specific year, the Secretary of State may increase the number of SAFE visas available in that fiscal year by the number of additional workers certified under paragraph (2).

“(4) CONGRESSIONAL OVERSIGHT.—The President shall transmit to Congress all certifications authorized in this section.

“(5) ALLOCATION OF SAFE VISAS DURING A FISCAL YEAR.—Not more than 50 percent of the total number of SAFE visas available in each fiscal year may be allocated to aliens who will enter the United States pursuant to such visa during the first 6 months of such fiscal year.

“(j) SAVINGS PROVISION.—Nothing in this section shall be construed to affect any other visa program authorized by Federal law.

“(k) REPORTING REQUIREMENT.—Not later than 3 years after the implementation of the SAFE visa program, the President shall submit a detailed report to Congress on the status of the program, including the number of visas issued and the feasibility of expanding the program.

“(l) DEFINITIONS.—In this section:

“(1) NAFTA OR CAFTA-DR COUNTRY.—The term 'NAFTA or CAFTA-DR country' means any country (except for the United States) that has signed the North American Free Trade Agreement or the Central America-Dominican Republic-United States Free Trade Agreement.

“(2) SAFE VISA.—The term 'SAFE visa' means a visa authorized under this section.”.

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101) is amended by inserting after the item relating to section 218H, as added by section 615, the following:

“Sec. 218I. Secure Authorized Foreign Employee Visa Program.”.

SA 4102. Mr. SCHUMER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . PUBLIC ACCESS TO THE STATUE OF LIBERTY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Interior shall ensure that all persons who satisfy reasonable and appropriate security measures shall have full access to the public areas of the Statue of Liberty, including the crown and the stairs leading thereto.

SA 4103. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 24, strike "f" and insert the following;

(f) TERRORIST ORGANIZATIONS.—

(1) DEFINITIONS.—Section 212(a)(3)(B)(vi) (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking subclause (III) and inserting the following:

"(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv), and that these activities threaten the security of United States nationals or the national security of the United States.

"(vii) APPLICABILITY.—Clause (iv)(VI) shall not apply to—

"(I) any active or former member of the Armed Forces of the United States with regard to activities undertaken in the course of official military duties; or

"(II) any alien determined not to be a threat to the security of United Stales nationals or the national security of the United States and who is not otherwise inadmissible on security related grounds under this subparagraph.".

(2) TEMPORARY ADMISSION OF NON-IMMIGRANTS.—Section 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

"(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subclause (IV)(bb), (VI), or (VII) of subsection (a)(3)(B)(i) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization (or its members) or individual that has engage in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group, or to a subgroup of such group, within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.".

(g)

SA 4104. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, of subtitle A of title I, insert the following:

SEC. . NATIONAL SECURITY DETERMINATION FOR CONSTRUCTION OF ADDITIONAL FENCING.

Notwithstanding section 106 or any other provision of law, after the date of the enactment of this Act the President may not permit the construction of any additional fencing along the international border between the United States and Mexico until after the date that President makes a determination that the construction of such additional fencing will strengthen the national security of the United States.

SA 4105. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . FAIRNESS IN THE STUDENT AND EXCHANGE VISITOR INFORMATION SYSTEM.

(a) REDUCED FEE FOR SHORT-TERM STUDY.—

(1) IN GENERAL.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting "Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed $35.".

(2) TECHNICAL AMENDMENTS.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) in the third sentence, by striking "Attorney General's" and inserting "Secretary's".

(b) RECREATIONAL COURSES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers to in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

SA 4106. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE VIII—LABOR PROTECTIONS

SEC. 801. SHORT TITLE.

This title may be cited as the "Enhanced Enforcement of Labor Protections for United States Workers and Guest Workers Act".

SEC. 802. VIOLATIONS OF THE FAIR LABOR STANDARDS ACT OF 1938.

Section 16 of the Fair Labor Standards Act of 1938 (29 U.S.C. 216) is amended—

(1) in subsection (b), by striking "equal amount as liquidated damages" the first place it appears and inserting "amount equal to twice the amount of such unpaid minimum wages or unpaid overtime compensation, as the case may be, as liquidated damages"; and

(2) in subsection (e)—

(A) by striking "$10,000" and inserting "$50,000"; and

(B) by striking "$1,000" and inserting "$10,000".

SEC. 803. VIOLATIONS OF THE OCCUPATIONAL SAFETY AND HEALTH ACT.

(a) CIVIL PENALTIES.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) is amended—

(1) in subsection (a)—

(A) by striking "$70,000" and inserting "$100,000";

(B) by striking "$5,000" and inserting "$7,000"; and

(C) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amounts shall be increased to not more than $250,000 for such violation, but not less than $50,000 for such violation.";

(2) in subsection (b)—

(A) by striking "$7,000" and inserting "$10,000"; and

(B) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amount shall be increased to not more than $50,000 for such violation, but not less than $20,000 for such violation.";

(3) in subsection (c)—

(A) by striking "$7,000" and inserting "$10,000"; and

(B) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amount shall be increased to not more than $50,000 for such violation, but not less than $20,000 for such violation.";

(4) in subsection (d)—

(A) by striking "$7,000" and inserting "$10,000"; and

(B) by adding at the end the following: "If such a violation causes the death of an employee, such civil penalty amount shall be increased to not more than $50,000 for such violation, but not less than $20,000 for such violation."; and

(5) in subsection (i), by striking "$7,000" and inserting "$10,000".

(b) CRIMINAL PENALTIES.—

(1) IN GENERAL.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) (as amended by subsection (a)) is further amended—

(A) in subsection (e)—

(i) by striking "fine of not more than $10,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,";

(ii) by striking "six months" and inserting "10 years";

(iii) by inserting "under this subsection or subsection (i)" after "first conviction of such person";

(iv) by striking "fine of not more than $20,000" and inserting "fine in accordance with section 3571 of title 18, United States Code,"; and

(v) by striking "one year" and inserting "20 years";

(B) in subsection (f), by striking "fine of not more than $1,000 or by imprisonment for not more than six months," and inserting "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 2 years,";

(C) in subsection (g), by striking "fine of not more than $10,000, or by imprisonment for not more than six months," and inserting "fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 1 year,";

(D) by redesignating subsections (i) through (l) as subsections (j) through (m), respectively; and

(E) by inserting after subsection (h) the following:

"(i) Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6, or any regulation prescribed pursuant to this Act, and that violation causes serious bodily injury to any employee but does not cause death to any employee, shall, upon conviction, be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or by both, except that if the conviction is for a violation committed after a first conviction of such person under this subsection or subsection (e), punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or by both.".

(2) JURISDICTION FOR PROSECUTION UNDER STATE AND LOCAL CRIMINAL LAWS.—Section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666) (as amended by this section) is further amended by adding at the end the following:

"(n) Nothing in this Act shall preclude a State or local law enforcement agency from conducting criminal prosecutions in accordance with the laws of such State or locality.".

(3) DEFINITION.—Section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652) is amended by adding at the end the following:

"(15) The term 'serious bodily injury' means bodily injury that involves—

"(A) a substantial risk of death;

"(B) protracted unconsciousness;

"(C) protracted and obvious physical disfigurement; or

"(D) protracted loss or protracted impairment, of the function of a bodily member, organ, or mental faculty.".

SEC. 804. STRENGTHENING ENFORCEMENT.

(a) INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES DURING ORGANIZING DRIVES.—

(1) IN GENERAL.—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking "If, after such" and inserting the following:

"(2) If, after such"; and

(B) by striking the first sentence and inserting the following: "(1) Whenever it is charged that—

"(A)(i) any employer—

"(I) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

"(II) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

"(III) engaged in any other unfair labor practice within the meaning of subsection (a)(1) of section 8 that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7; and

"(ii) the discharge, discrimination, threat, or practice described in clause (i) occurred—

"(I) while employees of that employer were seeking representation by a labor organization; or

"(II) during the period after a labor organization was recognized as a representative as described in section 9(a) and before the first collective bargaining agreement was entered into between the employer and the representative; or

"(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(b)(7), or section 8(e);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.".

(2) CONFORMING AMENDMENT.—Section 10(m) of the National Labor Relations (29 U.S.C. 160(m)) is amended by inserting "under circumstances not described in section 10(l)(1)" after "section 8".

(b) REMEDIES FOR VIOLATIONS.—

(1) BACKPAY.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking "*And provided further*," and inserting "*Provided further*, That if the Board finds that an employer has discriminated against an employee in violation of section 8(a)(3) while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative as described in section 9(a) and before the first collective bargaining agreement was entered into between the employer and the representative, the Board in such order shall award the employee an amount of backpay and, in addition, 2 times that amount as liquidated damages: *Provided further*,".

(2) CIVIL PENALTIES.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking "Any" and inserting "(a) Any"; and

(B) by adding at the end the following:

"(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsection (a)(1) or (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative as described in section 9(a) and before the first collective bargaining contract was entered into between the employer and the representative shall be subject to, in addition to any make-whole remedy ordered, a civil penalty of not more than $20,000 for each violation. In determining the amount of any penalty under this subsection, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons seeking to exercise rights guaranteed by this Act, or on the public interest.".

SEC. 805. USE OF FEES.

(a) FEES PAID BY H–2C NONIMMIGRANTS.—Section 218A, as added by section 403(a)(1) of this Act, is amended by striking subsection (l) and inserting the following:

"(l) COLLECTION OF FEES.—Fees collected under this section shall be allocated as follows:

"(1) 75 percent of such fees shall be deposited in the Treasury in accordance with section 286(c).

"(2) 25 percent of such fees shall be deposited in the Labor Law Enforcement Fund established in section 286(y).".

(b) FEES PAID BY EMPLOYERS.—Section 218B, as added by section 404(a) of this Act, is amended by striking subsection (a) and inserting the following:

"(a) GENERAL REQUIREMENTS.—

"(1) EMPLOYER REQUIREMENTS.—Each employer who employs an H–2C nonimmigrant shall—

"(A) file a petition in accordance with subsection (b); and

"(B) pay the appropriate fee, as determined by the Secretary of Labor.

"(2) USE OF FEES.—The fees collected under paragraph (1)(B) shall be allocated as follows:

"(A) 75 percent of such fees shall be deposited in the Treasury in accordance with section 286(c).

"(B) 25 percent of such fees shall be deposited in the Labor Law Enforcement Fund established in section 286(y).".

(c) LABOR LAW ENFORCEMENT FUND.—Section 286 (8 U.S.C. 1356), as amended by sections 302 and 403(b), is further amended by adding at the end the following new subsection:

"(y) LABOR LAW ENFORCEMENT FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Labor Law Enforcement Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund the fees described in section 218A(l)(2) or 218B(a)(2).

"(3) PURPOSE.—Amounts deposited in the Fund shall be made available to the Secretary of Labor to ensure that employers in industries in the United States that employ a high percentage of workers who are granted nonimmigrant status under section 101(a)(15)(H)(ii)(c) comply with the provisions of the Fair Labor Standards Act of 1938, the Occupational Safety and Health Act of 1970, and section 218B(b)(2), including ensuring such compliance by random audits of such employers.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Labor.".

SEC. 806. PROTECTION FOR WHISTLEBLOWERS.

Section 218A, as added by section 403(a)(1) of this Act, is amended by striking subparagraph (A) of subsection (f)(3) and inserting the following:

"(A) IN GENERAL.—

"(i) PERIOD OF UNEMPLOYMENT.—Except as provided in clause (ii) and in subsection (c), the period of authorized admission of an H–2C nonimmigrant shall terminate if the alien is unemployed for a period of 60 or more consecutive days.

"(ii) EXTENSION OF PERIOD.—

"(I) AUTHORITY.—The Secretary of Labor may extend the 60-day period referred to in clause (i), if the alien has filed a complaint with the Secretary of Labor that alleges that a violation of a Federal labor law by the alien's employer caused the alien's unemployment.

"(II) DETERMINATION.—Not later than 45 days after a complaint referred to in subclause (I) is filed, the Secretary of Labor shall make a determination whether an extension under subclause (I) is warranted to resolve the complaint.".

SEC. 807. LIABILITY IN CERTAIN CASES BASED ON IMMIGRATION STATUS.

Notwithstanding any other provision of law, an alien who is subject to an unlawful employment practice by an employer may not be denied backpay or other monetary relief for such unlawful employment practice on the basis of the alien's immigration status.

SEC. 808. DEPARTMENT OF LABOR BILINGUAL STAFF REQUIREMENT.

(a) REQUIREMENT FOR BILINGUAL STAFF.—The Secretary of Labor shall make every effort to ensure that, not later than 5 years after the date of enactment of this Act, not less than 25 percent of the investigative staff of the Department of Labor shall be fluent in a language in addition to English. The requirement of this section shall not be grounds for the termination of any employee employed by the Department of Labor on the date of enactment of this Act, nor for the reduction of any staff levels in the Department of Labor as of such date.

(b) ANNUAL REPORT.—The Secretary of Labor shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives an annual report on the progress made to carry out subsection (a).

SA 4107. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . PROTECTION OF THE INTEGRITY OF THE SOCIAL SECURITY SYSTEM.

(a) TRANSMITTAL AND APPROVAL OF TOTALIZATION AGREEMENTS.—Section 233(e) of the Social Security Act (42 U.S.C. 433(e)) is amended to read as follows:

"(e)(1) Any agreement to establish a totalization arrangement which is entered into with another country under this section shall enter into force with respect to the United States if (and only if)—

"(A) the President, at least 90 calendar days before the date on which the President enters into the agreement, notifies each House of the Congress of the President's intention to enter into the agreement, and promptly thereafter publishes notice of such intention in the Federal Register,

"(B) the President transmits the text of such agreement to each House of the Congress as provided in paragraph (2), and

"(C) an approval resolution regarding such agreement has passed both Houses of the Congress and has been enacted into law.

"(2)(A) Whenever an agreement referred to in paragraph (1) is entered into, the President shall transmit to each House of the Congress a document setting forth the final legal text of such agreement and including a report by the President in support of such agreement. The President's report shall include the following:

"(i) an estimate by the Chief Actuary of the Social Security Administration of the effect of the agreement, in the short term and in the long term, on the receipts and disbursements under the social security system established by this title;

"(ii) a statement of any administrative action proposed to implement the agreement and how such action will change or affect existing law,

"(iii) a statement describing whether and how the agreement changes provisions of an agreement previously negotiated,

"(iv) a statement describing how and to what extent the agreement makes progress in achieving the purposes, policies, and objectives of this title,

"(v) an estimate of the number of individuals who will be affected by the agreement,

"(vi) an assessment of the integrity of the retirement data and records (including birth, death, and marriage records) of the other country that is the subject of the agreement, and

"(vii) an assessment of ability of such country to track and monitor recipients of benefits under such agreement.

"(B) If any separate agreement or other understanding with another country (whether oral or in writing) relating to an agreement to establish a totalization arrangement under this section is not disclosed to the Congress in the transmittal to the Congress under this paragraph of the agreement to establish a totalization arrangement, then such separate agreement or understanding shall not be considered to be part of the agreement approved by the Congress under this section and shall have no force and effect under United States law.

"(3) For purposes of this subsection, the term 'approval resolution' means a joint resolution, the matter after the resolving clause of which is as follows: 'That the proposed agreement entered into pursuant to section 233 of the Social Security Act between the United States and   establishing totalization arrangements between the social security system established by title II of such Act and the social security system of   , transmitted to the Congress by the President on   , is hereby approved.', the first two blanks therein being filled with the name of the country with which the United States entered into the agreement, and the third blank therein being filled with the date of the transmittal of the agreement to the Congress.

"(4) Whenever a document setting forth an agreement entered into under this section and the President's report in support of the agreement is transmitted to the Congress pursuant to paragraph (2), copies of such document shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(5) On the day on which a document setting forth the agreement is transmitted to the House of Representatives and the Senate pursuant to paragraph (1), an approval resolution with respect to such agreement shall be introduced (by request) in the House by the majority leader of the House, for himself or herself and the minority leader of the House, or by Members of the House designated by the majority leader and minority leader of the House; and shall be introduced (by request) in the Senate by the majority leader of the Senate, for himself or herself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate. If either House is not in session on the day on which such an agreement is transmitted, the approval resolution with respect to such agreement shall be introduced in that House, as provided in the proceeding sentence, on the first day thereafter on which that House is in session. The resolution introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the resolution introduced in the Senate shall be referred to the Committee on Finance.".

(b) ADDITIONAL REPORTS AND EVALUATIONS.—Section 233 of the Social Security Act (42 U.S.C. 433) is amended by adding at the end the following new subsections:

"(f) BIENNIAL SSA REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—

"(1) For any totalization agreement transmitted to Congress on or after April 1, 2006, the Commissioner of Social Security shall submit a report to Congress and the Comptroller General that—

"(A) compares the estimates contained in the report submitted to Congress under clauses (i) and (v) of subsection (e)(2)(A) with respect to that agreement with the actual number of individuals affected by the agreement and the actual effect of the agreement on social security system receipts and disbursements; and

"(B) contains recommendations for adjusting the methods used to make the estimates.

"(2) The report required under this subsection shall be provided not later than 2 years after the effective date of the totalization agreement that is the subject of the report and biennially thereafter.

"(g) GAO EVALUATION AND REPORT.—

"(1) EVALUATION OF INITIAL REPORT ON IMPACT OF TOTALIZATION AGREEMENTS.—With respect to each initial report regarding a totalization agreement submitted under subsection (f), the Comptroller General of the United States shall conduct an evaluation of the report that includes—

"(A) an evaluation of the procedures used by the Chief Actuary of the Social Security Administration and the President for making the estimates required by subsection (e)(2(A);

"(B) an evaluation of the procedures used by the President for determining the actual number of individuals affected by the agreement and the effects of the totalization agreement on receipts and disbursements under the social security system; and

"(C) such recommendations as the Comptroller General determines appropriate .

"(2) REPORT.—Not later than 1 year after the date of submission of an initial report regarding a totalization agreement under subsection (f), the Comptroller General shall submit to Congress a report setting forth the results of the evaluation conducted under paragraph (1).

"(3) DATA COLLECTION.—The Commissioner of Social Security shall collect and maintain the data necessary for the Comptroller General of the United States to conduct the evaluation required by paragraph (1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to agreements establishing totalization arrangements entered into under section 233 of the Social Security Act which are transmitted to the Congress on or after April 1, 2006.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, May 22 at 2:30 p.m. The purpose of this hearing is to receive testimony regarding nuclear power provisions contained in the Energy Policy Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Monday, May 22, 2006, in S–219 of the Capitol. Immediately following a vote tentatively scheduled for 5:30 p.m. on the Senate floor, to consider favorably reporting the nomination of Susan C. Schwab to be United States Trade Representative, with the rank of Ambassador Extraordinary and Plenipotentiary, Executive Office of the President, vice Robert J. Portman.

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the- floor markup during the session on Monday, May 22, 2006, to consider the nominations of the Honorable Robert J. Portman to be Director, Office of Management and Budget; Robert I. Cusick to be Director, Office of Government Ethics; and David L. Norquist to be Chief Financial Officer, U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Monday, May 22, 2006, at 2 p.m. to consider the nomination of Lurita Alexis Doan to be Administrator of the U.S. General Services Administration.

The PRESIDING OFFICER. Without Objection, it is so ordered.

NATIONAL INTERNET SAFETY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 486, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title

The legislative clerk read as follows:

A resolution (S. Res. 486) designating June 2006 as "National Internet Safety Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, today I introduced a resolution designating June 2006 as National Internet Safety Month. I am pleased to have Mr. ALLEN, Mr. CRAIG, Mr. STEVENS, Mr. VITTER, Ms. LANDRIEU, Mrs. DOLE, Mr. CRAPO, Mr. BURNS, Mrs. LINCOLN, Mr. WARNER, Mr. JOHNSON, Mr. ROBERTS, Mr. SANTORUM, and Mr. DEWINE join me in introducing this resolution.

The Internet has become one of the most significant advances in the twentieth century and, as a result it affects people's lives in a positive manner each day. However, this technology presents dangers that need to be brought to the attention of all Americans. Never before has the problem of online predatory behavior been more of a concern. Consider the pervasiveness of Internet access by children and the rapid increase in Internet crime and predatory behavior. Never before have powerful educational solution's—such as Internet safety curricula for grades kindergarten through 12—been more critical and readily at hand.

i-SAFE America is one of the nonprofit organizations that has worked tirelessly to educate our youth and our community on these important issues. Formed in 1998, i-SAFE America educates youth in all 50 states Washington, DC, and Department of Defense schools worldwide to ensure that they have a safe experience online.

It is imperative that all Americans learn about the Internet safety strategies which will help keep their children safe from victimization. Consider the facts: In the United States, about 90 percent of children between the ages of 5 and 17 use computers, and about 59 percent use the Internet. Approximately 26 percent of children in that age group are online more than 5 hours a week, and 12 percent spend more time online than they do with their friends.

An alarming statistic is that 39 percent of youths in grades 5 through 12 in the United States admit giving out their personal information, such as their name, age, and gender over the Internet. Furthermore, 11.5 percent of students in this age group have actually met face to face with a stranger they met on the Internet.

Most disturbing are the patterns of Internet crimes against children. In 1996, the Federal Bureau of Investigation was involved in 113 cases involving Internet crimes against children. In 2001, the FBI opened 1,541 cases against people suspected of using the Internet to commit crimes involving child pornography or abuse.

Now is the time for America to focus its attention on supporting Internet safety, especially bearing in mind that children will soon be on summer vacation and will spend more time online.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 486) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 486

Whereas, in the United States, more than 90 percent of children between the ages of 5 years old and 17 years old, or approximately 47,000,000 children, now use computers;

Whereas approximately 59 percent of children in that age group, or approximately 31,000,000 children, use the Internet;

Whereas approximately 26 percent of the children of the United States in grades 5 through 12 are online for more than 5 hours a week;

Whereas approximately 12 percent of those children spend more time online than they spend interacting with their friends;

Whereas approximately 53 percent of the children and teens of the United States like to be alone when "surfing" the Internet;

Whereas approximately 29 percent of those children believe that their parents would express concern, restrict their Internet use, or take away their computer if their parents knew which sites they visited while surfing on the Internet;

Whereas approximately 32 percent of the students of the United States in grades 5 through 12 feel that they have the skills to bypass protections offered by the installation of filtering software;

Whereas approximately 31 percent of the youths of the United States have visited an inappropriate website on the Internet;

Whereas approximately 18 percent of those children have visited an inappropriate website more than once;

Whereas approximately 51 percent of the students of the United States in grades 5 through 12 trust the individuals that they chat with on the Internet;

Whereas approximately 33 percent of the students of the United States in grades 5 through 12 have chatted on the Internet with an individual whom they have not met in person;

Whereas approximately 11.5 percent of those students have later met with a stranger with whom they chatted on the Internet;

Whereas approximately 39 percent of the youths of the United States in grades 5 through 12 have admitted to giving out their personal information, iincluding their name, age, and gender, over the Internet; and

Whereas approximately 14 percent of those youths have received mean or threatening email while on the Internet: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as "National Internet Safety Month";

(2) recognizes that National Internet Safety Month provides the citizens of the United States with an opportunity to learn more about—

(A) the dangers of the Internet; and

(B) the importance of being safe and responsible online;

(3) commends and recognizes national and community organizations for—

(A) promoting awareness of the dangers of the Internet; and

(B) providing information and training that develops critical thinking and decision-making skills that are needed to use the Internet safely; and

(4) calls on Internet safety organizations, law enforcement, educators, community leaders, parents, and volunteers to increase their efforts to raise the level of awareness for the need for online safety in the United States.

WOMEN'S HEALTH WEEK

Mr. FRIST. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 487, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 487) expressing the sense of the Senate with regard to the importance of Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto to be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 487) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 487

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures such as a healthy lifestyle and frequent medical screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African American women, Asian/Pacific Islander women, Latinas, and American Indian/Alaska Native women;

Whereas since healthy habits should begin at a young age, and preventive care saves Federal dollars designated to health care, it is important to raise awareness among women and girls of key female health issues;

Whereas National Women's Health Week begins on Mother's Day annually and celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues; and

Whereas in 2006, the week of May 14 through May 20, is dedicated as the National Women's Health Week: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) calls on the people of the United States to use Women's Health Week as an opportunity to learn about health issues that face women;

(3) calls on the women of the United States to observe National Women's Check-Up Day on Monday, May 15, 2006, by receiving preventive screenings from their health care providers; and

(4) recognizes the importance of federally funded programs that provide research and collect data on common diseases in women and highlight racial disparities in the rates of these diseases.

ILLICIT COPYRIGHT INFRINGEMENT

Mr. FRIST. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 488, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 488) expressing the sense of Congress that institutions of higher education should adopt policies and educational programs on their campuses to help deter and eliminate illicit copyright infringement occurring on, and encourage educational uses of, their computer systems and networks.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALEXANDER. Mr. President, today I reintroduce a resolution that expresses the sense of Congress that colleges and universities should continue to educate their students about the importance of intellectual property and the harm caused by copyright infringement. I am joined in offering this resolution by Senators LEAHY, HATCH, and NELSON of Florida, as well as my colleague from Tennessee, Senator FRIST.

This measure is very similar to S. Res. 438, a Senate resolution which three of my colleagues and I introduced last month. I call my colleagues' attention to my remarks on S. Res. 438 and those of Senator LEAHY, which both appeared in the CONGRESSIONAL RECORD on April 7, 2006.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 488) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 488

Whereas the colleges and universities of the United States play a critically important role in educating young people;

Whereas the colleges and universities of the United States are responsible for helping to build and shape the educational foundation of their students, as well as the values of their students;

Whereas the colleges and universities of the United States play an integral role in the development of a civil and ordered society founded on the rule of law;

Whereas the colleges and universities of the United States have been the origin of much of the creativity and innovation throughout the history of the United States;

Whereas much of the most valued intellectual property of the United States has been developed as a result of the colleges and universities of the United States;

Whereas the United States has, since its inception, realized the value and importance of intellectual property protection in encouraging creativity and innovation;

Whereas intellectual property is among the most valuable assets of the United States;

Whereas the importance of music, motion picture, software, and other intellectual property-based industries to the overall health of the economy of the United States is significant and well documented;

Whereas the colleges and universities of the United States are uniquely situated to advance the importance and need for strong intellectual property protection;

Whereas intellectual property-based industries are under increasing threat from all forms of global piracy, including hard goods and digital piracy;

Whereas the pervasive use of so-called peer-to-peer (P2P) file sharing networks has led to rampant illegal distribution and reproduction of copyrighted works;

Whereas the Supreme Court, in *MGM Studios Inc. v. Grokster, Ltd.*, reviewed evidence of users' conduct on just two peer-to-peer networks and noted that, "the probable scope of copyright infringement is staggering" (125 S. Ct. 2764, 2772 (2005));

Whereas Justice Breyer, in his opinion in *MGM Studios Inc. v. Grokster, Ltd.*, wrote that "deliberate unlawful copying is no less an unlawful taking of property than garden-variety theft" (125 S. Ct. 2764, 2793 (2005));

Whereas many computer systems of the colleges and universities of the United States, including local area networks under the control of such colleges and universities, may be illicitly utilized by students and employees to further unlawful copying;

Whereas throughout the course of the past few years, Federal law enforcement has repeatedly executed search warrants against computers and computer systems located at colleges and universities, and has convicted students and employees of colleges and universities for their role in criminal intellectual property crimes;

Whereas in addition to illicit activity, illegal peer-to-peer use has multiple negative impacts on college computer systems;

Whereas individuals engaged in illegal downloading on college computer systems use significant amounts of system bandwidth which exist for the use of the general student population in the pursuit of legitimate educational purposes;

Whereas peer-to-peer use on college computer systems potentially exposes those systems to a myriad of security concerns, including spyware, viruses, worms or other malicious code which can be easily transmitted throughout the system by peer-to-peer networks;

Whereas, according to a recent study released by the Motion Picture Association of America, students at colleges and universities in the United States accounted for $579,000,000 in losses to the motion picture industry of the United States in 2005, which represents 44 percent of that industry's annual losses due to piracy;

Whereas computer systems at colleges and universities exist for the use of all students and should be kept free of illicit activity;

Whereas college and university systems should continue to develop and to encourage respect for the importance of protecting intellectual property, the potential legal consequences of illegally downloading copyrighted works, and the additional security risks associated with unauthorized peer-to-peer use; and

Whereas it should be clearly established that illegal peer-to-peer use is prohibited and violations punished consistent with upholding the rule of law: Now, therefore, be it

Resolved, That—

(1) colleges and universities should continue to take a leadership role in educating students regarding the detrimental consequences of online infringement of intellectual property rights; and

(2) colleges and universities should continue to take steps to deter and eliminate unauthorized peer-to-peer use on their computer systems by adopting or continuing policies to educate and warn students about the risks of unauthorized use, and educate students about the intrinsic value of and need to protect intellectual property.

ORDERS FOR TUESDAY, MAY 23, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, May 23. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate resume consideration of S. 2611, the Comprehensive Immigration Reform Act; further, that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, to clarify, we will have a vote on the pending Feinstein amendment regarding the orange card program. Members can expect this vote to occur shortly before 11 a.m. That will be the first vote.

A few moments ago, I filed cloture on the immigration bill and a judicial nomination. We have a lot of work to complete this week, including other nominations and the supplemental appropriations conference report if it becomes available. Members can expect a busy week as we work through our remaining business before the upcoming recess.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

TRIBUTE TO JUDGE EDWARD R. BECKER

Mr. SPECTER. Mr. President, I have sought recognition to comment on a funeral service that was held earlier today for Judge Edward R. Becker. Judge Becker was one of the greatest citizens in the history of the city of Philadelphia and one of the greatest Federal judges in the history of the United States. When the contemporary history is written of the past 50 years, I believe Judge Becker will rank with Benjamin Franklin among the greatest of Philadelphia citizens, and with Judge Learned Hand, who is among the greatest Federal judges.

I first met Judge Becker in 1950 when we rode public transportation from northeast Philadelphia to the University of Pennsylvania, an hour ride each way, where we attended that school. He was 17 at the time; I was 20. He was a freshman, and I was a senior. He had an extraordinary academic record, Phi Beta Kappa from Penn, Yale Law School, a distinguished record in the practice of law, and he became a Federal judge at the age of 37. He served on the U.S. District Court for the Eastern District of Pennsylvania for 15 years, until he was elevated to the Court of Appeals for the Third Circuit.

During 35½ years, he had an extraordinary record as a Federal judge. On several occasions, Judge Becker's opinions were followed by the Supreme Court of the United States on cutting edge questions. In one case, Judge Becker wrote the opinion for the Court of Appeals for the Third Circuit, which was in disagreement with the conclusions of seven other courts of appeals. When the issue got to the Supreme Court of the United States, the Supreme Court followed Judge Becker.

He was a man of great charm and great versatility. One of his opinions was written in rhyme. He was an extraordinary pianist and was called upon by the Supreme Court not only for his legal erudition but for playing the piano at the so-called Supreme Court sing-a-longs. He was the recipient of the Devitt Award, which is given to the outstanding Federal jurist on the basis of scholarship, achievement, and community service.

Even as chief judge of the Court of Appeals for the Third Circuit, he rode the elevated public transportation to work every day. Among his many attributes were intelligence—really brilliance—integrity, independence, loyalty, and a sense of humor. But his greatest attribute was his modesty and his humility.

He lived in the same house he came to as a child of 3 or 4 years of age and was always a friend equally to the janitors in the Federal courthouse as he was to Supreme Court Justices.

Regrettably, Judge Becker contracted prostate cancer and fought a valiant fight but succumbed last Friday to the ravages of the cancer and, today, as I say, we celebrated a great life and an outstanding life. One of the real regrets I have is that we have not yet found a cure for cancer, which could have saved Judge Becker's life.

In 1970, the President of the United States declared war on cancer and had that war been pursued with the same diligence and resources that we pursue other wars, Judge Becker would not have died from prostate cancer. Two years ago, my chief of staff, Carey Lackman, a beautiful young woman of 48, died of breast cancer. A year and a half ago, a good friend, Paula Kline, wife of Tom Kline, my former law partner, died of breast cancer. It is something that we hear about every day.

The reality is that the United States of America, with a gross national product of $11 trillion and a Federal budget of $2.8 trillion, could conquer cancer and the other maladies if we approached it with sufficient resources and a sufficient sense of urgency. We have a budget for the subcommittee of appropriations that I chair which has to fund the Departments of Health, Education and Labor, workman safety, which has had cuts of $15.7 billion in the last two fiscal years, factoring in inflation. We have a budget resolution that passed, which would add $7 billion—insufficient but at least a start in making up some of that deficiency which would allocate $2 billion to the National Institutes of Health.

The Federal Government is precluded from financing embryonic stem cell research, which ought to be reversed by this body.

Judge Becker is well known to the Senate. Shortly after he achieved senior status, when he turned 70 in May of 2003, I asked him to participate in our legislative efforts to have asbestos reform. In August of 2003, for 2 days, he convened the so-called stakeholders—the manufacturers, the trial lawyers, the AFL–CIO representing labor, and the insurance industry in his chambers. And for the intervening almost 3 years he has presided at about 50 meetings where large groups assembled in my conference room on Capitol Hill, working for a resolution of the asbestos litigation crisis, where thousands of people suffering from mesothelioma are unable to get compensation because their companies are bankrupt. Seventy-seven companies have gone under bankruptcy.

Judge Becker, well known to this body, is really befitting of the title of the 101st Senator. I think his passing from prostate cancer will make a deep indentation and mark on this body and will serve as a signal for action to attack cancer, attack prostate cancer, to find a cure for cancer. His passing leaves a very deep mark on his family, three children, his widow, four grandchildren, and many friends, many of whom are in this body. His record is truly that of an extraordinary jurist and a great American.

I yield the floor to my distinguished colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am honored to have been here this evening to hear the remarks of Senator SPECTER about his friend Judge Becker. I came to know him and respect him greatly myself. I remember it was Judge Becker this and Judge Becker that as we wrestled with the asbestos litigation. Senator SPECTER, I knew, had such extraordinary respect for him. I guess it probably would be fair to say that in the last year, if there had to be a 101st Senator, he might have been the one we would name because he met time and time again with Senators and groups and interests and people to try to work out an asbestos bill that would be effective.

I came around to the thinking that he was exactly correct and agreed that he and Senator SPECTER had the right approach to that historic piece of legislation.

I am very sad we never could move it forward, but Judge Becker provided a great and extraordinary contribution to the legislation. In getting to know him, talking to him about other judges, he talked about Bill Pryor, a judge from Alabama who was recently confirmed. He knew and studied his record. I came to feel that he was a fine and decent person who loved his country and just didn't want to retire and sit around. He was right in the middle of things to his last days on this Earth.

I thank Senator SPECTER for allowing us the opportunity to get to know him. I hope he will convey to Judge Becker's family our admiration and respect for him.

Mr. SPECTER. Mr. President, if the Senator will yield, I thank him for those very generous comments. I kept Judge Becker fully informed as to our work on the asbestos legislation. The leader has stated his interest in bringing the legislation back to the floor. I continue to lobby our colleagues one by one. I gave Judge Becker a report a few days before his passing, and he said: Let's pass one for the Gipper.

Mr. SESSIONS. I am not surprised. I am not surprised at all that he would be focused on policies that are important for America, even during his suffering.

I thank Senator SPECTER for letting us get to know him.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, cloture has been filed on the immigration legislation, and I suspect cloture will be obtained on the immigration bill. We will have a vote later on in the week. The train is moving. People simply want to do something, and I suppose that is where we are headed.

I wish to make a couple comments about it. First, the difficulty we faced was that the bill which came out of the Judiciary Committee to the floor of the Senate, which was essentially the Kennedy-McCain bill, was not good legislation. In fact, it was so broadly problematic that I thought and said from the beginning there was no way we could file amendments to fix that bill. It was unfixable. It had too many basic problems that had not been evaluated carefully, that should have been thought through carefully before it was ever filed.

Senator SPECTER just left the Chamber. He supports immigration. We started in the Judiciary Committee a few months ago—really just a couple of months ago—and his bill was a lot better than the bill that came out of the Judiciary Committee. The chairman's mark had a number of provisions in it. It did not have an automatic path to citizenship, for example. So we spent several days talking around at the committee. Senator FRIST said he wanted this bill on the floor a certain date. That was a Tuesday. He wanted the bill out of committee. On Monday, we were still talking about various technical, complex legal issues and debating them and worrying about law enforcement issues, and, boom, the Kennedy-McCain bill is offered as a substitute to the Specter bill in committee. With about an hour's debate, this several-hundred page bill became the bill in committee.

A few minutes later with very little debate, the agriculture jobs part was added to the bill, and that is what came out of committee. It was incredibly broad, huge in its increase in legal immigration into the country, as well as I think inadequate enforcement and overreaching in amnesty and a lot of other issues.

So here we are trying to pass this legislation. I guess we have done it now. I spent some time pointing out some of the difficulties, and I will continue to do so. I will say this: The legislation that will hit the floor presumably this week and will be up for a vote should not be passed by us.

I have four amendments on which I would like to have votes. I know what is going to happen. Cloture has been filed, and I will be lucky to get one vote on the four amendments I will be filing tonight, to get legislative council to approve them and worry about germaneness and a lot of other things, but I am ready to file these amendments and will file them.

I want to talk about those amendments, and I ask the American people and my colleagues to think about some of the issues in these four amendments and ask: Should not, when we set about establishing a new immigration policy for America, which has consistently been a 20-year policy—we did one in the midsixties and we did another one in 1986. Here we are 20 years later in 2006 passing another one. We are going to pass a bill that could set policy for quite some time. It ought to be a good bill. It should be a bill of which we are proud.

It should be a piece of legislation that considers the relevant issues facing our country and tries to fairly and decently and justly treat people who want to come here in a legitimate way, but fundamentally what we should be asking ourselves is how many people this country can accept and what kind of skill levels should they have, what expectation do we have that they will be successful when they come to this country and be able to take advantage of the opportunities that are here, to be able to pay taxes to the Government more than they draw from the Government, and those kinds of questions. That is what we are about. I submit that the legislation fails in that regard.

I have four amendments. One is a numerical limit amendment. It would cap the immigration increases caused by the bill to the numbers CBO and the White House tell us to expect, 7 million under amnesties and 8 million in new immigrations in the next 10 years. We had somewhat of a dispute. This bill is 600 pages. It is exceedingly complicated. It has a host of different categories. It has caps that apply and numbers that don't apply to caps and are exempted from caps. It is hard to figure out how many people might actually come.

The Heritage Foundation and my staff have concluded that we are looking at four times the current rate of immigration. It was 5 to 10 times the current rate of immigration until we discussed these huge numbers at a press conference last Monday, and Tuesday we adopted an amendment to knock that down. We think the immigration in that country will range from 73 million to 93 million people over the next 20 years. That represents approximately four times the amount we now allow in, which is a little less than 1 million a year, so it will be a little less than 19 million over 20 years, five times current rate, four times current rate at a minimum, we think.

The administration and CBO say some of those numbers were not good enough, and they came up with some figures.

That amendment would be designed to say: OK, we will look at your numbers and see if we can just make that the law so it won't be confusing. At least we will know what the numbers are. If the administration numbers are correct and the CBO numbers are correct, they are too high, way too high, but at least we would know what they are. At least we wouldn't have to worry that they might go and explode out of reason.

Another amendment we will be offering is the amendment to eliminate the earned income tax credit for illegal aliens and those who adjust status under this bill. Once illegal aliens become citizens, they will once again be eligible for the earned income tax credit, which is nothing more than a Government payment. It is a Government subsidy to low wage American workers, and it is very large. I will talk about that in a minute.

Chain migration. We will offer an amendment that would eliminate certain chain migration provisions in this bill. If we want to admit more skill-based immigrants, we must reduce the right of immigrants to bring in certain categories of relatives automatically and they have an automatic right on the list to be able to come in. We need to make that choice. Why is this Senate dodging that issue? I don't know. Other countries, as I have noted just a few moments ago, are going in exactly the opposite direction. They are focusing less on some sort of connections and more on work skills.

Then I will offer an amendment that deals with green cards for future flow H–2C workers. This would be an amendment to make sure that H–2C workers who come in the future—not those given amnesty under this bill—will be subject to the annual numerical limits on employment-based green cards when they apply. There is some dispute about that. We were told originally: Oh, yes, they apply, the caps apply, these limits apply. And then we read the legislation carefully, and under that provision, it says: If you qualify for a green card, the Secretary shall give you the green card. And it appears that "shall" means you will get it whether the caps apply or not, or whether the caps would apply.

I shared earlier thoughts about the large numbers and the CBO numbers in that amendment. I have discussed it. I would like to take a few moments to discuss the earned income tax credit limit.

This amendment would do two things. One, it would clarify existing law that makes illegal aliens ineligible to claim the earned income tax credit and postpones the ability of illegal aliens who are given status by this bill to claim the earned income tax credit until they become citizens. So the amendment is clearly a moneysaver. It is also a way to make sure that illegal aliens are more likely to contribute more in taxes than they are taking out. The inability to claim the earned income tax credit should be one of the things added to the list of items illegal aliens will have to agree to do in order to receive the benefits of the amnesties contained in title VI of the bill. Other items on the list include a background check, a medical check, and payment of back taxes, and being required to not claim the EITC until the illegal alien becomes a citizen is a natural addition to that list.

The EITC tax credit was established in 1975. It is a refundable tax credit for families that can offset income taxes or provide a tax credit directly to the family. According to IRS data for 2003, 22 million households received $39 billion in EITC payments, an average of $1,782 per household or $2,100 for any families with children.

Now, let me just repeat that. This is a huge Government program. And most of the low-income people don't owe any taxes. If you are making below $20,000 a year, you are unlikely to pay any income taxes. If you have children, you certainly are not going to be paying any income taxes. So how do you get a tax credit if you don't pay any taxes? Well, they send you a check. That is what they do. You file your tax return at the end of the year, and if you have worked and your income was lower, they send you a check. We looked at the numbers. If you are a minimum wage worker and you make around $14,000 a year, that family would receive a check, a subsidy from the Government of 4,700-and-some-odd dollars.

So this was designed to encourage Americans to work. It was a plan to make work more attractive for people on welfare. Do you remember all that talk: Well, you can make more money on welfare than you make working. So a brilliant Congress, a number of years ago, came up with this idea that we would just give people extra money if they would work. It will be less than welfare, so why not do it? OK. That is what we did. But it was not designed to reward illegal aliens for coming into the country illegally, for heaven's sake. But that is what this bill does. As soon as they get that regularized status, they get it.

Now, this would allow them to get the earned income tax credit if they become a citizen but not before. That is not required of us. It is not required of the Senate that we should provide a $2,000 bonus check to individuals who work in our country, who seem to be happy to get the wages they are being paid, a $2,000 bonus check from Uncle Sam as a result and as an incentive for coming into the country illegally. That is a really big issue.

To qualify for the credit, married couples filing jointly who earn certain sums of money would qualify. For example, a single mother with two children, the earned income tax credit provides a tax credit for 40 percent of every dollar earned, up to $11,340. A family that earned between $11,000 and $14,000 received a maximum credit of $4,536, not $4,700. After the floor of $14,810 is reached, the credit is slowly reduced until the income cap of $36,000 is reached. It is only then that it is eliminated. For 2006, the maximum amount of the earned income tax credit is $4,556 for a worker supporting two kids and $2,747 for a worker with one child, $4,012 for a child of eligible employees and adjusted for inflation.

Now, a Social Security number is required in order to reap the benefits of this tax credit, and those applying must have a valid Social Security number and be a resident alien. Valid Social Security numbers are given out to all legally working people in the United States—legally working aliens. Legal permanent residents and citizens have Social Security numbers.

Under the tax law, resident aliens are citizens of a foreign country who are either lawful permanent residents of the United States or have been physically present in the country for at least a certain specified amount of time during the past 3 years. They are taxed in the same manner as U.S. citizens, and thus they qualify for the refundable tax credits.

According to the IRS, under the residency rules of the Tax Code, any alien who is a nonresident alien—an alien will become a resident alien in one of three ways: No. 1, by being admitted to the United States as or changing in status to a lawful permanent resident under the immigration laws; No. 2, by passing a substantial presence test, a numerical formula which measures days of presence in the United States; or No. 3, by making what is called the first year election, a numerical formula under which an alien may pass the substantial presence test 1 year earlier than under the normal rules.

Under these rules, legally present work-authorized aliens who pass the substantial presence test will be treated, for tax purposes, as resident aliens. They are able, then, to claim EITC. Under these rules, even an undocumented illegal alien who passes the substantial presence test will be treated for tax purposes as a resident alien. If they are using a fraudulent Social Security number, they can apply for the EITC. If they are using a legal IDIF number, they cannot apply.

Under S. 2611, the bill before us today, if illegal aliens pay their taxes legally today, they do so with an individual taxpayer identification number they are given for tax purposes. The ITIN cannot currently be used to get the EITC because a Social Security number is required to claim the EITC. They are not eligible to get a Social Security number.

So under S. 2611, illegal aliens will become legally present and work authorized immediately upon passage of the act. They would then be given Social Security numbers and will pass the substantial presence test, making them automatically, at once, eligible to claim the very generous benefits of the EITC.

The Congressional Budget Office has looked at this and tried to figure out what the cost would be. American taxpayers would pay this. This would be a new cost on the taxpayers, created by the very bill that is before us today. Under the current legislation, in S. 2611 as initially offered and came out of the Judiciary Committee, the preliminary CBO score revealed the following about directed spending contained in the compromise. They say this:

> CBO and Joint Tax Committee estimate that direct spending outlays would total about $8 billion for the first 5 years, 2007 through 2011, and $27 billion for the first 10 years. Most of those costs are for the earned-income tax credit and for Medicaid and food stamp programs. Costs in subsequent decades would be greater than in this first 10-year period.

"Costs in further decades would be greater than the first decade." Mr. Robert Rector of the Heritage Foundation has worked on numbers like this. He was the architect of the welfare reform. He said to us recently, a group of Senators: Senators, this is how this Government gets out of control. This is how things go wrong. You don't start out to pass a bill that is going to cost $29 billion. You don't think it through. You pass the legislation, and a new Congress 20 years from now wakes up and says: How did this ever happen? We don't have the money to pay for this. We made this obligation way long ago. How are we going to get out of it? Maybe we should cut back.

Then all the protests start because you can never cut a program, it seems.

He warned us about that. That is exactly what is happening with this particular provision in the legislation.

Once the Hagel-Martinez bill became S. 2611, I, along with five other Senators, asked CBO to provide a comprehensive score so we would know how much this amnesty provision would cost the taxpayers. The final CBO score estimates that, of the 2007-2016 period, 10 years, this bill would increase outlays for refunding tax credits $29.4 billion, the largest direct expenditure in the bill—$29 billion.

I had a conversation a few moments ago with a fine Senator who is concerned about spending. He was sincerely asking me about the cost of enforcement at the border and at the workplace in our country. Where are we going to get this money so we are not just putting it to our grandchildren? I don't know how much it is going to cost. We spend $40 billion now on homeland security every year. Maybe this is going to cost $5 or $6 billion. A lot of it will be one-time costs, setting up computer systems and border barriers and in purchases of equipment. A lot of that will be repetitive, like border patrol and bed spaces or removing people from the country. But it will not exceed $29 billion, trust me. It will be a fraction of that.

Mr. President, $29 billion is a lot of money under any circumstances, I have to tell you. You can buy three aircraft carriers for $29 billion. They have 4,000 people on them. Mr. President, $29.4 billion will be added. These refundable tax credits will include EITC and child tax credits, where most of the cost is clearly attributable to the EITC. To clarify, the credit first reduces an individual's tax liability. If the credit exceeds the tax liability, the excess is sent to the individual in the form of a check from Uncle Sam. These refunds are classified as outlays in the Federal budget. They are classified as outlays. They are not classified as tax deductions because they are, in fact, outlays. They are, in fact, payments from Uncle Sam sent in the form of a check to individual Americans.

In conclusion, I would note the bill increases the amount of refundable tax credits by increasing the number of resident aliens, people who are illegal today, converted to resident aliens. Although this bill grants amnesty to those who came illegally, it is not required, in my view, that they be absolved from all consequences of coming here illegally nor be provided every benefit we provide to those who come legally. Certainly nothing is strange or unusual in that.

If we decide to give certain benefits to people who came here illegally and not give them to others, what is wrong with that? For example, we are going to allow them to stay in the country. At least overwhelmingly, they will be able to stay in the country. We are going to forgive them for being prosecuted. Do we have to then also reward them for their illegal activity by providing a sizeable check every year from the Federal Government? No, you don't have to do that. If they become a citizen one day, fine, they are entitled to the same benefits of every other American citizen. But not in the interim.

My amendment clarifies existing law to make sure that illegal aliens—existing law—who pass the substantial presence test cannot use fraudulent Social Security numbers to claim the earned-income tax credit, and it postpones the ability of illegal aliens at a given status, some sort of legal status by the bill, to claim the earned-income tax credit until they become citizens. I believe that is the right approach. It is unthinkable that we would provide this kind of incentive when it really has no necessity.

Mr. President, I would like to share some thoughts about another amendment. It deals with chain migration. It would reduce chain migration by eliminating the provisions in the Immigration and Nationality Act that allow parents and adult brothers and sisters to immigrate to the United States based solely on their family connections. Chain migration refers to the mechanism by which foreign nationals have the right to immigrate to the United States by virtue of one single characteristic: they are related to someone who previously immigrated to the United States. Chain migration does not refer to spouses and dependent children of immigrants. That does not encompass wives and children. Nothing in this amendment would say that a green card holder, a legal permanent resident or citizen would not be able to bring spouses and children. That will remain the law under this amendment. No changes are made whatsoever. But for immigrants who become citizens, chain migration refers to their ability to bring in parents, brothers and sisters, and spouses, and children of their brothers and sisters.

You get to bring in your parents, your brothers and sisters, and the spouses and children of your brothers and sisters. People who immigrate based on this family relationship are in no way evaluated for their skill levels, their age, their English proficiency, or if they are needed by the American economy whatever skills they have. How they will benefit the United States is completely irrelevant to this process. The only relevant characteristic is their family connection.

Until the late 1950s, American family immigration policy focused solely on the nuclear family; only spouses and minor dependent children of the immigrant were allowed to immigrate solely on their family connection.

In the late 1950s, family migration policies of the United States began to extend beyond children and spouses. Immigrants were allowed to bring in their adult unmarried children. You are here, you can bring in adult children from that foreign country. But they are unmarried, and you can bring them. Immigrants who became citizens were allowed to bring in their married adult children and their parents and their brothers and sisters, parents and brothers and sisters, and adult children can bring in their own spouse and their children. If the extended spouse has parents and siblings, they, too, can get in line to immigrate to the United States based solely on the family connection.

To show you a little bit how this works—it sounds a bit complicated. By viewing the charts behind me, maybe we can make this a little bit clearer.

Here are the people in green. That means they possess a green card. You can get green cards in any number of ways if you come in under the language of this legislation that is so inaccurate. Let me say it that way.

Under the rubric they call a temporary guest worker, the first day you are here, your employer can apply for a green card, and within a month presumably you will get that green card. Once you become a green card holder, you become green on that chart, but you also became a permanent resident of the United States, not a citizen.

What happens when you become a permanent resident? You can immediately bring in your spouse and your children, maybe half a dozen children. You can bring in all of those children.

One thing about this amnesty is this: There are a lot of people who are working in our country today who have not brought their families. They have not been that interested in bringing their wives and children here, but under the bill, we give them legal status. We allow them to become a green card holder in short order, and then they are automatically allowed to bring in their spouses and children.

Five years after they get the green card, they can apply to be a citizen. So 5 years, they become a citizen. Here is the family now, this group here, green. They come over. This is the nuclear family: Father, mother, and two children. The mother is now legal. She can bring in her parents; he can bring in his parents.

What about brothers and sisters? Each one gets to bring in their brothers, and then they can bring in their wife and their children.

This lady has one brother. She allows that brother to come in as a relative within the category, and then he can bring his wife and his children.

What about her? She probably has brothers and sisters, too. Once she gets in and gets in the system, she can bring her brothers and sisters and her parents into the system. The father here can bring in his brother or sister, and she can bring in her husband and her two children, or however many they have.

I believe somebody detailed once on the floor of the Senate that one family brought in 85 under this system. It is not at all impossible to imagine. Can you see how it can happen? One person comes in, and as a result of the family connections he brought in 85. I think that was Senator Allen Simpson in the debate 20 years ago in 1986.

It is a remarkable story, how the nuclear family, 5 years after they become citizens, can bring in their parents.

What can the parents do? The parents can bring in their parents, if they are still alive. They really can. Maybe they are 90. They can bring in their brothers and sisters. All the uncles can come in through the parents. The wife can bring in brothers and sisters. Then the wife brings in her brother, who brings in his wife and two children, and she brings in her parents. It just goes on and on.

We would like to do the right thing. We would like to be generous. Someone made the argument, I guess at one point in time it seemed like a good idea to have that policy. But every now and then, when we review a bill once in 20 years, you would think we would have discussed this. It has not been discussed, to my knowledge. Not a single Senator has discussed it on the floor of the Senate, to my knowledge. No amendment has been offered on it. It was not discussed, I don't think, but maybe just in passing in some of the Judiciary Committee debate of which I was a member. It is a serious matter.

Obviously, we ought to do a better job of thinking through who should come to America. I keep thinking about a valedictorian in the Dominican Republic, some small town in Colombia, Peru, or Brazil, top of his class, learned English, speaks it well, and wanting to come to the United States of America. We have a limited number of people who come. He can never get in because grandparents, great-grandparents, brothers and sisters and grand-nephews are coming in under migration, crowding those numbers out. With regard to all of these people, there is no requirement of any educational level, no requirement of any job skills or any other capability.

I think we need to make progress. There is no reason in the world we shouldn't be discussing that in an effective way. Over the past 5 years, approximately 950,000—almost 1 million—extended family members immigrated to the United States and immediately received a green card—lawful permanent resident who will never have to leave.

The numbers equal about 20 percent of all aliens who immigrated to the United States in the last 5 years. Immigration, therefore, makes up a significant portion of family-based immigration.

If we want to discuss the percentage of family-based immigration and increase the percentage of skill-based, it makes sense that we would deal with this issue. I think this amendment needs to be considered. I am disappointed that we really have not had time, with cloture being filed we will not have time to seriously discuss that.

Let's talk about one more issue. I don't mind saying I cannot be sure that we have dealt in years with a bill more important than this one. Mr. Rector of the Heritage Foundation said this bill is so significant it compares with the passage of Social Security and Medicare, in his opinion. He has been a student of these things for several decades. This is a huge piece of legislation.

What has happened, a group has gotten together. They have reached a compromise. We were told flatout the other night that one of the amendments could not be accepted because the people who put the compromise together would not accept it. They would not accept the amendment because they said it violated the compromise, the compromise would fall apart, and we could not amend it in that fashion. And it failed. The machinery around here is working.

We will have an opportunity to talk about this additional issue tomorrow. I will plan to do that then. I am proud at least to have had the opportunity to talk about this. The fact is, we are not going to be able to vote on this. We will be lucky to get a vote on one of them, and then this will be voted on. I assume it will be passed and sent to the House of Representatives. If we are fortunate, the House of Representatives will say it has to be better; we will not accept it; we are going to insist on that before we pass it.

Who knows what will happen in the political processes of our country?

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. SESSIONS. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:22 p.m., adjourned until Tuesday, May 23, 2006, at 9:45 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 22, 2006*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. PRICE of Georgia).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 22, 2006.

I hereby appoint the Honorable TOM PRICE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

SUGAR

Mr. BLUMENAUER. Thank you, Mr. Speaker.

Later this week, there will be consideration of an amendment from Mr. FLAKE of Arizona and me dealing with the notorious sugar subsidy program, proposing a tiny reduction in it. For anyone who wants a lesson in how your government works, a review of the politics surrounding the sugar quota system is a textbook example of how the political process can distort reality and why. A Dear Colleague letter is circulating touting the benefits of a "no cost to the taxpayer sugar program." This does not pass the straight face test anywhere in America but Washington, DC. The most junior intern working in any congressional office who is doing independent research can quickly verify that this is not a "no cost program." There are huge costs to the taxpayer, the government and the environment.

Straight off the top, this "no cost program" requires American consumers to pay almost $2 billion a year more for sugar and sugar-related products. Only in Washington, DC would $2 billion be "no cost." Then there is the loss to industries for whom paying two to three times the price of the world price of sugar makes a big difference. There used to be a thriving confectionery industry, manufacturing in Hershey, Pennsylvania; in New England, in Chicago. Many of these jobs have since disappeared, being driven across the border to Canada, Mexico or elsewhere where sugar prices are dramatically lower. Only the powerful sugar lobbyists and the people who listen to them would think that $2 billion a year that will be required to store and purchase surplus sugar over the next 10 years would be no cost.

One of the most perverse effects of the sugar program has been to dramatically increase cane sugar production in the State of Florida. Over the last 50 years the amount of acreage surrounding the Everglades has increased 800 percent. All of this sugar production is in the Everglades. This expansion has devastating consequences. Pollution, polluted runoff, and changed water flow attributed to the sugar industry is a significant reason why we are paying seven to $8 billion as a down payment to clean up the Everglades and redo the plumbing. The sugar lobbyists in Washington, DC would lead you to believe that this is no cost.

How can this be? How can people pretend to believe this claptrap? Well, an important reason this travesty continues is to be found in campaign contribution reports. This industry is only 1 percent of American agriculture, yet it spends 17 percent of the campaign contributions for agriculture and countless millions more lobbying and producing bogus surveys currently circulating on Capitol Hill.

I suggest if Members want to do a favor for the environment, for the taxpayer, allow a junior intern to do your research to determine whether or not this has no cost. This research done by any college economics student, in any college political science class, or by the outstandingly bright young men and women who work for us as volunteers on Capitol Hill right now as interns can demonstrate to any Member's satisfaction that it is not worth the cost. It is time to approve the Blumenauer-Flake amendment.

THE LEGACY AND LIFE OF CARMEN ANAYA

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Texas (Mr. DOGGETT) is recognized during morning hour debates for 5 minutes.

Mr. DOGGETT. Thank you, Mr. Speaker.

Carmen Anaya was a remarkable human being. Her life of 79 years both inspires and teaches us. Born in Monterrey, Mexico; a teacher, she moved to the United States as a young woman and married José Anaya.

For the next 20 years as their family grew, they worked as migrant farm workers all across America—harvesting cherries in Michigan, tomatoes in California, potatoes in Oregon, and sugar beets in the Dakotas. Eventually they opened a small general store in Las Milpas in the Texas Rio Grande Valley.

In Spanish, a "milpa" is a temporary field that is cultivated for a few seasons. But the colonia of Las Milpas was the permanent home of thousands who lacked running water, had no paved roads and no jobs that offered a way to escape poverty. Even worse, most residents had little hope for a better future for themselves or for their children.

In 1982, Mrs. Anaya joined with other people of faith to found Valley Interfaith, a nonprofit coalition of over 40 churches that, with the work of lead organizer Elizabeth Valdez, has now expanded to represent some 60,000 Valley families. Valley Interfaith leaders already knew how to cultivate fields, but together they learned how to cultivate hope and justice. For more than two decades, they have put their faith into action to help the impoverished help themselves and to hold elected officials accountable at all levels of government.

With the very active and the very vocal participation of Mrs. Anaya, Valley Interfaith brought clean drinking water to over 160,000 residents of colonias like Las Milpas; secured living wage ordinances and raised the salaries of thousands; and, with a new job training program, have found jobs for another 1,500.

Above all, through her work with Valley Interfaith, Mrs. Anaya inspired her neighbors to believe in themselves, in their communities, and in their ability to bring about change. Those once isolated and frustrated are now an organized voice with the ability to demand justice.

Last Monday, I visited with the Anaya family at their home in Las Milpas shortly after the celebration of a funeral mass in the Parish of Santa Cabrini at which Ernesto Cortez, Jr.,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who continues to provide the leadership for a network of groups like Valley Interfaith, spoke of her leadership and tenacity in a eulogy. Mrs. Anaya loved her church at which she attended choir practice twice a week. At the rosary, Ofelia de los Santos, a friend through whom I got to know Mrs. Anaya, spoke of her involvement of her church in the quest for social justice.

St. Frances or Santa Cabrini, as she is known in the Valley, is a saint who is the patroness of immigrants. And it was Carmen Anaya, an immigrant to our Nation, who spread the gospel through her words and deeds. Her example is particularly significant in the course of the ongoing national debate about immigration. Because two farm workers came across the Rio Grande to do hot, hard, demanding work, America has gained not only from their labors but from their six children:

José, Jr., who operated the family store, now works for the city of Pharr.

Diana and Consuelo each provide leadership for our country's future as public school principals.

Minerva, or Minnie, a retired U.S. Air Force lieutenant colonel, is now a homebuilder with her husband, retired Green Beret colonel, Chris St. John.

Eduardo, or Eddie, an attorney and certified public accountant, has the only law office in Las Milpas.

Linda, a nurse, is an administrator at Cornerstone Regional Hospital.

The life of service of any one child would be enough to make a parent proud. But think how much our country gains and continues to gain from the service of each of these six children. Her life and her children say more about family values than a thousand speeches from the floor of this Congress. And in the ongoing national debate about immigration, we should reflect on her legacy. Mexican immigrants like Carmen and José Anaya have offered much to their adopted land. America is the stronger for their presence.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 40 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MURPHY) at 2 p.m.

PRAYER

Monsignor Francis J. Maniscalco, Director of Communications, United States Conference of Catholic Bishops, Washington, D.C., offered the following prayer:

"The Lord takes delight in His people."

How important it is for us to know that You, our Maker, take delight in us; to know that all that exists came from You in a joy of creation that goes beyond what we can imagine; to know that amidst all the glories made by Your hand, it is the human race that You made in Your own image.

We are called to answer Your delight with delight of our own: delight in praising Your name when we begin our day and when we end it; delight in calling to mind that You are with us throughout the day; delight in dedicating what we say and do to Your glory; delight in serving our sisters and brothers in the human family and in loving them as we love ourselves; and when this earthly life at last comes to an end, delight in living in Your presence forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. PENCE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

FREEDOM IS WINNING IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, this weekend with the news of the adoption of a new government in Iraq, the silence was deafening. You could hear a pin drop among the critics of U.S. policy in Iraq.

But there it was. Prime Minister al-Maliki kept his word. He named 39 cabinet ministers, each of whom was approved by more than 90 percent of the 275-member elected Iraqi Parliament, the first government of Iraq formed since the toppling of Saddam Hussein.

May God bless Prime Minister al-Maliki and all those brave ministers in his new government; for despite what you read, despite some of what you see, freedom is winning in Iraq and this new government's formation stands for that truth.

CRUEL AND UNUSUAL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, raped for more than an hour, sometimes by two gang members at once, they cried out for help. Tortured by six gang members, they begged for their lives.

As those gangsters strangled them with a belt, they clutched at it, hoping for air. The murderers, holding each end of the belt, pulled so hard, the belt snapped in two. Just to make sure that 14-year-old Jennifer Ertman and 16-year-old Elizabeth Pena were dead, the six gang members stomped on their necks with their boots.

Five of the killers were sentenced to death by separate Texas juries. Today, 13 years later, Elizabeth's parents and Jennifer Ertman's parents wait for justice and sob, wait for executions that were stayed.

The Supreme Court believes participating in a brutal gang rape and murder just months before your 18th birthday makes you too young for the death penalty. So two sentences were commuted. Now the others have had their executions stayed by the same arrogant, elitist judges, who wonder if lethal injection is cruel and unusual punishment.

Mr. Speaker, maybe not today, maybe not the next day, but some day, judges will treat victims with the same concern and compassion that they treat barbarians.

And that's just the way it is.

CORPORATE HERO: HOME DEPOT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I rise today to recognize the continued good work by an Atlanta-based company in helping rebuild the hurricane ravaged gulf coast.

Nine months after Hurricanes Katrina and Rita devastated the area, Home Depot continues to play a lead role in reconstruction. The region remains in need, and to date Home Depot has contributed over $11 million to the relief efforts, and their employees have volunteered countless hours and resources to help rebuild the region. The company has vowed to continue their work to make sure that the region realizes that rebirth. And while it may be easy for a company to pledge support early when the spotlight is on, it is admirable to see Home Depot still out there with hammer and nails in hand months after the media frenzy has subsided.

While time has passed, Home Depot's enthusiasm and compassion for the victims of this disaster has not. It is important to recognize these ongoing efforts and all the people continuing to aid in the recovery.

Mr. Speaker, the gulf coast region remains in need of a helping hand, and Home Depot is an outstanding example of corporate responsibility and compassion.

TRIBUTE TO LUCKY MONDRES

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, many of our colleagues and staff who are on the Hill today may not remember Marvin "Lucky" Mondres, but those of us who have been around for a while will recall Lucky ran Representative Burke's Washington office for several years.

Our paths first crossed when I served at the Interior Department and Lucky was my counterpart as the congressional liaison officer for the Commerce Department in the early 1970s.

He served with distinction at Commerce and in several other Departments in both the Nixon and Ford administrations. Members on both sides of the aisle came to know that if they needed information or assistance, they could depend on Lucky to be forthright and diligent in providing it.

I want to share the news that Lucky is battling the final stages of cancer. But as those who know him would guess, he is not dwelling on that but is focused on living each day to the fullest, just as he has done his entire life.

In his retirement years in Massanutten in Virginia's Shenandoah Valley, he has devoted his time to his children and his grandchildren, with some charity work along the way, and always some time for golf.

We want to thank Lucky for his public service and his contributions to our country and ask the Good Lord to bless him.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

HURRICANE RELIEF EXTENSION ACT OF 2006

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5354) to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes.

The Clerk read as follows:

H.R. 5354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hurricane Relief Extension Act of 2006".

SEC. 2. EXTENSION OF PERIOD FOR OBLIGATION OF TEMPORARY EMERGENCY IMPACT AID FOR DISPLACED STUDENTS.

Notwithstanding sections 107(f) and 110 of title IV (commonly known as the "Hurricane Education Recovery Act") of Division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680), the Secretary of Education may extend the period during which a State educational agency or local educational agency may obligate funds received under section 107 of that title, except that such funds shall be used only for expenses incurred during the 2005–2006 school year, as required by section 107 of that title.

SEC. 3. SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) According to the Department of Education, more than 370,000 students were unable to attend school in the weeks following hurricanes Katrina and Rita.

(2) According to the Department of Education, 158,000 students remained displaced as of October 1, 2005, and are eligible for impact aid.

(3) The unprecedented nature of this crisis and the massive dislocation of students prompted the Congress in 2005 to approve the Hurricane Education Recovery Act to provide money to reopen schools in the Gulf Coast region and an additional $645 million for impact aid.

(4) The Congress included stringent time lines in the Hurricane Education Recovery Act to ensure the money would quickly be sent to the local educational agencies to help the schools in need.

(5) The Department of Education accelerated the application process in order to quickly release education-related relief.

(6) A significant portion of the recovery aid, both restart and impact aid, has yet to reach damaged schools and local educational agencies.

(b) SENSE OF CONGRESS.—The Congress urges State educational agencies to expeditiously distribute education relief funds received under title IV (commonly known as the "Hurricane Education Recovery Act") of Division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680)) to impacted schools and institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 5354.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5354, the Hurricane Relief Extension Act of 2006, amends the Hurricane Education Recovery Act to allow the Secretary of Education to extend, beyond the 2006 school year, the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary schools that enroll students displaced by Hurricanes Katrina or Rita.

In addition, the bill includes a sense of the Congress that urges State educational agencies to distribute expeditiously any education relief funds received under such act to impacted schools and institutions.

I want to thank Chairman MCKEON and the Education and the Workforce Committee staff for working with me on this legislation.

Hurricanes Katrina and Rita created real and pressing educational needs in the gulf coast region. According to the U.S. Department of Education, more than 370,000 students were unable to attend school in the weeks following the hurricanes. About 158,000 students were still displaced as of October 1, 2005, and are eligible for impact aid. More than 1,100 schools, public, private, and parochial, were still closed 2 weeks after the storms.

In the immediate days after the hurricanes hit, I worked closely with my colleagues on the Education and the Workforce Committee to assess the damage caused by the storms and to move forward and send Federal aid to the highest need areas in the shortest amount of time possible. We supported an innovative electronic reimbursement proposal that would have enabled parents and schools to bypass government bureaucracy and receive Federal aid more quickly.

□ 1415

Unfortunately, many of our colleagues opposed these efforts as a backdoor attempt to implement a voucher system. Let me be emphatic: That was not the case. This proposal would have prevented the delays we are now seeing in Federal support reaching our teachers and students who most need it.

As an alternative, when Congress passed the Hurricane Education Recovery Act in December, we included stringent timelines to ensure the money would quickly be sent to local educational agencies to help schools in need. In addition, the U.S. Department of Education accelerated the application process for these funds in order to quickly release education-related relief. Yet, Federal education aid is still not reaching the ground in many Gulf States, including my home State of Louisiana.

I recently visited Johnson Bayou High School in my congressional district in Cameron Parish hit directly by Hurricane Rita, and school officials had yet to receive one penny in Federal assistance. This was only 3 to 4 weeks ago. A headline last month in the Baton Rouge Advocate read, "East Baton Rouge Schools Await Hurricane Funds." At an April 26 Education and Workforce Committee hearing, education leaders from throughout the gulf coast testified that Federal aid had yet to make its way to the local level.

This bill allows the Secretary to set a date to obligate the funds for displaced students that is beyond the end of the school year because several districts have indicated the difficulty in meeting the current statutory July 31 date. The extension of this date will give the districts the extra time needed to ensure the funds are obligated toward the allowable expenditures from the 2005–2006 school year.

The bill makes certain that the funds can only be used for expenses from the 2005–2006 school year and that the funds will not be extended into the 2006–2007 school year. These funds are desperately needed by the districts to help with the costs associated with educating the displaced students.

Districts should not have to return the funds because they were not able to obligate them by the July 31 deadline. Mr. Speaker, schools should not be penalized because bureaucratic red tape has delayed the process on the State level, which, to me, is very unacceptable.

Mr. Speaker, I strongly urge my colleagues to support H.R. 5354, the Hurricane Relief Extension Act of 2006.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5354, the Hurricane Relief Extension Act, and thank Mr. BOUSTANY for introducing this very important measure.

Mr. Speaker, in March of this year, Democrats from the House Committee on Education and the Workforce traveled to New Orleans and surrounding areas to survey and see firsthand the damage left by Hurricanes Katrina and Rita. The members of the delegation were clear in their assessment: Until you see the damage firsthand, it is very, very difficult to understand the magnitude of these storms and what the devastation that they left behind is.

The school systems in the gulf coast were hit particularly hard. The wind tore off roofs of schools, and storm surges brought additional water into classrooms, sometimes reaching over 10 feet. These school systems, both public and private, lost books, computers and desks. Teachers, principals and students lost their homes to the storms.

At the time of the delegation's visit, families had started to return to the area, and due to the leadership of local superintendents, principals and teachers, students were returning to the classrooms. Across the country, school systems in nearly every State opened their doors to enroll displaced students. They continued to educate these children, expending their own resources to meet the increased enrollments.

In spite of the pressures on schools to reopen and enroll displaced students, it was not until December, nearly 5 months after the levees broke, that Congress designated funds to assist schools along the gulf coast and the schools that had taken in displaced students. And it appears Congress did not live up to its own promise. The funds provided were less than what was promised, nearly one-third less.

H.R. 5354 does not fix the funding problem, nor does it address the challenges these same schools will have next year, particularly those in New Orleans, which expect their enrollment to double in the fall. H.R. 5354 will, however, resolve an immediate issue by extending the time in which funds are to be obligated for the current school year.

H.R. 5354 also addresses a concern heard by the delegation during its visits to schools that State educational agencies were delaying the distribution of these funds to local school systems. As such, H.R. 5354 includes a sense of the Congress that urges States to expedite the release of these funds to local school districts.

Families are eager to return to their communities, but will only do so if they can be assured that their children can attend school. H.R. 5354 will assist schools in their efforts to educate displaced students and reopen schools.

Again, I want to thank the gentleman on the other side of the aisle, Mr. BOUSTANY, for bringing this bill to the floor, and urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I have no further speakers, and I am prepared to close at this time. I want to thank my colleague, the gentlelady from New York, for her support, and for all the support of my colleagues across the aisle. I think this is an important piece of legislation, because much of the money that we have obligated has not reached where it needs to go, to those students and schools in need.

When I was back home just about 2 months ago, I was at a school in Erath, a small town that was devastated by flooding, and they were rebuilding the school. In fact, they had just reopened some of the classrooms there. One of the teachers showed me her bright new shining classroom, freshly painted with a new bookshelf, and she had actually spent $1,600 of her own money to do that, because the Federal money that we had obligated had not reached the ground level. So I am urging the States to release the money that we have sent down so that we can get the money where it needs to be to take care of those students in need and get those schools up and running.

With that, I strongly urge my colleagues to support H.R. 5354.

Mr. McKEON. Mr. Speaker, I rise today in support of H.R. 5354, the Hurricane Relief Extension Act. I thank my Education and the Workforce Committee colleague, Mr. BOUSTANY, for his work on this measure—and for his efforts on behalf of his constituents in the wake of last fall's hurricanes.

Last year, the Gulf Coast endured one of the worst series of hurricanes in our nation's history. Students, workers, retirees, and families from the region were impacted in ways seemingly incomprehensible before the storms struck.

The Education and the Workforce Committee and this Congress have been active in driving legislation to provide resources to schools and families as part of the recovery effort. Last year, led by Mr. BOUSTANY and his Louisiana colleague, Representative JINDAL, we passed legislation to reimburse public, including charter, and private schools that have enrolled displaced students and to help those schools get supplies and equipment to help educate those students.

Now, as the academic year during which Katrina and Rita struck draws to a close, we want to ensure that available money will be used by the schools and districts. The bill before us today will allow the U.S. Secretary of Education to extend the date by which these funds must be obligated to beyond the end of this school year. While the funds must still be used on expenses for the 2005/2006 school year, by extending the obligation date, the districts and schools will be able to make sure that funds are used on appropriate expenses and do not have to be returned to the federal government. It is not just a necessary move—but an appropriate one as well.

Last month, the Education and the Workforce Committee held a hearing highlighted by educators from across the Gulf Coast region. We listened as they discussed the challenges faced and successes achieved by Gulf Coast schools in the wake of Hurricanes Katrina and Rita. And we heard them provide their unique insights into what we have done well with regard to education in the Gulf Coast region, as well as what obstacles we still face.

Unfortunately, some officials testified that they have yet to receive their full, expected sum of federal impact aid dollars. And as we consider this legislation today, I am especially hopeful that some of the bureaucratic problems we've witnessed in the past several months will end—and end soon.

Mr. Speaker, the bottom line is this: as educators, joined by parents and students from the region, work to rebuild an academic way of life, they ought to have all of the necessary tools at their disposal. The measure we are considering today takes a major step toward providing just that. And I urge my colleagues to join me in supporting it.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 5354.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE IN SUPPORT OF THE GOALS OF NATIONAL ONE-STOP MONTH

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 808) expressing the sense of the House of Representatives in support of the goals of National One-Stop Month.

The Clerk read as follows:

H. RES. 808

Whereas national workforce professional organizations and the local workforce investment boards will celebrate National One-Stop Month from May 1 to 31, 2006;

Whereas workforce investment boards and One-Stop delivery system were created under the Workforce Investment Act of 1998 and are designed to provide a full range of employment solutions to employers and job seekers in a single location;

Whereas more than 600 workforce investment boards and 2,000 One-Stop Career Centers are enhancing the productivity and competitiveness of the Nation by providing workforce solutions for hundreds of thousands of employers annually across the United States:

Whereas, in the spirit of the Workforce Investment Act, the cornerstones of maximizing customer choice, employment and training solutions, and universal access are the primary missions of the One-Stop delivery system, allowing more than 14,000,000 job seekers annually the opportunity to connect with the tools they need for their next career opportunity;

Whereas each year the One-Stop delivery system and regional workforce investment boards contribute to the competitiveness of the Nation's workforce by providing training assistance through grants to job seekers and employed workers and other programs to more than 400,000 Americans so they may upgrade or acquire new skills; and

Whereas, in the spirit of the Workforce Investment Act, the private sector leadership of the regional workforce investment boards provides the planning, oversight, and accountability of workforce strategies that succeed in communities across the country: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of National One-Stop Month; and

(2) supports the efforts of the workforce investment boards and One-Stop delivery system in preparing the Nation's workforce.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Res. 808.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, associations representing the local workforce development community have declared May National One-Stop Month. I rise this afternoon in support of H. Res. 808, which expresses the support of the House of Representatives for the goals of National One-Stop Month and supports the work of the Nation's local workforce investment boards.

The one-stop delivery system this resolution recognizes is a product of the Workforce Investment Act of 1998, or WIA. WIA consolidated numerous Federal training programs and integrated employment and training services at the local level in a more unified workforce development system. Local business-led workforce investment boards now direct the activities of the system.

One of the hallmarks of WIA is the establishment of One-Stop Career Centers to provide re-employment services and job training to individuals looking for a new or better job. The centers were developed to increase access to Federal and State resources available to help individuals obtain employment of their choice.

While WIA funds are available for occupational training, there are numerous other Federal programs that provide employment assistance. These programs, including adult education, vocational rehabilitation, veterans employment programs and more, must make their services available through the centers. WIA created One-Stop Career Centers to provide a single point of access for individuals desiring services through these programs. The one-stop delivery system also provides labor market information regarding the kinds of jobs currently available in a local area, data on growing industries and job listings to assist individuals in making informed career choices.

Over 2,000 one-stop centers across the Nation have connected millions of individuals with the tools they need to find their next employment opportunity, while helping employers find the workers they need.

The economy is dynamic, and research shows that the types of growing industries are changing. The Nation's job training programs are critical to our ongoing effort to equip Americans with the resources and skills they need to find a new or better job in today's knowledge-based economy. Local workforce investment boards have responded to these challenges by creating comprehensive services to assist our workforce.

Approximately 5.2 million new jobs have been created since August of 2003. With solid and consistent job growth in high-wage, high-skill occupations, renewing and strengthening the Federal investment in workforce development and job training is more critical than ever. Last year, this House approved legislation to reauthorize WIA and renew the one-stop delivery system, and we hope for further action on that legislation to build upon the success already attained. Yet in the interim, we know our local community leaders remain committed to providing the best services possible for the Nation's job seekers.

I commend the chairman of the Subcommittee on 21st Century Competitiveness, Congressman RIC KELLER of Florida, for introducing this measure to highlight the critical assistance that the local boards and the one-stop delivery system provide.

Mr. Speaker, I urge my colleagues to support this measure.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of National One-Stop Month. For over 30 years, Congress has worked hard on a bipartisan basis to create a job training system that works well for both employers and employees.

During the Clinton administration, job training advocates developed the idea of a universal system, a one-stop job training system that would provide needed job search, placement and training services to all job seekers who walked through its doors. The system would also be a one-stop system for employers, providing outreach and matching services to enable employers to find workers with the job skills that they need.

Approximately 2,000 one-stop centers and the workforce boards that oversee them now exist in all of our communities, providing a 21st century resource for all. This system is an investment in our economy and in our country.

But that investment is also under attack. For the past 6 years, the administration and this Congress have been cutting funding for the one-stop system. The one-stops have not had a single inflation adjustment in 6 years. The one-stops have actually had their budgets cut about $700 million since 2001. This Congress has failed to reauthorize the one-stop system, and has insisted on opening it up to religious discrimination, which has never existed or been a problem for years. Most recently, in its 2007 budget request, the administration proposed effectively eliminating the one-stop system and turning it into a voucher program run by the Governors.

Democrats believe in job training to help workers improve their skills and find good-paying jobs to support their families. Democrats believe in helping employers find workers with the skills they need to compete in the global economy. In order to truly help employers and employees, we must adequately fund the one-stops and our job training system.

□ 1430

This is a low-cost investment in our future. I urge my colleagues to support this resolution and to support improved funding for a 21st-century job-training system.

Mr. Speaker, I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I am prepared to close at this time. We have no further speakers. Again, I thank my colleague from New York for her support and the support of all Members across the aisle for this resolution.

Let me just close by saying that in the aftermath of Hurricanes Rita and Katrina, I personally visited some of these one-stop shops in my district and was really impressed with the work that they were doing.

They were very successful in matching up those in need of jobs with available jobs. And so this is a worthy resolution. I urge all Members to support it.

Mr. MCKEON. Mr. Speaker, I rise today in support of H. Res. 808, a measure expressing support for the goals of National One-Stop Month. As we stand here today we find ourselves in an increasingly competitive job market, one in which the knowledge and skills of each job seeker play a critical role in determining whether the individual will succeed. And while our economy has created more than 5.2 million new jobs since August 2003, we still have work ahead of us to provide the resources and training workers need to claim and keep these new jobs.

Testifying before the House Education and the Workforce Committee several years ago, former Federal Reserve Board Chairman Alan Greenspan told Members of our panel that providing "rigorous education and ongoing training to all members of our society" is essential for future job growth and worker security in the United States. His words ring all the more true today, as our workforce takes on the new realities of an increasingly competitive global economy.

Eight years ago, when Congress passed the Workforce Investment Act, we did so with an eye toward preparing our working men and women for the challenges of a turn-of-the-century economy. Indeed, the 21st century is no longer the age of machine and muscle but, rather, has become the age of the mind.

And central to our efforts in crafting the Workforce Investment Act was the establishment of the one-stop system. One-stop career centers are aimed at providing a single, convenient, central location to offer job training and other employment-related services. And they have been remarkably successful for countless Americans.

In my view, the establishment of one-stops in 1998 was the single most important federal job training accomplishment in a generation. We brought dozens of disparate services under one roof, providing a better deal for job seekers and a better investment for American taxpayers.

Last year, this House approved legislation to build upon the success of the one-stop system, and as we hope for further congressional action on that measure, we take time this month to celebrate the achievements of those who have been involved in the one-stops—including those providing services and those benefiting from them.

Mr. Speaker, May is National One-Stop Month, but for those seeking high-quality employment services, the one-stops are there for them all year long. I applaud them, and I look for them to play an even bigger role in our job training system in the decades to come. I thank my colleague Mr. KELLER, the chairman of the 21st Century Competitiveness Subcommittee, for bringing this resolution to the floor, and I urge my colleagues to support it.

Mr. BOUSTANY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 808.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS' HOUSING OPPORTUNITY AND BENEFITS IMPROVEMENT ACT OF 2006

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1235) to amend title 38, United States Code, to extend the availability of $400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs, as amended.

The Clerk read as follows:

S. 1235

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Housing Opportunity and Benefits Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—HOUSING MATTERS
Sec. 101. Adapted housing assistance for disabled veterans residing temporarily in housing owned by family member.
Sec. 102. Adjustable rate mortgages.
Sec. 103. Permanent authority to make direct housing loans to Native American veterans.
Sec. 104. Extension of eligibility for direct loans for Native American veterans to a veteran who is the spouse of a Native American.
Sec. 105. Technical corrections to Veterans Benefits Improvement Act of 2004.
TITLE II—EMPLOYMENT MATTERS
Sec. 201. Additional duty for the Assistant Secretary of Labor for Veterans' Employment and Training to raise awareness of skills of veterans and of the benefits of hiring veterans.
Sec. 202. Modifications to the Advisory Committee on Veterans Employment and Training.
Sec. 203. Reauthorization of appropriations for homeless veterans reintegration programs.
TITLE III—LIFE AND HEALTH INSURANCE MATTERS
Sec. 301. Duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans following separation from service.
Sec. 302. Limitation on premium increases for reinstated health insurance of servicemembers released from active military service.
Sec. 303. Preservation of employer-sponsored health plan coverage for certain reserve-component members who acquire TRICARE eligibility.
TITLE IV—OTHER MATTERS
Sec. 401. Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status.
Sec. 402. Consolidation and revision of outreach authorities.
Sec. 403. Extension of annual report requirement on equitable relief cases.
TITLE V—TECHNICAL AMENDMENTS
Sec. 501. Technical and clarifying amendments to new traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 502. Terminology amendments to revise references to certain veterans in provisions relating to eligibility for compensation or dependency and indemnity compensation.
Sec. 503. Technical and clerical amendments.

TITLE I—HOUSING MATTERS

SEC. 101. ADAPTED HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

"§ 2102A. Assistance for veterans residing temporarily in housing owned by a family member

"(a) PROVISION OF ASSISTANCE.—In the case of a disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

"(b) AMOUNT OF ASSISTANCE.—The assistance authorized under subsection (a) may not exceed—

"(1) $14,000, in the case of a veteran described in section 2101(a)(2) of this title; or

"(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

"(c) LIMITATION.—The assistance authorized by subsection (a) shall be limited in the case of any veteran to one residence.

"(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

"(e) TERMINATION.—No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.".

(b) LIMITATIONS ON ADAPTED HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in the matter in subsection (a) preceding paragraph (1)—

(A) by striking "shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and"; and

(B) by striking "veteran but shall not exceed $50,000 in any one case—" and inserting "veteran—"; and

(2) by adding at the end the following new subsection:

"(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

"(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to $10,000.

"(3) No veteran may receive more than three grants of assistance under this chapter.".

(c) COORDINATION OF ADMINISTRATION OF BENEFITS.—Chapter 21 of such title is further amended by adding at the end the following new section:

"§ 2107. Coordination of administration of benefits

"The Secretary shall provide for the coordination of the administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and such programs that are administered by the Under Secretary for Benefits under this chapter, chapter 17, and chapter 31 of this title.".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 2102 the following new item:

"2102A. Assistance for veterans residing temporarily in housing owned by a family member."

; and

(2) by adding at the end the following new item:

"2107 Coordination of administration of benefits.".

(e) GAO REPORTS.—

(1) INTERIM REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an interim report on the implementation by the Secretary of Veterans Affairs of section 2102A of title 38, United States Code, as added by subsection (a).

(2) FINAL REPORT.—Not later than five years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a final report on the implementation of such section.

(f) TEMPORARY INCREASE IN CERTAIN HOUSING LOAN FEES.—For a subsequent loan described in subsection (a) of section 3710 of title 38, United States Code, to purchase or construct a dwelling with 0-down or any other subsequent loan described in that subsection, other than a loan with 5-down or 10-down, that is closed during fiscal year 2007, the Secretary of Veterans Affairs shall apply section 3729(b)(2) of such title by substituting "3.35" for "3.30".

SEC. 102. ADJUSTABLE RATE MORTGAGES.

Section 3707A(c)(4) of title 38, United States Code, is amended by striking "1 percentage point" and inserting "such percentage points as the Secretary may prescribe".

SEC. 103. PERMANENT AUTHORITY TO MAKE DIRECT HOUSING LOANS TO NATIVE AMERICAN VETERANS.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "establish and implement a pilot program under which the Secretary may" in the first sentence; and

(B) by striking "shall establish and implement the pilot program" in the third sentence and inserting "shall make such loans";

(2) in subsection (b), by striking "In carrying out the pilot program under this subchapter, the" and inserting "The"; and

(3) by striking subsection (c).

(b) REPORTS.—Section 3762(j) of such title is amended to read as follows:

"(j) The Secretary shall include as part of the annual benefits report of the Veterans Benefits Administration information concerning the cost and number of loans provided under this subchapter for the fiscal year covered by the report.".

(c) CONFORMING AMENDMENTS.—

(1) SECTION 3762.—Section 3762 of such title is amended—

(A) in subsection (a), by inserting "under this subchapter" after "to a Native American veteran";

(B) in subsection (b)(1)(E), by striking "the pilot program established under this subchapter is implemented" and inserting "loans under this subchapter are made";

(C) in subsection (c)(1)(B), by striking "carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans" in the second sentence and inserting "make direct housing loans under this subchapter";

(D) in subsection (i)—

(i) by striking "the pilot program provided for under this subchapter and" in paragraph (1);

(ii) by striking "under the pilot program and in assisting such organizations and veterans in participating in the pilot program" in paragraph (2)(A) and inserting "under this subchapter and in assisting such organizations and veterans with respect to such housing benefits"; and

(iii) by striking "in participating in the pilot program" in paragraph (2)(E) and inserting "with respect to such benefits".

(2) CONFORMING REPEAL.—Section 8(b) of the Veterans Home Loan Program Amendments of 1992 (Public Law 102-547; 38 U.S.C. 3761 note) is repealed.

(d) ESTABLISHMENT OF MAXIMUM AMOUNT OF LOANS.—Section 3762(c)(1)(B) of title 38, United States Code, is amended—

(1) by striking "(B) The" and inserting "(B)(i) Subject to clause (ii), the"; and

(2) by adding at the end the following new clause:

"(ii) The amount of a loan made by the Secretary under this subchapter may not exceed the maximum loan amount authorized for loans guaranteed under section 3703(a)(1)(C) of this title.".

(e) TECHNICAL AMENDMENT.—Subsection (c)(1)(A) of section 3762 of such title is amended by inserting "veteran" after "Native American".

(f) CLERICAL AMENDMENTS.—

(1) SUBCHAPTER HEADING.—The heading for subchapter V of chapter 37 of such title is amended to read as follows:

"SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS".

(2) SECTION HEADING.—The heading for section 3761 of such title is amended to read as follows:

"§ 3761. Direct housing loans to Native American veterans; program authority".

(3) SECTION HEADING.—The heading for section 3762 of such title is amended to read as follows:

"§ 3762. Direct housing loans to Native American veterans; program administration".

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 37 of such title is amended by striking the items relating to subchapter V and sections 3761 and 3762 and inserting the following new items:

"SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

"3761. Direct housing loans to Native American veterans; program authority.

"3762. Direct housing loans to Native American veterans; program administration.".

SEC. 104. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS FOR NATIVE AMERICAN VETERANS TO A VETERAN WHO IS THE SPOUSE OF A NATIVE AMERICAN.

(a) EXTENSION.—Subchapter V of chapter 37 of title 38, United States Code, is amended—

(1) by redesignating section 3764 as section 3765; and

(2) by inserting after section 3763 the following new section:

"§ 3764. Qualified non-Native American veterans

"(a) TREATMENT OF NON-NATIVE AMERICAN VETERANS.—Subject to the succeeding provisions of this section, for purposes of this subchapter—

"(1) a qualified non-Native American veteran is deemed to be a Native American veteran; and

"(2) for purposes of applicability to a non-Native American veteran, any reference in this subchapter to the jurisdiction of a tribal organization over a Native American veteran is deemed to be a reference to jurisdiction of a tribal organization over the Native American spouse of the qualified non-Native American veteran.

"(b) USE OF LOAN.—In making direct loans under this subchapter to a qualified non-Native American veteran by reason of eligibility under subsection (a), the Secretary shall ensure that the tribal organization permits, and the qualified non-Native American veteran actually holds, possesses, or purchases, using the proceeds of the loan, jointly with the Native American spouse of the qualified non-Native American veteran, a meaningful interest in the lot, dwelling, or both, that is located on trust land.

"(c) RESTRICTIONS IMPOSED BY TRIBAL ORGANIZATIONS.—Nothing in subsection (b) shall be construed as precluding a tribal organization from imposing reasonable restrictions on the right of the qualified non-Native American veteran to convey, assign, or otherwise dispose of such interest in the lot or dwelling, or both, if such restrictions are designed to ensure the continuation in trust status of the lot or dwelling, or both. Such requirements may include the termination of the interest of the qualified non-Native American veteran in the lot or dwelling, or both, upon the dissolution of the marriage of the qualified non-Native American veteran to the Native American spouse.".

(b) CONFORMING AMENDMENTS.—Section 3765 of such title, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(5) The term 'qualified non-Native American veteran' means a veteran who—

"(A) is the spouse of a Native American, but

"(B) is not a Native American.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by striking the item relating to section 3764 and inserting the following new items:

"3764. Qualified non-Native American veterans.

"3765. Definitions.".

SEC. 105. TECHNICAL CORRECTIONS TO VETERANS BENEFITS IMPROVEMENT ACT OF 2004.

(a) CORRECTIONS.—Section 2101 of title 38, United States Code, as amended by section 401 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3614), is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) a new subsection (c) consisting of the text of subsection (c) of such section 2101 as in effect immediately before the enactment of such Act, modified—

(A) in paragraph (1)—

(i) in the first sentence, by striking "paragraph (1), (2), or (3)" and inserting "subparagraph (A), (B), (C), or (D) of paragraph (2)"; and

(ii) in the second sentence, by striking "the second sentence" and inserting "paragraph (3)"; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "paragraph (1)" and inserting "paragraph (2)"; and

(ii) in the second sentence, by striking "paragraph (2)" and inserting "paragraph (3)"; and

(3) in subsection (a)(3), by striking "subsection (c)" in the matter preceding subparagraph (A) and inserting "subsection (d)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of December 10, 2004, as if enacted immediately after the enactment of the Veterans Benefits Improvement Act of 2004 on that date.

TITLE II—EMPLOYMENT MATTERS

SEC. 201. ADDITIONAL DUTY FOR THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING TO RAISE AWARENESS OF SKILLS OF VETERANS AND OF THE BENEFITS OF HIRING VETERANS.

Subsection (b) of section 4102A of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(8) With advice and assistance from the Advisory Committee on Veterans Employment and Training, and Employer Outreach established under section 4110 of this title, furnish information to employers (through meetings in person with hiring executives of corporations and otherwise) with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills, and to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and other means.".

SEC. 202. MODIFICATIONS TO THE ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING.

(a) COMMITTEE NAME.—

(1) CHANGE OF NAME.—Subsection (a)(1) of section 4110 of title 38, United States Code, is amended by striking "Advisory Committee on Veterans Employment and Training" and inserting "Advisory Committee on Veterans Employment, Training, and Employer Outreach".

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach".

(3) TABLE OF SECTIONS.—The item relating to section 4110 in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach.".

(4) REFERENCES.—Any reference to the Advisory Committee established under section 4110 of such title in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Advisory Committee on Veterans Employment, Training, and Employer Outreach.

(b) EXPANSION OF DUTIES OF ADVISORY COMMITTEE.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A), by inserting "and their integration into the workforce" after "veterans";

(2) by striking "and" at the end of subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following new subparagraphs:

"(C) assist the Assistant Secretary of Labor for Veterans' Employment and Training in carrying out outreach activities to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;

"(D) make recommendations to the Secretary, through the Assistant Secretary of Labor for Veterans' Employment and Training, with respect to outreach activities and the employment and training of veterans; and".

(c) MODIFICATION OF ADVISORY COMMITTEE MEMBERSHIP.—

(1) MEMBERSHIP.—Subsection (c)(1) of such section is amended to read as follows:

"(c)(1) The Secretary of Labor shall appoint at least 12, but no more than 15, individuals to serve as members of the advisory committee as follows:

"(A) Six individuals, one each from among representatives nominated by each of the following organizations:

"(i) The National Society of Human Resource Managers.

"(ii) The Business Roundtable.

"(iii) The National Association of State Workforce Agencies.

"(iv) The United States Chamber of Commerce.

"(v) The National Federation of Independent Business.

"(vi) A nationally recognized labor union or organization.

"(B) Not more than five individuals from among representatives nominated by veterans service organizations that have a national employment program.

"(C) Not more than five individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.".

(2) CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(A) by striking paragraphs (3), (4), (8), (10), (11), and (12); and

(B) by redesignating paragraphs (5), (6), (7), and (9) as paragraphs (3), (4), (5), and (6), respectively.

(d) REINSTATEMENT AND MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f)(1) of such section is amended—

(1) by striking the first sentence and inserting the following: "Not later than December 31 of each year, the advisory committee shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the employment and training needs of veterans, with special emphasis on disabled veterans, for the previous fiscal year.";

(2) in subparagraph (A), by inserting "and their integration into the workforce" after "veterans";

(3) by striking "and" at the end of subparagraph (B);

(4) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(5) by inserting after subparagraph (A) the following new subparagraph:

"(B) an assessment of the outreach activities carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;"; and

(6) by inserting after subparagraph (C), as so redesignated, the following new subparagraphs:

"(D) a description of the activities of the advisory committee during that fiscal year;

"(E) a description of activities that the advisory committee proposes to undertake in the succeeding fiscal year; and".

SEC. 203. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Subsection (e)(1) of section 2021 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(F) $50,000,000 for each of fiscal years 2007 through 2009.".

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

SEC. 301. DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS FOLLOWING SEPARATION FROM SERVICE.

(a) Separation or Release From Active Duty.—

(1) Extension of period of coverage.—Paragraph (1)(A) of section 1968(a) of title 38, United States Code, is amended by striking "shall cease" and all that follows and inserting "shall cease on the earlier of the following dates (but in no event before the end of 120 days after such separation or release):

"(i) The date on which the insured ceases to be totally disabled.

"(ii) The date that is—

"(I) two years after the date of separation or release from such active duty or active duty for training, in the case of such a separation or release during the period beginning on the date that is one year before the date of the enactment of Veterans' Housing Opportunity and Benefits Improvement Act of 2006 and ending on September 30, 2011; and

"(II) 18 months after the date of separation or release from such active duty or active duty for training, in the case of such a separation or release on or after October 1, 2011.".

(2) Technical amendments.—Paragraph (1) of such section is further amended—

(A) in the matter preceding subparagraph (A), by striking "shall cease—" and inserting "shall cease as follows:"; and

(B) in subparagraph (B), by striking "at" after "(B)" and inserting "At".

(b) Separation or Release From Certain Reserve Assignments.—Paragraph (4) of such section is amended by striking "shall cease" the second place it appears and all that follows and inserting "shall cease on the earlier of the following dates (but in no event before the end of 120 days after separation or release from such assignment):

"(A) The date on which the insured ceases to be totally disabled.

"(B) The date that is—

"(i) two years after the date of separation or release from such assignment, in the case of such a separation or release during the period beginning on the date that is one year before the date of the enactment of Veterans' Housing Opportunity and Benefits Improvement Act of 2006 and ending on September 30, 2011; and

"(ii) 18 months after the date of separation or release from such assignment, in the case of such a separation or release on or after October 1, 2011.".

SEC. 302. LIMITATION ON PREMIUM INCREASES FOR REINSTATED HEALTH INSURANCE OF SERVICEMEMBERS RELEASED FROM ACTIVE MILITARY SERVICE.

(a) Premium Protection.—Section 704 of the Servicemembers Civil Relief Act (50 U.S.C. App. 594) is amended by adding at the end the following new subsection:

"(e) Limitation on Premium Increases.—

"(1) Premium protection.—The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

"(2) Increases of general applicability not precluded.—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.".

(b) Technical Amendment.—Subsection (b)(3) of such section is amended by striking "if the" and inserting "in a case in which the".

SEC. 303. PRESERVATION OF EMPLOYER-SPONSORED HEALTH PLAN COVERAGE FOR CERTAIN RESERVE-COMPONENT MEMBERS WHO ACQUIRE TRICARE ELIGIBILITY.

(a) Continuation of Coverage.—Subsection (a)(1) of section 4317 of title 38, United States Code, is amended by inserting after "by reason of service in the uniformed services," the following: "or such person becomes eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title,".

(b) Reinstatement of Coverage.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after "by reason of service in the uniformed services," the following: "or by reason of the person's having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title,"; and

(B) by inserting "or eligibility" before the period at the end of the first sentence; and

(2) by adding at the end the following new paragraph:

"(3) In the case of a person whose coverage under a health plan is terminated by reason of the person having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title but who subsequently does not commence a period of active duty under the order to active duty that established such eligibility because the order is canceled before such active duty commences, the provisions of paragraph (1) relating to any exclusion or waiting period in connection with the reinstatement of coverage under a health plan shall apply to such person's continued employment, upon the termination of such eligibility for medical and dental care under chapter 55 of title 10 that is incident to the cancellation of such order, in the same manner as if the person had become reemployed upon such termination of eligibility.".

TITLE IV—OTHER MATTERS

SEC. 401. INCLUSION OF ADDITIONAL DISEASES AND CONDITIONS IN DISEASES AND DISABILITIES PRESUMED TO BE ASSOCIATED WITH PRISONER OF WAR STATUS.

Section 1112(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

"(L) Atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia).

"(M) Stroke and its complications.".

"CHAPTER 63—OUTREACH ACTIVITIES

"6301. Purpose; definitions.
"6302. Biennial plan.
"6303. Outreach services.
"6304. Veterans assistance offices.
"6305. Outstationing of counseling and outreach personnel.
"6306. Use of other agencies.
"6307. Outreach for eligible dependents.
"6308. Biennial report to Congress.

"§ 6301. Purpose; definitions

"(a) Purpose.—The Congress declares that—

"(1) the outreach services program authorized by this chapter is for the purpose of ensuring that all veterans (especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Department) are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents; and

"(2) the outreach services program authorized by this chapter is for the purpose of charging the Department with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

"(b) Definitions.—For the purposes of this chapter—

"(1) the term 'other governmental programs' includes all programs under State or local laws as well as all programs under Federal law other than those authorized by this title; and

"(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.

"§ 6302. Biennial plan

"(a) Biennial Plan Required.—The Secretary shall, during the first nine months of every odd-numbered year, prepare a biennial plan for the outreach activities of the Department for the two-fiscal-year period beginning on October 1 of that year.

"(b) Elements.—Each biennial plan under subsection (a) shall include the following:

"(1) Plans for efforts to identify eligible veterans and eligible dependents who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

"(2) Plans for informing eligible veterans and eligible dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

"(c) Coordination in Development.—In developing the biennial plan under subsection (a), the Secretary shall consult with the following:

"(1) Directors or other appropriate officials of organizations approved by the Secretary under section 5902 of this title.

"(2) Directors or other appropriate officials of State and local education and training programs.

"(3) Representatives of nongovernmental organizations that carry out veterans outreach programs.

"(4) Representatives of State and local veterans employment organizations.

"(5) Other individuals and organizations that the Secretary considers appropriate.

"§ 6303. Outreach services

"(a) Requirement to Provide Services.—In carrying out the purposes of this chapter, the Secretary shall provide the outreach services specified in subsections (b) through (d). In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, such services shall, to the maximum feasible extent, be provided in the principal language of such persons.

"(b) Individual Notice to New Veterans.—The Secretary shall by letter advise each veteran at the time of the veteran's discharge or release from active military, naval, or air service (or as soon as possible after such discharge or release) of all benefits and services under laws administered by the Department for which the veteran may be eligible. In carrying out this subsection, the Secretary shall ensure, through the use of veteran-student services under section 3485 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

"(c) DISTRIBUTION OF INFORMATION.—(1) The Secretary—

"(A) shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Secretary; and

"(B) may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Secretary determines would be beneficial to veterans.

"(2) Whenever a veteran or dependent first applies for any benefit under laws administered by the Secretary (including a request for burial or related benefits or an application for life insurance proceeds), the Secretary shall provide to the veteran or dependent information concerning benefits and health care services under programs administered by the Secretary. Such information shall be provided not later than three months after the date of such application.

"(d) PROVISION OF AID AND ASSISTANCE.—The Secretary shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents with respect to subsections (b) and (c) and in the preparation and presentation of claims under laws administered by the Department.

"(e) ASSIGNMENT OF EMPLOYEES.—In carrying out this section, the Secretary shall assign such employees as the Secretary considers appropriate to conduct outreach programs and provide outreach services for homeless veterans. Such outreach services may include site visits through which homeless veterans can be identified and provided assistance in obtaining benefits and services that may be available to them.

"§ 6304. Veterans assistance offices

"(a) IN GENERAL.—The Secretary shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and in the Commonwealth of Puerto Rico, as the Secretary determines to be necessary to carry out the purposes of this chapter. The Secretary may maintain such offices on such military installations located elsewhere as the Secretary, after consultation with the Secretary of Defense and taking into account recommendations, if any, of the Secretary of Labor, determines to be necessary to carry out such purposes.

"(b) LOCATION OF OFFICES.—In establishing and maintaining such offices, the Secretary shall give due regard to—

"(1) the geographical distribution of veterans recently discharged or released from active military, naval, or air service;

"(2) the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services); and

"(3) the necessity of providing appropriate outreach services in less populated areas.

"§ 6305. Outstationing of counseling and outreach personnel

"The Secretary may station employees of the Department at locations other than Department offices, including educational institutions, to provide—

"(1) counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title; and

"(2) outreach services under this chapter.

"§ 6306. Use of other agencies

"(a) In carrying out this chapter, the Secretary shall arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, including, where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Department.

"(b) In carrying out this chapter, the Secretary shall, in consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment opportunities, training opportunities, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

"(c) In carrying out this chapter, the Secretary shall cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization.

"(d) In carrying out this chapter, the Secretary shall, where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization.

"(e) In carrying out this chapter, the Secretary may furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services.

"(f) In carrying out this chapter, the Secretary shall conduct and provide for studies, in consultation with appropriate Federal departments and agencies, to determine the most effective program design to carry out the purposes of this chapter.

"§ 6307. Outreach for eligible dependents

"(a) NEEDS OF DEPENDENTS.—In carrying out this chapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

"(b) INFORMATION AS TO AVAILABILITY OF OUTREACH SERVICES FOR DEPENDENTS.—The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this chapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.

"§ 6308. Biennial report to Congress

"(a) REPORT REQUIRED.—The Secretary shall, not later than December 1 of every even-numbered year (beginning in 2008), submit to Congress a report on the outreach activities carried out by the Department.

"(b) CONTENT.—Each report under this section shall include the following:

"(1) A description of the implementation during the preceding fiscal year of the current biennial plan under section 6302 of this title.

"(2) Recommendations for the improvement or more effective administration of the outreach activities of the Department.".

(b) INCORPORATION OF RECOMMENDATIONS TO IMPROVE OUTREACH AND AWARENESS.—The Secretary of Veterans Affairs shall, to the extent appropriate, incorporate the recommendations for the improvement of veterans outreach and awareness activities included in the report submitted to Congress by the Secretary pursuant to section 805 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454).

(c) REPEAL OF RECODIFIED PROVISIONS.—Subchapter II of chapter 77 of title 38, United States Code, is repealed.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Subchapter III of chapter 77 of such title is redesignated as subchapter II.

(2) The table of sections at the beginning of such chapter is amended by striking the items relating to the heading for subchapter II, sections 7721 through 7727, and the heading for subchapter III and inserting the following:

"SUBCHAPTER II—QUALITY ASSURANCE".

(3) The tables of chapters at the beginning of such title, and at the beginning of part IV of such title, are amended by inserting after the item relating to chapter 61 the following new item:

"63. Outreach Activities .... 6301".

(e) CROSS-REFERENCE AMENDMENTS.—

(1) Section 3485(a)(4)(A) of title 38, United States Code, is amended by striking "subchapter II of chapter 77" and inserting "chapter 63".

(2) Section 4113(a)(2) of such title is amended by striking "section 7723(a)" and inserting "section 6304(a)".

(3) Section 4214(g) of such title is amended by striking "section 7722" and "section 7724" and inserting "section 6303" and "section 6305", respectively.

(4) Section 168(b)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2913(b)(2)(B)) is amended by striking "subchapter II of chapter 77" and inserting "chapter 63".

SEC. 403. EXTENSION OF ANNUAL REPORT REQUIREMENT ON EQUITABLE RELIEF CASES.

Section 503(c) of title 38, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2009".

TITLE V—TECHNICAL AMENDMENTS

SEC. 501. TECHNICAL AND CLARIFYING AMENDMENTS TO NEW TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) SECTION 1980A.—Section 1980A of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) A member of the uniformed services who is insured under Servicemembers' Group Life Insurance shall automatically be insured for traumatic injury in accordance with this section. Insurance benefits under this section shall be payable if the member, while so insured, sustains a traumatic injury on or after December 1, 2005, that results in a qualifying loss specified pursuant to subsection (b)(1).

"(2) If a member suffers more than one such qualifying loss as a result of traumatic injury from the same traumatic event, payment shall be made under this section in accordance with the schedule prescribed pursuant to subsection (d) for the single loss providing the highest payment.".

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by striking "issued a" and all that follows through "limited to—" and inserting "insured against traumatic injury under this section is insured against such losses due to traumatic injury (in this section referred to as 'qualifying losses') as are prescribed by the Secretary by regulation. Qualifying losses so prescribed shall include the following:";

(ii) by capitalizing the first letter of the first word of each of subparagraphs (A) through (H);

(iii) by striking the semicolon at the end of each of subparagraphs (A) through (F) and inserting a period; and

(iv) by striking "; and" at the end of subparagraph (G) and inserting a period;

(B) in paragraph (2)—

(i) by striking "subsection—" and inserting "subsection:";

(ii) by striking "the" at the beginning of subparagraphs (A), (B), and (C) and inserting "The";

(iii) in subparagraph (A), by striking "4 limbs;" and inserting "four limbs.";

(iv) in subparagraph (B), by striking "; and" at the end and inserting a period;

(v) in subparagraph (C), by striking "1 side" and inserting "one side"; and

(vi) by adding at the end the following new subparagraph:

"(D) The term 'inability to carry out the activities of daily living' means the inability to independently perform two or more of the following six functions:

"(i) Bathing.

"(ii) Continence.

"(iii) Dressing.

"(iv) Eating.

"(v) Toileting.

"(vi) Transferring.";

(C) in paragraph (3)—

(i) by striking ", in collaboration with the Secretary of Defense,";

(ii) by striking "shall prescribe" and inserting "may prescribe"; and

(iii) by striking "the conditions under which coverage against loss will not be provided" and inserting "conditions under which coverage otherwise provided under this section is excluded"; and

(D) by adding at the end the following new paragraph:

"(4) A member shall not be considered for the purposes of this section to be a member insured under Servicemembers' Group Life Insurance if the member is insured under Servicemembers' Group Life Insurance only as an insurable dependent of another member pursuant to subparagraph (A)(ii) or (C)(ii) of section 1967(a)(1) of this title.".

(3) Subsection (c) is amended to read as follows:

"(c)(1) A payment may be made to a member under this section only for a qualifying loss that results directly from a traumatic injury sustained while the member is covered against loss under this section and from no other cause.

"(2)(A) A payment may be made to a member under this section for a qualifying loss resulting from a traumatic injury only for a loss that is incurred during the applicable period of time specified pursuant to subparagraph (B).

"(B) For each qualifying loss, the Secretary shall prescribe, by regulation, a period of time to be the period of time within which a loss of that type must be incurred, determined from the date on which the member sustains the traumatic injury resulting in that loss, in order for that loss to be covered under this section.".

(4) Subsection (d) is amended by striking "losses described in subsection (b)(1) shall be—" and all that follows and inserting "qualifying losses shall be made in accordance with a schedule prescribed by the Secretary, by regulation, specifying the amount of payment to be made for each type of qualifying loss, to be based on the severity of the qualifying loss. The minimum payment that may be prescribed for a qualifying loss is $25,000, and the maximum payment that may be prescribed for a qualifying loss is $100,000.".

(5) Subsection (e) is amended—

(A) by striking "of Veterans Affairs" each place it appears;

(B) in paragraph (1), by striking "as the premium allocable" and all that follows through "protection under this section";

(C) in paragraph (2), by striking "Secretary of the concerned service" and inserting "Secretary concerned"; and

(D) by striking paragraphs (6), (7), and (8) and inserting the following:

"(6) The cost attributable to insuring members under this section for any month or other period specified by the Secretary, less the premiums paid by the members, shall be paid by the Secretary concerned to the Secretary. The Secretary shall allocate the amount payable among the uniformed services using such methods and data as the Secretary determines to be reasonable and practicable. Payments under this paragraph shall be made on a monthly basis or at such other intervals as may be specified by the Secretary and shall be made within 10 days of the date on which the Secretary provides notice to the Secretary concerned of the amount required.

"(7) For each period for which a payment by a Secretary concerned is required under paragraph (6), the Secretary concerned shall contribute such amount from appropriations available for active duty pay of the uniformed service concerned.

"(8) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under this subsection, and the sums contributed from appropriations under this subsection, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of the revolving fund established in the Treasury of the United States under section 1869(d)(1) of this title.".

(6) Subsection (f) is amended to read as follows:

"(f) When a claim for benefits is submitted under this section, the Secretary of Defense or, in the case of a member not under the jurisdiction of the Secretary of Defense, the Secretary concerned, shall certify to the Secretary whether the member with respect to whom the claim is submitted—

"(1) was at the time of the injury giving rise to the claim insured under Servicemembers' Group Life Insurance for the purposes of this section; and

"(2) has sustained a qualifying loss.".

(7) Subsection (g) of such section is amended—

(A) by inserting "(1)" after "(g)";

(B) by striking "will not be made" and inserting "may not be made under the insurance coverage under this section";

(C) by striking "the period" and all that follows through "the date" and inserting "a period prescribed by the Secretary, by regulation, for such purpose that begins on the date";

(D) by designating the second sentence as paragraph (2);

(E) by striking "If the member" and inserting "If a member eligible for a payment under this section";

(F) by striking "will be" and inserting "shall be"; and

(G) by striking "according to" and all that follows and inserting "to the beneficiary or beneficiaries to whom the payment would be made if the payment were life insurance under section 1967(a) of this title.".

(8) Subsection (h) of such section is amended—

(A) in the first sentence, by striking "member's separation from the uniformed service" and inserting "termination of the member's duty status in the uniformed services that established eligibility for Servicemembers' Group Life Insurance";

(B) by striking the second sentence; and

(C) by adding at the end the following new sentence: "The termination of coverage under this section is effective in accordance with the preceding sentence, notwithstanding any continuation after the date specified in that sentence of Servicemembers' Group Life Insurance coverage pursuant to 1968(a) of this title for a period specified in that section.".

(9) Such section is further amended by adding at the end the following new subsection:

"(j) Regulations under this section shall be prescribed in consultation with the Secretary of Defense.".

(b) APPLICABILITY TO QUALIFYING LOSSES INCURRED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM BEFORE EFFECTIVE DATE OF NEW PROGRAM.—

(1) ELIGIBILITY.—A member of the uniformed services who during the period beginning on October 7, 2001, and ending at the close of November 30, 2005, sustains a traumatic injury resulting in a qualifying loss is eligible for coverage for that loss under section 1980A of title 38, United States Code, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION OF PERSONS ENTITLED TO PAYMENT.—The Secretary concerned shall certify to the life insurance company issuing the policy of life insurance for Servicemembers' Group Life Insurance under chapter 19 of title 38, United States Code, the name and address of each person who the Secretary concerned determines to be entitled by reason of paragraph (1) to a payment under section 1980A of title 38, United States Code, plus such additional information as the Secretary of Veterans Affairs may require.

(3) FUNDING.—At the time a certification is made under paragraph (2), the Secretary concerned, from funds then available to that Secretary for the pay of members of the uniformed services under the jurisdiction of that Secretary, shall pay to the Secretary of Veterans Affairs the amount of funds the Secretary of Veterans Affairs determines to be necessary to pay all costs related to payments to be made under that certification. Amounts received by the Secretary of Veterans Affairs under this paragraph shall be deposited to the credit of the revolving fund in the Treasury of the United States established under section 1969(d) of title 38, United States Code.

(4) QUALIFYING LOSS.—For purposes of this subsection, the term "qualifying loss" means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code, as amended by subsection (a); and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

(5) SECRETARY CONCERNED.—For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in paragraph (25) of section 101 of title 38, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) Section 1965 of title 38, United States Code, is amended by striking paragraph (11).

(2) Section 1032(c) of Public Law 109–13 (119 Stat. 257; 38 U.S.C. 1980A note) is repealed.

SEC. 502. TERMINOLOGY AMENDMENTS TO REVISE REFERENCES TO CERTAIN VETERANS IN PROVISIONS RELATING TO ELIGIBILITY FOR COMPENSATION OR DEPENDENCY AND INDEMNITY COMPENSATION.

Title 38, United States Code, is amended as follows:

(1) Section 1114(l) is amended by striking "so helpless" and inserting "with such significant disabilities".

(2) Section 1114(m) is amended by striking "so helpless" and inserting "so significantly disabled".

(3) Sections 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) are amended by striking "helpless or blind, or so nearly helpless or blind as to" and inserting "blind, or so nearly blind or significantly disabled as to".

SEC. 503. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38, United States Code, is amended as follows:

(1) TYPOGRAPHICAL ERROR.—Section 1117(h)(1) is amended by striking "nothwithstanding" and inserting "notwithstanding".

(2) INSERTION OF MISSING WORD.—Section 1513(a) is amended by inserting "section" after "prescribed by".

(3) DELETION OF EXTRA WORDS.—Section 3012(a)(1)(C)(ii) is amended by striking "on or".

(4) CROSS REFERENCE CORRECTION.—Section 3017(b)(1)(D) is amended by striking "3011(c)" and inserting "3011(e)".

(5) STYLISTIC AMENDMENTS.—Section 3018A is amended—

(A) by striking "of this section" in subsections (b) and (c);

(B) by striking "of this subsection" in subsections (a)(4), (a)(5), (d)(1) (both places it appears), and (d)(3); and

(C) by striking "of this chapter" in subsection (d)(3) and inserting "of this title".

(6) CROSS REFERENCE CORRECTION.—Section 3117(b)(1) is amended—

(A) by striking "section 8" and inserting "section 4(b)(1)"; and

(B) by striking "633(b)" and inserting "633(b)(1)".

(7) INSERTION OF MISSING WORD.—Section 3511(a)(1) is amended by inserting "sections" after "under both".

(8) SUBSECTION HEADINGS.—

(A) Sections 3461, 3462, 3481, 3565, 3680, and 3690 are each amended by revising each subsection heading for a subsection therein (appearing as a centered heading immediately before the text of the subsection) so that such heading appears immediately after the subsection designation and is set forth in capitals-and-small-capitals typeface, followed by a period and a one-em dash.

(B) Section 3461(c) is amended by inserting after the subsection designation the following: "DURATION OF ENTITLEMENT.—".

(C) Section 3462 is amended—

(i) in subsection (d), by inserting after the subsection designation the following: "PRISONERS OF WAR.—"; and

(ii) in subsection (e), by inserting after the subsection designation the following: "TERMINATION OF ASSISTANCE.—".

(9) CROSS REFERENCE CORRECTION.—Section 3732(c)(10)(D) is amended by striking "clause (B) of paragraphs (5), (6), (7), and (8) of this subsection" and inserting "paragraphs (5)(B), (6), (7)(B), and (8)(B)".

(10) DATE OF ENACTMENT REFERENCE.—Section 3733(a)(7) is amended by striking "the date of the enactment of the Veterans Benefits Act of 2003" and inserting "December 16, 2003".

(11) REPEAL OF OBSOLETE PROVISIONS.—Section 4102A is amended—

(A) in subsection (c)(7)—

(i) by striking "With respect to program years beginning during or after fiscal year 2004, one percent of" and inserting "Of"; and

(ii) by striking "for the program year" and inserting "for any program year, one percent"; and

(B) in subsection (f)(1), by striking "By not later than May 7, 2003, the" and inserting "The".

(12) REPEAL OF OBSOLETE PROVISIONS.—Section 4105(b) is amended—

(A) by striking "shall provide," and all that follows through "Affairs with" and inserting "shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding"; and

(B) by striking "and shall" and all that follows through "regarding the list".

(13) CITATION CORRECTION.—Section 4110B is amended—

(A) by striking "this Act" and inserting "the Workforce Investment Act of 1998"; and

(B) by inserting "(29 U.S.C. 2822(b))" before the period at the end.

(14) CROSS-REFERENCE CORRECTION.—Section 4331(b)(2)(C) is amended by striking "section 2303(a)(2)(C)(ii)" and inserting "section 2302(a)(2)(C)(ii)".

(15) CAPITALIZATION CORRECTION.—Section 7253(d)(5) is amended by striking "court" and inserting "Court".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, reflects a compromise agreement that has been reached by the Senate and House Committees on Veterans' Affairs on the following bills:

S. 1235, as amended, which passed the Senate on September 28, 2005; H.R. 1220, as amended, which passed the House on July 13, 2005; H.R. 2046, as amended, which passed the House on May 23, 2005; and H.R. 3665, as amended, which passed the House on November 10, 2005.

Mr. Speaker, I will insert at this point in the RECORD for the benefit of my colleagues a joint explanatory statement describing the compromise agreement we have reached with the other body.

EXPLANATORY STATEMENT ON AMENDMENT TO SENATE BILL, S. 1235, AS AMENDED

S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, reflects a Compromise Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 109th Congress: S. 1235, as amended (Senate Bill), H.R. 1220, as amended, H.R. 2046, as amended, and H.R. 3665, as amended (House Bills). S. 1235, as amended, passed the Senate on September 28, 2005; H.R. 2046, as amended, passed the House on May 23, 2005; H.R. 3665, as amended, passed the House on November 10, 2005.

The Committees have prepared the following explanation of S. 1235, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provision of the Senate Bill and the House Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—HOUSING MATTERS

Adapted Housing Assistance for Disabled Veterans Residing in Housing Owned by Family Member

Current Law.—Chapter 21 of title 38, United States Code, authorizes the Secretary to provide grants to adapt or acquire suitable housing for certain severely disabled veterans. The grant amounts are limited to $50,000 for severely disabled veterans with impairments of locomotion or loss of function of both arms described in section 2101(a) of title 38, United States Code, and $10,000 to severely disabled veterans with loss of vision or loss of function of both hands as described in section 2101(b) of title 38, United States Code. Currently a veteran may receive a grant for specially adapted housing only once. However, a veteran who has qualified for the smaller grant may nonetheless receive a higher grant if disabilities under that provision later develop.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 101 (a) through (e) of H.R. 3665, as amended, would amend chapter 21 of title 38, United States Code, by inserting a new section 2102A. Subparagraph (a) would authorize the Secretary of Veterans Affairs to conduct a program providing a partial adapted housing grant to severely injured veterans residing temporarily in housing owned by a family member. Subparagraph (b) would authorize the Secretary to provide up to a $10,000 grant for such veterans with disabilities involving impairments of locomotion and up to a $2,000 grant for such veterans with visual impairments or loss of function of both hands. Subparagraph (c) would limit the assistance to one family residence. Subparagraph (d) would require the Secretary to issue relevant regulations. Finally, subparagraph (e) would limit the program to 5 years after enactment.

Section 101(b) of H.R. 3665, as amended, would amend section 2102 of title 38, United States Code, to allow a veteran to receive no more than three grants of assistance under chapter 21 of title 8, United States Code. The total value of all grants would not exceed $50,000 for the most severely disabled veterans and $10,000 for less severely disabled veterans. However, a veteran who receives a grant under section 2102(b) of title 38, United States Code, would still be allowed to receive grants under section 2102(a) of title 38, United States Code, if he or she becomes eligible.

Section 101(c) would amend chapter 21 of title 38, United States Code, by adding at the end a new section 2107 to provide that the Secretary shall coordinate the administration of programs to provide specially adapted housing that are administered by both the Under Secretary for Health and the Under Secretary for Benefits under chapters 17, 21, and 31 of title 38, United States Code.

Compromise Agreement.—Section 101 of the Compromise Agreement generally follows the House language except in the case of veterans residing temporarily in housing owned by a family member, veterans with disabilities involving impairments of locomotion may receive up to $14,000. Section 101 would also increase the funding fee for a subsequent use of the VA home loan guaranty with no money down by 5 basis points for the period October 1, 2006 through September 30, 2007.

Adjustable Rate Mortgages

Current Law.—Section 3707A(c)(4) of title 38, United States Code, limits the maximum increase or decrease of any single annual interest rate adjustment after the initial contract interest rate adjustment to 1 percentage point.

Senate Bill.—Section 201 of the Senate Bill would give VA the flexibility to prescribe an appropriate annual rate adjustment cap for VA hybrid Adjustable Rate Mortgage loans with an initial rate of interest fixed for 5 or more years.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 102 of the Compromise Agreement follows the Senate language.

Permanent Authority To Make Direct Housing Loans to Native American Veterans

Current Law.—Section 3761 of title 38, United States Code, establishes a pilot program to make direct housing loans to Native American veterans for homes on tribal lands. The authorization expires on December 31, 2008. Section 3762 of title 38, United States Code, describes the administration of the program and limits the maximum loan amount to $80,000, unless the Secretary allows a larger amount due to higher housing costs in a particular geographic area.

Senate Bill.—Section 203 of the Senate Bill contains a similar provision.

House Bills.—Section 102 of H.R. 3665, as amended, would make permanent the Native American Veteran Housing Loan Program. It would also limit the Secretary's discretion in approving a loan large than $80,000 to the loan limitation amount provided by the Federal Home Loan Mortgage Corporation Act for a single-family residence.

Compromise Agreement.—Section 103 of the Compromise Agreement follows the House language.

Extension of Eligibility for Direct Loans for Native American Veterans to a Veteran Who Is The Spouse of a Native American

Current Law.—Section 3761 of title 38, United States Code, limits loans under the Native American Home Loan Program to veterans who are Native Americans. Under current law, a veteran residing on tribal lands with a Native American spouse is not eligible to receive a home loan under this program.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 103 of H.R. 3665, as amended, would extend eligibility for the Native American Veteran Housing Loan Program to non-Native American veterans who are spouses of Native American eligible to be housed on tribal land. The non-Native American veteran must be able to acquire a meaningful interest in the property under tribal law.

Compromise Agreement.—Section 104 of the Compromise Agreement follows the House language.

Technical Corrections to Veterans' Benefit Improvement Act of 2004

Current Law.—Section 2101 of title 38, United States Code, provides for grants to adapt or acquire suitable housing for certain severely disabled veterans. Section 401 of Public Law 108–183 amended section 2101 to authorize the Secretary of Veterans Affairs to provide adapted housing assistance to certain disabled servicemembers who have not yet been processed for discharge from military service, but who will qualify for the benefit upon discharge due to the severity of their disabilities. However, this provision was inadvertently omitted from section 2101 of title 38, United States Code when changes to that section were made by P.L. 108–454.

Senate Bill.—Section 202 of S. 1235 would amend section 2101 of title 38, United States Code, to reinstate the authority of the Secretary to provide adapted housing assistance to certain members of the armed services and make other conforming amendments. The amendments made by this provision would take effect on December 10, 2004, immediately after the enactment of Public Law 108-454.

House Bill.—Section 4 of H.R. 2046, as amended, contains a similar provision.

Compromise Agreement.—Section 105 of the Compromise Agreement contains this provision.

TITLE II—EMPLOYMENT MATTERS

Additional Duty for the Assistant Secretary of Labor for Veterans' Employment and Training To Raise Awareness of Skills of Veterans and of the Benefits of Hiring Veterans

Current Law.—Subsection (b) of section 4102A of title 38, United States Code, describes the duties to be carried out by the Assistant Secretary of Labor for Veterans' Employment and Training.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 202(a) of H.R. 3665, as amended, would add a new duty for the Assistant Secretary of Labor for Veterans' Employment and Training (ASVET) under section 4102A of title 38, United States Code, to furnish information to employers (through meetings with hiring executive of corporations and otherwise) concerning the training and skills of veterans and disabled veterans, and the advantages of hiring veterans. The ASVET would also be required to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and by other means.

Section 202(b) of H.R. 3665, as amended, would require the Secretary of Labor, acting through the ASVET, to develop a transition plan for the ASVET to assume certain duties and functions of the President's National Hire Veterans Committee and transmit the plan to the House and Senate Veterans' Affairs Committees not later than July 1, 2006.

Compromise Agreement.—Section 201 of the Compromise Agreement generally follows the House language, but does not include the requirement that the Secretary of Labor develop and transmit a transition plan.

Modifications to the Advisory Committee on Veterans Employment and Training

Current Law.—Section 4110 of title 38, United States Code, establishes the Advisory Committee on Veterans employment and Training, its membership, and its duties. The Advisory Committee advises the ASVET on the employment and training needs of veterans and how the Department of Labor is meeting those needs. No outreach efforts are required of the Advisory Committee in current law.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 203(a) of H.R. 3665, as amended, would amend section 4110 of title 38, United States Code, by renaming the "Advisory Committee on Veterans Employment and Training" to "Advisory Committee on Veterans Employment, Training, and Employer Outreach".

Section 203(b) would modify the duties of the Advisory Committee to include assisting and advising the Assistant Secretary of Labor for Veterans' Employment and Training (ASVET) in carrying out outreach to employers.

Section 203(c) would modify the membership of the Advisory Committee to include representatives from the National Society of Human Resource Managers, The Business Roundtable, the National Association of State Workforce Agencies, the United States Chamber of Commerce, the National Federation of Independent Business, a nationally recognized labor union or organization, veterans service organizations that have a national employment program, and recognized authorities in the fields of business, employment, training, rehabilitation, or labor. Section 203(c) would also retain six nonvoting ex officio members of the Advisory Committee: Secretary of Veterans Affairs, Secretary of Defense, Director of the Office of Personnel Management, Assistant Secretary of Labor for Veterans' Employment and Training, Assistant Secretary of Labor for Employment and Training, and the Administrator of the Small Business Administration.

Setion 203(d) of H.R. 3665, as amended, would require the Advisory Committee to submit a report to the Secretary of Labor on the employment and training needs of veterans for the previous fiscal year. The report would include a description of the activities of the Advisory Committee during that fiscal year as well as suggested outreach activities to be carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantage afforded employers by hiring veterans.

Compromise Agreement.—Section 202 of the Compromise Agreement follows the House language.

Reauthorization of Appropriations for Homeless Veterans Reintegration Programs

Current Law.—Section 2021 of title 38, United States Code, authorizes appropriations for the Homeless Veterans Reintegration Programs (HVRP) through fiscal year 2006.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 301 of H.R. 3665, as amended, would reauthorize HVRP for fiscal years 2007 through 2009, and retain the maximum authorization of $50 million per year.

Compromise Agreement.—Section 203 of the Compromise Agreement follows the House language.

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

Duration of Servicemembers' Group Life Insurance Coverage for Totally Disabled Veterans Following Separation From Service

Current Law.—Section 1968 of title 38, United States Code, provides coverage at no charge under the Servicemembers' Group Life Insurance program for 1 year after the date of separation or release from active duty if a veteran is rated totally disabled at the time of separation. Veterans may also convert their insurance coverage from Servicemembers' Group Life Insurance to Veterans' Group Life Insurance, or to an individual policy of insurance, during the 1-year, post-separation period.

Senate Bill.—Section 101 of the Senate Bill would extend from 1 to 2 years, after separation from active duty service, the period within which totally disabled members may receive premium-free SGLI coverage. In addition, such members would be eligible to convert their coverage to Veterans' Group Life Insurance or an individual policy of insurance.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 301 of the Compromise Agreement would extend the post-separation coverage period from 1 to 2 years until September 30, 2011, for all members who are totally disabled when separated or released from active duty 1 year before date of enactment of this Act. For members who are totally disabled when they separate or are released on or after October 1, 2011, the post-separation coverage period would be reduced to 18 months.

Limitation on Premium Increases for Reinstated Health Insurance of Servicemembers Released From Active Military Service

Current Law.—Section 704 of the Servicemembers Civil Relief Act (SCRA) provides that a servicemember who is ordered to active duty is entitled, upon release from active duty, to reinstatement of any health insurance coverage in effect on the day before such service commenced. Section 704 of the SCRA currently contains no express provision regarding premium increases.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bill.—Section 2 of H.R. 2046, as amended, would amend section 704 of SCRA by adding at the end a new subsection that would limit health insurance premium increases. The amount charged for the coverage once reinstated would not exceed the amount charged for coverage before the termination except for any general increase for persons similarly covered by the insurance during the period between termination and the reinstatement.

Compromise Agreement.—Section 302 of the Compromise Agreement follows the House language.

Preservation of Employer-Sponsored Health Plan Coverage for Certain Reserve-Component Members Who Acquire TRICARE Eligibility

Current Law.—Section 4317 of title 38, United States Code, requires an employer to provide employees returning from active duty with the same employer-sponsored health benefits they had when they reported for active duty. However, section 4317 does not preserve employer-sponsored health plan reinstatement rights for certain Reserve-component members who acquire health insurance coverage under TRICARE prior to entering active duty under section 1074(d) of title 10, United States Code. This option became available by an amendment to the TRICARE authority enacted on November 24, 2003.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 3 of H.R. 2046, as amended, would amend section 4317 of title 38, United States Code, to preserve employer-sponsored health plan reinstatement rights under the Uniformed Services employment and Reemployment Rights Act for Reserve-component members who acquire TRICARE coverage prior to entering active duty. This includes those Reserve Component members whose active duty orders are canceled prior to reporting to active duty.

Compromise Agreement.—Section 303 of the Compromise Agreement follows the House language.

TITLE IV—OTHER MATTERS

Inclusion of Additional Diseases and Conditions in Diseases and Disabilities Presumed To Be Associated with Prisoner of War Status

Current Law.—Section 1112(b) of title 38, United States Code, contains two lists of diseases that are presumed to be related to an individual's experience as a prisoner of war. The first presumptive list require no minimum internment period and includes diseases associated with mental trauma or acute physical trauma, which could plausibly be caused by a single day of captivity. The second list has a 30-day minimum internment requirement.

Senate Bill.—Section 303 of the Senate Bill would codify a June 28, 2005, VA regulation which added atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia), and stroke and its complications as presumptive conditions for service-connection when related to the prisoner of war experience. These diseases would be included under the list requiring minimum 30-day internment period.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 401 of the Compromise Agreement follows the Senate language.

Consolidation and Revision of Outreach Activities

Current Law.—Section 7722 of title 38, United States Code, requires the Secretary of Veterans Affairs to distribute full information to eligible servicemembers, veterans, and dependents regarding all benefits and services to which they may be entitled under laws administered by the Department.

Senate Bill.—Section 301 of the Senate Bill would require the VA to prepare annually (and submit to Congress) a plan governing an upcoming year's outreach activities. Such a plan would incorporate the recommendations of the report mandated by Public Law 108–454, and would be prepared after consultations with veterans service organizations, State and local officials, and other interested groups and advocates.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 402 of the Compromise Agreement follows the Senate language with modifications. VA outreach activities would be revised and consolidated in a new chapter 63 of title 38, United States Code. Additionally, VA would be required to prepare biennially an outreach plan governing an upcoming 2 years of outreach activities, beginning on October 1, 2007. Furthermore, VA would be required to report biennially on the execution of the outreach plan, beginning on October 1, 2008.

Extension of Reporting Requirements on Equitable Relief Cases

Current Law.—Section 503 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report expired on December 31, 2004.

Senate Bill.—Section 302 of the Senate Bill would extend the equitable relief reporting requirement through December 31, 2009.

House Bills.—The House Bills contain no comparable provision.

Compromise Agreement.—Section 403 of the Compromise Agreement follows the Senate language.

TITLE V—TECHNICAL AMENDMENTS

Technical and Clarifying Amendments to New Traumatic Injury Protection Coverage Under Servicemembers' Group Life Insurance

Current Law.—Section 1032 of Public Law 109–13 (119 STAT. 257) established, effective December 1, 2005, a new traumatic injury protection program within title 38, United States Code. Section 1980A provides servicemembers enrolled in the Servicemembers' Group Life Insurance (SGLI) program automatic coverage against qualified traumatic injuries. In the event a servicemember sustains a qualified traumatic injury, SGLI will pay the injured servicemember between $25,000 to $100,000, depending on the nature of the injury and in accordance with a payment scheduled prescribe by the Secretary of Veterans Affairs.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 401 of H.R. 3665, as amended, would make various technical and clerical amendments to section 1980A of title 38, United States Code. These technical amendments more clearly specify the responsibilities of the different uniformed services who participate in the Servicemembers' Groups Life Insurance program: military services under the jurisdiction of the Secretary of Defense, the United States Coast Guard under the Secretary of Homeland Security, the Public Health Service under the jurisdiction of the Secretary of Health and Human Services, and the National Oceanic and Atmospheric Administration under the jurisdiction of the Secretary of Commerce.

The technical amendments in section 401 are intended to clarify and to conform section 1980A of title 38, United States Code, to current provisions and are not intended to make any substantive change in current law.

Compromrise Agreement.—Section 501 of the Compromise Agreement follows the House language.

Terminlogy Amendments To Revise References to Certain Veterans in Provisions Relating to Eligibility for Compensation or Dependency and Indemnity Compensation

Current Law.—Sections 1114(1), 1114(m), 1115(b)(2), 1122(b)(2), 1311 (c)(2), 1315(g)(2), and 1502(b)(2) of title 38, United States Code, contain language that refers to "helpless veterans" when relating to eligibility for compensation or dependency and indemnity compensation.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bill.—Section 104 of H.R. 3665, as amended, would amend sections 1114(1), 1114(m), 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) of title 38, United States Code, eliminating use of the obsolete term "helpless" when describing significantly disabled veterans. No substantive change is intended by these amendments.

Compromise Agreement.—Section 502 of the Compromise Agreement follows the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

Post Traumatic Stress Disorder Claims

Current Law.—Section 501 of title 38, United States Code, provides the Secretary of Veterans Affairs with the authority to prescribe all rules and regulations necessary or appropriate to carry out the laws administered by VA, including the methods of making medical examinations and the manner and form of adjudications and awards.

Senate Bill.—Section 304 would require VA to develop and implement policy and training initiatives to standardize the assessment of PTSD disability compensation claims.

House Bills.—The House bills contain no comparable provision.

Increase in Rates of Disability Compensation Paid to Certain Surviving Spouses With Children

Current Law.—Under current law, a surviving spouse with one or more children under the age of 18 is entitled to receive a transitional benefit of an additional $250 per month for the first two years of eligibility or dependency and indemnity compensation (DIC).

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 206 of H.R. 1220, as amended, would provide a cost-of-living adjustment for the $250 transitional DIC for 2006.

Treatment of Stillborn Children as Insurable Dependents Under Servicemembers' Group Life Insurance Program

Current Law.—Section 1967 of title 38, United States Code, provides coverage under the Servicemembers' Group Life Insurance program to the spouse and children of insured, full-time, active duty servicemembers, as well as covered members of the Ready Reserve. Coverage for the spouse may not exceed $100,000, and the servicemember may elect in writing not to insure a spouse. Coverage for each child, in the amount of $10,000, is automatic. Coverage for the dependent begins immediately following a live birth.

Senate Bill.—Section 102 of the Senate Bill would cover a member's stillborn child as an insurable dependent under the Servicemembers' Group Life Insurance program.

House Bills.—The House Bills contain no comparable provision.

Demonstration Project To Improve Business Practices of Veterans Health Administration

Current Law.—There is no applicable current law.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 5 of H.R. 1220, as amended, would establish a demonstration project to improve the Department of Veterans Affairs' (VA) collections from third-party payers.

Parkinson's Disease Research, Education, and Clinical Centers

Current Law.—There is no applicable current law.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 6 of H.R. 1220, as amended, would permanently authorize six Parkinson's disease Research Education and Clinical Centers (PADRECCs), subject to appropriations, and give priority to the existing PADRECCs for medical care and research dollars, insofar as such funds are awarded to projects for research in Parkinson's disease and other movement disorders.

Extension of Operation of the President's National Hire Veterans Committee

Current Law.—Section 6 of the Jobs for Veterans Act, Public Law 107–288, established the President's National Hire Veterans Committee (PNHVC) within the Department of Labor. The PNHVC furnishes information to employers with respect to the training and skills of veterans and disabled veterans and the advantages of hiring veterans. The Secretary of Labor provides staff and administrative support to the PNHVC to assist it in carrying out its duties under this section. The PNHVC also has the authority to contract with government and private agencies to furnish information to employers. Under current law, the PNHVC terminated on December 31, 2005. The PNHVC was authorized $3 million appropriated from the Unemployment Trust Fund through fiscal year 2005.

Senate Bill.—The Senate Bill contains no comparable provision.

House Bills.—Section 201 of H.R. 3665, as amended, would amend section 6 of the Jobs for Veterans Act by extending, for up to 1 year, the President's National Hire Veterans Committee until not later than December 31, 2006. Section 201 would also extend the authorization for appropriations through fiscal year 2006 and require an additional PNHVC report to the House and Senate Veterans' Affairs Committees in 2006.

Mr. MILLER of Florida. The provisions in this bill will directly or indirectly impact the lives of servicemembers, veterans, and their survivors. Several of them fall within the jurisdiction of the Subcommittee on Disability Assistance and Memorial Affairs, which I chair.

The other provisions fall within the jurisdiction of the Subcommittee on Economic Opportunity, which is chaired by Mr. BOOZMAN. Mr. BOOZMAN is currently conducting a roundtable on employment in Michigan, so I will describe his subcommittee's provisions as well.

In title I of the bill, we provide additional flexibility to the Adapted Housing Grant program and the Native American Home Loan program. These provisions were originally in H.R. 3665, introduced by Mr. BOOZMAN, and H.R. 1773, introduced by Ms. HERSETH.

Mr. Speaker, some of those wounded in Iraq and Afghanistan return home with significant disabilities. Many severely disabled servicemembers spend much of their convalescence at a family home before moving on to a home of their own. Under current rules, VA cannot help adapt family homes to the veteran's disability unless the veteran has an ownership interest in that property.

Section 101 would eliminate the ownership requirement and would also provide a partial Adaptive Housing Assistance grant, ranging from $2.000 to $13.000 depending on the level of disability to veterans temporarily in housing owned by a family member.

It would also authorize up to three separate specially adaptive housing grants within the current maximum amounts.

Section 102 of this bill would give the Secretary of Veterans Affairs the authority to prescribe an appropriate annual rate adjustment cap for the VA Hybrid Adjustable Rate Mortgage Loan program. This provision brings VA ARMs in line with the mortgage industry and improves their value on the secondary market.

Mr. Speaker, this bill would also make permanent the Pilot Program for Housing Loans to Native American Veterans; extend the eligibility for Native American loans to certain non-Native American veterans who have a meaningful interest in the property under tribal law and are the spouses of a Native American; and, finally, adjust the maximum loan to conform to the Freddie Mac limits, similar to other VA loans currently at $359.650.

Title II of the bill would transition some of the President's National Hire Veterans Committee's duties to the Assistant Secretary of Labor for Veterans' Employment and Training, and modifies the title of the Assistant Secretary's advisory committee to the Advisory Committee on Veterans Employment, Training, and Employer Outreach, its membership and its duties to improve employer outreach activities.

Taxpayers made a significant investment in the work of the President's National Hire Veterans Committee, and we feel strongly that some of the duties and products of the committee should be adopted by the Veterans Employment and Training Service at the Department of Labor.

Section 203 would reauthorize the Homeless Veterans Reintegration Programs for fiscal years 2007 through 2009, and retain the maximum authorization of $50 million per year. Mr. Speaker, we recognize that homelessness among veterans continues to be a problem. While there are varying estimates about the total number of homeless veterans and the causes for homelessness, there is no disagreement that a job is one of the keys to breaking the cycle of homelessness and that the Homeless Veterans Reintegration Programs remain a valuable tool to assist homeless veterans in finding gainful employment.

I do want to emphasize that this is an employment program managed by the Veterans Employment and Training Service at the Department of Labor, and it is not a housing program.

Title III of the bill would amend the Servicemembers Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act to provide additional protections to servicemembers. Section 302 and 303 originated in H.R. 2046, introduced by Chairman Buyer.

Under current law, when a member is rated totally disabled at the time of separation, Servicemembers' Group Life Insurance coverage is provided for 1 year free of charge. Section 301 of the bill would extend this coverage to 2 years through September 30, 2011, and 18 months as of October 1, 2011.

Members then may convert to Veterans' Group Life Insurance or a commercial policy. Section 302 would prohibit any increase in premiums for health insurance after reinstatement except for any general increase in the premiums being charged by the carrier for persons similarly covered.

Currently, a servicemember who is ordered to active duty and terminated their health insurance, employer-sponsored insurance coverage upon release from active duty is entitled to reinstatement of their previous health insurance coverage.

Section 303 closes a current gap in health insurance coverage for those Reservists who elect TRICARE coverage in advance of activation and allows them to retain reinstatement rights under their employer-sponsored health plan, even if they do not eventually report to active duty.

Since members of the Reserve component play such an important role in today's military, these important changes to the law will protect the members and their families from loss of coverage and unwarranted cost increases.

Section 401 of the bill would codify a June 2005 Department of Veterans Affairs regulation to add heart disease and ensuing complications and stroke to the list of diseases presumed service-connected for former prisoners of war that were interned for at least 30 days.

Section 402 would revise and consolidate VA outreach activities into a new chapter of title 38, United States Code, to ensure that servicemembers, veterans, and their survivors are aware of the benefits and services to which they may be entitled.

This section would further require VA to prepare a biennial outreach plan, as well as report to Congress every 2 years on the execution of that plan. I held a committee hearing on March 16 of this year, and I was disappointed to learn that VA was no longer filing an annual outreach report as mandated by law.

It is our interpretation that by creating this chapter, VA will put more of an emphasis on its outreach activities.

Mr. Speaker, I reserve the balance of my time.

Mr. SALAZAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of Senate bill 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006. This bipartisan and bicameral benefit package incorporates a number of important measures aimed at improving the quality of life for our servicemembers, veterans, and military families.

I would like to thank Chairman Buyer and Ranking Member Lane Evans for their leadership on the full committee and for their assistance in moving this bill to the floor today.

I also want to express my appreciation to the chairman and ranking member of the Economic Opportunity Subcommittee, John Boozman and Stephanie Herseth, respectively, for their hard work and bipartisan leadership in this legislative package.

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Additionally, I would like to thank the chairman and ranking member of the Disability Assistance and Memorial Affairs Subcommittee, Jeff Miller and Shelley Berkley, for their diligence and hard work on this bill.

Our Nation's servicemembers and veterans have earned and their families deserve all of the benefits and opportunities provided under Senate bill 1235. In fact, they deserve much more. I am pleased, however, that this legislative package takes a strong step in the right direction, and I am sure the veterans and military families in my home State of Colorado will appreciate their efforts.

Mr. Speaker, Senate bill 1235, as amended, will enable severely disabled veterans to make necessary adaptations to homes in which they are temporarily residing, and it will give totally disabled veteran servicemembers who are leaving military service an additional year of Servicemembers' Group Life Insurance coverage and limit unjustified health premium increases on activated National Guard members and Reservists. It will extend the Homeless Veterans Reintegration Program which provides employment opportunities for homeless veterans and improve the Department of Labor's Veterans Employment and Training Service.

In addition, the bill includes language from H.R. 1773, the Native American Veterans Home Loan Act, a measure introduced by Representative Stephanie Herseth of South Dakota. This bill will make permanent the Native American Housing Loan Program so that veterans residing on tribal land can obtain an appropriate home loan.

It will also provide housing opportunities for veterans who are residing on tribal land with Native American spouses.

By all accounts, the pilot program has been a great success and, in fact, has a negative subsidy; that is, it actually pays for itself. That is something that is rarely done here at the Federal level. Making this program permanent is the right thing to do for Native American veterans and their families.

Mr. Speaker, we also know that veterans who are former prisoners of war have been found to have disproportionate rates of heart disease and stroke. This bill will assure that they will be compensated for these conditions by codifying a current regulation.

Finally, this bill will improve the Department of Veterans Affairs' outreach to veterans and their families in an organized fashion.

Mr. Speaker, the servicemembers, veterans and military families of this Nation have earned and deserve our best efforts here in Congress. As we approach Memorial Day today, I am very proud to support this long overdue legislation, and I am confident that it will benefit the veterans of my home State of Colorado as well as other veterans around this country.

I fully support Senate bill 1235, as amended, and urge my colleagues to do the same. But before I reserve the balance of my time, I would like to bring attention to a matter of deep concern. We learned today of the theft of 26.5 million veterans' records from the home of a career VA employee. I am very concerned about this theft because the records include the name, Social Security number and date of birth of every veteran in this country.

I would like to encourage veterans to visit www.firstgov.gov or call 1-800-FED-INFO, 333-4636.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SALAZAR. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. Filner).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me time, and I thank Mr. Miller of Florida.

I rise in strong support of this Veterans' Housing Opportunity and Benefits Improvement Act that is before us. This is bipartisan legislation and includes several provisions introduced by both Democrats and Republicans. It demonstrates what can be accomplished when we work together to deliver the best to our Nation's veterans, and again, I thank Chairman Miller and all the Members on his side for bringing to us this bipartisan legislation.

One of the most important parts of the bill is the reauthorization of appropriations for the Labor Department's

Homeless Veterans Reintegration Program (HVRP), through fiscal year 2009 with a maximum level of $50 million per year. This program has proven to be very successful in providing job training and other services that help our Nation's veterans get back into productive lives.

Mr. Speaker, together with the ranking member, Mr. Evans, I convened a homeless veterans forum just last Thursday, May 18. We heard some very tough statistics, hard-to-hear statistics about our Nation's veterans. Each night as many as 200,000 veterans are sleeping in a doorway, under a bridge, in an alley, in a box, in a barn or a car or homeless shelter. In fact, one out of every three homeless males is a veteran, most of those from Vietnam. A hard-to-believe fact is that the number of homeless Vietnam-era veterans is greater, Mr. Speaker, than the number of servicemembers who died during that war. This is almost unbelievable, and Congress must renew efforts to fight this plague.

Women veterans, unfortunately, are also joining the ranks of the homeless. According to the National Coalition for Homeless Veterans, a survey of their members revealed that the percentage of women among homeless vets rose from 2 percent in 1966 to 7 percent at the end of 2005. Women who have served in the military are up to four times more likely to become homeless when compared with their peers in the general population. These statistics demonstrate the importance of passing S. 1235.

At the forum last week, we heard from a woman veteran, formerly homeless. Her story is one of a courageous person who fought for years to overcome the problems that kept her homeless. At the Mary E. Walker House on the grounds of the VA Coatesville Medical Center in Pennsylvania, she finally was able to get the assistance she needed to reestablish her life, regain her children and begin again. While testifying, tears came to her eyes. She said they were tears of joy at what the VA program had helped her accomplish.

We heard also about the success of the Stand Downs, which began in my home town of San Diego in 1988 and provide a one-stop 3-day event to provide all the services needed by homeless vets; that is, counseling, clothing, food, medical and dental, assistance with job applications.

We know how to help our vets. We have to bring together all these services in one place. And rather than have 3-day Stand Downs around the country, we ought to have these services available to our veterans everyday. In addition, the Homeless Court Program, which began a few years ago, brings the court to homeless shelters to assist homeless defendants in resolving outstanding cases that prevent them from getting jobs and moving forward.

I would also like to call attention to another important successful program not in this bill before us today, the VA Homeless Grant and Per Diem program which directs funding to providers of housing and traditional services for homeless vets. I believe this program should be given an authorized annual spending level of $130 million for the next 5 years. This would mean that the funding level would increase each year to reach by increments the $130 million level.

Our colleagues on the Appropriations Committee have authorized this program through September of 2007. I suggest our committee take steps to continue the authorization of this program through 2012.

Mr. Speaker, we have heard of other important components of this bill, improvements in employment, life and health insurance, adapted housing, and housing loans to Native American veterans. I would like to thank Chairman Buyer, Ranking Member Evans, and the chairman and ranking members of the subcommittees and their staff who diligently worked to make this bill a reality. I urge the passage of this bill.

Mr. MILLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SALAZAR. Mr. Speaker, I yield 3 minutes to the gentleman from American Samoa, Eni Faleomavaega.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in support of Senate bill 1235, the Veterans Housing Opportunity and Benefits Improvement Act of 2006, and I thank my colleagues for including my provision which makes it possible for Samoan or Hawaiian or Native American veterans to qualify for VA home loans.

In 1992, as a result of the leadership of the chairman and ranking members of the Veterans' Affairs Committee of both Houses, we were able to establish a pilot program in 1992 which became Public Law 102-547, making it possible for Native Americans, Native Hawaiians and American Samoans to qualify for VA home loans.

One of the problems that was encountered by the thousands of Native Americans, Native Hawaiians and American Samoans was the fact that they were not able to get any commercial loans because they lived in reservations for Native Americans; they lived in reservations for Native Hawaiians. They lived in homestead lands. For my people, they lived in communally owned lands. What this legislation does is it simply allows these people to participate in this important program. I especially want to thank Chairman Steve Buyer and Ranking Member Lane Evans of the Committee on Veterans' Affairs and also Chairman John Boozman and Ranking Member Stephanie Herseth of the Subcommittee on Economic Opportunity, and Mary Ellen McCarthy, Democratic Staff Director for Disability Assistance and Memorial Affairs, for their support and tireless efforts in making this possible.

I also want to thank the VA for assisting the Veterans' Affairs Committee and my office in drafting the appropriate language to make this a go.

Mr. Speaker, as we approach Memorial Day to remember and honor our military men and women who have died in serving our Nation during a time of war, I believe Senate bill 1235 is a fitting tribute to the veterans who are still with us. And I am especially pleased that this legislation provides my district's veterans with the housing opportunities and other benefits that they deserve. For this reason, I again thank my colleagues and I sincerely ask my colleagues to approve this legislation.

Mr. MILLER of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. SALAZAR. Mr. Speaker, I would like today to let folks know that this is a great step in the right direction in making sure that we keep our promise to our veterans.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I want to thank Chairman Buyer, Ranking Member Evans, Chairman Boozman, Ranking Member Berkley and Ranking Member Herseth for their leadership on crafting this bill. I also want to recognize Chairman Craig and Ranking Member Akaka of the Senate Veterans' Affairs Committee and the staff on both sides of the aisle for their hard work.

Mr. Speaker, I urge my colleagues to support Senate bill 1235, as amended.

Mr. BUYER. Mr. Speaker, I offer this statement in support of S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.

Working together with the Senate Committee on Veterans' Affairs, we have reached a compromise that will provide significant improvements in veterans' benefits, for those who have served this country and for those who will follow in their footsteps.

Under title one, this bill will increase the flexibility enjoyed by the Adapted Housing Grant Program and the Native American Home Loan Program. I commend Mr. Boozman and Ms. Herseth for their leadership in originally introducing these provisions, in H.R. 3665 and H.R. 1773, respectively.

As they return home to convalesce from medical care, many injured or wounded servicemembers spend time in a family member's home before returning to their own home. This legislation authorizes the Department of Veterans Affairs to equip a family member's home with necessary adaptive equipment. Further, it provides a partial adaptive housing allowance grant of between $2,000 and $14,000 to accomplish that adaptation.

This bill also helps Native American veterans and their families by making it easier for them to own their own home. We do that by making permanent a housing loan pilot program for Native American veterans and extend eligibility for Native American loans to non-native American veterans who are spouses of a Native American and who have a meaningful interest in the property under tribal law. We also increase the maximum loan amount available on tribal lands from $80,000 to the maximum limit used for Freddie Mac loans, now over $417,00.

Finally, under title one, we authorize the Secretary of Veterans Affairs to prescribe annual rate adjustment caps for VA's hybrid adjustable rate mortgage loans, thus bringing these ARMs into line with the mortgage industry and enhancing their value on the secondary market.

Mr. Speaker, title two of the bill would migrate some of the sunsetted President's National Hire Veterans Committee duties to the Veterans' Employment and Training Service of the Assistant Secretary of Labor. Further, to improve employer outreach, the bill modifies membership and duties to the Department of Labor's newly named Advisory Committee on Veterans Employment, Training and Outreach.

Title two also reauthorizes the Homeless Veterans Reintegration Program for fiscal years 2007 through 2009, retaining the maximum authorization of $50 million per year. Winning the fight against homelessness means finding homeless veterans good jobs, and that is what this program, managed by the Department of Labor, is intended to do. It is therefore a critical component of our program to end chronic homelessness among veterans.

Members of the Reserve and National Guard today play roles of unprecedented importance in our national security and must be accorded commensurate protections.

In provisions originally introduced by H.R. 2046, which I sponsored, title three of the bill increases job security among veterans by improving the Servicemembers' Civil Relief Act, SCRA, and the Uniformed Services Employment and Reemployment Rights Act, USERRA. Servicemembers who are activated and drop their commercial health insurance are now entitled to reinstatement of that policy upon their return from active duty. This bill prohibits premium increases after reinstatement other than such increases charged by that insurer for other policy holders similarly covered.

Some reservists choose to enroll in TRICARE before they are activated, for example in anticipation of activation; and S. 1235 as amended preserves their reinstatement rights under the provision detailed in the preceding paragraph, even if they ultimately do not serve on active duty.

Section 301 of the bill would, until September 30, 2011, double to 2 years the provision of Servicemembers' Group Life Insurance coverage free of charge when a member is rated totally disabled at separation. From October 2001 forward, the limit will be 18 months of free SGLI coverage.

Former prisoners of war experience great hardships that often manifest themselves in ailments years after interment. Section 401 of the bill would codify the VA's June 2005 regulation that added heart disease and ensuing complications, as well as stroke, to those diseases presumptively service-connected for former prisoners of war who were captive for at least 30 days.

Outreach to veterans is a perennial criticism leveled at VA by the Congress. Veterans cannot access benefits they don't know about. This bill will increase accountability by causing outreach activities to be collected into a discrete chapter of title 38, facilitating management and oversight of outreach and require VA to prepare a biennial outreach plan and report to Congress on its performance of that plan every two years.

Mr. Speaker, I commend and thank Ranking Member LANE EVANS, Chairman BOOZMAN, Chairman MILLER, Ranking Member BERKLEY, and Ranking Member HERSETH for their work bringing in this legislation to the Congress an ultimately to the cause of service to our veterans. I also recognize my counterpart, Senator LARRY CRAIG, chairman of the Senate Committee on Veterans' Affairs, and Ranking Member AKAKA, for their leadership on this important legislation.

Mr. CASE. Mr. Speaker, I rise in full support of S. 1235, the Veterans' Benefits Act, which addresses a multitude of important issues facing our nation's veterans: life and health insurance, housing for our disabled and Native American veterans, adjustable rate mortgages, POW diseases, Tricare, homeless veterans, and veterans outreach.

Section 104 of S. 1235 provides permanent authority for the Native American Direct Home Loan Program and extends eligibility for such loans to non-Native American spouses of Native Americans living on Native American trust lands. H.R. 3665, which I cosponsored and which passed the House last November, also contained this important provision.

The Native American Direct Home Loan Program has been a highly successful veterans effort, particularly in my Hawaii where it applies to veterans living on lands held in trust under this Congress' Hawaiian Homes Commission Act of 1920.

The majority of these Hawaiian home lands are in my 2nd Congressional District, on the islands of Oahu, Kauai, Molokai, Maui, Hawaii, and Lanai.

Since the inception of this program, which was spearheaded by Hawaii Senator Spark Matsunaga, and continued by Senator DANIEL AKAKA, Native Hawaiian veterans have successfully utilized this direct home loan program for their acute housing needs, and, I am proud to say, with nominal delinquency. Over $20 million has been approved for over 200 loans in Hawaii, with 106 loans, totaling $7.5 million, pending.

This is an incredible help not only with the needs of many veterans who would likely otherwise be precluded from quality housing, but with Hawaii's overall housing crisis.

Due to its success over the last 13 years, the Native American Direct Home Loan Program, which initially started out as a pilot program, was twice extended by Congress, but is currently set to expire on December 31, 2005.

It is vital to understand why this program is so important to our Native American veterans and why we should make the program permanent, as S. 1235 purposes.

Of course, the most basic reason is the success of the overall program in honoring our commitment to our nation's veterans.

Beyond that, Congress found some years ago that, during the entire history to that date of the program, not a single Native American veteran living on Indian trust lands or Hawaiian home lands had received a VA home loan under the VA's traditional home loan program.

The reason for that was that the unique trust status of native lands did not lend itself to conventional lending practices because banks and other financial institutions did not recognize those lands as valid collateral.

As part of our obligation to all of our Nation's veterans is to ensure that they are all able to tap fully into VA programs, the Native American Direct Home Loan Program addressed this unique and discrete challenge facing many Native American veterans and afforded them the same opportunity of homeownership availed their comrades-in-arms.

This bill recognizes and improves upon the clear success of this effort, and I ask my colleagues to vote in favor of S. 1235.

Mahalo.

Mr. CANTOR. Mr. Speaker, I rise today in support of the Veterans Benefits Improvement Act.

For more then 10 years, Congress has taken unprecedented steps to support our veterans and the families. The American veteran is the model of integrity. They have given this Nation so much and ask for so little in return. They symbolize all that is great about America.

Since 1995, Congress has increased the Department of Veterans Affairs' healthcare budget by 80 percent, drastically increased coverage and benefits, and taken great steps to better the lives of families left behind. This legislation continues to help our veterans, and it is my privilege to cast a vote in favor of our veterans.

Today, Congress takes another step in our on-going effort to better the lives and well being our Nation's veterans and their families. This legislation will increase the availabilty and amount of coverage for life insurance, assist in stabilizing low mortgage rates, require educational outreach by the VA to better inform our veterans of services available to them.

As our brave service men and women continue to serve in harm's way, it is important that we always honor their sacrifices and support their families. They return home as veterans and join the ranks of many who have selflessly served our Nation. These brave men and women have given so much so that the American people and our values would remain safe.

As they faithfully upheld their duty to defend our flag and all that it stands for—now we have a duty to stand strong for them.

I urge passage of this legislation.

Mr. MICHAUD. Mr. Speaker, I rise today to express my support for S. 1235, the Veterans' Benefits Improvement Act of 2005.

This legislation will improve the benefits provided to our veterans and their families.

During war and equally importantly, after our soldiers come home and take off the uniform, we as a nation must support them fully. The Veterans' Benefits Improvement Act of 2005 contains many provisions that will help us achieve this goal.

I would like to point out one particular provision that is similar to a bill, H.R. 821, which I have introduced.

Like H.R. 821, the Veterans' Benefits Improvement Act will amend title 38 to extend the requirement for reports from the Secretary of Veterans Affairs on the disposition of cases recommended to the Secretary for equitable relief due to administrative error. Extending this reporting requirement will assist the VA in its efforts to properly care for our veterans and their families.

Adminstrative error should not prevent a veteran or their loved one from receiving the benefits they have fully earned.

I would like to thank and congratulate Chairman BUYER and Ranking Member EVANS as well as the other chairmen and ranking members from our committee who have worked so hard to move this important legislation forward.

It is my hope that we will also be moving a health bill forward with the same bipartisan spirit our veterans have come to expect from our committee.

I support this legislation and I urge all of my colleagues to do the same.

Mr. MILLER of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the Senate bill, S. 1235, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MILLER of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate bill 1235, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEWIS AND CLARK COMMEMORATIVE COIN CORRECTION ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5401) to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

The Clerk read as follows:

H.R. 5401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lewis and Clark Commemorative Coin Correction Act".

SEC. 2. LEWIS AND CLARK COMMEMORATIVE COIN AMENDMENTS.

Section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act (31 U.S.C. 5112 note) is amended—

(1) in subsection (a), by striking "Secretary as follows:" and all that follows through the end of the subsection and inserting the following: "Secretary for expenditure on activities associated with commemorating the bicentennial of the Lewis and Clark Expedition, as follows:

"(1) NATIONAL COUNCIL OF THE LEWIS AND CLARK BICENTENNIAL.—½ to the National Council of the Lewis and Clark Bicentennial.

"(2) MISSOURI HISTORICAL SOCIETY.—½ to the Missouri Historical Society.";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) TRANSFER OF UNEXPENDED FUNDS.—Any proceeds referred to in subsection (a) that were dispersed by the Secretary and remain unexpended by the National Council of the Lewis and Clark Bicentennial or the Missouri Historical Society as of June 30, 2007, shall be transferred to the Lewis and Clark Trail Heritage Foundation for the purpose of establishing a trust for the stewardship of the Lewis and Clark National Historic Trail.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5401, the Lewis and Clark Commemorative Coin Correction Act introduced by the gentlewoman from Missouri (Mrs. EMERSON). This is a technical correction which addresses language in legislation that authorized the minting and sale of a commemorative coin recognizing the bicentennial of the great Lewis and Clark Corps of Discovery expedition.

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The original legislation was sponsored by a former colleague, the gentleman from Nebraska (Mr. Bereuter), and the coin was issued in the year 2004.

That bill specified that the surcharge income from the sale of the coins be divided between the National Lewis and Clark Bicentennial Council and the National Park Service to be used for events commemorating the bicentennial. Unfortunately, the Park Service has no capacity to raise the private funding necessary to satisfy the matching funds requirement of statutes guiding the issuance of commemorative coins.

This legislation, which has broad bipartisan support, corrects that problem and will allow disbursement of the funds in ways that support the Lewis and Clark exhibit that has made its way around the country and opened 2 weeks ago at the Smithsonian's Museum of Natural History. This is an extraordinarily educational exhibit with many items from personal collections that have not been together since the expedition itself.

Mr. Speaker, this is a technical correction with no cost to the government. The cause is deserving. American history has many elements, but the Lewis and Clark expedition is unique to our development as a Nation. The courageous trek deserves celebration because it helps define the innate sense of adventure which is such an integral part of the American spirit.

Mr. Speaker, I ask for its immediate passage and would simply note the wonderful support on both sides of the aisle as symbolized by the gentlewoman from New York (Mrs. MALONEY), a good friend.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5401, the Lewis and Clark Commemorative Coin Correction Act. This technical correction to the Lewis and Clark Expedition Bicentennial Commemorative Coin Act redirects a portion of the proceeds of sales of the Lewis and Clark silver dollars from the National Park Service to the Missouri Historical Society.

The Park Service does not want to and cannot receive the one-third share of the surcharge funds originally allocated to it since it has no mechanism to raise the required matching funds.

The Missouri Historical Society, in contrast, has to date raised matching funds equal to over half of the surcharge funds. The other share has been raised by the National Council of the Lewis and Clark Bicentennial.

Under the bill proposed today, the National Council and the Missouri Historical Society would each receive half of the surcharge funds. Any funds not expended by these two organizations would go to the Lewis and Clark Heritage Foundation for the establishment of a trust for the stewardship of the Lewis and Clark Historical Trail.

I am happy to say the coin has been very successful and raised almost $5 million to date. I understand that this resolution is supported by Congressional Representatives from many of the States along the trail and by the board of the national council, which has members from all of the Lewis and Clark States.

It is a sensible way to assure that funds raised by this coin are used for activities that preserve and honor the achievements of the Lewis and Clark expedition.

Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of Missouri (Mr. SKELTON), the lead Democratic cosponsor of this bill and the ranking member of the Armed Services Committee.

Mr. SKELTON. Mr. Speaker, I thank my friend and gentlewoman from New York and friend and gentleman from Iowa for their support on this bill.

Mr. Speaker, several years ago, I hosted a small breakfast for the well-known historian Stephen Ambrose, and I asked him what it was that made America so great. Now, I fully expected him to mention the westward movement of American pioneer families in the 1800s.

Instead, Mr. Ambrose replied, "Look at Russia. They have abundant natural resources and a hearty workforce. But they never had a George Washington, a John Adams and a Thomas Jefferson. It was Thomas Jefferson who had the wisdom and the foresight to appoint Merriweather Lewis and William Clark to explore the Louisiana Territory."

I am pleased that we are considering this legislation that will continue to honor the historic achievements of Lewis and Clark, and I want to thank my good friend, JO ANN EMERSON, for introducing the bill; and I appreciate the support of Financial Services Committee Chairman MIKE OXLEY and Ranking Member BARNEY FRANK.

This bill will designate the National Council of the Lewis and Clark Bicentennial and the Missouri Historical Society as beneficiaries of proceeds from the sale of the Lewis and Clark commemorative coin. These nonprofit organizations have raised nearly $5 million to conduct Lewis and Clark Bicentennial promotional activities. They will use funds from the sale of the coin to further historic investments in the Lewis and Clark Heritage Trail and to promote additional Lewis and Clark bicentennial celebrations.

This legislation has been endorsed by the National Council of the Lewis and Clark Bicentennial and the Lewis and Clark Trail Heritage Foundation, which includes representation from all the States along the Missouri River basin.

It is with a note of interest, Mr. Speaker, that the Missouri River flows right by my hometown of Lexington, Missouri, and as Lewis and Clark went up that river in that historic year 1804, they went by the bluffs which now contain my hometown of Lexington, Missouri. So it is special to those of us that do live along the river that we continue to honor the work, the courage of Lewis and Clark on their very, very courageous journey.

Mrs. MALONEY. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I thank very much the gentlewoman from New York and, of course, the gentleman from Missouri; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 5401.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR PARTICIPATION OF JUDICIAL BRANCH EMPLOYEES IN LEAVE TRANSFER PROGRAM FOR DISASTERS AND EMERGENCIES

Mr. SHAYS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1736) to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The Clerk read as follows:

S. 1736

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LEAVE TRANSFER PROGRAM IN DISASTERS AND EMERGENCIES.

Section 6391 of title 5, United States Code, is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) After consultation with the Administrative Office of the United States Courts, the Office of Personnel Management shall provide for the participation of employees in the judicial branch in any emergency leave transfer program under this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. SHAYS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 1736, legislation to allow judicial branch employees to participate in the Federal leave transfer program in the event of disasters and emergencies.

In 1997, Congress authorized the creation of an emergency leave transfer program that allowed employees of the executive branch, as well as the Government Accountability Office, to transfer portions of their annual leave to other executive branch employees who are adversely affected by a natural disaster or emergencies. The 1997 legislation was built upon special procedures that were developed to assist Federal employees in the wake of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma, on April 19, 1995.

In the aftermath of Hurricane Katrina, the Administrative Office of the United States Courts petitioned Congress to consider extending the existing emergency leave transfer program to cover employees of the judicial branch. S. 1736, introduced last September by Homeland Security and Governmental Affairs Committee Chair SUSAN COLLINS, was passed by the Senate last October. While it may be too late to benefit the approximately 400 judicial branch employees displaced by Hurricane Katrina, this authority will be available to judicial branch employees should disaster strike again.

Mr. Speaker, this legislation demonstrates to our hardworking and dedicated Federal workforce that the Congress of the United States is committed to their safety and security. I urge all of my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation. On September 2, 2005, the President authorized the Office of Personal Management to establish an emergency leave transfer program for executive branch employees affected by Hurricane Katrina. The Judicial Conference of the United States subsequently requested legislative authority to do the same.

The judicial circuits and districts affected by Hurricane Katrina have thus far only been able to grant weather emergency-related administrative leave to their employees. Administrative leave for judicial employees will be curtailed as the courts slowly resume operations.

S. 1736 will ensure an emergency leave transfer program is in place to assist approved judicial branch leave recipients as their need for donated leave increases when affected courts resume operations and many of the employees who evacuated in response to Hurricane Katrina remain unable to return to work.

I join Senators COLLINS and LIEBERMAN in supporting this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I just want to say that I should not have left out Senator LIEBERMAN. Senator LIEBERMAN and Senator COLLINS both worked very closely on a bipartisan basis to move forward important legislation. I think this is important legislation, and I join with my colleague, the gentlewoman from New York (Mrs. MALONEY), in urging passage of this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. SHAYS) that the House suspend the rules and pass the Senate bill, S. 1736.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

SCOTT REED FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4530) to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

The Clerk read as follows:

H.R. 4530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, shall be known and designated as the "Scott Reed Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "Scott Reed Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Kentucky (Mr. CHANDLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4530.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 4530 was introduced by the gentleman from Kentucky (Mr. CHANDLER). The bill designates the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the Scott Reed Federal Building and United States Courthouse.

Judge Scott Reed was born in Lexington, Kentucky, on July 3, 1921. He graduated from Henry Clay High School and the University of Kentucky College of Law, where he received many honors.

During his years as a private attorney, he distinguished himself as a trial lawyer of great integrity. His career as a jurist began in 1964 when he became a Fayette Circuit Court judge. Five years later, he was elected to the Kentucky Court of Appeals, where he sat for over 7 years.

During the mid-1970s, Kentucky's judicial system experienced a significant reorganization with the creation of the new Kentucky Supreme Court. Judge Reed played an instrumental role in the reorganization and was elected to serve as the first chief justice of Kentucky in 1976. He was considered a strict interpreter of Kentucky's constitution and a staunch advocate of the separation of the judiciary from the other branches of government.

In 1979, he was named U.S. district judge for the Eastern District of Kentucky. He served as a U.S. district judge until he retired in 1990.

His opinions from the Supreme Court of Kentucky have received national acclaim for their scholarly content, and he has been recognized by many in a comparable light to Brandeis, Holmes, and Marshall.

□ 1515

I support this measure and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. CHANDLER. Mr. Speaker, I yield myself such time as I may consume.

I first want to thank the gentleman from Pennsylvania (Mr. SHUSTER) for his working with me on this bill. He has been very helpful throughout the process.

Mr. Speaker, H.R. 4530 is a bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the Scott Reed Federal Building and United States Courthouse. I can think of no other individual more deserving, no other public servant more worthy and no other action more appropriate than naming the Federal courthouse in Lexington after the Honorable Scott Reed.

A prominent central Kentucky attorney, first Chief Justice of the Kentucky Supreme Court and Federal judge, Scott Reed exemplifies the definition of honor and integrity. Born in Lexington, Kentucky, on July 3, 1921, Scott Reed graduated with distinction from the University of Kentucky. While in college, he was editor-in-chief of the Kentucky Law Journal and awarded the Order of the Coif, the highest academic award that can be given to a law graduate. He was also a member of the Phi Delta Phi Fraternity.

He achieved many honors at the University of Kentucky culminating, upon graduation, as the recipient of the Algernon Sydney Sullivan Medallion, an extremely prestigious award given to individuals who "exhibit ideals of heart, mind and conduct as evince a spirit of love for and helpfulness to other men and women."

Prior to his service on the bench, Scott Reed was County Attorney. He was retained as counsel for the Fayette County School Board and distinguished himself as a trial lawyer with great integrity. He served from 1948 through 1956 as an acting associate professor at the University of Kentucky College of Law, and from 1964 until 1969, he was judge of the First Division of the Fayette County Circuit Court, which is the highest trial court in the Commonwealth of Kentucky. He then was elected to the Kentucky Court of Appeals, at that time Kentucky's highest court.

As Chief Judge of the Kentucky Court of Appeals, Judge Reed oversaw the most comprehensive judicial reform in our State's history. It included passage of a constitutional amendment that unified and modernized Kentucky's court system. As part of the modernization, the Court of Appeals became the Kentucky Supreme Court, and Scott Reed was elected by his fellow justices to be the first Chief Justice of Kentucky.

As Chief Justice, he then oversaw the implementation of the reform that has led Kentucky into having one of the most efficient and modern court systems in the country. The Chief Justice of the Commonwealth holds equal rank with the Governor, the latter being the head of the executive branch and the Chief Justice serving as head of the judiciary.

He was elected as a fellow in the National College of the Judiciary in 1965 and Judge Reed was a voting member of the American Law Institute, a body of scholarly people who shape the laws of our Nation. The opinions written by Scott Reed during his time on the Supreme Court of Kentucky have received national acclaim for their scholarly content. He has been viewed as one of Kentucky's most accomplished and erudite jurists.

Judge Reed was a frequent lecturer to the National College of Trial Judges and has achieved the highest honors that can be bestowed on a member of his profession. Scott Reed was named to the University of Kentucky College of Law Hall of Distinguished Alumni on April 11, 1980. He crowned his career with 10 years on the Federal bench.

In 1989, he took senior status while battling the onset of Alzheimer's.

which eventually took his life on February 17, 1994. Judge Scott Reed's fine legacy to his hometown of Lexington and to his home State of Kentucky will always be a proud part of our heritage.

Mr. Speaker, as the sponsor of H.R. 4530, I strongly urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I appreciate the gentleman working on this, and just to let the gentleman know, I have a Henry Clay Township in Pennsylvania, which happens to be in Fayette County, Pennsylvania, so Pennsylvania and Kentucky have more in common than one would think.

Mr. OBERSTAR. Mr. Speaker, H.R. 4530 is a bill to designate the Federal building located at 101 Barr Street in Lexington, Kentucky, as the Scott Reed Federal Building and United States Courthouse. The bill was introduced by the Gentleman from Kentucky (Mr. CHANDLER) and his Kentucky colleague (Mr. ROGERS).

Scott Reed was born in Lexington, Kentucky, in 1921. He attended local schools and graduated from the University of Kentucky College of Law in 1945. While at the University, Reed received many awards and honors, including the Algernon Sydney Sullivan Medallion for Excellence.

The first years of Judge Reed's career were spent in private practice during which he distinguished himself as a trial lawyer of great integrity. During this time, he also taught at the University of Kentucky College of Law.

From 1964 to 1969, Judge Reed was judge of the First Division of the Fayette Circuit Court. From 1969 until 1976, he served on the Court of Appeals, 5th Appellate District. In 1976, Judge Reed became the Chief Justice of the Commonwealth of Kentucky, a position which holds equal rank with the Governor. His opinions from the Supreme Court of Kentucky have received national attention for their scholarly content and careful judicial reasoning.

In August 1979, Judge Reed was nominated by President Carter to the federal bench. He was confirmed later that year and served until his death in 1994. During his confirmation hearing for the federal bench, Judge Reed was characterized as possessing a great sense of fairness and objectivity, practical legal experience, and great respect for the law and its responsibility to our Nation's citizens. Both Senator Huddleston and Senator Ford participated in Judge Reed's confirmation hearing in October 1979.

Judge Reed enjoyed a rich and rewarding career. His contributions to the American judicial system are exceptional. It is fitting that the Lexington courthouse bears his name to honor his distinguished career and enduring legacy.

I support H.R. 4530 and urge its passage.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAMPBELL of California). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4530.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PETS EVACUATION AND TRANSPORTATION STANDARDS ACT OF 2005

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3858) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

The Clerk read as follows:

H.R. 3858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pets Evacuation and Transportation Standards Act of 2005".

SEC. 2. STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.

Section 613 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) STANDARDS FOR STATE AND LOCAL EMERGENCY PREPAREDNESS OPERATIONAL PLANS.—In approving standards for State and local emergency preparedness operational plans pursuant to subsection (b)(3), the Director shall ensure that such plans take into account the needs of individuals with household pets and service animals following a major disaster or emergency."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Kentucky (Mr. CHANDLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3858.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3858, originally sponsored by Representative LANTOS of California and Representative SHAYS of Connecticut amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to require the Director of FEMA to ensure that State and local emergency preparedness operational plans take into account the needs of individuals with household pets and service animals following a major disaster or emergency.

During the evacuation of the gulf coast region last fall, we learned of the difficulty of evacuating household pets and service animals. Concerns over whether pets would be permitted to accompany their owners made some victims reluctant or unwilling to evacuate, choosing to wait out the disaster. The PETS Act would help ensure that household pets and service animals are considered by State and local emergency preparedness plans.

I would like to recognize my colleague, Mr. LANTOS, who introduced this bill soon after Hurricane Katrina devastated the gulf coast. Mr. LANTOS, a founding member of the Congressional Friends of Animals Caucus, has been an outspoken champion for animals.

I would also like to commend Mr. SHAYS for his dedication in moving this legislation and strong desire to resolve flaws in our Nation's emergency management system made apparent by Hurricane Katrina. I was lucky to have the opportunity to work with Mr. SHAYS on the Katrina investigation committee.

Both Mr. LANTOS and Mr. SHAYS have been champions of this issue and have worked to ensure that owners don't have to make a choice between their personal safety and their pets' safety.

Mr. Speaker, I reserve the balance of my time.

Mr. CHANDLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005. This legislation amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to require the Director of FEMA to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or an emergency.

It must be a top priority of our Nation to save citizens from any disaster, yet we should not underestimate the importance of rescuing pets to our ability to help citizens in a disaster. None of us should be faced with the choice of abandoning our beloved pets and critically needed service animals or risking our own personal safety.

As we witnessed during the aftermath of Hurricane Katrina, a significant number of people chose not to abandon their pets and risked their lives to stay with their animals. Some areas of Florida where hurricanes are a yearly occurrence have long recognized saving animals saves people and include a place for animals in emergency plans. And now, in the wake of Hurricane Katrina, a few areas and other Gulf Coast States, including Harrison County, Mississippi, will have its first pet-friendly shelter in place for the 2006 hurricane season.

However, unfortunately, for most of the gulf coast and indeed the rest of the country, the issue is still unresolved unless legislation like this is approved today. All of us saw many horrible scenes of abandoned pets wandering through the flooded city of New Orleans. In addition to the humanitarian issue of forcing people to choose between their own safety and leaving their pets behind, there are serious problems, including health and safety risks to the disaster area, that are exacerbated by the abandoning of pets.

We know that many of these problems can be mitigated or even eliminated through proper emergency planning. Fortunately, legislation like this helps increase the awareness of lawmakers and emergency officials to recognize what animal advocates already know, that pets figure strongly in a person's decision to evacuate to safety. And we certainly want to encourage our citizens to do just that.

Mr. Speaker, this is a good bill. I applaud Mr. LANTOS and Mr. SHAYS for all of their efforts on this bill, and I urge its support.

Mr. Speaker, I think that Mr. SHUSTER has already mentioned Mr. LANTOS' interest in the welfare of animals. It is heartfelt. I have had the opportunity to work with Mr. LANTOS on the International Relations Committee, and I have the great privilege today of introducing him and yielding to him such time as he may consume to speak on this very important piece of legislation.

Mr. LANTOS. Mr. Speaker, I want to thank my good friend and colleague on the International Relations Committee from Kentucky (Mr. CHANDLER). I want to thank Mr. SHUSTER for his extraordinarily gracious gesture. I also want to express my appreciation to Chairman YOUNG and Ranking Member OBERSTAR of the Transportation and Infrastructure Committee and the ranking member on that subcommittee, ELEANOR HOLMES NORTON.

I particularly want to thank my dear friend and colleague of many years, CHRIS SHAYS, for again joining with me in sponsoring a significant and major humane piece of legislation. But my most sincere thanks go to my wife, Annette, who has been my guiding light on all humane pieces of legislation I have had the privilege of working on.

Mr. Speaker, the work of my colleagues, along with the Herculean efforts of all the animal welfare organizations, will ensure not only the safety of household pets and service animals but of their owners in moments of potential fatal danger. Families will be able to prepare and evacuate from a disaster with more confidence and security knowing that all of their family members and their pets will be secure.

Mr. Speaker, the devastation in Louisiana, Mississippi and Alabama brought unbelievable images into every American home night after night.

□ 1530

The loss of life and property was staggering. But on top of all of that, the sight of evacuees having to choose between being rescued or remaining with their pets, perhaps even having to leave behind their service animals they rely on every day, was just heartbreaking.

I was watching television one night, Mr. Speaker, and I saw a 7-year-old little boy with his dog. His family lost everything, and all they had left was their dog. And since legislation such as ours was not yet on the statute books, the dog was taken away from this little boy. To watch his face was a singularly revealing and tragic experience.

This legislation was born that moment. Many pieces of legislation we pass in this body are the result of months and years of study and research and preparation. Not this bill. This bill was born the moment the 7-year-old little fellow had to give up his dog because there was no provision to provide shelter for his pet.

The Pet Evacuation and Transportation Standards Act will put an end to all of this. Until today, accommodating families with pets or disabled citizens with service animals was never considered an essential part of any evacuation plan. Our PETS Act requires State and local emergency preparedness authorities to include in their evacuation plans provisions to accommodate pets or service animals in case of a disaster.

The lack of planning in the past interfered with disaster operations in New Orleans where people who were worried about losing their animal companions often refused rescuers' help. If evacuees know that their pets, who obviously are considered members of their family, are in good hands, they will be willing to cooperate with authorities.

According to the Humane Society of the United States, Mr. Speaker, there are 65 million dogs and 77 million cats owned as pets by American families. Thousands of visually impaired people depend on guide dogs to get around. These faithful pet owners and visually impaired citizens must be able to evacuate if in the path of harm, and they must know that all members of their family will be safe.

Since the gulf coast hurricanes, this Nation has endured other weather events. In many cases, local authorities made impromptu plans for people with pets or service animals. This demonstrates that authorities are capable of making effective plans for people with pets and service animals. But we cannot let the lessons learned from the gulf coast hurricanes be forgotten. Our PETS Act will ensure that years from now States will continue to plan for their pet and service animal populations. This will ensure a smooth and safe evacuation for all members of the family and their pets and service animals.

I strongly urge all of my colleagues to join me in supporting this potentially life-saving legislation, life-saving with respect to the animals we love, and life-saving with respect to members of our families.

Mr. SHUSTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I want to thank Mr. SHUSTER, Mr. CHANDLER, Mr. YOUNG and Mr. OBERSTAR. I wanted to defer my opportunity to go before Mr. LANTOS because it needs to be clear this began in the heart and mind of Mr. LANTOS' wife, and we are merely instruments of her goodness.

I rise, in support of H.R. 3858, the Pets Evacuation and Transportation Standards Act, which we do refer to as the PETS Act, which Congressman LANTOS and I, as co-chairmen of the Friends of Animals Caucus, introduced.

This commonsense bill requires State and local preparedness planners to include plans for evacuation of pet owners, pets and service animals, as has already been described by previous speakers.

Hurricane Katrina left so many victims in its wake, including an estimated 600,000 animals that either lost their lives or were left without shelter. Hurricane Katrina taught us the hard lesson that, as we prepare for future emergencies, it is important we incorporate pet owners and their pets in our plans.

Many pet owners had to choose between their safety and the safety of their pets, and anyone who owns a pet understands the difficult decisions that they had to make.

In order to qualify for Federal Emergency Management Agency funding, a jurisdiction is required to submit a plan detailing their disaster preparedness plan. The PETS Act would simply require State and local emergency preparedness authorities to plan for how they would accommodate household pets and service animals when presenting these plans to FEMA. Animals do not go before people, but animals will have a place in this plan.

The human horror and devastation in Louisiana, Mississippi and Alabama was a tragedy we are addressing, but it was also heartbreaking to hear stories of forcing evacuees to choose between being rescued or remaining with their pets.

This bipartisan legislation is necessary because when asked to choose between abandoning their pets or their personal safety, many pet owners chose to risk their lives and would continue today to risk their lives and remain with their pets. The plight of the animals left behind was truly tragic. This is not just an animal protection issue; this is a public safety issue. Roughly two-thirds of American households own pets. We need to ensure the pets and their pet owners are protected.

I urge my colleagues to support passage of this legislation. I, too, want to make reference to that young man; I guess he was around 7 years old. I think of him and think this young man may have lost his home, he may have lost everything he owned, but he had his pet. As long as he had his pet, he could deal with it. To see this pet being grabbed from him, to me it was the height of cruelty that I still have a hard time understanding and appreciating.

When my mom and dad moved when I was 8 or 9 years old to another place, our pet dog, Mack, kept running back to the original house, and we lost him. For 2 years, I didn't have a pet, but I grew up with a pet. Then we moved to a new home and my parents could afford nothing else. They told me no Christmas presents. There would be no Christmas presents. My Christmas present was a new home, a brand new room, and I dealt with that. I thought, this year, no Christmas presents.

They were gone Christmas Eve day, and they came home that night. They didn't tell me where they had been, which was very unusual. I was with my three older brothers. Then my parents asked me to come down into the garage. As I did, they were walking up holding a beautiful collie pup. That night I slept on the floor with Lance, my collie pup.

I will never forget the joy I had. It was the best Christmas I ever had, and it was just one little gift, a pet that remained in our household for years.

This is an important bill, and I urge its passage.

Mr. CHANDLER. Mr. Speaker, I yield myself the balance of my time.

I want to thank Mr. LANTOS and his wife, Annette, in particular for extending their well-known humanitarian instincts to the welfare of animals. I also want to thank Mr. SHAYS and Mr. SHUSTER for all of their work on this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself the balance of my time.

I also want to thank Mr. LANTOS and Mr. SHAYS for their work on this bill.

The PETS Act would help ensure that household pets and service animals are considered by State and local emergency preparedness plans because there are people in this country, myself included, I have a dog Chloe that has a close relationship with my family, and I know people throughout this country have pets that are near and dear to their hearts.

When you go to a rooftop, as we saw down in New Orleans as Mr. SHAYS and Mr. LANTOS pointed out, people are unwilling to get aboard a boat or helicopter if they have to leave their beloved pet behind. Once again, this is so States and local emergency preparedness plans take into consideration situations that might occur if someone has to abandon their pets. I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 3858, the Pets Evacuation and Transportation Standards (PETS) Act of 2005. This bill amends the Stafford Act to ensure that state and local emergency preparedness plans account for the needs of individuals with household pets and service animals following a major disaster or emergency.

There were many tragedies from Hurricane Katrina that will not soon be forgotten. Some of the most indelible images were the ones of people being forced to choose between leaving their pets behind or being evacuated to safety. In many cases, these loyal animals had stayed with their owners for days on rooftops waiting to be rescued, only to be abandoned because the rescuers refused to carry the pets to safety with their owners. In other cases, people chose not to be rescued—putting themselves in further danger—because they simply could not bear to leave their pets behind.

A person should not have to leave their seeing-eye dog behind in order to save her own life—as we saw in Hurricane Katrina. Nor should a child, who has already been traumatized by the devastation of a disaster, have to abandon his beloved pet in order to be transported to safety—as we saw in Hurricane Katrina. As the June 1st start of the next hurricane season approaches, it's important that this bill becomes law and that state and local officials start to plan for the evacuation of pets and service animals.

There are, of course, other issues in the wake of Hurricane Katrina that this Congress should address. Last week, the Transportation and Infrastructure Committee and the Government Reform Committee favorably ordered reported H.R. 5316, the Restoring Emergency Services to Protect our Nation from Disasters (RESPOND) Act to the House. The RESPOND Act not only restores FEMA as an independent, cabinet-level agency, but it also reforms and strengthens our national emergency preparedness system so that we never again have to witness such a dismal failure by the federal government to respond to its citizens in need as we did with Hurricane Katrina.

H.R. 5316 ensures that FEMA's core functions of preparedness, response, recovery, and mitigation will once again coexist and work to complement each other in an independent FEMA, and not be separated and dismantled as they have been in the Department of Homeland Security.

Mr. Speaker, the bill we have before us is a much-needed first step in a longer process of reforming our emergency management system. I urge my colleagues to support H.R. 3858.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 3858, the Pets and Evacuation and Transportation Standards (PETS) Act of 2005. This is a sample, focused piece of legislation that will require local and state emergency preparedness authorities to include in their evacuation plans how they will accommodate household pets and/or service animals in case of a disaster. It deserves our support.

Hurricanes Katrina and Rita revealed gaping holes in our capacity to effectively manage the aftermath of large-scale disasters. Our failures in emergency response and evacuation were numerous, and they varied in both size and importance. One problem with our response was a blind spot in our disaster planning regarding the evacuation of pets and service animals. For too many caring animal owners, the opportunity to escape danger means separation from a beloved pet. More grievous, the evacuation of many residents of the Gulf Region who are dependent on service animals was complicated by inflexible regulations that did not take their special needs into account.

H.R. 3858 is commonsense legislation that will ensure planning for future disaster provides for the needs of pet owners. This bill is support by the Humane Society of the United States, the American Society for the Prevention of Cruelty to Animals, the Doris Day Animal League and the Best Friends Animal Society.

Mr. Speaker, I encourage all of my colleagues to join in support of H.R. 3858.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3858.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 42 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 32 minutes p.m.

REPORT ON H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. LEWIS of California, from the Committee on Appropriations, submitted a privileged report (Rept. No. 109–476) on the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1235, by the yeas and nays,

H.R. 3858, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second vote will be a 5-minute vote.

VETERANS' HOUSING OPPORTUNITY AND BENEFITS IMPROVEMENT ACT OF 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1235, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the Senate bill, S. 1235, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 61, as follows:

[Roll No. 177]

YEAS—372

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pitts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—61

Andrews
Baird
Becerra
Berman
Brown, Corrine
Camp (MI)
Cannon
Capuano
Davis (FL)
DeGette
Doolittle
Evans
Foley
Forbes
Ford
Gallegly
Gibbons
Graves
Green (WI)
Gutierrez
Hastings (FL)
Herseth
Hinchey
Hinojosa
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jones (OH)
Keller
Kennedy (RI)
Kilpatrick (MI)
Kolbe
Larson (CT)
Lewis (GA)
Lowey
McKinney
Moran (VA)
Murtha
Nussle
Oberstar
Owens
Oxley
Peterson (PA)
Pickering
Platts
Pombo
Pryce (OH)
Rehberg
Reyes
Reynolds
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Snyder
Strickland
Sweeney
Taylor (NC)
Waters
Wicker

□ 1859

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "An Act to amend title 38, United States Code, to improve and extend housing, insurance, outreach, and benefits programs provided under the laws administered by the Secretary of Veterans Affairs, to improve and extend employment programs for veterans under laws administered by the Secretary of Labor, and for other purposes.".

A motion to reconsider was laid on the table.

PETS EVACUATION AND TRANSPORTATION STANDARDS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3858.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3858, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 349, nays 24, not voting 60, as follows:

[Roll No. 178]

YEAS—349

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Campbell (CA)
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay

Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Obey
Olver
Ortiz
Osborne
Otter
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pomeroy
Porter
Price (GA)
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—24

Berry
Blackburn
Buyer
Feeney
Flake
Garrett (NJ)
Gohmert
King (IA)
McHenry
Miller (FL)
Miller (MI)
Neugebauer
Norwood
Paul
Pitts
Poe
Putnam
Shadegg
Sodrel
Tancredo
Terry
Tiahrt
Wamp
Westmoreland

NOT VOTING—60

Andrews
Baird
Becerra
Berman
Brown, Corrine
Camp (MI)
Cannon
Capuano
Davis (FL)
DeGette
Doolittle
Edwards
Evans
Foley
Forbes
Ford
Gallegly
Gibbons
Graves
Green (WI)
Gutierrez
Hastings (FL)
Herseth
Hinojosa
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jones (OH)
Kennedy (RI)
Kilpatrick (MI)
Kolbe
Larson (CT)
Lewis (GA)
Lowey
McKinney
Moran (VA)
Murtha
Nussle
Oberstar
Owens
Oxley
Peterson (PA)
Pickering
Platts
Pombo
Pryce (OH)
Rehberg
Reyes
Reynolds
Ruppersberger
Sánchez, Linda T.
Sanchez, Loretta
Snyder
Strickland
Sweeney
Taylor (NC)
Waters
Wicker

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1907

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, May 22, 2006. As a result, I was not recorded for rollcall votes No. 177 and No. 178. Had I been present, I would have voted "aye" on rollcall No. 177 and No. 178.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Monday, May 22, 2006, to vote on rollcall votes Nos. 177 and 178 due to a family medical emergency.

Had I been present, I would have voted: "yea" on rollcall vote No. 177 on passage of S. 1235, the Veterans' Benefits Improvement Act of 2005, and "yea" on rollcall vote No. 178 on passage of H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, I regret that I missed two votes on May 22, 2006. Had I been present I would have voted "yea" on S. 1235 (Veterans' Benefits Improvement Act of 2005) and "yea" on H.R. 3858 (Pets Evacuation and Transportation Standards Act of 2005).

PERSONAL EXPLANATION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I was unavoidably absent and missed rollcall votes Nos. 177 and 178. Had I been present, I would have voted: "Yea" on rollcall No. 177, S. 1235, the "Veterans' Benefits Improvement Act of 2005" and "yea" on rollcall No. 178, H.R. 3858, the "Pets Evacuation and Transportation Standards Act of 2005."

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, official business requires my absence from legislative business scheduled for today, Monday, May 22, 2006. Had I been present I would have voted "yea" on S. 1235, the Veterans' Benefits Improvement Act of 2005 (rollcall No. 177) and "yea" on H.R. 3858, Pets Evacuation and Transportation Standards Act of 2005 (rollcall No. 178).

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Speaker, on rollcall Nos. 177 and 178 I was unavoidably detained. Had I been present, I would have voted "yea" on both measures.

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, I was unable to vote today on the House floor. I take my responsibility to vote very seriously and would like my intentions included in the CONGRESSIONAL RECORD.

I had been present, I would have voted "yea" on S. 1235, Veterans' Benefits Improvement Act of 2005.

Additionally, had I been present, I would have voted "yea" on H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

PERSONAL EXPLANATION

Ms. PRYCE of Ohio. Mr. Speaker, on the legislative day of Monday, May 22, 2006, the House had a vote on rollcall 177, on S. 1235, the Veterans' Benefits Improvement Act, Had I been present, I would have voted "yea."

The House also had a vote on rollcall 178, on H.R. 3858, the Pets Evacuation and Transportation Standards Act. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in my district due to congressional business. Had I been present, I would have voted "yea" on rollcall No. 177 and "yea" on rollcall No. 178.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4681) to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Palestinian Anti-Terrorism Act of 2006".

SEC. 2. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

(a) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to support a peaceful, two-state solution to end the conflict between Israel and the Palestinians in accordance with the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the "Roadmap");

(2) to oppose those organizations, individuals, and countries that support terrorism and violence;

(3) to urge members of the international community to avoid contact with and refrain from financially supporting the terrorist organization Hamas or a Hamas-controlled Palestinian Authority until Hamas agrees to recognize Israel, renounce violence, disarm, and accept prior agreements, including the Roadmap;

(4) to promote the emergence of a democratic Palestinian governing authority that—

(A) denounces and combats terrorism;

(B) has agreed to and is taking action to disarm and dismantle any terrorist agency, network, or facility;

(C) has agreed to work to eliminate anti-Israel and anti-Semitic incitement and the commemoration of terrorists in Palestinian society;

(D) has agreed to respect the sovereignty of its neighbors;

(E) acknowledges, respects, and upholds the human rights of all people;

(F) implements the rule of law, good governance, and democratic practices, including conducting free, fair, and transparent elections in compliance with international standards;

(G) ensures institutional and financial transparency and accountability; and

(H) has agreed to recognize the State of Israel as an independent, sovereign, Jewish, democratic state; and

(5) to continue to support assistance to the Palestinian people.

(b) AMENDMENTS.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended—

(1) by redesignating the second section 620G (as added by section 149 of Public Law 104-164 (110 Stat. 1436)) as section 620J; and

(2) by adding at the end the following new section:

"SEC. 620K. LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY.

"(a) LIMITATION.—Except as provided in subsection (e), assistance may be provided under this Act to the Palestinian Authority only during a period for which a certification described in subsection (b) is in effect.

"(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that—

"(1) no ministry, agency, or instrumentality of the Palestinian Authority is controlled by a foreign terrorist organization and no member of a foreign terrorist organization serves in a senior policy making position in a ministry, agency, or instrumentality of the Palestinian Authority;

"(2) the Palestinian Authority has—

"(A) publicly acknowledged Israel's right to exist as a Jewish state; and

"(B) recommitted itself and is adhering to all previous agreements and understandings by the Palestine Liberation Organization and the Palestinian Authority with the Government of the United States, the Government of Israel, and the international community, including agreements and understandings pursuant to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (commonly referred to as the 'Roadmap'); and

"(3) the Palestinian Authority has taken effective steps and made demonstrable progress toward—

"(A) completing the process of purging from its security services individuals with ties to terrorism;

"(B) dismantling all terrorist infrastructure, confiscating unauthorized weapons, arresting and bringing terrorists to justice, destroying unauthorized arms factories, thwarting and preempting terrorist attacks, and fully cooperating with Israel's security services;

"(C) halting all anti-Israel incitement in Palestinian Authority-controlled electronic and print media and in schools, mosques, and other institutions it controls, and replacing these materials, including textbooks, with materials that promote tolerance, peace, and coexistence with Israel;

"(D) ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance; and

"(E) ensuring the financial transparency and accountability of all government ministries and operations.

"(c) RECERTIFICATIONS.—Not later than 90 days after the date on which the President transmits to Congress an initial certification under subsection (b), and every six months thereafter—

"(1) the President shall transmit to Congress a recertification that the requirements contained in subsection (b) are continuing to be met; or

"(2) if the President is unable to make such a recertification, the President shall transmit to Congress a report that contains the reasons therefor.

"(d) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to the Palestinian Authority may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(e) EXCEPTIONS.—

"(1) IN GENERAL.—Subsection (a) shall not apply with respect to the following:

"(A) ASSISTANCE TO INDEPENDENT ELECTIONS COMMISSIONS.—Assistance to any Palestinian independent election commission if the President transmits to Congress a certification that contains a determination of the President that—

"(i) no member of such commission is a member of, affiliated with, or appointed by a foreign terrorist organization; and

"(ii) each member of such commission is independent of the influence of any political party or movement.

"(B) ASSISTANCE TO SUPPORT THE MIDDLE EAST PEACE PROCESS.—Assistance to the Office of the President of the Palestinian Authority for non-security expenses directly related to facilitating a peaceful resolution of the Israeli-Palestinian conflict or for the personal security detail of the President of the Palestinian Authority if the President transmits to Congress a certification that contains a determination of the President that—

"(i) such assistance is critical to facilitating a peaceful resolution of the Israeli-Palestinian conflict;

"(ii) the President of the Palestinian Authority is not a member of or affiliated with a foreign terrorist organization and has rejected the use of terrorism to resolve the Israeli-Palestinian conflict;

"(iii) such assistance will not be used to provide funds to any individual who is a member of or affiliated with a foreign terrorist organization or who has not rejected the use of terrorism to resolve the Israeli-Palestinian conflict; and

"(iv) such assistance will not be retransferred to any other entity within or outside of the Palestinian Authority except as payment for legal goods or services rendered.

"(2) ADDITIONAL REQUIREMENTS.—Assistance described in paragraph (1) may be provided only if the President—

"(A) determines that the provision of such assistance is important to the national security interests of the United States; and

"(B) not less than 30 days prior to the obligation of amounts for the provision of such assistance—

"(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

"(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A).

"(3) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

"(f) DEFINITIONS.—In this section:

"(1) FOREIGN TERRORIST ORGANIZATION.—The term 'foreign terrorist organization' means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

"(2) PALESTINIAN AUTHORITY.—The term 'Palestinian Authority' means the interim Palestinian administrative organization that governs part of the West Bank and all of the

Gaza Strip (or any successor Palestinian governing entity), including the Palestinian Legislative Council.".

(c) APPLICABILITY TO UNEXPENDED FUNDS.—Section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), applies with respect to unexpended funds obligated for assistance under the Foreign Assistance Act of 1961 to the Palestinian Authority before the date of the enactment of this Act.

(d) REPORT BY COMPTROLLER GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains a review of the proposed procedures by which United States assistance to the Palestinian Authority under the Foreign Assistance Act of 1961 will be audited by the Department of State, the United States Agency for International Development, and all other relevant departments and agencies of the Government of the United States and any recommendations for improvement of such procedures.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the President should be guided by the principles and procedures described in section 620K of the Foreign Assistance Act of 1961, as added by subsection (b), in providing direct assistance to the Palestinian Authority under any provision of law other than the Foreign Assistance Act of 1961.

SEC. 3. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

(a) AMENDMENT.—Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.), as amended by section 2(b)(2) of this Act, is further amended by adding at the end the following new section:

"SEC. 620L. LIMITATION ON ASSISTANCE FOR THE WEST BANK AND GAZA.

"(a) LIMITATION.—Except as provided in subsection (d), assistance may be provided under this Act to nongovernmental organizations for the West Bank and Gaza only during a period for which a certification described in section 620K(b) of this Act is in effect with respect to the Palestinian Authority.

"(b) MARKING REQUIREMENT.—Assistance provided under this Act to nongovernmental organizations for the West Bank and Gaza shall be marked as assistance from the Government of the United States unless the Secretary of State or the Administrator of the United States Agency for International Development determines that such marking will endanger the lives or safety of persons delivering or receiving such assistance or would have a material adverse effect on the implementation of such assistance.

"(c) CONGRESSIONAL NOTIFICATION.—Assistance made available under this Act to nongovernmental organizations for the West Bank and Gaza may not be provided until 15 days after the date on which the President has provided notice thereof to the Committee on International Relations and the Committee on Appropriations of the House of Representatives and to the Committee on Foreign Relations and the Committee on Appropriations of the Senate in accordance with the procedures applicable to reprogramming notifications under section 634A(a) of this Act.

"(d) EXCEPTIONS.—Subsection (a) shall not apply with respect to the following:

"(1) ASSISTANCE TO MEET BASIC HUMAN HEALTH NEEDS.—The provision of food, water, medicine, sanitation services, or other assistance to directly meet basic human health needs.

"(2) OTHER TYPES OF ASSISTANCE.—The provision of any other type of assistance if the President—

"(A) determines that the provision of such assistance will further the national security interests of the United States; and

"(B) not less than 25 days prior to the obligation of amounts for the provision of such assistance—

"(i) consults with the appropriate congressional committees regarding the specific programs, projects, and activities to be carried out using such assistance; and

"(ii) submits to the appropriate congressional committees a written memorandum that contains the determination of the President under subparagraph (A) and an explanation of how failure to provide the proposed assistance would be inconsistent with furthering the national security interests of the United States.

"(3) DEFINITION.—In this subsection, the term 'appropriate congressional committees' means—

"(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

"(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.".

(b) OVERSIGHT AND RELATED REQUIREMENTS.—

(1) OVERSIGHT.—For each of the fiscal years 2007 and 2008, the Secretary of State shall certify to the appropriate congressional committees not later than 30 days prior to the initial obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 that procedures have been established to ensure that the Comptroller General of the United States will have access to appropriate United States financial information in order to review the use of such assistance.

(2) VETTING.—Prior to any obligation of amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual or entity that the Secretary knows, or has reason to believe, advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this paragraph and shall terminate assistance to any individual or entity that the Secretary has determined advocates, plans, sponsors, or engages in terrorist activity.

(3) PROHIBITION.—No amounts made available for any fiscal year for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 may be made available for the purpose of recognizing or otherwise honoring individuals or the families of individuals who commit, or have committed, acts of terrorism.

(4) AUDITS.—

(A) IN GENERAL.—The Administrator of the United States Agency for International Development shall ensure that independent audits of all contractors and grantees, and significant subcontractors and subgrantees, that receive amounts for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961 are conducted to ensure, among other things, compliance with this subsection.

(B) AUDITS BY INSPECTOR GENERAL OF USAID.—Of the amounts available for any fiscal year for assistance to nongovernmental organizations for the West Bank or Gaza under the Foreign Assistance Act of 1961, up to $1,000,000 for each such fiscal year may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of subparagraph (A). Such amounts are in addition to amounts otherwise available for such purposes.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should be guided by the principles and procedures described in section 620L of the Foreign Assistance Act of 1961, as added by subsection (a), in providing assistance to nongovernmental organizations for the West Bank and Gaza under any provision of law other than the Foreign Assistance Act of 1961.

SEC. 4. UNITED NATIONS AGENCIES AND PROGRAMS.

(a) REVIEW AND REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the President shall—

(A) conduct an audit of the functions of the entities specified in paragraph (2); and

(B) transmit to the appropriate congressional committees a report containing recommendations for the elimination of such entities and efforts that are duplicative or fail to ensure balance in the approach of the United Nations to Israeli-Palestinian issues.

(2) ENTITIES SPECIFIED.—The entities referred to in paragraph (1) are the following:

(A) The United Nations Division for Palestinian Rights.

(B) The Committee on the Exercise of the Inalienable Rights of the Palestinian People.

(C) The United Nations Special Coordinator for the Middle East Peace Process and Personal Representative to the Palestine Liberation Organization and the Palestinian Authority.

(D) The NGO Network on the Question of Palestine.

(E) The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories.

(F) Any other entity the Secretary determines results in duplicative efforts or funding or fails to ensure balance in the approach to Israeli-Palestinian issues.

(b) IMPLEMENTATION OF RECOMMENDATIONS BY PERMANENT REPRESENTATIVE.—

(1) IN GENERAL.—The United States Permanent Representative to the United Nations shall use the voice, vote, and influence of the United States at the United Nations to seek the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(2) WITHHOLDING OF FUNDS.—Until the President certifies to the Congress that such recommendations have been implemented, the Secretary of State should withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are proportional to the percentage of such budget that are expended for such entities.

(c) GAO AUDIT.—The Comptroller General shall conduct an audit of the status of the implementation of the recommendations contained in the report required under subsection (a)(1)(B).

(d) WITHHOLDING OF FUNDS WITH RESPECT TO THE PALESTINIAN AUTHORITY.—

(1) ASSESSED CONTRIBUTIONS.—The Secretary of State should withhold from United States contributions to the regular assessed budget of the United Nations for a biennial period amounts that are equal to the amounts of such budget that are expended by

any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority.

(2) VOLUNTARY CONTRIBUTIONS.—The Secretary of State shall withhold from United States contributions to the voluntary budget of the United Nations for a biennial period amounts that are equal to the amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority.

(3) DEFINITION.—For the purposes of this section, the term "amounts of such budget that are expended by any United Nations affiliated or specialized agency for assistance directly to the Palestinian Authority" does not include—

(A) amounts expended during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is in effect with respect to the Palestinian Authority; or

(B) amounts expended for assistance of the type of assistance described in section 104(c), 104A, 104B, or 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b, 2151b–2, 2151b–3, or 2151b–4) and which would, if provided by the Government of the United States, be permitted under such sections, or under chapter 4 of part II of such Act (22 U.S.C. 2346 et seq.) to carry out the purposes of such sections, by reason of the application of section 104(c)(4) of such Act.

SEC. 5. DESIGNATION OF TERRITORY CONTROLLED BY THE PALESTINIAN AUTHORITY AS TERRORIST SANCTUARY.

It is the sense of Congress that, during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority, the territory controlled by the Palestinian Authority should be deemed to be in use as a sanctuary for terrorists or terrorist organizations for purposes of section 6(j)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(5)) and section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f).

SEC. 6. DENIAL OF VISAS FOR OFFICIALS OF THE PALESTINIAN AUTHORITY.

(a) IN GENERAL.—A visa shall not be issued to any alien who is an official of, affiliated with, or serving as a representative of the Palestinian Authority during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) WAIVER.—Subsection (a) shall not apply—

(1) if the President determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to an alien described in such subsection is important to the national security interests of the United States; or

(2) with respect to visas issued in connection with United States obligations under the Act of August 4, 1947 (61 Stat. 756) (commonly known as the "United Nations Headquarters Agreement Act").

SEC. 7. TRAVEL RESTRICTIONS ON OFFICIALS AND REPRESENTATIVES OF THE PALESTINIAN AUTHORITY AND THE PALESTINE LIBERATION ORGANIZATION STATIONED AT THE UNITED NATIONS IN NEW YORK CITY.

The President shall restrict the travel of officials and representatives of the Palestinian Authority and of the Palestine Liberation Organization who are stationed at the United Nations in New York City to a 25-mile radius of the United Nations headquarters building during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

SEC. 8. PROHIBITION ON PALESTINIAN AUTHORITY REPRESENTATION IN THE UNITED STATES.

(a) PROHIBITION.—Notwithstanding any other provision of law, it shall be unlawful to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by, the Palestinian Authority or the Palestine Liberation Organization during any period for which a certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) is not in effect with respect to the Palestinian Authority.

(b) ENFORCEMENT.—

(1) ATTORNEY GENERAL.—The Attorney General shall take the necessary steps and institute the necessary legal action to effectuate the policies and provisions of subsection (a), including steps necessary to apply the policies and provisions of subsection (a) to the Permanent Observer Mission of Palestine to the United Nations.

(2) RELIEF.—Any district court of the United States for a district in which a violation of subsection (a) occurs shall have authority, upon petition of relief by the Attorney General, to grant injunctive and such other equitable relief as it shall deem necessary to enforce the provisions of subsection (a).

(c) WAIVER.—

(1) AUTHORITY.—The President may waive the application of subsection (a) for a period of 180 days if the President determines and certifies to the appropriate congressional committees that such waiver—

(A) is vital to the national security interests of the United States and provides an explanation of how the failure to waive the application of subsection (a) would be inconsistent with the vital national security interests of the United States; and

(B) would further the achievement of the requirements outlined in the certification described in section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

(2) RENEWAL.—The President may renew the waiver described in paragraph (1) for successive 180-day periods if the President makes the determination and certification described in such paragraph for each such period.

SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) UNITED STATES POLICY.—It shall be the policy of the United States that the United States Executive Director at each international financial institution shall use the voice, vote, and influence of the United States to prohibit assistance to the Palestinian Authority unless a certification described in subsection (b) is in effect with respect to the Palestinian Authority.

(b) CERTIFICATION.—A certification described in this subsection is a certification transmitted by the President to Congress that contains a determination of the President that the requirements of paragraphs (1), (2), and (3)(A), (B), (C), and (E) of section 620K(b) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act) are being met by the Palestinian Authority.

(c) DEFINITION.—In this section, the term "international financial institution" has the meaning given the term in section 1701(c)(2) of the International Financial Institutions Act.

SEC. 10. DIPLOMATIC CONTACTS WITH PALESTINIAN TERROR ORGANIZATIONS.

It shall be the policy of the United States that no officer or employee of the United States Government shall negotiate or have substantive contacts with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization, unless and until such organization—

(1) recognizes Israel's right to exist;

(2) renounces the use of terrorism;

(3) dismantles the infrastructure necessary to carry out terrorist acts, including the disarming of militias and the elimination of all instruments of terror; and

(4) recognizes and accepts all previous agreements and understandings between the State of Israel and the Palestine Liberation Organization and the Palestinian Authority.

SEC. 11. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) PALESTINIAN AUTHORITY.—The term "Palestinian Authority" has the meaning given the term in section 620K(e)(2) of the Foreign Assistance Act of 1961 (as added by section 2(b)(2) of this Act).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. BLUMENAUER. Mr. Speaker, I rise to claim the time in opposition. I am opposed to the bill.

The SPEAKER pro tempore. Is the gentleman from California (Mr. LANTOS) opposed to the motion?

Mr. LANTOS. No, Mr. Speaker, I strongly support the motion.

The SPEAKER pro tempore. On that basis, the gentleman from Oregon (Mr. BLUMENAUER) will control the time in opposition to the motion.

The Chair recognizes the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that debate on this matter be extended by 80 minutes, equally divided.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield half of my time to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks, and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for bringing this resolution to the floor and to the gentleman from California for his support for this resolution. It is incredibly important that we bring this resolution to the floor today, and I rise in strong support of the Palestinian Anti-Terrorism Act which reaffirms America's support for our allies in Israel and protects American interests.

It also brings an end to the dangerously infantilization of the Palestinian people, who through this legislation will finally be held responsible for their political decisions.

In and of itself, January's Palestinian election was a victory for the civilized world in the war on terror. The elections were fair, nonviolent, and added further evidence in support of democracy's fundamental compatibility with Middle Eastern culture.

The outcome of that election, the ascendancy of the unrepentant terrorist organization Hamas, was another story all together. The Palestinian people have made their choice; and while we must respect their God-given right to self-determination, the choice they made has consequences, chief among them the immediate end of foreign assistance to the Palestinian Authority.

American aid to the Palestinian people must be predicated on their rejection of terrorism. And as long as Hamas seeks the destruction of Israel and the murder of innocent Israelis, the United States cannot financially support the Palestinian Authority.

When the day comes that Palestinian leaders reject violence, break apart their terrorist infrastructure, embrace freedom, and seek membership in the civilized world, we will welcome them. Until that day, not a dime.

Mr. BLUMENAUER. Mr. Speaker, I yield myself such time as I may consume.

Everybody on this floor wants to send the same loud and clear message: that Congress is united in its opposition to terror and we are all deeply concerned about the future and security of our close friend and ally, Israel.

This debate is not about our shared revulsion at those who would murder innocent citizens or sow terror for political purposes.

□ 1915

It is not about current law, which prohibits any assistance to Hamas or a Hamas-controlled government, which Congress unanimously reaffirmed earlier this year. For many people, we will find tonight that this is a very personal issue. For anyone who has visited Israel, you understand.

When I first visited Jerusalem, I couldn't help but be struck by how close the holy sites of the three great religions are, less than the distance of a Tiger Woods 5-iron shot. I will always cherish the opportunity in a more optimistic time, to visit a security checkpoint outside Ramallah, jointly manned by Israelis and Palestinians. The possibility of that moment, its fragility and the ramifications of failure, have been brought home to me repeatedly in recent years.

I was and am impressed by the diversity of opinions in Israel, by its vibrant tradition of democracy and heated debate. But I am also struck by how we are seeing elements of that vibrant debate within the American pro-Israeli community over the bill that is before us this evening.

As someone committed to Israel's security and to the vision of the two states living side by side in peace, I reluctantly oppose the legislation this evening, despite my deep respect for my colleagues who are bringing it forward on both sides of the aisle.

The bill before us is one that the administration does not need nor want. It sets permanent and inflexible limits on the United States, whether or not Hamas is in power. It could potentially limit the United States' ability to help our friend Israel if Israel decides in the future that working with a non-Hamas-controlled Palestinian Authority is in their best interests.

Remember in 1995, Israeli Prime Minister Itzhak Rabin asked the United States to support a flawed Palestinian Authority because he felt it was important for Israel's security. Had the stringent conditions in this bill been in place, we would have had to have said no.

In 2003, Israeli Prime Minister Ariel Sharon asked the United States to support the Palestinian Prime Minister, Mahmoud Abbas. Had the stringent conditions in this bill been in place, we would have had to say no.

Should a future Israeli leader come and ask us to support the Palestinian Authority, after Hamas is forced from power, we shouldn't allow the conditions in this bill to force us to say no.

Unfortunately, this bill defines the Palestinian Authority to include the Palestinian legislative counsel, as long as members of Hamas are in the Palestinian Parliament. We would have to say no to Israel's request.

As has been pointed out with Libya, the debate over Libya, sometimes we allow diplomatic relations with imperfect regimes because progress can best be made through engagement instead of isolation. This bill goes far beyond the ramifications of January's election and Hamas' rise to power.

It would restrict relations with and support for Palestinian groups and institutions that have nothing to do with terror or rejectionism. It places sanctions on the Palestinian leaders and parts of Palestinian civil society who support peace with Israel, oppose terrorism and who, if the two-state vision comes to pass, will form the backbone of a democratic society.

There is, in this legislation, no recognition that Palestinian society is deeply divided, and that it makes no sense to put sanctions on President Abbas, reformers, even activists for democracy, peace and coexistence. The bill would prohibit the assistance we give to schools that teach peace, to democratic and peaceful political organizations, to groups promoting cooperation with Israel on shared environmental challenges.

It would even punish the democratic opposition by prohibiting visas for moderate Palestinian legislators or government officials who oppose Hamas. It would prevent the PLO, of which Hamas isn't a member, and which was not impacted by the election of Hamas, from having representatives in Washington or at the United Nations. I am afraid that this legislation may well backfire by actually strengthening the hands of extremists.

Remember, this past winter, the House, in our wisdom, voted to demand that the Palestinians prevent Hamas from running in the legislative elections, telling the Palestinian people to reject them. I don't think it was any accident that Hamas election banners had: "Israel and America say 'no' to Hamas. What do you say?"

I can't help think that any objective appraisal would suggest that the United States Congress, telling them what they could do, may well have provided that extra boost for Hamas' prospects at the election.

This bill provides no diplomatic horizon, no sunset. It is in perpetuity. It does little to prioritize on the basis of our strategic interest and provides no prospect for Palestinian reform coming through the process of negotiations. In so doing, it weakens the hands of those who advocate for peace negotiations and supports those extremists who believe in violence.

Democracy is a complex process in the Middle East and all too rare in the Middle East. The election of Hamas shows that for the kinds of democracies we want to see, elections aren't enough. We need to promote the kinds of democratic institutions, free civil society, conducive to sustainable, liberal democracy in Palestinian territories.

The President needs to be free to do just that, with congressional oversight, not congressional prohibitions and micromanagement. I understand the sincere concern that many people who support this legislation have, but it is too onerous and burdensome on an administration that needs to practice diplomacy.

Democracy is a continuing process that helps transform those who practice it. I agree with the rabbi from my district who wrote that, "change is everything in politics, no matter how bleak the situation currently is," in expressing his opposition to this legislation. We cannot support Hamas or other terrorist groups, but neither should we close the door on change.

Most of the Members of this body consider themselves to be strong friends and supporters of Israel. So do I. That is why I will urge a "no" vote on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I rise in strong support of this legislation and yield myself as much time as I may consume.

During the course of this debate, I will rebut point-by-point the items raised by my good friend from Oregon, for whom I have great respect and great affection. But let me just say that while I am convinced that his position is motivated by the best of intentions, he totally misrepresents the nature of our legislation.

Mr. Speaker, it was my great pleasure to join my friend and distinguished colleague, ILEANA ROS-LEHTINEN, in introducing the Palestinian Anti-Terrorism Act. It has also been an honor to work with the chairman of the committee, HENRY HYDE, in bringing the bill to the floor in its present form. I would like to thank all 295 of my colleagues who are cosponsors of this bill, which was reported out of the International Relations Committee on a bipartisan vote of 36–2. I repeat, the legislation was reported out of the International Relations Committee representing the broadest spectrum of views and positions by a vote of 36–2. This is a bill that enjoys the broadest bipartisan support.

Mr. Speaker, a little more than a month ago, a 16-year-old boy from Florida, Daniel Wultz, arrived in Israel with his family. They were celebrating Passover, which commemorates Jewish liberation from brutality long ago. On a pleasant evening in Tel Aviv, Daniel met his father for dinner at a popular falafel restaurant in a working-class neighborhood.

Moments later, a Palestinian terrorist detonated 30 pounds of explosives just a few feet from the father and son. Daniel suffered severe internal injuries, and his leg had to be amputated.

After a valiant struggle for survival, Daniel died last week. As for his father, he faces a long and painful recovery physically; the psychological repercussions one can only speculate on.

This tragedy was compounded several times over, Mr. Speaker. In this one terrorist incident, perpetrated by Hamas, 10 people were murdered, more than 60 were injured, and hundreds of loved ones are suffering the atrocities, the effects of these atrocities for the rest of their lives.

Mr. Speaker, during the murderous Intifada, orchestrated, planned and perpetrated by Hamas, more than 1,000 Israelis were killed in incidents like this recent one, barbarous, random, sneak attacks on men, women and children, just going about their lives. Given its comparatively small population, less than 6 million, the loss of 1,000 innocent lives in Israel is the equivalent of losing 50,000 here in the United States. I wonder how many of our colleagues would stand up for the terrorists if we had lost 50,000, not 3,000 on 9/11.

What was the response of the Hamas government to the restaurant bombing? The spokesman for Hamas said that it was, and I quote, Mr. Speaker, "legal." This monstrous act, the most recent terrorist attack, killed 10 people, and Hamas leadership says, it's legal. No condemnation, no promise of pursuing the perpetrators of this vicious crime; just a blanket endorsement of suicide attacks on both American and Israeli citizens.

Now, despite the pathetically naive hopes of some that Hamas would change its stripes upon assuming power, if anything, the anti-Israel rhetoric has only been stepped up. The foreign minister of the terrorist government, Mahmoud al-Zahar, recently told the world that he dreams of, and I am quoting again, Mr. Speaker, "hanging a huge map of the world on the wall at my Gaza home, which does not show Israel on it, because there is no place for the State of Israel on this land."

So much for moderation.

Mr. Speaker, such statements by Hamas government officials make crystal clear the rationale for our legislation. We must isolate the new terrorist authority in the West Bank and Gaza. The situation in the Middle East is alarming. The Palestinian Authority is now governed by a group of killers, like Iranian President Ahmadinejad, who believes that Israel, quote, should be wiped off the map.

It is therefore incumbent upon us, Mr. Speaker, as the ally and long-time supporter of the democratic State of Israel, to do everything we can to demonstrate the bankruptcy of Hamas' vision and to ensure that Hamas receives no help from the United States in implementing its evil plans.

Our bill does exactly that. We will end all assistance to the Palestinian Authority with exceptions for humanitarian aid. We will also end all contact between U.S. diplomats and the Hamas-controlled Palestinian Authority.

□ 1930

Our goal, Mr. Speaker, is not to punish the Palestinian people. Our goal is to demonstrate to them, and to their government, that hatred, murder, assassination and non-recognition of neighbors is unacceptable in a civilized world. Accordingly, we want to make sure that the U.S. taxpayer will not supply one penny of aid for which the Hamas government can claim any credit, and we want to make sure that Hamas and its government are accorded absolutely no legitimacy by the United States or our diplomatic representatives.

Our bill, of course, recognizes that humanitarian emergencies will arise and that we should be supportive of appropriate NGO activities. Just to cite one example, Mr. Speaker, I wrote Secretary of State Condoleezza Rice recently asking that the United States provide funding to assist the Palestinians in dealing with the serious outbreak of avian flu in the Gaza Strip, and I am pleased that our government has been responsive to my request. I think we would all agree on continuing the U.S. tradition of dealing with the humanitarian needs of any people, including the Palestinian people.

I am sure that all of my colleagues will join me in praising the government of Israel for the plan it announced just yesterday to release $11 million and let these funds be used for medicine and equipment for Palestinian hospitals, bypassing entirely the terrorist government of Hamas.

Mr. Speaker, representatives of the United States have been meeting with their counterparts from Russia, the United Nations and the European Union to discuss the financial crisis that Palestinians have faced since Hamas came to power. Our bill is fully consistent with the positions and policies of the so-called quartet.

Mr. Speaker, we in this Congress are sickened by the fact that the Palestinians chose Hamas as their leader, and we are sickened and appalled by everything that Hamas stands for. Our bill, H.R. 4681, demonstrates that America will stand firm in the fight against terrorism, while remaining true to the hope for a peaceful Middle East. Our legislation will serve as a model for the right policy to take against terrorists, however they take power, and on behalf of the democratic ally that is the target of suicide bombings by a governmentally-organized campaign.

Allow me a personal word, Mr. Speaker. As all of my colleagues know, I am the only Holocaust survivor ever elected to the Congress of the United States. My family was wiped out by a government that systematically sought to eliminate an entire people.

I am here today to tell you that what Hamas has in mind is a holocaust on the installment plan. I repeat, I am here today to tell you that what Hamas has in mind is a holocaust on the installment plan. It is being done one atrocity at a time. As long as support continues to flow to Hamas, this holocaust on the installment plan will continue, and ultimately, it might succeed. But our bill will stop it.

I strongly urge my colleagues to join me in supporting this important, vital, bipartisan piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BLUMENAUER. Mr. Speaker, I yield 6 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Mr. Speaker, tonight we should be working to ensure security and peace for Israel and for more hope, opportunity and peace for the Palestinian people.

Among our colleagues in the U.S. House, there is unanimous intolerance and condemnation for the current Hamas-led government of the Palestinian Authority. The refusal of the political leadership of Hamas to recognize the State of Israel, renounce violence and terrorism and agree to previous agreements and obligations of the Palestinian Authority is unacceptable, and, therefore, they must continue to be isolated by the international community.

Congress should be here tonight unanimously passing a bill that supports Secretary of State Rice as she leads the international community to keep firm pressure on Hamas until they agree to internationally recognized and civilized standards of conduct. At the same time, Congress should be working to support the Bush administration and the international community to avoid a serious humanitarian crisis among the Palestinian people.

On May 9, 2006, Secretary Rice said as she announced $10 million of medical assistance to the Palestinian people, "We will continue to work and look for ways to assist the Palestinian people and will encourage other countries to join us in this effort." She goes on to say, "We will not, however, provide support to a Hamas-led government that refuses to accept the calls of the Quartet and the broader international community to renounce terror and to become a partner for peace."

I strongly support her efforts, and it is unfortunate that the bill tonight could not have been drafted to come to the floor that would be supported by the State Department. The State Department's comment regarding H.R. 4681 is, "this bill is unnecessary."

Instead of advancing the U.S. interests, H.R. 4681 does not recognize the three criteria set forth by President Bush, demanded by President Bush and the international community, for Hamas to commence any form of engagement and to work with the U.S. and the international community.

H.R. 4681 sets an elevated threshold which makes U.S. leadership for peace in the Middle East nearly impossible, even if Hamas does agree to recognize Israel, does renounce terrorism and does agree to abide by all previous agreements.

The outcome of this bill, if it were to become law, would be to isolate Palestinian leaders who have been committed to advancing the peace process, isolate leaders who have denounced terrorism and isolate leaders who are working with Israel for peace and a permanent two-state solution. How does this advance the U.S. goals in the region? It does not.

This bill's real result will be to isolate the U.S. among the members of the international community that are working for peaceful solutions between Israel and the Palestinians.

One of our partners in isolating Hamas and delivering humanitarian assistance to the Palestinian people is the United Nations. A section in this bill calls for the withholding of a portion of the U.S. contribution to the United Nations, as if this valuable partner were an enemy. For this bill to target the United Nations, a member of the quartet, in such a fashion is a clear signal that this bill's intent is to undermine the Bush administration's multilateral leadership.

This bill places extreme constraints on the delivery of humanitarian assistance by non-governmental organizations to the Palestinian people. This bill's unnecessary obstacles have the potential for very negative human consequences and would exacerbate a human crisis.

Palestinian families and children must not be targeted. They must not be deprived of their basic human needs by this Congress. Instead, this House should assure that Palestinian families and children will be treated in a fashion that reflects our values and the belief that their lives are valuable.

NGOs with significant experience in delivering humanitarian assistance have expressed serious concerns with the lack of flexibility in this bill. On April 6, 2006, a letter from the United States Conference of Catholic Bishops to Chairman HYDE expressing concerns regarding this bill states, "The legislation provides for the urgent needs of the Palestinian people. A further deterioration of the humanitarian and economic situation of the Palestinian people compromises human dignity and serves the long-term interests of neither the Palestinians nor of Israelis who long for peace."

In its present form, this bill will not allow NGOs to properly carry out the very assistance determined to be necessary by Secretary Rice, ensuring suffering and misery to the Palestinian people.

Later this week in this Chamber, we will be honored by the presence of Israeli Prime Minister Ehud Olmert. In an interview last week, Prime Minister Olmert said the Palestinians "are the victims of their own extremist, fundamentalist, religious, inflexible and unyielding leadership, and we will do everything in our power to help these innocent people."

I strongly associate myself with the honest and courageous comments of the prime minister and his desire for security and peace. I oppose this bill because it is a missed opportunity to keep pressure on Hamas.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR), the chief deputy majority whip.

Mr. CANTOR. Mr. Speaker, first of all, I would like to salute the gentlelady from Florida on her unbelievable leadership in bringing this bill to the floor and her tireless efforts in the promotion of freedom and the rejection of terror around the world. I thank her for that.

I also would like to salute and thank Chairman HYDE for his leadership in bringing this bill to the floor, and certainly the gentleman from California for his dedication to the rejection of terror and the promotion of freedom in such a tireless way and such an articulate manner here on the House floor. I thank the gentleman as well.

Mr. Speaker, I do rise today in strong support of H.R. 4681, the Palestinian Anti-Terrorism Act. The policy behind this piece of legislation is identical to that which undergirds the Bush doctrine. It is simple: Terrorism is evil and will not be tolerated. Murderous acts carried out by the terrorists must be stopped, and those who perpetuate this evil deserve nothing less than condemnation and destruction. That is why this legislation must pass.

Israel has been fighting a war on terror for more than 60 years. Presently, Israel finds itself in the unique position of facing a terrorist organization that is hiding behind the legitimacy of the Palestinian Authority. Some have chosen to recognize Hamas, a terrorist organization, as a legitimate governing body for the Palestinian Authority. We in the United States Congress find this unacceptable.

Hamas believes that terrorism is a legitimate tool of political negotiation. Hamas does not hide from its endorsement of homicide bombings or its desire to use this tactic to achieve its goal of destroying Israel.

Make no mistake about it: Hamas kills. It murders. It maims. It orphans, and it robs. It blunts the future of innocence. It takes away the happiness of children, and it tears apart families. Hamas believes that this behavior is somehow acceptable.

Today, we must send a message to Hamas and President Abbas that the free nations of the world reject their desire to be recognized as legitimate leaders of their people. Both Hamas and Fatah's al-Aksa Martyrs Brigade have a record of terror and their leaders have a demonstrated lack of humanity by allowing these murderous activities.

Mr. Speaker, today the United States House of Representatives sends a strong message that our government does not and will not deal with terrorists, nor in this Congress should we or will we allow American taxpayer dollars to fund the terrorist activities.

Israel is engaged in a war on terror. It is a war that is part of that which is worldwide and in which we find ourselves engaged as well.

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Make no mistake about it, the very freedoms that we hold dear are at stake, and we must never stop fighting this war until the last terrorist on Earth is in a cell or a cemetery.

Mr. Speaker, unfortunately, I stand before you as the violence and pain of Palestinian terror was felt by my family. As Mr. LANTOS, the gentleman from California has said, last week, Daniel Wultz died of wounds he suffered in a homicide bombing in Tel Aviv in April. Daniel was my cousin. He and his family were visiting Israel celebrating the Jewish holiday of Passover.

Daniel and his father were eating lunch at a cafe in Tel Aviv, when a homicide bomber blew himself up at the restaurant. For 27 days Daniel fought for his life, but last Sunday he died as a result of his wounds. Daniel was passionate about his family, friends and the community around him. He was an excellent student and a member of the varsity basketball team at the David Posnack Hebrew Day School in Plantation, Florida.

He was active in the Chabad Lubavitch of Weston and hoped to pursue his religious studies further after high school. He was a handsome, witty and compassionate young man, and did not hesitate to speak out against any injustice he encountered in his daily life.

He was devoted to the laws and teachings of Judaism and Tikun Olam, the Jewish ideal that we must work to make the world a better place. Daniel was a young man with a bright future. Now he is gone, robbed of his bright and promising future.

Daniel is survived by his parents, Sheryl and Tuly Wultz, and his sister, Amanda. I join my colleagues in sending our deepest sympathies.

Mr. Speaker, I want to again salute the gentlewoman from Florida and her efforts on this bill and want to say that I wholeheartedly supported her bill in its original form as well.

Mr. Speaker, I would draw the House's attention to page 8 of the bill and section 2 in which we speak about the exceptions to the prohibition of assistance in the Palestinian Authority, especially to section 620K of the law in which the bill provides for an exception to fund the President of the Palestinian Authority for nonsecurity expenses.

It is this provision, Mr. Speaker, that I hope that we will be able to limit and remove in the conference with the Senate. Hamas must renounce terrorism, destroy all terrorist organizations that are allowed to operate in the Palestinian Territory, and it must recognize Israel's right to exist as a Jewish state. Hamas and the Palestinian President, Mr. Abbas, must understand that we in the United States Congress are serious about this policy.

We must make it clear to the world that the U.S. does not see terrorism as a viable tool for negotiations. This is a first step in the process. And I would like to bring to the attention of the House that I strongly disagree with one of the speakers from the opposition who stated that this bill does not provide for humanitarian efforts for emergency aid for the people in the Palestinian Authority. It does.

Mr. Speaker, I look forward to working with the gentlewoman, to working with Chairman HYDE and the gentleman from California to strengthen this bill. I urge passage of this bill, and note that we all must stand for the absolute rejection of terrorism and absolutely no U.S. taxpayer dollar being spent for terrorist activities.

Mr. BLUMENAUER. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, invoking the Bush doctrine, the previous speaker talks about humanitarian assistance. One of the concerns that the Bush administration has in not supporting this bill is that it is too narrowly drawn, talking about "health," and not broader humanitarian assistance.

Mr. Speaker, I will discuss that later in the course of the evening. Due to the mandatory nature of the bill, its lack of a general waiver, the executive branch thinks it is unnecessary. It already has ample authority to impose all its restrictions, and constrains the executive branch's flexibility to use sanctions as appropriate as tools to address rapidly changing circumstances.

These are the words of the administration. And I think the Congress would do well to consider them.

Mr. Speaker, I yield 5½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, almost exactly a year ago, I joined a bipartisan group of Members in visiting the Hope Flowers School in the Palestinian village of al Khader, just outside of Bethlehem on the West Bank.

Hope Flowers teaches its students a curriculum promoting tolerance, nonviolence, democracy and peaceful coexistence. Our bipartisanship delegation witnessed the signing of a USAID agreement to renovate several classrooms and other key facilities at the school.

Projects like this are supported by the United States throughout the Palestinian territories. Other projects are paying for modern school books to ensure that fundamentalist propaganda has no place in Palestinian schools; potable water projects to prevent the spread of disease, economic development to improve job prospects for Palestinian youth, and construction of hospitals, schools, sewers, power grids and business centers.

These types of projects are critical to our interests, to Israel, and to the prospects for peace. They help prevent humanitarian crises and diminish popular discontent, and they also inculcate values like those taught at Hope Flowers.

They train peacemakers; they improve America's standing in the Middle East. Why would we want to eliminate programs like these? Are they not needed now more than ever? And yet that is exactly what H.R. 4681 would do. It would cut off U.S. assistance to the West Bank and Gaza.

Mr. Speaker, I stress, despite the way some proponents are trying to frame this debate tonight, the issue is not aid to Hamas or to the Hamas-controlled Palestinian Authority. Nobody on this floor tonight has any tolerance for Hamas.

The issue is rather the bill's ban on aid to all nongovernmental groups, private groups, and organizations, many of whom are diametrically opposed to Hamas's philosophy. Let me clarify some further misconceptions about this legislation. I am not speculating here, Mr. Speaker; I am referring to page 12 of the bill. I invite colleagues to read it.

Mr. Speaker, some have suggested the bill contains sufficient exceptions to allow humanitarian assistance to pass through. Not so. The bill makes an exception for health-related humanitarian aid, such as food, water and medicine. But it makes no provision for other forms of humanitarian assistance, such as aid for the homeless or displaced families and orphans.

Mr. Speaker, some have pointed to Presidential waiver authority in the bill and suggested that it would allow critical assistance to reach Palestinians. Not so. Unfortunately, all aid beyond health-related humanitarian assistance would be prohibited unless the President, on a case-by-case basis, were to certify that assistance is required by U.S. national security.

And then he would have to consult with Congress 25 days in advance and submit a written memorandum explaining why such assistance benefits U.S. security. How many projects would survive such a gauntlet? Think about the kinds of aid programs that would be cut off, projects that focus on building democratic institutions and civil society, projects that promote economic development to stabilize the territories, projects that ensure that school curricula provide students with a progressive education rather than fundamentalist propaganda, curricula that teach tolerance and conflict resolution skills. Surely programs like this are in our interest.

Mr. Speaker, they are exactly what we need to reduce violence, to build the capacity of Palestinian civil society, and make progress toward a peaceful resolution; and yet they are exactly the programs that would be eliminated in this bill.

Mr. Speaker, there are other problems with the bill as well. It would significantly handicap any effort to engage the moderate elements in the Palestinian Authority, such as Palestinian Authority President Abbas, by opposing restrictions on visas, travel, and official Palestinian Authority representation in the U.S.

Mr. Speaker, because of these fundamental flaws in the legislation, it is opposed by several leading voices for Israel and Middle East peace, including the Israel Policy Forum, Brit Tzedek, Americans for Peace Now, Churches for Middle East Peace, a broad Protestant coalition, and the U.S. Conference of Catholic Bishops.

The Bush administration also opposes this bill. In a paper delivered to the House International Relations Committee, the State Department calls the bill unnecessary and says it unduly constrains the Executive's flexibility.

Mr. Speaker, there is no denying that Hamas's election victory was a significant step backward in the quest for a peaceful resolution to this conflict. There is no disagreement here tonight that we should send Hamas a strong message that the world will not tolerate its violent and irresponsible behavior.

But this bill goes far beyond sending that message. Instead, it sends the message that the U.S. wants to punish the Palestinian people for Hamas's action, a message that serves no good purpose.

We can unanimously support, and that is what we should be doing tonight, my colleagues, we can unanimously support legislation blocking assistance to Hamas, and to a Hamas-controlled Palestinian Authority.

But if we adopt legislation that punishes the Palestinian people, instead of isolating the terrorists, we lose the moral high ground. Let us reclaim the moral high ground, signal our resolute opposition to terrorism and also our support for those Palestinian individuals and groups who are working for a peaceful and democratic future.

Mr. Speaker, we should defeat this bill and ask the IR Committee to bring back a bill truly reflective of American interests and values.

Mr. LANTOS. Mr. Speaker, I yield 7 minutes to my good friend and our distinguished colleague from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the ranking member.

Mr. Speaker, first the criticism of the procedure. This is a difficult and complex bill. It has no business being before us under suspension of the rules. It ought to be subject to amendment and unrestricted debate. It's not like we didn't have enough time.

And to show our commitment to democracy by muffling it here serves no good purpose. But we do have the bill before us. I plan to vote for it after some conversation in which I hope I can be joined by the gentleman from California.

Mr. Speaker, let me explain my basic reason. We were told when Hamas won that election, tragically, when the majority of the people of Israel were ready to make significant concessions, had already begun to do that, an historic moment when Israel was ready to make significant concessions for peace, they were totally repudiated. We were told, well, don't overinterpret that election, because the victory of Hamas, which in percentage terms wasn't as great as in the Parliament for a variety of reasons, but we were told that victory for Hamas was not simply from people who agreed with their rejectionist, hateful philosophy; but it was probably because they were so much better than Fatah at delivering services.

To some extent, we got the explanation, frankly, for congressional earmarks. Why do Members here like to earmark? Because they can go deliver the goods to people back home and then get votes from people who don't agree with them. That is, we all know, why we have earmarks.

Well, I don't want Hamas getting any more earmarks. I don't want to contribute to a situation where Hamas can deliver the goods because they are well funded, and then can convert the good will they earned with that money into votes for rejection.

That is why I fully support a strict refusal to fund Hamas. And people say, well, you will be punishing the Palestinian people. I have heard the argument before. There are a lot of differences, but there is one common thing.

When this House helped override the veto of Ronald Reagan against sanctions against the hateful, racist regime of South Africa, we were told by many that we would be hurting the people of South Africa, and that was true. The average South African, the average black South African who was victimized by apartheid was, in the short term, victimized by sanctions. And we did not apply sanctions only against the racists who ran the government; we applied sanctions against the whole country.

It is sometimes the case that appropriate public policy will have short-term negative effects. But here is our problem, as I say. We have been told that Hamas won that election in part because of its skill at delivering goods and services. That means if you support peace, it is very much in your interest not to aid Hamas's ability to deliver goods and services.

So I fully support the part of the bill that says, no aid for Hamas. I have to say to some of my friends, I do also want to warn the President, as some of my liberal friends have come here to defend his right for flexibility in the foreign policy, please be warned that that is a very temporary alliance.

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Mr. President, please don't assume that your allies here arguing for your flexibility will last much longer than tonight. But I also am very skeptical of those who say, well, let's give the money so they can have better schools. Let's give the money so they can learn reconciliation, et cetera. No, I don't think a Hamas government is going to allow that. So I am very much in favor of this bill insofar as it says, no, we will not contribute to the further political growth of Hamas. I want that government to fail and fall. And that does mean, as it did with sanctions in South Africa, some short-term pain, although this bill, more than it has been described by its opponents, does allow for humanitarian aid.

Let me say for those of my liberal friends who mourn for the President's flexibility: Don't you know that whenever we grant waivers, no matter how complicated the process, they are waived? There is nothing about a requirement of a Presidential waiver that ever stops the President from doing what he has done. The President can certify that Abbas was pregnant if he had to to get the bill through, and he would do it. The history of waivers is they have been no obstacle to what policy is.

But here is my problem, and I would ask the gentleman from California to respond in this way, I agree that we shouldn't aid Hamas. But this bill says we should only aid any entity if it becomes democratic or has taken steps to become democratic and to become transparent. Now, I am all for democracy and transparency, although their immediate benefit is a little unclear in the Middle East right now. But I believe that if there were a strict interpretation of this criteria, we could not have helped the Camp David Peace Agreement with Egypt which was neither democratic nor transparent, nor is Jordan, nor was the PLO and the PLA before Hamas.

Let me put it this way: If Abbas' team had won instead of Hamas, I believe there might have been an argument that they don't meet the criteria. So I would ask the gentleman from California, how strictly are we going to interpret these criteria? Can he give me some assurance that these criteria will not be so strictly interpreted that you would make it impossible to deal with the very imperfect regimes that we are going to have to deal with?

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. LANTOS. If I may take the floor, I fully agree with the interpretation of my friend from Massachusetts. We are not looking for protection from Hamas. There is no perfection in any of the governments with which we have diplomatic relations and which we support with huge amounts like the government of Egypt. We are merely asking for minimal standards of civilized behavior, the termination of suicide bombings and the acceptance of their neighbor in peace.

Mr. FRANK of Massachusetts. I thank the gentleman. Reclaiming my time, I hope as this process goes forward in the less restricted other body that we can clarify that and sharpen it. I will say that with regard to the international financial institutions over which the committee on which I serve has jurisdiction, we struck from the bill the requirement of democracy as a prerequisite 'for peace in the Middle East.

Let me also note, by the way, I was struck, the gentleman from Virginia lamented the inclusion in the provision in this bill which some of the opponents have denied existed. It is kind of an odd thing. The poor provision is attacked by people who don't like it and denied by people who do. That is the provision allowing aid to the president of the Authority. The bill does provide that the aid can go to President Abbas to make peace, not just for his personal security.

So I disagree with the gentleman from Virginia. It is that amendment and some of the other amendments that we have had in there. So I will be voting for the bill at this point in the spirit the gentleman from California has mentioned, namely that, yes, we say "no" to Hamas because we have no interest in funding Hamas so it becomes more politically popular in support of its rejectionism. But we do not interpret this bill as being an obstacle to negotiations of the sort that we have with Egypt, with Jordan, with Arafat, certainly no winner of the civil liberties award from anybody.

With that assurance of the gentleman and the hope that we can refine this as it goes forward, I will vote for this bill.

Mr. LANTOS. We appreciate the gentleman's support.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUHL of New York). The Chair would remind Members to direct their remarks to the Chair, not the President.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), a member of the International Relations Committee.

Mr. PENCE. I thank the gentlewoman for yielding, and more to the point, I thank Representative ROS-LEHTINEN for her extraordinary leadership of the Subcommittee on the Middle East and Central Asia where it is my privilege to serve. My heartfelt appreciation to Chairman Henry Hyde to demonstrate that the lion still roars. His leadership in bringing this legislation to the floor is meaningful and of global significance. And to my mentor and friend, the ranking member, the gentleman from California (Mr. LANTOS) I rise with gratitude for your moral leadership again demonstrated on this floor this evening with your eloquent and powerful words.

I rise today in strong support of the Palestinian Anti-Terrorism Act. As an original co-sponsor of the act, I come to this floor tonight saddened. I am saddened at what seems to be a diminishing opportunity for peace. In the wake of a world hopeful with the election of President Abbas, we saw it followed with the election of a legislative majority within the Palestinian Authority of a terrorist organization known as Hamas. I am saddened tonight by the story of Daniel whose family's loss will be remembered, not just as it was poignantly this evening by Congressman CANTOR on this floor as he spoke of his own flesh and blood, but will be remembered later this week as the Prime Minister of Israel comes with some of Daniel's family at his side.

The gentleman from California (Mr. LANTOS) reminded us of the human cost about which we debate tonight, and the policies and the messages that we will send from this well to a waiting world will speak to real human loss, a loss of opportunity, a loss of promise, to the loss of Daniel. It has been said many times tonight, and I take my colleagues at their word, that the State Department has said that this legislation is "unnecessary."

But let me say, as one of 435 Representatives in the United States House of Representatives, that the world waits for the leadership of this Congress and this Nation, and they wait for moral leadership that is clarion, and this serious debate tonight about which there are serious differences that I deeply respect, this debate tonight about the future of American financial assistance to the Palestinian Authority is such a debate.

Let us say plainly, Hamas is a terrorist organization that advocates for its political ideology the murder of innocent civilians. This Congress, this President, his administration and the American people have been clear, the United States does not support, negotiate or fund terrorist organizations, even those that have won a majority of a legislature. Tonight we will say clearly in this Palestinian Anti-Terrorism Act: Not one penny for Hamas.

The Palestinian Anti-Terrorism Act promotes, however, a democratic Palestinian Authority that denounces and combats terrorism, de-arms and dismantles terrorist agencies, networks and facilities, and works to eliminate anti-Israel and anti-Semitic incitement and the commemoration of terrorists; one that agrees to respect the sovereignty of its neighbors and acknowledges, respects and upholds the human rights; and one at its very core that has agreed to recognize our cherished ally, the State of Israel, as an independent, sovereign, Jewish, democratic state.

Now, there are criticisms tonight well spoken and no doubt well intentioned that say that the administration and our country will lack the flexibility to meet the humanitarian needs on the ground. But I must say, Mr. Speaker, with the clear language of this legislation that I would argue otherwise; that this legislation excludes funding for "basic human health needs." There is also the allowance of security for President Abbas, and then perhaps the broadest exception that has even met with some criticism tonight, an exception for nonsecurity expenses that are "related to the facilitation of a peaceful resolution of the conflict between the Palestinian people and Israel."

Back in southern Indiana, we call that a hole that you could drive a truck through, and it is precisely the kind of flexibility that we need in these uncertain days. In these days, even in the last 24 hours, where we have seen nascent evidence of even a civil war emerging within the Palestinian Authority, as much as I might like a much more narrowly construed bill, I am prepared to endorse this legislation, carefully crafted for the exigencies of our time. I pray for the peace of Jerusalem and for all the people that live there.

Mr. Speaker, the Palestinian Anti-Terrorism Act sends a clear signal once again that the United States will not tolerate terrorism, and we take a critical stand at this moment in history in advocating for meaningful reform to the very center of the Hamas charter. I salute my colleagues, both Democrat and Republican, for bringing this critical and moral legislation to the floor of this Congress, and I speak my heartfelt condolences to Daniel's family. May we act in such a way that Daniel and his loss will soon, some day soon, be simply a part of a history of a time gone by, a history that will be remembered as other violent pages of the history of mankind have been remembered, with respect, with grief but representative of a time that is past. And that will be my prayer.

Mr. BLUMENAUER. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the Dean of the House.

Mr. DINGELL. Mr. Speaker, this legislation should be considered under an open rule with lengthy debate and full opportunity to discuss it, not at 8 o'clock at night with the corporal's guard here on the floor.

I yield to no man in my support for Israel. I have voted for hundreds of billions of dollars for it over the years I have served here. And I yield to no man my position to terror and terrorism and terrorists. But that is not what is at issue here tonight.

The administration says this bill is not necessary. It points out that this bill constrains the administration in delivering meaningful diplomatic effort to resolve the problems of the Middle East. The Middle East's problems and the problems of the Palestinians and the Israelis will not be resolved by starving the Palestinians or by creating additional hardship. They are desperate people, incarcerated in walls, afflicted with high unemployment, suffering from health and other problems. The non-governmental organizations point out that this will strip them in substantial part of contributing to this. It will in large part almost totally strip the United States from the ability to address the needs of the Palestinian people and to address the humanitarian concerns which we have about them.

Peace in the Middle East is not going to be achieved at gunpoint. It is going to be achieved by negotiations, by people working together; and that process may be ugly, dirty and slow, but it is the only process that will work. To create additional hardship and suffering for the Palestinians is simply going to guarantee more desperate, angry men who are fully determined that they will go forth to kill Israelis or Americans or anybody else. Our purpose here tonight should be to look to the well-being of the United States, craft a policy which is good for this country. And that policy can only be one which is good for Israel and for the Palestinian people, one which is fair to all, one which puts the United States as a friend and an honest broker of peace to both parties where we can be so accepted.

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To take some other course is simply to assure continuing hardship and a continuing poisonous, hateful relationship amongst the parties in the area. When this Congress realizes that and when we, this Congress and the others here, will recognize that that is the way peace is achieved, then there will be a real prospect for peace. We can expect that the Palestinians will receive the justice that they seek. We can expect that the Israelis will achieve the security that they need and they want and they deserve and that we want them to have.

This legislation will do none of that. This legislation promises further angry men, more bitterness, more hate, more ill-will; and it assures that the thing which we must use to bring this miserable situation to an end, honest, honorable, face-to-face negotiation, will either not occur or will be moved many years into the future.

Think about it. The needs of Israel are not served by this resolution. The needs of the United States are not served by this resolution. The needs of the Palestinian people are not served by this resolution.

Let us vote it down and get something which makes sense and which serves the interests of all concerned.

Mr. Speaker, I rise in strong opposition to the resolution on the floor. I oppose Hamas. I oppose what they stand for. I oppose their use of violence, their targeting of civilians; their vision for the Palestinian people; their rejection of Israel; and most of all I deplore their rejection of peaceful reconciliation.

For all these reasons, and many more, I do not think that Hamas is a true partner for peace. But while Hamas may not be, the Palestinian people are. The vast majority of Palestinians want peace. The vast majority value peace, follow the law, oppose violence—and legislation like this only hurts the vast majority we need for peace.

I understand the House's desire to ostracize Hamas. But I do not understand how we keep making the same mistakes by punishing the very people we all say we want to help. The restrictions on aid in this bill will not hurt Hamas, they will receive plenty of money from Iran, but this will hurt the Palestinian people.

Under this bill assistance will be limited only to "basic health", a restriction we reject for almost every other nation. This bill would stop economic development assistance, sanitation assistance, environmental assistance—and most ironically, at a time when we are criticizing their choice of government—democracy assistance.

Make no mistake about it; their vote was to get back at our own repeatedly misguided attempts to punish rather than cajole, to batter rather than build trust, and to impoverish rather than to uplift. When we provided Mahmoud Abbas no deliverables and only hardships, it made Hamas's promises hard to ignore.

Our actions emboldened the Hamas, and we are about to do it again. My friends, passage of this legislation will create yet another failed state and humanitarian catastrophe in the Middle East. However, this one, unlike Iraq, will be surrounded by our staunchest ally in that region. If we destabilize Palestine we will destabilize Israel. If we help create chaos we weaken the chance for finding peace between Israel and her neighbors—and even threaten the very viability of the Jewish state.

If this legislation is signed into law we will lose once and for all the Palestinian people. Our rejection of them will create one clear victor—the government of Iran. If we pass this legislation, Iran will win by default. Instead of textbooks for Palestinian children being written by USAID they will be written by the Iranian Revolutionary Council. Schools will be built with Iranian oil money and our ability to influence peace will be weaker as a result.

What I find so strange is that this legislation is being championed by people who believe themselves to be the staunchest supporters of Israel. Mr. Speaker, in order to strengthen Israel peace needs to prevail in the region. In order to guarantee Israel's survival the Palestinians need to find prosperity and view the United States as a friend. This bill will only stymie those efforts. I ask my colleagues to vote no.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from New Jersey (Mr. PASCRELL), my good friend.

Mr. PASCRELL. Mr. Speaker, I thank the ranking member.

I am going to support this resolution when it comes to a vote tomorrow. I want to take this opportunity, if I may, to speak about some of the issues that have been raised during this very important debate, very critical debate. We have lowered our voices, really, and raised our commitment on all sides of this issue.

I represent one of the most diverse districts in the United States of America. When I was mayor of the city that was the center of my district, Paterson, where I have lived all my life, Jews and Arabs and Muslims and Palestinians, we worked together, we prayed together, and we still do.

The conflict is very serious, we know that. Building bridges is part of my bone marrow. You learn that when you are a mayor.

The conflict in Israel is the axis on which much of the Middle East and much of the Middle East politics spins, but let us not forget that what we do and say here has major implications across the globe. This is true in the Congress, as well as when the President speaks.

The United States is strongly committed to the security of Israel as a Jewish state. There is no question that our friend and ally has every right to defend itself against those who oppose freedom and democracy.

The record will show very clearly, Mr. Speaker, that I have not put my signature on every one of those pieces of legislation over the past 10 years, but I think this is different. Many of those pieces of legislation I think exacerbated the situation in the Middle East. The ranking member and I have talked about that many times. Not this time. This is a clear denunciation of Hamas, an organization motivated by hate, not pride.

The world community harbors deep trepidation regarding the rise of Hamas. Having taken over the government of the Palestinian Authority, Hamas has reiterated its commitment to violence and the destruction of Israel. The charter of Hamas is quite clear about this. I have read that charter time and time again. It is unacceptable, and it is the duty of all nations to keep pressure on Hamas to renounce terrorism and recognize the State of Israel.

The resolution before us today is an effective and noteworthy vehicle for the Congress of the United States to send this message. The United States will not give assistance, financial or otherwise, to Hamas or any Hamas-controlled entity. Terrorism cannot be tolerated. We will not treat this government as legitimate as long as their current dangerous policies and rhetoric remain in place.

Many of us in the House are in favor of a peaceful, two-state solution to the Israeli-Palestinian conflict, but this will be unattainable while Hamas refuses to renounce terror.

We do not want to punish the Palestinian people. We know that the overwhelming majority of Palestinians and the overwhelming majority of American Palestinians and Palestinian Americans do not adhere to the destructive philosophy of Hamas. Hamas must reject its charter which calls for the destruction of Israel. Nothing less is acceptable.

The United States must encourage the meeting between Israeli Prime Minister Ehud Olmert and Palestinian Authority Chairman Mahmoud Abbas, planned for next week, a very critical time for this legislation, as an important way to keep a dialogue going between the Israelis and the Palestinians.

I will vote for this legislation because I feel strongly that the loudest message practicable must be sent to Hamas.

Mr. BLUMENAUER. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Oregon for yielding.

Mr. Speaker, let me begin by paying special tribute to Chairman HYDE. This may be his last year of service in this House, but his legacy of trying to bring peace to Israel and the Palestinians will live on for many years to come.

Mr. Speaker, I must rise in opposition to this bill.

Let there be no mistake, Hamas is a ruthless terrorist organization. Unless Hamas recognizes Israel's right to exist and renounces terror, the Palestinian Authority should receive no direct U.S. assistance. Direct aid to the Hamas-controlled PA has been cut off. The basic goal of this bill has already been accomplished.

But H.R. 4681 goes well beyond this objective. It is a punitive measure aimed at punishing the Palestinian people. It will undermine U.S. national interests. It will do nothing to strengthen Israel security.

I have two main objections with this bill. First, it places nearly insurmountable efforts to future U.S. efforts to engage Palestinians and Israel in peacemaking. It lacks the normal Presidential national security waiver; and unbelievably, it would limit United States diplomatic contact with moderate, non-Hamas Palestinian officials. Why is this? These are the very leaders who recognize Israel and who support peace, and it makes absolutely no sense for us to undercut them at this critical time.

Second, except for very limited circumstances, this bill will cut off humanitarian aid to the Palestinian people at the very moment when a horrendous humanitarian disaster is looming.

The United States, our Quartet partners, and Israel are all hard at work at present to avoid catastrophe and to deliver assistance around Hamas to credible and transparent NGOs. H.R. 4681 goes in the opposite direction.

I simply cannot see how denying chemotherapy treatment for Palestinian children increases Israel's security or advances U.S. national interests.

Mr. Speaker, there is significant opposition to this bill in the pro-Israel community, and I highlight again, respected national groups like Americans for Peace Now, Israel Policy Forum, and Brit Tzedek strongly oppose this legislation. They tell us voting "no" on this bill is a pro-Israel vote.

Groups like Churches for Middle East Peace and the Conference of Catholic Bishops, with decades of experience providing humanitarian relief, they oppose it as well.

The State Department also opposes the bill, calling it unnecessary and criticizing its provisions as objectionable.

On Wednesday, we will welcome Israeli Prime Minister Ehud Olmert to this Chamber. Yesterday, this is what he told his Cabinet: "We have no intention of helping the Palestinian government, but I say we will render such assistance as may be necessary for humanitarian needs." He also dispatched his top two ministers for a substantive meeting with Palestinian President Mahmoud Abbas.

If this policy of shutting the door on Hamas but opening it to Palestinian moderates and the Palestinian people themselves is good enough for the Prime Minister of Israel, it should be good enough for the U.S. House of Representatives.

So I urge my colleagues to vote "no" on H.R. 4681.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Before yielding time, I would like to just say a word about the avalanche of misrepresentations which we have heard on this floor.

This legislation does not in any sense provide any punishment for the Palestinian people, just the opposite. It is carefully crafted and aimed at the terrorist organization called Hamas.

I did not know, Mr. Speaker, when I spoke about the 16-year-old young American citizen who was killed by Hamas that he is the cousin of one of our colleagues, and I would like to extend my condolences to my friend from Virginia who suffered this personal loss.

The avalanche of misrepresentations can only be ascribed to a sloppy reading of this legislation. It is extremely carefully crafted, and if, in fact, the issue would not be as serious, I would find it ludicrous that some of the sharpest critics of the Bush administration have suddenly found great affection for the Bush administration because, like all other administrations, it wants total flexibility.

It is ludicrous that the most virulent critics of the Bush administration suddenly find themselves in bed with the Bush administration. This is, to say the least, unseemly.

Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip, my good friend.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I want to thank Mr. LANTOS and Ms. ROS-LEHTINEN for bringing this legislation to the floor.

The premise of this bill is eminently reasonable, in my opinion, and one with which the American people, I think, strongly agree. In short, the United States of America should not, indeed it must not, provide assistance to a government run by terrorists whose very policy and purpose is the destruction of another nation.

All of us are concerned about the plight of the Palestinian people, who have suffered tragically for decades under the leadership of Arafat and now Hamas.

I share those concerns. I have been to Gaza. I have been to the West Bank. I have met with President Abbas and other Palestinian officials, and I have seen the deprivation, the frustration, and the lack of opportunity in the Palestinian territories.

I think there is not one of us on this floor who is not concerned about their plight, as we should be. However, our legitimate concerns for the Palestinian people must not obscure the fact that the Palestinian Authority is now controlled by Hamas, an organization designated as a terrorist entity by the United States and by the European Union. No one here, I understand, stands to defend Hamas; but it is a movement that is committed to the destruction of another nation, in this case our ally Israel.

Mr. Speaker, I believe this balanced legislation is warranted.

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Among other provisions, it prohibits direct financial transfers to the Palestinian Authority. That is our policy: until the President certifies that Hamas recognizes Israel's rights to exist, renounces terrorism, agrees to abide by previous PLO and PA agreements with Israel and the United States, and does not have a member of a foreign terrorist organization in a senior policy-making position.

And despite the prohibition of direct assistance, the bill includes exceptions, as it should. For example, the President still may provide assistance for nonsecurity expenses directly related to facilitating a peaceful resolution of the conflict. Furthermore, the bill restricts indirect assistance through nongovernmental organizations unless the certification described above is made by the President.

However, let me add, this provision contains an unqualified exception for basic human health needs, such as food, water, medicine and sanitation services. I tell some of my friends, if that were not in here, I would have reservations, but those basic services are fully excepted in this legislation.

Mr. Speaker, this bill is, I think, measured and balanced and demonstrates the refusal of the United States to reward terrorists for terrorism. It should not be, and I think it is not, punitive as it relates to the Palestinian people. It provides, as I said, for health needs, food, water, medicine and sanitation services. They are in need of those services, and we ought to provide them.

But what we ought not to do and what we ought never to do is to give aid and comfort to terrorists or to terrorist organizations or to terrorist governments. Because if we do so, that will encourage others to commit heinous acts of terrorism, as were done here, as are done in Israel, and have been done around the world.

Mr. BLUMENAUER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for the time. I think this is not a carefully crafted bill. I think this is, as much as I respect the chairman and the ranking member, and I do respect the chairman, I have known the chairman for the 20 years I have been in politics, and I respect the ranking member, but I think the approach that is offered in this bill is what I would characterize as a meat-axe approach.

This does not help common ordinary citizens. What it does is it hurts common ordinary citizens. There is no other way around it. You can protest as much as you want about Mrs. CAPPS and what she said, but she is right. Common ordinary citizens, common ordinary Palestinians are going to be hurt by this, because the funding is going to be cut off for educational services, for health services, for the services that these people need very badly.

And what we have now, it looks to me like at least a couple hundred Secretaries of State, as reflected in this bill. Do you all know more than the Secretary of State? Do you know more than the President? Do you think your policy is better than the administration's policy? Yes, you do. Well, I don't happen to agree with that. I really don't.

And I ask Members, I may be the only Republican to vote against this. I am obviously going to be the only Republican to speak against it, but I ask Members who representat large Arab populations in their districts to think about this. This hurts the Palestinian people. There is no other way to put it. And I do not know why you are doing this. In the name of protecting Israel? I just think this is a bad idea, and I don't understand why it is being done.

I would say this: The new prime minister of Israel is in this country. In a day or two, he will be walking down this middle aisle. And if he were able to vote and have a card that would allow him to vote as he walks down, he would vote against this bill. He has recognized that it is a bad bill. And if he had the opportunity to put his voting card as he walks down, he would vote against it, as would a large part of this administration. Why? Because it hurts common ordinary people. That is why.

If you are going after Hamas, go after them, but don't restrict the funding that helps people. The reason that Hamas won the election is the Palestinians didn't have the right people on the ballot and didn't work the ballot in order to do it. And Hamas has gone out into those communities and provided services, and they have endeared themselves to the Palestinian people while the leadership of Palestine has been pocketing a lot of money. That's the reason they won the elections. They ran better elections. But why fault the people for that? And why take this kind of funding away from common ordinary citizens?

Now, for all of you that come out on this floor all the time and talk about what we should be doing and what we are cutting and what we are not cutting, this is an opportunity to say to common ordinary citizens in Palestine: We care about you. We care about your health care. We care about education. We care about your opportunity for jobs and to really be able to do the things you want to do.

But if you vote for this, we say: The heck with you. We care more about sending a message to Hamas leadership than we do about the people of Palestine. I think that is what the message is. This will not hurt the leadership of Hamas. It will not. Because they are going to have the money and the resources that they need, and they will say what they want, but it will hurt common ordinary people.

Vote "no" on this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that debate on this matter be extended by 60 minutes, equally divided. Perhaps the opponents of the bill would have an opportunity to read the legislation. And I would like to yield half of my time to Mr. LANTOS, and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he consume to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentlewoman, the chairwoman of our committee, and I want to applaud her and Congressman LANTOS, two Members who cut through the partisan rancor of this institution to act with clarity against murderous intolerance.

Mr. Speaker, we sometimes may ask the question: If I was alive in 1939, what would I have done? If I was alive in 1939, would I have recognized the coming danger to America? If I was alive in 1939, would I have seen the seeds of genocide? But we do not live in 1939. We live in 2006, and many of the dangers we see today have parallels in history.

Across the sea now, there is an intolerant dictator rising who says that one Holocaust is not enough. The people in Israel rightly fear a new intolerant Islamic mullah who might say that another 6 million should be murdered.

The Iranians have many allies in the world. None of their allies are better than Hamas, leaders trained by tyrants, funded by murderers and utterly clear in their political program. One of the lessons of history is that dictators say what they are going to do and then do what they said. And Hamas has told us that they are for killing innocent civilians, and they have done that. They tell us that they support international terrorist attacks, and they have done that, too. Hamas has told us that they wish to drive our democratic allies in Israel into the sea, and we cannot let them do that.

Democracies are best when they defend each other, and the best way to defend our allies is to support moderate Arabs willing to join in peace. So we did that. The United States, the Congress, this House over the last many fiscal years, provided hundreds of millions of taxpayer dollars to support moderate Arabs.

We in this House funded the rise of Yasir Arafat. We created the Palestinian Authority. We embraced the ineffective government of Mahmoud Abbas. And each of these efforts, at a cost of hundreds of millions of taxpayer dollars from the United States, have failed. And so now we see Hamas taking power, a Hamas that what it does not get politically is taking militarily. Yesterday, Hamas tried to assassinate a top key official who works for President Abbas. A civil war is breaking out on the West Bank because

Hamas does not have enough power yet and is willing to kill anyone in their way.

Mr. Speaker, I do not support this bill just because I support our allies in Israel. I support this bill because Hamas has claimed responsibility for the murder of 26 American citizens. Those American citizens include: David Applebaum of Ohio; Nava Applebaum, also of Ohio; Alan Beer of Ohio; Marla Bennet of California; Benjamin Blutstein of Pennsylvania; David Boim of New York; Yael Botwin of California; Dina Carter of North Carolina; Janis Ruth Coulter of Massachusetts; Sara Duker of New Jersey; Matthew Eisenfeld of Connecticut; Tzvi Goldstein of New York; Judith Greenbaum of New Jersey; David Gritz of Massachusetts; Dina Horowitz of Florida; Eli Horowitz of Illinois; Tehilla Nathanson of New York; Malka Roth of New York; Mordechai Reinitz of New York; Yitzhak Reinitz of New York; Malka Roth of New York; Leah Stern of New Jersey; Goldie Taubenfeld of New York; Shmuel Taubenfeld of New York; Nachshon Wachsman of New York; Ira Weinstein of New York; and Yitzhak Weinstock of California.

My colleague from New York talked about the common people that this would hurt. Common Americans have been killed by Hamas, and their blood is on the fingers of Hamas leaders. It is time for us to call it as we see it: intolerant murderous leaders, people who in other uniforms at other times we have seen before; and for us to cut off their funding, to say that the only Hamas moderate is a Hamas radical out of money and bullets, and for us to say that we wish this government, this Hamas government to fail, that in its place a more moderate government will rise, and at that time, it will be the time for the United States to support it and not a minute before that.

And I want to take one more personal privilege to say to the gentleman from California, Mr. LANTOS: Thank you. Thank you for your leadership. Thank you for your history. And thank you for cutting through all of the rhetoric and giving us clear direction to use your eyes and your experience to teach us of how the past can inform the future so that it does not happen again.

Mr. BLUMENAUER. Mr. Speaker, before I recognize the gentleman from Ohio, I would yield myself 5 minutes, because I have been sitting here reflecting on my good friend from California's comments about people who suddenly are the best friend of the administration who have been critical of them.

Well, I have only been here 10 years, not as long as my distinguished friend, but one of the things I have tried to do with Republican and Democratic administrations alike, when it comes to foreign policy, is to attempt to be supportive when I agree but to be clear that when I disagree, when I think they are wrong, to stand up.

I take a back seat to no one in terms of my opposition to this administration's reckless conduct in Iraq. I have been consistent on that from the beginning. One of the concerns I had about this administration was their disdain for nation-building. You will recall the rhetoric of then Governor Bush.

But part of our obligation as Members of this chamber is to be supportive when we can. Because in the conduct of foreign policy, it would be nice if it did stop at the water's edge. I appreciate that the administration has changed its position on nation-building and has actually requested more assistance than it looks like this Congress is going to give them for foreign aid.

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When they were willing to work with us in water and sanitation, I embraced that. I think we should reinforce positive things that we can agree on. That is what the American public wants. I do not think we should be reflexive and negative.

The administration has raised a legitimate concern about flexibility, about being able to implement it, and these are consistent with Republican and Democratic administrations in the past in terms of not wanting sanctions to go on forever and wanting to have the flexibility to respond, not after 25 days of consultation according to very, narrow little channels, but to be able to act responsibly to practice diplomacy.

The history of this House of Representatives is not very illustrious when it comes to many of these questions. Congress has sort of flitted around and has been subjected to the pressures of the moment and has not always been a constructive ally.

As we know, this House passed a draft by only one vote immediately before World War II. Lots of simple, commonsense straight-ahead solutions that we have been involved with have not always been the best and most carefully crafted.

I come forward not being a fan of this administration in many areas, in many areas, but in this one, as I listen to them, as I look at the requested flexibility, as I look at independent experts, as I hear from religious leaders back home and the National Conference of Catholic Bishops, I see a wide range of people that support the concerns that the administration share with us.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. LANTOS. I appreciate my good friend yielding, and allow me to point out the fatal flaw in your logic. We are not discussing the fact that some of us occasionally support the administration, and you just expressed great delight that on this issue you find yourself on the side of the administration.

The issue logically is flexibility. The people who have criticized this administration most vigorously over the years have claimed that the administration is riding roughshod over the Congress, not asking for more flexibility. This is a spurious argument. This is a phony argument. This administration, as do all administrations, wants flexibility. They do not want congressional restraints.

Our legislation provides for restraints because we are a co-equal branch of government, and we wish to express the policies that we want to see our government pursue.

To claim that on this issue the administration should have total flexibility is contrary to the interests of the Congress as a body.

Mr. BLUMENAUER. Mr. Speaker, to respond to my distinguished colleague, nowhere here have I said I want the administration to have unrestrained flexibility. Not once. And I am not expressing delight that we are on the same side.

What I said was when I find I am in agreement, I look forward to ways to work with them. When I see them move in directions I wish they had done with Afghanistan and Iraq, for heaven's sake, I am going to move in this direction with the stakes so high. With all due respect, it is not a question of giving unlimited flexibility to the administration. I have never said that, am not interested in it.

There is a framework here in terms of the sanctions that we are talking about, things like extending beyond the narrow definition of health to deal with humanitarian assistance and environmental cleanup. There are a whole host of things that could have been dealt with here in the ambit of this legislation.

I share with my good friend an interest in having this administration be more accountable to Congress and come forward and answer our questions. I would like oversight about what is going on in Iraq and what is going on in Afghanistan. Heaven knows I would.

But that does not mean that we ought to have unnecessarily restrictive and burdensome activities that are going to work against what I think are the interests of the Israeli people, the Palestinians and citizens of the United States.

Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time, and I include for the RECORD a statement by Americans for Peace Now relative to H.R. 4681 and also a statement by Brit Tzedek v'Shalom, the Jewish Alliance for Justice and Peace.

[From Americans for Peace Now]

H.R. 4681: GRANDSTANDING ABOUT PALESTINIANS, AT THE EXPENSE OF U.S. AND ISRAELI INTERESTS.

Tomorrow the House is expected to suspend the rules and take up H.R. 4681, the "Palestinian Anti-Terrorism Act of 2006." This legislation would impose sweeping sanctions against the Palestinians in response to the victory of Hamas In the January Palestinian legislative elections.

Hamas' victory in the elections for the Palestinian Legislative Council (PLC) was regrettable. It is imperative that the international community (including the U.S.) make a concerted and coordinated effort to pressure Hamas. However, H.R. 4681 represents a case of Congress using a blunt instrument where a surgical tool is needed. In doing so, the bill risks undercutting such efforts, harming U.S. national security, and undermining those Palestinian officials and activists who recognize Israel, reject terror, and support a two-state solution to the Israeli-Palestinian conflict.

This legislation is fundamentally flawed and deserves to be rejected by the House. APN urges Members—including those who have cosponsored and/or plan to vote for the measure—to speak out on the House floor and submit statements for the record drawing attention to the many serious problems with H.R. 4681.

APN talking points on H.R. 4681:

H.R. 4681 unnecessarily risks U.S. national security. The U.S. can maintain a tough line against Hamas without compromising our own national security or unreasonably tying the President's hand in the conduct of foreign policy. Rejecting terrorism is not incompatible with ensuring that U.S. national security interests remain the primary concern of U.S. foreign policy.

H.R. 4681, however, irresponsibly and unnecessarily subjugates U.S. national security interests to political grandstanding. It does so by eliminating the President's authority to waive sanctions in the interests of U.S. national security—a waiver that is a standard component of virtually all U.S. sanctions legislation. This waiver, which has only rarely been invoked, represents minimal flexibility for the President to waive sanctions on assistance when U.S. national security interests are at stake. It is unfathomable that Congress would decide that, in the wake of the Hamas election, the President no longer needs or can be trusted with such authority. Indeed, it is not difficult to imagine scenarios under which U.S. national security might clearly call for direct, quick assistance—for instance, following new Palestinian elections or in the wake of a natural disaster. Moreover, the Bush Administration has already put in place tough new restrictions on aid to the Palestinians, clearly indicating the uncompromising stance this Administration is taking in response to the Hamas victory. APN urges Congress to demand that a real national security waiver be added to this bill, enabling the President to waive the various sanctions if he deems it to be in the national security interests of the U.S. to do so.

H.R. 4681 risks undermining Palestinian moderates and strengthening extremists. In response to the Hamas victory, we should seek to strengthen those Palestinians who reject violence, recognize Israel, and support a two-state solution. In doing so, we put pressure on Hamas to reform, and we strengthen those Palestinians who, we hope, will replace Hamas if it fails to reform.

H.R. 4681, however, undermines these positions and the Palestinians who hold them, by providing no political horizon for an alternative leadership to strive to reach. Under this bill, the PA—even if replaced by more welcome leadership—will likely be unable to meet the reform requirements in the short- or medium-term, especially outside the context of progress towards a peace agreement. Thus, even if new elections were held and won by a different party, all sanctions would remain in place until the other reform requirements had been met. APN urges Congress to demand that a "sunset clause" be added to H.R. 4681, providing a political horizon for moderate, reasonable Palestinian political leaders and activists, and sending a signal of real support and hope to the Palestinian people. [A sunset clause is like an "expiration date" for legislation, stipulating a date or event after which Congress will either let the legislation lapse, renew the legislation, or amend it in some way.]

H.R. 4681 loses sight of the real priorities. H.R. 4681 seeks to precondition U.S. relations with the PA—and impose sweeping sanctions—based on the demand that the PA meet a list of requirements that include wide-ranging reforms unrelated to the election of Hamas. Important as these reforms may be, neither the U.S. nor Israel has ever considered them a prerequisite for engaging with the PA (or, for that matter, the PLO, Jordan, or Egypt, in the context of their agreements with Israel). Adding these reforms as preconditions for engagement loses sight of real priorities—like saving lives—and undermines the incentive for the most critical demands to be taken seriously. For example, under this bill, if Hamas renounced terror, changed its charter, acted decisively against other terrorist organizations, disarmed its own militants, and recognized Israel, but had not yet made substantial progress toward replacing all textbooks with "materials to promote tolerance, peace, and coexistence with Israel," all sanctions would remain in place. APN urges Congress to reject preconditioning U.S. relations with the Palestinians on requirements that are unrelated to the specific issues raised by the Hamas election; rather, Congress should set focused, meaningful performance benchmarks.

H.R. 4681 loses sight of U.S. strategic interests. A serious response to the Palestinian elections should clearly target Hamas and its control of the Palestinian Authority. Effective sanctions should clearly differentiate such targets from, for example, elected members of the Palestinian Legislative Council (PLC) who are not affiliated with Hamas or any other terrorist organization—political leaders and activists who, running on platforms that included rejection of terror, recognition of Israel, and support for a two-state solution, beat Hamas candidates in the January election.

However, H.R. 4681 not only fails to distinguish between Hamas and the PA, and the non-Hamas members of the PLC, it explicitly defines the PA as including the entire PLC—extending sanctions to longtime supporters of peace with Israel (like PLC member Salam Fayyad). Moreover, the bill includes extraneous sanctions that, while ostensibly aimed at Hamas, will in fact have zero impact on Hamas, but only serve to punish Palestinians who recognize Israel and reject terror, and make it difficult or impossible for the U.S. to talk to them. These include restrictions on visas (Hamas members are already barred by law from obtaining visas), limits on freedom of movement for officials of the PLO in the U.S. and sanctions on PLO representation in the United States (Hamas is not a member of the PLO a group that recognizes and has signed agreements with Israel), and an entirely superfluous attack on the United Nations that does not even make the pretense of having anything to do with Hamas. In the interests of U.S. national security, including our concern for Israeli security, it is vital to open the door for dialogue and engagement with alternative leaders and representatives of the Palestinians. APN urges Congress to reject provisions of this bill that will have no real impact on Hamas—except, perversely, to strengthen them while undermining moderate Palestinian political leaders and activists, and making it more difficult for the U.S. to engage with alternatives to a Hamas-led government, like President Mahmoud Abbas or the PLO.

APN urges Congress to reject this bill's misguided effort to attack the UN, especially at a time when Israel is asking the UN to play a greater role in providing services to the Palestinians. This attack has nothing to do with the Hamas election or UN activities in the West Bank and Gaza, and instead risks sending the message that the real goal of this bill is to assail Palestinians in every possible forum. APN is the premier Jewish, Zionist organization working to enhance Israel's security through peace. APN believes that strong U.S. leadership is the best hope for reducing Israeli-Palestinian violence and bringing about a political process that can eventually pave the way for security and peace for Israelis and Palestinians.

Brit Tzedek v'Shalom—Jewish Alliance for Justice and Peace

Brit Tzedek v'Shalom urges representatives to vote no on H.R. 4681. Brit Tzedek v'Shalom, the Jewish Alliance for Justice and Peace, is the nation's largest Jewish grassroots peace organization with a network of over 34,000 supporters who are committed to Israel's well-being through a negotiated two-state resolution of the Israeli-Palestinian conflict.

H.R. 4681, the Palestinian Anti-Terrorism Act of 2006, fails to serve the long-term interests of either the United States or Israel. Despite improvements over the original version, H.R. 4681 weakens moderate pro-peace Palestinians and emboldens extremists, ties the President's hands in dealing with emergency security crises, and drastically cuts critical US assistance to the Palestinian people. While there is international consensus that Ramas must renounce terrorism, recognize Israel, and abide by all previous agreements, this legislation goes well beyond those demands and undermines the U.S. role in bringing Israelis and Palestinians back to the negotiating table towards the end of achieving a two-state resolution of the conflict.

Specifically, H.R. 4681: Obstructs a return to negotiations. H.R. 4681 requires an impossible-to-achieve Presidential certification, composed of an overly extensive number of requirements, in order to bypass the bill's many sanctions. This standard of certification goes well beyond the Quartet's demands, setting unprecedented preconditions for U.S. engagement with the Palestinians. Because these demands are unachievable in the near term or outside the context of a peace process, they prevent a return to negotiations and provide little incentive for Hamas to moderate its stance towards Israel.

Without the Presidential certification, whose requirements as noted above are nearly impossible to meet, this bill prohibits all direct aid to the Palestinian Authority (PA), with the small exception of a very limited Presidential waiver for funds to support independent elections and the peace process. Current law already forbids direct U.S. funding to the PA but allows the President much broader discretion in waiving this prohibition in the interests of national security. Limiting this waiver undercuts the Administration's ability to offer the PA incentives in addition to sanctions or to respond to unexpected security or humanitarian crises.

At a time when the UN is reporting an impending humanitarian disaster in the West Bank and Gaza, H.R. 4681 restricts U.S. assistance to the Palestinian people delivered through non-governmental organizations (NGOs). While the bill makes a small exemption for "basic human health needs," it still creates onerous pre-notification requirements for all other NGO assistance to the Palestinian people. These NGOs address pressing humanitarian needs and help develop Palestinian civil society. A humanitarian crisis in the Palestinian territories will only increase support for extremism, thereby endangering Israel and further destabilizing the region.

H.R. 4681 restricts US diplomatic relations by prohibiting visas and travel (with limited waivers) for all members of the PA and the PLO regardless of whether or not they have connections to Hamas. In this respect, the bill prevents the US from fully engaging and bolstering moderate Palestinian leaders, such as President Mahmoud Abbas, who recognize and support peace with Israel. Existing US law already forbids members of Hamas and other foreign terrorist organizations from obtaining visas or having diplomatic relations with the United States.

As American Jews, we share profound dismay at the election of Hamas to the Palestinian Authority. Yet in this challenging hour, we urge you to maintain a cautious approach to the new Palestinian government, so as to preserve the future possibility of bringing Israelis and Palestinians back to the negotiating table—which is the only path to achieve true peace and security for both peoples.

Vote No on H.R. 4681.

Mr. KUCINICH. I want to extend my condolences to the family of our colleague Mr. CANTOR and also thank Ms. ROS-LEHTINEN for her leadership and her commitment to attempting to create peace, as well as to speak directly to my dear friend, Mr. LANTOS.

I think it is fair to say Israel has no greater champion in the Congress, and the American people have no greater champion for human rights than Mr. LANTOS. His escape from the Holocaust is a story worthy of being taught in all of our schools.

I am here to ask: Is the past prologue? Is war and violence inevitable, or do we have the ability to create a new future where nonviolence, peace and reconciliation are possible through the work of our own hearts and hands?

I would not take issue with my friend Mr. LANTOS' informed experience, and I join him in defense of Israel's right to survive. Mr. LANTOS is my brother. The Israelis are our brothers and sisters. The Palestinians are our brothers and sisters. When our brothers and sisters are in conflict, when violence engulfs them, it is our responsibility to help our brothers and sisters end the violence, reconcile and fulfill the biblical injunction to turn hate to love, to beat swords into plowshares and spears into pruning hooks.

These are universal principles that speak to the triumph of hope over fear. We must call upon Hamas to renounce terror. We must call upon Hamas to disavow any intention for the destruction of Israel.

This ought to be a principle of negotiation with Hamas, not separation from the aspirations of the Palestinian people to survive.

I think we can speed the cause of peace by calling upon Israel to accept the Palestinians' right to self-determination and economic survival and humanitarian relief, for food, medical care, for jobs.

I ask, how can we arrive at a two-state solution if we attempt to destroy one people's government's ability to provide? A two-state solution, I believe, can be achieved with our mutual, thoughtful patience and support.

At a time when the U.N. is reporting a pending humanitarian disaster in the West Bank and Gaza, I believe this legislation would restrict U.S. assistance to the Palestinian people delivered through nongovernmental organizations. We know that, today, up to 80 percent of all Palestinians, particularly in parts of the Gaza strip, live at or below the poverty line. Unemployment stands at 53 percent of the total workforce.

Just as I join my good friends on both sides of the aisle in speaking out against violence against Israel, I object in the strongest terms to any measure that will increase the humanitarian crisis of the Palestinian people. It is true that the recent Palestinian legislative elections have created a tense situation in the international community. It is a situation that demands thoughtful and deliberate action in pursuit of peace. Despite the best intentions of those who wrote this legislation, I do not believe this legislation will advance peace between the Palestinian and the Israeli people.

There are people in this Congress of goodwill and good intention who want to see both the Palestinian people and the Israeli people survive. Let us continue to work towards that end.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 10 minutes to the gentleman from New York (Mr. ACKERMAN), my good friend and a distinguished senior member of the Committee on International Relations.

Mr. ACKERMAN. Mr. Speaker, I want to thank Ms. ROS-LEHTINEN and the chairman of the subcommittee for bringing this measure to the floor.

As for Mr. LANTOS, the distinguished ranking member, I have to say I absolutely marvel at his eloquence in the opening statement that he made.

The very fact that he is, is important. The very fact that he is and is here is proof positive that if people of goodwill are determined to stand up to the forces of evil, that the forces of good can win out, and not unless that happens.

And those forces of evil, whether they be called the Nazi Party or the Hamas Party, each of which came to power in uncontested democratic elections, each of which have in common the destruction of an entire people and were uncompromising in their attitude, in their philosophy, in their belief; how do we compromise with the notion of administrations and evil forces whose goal is the destruction of another people? Where do you begin to compromise unless they denounce those goals, which has not happened in either case?

Mr. Speaker, with 295 cosponsors of this bill, there is not really much of a question about how the House is going to act. The bill will pass overwhelmingly. The only question is how many Members will be lured into opposition to this measure by good intentions, false claims and by shrill prophecies of doom.

A "no" vote on this bill will not benefit the Palestinian people. Read the bill. The bill already allows humanitarian aid to flow under congressional scrutiny. And with the President's judgment, it can continue to go to nongovernmental groups.

A "no" vote will not benefit Palestinian President Mahmoud Abbas. The bill already creates a clear opening to keep him relevant and involved to becoming a channel for pursuing peace.

A "no" vote will not support the peace camp in Israel. Israelis just went to the polls and put Prime Minister Olmert into power with a government that strongly supports congressional efforts to sanction and block assistance to the Hamas-led Palestinian Authority.

☐ 2100

I sat here in amazement as my good friend from Illinois (Mr. LAHOOD) said things that were absolutely unbelievable. The politician people, what do they have to do with Hamas? Duh. They elected them.

Elections have consequences. People have to live with that. They can't elect a terrorist government whose purpose is to destroy another people and then say they have nothing to do with it.

That makes no sense at all. A "no" vote will not impress our allies in the Quartet either. The United States and other members of the Quartet remain in lock-step in rejecting any funding for the Hamas-led PA and are working, as this bill does, to find alternative approaches to assist the Palestinian people, and that is who we intend to help.

For someone to say that the Prime Minister of Israel is going to walk down this aisle, and if he had a voting card would vote for Hamas is an absurdity. It defies the imagination.

It is one of the many things that opponents of this legislation carefully, carefully constructed, have been saying mischaracterizing this bill. If you think that the Prime Minister of Israel would vote to give aid to Hamas, then you must be on another planet, and you should vote "no."

A "no" vote will do only one thing. It will give hope to the terrorist Hamas. It will give them hope that the wall of opposition in the West is cracking. It will give them hope that their embrace of terrorism will not have to be abandoned in order to govern. It will give them hope that support for Israel is not as strong as it seems. It will give them hope that with tenacity and will their terrorist objectives will succeed.

No Member of this House wants to send that message. No Member of this House supports Hamas. But make no mistake. A "no" vote will be used again and again to show that the path of Hamas is correct and that compromise will come only from the West, and there is no price to be paid by those who espouse terrorism. We cannot afford to send that message, even in the smallest, most unintentional way.

Let us recall for a moment just what the international community has demanded of Hamas, three words. All Hamas has to do is to say three words: Israel, peace and agreement. Israel, Hamas has to accept the existence, just the existence, of a U.N. member state.

Peace, that there has to be two states for two people and that they will live side by side in peace and agreement. Hamas has to accept the resolution of the conflict, which will only be achieved by peaceful means and that agreement will be honored.

This is not a difficult list, three words. Hamas could win the international community over. Hundreds of millions of dollars would begin to flow to the Palestinian people. Salaries could be made, projects could be started, roads could be built, schools could be constructed. Before you say no, those few people in the House who will, ask yourself why they will not say those three words. Why won't they?

The answer is that Hamas thinks that their religion forbids it. They believe that they are engaged in a holy war that can only be resolved with the destruction of Israel and the Jewish people and to put their population in exile or subjugation.

There can be no compromise, according to them, of their view. Cease-fires, temporary borders, negotiations for Hamas or just way stations on their path to the ultimate destruction of Israel and the Jewish people. They will not waiver, and we must not waiver.

Hamas has made clear again and again that they will not be held answerable for the hundreds of innocent civilians they slaughtered with bombs. They will not be held accountable for their overt racism and vile anti-Semitic bigotry. They will not be punished for all the times they shatter the fragile peace or destroy a nascent trust.

All they have to do is say those three words. A "no" vote tells them they don't have to. A "no" vote says hold fast. A "no" vote reassures them that they will not have to say Israel, peace and agreement.

Until they do, we must assure that they bear the full brunt of responsibility forever the condition of the Palestinian people. Not a humanitarian crisis, but a firm sanction of the United States against the government born of terror, bred on violence, and bound for ruin. Contrary to this leading report, this bill absolutely cannot and will not be used to deny humanitarian aid.

The bill will not allow, with proper oversight, the Presidential confirmation that it serves our national security interest, continued assistance through properly screened and audited nongovernmental organizations. The bill provides a clear channel for President Mahmoud Abbas to show our continued appreciation for his vocal support for the peaceful two-state solution. This bill constitutes a carefully crafted balance.

Some wanted it stronger; others wanted it more flexible. But the bill is strong enough to prevent American money from subsidizing a government run by terrorists and flexible enough to allow the administration to engage with Palestinians who are willing to seek peace.

Members will have a choice. Let the perfect be the enemy of the good, and in doing so undermine the peace they seek, or stand firm against doing business as usual with a governing entity controlled by a terrorist organization.

I know some Members are conflicted. There have been mixed signals, even misleading information about this legislation. I want to be perfectly clear. The pro-Israel vote is "yes." The pro-Palestinian vote is "yes." The pro-peace vote is "yes." The pro-engagement vote is "yes." I thank the House for their attention.

Mr. BLUMENAUER. Madam Speaker, as I yield the gentleman from New York 4 minutes, I would give myself 30 seconds to make two observations.

One, there will be no aid to Hamas, whether this bill passes or not. It is against United States law to give assistance to a terrorist organization.

Second, I would reference the exact language of the word where the exemption is assistance to meet basic human health needs, not broad humanitarian. The language of the bill is actually quite clear.

Madam Speaker, I yield to my friend, Mr. HINCHEY, for 4 minutes.

Mr. HINCHEY. Madam Speaker, I want to express my appreciation to the gentleman from Oregon for yielding me this time.

I also want to express my admiration, respect and affection for the gentleman from California, who is the sponsor of this legislation. But I do disagree with him on the effects that this legislation would have.

I am a strong supporter of the State of Israel. As such, I believe it is important to maintain independent and principled positions on Middle East issues. I believe that that requires a "no" vote on resolution 4681.

Hamas' victory in the elections for the Palestinian legislative council was indeed regrettable, and Hamas government's failure to condemn, much less take steps to prevent acts of terrorism is abhorrent. It is appropriate that the international community, including, of course, the United States, make a concerted and coordinated effort to pressure Hamas.

However, H.R. 4681 risks undermining such efforts, harming United States national security and undermining those Palestinian officials and activists who do recognize Israel, who do reject terror, and who do support a two-state solution to the Israeli-Palestinian conflict.

H.R. 4681 subjugates U.S. national security interests to political grandstanding. It does so by eliminating the President's authority to waive sanctions in the interests of United States national security, a waiver that is a standard component of virtually all U.S. sanctions legislation.

H.R. 4681 risks undermining Palestinian moderates and strengthening extremists by providing no political horizon that an alternate Palestinian leadership can strive to reach.

H.R. 4681 preconditions U.S. relations with the Palestinian Authority and imposes sanctions based on criteria that are unrelated to the issues raised by the Hamas elections, and 4681 makes it more difficult for the United States to engage with alternatives to a Hamas-led government like President Mahmoud Abbas or the PLO. This proposal, unfortunately, is itself extreme, and as such, I believe, would do no good.

Rather, it will strengthen the position of extremists and increase the violence and destruction which has become more prevalent as the result of the expression and implementation of policies such as those contained in H.R. 4681.

I believe that we should defeat this proposed legislation and instead focus on something that would be more productive to achieve the kinds of solutions that we need to the problems that exist in the Middle East.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, Hamas' political victory in the January election presented an opportunity for this Islamic jihadist group to lay down its arms, to renounce terrorism, to recognize the State of Israel, and to dismantle its militant infrastructure, to become an entity that could lead the Palestinian people to peace, to prosperity, to security with the Jewish nation.

But, unfortunately, much like its predecessor, who never missed an opportunity to miss an opportunity, Hamas has instead continued its violence, has aligned itself with pariah states and with state sponsors of terrorism that seek to extend their extremist, hateful ideology throughout the region and, indeed, throughout the world. Hamas has chosen to dedicate its resources and its energy to supporting continued terrorist attacks against Israel rather than to helping the Palestinian people.

It is its choice, so Hamas can spend its money on suicide and homicide attacks; but it is up to the United States to support and provide for the needs of the Palestinian people. It is our responsibility, instead of Hamas'.

Previous speakers in opposition to the bill have said, Madam Speaker, that this bill will deny chemotherapy to cancer victims. It is preposterous; it does not. That it would hurt the common Palestinian citizen. No, it does not. That it would undermine the Palestinian reformers by denying democracy. No, quite the opposite. That it has unbearable roadblocks to nongovernment organizations to provide assistance to the Palestinian people. Absolutely not.

The bill requirements are to ensure that humanitarian aid goes to the intended recipients for the intended purposes, oversight. The United States must make it unambiguously clear that we will not support such a terrorist regime, that we will not directly or indirectly allow American taxpayer funds to be used to perpetuate the leadership of an Islamic jihadist group that is responsible for the murder of hundreds and the wounding of scores of innocent Israeli civilians, of U.S. citizens and other foreigners throughout the years.

It has been almost 4 months, Madam Speaker, since this Islamic jihadist extremist won a majority of seats in the Palestinian parliamentary elections. We have made our conditions clear, but Hamas' commitment to bloodshed has remained unabated.

□ 2115

Hamas' leaders have expressed their support for rockets being launched from Gaza into Israel, and stated that the recent attack, a bombing that killed nine innocent people and wounded 60 at a Tel Aviv restaurant, was "justified." Their words, not mine.

Since the elections, the leaders of Hamas have officially expressed their refusal to change a single word in its charter. Their hate-filled covenant is Hamas' most valued document. It focuses on killing Jews and destroying Israel.

I would like to read some of the words that are included in the charter of Hamas and that accurately depict the group's violent views: "The time of Muslim unity will not come until Muslims will fight the Jews and kill them; until the Jews hide behind rocks and trees, which will cry, 'O Muslims, there is a Jew behind me. Come on and kill him.'"

The Islamic extremists running the Palestinian Authority have made it very clear, crystal clear, that they do not intend to moderate their vicious views nor seek a peace agreement with Israel. They may speak of a long-term cease-fire, but this is only a temporary means to regroup and rearm for yet more terrorism.

A two-state solution envisioned and proposed by the Quartet is not part of Hamas' agenda, because it runs contrary to the core principles of this terror group that says, "The land of Palestine from the river to the sea is considered an Islamic endowment, and no Muslim has the right to cede any part of it."

So our actions here tonight and the vote tomorrow must be clear and it must be firm. We must work toward eradicating such Islamist jihadist hatred and the extremist ideology that feeds it, or we will compromise our own immediate as well as long-term security interests and the stability and the security of our allies in the region.

In an effort to promote U.S. national security and foreign policy priorities and to help ensure that U.S. taxpayer dollars do not reach the hands of Hamas and other Palestinian terror groups, I introduced, with my good friend the ranking member of the House International Relations Committee, Mr. TOM LANTOS, this bill that is before us tonight, Madam Speaker. It has 295 cosponsors, and it opposes the provision of assistance or political recognition to any entity under the tutelage of a terrorist organization such as Hamas.

This bill does prohibit direct assistance to the Palestinian Authority, but it has exceptions, and we have talked about them. Many of the people who have spoken here tonight want to overlook those exceptions. It does seek to prohibit travel to the United States by members or associates of terrorist entities, it provides for the United States to withhold contributions to the United Nations proportional to the amounts the United Nations provides to these duplicative Palestinian-related entities that are directly tied to the Palestinian Authority, and it calls for the Palestinian Authority to be designated as a terrorist sanctuary under the 9/11 bill.

But it is not just about what is right for the U.S. in terms of our priorities and our allies, Madam Speaker. It also is about honoring the memory of all who have died at the hands of Hamas and other Palestinian jihadist groups.

That is why tonight we have spoken about and we have given our condolences to our good friend from Virginia, Mr. CANTOR, whose 16-year-old cousin, Daniel Wultz from South Florida, close to my congressional district, died 2 weeks ago after suffering these fatal injuries caused by an April 17 suicide bombing in Tel Aviv while he was having lunch with his father. Daniel fought courageously for 27 days for his life, but the injuries were far too severe.

Our thoughts and our prayers go not just to Daniel, but also to all who have lost family members and friends to Hamas and other jihadist groups, and the list is, unfortunately, too long for us to mention all of their names. We want to pass this legislation to help ensure that we in Congress have done everything possible to prevent another Daniel Wultz from dying at the hands of these extremists.

Madam Speaker, I ask my colleagues to render their full support to this legislation.

Madam Speaker, I yield 8 minutes to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mrs. DRAKE). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. BLUMENAUER. Madam Speaker, I yield 6 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam Speaker, I would like to thank the gentleman from Oregon, Mr. BLUMENAUER, for yielding me this time, and to thank Ms. ROS-LEHTINEN, a staunch supporter of human rights, for coauthoring this legislation with our dear, dear and respected colleague from the State of California, Congressman TOM LANTOS, who is the once and future chair of this committee, I am sure, some day, and to say, as many others have stated this evening, we respect your life. Many of us love you and love your family.

Perhaps some of us have a deeper understanding of some of the tribulation that you have faced in your own life because our families have faced the same. We had relatives in what is now the nation of Ukraine, but in the Soviet Union, our uncles, who were sent to the gulag for over 20 years by Joseph Stalin. One died and one survived, miraculously, after 20 bitter years. So I think our family shares a deep personal understanding of what despotism and terror is.

I rise this evening because I have to say that this act, the Palestinian Anti-Terrorism Act, I fear will result not in less terrorism, but in more. I do not really believe it is in the interest of the United States, of Israel or the world to further radicalize elements in the Palestinian population, and I do believe this bill will do exactly that.

It is not in the interest of the government of the United States nor Israel nor the world to make it impossible for Palestinians to become more educated and to learn how to govern an emerging nation. Indeed, if our current policies as a world were so intelligent, they would not have yielded a Hamas to the point where it actually won an election and other elements of Palestinian society were so crippled and so inept and so disorganized that they were not able to govern in a way that an emerging nation state would.

I have asked myself during the gruesome Soviet period, what glimmers did we have, what connections did we have, what elements were we able to nurture that even provided a road forward?

I think of our family's East European heritage in Poland and enduring the most repressive times in Poland. This country found a way to support a nongovernmental organization in the form of Solidarity, and there were church groups working and there were other groups that provided just small glimmers of light.

I remember a dear, dear friend, Reverend Martin Hernati born in the homeland of Congressman LANTOS, who said to me, "MARCY, I am walking through a tunnel. It is very dark in the tunnel and I see no light at the end of the tunnel, but I must keep walking."

I remember Cardinal Mindszenty in the nation of Hungary, locked up in the U.S. embassy for many years, as a single man, a single individual, as a symbol to the West.

I thought about the "Refuseniks" in the Soviet Union, how we connected with them, helping them to publish their works, helping to hear a voice from inside a closed society, and I asked myself, in this situation, what are the parallels? What are the parallels?

In this bill, no one wants to support Hamas. All we are asking for is the right to amend this bill to find other non-governmental groups that we can help to support, to help educate, to help inform, to help teach, in the hope, even though we are all walking through the tunnel and we see no light at the end of the tunnel, that we give the ordinary person, the moderate, and there are some moderates, some hope, some ability to connect.

I read from the statement of the U.S. Conference of Catholic Bishops, who say in opposition to the current form of this bill, "A further deterioration of the humanitarian and economic situation of the Palestinian people compromises human dignity and serves the long-term interests neither of Palestinians nor of Israelis who long for a just peace.

"Non-governmental organizations have a long history of helping the world's most vulnerable people. Their humanitarian role should be respected. While this work is not easy," and surely the gentleman from California knows it is not easy, surely the gentlelady from Florida knows it is not easy, "it is essential. It deserves Congress' continued support."

I would hope that with the Prime Minister of Israel coming here this week, that we would have a proposal that would take the Quartet and actually somehow have discussions, even a resolution, to try to restart the failed peace process between Israel and the Palestinian Authority. Wouldn't that be a great moment? Wouldn't it be worth being here and serving here? We need resolutions that will not radicalize, that will not divide, that will make peace possible.

Mr. LANTOS. Madam Speaker, before yielding, I want to thank my good friend from Ohio, Ms. KAPTUR, for her thoughtful and very serious comments, as I want to express my appreciation to all of my colleagues who have spoken against this resolution.

Madam Speaker, I am very pleased to yield 5 minutes to my good friend the gentleman from New York (Mr. ENGEL), the distinguished senior member of the International Relations Committee.

Mr. ENGEL. Madam Speaker, I thank my colleague for yielding to me, and I would say that all the compliments that have been heaped upon him and Ms. ROS-LEHTINEN during this debate are certainly well-deserved.

Madam Speaker, some of our colleagues here who say they are voting "no" also tell us that they are good friends of Israel. Well, to Israel, I would say that with friends like that, she certainly doesn't need any enemies.

Israel and the civilized world and the United States do have enemies. The enemy is called terrorism. And in the Middle East, terrorism has another name. It is called Hamas.

We have to deal with things, Madam Speaker, as they are, not as what we wish them to be. The Palestinians elected a terrorist organization, Hamas, to run their government and be their leaders. We are told by people who oppose this bill, oh, the poor Palestinian people. This legislation hurts the poor Palestinian people.

Well, let me tell you what hurts the poor Palestinian people: The government they elected, Hamas. That is what hurts the Palestinian people.

This bill has been called inflexible and stringent and other such nonsense. Not true at all. And I am proud to be an original cosponsor of this bill. This bill is flexible. Humanitarian aid is allowed. Some of us have some questions about that, quite frankly, because money is fungible and can be moved around, and we don't want money that is being given under the guise of humanitarian aid to be transferred and used for other things, and we know Hamas is capable of doing that.

We are told by some of the opponents that the bill has consequences. Sure it does. Elections have consequences. Nobody denies that the Palestinian people went to the polls and voted for Hamas. But when you vote for someone, there are consequences, and this is the consequence of electing a terrorist organization as your leadership.

□ 2130

Now we are asking Hamas to do three things, it has been said many times here before. I want to repeat them. Three things. They have to say that they are opposed to terror, that they are ending their support for terror.

They have to recognize Israel's right to exist. They have to recognize previous agreements that were signed by previous Palestinian governments. What is so difficult about that? How can we ask Israel to sit and negotiate with a group that does not recognize their right to exist, with a group that wants to destroy them and kill them, and have another Holocaust? This is nonsense.

All this bill does is simply say that we will be cutting off aid to Hamas. And for my colleagues who say that the administration does not want it now, we should not do it because the administration does not want it, Ms. ROS-LEHTINEN and I were sponsors of the Syria Accountability Act.

The administration at first opposed it. Do you know why? Administrations always oppose bills like that because administrations do not think that Congress should play any role in the conducting of foreign policy.

Well, we do. We are here. We have a right to pass laws that express the desires of this Congress and the desires of the American people. So it is nonsense to say that the administration opposes it and therefore we should go along. The administration opposed the Syria Accountability Act, and ultimately we persuaded it to go along and support the bill.

This bill passed, as was pointed out, in the International Relations Committee 36–2. I was proud to be one of those 36 people. And I think that tomorrow this bill will pass overwhelmingly. This Congress has got to send a strong message that it opposes terror. It opposes terror whether it is Hamas, it opposes terror whether it is al-Qaeda, it opposes terror whether it is Hezbollah. All terrorist groups must be opposed. That is what this legislation does. That is what this legislation says.

The United States and Israel are strong allies in the fight against terror, and this legislation will go a long way in saying to Hamas, we will not do anything with you or help you in any way as long as you do not renounce terror.

Mr. LANTOS. Madam Speaker, I yield to the gentlewoman from Nevada (Ms. BERKLEY) 5¾ minutes.

Ms. BERKLEY. Madam Speaker, I want to also express my gratitude to Ms. ROS-LEHTINEN, my very dear friend on the other side of the aisle, and of course my very special friend and mentor, Mr. LANTOS. His eloquence was almost matched today by Mr. ACKERMAN and Mr. ENGEL. They did a remarkable job. And I do not believe I can equal theirs, but I would like to speak on behalf of this piece of legislation.

Madam Speaker, I rise in strong support of this bill and I am hoping for its immediate passage. Like some of my colleagues, I also want to express my sincerest sympathy to my colleague and good friend on the other side of the aisle, Mr. CANTOR, for the unnecessary loss of his 16-year-old cousin, Daniel. I am heartsick about that, and did not know until this evening that he had died.

This bill, Madam Speaker, is not about punishing the Palestinian people. This bill is about reasonable demands for United States assistance. There are three requirements on the Hamas-led PA to receive and to continue to receive financial aid from the United States.

You must recognize Israel's right to exist. They must denounce and combat terrorism, and they must accept the roadmap and other past agreements. These are the three simple requirements that must be met in order to receive continued financial aid from the United States.

The problem the Palestinians have, as I have said so many times before is not money, the problem has been and continues to be a complete failure of leadership.

If one was tuning in tonight and listened to some of my colleagues, they would think that the United States has been rather stingy with the Palestinians. But I would like to enlighten those that do not know, that since the 1993 Oslo Accord, the United States has given more than $1.8 billion to the Palestinians. In that same time we have given over $130 million directly to the Palestinian Authority.

After decades of aid and billions of dollars, it boggles my mind that there is no economic self-sufficiency and no improvement to the quality of life for the Palestinian people. Why is this? Because the desperation of the Palestinian people is not about money, it is about the Palestinian Authority failing to do what any responsible government would have done with several billion dollars, provide security for its people, build infrastructure, improve health care, provide economic opportunities, improve education and move their people into the 21st century.

The money is not going to housing. Palestinians continue to live in wretched conditions in refugee camps with corrugated roofs in dilapidated ramshackle huts. The money is not going to schools. If it was, the Palestinian children would be sitting in classrooms being trained as the next generation of doctors and engineers who would lead their people in the 21st century.

The money is not going to security. Rather than imposing security, the Palestinian Authority forces first attacked the Israelis, now they are attacking each other as Gaza is close to civil war.

The Palestinian Authority under Fattah was corrupt and morally bankrupt. Is there any wonder that the Palestinian people turned to Hamas, the most dangerous terrorist organization operating today, to have their basic needs met?

Year after year, we have given hundreds of millions of dollars to the Palestinians despite no accountability, no modern financial controls, no transparency, and no actual knowledge of where our tax dollars are going, and the continued attacks on innocent Israeli women and children.

I am an original cosponsor of this legislation. However, it is substantially weaker than the one that I originally authored. In my opinion, we should be eliminating all aid to the Palestinian Authority, not granting the administration broad-based exemptions to continue to fund this regime.

The legislation grants direct aid to Abu Mazen for nonsecurity expenses. It also grants direct aid for his personal security detail. Abu Mazen is a powerless and ineffective leader. Since being elected president, he has had every opportunity to create peace with the Israelis and establish a Palestinian State.

When he had the power he would not or could not take the first step to disarm the terrorists and end the violence against Israel. Now he is the President of nothing. Why is the United States continuing to prop him up? Why are our tax dollars being used to support this guy in the first place?

This bill also grants a broad-based exemption for indirect aid through the NGOs within the West Bank and the Gaza. Why should Americans be forced to foot the bill when the PA is unable to provide us an accounting for literally billions of dollars that we have spent?

Madam Speaker, it is time for the Palestinian leadership and the Palestinian people to stop blaming Israel and the United States for their utter failure to provide for their own needs. Yassar Arafat stole millions of dollars from his own people.

If Hamas needs money to provide basic services for the Palestinian people, let them hunt down Yassar Arafat's widow and get the millions of dollars that her husband stole from his own people. The problem is a lack of leadership, a lack of vision, a lack of hope for the future, lack of civilized behavior, not a lack of money.

Until Hamas agrees to recognize Israel's right to exist, denouncing and combating terrorism and accepts the roadmap and other past agreements, not only should we not be giving one more dime, we should be asking for a refund from the Palestinian Authority.

Mr. BLUMENAUER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I prepare to conclude my presentation and yield back my time this evening, I truly have enjoyed the give and take that we have had this evening under the leadership of our subcommittee chair, Ms. ROS-LEHTINEN, the work that has been done by staff members on both sides of the aisle, the passion, the emotion, the concern, and the professionalism that we have witnessed.

I personally have appreciated it. I think it is a healthy give-and-take that we have had. I think it is an important debate. It is not the last word that we are going to enjoy. I would simply make a couple of points in closing. I continue to be concerned that we not talk past one another. There is going to be, under existing United States law, no aid for Hamas. It is illegal to give assistance to a terrorist organization. Hamas certainly is.

And they are not going to be entitled to aid regardless of what happens with this bill. I continue to be concerned that the language of the bill is not, as some of my friends who have spoken on the other side of the aisle refer to, talking about how humanitarian aid can go through. That is not what the bill says. It is health that is the automatic pass-through.

Education, as has been referenced, is not a part of the automatic exemption. This lack of flexibility is one of the reasons why this bill is opposed by Americans for Peace Now, the Israel Policy Forum, Brit Tzedek, Shalom, Churches for Middle East Peace, and the United States Conference of Catholic Bishops.

The bill sets permanent and inflexible limits on the United States's ability to be involved with Israel and Palestine, whether or not Hamas is in power. And that is a mistake. It goes far beyond dealing with the ramifications of January's elections, and Hamas's rise to power, essentially Palestinian moderates and institutions that have nothing to do with Hamas.

Most independent observers feel that that is counterproductive and it may well end up backfiring and actually providing further strength to the extremists. I listened to the delightful exchange between Mr. LANTOS and Mr. FRANK on the floor earlier. I always marvel watching two parliamentary masters go back and forth. I listened to Mr. FRANK's argument tying it back to earmarking. And it was a thoughtful and amazing argument.

But one of the concerns I have, given the nature of Hamas, and listening very carefully to Mr. FRANK's words, is they are going to claim credit any way they can for anything that happens, much as we see political processes generally do that.

It is important that in our desire to stop Hamas from either assistance or a foothold for claiming credit, that we are very surgical about what we do for the Palestinian people, and the ability to move forward with peace.

Madam Speaker, I think it is important for us to review the administration's concerns. They have stated that they feel it is unnecessary, as the executive branch already has ample authority to impose all its restrictions. It does constrain the executive's ability in the flexibility to use sanctions as appropriate to address rapidly changing circumstances, which we all sincerely hope happen for the positive in this troubled area of the world.

Their concerns about the mandatory nature of the bill's sanctions, the relative absence that relates to activities absent an unachievable certification, a lack of a general waiver authority on its key ban on assistance, and that these limitations should be time limited.

The administration has also raised the concern that the exemption for "basic human health needs" is too narrow and should be broadened to "basic human needs". Indeed both sides on the floor this evening often used those two terms interchangeably, but they are very different under the bill.

But I do think we have reached the point where both my leg and my store of information here has been exhausted. I wanted to make one last point, because there has been reference this evening to the joy of serving with Mr. LANTOS.

I never cease to marvel, when we are in the midst of this, that he adds a dimension to the debate that I think is very important. I never cease to learn something in the course of what happens in the committee or here on the floor. Reference has been made to him as the only Holocaust survivor who has walked these halls.

And it adds a dimension, not just to this debate, but one that carries through in activities in Asia, in Africa, in the bigger picture across the world.

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But there is one other accolade because Mr. LANTOS is a professor, and I appreciate the scholarly approach he brings that tempers his experience and his emotion that makes this a learning experience. And I truly believe that as a result of his input this evening that this has been a valuable learning experience for me, and I think it has enriched the record. Whatever happens with this legislation as it goes through the course of the legislature, as I do not doubt that it will pass tomorrow, that we will all be a little more knowledgeable as a result of this, and I think, in the long run, we will be able to do our jobs better, and for that, I thank him.

Madam Speaker, I yield back the balance of my time.

Mr. LANTOS. Madam Speaker, before yielding the balance of our time to my good friend from Texas, let me express my deepest appreciation to my friend from Florida, who has done her usual extraordinary job, for her principled statement and impeccable logic. We are all in her debt.

I want to express my deep appreciation to my very good friend from Oregon for his unduly gracious comments which I deeply appreciate. And I want to thank all of my colleagues who have spoken on all sides of this issue. This has been an excellent debate, and it is appropriate that it should be wound up by one of our best debaters, my friend from Texas, SHEILA JACKSON-LEE. I yield her the balance of our time.

The SPEAKER pro tempore. The gentlewoman is recognized for 3¼ minutes.

Ms. JACKSON-LEE of Texas. The gentleman is very kind. Before I start, may I ask for additional time from the distinguished gentlelady from Florida, 1½ minutes. I thank the distinguished gentlelady very much.

Madam Speaker, let me thank Mr. LANTOS for his extreme kindness to yield to, in essence, a non-member of this great committee this time. Let me acknowledge my good friend from Florida for her leadership, and also I might add my appreciation to the distinguished gentleman from Oregon for bringing his vast perspective to this debate. I believe this is what democracy is all about.

Certainly I could not stand here tonight and not add my appreciation for Chairman HYDE who I believe has worked over the years to seek a level and a plateau and a place of, if you will, harmony and bipartisanship.

Tonight is a very difficult time for many of us. And, in fact, I think we have had an enormously thoughtful debate. We find ourselves this evening, as I offer my sympathy to the family of Congressman CANTOR for his loss, we find ourselves on the piercing horns of dilemma, and they are piercing outside. That is that we find ourselves fighting for peace between the Palestinian Authority and Israel, and we find ourselves fighting for the existence and recognition of the State of Israel and the acceptance by the world of a two-state position that has been authored and supported by so many, including the now ailing former Prime Minister Sharon.

I was in Israel just a few months ago visiting Prime Minister Sharon at the Hadassah Hospital, listening to a variety of individuals pontificate about the pending election and having some small iota of hope that Hamas, if elected, would assume the realm of leadership and stand up and acknowledge we want two states, we reject terrorism, and we reject any idea that Israel should not exist. Unfortunately, this did not happen.

This reminds me of the time that Dr. King led as he moved into the time when more groups began to circle and intervene in "the movement" as we called it; and he welcomed the youngsters and those who had provocative and different thoughts. He knew that the ultimate end was what they all cherished, and that is the elimination of the shackles of segregation and racism and the divide of this country that was then black and white. But Dr. King had to make a very important decision, whether or not this movement required his standing firm on denouncing violence. So he had to reject some of the groups who came to the circle of the movement. He had to stand for nonviolence. He had to stand for the movement being one that we could seek the plateau of freedom without violence. And so I stand here today because I want to at least express the fact that those of us who argue for the opportunities around the world, for the peace around the world, for the elimination of the shackles of the Sudanese people and who claim that we want that kind of fierce and absolute pressure on government, have to be able to understand this legislation. I want divestiture and sanctions in Sudan. And so, clearly, I have to understand that there are times when we must intervene in order to make the point so that freedom might live.

I hope President Abbas will meet with the prime minister, the new prime minister of Israel. I hope that they will find a common ground and a way to promote peace. But at the same time, I think it is important that we make a firm stand to find in our hearts and our minds the ability to stand up to Hamas and ask them to reject violence but also to say these three words: Israel can exist. That is what we are asking for tonight.

I guess I speak as one who has a great kinship and friendship with many Muslims around this Nation and this world. Particularly, I speak tonight to those Palestinian Americans who are frustrated and confused by legislation such as this. I beg of them to link arms with all of us and demand of the Hamas that they rid themselves of this violence so their children can learn, so the sick and the feeble can be taken care of. But I do thank the authors of this legislation for putting these exceptions in, and they can be read clearly that health and humanitarian needs can be taken care of and educational needs can be taken care of with the consultation of this Congress. This is a very difficult time. There are hard choices to make and I would argue that the Arab League has been, if you will, absent from the team. The Arab League has been absent from this process.

So as I close, let me say that there is fault everywhere. We can blame anyone and everyone. But it is clear what has to be done. That is the denouncing of violence. I want to say to our friends here in America, Palestinian friends and others, you can be part of this solution. We are not here to undermine the children of Palestine or the women or the families or those who are sick, but we are here to heal the land and to cause an opportunity for peace so that two states can live along with each other.

I cannot be a hypocrite tonight, and as I cry out for Sudan, I must cry out for peace between Israel and the Palestinians. I hope this legislation will begin the debate, and I hope the Arab League and others will join us in this fight for freedom.

Madam Speaker, I rise today to support, and express my views, on H.R. 4681, the Palestinian Anti-Terrorism Act.

For the last few months, we have watched the Middle East transform once again, and every day, we have witnessed history in the making.

Israel experienced the end of an era when the Honorable Ariel Sharon was disabled by a powerful stroke. Israel also resurrected its government into an entity focused on stability and the necessity of safety. The Palestinian Authority successfully elected a new government in the spirit of democracy.

I had the opportunity this past January to visit Israel, to once again tread the soil of the Holy Land, and meet with state officials to discuss the ramifications of Mr. Sharon's illness, and prospects of peace in the Middle East. At the time, apprehension toward the upcoming Palestinian elections was tangible, and the Israeli elections were not too far in the future. All of Israel and the Middle East knew that this was a turning point.

Now, however, we have a conundrum. Where we want to encourage and celebrate a democratic election, we are dismayed that the party elected has a history that disappoints hopes of peace and a mutually beneficial resolution in the near future.

Until we can achieve a two-state solution with lasting peace, we must address the fact that the government now in power has not met the baseline requirements for returning to the discussion table.

Over the last few months, we have seen the Palestinian people elect a government that promised more organization and resilient public administration, as well as less corruption and abuse of its citizens. However, the charter of Hamas remains committed to the destruction of the nation of Israel, and the supremacy of the Islamic faith around the world. The Palestinian Authority is struggling to deliver the stability it promised on the campaign trail.

H.R. 4681 states that it shall be U.S. policy to promote the emergence of a democratic Palestinian governing authority that denounces and combats terrorism, upholds human rights for all people, and has agreed to recognize Israel as an independent Jewish state.

The Palestinian Anti-Terrorism Act of 2006 would freeze aid to the Palestinian Authority (PA) and nongovernmental agencies (NGOs) unless for educational needs and overridden by the President, operating in the West Bank and Gaza so long as Hamas, or any other terrorist group, is a part of the Palestinian government. The Palestinian Anti-Terrorism Act puts in place a stringent benchmark that must be met by the PA before America resumes aid. The aid will not be resumed until the President certifies that the PA is not controlled by and does not include terrorist groups and that the PA has demonstrated substantial progress towards a number of specified goals. I know we can have peace if people of good will—no matter what their faith help denounce violence and begin to work for two peaceful states.

I hope that this bill will not be misinterpreted as stifling the Palestinian Authority or harming the Palestinian people. This bill has been carefully written to make a compelling statement against any government that would challenge the sovereignty of another nation, and yet preserve the international aid and support to a people in need of stability.

We welcome Prime Minister Ehud Olmert this week to address a Joint Meeting of Congress. I hope that, while he is here, we may discuss actions that will serve to dissuade stakeholders from violence, and actions that will be a catalyst toward peace and stability in the Middle East.

One event occurred this week that fills me with hope: Deputy Prime Minister Shimon Peres and Foreign Minister Tzipi Livni met with Palestinian President Mahmoud Abbas on the sidelines of the World Economic Forum in Sharm el-Sheik, Egypt, achieving the highest-level public talks between Israel and the Palestinian Authority in months. While the discussion focused on ideas for alleviating Palestinian humanitarian problems, both sides said it could lead to a first Olmert-Abbas summit. I am pleased that conversations between the governments continue, and I hope that we do, indeed, see such a summit in the coming months.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I thank all of my colleagues who have participated in this debate and most especially my dear friend from California (Mr. LANTOS). He is always on the right side of all of these issues. Thank you, Mr. LANTOS, for your friendship and your leadership.

Madam Speaker, Hamas has a choice to make. It can be part of our broader post-9/11 policy of being with peace-loving, freedom-loving, democratic nations, or it can be with the Islamic terrorists. Yet, this is what Hamas' choice has been.

On its commitment to terrorism, the security forces head says, "We have only one enemy, they are Jews. I will continue to carry the rifle and pull the trigger whenever required to defend my people."

On refusing to recognize Israel, the Hamas spokesman says, "I believe that the question of recognizing Israel will never be at any time on the agenda of the Hamas movement, the PLC or the Palestinian government."

The foreign minister has said, "Even if the U.S. gave us all its money in return for recognizing Israel and giving up one inch of Palestine, we would never do so even if this costs us our lives. Our right to pursue the resistance will remain as long as the occupation continues over our lands and our holy sites."

This is the leadership of Hamas. So we have a choice, Madam Speaker. Allow American taxpayer dollars to help support Hamas and other Islamic extremists or prevent such a manipulation of U.S. funds and ensure that they help promote our U.S. interests. I hope that our colleagues make the right decision tomorrow, and I hope that they will help us pass this bill.

Mr. RAHALL. Madam Speaker, I rise today to urge my colleagues to exercise restraint and perspective in our consideration of H.R. 4681.

President Bush's Administration has already stated the bill is "unnecessary as the Executive branch already has ample authority to impose all its restrictions and it constrains the Executive branch's flexibility to use sanctions, if appropriate, as tools to address rapidly changing circumstances." With that kind of endorsement, we must ask ourselves what this legislation seeks to accomplish.

Additionally, the so-called Anti-Terrorism Act of 2006 limits diplomatic visas to members of the Palestinian Authority and would tie the hands of the foreign policy community when it comes time to negotiate peace between the PA and Israel. How many times has peace been brokered on American soil? Eliminating dialogue does not help to advance peace in the region. Peace only comes through mutual understanding.

Reasonable, even intelligent people can, and frequently do, disagree on how best to achieve peace in the Middle East, but, peace must be the goal of our foreign policy tools, whether they be by the stick or by the carrot.

Peace cannot come from punishing the Palestinian people. Even Israel's Foreign Minister knows that. He states in Reuters, that, "Israel is prepared to release Palestinian tax revenues into a proposed aid mechanism being set up by Middle East mediators to avert the collapse of the Palestinian health sector . . ."

Instead, this legislation seeks to accomplish exactly what President Bush's Administration and the Israeli Foreign Minister realize is counterproductive. I can tell you that after 30 years in Congress, I have seen legislation succeed and fail. This legislation is rigid, and unnecessary.

To put it plainly, when you take from people who already have nothing, you breed trouble, you don't combat it. How easy will it be for Al-Qaeda to tell a man whose child is dying that the doctors are no longer there because the Americans took them away? How easy will it be to recruit a whole new generation of listless, impoverished youths?

Madam Speaker, I reject the idea that this legislation will combat terrorism. I reject it because we have history as our teacher.

The best nation-building, goodwill act that the United States has ever produced was the Marshall Plan after World War II. By rebuilding Europe, America continues to be stronger. Yes, there were communist factions that the United States deplored, but we knew the need was real, and punishing the whole for the acts of the few was wrongheaded in the extreme.

Today, our actions must be motivated only by our intense desire to achieve a just and lasting peace. The compassion and charity of the American people should be reflected in this legislation, though sadly, they are silenced.

Madam Speaker, make no mistake, a vote cast in favor of H.R. 4681 is not a vote for peace, it is not a vote for America and it is not a vote that I will cast.

I urge my colleagues to cast their votes against this unwise and unproductive resolution.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in strong support of this legislation.

Earlier this year we watched as the Palestinian people went to the polls and voted into power a group that has employed car bombings, suicide bombings, mortar attacks, Qassam rocket attacks, and assassinations to achieve its stated goal of destroying Israel.

Last January, Hamas—the radical Islamic Palestinian organization that has sought to expel Jews and destroy the state of Israel to establish an Islamic Palestinian state based on Islamic law—won a majority of the seats in the Palestinian Legislative Council.

This group has been recognized by the United States and the European Union as a terrorist organization, and has committed hundreds of acts of terrorism against Israeli citizens since its creation in 1987.

I fully support the democratic process, but the views of Hamas are at odds with that process and its principles, and I do not believe we should continue providing funding to a group that's stated purpose is the destruction of another democratic country.

This legislation sends a message to Hamas, but protects humanitarian assistance for the Palestinian people by continuing U.S. assistance through NGOs and USAID.

H.R. 4681 also gives the President authority to waive many of the provisions of the bill if Hamas changes its stance or a new Palestinian Authority government emerges.

We cannot allow U.S. taxpayer dollars to get in the hands of a Hamas-controlled government to be used against Israel, and this bill will prevent that from happening while protecting humanitarian aid to the Palestinian people.

Madam Speaker, we need to send Hamas a message that we will not stand by while it continues to endorse terrorism and violence.

I urge my colleagues to join me in supporting H.R. 4681.

Mr. LANTOS. Madam Speaker, in conclusion I reject the claim that our bill does not allow our government to support worthwhile projects for the Palestinians in the West Bank and Gaza. In fact, it makes every possible allowance for such projects, consistent with U.S. national interests.

First of all, our legislation makes an explicit exception for supporting the basic human health needs of the Palestinian people.

Second, it includes a waiver that requires the President only to certify that such assistance furthers our national security interests. That is not an unreasonably high standard to meet, Madam Speaker, given our need to ensure that such projects do not in any way benefit Hamas, either politically or economically.

Nor, Madam Speaker, is it too much to ask that the consultation period be a bit longer than usual—25 days instead of 15—given this unprecedented situation, in which we would provide aid to a people whose government is controlled by terrorists. This is new territory, and we owe it to the taxpayers to proceed cautiously. Indeed, we cannot be sure that the new Hamas-controlled Palestinian Authority will not exert control over schools and other institutions currently run by non-governmental organizations.

In this unusual and potentially explosive situation, it seems to me the very least we should ask is that our assistance to the Palestinian people clearly further our national security interests. This is our minimal obligation to our constituents.

We will insist on this basic standard, Madam Speaker, and we will give assistance for appropriate purposes—and I am quite sure the level of our assistance will continue to be greater than that of any Arab nation, including those who have been wallowing in ever-increasing windfall profits over the past three years.

Also, Madam Speaker, H.R. 4681 cuts off U.S. contact with those who represent terrorism, not those who represent democracy.

H.R. 4681 establishes a policy that the U.S. should not negotiate or have substantive contacts with terrorist organizations such as Hamas or Palestinian Islamic Jihad.

H.R. 4681 explicitly recognizes that working with Palestinian moderates is in U.S. interest by allowing assistance to be provided to President Abbas to facilitate a peaceful resolution of the Israeli-Palestinian conflict.

H.R. 4681 allows travel to the UN and gives the President an authority to waive this restriction to allow Palestinian moderates who are in the Palestinian Legislative Council to come to the United States to visit.

I urge all my colleagues to support H.R. 4681.

Ms. ROS-LEHTINEN. Madam Speaker, I attach an exchange of letters between Chairman HYDE and Chairman OXLEY concerning the bill H.R. 4681 "Palestinian Anti-Terrorism Act of 2006."

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 15, 2006.

Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to the consideration of H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. This bill was introduced on February 1, 2006, and referred to the Committees on International Relations, Judiciary and Financial Services. I understand that committee action has already taken place on the bill.

Section 9 of the bill as introduced falls within the jurisdiction of this Committee and could be the subject of a markup. However, in response to a request from this Committee, I thank you for your agreement to support in moving this legislation forward the modification of section 9 to remove from the certification requirement for international financial institutions a determination of the President that the Palestinian Authority has taken effective steps and made demonstrable progress toward "ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparency and accountable governance." Given the importance and timeliness of the Palestinian Anti-Terrorism Act, and your willingness to work with us regarding these issues, further proceedings on this bill in this Committee will no longer be necessary. However, I do so only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my committee in the future. Furthermore, should these or similar provisions be considered in a conference with the Senate, I would expect members of the Committee on Financial Services be appointed to the conference committee on these provisions.

Finally, I would ask that you include a copy of our exchange of letters in the Congressional Record during the consideration of this bill. If you have any questions regarding this matter, please do not hesitate to call me. I thank you for your consideration.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2006.

Hon. MICHAEL G. OXLEY,
Chairman, House Committee on Financial Services, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 4681, the Palestinian Anti-terrorism Act of 2006. As you noted, this bill has been referred to both of our committees as well as the Committee on the Judiciary. The Committee on International Relations has filed its report on the bill (109–462, Part I). I concur that provisions within Section 9 of the bill, as introduced, fall within the jurisdiction of this Committee and could be the subject of a markup in your committee. In order to expedite consideration of the bill by the House, I am willing to modify language in Section 9 relating to international financial institutions.

Based on the agreement to modify the manager's amendment to reflect our understanding, I appreciate your willingness to forgo a committee markup of the bill. I understand that this waiver should not be construed to prejudice the jurisdictional interest of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your committee in the future. I also agree that, should these or similar provisions be considered in a conference with the Senate, I will request the Speaker to name members of the Committee on Financial Services to the conference committee on these provisions.

As requested, I am inserting a copy of our exchange of letters in the Congressional Record during the deliberation on this bill. I thank you for your consideration.

Sincerely,

HENRY J. HYDE,
Chairman.

Mr. HYDE. Madam Speaker, the election of Hamas to a majority within the Palestinian Legislative Council and to the formation of a terrorist organization-led government in the Palestinian Authority poses a serious challenge to the United States and its allies. The Committee on International Relations has crafted an excellent response to that challenge. The bill which is before the House today is based on a proposal by our colleagues, ILEANA ROS-LEHTINEN and TOM LANTOS.

The fact that the Palestinians voted, albeit by a plurality and not a majority, to put Hamas in power in the Palestinian Authority does not mean that the United States has to support that government. The Palestinian people must live with their own decisions; the United States need not, and should not, deal with, let alone support, terrorists—whether elected or not.

The legislation we have before us today provides a series of firewalls to prevent funding under the Foreign Assistance Act from flowing to the Palestinian Authority, from which it could support, or be seen to be supporting, the Hamas' terrorist leadership of the Palestinian Authority. It also provides for ways, subject to appropriate findings and consultation with the Congress, to get funding to the Palestinian people through the funding of non-governmental organizations.

We have provided exceptions, subject to certain certification and consultation requirements, for—among other things—assistance to the President of the Palestinian Authority. Mahmoud Abbas, the current Palestine President, is clearly not a terrorist, and having worked with him, we must make it possible for him to be protected, if required, and to be an effective negotiator. He still has a lot of institutional power under the Palestinian constitution, and he should be encouraged and enabled in exercising that power responsibly.

Under the Foreign Assistance Act, it will be possible to provide assistance, even to a terrorist-dominated Palestinian Authority, to deal with health emergencies such as avian flu. That sort of assistance should flow, and indeed flows today.

Finally, we establish, by statute, a policy that officials of the United States should not negotiate with members of terrorist organizations such as Hamas and that our government should oppose funding the Palestinian Authority, under the current circumstances, through International Financial Institutions.

With that brief outline of the bill's key points, Madam Speaker, I would like to express my thanks to Ms. ROS-LEHTINEN and Mr. LANTOS for their efforts.

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today in support of this bill and in support of peace and prosperity for all the people of the Middle East.

For years, the international community has tried to work with Israelis and Palestinians to forge a lasting peace in the Middle East. But the election of Hamas to control the Palestinian Parliament was a shock to all of us, and the announcement that their party would rule alone disheartening.

It remains to be seen whether participation in the democratic process can truly have a moderating effect on organizations that have supported terror. But until we see evidence to that effect, we are forced to deal with the world as it is—and in that world, Hamas is a terrorist organization.

Hamas uses violence against the innocent to further its political objectives. It does not accept the Roadmap, and it does not recognize the right of Israel to exist. Clearly, we cannot support—with our words or with our deeds—such an organization.

At the same time, we must recognize that most Palestinian people voted for Hamas not because they support terror, but because they were desperate for a better quality of life. Hamas was providing basic services that their existing government was, for whatever reason, unable to provide.

I would like to take this opportunity to say that supporting this bill is not a rejection of the Palestinian people. America's position is clear: we support a two-state solution in accordance with the Roadmap.

And although we cannot and should not support Hamas, we must not abandon the Palestinian people. We must continue to support humanitarian aid—including health, education, and civil society initiatives—to ensure that the next generation of Palestinian children can know something other than violence, desperation, and hatred. Only then will we have any hope of achieving true peace.

Mr. FOSSELLA. Madam Speaker, I rise in strong support of H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. I was deeply concerned when I learned that the Hamas party was elected to take control of the Palestinian Authority. In FY 2005, the United States appropriated $275 million to the West Bank and Gaza, with $50 million of that funding going directly to the Palestinian Authority. But now, with Hamas in control of the Palestinian Authority, not one dollar of taxpayer money should go to this terrorist organization. The Palestinian people have every right to elect a terrorist organization to control their government—and the United States has every right to eliminate any financial assistance for it.

Under H.R. 4681, the Hamas-led Palestinian Authority would become eligible for United States foreign assistance only when Hamas renounces violence, dismantles the terrorist infrastructure in the West Bank and Gaza, recognizes Israel's right to exist as a Jewish state and accepts all previous Israeli-Palestinian agreements.

Hamas is responsible for countless homicide bombings that have killed hundreds of Israeli citizens. They have waged a terror war with the sole intent of murdering innocent people. Hamas is responsible for some of the most horrific terrorist attacks in recent years, including the March 2002 Passover Massacre that killed 30 people; the June 2002 Patt Junction Massacre which killed 19 people; and the 2003 Jerusalem Bus attack which killed 23 people. And recently, Hamas backed the April 2006 bombing of a Tel-Aviv restaurant that killed 9 people.

The Hamas Charter reads: "Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it."

Hamas' victory further jeopardizes the peace process and creates greater instability in the region. I have no confidence in Hamas as a responsible leader of the Palestinian Authority nor do I believe the terrorist group wants peace with Israel. I urge the new government to proceed with caution and exercise restraint as it assumes power. Any provocation on their part will rightly be met with fierce resistance by the Israeli people.

H.R. 4681 does allow for humanitarian assistance, including providing funds to Fattah party member Mahmoud Abbas, President of the Palestinian Authority. Under this bill, the Palestinian People may be eligible for additional aid on a case-by-case basis. While strong against Hamas, this bill is not needblind to the people of Palestine. Just recently, the United States sent $10 million worth of pharmaceuticals to local clinics in the Gaza Strip on May 10.

Mr. SHAYS. Madam Speaker, the founding charter of Hamas reads, "Israel will rise and will remain erect until Islam eliminates it as it had eliminated its predecessors." Madam Speaker, when your enemy says he is going to kill you, you better pay attention.

The Hamas victory in Palestinian parliamentary elections is of great concern to me and many others and presents a major challenge to the peace process. Hamas ran a campaign primarily based on cleaning out the corruption of the Fatah party. The Palestinian people responded to this pledge, but sadly in the process elected a terrorist government.

Unless Hamas recognizes the State of Israel's right to exist, ceases incitement and permanently disarms and dismantles their terrorist infrastructure, there is no hope for peace. The bottom line is neither our government nor Israel can meet with or provide assistance to a government led by this terrorist organization.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, as someone with a great interest in Israel, Middle Eastern affairs, and world peace, I believe that we should remain cognizant of the importance of open communication, peaceful dialogue, and positive debate. I have a sincere affection and respect for both people and I pray for a peaceful resolution of deep seeded differences. We are living in historic times, and we have an opportunity to play a significant part in the Arab-Israeli peace process.

This legislation rightly calls upon Hamas to renounce terrorism, and recognize Israel as an independent, sovereign, Jewish and democratic state. I too recognize the need for a secure Israel and the need for a peaceful resolution for the Israel and Palestinian people. For many, peace is a long awaited dream and I am certain that with time, they will eventually realize this dream. I also advocate for cessation of aid to a Hamas led government of Palestinian Authority since they have refused to renounce violence and terrorism as part of their military tactics. I am certain a government that refuses to curtail their terrorist ideals can run the gamut on outrageous and purposefully unrealistic demands.

I am concerned that some of the provisions of H.R. 4681 directly undermine the goal of securing peace.

I question the prudence in ostracizing Hamas from the international community and forbidding contact with the Palestinian Authority and the Palestinian Legislative Council when some of its members do not belong to Hamas or any foreign terrorist organization.

Many of these members have in fact renounced terrorism, recognized Israel and negotiated the prior agreements. I am concerned that these tactics will only hurt relationships with moderate Palestinian leaders whose support and cooperation are vital to ensuring peace.

I am not resigned to the notion that impoverishing a country and hence a people falls within the scope of our duties in ensuring a peaceful resolution. These people are already suffering tremendous poverty and unemployment increases.

We must find a way to punish the evil doers without victimizing their innocent neighbors. I am certain that this legislation surpasses the formation of a militaristic strategy and enters the venue of instilling punitive economic and diplomatic sanctions against the Palestinian people. We cannot restrict U.S. humanitarian aid and potentially eliminate entire U.S. aid projects, such as vital infrastructure and small business development. We cannot threaten to withhold a portion of U.S. dues to the United Nations because it allows bodies to advocate for Palestinian human rights. I am concerned about the innocent people who will suffer the consequences in denouncing the provisions of the U.S. free trade agreement with the West Bank and Gaza.

I know that refusing visas to members of the Palestinian Legislative Council, including those who belong to political parties that the United States does not classify as "foreign terrorist organizations," will deter ensuring a peaceful resolution. I am concerned that negating visas to members of the PLO diplomats at the United Nations and threatening to close the PLO's office in Washington will close the channels of communication.

Madam Speaker, I have long been an advocate for peace and I pray for a peaceful resolution of the Arab and Israeli people. It is in that spirit, and with that faith, that I will continue to work with the administration to ensure the United States remains firm in its commitment to the security of Israel and to those principles necessary to guarantee the success of the Arab-Israeli peace process.

The wording of this Resolution changed to include much of the negative language after I signed on as a co-sponsor.

Mr. MCDERMOTT. Madam Speaker, it is not very often that JIM MCDERMOTT rises to support this President, but that is precisely what I am doing now.

The President does not want his hands tied by the passage of H.R. 4681. I couldn't agree more.

H.R. 4681, the Palestinian Anti-Terrorism Act of 2006, will not make Israel safer, will not meet the urgent humanitarian needs of the Palestinian people, and will not give our diplomats the tools they need to help find a path to peace in the Mideast.

For all of these reasons, I oppose it, and I urge my colleagues to reconsider.

I believe in diplomacy as a means to correct injustice around the world. I believe gifted diplomats can accomplish as much with words and deeds as the military can with guns and soldiers.

There is no question that the United States must take all appropriate steps to ensure that terrorists like Hamas are denied access to our financial aid. Not a penny should go to those who do not renounce terrorism.

Hamas is responsible for the deaths of hundreds of innocent Israelis before coming to power. Since then, they have neither renounced the use of violence nor recognized Israel. This is unacceptable.

By all means, we must deny Hamas dollars that would buy hatred, but we must remember that Hamas and the Palestinian people are not one and the same.

Even as we deny any and all assistance to Hamas, we must not hurt those Palestinians who are working for peace. If we fail to support them, I have no doubt that Israel will pay the ultimate price: more instability in the West Bank and Gaza, more desperation, and more terrorism.

America's leadership is on the line in the Middle East, and more instability is something we need to avoid at all cost. We still have 130,000 American soldiers in harm's way in Iraq; we can't afford to make any more poor choices related to that region.

But, that's exactly what we will do if we pass this bill. It doesn't make sense for the United States to limit political and economic aid to moderates, like Palestinian Authority President Mahmoud Abbas.

He and others have met our government's requirements by recognizing Israel, renouncing violence and terrorism against Israel, and accepting all previously signed Israeli-Palestinian agreements. What happens if we turn our back on leaders trying to heal a millennium of hate?

And what can we expect if we turn our backs on the real and growing humanitarian needs of the Palestinian people? It doesn't make sense to put restrictions on funding the NGOs that provide the Palestinian people with hospitals and schools.

As a medical doctor, I am gravely concerned about the fate of millions of innocent Palestinians who rely on international aid for food, health care, and for developing their economy and businesses.

Recent news reports say that international sanctions are preventing hospitals in Gaza from providing dialysis machines for patients, and they may not be able to supply immunizations to children.

The World Health Organization sees a "rapid decline of the public health system . . . towards a possible collapse." If left untreated, these conditions will nurture a breeding ground for more hatred, more violence, and more terrorism.

This bill will only increase the restrictions on aid to the Palestinians and that will make the already dire situation even worse.

As a doctor I took an oath to heal. As a nation, we took an oath to lead. Allowing innocent Palestinians to go hungry, while denying them medical treatment cannot possibly correct injustice, or lead to peace.

If passed, this bill will be seen as anti-Palestinian, and the resulting chaos and animosity can only threaten the relative calm that Israel has enjoyed for the past year and a half. This bill does not help Israel.

Many of the Israeli leaders I've spoken to, think this bill goes too far by punishing all Palestinians, not just Hamas. They understand that a radicalized population will show more support for Hamas, not less.

During a recent trip to Israel and the Palestinian territories, I saw how both sides deeply yearn for peace. And I saw firsthand how they need the United States to do all it can to help them make peace. The Palestinian Anti-Terrorism Act will make this task enormously difficult.

The harsh restrictions, and cutting off contacts with moderate Palestinians, will severely complicate our ability to assume an active role in helping both sides resolve the conflict.

If we cannot engage with moderates, and those trying to develop the Palestinian economy and build civil society, we forfeit our ability to nurture and strengthen the positive elements in Palestine.

We need a bill that allows us the utmost flexibility to help moderate Palestinians, to quickly get economic and humanitarian aid to places that need it, like hospitals and health clinics, and helps prevent the resumption of terrorism. This bill does not meet these criteria.

We need to isolate and weaken Hamas, and hopefully their tenure at the head of the PA will be a short one. But if we cannot distinguish between Hamas and the majority of the Palestinian people, we cannot possibly expect to have a role in creating what comes next.

Israelis and Palestinians realize that in the end, their fates are tied. When Palestinians' lives get worse, so do those of Israelis.

It's time to help the majorities on both sides reach their mutual goal—a peaceful two-state solution—rather than standing in the way by punishing one side.

Give our State Department an opportunity to nurture peace, or we will surely have to ask our military to counter more terrorism. Vote against H.R. 4681.

Mr. CROWLEY. Madam Speaker, I rise today in strong support of H.R. 4681 Palestinian Anti-Terrorism Act of 2006.

As an original cosponsor, I fully support this bill and would like to thank my friend from Florida, Congresswoman ROS-LEHTINEN and my Ranking Member TOM LANTOS for introducing this important bipartisan legislation.

This bill sends a clear message to Hamas that the United States will never support a terrorist organization cloaked as a democratically elected party.

The support Hamas, a designated terrorist organization by the United States, received shows many Palestinian people do not want peace with Israel and will continue to support terrorist operations on innocent civilians.

Hamas officials continue to endorse recent suicide bombing and continued violence against Israel, the only true democracy in the Middle East.

As long as Hamas chooses to continue down the path of terrorism, it will meet with financial and diplomatic isolation from the United States and our allies.

I have read the statements of several groups opposed to this legislation because this will create a road block towards negotiations. What I want to know is how do you negotiate with a government who is hell bent on your destruction.

Would any member of this House negotiate with al Qaeda? I would hope not. Hamas must be isolated, not coddled, and that is what this legislation will do.

Hamas would rather cling to the impossible dream of the destruction of Israel than work towards a two-state solution that will bring prosperity and an end to the bloodshed that has tainted this region for so many years.

This bill rightly ends direct aid to the Hamas-controlled government. Hamas refuses to change so they must be treated like the terrorists they are.

But I want to make clear that the goal of this legislation is not to cause a humanitarian catastrophe but to isolate this terrorist led government, this legislation will allow funding for the basic health needs of the Palestinian people.

I'm sure like me, my colleagues would rather be supporting a Palestinian Authority-led government working towards a peaceful two-state solution but instead we face the realities of a Hamas-led government bent on the destruction of Israel.

Until this Hamas-led government recognizes Israel's right to exist as a Jewish State, renounces violence, dismantles its terrorist infrastructure, and halts all anti-Israel incitement the United States should never provide assistance to the Palestinian-led government of Hamas.

Mr. MORAN of Virginia. Madam Speaker, I rise today to voice my opposition to the Palestinian Anti-Terrorism Act of 2006.

Madam Speaker, this bill claims that its goal is to ensure that no United States funding goes to support Hamaas, a foreign terrorist organization that has terrorized thousands and seeks the destruction of Israel. Were this what the bill in fact does, I would support it. However, the bill before us today goes much further than what is needed to achieve its stated, goal.

First, H.R. 4681 severely restricts U.S. funding to the many non-governmental organizations that provide critical aid and services to the Palestinian people, and allows for such funding without a presidential waiver for the most basic of services, such as food and shelter. This serves no good purpose. Limiting NGO funding in this manner will only increase the hardship of the Palestinian people. Yes, it is possible that this increased hardship may drive Palestinians to turn against the Hamas-controlled Palestinian government. At the same time, however, the cause of this additional hardship—the termination in U.S. humanitarian aid—will provide a ready excuse to Hamas, allowing it to blame the United States, and others, for its failure. This is not in our interest.

We must not give this "out" to Hamas. Instead, we must ensure that, when Hamas fails in its attempt to govern, as it certainly will, it will not be able to blame the United States or any other party for its inability to deliver what the Palestinian people expected.

Second, restricting United States aid to NGOs in this manner will hurt the very people we should be assisting. The Palestinian people are facing an economic crisis that goes beyond basic food and shelter, and includes education, public health, economic development and physical infrastructure. It is in the United States' interest to provide such assistance if we are in fact in support of a two-state solution and peace in the Middle East.

Third, placing tight restrictions and sanctions on those parts of the Palestinian Authority that are not controlled by Hamas is a serious mistake, for it precludes our executive branch from working with governmental officials who may be viable options to Hamas. Other provisions in the bill—restricting the ability of all Palestinian Authority representatives to travel in the United States, interfering with the participation of Palestinian Authority representatives in international organizations, and refusing assistance to the Pestinian judiciary—are petty actions that will not, in any way, advance peace in the Middle East.

There is a high likelihood that as a result of this bill, Hamas and the Palestinian Authority will turn around and seek the support from wealthy Arab and Muslim states, as well as extremist governments, like Iran and Syria. The message that this bill sends will push the Palestinian people away from us and quite possibly, the peace process. It will isolate them and force them to become more dependent on Hamas and their extremist supporters. This is not in our interest.

Madam Speaker, it is clear that the purpose of our every response to the Hamas electoral victory and to the fact that it now controls the Palestinian Authority must be (i) to deny any form of direct assistance until Hamas renounces its terrorist traditions and policy, (ii) to assist in the delivery of humanitarian aid and relief to the Palestinian people, and (iii) at least for as long as Hamas does not actively engage in or support violence, to refrain from any actions that will deepen the divide between the Palestinian people and this country, thereby allowing some room for progress to occur. The bill under consideration fails to meet two of these criteria. For these reasons, I will not support it.

Mr. AL GREEN of Texas. Madam Speaker, I rise in support of H.R. 4681, The Palestinian Anti-Terrorism Act of 2006. This legislation promotes the development of democratic institutions in areas under the administrative control of the Palestinian Authority. It comes at a time when the demand for responsible democratic leadership is needed more than ever before in the Middle East. I am proud that I was one of 295 members to co-sponsor this legislation, which would restrict aid to the Hamas-controlled Palestinian Authority until Hamas meets a series of conditions, including renouncing terrorism and accepting Israel's right to exist as a Jewish state.

This legislation explicitly states that it shall be U.S. policy that no U.S. Government officer or employee shall negotiate or have substantive contacts with members or official representatives of Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, al-Aqsa Martyrs Brigade, or any other Palestinian terrorist organization, until such organization recognizes Israel's right to exist, and renounces the use of terrorism. Additionally, any Palestinian government must recognize and accept all previous Israel-PLO agreements and understandings.

Having taken over the government of the Palestinian Authority, PA, Hamas has reiterated its commitment to violence and the destruction of Israel by endorsing suicide attacks on Israelis and appointing a man connected to the murder of Americans in Gaza as the new PA Interior Minister. Hamas' continued dedication to terrorism has already prompted the United States and its allies to end nearly all aid to the PA, with exceptions for humanitarian assistance. However, this bill permits certain assistance to Palestinian President Mahmoud Abbas in recognition of his commitment to a non-violent resolution of the Israeli-Palestinian conflict.

The internationally backed Roadmap for Peace requires that the Palestinian Authority launch "sustained, targeted, and effective operations aimed at confronting all those engaged in terror." The Palestinian Authority cannot call for the destruction of Israel if it is ever to be a serious partner for peace.

Finally, the members of the Palestinian Authority must assure us that they are focused on a better future for the Palestinian people and in order to do so, they must take steps to recognize Israel and its right to exist. The Palestinian Authority must be pressured to realize, that a government that fails to condemn terrorism, or, states its commitment to eliminate a fellow member of the community of nations is a government that cannot be considered a serious partner for peace.

I strongly encourage my colleagues, to vote in support of H.R. 4681, The Palestinian Anti-Terrorism Act of 2006.

Mr. STARK. Madam Speaker, I rise in opposition to H.R. 4681 because it inappropriately uses a blunt instrument to clumsily attempt to achieve Middle East peace. If this carelessly written and unnecessary legislation becomes law, it will set the Israeli-Palestinian peace process back further and result in additional Israeli and Palestinian deaths.

H.R. 4681 weakens moderate pro-peace Palestinians. This legislation does not discriminate in imposing sanctions against both Hamas and non-Hamas controlled elements and officials of the Palestinian Authority, PA. H.R. 4681 bans all aid to the Palestinian Legislative Council, PLC, and PA agencies and instrumentalities, including those not controlled by Hamas. Among the officials this bill prohibits from receiving assistance is Palestinian President Mahmoud Abbas, who has been instrumental in counterbalancing Hamas and working toward a peaceful solution to the Israeli-Palestinian conflict.

This legislation undermines diplomatic efforts to achieve a lasting peace in the Middle East. This bill prohibits all members of the PA regardless of their affiliation or non-affiliation with Hamas—from obtaining visas necessary for diplomatic travel. This ill-advised rule will prevent the United States from fully engaging and bolstering moderate Palestinian leaders who recognize and support peace with Israel.

Even as the United Nations reports of an impending humanitarian disaster in the West Bank and Gaza Strip, this bill imposes unnecessarily strict sanctions on providing aid to Palestinian groups and non-government organizations not affiliated with Hamas. Under this legislation, the Palestinian people could receive essential medicine, but funds for democracy assistance, economic development, and sanitation infrastructure would be prohibited. This legislation therefore makes more likely a humanitarian crisis that will increase support for extremism, thereby endangering Israel and further destabilizing the region.

H.R. 4681 also ties the President's hands in dealing with emergency security and humanitarian crises. The bill limits the President's ability to waive financial sanctions and travel prohibitions. It onerously requires the President to obtain congressional approval for every waiver on a case-by-case basis, complicating and delaying an American response to, for example, new Palestinian elections or a natural disaster.

Moreover, this legislation is unnecessary. Current U.S. law already forbids members of Hamas and other foreign terrorist organizations from obtaining visas or having diplomatic relations with the United States. According to the Bush Administration, the executive branch already has ample authority to impose all of the bill's restrictions. It is a rare but notable occurrence for me to agree with this Administration.

While I believe, that America should not provide aid to Hamas, I oppose this bill's reckless approach to the Middle East peace process. I voted for S. Con. Res. 79, that states that the U.S. should not provide assistance directly to the PA if any representative political party holding a majority of parliamentary seats within the PA maintains a position calling for the destruction of Israel. Unlike the bill before us today, however, that resolution provided the executive branch the flexibility necessary to work with moderate Palestinian groups and permitted foreign aid to go to nongovernmental organizations.

I urge my colleagues to vote against this harmful legislation and to consider a more thoughtful approach to achieving peace in the Middle East.

Mr. BLUNT. Madam Speaker, I would like to thank my friend from Florida, ILEANA ROS-LEHTINEN, for bringing this legislation to the floor. I would also like to thank my other friends, Chairman HENRY HYDE and TOM LANTOS, for their hard work on this bill.

As many of my colleagues have already stated, the need for this bill could not be clearer. In January of this year, the people of the Palestinian Authority elected Hamas, a terrorist entity with decades of experience in killing and maiming Jews, to govern the Palestinian Authority. When we pass this bill, the United States House of Representatives will tell the world that no terrorist organization can expect any support from the American taxpayer.

Some of my colleagues have complained that existing U.S. laws already provide the tools needed to combat Hamas effectively. But the fact is that none of us, during the process of passing those laws already on the books, believed that Hamas, one of the most dangerous groups in the world, would actually seize the reins of power in the Palestinian Authority. The Palestinians must understand that American assistance to others is not an entitlement.

I trust President Bush's instincts on his commitment to Israel. I view this bill as supporting those instincts. I believe, as the President does, that the Hamas government must either completely change its view of Israel and the existence of the Jewish state, or it must fail. Today, the House is acting to say this: Until Hamas changes or it is relieved of its authority to govern by the Palestinian people, American taxpayer dollars will not be used to support it either directly or indirectly. No general waiver authority is needed, in my opinion, to advance this goal.

Of course none of us here want to see the Palestinian people suffer needlessly. This bill does not cut off the stream of humanitarian funding that some Palestinians unfortunately rely on to survive. But none of us here want to see the Israeli people suffer either. Hamas wants to and will take every opportunity to kill Israelis and Jews of other nationalities. It says so in their charter. And it was demonstrated just weeks ago in the bombing of a Tel Aviv restaurant, in which a close relative of my good friend ERIC CANTOR was murdered.

Leading the world by example is not easy, Mr. Speaker. It requires hard choices, it requires moral courage, and it requires standing on principle. Some of our closest friends overseas may try to take the easy way out by offering incentives to an unreformed Hamas government. But today the House stands with Israel, as we always have, against terrorism. We encourage the Administration to stand firm; and today we give them legislation to help them do just that. I look forward to working with colleagues from the Senate to get this bill to the President's desk. I urge my colleagues to vote yes on H.R. 4681.

Mr. GEORGE MILLER of California. Madam Speaker, the January victory of Hamas in parliamentary elections in the Palestinian territories was a shock to observers worldwide and to the many of us in the United States and abroad who have repudiated violence between the Palestinians and the Jews and have repudiated attacks on the state of Israel.

The election was a shock to the peace efforts in the Middle East because its outcome resulted in the Palestinian government being controlled by a party that was legitimately elected by the voters of the Palestinian territories but that also is a party that sponsors terrorist acts against the Israeli-people and whose doctrine is based upon the notion that the existence of Israel is an affront to Islam.

For there to be any progress towards peace under a Hamas-led Palestinian government, Hamas must immediately acknowledge Israel's right to exist; uphold all previous agreements including the Roadmap for Peace; rid itself of all terrorist ties and dismantle its terrorist infrastructure; ensure the continuation of democratic institutions; and how fiscal transparency. If they do not, Hamas cannot expect the support and recognition of the United States and other governments.

However, any actions carried out by the U.S. Government against Hamas must address Hamas specifically and not the Palestinian people generally and must not undermine our goals in the Middle East. The bill being voted on today by the House would undermine the U.S. Government's ability to further the peace process and it would clearly hurt the Palestinian people. It could also lead to chaos in the Palestinian territories, which would be counter to both American and Israeli interests.

I am not alone in saying that denying all aid, except in the most isolated of instances, to the Palestinian people runs counter to both American and Israeli security interests. If we provoke a humanitarian crisis there, it may very well lead to the collapse of the Hamas government but not without potentially severe costs to both law abiding Palestinians and the peace process at the same time. And it could also erode civil order.

We do not and must not ever support terrorists in the Palestinian government. However, the United States must continue to support programs providing the Palestinian people's basic needs such as food, water and medicine; programs supporting democracy, human rights, freedom of the press and non-violence; as well as peaceful co-existence with Israel.

That is why I voted against H.R. 4681. The United States has already cut off direct aid to the Hamas government. This bill would not have brought additional penalties directly to Hamas. That objective has already been achieved. But it would penalize the Palestinian people and greatly limit the Administration's diplomatic options in pursuing peace between Israel and the Palestinians.

I hope that a conference committee with the Senate might produce legislation that addresses my concerns and the concerns of my other colleagues and of many well-regarded organizations and individuals who are deeply pro-Israel and who are great supporters of humanitarian efforts in the Middle East. I look forward to being able to support a revised bill that will send the proper message to Hamas that its violence toward Israel will never be supported and to the Palestinian people that the United States stands ready to work with them to resolve this most difficult and important conflict in peace.

Mr. HIGGINS. Madam Speaker, I rise in support of H.R. 4681, the Palestinian Anti-Terrorism Act, PATA, which passed the House earlier today. PATA denies all direct aid to the Hamas-run Palestinian Authority until it renounces violence and recognizes Israel's right to exist.

Hamas is a terrorist organization responsible for killing hundreds of innocent men and women, including over two dozen Americans. In fact, in April, a suicide bomber killed 9 and injured over 60 civilians in Tel Aviv, but Hamas has not disavowed the act nor denied complicity.

If Hamas will not agree to fight terrorism, recognize Israel's right to exist as a Jewish state, or accept previous agreements between the Palestinian Authority and Israel, then Hamas is not a partner of the United States, let alone a partner worthy of funding from American taxpayers' hard earned dollars.

Madam Speaker, let me be clear, no one wishes to harm Palestinians or to deny them humanitarian aid. In fact, this bill ensures that humanitarian aid is still able to reach the Palestinian people, while keeping taxpayer dollars out of the hands of terrorists. Unfortunately, since its election 3 months ago, Hamas has consistently made a choice; faced with the option of peace, negotiation, and a path forward, or continued violence and the status quo, Hamas has chosen the latter. As long as Hamas continues to make that decision, the United States and her allies will continue to isolate Ramas and to deny funding to a terrorist group.

I appreciate that so many of my colleagues share my support for PATA.

Mr. MARSHALL. Madam Speaker, I plan to publish additional thoughts elsewhere about why I am voting against H.R. 4681, The Palestinian Anti-Terrorism Act of 2006. I expect to be joined in these thoughts by Dr. Bruce Hoffman, a world renowned expert on the subject of terrorism. For now, however, let me simply offer the following brief observations for today's RECORD, particularly because my vote so angered a valued colleague of mine.

In my view, H.R. 4681 passed the House by an overwhelming majority earlier today because my colleagues seek the end of violent jihadist terrorism and are committed to protecting Israel and its citizens. As my words, votes and actions consistently show, I strongly share these objectives. But at this juncture, I would try a different strategy to attain them.

The storied Archibald Wavell, then a young British officer who had served on Allenby's staff in Palestine, offered this prescient bit of irony about the treaties ending World War I: "After the 'war to end war' they seem to have been pretty successful in Paris at making a 'peace to end peace'." That his prediction has come true thus far is of grave concern to the United States and Israel, two fast allies facing violent jihadist enemies with access to ever more sophisticated killing technology. Somehow we must break the cycle of hatred and violence.

Though facially counterintuitive given its history of hatred and violence, I believe Hamas' victory in the Palestinian elections offers a rare, if slim, opportunity to break this cycle, an opportunity well worth exploring given the enormous stakes and intractable nature of the problem. Unfortunately H.R. 4681 squanders that opportunity by rushing to judgment about the added danger of Hamas as a majority legislative party and by merely continuing strategies that have failed for decades to secure a lasting peace. It and the economic embargo already undertaken by Israel and the United States are apt to further radicalize the Palestinian population (and the Arab world generally), accelerating and extending the cycle of violence and broadening the opportunity for Al Qaeda in Palestine.

Hamas, in the short run, cannot credibly agree to the three preconditions set in H.R. 4681. But it can agree to a cessation of violence while diplomacy progresses. With luck, time and diplomatic skill, that might lead to a peace agreement accepted by Hamas and, hence, worth something more than the paper evidencing it. Palestinian Prime Minister Ismail Haniyah has said that Hamas could redefine its position if doing so would further the interests of the Palestinian people. And polls consistently show a majority of Palestinians will accept a two state solution and recognition of Israel.

Hamas now enjoys Ariel Sharon-like strength and credibility among Arabs and Palestinians. No question its election victory at least calls for extra vigilance and caution from Israel and the West. It has committed acts of terrorism which all decent people condemn in the strongest terms. But Hamas, given time to change and adjust, may have the strength and credibility to break the cycle of hatred and violence on behalf of those it now represents, the Palestinian people. After all, Sharon changed. And who but Sharon could have accomplished the withdrawal from Gaza?

I understand a number of my colleagues voted against H.R. 4681 for humanitarian reasons. These are certainly compelling, but I agree with the vast majority of my colleagues that such issues must take a back seat to the fundamental, long term security issues presented by the Hamas electoral victory. My "no" vote is quite narrowly based. I think this situation calls for time and diplomacy. H.R. 4681 offers neither and evidences, yet again, why Congress should not be conducting our foreign policy.

Mr. FARR. Madam Speaker, as a Member of Congress who's served in the Peace Corps, I've always considered myself a man of peace.

I strongly support current U.S. law that prevents any funding from going to Hamas, which he State Department has rightly classified as a Foreign Terrorist Organization. A Hamas controlled Palestinian Authority is antithetical to a peaceful Middle East or a two-state solution.

On May 23 the House approved H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. If I was convinced that passage of this bill would foster peace in the Middle East, I would have voted for it. Unfortunately, I felt compelled to oppose the bill because I do not believe it will help Israel, our only democratic ally in the region, or improve grassroots efforts to reach a peace agreement. In particular, H.R. 4681 would make it nearly impossible to fund nongovernmental organization (NGO) reconciliation programs that work to build peace. By funding NGOs that work towards reconciliation and peace we undermine the ideology of hate that Hamas perpetuates. The Senate version of this bill, S. 2370, specifically includes an exception that allows for funding for coexistence and reconciliation activities: "(2) ASSISTANCE TO PROMOTE DEMOCRACY—Assistance to promote democracy, human rights, freedom of the press, non-violence, reconciliation, and peaceful co-existence, provided that such assistance does not directly benefit Hamas or other foreign terrorist organizations." If the joint House-Senate conference agrees to include the above Senate language in the conference report, I will support H.R. 4681.

A secure Israel and a two-state solution are the cornerstones to achieving peace in the region, and grassroots conflict prevention is the critical first step of the foundation for peace.

Ms. LEE. Madam Speaker, today, the House considers H.R. 4681, legislation that I'm sad to say is both overbroad in its reach and misses the mark by penalizing the Palestinian people without compelling Hamas to abandon its anti-Israeli rhetoric, its rejectionist policies and its support for terror and violence.

First of all, Madam Speaker, I want to be clear: I have always and continue to unequivocally denounce and condemn any and all terrorist acts, whether committed by Hamas or any other terrorist group.

That is why I voted for S. Con. Res 79 in February which declared that that no U.S. assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

My position on Hamas's responsibilities in light of its having attained a majority of seats in the Palestinian Legisltive Council, and thus its assumption of power as the governing party of the Palestinian Authority, has been clear:

Hamas must recognize Israel; Hamas must renounce violence and terrorism; Hamas must abide by previous peace agreements, like the Oslo accord, and act in accordance with the Roadmap; and

Hamas must return the Palestinians to the negotiating table with Israel, and reach the mutually agreeable peace agreement that is called for in the Roadmap and the earlier agreements.

This is Hamas's responsibility of governance. I believe the United States should do everything that it can to both insist upon and to facilitate Hamas taking up this burden of responsibility, and we should not rest until the goal of a negotiated settlement is achieved. Moreover, we should not slow the Middle East peace process by making these targets preconditions for our engagement in the process. As the assassinated Israeli Prime Minister Yitzak Rabin reminded us: I do not need to make peace with my friends.

Madam Speaker, I urge my colleagues to understand that engagement and negotiation for peace is a process not an event, and it necessarily involves the belligerents to a conflict not those whom we would aspire to put at the negotiating table.

I agree that we should not fund Hamas, but not at the expense of average Palestinians which is the end result of this legislation. Among other things, this legislation obstructs a return to negotiations by imposing an impossible-to-achieve Presidential certification process. This legislation undermines U.S. national security interests by eliminating the President's authority to waive sanctions in the interests of national security. This legislation restricts U.S. diplomacy with moderate Palestinians by failing to distinguish between those in government and other political leaders and activists who are not affiliated with Hamas and have rejected terror, recognized Israel, and support a two-state solution. These are a few of the important reasons this legislation needs to be rewritten.

Madam Speaker, supporting the fragile Middle East peace process requires us to keep as many channels as possible open and to those who are empowered by their electorate to represent their interests at the negotiating table.

That's why we must reject counterproductive proposals like H.R. 4681 and continue working on all fronts to ensure the goal of a peaceful, two-state solution between the Israelis and the Palestinians.

Mr. LARSON of Connecticut. Madam Speaker, I regret that because of a family medical emergency I cannot be present when the House votes today and I would like to submit this statement for the record in support of H.R. 4681, the Palestinian Anti-Terrorism Act.

Hamas' continued refusal to recognize the existence of Israel, enforce existing peace agreements and renounce terrorism represents a real threat to progress in the Middle East peace process. It is therefore critical that the United States send the strongest possible signal to Hamas that a government based on fear and intolerance is unacceptable. H.R. 4681 is an important step towards addressing the extreme and unproductive positions currently held by Hamas-led Palestinian Authority. However, there are some in Connecticut and across the country that remain concerned that the bill goes too far in restricting the financial assistance the Palestinian people rely on or may have far-reaching and unintended consequences. To this end, I look forward to working with my colleagues to ensure that this bill achieves our common shared goal of fostering a Palestinian government that is a full partner in achieving a peaceful solution to the Israeli-Palestinian conflict.

Mr. WAXMAN. Madam Speaker, Hamas is first and foremost a terrorist organization. Ideologically, its charter is clarion call for the destruction of Israel. In practice, the group has dedicated itself to murder and violence against innocent Israeli civilians. No election, no matter how democratic it is viewed by procedural standards, can wash its hands of the blood of its victims.

That is why H.R. 4681, the Palestinian Anti-Terrorism Act, is an essential piece of legislation. The bill would prohibit all direct aid to the Palestinian Authority as long as it is led by Hamas or any other group that refuses to renounce terrorism, recognize Israel's right to exist, and accept previous agreements.

There is no room for ambiguity. Last month, Hamas praised a terror attack in Tel Aviv as a legitimate act of self-defense. Just the other week, Jordanian authorities arrested 20 Hamas terrorists who were smuggling Iranian-made Katyusha rockets and tank missiles. Weapons are being smuggled across the Egyptian border as well. It cannot be tolerated.

For the most part, the Quartet has stood firm in isolating Hamas. The United States, the European Union, Canada and other nations have blocked the direct transfer of funds to the new Palestinian Authority and prohibited political contact with Hamas officials. The legislation before us codifies this approach.

H.R. 4681 also advances creative solutions to meet the humanitarian needs of the Palestinian people without empowering or enriching a terrorist regime. The legislation is carefully crafted to maintain assistance to the Palestinian people, while giving confidence to American taxpayers that aid will not be used to prop up Hamas leaders.

Direct U.S. assistance to the Palestinian people has always been primarily administered through non-governmental organizations via the USAID West Bank and Gaza aid program. H.R. 4681 makes this program, which accounts for the largest per capita U.S. aid contribution in the world, more central than ever. While some have expressed concern that requiring advanced notification and justification to Congress for non-humanitarian aid will delay or impede support for such programs, these concerns are misplaced. The modest conditions will only bring greater transparency and improve the quality and focus of the programs funded. Pre-certification is not necessary for the distribution of humanitarian aid.

In addition, the bill provides substantial flexibility to continue U.S. support for the independent Palestinian election commission and assistance to the office of President Mahmoud Abbas to support the peace process. Considering the hopes and expectations that the Hamas government will collapse, such support is imperative to build a viable political alternative that is moderate and free from the rampant corruption of Fatah candidates that alienated Palestinian voters.

United States foreign policy in the Middle East is full of nuance, but when it comes to Hamas our message must be black and white: we will not reward terrorists or terrorism.

H.R. 4681 conveys this timely and important message and it is worth our strong support.

Ms. MCCOLLUM of Minnesota. Madam Speaker, tonight we should be working to ensure security and peace for Israel and more hope, opportunity and peace for the Palestinian people. Among our colleagues in the U.S. House, there is unanimous intolerance and condemnation for the current Hamas-led government of the Palestinian Authority. The refusal of the political leadership of Hamas to recognize the State of Israel, renounce violence and terrorism, and agree to previous agreements and obligations of the Palestinian Authority is unacceptable and therefore they must continue to be isolated by the international community.

Congress should be here tonight unanimously passing a bill that supports Secretary of State Rice as she leads the international community to keep firm pressure on Hamas until they agree to an internationally recognized civilized standard of conduct. At the same time, Congress should be working to support the Bush administration and the international community to avoid a serious humanitarian crisis among the Palestinian people.

On May 9, 2006, Secretary Rice said as she announced $10 million of medical assistance to the Palestinian people, “We will continue to look for ways to assist the Palestinian people and will encourage other countries to join us in this effort. We will not, however, provide support to a Hamas-led government that refuses to accept the calls of the Quartet and the broader international community to renounce terror and become a partner for peace.”

I strongly support her efforts and it is unfortunate that a bill could not be drafted to come to the floor this evening that was supported by the State Department. The State Department's comment regarding H.R. 4681 is “this bill is unnecessary.”

Unfortunately, instead of advancing the U.S. interests, H.R. 4681 does not recognize the three criteria set forth by President Bush—demanded by President Bush and the international community—for Hamas to commence any form of engagement with the U.S. and the international community.

H.R. 4681 sets an elevated threshold which will make U.S. leadership for peace in the Middle East nearly impossible even if Hamas does agree to recognize Israel, does renounce terrorism and does agree to abide by all previous agreements. The outcome of this bill, if it were to become law, would be to isolate Palestinian leaders who have been committed to advancing the peace process, isolate leaders who have denounced terrorism, and isolate leaders who are working with Israel for peace and a permanent two-state solution.

How does this bill advance U.S. goals in the region? It doesn't.

This bill's real result will be to isolate the U.S. among members of the international community that are working for a peaceful and just solution between Israel and the Palestinians.

One of our partners in isolating Hamas and delivering humanitarian assistance to the Palestinian people is the United Nations. A section of this bill calls for withholding a portion of U.S. contribution to the United Nation as if this valuable partner were the enemy. For this bill to target the United Nations—a member of the Quartet—in such a fashion is a clear sign that this bill is intended to undermine the Bush administration's multilateral leadership.

This bill places extreme constraints on the delivery of humanitarian assistance by non-governmental organizations to the Palestinian people. This bill's unnecessary obstacles have the potential for very negative human consequences and would exacerbate a humanitarian crisis. Palestinian families and children must not be targeted for deprivation of their basic human needs by this Congress. Instead let this House ensure that Palestinian families and children will treated in a fashion that reflects our values and the belief that their lives are valued.

NGOs with significant experience delivering humanitarian assistance have expressed serious concerns that the lack of flexibility in H.R. 4681.

An April 6, 2006 letter from United States Conference on Catholic Bishops to Chairman Hyde expressing concerns regarding the substitute amendment to H.R. 4681 states, “the legislation should provide for the urgent needs of the Palestinian people. A further deterioration of the humanitarian and economic situation of the Palestinian people compromises human dignity and serves the long term interests neither of Palestinians nor of Israelis who long for a just peace.”

In it present form, this bill will not allow NGOs to properly carry out the very assistance determined to be necessary by Secretary Rice—ensuring suffering and misery among the Palestinian people.

Finally, my opposition to H.R. 4681 is based on policy grounds that reflect my support for a Middle East peace process which will ultimately yield security and freedom from terrorism for the State of Israel and the Israeli people, as well as a democratic, secure and peaceful state for the Palestinian people.

H.R. 4681, will result in no greater security or opportunities for peace than exist today with current law and the administration's present policy course. But this bill may in fact have the result of fueling a humanitarian crisis. Passing this bill undermines U.S. interests and has potential long-term negative consequences for the Israeli people and the Palestinians.

Later this week, in this chamber, we will be honored by the presence of Israeli Prime Minister Ehud Olmert. In an interview last week, Primer Minister Olmert said the Palestinians “are the victims of their own extremist, fundamentalist, religious, inflexible and unyielding leadership, and we will do everything in our power to help these innocent people . . . We will pay if necessary out of our own pockets. We wouldn't allow one baby to suffer one night because of a lack of dialysis. We care,” Olmert said. 'We want to save their lives.”

I wish to strongly associate myself with the honest and courageous comments of the Prime Minister and his desire for security, peace and the value of human life.

I oppose H.R. 4681 because this is a missed opportunity to keep the pressure on

Hamas, ease the suffering among the Palestinian people and ensure that Israel is secure and without a humanitarian crisis on its doorstep. Current U.S. law already prohibits funds from going to Hamas because it is a foreign terrorist organization. As the State Department says, "this bill is unnecessary."

I urge my colleagues to oppose this bill. Let us send a message to the people of Israel and the Palestinian people that the U.S. Congress has not given up working for security, peace, and a better future in the Middle East.

Let us oppose and isolate Hamas—and let us also work for peace and a generation of Israeli and Palestinian children who know no violence, only hope.

I urge my colleagues to oppose H.R. 4681.

Ms. BALDWIN. Madam Speaker, I made a very difficult decision in voting for H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. I have been deeply moved by my constituents from both sides of the issue, including individuals with strong family ties to the Middle East. I want to take this opportunity to share my thoughts behind voting in support of the legislation.

In January 2006, Hamas, a designated terrorist organization that does not recognize the state of Israel and calls for an Islamized Palestinian state, won the legislative election to lead the PA government. Since then, the United States and the European Union have announced a series of measures designed to further isolate and pressure the Hamas-led Palestinian government until it recognizes Israel, renounces violence, and accepts previously signed Israeli-Palestinian peace agreements.

Specifically, Secretary of State Condoleezza Rice recently announced that the United States has begun to suspend over $400 million in direct aid to Hamas, while redirecting about $100 million from canceled projects to humanitarian assistance such as food and medicine distributed by non-governmental organizations (NGOs). The canceled aid includes: $45 million in direct aid to the PA; $130 million in infrastructure projects; $20 million in private enterprise development and revitalization, financial markets reform, trade programs and information technology sector support; $17 million in electoral, political party, local government and legislative support programs; $13 million in civil society development; $10 million in rule of law and judicial programs; $7 million in technical assistance and vocational training; $4 million in community policing, among others. Similarly, the EU Commission announced that it had halted payments to the Hamas government, freezing all direct aid to the PA and payment of public employees' salaries with EU funds through the World Bank, but not humanitarian aid through international and nongovernmental organizations. In the mean time, the Israeli government has cut off all ties with nearly all branches of the PA government, including its security. Israeli Prime Minister Ehud Olmert has declared that his government will avoid meetings with visiting representatives or diplomats from PA.

I am in support of certain financial sanctions on Hamas to ensure no U.S. government funding goes directly to support terrorism activities. On February 15, 2006, I voted in favor of, and the House passed, S. Con. Res. 76, which expressed the sense of Congress that no United States assistance should be provided directly to the PA if the majority party in control of the PA parliament maintains a position calling for the destruction of Israel. I believe it was a sensible resolution that called for an end of U.S. financial support of Hamas while allowing other forms of humanitarian aid to flow through NGOs to the Palestinian people.

The impact of cuts in aid is being felt by the PA. Omar Abdel-Razeq, Finance Minister of the PA, recently confirmed that the PA could not pay March and April salaries to about 140,000 government workers. These salaries support about one-third of the Palestinian population. These cuts in aid came on top of the fact that Gaza's economy is in dire straights, with average family income already below the U.N. poverty line. Economic conditions are also precipitously declining in the West Bank. Overall the PA shoulders a total debt of $1.3 billion, including $640 million to regional and local banks and making it virtually impossible for the PA to obtain new loans. Furthermore, Israel has decided to withhold $50 million a month in customs and tax receipts since January, although it continues to pay Israeli companies about $5.5 million a month from those receipts for the water and electricity used by the Palestinians. The Israeli government has also recently announced that it will buy drugs and medial equipments needed by Palestinian hospitals in Gaza out of the withheld funds.

Yet, despite the dire needs of Palestinians, Hamas has chosen to ignore reality in favor of its extremist commitment to terrorism.

On April 17 of this year, a suicide bomber struck in a Tel Aviv restaurant, killing nine Israelis and injured dozens. The suicide bombing was carried out by Islamic Jihad, an Iranian-backed extremist group that refuses to acknowledge the cease-fire followed by Hamas. The Passover attack was a grotesque display of terrorism and violence, yet it was quickly defended by Hamas. Sami Abu Zuhri, the official spokesman for Hamas, stated at the time that the attack was "a natural result of the continued Israeli crimes" against Palestinians and that "our people are in a state of self-defense and they have every right to use all means to defend themselves." It became clear to me that, without regards to the pressing needs of the Palestinian people, Hamas was ready to ignore its own cease-fire policy in favor of extremist political rhetoric that further isolate and weaken the PA and endangers the humanitarian situation of the Palestinian people. It was a chilling reminder of Hamas' tendency to favor violence over peace and political posturing over progress, all at the expense of Palestinian people's welfare.

The Passover bombing and the Hamas response to the bombing was a turning point in my consideration and analysis of H.R. 4681, the Palestinian Anti-Terrorism Act of 2006. I believe that a stronger message must be sent by the United States to Hamas that we will not support a government that continues to embrace terrorism. H.R. 4681 is an appropriate vehicle to send that message. The bill intensifies the pressure placed on the Hamas-led PA by not only restricting direct U.S. aid to the PA (which has already been suspended by Secretary Rice), but also restricting U.S. assistance to NGOs working in the West Bank and Gaza, subject to exceptions based on humanitarian needs. It expresses the sense of Congress that PA-controlled territories should be deemed as terrorist sanctuaries; denies visas to any PA officials or affiliated persons; and restricts the travel of any PA representative to the UN outside of a 25-mile radius of the U.N. headquarters building in New York City. Finally, the bill directs the President to prohibit international financial institutions from directly assisting a Hamas-led PA, and prohibits any U.S. officer or employee from having any official contacts with members or official representatives of Hamas.

In examining H.R. 4681 leading up to the vote, the bill had raised several significant questions for me: Is additional financial and political isolation the most effective means to induce changes to Hamas policy towards Israel? Will such noose-tightening prompt the Palestinian people to insist that Hamas change its policy or will it inadvertently lead to humanitarian crisis and civil unrest in the West Bank and Gaza? Will political and financial sanctions firmly aimed at Hamas serve to strengthen the role of Mahmoud Abbas, the moderate President of the PA or further radicalize Hamas while undermining the position of President Mahmoud Abbas? While these are difficult questions with which to wrestle, I eventually decided that H.R. 4681 sends an important and necessary message to PA that the United States will not tolerate a terrorist-controlled government's role in obstructing the Israeli-Palestinian peace process.

First, I believe H.R. 4681 provides the United States the additional leverage it needs to push Hamas toward the acceptance of Israel and the rejection of violence. The Act amends the Foreign Assistance Act (FAA) by adding a new section prohibiting direct financial transfers by the United States to the PA until the President certifies that no part of the PA is controlled by a foreign terrorist organization (FTO) designated by the United States and Europe and no member of an FTO serves in a senior policy making position in the PA, the PA has publicly acknowledged Israel's right to exist and recommitted itself to previous agreements and understandings with Israel and the United States, and the PA has taken effective steps and made progress toward a number of objectives including purging its security services of individuals with ties to terrorists, dismantling terrorist infrastructure, and halting anti-Israeli incitement. I believe these are reasonable and necessary benchmarks that Hamas must make in order to demonstrate its capability to be a responsible government.

Furthermore, I believe the bill's humanitarian provisions address my concern that the increased sanctions advocated by the legislation would unnecessarily hurt the Palestinian people. Make no mistake, I do not believe that the Palestinian people should be punished for exercising their right to elect the representatives of their choice. In March 2005, Hamas accepted a temporary cease-fire with Israel in exchange for Abbas' agreement to allow the group into PA's electoral system. Throughout the process, the Bush Administration stood on the sidelines, assuming that Hamas' political participation would either transform the group or marginalize it. Indeed, Secretary Rice stated last fall that the United States had "to give the Palestinians some room for the evolution of their political process." As a result, Hamas entered the field for the 2006 legislative elections. Understanding the widespread public dissatisfaction with the PA's corruption under the control of the Fatah party and the sour economy, Hamas ran on a platform of clean governance and reform, rather than ideology. Subsequently, observers widely agree that Hamas was democratically elected by the Palestinian people not for its ideological platform, but for its practical appeal in improving the day-to-day living conditions of Palestinians.

I strongly believe Palestinians should not be punished for exercising their Democratic choice in electing their representatives. Yet, with nearly 50 percent of the PA's residents living below the poverty line, unemployment on the rise, and government salaries already not being paid, Hamas' ongoing pursuit of extremist rhetoric demonstrates to me the party's inability to put the interests of the Palestinian people above its terrorist ideology and its unwillingness to govern in a responsible manner. I believe H.R. 4681, which provides an exception to the restrictions for basic human needs such as food, water, medicine, and sanitation services and allows the President to provide other targeted democracy or rule of law assistance, strikes a balance in both pressuring Hamas but also ensuring that necessary assistance reaches the Palestinian people in Gaza and the West Bank.

Finally, I believe the approach of economic and diplomatic isolation of Hamas will help strengthen the position of PA President Mahmoud Abbas and lead to the creation of pragmatic, reform-minded activists and parties. H.R. 4681 has been amended to allow for exceptions to the ban on direct assistance permitting the United States to maintain an open dialogue with President Abbas. It allows the president to use a national security waiver to provide assistance to the office of the PA president for non-security expenses directly related to facilitating a peaceful resolution of the Israeli-Palestinian conflict or for the personal security detail of the PA president. Emboldened by U.S. and Israeli opposition to Hamas, Abbas recently announced that it will call a national referendum on accepting a Palestinian state alongside Israel that would implicitly recognize Israel's right to exist. Abbas is ready and willing to demonstrate to the international community that there is a Palestinian partner for negotiations with Israel, and the United States should seize this opportunity to continue press for a breakthrough in long-stalled peace efforts.

I sincerely hope that H.R. 4681 will play a constructive role to secure permanent peace in the Middle East.

Ms. LEE. Madam Speaker, today, the House considers H.R. 4681, legislation that I'm sad to say is both overbroad in its reach and misses the mark by penalizing the Palestinian people without compelling Hamas to abandon its anti-Israeli rhetoric, its rejectionist policies and its support for terror and violence.

First of all Madam Speaker, I want to be clear: I have always and continue to unequivocally denounce and condemn any and all terrorist acts, whether committed by Hamas or any other terrorist group.

That is why I voted for S. Con. Res. 79 in February which declared that that no U.S. assistance should be provided directly to the Palestinian Authority if any representative political party holding a majority of parliamentary seats within the Palestinian Authority maintains a position calling for the destruction of Israel.

My position on Hamas's responsibilities in light of its having attained a majority of seats in the Palestinian Legislative Council, and thus its assumption of power as the governing party of the Palestinian Authority, has been clear:

Hamas must recognize Israel;

Hamas must renounce violence and terrorism;

Hamas must abide by previous peace agreements, like the Oslo accord, and act in accordance with the Roadmap; and

Hamas must return the Palestinians to the negotiating table with Israel, and reach the mutually agreeable peace agreement that is called for in the Roadmap and the earlier agreements.

This is Hamas's responsibility of governance. I believe the United States should do everything that it can to both insist upon and to facilitate Hamas taking up this burden of responsibility, and we should not rest until the goal of a negotiated settlement is achieved. Moreover, we should not slow the Middle East peace process by making these targets preconditions for our engagement in the process. As the assassinated Israeli Prime Minister Yitzak Rabin reminded us: I do not need to make peace with my friends.

Madam Speaker, I urge my colleagues to understand that engagement and negotiation for peace is a process, not an event, and it necessarily involves the belligerents to a conflict, not those whom we would aspire to put at the negotiating table.

I agree that we should not fund Hamas, but not at the expense of average Palestinians, which is the end result of this legislation. Among other things, this legislation obstructs a return to negotiations by imposing an impossible-to-achieve Presidential certification process. This legislation undermines U.S. national security interests by eliminating the President's authority to waive sanctions in the interests of national security. This legislation restricts U.S. diplomacy with moderate Palestinians by failing to distinguish between those in government and other political leaders and activists who are not affiliated with Hamas and have rejected terror, recognized Israel, and support a two-state solution. These are a few of the important reasons this legislation needs to be rewritten.

Madam Speaker, supporting the fragile Middle East peace process requires us to keep as many channels as possible open and to those who are empowered by their electorate to represent their interests at the negotiating table.

That's why we must reject counterproductive proposals like H.R. 4681 and continue working on all fronts to ensure the goal of a peaceful, two-state solution between the Israelis and the Palestinians.

Mr. RUSH. Madam Speaker, I rise here today to extend my remarks on H.R. 4681, the Palestinian Anti-Terrorism Act that was passed here on the House Floor on May 23, 2006. Madam Speaker, the Palestinian Anti-Terrorism Act was a bill that I and I am sure many of my colleagues as well, struggled with and deliberated on a great deal. While America's support for Israel is unwavering, Congress does not want to send the wrong message to the Palestinian people that we have given up on them or the path to peace in that region.

Madam Speaker, the intent of H.R. 4681 was not to alienate the Palestinian people, but rather to demonstrate America's resolve against terrorism in all its forms, including the leadership of Hamas and the Hamas-controlled Palestinian Authority. This bill was passed to send a strong message to Hamas' leaders that they cannot continue to sponsor terrorism and call for the destruction of Israel and expect to receive American financial and diplomatic support. America will stand firm with Israel against any enemy who seeks to terrorize its people or disrupt the lives of its citizens.

With that being said, it is also important for the Palestinian people to know that America is not an enemy, but that we seek to help establish a two-state system, with Israel and Palestine coexisting side by side in peace. America strongly believes in the peace process and we hope to facilitate that process so the entire region will be better for it. When Congress passed H.R. 4681 it was not a vote against the Palestinian people, but a vote against terrorists of those who have called for the destruction of Israel and who have sponsored terrorism in the past and continue to do so.

Congress understands that we must be resolute against terrorist leaders, but also show humanity and compassion towards the poor and innocent children and destitute people of the Palestinian territories. That is the only way we can achieve peace and stability in the region. Madam Speaker, I will continue to support the peace process between Israel and the Palestinian people along with my colleagues here in Congress, and America will continue to provide humanitarian aid and assistance for those people who need it most. We will not let the election of Hamas hijack the road to peace that we have all sought for so long.

Ms. DELAURO. Madam Speaker, it is with mixed feelings that I rise in support of this legislation. I support this bill because it is vital that the House stand in opposition to governments that pursue their objectives by spreading terror. Supporting such a government is fundamentally at odds with the values that make our nation great. At the same time, we must find ways to maintain humanitarian assistance and avoid a spiral into human suffering in the Palestinian territories.

This legislation attempts to navigate that narrow course between providing assistance to the Palestinian people and rejecting the hatred that embodies Hamas. It is not an easy balancing act, but this bill does a good enough job to merit passage today.

The United States is the single largest financial supporter of the Palestinian people. We provide $245 million per year in humanitarian assistance to the Palestinians. And let me be clear: That support for the Palestinian people can and should continue. But we can do that—and should do that—without supporting the Hamas-led Palestinian Authority. This legislation does create an important exception that allows funds to go to the PA if they are dedicated to promoting democracy and human rights efforts. It also affords the president some flexibility to continue the flow of this assistance should he judge it to be in our national security interest. While I have real reservations about entrusting the current president with this authority, I nonetheless appreciate the importance of this provision.

At the same time, I have several concerns about H.R. 4681, and believe that some modifications are needed before this legislation can become law. First, I am concerned that the bill does not account for future changes in the policies of the Palestinian Authority—whether it is Hamas or Fatah or someone else. For instance, should Hamas decide to become a responsible partner in the Middle East peace process—an unlikely prospect to be sure—or should a new government take its place, there is nothing in this legislation that would allow us to restart aid or lift the restrictions placed on them by this bill. With that in mind, I believe this bill should have included a sunset provision allowing Congress and the White House the chance to review in a year or two the impact that this legislation has on the PA and on the Palestinian people.

While I do not foresee Hamas renouncing terror, recognizing Israel's right to exist, or accepting the Road Map as the basis for future progress in the Middle East, I do believe that Fatah and other parties may yet have the chance to govern the Palestinian Authority. Almost 15 years after the Oslo accords were signed, accepting these basic principles should not require extraordinary policy shifts. Indeed, support for these measures should be a basic view of any political party seeking to run the Palestinian Authority.

The legislation before us today also could be strengthened by reducing some of the onerous reporting requirements that well-known non-governmental organizations will face if they are to continue to provide direct humanitarian assistance to the Palestinian people. I fear that we are unduly burdening organizations like Catholic Relief Services, whose record of providing social services to individuals in need without regard to politics or ideology is exemplary.

This bill also has some provisions that are either redundant or run counter to the goals of the bill. For example, there is no need to prohibit PA government leaders from receiving U.S. visas, since Hamas members already are unable to receive a visa. Further, limiting the ability of non-Hamas government officials to travel to the United States could actually hamper the ability of our government to meet, advise or otherwise support non-Hamas members of the PA.

Finally, Madam Speaker, it is my very strong hope that as this bill moves through the legislative process, the provisions that allow the Secretary of State to withhold our UN dues in certain cases will be dropped. This section is neither warranted nor wise.

And so there is room for improvement in this legislation. But the intent of this legislation is sound. And by passing this legislation today, the House can clearly reject Hamas and the terror that has ravaged the Middle East for too long.

For more than a half-century, a cornerstone of our nation's stand in support of Israel, our closest friend in the Middle East. And it is that I will support this bill. It could be a better bill, and as it moves to a possible conference with the Senate, I hope it will be, so that Congress can speak with one voice on this issue.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4681, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. HASTINGS of Washington (during debate on H.R. 4681), from the Committee on Rules, submitted a privileged report (Rept. No. 109–477) on the resolution (H. Res. 830) providing for consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPUBLICANS OFFERING ENERGY SOLUTIONS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, many Americans are concerned about gasoline prices. They can rest assured that House Republicans are focused on their concerns and are working very hard to lower the costs of gasoline over the mid and long term.

Republicans introduced and passed the Gasoline for America's Security Act which will ban price gouging and increase U.S. fuel supply by encouraging new refineries while at the same time promoting conservation efforts. The bill passed the House but still needs immediate attention in the United States Senate.

Republicans also passed the Energy Policy Act which reduces the cost of energy, reduces our reliance on foreign oil sources, encourages the use of alternative power sources and improves our electricity transmission capability. The bill also provides relief to our hardworking farmers by providing tax incentives and money for research and development by ethanol and biodiesel energy sources.

In addition, House Republicans have repeatedly supported legislation to open up the Arctic National Wildlife Refuge to oil and gas exploration.

The Democrats, on the other hand, have opposed building new refineries, have opposed drilling in ANWR and, in fact, voted against both of these bills.

Madam Speaker, Republicans have worked hard to address America's energy needs. And the Democrats? They vote "no" on every solution.

□ 2200

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. DRAKE). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNDERAGE DRINKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Madam Speaker, underage drinking flies under the radar screen for most people. Alcohol is legal and widely accepted by adults, and yet many times we do not realize the devastation that this is causing for young people.

The average at which young people begin drinking is 12.7 years of age, and that age is declining annually.

Binge drinking is something that is very common among young people. On average, teenagers drink more by double what adults drink per sitting and per consumption.

Teens who start drinking before age 15 are four times more likely to become addicted to alcohol than someone who starts drinking at age 21 or later.

Prevention efforts have been, I would say, very minimal. The Federal Government currently spends about 25 times more annually to combat youth drug use than to prevent underage alcohol use.

Alcohol is a gateway drug. Usually those who begin to use cocaine, heroin, and methamphetamine do not start with those drugs. They start with alcohol. Television ads for alcohol products outnumber responsibility messages by 32-1. In other words, those ads that promote the consumption of alcohol are 32 times more prevalent than those ads that urge restraint, responsible drinking or discourage underage drinking. From 2001 to 2003, the industry spent $2.5 billion on television advertising and promoting their product and only $27 million, a mere fraction, on responsibility programs.

Underage drinkers currently account for 17 percent of all alcohol sales in the United States, and that is a huge margin. In my State, Nebraska, underage drinking accounts for 25 percent of all alcohol sales, and of course, those sales are all illegal.

Recent studies have found that heavy exposure of the adolescent brain to alcohol interferes with brain development. In other words, drinking at age 10 is qualitatively and quantitatively different than drinking at 21 or 25 or 30 or 35 or whatever because of developmental aspects.

This is a brain scan showing a brain scan of two 15-year-old young men. The scan on the right is a 15-year-old male, heavy drinker, a binge drinker, the person who is sober at the time of the brain scan, drinks regularly, binge drinker. The 15-year-old young person brain scan on the left is someone who is an abstainer, someone who does not drink at all. These young people were asked to perform memory tests, and you see the brain scan on the right showing minimal brain activity, as compared to the young person doing the same memory test on the left. So we see what excessive exposure to alcohol does to brain function.

Many young people drop out of school, who do not perform well in school, are simply people who are heavy drinkers. An estimated 3 million teenagers are full-blown alcoholics at the present time, and that is about six times more than those who are addicted to other kinds of drugs.

Alcohol kills six times more young people than all illicit drugs combined, all other illicit drugs. Underage drinking costs the United States roughly $53 billion annually. So this is something, again, that I mention that ofttimes people are simply not aware of.

The bill that we have introduced in the House that we think is relevant to this problem is called the Sober Truth on Preventing Underage Drinking Act, the STOP Act, and what it would do is create a Federal Interagency Coordinating Committee to coordinate efforts directed at underage drinking. Right now, we have multiple programs aimed at different types of substance abuse alcohol is one of those. Some of those programs are in the Department of Justice, some are in Education, some are in Health and Human Services, but there is practically no coordination of these programs. Sometimes they duplicate each other. Sometimes these programs do not work well, and so we feel there needs to be some coordinating commission that coordinates all of these programs, particularly those that are aimed at alcohol abuse by young people.

It also authorizes a national media campaign directed at adults. You say, well, why would you direct it to adults. Well, the main thing is that the attitude of parents is the number one predictor as to whether a young person will abuse alcohol as an underage drinker or not, and so many parents many times feel if a young person is using alcohol, that pretty much prevents them from being involved with heroin or cocaine or methamphetamine, when exactly the opposite is true. Someone who starts abusing alcohol at an early age is much more apt to be addicted to all kinds of substance, and therefore, we feel there is a lot of drug awareness that has to occur with drugs.

It also provides additional resources to communities and colleges and universities to prevent underage drinking. At the present time, annually 1,700 young people, college students, die each year on the college campus because of alcohol abuse. It is the leading cause of death on the college campus. This is double the rate that we have had for deaths in Iraq. So we feel that this is critical.

Also, it increases Federal research and data collection on underage drinking.

THE SIXTY-FIFTH ANNIVERSARY OF THE HEROIC BATTLE OF CRETE

The SPEAKER pro tempore (Ms. FOXX). Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise proudly today to celebrate the 65th anniversary of the Battle of Crete, a World War II event of epic proportions that profoundly impacted on the determination of many countries to resist the aggression of Nazi Germany. This is a story of the sacrifices made by a battered but brave group of individuals thrown together in a combined effort to halt the domination of a smaller, weaker nation by a larger, more powerful aggressor.

Amidst the cataclysm that engulfed the countries of Europe at the time, it seems now preposterous that a small island dared to stand up to the aggressor to preserve its freedom and defend its honor. Today, more than half a century later, the heroic events that took place in the Battle of Crete remain etched in the memory of people around the world. In commemoration of this anniversary, and for the benefit of future generations, I will share a brief account of these events as they unfolded.

In early April 1941, the German army rushed to the aid of their defeated ally, Italy, and invaded Greece. Following a valiant struggle, Greek forces had been pushed entirely off the continent and were forced to take refuge on the island of Crete.

The German army then looked covetously across the sea to Crete because of the British airfields on the island, which could be used by the Allies for air strikes against the oil field of Rumania, thereby denying this vital war commodity to Hitler's forces now preparing for their attack on Russia. If captured, it would also provide air and sea bases from which the Nazis could dominate the eastern Mediterranean and launch air attacks against Allied forces in northern Africa. In fact, the Nazi high command envisioned the capture of Crete to be the first of a series of assaults leading to the Suez Canal. Hitler intended a short, one month, campaign, starting in March. On successful completion, his troops would be reassigned to Russia.

Crete's defenses at the time had been badly neglected due to the deployment of Allied forces in North Africa. GEN Bernard Freyberg of the New Zealand Division was appointed by British Prime Minister Winston Churchill as commander of a small contingent of Allied troops which had been dispatched to the island a few months before and re-enforced by additional troops who had retreated from the Greek mainland.

Early on the morning of May 20, 1941, Crete became the theater of the first and largest German airborne operation of the war. The skies above Crete were filled with more than 8,000 Nazi paratroopers, landing in a massive invasion of the island, which was subjected to heavy bombing and attacks in what became known as "Operation Mercury."

Waves of bombers pounded the Allied positions followed by a full-scale airborne assault. Elite paratroopers and glider-borne infantry units fell upon the rag-tag Allied soldiers and were met with ferocious resistance from the Allied troops and the Cretan population.

Although General Freyberg had decided not to arm the Cretans because they were believed to be anti-royalist, they fought bravely with whatever was at hand during the invasion. As soon as the battle broke out, the people of Crete volunteered to serve in the militia. Centuries of oppression and several revolts against Venetians and Turks had taught them that freedom is won and preserved by sacrifice, and there was hardly a family without a gun stashed somewhere in the house. For the first time, the Germans met stiff partisan resistance.

War-seasoned men joined the regular troops in the effort to repel the invader. Old men, women and children participated and used whatever makeshift weapons they could find. The pointed their antiquated guns at the descending German paratroopers. They used sticks, sickles and even their bare hands to fight those soldiers already on the ground. Most of them were illiterate villagers but their intuition, honed by the mortal risk they were facing, led them to fight with courage and bravery. "Aim for the legs and you'll get them in the heart," was the popular motto that summarized their hastily acquired battle experience.

Seven days later, the defenders of Crete—though clinging to their rocky defensive positions—knew that they would soon be overrun. The evacuation order was given, and nearly 18,000 men were rescued. These valiant survivors had bought the Allies a week's precious time free of Nazi air and sea attacks based from Crete. More importantly, they inflicted severe losses on the German airborne forces, the showpieces of the Nazi army. Although well-armed and thoroughly equipped, the Germans didn't break the Cretans' love of freedom.

Although the Germans captured the island in 10 days, they paid a heavy price. Of the 8,100 paratroopers involved in this operation, close to 4,000 were killed and 1,600 were wounded. So injured were the German units that they never again attempted an airborne assault of the magnitude launched at Crete. Hitler may have won the Battle of Crete, but he lost the war. The German victory proved a hollow one, as Crete became the graveyard of the German parachute troops. In fact, it is a lesson taught in almost every major military academy in the world on what not to do.

In retaliation for the losses they incurred, the Nazis spread punishment, terror and death on the innocent civilians of the island. More than 2,000 Cretans were executed during the first month alone and thousands more later. Despite these atrocities, for the 4 years following the Allied withdrawal from the island, the people of Crete put up a courageous guerrilla resistance, aided by a few British and Allied officers and troops who remained. Those involved were known as the Andartes (the Rebels).

Cretan people of all ages joined or aided the Andartes. Children would pile rocks in the roads to slow down the German convoys. They even carried messages in their schoolbooks because it was the only place that the German soldiers never looked. These messages contained information critical to the Andartes who were hiding in the mountains and would come down for midnight raids or daytime sabotages.

The German terror campaign was meant to break the fighting spirit and morale of the Andartes. Besides the random and frequent executions, German soldiers used other means to achieve their goal. They leveled many buildings in the towns and villages, destroyed religious icons, and locked hundreds of Cretans in churches for days without food or water, but nothing worked. These actions only made the Cretans more ferocious in their quest for freedom.

Even in the face of certain death while standing in line to be executed, Cretans did not beg for their lives. This shocked the German troops. Kurt Student, the German paratrooper commander who planned the invasion, said of the Cretans, "I have never seen such a defiance of death."

Finally, the Cretan people participated in one of the most daring operations that brought shame and humiliation to the German occupation forces and exhilaration and hope to the enslaved peoples of Europe. Major-General Von Kreipe, commander of all German forces in Crete, was abducted from his own headquarters in April 1944 and transferred to a POW camp in England.

The German troops had never encountered such resistance. Hitler had initially sent 12,000 troops to Crete, thinking that the occupation would be swift. By the end of the 3½ years of occupation, Hitler had sent a total of 100,000 troops, to confront a little more than 5,000 Cretan Andarte fighters. These German troops could have been deployed somewhere else. More German troops were lost during the occupation of Crete than in France, Yugoslavia and Poland combined.

Most importantly, as a result of the battle in Crete, Hitler's master plan to invade Russia before the coming of winter had to be postponed, which resulted in the deaths of many German troops who were not properly prepared to survive the harsh Russian winter.

As we Americans know from our history, freedom does not come without a price. For their gallant resistance against the German invasion and occupation of their island, Cretans paid a stiff price. Within the first 5 months of the Battle of Crete, 3,500 Cretans were executed and many more were killed in the ensuing 3½ years of occupation.

Mr. Speaker, there are historical reasons why we Americans appreciate the sacrifices of the Cretan people in defending their island during the Battle of Crete. We have a history replete with similar heroic events starting with our popular revolt that led to the birth of our Nation more than two centuries ago.

We must always remember that as long as there are people willing to sacrifice their lives for the just cause of defending the integrity and freedom of their country, there is always hope for a better tomorrow. May we take inspiration from the shining example of the people of Crete in ensuring that this is indeed the case.

FORMER STATE SENATOR JOE BURTON AND GEORGIA'S VOTER ID LAW

Mr. GINGREY. Madam Speaker, I ask unanimous consent to speak out of turn for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise today to congratulate my State of Georgia on its new voter ID law which hopefully will be fully implemented soon. Additionally, I rise today to honor a friend and former Republican colleague in the Georgia State Senate, Joe Burton of DeKalb County.

Though retired, Senator Burton was one of the legislature's greatest proponents of voter identification reform, as well one of the legislative architects of this reform. While he may no longer be in the Georgia State Senate, the passage of this voter ID reform legislation can be directly attributed to his efforts.

Madam Speaker, Senator Burton, like most of us, realized open and fair elections are critical to the preservation of our democratic form of government. Every citizen has not only the right but, in many ways, the obligation to choose their leaders through the electoral process.

However, to ensure the integrity of our elections, we must verify those who vote are actually registered voters and the person they claim to be. Preventing election fraud and taking reasonable precautions to do so are fundamental in reassuring us all that our election results are a legitimate expression of the will of the people.

Last year, Madam Speaker, the Georgia legislature passed, and Governor Sonny Perdue signed into law a comprehensive voter identification bill. This bill requires an individual to produce a photo ID in order to vote rather than 1 of 17 different forms, including utility bills, bank statements, mail, and various non-photo licenses, which in no way guarantee that the possessor of the document is actually the identified person.

Madam Speaker, this law hit a slight speed bump when a Federal appeals court maintained an injunction on the voter ID law pending certain changes. Thankfully in the opening weeks of this year's legislative session, the Georgia legislature and the governor quickly passed a bill making all the necessary changes ensuring every Georgian can obtain a free photo ID in each and every one of Georgia's 159 counties.

Madam Speaker, this path to reform has not been an easy one. Legislators on both sides of this issue feel very passionately, and throughout this debate, emotions ran high, and they will probably continue to run high until these reforms are enacted and the law's opponents can see these reforms actually help, not hinder, voters.

While this law may have a few more legal tests to pass, it has been reviewed by the Department of Justice throughout the process. I remain confident that, given a fair hearing, this law will stand all legal tests and will provide all Georgians with a more fair electoral process.

Madam Speaker, strengthening voter confidence in the electoral process will only encourage more people to vote. I know this, and I know Senator Burton knew this when he helped lay the foundation for this reform in the Georgia Senate. Now, with a Republican majority in the Georgia legislature and a Republican governor, these nonpartisan reforms will become a reality to strengthen the integrity of our elections for the sake of all Georgians.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Ms. CORRINE BROWN of Florida (at the request of Ms. PELOSI) for today and May 23 on account of official business in the district.

Mr. CAPUANO (at the request of Ms. PELOSI) for today on account of his son's graduation from Boston College.

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today and May

23 on account of a family medical emergency.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

Mr. RUPPERSBURGER (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. SNYDER (at the request of Ms. PELOSI) for today.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today and May 23 until 5:00 p.m. on account of personal reasons.

Mr. GRAVES (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. REHBERG (at the request of Mr. BOEHNER) for today through 5:00 p.m. May 23 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, May 23, 24, 25, and 26.

Mr. ENGLISH of Pennsylvania, for 5 minutes, May 24.

Mr. BILIRAKIS, for 5 minutes, May 23, 24, and 25.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. GINGREY, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 13 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 23, 2006, at 9 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7598. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: FuelSolutions (TM) Cask System Revision 4 (RIN: 3150-AH86) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7599. A letter from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting the Bureau's final rule — Administrative Changes to Alcohol, Tobacco and Firearms Regulations Due to the Homeland Security Act of 2002 [T.D. TTB-44] (RIN: 1513-AA80) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7600. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Changes to UI Performs — received April 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7601. A letter from the Federal Register Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Withholding of District of Columbia, State, City and County Income or Employment Taxes by Federal Agencies (RIN: 1510-AB06) received January 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7602. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Announcement of Rules Implementing American Jobs Creation Act of 2004 Section 415 Modifications of the Subpart F Treatment of Aircraft and Vessel Leasing Income [Notice 2006-48] received May 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7603. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2006-20) received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7604. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2006-14) received April 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7605. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Conditions for Payment of Power Mobility Devices, including Power Wheelchairs and Power-Operated Vehicles [CMS-3017-F] (RIN: 0938-AM74) received April 5, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

7606. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Medicare Graduate Medical Education Affiliation Provisions for Teaching Hospitals in Certain Emergency Situations [CMS-1531-IFC] (RIN: 0938-A035) received April 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

7607. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Payment for Respiratory Assist Devices With Bilevel Capability and a Backup Rate [CMS-1167-F] (RIN: 0938-AN02] received January 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARTON of Texas: Committee on Energy and Commerce. H.R. 5359. A bill to amend the automobile fuel economy provisions of title 49, United States Code, to authorize the Secretary of Transportation to set fuel economy standards for passenger automobiles based on one or more vehicle attributes (Rept. 109–475). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROGERS of Kentucky: Committee on Appropriations. H.R. 5441. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-476). Referred to the Committee of the Whole House on the State of the Union.

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 830. Resolution providing for consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–477). Referred to the House Calendar.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 9. A bill to amend the Voting Rights Act of 1965; with an amendment (Rept. 109–478). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself and Mr. DINGELL):

H.R. 5438. A bill to amend the Public Health Service Act to transfer the National Disaster Medical System to the Department of Health and Human Services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas:

H.R. 5439. A bill to amend title 17, United States Code, to provide for limitation of remedies in cases in which the copyright owner cannot be located, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Texas:

H.R. 5440. A bill to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. ROGERS of Kentucky:

H.R. 5441. A bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes.

By Mr. EHLERS (for himself, Mr. HOLT, Mrs. BIGGERT, and Mr. BOEHLERT):

H.R. 5442. A bill to amend the Elementary and Secondary Education Act of 1965 to require the use of science assessments in the calculation of adequate yearly progress, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Ms. WATERS, Mr. FRANK of Massachusetts, and Mr. SHAYS):

H.R. 5443. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. KNOLLENBERG:

H.R. 5444. A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; to the Committee on Veterans' Affairs.

By Mr. PRICE of Georgia (for himself, Mr. BACHUS, and Mr. SCOTT of Georgia):

H.R. 5445. A bill to provide clarification relating to credit monitoring services; to the Committee on Financial Services.

By Mr. JINDAL:

H.R. 5446. A bill to direct the Administrator of the National Oceanic and Atmospheric Administration to report to the Congress on the effects of Hurricanes Katrina, Rita, and Wilma on the fisheries and fish habitat of the United States; to the Committee on Resources.

By Mr. JINDAL:

H.R. 5447. A bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to authorize the Secretary of Commerce to establish a regional economic transition program to provide immediate disaster relief assistance to the fishermen, charter fishing operators, United States fish processors, and owners of related fishery infrastructure affected by a catastrophic regional fishery disaster, and for other purposes; to the Committee on Resources.

By Mr. JINDAL:

H.R. 5448. A bill to establish the Louisiana Hurricane and Flood Protection Council for the improvement of hurricane and flood protection in Louisiana; to the Committee on Transportation and Infrastructure.

By Mr. LaTOURETTE:

H.R. 5449. A bill to amend title 49, United States Code, to modify bargaining requirements for proposed changes to the personnel management system of the Federal Aviation Administration; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS (for himself, Mr. BOEHLERT, and Mr. GILCHREST):

H.R. 5450. A bill to provide for the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself and Mr. REHBERG):

H.R. 5451. A bill to prevent congressional reapportionment distortions; to the Committee on Government Reform.

By Mr. DUNCAN (for himself, Mr. PITTS, Mr. GINGREY, Mrs. BLACKBURN, Mr. ROGERS of Kentucky, Mr. WAMP, Mr. GOODE, Mr. SULLIVAN, Mr. SESSIONS, Mr. WILSON of South Carolina, Mr. HAYES, Mr. WELDON of Florida, Mr. TANCREDO, Mr. LEWIS of Kentucky, Mr. KING of Iowa, Mr. HOSTETTLER, Mr. McCOTTER, Mr. TERRY, Mr. RYUN of Kansas, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. SHIMKUS, Mr. TIAHRT, Mr. KUHL of New York, Mr. CHABOT, Mr. PICKERING, Mr. JONES of North Carolina, Mr. EVERETT, Mr. SOUDER, Mr. DAVIS of Tennessee, Mr. FORD, Mr. HERGER, Mr. SCHWARZ of Michigan, Ms. FOXX, Mr. POE, Mrs. JO ANN DAVIS of Virginia, Mrs. MYRICK, Mr. STEARNS, Mr. BUYER, Mr. GOHMERT, Mr. DOOLITTLE, Mr. CANNON, Mr. McKEON, Mr. BURTON of Indiana, Mr. JENKINS, and Mr. ALEXANDER):

H. Con. Res. 411. Concurrent resolution commemorating the anniversary of, commending, and reaffirming the national motto of the United States on the 50th anniversary of its formal adoption; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Ms. BERKLEY, Mr. WEXLER, Mr. McCOTTER, Mr. PENCE, Mr. CANTOR, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, Mr. POMBO, Mr. KING of Iowa, Mr. RYUN of Kansas, Mr. McHENRY, Mr. ENGEL, Mrs. JO ANN DAVIS of Virginia, Mr. CROWLEY, Mr. CANNON, Mr. CHANDLER, Mr. CHABOT, and Mr. ACKERMAN):

H. Con. Res. 412. Concurrent resolution commemorating the thirty-ninth anniversary of the reunification of the city of Jerusalem; to the Committee on International Relations.

By Ms. KAPTUR:

H. Res. 831. A resolution to support the goals of an annual National Time-Out Day to promote patient safety and optimal outcomes in the operating room; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. UDALL of Colorado.

H.R. 115: Mr. DOYLE.

H.R. 136: Mr. WHITFIELD.

H.R. 202: Mr. SANDERS.

H.R. 558: Ms. MATSUI.

H.R. 559: Mr. DAVIS of Illinois and Ms. ZOE LOFGREN of California.

H.R. 676: Mr. DOYLE and Mr. MEEHAN.

H.R. 713: Mr. FORD.

H.R. 745: Mr. EDWARDS.

H.R. 759: Mrs. McCARTHY.

H.R. 881: Mr. LEWIS of Georgia.

H.R. 1227: Mr. TANCREDO, Mr. PASCRELL, Mr. WALDEN of Oregon, and Mr. MILLER of North Carolina.

H.R. 1249: Mr. FITZPATRICK of Pennsylvania.

H.R. 1315: Mr. CONAWAY.

H.R. 1425: Mr. RANGEL.

H.R. 1548: Mrs. CUBIN, Mr. MILLER of North Carolina, Ms. LEE, and Mr. PRICE of Georgia.

H.R. 1558: Mr. YOUNG of Alaska.

H.R. 1578: Mr. FARR.

H.R. 1598: Mr. BOSWELL.

H.R. 1749: Mr. FORD.

H.R. 2121: Ms. HOOLEY.

H.R. 2328: Mr. ISTOOK.

H.R. 2498: Mr. BOOZMAN.

H.R. 2808: Mr. KLINE, Mr. PAYNE, Mr. SABO, Mrs. CUBIN, Mr. KENNEDY of Minnesota, Mr. WAMP, Mr. BARRETT of South Carolina, Mr. BUYER, Mr. CHOCOLA, Mr. BRADLEY of New Hampshire, Mr. SAXTON, Mr. HOLDEN, Mr. GUTKNECHT, Mr. LINDER, Mrs. McCARTHY, Mr. DOYLE, Mr. STUPAK, Mr. TERRY, Mr. FORTENBERRY, Ms. ROS-LEHTINEN, Mr. BOUSTANY, Mr. WU, Mr. AL GREEN of Texas, Mr. TANNER, Mr. ROGERS of Kentucky, Mr. JENKINS, Mr. BILIRAKIS, Mr. TIBERI, Ms. HART, Mr. WALSH, Mr. BLUNT, Mr. BURGESS, Mr. PITTS, Mr. SMITH of Texas, Ms. PRYCE of Ohio, Mr. BROWN of South Carolina, Mr. PETRI, Mr. STEARNS, Mr. FRELINGHUYSEN, Mr. REGULA, Mr. FRANK of Massachusetts, Mr. LEWIS of Kentucky, Mr. THOMAS, Mr. MURTHA, Mr. McNULTY, Mr. PLATTS, Mr. McCOTTER, Mr. COLE of Oklahoma, Mr. PORTER, Mr. McKEON, Mr. CHABOT, Mr. ISTOOK, Mr. KING of New York, Mrs. JOHNSON of Connecticut, Mr. EHLERS, and Mr. ROGERS of Michigan.

H.R. 2939: Mr. MARSHALL.

H.R. 2963: Ms. McKINNEY.

H.R. 3063: Ms. LEE.

H.R. 3282: Mr. CRENSHAW.

H.R. 3547: Ms. CARSON.

H.R. 4023: Mr. JEFFERSON, Ms. McKINNEY, Mr. PASTOR, Mr. COBLE, Mr. SALAZAR, Mr. CRAMER, and Mr. McGOVERN.

H.R. 4033: Mr. LaHOOD, Mr. FERGUSON, Mr. GERLACH, Mr. LEWIS of Kentucky, Mr. LEWIS of Georgia, Mr. FOSSELLA, Mr. CARDIN, Mr. GEORGE MILLER of California, Mr. DELAHUNT, Mr. COBLE, Ms. MATSUI, Mr. CUELLAR, Mr. SOUDER, Mr. FRANKS of Arizona, Mr. JOHNSON of Illinois, Mr. McINTYRE, Mrs. EMERSON, Mr. PLATTS, Mr. LANGEVIN, Mr. KING of New York, Ms. SCHAKOWSKY, Mr. LUCAS, Mr. GONZALEZ, Mr. ISRAEL, Mr. SULLIVAN, and Mr. EHLERS.

H.R. 4197: Mr. ABERCROMBIE and Mr. SERRANO.

H.R. 4259: Mr. HIGGINS.

H.R. 4704: Ms. LEE.

H.R. 4747: Mr. RAMSTAD, Mr. GENE GREEN of Texas, Mr. SHERWOOD, Mr. PALLONE, Mr. GEORGE MILLER of California, Mr. PLATTS, Mrs. DAVIS of California, Ms. CARSON, Mr. SHAYS, Mr. GOODE, Ms. DeLAURO, Ms. McKINNEY, Mrs. JONES of Ohio, and Mr. FORTENBERRY.

H.R. 4755: Mr. FORD.

H.R. 4854: Mr. ROGERS of Kentucky.

H.R. 4890: Mr. CRENSHAW and Mr. HYDE.

H.R. 4942: Mr. DAVIS of Kentucky.

H.R. 4953: Mrs. MILLER of Michigan.

H.R. 4974: Mr. DAVIS of Illinois.

H.R. 4982: Ms. HART.

H.R. 4992: Mr. EDWARDS.

H.R. 4997: Mr. McDERMOTT.

H.R. 5067: Mr ALEXANDER.

H.R. 5134: Mr. SOUDER, Ms. BALDWIN, and Mr. LANGEVIN.

H.R. 5150: Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FARR, and Mr. PETERSON of Minnesota.

H.R. 5159: Mr. PLATTS and Mr. BRADLEY of New Hampshire.

H.R. 5201: Mr. HEFLEY.

H.R. 5230: Mr. WELDON of Florida.

H.R. 5249: Mr. FERGUSON.

H.R. 5250: Mr. FOSSELLA, Mr. CLYBURN, Mr. GRIJALVA, Mr. MILLER of North Carolina, Mr. KENNEDY of Minnesota, and Mr. CRAMER.

H.R. 5289: Mr. ALEXANDER.

H.R. 5291: Mrs. BLACKBURN and Mr. ALEXANDER.

H.R. 5316: Mr. BUTTERFIELD.

H.R. 5333: Ms. SCHWARTZ of Pennsylvania, Mr. SNYDER, Ms. MATSUI, Mr. FORTENBERRY, and Mr. GONZALEZ.

H.R. 5346: Mrs. SCHMIDT.

H.R. 5347: Ms. HARRIS and Mr. RENZI.

H.R. 5399: Mr. MORAN of Virginia, Mr. LoBIONDO, and Mrs. EMERSON.

H.R. 5401: Mr. POMEROY and Mr. CARNAHAN.

H.R. 5423: Mr. TOWNS.

H. Con. Res. 338: Mr. PENCE, Ms. HARRIS, Mr. CROWLEY, Mr. WILSON of South Carolina, Mr. POMBO, and Mr. SHIMKUS.

H. Con. Res. 380: Ms. LINDA T. SÁNCHEZ of California and Mr. MEEKS of New York.

H. Con. Res. 393: Mr. SCOTT of Virginia and Ms. MCKINNEY.

H. Con. Res. 401: Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. HINOJOSA, and Ms. ESHOO.

H. Con. Res. 408: Mr. BROWN of South Carolina, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. BASS, Mr. MANZULLO, Mr. ENGEL, Mr. TIAHRT, Mrs. MILLER of Michigan, Mr. MCCOTTER, and Mr. KUHL of New York.

H. Res. 466: Mr. RUPPERSBERGER.

H. Res. 763: Mr. DAVIS of Illinois.

H. Res. 784: Mr. PAYNE.

H. Res. 785: Mr. WAXMAN.

H. Res. 790: Ms. MCKINNEY.

H. Res. 799: Mr. LANTOS, Mr. ENGEL, and Mr. MCNULTY.

H. Res. 826: Mr. WOLF and Mr. SABO.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5384

OFFERED BY: MR. PAUL

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following new sections:

SEC. ____. None of the funds made available in this Act may be used to implement or administer the National Animal Identification System.

H.R. 5384

OFFERED BY: MR. LATHAM

AMENDMENT NO. 16: Strike section 741 (page 78, lines 8 through 17), and insert the following new section:

SEC. 741. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel who implement or administer section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) or any regulation, bulletin, policy, or agency guidance issued pursuant to such section for the 2007 and the 2008 reinsurance years, except that funds are available to administer such section for policies for those producers who, before the date of the enactment of this Act, had in effect a crop year 2006 crop insurance policy from a company eligible for the opportunity to offer a premium reduction under such section for the 2006 reinsurance year.

H.R. 5384

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 17: Page 9, line 10, insert after the first dollar amount the following: "(reduced by $500,000)".

Page 19, line 8, insert after the first dollar amount the following: "(increased by $500,000)".

H.R. 5384

OFFERED BY: MR. HOLT

AMENDMENT NO. 18: Page 5, line 15, after the dollar amount, insert the following: "(reduced by $3,145,000)".

Page 17, line 14, after the dollar amount, insert the following: "(increased by $3,145,000)".

Page 17, line 24, after the dollar amount, insert the following: "(increased by $3,145,000)".

EXTENSIONS OF REMARKS

TRIBUTE TO 25TH ANNIVERSARY OF FROM THE HEART CHURCH MINISTRIES

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. CARDIN. Mr. Speaker, it is with great honor that I rise today to commemorate the 25th anniversary of From the Heart Church Ministries. Since its beginnings in 1981 with only 24 members, From the Heart Church Ministries has provided spiritual guidance to the Prince George's County community through worship services and television and radio broadcasts.

Founder and Pastor Reverend John A. Cherry is a nationally acclaimed minister whose message of hope and committed spiritual teaching have changed the lives of many. Under his steady leadership, From the Heart Church Ministries has grown from its modest beginnings as a storefront church to one of the largest churches in Prince George's County, providing services to over 27,000 members. Reverend Cherry's spiritual message is also broadcast Sundays and during the week, providing religious guidance and teaching to thousands more.

Reverend Cherry's 25 years of service have established a foundation of strong biblical teaching rooted in faith and love—a foundation that his son, John A. Cherry II, will build upon. Reverend John A. Cherry II will officially be installed as pastor during the anniversary celebration.

I urge my colleagues in the U.S House of Representatives to join me today in recognizing From the Heart Church Ministries' 25th anniversary and applauding the accomplishments of Reverend John A. Cherry. His legacy of spiritual leadership will allow his son to continue his work and influence the hearts and minds of a faithful community for years to come.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. ANDREWS. Mr. Speaker, I regret that I missed four votes on May 19th, 2006. Had I been present I would have voted "no" on defeating the Previous Question on H.Res. 821 (the Rule providing consideration for H.R. 5385—Military Quality of Life and Veterans Affairs Appropriations Act); "no" on H.Res. 821 (the Rule providing consideration for H.R. 5385—Military Quality of Life and Veterans Affairs Appropriations Act); "yes" on the Blumenauer Amendment (increasing appropriations for the clean up on closed military bases) and "yes" on H.R. 5385 (Military Quality of Life an Veterans Affairs Appropriations Act).

HONORING HAKKI GURKAN

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to congratulate Hakki G. Gurkan of Chicago, Illinois, on the occasion of his 30th birthday. Currently serving our Nation in Iraq, Hakki is continuing an impressive career in many areas of public service.

Petty Officer, 2nd class Gurkan joined the United States Navy Reserve in 2002 and is now serving overseas in Iraq as an Intelligence Specialist. He is fiercely proud to serve his country and I am certainly proud of him.

Before being mobilized, Hakki served as a Chicago Police Officer for 6 years. As a patrol officer in the 11th District, he worked tirelessly every day to respond to emergencies and keep our community safe and secure.

Last year Hakki added to his already considerable background in public service by using his vacation time to serve as an intern in my Washington, DC office. He was a strong addition to the office and assisted my staff in many important ways.

Hakki received his bachelor of arts degree from Columbia College in Chicago and earned a master's degree in law enforcement administration from Calumet College of St. Joseph in Whiting, Indiana.

Mr. Speaker, on behalf of the Fifth Congressional District of Illinois, I thank Hakki for his devoted service to our country, both at home and overseas.

I ask my colleagues to join me in sending best wishes to Petty Officer, 2nd Class Gurkan and all American men and women in uniform serving in Iraq, Afghanistan and throughout the world.

IN HONOR OF POLISH CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they celebrate Polish Constitution Day—sharing their cultural gifts along a parade route lined with food, song and joyous celebration.

The first written European constitution, the Governmental Statute of Poland, was instated on May 8, 1791. Poland's Constitution was the result of nearly five centuries of struggle and perseverance by the people of Poland to diminish the power of the King and also to create facets and an institution of government vital to the foundation of a constitutional government. The Polish American Congress was formed in 1949, and continues to serve as a significant bond of Polish culture, heritage and history in Cleveland and across the country. The group serves as a unifying force for both Polish Americans and Polish citizens living in America. Taking a positive stand on issues concerning the people of Poland, the group strives to attain a free market economy within the framework of a democratic society.

The goal of the Polish American Congress is to make Americans of Polish heritage more successful U.S. citizens by encouraging them to assume the responsibilities of citizenship. In addition, the group supports fraternal, professional, religious, and civic associations dedicated to the improvement of the status of all Americans of Polish heritage. The Polish American Congress has played a crucial role in the Polish community, and in its many years of support and service has been an invaluable contribution to the city of Cleveland and beyond.

Mr. Speaker and colleagues, please join me in honor and celebration of the leaders and members of the Polish American Congress, as they celebrate Polish Constitution Day and as they continue to promote and protect the heritage, history and culture of their beloved Polish homeland—providing awareness and connection to every new generation born in America, and enriching the diverse fabric of our entire Cleveland community.

HONORING W. JAMES FARRELL

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. EMANUEL. Mr. Speaker, I rise today I order to recognize the long and distinguished career of Jim Farrell. Jim retired this month as chairman of Illinois Tool Works, Inc., ITW, after a 41-year career with the company, and has spent a lifetime making a positive impact on the Chicago-area community.

After graduating from the University of Detroit with a degree in electrical engineering, Jim joined ITW in 1965. He originally intended to work there for the few months he had before reporting for military service, but he would ultimately return after 2 years in the Army. Rising steadily through the ranks, Jim served as ITW's chief executive officer from 1995 and chairman from 1996. Based in Glenview, Illinois, the company now operates in 45 countries and employs almost 50,000 people.

As CEO and chairman of a Fortune 200 company, Jim was known for an unusual but

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

highly successful approach. At ITW he oversaw the purchase of more than 200 companies. He resisted the prevailing wisdom to consolidate operations and instead gave the 600 division managers a high degree of autonomy. This allowed Jim to cultivate an environment that remains highly conducive to entrepreneurship and allows managers to stay closely connected to employees and customers.

Jim has always found time and energy to give to the community. For more than a decade he has chaired and worked with the Chicago branch of Junior Achievement, a worldwide organization dedicated to educating young people about business, economics, and free enterprise. In addition to serving on numerous other business and civic boards, Jim also instituted a generous matching policy under which ITW matches $3 for each $1 donated to charity by an employee.

Mr. Speaker, I congratulate Jim for his many successes, I thank him for his role within the business community of Illinois and for his dedication to civic duty, and I wish him and his family the best of luck in all future endeavors.

TRIBUTE TO COMMEMORATE JEWISH AMERICAN HISTORY MONTH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. HONDA. Mr. Speaker, I rise today to commemorate Jewish American History Month and the contributions made to our country by Jewish Americans. With a culture that strongly values education and community, they have enriched our culture and contributed to the economic and cultural vitality of our Nation. My community in Silicon Valley wouldn't be what it is today without the contributions of Jewish Americans.

Jewish immigrants came to our country, hoping to fulfill their dreams by participating in the American promise of socioeconomic mobility and cultural tolerance. The stories of their successes in our country are greatly inspiring.

Andy Grove, for instance, fled his home in Hungary during the Hungarian Revolution with his family under the cover of night, and immigrated to the United States. From these humble beginnings he eventually became the Chairman and CEO of one of the greatest economic engines in the world, Intel. Sergey Brin, another innovative Jewish leader, came to America with his family to escape anti-Semitism. Through hard work and diligent studies, he founded one of the most innovative companies in the world: Google.

Examples abound of other Jewish Americans who lead our community in innovation and philanthropy, including Jeffrey Skoll, Ken Levy, Eli Reinhard and Eic Benhamou. America's ethnic diversity is a source of our country's strength, and the Jewish American community stands as a bedrock for our nation.

IN SUPPORT OF THE ESTABLISHMENT OF JEWISH AMERICAN HERITAGE MONTH

HON. JOHN J.H. "JOE" SCHWARZ

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. SCHWARZ of Michigan. Mr. Speaker, I rise today to join my colleagues in support of President Bush's proclamation declaring May 2006 as Jewish American Heritage Month.

Jewish American Heritage Month recognized the wonderful cultural heritage of the Jewish people in America. It will be a time to honor all of the benefits and successes that Jewish Americans have experienced as well as recognizing the achievements and the diversity their culture has provided to the United States.

Jewish American Heritage Month will also provide a venue for education of the Jewish American culture. It allows an opportunity to further educate and ultimately end anti-Semitism for future generations.

Today, I join my colleagues as well as President Bush to establish the month of May to observe and celebrate the rich history of the Jewish people in America and honor the great contributions they have made to our country.

TRIBUTE TO DISABLED VETERANS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. KNOLLENBERG. Mr. Speaker, next Monday we will honor all that have made the ultimate sacrifice serving and protecting our country. I rise today to honor our disabled veterans still with us that have sacrificed so much.

On the last Monday of May every year, Members of this body celebrate Memorial Day by walking in parades, making speeches, and talking to active and retired military men and women. We tell them how much we appreciate their efforts and thank them for their services. We do this proudly as they deserve our respect and admiration for serving this great country.

Currently, American troops defend our freedom on many different fronts and veterans are at the forefront of our legislative priorities. The number of veterans coming home from Iraq, Afghanistan, and other areas increases daily and it is our responsibility to ensure their needs are met. While our veterans may be out of harm's way, our responsibility to them remains.

I am introducing legislation to further our commitment to our disabled veterans that have served our country with valor. Currently, every year Congress enacts a cost-of-living adjustment for veterans' disability benefits. We have done this every year since 1978. In fact, both Congress and the President assume this COLA will be enacted every year.

My legislation, the Veterans Disability Compensation Automatic COLA Act, would simply make the COLAs for veterans' disability benefits automatic each year. Veterans should not have to depend on Congress adjusting their disability benefits every year. Social Security and Medicare have automatic COLA adjustments. Our veterans deserve to have that same security. Furthermore, because Congress and the President assume this increase in their budget every year, my bill has no budgetary effect.

I am also pleased to enter into the RECORD letters of support from the Disabled American Veterans as well as American Veterans (AMVETS). These veterans service organizations support this bill to assure veterans the COLA they deserve.

Mr. Speaker, we cannot and should not assume future Congresses will act to adjust veterans' disability COLAs every year. I ask my colleagues to join me to ensure our veterans get the benefits they deserve without having to rely on a superfluous yearly act by Congress.

DISABLED AMERICAN VETERANS,
Washington, DC, May 22, 2006.

Hon. JOE KNOLLENBERG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KNOLLENBERG: On behalf of the 1.5 million members of the Disabled American Veterans (DAV) and its Auxiliary, I write in support of the measure you are introducing today, the Veterans' Disability Compensation Automatic COLA Act.

Your bill would protect the benefits of sick and disabled veterans and their dependents by preserving its intent and beneficial purpose. Specifically, the bill would automatically increase the rates of disability compensation, dependency and indemnity compensation (DIC), and the annual clothing allowance by the percentage of increase in the cost of living as measured by the Consumer Price Index without precluding any other increases deemed necessary in the future.

Other benefits such as automobile and housing grants, and burial and plot allowances, for which Congress has regularly enacted legislation to adjust these benefits have had their value seriously eroded. Unless the amounts of disability compensation, DIC, and clothing allowance are periodically adjusted, inflation diminishes the significance and effectiveness of these benefits.

Again, I want to thank you for your continued effort to protect and enhance the benefits and services of veterans who are disabled by virtue of their selfless sacrifice and service to our nation, and their dependents.

Sincerely,

JOSEPH A. VIOLANTE,
National Legislative Director.

AMVETS,
Lanham, MD, May 22, 2006.

Hon. JOE KNOLLENBERG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE KNOLLENBERG: On behalf of AMVETS (American Veterans), I want to thank you for your legislation that will provide a timely and guaranteed cost-of-living adjustment for our nation's disabled veterans.

AMVETS endorses your legislation to automatically increase veterans' disability benefits by the Consumer Price Index (CPI) each year, without an act of Congress. It is important VA benefits keep pace with society and the cost of living. Your bill will see that veterans' benefits are increased proportionately and will sustain the same buying power as in previous years.

AMVETS supports our nation's commitment to care for the men and women who have served in our military service. I strongly encourage the House Veterans' Affairs Committee to act favorably on this legislation.

Sincerely,

JAMES B. KING,
National Executive Director.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. BONNER. Mr. Speaker, on Friday, May 19, 2006, I was absent for votes as I was honored to give the commencement address to the 2006 graduating class at Monroe Academy in Monroeville, Alabama. Had I been present, I would have voted "yea" on rollcalls 173, 174, and 176. I would have voted "nay" on rollcall 175.

TRIBUTE TO "WE THE PEOPLE" AND EAST KENTWOOD HIGH SCHOOL

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. EHLERS. Mr. Speaker, I rise in support of the "We the People" program. From April 29 to May 1, 2006, approximately 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. I am pleased to announce that East Kentwood High School from Kentwood, Michigan, received the Unit 3 Award in the competition. The "We the People" program is administered by the Center for Civic Education and funded by the U.S. Department of Education by act of Congress.

The "We the People" national finals is a 3-day academic competition that simulates a congressional hearing in which the students "testify" before a panel of judges on constitutional topics. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. Among the questions students responded to in this year's competition were: "How would you distinguish a federal system from a unitary government and from a confederation?" and "What did the Framers hope to achieve by establishing a federal system of government?"

The following outstanding students represented East Kentwood High School: Mark Alonso, Sefik Arapovic, Tyler Boyd, Michelle Burns, Aaron Dame, Karl DeVries, Kelsey Duinkerken, Branden Graf, Jessica Hoag, Jessica Hulbert, J.J. Jang, Jamie Overbeek, Alexa Schlosser, Paige Stevens, Peter Vu Tran, and Laura Vlieg.

I also wish to commend the teacher of the class, Deborah Snow, who was responsible for preparing the students for the national finals competition. Also worthy of special recognition are Linda Start and Jim Troost, the state coordinators, and Susan Laninga, the district coordinator, who are among those responsible for implementing the "We the People" program in my district.

Mr. Speaker and my colleagues in the House, please join me in congratulating these young constitutional experts for their outstanding achievement.

PERSONAL EXPLANATION

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I had a leave of absence on Friday, May 19, for family business. If I had been present, I would have voted: "yes" on rollcall vote 173, "yes" on rollcall vote 174, "no" on rollcall vote 175, and "yes" on rollcall vote 176.

IN HONOR OF ROCKFORD, IL, BURPEE MUSEUM FOR RECEIVING TWO AMERICAN ASSOCIATION OF MUSEUM AWARDS

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. MANZULLO. Mr. Speaker, I rise today to recognize the Burpee Museum of Natural History of Winnebago County—Burpee, IL, in the district I am proud to represent. The Burpee Museum is a remarkable cultural institution that has received two prestigious American Association of Museum—AAM—Awards. Both of these awards are for the Jane: Diary of a Dinosaur exhibit at the museum, which opened to outstanding reviews in June 2005.

The museum submitted entries in two categories: Overall Exhibit Excellence and the MUSE Award for the use of media and technology in the Jane exhibit. Burpee received the Exhibit Excellence Award, which is considered the museum profession's highest honor. It also received an Honorable Mention MUSE award for Jane's interactive Meet the Researcher video.

Lew Crampton, Burpee president and CEO, accepted the awards at the AAM's 100th International Conference in Boston in the company of 7,000 other museum profession delegates from around the world. Judges who presented the awards to Mr. Crampton praised Burpee, stating the "whole project was so solid . . . and you just did everything right . . . your work could and should serve as a model to other institutions (including much larger ones) as a way to create an excellent exhibit."

Jane's exhibit is a reflection of the dedication and professional excellence that is demonstrated by the personnel at Burpee. Burpee's personnel overcame three daunting tasks in order to successfully create the exhibit. First, after transporting Jane from Montana to the museum lab, Jane's 66 million year old bones were carefully removed from the rocks in which they were embedded. Second, identifying Jane's place in the dinosaur family tree presented a unique challenge because many scientists consulted in the process disagreed on this matter. Finally, in the midst of the first two tasks, Burpee's personnel had to consider how to create an exhibit that would be able to bridge the gap between science education and family enjoyment.

Mr. Speaker, I wish to extend my recognition and support of the Burpee Museum of Natural History in Rockford, IL. Since its founding in May of 1942 as a part of the Works Progress Administration, the mission of Burpee has been to inspire all people to engage in a lifetime of learning about the natural world, and they have been very successful in doing so. To this day, Burpee reaches out to the public through its creative event programming and excellent educational offerings for educators, families, and other members of the local community. Burpee is a prime example for other cultural institutions across the country, and I am honored to recognize the museum and its personnel here today.

IN MEMORY OF KATHERINE DUNHAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. RANGEL. Mr. Speaker, today I rise to pay tribute to my dear friend, Katherine Dunham, who passed away Monday, May 21, 2006. Katherine may have become famous for her extraordinary dancing capabilities, but it was her humanitarian activities that truly made her a legendary American.

Born in Chicago, Illinois on June 22, 1909, Dunham was once described as "the hottest thing to hit Chicago since Mrs. O'Leary's cow kicked the bucket." From a very young age, her talent for dance was obvious. However, she decided to heed her parent's wishes and began studies in social anthropology at the University of Chicago during the 1930's. It was during these formative years that she was awarded a Rosenwald Travel Fellowship to study anthropology and native dance in West Indies. Forced by her advisors to choose between the two, she went with dance and the rest, as they say, is history.

Dunham's extensive knowledge of anthropology became instrumental in the style of dance, now referred to as the Dunham technique, which she invented and popularized. She brought African and Caribbean dance and ritual influences to a dance world dominated by a European style, thus beginning the anthropological dance movement, which made use of ethnic and folk choreography. To Dunham, her methods were "more than just dance or bodily executions." Instead, her style was "about movement, forms, love, hate, death, life, all human emotions." She made her Broadway debut in the late 1930's sporting an unorthodox costume, which included a bird cage on her head and a cigar in her mouth. Her reasoning: such accessories were typical of the women whom she saw while in the Caribbean during her anthropological studies.

From the 1930's to the 1960's, Dunham revolutionized the worlds of dance, theater, music and education, touring the world, visiting over 60 countries on 6 continents with dance companies and touring productions. She introduced the art form of black dance to Europe and was the first person to expose elements of American modern dance to a foreign country. James Dean, Marlon Brando and Eartha Kitt all became disciples of her technique as they sought Katherine out as a teacher. With the permission of King Hassan II, she first introduced the dancers of Morocco to an American audience with her 1962 production of Bamboche. She formed the first all Black dance company, Ballet Negre, which became the famous Katherine Dunham Dance Company.

Even during her years dancing, Katherine's interest in culture and anthropology never faltered. In 1965, she decided to disband the Katherine Dunham Dance Company to act as advisor to the cultural ministry of Senegal. She also wrote eight books, numerous articles and short stories and several essays touching on her cultural interests ranging from experiences from her world travels to the Myal dance, a secret rite native to Jamaicans.

Following her retirement from dancing in 1967, Dunham continued to choreograph shows; however, humanitarian leanings became the focal point of her efforts. She moved to East St. Louis, Illinois, a predominantly black area, to work with inner-city youth. Her concept was to infuse a spirit of the arts with these children in an attempt to keep them out of trouble. To do so, she founded the Performing Arts Training Center and the Katherine Dunham Museum and Children's school, which brought in artists like Harry Belafonte, to teach subjects as diverse as African hair-braiding, conversational Creole, martial arts, and aesthetics. She would continue to carry out these programs for the rest of her life, despite cuts in government and private funding.

This would not be her first or last activist effort. While touring the United States in the 1940's through the 1960's, Dunham refused to have her dance troupe perform in segregated theatres in an attempt to fight discrimination. In fact, she once refused to perform after finding out that African Americans had been prohibited from buying tickets to one of her shows. Her promotion of African and Caribbean values during the peak of the Civil Rights movement helped to infuse a positive image of black culture in the public consciousness.

Later on, in 1992, she would once again make a political message, as she went on a 47-day hunger strike to protest the government policy that repatriated Haitian refugees. Her involvement with Haiti did not stop there. Dunham was a big supporter of democracy in the country and in particular of the exiled President Aristide. In 1991, when Aristide was ousted in a military coup, Dunham petitioned the United States government to aid in his restoration as president. She also made several civilian trips to Haiti, eventually purchasing a house there. On each trip, she did her best to help stimulate the country economically and to provide humanitarian aid to the poverty-stricken people of Haiti.

Throughout her life, Katherine Dunham was many things to many people. To her surviving daughter, Marie-Christine Dunham Pratt, she was a mother. To her late husband, theatre designer John Thomas Pratt, she was a wife of 49 years. Yet, to all, she was an exemplary American. Katherine earned her celebrity status in a time when discrimination was at its peak, revealing immense reservoirs of creativity and dedication. She then used her fame as a way to create positive change in the world. As every dancer knows, actions speak louder than words and it was clear that Katherine lived by this doctrine. Her life is an inspiration to me and her loss will be felt, not just by the dance community, but by all Americans.

JEWISH AMERICAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 22, 2006

Mr. RANGEL. Mr. Speaker, I rise to thank Representative DEBBIE WASSERMAN SCHULTZ for her hard work on behalf of recognizing May as Jewish American Heritage month and to express my gratitude to the President for his proclamation making May Jewish American Heritage Month.

After the burning of the Second Temple and the final dispersion of the Jews from Zion, people of Jewish heritage have settled in every corner of the world. There are Jews in China, in India, in Mexico and in Greece. While Hitler almost murdered all the Jews of Europe, he did not entirely succeed.

Because of the moral values of this country we put our entire Nation into the fight against the Nazis in World War II. What is so remarkable about the fact that the United States fought so fiercely and so bravely in World War II is that they did so to save the world. That desire arose from the Nation's character, which is an amalgam of the religious heritage of its people—including its Jewish people.

Today I think about the Jewish soldiers in World War II who fought not even knowing of the death camps and the ovens. I think of the men who risked their lives every day in the mud of France and the fields of Belgium because they knew what was spreading and taking over Europe was immoral. When Eisenhower's troops first came upon a death camp, he made the camp guards and the German villagers who had lived in the green fields and gardens around the camp come to view the bodies and to bury them. The message was clear: Americans find what you have done here and you villagers have tolerated here to be an immense crime, an unimaginable crime.

The greatness of our people is their character. Jewish people have brought a lot to the making of that character. Jews have known that the values in the Five Books of Moses are universal and throughout 2,000 years of Diaspora brought their values with them to the shores of all the countries where they settled, including America.

Judaism is a religion and a value system. No one who is not a Jew is considered less a person by a Jew. No stranger can be left without shelter, no hungry man without bread.

I could not help but notice in the Save Darfur Coalition and other grass roots organizations working so hard to stop the genocide in Darfur that many Jewish organizations are involved in the grass roots efforts. Among them are the American World Jewish Congress, the American Jewish Committee, Jews against Genocide and the Religious Action Center for Reform Judaism. I have received letters from children in Jewish schools asking me to help the people of Darfur. Jewish people have a special understanding about genocide. The parents of these children who write to me may have lost grandparents, uncles, aunts, cousins. But they also know they can write to their Congressman and their children can write and ask for help for these people so far away who are in desperate trouble as their relatives once were.

One of the characteristics I most admire is the activism many of the Jewish people engage in. That activism has meant a great deal to the civil rights movement. I also admire the way Jews have contributed to the "personality" of New York. As a New Yorker, I feel especially lucky because I have learned some Yiddish, some great jokes and have met some truly amazing people who love books, culture, art and life. I'm glad for the Jewish heritage I experience in my district every day I am at home.

I say to Jewish Americans today: Congratulations and mazol tov.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 23, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 24

9 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine National Transportation Safety Board reauthorization.
SD–562

Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for defense related programs.
SD-192

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2007 for the Department of Labor.
SD-124

9:30 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security.
SD-342

10 a.m.
Energy and Natural Resources
Business meeting to consider S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, S. 1529, to provide for the conveyance of certain Federal land in the city of Yuma, Arizona, S. 1548, to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska, S. 1957, to authorize the Secretary of Interior to convey to The Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. certain Federal land associated with the Lewis and Clark National Historic Trail in Nebraska, to be used as an historical interpretive site along the trail, S. 2003, to make permanent the authorization for watershed restoration and enhancement agreements, S. 2028, to provide for the reinstatement of a license for a certain Federal Energy Regulatory Commission project, S. 2035, to extend the time required for construction of a hydroelectric project in the State of Idaho, S. 2054, to direct the Secretary of the Interior to conduct a study of water resources in the State of Vermont, S. 2150, to direct the Secretary of the Interior to convey certain Bureau of Land Management Land to the City of Eugene, Oregon, S. 2373, to provide for the sale of approximately 132 acres of public land to the City of Green River, Wyoming, at fair market value, S. 2403, to authorize the Secretary of the Interior to include in the boundaries of the Grand Teton National Park land and interests in land of the GT Park Subdivision, S. 2568, to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail, S. Res. 468, supporting the continued administration of Channel Islands National Park, including Santa Rosa Island, in accordance with the laws (including regulations) and policies of the National Park Service, H.R. 394 and S. 2034, bills to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, H.R. 482, to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, H.R. 486, to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base, H.R. 1492 and S. 1719, bills to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, H.R. 3507, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and H.R. 4000, to authorize the Secretary of the Interior to revise certain repayment contracts with the Bostwick Irrigation District in Nebraska, the Kansas Bostwick Irrigation District No. 2, the Frenchman-Cambridge Irrigation District, and the Webster Irrigation District No. 4, all a part of the Pick-Sloan Missouri Basin Program, and other pending calendar business.
SD-366

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine progress of the Capitol Visitor Center construction.
SD-138

2 p.m.
Judiciary
To hold hearings to examine judicial nominations.
SD-226

2:30 p.m.
Commerce, Science, and Transportation
Disaster Prevention and Prediction Subcommittee
To hold hearings to examine 2006 hurricane forecast and at-risk cities.
SD-562

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine S. 2466, to authorize and direct the exchange and conveyance of certain National Forest land and other land in southeast Arizona, S. 2788, to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and S. 2567, to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild a scenic rivers in the State of California.
SD-366

Intelligence
Closed business meeting to consider intelligence matters.
SH-219

3:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Gaddi H. Vasquez, of California, for the rank of Ambassador during his tenure of service as U.S. Representative to the United Nations Agencies for Food and Agriculture, and John Clint Williamson, of Louisiana, to be Ambassador at Large for War Crimes Issues, Department of State.
SD-419

MAY 25

Time to be announced
Homeland Security and Governmental Affairs
Business meeting to consider the nominations of R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security, and Lurita Alexis Doan, of Virginia, to be Administrator of General Services.
Room to be announced

9:30 a.m.
Foreign Relations
To hold hearings to examine the current status of United Nations reform.
SH-216

Indian Affairs
To hold an oversight hearing to examine Indian education.
SR-485

Judiciary
Business meeting to consider pending calendar business.
SD-226

10 a.m.
Banking, Housing, and Urban Affairs
Business meeting to markup the Flood Insurance Reform and Modernization Act of 2006.
SD-538

Commerce, Science, and Transportation
To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.
SD-106

Energy and Natural Resources
To hold hearings to examine the outlook for growth of coal fired electric generation and whether sufficient supplies of coal will be available to supply electric generators on a timely basis both in the near term and in the future.
SD-366

Veterans' Affairs
To hold hearings to examine pending benefits related legislation.
SR-418

Aging
To hold hearings to examine the status of preparing for a pandemic flu.
SD-G50

1 p.m.
Judiciary
Constitution, Civil Rights and Property Rights Subcommittee
To hold hearings to examine the consequences of legalized assisted suicide and euthanasia.
SD-226

2:30 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold hearings to examine Congress' role in Federal financial management, focusing on Congress' role and effectiveness in the Federal budget process, as well as ways it can improve the management of Federal funds.
SD-342

3 p.m.
Foreign Relations
To hold hearings to examine the nominations of Michael E. Ranneberger, of Virginia, to be Ambassador to the Republic of Kenya, Eric M. Bost, of Texas, to be Ambassador to the Republic of South Africa, and W. Stuart Symington IV, of Missouri, to be Ambassador to the Republic of Djibouti.
SD-106

JUNE 13

10 a.m.

Commerce, Science, and Transportation

To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.

Room to be announced

JUNE 14

10 a.m.

Commerce, Science, and Transportation

Technology, Innovation, and Competitiveness Subcommittee

To hold hearings to examine alternative energy technologies.

Room to be announced

JUNE 15

10:30 a.m.

Commerce, Science, and Transportation

Fisheries and Coast Guard Subcommittee

To hold hearings to examine the Coast Guard budget.

SD–562

JUNE 20

10 a.m.

Commerce, Science, and Transportation

Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.

Room to be announced

POSTPONEMENTS

MAY 24

10:15 a.m.

Judiciary

To hold hearings to examine the McCarran-Ferguson Act, focusing on implications of repealing the insurers' antitrust exemption.

SD–226

MAY 25

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine Pacific Salmon Treaty.

SD–562

SENATE—*Tuesday, May 23, 2006*

The Senate met at 9:45 a.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty Creator, the source of blessings, thank You for blessing us with the opportunity to work with a diverse group of people from different racial and religious backgrounds. Thank You for the strength and courage to face this new day.

Help our Senators to produce legislation to guide America on a proper course. Clear their minds and speak to their hearts so that they will succeed in their worthwhile endeavors.

Strengthen us all to tackle life's challenges as You unite us to achieve Your will. Bless us with the forbearance to forgive and work even with our enemies. Hear our prayer and guide us to Your salvation. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 23, 2006.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. CORNYN assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, this morning we will resume debate on the pending amendment related to the orange card visa program offered by Senator FEINSTEIN. We have an agreement of 60 minutes of debate prior to the vote. Senators should be on notice that a vote will occur sometime between 10:45 and 11 o'clock this morning. We expect additional votes throughout the day and perhaps into the evening.

Last night, the majority leader filed cloture. The order now provides that all first-degree amendments must be filed by 2:30 today in order to qualify under rule XXII. Senators should also be reminded that the Senate will take its customary Tuesday recess from 12:30 until 2:15 for the party caucus meetings.

IMMIGRATION

Mr. SPECTER. Mr. President, last week and up to our vote yesterday has been, I think, a very productive week for the Senate. We had 17 rollcall votes: 11 by Republicans, 6 by Democrats. We had 8 voice votes evenly divided: 4 by Democrats, and 4 by Republicans. We moved through some very contentious issues. I think the debate was of a high caliber.

I thank the Democratic leader, who is on the floor of the Senate, for his cooperation, and I thank all Senators for their cooperation and I am looking forward to similar activity. I think we are poised to complete action on this bill this week as contemplated.

We have maintained a delicate perhaps even tenuous coalition in support of the bill reported by the Judiciary Committee as we have worked through the underlying contentious issue as to how to handle 11 million undocumented immigrants with a view not to creating a fugitive class of Americans, remembering our roots as a nation, that we are a nation of immigrants, and recognizing the contribution which the undocumented immigrants, although here illegally, the contribution which they make to our economy.

We have faced a significant resistance to the bill on the ground that it constitutes amnesty. As I have contended before, it is not amnesty. We can't repeat that too often to remind people that amnesty is when you forgive transgression or forgive a wrong or forgive a crime. The undocumented immigrants will have to pay a fine. They will have to pay back taxes. They will have to go through criminal background checks. They will have to learn English. They will have to hold a job for a protracted period of time. And the reality is that they will earn their citizenship.

We have worked through some difficult amendments. Some could have gone either way without destroying the delicate coalition, and others would have perhaps been killer amendments which would have fractured the bill, which has not happened.

For those who are opposed to the bill or want to limit immigrants, the Bingaman amendment reduced the number of future guest workers from 350,000 to 200,000.

We had a very spirited and contentious debate on an amendment by Senators CORNYN and KYL which would have precluded H–2C guest workers to self-petition. Then Senator KENNEDY came back with a modification which opened up self-petitions which, in my view, is indispensable if we are not to put the immigrants at the mercy of the employer and provide the background for unfair treatment by employers to hang the sword of Damocles over the heads of the undocumented immigrants.

We had a very spirited debate on what to do about English, whether it is the national language or the common and unifying language or how to categorize it.

In my view, there was not a great deal of difference between the amendments offered by Senator INHOFE and Senator SALAZAR. We do know that we are looking for English to be a unifying factor. There is in the law today a series of procedures where other languages are printed for balance in a variety of contexts, but I think ultimately we will work that through on a satisfactory basis.

There was an amendment by Senator KYL to strike the provisions that the green card by H–2C workers would be a path to citizenship. That was a very important amendment not to adopt but to keep that path open consistent with the remainder of the bill.

The amendment to allow undocumented immigrants to receive credit for Social Security even though those payments were made during the time of illegal status, I think, was decided properly, although a close vote, 50 to 49. So that survived.

Yesterday, we rejected the amendment offered by Senator CHAMBLISS on a very complicated matter as to how we deal with the prevailing wage or adverse effect, and I think we are moving forward.

The amendment by the distinguished Senator from California is now on the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

floor. There is a great deal to recommend in favor of it, in a sense, because it would open up more generously the path to citizenship. But I believe if it were to be adopted it would fracture the very tenuous and delicate coalition which we have on this bill.

I compliment the Senator from California for her work on this bill. She has been a major contributor in the Judiciary Committee generally, and she brought forward the agriculture provisions which have been adopted. She is an effective fighter and, as always, the presenter of important and constructive ideas.

I am constrained to oppose the amendment because I think if we were to allow everybody who has been in this country since January 1, we will destroy the coalition, and we have made a distinction for those here longer than 5 years from those here 2 to 5 years on a principle basis—that those who are here longer and who have roots ought to be accorded greater consideration. We have drawn a line on January 7, 2004, because that was the date the President made a speech on immigration and people who came to the United States in illegal status after that date were on notice, you might say, maybe constructive notice, if they didn't know about it exactly, but they were on notice that they would not be accorded the same status as those who have been here earlier. We have used that as a cutoff date.

My view is that we are working on legislation which is of great importance to our country. We face a real test as to whether we will retain our principle of a welcoming nation to immigrants who earned their status to become citizens.

I think we have worked through the Judiciary Committee where we had a very difficult markup, and one marathon session to meet the timetable established by the majority leader.

The bill has been vigorously debated on both sides. I think there has been some concession of significance from the votes to those who are opposed to having an expansive view of guest workers and an expansive view according to immigrant status to move toward citizenship.

We have a great deal more work to do. I am confident, or optimistic or perhaps even hopeful that we will pass this bill in the Senate, and then we will look forward to the conference with the House of Representatives which has evidenced a very different view. But we have worked through with the House, with Chairman SENSENBRENNER, difficult issues on the PATRIOT Act and other matters, and our bicameral system has worked for America. We will move ahead to forge legislation which is principled but recognizing that there are different points of view, and accommodating as many views as we can. Where there is a basic disagreement, we vote to express the will of the body.

I have spoken a little longer than usual, but I wanted to summarize where we are on the bill.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

Pending:

Feinstein-Harkin amendment No. 4087, to modify the conditions under which aliens who are unlawfully present in the United States are granted legal status.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of debate for up to 60 minutes on amendment No. 4087, with the Senator from California, Mrs. FEINSTEIN, in control of 30 minutes, the Senator from Pennsylvania, Mr. SPECTER, in control of 20 minutes, and the Senator from Massachusetts, Mr. KENNEDY, in control of 10 minutes.

The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the President. I also want to thank the chairman of the committee. He has been a very good chairman. I want him to know that the only reason I offer this amendment is because when we read the bill language of Hagel-Martinez, which has not been voted on by this body, I believe it to be unworkable. I believe it will create another class of illegal immigrants in this country. I believe it is impossible to carry out the deportation requirements of the Hagel-Martinez amendment.

AMENDMENT NO. 4087, AS MODIFIED

I send an amendment to the desk, as modified, on behalf of Senators HARKIN, KENNEDY, REID, KERRY, and myself. This is a modification of my earlier amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

(The amendment, No. 4087, as modified, is as follows:

On page 345 strike line 10 and all that follows through page 395, line 23, and insert the following:

Subtitle A—Earned Adjustment of Status

SEC. 601. ORANGE CARD VISA PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Orange Card Program".

(b) EARNED ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Chapter 5 of title II (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"SEC. 245B. ACCESS TO EARNED ADJUSTMENT.

"(a) ADJUSTMENT OF STATUS.—

"(1) PRINCIPAL ALIENS.—Subject to subsection (c)(5) and notwithstanding any other provision of law, including section 244(h), the Secretary of Homeland Security shall adjust an alien's status to the status of an alien lawfully admitted for permanent residence, if the alien satisfies the following requirements:

"(A) APPLICATION.—The alien shall file an application establishing eligibility for adjustment of status in accordance with the procedures established under subsection (n) and pay the fine required under subsection (m) and any additional amounts owed under that subsection.

"(B) CONTINUOUS PHYSICAL PRESENCE.—

"(i) IN GENERAL.—The alien shall establish that the alien—

"(I) was physically present in the United States on or before January 1, 2006;

"(II) was not legally present in the United States on or before January 1, 2006, under any classification set forth in section 101(a)(15); and

"(III) did not depart from the United States on or before January 1, 2006, except for brief, casual, and innocent departures.

"(ii) LEGALLY PRESENT.—For purposes of this subparagraph, an alien who has violated any conditions of the alien's visa shall be considered not to be legally present in the United States.

"(C) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien shall establish that the alien is not inadmissible under section 212(a) except for any provision of that section that is waived under subsection (b) of this section.

"(D) EMPLOYMENT IN THE UNITED STATES.—

"(i) IN GENERAL.—The alien shall—

"(I) submit all documentation of the alien's employment in the United States before January 1, 2006; and

"(II) be employed in the United States for at least 6 years, in the aggregate, after the date of the enactment of the Orange Card Program.

"(ii) EXCEPTIONS.—

"(I) IN GENERAL.—The employment requirement in clause (i) shall be reduced for an individual who—

"(aa) cannot demonstrate employment based on a physical or mental disability or as a result of pregnancy; or

"(bb) is under 18 years of age on the date of the enactment of the Orange Card Program, by a period of time equal to the time period beginning on such date of enactment and ending on the date on which the individual reaches 18 years of age.

"(II) POSTSECONDARY STUDY.—The employment requirements in clause (i) shall be reduced by 1 year for each year of completed full time postsecondary study in the United States during the relevant period.

(III) The employment requirements in clause (i) shall not apply to an alien who is 65 years or older on the date of enactment of this Act.

"(iii) PORTABILITY.—An alien shall not be required to complete the employment requirements in clause (i) with the same employer.

"(iv) EVIDENCE OF EMPLOYMENT.—

"(I) CONCLUSIVE DOCUMENTS.—For purposes of satisfying the requirements in clause (i), the alien shall submit at least 2 of the following documents for each period of employment, which shall be considered conclusive evidence of such employment:

"(aa) Records maintained by the Social Security Administration.

"(bb) Records maintained by an employer, such as pay stubs, time sheets, or employment work verification.

"(cc) Records maintained by the Internal Revenue Service.

"(dd) Records maintained by a union or day labor center.

"(ee) Records maintained by any other government agency, such as worker compensation records, disability records, or business licensing records.

"(II) Other documents.—An alien who is unable to submit a document described in subclause (I) may satisfy the requirement in clause (i) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment for each required period of employment, including—

"(aa) bank records;

"(bb) business records;

"(cc) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, including the name, address, and phone number of the affiant, the nature and duration of the relationship between the affiant and the alien, and other verification information; or

"(dd) remittance records.

"(v) Burden of proof.—An alien applying for adjustment of status under this subsection has the burden of proving by a preponderance of the evidence that the alien has satisfied the employment requirements in clause (i).

"(E) Payment of income taxes.—The alien shall establish the payment of all Federal and State income taxes owed for employment during the period of employment required under subparagraph (D)(i). The alien may satisfy such requirement by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

"(F) Basic citizenship skills.—

"(i) In general.—Except as provided in clause (ii), the alien shall demonstrate that the alien either—

"(I) meets the requirements of section 312(a) (relating to a knowledge and understanding of English and the history and Government of the United States); or

"(II) is satisfactorily pursuing a course of study, recognized by the Secretary of Homeland Security, to achieve such understanding of English and the history and Government of the United States.

"(ii) Exceptions.—

"(I) Mandatory.—The requirements of clause (i) shall not apply to any person who is unable to comply with those requirements because of a physical or developmental disability or mental impairment.

"(II) Discretionary.—The Secretary of Homeland Security may waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older as of the date of the filing of the application for adjustment of status.

"(G) Security and law enforcement clearances.—The alien shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a security clearance determination by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(H) Military selective service.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

"(I) Annual reporting requirement.—

"(i) In general.—An alien who has applied for an adjustment of status under this section shall annually submit to the Secretary of Homeland Security the documentation described in clause (ii) and the fee required under subsection (m)(3).

"(ii) Documentation.—The documentation submitted under clause (i) shall include evidence of employment described in subparagraph (D)(iv), proof of payment of taxes described in subparagraph (E), and documentation of any criminal conviction or an affidavit stating that the alien has not been convicted of any crime.

"(iii) Termination.—The reporting requirement under this subparagraph shall terminate on the date on which the alien is granted the status of an alien lawfully admitted for permanent residence.

"(J) Adjustment of status.—An alien may not adjust to legal permanent residence status under this section until after the earlier of—

"(i) the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of this section; or

"(ii) 8 years after the date of enactment of this section.

"(2) Spouses and children.—

"(A) In general.—

"(i) Adjustment of status.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if otherwise eligible under subparagraph (B), adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to—

"(I) the spouse, or child who was under 21 years of age on the date of enactment of the Orange Card Program, of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1); or

"(II) an alien who, within 5 years preceding the date of the enactment of the Orange Card Program, was the spouse or child of an alien who adjusts status to that of a permanent resident under paragraph (1), if—

"(aa) the termination of the qualifying relationship was connected to domestic violence; or

"(bb) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status or is eligible to adjust status to that of a permanent resident under paragraph (1).

"(ii) Application of other law.—In acting on applications filed under this paragraph with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(B) Grounds of inadmissibility not applicable.—In establishing admissibility to the United States, the spouse or child described in subparagraph (A) shall establish that they are not inadmissible under section 212(a), except for any provision of that section that is waived under subsection (b) of this section.

"(C) Security and law enforcement clearance.—The spouse or child, if that child is 14 years of age or older, described in subparagraph (A) shall submit fingerprints in accordance with procedures established by the Secretary of Homeland Security. Such fingerprints shall be submitted to relevant Federal agencies to be checked against existing databases for information relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status under this subsection. The relevant Federal agencies shall work to ensure that such clearances are completed within 90 days of the submission of fingerprints. An appeal of a denial by the Secretary of Homeland Security shall be processed through the Department of Homeland Security.

"(3) Nonapplicability of numerical limitations.—When an alien is granted lawful permanent resident status under this subsection, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

"(b) Grounds of Inadmissibility.—

"(1) Applicable provisions.—In the determination of an alien's admissibility under paragraphs (1)(C) and (2) of subsection (a), the following provisions of section 212(a) shall apply and may not be waived by the Secretary of Homeland Security under paragraph (3)(A):

"(A) Paragraph (2) (relating to criminals).

"(B) Paragraph (3) (relating to security and related grounds).

"(C) Subparagraphs (A) and (C) of paragraph (10) (relating to polygamists and child abductors).

"(2) Grounds of inadmissibility not applicable.—The provisions of paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply to an alien who is applying for adjustment of status under subsection (a).

"(3) Waiver of other grounds.—

"(A) In general.—Except as provided in paragraph (1), the Secretary of Homeland Security may waive any provision of section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or when it is otherwise in the public interest.

"(B) Construction.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security, other than under this subparagraph, to waive the provisions of section 212(a).

"(4) Special rule for determination of public charge.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(4) if the alien establishes a history of employment in the United States evidencing self-support without public cash assistance.

"(5) Special rule for individuals where there is no commercial purpose.—An alien is not ineligible for adjustment of status under subsection (a) by reason of a ground of inadmissibility under section 212(a)(6)(E) if the alien establishes that the action referred to in that section was taken for humanitarian purposes, to ensure family unity, or was otherwise in the public interest.

"(6) Ineligibility.—

"(A) In general.—An alien is ineligible for adjustment to lawful permanent resident status under this section if—

"(i) the alien has been ordered removed from the United States—

"(I) for overstaying the period of authorized admission under section 217;

"(II) under section 235 or 238; or

"(III) pursuant to a final order of removal under section 240;

"(ii) the alien failed to depart the United States during the period of a voluntary departure order issued under section 240B;

"(iii) the alien is subject to section 241(a)(5);

"(iv) the Secretary of Homeland Security determines that—

"(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

"(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

"(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

"(v) the alien has been convicted of a felony or 3 or more misdemeanors.

"(B) EXCEPTION.—Notwithstanding subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for adjustment to lawful permanent resident status under this section if the alien's ineligibility under subparagraph (A) is solely related to the alien's—

"(i) entry into the United States without inspection;

"(ii) remaining in the United States beyond the period of authorized admission; or

"(iii) failure to maintain legal status while in the United States.

"(C) WAIVER.—The Secretary may, in the Secretary's sole and unreviewable discretion, waive the application of subparagraph (A) if the alien—

"(i) was ordered removed on the basis that the alien—

"(I) entered without inspection;

"(II) failed to maintain status; or

"(III) was ordered removed under 212(a)(6)(C)(i) before April 7, 2006; and

"(ii) demonstrates that—

"(I) the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a);

"(II) the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

"(III) requiring the alien to depart from the United States would result in extreme hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(c) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who establishes the requirements under subsection (a)(1)(B) for including a spouse or child of such alien—

"(A) shall be granted employment authorization upon the filing of an application fee of $1,000 pending final adjudication of the alien's application for adjustment of status;

"(B) shall be granted permission to travel abroad pursuant to regulation pending final adjudication of the alien's application for adjustment of status;

"(C) shall not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien commits an act which renders the alien ineligible for such adjustment of status; and

"(D) shall not be considered an unauthorized alien as defined in section 274A(h)(3) until such time as employment authorization under subparagraph (A) is denied.

"(2) DOCUMENT OF AUTHORIZATION.—The Secretary of Homeland Security shall provide each alien described in paragraph (1) with a counterfeit-resistant orange card that—

"(A) meets all current requirements established by the Secretary of Homeland Security for travel documents, including the requirements under section 403 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note);

"(B) reflects the benefits and status set forth in paragraph (1); and

"(C) contains a unique number that authorizes card holders who have resided longer in the United States to receive the status of lawful permanent resident before similarly situated card holders whose length of residence in the United States is shorter.

"(3) SECURITY AND LAW ENFORCEMENT CLEARANCE.—Before an alien is granted employment authorization or permission to travel under paragraph (1), the alien shall be required to undergo a name check against existing databases for information relating to criminal, national security, or other law enforcement actions. The relevant Federal agencies shall work to ensure that such name checks are completed not later than 90 days after the date on which the name check is requested.

"(4) TERMINATION OF PROCEEDINGS.—An alien in removal proceedings who establishes prima facie eligibility for adjustment of status under subsection (a) shall be entitled to termination of the proceedings pending the outcome of the alien's application, unless the removal proceedings are based on criminal or national security grounds.

"(5) ADJUSTMENT TO PERMANENT RESIDENCE.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien who satisfies all the requirements under subsection (a) to that of an alien lawfully admitted for permanent residence.

"(B) NONAPPLICABILITY OF NUMERICAL LIMITATIONS.—When an alien is granted lawful permanent resident status under this section, the number of immigrant visas authorized to be issued under any provision of this Act shall not be reduced.

"(d) APPREHENSION BEFORE APPLICATION PERIOD.—The Secretary of Homeland Security shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a) and who can establish prima facie eligibility to have the alien's status adjusted under that subsection (but for the fact that the alien may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 180 days of the application period to complete the filing of an application for adjustment, the alien may not be removed from the United States unless the alien is removed on the basis that the alien has engaged in criminal conduct or is a threat to the national security of the United States.

"(e) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer or employee of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

"(f) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person to—

"(i) file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, or imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States.

"(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment, shall not have violated this subsection.

"(g) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

"(h) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—

"(1) IN GENERAL.—An alien who is present in the United States and has been ordered excluded, deported, removed, or to depart voluntarily from the United States or is subject to reinstatement of removal under any provision of this Act may, notwithstanding such order, apply for adjustment of status under subsection (a). Such an alien shall not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal or voluntary departure order. If the Secretary of Homeland Security grants the application, the order shall be canceled. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable. Nothing in this paragraph shall affect the review or stay of removal under subsection (j).

"(2) STAY OF REMOVAL.—The filing of an application described in paragraph (1) shall stay the removal or detainment of the alien pending final adjudication of the application, unless the removal or detainment of the alien is based on criminal or national security grounds.

"(i) Application of Other Provisions.—Nothing in this section shall preclude an alien who may be eligible to be granted adjustment of status under subsection (a) from seeking such status under any other provision of law for which the alien may be eligible.

"(j) Administrative and Judicial Review.—

"(1) In general.—Except as provided in this subsection, there shall be no administrative or judicial review of a determination respecting an application for adjustment of status under subsection (a).

"(2) Administrative review.—

"(A) Single level of administrative appellate review.—The Secretary of Homeland Security shall establish an appellate authority to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under subsection (a).

"(B) Standard for review.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(3) Judicial review.—

"(A) Direct review.—A person whose application for adjustment of status under subsection (a) is denied after administrative appellate review under paragraph (2) may seek review of such denial, in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides.

"(B) Review after removal proceedings.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under subsection (a) in conjunction with judicial review of an order of removal, deportation, or exclusion, but only if the validity of the denial has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (C).

"(C) Standard for judicial review.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(4) Stay of removal.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section, unless such removal is based on criminal or national security grounds.

"(k) Dissemination of Information on Adjustment Program.—During the 12 months following the issuance of final regulations in accordance with subsection (o), the Secretary of Homeland Security, in cooperation with approved entities, approved by the Secretary of Homeland Security, shall broadly disseminate information respecting adjustment of status under this section and the requirements to be satisfied to obtain such status. The Secretary of Homeland Security shall also disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in the languages spoken by the top 15 source countries of the aliens who would qualify for adjustment of status under this section, including to television, radio, and print media such aliens would have access to.

"(l) Employer Protections.—

"(1) Immigration status of alien.—Employers of aliens applying for adjustment of status under this section shall not be subject to civil and criminal tax liability relating directly to the employment of such alien.

"(2) Provision of employment records.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under this section or any other application or petition pursuant to other provisions of the immigration laws, shall not be subject to civil and criminal liability pursuant to section 274A for employing such unauthorized aliens.

"(3) Applicability of other law.—Nothing in this subsection shall be used to shield an employer from liability pursuant to section 274B or any other labor and employment law provisions.

"(m) Authorization of Appropriations; Fines; Fees.—

"(1) Authorization of appropriations.—There are authorized to be appropriated to the Secretary of Homeland Security $100,000,000 for fiscal year 2007, which shall remain available until expended, to carry out this section.

"(2) Fine.—An alien who files an application for adjustment of status to lawful permanent residence under this section (except for an alien under 18 years of age) shall pay a fine equal to $1,000.

"(3) Fee.—Annual processing fee of $50.

"(4) Immigration examinations fee account.—Of the amounts collected each fiscal year under paragraphs (2) and (3), the Secretary of Homeland Security shall deposit—

"(A) $10,000,000 into the General Fund of the Treasury, until an amount equal to the amount appropriated pursuant to paragraph (1) has been deposited under this subparagraph; and

"(B) the remaining amount into the Immigration Examinations Fee Account established under section 286(m).

"(5) Use of amounts collected.—Of the amounts deposited into the Immigration Examinations Fee Account under paragraph (4)(B)—

"(A) such amounts as may be necessary shall be available, without fiscal year limitation, to—

"(i) the Secretary of Homeland Security to implement this section and to process applications received under this section; and

"(ii) the Secretary of Homeland Security and the Secretary of State for administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section; and

"(B) any amounts not expended under subparagraph (A) shall be available to the Secretary of Homeland Security to improve border security.

"(n) Rulemaking.—

"(1) In general.—Not later than 120 days after the date of the enactment of the Orange Card Program, the Secretary of Homeland Security shall issue regulations to implement this section.

"(2) Application processing procedure.—The regulations issued under paragraph (1) shall include a procedure for the orderly, efficient, and effective processing of applications received under this section. Such procedure shall require the Secretary of Homeland Security to—

"(A) permit applications under this section to be filed electronically, to the extent possible; and

"(B) allow for initial registration with fingerprints of applicants to be followed by a personal appointment and completed application.".

(2) Table of contents.—The table of contents is amended by inserting after the item relating to section 245A the following:

"Sec. 245B. Access to earned adjustment.".

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to have printed in the Record a list of organizations across the country that support this amendment.

There being no objection, the material was ordered to be printed in the Record, as follows:

ACORN
Acercamiento Hispano de Carolina del Sur
The American-Arab Anti-Discrimination Committee
American Friends Service Committee, Miami
Asian American Justice Center
Asian Americans for Equality
Association of Mexicans in North Carolina (AMEXCAN)
CASA of Maryland, Inc.
Cabrini Immigrant Services, New York City
Center for Community Change
The Center for Justice, Peace and the Environment
Center for Economic Progress
Center for Social Advocacy
Central American Resource Center CARECEN—L.A.
Centro Campesino Inc.
Church World Service Immigration and Refugee Program
Coalition for Asian American Children and Families (CACF)
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Coalition for New South Carolinians
Committee for Social Justice in Colombia
Community Wellness Partnership of Pomona
Day without an Immigrant Coalition
Dignity Through Dialogue and Education
Dolores Mission Church, Los Angeles
Eastern Pennsylvania Conference of the United Methodist Church
El Centro Hispanoamericano
El Centro, Inc.
Empire Justice Center
En Camino, Diocese of Toledo
FIRM (Fair Immigration Reform Movement)
Family & Children's Service
Fann Ayisyen Nan Miyami/Haitian Women of Miami, Inc.
The Farmworker Association of Florida Inc.
Farmworkers Association of Florida
Filipno American Human Services, Inc. (FAHSI)
Florida Immigrant Advocacy Center
Florida Immigrant Coalition
Friends and Neighbors of Immigrants
Fuerza Latina
Fundacion Salvadoreña de la Florida
The Gamaliel Foundation
Georgia Association of Latino Elected Officials (GALEO)
Guatemalan Unity Information Agency
Haiti Women of Miami

HIAS and Council Migration Service of Philadelphia
Heartland Alliance
Hebrew Immigrant Aid Society (HIAS)
Hispanic American Association
Hispanic Coalition Corp.
Hispanic Directors Association of New Jersey
Hispanic Federation
Hispanic National Bar Association
Hispanic Women's Organization of Arkansas
Holy Redeemer Lutheran Church, San Jose, CA
Idaho Community Action Network
Illinois Coalition for Immigration and Refugee Rights
Immigration Equality
Immigrant Legal Resource Center
Interfaith Coalition for Immigrant Rights, California
Interfaith Coalition for Worker Justice of South Central Wisconsin (ICWJ)
The Interfaith Council for Religion, Race, Economic and Social Justice, San Jose, CA
Intl. Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Miami
International Immigrants Foundation
International Institute of Rhode Island
International Social Work Organization-University of Maryland School of Social Work
Institute of the Sisters of Mercy of the Americas
Irish American Unity Conference
Irish Apostolate USA
Irish Immigration Center
Irish Immigration Pastoral Center, San Francisco
Irish Lobby for Immigration Reform
ISAIAH, Twin Cities and St. Cloud Regions, MN
Kentucky Coalition for Comprehensive Immigration Reform (KCCIR)
Korean American Resource and Cultural Center, Chicago, IL
Korean Resource Center, Los Angeles, CA
JUNTOS
Jesuit Conference
Jewish Council For Public Affairs
Joseph Law Firm, PC
LULAC
Labor Council for Latin American Advancement, LCLAA
Lahore Foundation, Inc.
Latin American Immigrants Federation Corp.
Latin American Integration Center, New York City
Latino and Latina Roundtable of the San Gabriel Valley and Pomona Valley
Latino Leadership, Inc.
Latinos en Acción de CCI, a chapter of Iowa Citizens For Community Improvement
Law Office of Kimberly Salinas
League of Rural Voters
Lutheran Immigration and Refugee Service (LIRS)
Lutheran Office of Governmental Ministry in New Jersey
MALDEF
Make the Road by Walking
Mary's Center for Maternal and Child Care
Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA)
Medical Mission Sisters' Alliance for Justice
Michigan Organizing Project
Migrant Legal Action Program
Minnesota Advocates for Human Rights
Minnesota Immigrant Freedom Network
The Multi-Cultural Alliance of Prince George's County Inc.
Nashville Area Hispanic Chamber of Commerce
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
National Capital Immigration Coalition (NCIC)
National Council of Jewish Women
National Council of La Raza
National Employment Law Project
National Farm Worker Ministry (NFWM)
National Immigration Forum
National Korean American Service & Education Consortium, Los Angeles, CA
Nationalities Service Center
Nebraska Appleseed Center for Law in the Public Interest
Neighborhood House at The Paul & Sheila Wellstone Center for Community Building
Neighbors Helping Neighbors
NETWORK—A National Catholic Social Justice Lobby
New York Immigration Coalition
Northwest Federation of Community Organizations
ONE Lowell, Lowell, MA
Office for Social Justice, Catholic Archdiocese of St. Paul/Minneapolis
Organization of Chinese Americans (OCA)
Pennsylvania ACORN
Pennsylvania Immigration and Citizenship Coalition (PICC)
People For the American Way (PFAW)
Pilsen Neighbors Community Council
Pineros y Campesinos Unidos del Noroeste (PCUN)
Presbyterian Church (USA), Washington Office
Project HOPE
Project for Pride in Living
Proyecto Pastoral at Dolores Mission
Rockland Immigration Coalition
Rural Coalition/Coalicion Rural
S & G Enterprises
Service Employees International Union (SEIU)
SEIU Florida Healthcare Union
SEIU Local 32BJ
Seattle Irish Immigrant Support Group
Society of Jesus, New York Province
South Asian American Leaders of Tomorrow
Spanish Community of Wallingford, Inc.
Tennessee Immigrant & Refugee Rights Coalition (TIRRC)
UJA-Federation of New York
UN DIA (United Dubuque Immigrant Alliance)
UNITE HERE!
U.S. Committee for Refugees and Immigrants (USCRI)
Unite for Dignity for Immigrant Workers Rights, Inc.
United Church of Christ, Justice and Witness Ministries
United Farm Workers, Miami
United Food and Commercial Workers
United Methodist Church, General Board of Church and Society
United Methodist Hispanic Ministries of North Alabama
Virginia Justice Center for Farm and Immigrant Workers
Washington Citizen Action
We Count!
Westchester Hispanic Coalition
Westside Community Action Network Center (Westside CAN Center)
The Workmen's Circle/Arbeter Ring
YKASEC—Empowering the Korean American Community, New York, NY
Yee & Durkin, LLP

Mrs. FEINSTEIN. Mr. President, let me state why I think the Hagel-Martinez compromise is not workable. The Hagel-Martinez compromise essentially creates three tiers of people in this country in undocumented or illegal status. The first is 6.7 million who have been here more than 5 years; the second is 1.6 million who have been here less than 2 years; and the third is 2.8 million who have been here from 2 to 5 years. People here less than 2 years are subject to immediate deportation. Someone has to find them, go into their workplace or their homes, pick them up, and deport them. Then one has to consider the likelihood that in about 3 days, which is often the case in California, they will come back to their families and their job.

The second is the 2.8 million who must leave, touch back, get in a guest worker program or some other visa program, come back, be in this country, and then, after a period of time, get an employer to sponsor them for a green card or leave. They have a kind of mandatory departure. The guest worker program they would be eligible for is the H–2C program, which we reduced in size from 325,000 to 200,000 in an earlier amendment. The cap of the program is removed for them. Therefore, what is created for this group is a 3 million-person guest worker program, but they cannot earn a path to legalization unless they have an employer who will petition for them. They are limited in the time they can stay in the country, and they must return.

My sense, based on the reality of the largest immigration State in the Union, is that these two tiers in Hagel-Martinez simply will not work. We will have large-scale fraud. The people here slightly less than 2 years will present fraudulent documents to show they have been here for at least 2 years. That is what happens now. There is a wide market in fraudulent documents for the undocumented. And those here less than 5 years will shortly realize that when they have to go back they face a precarious situation of whether they can come back legally. If they can't come back legally, I hazard a guess they will come back and find a way to come back illegally. That is a major problem.

What we have tried to do is create a program, based on McCain-Kennedy, and to an extent on Hagel-Martinez, saying let's be realistic, let's understand what the situation is, that there is no way it is good to create another illegal class of up to 4.4 million people. It does not make sense to spend the time trying to seek out people living clandestinely.

It is much better to create the process for earned legalization which has some meaning and substance, and tests that individuals must pass. So we have created a three-step test for something we would call an orange card. That orange card is like this chart. I picked a color that had no political connotation. This is a biometric card. It has the personal identifiers. It has the photo. It has the fingerprints. It has a number. Once someone has the orange card, that number, essentially, places them in a line. The line would begin with those people here the longest. They have the lowest numbers. Therefore, when the current green card line of 3.3 million people is expunged—estimated to take 6 to 11 years—the people here the longest in the undocumented status are the first to receive their green card.

In the meantime, this would be the identifier. It is biometric. It enables an individual to move in and out of the country, and the individual reports electronically every year with their work history. They will pay a $50 processing fee. They will pay a total $2,000 fine by the time they reach green card status. They will show they are trying to learn English. They will present their work history. To me, it makes better sense because it is able to be managed.

The Hagel-Martinez amendment is not able to be managed electronically. Therefore, we have 4.4 million people, plus the remainder of the 10 to 12 million people that you have to handle. It is extraordinarily complicated and difficult to do that.

The system was created with good intentions, but I don't believe it is workable. I believe it is subject to fraud. I believe the most difficult part of it is the guest worker part for those who have been here 2 to 5 years. Under Hagel-Martinez, if you are here for 4 years and 9 months, you are 3 months shy of earning legalization. These 3 months cost you the ability to get on a clear path to legalization. With those stakes and no formal documentation that proves when you cross the border, it is only logical to assume that people are going to try to falsify dates in order to qualify for the higher tier. This becomes the bureaucratic nightmare.

Then there is the problem for the 2- to 5-year person, of returning to their own country, getting into a legal program and coming back. I pointed out this makes the guest worker program 3 million people because the 200,000 cap is waived, and therefore the 2.8 million come into that program. That is way too many guest workers for any one time.

Then there is the mandatory departure part of the guest worker program, which essentially says an individual, once in the country, can only be here for 6 years and then must return to their own country unless an employer will sponsor them for a green card. This in itself might appear to be a good thing, but I want to spend a minute on it. You are dependent on your employer for your legal status after that point. This is a huge burden for an employer to bear. It also means that for some employers that may not be good employers, they have a method to exploit an individual by threatening that, unless they do certain things, they will not recommend them for the earned legalization program and for their green card.

We know exploitation does happen. I believe the best step is clearly to put forward a process for everyone in this country, a process that allows you to electronically submit your data, fingerprints, photo, and work history. That is then verified. You then come in. If the verification of your criminal history is adequate, if you pay the fine, and if you are willing to sign up for the orange card, then you receive it. Therefore, you have your biometric identifier, and you can be tracked, if necessary. You are free to leave the country and come back. It is a much sounder path to legalization.

I hope this will be the program that eventually is accepted.

I now yield time to the Senator from Iowa, my distinguished colleague, Mr. HARKIN. I believe he has asked for 5 minutes, or such time as he may consume.

Mr. HARKIN. Up to 10 minutes.

Mrs. FEINSTEIN. I yield up to 10 minutes to the Senator from Iowa.

Mr. HARKIN. I commend and compliment my distinguished colleague from California for presenting this amendment.

I wonder if I might engage in a little colloquy with the author of this amendment. I am proud to join her as a cosponsor because this is the way we have to go.

I was interested in the pie chart that showed the 4.4 million, if I added it correctly, the people here less than 2 years and those here 2 years to 5 years. All of those people have to leave the country?

Mrs. FEINSTEIN. Correct.

Mr. HARKIN. Under Hagel-Martinez?

Mrs. FEINSTEIN. Correct.

Mr. HARKIN. Some will leave and can't come back and some will petition to come back?

Mrs. FEINSTEIN. That is correct.

Mr. HARKIN. I ask my friend, how are they going to deal with families? Many of these people who have been here 2 to 5 years, maybe some less than 2 years, may have gotten married, maybe they brought their spouse along with them, and there are children. I have come across some myself. What will happen to these children who have been born here who are American citizens?

Mrs. FEINSTEIN. That is exactly the point. It is a theoretical plan.

For those who live in big immigration States, who live this problem daily, who see the people and their families—many have bought homes, pay taxes, their children are born here and go to school here—it creates a dynamic which puts the Federal Government again in the place of having to find and deport 1.6 million people; and then if the 2.8 million don't follow the mandatory departure section of the program, they are subject to deportation.

Mr. HARKIN. If I could pursue that a minute longer, again, contemplating the breakup of families, I ask my friend from California, wouldn't that also then make it even more difficult, harder or less likely that these people would come forward. If they know their families may be split up or they might have to leave their children behind and in the care of someone else, why would they come forward?

Mrs. FEINSTEIN. The Senator is exactly right. The dynamic to add to that is, you create a work differential because these people will continue to be clandestine, embedded in the cultures of our country, and find ways to work, and employers, as they have in the past, will hire them. Then we will be faced with carrying out a program that has never worked and that is employer-sanctioned.

Mr. HARKIN. I thank my colleague from California for offering this amendment.

Quite frankly, the amendment offered by Senator FEINSTEIN is the only way I see that we can get out of the mess we are in, so to speak, with all of the undocumented people here, in a way that is pro-family, pro-worker, pro-American, pro-national security.

The amendment offered by the Senator from California meets all of those requirements. It will cost a heck of a lot less, just in terms of dollars.

While I respect the efforts by Senators HAGEL and MARTINEZ and others to craft some sort of compromise, the fact is the Hagel-Martinez bill will be difficult, costly to implement, will tend to separate families and will not be in the best interests of our country.

Quite frankly, as the Senator from California just pointed out, we do not even know if it is workable. How are you going to find these people? As the Senator so aptly pointed out, people who have been here just shy of 2 years, by a month, aren't they going to find some documentation, forging rent receipts, and things like that, to make it seem as though they have been here at least 2 years? And those who have been here 3 to 5 years, won't the same thing happen there also?

The Hagel-Martinez compromise is totally unworkable. By contrast, the approach taken by Senator FEINSTEIN to create a new kind of an orange card—because this is a unique group of people—this orange card is realistic, and it is enforceable, and it is fair. It would require undocumented immigrants, as the Senator said, to register immediately with the Department of Homeland Security. Once they have passed a criminal and national security background check, they could apply for an orange card.

As the Senator said, they would have to pay a $2,000 fine, any back taxes owed, learn English and American civics, and pass extensive criminal and security background checks. Then, after working for at least 6 years, orange card holders could apply for legal permanent residence, but, again, as the Senator pointed out, they would have to get in back of all the green card holders who are existent right now. So, again, this is a tough approach, but it is workable. It will work. It is fair. And, as I said, it will cost a lot less money and a lot less manpower to implement.

I think, as the Senator from California said, we just have to deal with reality, what is real. Twelve million undocumented immigrants, many who have lived here for many years, have children, family members who are U.S. citizens. They are working. They are contributing to society. They may be undocumented. They may be living in the shadows. But, make no mistake about it, they are de facto members of the American economy and the American society. They are integrated into the fabric of our national life. They are filling jobs that in many cases would otherwise go unfilled.

In essence, they are a part of our American family. And they are not going away. In fact, we would face huge problems if they did. Just last week, I say to my friend from California, a delegation from the Marshalltown, IA, Chamber of Commerce was in town. Several of them pointed out that immigrants play an indispensable role in the Marshalltown economy. As one put it: If you rounded up and kicked out all the immigrants, our city's economy would come to a screeching halt.

I say to my friend from California, I was in Denison, IA, on Friday. There is a Job Corps center there. It is a small-town community in western Iowa. They have a couple meatpacking plants there. So we have a lot of Latinos who come in from Mexico, El Salvador, Honduras, Guatemala, places like that. The mayor took me aside and he said: I want to talk to you about immigration. I didn't know which side he was coming from. He said: I just wanted to let you know how important it is to Denison that you resolve this in a fair and equitable manner. He said: We have people here who have bought homes that were abandoned. People have left town because the town was kind of dying out. They bought these homes. They fixed them up.

Then he told me something very interesting. He said: A lot of Latinos have taken over small businesses on Main Street. They are operating these small businesses that were going out of business. He said: If you want an answer to Wal-Mart, here is your answer to Wal-Mart. He said: They are actually running businesses on Main Street in Denison. He said: I know for a fact that many of them are undocumented aliens. He said: We cannot afford to lose them.

So it is not just in the big cities, I say to my friend—Los Angeles and San Francisco—but in the small towns and small communities of rural Iowa that would be drastically affected by the Hagel-Martinez so-called compromise.

Most of these new immigrants have found work, but they have not found freedom. This spring, at United Trinity Methodist Church in Des Moines, IA, I met with a group of new immigrants, and I asked how many of them were undocumented. I looked around. They didn't know whether to raise their hand, and finally they decided, OK, they would. I would say probably a third of them were undocumented. They are living in the shadows. They live in fear. Many pay taxes. They make Social Security payments, but they receive nothing in return.

They want to become loyal, contributing American citizens, to pursue the American dream. But, instead, they are living an American nightmare of anxiety and exclusion and exploitation. One young girl there was 18 years old, just graduating from high school, who wants to go on to college. They have no money. Her folks work. They have a modest income. We know what college tuitions are like. She came here as a 3-year-old when her folks fled the strife in El Salvador. She is now 18. She is undocumented. She has no papers. She cannot get any loans to go to college. She cannot get any college aid or anything else to help her through. She just wants to be a good American citizen. What about her? What are we going to do about people like that?

So it is time to find a constructive and positive way to bring these people out of the shadows and into the sunshine. The Feinstein amendment does it. It establishes a legal framework, where people can learn English. They have to learn English. They have to pass security background checks, pay the fines and penalties, and can earn the right to eventually become U.S. citizens.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mrs. FEINSTEIN. Mr. President, I yield 2 additional minutes to the Senator.

Mr. HARKIN. I thank my friend from California.

Again, the orange card program will increase participation by decreasing fear. More people will come forward because fewer families will be separated. They will become full participants. It is pro-family, pro-work, pro-American, pro-national security.

Let me close by saying one personal thing. My mother came to this country as an immigrant. I have the documentation when she came to this country. Was she legal? Well, I don't know. She came on a boat with a lot of other people—steerage class. They landed in Boston. They could not get into New York because of a storm. They landed in Boston. She had $7 in her pocket and a one-way train ticket to Des Moines, IA. Yet she became a fully contributing member of our American community. Later on she became a citizen.

So when I see our new immigrants, and I look into their face, I see the face of my mother. Why do we have an immigration problem in America? Because people want to come here. They want to work. They love America. They love our freedoms. They love our society and the opportunities that it presents.

This is not the time to go to some convoluted thing such as the Hagel-Martinez amendment, which is going to make the mess even messier. It is going to make it even worse. Let's clear it up once and for all, in a fair and equitable manner. And the only way to do that, I submit, is with the Feinstein amendment.

I thank the Senator from California for coming up with this amendment. I am proud to be her cosponsor.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 6½ minutes remaining.

Mrs. FEINSTEIN. Mr. President, I would like to reserve the remainder of my time. But I would like to also thank the Senator from Iowa. I think he showed, particularly speaking from the heartland of our country—a much smaller State than California—how much a local economy depends on this workforce. I think that is really important to understand.

I remember speaking—and I would like the Senator to know this—with Doris Meissner. She was the head of the U.S. Immigration and Naturalization Service, and I think a very good commissioner. She said: Whatever you do, make it simple. Make it enforceable. That is the key where we go astray with this because you cannot enforce it, basically. Good luck finding all of these people subject to immediate deportation. It is impossible. You cannot deport 1.6 million people. And then to expect the other 2.8 million are going to go home and touchback within 3 years is an unrealistic expectation.

So I hope somehow people will actually read the bill and understand the devil is in details of the language as to whether it can be carried out. I think the Senator from Iowa said it very eloquently, and I thank him for that.

I reserve the remainder of my time.

Mr. President, I ask unanimous consent that the time begin to run on the other side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, may I be clear as to what I just asked unanimous consent for: that the Presiding Officer allows the time against the amendment to run, and I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair. I appreciate it.

Mrs. BOXER. Mr. President, currently, 10 to 12 million workers are in this country illegally living in the shadows. Of those, approximately 24 percent or 2.5 to 3 million undocumented immigrants are living in California.

Many of these people are longtime residents, hard workers, and with American-born children. They are the parents of children in your school. They are members of your community whom you know and respect.

Any comprehensive immigration reform bill must address the plight of undocumented workers currently in the country. Unfortunately, the current provision in the bill is not rational and could leave millions of individuals without relief and forced to hide.

Under the three-tier process created by the Hagel-Martinez compromise, undocumented immigrants here less than 2 years are subject to deportation, and those here from 2 to 5 years must return to their country and seek reentry under a guest/worker program.

It is estimated that these tiers would apply to nearly 5 million people—that means approximately a million residents of California would either face voluntary departure or deportation.

Families would be broken apart and industries disrupted as workers are forced to leave or go into hiding. California cannot afford and most of its residents do not support the convoluted Hagel-Martinez approach.

That is why I was pleased that my colleague, Senator FEINSTEIN, has proposed a much more practical and humane approach in her orange card program.

Under the program, all undocumented immigrants who are in the United Stats as of January 1, 2006, would be eligible to get on a path to legality. They would be required to pass criminal and national security background checks, demonstrate an understanding of English and U.S. history and Government, have paid their back taxes and pay a $2,000 fine.

Moreover, orange card holders would have a continuing obligation to work, pay their taxes, and not to engage in criminal activity.

The Feinstein orange card program establishes a realistic approach to dealing with the 10 to 12 million undocumented workers currently in the country. In conjunction with her AgJOBS amendment, Senator FEINSTEIN has addressed two of the most important aspects of the comprehensive immigration reform bill.

I urge my colleagues to vote for the Feinstein amendment. It is a workable solution to a difficult problem.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I want to speak briefly on the overall bill and the progress we are making to date. And then I want to address, briefly, the Feinstein amendment.

I have great regard for the Senator from California. She is one of the top authorities in the Senate on immigration. She has dealt with this topic for many years, and in a very practical way she has dealt with it, and in a very knowledgeable way she has dealt with it.

We are making great progress on getting a comprehensive, bipartisan immigration bill through the U.S. Senate. Everybody is not going to agree with this bill at the end of the day, but it has been a delight to see the body work and to see us go on amendments—a Republican amendment might pass or fail, a Democrat amendment might pass or fail. We are really legislating and building a coalition, and I think building a vote total that, at the end of the day, will pass a strong bill. I think that is to the credit of the country, and I think it is to the credit of the body.

I oppose the Feinstein amendment, even though I have great respect for my colleague from California and her knowledge and ability and the practical impact of this on her State. I have opposition to it because I think it slows us down and possibly really disrupts us from being able to get a comprehensive bill through the body. We have worked to craft a delicate compromise that—it is my hope—could pass substantially in cloture, get well over 60 votes on final passage.

A key part of that coalition and building has been the Hagel-Martinez compromise, that makes the distinctions between if you have been here more than 5 years or if you have been here less than 2 years. That has been something where a number of people have said: OK, it is difficult to work in practice, but it makes some sense to me. It also makes some sense on the amount of roots you have put into this country. It makes some sense to me about if you have just come in the last 2 years and you are just trying to jump in over the line as things change.

If you break that compromise, I think you break the momentum in passing the bill, and I would not doubt that you break the ability for us to pass the bill. I think the Senator from California has some real issues that she raises. I think they are important issues she raises. I think there are key things for us to consider. But at the end of the day, I think it causes the bill to fail, and I do not think that is a useful thing for us to do—having invested the quantity of time we have in this bill, having the importance of this bill, and having it as the No. 1 topic across the country—for us now to adopt an amendment that I believe has the clear possibility of failing the whole bill and pulling the whole bill under.

For those reasons, with high regard for the Senator from California and her work, and with real recognition of the practicality of the issues she is dealing with, I oppose the Feinstein amendment. I hope that my colleagues will oppose it, and we can move forward toward closing the debate with a strong vote on final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I would like to speak for 5 minutes in opposition to the Feinstein amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Following on the remarks of the Senator from Kansas, I have to agree with an awful lot of what he said. We came to this bill in a situation where it was a good concept. It had some obvious, positive qualities to it, but it was also a bill that was not gaining the favor of the vast majority of the Members of the Senate. In order for it to be successful, we had to tweak it. We had to find a way in which we could thread the needle, strike a balance, a way in which we could somehow bring more people to the table in understanding what it is that we were trying to do.

We came together and found a way of doing so by simply not treating everyone who was here the same. We talk about a group of 11 million people in our country illegally today. It was apparent that all of those people were not in the same situation. Some have been here for a number of years, well established, sometimes owning a home, certainly having a steady job, children who were probably by now United States citizens, having been born here. For the sake of family unity, we felt it was important to treat people who had been here a longer period of time differently than more recent arrivals.

Senator HAGEL and I came up with a concept of having a 5-year dividing line where those who have been here more than 5 years would be treated one way and those who had been here less would be treated a slightly different way. The requirement was that those who had been here less than 5 years would be divided in two different ways—those who have been here less than 5 years who might have come here with the expectation that there would be some immigration bill. The date was selected around the time the President first spoke on this issue of comprehensive reform. We settled on the idea that those who had been here 2 years or less would not be able to benefit from this bill, but that those who had been here between 2 and 5 years should be given an opportunity. We would require that they reenter the country, that they would have a legal entry into the country, but understanding that all the other categories or steps that were appropriate for those who had been here 5 years they would also have to meet before obtaining a path to regularization, to being here legally, and then, ultimately, to live the American dream to its fullest extent by becoming citizens of this country.

Not every immigrant who crossed the southern border intended to become an American. We could not treat everyone the same. People who have been here 10, 15 years certainly have a very different situation than those who have been here 3 years. A lot of times single men will come to work for a period of time, having no intention of being here for an extended visit.

At the end of the day, what we have to understand is that we are now at the crossroads where this bill is about to be completed. This bill is moving along in a very positive way with support from both sides of the aisle, which makes an even stronger statement. As we move forward to do that, this amendment will take us a step back. This would bring us back to a time when we didn't have consensus, to a time when we were not all pulling in the same direction, and to a time when we didn't have what we have demonstrated, the support of as many as 66 Members of this body to defeat some of these amendments that would have taken the bill in a different direction, that would have taken us from comprehensive reform to something different.

So for those folks who have been here 2 to 5 years, we want to give them a path to regularizing themselves in this country. But also we have to understand that their situation is different than those who have been here for a long time.

I appreciate the effort of the Senator from California to do what I know in her heart she believes is fair. I do understand the difficulties. I don't want to be Pollyannish about it. This is a very difficult concept to implement. When the time comes, we must try. We are putting a lot of employment enforcement into this bill which will make it possible for this to be worked out. Without any idea that this is going to be easy to do, I do believe that there is a practical reason. It was a way for us to reach a resolution of how to deal with this country's population of illegal immigrants, which is a group of people the size of those people who live in the State of Pennsylvania.

I believe with ample protections to all, understanding the difficulties that may come about in the implementation, that we have to go forward and move ahead with the concept that has brought this body together, the concept that had the favor of the President. The President, when he spoke on this a week ago, clearly stated that, in fact, he favored the idea of creating a difference between the groups of people as they have arrived in this country and the length of time they have been here.

I urge Members of the Senate not to support the current amendment but to stick with the concept that has worked so far, the concept that has pulled us together. I believe if we do that, we will be very close to final resolution of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to add the names of Senators DURBIN and OBAMA as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mrs. FEINSTEIN. My understanding is Senator KENNEDY has 10 minutes. Would the Senator like to use that time now?

Mr. KENNEDY. That would be fine.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senator from California for her amendment. It does, for the reasons she has outlined and that I will address briefly, seem to be a constructive and positive way to go. It effectively moves us back to what was originally the legislation that Senator McCAIN and I introduced. I was enthusiastically in support of it because it achieves what we are trying to do in terms of earned legalization. In terms of simplicity and legality for those people who are here, that is the preferable way to go.

Since that time, as the Senate has worked its will, the Martinez-Hagel amendment has come in and, as has been outlined, establishes a tier system. It recognizes that those who are here for over 5 years will be able to have the earned legalization which many of us support—strong bipartisan support. Those who are here for just 2 years will be deported, and those from 2 to 5 will have to return and follow a different pathway in terms of earning citizenship. That is administratively more complicated and difficult and puts additional burdens on Homeland Security.

One of the basic concepts behind the legislation was to try to move people out of the shadows. This is going to move us back into creating a situation where a number of people will be back in the shadows. It does move us in a direction that I would not have hoped we would move. But frankly, this is the legislative process. The legislative process has brought us to where we are today. The underlying legislation is a good product and an important product which will mean a significant and important change in the opening of opportunity for people who are here, who want to work hard and pay a fine, pay their back taxes, play by the rules and become a part of the American dream.

I am enthusiastic for the underlying legislation which includes the Hagel-Martinez amendment. I will say that the Feinstein amendment is basically, in fact, what Senator McCAIN and I had originally hoped for. It is difficult for someone like myself to argue against it. It makes sense. But as legislative proceedings go, at least as far as I am concerned, you are sort of stuck with where you are in terms of the process.

I thank the Senator from California for again raising an issue which is a matter of enormous importance. And her reasons are excellent, as she outlined in her comments. I am sympathetic to that. If the Senator's amendment is not successful, we still have a very strong bipartisan document which will deserve to move ahead in this process.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains under my control?

The PRESIDING OFFICER. The Senator has 9 minutes.

Mr. SPECTER. I yield 4 minutes to the Senator from Texas, Mr. CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I rise to oppose the pending amendment. It is interesting how causes line up. I find myself critical of the Hagel-Martinez compromise. I also find myself in agreement with the diagnosis of the Senator from California that the tiered method of trying to divide up the undocumented population will result in rampant fraud, just as it did in the post-1986 amnesty. But while I agree with her on the diagnosis, I don't agree with her prescription. The prescription, the alleged cure for the diagnosis, is that basically we throw up our hands and say that we cannot enforce the law. We can't secure our borders. We can't verify eligibility to work at the work site. We can't sanction employers who cheat. So we have to let anyone and everyone who has come to the United States, either in violation of the law or legally and overstayed, get basically the best gift that America can confer, and that is legal permanent residency and American citizenship and to jump in line ahead of those who have waited patiently outside the country and revisit the mistakes of 1986 when amnesty was tried.

I have two articles from the New York Times, one dated June 18, 1989 and one dated November 12, 1989. I ask unanimous consent that these be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. CORNYN. The June 18 article says:

> The most sweeping effort to halt illegal immigration in American history, the 1986

overhaul of immigration law, may have cut the flow of illegal aliens less than expected and may have actually encouraged unlawful entry in several ways.

It quotes a professor Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California in San Diego:

> We found no evidence that the 1986 immigration law has shut off the flow of new undocumented migrants.

The article, dated November 12, 1989, includes a quote from the junior Senator from New York, who was then serving in the House of Representatives. It says:

> Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed "too open" and susceptible of fraud. But he argued that the budget decisions had made the battle to combat fraud more difficult.

In other words, alluding to the fact that notwithstanding the policy decisions made by Congress in 1986, that, in fact, it was the failure to actually finance and implement the policy for work site verification and employer sanctions that contributed to the ineffectiveness of the 1986 amnesty.

I hope we will learn from the mistakes of the past and are not condemned to relive them with this bill. But I do agree with my colleagues, Senator KENNEDY, Senator SPECTER, the chairman of the Judiciary Committee, Senator MARTINEZ and others, that while the Senator from California is absolutely correct in her diagnosis, this sets us up for a repeat of massive fraud. The prescription she recommends is not well advised.

I yield the floor.

EXHIBIT 1

[From the New York Times, June 18, 1989]

1986 AMNESTY LAW IS SEEN AS FAILING TO SLOW ALIEN TIDE

(By Roberto Suro)

HOUSTON, June 17.—The most sweeping effort to halt illegal immigration in American history, the 1986 overhaul of immigration law, may have cut the flow of illegal aliens less than expected and may have actually encouraged unlawful entry in several ways.

Two years after it began to take effect, experts around the country are starting to draw conclusions about the law's effect. As thousands of people continue to enter the country illegally every day, the first arguments are being entered in a debate over whether the legislation has achieved its goals, and whether it ever will.

Some in Congress seek more effective enforcement of the law; others want to focus on the poverty and turmoil in the third world that force people out of their homelands. Meanwhile, the Immigration and Naturalization Service has proclaimed the law a clear success, and the Bush Administration has yet to put its own stamp on immigration policy.

"We have found no evidence that the 1986 immigration law has shut off the flow of new undocumented migrants," said Wayne Cornelius, director of the Center for U.S.-Mexican Studies at the University of California at San Diego.

A DECADE OF STUDY

The Immigration Reform and Control Act of 1986, whose measures began to take effect in May 1987, was the first nationwide response to a wave of illegal immigration that began in the mid-1960's and created a resident population of illegal aliens variously estimated between 6 million and 12 million people.

After a decade of study and argument in Washington, the 1986 law emerged as a mixture of humanitarian and restrictive measures. Unlike the two previous efforts to counter similar waves of illegal immigration in the 1930's and 1950's, there was no resort to mass deportations. The law offered legal status to illegal aliens who had lived in the United States continuously since Jan. 1, 1982, and it imposed penalties on employers who knowingly hired illegal aliens. It also allowed migrant workers to enter the United States during harvest season.

"The legislation bought time for everyone and made the problem more manageable for a while," said Leonel J. Castillo, who was Commissioner of Immigration and Naturalization during the Carter Administration and is now president of Houston International University. "It seems, however, that time has passed more quickly than expected, and so it is important to see where we stand, because I think we will be dealing with the issue again soon."

TORRENTS OF PEOPLE

According to indicators used by the immigration service to estimate traffic across the southern border, this year there will be 1.7 million to 2.5 million crossings. The most recent statistics signal that the flow may have increased in April and May.

Separate surveys of illegal aliens conducted by researchers based in Mexico, Texas and California all found that immigration by first-time travelers, as against those who had previously been to the United States, has been on the rise for at least a year. Experts also agree that the flow had dropped off through most of 1987. As a result, immigration experts say they have identified a "wait and see" response to the law among potential immigrants that may be producing a new wave of illegal immigration.

Doris Meissner, an expert on immigration for the Carnegie Endowment, a Washington research organization, said, "There is evidence that many potential immigrants waited for a while to see how the law worked and have since begun moving again. If so, we should see the flow across the border accelerating any day."

A MAGNET OF SORTS

The 1986 law allowed 3.1 million previously illegal aliens to obtain legal status here. Recent studies show that many thousands of people crossed the border surreptitiously to take advantage of the program, some of them with falsified documents and personal histories. The mass of newly legalized immigrants is also acting as a magnet for illegal aliens who want to come to the United States to join friends and relatives.

A plan to strengthen the Border Patrol was never fully carried out, and experts reach widely differing verdicts on the effectiveness of the sanctions against employers who hire illegal aliens.

Representative Charles E. Schumer, the New York Democrat who was instrumental in shaping the law's final compromises, said, "The legislation has had some effect but not close to what it should have been." He complained that the Reagan Administration favored passage of the law but never gave the immigration service the resources to enforce it. "So far, the law really has not been given a fair test," he said.

The current debate over immigration policy is likely to affect not only future law but also foreign policy. After hearings last month on the law's effect, Representative Bruce A. Morrison, a Connecticut Democrat who is chairman of the House Judiciary Committee's Subcommittee on Immigration, Refugees and International Law, said, "Looking at what's happened the past few years it is increasingly obvious that most of the reasons for illegal immigration are in the countries people are leaving, and that unless those conditions change we may be able to reduce the flow somewhat, but no enforcement scheme will stop the tide."

A LONELY ASSERTION

At those hearings Alan C. Nelson, Commissioner of the I.N.S., argued that a steady decline in the number of people apprehended trying to cross the border "continues to demonstrate that the law is working and employer sanctions are having the intended effect of reducing illegal immigration."

But the immigration service is now virtually alone in asserting that the sanctions have substantially cut the flow of illegal immigrants. Mr. Nelson has said repeatedly that the number of people apprehended on the border has dropped at a rate of 40 percent a year since the law went into effect. But many scholars dispute Mr. Nelson's statistics. Some researchers believe sanctions on employers have cut the flow, but not by 40 percent, and other experts argue the sanctions have had no effect at all.

The effects of the law are illustrated in the experiences of two recent illegal immigrants.

A 30-year-old woman from El Salvador said that in February 1988 she left home to live illegally in Texas in part because "my cousin got papers under the amnesty, and so she was able to help me with money and a place to stay and generally in getting around." But as a result of the law, she said, "there is no way to get a good job, because they always ask for your papers."

The woman, a secretary in El Salvador, cleans houses in Houston, and although she would like better work here, she said she had no desire to return to the poverty and political violence of her homeland. "Yes," she said, "it is more difficult to get here and earn money now, but people still do it." Like other illegal aliens interviewed, she asked not to be identified.

A FAMILY ASUNDER

In the case of another woman from El Salvador, the law had contradictory effects. She arrived here in 1981, qualifying for the amnesty, but her five children, now 10 to 18 years old, arrived too late to be legalized. "It is a great worry for me," she said, "because my two oldest have graduated from American high school. Their home is with me here, but they cannot get real jobs. What is their future?" According to the immigration service, 3.5 million to 4 million illegal aliens live in the United States on an established basis, as against 6.5 million to 7 million before passage of the 1986 law.

The drop is accounted for by the number of applicants for the amnesty programs. In effect, the amnesty divided illegal immigrants into those who were suddenly legalized and those who were not, but it did not physically separate these people.

The immigration service expects that a vast majority of amnesty applicants will receive permanent status as legal residents. If they then become citizens after a five-year waiting period, they will be able to get legal status for their spouses and children.

THE MEN WERE FIRST

In the meantime, however, the law has created a new and growing category of illegal alien: the relatives of amnesty applicants. Noting that nearly 70 percent of the amnesty applicants are men, Nestor Rodriguez, a sociologist at the University of Houston, said: "Usually, the men were the first to migrate, and so more of them qualified for the amnesty. Many woman and children who followed along later did not qualify, and certainly the men who were here alone and got papers are now bringing in their families illegally."

The effect of the amnesty on illegal immigration goes beyond relatives, however.

"Illegal immigrants have a long history of following well-established routes," said Mr. Castillo, "and the amnesty program gave those routes a little more solidity. Now, instead of relying on other illegals, a new arrival is likely to know people here who are legal and can offer help with all kinds of things. It's my guess that it will take a generation to break those ties."

Mr. Cornelius of the University of California at San Diego conducted extensive surveys of three rural Mexican communities and has concluded, "There has been no significant return flow of illegals who suddenly found themselves jobless in the United States." In the short term at least, he said, the 1986 law "may have kept more Mexicans in the United States than it has kept out" because it granted some kind of amnesty to about 3.1 million people.

Although immigration experts agree that the prohibition on hiring undocumented workers has made it more difficult for illegal aliens to find work here, they differ widely on how much the sanctions on employers have reduced the flow across the border.

ARREST RATES ARE DEBATED

Much of the debate over the rate of illegal immigration centers on statistics for the apprehension of aliens along the Southern border because the immigration service uses these figures to support its assertion that the sanctions have been effective.

Almost all experts dismiss the immigration service view that proof of decreased flow lies in the 40 percent drop in apprehensions each year since 1986. The agency's critics say the number of Border Patrol agents assigned to watch the border also decreased markedly in that time, and so fewer apprehensions were inevitable.

Also, it is argued that since 1986 the agents remaining on the border have spent more time tracking down drug smugglers, another reason why a decline in apprehension would not necessarily mean there was a drop in the flow of illegal aliens. Yet other researchers insist that a substantial part of the decline in apprehensions is explained by the fact that most of the 3.1 million amnesty applicants can move across the border as they have for years but do it legally.

Chart of breakdown of legalization applicants and agricultural workers by gender, type of work, age, and state they applied in.

EXHIBIT 2

[From the New York Times, Nov. 12, 1989]

MIGRANTS' FALSE CLAIMS: FRAUD ON A HUGE SCALE

(By Roberto Suro)

HOUSTON, Nov. 11, 1989.—In one of the most extensive immigration frauds ever perpetrated against the United States Government, thousands of people who falsified amnesty applications will begin to acquire permanent resident status next month under the 1986 immigration law.

More than 1.3 million illegal aliens applied to become legal immigrants under a one-time amnesty for farm workers. The program was expected to accommodate only 250,000 aliens when Congress enacted it as a politically critical part of a sweeping package of changes in immigration law.

Now a variety of estimates by Federal officials and immigration experts place the number of fraudulent applications at somewhere between 250,000 and 650,000.

The Immigration and Naturalization Service has identified 398,000 cases of possible fraud in the program, but the agency admits that it lacks both the manpower and the money to prosecute individual applicants. The agency is to begin issuing permanent resident status to amnesty applicants on Dec. 1, and officials said they were approving 94 percent of the applicants over all.

Evidence of vast abuse of the farm worker amnesty program has already led to important changes in the way immigration policies are conceived in Congress. For example, recent legislation to aid immigration by refugees from the Soviet Union was modified specifically to avoid the uncontrolled influx that has occurred under the agricultural amnesty program.

Supporters of the farm worker amnesty argue that it accomplished its principal aim of insuring the nation a cheap, reliable and legal supply of farm workers and that it made an inadvertent but important contribution in legitimizing a large part of the nation's illegal alien population.

Critics point to cases like that of Larry and Sharon Marval of Newark. Last year they pleaded guilty to immigration fraud charges after immigration service investigators alleged that the Marvals were part of an operation that helped about 1,000 aliens acquire amnesty with falsified documents showing they had all worked on a mere 30 acres of farmland.

The amnesty for farm workers was a last-minute addition to the Immigration Reform and Control Act of 1986, which sought to halt illegal immigration with a two-part strategy. Under a general amnesty, illegal aliens who could prove they had lived in the United States since before Jan. 1, 1982, were given the chance to leave their underground existence and begin a process leading to permanent resident status. And to stem further illegal immigration, the employment of illegal aliens was made a crime.

The agricultural amnesty program was adopted at the insistence of politically powerful fruit and vegetable growers in California and Texas who wanted to protect their labor force. In several respects, the provisions for the program were much less strict than the general amnesty program, which drew 1.7 million applicants. Instead of having to document nearly five years of continuous residence, most agricultural worker applicants had to show only that they had done 90 days of farm work between May 1, 1985, and May 1, 1986.

Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed "too open" and susceptible to fraud. But he argued that budget decisions had made the battle to combat fraud more difficult.

"There has not been enough diligence in tracking down the fraud," he said, "because funding for the I.N.S. has been cut by the White House in each of the last three budgets, even though everyone agreed when the bill passed that greater I.N.S. manpower was essential to make it work."

Congress rarely raises the immigration service budget above Administration requests.

Aside from its budget problems, the immigration service has repeatedly come under fire this year in Congress and in an audit by the Justice Department for what was termed mismanagement and administrative inefficiency.

John F. Shaw, Assistant Immigration Commissioner, agreed that "manpower restrictions" at the agency were a major factor in the fraud in the agricultural amnesty program. He said much of the fraud "shot through a window of opportunity" when the agency was frantically trying to deal with many new burdens of the 1986 immigration law.

Mr. Shaw said law-enforcement efforts had been limited to the people who sold false documents to applicants for the farm worker amnesty. The immigration service has made 844 arrests and won 413 convictions in cases alleging fraud in the amnesty program. The people involved ranged from notaries public to field crew leaders. "It was a cottage industry," Mr. Shaw said.

The immigration service can revoke legal status if it finds the applicant committed fraud, but even this effort is limited. Only applications that appear linked to a fraud conspiracy are held for review, as when an unusually large number of applicants assert that they have worked in same place. Some 398,000 aliens have fallen into this category since the application period ended last Nov. 30, but it is likely that many of them will get resident status.

Mr. Shaw said the fraud conspiracies often involved farms that actually did employ some migrant labor. So it is frequently impossible to separate legitimate from illicit claims.

Given the limited law-enforcement effort, no precise count of fraud in the agricultural amnesty program is possible. But some rough estimates are possible based on information from the aliens themselves. An extensive survey conducted in three rural Mexican communities by the Center for U.S.-Mexican Studies at the University of California in San Diego found that only 72 percent of those who identified themselves as applicants for farm worker amnesty had work histories that qualified them for the program. A similar survey conducted by Mexican researchers in Jalisco in central Mexico found that only 59 percent qualified.

But fraud alone does not explain why the program produced more than five times the applicants Congress expected. Frank D. Bean, co-director of the Program for Research on Immigration Policy at the Urban Institute in Washington, said the miscalculation in the Special Agricultural Worker program reflected longstanding difficulties in tracking the number of temporary illegal migrants from Mexico.

"It is at least plausible that a very large percentage of the S.A.W. applicants had done agricultural work in the U.S. even if they did not meet the specific time requirements of the amnesty," Mr. Bean said.

Mr. Shaw of the immigration service, and other critics of the law, believe there were more fundamental flaws. "It was a weak program and it was poorly articulated in the law," he said.

Unlike almost all other immigration programs, which put the burden of proof applicant, the farm amnesty put the burden on the Government. Consequently, aliens with even the most rudimentary documentation cannot be rejected unless the Government can prove their claims are false.

Stephen Rosenbaum, staff attorney for California Rural Legal Assistance, a nonprofit service organization for farm workers, argued that there was no other way to structure an immigration program for an occupation "that does not produce a paper trail." He noted that farm workers are paid in cash and neither the employers nor the workers keep detailed records.

"You can argue the wisdom of a farm worker amnesty, but if you have one, you have to recognize the immense logistical problems involved in producing evidence," he said.

The immigration service at first tried to apply the stringent practices common to other immigration programs, like rejecting applicants with little explanation when their documents were suspect. But three lawsuits brought in Florida, Texas and California over the last two years forced the agency to follow the broader standards mandated by Congress.

The burden-of-proof issue arose again earlier this year when the House of Representatives approved legislation that would have made any person who could prove Soviet citizenship eligible for political refugee status.

A legislator with a powerful role on immigration policy, Senator Alan K. Simpson, Republican of Wyoming, eliminated the provision because of concerns raised by the farm worker amnesty program, an aide said. Mr. Simpson, who is on the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, substituted a series of specific circumstances that had to be met for a Soviet citizen to be considered a refugee, like denial of a particular job because of religious beliefs.

Immigration experts believe that the agricultural amnesty program will probably color policy debates over other categories of aliens whose qualifications will be difficult to document, like the anti-Sandinista rebels of Nicaragua.

"One certain product" of the agricultural amnesty program, Representative Schumer said, "is that in developing immigration policies in the future, Congress will be much more wary of the potential for fraud and will do more to stop it."

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mrs. FEINSTEIN. Mr. President, I would like to make a couple of comments.

I very much appreciate my service and Senator CORNYN's service on the same committee and have great respect for him and also for Senator MARTINEZ who has introduced the Hagel-Martinez plan with the best of motives. Senator CORNYN said we shouldn't throw up our hands. I am not throwing up my hands. I want strong borders. I voted for a fence. I believe we should put National Guard on the borders. We provide 12,500 additional Border Patrol, 2,500 border inspectors, over $1 billion of equipment for the border. We should have our border enforced. We should get the help of Mexico to enforce it.

Secondly, with this plan, there is no jumping in line ahead of anyone waiting legally for a green card.

The line begins for the orange card recipients, if such should ever be, when that line is expunged. What we do is recognize the reality, learn from the streets, understand what happens, and then try to build a comprehensive solution to deal with the real world—border control, increase practical numbers of visas, as well as providing a path for earned legalization for those people who are here now.

That path has several hurdles. It will weed out those who should not receive an orange card from those who should. It is an electronic process. It is doable, and it is practical. It recognizes that if you leave 4.4 million undocumented immigrants subject to deportation, whether it is this year or 4 years down the pike, you create another illegal pool of workers in this country, which I think destroys the comprehensive approach.

Therefore, I just want to say that this orange card has specific requirements that have to be met over a 6-year period of work, of learning to speak English, of paying a fine, of paying taxes, of work history. That has to be met on an annual basis, submitting work history receipts on an annual basis. The program financially takes care of itself with the fines and fees. I believe it is a practical, humane way to go which can, in fact, with the other components of the bill, create a comprehensive solution to immigration reform which has a chance to stop illegal immigration into our country.

I am concerned that should Hagel-Martinez become the law, we are back where we started with a huge group of people subject to deportation at one point or another. We know that creates the underground labor pool, which then creates the incentive for an addition to that underground labor pool. I believe the orange card proposal we have before the Senate now does not do that. But the devil is in the details of all of this. We will see.

How much time do I have remaining?

The PRESIDING OFFICER. Less than 1 minute 50 seconds.

Mr. KENNEDY. Mr. President, I yield whatever time I have to the Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to say one other thing. A lot of people come to me in desperate circumstances for private bills. I have tried to meet some of the families. What I have seen in these families is truly amazing. I have seen a legacy of work over a period of time that is amazing for any human being. I have actually seen families whose children are valedictorians of their high school class. I have seen them hide, but they pay their taxes, and they own a home. Some are even supervisors of companies.

If you look around America, the meatpacking industry, the chicken-processing industry, virtually all of the manufacturing and production, you will see these people as a dominant part of that workforce. I look at the great bread basket that is California, the largest agricultural State in the Union, and I know at least 600,000 of our workforce are undocumented and illegal. I know they come here because of the absence of any hope or opportunity or ability to make a decent living where they were living before.

I think this whole dialog we are having puts an enormous obligation on Mexico to begin to understand the needs of their people and do something to help them become economically more upwardly mobile because this is certainly the main problem that leads to the cross-border immigration that is illegal into our country. So we have tried to solve this with a comprehensive bill. I think it makes sense. It says to everybody that you have to earn this legalization. You have to get out there and work for at least 6 more years. You have to report in, but you have a card which identifies that you are in an adjusted status, you are not subject to deportation. You can raise your children. You can volunteer for community activities. You can become a constructive member of society. I believe that is worth a lot.

Enabling people to live to their fullest is worth a lot. I hazard a guess that there is not one person who is going to go home because of what we do in a bill. They are going to stay, they are going to continue, but the lifestyle is going to be clandestine, and they are never going to be able to reach their full potential. This amendment allows them to do so. I urge the Senate to vote yes.

I yield the floor and the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, it is with reluctance that I oppose the amendment offered by the Senator from California because if this amendment were to be adopted, I believe the very delicate and fragile coalition we have for this bill would fail. We are going to be looking for a cloture vote tomorrow, and if we were to go back to before the tenuous agreement that has been worked out to date with the three subdivisions—those here 5 years or more, those here 2 to 5 years, and those here less than 2 years—I think our efforts at cloture would fail and the prospects for failure of the bill would be very high.

We have structured the bill on a matter of principle, that those who are here the longest have the most roots and deserve the most consideration. The top tier was those who have been here 5 years or more. Selecting the date of January 7, 2004, as a cutoff date was done because that was the date of the President's speech on immigration reform. And anybody who came to the United States was on notice that they would be treated differently.

Under ideal circumstances, if we didn't have a tenuous coalition and we didn't have a conference prospectively with the House, I would be very sympathetic and inclined to support what the Senator from California has done. The reality is that it is going to be very difficult to find people who are here and not turn them into a fugitive class. The theory is that those people will not be able to find jobs and that they will, therefore, return.

But this legislation is on the edge of the ledge as it is. To keep the coalition intact—and I think that was the thrust of what Senator KENNEDY had to say, if I understood him, and I think others in the coalition are of the same mind—it is with reluctance that I oppose what the Senator from California has said. As a nation of immigrants, it would be nice to include everybody on the path to citizenship, but we face a lot of opposition, realistically, on the charge of amnesty, which I have dealt with on the floor. The bill is not amnesty; it is earned citizenship.

How much time do I have?

The PRESIDING OFFICER. Two minutes.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Under the previous order, all time having expired, the question is on agreeing to amendment No. 4087, as modified.

Mrs. FEINSTEIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) was necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—37

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Chafee
Clinton
Conrad
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Menendez
Mikulski
Murray
Obama
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—61

Alexander
Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4087), as modified was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

Mr. SPECTER. The motion to lay on the table was agreed to.

DEATH OF SENATOR LLOYD BENTSEN

Mr. REID. Mr. President, I was just notified a few minutes ago that Lloyd Bentsen died. For those of us who have had the pleasure of serving with Lloyd Bentsen, this is a sad day. There was no one who better represented the Senate than Lloyd Bentsen. He looked like a Senator, he carried himself so well, and he acted like a Senator. He legislated like a Senator. He died at age 85. He was sick for a number of years. He was a person who had a great political record. He served in the House of Representatives for three terms, and he served in the Senate—he could have served as long as he wanted—and became Secretary of the Treasury during the Clinton administration. He, of course, ran for Vice President and he ran for President.

For me personally, he was such a guiding light. I can remember when I was elected to the Senate, and I was trying to get on the Appropriations Committee. I met in his hideaway.

This speaks about the way Lloyd Bentsen conducted his life. I was telling him why it would be good for me. I had been through a tough race. It was the most noted race in the cycle at that time. I was talking to him a lot about why it was important for me to get on the Appropriations Committee. He ended the discussion very quickly.

He said: It doesn't matter if it is good for you. I believe it is good for the Senate.

That was how he conducted his life. He was someone we all looked to. As a new Senator, I could talk to him with reverence. I can remember visiting with him when he was Secretary of Treasury. He told me how much he missed the Senate and how lonely it was down there and how he missed the collegiality of the Senate.

The State of Texas has had great Senators, but no Senator has ever been a better Senator than Lloyd Bentsen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mr. REID. Mr. President, with the consent of the majority leader, I ask unanimous consent that the time for the recess begin now, 12 minutes early.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Mr. President, there will be no objection. We are making real progress and have begun discussing how we will handle the rest of the day and tomorrow as well. There is no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:19 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Texas is recognized.

(The remarks of Mrs. HUTCHISON are printed in today's RECORD under "Morning Business.")

Mrs. HUTCHISON. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senator from Rhode Island be given 10 minutes to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I rise to discuss S. 2611, the immigration bill we are debating this week. It has been a difficult debate with several difficult votes, but I believe this is one of the most important pieces of legislation we will address this year.

The status of immigrants in this country, including legal aliens, guest workers, and illegal aliens, has a profound impact on our economy, our labor force, and the quality of life of all of the Nation's residents. Clearly, our immigration system in terms of both its punitive measures and its benefits offered is in need of overhaul. The bill before us is not perfect, but it is a realistic approach to dealing with an issue that is important to so many Americans.

Rather than measures that sound good but are ineffective, this legislation is truly comprehensive immigration reform. It includes tough enforcement provisions directed at those who seek to come here illegally in the future and those who would hire illegal aliens. It contains provisions for guest workers that balance the needs of employers and the average American worker, and it offers a path to legalization to those who entered this country illegally but who have since been working hard and obeying the rules.

One of the most important sections of this bill relates to enforcement. Clearly, the continuous flow of illegal immigrants across our southern border in particular in search of higher paying jobs in the United States strains our Nation's labor market and resources such as hospitals and schools and law enforcement.

I note that while illegal immigration has been a significant problem since the 1980s, the problems have only worsened in the past 6 years. The 9/11 Commission gave the Bush administration a grade of C-minus on border security. The administration has simply lost control of the border. In the past decade, between 700,000 and 800,000 illegal immigrants have arrived in this country annually. Over 70 percent of these individuals are from Mexico or South America or from Central America. During the same period from 1995 to 2005, the number of Border Patrol agents increased from 4,876 to 11,106.

However, while the number of border agents increased dramatically during the Bush administration, the number of apprehensions at the border declined 31 percent from the last 4 years of the Clinton administration. In addition, approximately one-half of the 11 million illegal aliens in this country live in the 46 nonborder States, yet the average apprehension rate during the Bush administration is 25,901 individuals per year in interior States away from the border.

But apprehending individuals illegally crossing the border only partially solves the problem. The reason so many try to enter this country is the search for jobs. We must work to cut off the supply of jobs by making it too costly for employers to hire illegals. Again, this administration has performed poorly in this area. In fiscal year 2004, the last year in which data is available, the Justice Department only obtained 46 convictions for employer violations of illegal immigrant employment laws. Audits of employers suspected of utilizing labor have dropped from a peak of 8,000 per year under President Clinton to less than 2,200 in fiscal year 2003 under President Bush. The number of cases resulting in fines has declined from a peak of 900 under President Clinton to a total of 124 in fiscal year 2003. I would therefore say that the first step to improve enforcement would be to actually enforce the laws that are already on the books.

In addition, I believe the bill adds many useful enforcement measures. I would like to highlight a few that I feel are most significant.

I am particularly pleased with the focus on technology. This bill requires the Department of Homeland Security to create a virtual fence along the borders using unmanned aerial vehicles, cameras, sensors, tethered aerostat radars, and other surveillance equipment. This bill also requires the Department of Homeland Security to work with other agencies such as the Department of Defense and the Federal Aviation Administration to develop plans for sharing assets and implementing surveillance strategies.

In addition, this bill includes provisions which replace and extend existing fencing along the U.S.-Mexican border. While I realize that building additional fences may be an attractive option, ultimately I believe this approach would be expensive and ineffective. History has proven that fences simply drive the illegal immigration flow to cross by land through more inhospitable terrain, increasing the number of deaths, or to enter by boat through our largely unprotected ports and shores.

For example, once a triple fence was built in the San Diego area, apprehensions dropped dramatically, but they increased 342 percent during the same period in Tuscon, away from the fence. In addition, during that period, it is estimated that 1,954 people died attempting to cross the Sonoran Desert to reach Tucson.

I also believe that wall is a symbol of distrust which can only weaken our relations, particularly with Mexico. It is a country we need to cooperate with to reduce the flow of illegal aliens.

For these reasons, last week I voted against the Sessions amendment to add 370 more miles of triple-layer fencing and 500 miles of vehicle barriers along our southern border. I believe the funding could be spent in more effective ways using new technologies.

This bill also improves enforcement of employers who might unlawfully hire illegal aliens. First, it reduces the number of documents that can be used to prove legal status. It also increases verification and recordkeeping requirements. Most importantly, it establishes an electronic employment verification system.

Under this program, employers must electronically verify new hires' employment authorization within 3 days through the Social Security Administration and the Department of Homeland Security databases. All employers will have to participate in the system within the next 5 years. The bill also provides for punitive measures for employers who do not participate. Such a system will help standardize enforcement, making it more certain that employers hiring illegals will be found out and therefore providing a deterrent effect.

I believe the measure I have discussed, along with others in the bill, will help control the stream of illegal aliens entering this country.

As we all are aware, one of the most controversial aspects of this bill is that it provides a path to legalization for approximately 11 million illegal immigrants living in this country. I believe that while this is a difficult decision, it is a necessary one.

Logic and history dictate that these individuals will certainly not return to their native countries voluntarily. In addition, it is not possible to apprehend and return all of them involuntarily. If apprehensions continue at the present rate and new illegal immigration ceases, it would still take 228 years for this country to be free of illegal immigrants.

In the meantime, a significant segment of our population is living in the shadows and in constant fear of being caught working for low wages, often in terrible conditions, without health care, without a way to redress any crimes against them. So many being forced to live this way lowers the standard of living for all of us—by decreasing job opportunities, lowering wages and the standards of working conditions for the American workforce, and burdening our hospitals and law enforcement agencies. It is not just a problem for the illegal population, it is a problem for all of us. And it is time we address it. This bill does address it, and I believe in a fair way. It is not what opponents have called amnesty. These people are not illegal one day and enjoying the rights and benefits of legal residency the next without any sacrifice or work on their part. I would like to take a moment to put these provisions I am about to discuss in a historical context.

For the vast majority of our Nation's history, there were few, if any, requirements for immigrants entering this country. The first restrictive immigration laws, other than those racially based, were not passed until the late 1880s and did not substantially change for several decades, including during the height of European immigration in the early 1900s. These laws excluded convicts, polygamists, prostitutes, persons suffering from loathsome or contagious diseases, and persons liable to become public charges. The 1917 literacy requirement required individuals to be able to write out 40 words in some language, not necessarily English.

These requirements, I would say, were not particularly strenuous. The INS, once established in 1891, actually ran its own schools and supplied textbooks to help immigrants learn English and civics. There was no requirement to work or have marketable skills. For the most part, if you arrived and were relatively healthy, you were admitted. So by these standards, the requirements for earned adjustment are much more significant.

First, in order to receive the most benefits from this bill, an individual must prove he or she has already lived in this country for 5 years—time to become a part of the community and, it should be noted, the residency requirement since 1802. These individuals will also have to prove they worked 3 of the past 5 years and then must work continuously for the next 6 years. They must pay all unpaid back income taxes. They must demonstrate an understanding of the English language and an understanding of the history and government of this country. They must submit to fingerprinting and background checks and meet the health and security requirements of every other alien entering the country. Also, they are placed at the "back of the line" of applications for adjustment, and, as we all know, that wait is several years. They also have to pay a $2,000 fine as well as other processing fees.

Those who have been in this country since January 7, 2004, and have been employed since that time may apply for status called deferred mandatory departure which would allow them to remain in this country for an additional 3 years.

During that time, these individuals can apply for immigrant or nonimmigrant status, but ultimately they must leave the country in order to be admitted under that legal status. These hurdles are high and a far cry from amnesty. They strike the proper balance in punishing those who came here illegally and addressing the problems of some illegal aliens in the country.

One of the original provisions of S. 2611 about which I had significant reservations was the originally proposed H-2C guest worker program. It would create a new visa category—providing visas for hundreds of thousands of low-skilled workers each year. I understand the argument that this new program is a way to regulate and hopefully slow the flow of illegal aliens who will continue to cross our borders, but I was concerned about immediately implementing the program as it was originally drafted.

I believe, however, that it has been vastly improved by the amendment process here on the floor. Senators DORGAN and STABENOW were the first to note the flaws in this program during debate on their amendment to eliminate the program, an amendment which was tabled. Further amendments, however, fix many of these flaws.

I wish to commend Senator BINGAMAN for his amendment, which passed, that reduces the number of H-2C visas allotted annually to 200,000 and eliminates the provision that would allow this number to automatically increase in future years. This amendment provides some needed limitation on the H-2C program until we see how all the provisions of S. 2611 are working.

I also wish to commend Senator OBAMA for offering his amendment, which was accepted and which provides adequate requirements for the wages offered to H-2C visa workers. One of the greatest challenges of allowing low-skilled workers in this country is balancing their needs with the needs of the American labor force. Over the past 32 months, real average hourly earnings have fallen by 1.2 percent. Without adequate protections, an influx of workers who will accept lower wages risks bringing down the wages and working conditions of everyone. I also worry that companies will use this visa program as a recruiting device for cheap labor rather than truly offering opportunities to individuals who want a better life in the United States. Senator OBAMA's amendment will work against those dangers, and I am pleased it was included.

I must state that I continue to have one concern about this program—the bilateral agreement. For our immigration system to truly work, it is critical that the United States have cooperation regarding enforcement with countries and citizens flocking to this country. I was, therefore, pleased to find that S. 2611 requires the United States to enter into bilateral agreements on numerous issues, including taking back aliens removed from the United States, document forgery, smuggling, human trafficking, and gang membership. However, this bill does not state that these bilateral agreements must be completed before the H-2C program is established. I believe a delay in concluding bilateral agreements may undercut the purpose of the H-2C program.

I will continue to monitor the situation, and I believe it is an issue Congress may have to address again in the near future.

Let me conclude very briefly by pointing out that there is a category of residents here, the Liberian community, who have been here legally since the late 1980s. For years, I have been endeavoring to provide relief so that these individuals, who are important and decent members of communities all across this country, could reach permanent status in United States and aspire to citizenship. I am pleased to note that in this bill, there is a means to do that. They can avail themselves of the mechanism others will use for their pathway to citizenship. It is long overdue.

I am disappointed that we could not specifically rectify this problem years ago and recognize their contributions as legal residents here under temporary protective status. But I am pleased that this legislation will go a long way to give the Liberian community a pathway to citizenship.

I am pleased to support this legislation. I commend the sponsors and the chairman of the Judiciary Committee and Senator KENNEDY for their work.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COLEMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent the following first-degree amendments be in order: First, Senator LEAHY on No. 4117, with 20 minutes equally divided; Senator GRASSLEY on title III, with 20 minutes for Senator CORNYN, 5 minutes for Senator KENNEDY, 5 minutes for Senator OBAMA, 5 minutes for Senator KYL, and 10 minutes for myself; Senator LIEBERMAN, No. 4036, with the time agreement to be determined; Senator DURBIN on a humanitarian waiver amendment, with time to be determined; Senator KENNEDY, No. 4106, with the time agreement to be decided.

I further ask, following those amendments, the next first-degree amendments be in order: McConnell, 4085; Gregg, 4114; Hutchison, 4101; Burns, 4124; Chambliss, 4084; Cornyn, 4097; Sessions, 4108; Kyl, 4134.

Provided further that it be in order to have first-degree amendments offered by the Democratic leader or his designee between each of the preceding Republican amendments.

I further ask unanimous consent that if cloture is invoked on the bill and if any of the above listed amendments have not been offered prior to the expiration of time under rule XXII, it be in order to call that amendment prior to third reading of the bill. I further ask consent that it be in order any time during the consideration of these amendments to consider a managers' amendment which has been cleared by both managers and notwithstanding the provisions of rule XXII.

I think I specified on Senator LEAHY's amendment 4117 that the 20 minutes equally divided would be followed by a tabling motion.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Reserving the right to object, the Senator is referring to the Leahy-Coleman-Kennedy-Sununu-Lieberman-Chafee amendment. He had not mentioned a motion to table. He has a right to make a motion to table at any time. On the Leahy-Coleman-Sununu-Chafee-et al. amendment, I hope the distinguished chairman of the Judiciary Committee would at least listen to this debate, of our efforts to protect these child soldiers before the Senator moves to table.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I always listen with great care to anything the very distinguished Senator from Vermont has to say, but in order to get consent to this unanimous consent agreement, it was found to be necessary to insert the language, which I did.

Mr. LEAHY. I have no objection to that. I just want to make my point. We are trying to protect these women who have been raped and mutilated and these children forced into involuntary servitude and others who have stood up when the United States has asked them to help defend us.

Mr. SPECTER. Does that last comment come out of Senator LEAHY's time?

Mr. LEAHY. That is when I reserved my right to object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. We intend to notify the Senate what these Democratic amendments will be. They will be interspersed as rapidly as we can. We will do that, hopefully, before the end of the afternoon.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4117

Mr. LEAHY. Mr. President, this bipartisan amendment I offer is on behalf of the distinguished Presiding Officer, Senator COLEMAN, Senator KENNEDY, Senator LIEBERMAN, Senator CHAFEE, Senator HARKIN, Senator BINGAMAN, and Senator SUNUNU.

We have had unintended consequences because of changes made in immigration laws after September 11. Rightly so, they were modified to protect national security, but we made them so broad that many people have been prevented from entering our Nation, people who do us no harm.

The PATRIOT Act and the subsequent REAL ID Act modified definitions of "terrorist activity" and "material support" in order to block entry into the United States of individuals who assist terrorist organizations. On its face, that made sense. No one wants terrorists or their supporters to come here as refugees.

But the new law failed to recognize that many foreigners, including children, are forced against their will to give food, shelter or other assistance to terrorist groups.

It also defined "terrorist organization" so broadly that groups that are not engaged in activities against civilians—freedom fighters that the U.S. Government once provided training and other material support to—like the Montagnards in Vietnam—are covered by this broad definition.

Our amendment would bring American laws once again into line with American values. It would give U.S. officials the ability to separate the victims from the aggressors, and it will bring our immigration laws into harmony with our government's foreign policy.

We can prevent the entry of those who would do America harm without closing our borders to genuine refugees who urgently need our help.

Let me give a few examples. A 13-year-old girl is kidnapped, she is forced to become a member of the Lord's Resistance Army in Uganda, become a soldier, basically a sex slave of one of the commanders. She is ineligible for admission as a refugee under current law. That is wrong. In fact, it is immoral.

The same goes for people who provide material support to FARC, the terrorist group in Colombia. The support they gave was digging graves for other victims of the terrorists or giving them food, or otherwise being shot themselves.

Or a Liberian woman who was kidnapped by a rebel group and forced to serve as a sex slave. She was also forced to cook and do laundry for the rebels, so she is considered to have given material support and she is barred. That makes no sense.

People who are barred for supporting a terrorist organization—which is broadly defined as any group of two or more people fighting a government—includes refugees who our own government has long supported.

The Vietnamese Montagnards, who supported the United States 35 years ago, are barred. Members of the Karen Tribe fighting against the Burmese junta are barred. Some anti-Castro Cubans are barred.

Afghans who fought with the Northern Alliance, and even the NATO soldiers who trained them, are barred. We never intended to do that.

After 8 months of interagency inertia, the Secretary of State recently issued a waiver for one group of Burmese refugees who live in a refugee camp in Thailand. The use of the waiver authority was long overdue and I welcomed the Secretary's action. But the waiver was too limited, and will help only a minority of those deserving help, who are waiting to be resettled here.

When the waiver was issued, the State Department asserted that it did not plan to extend it to other groups in the near future.

Infighting between executive branch agencies is preventing people who have been victimized in the most brutal ways from obtaining asylum.

The bipartisan amendment that we offer today modifies the law so that before the overly broad definition of a terrorist organization is applied to a group of two or more individuals, the Secretary of State must determine that the group engages in terrorist activity which poses a threat to U.S. nationals or the national security of the United States.

That is the right balance. It protects U.S. security, and it provides sanctuary for victims of repression.

Mr. President, how much time remains for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has not yet called up the amendment, so there is no time running.

Mr. LEAHY. That is not bad. Mr. President, I did not do that intentionally, but I think it may be protecting the distinguished Presiding Officer. I now call up amendment No. 4117.

The PRESIDING OFFICER. The clerk shall report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU, proposes an amendment numbered 4117.

The amendment is as follows:

(Purpose: To amend section 212 of the Immigration and Nationality Act regarding restrictions on the admission of aliens)

On page 65, line 24, strike "f" and insert the following;

(f) TERRORIST ORGANIZATIONS.—

(1) DEFINITIONS.—Section 212(a)(3)(B)(vi) (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking subclause (III) and inserting the following:

"(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv), and that the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, has determined that these activities threaten the security of United States nationals or the national security of the United States.

"(vii) APPLICABILITY.—Clause (iv)(VI) shall not apply to—

"(I) any active or former member of the Armed Forces of the United States with regard to activities undertaken in the course of official military duties; or

"(II) any alien determined not to be a threat to the security of United States nationals or the national security of the United States and who is not otherwise inadmissible on security related grounds under this subparagraph.".

(2) TEMPORARY ADMISSION OF NON-IMMIGRANTS.—Section 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

"(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subclause (IV)(bb), (VI), or (VII) of subsection (a)(3)(B)(i) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization (or its members) or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group, or to a subgroup of such group, within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.".

(g)

Mr. LEAHY. Mr. President, I ask unanimous consent that of the time available to the Senator from Vermont, 4 minutes be reserved for the distinguished Presiding Officer and he be allowed to use that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I hope Senators will support this amendment. It has strong bipartisan support. It speaks to the moral goodness of our Nation. It ensures that the waiver in current law is available to asylum seekers who were forced to join terrorist groups or to provide material support against their will.

Completely innocent victims of ethnic and other forms of violence and repression are being denied asylum for engaging in the very activity they were forced to engage in, even though they pose no threat to U.S. security—child soldiers, sex slaves of people who were among the worst violators of human rights. Those victims are being excluded by our great, good Nation.

They deserve our compassion. Let us bring our laws back in line with our values.

I hope we will adopt this amendment.

Mr. President, I see the distinguished Senator from Minnesota on the floor. I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in support of the amendment by Senators LEAHY, COLEMAN, LIEBERMAN, SUNUNU, KENNEDY, BINGAMAN, CHAFEE, and HARKIN.

The distinguished Senator from Vermont has laid out a general principle we are dealing with here. I would like to make a couple observations, if I may.

I would actually like to read from an article in the New York Times of April 3—just a couple sentences.

In Sierra Leone there was a woman who was kept captive in her house for 4 days by guerillas. The rebels raped her and her daughter and cut them with machetes. Under America's Program for Refugees she would be eligible to come to safety in the United States, but her application for refugee status has been put on indefinite hold because American law says she has provided material support to terrorists by giving them shelter.

The same story has been repeated in Liberia. Women who have been kidnapped, raped, forced to be sexual slaves, by the definition of "material support," gave material support. The law makes no exception for duress.

In the State of Minnesota, we have individuals who have worked in groups that have been supported by the United States—Hmongs in Southeast Asia resisted the Laos military; Liberians who gave de minimis aid under duress; Burmese; Somalians; Cubans resisting Castro; Colombians intimidated by the FARC guerrillas—and, again, they are in a similar circumstance as we have talked about. But the way the law is written, they would be denied the opportunity because of the definition of both "material support" and "terrorist group."

I think some of my colleagues have concerns about this. I know they have raised some questions. We have tried to look at those concerns. One of them is: What is the reason for this? There is a waiver provision in this legislation. The problem is that the labor provision is extremely, extremely limited. I believe one of them was negotiated for about 8 months. It does not cover asylum seekers in the U.S. who have been subject to atrocities, who under duress were forced to give minimal support but by definition of the law gave "material support."

So as a result—what I do not think was intentional—when we looked at the REAL ID legislation, we revised some of this. I do not think there was an intentional effort here. Sometimes, though, we suffer from the law of unintended consequences. The unintended consequences of the broad definition of "terrorist organization" and "material support" is to deny asylum, to deny entry to individuals who I think under all circumstances across the board—Democrat and Republican, liberal and conservative—it would be agreed that opportunity is the right thing to do, such as for the Vietnamese Montagnards, the Karen National Front fighting the Burmese junta, the Afghan Northern Alliance that has had U.S. support.

So what we have here, we believe, is a technical problem that can be corrected. If somebody is a member of a terrorist organization, they are not going to be allowed entry into this country. But that is not what this is about. That is not what we are dealing with here. I hope my colleagues would take a close look at this amendment and understand it is the right thing to do, the compassionate thing to do, the reasonable thing to do, and one that we will be proud of doing when we are finished.

There are a lot of folks who have fought for freedom in ways that we believe they are freedom fighters, a lot of folks who have been subject to great abuse, horrific abuse, and yet, somehow, the way things have been defined or appear to be threats to this country, they do not have the opportunity others have. They are not threats to our security. The right thing to do is to support the Leahy-Coleman amendment.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD editorials from the New York Times and the Washington Post, and an op-ed from the Los Angeles Times in support of this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 3, 2006]

TERRORISTS OR VICTIMS?

In Sierra Leone there is a woman who was kept captive in her house for four days by guerrillas. The rebels raped her and her daughter and cut them with machetes. Under America's program to resettle refugees, she would be eligible to come to safety in the United States. But her application for refuge has been put on indefinite hold—because American law says that she provided "material support" to terrorists by giving them shelter.

This law is keeping out of the United States several thousand recognized refugees America had agreed in principle to shelter. By any reasonable definition, they are victims, not terrorists.

A Liberian woman was kidnapped by a guerrilla group and forced to be a sexual slave for several weeks. She also had to cook and do laundry. These services are now considered material support to terrorists. In Colombia, the United Nations will no longer ask the United States to admit dozens of refugees who are clearly victims, since all their predecessors have been rejected on material support grounds. One is a woman who gave a glass of water to an armed guerrilla who approached her house. Another is a young man who was kidnapped by paramilitary members on a killing spree and forced to dig graves alongside others. The men, many of whom were shot when their work was finished, never knew if one of the graves would become their own.

The law makes no exception for duress. It also treats any group of two or more people fighting a government as terrorists no matter how justified the cause, or how long ago the struggle. So the United States has turned away Chin refugees, for supporting an armed group fighting against the Myanmar dictatorship, which has barred them from practicing their religion. The United States has acknowledged that the law would also bar Iraqis who helped American marines find Jessica Lynch.

The law does not formally reject these applicants but places them on indefinite hold. No one accused of material support has ever had that hold lifted. The Department of Homeland Security can supposedly waive the material support provision but has never done so.

Clearly, Congress needs to add an exception for duress, allow the secretary of state to designate armed movements as nonterrorist, and allow supporters of legitimate groups to gain refuge. These changes would pose no risk of admitting terrorists to the United States and would keep America from further victimizing those who have already suffered at the hands of terrorist groups.

[From the Washington Post, Apr. 28, 2006]

How Not To Treat Friends

Congress tightened a law last year on refugee admissions in order (it thought) to keep terrorists and their supporters out of the country. The effect has been to bar friends and allies.

One example: Many Vietnamese Montagnards fought alongside U.S. forces during the Vietnam War and were then murderously oppressed by the Vietnamese government. During the war, the United States helped arm a Montagnard group called the United Front for the Liberation of Oppressed Races, which continued to struggle for autonomy after the war ended. This group ceased to exist in 1992, when a band of nearly 400 fighters disarmed and were resettled in North Carolina. Under Congress's irrational new rules, however, the group has become, legally speaking, a terrorist organization, and 11 Montagnards still stuck in Cambodia would be denied refugee status because in the past they had offered the group "material support."

The Montagnards are not the law's only, or even principal, victims. Thousands of ethnic victims of the Burmese military regime, living in camps in Thailand, expected after long waits to receive refugee status; now they're stuck in limbo. So are large numbers of Colombians who were forced to support the leftist rebels of the Revolutionary Armed Forces of Colombia. Liberians, Somalis and anti-Castro Cuban dissidents are also being branded terrorists and kept out.

Misguided law now prevents the admission of a member or backer of any group of "two or more individuals" that "engages in, or has a subgroup which engages in," activities as commonplace as using an "explosive, firearm or other weapon or dangerous device." The law treats a Montagnard who once aided a U.S.-backed group no differently from an al-Qaeda operative. The administration has the authority to override this absurdity in certain instances, though not all. But it has not used this limited power, and even the need for a waiver is galling. America should not be "forgiving" people who did not, in fact, support terrorism. These are victims—exactly the sort of people refugee and asylum programs are meant to protect.

An amendment being offered to the supplemental appropriations bill by Sens. Patrick J. Leahy (D-Vt.), Norm Coleman (R-Minn.) and Lisa Murkowski (R-Alaska) would solve the problem cleanly. It would clarify that only associates and supporters of groups certified by the government as terrorist organizations should be denied refugee status and that those forced to aid terrorists are not themselves terrorists. Congress did not mean to create this problem. Fixing it should not be controversial.

[From the Washington Post, Apr. 17, 2006]

Fix This Law

If Congress doesn't quickly fix a major problem it created in the law governing the admission of refugees, tens of thousands of human rights victims will soon begin paying the price. Congress, we assume, never meant to rewrite federal law so that victims of totalitarian regimes and those forced to serve human rights abusers are kept out of the United States. Yet an accumulation of legal changes in recent years, culminating in the Real ID Act last year, has done just that—paralyzing America's traditionally generous refugee admission program. The United States is supposed to admit up to 70,000 refugees this year, though it probably will take around 55,000 under the best of circumstances. Yet human rights advocates estimate that between 10,000 and 20,000 people may be barred because of irrationally broad legal definitions of terrorism, support for terrorism and terrorist groups—definitions that make no distinction between this country's enemies and those it ought to protect.

The law makes ineligible for admission members or supporters of any group that contains "two or more individuals, whether organized or not, [which] engages in, or has a subgroup which engages in" activities as broad as using an "explosive, firearm or other weapon or dangerous device." It makes no exception for people compelled to support a group—for example, Colombian peasants forced to aid the leftist rebels of the Revolutionary Armed Forces of Colombia. Nor does it exempt someone who took up arms—or sheltered or fed someone who did—against the murderous Burmese government.

The result is that people around the world whose struggles America backs find themselves ineligible for refugee status here. The problem is most acute for Colombians and large numbers of people of the Karen and Chin ethnic groups whom the Burmese military junta has brutally repressed. But Liberians, Somalis and Vietnamese Montagnards have also gotten caught up in the problem. Even some Cuban dissidents who once helped anti-Castro forces may be found ineligible. The Bush administration has acknowledged that members of Afghanistan's Northern Alliance would be barred under the law as well; they, after all, fought alongside our troops.

The government has the power to waive the exclusion in some cases, but it hasn't managed to use it yet. Its power is limited, in any event; it can forgive people for their support for terrorism but not for their membership in terrorist groups. Even if it were broader, its categories are all wrong. These people aren't terrorists and shouldn't be labeled as such.

Fixing the law would not be hard. At a minimum, Congress needs to make it clear that not every armed, non-state group is a terrorist organization. Not all such groups attack civilians; some are U.S. allies fighting legitimate military struggles against evil governments. What's more, the law needs to recognize that people forced to aid terrorists are victims of terror, not terrorists themselves. Time is running out. Congress must act.

[From the Los Angeles Times, Mar. 29, 2006]

Terrorist or Terrorized?

(By George Rupp)

In his second inaugural address, President Bush made a stirring commitment to oppressed people yearning to be free: "When you stand for your liberty, we will stand with you."

For half a century, one of the best expressions of that bond has been the federal Refugee Resettlement Program. This State Department-administered program seeks to offer a safe harbor to those fearing persecution by tyrannical governments. But thousands of people whose lives are at risk for standing up for freedom will this year be denied help because of a Kafkaesque interpretation of who is deemed a terrorist.

The laws governing eligibility for refugee status have long denied it to anyone who commits a terrorist act or who provides "material support" to terrorists. These laws were strengthened after 9/11. The problem was created by recent legislation that expanded the definition of terrorists. There are real-life consequences from such myopic "reform."

In Colombia, for example, the leftist guerrilla group FARC often kidnaps civilians and demands ransom from their relatives. FARC also requires the payment of a "war tax" from Colombians in the regions it controls, upon threat of serious harm. Nearly 2,000 Colombians who faced such circumstances as paying a ransom or "tax"—and who later fled the country and were determined by the United Nations to be refugees—have been denied U.S. resettlement on the basis of the "material support" provision.

In Liberia, a female head of a household was referred to the U.S. resettlement program by the Office of the United Nations High Commissioner for Refugees as a person particularly vulnerable to attack. Rebels had come to her home, killed her father and beat and gang-raped her. The rebels held her hostage in her own home and forced her to wash their clothes. The woman escaped after several weeks and made her way to a refugee camp. The Department of Homeland Security has decided that because the rebels lived in her house and she washed their clothes, she had provided "material support" to the rebels; the case has been placed on hold.

A Sierra Leonean woman's house was attacked by rebels in 1992. A young family member was killed with machetes, another minor was subjected to burns and the woman and her daughter were raped. The rebels kept the family captive for days in their own home. Homeland Security has placed the case on hold for "material support" concerns because the family is deemed to have provided housing to the rebels. Under this interpretation, it does not matter whether the support provided was given willingly or under duress.

Unfortunately, the actions of Homeland Security go far beyond barring the affected refugees from entering the U.S. They become permanently tainted by suspicions of terrorism and find themselves shut out by other nations that resettle refugees. And the governments now providing these people with temporary asylum might even force them back to the nations they fled.

U.S. policy toward authoritarian governments has been turned on its head: The victims of terrorism are being denied protection and sanctuary. The secretary of Homeland Security has the authority to determine that the "material support" provision shall not apply to certain individuals or groups. Yet the department has failed to issue guidance, causing mass confusion and holding up decisions on refugee cases. Neither the administration nor Congress seems able to fix the problem for fear of being labeled weak on terrorism.

Yes, we must remain vigilant against terrorists. But in order to implement Bush's commitment to stand with those seeking liberty at great personal risk, Homeland Security Secretary Michael Chertoff or Congress must rectify the injustice that treats victims of coercion as supporters of terrorism.

Mr. LEAHY. Mr. President, I ask unanimous consent to withhold the remainder of our time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

The Senator from Illinois.

Who yields time?

Mr. LEAHY. Mr. President, how much time remains to this side, to the Senator from Vermont?

The PRESIDING OFFICER. Four minutes 4 seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent to yield to the Senator from Illinois, with the understanding that 1 minute be retained to the Senator from Vermont.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, if it would be acceptable, I ask unanimous consent that I have a total of 5 minutes and that the 1 minute also be retained by the Senator from Vermont.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, if that request is amended to the extent that the same additional amount of time will be given to the Republican side, there will be no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Thank you very much.

Mr. President, I come to the floor to briefly discuss amendment No. 4177. It pertains to title III and I believe will be called in short order. It is a bipartisan effort to create the kind of employment verification system that will ensure that American workers are protected. It is an amendment that I worked on with Senator GRASSLEY, as well as Senator KENNEDY. And as I indicated, it will be offered shortly.

One of the central components of immigration reform is enforcement. This bill contains a number of important provisions to beef up border security. But that is not enough. Real enforcement also means drying up the pool of jobs that encourages illegal immigration. That can only happen if employers do not hire illegal workers. Unfortunately, our current employer enforcement system does little to nothing to deter illegal immigrants from finding work.

Just a few statistics: Overall, the number of workplace arrests of illegal immigrants fell from 17,552 in 1997 to 451 in 2002, even as illegal immigration grew during that time. Moreover, between 25 percent to 40 percent of all undocumented immigrants are people who have overstayed their visas. They are not folks who will be stopped by a wall. Rather, the only way to effectively deter overstays is to reduce their access to employment.

When Congress last passed an immigration bill in 1986, we did not provide any meaningful way for employers to check legal eligibility to work. Currently, employees can prove their legal status by showing a variety of documents, and employers are supposed to record their inspection of such documents by filling out an I–9 form for each employee. As a consequence, the market for fraudulent documents—fake Social Security cards, driver's licenses, birth certificates—has exploded.

Unfortunately, with more than 100 million employees in more than 6 million workplaces, and only about 788 Wage and Hour investigators, employer sanctions have basically become a nuisance requirement to maintain records, not a serious risk of penalty. As a result, the number of "intent to fine" notices issued to employers for hiring undocumented workers dropped from 417 in 1999 to just 3 in 2004. I want to repeat that. There were three employers in the entire United States in 2004 who were fined for hiring undocumented workers.

Now, understandably, employers cannot always detect forged documents. And employers who reject workers with questionable documents risk employment discrimination suits. That is why we need a better alternative. We need an electronic verification system that can effectively detect the use of fraudulent documents, significantly reduce the employment of illegal workers, and give employers the confidence that their workforce is legal.

When Congress first considered comprehensive immigration reform in April, the legislation on the floor addressed this problem by creating a national employment eligibility verification system. Senators GRASSLEY, KYL, and I all thought this was a good idea in theory, but we had concerns with the design of the system.

Senators GRASSLEY and KYL proposed that a verification system be implemented nationally within 18 months. Senators KENNEDY and I proposed that the system be phased in over 5 years but that it also included additional accuracy and privacy standards, as well as strict prohibitions on the use of the system to discriminate against legal workers.

Over the past few weeks, we have been in discussions to try to negotiate a compromise. I am pleased that we have reached an agreement by which all employers would have to participate by 18 months after the Department of Homeland Security receives the appropriations necessary to receive the funds needed to fund the system. All new employees hired would have to be run through a system. A series of privacy and accuracy standards would protect citizens and legal immigrants from errors in the system and breaches of private information. To make sure that employers take the system seriously, we strengthen civil penalties for employers who hire unauthorized workers, and we establish criminal penalties for repeat violators.

I think we worked in a constructive, bipartisan manner to design an employment verification system that is fair to legal workers and tough on illegal workers. I think it is a good amendment. I urge my colleagues to support it.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield 5 minutes to Senator KYL.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Arizona.

Mr. KYL. Mr. President, I rise in strong opposition to the Leahy amendment and just warn my colleagues that this is not a benign amendment but is one of the most serious amendments that has been proposed to this legislation and, if it is adopted, literally would allow us to take somebody from the Taliban into the United States.

There is already a law that provides full waiver authority to the Secretary of State to allow entry into this country for someone who happened to be caught up in terrorist activity, albeit innocently—the villager who is forced to give rice and water to a Taliban member. There is nothing that prevents the Secretary of State from allowing that person to come into this country.

This is literally a solution looking for a problem. And it is pernicious because it literally allows entry into this country of members of the Taliban because the Taliban is not a designated terrorist organization or a person who assists an organization which threatens other countries and peoples but not the United States.

Under the specific language of the amendment, there are three specific exceptions. One is the Secretary of State, in consultation with or upon the request of the Attorney General or Secretary of Homeland Security, has determined that these activities threaten the security of United States nationals or the national security of the United States. So you can threaten the security of Israel or Sri Lanka or India or some other country and support that terrorist organization but be permitted to come into the United States. What sense does that make?

There is no problem here that cannot be dealt with under existing law. Show me where in existing law the Secretary of State does not have complete and unfettered authority to waive the provisions of the law. This is a law about terrorists, people who provide material support to terrorist organizations not being allowed into the United States. I know the good intentions of the sponsors of the amendment, but the fact is, some villager who is forced to provide aid and comfort to a terrorist organization can get entry into the United States without this language which opens a huge loophole. Never in the past have we said it is OK to let a member of the Taliban come in simply because the Taliban is not a designated organization.

You might ask: Why, with all of the other terrorist organizations, isn't the Taliban a designated organization? Of the 42 groups in the world that have been certified by the Secretary of State, it is not. The reason is because it is a serious matter to designate someone. For example, once they are designated, then giving anything of value to that group constitutes a Federal felony punishable by 15 years in prison. And as a result, the failure to designate the Taliban would be the type of group that if you give material support or aid to would permit you entry into the United States. Because the Department of State is conservative with these certifications and they have substantial collateral consequences, not every group that would fall into the category of a terrorist group is going to be designated, and the Taliban is a perfect example.

I urge my colleagues, simply because your heart yearns to help someone who might have been forced under a concept of duress to support a terrorist organization or an organization like the Taliban that is not designated as a terrorist organization, don't adopt this amendment under the mistaken view that there is no other remedy. There is a remedy. Clearly, under circumstances of duress, that remedy can be invoked.

I urge my colleagues to reject this very dangerous amendment.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes 52 seconds.

Mr. SPECTER. I yield myself 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, this is the third version of this amendment that has been circulated on this bill. It may well be that an earlier version of this basic idea would merit support from Senators, but in its present form, it is not worthy of support because it redefines what is material support. What constitutes material support is a complex issue. Before the Senate passes on it, there ought to be an analysis and hearings. The Judiciary Committee has had a whole series of hearings but none on this subject.

The amendment further narrows the definition of what constitutes a terrorist organization. There, again, it is a complicated subject. It ought to be analyzed and considered at a hearing so that Senators have a record basis for making a determination as to whether it ought to be adopted. These are hardly the kinds of complex issues which can be decided without a record, without a hearing, and without analysis.

The Senator from Arizona has cited the Taliban, but there are many other citations that could be given. Kurdish terrorists in Turkey might be admitted under this amendment because they pose no threat to the United States of America. Basque terrorists in Spain might be admitted because they pose no threat to the United States of America. Hamas, which poses a deadly threat to Israel, might be admitted to the United States because they arguably pose no threat on the face of it to our national security. So we have an amendment which is very broad and changes really fundamental definitions, in redefining material support. In the collateral field of what is a material witness, the definition takes enormous analysis, which I have seen in the criminal law. And to narrow the definition of what is a terrorist organization, so that organizations which would be considered terrorist without this amendment but not terrorist under this amendment, is just not the sort of thing that ought to be done by the U.S. Senate without a full hearing, without analysis and a record basis for making such a broad, important distinction.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. How much time remains.

The PRESIDING OFFICER. The Senator has 1 minute 12 seconds.

Mr. LEAHY. Mr. President, no one has any intention or desire to permit terrorists into this country. It is setting up a straw man to say something would let the Taliban in here. This amendment is not about the Taliban, incidentally. Our government supported them very strongly through our CIA and others, as the press has reported, during the Soviet Union days. But this amendment is not about terrorists. It is about genuine refugees who have been victims of the very brutality that is now preventing them from receiving asylum in this country.

I will give a practical example. We trained and supported the Vietnamese Montagnards. We trained and equipped them. We asked them to fight with us. Now we deny them asylum because they risked their lives to do what we asked them to do. The Burmese, who are fighting a brutal regime, our government supports them. Many are refugees. But even though they have not been designated a foreign terrorist organization and our government supports them, they are inadmissible. There are cases of women and children threatened with torture and death and forced to provide food, shelter or become the sex slaves of members of terrorist groups. Our law bars them from asylum.

We are giving them discretion. I cannot believe that President Bush or Secretary Rice is going to misuse this discretion to allow in terrorists.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes and 52 seconds.

Mr. SPECTER. Mr. President, I agree with Senator LEAHY on one important point. That is, he does not intend to offer an amendment to let terrorists into the United States. But his amendment does. Senator LEAHY's intentions are pure because I know Senator LEAHY. But the most revealing part about Senator LEAHY's last rebuttal was that he didn't deny my basic contention that it redefines what is material support, what constitutes material support, or the complexity of that issue.

Senator LEAHY does not deny that it narrows the definition of what constitutes a terrorist organization, nor does he deny that on the face of his language, Kurdish terrorists who are terrorizing Turkey might come into the United States or Basque terrorists who are terrorizing Spain might come into the United States or the example of Hamas terrorizing Israel might come into the United States. The fact is that the existing law is adequate to keep out such individuals, and supporters of this amendment have not met the burden of showing that the law should be changed in the way they have proposed.

Secretary Rice recently exercised the waiver to pave the way for the resettlement of 9,300 ethnic Karen refugees housed in a camp in Thailand who backed the Karen National Union. So we have, under existing law, methods for recognizing that some individuals may be acting under duress, that they may not be terrorists. That is the kind of an analysis which can best be made by the Secretary of State, as opposed to the very different concept of litigating such matters. And when you are dealing on the floor of the Senate with redefining material support, redefining what is a terrorist organization, that simply is not the way to legislate.

I have great respect for Senator LEAHY. He and I have worked together to craft this immigration reform bill. He and I have structured the hearing list and could have had a hearing on this, had it been deemed important and had it been deemed necessary to correct a major problem, but it wasn't because existing law is satisfactory to address the problem of individuals providing material support under duress. It is difficult for me to oppose Senator LEAHY, the ranking member of the committee, with whom I have worked so closely. But I do not want to sow confusion in this very important matter on the floor of the Senate by redefining very basic concepts in a few minutes in a way which is not intelligible.

How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 58 seconds.

Mr. SPECTER. I yield 1 minute to Senator KYL.

Mr. KYL. I am not sure if the group that the chairman of the Judiciary

Committee referred to is the same one I will refer to here, but to illustrate the fact that the Secretary of State has unfettered authority to grant these waivers and has in fact done so in the past, actually there was a large group of refugees from Burma who were recently permitted asylum in the United States, even though they had provided, allegedly, material support to terrorism. This is an authority which can be exercised, which has been exercised.

Secondly, I urge my colleagues who are in support of this underlying legislation on immigration reform, it is a controversial enough piece of legislation for the Senate to consider. Amending it in the way that the chairman has described, without the necessary careful consideration of what the ramifications would be if this language is too broad, I urge that this be done in another way and another time rather than in this bill.

Mr. SPECTER. Mr. President, in my capacity as manager of the bill, it is my intention to move next to the Grassley amendment under title III. We will stack votes later because we have a whole series of amendments. I think our time can be most effectively used. So at this time I move to table the Leahy amendment and ask for the yeas and nays.

I withdraw the motion to table.

Mr. LEAHY. I was going to say, if the chairman will yield, that if we move to table now, we would have to vote now. I would have no objection if the chairman would give me some idea when those votes might be.

Mr. SPECTER. To respond to my colleague, I would say sometime around the dinner hour when we see how the debate goes. We have a great many amendments, and we know when we start to vote it takes much longer than the designated time. I would say somewhere in the 6 o'clock range.

Mr. LEAHY. Mr. President, I would note to the distinguished chairman, one of the reasons I agreed to this schedule, to come here and do this debate now, was that there would be a vote now. I am going to be off the Hill for a period of time around dinnertime, and I would like to be here to vote on my own amendment. Could we agree on a time certain, like 5:30, for the tabling motion on the Leahy-Coleman-Sununu amendment?

Mr. SPECTER. Mr. President, I would be prepared to have the vote occur as soon after 5:30 as we finish amendments. I think we may be able to have two more amendments in the next hour and a half. I think we can accommodate the request of the Senator from Vermont.

Mr. LEAHY. Mr. President, I won't make a unanimous consent request. I will rely on the expertise and long experience of the chairman of the committee to get that vote in before 5:30.

Mr. SPECTER. Mr. President, reserving the right to object, I must.

Mr. LEAHY. I am not making a unanimous consent request. I am saying I am relying on the representations of the distinguished senior Senator from Pennsylvania.

Mr. SPECTER. May I say, I think that is a wise reliance.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe the matter that is before the Senate now is the title III provisions. Under our agreement, I think I had 5 minutes to speak, am I correct?

The PRESIDING OFFICER. That amendment has not yet been formally called up.

The PRESIDING OFFICER. Once the amendment is pending, the Senator has 5 minutes.

Mr. KENNEDY. I thank the Chair.

AMENDMENT NO. 4177

Mr. GRASSLEY. The amendment as to title III has been filed. I am ready to take that up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 4177.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Senators OBAMA, BAUCUS, and KENNEDY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, this amendment represents a bipartisan effort to create an effective, workable employment verification system. Without a workable verification system, there is no point in having a bill dealing with immigration.

The amendment balances the needs of workers, employers, and immigration enforcement. The amendment would replace the current paper I–9 process with a new electronic verification system. This new system would allow employers to verify the legal status of their workers within 3 days of being hired. If the system cannot verify a worker's employment authorization, the employer would be notified and the worker must be discharged. If the system fails to operate as intended and a legitimate worker is erroneously discharged, the worker could be compensated by the Government for lost wages.

I understand that some of my colleagues believe that further changes are needed with respect to this provision, which would allow a worker who loses his job through no fault of his own to recover lost wages. I will continue to work with them, as chairman of the Senate Finance Committee with jurisdiction over the provisions in this amendment, on this issue and the questions they have in subsequent conference with the House of Representatives. I believe this amendment must move forward, so I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself 4½ minutes.

Mr. President, as the Senator pointed out, this really represents a very strong, bipartisan effort to make sure we get a key feature of this immigration reform correct. I wish to express my personal appreciation to those who have worked so hard and so well, including Senators GRASSLEY, KYL, OBAMA, and BAUCUS and their staffs, who have devoted an enormous amount of time to this issue. It is incredibly important. We are talking about worksite enforcement, which we all agree is a core goal and challenge. If that doesn't work, this legislation, to a great extent, will be very ineffective. But what we have worked out—the inclusion we have in this amendment—I think effectively guarantees that it will work out.

The core goal is to establish the worksite enforcement system as quickly as possible, which will succeed in preventing undocumented immigrants from obtaining employment. I believe everybody agrees that the heart of the system must be the new electronic verification system that allows employers to compare a worker's name and identification data to a central database that confirms or disconfirms the worker's eligibility to work in the United States. Yet the Basic Pilot upon which this electronic system will be based did not work well. It has error rates of 10 to 15 percent. In a national system, that would mean millions of Americans would be told every year they do not have the right to work in this country. The GAO has told us that the error rate could increase as the system is expanded to a national level.

So the core challenge is how to establish a universal verification system as quickly as possible, while minimizing the risk that we end up throwing millions of American workers out of work or putting thousands of employers out of business. The stakes are high. While all our other decisions have profound consequences for millions of immigrants, what we do in title III will directly affect also the working conditions for Americans, so it is enormously important to get it correct.

I am pleased to say that our negotiations with all of our colleagues here produced an agreement we can be proud of. We agreed to an ambitious schedule for implementation. Every employer in the country will be required to participate in the system beginning 18 months after funding for the system is appropriated. At the same time, we agreed on a number of due process and procedural steps to minimize the risk that U.S. citizens and legal immigrants are wrongly harmed by the system—problems which workers and employers are equally eager to avoid.

Mr. President, we may have differences about this legislation and about different provisions, but I think everybody agrees that if it goes into effect, we want to make sure it is the best possible system with the best possible protections. I think this amendment which has been worked out with the leadership of my colleague and friends, Senators GRASSLEY, BAUCUS, KYL, and OBAMA, is the best we could possibly recommend. We urge the Senate to accept it.

I will withhold whatever time I have remaining.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, it is my understanding that I have 20 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. CORNYN. Mr. President, I heard the distinguished Senator from Massachusetts and the distinguished chairman of the Finance Committee, Senator GRASSLEY, talk about this amendment as if this were an agreed-upon amendment. I understand there has been a lot of work put into this amendment. I rise to voice objections to the amendment for a number of reasons I would like to discuss.

This is critical. I agree with Senators GRASSLEY and KENNEDY that this is the linchpin of this bill. If we don't get this right, then we might as well pitch it in because the fact is that employment and the prospects for employment are the magnets that attract illegal immigrants into the country or people who come legally and overstay in violation of our immigration laws.

I think it is important that the very Cabinet member—Secretary Chertoff—who is going to be responsible for enforcing this immigration reform has called this amendment a poison pill. He expressed concerns about the fact that, as currently written—and I understand it is one thing to pass a piece of legislation and expect to improve it in the conference committee, but I think it is absolutely critical that our colleagues understand what it is they are being asked to vote on. The No. 1 concern I have is that it would create a carveout, until such time as whatever process is developed would produce a rate of 99-percent accuracy, in terms of confirming eligibility of prospective employees to work legally in the United States. A nonanswer would be essentially treated as an approval, and that individual would be then authorized to work permanently in the United States.

Once we pass this legislation, if it is passed, and it goes to conference and the differences are worked out and it is signed by the President, we all know this is merely an authorization. This is not an appropriation. In other words, the money to pay for this, to make it happen, is a matter of the appropriations process. That is not what we are doing here. Once the money is appropriated, then we are going to have to see the Department of Homeland Security issue a request for a proposal and ask contractors to bid on creating the database and the system whereby we can verify eligibility of prospective employees. So what we are talking about is a system that is going to take months, if not years, to implement. But even after it is implemented, until such time as it has a 99-percent accuracy rate, essentially what we are saying is the same old broken illegal immigration system of hiring people who are not authorized to work in the United States is OK.

The second problem I point out with this amendment is it creates liability on the part of the Federal Government. If, for example, someone submits their credentials and they are refused a job because they are not qualified to work in the United States, what this does is create a litigation system that will prove a disincentive for employers and the Department of Homeland Security to actually even check someone's qualifications as to whether they can work legally in the United States. This was the issue the Secretary of the Department of Homeland Security, Mr. Chertoff, took great issue with. He says, as a former judge, you are going to have determinations made, lawsuits filed, and then you are going to have appeals, and perhaps these appeals will take years to finally resolve, and the costs of hiring lawyers and the costs to the Government are going to stack up.

What is the easiest way for the Government and that individual at the Department of Homeland Security to avoid incurring those additional costs? It is going to be to give the prospective employee a pass and say: OK, you are fine. It proves a powerful disincentive for checking out the eligibility of that prospective employee.

Finally, this system would apply to future employees only. This amendment would limit the period of time in which employers could submit the credentials of this prospective employee to only 3 days. If, for example, they overlooked the matter and didn't do it for 4 days, they would be prohibited for all time from checking whether this individual could legally work in the United States.

So I ask, why would we create a system that is designed to fail? That is what this amendment, unfortunately, would do, notwithstanding the hard work that has been put into it. I believe the placeholder in title III is vastly superior to this so-called agreement, which is obviously not agreed to—certainly not by the Cabinet member who is responsible for the Department of Homeland Security and certainly not by this Senator and others who have had a chance to look at this.

Each day, approximately 1,300 migrant workers enter the United States to work illegally. The vast majority come here not to commit crimes or cause harm but to work. They are looking only to provide for their families, and we certainly all understand that. But they pay smugglers thousands of dollars and risk their lives crossing the border. They take this risk because they know that once they get into the United States, it won't be difficult to find employers willing to hire them in this black market of human labor. Until the Federal Government removes the magnet of illegal employment, it will not regain control over our broken immigration system.

Restricting employment of undocumented workers as a way to reduce illegal immigration is not a new concept. In 1981, the bipartisan Select Commission on Immigration and Refugee Policy recommended legislation making it illegal to hire undocumented workers. In 1997, the bipartisan U.S. Commission on Immigration Reform stated that eliminating the employment magnet is the linchpin to a comprehensive strategy to deter unlawful immigration. The U.S. Commission on Immigration Reform went on to conclude that the most promising option for verifying work authorization is a computerized registry based on the Social Security number. Yet, 25 years later, after 25 years of consensus, current employment verification laws are unworkable and unenforceable.

Today the Federal law only requires that employers confirm that employees produced paper documents. There is no general requirement that employers ensure that the paper documents are, indeed, reliable or otherwise take steps to combat fraud.

An employer—and this is the problem with the law as it currently stands, not necessarily with employers who are not FBI agents and who are not asking to conduct independent investigations or somehow a forensic examination of the authenticity of these documents, but under the law today an employer must review some combination of more than 20 different documents to determine whether a new worker is legal.

In 1996, Congress called for reduction in the number of documents, but 10 years later, the Government has yet to implement those regulations. As a result, document fraud and identity theft makes it easy for unscrupulous employers to look the other way and hire undocumented workers. Yet increasing penalties alone will not work because ambiguities in the law prevent employers from knowing what their obligations are with respect to their workforce.

Until there is a way for employers to truly know whether their workforce is legal, it will be difficult for them to comply and difficult for the Government to prosecute those who fail to comply. The result is the Government has all but given up enforcing laws governing the work site. The Government has all but given up.

In 2003, the Department of Homeland Security dedicated only 90 full-time employees to work site enforcement—90, for a country of almost 300 million people.

In 2004, the Department of Homeland Security issued only three—yes, three—notices of intent to fine employers for violating the work site enforcement laws.

In 1992, by contrast, the Department issued more than 1,400 notices of intent to fine. So we went from 1,400 notices of intent to fine for cheating for hiring workers who could not legally work in 1992 to 3 in 2004. So over the past 12 years, those enforcement efforts have declined at a rate of 99.8 percent.

In the absence of any enforcement whatsoever, many employers flagrantly violate our laws. Just a few weeks ago, the Department of Homeland Security arrested several managers at the largest pallet services company in the United States. The Government has charged those managers with conspiring to transport, harbor, and induce illegal aliens to reside in the United States. On the day of their arrest, the Department of Homeland Security also took into custody 1,187 undocumented workers.

According to the records, more than 50 percent of the employee records had faulty Social Security numbers, and the Social Security Administration had told the company more than a dozen times that they had more than 1,000 employees without accurate Social Security numbers.

I wish I could say the allegations against this company are an isolated event, but they are not. The truth is, many employers make no effort whatsoever to comply with the law.

A recent Government Accountability Office report reviewed employer tax filings for the years 1985 through 2000 and found that one employer submitted a single Social Security number—a single Social Security number—for more than 2,580 different employees in a single tax year. Overall, 8,900 employers—just .2 percent of all employers—accounted for more than 30 percent of the total number of incorrect Social Security number submissions.

Get this, Mr. President: Of the 84.6 million records placed in the Social Security earnings suspense fund for tax years 1985 to 2000, about 9 million had Social Security numbers that consisted of nothing but zeros. Obviously, the employer knew they were submitting a bogus number, and 9 million submitted nothing but zeros. But in the absence of any enforcement of the law, any incentive to clean up those numbers, any incentive for employers to comply with the law, any infrastructure that allows people to check to determine whether this is a person who can legally work, this is the kind of fraud that occurs.

For 3.5 million records, employers used the same Social Security number to report earnings for multiple workers in a single tax year.

The truth is, the Government is decades behind the private sector when it comes to document integrity. Maybe what we ought to do is issue a contract and outsource this to MasterCharge and Visa. Maybe they can do a better job.

The fact is, this is embarrassing and intolerable and inexcusable conduct on the part of the Federal Government. But there is also reason for hope. There is a model that is already in place. Since 1996, the Federal Government has run an electronic verification system called Basic Pilot. Currently, about 6,000 employers participate in this system. Members of Congress, for example, are required to use this electronic verification system. And it works. That system should be expanded, and that system should be enforced.

We simply must require electronic verification by all employers, not just the ones covered by the current law or those who decide to do it on a voluntary basis. Electronic verification has been tested for more than 10 years, and an independent review of the program found that 96 percent of participating employers believed that the electronic verification system is an effective tool for employment verification.

Reports have also shown that the Department of Homeland Security and the Social Security Administration have made considerable progress in improving the accuracy of data. According to a 2004 report, there is a 99.8-percent confirmation rate for U.S.-born employees.

I can assure you, Mr. President, and my colleagues that without work site enforcement, we will be back here again in 10 years trying to figure out what to do with the next wave of illegal immigrants. We cannot afford piecemeal enforcement. We have to secure our border, we have to work with local and State law enforcement agencies to deal with enforcement in the interior, and we have to have an ability to verify on an accurate and expedited basis whether someone can work here legally in the United States. We don't yet have that. This bill does not yet provide it.

My hope is that we will get serious, finally, once and for all, in holding employers accountable, those who cheat and who provide that magnet that attracts so many people to come into this country illegally.

Mr. President, I reserve the remainder of my time. May I inquire how much time is left?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. CORNYN. I thank the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I don't have time, so I ask unanimous consent for 2 minutes to address this issue, particularly some of the issues Senator CORNYN made.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, Senator CORNYN has been working very faithfully with us on this issue, so I don't take exception to anything he said except to clarify from my position what I want to accomplish.

First, I don't ever pretend to make perfect legislation. The English language doesn't allow that, even if that is the good intent. We have had several variations of the amendment that is before us and on which we will be voting. I have always made an attempt to do things through my committee in a bipartisan way. This is a bipartisan amendment. If there is an issue with this amendment that it may not be the linchpin for the verification we want, we are going to have an opportunity in conference to fine-tune this amendment. I want the Senator from Texas to know that I am open to that, and I hope—I haven't talked to my cosponsors, but I hope the cosponsors are also open to it because everybody indicated their intent to make sure the verification system works.

With that in mind, I hope this amendment will be adopted so we can move this process forward, and anything that needs to be done with this amendment, including all of the objections that have been raised, will be taken care of in conference.

I think we have a good compromise, so I am not starting out with the idea that we have to correct it, but we are going to try to address all these concerns because this is a very key part of any immigration bill that we pass.

I yield the floor.

Mr. CORNYN. Mr. President, will the Senator from Iowa, before he yields the floor, yield for a question?

Mr. GRASSLEY. If I have time, I will.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. I will give him a minute of my time by unanimous consent, if that will help.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield.

Mr. CORNYN. Mr. President, I guess the question I have for the Senator is, if this amendment fails, there is a provision in the underlying bill that would go to the conference committee; isn't that correct?

Mr. GRASSLEY. That is correct.

Mr. CORNYN. I understand the obligation of the Senator from Iowa, as chairman of the Finance Committee, to try to work on a bipartisan basis, and I know he is committed to do that, and that is what this amendment represents. But I want to make clear that in the absence of this amendment being adopted, we still have a title III provision that can go to conference committee and be the subject of further negotiations.

Mr. GRASSLEY. Yes, if the Senator will allow me to continue to use some of his time. I hope we would agree on this at least: If somebody is not employed because of a mistake that the Federal Government made, that we have a responsibility to make sure that person is made whole; that nobody should lose a job or not get a job because of a mistake made by some Federal bureaucrat. With that in mind, we ought to be able to move forward.

I think I heard the Senator from Texas say that is his motivation, that he would want to make sure nobody was harmed economically, not getting a job because of a mistake that the Federal Government made.

Mr. CORNYN. Mr. President, I express my appreciation to Senator GRASSLEY for his good work in this area. I do agree with him that we need to make sure, if there is a false positive—in other words, if someone should not be excluded from employment but the system says they should be and they are—that they ought to have some recourse.

My hope is that we would create a way for that record, if it is erroneous, to be corrected without everybody hiring a lawyer and going to their respective corners and then meeting in a courtroom and litigating the issues that could perhaps be worked out without that kind of experience.

I also want to make sure, as I know the Secretary of the Department of Homeland Security told both Senator GRASSLEY and myself, that we don't unintentionally create some disincentive for people to hold employers accountable for hiring people who aren't qualified to work. I think we can certainly work to that end to try to balance it so it is not a disincentive to work site verification and sanctions against employers who cheat, but at the same time it is also fair to the employees.

The other problem is, this amendment and what we have done so far on this bill does not require the issuance of a secure Social Security card or employment authorization document. We had numerous witnesses testifying to the need for such a secure card. I believe employers would welcome the ease of being able to rely on a single document that could be literally swiped through a card reader, such as a debit card or a credit card at a convenience store.

This bill, as amended by this amendment, would retain the complicated document scheme that has led to widespread document fraud and identity theft. And as I said, the Secretary of the Department of Homeland Security has stated his objections to this amendment. I realize he is not a Senator; he doesn't get to vote. But I do think we ought to consult with and respect the views of those who are going to have the responsibility to actually make this system work.

It concerns me that 20 years after the 1986 amnesty and the promise of work site enforcement that the agency responsible for enforcing those laws is telling Congress the new system would not work. My hope is that we would find a way to make it work. There may be some—I am not one of them—who don't want there to be enforcement, who don't want the system to work.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. My hope is that we would all work together in good faith to make that happen. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are looking for stacked votes at 5:30, as mentioned during the discussion with Senator LEAHY. If we cannot get another debate completed on another amendment before 5:30, we will only have the two votes. But if it is possible to have Senator LIEBERMAN come to the floor or Senator DURBIN, it would be appreciated by the managers to try to move the bill along. We now have 5 minutes for Senator KENNEDY, 5 minutes for Senator OBAMA, and 5 minutes for Senator KYL.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have just conferred with the distinguished Senator from Massachusetts, and we are going to yield all time back on—we had time listed, as I announced a little while ago, for 5 minutes for Senator OBAMA and 5 minutes for Senator KYL, but Senator OBAMA has spoken and Senator KYL spoke on the preceding amendment. Let's yield all time back.

Mr. KENNEDY. All time back.

Mr. SPECTER. And now we will proceed to Senator KENNEDY's amendment No. 4106.

I ask unanimous consent that we consider the Kennedy amendment under a 30-minute time limit, equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 4106

(Purpose: To enhance the enforcement of labor protections for the United States workers and guest workers)

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. Is the Senator offering an amendment?

Mr. KENNEDY. Yes. I call up amendment No. 4106 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 4106.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is as printed in the RECORD of Monday, May 22, 2006, under "Text of Amendments.")

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Immigrant workers are among the most vulnerable in our Nation. While performing society's most difficult and dangerous work, they face abuse by employers, the denial of basic rights, and economic exploitation. In negotiating the McCain-Kennedy bill, we took great care to include protections that will halt these alarming trends and ensure fair wages and working conditions for guest workers. We also took great care to protect American workers and ensure that the guest worker program does not diminish American labor standards.

However, history shows us that it is not enough to pass good labor laws if we do not also make a strong commitment to enforcing these laws. Beyond anything we have provided in the bill, the most important step we could take to help American workers and immigrant workers alike would be to improve our enforcement of the critical labor protections that have been a part of U.S. law for decades.

We have laws on the books that protect the safety of American workers. Yet each year in the United States over 5,700 workers are killed on the job, and 4.3 million others have become ill or injured. I must say that prior to the time we passed the OSHA law, that has more than doubled. We reduced that by more than 50 percent in recent years because of that legislation. That is 16 deaths and 12,000 injuries and illnesses each day, today.

We have laws on the books that prohibit child labor. Yet there are about

148,000 illegally employed children in the United States today. We have laws on the books that give workers a voice on the job to protect their fundamental right to organize and join a union. Yet each year in the United States more than 20,000 workers are illegally discriminated against for exercising these rights in the workplace.

These appalling statistics persist because our efforts to seek out and punish employers who violate the law are laughably inadequate. We find and address only a minuscule fraction of the number of violations that occur each year. Even when we do try to enforce the law, the penalties for breaking it are so low that employers treat them as a minor cost of doing business. The average fine for a serious OSHA violation last year was $883. The average fine for a child labor violation was $718. And violation of workers' rights to organize are remedied with back pay awards that come years too late. So such minor sanctions provide no incentives for employers to comply with the law.

We need to provide real penalties, not slaps on the wrist, for the employers that violate the Fair Labor Standards Act, the Occupational Safety and Health Act, and the National Labor Relations Act.

The Kennedy amendment bolsters our enforcement of these important laws. It updates the penalties under the Fair Labor Standards Act by increasing the back pay remedy for willful violations and increasing the maximum penalty for violations of the minimum wage, overtime, and child labor protections. It would also update the OSHA civil penalties which have been unchanged since 1990. It would provide a maximum penalty of $50,000 when a worker's death is caused by willful violations of the law, and make it a felony when an employer kills or injures an employee through such willful violations.

But these increased fines and penalties, while important, are not enough. We also need to take stronger steps to ensure that current laws are being enforced and violations are being detected and remedied.

Vigilant enforcement is particularly important in occupations with high percentages of immigrants who often see large numbers of violations of health and safety and wage and hour laws. It can be difficult to enforce the law in such occupations where workers often don't know their rights or are afraid to report violations.

That is why we need targeted enforcement efforts to ensure that guest workers' rights are protected and our high American labor standards are being maintained for all workers in this country. The Kennedy amendment will serve this important goal by requiring that 25 percent of all fees collected under the guest worker program be dedicated to enhance enforcement of the Fair Labor Standards Act, OSHA, and the labor protections of the immigration bill in industries that have the highest percentage of violations and the highest percentage of guest workers.

Another key step in protecting both American and immigrant workers is to end the economic incentives that employers have under the current law to abuse undocumented workers. The Supreme Court's decision in the Hoffman Plastic case was a major setback for American workers. By ruling that undocumented workers are not entitled to back pay when their rights are violated, the Supreme Court left millions of workers without meaningful recourse when they are fired for trying to organize a union.

Unfortunately, this terrible decision has been applied to other labor laws as well, making undocumented workers even more vulnerable to exploitation because their employers can violate their rights with relative impunity.

This decision also hurts American workers in several ways. It encourages employers to hire undocumented workers by making them less expensive and easier to intimidate. Businesses take advantage of the situation by hiring undocumented workers and cutting legal corners. Under the Hoffman case, unscrupulous employers are rewarded for this unlawful behavior.

Congress should not allow employers to use immigration laws as a shield for unlawful and abusive behavior. All workers should be entitled to the protections of our labor laws regardless of their immigration status.

Finally, our workplace standards will not be effective until workers have the security, knowledge, and means to enforce them. The best way to provide workers with these resources is to give them the ability to freely and fairly choose a union. The right to organize and join a union is a fundamental right recognized in the United Nations Declaration of Human Rights. Yet the United States violates that fundamental principle every day because our laws don't adequately protect the right to organize. When workers attempt to form a union, employers intimidate them, harass them, and retaliate against them. Employees who stand up for their rights are fired.

The Kennedy amendment provides stronger protections that allow workers to organize freely and require employers to negotiate fairly. It allows workers to get court orders to stop employers from firing or threatening union advocates and strengthens the penalties in current law for mistreatment of workers who support a union.

It is long past time to give workers these basic protections. Congress passed laws such as the Fair Labor Standards Act, the National Labor Relations Act, and the Occupational Safety and Health Act in order to establish the minimum standards necessary to preserve basic human rights. But we must provide meaningful enforcement if we want these to be meaningful laws. The Kennedy amendment ensures vigilant enforcement of these critical labor protections to preserve the health, the safety, and the well-being of all Americans. I hope it will be included in the underlying legislation.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have charts which are fairly indicative of the points I made earlier.

Penalties for violating workers' rights are shamefully low. On the first one, $718 is the average fine for child labor violations, and 148,000 children are being exploited in the labor force. There is very little enforcement in the first place against these violations. And even when there is one, the average fine is $718. When you have a serious OSHA violation, the average fine is $883.

If you look at the far side, it is a $1,000 minimum fine for bribery at a sporting event.

Here we are exploiting children, here we have the possibility of serious injury to workers, and here we have the minimum fine for bribery at a sporting event being higher.

It is illustrative of the inadequacy of current enforcement. More and more immigrant workers are dying on the job.

This is a very interesting chart. It shows the total number of immigrant workers who are dying on the job. These are significant numbers. You see they are increasing every year. It is explainable. This illustrates 2002, 2003, and 2004 for Hispanic fatalities and the national fatality rate. We see what happens. Here are the Hispanic fatalities.

Obviously, in the workplace the Spanish are being assigned to more dangerous jobs. There is not enforcement to make sure they are being protected on the jobs as they should be. As a result, they are paying with their lives, in many of these instances, and the numbers are continuing to go up.

We need strong enforcement. That is what our amendment does.

This chart shows that Fair Labor Standards Act enforcement has declined while the workforce has grown. This is the increase in the United States covered by the Fair Labor Standards Act. It has increased. This is from 1975 to 2004—112 percent.

The next is the increase in U.S. workers covered by the Fair Labor Standards Act; a 36 percent reduction in compliance actions being completed.

We are not getting enforcement and protection. As all of us know, the facts show and the GAO and other studies show when you have compliance and when you have enforcement, the result is saving workers' lives—Hispanic lives, migrant lives, American workers' lives.

We have to have justice in the workplace. We want to ensure that we are going to upgrade as we are moving to a new phase—bringing new people into the workplace. We want to upgrade the penalties to make sure that we are going to have compliance. This is consistent certainly with the other thrust of the legislation. It is important that workers who are going to have protections that we believe are essential to permit them to produce and to meet their responsibilities but to do it in a climate that is as devoid of exploitation and danger as possible. To do that we need compliance in enforcement. That is what this amendment is really about.

I suggest the absence a quorum and retain the remainder of my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes and 32 seconds.

Mr. SPECTER. I ask unanimous consent that Senator CORNYN be recognized for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Mr. President, I rise in opposition to amendment 4106 by the distinguished Senator from Massachusetts. The amendment enhances enforcement of labor protections for United States workers and guest workers, it is argued, by increasing penalties in violation of the Fair Labor Standards Act, increase civil and criminal penalties in violation of the Occupational Safety and Health Act, strengthens enforcement of violations for unfair labor practices, and designates how fees collected under the H–2C program should be allocated, including 25 percent to the labor law enforcement fund, and it would, arguably, provide protections for whistleblowers.

The main problem I have with the amendment is it is beyond the scope of this bill and beyond the language included in the underlying compromise which we have been told time and time again is fragile or delicate, as those who have supported that compromise have sought to defeat amendments such as this argue to change it.

This is obviously an amendment designed to increase the role of government, a role that is not called for. The problem is, the irony is, we may end up providing more protections for foreign workers than are provided for American citizens who currently work and reside legally in the United States. We ought to be cautious about doing that.

Certainly we all agree—not all of us, but I agree—we need to provide some means for a guest worker or temporary worker program, and that those foreign workers who are authorized to work legally in the United States for a period of time should be given the protection of the laws that generally apply to workers who already work legally in the United States. But to increase penalties and so-called labor protections to a degree that exceeds that provided to American workers, to me, seems uncalled for.

I urge my colleagues to vote against amendment 4106.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent we turn to the Durbin amendment, with 20 minutes equally divided, with no second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4142

Mr. DURBIN. Mr. President, I call up my amendment numbered 4142.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois, [Mr. DURBIN], proposes an amendment numbered 4142.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the waiver of certain grounds of inadmissibility or removal where denial of admission or removal would result in hardship for a spouse, parent, or child who is a citizen or permanent resident alien)

On page 183, between lines 4 and 5, insert the following:

SEC. 235. WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY OR REMOVAL BASED ON HARDSHIP TO CITIZEN OR PERMANENT RESIDENT ALIEN SPOUSE, PARENT, OR CHILD.

(a) WAIVER.—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary of Homeland Security (in the sole and unreviewable discretion of the Secretary) or the Attorney General (in the sole and unreviewable discretion of the Attorney General), as applicable, may waive any ground of inadmissibility or removal of an alien under, or arising from, an amendment made by a provision of section 203, 208, 209, 214 or 222 of this Act if the denial of admission or removal of such alien would result in an extreme hardship to a spouse, parent, or child of such alien who is a citizen or an alien lawfully admitted for permanent residence.

(b) EXCEPTION FOR TERRORISTS.—No waiver may be made under subsection (a) under or arising from an amendment referred to in that subsection with respect to a ground of inadmissability or removal under a provision of law as follows:

(1) Section 212(a)(3) of the Immigration and Nationality Act.

(2) Section 237(a)(4) of the Immigration and Nationality Act.

Mr. DURBIN. Mr. President, this amendment would authorize the Attorney General or the Secretary of Homeland Security to grant a humanitarian waiver to an immigrant if deportation would create extreme hardship for an immediate family member of the immigrant who is a U.S. citizen or a legal permanent resident.

The Senate is considering a bill that takes a comprehensive approach to solving the problem of illegal immigration. One aspect of the bill is strengthening enforcement of our immigration laws. I support that. We need to strengthen enforcement to restore integrity to our immigration system. No one will believe we are serious about immigration reform unless enforcement is a critical element.

But as we make our laws tougher, we must make certain we hold true to American values. We should treat people fairly. We shouldn't separate families if it would cause extreme hardship to American citizens.

I am concerned that some of the enforcement provisions in this bill are so broad they may have unintended consequences. These provisions have the potential to sweep up long-term legal permanent residents and separate them from their American families.

Let me give one example which will surprise most Members of the Senate. It illustrates the need for this amendment. Under current immigration law, a legal permanent resident convicted of an "aggravated felony" is subject to mandatory detention and deportation. The definition of aggravated felony in the Immigration and Nationality Act is very broad. It includes nonviolent crimes such as shoplifting. Section 203 of this bill would expand the definition of aggravated felony even further. It would now be an aggravated felony to aid or abet the commission of many nonviolent crimes.

Under this provision, a teenager who is a lawful permanent resident and has lived in this country most of her life, could be subject to mandatory detention and deportation if she drives a friend home from the mall after the friend shoplifts a DVD.

Let's take another example. The bill greatly expands the definition of document fraud to include potentially innocent activities such as omitting immaterial information from an immigration application. The bill would make such an omission a ground for deportation for the first time, so we are creating a new avenue for deporting people who are currently in the United States legally.

For example, a lawful permanent resident who inadvertently fails to include information about her parent's birthplace and address on her citizenship application could be convicted of document fraud and deported.

My amendment would follow very closely what Senator KYL and Senator CORNYN accomplished last week. The Senate approved a Kyl-Cornyn amendment that under very strict circumstances will allow a humanitarian waiver for undocumented immigrants who apply for legal status under this bill. We are following to the word the Kyl-Cornyn amendment for the cases of legal immigrants who might be deportable as a result of changes in the law made by this bill.

In my Chicago office, 80 percent of the casework relates to immigration. I can tell you we encounter case after case that would break your heart. In so many cases, people who have lived and worked in the United States for a long period of time and have immediate family members who are Americans are falling between the cracks of the law.

Most often, when we present these cases to Homeland Security they say that they are powerless to do anything because our immigration laws allow so little flexibility.

Every Member of the Senate has heard the pleas of a constituent or a friend or someone who has faced this kind of a dilemma. In most cases, we have no ability to help them.

My amendment would follow the Kyl-Cornyn amendment and create a very limited waiver that would apply only in the most compelling cases—where deportation of an immediate family member would cause extreme hardship to an American citizen or legal permanent resident. The waiver would not be automatic. The burden would fall on the immigrant to prove that extreme hardship would occur if he or she were deported.

In every case, the Government has complete discretion to deny the waiver. To quote my amendment, the decision to grant a waiver would be in the "sole and unreviewable discretion" of the Attorney General or Secretary of Homeland Security—the identical language used in the Kyl-Cornyn amendment. This same strict standard was enacted last week by the Senate in the Kyl-Cornyn amendment by a vote of 99 to 0.

The Kyl-Cornyn waiver would apply in cases where undocumented immigrants are seeking legal status. The waiver in my amendment would apply in cases where an immigrant who was previously in legal status is subject to deportation only because of a change in the law made by this bill.

Shouldn't we give the same chance to a legal immigrant facing deportation that we give to an undocumented immigrant seeking legal status? Deportation is very serious. For an immigrant, it means permanent exile from family and home. And in some situations, it may even be a matter of life and death.

I think it is appropriate that we build on the good work of Senators KYL and CORNYN. Their standard is tough, but it is fair, and it certainly is not an easy standard to meet.

It is also important to note that the discretionary waiver in my amendment is limited only to new penalties that are a consequence of this bill. In other words, it only applies to deportations that are a direct result of the changes in law made by this bill.

I should also point out that in no circumstances would this waiver apply to cases involving suspected terrorists. The text of the amendment makes that explicit.

We already give the Government broad discretion to apprehend, detain, and deport undocumented immigrants. My amendment would give the Government limited discretion—very limited discretion—to show mercy in only the most compelling cases.

The supporters of this amendment include the U.S. Conference of Catholic Bishops, Catholic Charities USA, Hebrew Immigrant Aid Society, American Jewish Committee, League of United Latin American Citizens, National Council of La Raza, Hispanic National Bar Association, Service Employees International Union, National Immigration Forum, American Immigration Lawyers Association, Asian American Justice Center, Mexican American Legal Defense and Education Fund, Human Rights Watch, and National Immigration Law Center.

Mr. President, I will close by saying this: most Members of the Senate would be surprised to learn that under this bill a young person who is guilty of aiding a shoplifter could be deported from the United States. In light of this, you can see why there ought to be a very limited option for the Secretary of Homeland Security and the Attorney General to grant a humanitarian waiver to an immigrant if it would cause extreme hardship to an immediate relative who is an American. We followed the same standard in the Kyl-Cornyn amendment, which was adopted earlier, and I hope my colleagues will support this amendment.

Mr. President, at this point, I withhold the remainder of my time and yield to the chairman.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield 5 minutes to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I appreciate the opportunity to address the amendment. I guess if imitation is the sincerest form of flattery, I appreciate the Senator from Illinois suggesting that this follows the course set by the earlier amendment that had to do, as it turns out, with an entirely different class of individuals than the ones this amendment addresses. So I do not believe it is a similar sort of amendment.

For this reason, this morning, the Senate voted overwhelmingly to reject the Feinstein amendment, which basically would have undone this delicate compromise, this fragile compromise we have been told has to be maintained at all costs. That amendment would have simply opened the door to amnesty for 12 million people who are here and not require anyone—no matter how short a time they have been here—to do very much of anything distinguishable, at least from the 1986 amnesty.

The difference between what the Senate voted for earlier, which the Senator from Illinois references, is that those individuals had already had their day in court and been ordered deported but had simply gone underground. We recognized an extreme hardship exception there in an effort to try to work across the aisle with the Senator from Massachusetts and others, and the Senator from Arizona, Mr. MCCAIN. Those individuals, by the way, still had to meet the other criteria under the bill, the so-called 2-year and 5-year standards.

The problem I have with this amendment is it has absolutely no standards to guide the discretion. As it says in the amendment, the "sole and unreviewable" discretion of the Attorney General and the "sole and unreviewable" discretion of the Secretary of the Department of Homeland Security. So we are left to wonder what standards would be actually applied by either the Attorney General or the Secretary of the Department of Homeland Security.

Also, I believe, if taken at face value, this amendment would result in the waiver of grounds for inadmissibility for some 6 million individuals—roughly half of those who are currently in the United States—because, according to the Pew Hispanic Center, approximately 6 million people are currently in the country illegally who have an American citizen child or American citizen spouse.

So I urge my colleagues to vote against the amendment, although I do think this is one of those areas where the conference committee—after the Senate passes its version of the bill and the House is working with us to try to come up with a final form—certainly can build on and try to work on to put some meat on the bone that is left undone by this amendment.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Three minutes one second.

Mr. DURBIN. Mr. President, I would like to ask the Senator from Texas to reconsider his position because we followed the language of his amendment exactly in limiting this waiver to cases where deportation of an immigrant would cause "extreme hardship to a spouse, parent or child" of the immigrant who is an American citizen or lawful permanent resident.

We also followed his language exactly in committing the decision whether to grant a waiver to "the sole and unreviewable discretion" of the Attorney General or Homeland Security Secretary. In every case, the government would have complete discretion to deny the waiver. No court could review the denial of a waiver. That is an extremely high standard. It is one that would apply only in very limited circumstances.

And I say to the Senator, consider for a moment, if you would, that the group of people that would be affected by the Kyl-Cornyn amendment are those who are in the United States in undocumented status, who have received final orders of deportation and have not left the United States. I think the Senate took a wise, bipartisan course in saying that even those people should be viewed in some circumstances as deserving of another chance—but in very limited circumstances.

Now we are talking about a different class of people in my amendment. These are people who are here legally. They are not undocumented. They are legal permanent residents. Then, because of new changes in the law that this bill would make—not the old standards but new standards in the law—they might be subject to deportation. And we say, in those cases, where you have people who are here legally, who may be subject to deportation because of changes in the law made by this bill, we will give to the Attorney General or the Secretary of Homeland Security "sole and unreviewable" discretion to decide whether there is a humanitarian case for not deporting them. I think it is fair to treat those who are currently here legally at least as well as those who are currently not here legally.

The Senator's earlier amendment dealt with that class that is here undocumented, and I supported him. I thought it was a very wise and humane thing for him and Senator KYL to do. But I would ask him to consider. Shouldn't those who are here in legal permanent status receive at least as much consideration, if this new law establishes some means by which they could be deported, so in the case where there is extreme hardship to their American immediate family members, the Secretary would have this authority to grant them a waiver?

I say to the Senator, we use your identical language. And I did that even though I might have wanted to put it in different words. I thought to myself, let's stick to the standard that was established in the Kyl-Cornyn amendment. So I hope the Senator from Texas will reconsider.

Mr. President, I reserve the remainder of my time, if the Senator has any comments.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Six minutes thirty-eight seconds.

Mr. SPECTER. Mr. President, I yield 2 minutes to Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would just say that the way I read this amendment—and I have only seen it in the last few minutes—it would result in a waiver for approximately 6 million people illegally here in the United States, as we speak.

Mr. DURBIN. Mr. President, will the Senator yield?

Mr. CORNYN. It would be based on the fact of alleged extreme hardship through a spouse, parent, or child of such alien who is a citizen. The fact is, a total of 6 million illegal aliens in the United States currently, according to the Pew Hispanic Center, have an American citizen child or spouse.

It would also, as I read this, purport to waive removal for aggravated felons and would result in a green card for this class of individuals, irrespective of payment of taxes, any requirement they learn English, or paying a fine—which we have been told are the essential ingredients of earned legalization.

So this is really a backdoor way of undermining the compromise we have been told is very delicate and fragile and should not be messed with. So I would think those Senators who believe that is actually true would vote against the Durbin amendment because it does seek to undermine that compromise.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Forty seconds.

Mr. DURBIN. Mr. President, may I say to the Senator from Texas, "aggravated felony," as defined by this bill, could include aiding or abetting shoplifting. So in that extraordinary case, where someone is a legal permanent resident and is about to be deported because of changes we are making in the law, this amendment would give one last chance to that person to go to the Secretary of Homeland Security and say: Please, don't ask me to leave the country because I drove the car when my girlfriend shoplifted a DVD. It would cause extreme hardship to my mother and father, who are American citizens. And the Secretary can say: No. And it is not reviewable by a court. He will be deported. But it at least leaves that last option. These are people who are currently legally in the United States whom we are trying to protect.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes.

AMENDMENT NO. 4106

Mr. SPECTER. Mr. President, I yield 3 minutes to the Senator from Georgia to speak on the Kennedy amendment No. 4106.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the distinguished chairman.

I rise to oppose the Kennedy amendment. I come to the floor as chairman of the subcommittee on occupational safety in the HELP Committee. I come to the floor because the issue this amendment addresses has nothing to do with immigration. It affects immigrants and nonimmigrants. It affects employment. It amends the Occupational Safety and Health Act, the National Labor Relations Act, and the Fair Labor Standards Act. It is a massive increase in fines and penalties. It changes many penalties from civil to criminal. There has not been a single hearing or anything else.

The distinguished Senator from Massachusetts knows full well that we have just completed 6 months of hard work on the Mine Safety Act, which this Senate today will pass unanimously in response to the terrible tragedy at the Sago mines. He knows how much time and effort went into the hearings and the studies to see to it what OSHA needed to do and what we needed to do. To summarily come to the floor on an immigration bill and amend the OSHA laws and the Fair Labor Standards Act, the National Labor Relations Act, to throw in massive penalties, massive criminal fines—in fact, just to give you an example, it dramatically increases criminal and civil penalties, with up to as much as 5 years in jail for a workplace accident. Arbitrary provisions such as this have no business on the floor of the Senate being tacked on to a bill that deals with a major pressing problem in an entire other area.

Just to add the piece de resistance, this amendment, as I read it, overturns the Supreme Court ruling in Hoffman Plastic Compounds, Inc. v. the National Labor Relations Board. What that would, in effect, do is force employers now to go pay back compensation to illegal immigrants who were working in the workplace and put the Justice Department as their designated attorney when they are not even here legally in the first place. Now, if that action is the right thing to do, it certainly needs to be done in civil debate and through the committee process and not as a last-minute attachment to a bill that is in itself controversial and in itself comprehensive.

So with all due respect to the distinguished Senator from Massachusetts but with respect for the integrity of the committee system, I submit this amendment should not be adopted, and I will oppose it.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, with respect to the Kennedy amendment No. 4106, my record is plain that I believe in strict enforcement of the Fair Labor Standards Act, strict enforcement of OSHA, and strengthening enforcement against unfair labor practices. But this amendment represents a sweeping change to the Fair Labor Standards Act and to OSHA. In particular, it increases certain penalties five- and tenfold. It increases civil fines under OSHA and criminal penalties under OSHA without any record as to whether such increases are necessary. There have been no hearings on this bill.

It would increase an OSHA criminal penalty from 6 months to 10 years and in another place strike a 1-year penalty and insert a 10-year penalty on a first conviction. Those are very significant changes. As much as I favor strict enforcement of the Fair Labor Standards Act and OSHA and strict enforcement against unfair labor practices, there has been no hearing on this amendment, and, therefore, I reluctantly oppose it.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know we had this debate about an hour ago. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, it is true that we have increased significantly and dramatically the penalties in the Mine Safety Act because they were a slap on the wrist. They didn't even rise to the level of a business penalty. All we are doing basically is changing the maximum penalties, when we see the loss of life and the most grievous kinds of injuries to American workers. That is what we are doing. They haven't been raised since 1990, over 16 years. Why shouldn't we be able to at least take that to conference? That is all this is doing, trying to make sure that all the laws to protect American workers and to protect guest workers are going to be fairly and equitably enforced.

I thank the chairman.

Mr. SPECTER. Mr. President, Senator KYL was unnecessarily detained and did not have his time on Grassley No. 4177. I ask unanimous consent for 1 minute for Senator KYL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I will be voting against the Grassley amendment. I compliment the chairman of the Judiciary Committee and the chairman of the Finance Committee, Senator GRASSLEY, and his staff, for working hard at producing what is a big step forward in ensuring that we can determine the eligibility of workers to be hired. Unfortunately, it doesn't complete the job. That is such a critical component of this legislation that I cannot support it until additional changes are made.

My vote is not intended to be pejorative in any way toward those who worked very hard to put this together, and many of my ideas are in that amendment. I appreciate their effort. But there is still a long way to go, and, in some respects, this is a metaphor for a lot of this bill. There has been a lot of progress made, but there is a long way to go.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are now ready to vote on four amendments. I ask unanimous consent that there be 2 minutes of debate equally divided before each amendment is called.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I further ask unanimous consent that the first rollcall vote on Leahy No. 4117 be the regular 15 minutes and that each succeeding of the stacked votes be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I want to put my colleagues on notice that we will strictly enforce this time because we have four votes, and it is going to take quite some time. There is more business to be conducted after the votes are concluded.

I further ask unanimous consent that when the Senate resumes consideration of the bill at 8:30 a.m. tomorrow morning, Senator McCONNELL be recognized to offer his amendment No. 4085; provided further that the time until 9:30 be equally divided between Senator McCONNELL and Senator REID or his designee; provided further that at 9:30, the Senate proceed to a vote in relation to the McConnell amendment with no second degree in order prior to the vote; I ask consent that following that vote, the Senate proceed to a vote on invoking cloture; further that there be 2 minutes for debate equally divided between the stacked votes after the first vote and the time from 9:20 to 9:30 on Wednesday be equally divided between Senators DODD and McCONNELL. The order of the votes will be Leahy No. 4117, Grassley No. 4177, Kennedy No. 4106, and Durbin No. 4142.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Leahy amendment No. 4117.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from Pennsylvania is going to speak to correct one part of the record, but both Senator COLEMAN and I want to make sure the record is correct and Senators know what they are voting on. Some Senators, in speaking in opposition to the Leahy-Coleman amendment, suggested that members of Hamas, the Kurdish PKK, or the Basque separatist group might obtain refugee status in the U.S. because those terrorists organizations do not specifically target the United States. That is totally incorrect. They are not allowed in with this. Hamas, the Basque separatists, the Kurdish PKK are already listed as terrorist organizations by our government. Members of the Taliban are also barred. These individuals could not obtain entry with this amendment. It was wrong to misrepresent the amendment that way. It is inflammatory to say the Leahy-Coleman amendment would aid members and supporters of designated terrorist organizations. It does not. It does not. It does not. This amendment in no way changes current law as suggested, but it would do something for those people who have been raped, tortured, or forced into helping terrorist organizations.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have opposed the Leahy amendment because it redefines what constitutes material support for a terrorist. It redefines and narrows the definition of what is a terrorist organization. Those are complex subjects. There could have been hearings in the Judiciary Committee where the Senator from Vermont is the ranking member. I was wrong about Hamas when I made that representation. But as to the Kurdish terrorists, we did not identify PKK but other Kurdish terrorists in Turkey. I did not refer to the Basque ETA but to other Basque terrorists in Spain. When you have these far-reaching changes, there should have been hearings. There is adequate recourse under existing law for the Secretary of State to grant waivers for those providing material support to terrorist organizations, as she did recently for 9,300 ethnic Karen refugees to come out of Thailand.

I move to table the Leahy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—79

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—19

Akaka
Bingaman
Chafee
Coleman
Feingold
Harkin
Inouye
Jeffords
Kennedy
Kerry
Leahy
Levin
Lieberman
Obama
Reed
Reid
Salazar
Sarbanes
Sununu

NOT VOTING—2

Enzi
Rockefeller

The motion was agreed to.

Mr. BOND. I move to table the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I understand we are going to have another rollcall vote.

Mr. LEAHY. Parliamentary inquiry: Are these 10-minute rollcall votes now?

The PRESIDING OFFICER. The next votes are 10-minute rollcall votes.

Mr. LEAHY. We should be able to finish in 40 or 45 minutes?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4177

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Grassley amendment. The Senator from Iowa is recognized.

Mr. GRASSLEY. The Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ someone who is not authorized to work in the United States; and it required employers to check the identity and work authorization documents of all new employees.

The current employment verification process relies on a paper form known as the "I–9." To complete this form, employers must examine one or more documents from a list of nearly 30 different documents. If the document provided by the employee appears to be genuine, the employer has met his obligation.

The employer is not allowed to solicit additional documents and the employee is not required to produce additional documents. In fact, an employer's request for more or different documents, or a refusal to honor documents that appear to be genuine, can potentially be treated as an unfair immigration-related employment practice. This obviously puts employers in a very difficult situation. If he accepts the document, he may be hiring an illegal worker. If he does not accept the document, he may be sued for employment discrimination.

The easy availability of counterfeit documents has made a mockery of the current I–9 process. Fake documents are produced by the millions and can be obtained easily and cheaply. Thus, the current system benefits unscrupulous employers who do not mind hiring illegal aliens but want to show that they have met their legal requirements, and it harms employers who don't want to hire illegal aliens but have no choice but to accept documents they may suspect of being counterfeit.

The failure of the current process is evidenced by the millions of "no match" letters generated each year by the Social Security Administration. Each year, the Social Security Administration processes about 250 million W–2s. It is able to match more than 95 percent of these. However, nearly 9 million W–2s contain names and social security numbers that do not match the Social Security Administration's records. It is widely believed that many, if not most, of these no matches are due to the employment of illegal aliens.

This problem must be addressed. We cannot control our boarders, or create an enforceable guest worker program, until we have a reliable and secure employment verification system.

I supported the creation of the Basic Pilot program in 1996 which allows employers to voluntarily check the employment status of their new employees. At the time, it was a pilot in 6 states. In 2003, I authored the law that provided all 50 states the option to use the Basic Pilot program. Unfortunately, those who are most likely to hire illegal workers are the least likely to use this system.

My amendment today would create a new worker verification system for employers to use to determine if their workers are eligible to work in the United States. While this new system is based on the Basic Pilot, there are a number of important differences. The new system will be mandatory for all employers who hire any new employees beginning 18 months after Congress appropriates the funds needed to implement the system.

The system can be compared to a "red light," "green light," and "yellow light" verification. The employer, in the course of hiring a new worker, must submit certain information within 3 days of the hiring. The Secretary of Homeland Security, with the assistance of the Commissioner of Social Security, will turn around, in less than 10 days, and provide a positive confirmation or a tentative non-confirmation—that is a "green light" or a "yellow light." If DHS provides a tentative non-confirmation—a "yellow light"—then the burden will be on the worker to resolve the matter. If the worker contests the non-confirmation, DHS will have 30 days to provide a final response to the employer. If the final response is negative—a "red light"—the employer is required to discharge the worker.

The new system would be Internet based. However, the Secretary will also provide access through a toll-free telephone number so that small, rural, and underserved areas can use the system as well. There are a number of important worker protections built into this new system. During the initial implementation of the system, if DHS cannot resolve their worker's status within 30 days, DHS will grant an automatic default confirmation. If the worker loses his job through no fault of his own due to a mistake by the system, he can seek administrative and judicial review to recover lost wages. The system would also give workers the ability to verify their own information prior to obtaining or changing jobs. This would give workers the ability to know their status before applying for a job and give them the opportunity to correct any mistakes.

Finally, until the Secretary of Homeland Security certifies that the system is able to correctly resolve 99 percent of all the cases involving eligible workers within 30 days, then the automatic default confirmation will remain in effect. This safeguard is designed to ensure that no eligible worker is denied a job due to bureaucratic delays or excessive workloads at DHS or SSA. Once the system is certified by the secretary, the automatic default confirmation is changed to an automatic default non-confirmation. There have been some concerns raised that once illegal workers are no longer able to use phony IDs and fake social security cards, they will attempt to steal someone else's identity. We have addressed this problem by allowing workers—on a purely voluntary basis—to put a "block" on their own SSN. This would work much like a "credit freeze" or the "do not call" list that already exists under current law.

A worker could block his own number to prevent someone else from using it and then unblock his number whenever he needed to obtain or change jobs. The amendment also provides important protections for employers who use the system. They will no longer be forced to choose between questionable documents or an employment discrimination lawsuit. They will be able to rely on the information provided by the system. They will be protected from liability if they fire a worker based on that information. Finally, the amendment provides safeguards to prevent the unauthorized disclosure of information contained in the system. Individuals and employers will not have direct access to Federal databases. Rather, they will submit information and only receive back a confirmation or non-confirmation of that information. The amendment also provides that the information in the system cannot be used for any purpose other than provided by law.

With respect to information sharing, the amendment contains important language regarding the use of tax return information.

The protection of taxpayer information is a cornerstone of our voluntary tax system. These protections are found in section 6103 of the tax code and are designed to strike the balance between taxpayer privacy and legitimate law enforcement. Several members raised this issue during the Judiciary Committee markup. I urged my colleagues to defer any action in this area until the members of the Finance Committee had an opportunity to review this issue.

Some of the proposals in the Judiciary Committee were very broad. In this amendment, we have taken a more focused approach. We identified the specific information that would be needed to identify potentially illegal workers and crafted an amendment to 6103 that permits such use while maintaining all of the privacy protections afforded by 6103.

Specifically, we allow the Social Security Administration to share taxpayer identity information with DSH for the next 3 years. The information that can be shared would be for those employers who had more than 100 employees with names and numbers that do not match, and employers who used the same social security number for more than 10 employees.

In addition, DHS would be able to request that SSA provide information to identify employers who are not participating in the system, and employers who are not verifying all of their new employees. This information sharing would sunset after 3 years unless Congress extends this authority. We will closely monitor the use of this authority to determine if it should be extended.

Relying on Social Security records to help enforce immigration law also raises a critical issue with respect to the Social Security Administration's ability to perform its primary functions. This amendment addresses this concern by requiring DHS to reimburse SSA in advance for the cost of any data it obtains.

Let me again point out that—unlike the House bill—this amendment only applies to new hires, with some limited exceptions under the discretionary authority of DHS.

However, I would note that despite the high turnover rate seen among some workers, many workers are employed by the same employer for many years.

According to the Bureau of Labor Statistics, nearly one-half of all workers have been employed by the same employer for 5 or more years. More than one-quarter have been employed by the same employer for 10 or more years.

Without verification for all employees, many illegal workers might never be detected under a system that only checks new hires.

I understand that a requirement to verify all employees is viewed as overly burdensome. But, as mentioned earlier, the Social Security Administration processes roughly 250 million W–2s each and every year and is able to verify more than 95 percent. It might turn out that the additional burden of checking everyone would be very minimal. I suspect we will have to revisit this issue in conference with the House—if we make it that far.

In conclusion, let me urge my colleagues to support this amendment. It represents a significant step forward in creating a more reliable and secure employment verification system.

Mr. KENNEDY. I yield 30 seconds to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I congratulate Senator GRASSLEY and all who worked on this amendment. This is probably the single most important thing we can do in terms of reducing the inflow of undocumented workers—making sure we can actually enforce in a systematic way rules governing who gets hired.

It is an amendment that has bipartisan support, as Senator GRASSLEY indicated. It will increase fines. It will provide for an electronic data system that is effective.

I urge all colleagues on my side of the aisle to vote for the amendment.

The PRESIDING OFFICER. Who seeks time in opposition?

The Senator from Texas.

Mr. CORNYN. Mr. President, notwithstanding my tremendous admiration and support for the chairman of the Finance Committee, Mr. GRASSLEY, I must oppose this amendment.

Secretary Chertoff of the Department of Homeland Security, who is responsible for actually implementing this program, has called the requirements of this amendment a poison pill. Why in the world would we design a verification system, which I agree is the linchpin of comprehensive enforcement, that fails? Why would we design a system to fail in which the very person who is responsible for enforcing it calls it a poison pill? The administration does not support this amendment. I suggest the underlying bill is a better bill with which to go to conference and work out our differences.

The PRESIDING OFFICER. The question is on agreeing to amendment.

Mr. BUNNING. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brownback
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Dayton
DeWine
Dodd
Durbin
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Stevens
Warner
Wyden

NAYS—40

Alexander
Allard
Allen
Bennett
Bunning
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Frist
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith

Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4177) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4106

Mr. KENNEDY. Mr. President, I understand that now before the Senate is the amendment I offered earlier, is that correct?

The PRESIDING OFFICER. That is correct. There are 2 minutes equally divided.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, when American workers go to work every day, they expect to go into a workplace that is safe and secure. American families expect their husbands or their wives to come home to them because they work in a place that is safe and secure. For the last 16 years, we have not increased any of the penalties—the maximum penalties—on OSHA, the Fair Labor Standards Act—any of these penalties. This amendment does do so in a very reasonable and modest way.

We have just done that with mine safety, and later this evening we are going to pass mine safety, virtually unanimously. One of the important parts of the mine safety amendment is the increase in the penalty. We are doing for American workers and for future American workers the same thing we have done for mine safety: We are making sure, through having penalties that are reasonable and responsible, that we have safe working conditions. That is what the Kennedy amendment does.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks time in opposition?

Mr. SPECTER. Mr. President, I remind my colleagues this is a 10-minute vote. Time will be strictly enforced: 10 plus 5. I ask my colleagues to stay on the floor for these last 2 votes. I yield the remaining time to the Senator from Georgia.

Mr. ISAKSON. Mr. President, there have been no hearings on this amendment. The Senator from Massachusetts knows full well the mine safety bill has been heard for over 6 months. I have worked with him.

This amendment takes civil penalties and makes them criminal. I worry about the worker going to work and getting hurt, but I worry about destroying the incentive to employ anyone by imposing punitive, arbitrary assessments on them, all because we sneak an amendment in at the last minute on a bill that is on an entirely different subject. I urge everybody to vote with me, because I am going to move to table the Kennedy amendment, and I encourage a yea vote.

Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—56

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—41

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Schumer
Stabenow
Wyden

NOT VOTING—3

Enzi
Rockefeller
Sarbanes

The motion was agreed to.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I think we have had a fast-moving day. I have been authorized by the leader to say there will be no further rollcall votes tonight after this vote. We start tomorrow morning at 8:30 with the McConnell amendment. We will vote at 9:30 on the McConnell amendment. Of course, we have a cloture vote at 10 o'clock.

I thank my colleagues for their cooperation. I yield 1 minute to the Senator from Texas, Mr. CORNYN.

AMENDMENT NO. 4142

The PRESIDING OFFICER (Mr. MARTINEZ). The next vote is on the Durbin amendment. There is 2 minutes equally divided.

The Senator from Illinois is recognized for 1 minute.

Mr. DURBIN. Mr. President, last week, by a vote of 99 to 0, we created a humanitarian waiver for undocumented people in the United States who are seeking to get on the pathway to legalization. We said we would allow a nonreviewable look by the Secretary of Homeland Security at the cases of certain undocumented immigrants who would otherwise by ineligible for legalization.

This amendment says if you are currently legally in the United States and, as a result of changes in the law made by this bill, may be deportable for failing to include a piece of information on an immigration form, an immaterial omission, you also could qualify for the same kind of humanitarian waiver, nonreviewable by a court.

It is the same standard for legal residents that last week we approved for the undocumented. I hope the Senators on both sides will support the amendment.

Mr. CORNYN. This amendment would waive deportation for aggravated felons. It would result in a green card, irrespective of legalization, requiring no payment of taxes, no requirement of learning English, and no fine.

I believe it would result in the legalization of roughly 6 million individuals under this standard contained in this amendment.

I urge my colleagues to vote "no" on this amendment.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the Durbin motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—63

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—34

Akaka
Biden
Bingaman
Boxer
Cantwell
Carper
Clinton
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Salazar
Specter
Stabenow
Wyden

NOT VOTING—3

Enzi
Rockefeller
Sarbanes

The motion was agreed to.

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I understand from the chairman we will not do any further work on the bill this evening. I would, therefore, ask unanimous consent that Senator SHELBY be allowed to speak for up to 8 minutes, immediately following this statement, and that I then be allowed to speak for up to 5 minutes following that.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Mr. President, reserving the right to object, could I just be added to the list of speakers?

Mr. CRAIG. I ask the Senator, how much time would she like?

Ms. LANDRIEU. Thirty minutes.

Mr. CRAIG. I follow Senator SHELBY. I ask unanimous consent that the Senator from Louisiana be allowed up to 30 minutes following me.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, while S. 2611, the immigration bill, contains important titles addressing border security and worksite enforcement, the bill, as everyone knows, also contains titles relating to amnesty for illegal aliens and the creation of a massive new guest worker program which will undermine true immigration reform, in my opinion.

The most problematic provisions of S. 2611 are as follows:

One, I want you to know I opposed amnesty 20 years ago. It did not work then, and I do not believe it will work now.

Two, our first priority should be to secure our borders. Any discussion of amnesty takes away from that priority, in my judgment.

Three, supporters of these amnesty provisions say it is not amnesty but what they call "earned legalization." I am not here to argue about semantics or labels. Whether you call it: "amnesty," "status adjustment" or "guest worker," the result is that individuals who came here illegally will now be considered legal workers and on their way toward citizenship. That is the bottom line.

Four, under the so-called compromise that is working here, those who have broken the law the longest are treated the best.

Five, those who can prove they have been here 2 to 5 years still do not have to leave the country and are, hence, still treated better than those waiting to enter legally.

Six, the bill has minimal requirements on proving that an illegal alien has worked or will work in the future. What few provisions there are seem very vulnerable to fraud.

Seven, this bill mandates that illegal workers are paid a higher wage than many American workers in the same position with the same qualifications.

Eight, the supporters of this bill claim that back taxes will be paid for past labor. But a close reading of the bill shows that these back taxes will only be paid, if at all, 8 years down the road when applying for a green card, not as a requirement to receive the H–2C visa.

Nine, this bill drastically increases the number of employment-based green cards issued annually. What will happen to the American worker when unemployment goes up and so many foreign workers, who are willing to work for less, have been given citizenship?

Ten, today, before the implementation of any reforms, the ability of our immigration officials to process applicants who are following the law is severely taxed. This bill will surely have a negative impact on those foreign workers who have followed the rules and are waiting patiently in their home country to legally come to this country.

Eleven, while others say comprehensive immigration reform must include these amnesty provisions, I feel strongly they will only serve to encourage further illegal immigration in the years to come.

And my 12th reason, the bottom line is, this bill, in my judgment, rewards past lawbreaking and encourages future lawbreaking. I am willing to bet that if this bill is enacted, we will only revisit this problem 20 years—perhaps before 20 years—down the road. Only then, we might be talking about 20 million to 30 million illegal immigrants.

Those are some of the reasons—and there are many others—why I will vote "no" on the final passage of this legislation.

Ms. COLLINS. Mr. President, I rise today to express my support for a provision in S. 2611 that will level the playing field for minor league sports teams that depend on getting the best athletic talent. Under current law, minor league players who have to use the H–2B visa category face severe visa shortages, while Major League players qualify automatically for plentiful P–1 visas. This unfair discrepancy in the law needs to be remedied, and my amendment, which was accepted by the Judiciary Committee and is now in the underlying bill, provides a commonsense solution.

By way of background, H–2B visas are intended for use by industries facing seasonal demands for labor, such as the hospitality and agricultural industries. What many people do not know is that, in addition to loggers, hotel and restaurant employees, and many other types of seasonal workers, the H–2B visa category is also used by many talented, highly competitive foreign athletes who are recruited by U.S. teams.

A chronic H–2B visa shortage over the last few years has posed challenges for all industries using the H–2B visa category. In both fiscal years 2004 and 2005, the 66,000 visa cap was met early in the year. While we were successful last year in crafting a temporary 2-year fix for the H–2B shortage, this fix will expire at the end of the current fiscal year. I commend my colleague from Maryland, Senator MIKULSKI, for offering an amendment to this bill that would extend the current exemption of returning H–2B workers until 2009.

However, solving this problem goes beyond fixing the H–2B visa cap. Minor league players simply do not belong in the same visa category as seasonal workers. There is no reason why Major League players can qualify automatically for P–1 visas, which are granted to talented athletes, artists, and entertainers, while minor league players cannot. My amendment would remedy this unfair situation.

The problem of requiring minor league athletes to use the H–2B visa category has posed a particular challenge to those of us in Maine who enjoy cheering on our sports teams. The MAINEiacs, a Canadian junior hockey league team that plays its games in Lewiston, ME, has faced tremendous difficulties obtaining the H–2B visas necessary for the majority of its players to come to the United States to play in the team's first home games.

Last year, due to uncertainty surrounding the availability of H–2B visas at the end of the fiscal year, the team had to reschedule its season home opener and cancel several early season games. This forced the team to schedule make-up games for those normally played in September. The problems created by the visa situation creates an unnecessary hardship for this team, in addition to threatening the revenue the team generates for the city of Lewiston and businesses in the surrounding area.

The Portland Sea Dogs, a Double-A baseball team affiliated with the Boston Red Sox, is another of the many teams that relies on H–2B visas to bring some of its most skilled players to the United States. Thousands of fans come each year to see this team, and others like it across the country, play one of America's favorite sports. Due to the shortage of H–2B visas, however, Major League Baseball reports that, in 2004 and early 2005, more than 350 talented young, foreign baseball players were prevented from coming to the U.S. to play for minor league teams. These teams have been a traditional proving ground for athletes hoping to make it to the major leagues and players often move from these teams to major league rosters.

The inclusion of these highly skilled athletes in the H–2B visa category seems particularly unusual when you consider that major league athletes are permitted to use an entirely different non-immigrant visa category—the P–1 visa. This visa is available to athletes who are deemed by the Citizenship and Immigration Services to perform at an "internationally recognized level of performance." Arguably, any foreign athlete whose achievements have earned him a contract with an American team would meet this definition.

CIS, however, has interpreted this category to exclude minor and amateur league athletes. Instead, the P–1 visa is typically reserved for only those athletes who have already been promoted to major league sports. Unfortunately, this creates something of a catch-22 for minor league athletes—if an H–2B visa shortage means that promising athletes are unable to hone their skills, and to prove themselves, in the minor leagues, they are far less likely to ever earn the major league contract currently required to obtain a P–1 visa.

A simple, commonsense solution would be to expand the P–1 visa category to include minor league and certain amateur-level athletes who have demonstrated a significant likelihood of graduating to the major leagues. Major League Baseball strongly supports the expansion of the P–1 visa category to include professional minor league baseball players. In correspondence to me, the league has pointed out that, by making P–1 visas available to this group of athletes, teams would be able to make player development decisions based on the talent of its players, without being constrained by visa quotas. The P–1 category, the league believes, is appropriate for minor league players because these are the players that Major League clubs have selected as some of the best baseball prospects in the world.

There is no question that Americans are passionate about sports. We have high expectations for our teams, and demand only the best from our athletes. By expanding the P–1 visa category, we will make it possible for athletes to be selected based on talent and skill, rather than visa availability. In addition, we would reduce some pressure on the H–2B visa category making more of those visas available to the industries that need them.

I am pleased that this important provision is included in S. 2611, and I thank the Judiciary Committee for their willingness to incorporate it into the underlying bill.

I ask unanimous consent that letters endorsing my amendment from the Lewiston MAINEiacs Hockey Club and Major League Baseball be printed in the RECORD.

There: being no objection, the material was ordered to be printed in the RECORD, as follows:

LEWISTON MAINEIACS
HOCKEY CLUB, LLC,
Lewiston, ME, April 7, 2006.

Re "MAINEiacs" amendment to enable American sports teams to recruit talented players from abroad.

Hon. SUSAN M. COLLINS,
Russell Senate Office Building,
Washington, DC

DEAR SENATOR COLLINS: I wish to express the Lewiston MAINEiacs Hockey Club's support for your efforts with regards to "MAINEiacs" amendment to enable American sports teams to recruit talented players from abroad.

The Lewiston MAINEiacs Hockey Club is the sole U.S. based franchise in the 18-member Quebec Major Junior Hockey League (QMJHL). The QMJHL together with the Ontario Hockey League (OHL) and the Western Hockey League (WHL) make up the Canadian Hockey League which comprises a total of 58 teams. Of those 58 franchises, 9 are located in the United States (OHL–3, WHL–5, QMJHL–1).

The CHL is the largest developer of talent for the National Hockey League (NHL). More than 70% of all players, coaches and general managers who have played in the NHL are graduates of the Canadian Hockey League.

The majority of players in the Canadian Hockey League are Canadian, although each team is permitted to have a maximum of 2 Europeans on their rosters. There is also an increasing number of elite U.S. born players now playing in the league.

In January of 2004, the City of Lewiston purchased the Colisée in order to complete the first round of renovations to the facility which was in excess of two million dollars. The Colisée has undergone a second phase of renovations in excess of 1.8 millions dollars that entails a three-story addition to the front of the building providing for new offices, box office, pro-shop, food and beverage concessions and a new private VIP suite that can accommodate more than 130 fans per game. The City of Lewiston contracted the day-to-day management of the Colisée to Global Spectrum, a subsidiary of Comcast-Spectacor, one of the largest and most successful facility management companies in North America.

The results of the current visa laws have forced all U.S. based franchises in the CHL to delay the commencement of their regular season until or after October 1 of each year due to the restrictions of the of the H-2B temporary work visa regulations. This has caused significant hardship on teams, their facilities and the 3 leagues. U.S. based franchises are forced to try and make-up games that would normally be scheduled in the month of the September later in the season, putting both the teams and their fans at disadvantage before the season even commences.

Under your leadership, should congressional legislation make available P–1 visas to Major Junior players of the CHL, the success of all 9 U.S. based CHL franchises would be greatly enhanced by ensuring that all 58 teams have an equal chance at attracting and developing the best available talent.

It is the hope of the Lewiston MAINEiacs that your colleagues in the Senate follow your leadership and endorse your recommendations for the amendment to the immigration reform bill to ensure the viability and success of not only our franchise—but the 8 other U.S. based clubs in the Canadian Hockey League.

Sincerely,

MATT MCKNIGHT.
Vice President & Governor.

OFFICE OF THE COMMISSIONER,
MAJOR LEAGUE BASEBALL,
New York, NY, April 27, 2006.

Hon. SUSAN M. COLLINS,
Russell Senate Office Building,
Washington, DC.

Re legislation for nonimmigrant alien status for certain athletes.

DEAR SENATOR COLLINS: I write to express Major League Baseball's support as you redouble your efforts to make Minor League players eligible for P–1 work visas.

Unlike other professional athletes, baseball players need substantial experience in the Minor Leagues to develop their talents and skills to Major League quality. To get that necessary experience, young players are signed by Major League Clubs and assigned to play for Minor League affiliates throughout the United States, such as Maine's own Portland Sea Dogs.

Approximately 40 percent of these young players come from foreign countries, and MLB must obtain H2–B visas in order for them to enter the U.S. Under current law, however, these visas are capped, and the demand for them is so great across a wide range of industries, many Minor Leaguers are not being afforded the opportunity to play here and develop into Major League baseball players.

The lack of available visas prevented more than 350 young baseball players from performing in the United States in 2004 and 2005, and will prevent even more from doing so this year. Additionally, over the past few years several Clubs have shied away from drafting foreign (mostly Canadian) players whom they otherwise might have selected in the annual First-Year Player Draft, because of the risk of not being able to obtain visas for those players. In fact, in 2004, signings of Canadian players declined 80% over the previous year, and in 2005 only four of the twenty-five Canadian players who were drafted were eventually signed by a Club. The resulting impact on the quality of the product on the field is significant, particularly for almost forty million Americans who attend Minor League Baseball games each year.

Under your leadership, Congress can ensure that the best baseball prospects from around the world will have the opportunity to develop here in the United States, without the constraint that the H–2B visa cap imposes. Minor League Baseball shares our support of your efforts. The Major League Baseball Players Association also supports allowing the best young players to develop here in the United States.

Major Legue Baseball hopes that your Senate colleagues will follow your leadership and pursue a legislatiye remedy to a problem that is threatening to weaken Baseball's Minor League system.

Sincerely,

ROBERT A. DUPUY,
President & Chief Operating Officer.

Mr. ENSIGN. Mr. President, I ask unanimous consent that a copy of a letter addressed to me from Mark J. Sprinkle in support of amendment No. 4076, which was agreed to yesterday, amending S. 2611, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR: I returned home last night from my two weeks of Annual Training (AT) with the National Guard. I was able to meet many of the soldiers I will serve with in Iraq. They all seem great and I look forward to working with them to accomplish our mission of delivering fuel to units throughout the country. We did some excellent training in Hawthorne. We were able to see some examples of IEDs, work on convoy procedures and tactics, and do innovative things like firing M-16s from the windows of our moving trucks at targets 50 and 250 meters away. This training was enjoyable and it really tied into what we'll be doing over there.

When I got home, I caught a replay of the Armed Services Committee meeting regarding the role and mission of the National Guard on the border. I agree with the comments of Lt. General Blum of the NGB that the Guard will prove more than capable and effective in helping to secure the border. All people enjoy accomplishing tasks and helping others. I think it would be a great feeling for an engineer to build a road that will be there for decades and for a helicopter medevac crew-member to rescue a sick or injured person in the desert. It is a tremendous idea to use the Guard in this capacity. It will help units stay sharp and prepared by having them use the same skill sets that they will use in fulfilling their missions during natural disasters and in warzones. I also like the idea of having units rotate in during their two week AT. That would be great training and it sure beats sitting in an armory for 15 days. Your amendment to reimburse states with federal funds is great and I hope that governors will allow their units to assist the Border Patrol in accomplishing their vital mission of securing the border. Well Senator, just some thoughts and observations from your local guardsman.

Sincerely,

MARK J. SPRINKLE.

The PRESIDING OFFICER. The Senator from Idaho.

BREACH OF SECURITY WITHIN VA

Mr. CRAIG. Mr. President, I come to the floor of the Senate briefly this evening to visit with my colleagues about an issue that we all now know about to some degree; and that, of course, is the very serious breach of security that occurred within the VA earlier this month.

My office, like yours, is lighting up with phone calls from concerned veterans wanting to know how this could happen and what type of risk they are facing.

So I thought I would take this moment, as the chairman of the Veterans Affairs Committee in the Senate, to visit with my colleagues about it: No 1, to lay out the facts as we know them—they are limited because this is an ongoing investigation and, therefore, the FBI has denied VA the right to talk in any great detail about this breach of security—and, No. 2, to provide all of you with some context in which to think about this issue.

First, what we know is that the information was taken to the home of a VA employee in violation of VA policy. We also know that the employee who took the information was authorized to view it. So this was not a case of unauthorized personnel looking at sensitive information. We also know that the employee was the person who brought the loss of the information to the attention of VA officials.

So what we have is an employee, authorized to view information, who took the information home, apparently to do work in violation of agency policy, and then immediately informed the agency when the theft of the data became apparent.

Certainly, the employee should face some consequence for his or her action. Obviously, he or she should have known not to remove that type of information from VA's protected data system. However, at this point, the actual removal of the data does not appear to be a crime at all.

Of course, the FBI is still investigating whether any criminal behavior occurred. At this point, they do not suspect any foul play on the part of this longtime Federal employee. Rather, they only suspect a random act of burglary at the employee's home that, unfortunately, compromised this very important information.

I must tell you that I struggle—a little—with the question of whether VA, or any Government agency, should keep information like the type that was lost without any real reason to do so. But I also know that when Americans contact their Government or veterans file a claim, they expect, in this day and age, that they will have their information. So there is a disconnect with what we expect and the security we expect it to be held with or if that information should be held at all.

So given the expectations of our consumers, in this case our constituents, I think we need to make sure we have a uniform set of guidelines for training our employees all across Government, and that then we work on putting in place a system with enough checks and balances to be sure that no employee can abuse information data bases of any agency.

Frankly, this problem is not likely limited to VA. Many Federal agencies keep records on citizens that contain sensitive information. It is not just IRS or HHS. There is information maintained by the Department of Education, that comes from the free application for Federal student loans or the Department of Agriculture, which provides crop assistance plans and crop insurance and a variety of other kinds of things.

All of these agencies have names and addresses and Social Security numbers. They must be secure. At the same time, we need employees who can use that information for legitimate purposes to serve our constituencies in a timely fashion.

All of this will require thoughtful balancing on the part of this Congress. We have to balance every doctor's need to see a veteran's medical records with the legitimate concern that one too many nurses on the floor have access to those records for no reason.

I hope what took place at the VA a few weeks ago is only an isolated incident of bad judgment by a dedicated employee seeking to do a little work at home on his or her own time. But we must not ignore the fact that it appears, at this time, that getting that information to his or her home was very easy. That cannot be tolerated because it may well have been a breach of policy but not a violation of law.

So my committee will hold hearings this Thursday with VA officials to examine what their policies and practices are with respect to sensitive information and how we can assure that a breach of security such as this does not happen in the future.

We will also be asking the right questions about the security of veterans themselves and if VA is doing all they possibly can do at this time now, along with the IRS and the Social Security Administration, to make sure that veterans whose names were on that list—some 26 million, of which 19 million had critical information—be treated fairly and responsive to assure, if we can, the protection of their information base.

It is fundamentally important that our Government and the Veterans' Administration respond as quickly as they can. And there is every indication, at least at this moment—which our hearing, I trust, will bear out—that they are moving in the right direction to assure that.

This may have been the largest breach of ID in our Nation's history. We need to make sure, as a Congress and as a Senate, that this cannot happen in the future and that there are exacting guidelines to assure this will not occur. In a day of electronic data and access that is unique and sometimes very easy, we need to make sure we are current with all of our needs, without providing names and information that is not necessarily needed to be held by our Government.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HURRICANE SEASON

Ms. LANDRIEU. Mr. President, I know the debate today and for the past several days has been focused on immigration. The Presiding Officer has been active in the negotiations, and I commend him for his good work. It has been a tough debate on a very important issue—an issue of security, fairness, and justice. It is an issue of economics, and it affects all of our States. It affects what America stands for. We have spent an inordinate and appropriate amount of time on that subject.

Tonight, I come to the floor to speak about another issue very close to my heart and to the people of Louisiana, particularly with regard to the closeness of the arrival of the hurricane season. It is hard to believe that we are about ready to face another hurricane season again. June 1, a few days from now, is the first official day of the hurricane season. It comes this year bringing a lot more fright and anxiety to the gulf coast because we were hit by a powerful series of storms last year that devastated parts of Florida and a great part of the gulf coast from Mississippi through the whole of south Louisiana, into the city of New Orleans and the metropolitan area, and then on into Texas.

And two of those storms were the worst to hit the United States of America. The devastation and the amount of damage is still climbing. A report I saw today was that the damage is now $150 billion and climbing. Hurricane Andrew, which was the greatest storm to hit the United States and to hit your State, Mr. President, was $40 billion. We are now at $150 billion and climbing. We have lost, of course, over 1,300 people. People were killed by the storms and the flooding that ensued from the multiple breaks in the levees that have put a major American city and region—not just New Orleans, but St. Bernard Parish and Plaquemines, which often get left out of the debate. They are two of the parishes that lie south of New Orleans, as they hold the Mississippi River, if you will, that splits their parishes in half. It affected the southwestern part of our State as well.

That doesn't get mentioned as much as it should—little towns such as Creole and big towns such as Lake Charles took a tough hit, and parishes such as Vermilion and little towns such as Erath, where almost every home was destroyed or very damaged.

Having said that, it added insult to injury that this particular coast that got battered so badly by these storms is also America's only energy coast. This is the only energy coast in America, the only four States that right now will allow drilling of oil and gas off their shores to provide for the economic vitality of this Nation and to provide the oil and gas necessary to run the electric grid in this country and the transportation systems in this country, and to run energy from lights to the entire energy grid.

I have been on this floor many times in my time in the Senate—now almost 10 years—to talk about this subject. I thought I would take a few minutes tonight, because we are approaching hurricane season, to remind the Senate that while immigration is a very important issue, and we want to bring closure to that this week, I hope that very soon we will get back to another issue of great interest and security for the Nation, and that is the issue of energy security. It starts, in my view, with providing some more understanding and more help to those States that are providing the oil and the gas for this Nation, as we seek to open up new places to drill in the Gulf of Mexico, which has become known as a section of the gulf called lease-sale 181. I hope that bill will be considered. It came out of the Energy Committee that the occupant of the chair and I serve on. I think that bill will come to the floor for some discussion.

As that bill moves to the floor and we move to the focus on energy and energy security, I want to take a few minutes to talk about this gulf coast area and how much we contribute and how, without some stream of revenue—whether we get it from lease-sale 181 or from other offshore drilling—to secure the wetlands that we are losing at an alarming rate, to provide some energy-related protection of this infrastructure, to provide for the restoration of these wetlands this energy coast will continue to be at risk.

If my colleagues and the people in Congress think that $150 billion is a lot of money, just wait until we go through a couple more hurricane seasons to really feel the effect of underinvestment over time, to a point where it is almost criminal. Let me repeat—an underinvestment over time that borders on being criminal.

I have some new charts, since I have used all my old ones up for 10 years of this debate. This is a satellite photograph from USGS of all of the pipelines and flow lines in the United States off of the shore. I have come down here so many times to say that the offshore oil and gas industry could not even exist if it were not for the partnership, which we have done thus far proudly and willingly—but that is wearing thin—we have done it proudly and supported the oil and gas industry for now almost 45 years off of our shores. You can see this is the Louisiana coastline. This is the Mississippi coastline. This is Texas.

This is all of the pipelines and flow lines connecting thousands of wells that are in the Gulf of Mexico bringing oil and gas to a nation that is thirsty for oil and needing gas, because the supply is so low and the consumption is so high and the prices are going up. The four States that are putting their shoulder to the wheel every day are Alabama, Mississippi, Louisiana, and Texas. This is the picture that proves it.

This is out on this map about 200 miles of activity. So for some people who have said the drilling is so far off your coast that the people of Louisiana don't have anything to do with it, let me explain that you cannot access grids and rigs and oil and gas without pipelines, gadgets, widgets, drills, well heads, and supply boats. It is impossible. Every single widget, gadget, and supply boat either comes by boat or helicopter out of one of these many ports that have proudly supported this industry. You can see the line stops at the Mobile Bay. The reason is because Florida, which consumes more energy than almost any State relative to its lack of production—consumes but has not produced. Florida is not the only State. I could show you a chart of California and Michigan and New York—States that consume a lot of energy but have not been willing to produce it in any way, either by nuclear, by wind, or by strict conservation—except for California; I will give them credit for conservation measures. But other States won't do conservation or production.

I don't know if you can see this thin line. Last year, the industry went ahead, because of this policy, and laid a pipeline all the way to Florida to provide gas to Florida. But we have to drill it off of Alabama's coast and then send it to Florida free of charge.

I am going to show you another chart that says the same thing, but it is a little different. When I say that the gulf coast is America's only energy coast, this is another way to look at it. Every one of these green blocks—this goes out 200 miles into the gulf—were active leases prior to 2003. That is the green. They are active leases issued in 2003, which were the last lease-sales; 185, 187, and 189 are the light yellow. And then the red have been withdrawn from leasing. Not many. The active leases issued in 2004.

Basically, the green and yellow are leases. From these leases are produced, for the Federal Treasury—I remind everybody that we are running a serious deficit. So besides contributing oil and gas, we also contribute a lot of money to the Treasury. We are sending to the Federal Government every year $6 billion. It was $2 billion when I got here; now it is $6 billion. Before I leave, it will probably go up to $15 billion, assuming I can get here another term. So $6 billion goes from the royalties by passing all of the communities here that build the widgets, gadgets, supply boats—over all the heads of the workers that drill, over all their homes that are underwater and ruined, over all of the wetlands that are being infringed upon, and in a fairly critical way.

Although we have made a lot of changes in our environmental laws, the problem is that a lot of these canals were drilled in the 1930s and 1940s. I am sorry, I wasn't born to try to help protect them then. But like my daughter said the other day, I am born now. We tried our best in the last couple of years, with the little money Louisiana had to do some of this work, but we cannot possibly do this work on our own. We should not have to, Mr. President, because we send to the Federal Treasury—which is much wealthier than the State of Louisiana and Mississippi and Alabama, three of the poorest States in the Union—and even Texas has a lot of poor and lower middle-income people. We are subsidizing the National Government, giving them the oil, giving them the gas, and then giving them all the money. It just has to stop.

We need some money to restore our coast, to build levees, and to protect the infrastructure that is at risk. We were very fortunate that even with this powerful storm, most everybody in the industry has worked very hard to create very good technology so that these rigs and platforms can withstand a lot of wind pressure and strong waves. Every time a storm comes, the industry, because it is innovative, gets better and better. But there were some close calls with these platforms. They are still not completely up in the gulf.

I will show you one more chart. When people say what about gas, this is oil and gas. I will show you what the gas trunk looks like. This is billion cubic feet flow levels. The areas do not include LNG imports. This is just what we drill ourselves. If we put imports here, I don't know what it would look like because nobody wants to put a liquefied natural gas plant anywhere except where? Texas, Louisiana, and Mississippi again. Everybody has siting problems with liquefied natural gas that comes imported. Here we step up again and are building some of the largest liquefied natural gas plants so we can get gas from other places. Agriculture in every State, particularly the Midwest, needs these gas prices to come down. They are having a great deal of difficulty in the Midwest. They are having a great deal of difficulty in Illinois and in New Jersey and in Delaware.

The chemical industry runs on very slim margins. So who comes to the rescue? Louisiana and Mississippi, all the gas coming through here to try to keep everybody happy and working. And we cannot get one penny from these royalties in any significant way.

Well, it is not true that we have not gotten one penny. What is true is that Senator DOMENICI, with his great leadership, recognized this and has been a wonderful help and supporter. Last year, in the Energy bill, he gave us, for the first time, a billion dollars. We were grateful. But it is a billion dollars over a few years. We have to divide it among the States. It sounds like a lot, but it doesn't go very far. We need a long-term commitment so that we can count on money year after year to do what we need to do in this community.

I want to show one more that is even more dramatic. I am going to get to this for Texas and Mississippi and Alabama. But this shows the oil and gas wells inside the coastal zone. This is how many wells we have. If you would see our whole State, you could not believe it. Most of this land is private land, unlike the Western States that came into the union with a lot of Federal land. This is private land. So private landowners get a royalty. That is fine. The State gets some money. While it looks like a lot of money the State would be getting, these wells were drilled decades ago, in many cases. Some of them are still producing, but some of them are not.

Outside this coastal zone—this is our 3-mile line—outside this coastal zone, according to the law which I am trying to change, we get no revenues from these wells.

The final chart is pretty frightening, actually. This is a chart of the hurricane tracks from 1955 to 2005. This is how many hurricanes have hit the gulf coast and the east coast from 1955 to 2005. The blue line is the track of Hurricane Rita, and the yellow line is the track of Katrina. Both of these storms were at some point in their track category 5 storms. Within 3½ weeks, they hit the east side of Louisiana and then right to the Louisiana-Texas line.

For the State, it was terrible to have two very big storms hit, but as a Senator, I have to tell you, I said a thanksgiving that it didn't hit Houston straight-on because if it had hit Houston and Galveston and put that energy sector out—Katrina had done a great deal to put out Port Fourchon, which is the only energy port in the Nation right on the coast—I don't know what would have happened to the lights in America. Maybe they would have all gone off. But nobody seems to care about that.

I promise my colleagues, as sure as I am standing here, there will be a series of storms that plow into this gulf coast. The water is getting warmer. I don't know how many times people have to write articles, give speeches, or write books about the fact that global warming is happening. One can argue about its causes, but nobody can argue that it is actually happening. When the waters warm, any scientist will tell you these storms are going to pick up in intensity and in frequency.

I need to ask the Congress: What more will it take? What more will it take before we act to give the gulf coast a portion of their revenues to protect themselves so that we can protect everyone else? What more has to happen? How many more storms? How much more loss of property? How many more close calls before we have to shut down the rigs and the pipelines and put America's lights out and put our economy at even greater risk?

I go to my office and I ask my staff: Is there some other chart we can come up with that could show people the danger? Is there some other speech I can give?

I might not be making myself clear, so I am asking the Senate tonight, as we wind down the immigration bill and as we think about moving to lease sale 181 or maybe a mini Energy bill because we have lots of problems in the energy sector, lots of challenges, can I please ask one more time: Can we please get some funding out of the new revenues that are being generated off America's only energy coast to give the people of the gulf coast some resources so they can protect themselves a little better?

If somebody tries to tell me, Senator, why don't you just have everybody move, if I have to hear one more person say we have to get everybody to move or we have to move out of New Orleans—New Orleans is not even on the coast. We are not on the coast. Miami is on the coast. Savannah is on the coast. Gulfport is on the coast. Beaumont is on the coast. New Orleans is not on the coast. We are 100 miles from the coast. But if these wetlands continue to erode at the rate they are going, we are going to be talking about Little Rock as a coastal city. I know I am exaggerating a little bit, but I promise the Senate that this coastal erosion is moving at such a rapid rate that not only is New Orleans at risk, Baton Rouge is at risk, Lafayette is at risk, Lake Charles is at risk, and then we have Galveston, Beaumont, and Houston.

We just cannot move everybody back 200 miles from the coast. In fact, the last time I looked at this data, all along the coast of the United States and growing mostly in Florida, people are moving to the coast. We may be the only State where people are actually moving away from the coast, but the coast is moving to us. We are not moving to the coast to build condominiums or golf courses. We can't build a golf course in a wetland, and we can't put a big skyscraper up in the wetlands.

We moved little communities so that we could construct a fishing industry for the Nation. We run the great ports that benefit the whole country, and we run the oil and gas industry that benefits the Nation. We are not on the coast sunbathing and building condos. But if the country wants everybody along the coast to move, then I suggest some agency come up with an evacuation and relocation plan that can proceed to move tens of millions of Americans because that is exactly what we are going to have to do because two-thirds of all Americans live within 50 miles of a coast. But New Orleans is not 50 miles from a coast.

The Netherlands has a much better plan. I am going to save that speech for another time. There are countries—not America—in the world that use their technology, use their resources, use their brains, and use the money they get from oil and gas by placing it into good levees, good dikes, good engineering, and they protect their people as best they can. We cannot stop these storms. Nobody can stop them. But a smart country, a country with good policies, mitigates and protects and puts up smart barriers and learns to work with the water and the wind much better than we are doing.

With this chart in the background, I conclude by saying, let us move, after immigration, to an energy subject. Let us take the opportunity Senator DOMENICI is going to give us to bring lease sale 181 up for debate. I will show where it is. Lease sale 181 is going to be a new area, which sits on the border of Alabama and Florida, that we are going to try to open.

I know, Mr. President, this is a sensitive subject for Florida because I have worked with you and Senator NELSON.

The Presiding Officer and Senator NELSON have been outstanding in their advocacy of trying to balance the needs of Florida and their tourism industry, which we have as well, with the needs for the gulf coast.

As we can see on this map, there is plenty of room to give a buffer to Florida that is reasonable and allow for more drilling. That is the idea. It has to be reasonable and provide some additional areas to get some oil and gas far enough off the coast so it will not affect the beaches because Florida does have a tourism industry based on beaches. Our tourism industry is not based on beaches. We only have two beaches, and they are only 7 miles long, and we can't hardly get to them. But we have great wetlands and we are proud of them. We have a lot of ecotourism, pirogues, canoes, hunting and fishing, which is extraordinary in our State, and we are proud of that, just as Florida is proud of its beaches.

Mr. President, you heard me say this to you privately many times. Half the people of Louisiana have grown up on the beaches of Florida. We don't have that much money. We can't go that far. So we manage to go to the Mississippi, Alabama, and Florida beaches. We are happy for the day or two spent on a beach in Florida. We are happy for it. But there is a reasonable compromise to be had.

I have been proud to work with many of my colleagues to try to come up with a way to open up this drilling, provide revenue sharing for these States on the gulf coast that have given so much and that want to continue to give and benefit the Nation, and finally to give our people some hope.

It has been a struggle to build the levees through the years. We needed to repair the levees that broke. The hope that we could give to our people all along the gulf coast as hurricane season starts June 1—hurricane season starts June 1. Millions of people living along this coast are reading the reports that this hurricane season might be worse than last. Wouldn't it be wonderful for the Congress of the United States to say this is a security issue for America, that this means a great deal to us, and we are going to act now to provide some hope to the people of the gulf coast?

We have lived in this area a long time, and we are going to stay living here. We have been living here for over 300 years. We were a colony before there was a country. We were living here, and we are not leaving. Whether the country helps us or not, we are going to stay here and keep doing our job. It has gotten to the point where it is so grossly unfair. We have to find a solution so that the people who live here can have hope that the country they live in actually cares about them, not just about how fast they can get out to the rigs to turn on the oil and gas for everybody else, but maybe we would care enough about their homes that have been flooded and the children's schools they can't go to or their churches that got flooded and help them to rebuild their homes, their schools, their churches so they can continue to work out on these rigs and send the oil and gas to New York and to Illinois and to Florida.

We will build smartly, we have built smartly, and we will build even more in that way, but we cannot abandon this coast because if we did, who would keep the rigs working? Who would keep the pipelines open? Who would navigate the ships up the port?

Mr. President, I have taken all or maybe more of my 30 minutes, and I appreciate the time. Again, when we get to lease sale 181, let's try to come together and come up with a reasonable solution, one that works for the Nation, one that works for the gulf coast States, and one of which we can actually be proud.

I yield the floor.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

LANCE CORPORAL ROBERT LOUIS MOSCILLO

Mr. GREGG. Mr. President, I rise today to pay tribute to U.S. Marine Corps LCpl Robert Louis Moscillo of Salem, NH, for his service and his supreme sacrifice for his country.

Robert, also called Bobby by family and friends, was a 2003 graduate of Salem High School where he played baseball and was on the wrestling team. On January 22, 2005, he answered a call to serve our country during these tense and turbulent times by enlisting in the U.S. Marine Corps. He successfully completed recruit training, marine combat training, combat engineer school, and the Martial Arts Program with a Tan Belt and was assigned to the 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA, where he served as a combat engineer. In February 2006, Bobby deployed to Iraq in support of Operation Iraqi Freedom and the following month was promoted to the rank of lance corporal.

Tragically, on May 1, 2006, this brave 21-year-old marine was killed in action by an improvised explosive device explosion while conducting combat operations against enemy forces in the vicinity of Fallujah in the Al Anbar province of Iraq. His awards and decorations include the Sea Service Deployment Ribbon, Iraq Campaign Medal, Purple Heart, Combat Action Ribbon, Global War on Terrorism Service Medal, and the National Defense Service Medal.

Patriots from the State of New Hampshire have served our Nation with honor and distinction from Bunker Hill to Baghdad—and Bobby served in that fine tradition. Daniel Webster said, "God grants liberty only to those who love it, and are always ready to guard and defend it." Bobby was one of those proud and dedicated volunteers who believed in fighting for our country and guarding our precious liberty, and for that we will always owe our sincere gratitude. His service and sacrifice are a shining example of the highest caliber of person this country can produce. This athletic and spiritual young man realized a calling and chose to employ his youthful energy and considerable talents for his country. He understood that the freedoms and opportunities provided by this Nation need continuous defense and that they are among the most precious gifts he can give to his family and loved ones.

My heartfelt sympathy, condolences, and prayers go out to Robert's parents, Frank and Donna, and his family and friends who have suffered this grievous loss. Robert was, and forever will be, a strong and integral part of his family and will be missed by all. Because of his devotion and sense of duty, the safety and liberty of each and every American is more secure. May God bless LCpl Robert Louis Moscillo.

ARMY MASTER SERGEANT ROBERT H. WEST

Mr. SALAZAR. Mr. President, I rise to commemorate the life of a fellow Coloradoan: Army MSG Robert H. West. Master Sergeant West was killed last week near Baghdad in service to this Nation. He was 37 years old, and lived with his wife and daughter in Arvada, CO.

Master Sergeant West arrived for his second tour of duty in Iraq just 3 months ago. He was there to train Iraqi police officers, shouldering the difficult burden of helping to build lasting peace and democracy in Iraq at a very personal level. Master Sergeant West felt that his firsthand experience as a drill instructor made him a better fit to train Iraqis than many of the young U.S. soldiers serving in Iraq with him. Master Sergeant West's family was not happy about his decision to return to Iraq, but he did so with confidence and courage, telling his aunt, "I'm a trained professional, it'll be all right."

One of the hallmarks of Master Sergeant West's life was his commitment to excellence in everything he did. As a high school football player he spent countless hours in the weight room, and helped lead Elyria Catholic High School's football team to back-to-back Ohio State championships in the mid 1980s.

After graduating high school in 1987, Master Sergeant West joined the Army in 1988, eventually rising to become a tank commander and drill instructor. In this capacity, Master Sergeant West spent countless hours molding wide-eyed, inexperienced young men and women from around the country into strong, confident soldiers. It was this experience that gave him the confidence to return to Iraq to work with that country's growing police force.

In Iraq, Master Sergeant West was assigned to an armored cavalry division, where he conducted house-to-house searches looking for insurgents. During one of these patrols, an improvised explosive device was detonated near his Humvee, and he was killed.

Master Sergeant West's wife Jeannie and their daughter Shelby must know that Robert's service to this Nation, and his sacrifice on behalf of all of us, does not go unnoticed or unappreciated. Robert's service and sacrifice are a profound reminder that the liberty and freedoms we enjoy do not come without a sometimes very personal and terrible cost. As a country and community, we are all humbled by his commitment and offer our grateful support during his family's time of unimaginable grief.

DEATH OF JUDGE EDWARD R. BECKER

Mr. HATCH. Mr. President, the country, the judiciary, and the Senate have lost a patriot, a great man of character and integrity, a gifted judge, and a trusted friend with the passing last week of U.S. Circuit Judge Edward Becker.

Edward Roy Becker was born on May 4, 1933, in his beloved Philadelphia.

He practiced law there for more than a decade, until President Richard Nixon appointed him to the U.S. District Court for the Eastern District of Pennsylvania in 1970.

President Ronald Reagan elevated Judge Becker to the U.S. Court of Appeals for the Third Circuit in 1981. The Third Circuit considers appeals from Federal district courts in Delaware, New Jersey, Pennsylvania, and the Virgin Islands.

Judge Becker eventually served as the Third Circuit's chief judge for 5 years before taking senior status on his 70th birthday in 2003.

Edward Becker lived for nearly all of his 73 years in his boyhood home in the Frankford section of Philadelphia.

He read legal briefs while riding the train to the courthouse, where he was known for what the New York Times described as a lack of grandiosity rarely found in a Federal court.

With an uncanny ability to play virtually any song by ear on the piano, Judge Becker accompanied Supreme Court Justices at their annual sing-alongs that the late Chief Justice William Rehnquist hosted for the law clerks.

When part of Independence National Historic Park, which he could see from his chambers window, was closed after the September 11 terrorist attacks, Judge Becker supported the efforts of a citizens' coalition which succeeded in getting the street reopened in 2003.

Judge Becker was not just any Federal judge.

After more than 35 years on the bench, he was certainly a senior member of the Federal judiciary.

But he served not only the cause of justice but also the institution of the judiciary in such capacities as the board of directors of the Federal Judicial Center and the executive committee of the Judicial Conference of the United States.

His many and varied writings covered topics ranging from the federal sentencing guidelines and rules of evidence to the sixth amendment's confrontation clause and even law journal footnotes.

Imagine that, an entire law journal article about law journal footnotes.

Judge Becker made his judicial mark in many ways. Judges write opinions that follow or apply principles established by the Supreme Court. Judge Becker did that as well but also wrote landmark opinions establishing rules or principles that would later be adopted by the Supreme Court.

His 1985 opinion in United States v. Downing, for example, adopted a standard regarding expert witness testimony.

The Supreme Court cited Judge Becker's opinion in Downing when it adopted the same standard 8 years later in its famous Daubert v. Merrill Dow Pharmaceuticals decision.

Judge Becker was also known for his knowledge and expertise in handling complex litigation.

He served on the board of editors for the "Manual for Complex Litigation" and handled many such cases during his years on the bench.

In 1996, for example, he wrote the opinion in Georgine v. Amchem Products concluding that the factual and legal issues in a lawsuit against asbestos manufacturers were too complex to allow certification of the suit as a class action.

Judge Becker's expertise in the area of complex litigation in general, and asbestos cases in particular, led to his role in our ongoing struggle here in the Senate with the asbestos crisis.

He provided invaluable counsel and assistance to the Judiciary Committee, and his enormous wisdom, credibility, and integrity helped guide many complex discussions and negotiations. Every party to those discussions knew that Judge Becker was a straight shooter, a completely honest broker.

Judge Becker could have considered his a strictly judicial role, limited to handling the cases that came before him, but Judge Becker looked past the walls of his courtroom at the judiciary as an institution, the justice system, and the country. He wanted to see the grand principles of justice and fairness actually work in people's lives.

Judge Becker was not afraid to wade into other choppy waters in the interest of the judicial branch.

Joined by several leading appeals court judges including now-Associate Justice Stephen Breyer, Judge Becker sought in 1989 to make some sense out of what had become an almost absurd process for hiring judicial law clerks.

Judges were interviewing students barely finished with their first year of law school. Judge Becker believed that the trend disrupted the studies of law students and demeaned the judiciary's reputation. This was classic Judge Becker. He did not have to tackle such a touchy subject.

Previous efforts to change the law clerk hiring system had failed, and the problem was worse than ever. But he cared so much for the integrity of the judiciary, and for the individuals who served in it, that he tackled it nonetheless. And he did it with the straightforward, no-nonsense, commonsense practicality that characterized everything he did.

Judge Becker both loved and was beloved by his colleagues.

He organized a panel of current and former Third Circuit judges to testify on behalf of their colleague Judge Samuel Alito upon his recent nomination to the Supreme Court. That panel was diverse, opinionated, and completely united in support of their colleague.

Judge Becker and Flora, his wife of nearly 50 years, kept in close touch even with retired colleagues and with colleagues' spouses after they died.

In addition to Flora, Judge Becker is survived by his children—Jon, a teacher in Brooklyn; Susan, a Federal prosecutor in Philadelphia—and Charles, a lawyer in Philadelphia—and several grandchildren.

Our colleague, the senior Senator from Pennsylvania, was a close friend of Judge Becker for more than 50 years. He has said that Judge Becker was one of the greatest Philadelphians in that great city's history. That is high praise indeed, considering the pantheon of patriots coming from the birthplace of the Constitution.

Judge Becker embodied so much that is great about this country. He cared deeply about principles of fairness and justice. He wanted those principles actually to work. He was both part of a collegial judicial body and a unique individual with his own personality and character.

He would go to baseball games but take legal briefs with him to read.

His colleague, Judge Marjorie Rendell, once described Judge Becker as "the perfect combination of Mensa and mensch."

One of the historic preservationists who worked with Judge Becker to reopen the street in front of Independence Hall said of Judge Becker: "He was one step below the Supreme Court, but he's such an everyday man."

Proverbs 16:19 offers a maxim that fits Judge Becker to a tee: "Better it is to be of a humble spirit with the lowly, than to divide the spoil with the proud."

By his character, personality, and wisdom, Edward Roy Becker made anyone who knew him better for the experience.

The judiciary, the country, and yes, the Senate, are better because this good man walked and worked with us.

GLOBAL CLIMATE CHANGE

Mr. FEINGOLD. Mr. President, today the Senate Foreign Relations Committee took an important step on the issue of global climate change by passing a resolution, introduced by Chairman LUGAR and Ranking Member BIDEN, that expresses the need for the United States to address global warming through the negotiation of fair and effective international commitments. While it remains to be seen whether the full Senate will take up and pass the resolution, I am encouraged by the growing awareness in Congress of the need to face the facts on global climate change. Just last week, a report was released by a nonprofit group, Christian Aid, which suggests that climate change could lead to millions of deaths in Africa. In my role as chairman and ranking member of the Senate Foreign Relations Subcommittee on African Affairs, I have paid significant attention to the challenges faced by the continent of Africa, and as we look to the future, we must address the consequences our global energy habits will have on less developed nations, in addition to the consequences on our own constituents. I applaud the leadership of Chairman LUGAR and Ranking Member BIDEN on Senate Resolution 312 and I hope that the Senate will move quickly to adopt it.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 9, 2005, Dwan Prince, a gay man, was attacked by his neighbor Steven Pomie near his Brooklyn, NY, home. During the attack, Pomie shouted antigay slurs as he punched and kicked Prince in the head until he was unconscious. According to police, Pomie knew that Prince was a gay man prior to the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The message also announced that the House has passed the following bills, each with amendments, in which it requests the concurrence of the Senate:

S. 1235. An act to amend title 38, United States Code, to extend the availability of $400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 2349. An act to provide greater transparency in the legislative process.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

H.R. 4530. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse".

H.R. 5354. An act to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes.

H.R. 5401. An act to amend section 308 of the Lewis and Clark Expedition Bicentennial Commemorative Coin Act to make certain clarifying and technical amendments.

The message also announced that the House disagree to the amendment of the Senate to the bill H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. REGULA, Mr. ROGERS of Kentucky, Mr. WOLF, Mr. KOLBE, Mr. WALSH, Mr. TAYLOR of North Carolina, Mr. HOBSON, Mr. BONILLA, Mr. KNOLLENBERG, Mr. OBEY, Mr. MURTHA, Mr. SABO, Mr. MOLLOHAN, Mr. OLVER, Mr. VISCLOSKY, Mrs. LOWEY, and Mr. EDWARDS, as managers of the conference on the part of the House.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3858. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4530. An act to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 5354. An act to authorize the Secretary of Education to extend the period during which a State educational agency or local educational agency may obligate temporary emergency impact aid for elementary and secondary school students displaced by Hurricane Katrina or Hurricane Rita, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6911. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Add Kazakhstan, Romania, Russia, Turkey, and Ukraine to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 is Considered to Exist" (APHIS–2006–0010) received on May 22, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6912. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Aviation Career Incentive Pay and Aviation Continuation Pay Programs for Fiscal Year 2005"; to the Committee on Armed Services.

EC–6913. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Vice Admiral Keith W. Lippert, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6914. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Robert M. Shea, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6915. A communication from the Under Secretary of Defense for Personnel and Readiness, transmitting, a report on the approved retirement of Lieutenant General Randall M. Schmidt, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6916. A communication from the Deputy Chief Counsel, Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Air Cargo Security Requirements" (RIN1652–AA23) received on May 22, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6917. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a completed study which recommends authorization of an ecosystem restoration project for a 4.8 mile reach of the Rillito River, on the northern edge of Tucson, Arizona; to the Committee on Environment and Public Works.

EC–6918. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NUHOMS HD Addition" (RIN3150–AH93) received on May 22, 2006; to the Committee on Environment and Public Works.

EC–6919. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—June 2006" (Rev. Rul. 2006–29) received on May 22, 2006; to the Committee on Finance.

EC–6920. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Statutory Mergers and Consolidations" ((RIN1545–BF36) (TD 9259)) received on May 22, 2006; to the Committee on Finance.

EC–6921. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 06–102—06–113); to the Committee on Foreign Relations.

EC–6922. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Cuban Compliance with the Migration Accords (October 2005 through April 2006)"; to the Committee on Foreign Relations.

EC–6923. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and license for the export of defense articles or defense services sold commercially under contract in the amount of $100,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–6924. A communications from the Regulatory Contact, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "National Historical Publications and Records Commission Grant Program" (RIN3095–AB45) received on May 22, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–6925. A communication from the General Counsel, Office of the Director of National Intelligence, transmitting, the report of proposed legislation entitled "Intelligence Authorization Act for Fiscal Year 2007"; to the Select Committee on Intelligence.

EC–6926. A communication from the General Counsel, Office of the Director of National Intelligence, transmitting, the report of proposed legislation relative to the Deputy Director of the Central Intelligence Agency (CIA) and the General Counsel of the CIA to be included as part of the Intelligence Authorization Bill for Fiscal Year 2007; to the Select Committee on Intelligence.

EC–6927. A communication from the Director, Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Eligibility of Arriving Aliens in Removal Proceedings To Apply for Adjustment of Status and Jurisdiction To Adjudicate Applications for Adjustment of Status" (RIN1615–AB50 and RIN1125–AA55) received on May 22, 2006; to the Committee on the Judiciary.

EC–6928. A communication from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Individuals and Groups Considered to Have Performed Active Military, Naval, or Air Service" (RIN2900–AM39) received on May 22, 2006; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 359. A resolution concerning the Government of Romania's ban on intercountry adoptions and the welfare of orphaned or abandoned children in Romania.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. Res. 456. A resolution expressing the sense of the Senate on the discussion by the North Atlantic Council of secure, sustainable, and reliable sources of energy.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 469. A resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 633. A bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. 2125. A bill to promote relief, security, and democracy in the Democratic Republic of the Congo.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2784. A bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

By Mr. FRIST (for Mr. ENZI), from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2803. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. INHOFE for the Committee on Environment and Public Works.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008 (Recess Appointment).

*Peter B. Lyons, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2009 (Recess Appointment).

*Molly A. O'Neill, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

*Dale Klein, of Texas, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2011.

By Mr. LUGAR for the Committee on Foreign Relations.

*Duane Acklie, of Nebraska, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Goli Ameri, of Oregon, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Robert C. O'Brien, of California, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

*Rajkumar Chellaraj, of Texas, to be an Assistant Secretary of State (Administration).

*Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

*Warren W. Tichenor, of Texas, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

*Daniel S. Sullivan, of Alaska, to be an Assistant Secretary of State (Economic and Business Affairs).

*Robert F. Godec, of Virginia, to be Ambassador to the Republic of Tunisia.

Nominee: Robert F. Godec

Post: Tunisia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Lori G. Magnusson, none.

3. Children and spouses: n/a (none).

4. Parents: Nancy Dietrich, none; Ivan Dietrich (step father), none; Robert F. Godec (father), deceased; Warran Magnusson (wife's father), none; Flora Magnusson (wife's mother), deceased.

5. Grandparents: Ovid Meyer, deceased; Lyda Meyer, deceased; Frank Godec, deceased; Ophelia Mildred Godec, deceased.

6. Brother and spouses: Mark Godec, none; James Godec, $2,000, 12/31/2003, Bush-Cheney '04 (Primary); $750, 11/06/2002, Equipment Leasing Assoc. LeasePac; $500, 05/03/2000, Kennedy for Senate 2000; Kimm Godec, $2,000, 12/31/2003, Bush-Cheney '04 (Primary).

7. Sisters and spouses: n/a (none).

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*Mark C. Minton, of Florida, to be Ambassador to Mongolia.

Nominee: Mark C. Minton.

Post: Mongolia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $3, 4/15/2000, 4/15/2001, 4/15/2002, 4/15/2004, 1040 Income Tax voluntary contribution to Presidential Election Campaign.

2. Spouse, n/a.

3. Children and spouses: n/a.

4. Parents: Charles A. Minton, Alison C. Minton (deceased), none.

5. Grandparents: Charles W. Minton (deceased), Mae Minton (deceased), Stella C. Fittz (deceased), Thomas Fittz (deceased).

6. Brothers and spouses: n/a.

7. Sisters and spouses: Marsha Minton, none.

*Michael D. Kirby, of Virginia, to be Ambassador to the Republic of Moldova.

Nominee: Michael David Kirby.

Post: Moldova.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: Michael David Kirby, none.

2. Spouse: Sara Powelson Kirby, none.

3. Children and spouses: Katherine Van Nest Kirby, none; Elizabeth Marie Kirby, none.

4. Parents: Richard Norman Kirby, Dolores Marie Kirby, $480, 1996–2006, Women's National Democratic Club (yearly dues); $25, 2001, Democratic Congress; $35, 2003, Clinton Library; $100, 2004, DNC; $150, 2004, Kerry Campaign; $50, 2006, DNC.

5. Grandparents: James P. Kirby (deceased), Marie Kirby (deceased); Charles Senkfor (deceased), Marie Nagy Senkfor (deceased).

6. Brothers and spouses: Richard Allen Kirby, Beth-Ann Roth, $100 a month, 2003–2004, PAC through Law Firm of Preston Gates.

7. Sisters and spouses: Lynn Marie Kirby, Steven Rogers, $400, 2004, Kerry Campaign.

*Lisa Bobbie Schreiber Hughes, of Pennsylvania, to be Ambassador to the Republic of Suriname.

Nominee: Lisa Bobbie Schreiber Hughes.

Post: Ambassador to the Republic of Suriname.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: Lisa Bobbie Schreiber Hughes, none.

2. Spouse: Eric Peter Salonen, Total: $11,250 (please see breakdown, listed below), $500, 10/02/2000, DNC Services Corp/DNC; $750, 11/03/2000, DNC Services Corp/DNC; $250, 05/10/2002, DNC Services Corp/DNC; $500, 03/03/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 04/01/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 05/12/2004, Kerry, John F. (via John Kerry for President Inc.); $250, 06/03/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 06/29/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 07/12/2004, Kerry, John F. (via John Kerry for President Inc.); $500, 08/16/2004, DNC Services Corp/DNC; $500, 08/26/2004, Kerry, John F. (via Kerry-Edwards 2004 Inc. General Election Legal and Accounting Compliance Fund); $1,000, 08/29/2004, DNC Services Corp/DNC; $500, 09/14/2004, DNC Services Corp/DNC; $500, 09/21/2004, Kerry, John F. (via Kerry-Edwards 2004 Inc. General Election Legal and Accounting Compliance Fund); $500, 09/29/2004, DNC Services Corp/DNC; $1,000, 10/24/2004, DNC Services Corp/DNC; $500, 10/26/2004, DNC Services Corp/DNC; $1,000, 10/27/2004, DNC Services Corp/DNC; $1,000, 11/01/2004, DNC Services Corp/DNC; $500, 10/25/2005, DNC Services Corp/DNC.

2. Children and spouses: n/a; my husband and I have no children.

3. Parents: D.A. Schreiber (mother), none; R.C. Hughes (father), none.

4. Grandparents: Mildred R. Schreiber (deceased), Raymond S. Schreiber (deceased), Marjorie Hughes (deceased), George Hughes (deceased).

5. Brothers and spouses: n/a, I am an only child.

6. Sisters and spouses: n/a, I am an only child.

*David M. Robinson, of Connecticut, to be Ambassador to the Co-operative Republic of Guyana.

Nominee: David Malcolm Robinson.

Post: Guyana.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names, none.

4. Parents names, none.

5. Grandparents names, none.

6. Brothers and spouses names, none.

7. Sisters and spouses names, none.

*John A. Cloud, Jr., of Virginia, to be Ambassador to the Republic of Lithuania.

Nominee: John A. Cloud, Jr.

Post: Lithuania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $50, 9/12/2002, AFSA Legislative Action Fund; $50, 11/13/2004, AFSA Legislative Action Fund.

2. Spouse: Mary E. Cloud, none.

3. Children and spouses names: Jennifer Mary Cloud, none; Michelle Elizabeth Cloud, none.

4. Parents names: John A. Cloud, none; Gloria Cloud (stepmother), none.

5. Grandparents names, N/A.

6. Brothers and spouses names: David and Paula Cloud, $120, 2005, UTC PAC; $75, 2004, UTC PAC; Kenneth and Marilyn Cloud, none; Richard and Debbie Cloud, $24, 2001, Hartford Advocates Fund; $48, 2002, Hartford Advocates Fund; $48, 2003, Hartford Advocates Fund; $48, 2004, Hartford Advocates Fund; $48, 2005, Hartford Advocates Fund; Steve and Kathy Cloud, none.

7. Sisters and spouses names, N/A.

*Robert S. Ford, of Maryland, to be Ambassador to the People's Democratic Republic of Algeria.

Nominee: Robert Stephen Ford.

Post: U.S. Embassy Algiers, Algeria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse: Clare Alison Barkley, none.

3. Children and spouses: N/A none.

4. Parents: William Jack Ford, none; Marian Breen Ford none.

5. Grandparents: deceased.

6. Brothers and spouses: William Eugene Ford, none; Brian Joseph Ford, none.

7. Sisters and spouses names: N/A none.

*Anne E. Derse, of Maryland, to be Ambassador to the Republic of Azerbaijan.

Nominee: Anne Elizabeth Derse.

Post: Azerbaijan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses, none.

4. Parents, none, deceased.

5. Grandparents, none, deceased.

6. Brothers and spouses, N/A.

7. Sisters and spouses, Jane Quasarano (sister) none, Lisa Leifield (sister) none, Daniel Leifield (brother-in-law) none, Paul J. Quasarano, $500 Primary 03/10/05, National Beer Wholesalers Association Political Action Committee; $350, 2/23/04, National Beer Wholesalers Association Political Action Committee; $350, Primary 03/10/04, National Beer Wholesalers Association Political Action Committee; $300 Primary 03/03/03, National Beer Wholesalers Association Political Action Committee; $1,500 Primary 04/24/02, Michigan Beer and Wine Wholesalers Federal Political Action Committee; $250 Primary 04/23/02, National Beer Wholesalers Association Political Action Committee; $240 primary 04/27/01, Michigan Beer and Wine Wholesalers Federal Political Action Committee; $250 Primary 03/07/00, National Beer Wholesalers Association Political Action Committee; $400 Primary 06/30/00, Stabenow for U.S. Senate; $250 Primary 03/30/99, National Beer Wholesalers Association Political Action Committee; $250 Primary 05/21/98, National Beer Wholesalers Association Political Action Committee; $250 Primary 05/06/97, National Beer Wholesalers Association Political Action Committee.

*April H. Foley, of New York, to be Ambassador to the Republic of Hungary.

Nominee: April Hoxie Foley.

Post: Ambassador to Hungary.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

Self, $1,000, 3/27/02, Sue Kelly for Congress; $2,000, 05/05/03, Sue Kelly for Congress; $2,000, 3/07/04, Sue Kelly for Congress; $1,000, 2/15/05, Sue Kelly for Congress; $1,000, 10/31/05, Sue Kelly for Congress; $500, 7/23/04, Hudson Valley Victory Fund; $500, 3/07/06, Hudson Valley Victory Fund; $2,000, 9/13/03, Bush/Cheney '04, Primary; $2,000, 9/1/04, Compliance Cmte; $5,000, 1/02/05, 55th Presidential Inaugural; $250, 7/28/03, Republican Nat'l Cmte; $110, 1/31/06, Republican Nat'l Cmte; $250, 7/17/05, Lewisboro NY Republ'n Town Cmte; $250, 10/05/03, Herzog's Home Town Team '04; $250, 10/10/03, Friends of Ursula LaMotte.

Spouse: Gifford T Foley, deceased.

Children and spouses: Catherine L Foley, none, Gifford T. Foley Jr., none, James E.H. Foley, none.

Parents: Howard M. Hoxie, deceased, Wilma Liggett Hoxie, deceased.

Grandparents: Sylvester Edwards Hoxie, deceased, Alberta Mason Hoxie, deceased.

Brothers and spouses: Paul A. Hoxie, none, Judith Rosenstein, none.

Sisters and spouses: Peter K. Zeitler, none, Lynne E. Hoxie, $200, 9/04/04, Democratic National Cmte; $250, 10/14/04, Democratic National Cmte.

*Tracey Ann Jacobson, of the District of Columbia, to be Ambassador to the Republic of Tajikistan.

Nominee: Tracey Ann Jacobson.

Post: Tajikistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names: none.

4. Parents names: John Thomas, none, Barbara Thomas, none.

5. Grandparents names: Wyn Steadman, (deceased), R. Campbell Steadman, (deceased), Francis Thomas, and Charles Thomas, (deceased).

6. Brothers and spouses names: n/a.

7. Sisters and Spouses: Teri Dermody, none, Terence Dermody, none.

*Robert Anthony Bradtke, of Maryland, to be Ambassador to the Republic of Croatia.

Nominee: Robert Anthony Bradtke.

Post: Ambassador to Croatia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses Names, No children.

4. Parents, names, Albert Bradtke $25, 3/02/05, Republican National Committee; $25, 3/15/05, Congresswoman Sue Myrick; $50, 6/12/05, Committee for Richard Burr; $25, 6/21/05, Republican National Committee; $25, 2/14/04, Republican National Committee; $35, 5/25/05, Committee for Richard Burr; $25, 10/06/04, Congresswoman Sue Myrick; $25, 5/04/03, Congresswoman Sue Myrick; $25, 10/27/03, Republican National Committee; $100, 6/09/02, Congresswoman Sue Myrick; $25, 7/25/02, Republican National Committee; $25, 7/27/02, Congresswoman Sue Myrick; Lucille Bradtke (deceased).

5. Grandparents names, August/Julia Bradtke (deceased), Felix/Caroline Gale (deceased).

6. Brothers and spouses names, James Bradtke, none, Amy Schreiber (wife), none.

7. Sisters and spouses names, Barbara Hill, (divorced) none.

*William B. Taylor, Jr., of Virginia, to be Ambassador to Ukraine.

Nominee: William B. Taylor, Jr.

Post: Kyiv, Ukraine.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, none.

2. Spouse, $150, 2003, 21st Century Democrats.

3. Children and Spouses: Christopher O'Neill Taylor, none, Mary Morgan Taylor, none.

4. Parents: William B. Taylor, Sr., $35, 2002, Sen. Lugar; $35, 2002, Sen McCain; $50, 2002, Republican National Cmte; $50, 2002, Republican Senatorial Cmte; $35, 2002, Republican Party of Virginia; $35, 2002, Rep. Tom Davis; $35, 2003, Sen. Lugar; $35, 2003, Sen McCain; $50, 2003, Republican National Cmte; $50, 2003, Republican Senatorial Cmte; $35, 2003, Republican Party of Virginia; $35, 2003, Rep. Tom Davis; $35, 2004, Sen. Lugar; $35, 2004, Sen McCain; $50, 2004, Republican National Cmte; $50, 2004, Republican Senatorial Cmte; $35, 2004, Republican Party of Virginia; $35, 2004, Rep. Tom Davis; $35, 2005, Sen. Lugar; $35, 2005, Sen McCain; $50, 2005, Republican National Cmte; $50, 2005, Republican Senatorial Cmte; $35, 2005, Republican Party of Virginia; $35, 2005, Rep. Tom Davis; $50, 2006, Republican National Cmte; $50, 2006, Republican Senatorial Cmte.

Nancy Aitcheson Taylor,—none.

5. Grandparents: Lewis Jerome Taylor, deceased, Roberta Newton Taylor, deceased, John Kenneth Aitcheson, deceased, Virginia Dare Aitcheson, deceased.

6. Brothers and spouses: Paul Kenneth and Robin Taylor, none, David Aitcheson and Lisa Taylor, none.

7. Sisters and spouses: Anne Taylor Cregger, none, Katharine Taylor and Brian Nace, none.

*Michael Wood, of the District of Columbia, to be Ambassador to Sweden.

Nominee: Michael M. Wood.

Post: Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self, $2,000.00, 03/31/04, Bush-Cheney '04; $25,000.00, 04/15/04, RNC-Presidential Trust; $25,000.00, (by 1,450 shs. of Cisco stock), 05/04/05, RNC-Presidential Trust.

2. Spouse, $2,000.00, 03/31/04, Bush-Cheney '04.

3. Children and spouses names, (Michael M. Wood, Jr., Jennifer Bick Wood and Kimberly N. Wood), none.

4. Parents names, n/a.

5. Grandparents Names, n/a.

6. Brothers and spouses names, n/a.

7. Sisters and spouses names (Susan D. Wood), none.

Mr. LUGAR. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORDS the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Brent Royal Bohne and ending with William J. Booth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 17, 2006.

Foreign Service nominations beginning with Craig B. Allen and ending with Daniel D. DeVito, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 30, 2006.

Foreign Service nominations beginning with Anita Katial and ending with Scott R. Reynolds, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 2006.

By Mr. GREGG for the Committee on the Budget.

*Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

By Mr. ROBERTS for the Select Committee on Intelligence.

*General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TALENT:

S. 2925. A bill to suspend temporarily the duty on naphthalen-1-yl methylaminoformate; to the Committee on Finance.

By Mr. CARPER:

S. 2926. A bill to extend temporarily the suspension of duty on Fast Yellow 746 Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2927. A bill to extend temporarily the suspension of duty on Esfenvalerate; to the Committee on Finance.

By Mr. CARPER:

S. 2928. A bill to extend temporarily the suspension of duty on Yellow 1 Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2929. A bill to extend temporarily the suspension of duty on Benzyl carbazate; to the Committee on Finance.

By Mr. CARPER:

S. 2930. A bill to extend temporarily the suspension of duty on ink jet textile printing machinery; to the Committee on Finance.

By Mr. CARPER:

S. 2931. A bill to extend temporarily the suspension of duty on Magenta 3B-OA Stage Stage; to the Committee on Finance.

By Mr. CARPER:

S. 2932. A bill to extend temporarily the suspension of duty on Cyan 1 special liquid feed; to the Committee on Finance.

By Mr. CARPER:

S. 2933. A bill to extend temporarily the suspension of duty on 1-[[2-(2,4-dichlorophenyl)-4-propyl-1 ,3-dioxolan-2-yl]-methyl]-1H-1,2,4-triazole); to the Committee on Finance.

By Mr. CARPER:

S. 2934. A bill to suspend temporarily the duty on Triasulfuron technical; to the Committee on Finance.

By Mr. CARPER:

S. 2935. A bill to suspend temporarily the duty on Brodifacoum technical; to the Committee on Finance.

By Mr. CARPER:

S. 2936. A bill to suspend temporarily the duty on Pymetrozine technical; to the Committee on Finance.

By Mr. CARPER:

S. 2937. A bill to suspend temporarily the duty on formulations of thiamethoxam, difenoconazole, fludioxinil, and mefenoxam; to the Committee on Finance.

By Mr. CARPER:

S. 2938. A bill to suspend temporarily the duty on Cypermethrin; to the Committee on Finance.

By Mr. CARPER:

S. 2939. A bill to suspend temporarily the duty on Yellow 1189; to the Committee on Finance.

By Mr. CARPER:

S. 2940. A bill to suspend temporarily the duty on Yellow 104; to the Committee on Finance.

By Mr. CARPER:

S. 2941. A bill to suspend temporarily the duty on Magenta 377; to the Committee on Finance.

By Mr. CARPER:

S. 2942. A bill to suspend temporarily the duty on Black 1334; to the Committee on Finance.

By Mr. CARPER:

S. 2943. A bill to suspend temporarily the duty on certain men's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2944. A bill to extend temporarily the reduction of duty on Thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2945. A bill to extend temporarily the suspension of duty on Thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2946. A bill to suspend temporarily the duty on trifloxysulfuron-sodium technical; to the Committee on Finance.

By Mr. CARPER:

S. 2947. A bill to extend temporarily the suspension of duty on Fast Yellow 2 Stage Liquid Feed; to the Committee on Finance.

By Mr. CARPER:

S. 2948. A bill to suspend temporarily the duty on certain women's footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2949. A bill to suspend temporarily the duty on certain footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2950. A bill to suspend temporarily the duty on certain men's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2951. A bill to suspend temporarily the duty on certain women's footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2952. A bill to suspend temporarily the duty on certain other footwear valued over $20 a pair with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2953. A bill to reduce temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2954. A bill to reduce temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2955. A bill to reduce temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2956. A bill to reduce temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2957. A bill to reduce temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2958. A bill to reduce temporarily the duty on certain footwear with coated or laminated textile fabrics; to the Committee on Finance.

By Mr. CARPER:

S. 2959. A bill to suspend temporarily the duty on 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Finance.

By Mr. CARPER:

S. 2960. A bill to suspend temporarily the duty on 2-Amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Finance.

By Mr. CARPER:

S. 2961. A bill to reduce temporarily the duty on mixtures ofsodium-2-chloro-6-[(4,6 dimethoxypyrimidin-2-yl)thio]benzoate and application adjuvants (pyrithiobac-sodium); to the Committee on Finance.

By Mr. CARPER:

S. 2962. A bill to extend temporarily the suspension of duty on Methyl-4-trifluoromethoxyphenyl-N-(chlorocarbonyl) carbamate; to the Committee on Finance.

By Mr. CARPER:

S. 2963. A bill to suspend temporarily the duty on formulated products containing mixtures of the active ingredient 2-chloro-n-[[(4-methoxy-6-methyl-1,3,5-triazin-2yl)amino]carbonyl] benzenesulfonamide and application adjuvants; to the Committee on Finance.

By Mr. CARPER:

S. 2964. A bill to extend temporarily the suspension of duty on Mixtures of N-[[(4,6-

dimethoxypyrimidin-2-yl)amino]carbonhyl]3-(ethylsulfonyl)-2-pridinesulfonamide and application adjuvant, and for other purposes; to the Committee on Finance.

By Mr. SANTORUM:

S. 2965. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty free treatment for Propylene Glycol Alginates (PGA); to the Committee on Finance.

By Mr. FRIST (for himself and Mr. Alexander):

S. 2966. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 85 W; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. Alexander):

S. 2967. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 105 W; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. Alexander):

S. 2968. A bill to suspend temporarily the duty on certain AC electric motors; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. Alexander):

S. 2969. A bill to suspend temporarily the duty on AC electric motors of an output exceeding 74.6 W but not exceeding 95 W; to the Committee on Finance.

By Mr. KERRY:

S. 2970. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ISAKSON:

S. 2971. A bill to suspend temporarily the duty on non-high definition color television reception apparatus, having a single liquid crystal display for direct viewing exceeding 37 cm but not exceeding 39 cm; to the Committee on Finance.

By Mr. ISAKSON:

S. 2972. A bill to suspend temporarily the duty on certain 16-inch variable speed scroll saw machines; to the Committee on Finance.

By Mr. ISAKSON:

S. 2973. A bill to suspend temporarily the duty on certain standard laminate wood molding measuring less than 8-feet in length but greater than 4-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2974. A bill to suspend temporarily the duty on certain laminate wood molding measuring less than 4-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2975. A bill to suspend temporarily the duty on certain laminate wood floor molding, other than standard molding, less than 4-feet in length but greater than 3-feet in length; to the Committee on Finance.

By Mr. ISAKSON:

S. 2976. A bill to suspend temporarily the duty on 6-inch bench grinders for grinding, polishing or otherwise finishing metal or cement, valued under $3,025 each; to the Committee on Finance.

By Mr. ISAKSON:

S. 2977. A bill to suspend temporarily the duty on 8-inch bench grinders for grinding, polishing or otherwise finishing metal or cement, valued under $3,025 each; to the Committee on Finance.

By Mr. ISAKSON:

S. 2978. A bill to suspend temporarily the duty on 12 or 18 gauge hanging wire; to the Committee on Finance.

By Mr. ISAKSON:

S. 2979. A bill to extend temporarily the suspension of duty on Pyromellitic Dianhydride; to the Committee on Finance.

By Mr. ISAKSON:

S. 2980. A bill to suspend temporarily the duty on 3,4-Dimethoxybenzaldehyde; to the Committee on Finance.

By Mr. ISAKSON:

S. 2981. A bill to suspend temporarily the duty on 2-Aminothiophenol; to the Committee on Finance.

By Mr. ISAKSON:

S. 2982. A bill to suspend temporarily the duty on Solvent red 227; to the Committee on Finance.

By Ms. LANDRIEU:

S. 2983. A bill to provide for the Department of Housing and Urban Development to coordinate Federal housing assistance efforts in the case of disasters resulting in long-term housing needs; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. OBAMA:

S. 2984. A bill to require certain profitable oil companies to expend 1 percent of recent quarterly profits to install E-85 fuel pumps in the United States; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself and Mr. Obama):

S. 2985. A bill to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLEN:

S. 2986. A bill to extend the temporary suspension of duty on railway car body shells of stainless steel designed for use in gallery type cab control railway cars; to the Committee on Finance.

By Mr. ALLEN:

S. 2987. A bill to extend the temporary suspension of duty on railway car body shells of stainless steel designed for gallery type railway cars; to the Committee on Finance.

By Mr. ALLEN:

S. 2988. A bill to extend the temporary suspension of duty on railway car body shells for electric multiple unit commuter coaches of stainless steel; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2989. A bill to reform the franchise procedure relating to cable service and video service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER (for himself, Mr. DeWine, Mr. Martinez, Mr. Coburn, Mr. Domenici, Mr. Talent, Mr. Burr, Ms. Snowe, Mrs. Dole, and Mr. Kyl):

S. 2990. A bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians; to the Committee on Finance.

By Mr. SANTORUM:

S. 2991. A bill to suspend temporarily the duty on epoxy curing agents; to the Committee on Finance.

By Mr. SANTORUM:

S. 2992. A bill to suspend temporarily the duty on mixtures of formaldehyde polymer and toluene; to the Committee on Finance.

By Mrs. CLINTON:

S. 2993. A bill to amend the Internal Revenue Code of 1986 to impose a temporary oil profit fee and to use the proceeds of the fee collected to provide a Strategic Energy Fund and expand certain energy tax incentives, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. Reid, Mrs. Hutchison, Mr. Cornyn, Mr. Stevens, Mr. Akaka, Mr. Alexander, Mr. Allard, Mr. Allen, Mr. Baucus, Mr. Bayh, Mr. Bennett, Mr. Biden, Mr. Bingaman, Mr. Bond, Mrs. Boxer, Mr. Brownback, Mr. Bunning, Mr. Burns, Mr. Burr, Mr. Byrd, Ms. Cantwell, Mr. Carper, Mr. Chafee, Mr. Chambliss, Mrs. Clinton, Mr. Coburn, Mr. Cochran, Mr. Coleman, Ms. Collins, Mr. Conrad, Mr. Craig, Mr. Crapo, Mr. Dayton, Mr. DeMint, Mr. DeWine, Mr. Dodd, Mrs. Dole, Mr. Domenici, Mr. Dorgan, Mr. Durbin, Mr. Ensign, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Graham, Mr. Grassley, Mr. Gregg, Mr. Hagel, Mr. Harkin, Mr. Hatch, Mr. Inhofe, Mr. Inouye, Mr. Isakson, Mr. Jeffords, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Mr. Kyl, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Mr. Lieberman, Mrs. Lincoln, Mr. Lott, Mr. Lugar, Mr. Martinez, Mr. McCain, Mr. McConnell, Mr. Menendez, Ms. Mikulski, Ms. Murkowski, Mrs. Murray, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Obama, Mr. Pryor, Mr. Reed, Mr. Roberts, Mr. Rockefeller, Mr. Salazar, Mr. Santorum, Mr. Sarbanes, Mr. Schumer, Mr. Sessions, Mr. Shelby, Mr. Smith, Ms. Snowe, Mr. Specter, Ms. Stabenow, Mr. Sununu, Mr. Talent, Mr. Thomas, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Warner, and Mr. Wyden):

S. Res. 489. A resolution relative to the death of Lloyd Bentsen, distinguished member of the United States Senate; considered and agreed to.

By Mr. FRIST (for himself and Mr. Reid):

S. Res. 490. A resolution to authorize representation by the Senate Legal Counsel in the case of Lannak v. Biden, et al; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. Byrd):

S. Con. Res. 96. A concurrent resolution to commemorate, celebrate, and reaffirm the national motto of the United States on the 50th anniversary of its formal adoption; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. Santorum, the name of the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to expand the tip credit to certain employers and to promote tax compliance.

S. 1035

At the request of Mr. Inhofe, the names of the Senator from Kentucky (Mr. Bunning) and the Senator from North Carolina (Mr. Burr) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to

Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1353

At the request of Mr. REID, the names of the Senator from Montana (Mr. BURNS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1479

At the request of Mr. DODD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1509

At the request of Mr. JEFFORDS, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1509, a bill to amend the Lacey Act Amendments of 1981 to add nonhuman primates to the definition of prohibited wildlife species.

S. 1741

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1791

At the request of Mr. SMITH, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 1791, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified timber gains.

S. 1887

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1887, a bill to authorize the conduct of small projects for the rehabilitation or removal of dams.

S. 1998

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2200

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2200, a bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

S. 2284

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 2284, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2424

At the request of Mr. ALLEN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2493

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2493, a bill to provide for disclosure of fire safety standards and measures with respect to campus buildings, and for other purposes.

S. 2548

At the request of Mr. STEVENS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2553

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2553, a bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees, and for other purposes.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2599

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2599, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to prohibit the confiscation of firearms during certain national emergencies.

S. 2723

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2723, a bill to amend title XVIII of the Social Security Act to require the sponsor of a prescription drug plan or an organization offering an MA–PD plan to promptly pay claims submitted under part D, and for other purposes.

S. 2770

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2770, a bill to impose sanctions on certain officials of Uzbekistan responsible for the Andijan massacre.

S. 2803

At the request of Mr. OBAMA, his name was added as a cosponsor of S. 2803, a bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

S. 2810

At the request of Mr. GRASSLEY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2811

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2811, a bill to amend title

XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. CON. RES. 65

At the request of Mr. BURR, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. Con. Res. 65, a concurrent resolution recognizing the benefits and importance of Federally-qualified health centers and their Medicaid prospective payment system.

S. RES. 405

At the request of Mr. HAGEL, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 469

At the request of Mr. MCCAIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 469, a resolution condemning the April 25, 2006, beating and intimidation of Cuban dissident Martha Beatriz Roque.

S. RES. 485

At the request of Mrs. CLINTON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

AMENDMENT NO. 4057

At the request of Mr. THOMAS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 4057 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4072

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 4072 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4087

At the request of Mrs. FEINSTEIN, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Mr. KERRY), the Senator from Illinois (Mr. DURBIN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 4087 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4106

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 4106 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2970. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, yesterday we learned that personal information, including names, dates of birth, and social security numbers of as many as 26.5 million Americans—overwhelmingly veterans—may have been compromised. I know we are all shocked and concerned that so many of America's veterans could be in jeopardy of identity theft.

The case is unique in many ways. This is not the result of computer hacking or private companies failing to protect data. This data was stolen from the home of a Department of Veterans Affairs employee.

We have been told that the FBI, local police, and the VA Inspector General are all investigating. That aspect of this case should be left to them. There are other issues associated with security practices that must be explored by the VA and the appropriate oversight and investigatory bodies of Congress.

But we in Congress have another responsibility. We must act now to help veterans secure their own identity and protect their credit. As we read in this morning's papers, experts tell us that this is the largest breach of Social Security numbers in history. A criminal can use this information to do grievous harm and perpetrate fraud on a massive scale.

Mr. President, this isn't a private company that is responsible for this breach. It's the Department of Veterans Affairs of the United States Government and we have a moral obligation to make sure that we protect the identity and credit of every American veteran.

That is why today I am introducing the Veterans Identity Protection Act of 2006—to ensure the government assumes its rightful responsibility to protect the identity security of so many Americans.

This legislation will require the Department of Veterans Affairs to provide 1 year of credit monitoring to each affected individual. After that year, this legislation requires the VA to provide one free credit report to each person in addition to the free credit report already provided by the Fair Credit Reporting Act. As a result, after the full year of credit monitoring, those affected by this theft will have access to four free credit reports over the course of 2 additional years.

The legislation provides $1.25 billion in budget authority in the first year to pay for these programs. The total cost over 3 years is estimated at $2.5 billion. That is a lot of money and I would urge the VA to negotiate reduced costs with the service providers. To be sure, this is no insignificant sum and the VA has many needs, but I hope my colleagues will join me in recognizing that this is not an optional course of action. It is something we have to do to protect American veterans. It is also an expense that the VA cannot realistically fund out of its strapped budget. We will need an emergency appropriation to fund this security initiative—but let us begin to do right by our veterans.

Mr. President, I believe that caring for America's veterans is a continuing cost of war. I also believe that the United States government has a moral obligation to protect the identity security of those who are in jeopardy because of mistakes or the lax security practices of government employees.

America's veterans put their lives on the line for all of us throughout history. Those who served in peace and in war, from Iwo Jima and Normandy to Baghdad and Kabul, shouldn't be forced to bear the additional cost and worry of protecting their security identity because the government put them at risk. We must act.

Mr. President, thank you.

By Ms. LANDRIEU:

S. 2983. A bill to provide for the Department of Housing and Urban Development to coordinate Federal housing assistance efforts in the case of disasters resulting in long-term housing needs, to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr President, there are countless examples of times when FEMA, the Federal Emergency Management Agency, did more harm than good in the aftermath of the 2005 hurricanes. While they could not avoid some of the problems and better planning could have helped avoid others, FEMA's lack of expertise in one area in particular has been especially problematic: disaster housing. Today, I am introducing the Natural Disaster Housing Reform Act of 2006 to put long-term disaster housing in the hands of the agency with the appropriate expertise: the Department of Housing and Urban Develpment, HUD. Congressman BAKER introduced this legislation in the House of Representatives. I congratulate him on his leadership.

I am not introducing this bill simply to gang up on FEMA. One could argue that the Agency is an easy target. Let me assure my colleagues that this is not my intention. I simply believe that for future disasters, the Federal Cabinet Agency with the expertise in housing should run disaster housing assistance.

HUD has housing expertise. FEMA does not. HUD oversees 1.2 million public housing units. It administers the section 8 rental assistance program for 2.1 million families. They provide supportive housing for 320,000 senior citizens and people with disabilities. HUD also has a network of more than 3,000 public housing agencies in cities and counties across the country, so it has the infrastructure already in place to meet emergency housing needs. In all, HUD provides housing assistance to over 3.3 million households nationwide. FEMA is simply not equipped to deal with the housing needs of hundreds of thousands of people after mass disasters like Katrina and Rita.

FEMA's expertise lies in disaster preparedness and response, as well as short-term recovery needs: emergency shelter and financial assistance, infrastructure rebuilding, and financial support to communities. In smaller disasters that do not impact as widespread an area, FEMA can provide short-term housing assistance either by putting people up in hotels or giving them trailers to live in. But the displacement of hundreds of thousands of people over a wide area and the need to provide all of those people with housing assistance proved too much for FEMA. Its administration of the hotel program was marked by confusion and unrealistic termination deadlines that were constantly extended, causing additional anxiety for displaced victims who did not need more uncertainty. At such a time, an agency should not provide additional housing problems—it should provide housing solutions.

The travel trailer program is extremely costly and inefficient. The cheapest trailer cost between $16,000 and $20,000 to purchase. Over the 18-month life of assistance, including installation and maintenance, the travel trailers cost $59,800. That's $3.300 per month for the travel trailers—the low-end option. Mobile homes cost $76,800 over 18 months. Compare this to the roughly $500 average monthly cost of a HUD section 8 rental voucher. These vouchers could be provided on an emergency basis at a far less than FEMA programs. HUD programs are also easily accessible. Everyone who was displaced by Katrina and Rita ended up near one of the 3,000 public housing authorities that administer HUD programs.

The bill also contains provisions that my colleague from Louisiana, Senator VITTER, included in his bill S. 2771, the Disaster Housing Flexibility Act of 2006. That bill amends the Stafford Act to allow hurricane victims to receive modular housing if the President determines that such housing is more cost effective. I am pleased to include these provisions in the legislation I am introducing today.

Mr. President, hurricane season starts next week. Across the Federal Government, agencies are getting ready. This legislation will help us avoid repeating some of the mistakes of the past in the event of another storm. This bill will create a more efficient, effective and responsive Federal housing assistance program for future disasters. Disaster victims need this efficiency and certainty, not a repeat of FEMA's woeful performance during Katrina.

I thank the Chair and ask unanimous consent that my entire statement and a copy of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Disaster Housing Reform Act of 2006".

SEC. 2. HUD AS LEAD AGENCY IN CASES OF DISASTERS RESULTING IN LONG-TERM HOUSING NEEDS.

(a) IN GENERAL.—It is the policy of the United States that the Department of Housing and Urban Development shall be primary Federal agency responsible for coordinating and administering housing assistance in connection with any major disaster (as such term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) for any area that, pursuant to section 408(b)(2) of such Act, is determined to be an area for which such disaster will result in long-term housing needs.

(b) CONSULTATION.—The Secretary of Housing and Urban Development shall, in coordinating and administering housing assistance pursuant to subsection (a), consult with the Secretary of Homeland Security, the Director of the Federal Emergency Management Agency, and such other heads of Federal agencies as may be appropriate.

(c) USE OF REGIONAL AND LOCAL OFFICES.—In coordinating and administering housing assistance pursuant to subsection (a), the Secretary of Housing and Urban Development shall utilize staff and other resources of appropriate regional, field, and area offices of the Department and consult and coordinate with appropriate State and local housing agencies.

(d) PREPAREDNESS.—The Secretary of Housing and Urban Development shall take such actions as may be necessary to ensure that officers and staff of the Department at headquarters, regional, field, and area offices at all times have the capability, capacity, training, and resources necessary to carry out the responsibilities under subsection (a).

(e) HOUSING ASSISTANCE.—For purposes of this section, the term "housing assistance"—

(1) means any assistance that is provided to individuals, families, or households to respond to disaster-related housing needs of individuals, families, or households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster pursuant to—

(A) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)); or

(B) any other provision of law specifically providing funds or assistance in connection with a major disaster; and

(2) includes—

(A) financial assistance;

(B) the provision of temporary, transitional, and permanent housing units;

(C) assistance for repair, replacement, and construction of housing units;

(D) technical assistance; and

(E) any other form or type of housing assistance.

(f) DETERMINATION OF LONG-TERM HOUSING NEEDS.—Section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) DETERMINATION OF AREAS FOR WHICH DISASTER RESULTS IN LONG-TERM HOUSING NEEDS.—

"(A) STATE REQUEST.—After the occurrence and declaration of a major disaster, the Governor of a State containing any area that is subject to the declaration by the President of such major disaster may request the President to determine, for all or any part of such area in the State, that the disaster will result in long-term housing needs.

"(B) STANDARD.—

"(i) IN GENERAL.—Upon a request pursuant to subparagraph (A), the President shall determine whether to grant such request.

"(ii) FINDINGS.—The President shall grant such a request and determine that the major disaster will result in long-term housing needs with respect to an area if the President finds that the disaster will displace individuals or households in the area from their predisaster primary residences, or will render such predisaster primary residences in the area uninhabitable, for a period of 30 days or more.".

(g) CONFORMING AMENDMENT.—Section 408(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(b)), as amended by subsection (f) of this section, is amended by adding at the end the following:

"(4) HUD ADMINISTRATION.—In accordance with section 2 of the Natural Disaster Housing Reform Act of 2006, in the case of any area for which any major disaster is determined to result in long-term housing needs pursuant to paragraph (2), the President shall carry out the functions under this section relating to housing assistance, including this subsection and subsections (c) and (d), acting through the Secretary of Housing and Urban Development.".

(h) SAVINGS PROVISION.—This section and the amendments made by this section may not be construed to affect, alter, limit, or decrease the authority of the Director of the Federal Emergency Management Agency in the overall coordination of assistance and relief with respect to a major disaster.

SEC. 3. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) in subsection (b)—

(A) in paragraph (3) (as so redesignated by section 2(f)(1) of this Act), by adding at the end the following:

"(C) MANUFACTURED MODULAR HOUSING.—In making any determination of cost effectiveness under subparagraph (A), the President shall consider whether or not manufactured modular housing can be provided to an individual or household at a cost to the Government that is less than the same cost necessary to provide other readily fabricated dwellings."; and

(B) by adding at the end the following:

"(5) CONSENT OF OWNER.—

"(A) IN GENERAL.—Notwithstanding paragraph (2)(C), the President shall seek the consent of each individual or household prior to providing such individual or household with manufactured modular housing assistance.

"(B) REJECTION OF MANUFACTURED MODULAR HOUSING ASSISTANCE.—If an individual or household does not provide consent under subparagraph (A), such individual or household shall remain eligible for any other assistance available under this section.

"(6) OWNER CONTRIBUTION.—Nothing in this section shall be construed to prevent an individual or household from contributing, in addition to any assistance provided under this section, such sums as are necessary in order to obtain manufactured modular housing that is of greater size or quality than that provided by the President under this section.";

(2) in subsection (c)—

(A) in paragraph (1)(A)(ii), by inserting "the amount of any security deposit for the accommodation, the amount of any utility fees associated with the accommodation, and" after "plus";

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking "(i)" and inserting "(i)(I)";

(II) by redesignating clause (ii) as subparagraph (II); and

(III) by adding at the end the following:

"(ii) the repair, to a safe and sanitary living or functioning condition, of existing rental units that, upon such repair, will be used as alternate housing accommodations for individuals or households described in paragraph (1).";

(ii) in subparagraph (B)—

(I) by striking "this paragraph" and inserting "subparagraph (A)(i)"; and

(II) by inserting "not" after "can"; and

(iii) in subparagraph (C), by striking "this paragraph" and inserting "subparagraph (A)(i)"; and

(C) in paragraph (4)—

(i) in the paragraph heading, by inserting "OR SEMI-PERMANENT" after "PERMANENT";

(ii) by inserting "or semi-permanent" after "permanent";

(iii) by striking "in insular areas" and inserting the following: "in—

"(A) insular areas";

(iv) by striking "(A) no alternative" and inserting "(i) no alternative" and adjusting the margin accordingly;

(v) by striking "(B)" and inserting "(ii)" and adjusting the margin accordingly;

(vi) by striking the period at the end and inserting "; and"; and

(vii) by adding at the end the following:

"(B) any area in which the President declared a major disaster or emergency in connection with Hurricane Katrina of 2005 during the period beginning on August 28, 2005, and ending on December 31, 2007.";

(3) in subsection (d)(1), by adding at the end the following:

"(C) SITES LOCATED IN A FLOODPLAIN.—Notwithstanding any other provision of law, including section 9 of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), any permanent, semi-permanent, or temporary housing provided under this section, including any readily fabricated dwelling, manufactured housing, or manufactured modular housing, may be located in any area identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a)).

"(D) INDIVIDUAL SITES FOR MANUFACTURED MODULAR HOUSING.—Manufactured modular housing made available under this section—

"(i) shall, whenever practicable, be located on a site that is a discrete and separate parcel of land; and

"(ii) may not be located on a site that—

"(I) is managed by the Director; and

"(II) contains 3 or more other manufactured modular housing units."; and

(4) by adding at the end the following:

"(j) EVACUATION PLANS.—The Director, in consultation with the Governor of each State and the heads of such units of local government as the Director may determine, shall develop and maintain detailed and comprehensive mass evacuation plans for individuals or households receiving assistance under this section for the 18-month period beginning on the date of the declaration of the disaster for which such assistance is provided.".

By Mr. DURBIN (for himself and Mr. OBAMA):

S. 2985. A bill to establish the Land Between the Rivers National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DURBIN. Mr. President, I rise today to introduce legislation to establish the Land Between the Rivers National Heritage Area in southern Illinois. I am pleased that my colleague, Senator OBAMA, is an original cosponsor of this legislation.

The unique landscape of southern Illinois helped to shape the history of our Nation, from the Revolutionary War through the Civil War, from westward expansion to trade along the rivers. Designating this area a National Heritage Area will help to provide assistance in both the conservation and historic preservation of southern Illinois and many areas that influenced events in our Nation's history.

The name "Land Between the Rivers" was a phrase first used by Native Americans to describe the area covered by this bill. It includes 17 counties in the southernmost region of Illinois located between the Mississippi and the Ohio Rivers and between the Mississippi and Wabash Rivers. Native Americans arrived in southern Illinois about 10,000 years ago and formed the largest settlement north of the Mayan/Aztec civilization.

The arrival of the Europeans, including French, British and Spanish explorers, began a period of settlements and fortifications in the area. The Spanish first explored the Mississippi River in 1542, followed by the French in 1673. The French founded Cahokia in 1699 and Kaskaskia in 1703. While the British occupied much of the area after the French and Indian War and the Treaty of Paris in 1762, British control of the area lasted only until the onset of the Revolutionary War. In 1778 and 1779, George Rogers Clarke and a group of about 200 men forced the British out of the area and captured the British occupied Fort Cahokia and Fort Sackville at Vincennes.

Southern Illinois's central location made the area a hotbed of racial issues as well as a pivotal point militarily, socially and politically during the Civil War. As the southernmost slavery-free location, southern Illinois, and particularly Cairo and the surrounding area, was the destination of numerous runaway slaves. As the Civil War approached, thousands of African-Americans fled to southern Illinois, seeking the help of southern Illinois abolitionists such as Benajah Guernesy Roots. During the Civil War the Union Army maintained its southernmost point of operations in southern Illinois with BG Ulysses S. Grant headquartered in Cairo. Southern Illinois is also the home to numerous victories of the Union Army along the Mississippi River. The inland Union Navy came through to defeat the Confederate forces culminating in the capture of Vicksburg in July 1863.

Finally, this area of southern Illinois has tremendous historical significance in the transport of trade goods along the Mississippi River. The oldest Illinois town, Shawneetown, was once the most important entry port on the Ohio River. Steamboat transport flourished in the early part of the 19th century with more tonnage on the Mississippi and Ohio Rivers than on the Atlantic coast. Towns such as Chester, Elizabethtown, Cairo, Metropolis, and Golconda were created during the steamboat era.

The legislation I am introducing today, would call for Southern Illinois University Carbondale to be designated as the management entity for the Land Between the Rivers National Heritage Area.

The unique natural history of southern Illinois combined with its historical and cultural features are making it an important contribution to tourism in Illinois. Creating the Land Between the Rivers National Heritage Area will provide the ability to connect the entire region into one cohesive historic unit in which the places and events of the past can be united to provide the full story of southern Illinois's influence in the shaping of our Nation.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Land Between the Rivers Southern Illinois National Heritage Area Act of 2006".

SEC. 2. FINDINGS.

Congress finds that—

(1) southern Illinois has a cohesive, distinctive, and important landscape that distinguishes the area as worthy of designation as a National Heritage Area;

(2) the historic features of southern Illinois reflect a period during which the area was the strategic convergence point during the westward expansion of the United States;

(3) the geographic centrality of southern Illinois ensured that the area played a pivotal military, social, and political role during the Civil War, which resulted in the area being known as the "Confluence of Freedom";

(4) southern Illinois is at the junction of the ending glaciers and 6 ecological divisions;

(5) after the expeditions of Lewis and Clark, the land between the rivers became known as "Egypt" because of the rivers in, and the beauty and agricultural abundance of, the area;

(6) Native Americans described the area in southern Illinois between the Mississippi and Ohio Rivers as the "Land Between the Rivers";

(7) a feasibility study led by the Office of Economic and Regional Development at Southern Illinois University Carbondale that was revised in April 2006 documents a sufficient assemblage of nationally distinctive historic resources to demonstrate the feasibility of, and the need for, establishing the Land Between the Rivers National Heritage Area; and

(8) stakeholders participating in the feasibility study process for the Heritage Area have developed a proposed management entity and financial plan to preserve the natural, cultural, historic, and scenic features of the area while furthering recreational and educational opportunities in the area.

SEC. 3. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Land Between the Rivers National Heritage Area established by section 4(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the management entity for the Heritage Area designated by section 4(c).

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Illinois.

SEC. 4. LAND BETWEEN THE RIVERS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Land Between the Rivers National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall include—

(1) Kincaid Mound, Fort de Chartres, Kaskaskia, Fort Massac, Wilkinsonville Contonment, the Lewis and Clark Sculpture, Flat Boat, Cave-in-Rock, the Shawneetown Bank Building, the Iron Furnace, the Crenshaw "Slave House," Roots House, the site of the Lincoln-Douglas debate, certain sites associated with John A. Logan, the Fort Defiance Planning Map, Mound City National Cemetary, and Riverlore Mansion; and

(2) any other sites in Randolph, Perry, Jefferson, Franklin, Hamilton, White, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac Counties in the State that the Secretary, in consultation with the management entity, determine to be appropriate for inclusion in the Heritage Area.

(c) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Southern Illinois University Carbondale.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 489—RELATIVE TO THE DEATH OF LLOYD BENTSEN, DISTINGUISHED MEMBER OF THE UNTIED STATES SENATE

Mr. FRIST (for himself, Mr. REID, Mrs. HUTCHISON, Mr. CORNYN, Mr. STEVENS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CRAIG, Mr. Crapo, Mr. DAYTON, Mr. DEMINT, Mr. DeWine, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYLE, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORIUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, AND Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 489

Whereas Lloyd Bentsen was born in Mission, Texas, on February 11, 1921, to the children of first generation citizens of the United States;

Whereas Lloyd Bentsen began his service to the United States as a pilot in the Army Air Forces during World War II;

Whereas, at the age of 23, Lloyd Bentsen was promoted to the rank of Major and given command of a squadron of 600 men;

Whereas, because of his heroic efforts during World War II, Lloyd Bentsen was awarded the Distinguished Flying Cross, the highest commendation of the Air Force for valor in combat, and the Air Medal with 3 Oak Clusters;

Whereas, after his service in the military, Lloyd Bentsen returned to Texas to serve as a judge for Hidalgo County and was then elected to 3 consecutive terms in the House of Representatives;

Whereas, after a successful business career, Lloyd Bentsen desired to return to public life;

Whereas, in 1970, Lloyd Bentsen was elected to serve as a Senator from Texas, and did so with distinction for 22 years;

Whereas the illustrious career of Lloyd Bentsen also included a Vice Presidential nomination in 1988;

Whereas Lloyd Bentsen retired from the Senate in 1993 to serve as the 69th Secretary of the Treasury;

Whereas Lloyd Bentsen was awarded the Presidential Medal of Freedom in 1999 for his meritorious contributions to the United States;

Whereas the record of Lloyd Bentsen demonstrates his outstanding leadership and his dedication to public service; and

Whereas Lloyd Bentsen will be remembered for his faithful service to Texas and the United States; Now, therefore, be it

Resolved, That the Senate honors the life and legacy of Lloyd Bentsen;

Resolved, That the Senate extends its warmest sympathies to the family members and friends of Lloyd Bentson;

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Lloyd Bentsen.

SENATE RESOLUTION 490—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LANNAK v. BIDEN, ET AL.

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 490

Whereas, in the case of *Lannak* v. *Biden, et al.*, No. 06–CV–0180, pending in the United States District Court for the District of Delaware, the plaintiff has named as defendants Senators Joseph R. Biden, Jr. and Thomas R. Carper;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent Senators Joseph R. Biden, Jr. and Thomas R. Carper in the case of *Lannak* v. *Biden, et al*.

SENATE CONCURRENT RESOLUTION 96—TO COMMEMORATE, CELEBRATE, AND REAFFIRM THE NATIONAL MOTTO OF THE UNITED STATES ON THE 50TH ANNIVERSARY OF ITS FORMAL ADOPTION

Mr. BROWNBACK (for himself and Mr. BYRD) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 96

Whereas the phrase "In God We Trust" is the national motto of the United States;

Whereas, from the colonial beginnings of the United States, citizens of the Nation have officially acknowledged their dependence on God;

Whereas, in 1694, the phrase "God Preserve Our Carolina and the Lords Proprietors" was engraved on the Carolina cent and the phrase "God Preserve Our New England" was inscribed on coins that were minted in New England during that year;

Whereas, while declaring the independence of the United States from Great Britain, the Founding Fathers of the Nation asserted: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.";

Whereas those signers of the Declaration of Independence further declared: "And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.";

Whereas, in 1782, one of the great leaders of the United States, Thomas Jefferson, wrote: "[C]an the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God? That they are not to be violated but with His wrath?";

Whereas the distinguished founding statesman, Benjamin Franklin, when speaking in 1787 at the Constitutional Convention, declared: "Our prayers, Sir, were heard, and they were graciously answered. All of us who were engaged in the struggle must have observed frequent instances of a Superintending providence in our favor. To that kind providence we owe this happy opportunity of consulting in peace on the means of establishing our future national felicity. And have we now forgotten that powerful friend? or do we imagine that we no longer need His assistance. I have lived, Sir, a long time and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire can rise without his aid? We have been assured, Sir, in the sacred writings that 'except the Lord build they labor in vain that build it.' I firmly believe this; and I also believe that without his concurring aid we shall succeed in this political building no better than the Builders of Babel. . . .";

Whereas the national hero and first President, George Washington, proclaimed in his first inaugural address in 1789: "[I]t would be peculiarly improper to omit in this first official act my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that His benediction may consecrate to the liberties and the happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge.";

Whereas one stanza of the "Star Spangled Banner", which was written by Francis Scott Key in 1814 and adopted as the national anthem of the United States in 1931, states: "O thus be it ever when free-men shall stand, Between their lov'd home and the war's desolation; Blest with vict'ry and peace, may the heav'n-rescued land Praise the Pow'r that hath made and preserv'd us as a nation! Then conquer we must, when our cause it is just, And this be our motto: 'In God is our trust!' And the star-spangled banner in triumph shall wave O'er the land of the free and the home of the brave!";

Whereas, in 1861, the Secretary of the Treasury, Salmon P. Chase, while instructing James Pollock, Director of the Mint at Philadelphia, to prepare a motto, stated: "No nation can be strong except in the strength of God, or safe except in His defense. The trust of our people in God should be declared on our national coins. You will cause a device to be prepared without unnecessary delay with a motto expressing in the fewest and tersest words possible this national recognition.";

Whereas the phrase "In God We Trust" first appeared on a coin of the United States in the 1864;

Whereas, in 1955, the phrase "In God We Trust" was designated as a mandatory phrase to be inscribed on all currency and coins of the United States;

Whereas, on March 28, 1956, the Judiciary Committee of the House of Representatives, in its report accompanying H.J. Res. 396 (84th Congress), stated: "It will be of great spiritual and psychological value to our country to have a clearly designated national motto of inspirational quality in plain, popularly accepted English.";

Whereas, on July 30, 1956, President Dwight D. Eisenhower signed H.J. Res. 396 (84th Congress), making the phrase "In God We Trust" the official motto of the United States; and

Whereas the occasion of the 50th anniversary of the formal adoption of the national motto of the United States, "In God We Trust", presents an opportunity for the citizens of the United States to reaffirm the concept embodied in that motto that—

(1) the proper role of civil government is derived from the consent of the governed, who are endowed by their Creator with certain unalienable Rights; and

(2) the success of civil government relies firmly on the protection of divine Providence: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 50th anniversary of the national motto of the United States, "In God We Trust";

(2) celebrates the national motto as—

(A) a fundamental aspect of the national life of the citizens of the United States; and

(B) a phrase that is central to the hopes and vision of the Founding Fathers for the perpetuity of the United States;

(3) reaffirms today that the substance of the national motto is no less vital to the future success of the Nation; and

(4) encourages the citizens of the United States to reflect on—

(A) the national motto of the United States; and

(B) the integral part that the national motto of the United States has played in the life of the Nation, before and after its official adoption.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4108. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4109. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4110. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4111. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4112. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4113. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4114. Mr. GREGG (for himself, Ms. CANTWELL, Mr. ALEXANDER, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4115. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4116. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4117. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4118. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4119. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4120. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4121. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4122. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4123. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4124. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4125. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4126. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4127. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4128. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4129. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4130. Mr. AKAKA (for himself, Ms. MIKULSKI, and Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4131. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4132. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4133. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4134. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4135. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4136. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4137. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4138. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4139. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4140. Mr. DOMENICI (for himself, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4141. Mr. SCHUMER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4142. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4143. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4144. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4145. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4146. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4147. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4148. Mr. KENNEDY (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4149. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4150. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4153. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4154. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4155. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4156. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4157. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4158. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4159. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4160. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4161. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4162. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4163. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4165. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4166. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4167. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Ms. CANTWELL, Ms. SNOWE, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4168. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4169. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4170. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4171. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4172. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4173. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4174. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4176. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4177. Mr. GRASSLEY (for himself, Mr. OBAMA, Mr. BAUCUS, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, supra.

SA 4178. Mr. BAUCUS (for himself, Mr. CRAIG, Ms. CANTWELL, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4179. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4180. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4181. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4182. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4108. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, line 22, after "an" insert the following: "alien who is unlawfully present in the United States, or an alien receiving adjustment of status under section 408(h) of this Act who was illegally present in the United States prior to January 7, 2004, section 601 of this Act, or section 613(c) of this Act, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien".

SA 4109. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 295, line 10, strike available, and insert—"available, subject to the numerical limitations in sections 201(d) and 203(b)

SA 4110. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VII, insert the following:

SEC. 766. IMMIGRATION OF RELATIVES OF UNITED STATES CITIZENS.

(a) REPEAL OF EXEMPTION FROM NUMERICAL LIMITATION FOR PARENTS OF CITIZENS.—Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by striking "children, spouses, and parents" and inserting "children and spouses"; and

(2) by striking "States, except that, in the cases of parents, such citizens shall be at least 21 years of age." and inserting "States.".

(b) Repeal of Preference Allocation of Family-Sponsored Immigrant Visas for the Brothers and Sisters of Citizens.—Section 203(a) (8 U.S.C. 1153(a)) is amended by striking paragraph (4).

SA 4111. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . LIMITATION.

(a) The total number of aliens and dependents of such aliens who receive legal permanent resident status as a result of the provisions of title VI of this Act, or the amendments made by such title, shall not exceed a total of 7,000,000. If the number of aliens qualified to adjust to legal permanent resident status under Title VI of this Act exceeds 7,000,000, they shall still be eligible to receive a green card, but the total number of immigrants under subsection (b) shall he reduced by the total number of such qualified aliens in excess of 7,000,000.

(b) Except as provided in subsection (a), the total number of aliens and dependents of such aliens who receive legal permanent resident status shall not exceed 18,000,000 during each 10-year period beginning with the period extending from 2007 through 2016.".

SA 4112. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ALIEN MEDICAL RESIDENT SERVICE REQUIREMENT.

Any alien admitted as a nonimmigrant under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)), who is participating in a medical residency program in the United States, shall, during the 3-year period beginning on the date of commencement of such nonimmigrant status (or, in the case of an alien who initially practices medicine as part of such medical residency program in a medical facility that is located in an area described in paragraph (1) or (2)), during the 3-year period beginning on the date of completion of such program), practice medicine in a facility that is located in—

(1) a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations); or

(2) a Medically Underserved Area (as designated by the Secretary of Health and Human Services).

SA 4113. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EXEMPTION FROM NUMERICAL LIMITATION FOR PHYSICIANS PRACTICING IN UNDERSERVED AREAS.

Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(D) practices medicine for at least 5 years in a facility that is located in a Health Professional Shortage Area (as designated under section 5 of title 42, Code of Federal Regulations) or a Medically Underserved Area (as designated by the Secretary of Health and Human Services).".

SA 4114. Mr. GREGG (for himself, Ms. Cantwell, Mr. Alexander, and Mr. Bond) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

(e) Worldwide Level of Immigrants With Advanced Degrees.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) Worldwide Level of Diversity Immigrants and Immigrants With Advanced Degrees.—

"(1) Diversity immigrants.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) Immigrants with advanced degrees.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(f) Immigrants With Advanced Degrees.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) Aliens who hold an advanced degree in science, mathematics, technology, or engineering.—

"(A) In general.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) Economic considerations.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) Maintenance of information.—

"(A) Diversity immigrants.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) Immigrants with advanced degrees.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(g) Effective Date.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

SA 4115. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 219, line 18, insert after "or (a)(2)" the following: "or knowingly employs an alien after receiving a final nonconfirmation".

On page 227, line 17, strike "amended by adding at the end" and insert the following: "amended—

(1) in subparagraph (G)—

(A) by inserting "(i)" after "(G)";

(B) by striking "banknote paper" and inserting "durable plastic or similar material"; and

(C) by adding at the end the following new clauses:

"(ii) Each Social Security card issued under this subparagraph shall include an encrypted machine-readable electronic identification strip which shall be unique to the individual to whom the card is issued. The Commissioner shall develop such electronic identification strip in consultation with the Secretary of Homeland Security.

"(iii) Each Social Security card issued under this subparagraph shall contain—

"(I) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes; and

"(II) a disclaimer stating the following: 'This card shall not be used for the purpose of identification.'.

"(iv) The Commissioner shall provide for the issuance (or reissuance) to each individual who—

"(I) has been assigned a Social Security account number under subparagraph (B),

"(II) has attained the minimum age applicable, in the jurisdiction in which such individual engages in employment, for legally engaging in such employment, and

"(III) files application for such card under this clause in such form and manner as shall be prescribed by the Commissioner,

a Social Security card which meets the preceding requirements of this subparagraph and which includes a recent digitized photograph of the individual to whom the card is issued.

"(v) The Commissioner shall maintain an ongoing effort to develop measures in relation to the Social Security card and the issuance thereof to preclude fraudulent use thereof."; and

(2) by adding at the end

SA 4116. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 244, after line 24, add the following:

(d) EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.—Upon completion of the report under subsection (c), the Director of the Bureau of the Census shall make such adjustments in total population figures as may be necessary, using methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SA 4117. Mr. LEAHY (for himself, Mr. COLEMAN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CHAFEE, Mr. HARKIN, Mr. BINGAMAN, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 65, line 24, strike "f" and insert the following;

(f) TERRORIST ORGANIZATIONS.—

(1) DEFINITIONS.—Section 212(a)(3)(B)(vi) (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking subclause (III) and inserting the following:

"(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv), and that the Secretary of State, in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, has determined that these activities threaten the security of United States nationals or the national security of the United States.

"(vii) APPLICABILITY.—Clause (iv)(VI) shall not apply to—

"(I) any active or former member of the Armed Forces of the United States with regard to activities undertaken in the course of official military duties; or

"(II) any alien determined not to be a threat to the security of United States nationals or the national security of the United States and who is not otherwise inadmissible on security related grounds under this subparagraph.".

(2) TEMPORARY ADMISSION OF NON-IMMIGRANTS.—Section 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows:

"(i) The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may conclude in such Secretary's sole unreviewable discretion that subclause (IV)(bb), (VI), or (VII) of subsection (a)(3)(B)(i) shall not apply to an alien, that subsection (a)(3)(B)(iv)(VI) shall not apply with respect to any material support an alien afforded to an organization (or its members) or individual that has engaged in a terrorist activity, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group, or to a subgroup of such group, within the scope of that subsection. The Secretary of State may not, however, exercise discretion under this clause with respect to an alien once removal proceedings against the alien are instituted under section 240.".

(g)

SA 4118. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CITIZENSHIP STATUS AT BIRTH FOR CHILDREN OF NON-CITIZEN, NON-PERMANENT RESIDENT ALIENS.

(a) PURPOSE.—The purpose of this section is to deny automatic citizenship at birth to children born in the United States if neither parent is a citizen or permanent resident alien of the United States.

(b) AMENDMENTS.—

(1) IN GENERAL.—Chapter 1 of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended—

(A) in section 301(a), by inserting "(as defined in section 309A))" after "subject to the jurisdiction thereof"; and

(B) by adding at the end the following new section:

"SEC. 309A. PERSONS BORN TO CITIZENS OR PERMANENT RESIDENT ALIENS.

"(a) For purposes of section 301(a), a person born in the United States shall be considered to be 'subject to the jurisdiction of the United States' only if—

"(1) the child was born in wedlock in the United States to a parent who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is lawfully admitted for permanent residence and maintains his or her residence in the United States; or

"(2) the child was born out of wedlock in the United States to a mother who is—

"(A) a citizen or national of the United States; or

"(B) an alien who is lawfully admitted for permanent residence and maintains her residence in the United States.

"(b) For purposes of this section, a child is considered to be 'born in wedlock' only if, at the time of such birth—

"(1) the child's parents are married to each other; and

"(2) the marriage referred to in paragraph (1) is not a common law marriage.".

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 309 the following new item:

"Sec. 309A. Children born to non-citizens or non-permanent resident aliens.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to aliens born on or after the date of enactment of this Act.

SA 4119. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1325(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1326(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 758.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(iv).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(I).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(II).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1325(c).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(iii).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(I).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(a)(1)(A)(v)(II).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324d(a)(1)(A).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1546(b).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1621.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1001.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1425(a).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1426.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1427.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1423.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(1).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(2).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324(c)(3).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 8 U.S.C. 1324c(a)(5).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408(a)(7)(A).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408(a)(7)(B).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408(a)(7)(C).

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 42 U.S.C. 408.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 1621.

Notwithstanding any other provision of this Act, nothing in this Act shall be construed to absolve those granted adjustment of status under any provision from criminal or civil liability under 18 U.S.C. 611.

SA 4120. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 7, between lines 16 and 17, insert the following:

SEC. 5. EFFECTIVENESS OF CERTAIN PROVISIONS CONTINGENT ON COST ESTIMATE BY THE CONGRESSIONAL BUDGET OFFICE.

Notwithstanding any other provision of this Act, in the case of any provision of this Act (including an amendment made by such provision) that grants change of legal status, or adjustment of current status, of an individual who enters the United States in violation of Federal law, such provision shall not go into effect until the Congressional Budget Office submits to Congress a report setting forth a comprehensive estimate and assessment of the costs of the implementation such provision.

SA 4121. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Sec. 133(h) is amended to read as follows:

"(h) ASSISTANCE TO LAW ENFORCEMENT.—Notwithstanding any other provision of law, a member of the National Guard providing assistance under this section may participate in a search, seizure, or similar activity, in order to detain an individual until law enforcement personnel can assume custody of such individual."

SA 4122. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 249, strike lines 16 through 20, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that a total of $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

SA 4123. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, insert the following:

SEC. . EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

SA 4124. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

SEC. . EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the Director of the Bureau of the Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several states, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SA 4125. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, strike line 10 and all that follows through page 395, line 23, and insert the following:

Subtitle A—Mandatory Departure and Reentry in Legal Status

SEC. 601. MANDATORY DEPARTURE AND REENTRY IN LEGAL STATUS.

(a) IN GENERAL.—Title II (8 U.S.C. 1151 et seq.) is amended by inserting after section 218C, as added by section 405, the following:

"SEC. 218D. MANDATORY DEPARTURE AND REENTRY.

"(a) IN GENERAL.—The Secretary of Homeland Security may grant Deferred Mandatory Departure status to aliens who are in the United States illegally to allow such aliens time to depart the United States and to seek admission as a nonimmigrant or immigrant alien.

"(b) REQUIREMENTS.—

"(1) PRESENCE.—An alien shall establish that the alien—

"(A) was physically present in the United States on or before April 5, 2001;

"(B) has been continuously in the United States since that date; and

"(C) was not legally present in the United States under any classification set forth in section 101(a)(15) on that date.

"(2) EMPLOYMENT.—An alien must establish that the alien—

"(A) has been employed in the United States, in the aggregate, for at least 3 years during the 5-year period ending on April 5, 2006; and

“(B) has been employed in the United States since that date.

“(3) ADMISSIBILITY.—

“(A) IN GENERAL.—The alien must establish that the alien—

“(i) is admissible to the United States (except as provided in subparagraph (B)); and

“(ii) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

“(B) GROUNDS NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), and (7) of section 212(a) shall not apply.

“(C) WAIVER.—The Secretary of Homeland Security may waive any other provision of section 212(a), or a ground of ineligibility under paragraph (4), as applied to individual aliens—

“(i) for humanitarian purposes;

“(ii) to assure family unity; or

“(iii) if such waiver is otherwise in the public interest.

“(4) GROUNDS FOR INELIGIBILITY.—

“(A) IN GENERAL.—Except as provided under subparagraphs (B) and (C), an alien is ineligible for Deferred Mandatory Departure status if—

“(i) the alien has been ordered removed from the United States—

“(I) for overstaying the period of authorized admission under section 217;

“(II) under section 235 or 238; or

“(III) pursuant to a final order of removal under section 240;

“(ii) the alien failed to depart the United States during the period of a voluntary departure order under section 240B;

“(iii) the alien is subject to section 241(a)(5);

“(iv) the alien fails to comply with any request for information by the Secretary of Homeland Security;

“(v) the Secretary of Homeland Security determines that—

“(I) the alien, having been convicted by a final judgment of a serious crime, constitutes a danger to the community of the United States;

“(II) there are reasonable grounds for believing that the alien has committed a serious crime outside the United States prior to the arrival of the alien in the United States; or

“(III) there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

“(vi) the alien has been convicted of a felony or 3 or more misdemeanors.

“(B) EXCEPTION.—Notwithstanding clauses (i) and (ii) of subparagraph (A), an alien who has not been ordered removed from the United States shall remain eligible for Deferred Mandatory Departure status if the alien's ineligibility under such clauses is solely related to the alien's—

“(i) entry into the United States without inspection;

“(ii) remaining in the United States beyond the period of authorized admission; or

“(iii) failure to maintain legal status while in the United States.

“(C) WAIVER.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, waive the applicability of clauses (i) and (ii) of subparagraph (A) if the alien was ordered removed on the basis that the alien—

“(i)(I) entered the United States without inspection;

“(II) failed to maintain legal status while in the United States; or

“(III) was ordered removed under section 212(a)(6)(C)(i) prior to April 7, 2006; and

“(ii)(I) demonstrates that the alien did not receive notice of removal proceedings in accordance with paragraph (1) or (2) of section 239(a);

“(II) establishes that the alien's failure to appear was due to exceptional circumstances beyond the control of the alien; or

“(III) the alien's departure from the United States would result in extreme hardship to the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

“(5) MEDICAL EXAMINATION.—The alien may be required, at the alien's expense, to undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

“(6) TERMINATION.—The Secretary of Homeland Security may terminate an alien's Deferred Mandatory Departure status—

“(A) if the Secretary determines that the alien was not eligible for such status; or

“(B) if the alien commits an act that makes the alien removable from the United States.

“(7) APPLICATION CONTENT AND WAIVER.—

“(A) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Deferred Mandatory Departure status.

“(B) CONTENT.—In addition to any other information that the Secretary determines is required to determine an alien's eligibility for Deferred Mandatory Departure, the Secretary shall require an alien to answer questions concerning the alien's physical and mental health, criminal history and gang membership, immigration history, involvement with groups or individuals that have engaged in terrorism, genocide, persecution, or who seek the overthrow of the United States government, voter registration history, claims to United States citizenship, and tax history.

“(C) WAIVER.—The Secretary of Homeland Security shall require an alien to include with the application a waiver of rights that explains to the alien that, in exchange for the discretionary benefit of obtaining Deferred Mandatory Departure status, the alien agrees to waive any right to administrative or judicial review or appeal of an immigration officer's determination as to the alien's eligibility, or to contest any removal action, other than on the basis of an application for asylum pursuant to the provisions contained in section 208 or 241(b)(3), or under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

“(D) KNOWLEDGE.—The Secretary of Homeland Security shall require an alien to include with the application a signed certification in which the alien certifies that the alien has read and understood all of the questions and statements on the application form, and that the alien certifies under penalty of perjury under the laws of the United States that the application, and any evidence submitted with it, are all true and correct, and that the applicant authorizes the release of any information contained in the application and any attached evidence for law enforcement purposes.

“(c) IMPLEMENTATION AND APPLICATION TIME PERIODS.—

“(1) IN GENERAL.—The Secretary of Homeland Security shall ensure that the application process is secure and incorporates antifraud protection. The Secretary shall interview an alien to determine eligibility for Deferred Mandatory Departure status and shall utilize biometric authentication at time of document issuance.

“(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security shall begin accepting applications for Deferred Mandatory Departure status not later than 3 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

“(3) APPLICATION.—An alien shall submit an initial application for Deferred Mandatory Departure status not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006. An alien that fails to comply with this requirement is ineligible for Deferred Mandatory Departure status.

“(4) COMPLETION OF PROCESSING.—The Secretary of Homeland Security shall ensure that all applications for Deferred Mandatory Departure status are processed not later than 12 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

“(d) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien may not be granted Deferred Mandatory Departure status unless the alien submits biometric data in accordance with procedures established by the Secretary of Homeland Security. The Secretary of Homeland Security may not grant Deferred Mandatory Departure status until all appropriate background checks are completed to the satisfaction of the Secretary of Homeland Security.

“(e) ACKNOWLEDGMENT.—An alien who applies for Deferred Mandatory Departure status shall submit to the Secretary of Homeland Security—

“(1) an acknowledgment made in writing and under oath that the alien—

“(A) is unlawfully present in the United States and subject to removal or deportation, as appropriate, under this Act; and

“(B) understands the terms of the terms of Deferred Mandatory Departure;

“(2) any Social Security account number or card in the possession of the alien or relied upon by the alien;

“(3) any false or fraudulent documents in the alien's possession.

“(f) MANDATORY DEPARTURE.—

“(1) IN GENERAL.—The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, grant Deferred Mandatory Departure status to an alien for a period not to exceed 5 years.

“(2) REGISTRATION AT TIME OF DEPARTURE.—An alien granted Deferred Mandatory Departure shall—

“(A) depart the United States before the expiration of the period of Deferred Mandatory Departure status;

“(B) register with the Secretary of Homeland Security at the time of departure; and

“(C) surrender any evidence of Deferred Mandatory Departure status at time of departure.

“(3) RETURN IN LEGAL STATUS.—An alien who complies with the terms of Deferred Mandatory Departure status and departs before the expiration of such status—

“(A) shall not be subject to section 212(a)(9)(B); and

“(B) may immediately seek admission as a nonimmigrant or immigrant, if otherwise eligible.

“(4) FAILURE TO DEPART.—An alien who fails to depart the United States before the expiration of Deferred Mandatory Departure status is not eligible and may not apply for or receive any immigration relief or benefit under this Act or any other law for a period of 10 years, except as provided under section 208 or 241(b)(3) or the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, in the case of an alien who indicates an intention to apply for asylum under section 208 or a fear of persecution or torture.

"(5) PENALTIES FOR DELAYED DEPARTURE.—An alien who fails to immediately depart the United States shall be subject to—

"(A) no fine if the alien departs the United States not later than 1 year after being granted Deferred Mandatory Departure status;

"(B) a fine of $2,000 if the alien remains in the United States for more than 1 year and not more than 2 years after being granted Deferred Mandatory Departure status;

"(C) a fine of $3,000 if the alien remains in the United States for more than 2 years and not more than 3 years after being granted Deferred Mandatory Departure status;

"(D) a fine of $4,000 if the alien remains in the United States for more than 3 years and not more than 4 years after being granted Deferred Mandatory Departure status; and

"(E) a fine of $5,000 if the alien remains in the United States for more than 4 years after being granted Deferred Mandatory Departure status.

"(g) EVIDENCE OF DEFERRED MANDATORY DEPARTURE STATUS.—Evidence of Deferred Mandatory Departure status shall be machine-readable, tamper-resistant, and allow for biometric authentication. The Secretary of Homeland Security is authorized to incorporate integrated-circuit technology into the document. The Secretary of Homeland Security shall consult with the Forensic Document Laboratory in designing the document. The document may serve as a travel, entry, and work authorization document during the period of its validity. The document may be accepted by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B).

"(h) TERMS OF STATUS.—

"(1) REPORTING.—During the period in which an alien is in Deferred Mandatory Departure status, the alien shall comply with all registration requirements under section 264.

"(2) TRAVEL.—

"(A) An alien granted Deferred Mandatory Departure status is not subject to section 212(a)(9) for any unlawful presence that occurred before the Secretary of Homeland Security granting such status to the alien.

"(B) Under regulations established by the Secretary of Homeland Security, an alien granted Deferred Mandatory Departure status—

"(i) may travel outside of the United States and may be readmitted if the period of Deferred Mandatory Departure status has not expired; and

"(ii) shall establish, at the time of application for admission, that the alien is admissible under section 212.

"(C) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (B) shall not extend the period of Deferred Mandatory Departure status.

"(3) BENEFITS.—During the period in which an alien is granted Deferred Mandatory Departure status under this section, the alien—

"(A) shall not be considered to be permanently residing in the United States under the color of law and shall be treated as a nonimmigrant admitted under section 214; and

"(B) may be deemed ineligible for public assistance by a State or any political subdivision of a State that furnishes such assistance.

"(i) PROHIBITION ON CHANGE OF STATUS OR ADJUSTMENT OF STATUS.—An alien granted Deferred Mandatory Departure status may not apply to change status under section 248 or, unless otherwise eligible under section 245(i), from applying for adjustment of status to that of a permanent resident under section 245.

"(j) APPLICATION FEE.—

"(1) IN GENERAL.—An alien seeking a grant of Deferred Mandatory Departure status shall submit, in addition to any other fees authorized by law, an application fee of $1,000.

"(2) USE OF FEE.—The fees collected under paragraph (1) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove illegal aliens.

"(k) FAMILY MEMBERS.—

"(1) FAMILY MEMBERS.—

"(A) IN GENERAL.—The spouse or child of an alien granted Deferred Mandatory Departure status is subject to the same terms and conditions as the principal alien, but is not authorized to work in the United States.

"(B) APPLICATION FEE.—

"(i) IN GENERAL.—The spouse or child of an alien seeking Deferred Mandatory Departure status shall submit, in addition to any other fee authorized by law, an additional fee of $500.

"(ii) USE OF FEE.—The fees collected under clause (i) shall be available for use by the Secretary of Homeland Security for activities to identify, locate, or remove aliens who are removable under section 237.

"(l) EMPLOYMENT.—

"(1) IN GENERAL.—An alien may be employed by any United States employer authorized by the Secretary of Homeland Security to hire aliens.

"(2) CONTINUOUS EMPLOYMENT.—An alien granted Deferred Mandatory Departure status shall be employed while the alien is in the United States. An alien who fails to be employed for 30 days may not be hired until the alien has departed the United States and reentered. The Secretary of Homeland Security may, in the Secretary's sole and unreviewable discretion, reauthorize an alien for employment without requiring the alien's departure from the United States.

"(m) ENUMERATION OF SOCIAL SECURITY NUMBER.—The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security System, shall implement a system to allow for the enumeration of a Social Security number and production of a Social Security card at the time the Secretary of Homeland Security grants an alien Deferred Mandatory Departure status.

"(n) PENALTIES FOR FALSE STATEMENTS IN APPLICATION FOR DEFERRED MANDATORY DEPARTURE.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(o) RELATION TO CANCELLATION OF REMOVAL.—With respect to an alien granted Deferred Mandatory Departure status under this section, the period of such status shall not be counted as a period of physical presence in the United States for purposes of section 240A(a), unless the Secretary of Homeland Security determines that extreme hardship exists.

"(p) WAIVER OF RIGHTS.—An alien is not eligible for Deferred Mandatory Departure status, unless the alien has waived any right to contest, other than on the basis of an application for asylum or protection under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, any action for deportation or removal of the alien that is instituted against the alien subsequent to a grant of Deferred Mandatory Departure status.

"(q) DENIAL OF DISCRETIONARY RELIEF.—The determination of whether an alien is eligible for a grant of Deferred Mandatory Departure status is solely within the discretion of the Secretary of Homeland Security. Notwithstanding any other provision of law, no court shall have jurisdiction to review—

"(1) any judgment regarding the granting of relief under this section; or

"(2) any other decision or action of the Secretary of Homeland Security the authority for which is specified under this section to be in the discretion of the Secretary, other than the granting of relief under section 1158(a).

"(r) JUDICIAL REVIEW.—

"(1) LIMITATIONS ON RELIEF.—Without regard to the nature of the action or claim and without regard to the identity of the party or parties bringing the action, no court may—

"(A) enter declaratory, injunctive, or other equitable relief in any action pertaining to—

"(i) an order or notice denying an alien a grant of Deferred Mandatory Departure status or any other benefit arising from such status; or

"(ii) an order of removal, exclusion, or deportation entered against an alien after a grant of Deferred Mandatory Departure status; or

"(B) certify a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.

"(2) CHALLENGES TO VALIDITY.—

"(A) IN GENERAL.—Any right or benefit not otherwise waived or limited pursuant this section is available in an action instituted in the United States District Court for the District of Columbia, but shall be limited to determinations of—

"(i) whether such section, or any regulation issued to implement such section, violates the Constitution of the United States; or

"(ii) whether such a regulation, or a written policy directive, written policy guideline, or written procedure issued by or under the authority the Secretary of Homeland Security to implement such section, is not consistent with applicable provisions of this section or is otherwise in violation of law.".

(b) CONFORMING AMENDMENTS.—

(1) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218C the following:

"Sec. 218D. Mandatory departure and reentry.".

(2) DEPORTATION.—Section 237(a)(2)(A)(i)(II) (8 U.S.C. 1227(a)(2)(A)(i)(II)) is amended by striking the period at the end and inserting "(or 6 months in the case of an alien granted Deferred Mandatory Departure status under section 218D),".

SEC. 602. STATUTORY CONSTRUCTION.

Nothing in this title, or any amendment made by this title, shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 603. EXCEPTIONS FOR HUMANITARIAN REASONS.

Notwithstanding any other provision of law, an alien of good moral character may be exempt from Deferred Mandatory Departure status and may apply for lawful permanent resident status during the 1-year period beginning on the date of the enactment of this Act if the alien—

(1) is the spouse of a citizen of the United States at the time of application for lawful permanent resident status;

(2) is the parent of a child who is a citizen of the United States;

(3) is not younger than 65 years of age;

(4) is not older than 16 years of age and is attending school in the United States;

(5) is younger than 5 years of age;

(6) on removal from the United States, would suffer long-term endangerment to the life of the alien; or

(7) owns a business or real property in the United States.

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,000,000,000 for facilities, personnel (including consular officers), training, technology, and processing necessary to carry out this title and the amendments made by this title.

SA 4126. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert in the appropriate place:

Resolved, That it is the Sense of the Senate—

(1) That the national security of the United States depends on an immigration policy, the first step of which, is to secure our borders and to control the flow of illegal immigration;

(2) That our national immigration policy must demand accountability from those who hire illegal workers by creating a national employee verification system that employers would be required to use to verify the legal status of their employees and imposing severe penalties for employers who hire illegal workers;

(3) That Congress must be able to confirm to the American public that the borders are secured and an employment verification system is in place before determining the final status of those persons who are not currently lawfully in the United States;

(4) That any temporary worker program enacted by Congress should contain both positive incentives for preferable conduct and negative consequences for objectionable conduct;

(5) That temporary worker status should be extended to reward continuous employment, English fluency, and private health insurance coverage;

(6) That temporary worker status should not be given to people who are not working full time; who have committed a crime or may present a danger to American citizens or legal immigrants; or who go on, or are likely to go on, public assistance or become dependent on any other government program; and

(7) That America should fully recognize and appreciate that America is a nation of immigrants, but also a nation of laws, and that the American people should welcome those who want to enter the country legally, learn English, maintain employment, pay taxes and contribute to our communities.

SA 4127. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 537, between lines 2 and 3, insert the following:

SEC. 645. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations–

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SA 4128. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 575, strike 22 and all that follows through page 577, line 25, and insert the following:

(c) STAY OF REMOVAL; WORK AUTHORIZATION.—

(1) IN GENERAL.—The Secretary shall establish, by regulation, a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary shall not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Secretary has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION.—The Secretary shall authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application.

(d) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

SEC. 743. CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.

(a) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b), the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if the alien applies for such relief.

(b) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subsection (a) shall apply to any alien who was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity.

SA 4129. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 1, strike "(e)" and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program, based at the Northern Border airbase in Great Falls, Montana, to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

SA 4130. Mr. AKAKA (for himself, Ms. MIKULSKI, Mr. STEVENS) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DESIGNATION OF PROGRAM COUNTRIES.

Section 217(c)(1) (8 U.S.C. 1187(c)(1)) is amended to read as follows:

"(1) IN GENERAL.—As soon as any country fully meets the requirements under paragraph (2), the Secretary of Homeland Security, in consultation with the Secretary of State, shall designate such country as a program country.".

SA 4131. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 316, strike lines 1 through 5, and insert the following:

"(2) VISAS FOR SPOUSES AND CHILDREN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

"(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

"(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

SA 4132. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 290, between lines 7 and 8, and insert the following:

(3) to study the impact of numerical limitations on employment-based visas issued under section 201(d) of the Immigration and Nationality Act, as amended by section 501(b), on the wages, working conditions, and employment of United States workers, and to make recommendations to the Secretary of Labor regarding any need to modify such numerical limitations.

SA 4133. Mr. DODD (for himself, Mr. LUGAR, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the bill insert the following new section

Sec. . Consultation Requirement. Consultations between United States and Mexican authorities at the federal, state, and local levels concerning the construction of additional fencing and related border security structures along the United States-Mexico border, provided for elsewhere in this Act, shall be undertaken prior to commencing any new construction, in order to solicit the views of affected communities, lessen tensions and foster greater understanding and stronger cooperation on this and other important security issues of mutual concern.

SA 4134. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 249, strike lines 16 through 20, and insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that a total of $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

(2) EXCEPTION.—Not later than 1 year after the date of the enactment of this Act, the amendment made by subsection (a) may apply to aliens who are reentering the United States pursuant to section 245C of the Immigration and Nationality Act, as added by section 601(c).

Subsection (b) of section 406 is amended to read as follows:

(b) EFFECTIVE DATE AND APPLICATION.—The amendments made by sections 403, 404, and 405 shall take effect on the date that is 1 year after the date of the enactment of this Act and shall be applied as follows:

(1) Not later than 1 year after the date of the enactment of this Act, such amendments. shall apply to aliens who are reentering the United States pursuant to section 245C of the Immigration and Nationality Act, as added by section 601(c).

(2) Not later than 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), such amendment shall apply to aliens, who, on such effective date, are outside of the United States.

SA 4135. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 364, line 22, after "an" insert the following—

"alien who is unlawfully present in the United States, or an alien receiving adjustment of status under section 408(h) of this Act who was illegally present in the United States prior to January 7, 2004, section 601 of this Act, or section 613(c) of this Act, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien".

SA 4136. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 351, line 13, strike "The alien" through "which taxes are owed." on page 351, line 22, and insert the following:

"(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

"(I) no such tax liability exists;

"(II) all outstanding liabilities have been met; or

"(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

"(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year."

SA 4137. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 411, after line 25, insert the following clause:

(iii) LIMITATION.—Provided further that an alien required to to pay taxes under this subparagraph, or who otherwise satisfies the requirements of subclause (I), (II), or (II) of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year."

SA 4138. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 5 and 6, insert the following:

(c) NORTHERN BORDER TRAINING FACILITY FEASIBILITY STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States, in consultation with the Secretary, shall conduct a study to examine the feasibility of establishing a northern border training facility at Rainy River Community College in International Falls, Minnesota to carry out the training programs described in this subsection.

(2) USE OF TRAINING FACILITY.—The training facility should be designed to allow the Secretary to conduct a variety of supplemental and periodic training programs for border security personnel stationed along the northern international border between the United States and Canada.

(3) TRAINING CURRICULUM.—The training curriculum, as determined by the Secretary, would be offered at the training facility through multi-day training programs involving classroom and real-world applications, and would include training in—

(A) a variety of disciplines relating to offensive and defensive skills for personnel and vehicle safety, including—

(i) firearms and weapons;

(ii) self defense;

(iii) search and seizure;

(iv) defensive and high speed driving;

(v) mobility training;

(vi) the use of all-terrain vehicles, watercraft, aircraft and snowmobiles; and

(vii) safety issues related to biological and chemical hazards;

(B) technology upgrades and integration; and

(C) matters relating directly to terrorist threats and issues, including—

(i) profiling;
(ii) changing tactics;
(iii) language;
(iv) culture; and
(v) communications.

SA 4139. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . ESTABLISHMENT OF A NATIONAL PUBLIC ACHIEVEMENT PILOT PROGRAM FOR NEW IMMIGRANTS AND CROSS-CULTURAL UNDERSTANDING.

(a) FINDINGS.—Congress finds that—

(1) it is desirable to educate new immigrants about American civic rights and duties;

(2) fostering civic dialogue between new immigrants and American citizens will help to bring new immigrants into the fabric of the communities in which they live;

(3) for over 15 years, the Public Achievement program at the University of Minnesota has given people the opportunity to be producers and creators of their communities;

(4) through that program, participants have learned basic methods for becoming civically engaged citizens;

(5) the Public Achievement program was created in 1990 as a partnership between the city of St. Paul, Minnesota and the Center for Democracy and Citizenship at the Humphrey Institute of Public Affairs;

(6) as of the date of enactment of this Act, public achievement programs have been established in the States of Minnesota, New York, Colorado, Florida, New Hampshire, Wisconsin, California, and Missouri;

(7) internationally, the Public Achievement program (and similar programs) are active in Northern Ireland, Turkey, Palestine, Israel, Poland, Moldova, Ukraine, Romania, Bulgaria, Serbia, Macedonia, Albania, Kosovo, and Scotland;

(8) the Public Achievement program has been recognized nationally as a promising model of youth civic engagement by the National Commission on Civic Renewal and in the Civic Mission of Schools report by the Carnegie Corporation of New York and the Center for Information and Research on Civic Learning and Engagement (CIRCLE);

(9) the Public Achievement program model of civic engagement is a valuable model for programs that assist new immigrants in integrating their lives into American society;

(10) working alongside American-born citizens to practice the skills of citizenship, new immigrants involved in public achievement programs will begin to understand and embrace American civic values;

(11) through public achievement programs, American citizens will put their values into action and gain understanding of and appreciation for new cultures; and

(12) through public work and reflection, immigrants and American citizens will continue to foster the true American spirit that includes freedom, democracy, citizenship, and other ideals that are at the core of American society.

(b) ESTABLISHMENT.—The Director of the Bureau of Citizenship and Immigration Services shall establish a National Public Achievement Pilot Program for new immigrants and to increase cross-cultural understanding that is carried out at elementary, middle, and high schools in the United States for the purposes described in subsection (c).

(c) PURPOSES.—The purposes of the National Public Achievement Pilot Program for new immigrants and cross-cultural understanding shall be—

(1) to assist the integration into American society by developing civic skills and engaging immigrants and American citizens in creative opportunities for enhancing public life;

(2) to promote sustained productive efforts between people of different backgrounds, views, and interests;

(3) to educate new immigrant groups regarding methods to become involved in local and national civics, while teaching others about the culture of such groups; and

(4) to enable American citizens and immigrants to work together and with civic, educational, community-based, and faith-based organizations to create a broad culture of citizenship, civic renewal, and inter-cultural understanding.

SA 4140. Mr. DOMENICI (for himself, Mr. KYL, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.   . ADDITIONAL DISTRICT COURT JUDGESHIPS.

The President shall appoint, by and with the advice and consent of the Senate, 1 additional district court judge for each district court—

(1) in which immigration filings during fiscal year 2004 represented more than 50 percent of all criminal filings during such fiscal year; and

(2) for which the 2005 Judicial Conference recommendations included at least 1 additional temporary or permanent judgeship.

SA 4141. Mr. SCHUMER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 320, line 4, strike "(c)" and insert the following:

(c) DIVERSITY IMMIGRANTS.—Section 203(c) (8 U.S.C. 1153(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ", or" and inserting "; and"; and

(B) by amending subparagraph (B) to read as follows:

"(B) has at least—

"(i) 2 years of work experience in an occupation that requires at least 2 years of training or experience; or

"(ii) 4 years of formal education beyond the education described in subparagraph (A)."; and

(2) by adding at the end the following:

"(4) GROUNDS FOR INELIGIBILITY.—Notwithstanding any other provision in this Act, an alien is ineligible to receive a visa under this subsection if the alien is described in paragraph (1) (relating to health-related grounds), (2) (relating to criminal and related grounds), (3) (relating to security and terrorist grounds), (4) (relating to likelihood to become a public charge), (6) (relating to illegal entrants and immigration violators), (8) (relating to permanent ineligibility for citizenship), or (9) (relating to aliens previously removed) of section 212(a).".

(d)

SA 4142. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 183, between lines 4 and 5, insert the following:

SEC. 235. WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY OR REMOVAL BASED ON HARDSHIP TO CITIZEN OR PERMANENT RESIDENT ALIEN SPOUSE, PARENT, OR CHILD.

(a) WAIVER.—Notwithstanding any other provision of law and except as provided in subsection (b), the Secretary of Homeland Security (in the sole and unreviewable discretion of the Secretary) or the Attorney General (in the sole and unreviewable discretion of the Attorney General), as applicable, may waive any ground of inadmissibility or removal of an alien under, or arising from, an amendment made by a provision of section 203, 208, 209, 214 or 222 of this Act if the denial of admission or removal of such alien would result in an extreme hardship to a spouse, parent, or child of such alien who is a citizen or an alien lawfully admitted for permanent residence.

(b) EXCEPTION FOR TERRORISTS.—No waiver may be made under subsection (a) under or arising from an amendment referred to in that subsection with respect to a ground of inadmissability or removal under a provision of law as follows:

(1) Section 212(a)(3) of the Immigration and Nationality Act.

(2) Section 237(a)(4) of the Immigration and Nationality Act.

SA 4143. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 107, strike lines 15 through 18 and insert the following:

"(4) DURATION OF OFFENSE.—

"(A) IN GENERAL.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

"(B) APPLICABILITY.—Subparagraph (A) shall apply only to offenses that occur after the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

SA 4144. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 265, between lines 7 and 8, insert the following:

"(b) REQUIRED PROCEDURE.—

"(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H-2C nonimmigrant is sought under the petition:

"(A) Submit a copy of the job offer, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

"(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

"(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

"(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

"(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H-2C nonimmigrant shall—

"(A) first offer the job to any eligible United States worker who applies, is qualified for the job, and is available at the time of need;

"(B) be required to maintain for at least 1 year after the employment relation is terminated, documentation of recruitment efforts and responses conducted and received prior to the filing of the employer's application with the Department of Labor, including resumes, applications, and if applicable, tests of United States workers who applied and were not hired for the job the employer seeks to fill with a nonimmigrant worker; and

"(C) certify that there are not sufficient United States workers who are able, willing, qualified, and available at the time of the filing of the application.".

SA 4145. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 575, strike lines 22 through 24.

SA 4146. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

Subtitle B—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Victims Immigration Benefits Preservation Act".

SEC. 512. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term "direct result of a specified hurricane disaster"—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 513. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 514. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later 1 year after the application would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.".

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(e) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(f) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 515. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS BY SURVIVING SPOUSES AND CHILDREN OF REFUGEES AND ASYLEES.—

(1) IN GENERAL.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under sections 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 516. RECIPIENT OF PUBLIC BENEFITS.

. An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit as a direct result of a specified hurricane disaster.

SEC. 517. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 518. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters .

(b) NOTIFICATION.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) SUNSET DATE.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 519. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 520. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 521. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 522. IDENTIFICATION DOCUMENTS.

(a) TEMPORARY IDENTIFICATION.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any federal law or regulation until August 26, 2006.

(b) ISSUANCE.—An agency may not issue identity documents under this section after January 1, 2006.

(c) NO COMPULSION TO ACCEPT OR CARRY IDENTIFICATION DOCUMENTS.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) NO PROOF OF CITIZENSHIP.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 523. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedure Act") or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 524. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005, and ending on the date of the enactment of this Act, the alien may submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 525. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

SA 4147. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—WORKPLACE ENFORCEMENT AND IDENTIFICATION INTEGRITY

Subtitle A—In General

SEC. 301. SHORT TITLE.

This title may be cited as the "Employment Security Act of 2006".

SEC. 302. FINDINGS.

Congress makes the following findings:

(1) The failure of Federal, State, and local governments to control and sanction the unauthorized employment and unlawful exploitation of illegal alien workers is a primary cause of illegal immigration.

(2) The use of modern technology not available in 1986, when the Immigration Reform and Control Act of 1986 (Public Law 99-603; 100 Stat. 3359) created the I-9 worker verification system, will enable employers to rapidly and accurately verify the identity and work authorization of their employees and independent contractors.

(3) The Government and people of the United States share a compelling interest in protection of United States employment authorization, income tax withholding, and social security accounting systems, against unauthorized access by illegal aliens.

(4) Limited data sharing between the Department of Homeland Security, the Internal Revenue Service, and the Social Security Administration is essential to the integrity of these vital programs, which protect the employment and retirement security of all working Americans.

(5) The Federal judiciary must be open to private United States citizens, legal foreign workers, and law-abiding enterprises that seek judicial protection against injury to their wages and working conditions due to unlawful employment of illegal alien workers and the United States enterprises that utilize the labor or services provided by illegal aliens, especially where lack of resources constrains enforcement of Federal immigration law by Federal immigration officials.

Subtitle B—Employment Eligibility Verification System

SEC. 311. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended by adding at the end the following:

"(7) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

"(A) IN GENERAL.—The Secretary of Homeland Security shall establish and administer a verification system, known as the Employment Eligibility Verification System, through which the Secretary—

"(i) responds to inquiries made by persons at any time through a toll-free telephone line and other toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed; and

"(ii) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to inquirers as evidence of their compliance with their obligations under this section.

"(B) INITIAL RESPONSE.—The verification system shall provide verification or a tentative nonverification of an individual's identity and employment eligibility within 3 working days of the initial inquiry. If providing verification or tentative nonverification, the verification system shall provide an appropriate code indicating such verification or such nonverification.

"(C) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONVERIFICATION.—In cases of tentative nonverification, the Secretary shall specify, in consultation with the Commissioner of Social Security, an available secondary verification process to confirm the validity of information provided and to provide a final verification or nonverification within 10 working days after the date of the tentative nonverification. When final verification or nonverification is provided, the verification system shall provide an appropriate code indicating such verification or nonverification.

"(D) DESIGN AND OPERATION OF SYSTEM.—The verification system shall be designed and operated—

"(i) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

"(ii) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

"(iii) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

"(iv) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

"(I) the selective or unauthorized use of the system to verify eligibility;

"(II) the use of the system prior to an offer of employment; or

"(III) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants.

"(E) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the verification system, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate) the information provided regarding an individual whose identity and employment eligibility must be confirmed, the correspondence of the name and number, and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information (other than such verification or nonverification) except as provided for in this section or section 205(c)(2)(I) of the Social Security Act.

"(F) RESPONSIBILITIES OF THE SECRETARY OF HOMELAND SECURITY.—(i) As part of the verification system, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the verification system), shall establish a reliable, secure method, which, within the time periods specified under subparagraphs (B) and (C), compares the name and alien identification or authorization number which are provided in an inquiry against such information maintained by the Secretary in order to validate (or not validate) the information provided, the correspondence of the name and number, and whether the alien is authorized to be employed in the United States.

"(ii) When a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number, the Secretary of Homeland Security shall conduct an investigation, within the time periods specified in subparagraphs (B) and (C), in order to ensure that no fraudulent use of a social security account number has taken place. If the Secretary has selected a designee to establish and administer the verification system, the designee shall notify the Secretary when a single employer has submitted to the verification system pursuant to paragraph (3)(A) the identical social security account number in more than one instance, or when multiple employers have submitted to the verification system pursuant to such paragraph the identical social security account number, in a manner which indicates the possible fraudulent use of that number. The designee shall also provide the Secretary with all pertinent information, including the name and address of the employer or employers who submitted the relevant social security account number, the relevant social security account number submitted by the employer or employers, and the relevant name and date of birth of the employee submitted by the employer or employers.

"(G) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall update their information in a manner that promotes maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subparagraph (C).

"(H) LIMITATION ON USE OF THE VERIFICATION SYSTEM AND ANY RELATED SYSTEMS.—Notwithstanding any other provision of law, nothing in this subsection shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, database, or other records assembled under this subsection for any purpose other than the enforcement and administration of the immigration laws, the Social Security Act, or any provision of Federal criminal law.

"(I) FEDERAL TORT CLAIMS ACT.—If an individual alleges that the individual would not have been dismissed from a job but for an error of the verification mechanism, the individual may seek compensation only through the mechanism of the Federal Tort Claims Act, and injunctive relief to correct such error. No class action may be brought under this subparagraph.

"(J) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION.—No person or entity shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility verification mechanism established under this paragraph.".

(b) REPEAL OF PROVISION RELATING TO EVALUATIONS AND CHANGES IN EMPLOYMENT VERIFICATION.—Section 274A(d) (8 U.S.C. 1324a(d)) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 312. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting "(A)" after "DEFENSE.—", and by adding at the end the following:

"(B) FAILURE TO SEEK AND OBTAIN VERIFICATION.—In the case of a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, the following requirements apply:

"(i) FAILURE TO SEEK VERIFICATION.—

"(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(7), seeking verification of the identity and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring, the date specified in subsection (b)(8)(B) for previously hired individuals, or before the recruiting or referring commences, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

"(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry in order to qualify for the defense under subparagraph (A) and the verification mechanism has registered that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent working day in which the verification mechanism registers no nonresponses and qualify for such defense.

"(ii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate verification of such identity and work eligibility under such mechanism within the time period specified under subsection (b)(7)(B) after the time the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.";

(2) by amending subparagraph (A) of subsection (b)(1) to read as follows:

"(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form designated or established by the Secretary by regulation, that it has verified that the individual is not an unauthorized alien by—

"(i) obtaining from the individual the individual's social security account number and recording the number on the form (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under paragraph (2), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary of Homeland Security may specify, and recording such number on the form; and

"(ii)(I) examining a document described in subparagraph (B); or

"(II) examining a document described in subparagraph (C) and a document described in subparagraph (D).

A person or entity has complied with the requirement of this paragraph with respect to examination of a document if the document reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and, if the document bears an expiration date, that expiration date has not elapsed. If an individual provides a document (or combination of documents) that reasonably appears on its face to be genuine, reasonably appears to pertain to the individual whose identity and work eligibility is being verified, and is sufficient to meet the first sentence of this paragraph, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce another document.";

(3) in subsection (b)(1)(D)—

(A) in clause (i), by striking "or such other personal identification information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section"; and

(B) in clause (ii), by inserting before the period "and that contains a photograph of the individual";

(4) in subsection (b)(2), by adding at the end the following: "The individual must also provide that individual's social security account number (if the individual claims to have been issued such a number), and, if the individual does not attest to United States citizenship under this paragraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.";

(5) by amending paragraph (3) of subsection (b) to read as follows:

"(3) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

"(A) IN GENERAL.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity shall—

"(i) retain a paper, microfiche, microfilm, or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual or the date of the completion of verification of a previously hired individual and ending—

"(I) in the case of the recruiting or referral of an individual, three years after the date of the recruiting or referral;

"(II) in the case of the hiring of an individual, the later of—

"(aa) three years after the date of such hiring; or

"(bb) one year after the date the individual's employment is terminated; and

"(III) in the case of the verification of a previously hired individual, the later of—

"(aa) three years after the date of the completion of verification; or

"(bb) one year after the date the individual's employment is terminated;

"(ii) make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of an individual, by not later than the end of 3 working days (as specified by the Secretary of Homeland Security) after the date of the hiring or in the case of previously hired individuals, the date specified in subsection (b)(8)(B), or before the recruiting or referring commences; and

"(iii) not commence recruitment or referral of the individual until the person or entity receives verification under subparagraph (B)(i) or (B)(iii).

"(B) VERIFICATION.—

"(i) VERIFICATION RECEIVED.—If the person or other entity receives an appropriate verification of an individual's identity and work eligibility under the verification system within the time period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final verification of such identity and work eligibility of the individual.

"(ii) TENTATIVE NONVERIFICATION RECEIVED.—If the person or other entity receives a tentative nonverification of an individual's identity or work eligibility under the verification system within the time period specified, the person or entity shall so inform the individual for whom the verification is sought. If the individual does not contest the nonverification within the time period specified, the nonverification shall be considered final. The person or entity shall then record on the form an appropriate code which has been provided under the system to indicate a tentative nonverification. If the individual does contest the nonverification, the individual shall utilize the process for secondary verification provided under paragraph (7). The nonverification will remain tentative until a final verification or nonverification is provided by the verification system within the time period specified. In no case shall an employer terminate employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonverification becomes final. Nothing in this clause shall apply to a termination of employment for any reason other than because of such a failure.

"(iii) FINAL VERIFICATION OR NONVERIFICATION RECEIVED.—If a final verification or nonveri-fication is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a verification or nonverification of identity and work eligibility of the individual.

"(iv) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the time period specified and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

"(v) CONSEQUENCES OF NONVERIFICATION.—

"(I) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonverification regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

"(II) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under subclause (I), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to that individual.

"(vi) CONTINUED EMPLOYMENT AFTER FINAL NONVERIFICATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonverification, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).";

(6) by amending paragraph (4) of subsection (b) to read as follows:

"(4) COPYING AND RECORD KEEPING OF DOCUMENTATION REQUIRED.—

"(A) LAWFUL EMPLOYMENT DOCUMENTS.—Notwithstanding any other provision of law, a person or entity shall retain a copy of each document presented by an individual to the individual or entity pursuant to this subsection. Such copy may only be used (except as otherwise permitted under law) for the purposes of complying with the requirements of this subsection and shall be maintained for a time period to be determined by the Secretary of Homeland Security.

"(B) SOCIAL SECURITY CORRESPONDENCE.—A person or entity shall maintain records of correspondence from the Commissioner of Social Security regarding name and number mismatches or no-matches and the steps taken to resolve such mismatches or no-matches. The employer shall maintain such records for a time period to be determined by the Secretary.

"(C) OTHER DOCUMENTS.—The Secretary may, by regulation, require additional documents to be copied and maintained."; and

(7) by amending paragraph (5) of subsection (b) to read as follows:

"(5) USE OF ATTESTATION FORM.—A form designated by the Secretary to be used for compliance with this subsection, and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this chapter or of title 18, United States Code.".

(b) INVESTIGATION NOT A WARRANTLESS ENTRY.—Section 287(e) of the Immigration and Nationality Act (8 U.S.C. 1357(e)) is amended by adding at the end the following: "An investigation authorized pursuant to subsections (b)(7) or (e) of section 274A is not a warrantless entry.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 313. EXPANSION OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM TO PREVIOUSLY HIRED INDIVIDUALS AND RECRUITING AND REFERRING.

(a) APPLICATION TO RECRUITING AND REFERRING.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(1)(A), by striking "for a fee";

(2) in subsection (a)(1), by amending subparagraph (B) to read as follows:

"(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements of subsection (b).";

(3) in subsection (a)(2) by striking "after hiring an alien for employment in accordance with paragraph (1)," and inserting "after complying with paragraph (1),"; and

(4) in subsection (a)(3), as amended by section 312, is further amended by striking "hiring," and inserting "hiring, employing," each place it appears.

(b) EMPLOYMENT ELIGIBILITY VERIFICATION FOR PREVIOUSLY HIRED INDIVIDUALS.—Section 274A(b) of such Act (8 U.S.C. 1324a(b)), as amended by section 311(a), is amended by adding at the end the following new paragraph:

"(8) USE OF EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM FOR PREVIOUSLY HIRED INDIVIDUALS.—

"(A) ON A VOLUNTARY BASIS.—Beginning on the date that is 2 years after the date of the enactment of the Employment Security Act of 2006 and until the date specified in subparagraph (B)(iii), a person or entity may make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the person or entity, as long as it is done on a nondiscriminatory basis.

"(B) ON A MANDATORY BASIS.—

"(i) INITIAL COMPLIANCE.—A person or entity described in clause (ii) shall make an inquiry as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity who have not been previously subject to an inquiry by the person or entity by the date 3 years after the date of the enactment of the Employment Security Act of 2006.

"(ii) PERSON OR ENTITY COVERED.—A person or entity is described in this clause if it is a Federal, State, or local governmental body (including the Armed Forces of the United States), or if it employs individuals working in a location that is a Federal, State, or local government building, a military base, a nuclear energy site, a weapon site, an airport, or that contains critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))), but only to the extent of such individuals.

"(iii) SUBSEQUENT COMPLIANCE.—All persons and entities other than a person or entity described in clause (ii) shall make an inquiry, as provided in paragraph (7), using the verification system to seek verification of the identity and employment eligibility of all individuals employed by the person or entity that have not been previously subject to an inquiry by the person or entity by the date 6 years after the date of the enactment of the Employment Security Act of 2006.".

SEC. 314. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking "imposing", and inserting a dash and "(A) imposing";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

"(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

"(ii) take other steps that facilitate the employment of day laborers by others.".

SEC. 315. BASIC PILOT PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "at the end of the 11-year period beginning on the first day the pilot program is in effect" and inserting "2 years after the date of the enactment of the Employment Security Act of 2006".

SEC. 316. PROTECTION FOR UNITED STATES WORKERS AND INDIVIDUALS REPORTING IMMIGRATION LAW VIOLATIONS.

Section 274B(a) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) PROTECTION OF RIGHT TO REPORT.—Notwithstanding any other provision of law, the rights protected by this subsection include the right of any individual to report a violation or suspected violation of any immigration law to the Secretary of Homeland Security or a law enforcement agency.".

SEC. 317. PENALTIES.

(a) CIVIL AND CRIMINAL PENALTIES.—Section 274A(e)(4) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(4)) is amended to read:

"(4) CIVIL AND CRIMINAL PENALTIES.—

"(A) KNOWINGLY HIRING UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(1)(A) shall—

"(i) in the case of a first offense, be fined $10,000 for each unauthorized alien;

"(ii) (in the case of a second offense, be fined $50,000 for each unauthorized alien; and

"(iii) in the case of a third or subsequent offense, be fined in accordance with title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.

"(B) CONTINUING EMPLOYMENT OF UNAUTHORIZED ALIENS.—Any person or entity that violates subsection (a)(2) shall be fined in accordance of title 18, United States Code, imprisoned not less than 1 year and not more than 3 years, or both.".

(b) PAPERWORK OR VERIFICATION VIOLATIONS.—Section 274A(e)(5) of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read:

"(5) PAPERWORK OR VERIFICATION VIOLATIONS.—Any person or entity that violates subsection (a)(1)(B) shall—

"(A) in the case of a first offense, be fined $1,000 for each violation;

"(B) in the case of a second violation, be fined $5,000 for each violation; and

"(C) in the case of a third and subsequent violation, be fined $10,000 for each such violation.".

(c) GOVERNMENT CONTRACTS.—Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) GOVERNMENT CONTRACTS.—

"(A) EMPLOYERS.—

"(i) IN GENERAL.—If the Secretary of Homeland Secretary determines that a person or entity that employs an alien is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a 2-year period.

"(ii) WAIVER.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and Attorney General, may waive the application of this subparagraph or may limit the duration or scope of the debarment imposed under it.

"(iii) PROHIBITION ON JUDICIAL REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

"(B) CONTRACTORS AND RECIPIENTS.—

"(i) IN GENERAL.—If the Secretary of Homeland Security determines that a person or entity that employs an alien and holds a Federal contract, grant, or cooperative agreement is a repeat violator of this section or is convicted of a crime under this section, such person or entity shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 2 years. Prior to debarring the employer, the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise the head of each agency holding such a contract, grant, or cooperative agreement with person or entity of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 2 years.

"(ii) WAIVER.—After consideration of the views of the head of each such agency, the Secretary of Homeland Security may, in lieu of debarring the employer from the receipt of new a Federal contract, grant, or cooperative agreement for a period of 2 years, waive application of this subparagraph, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation.

"(iii) PROHIBITION ON REVIEW.—Any proposed debarment that is predicated on an administrative determination of liability for civil penalty by the Secretary of Homeland Security or the Attorney General may not be reviewable in any debarment proceeding. The decision of whether to debar or take alternation may not be reviewed by any court.

"(C) CAUSE FOR SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this paragraph shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(D) APPLICABILITY.—The provisions of this paragraph shall apply to any Federal contract, grant, or cooperative agreement that is effective on or after the date of the enactment of the Employment Security Act of 2006.".

(d) CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS.—Section 274A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(f)(1)) is amended to read as follows:

"(1) CRIMINAL PENALTY.—Any person or entity engages in a pattern or practice of violations of subsection (a)(1) or (2) shall be fined not more than $50,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not less than 3 years and not more than 5 years, or both, notwithstanding the provisions of any other Federal law relating to fine levels. The amount of the gross proceeds of such violation, and any property traceable to such proceeds, shall be seized and subject to forfeiture under title 18, United States Code.".

(e) AUTHORITY OF THE SECRETARY OF HOMELAND SECURITY.—Subsections (b)(2) and (f)(2) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) are amended by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security".

Subtitle C—Work Eligibility Verification Reform in the Social Security Administration

SEC. 321. VERIFICATION RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.

The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, however in no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

SEC. 322. NOTIFICATION BY COMMISSIONER OF FAILURE TO CORRECT SOCIAL SECURITY INFORMATION.

The Commissioner of Social Security shall promptly notify the Secretary of Homeland Security of the failure of any individual to provide, upon any request of the Commissioner made pursuant to section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), evidence necessary, under such section to—

(1) establish the age, citizenship, immigration or work eligibility status of the individual;

(2) establish such individual's true identity; or

(3) determine which (if any) social security account number has previously been assigned to such individual.

SEC. 323. RESTRICTION ON ACCESS AND USE.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

"(I)(i) Access to any information contained in the Employment Eligibility Verification System established section 274A(b)(7) of the Immigration and Nationality Act, shall be prohibited for any purpose other than the administration or enforcement of Federal immigration, social security, and tax laws, any provision of title 18, United States Code, or as otherwise authorized by Federal law.

"(ii) No person or entity may use the information in such Employment Eligibility Verification System for any purpose other than as permitted by Federal law.

"(iii) Whoever knowingly uses, discloses, publishes, or permits the unauthorized use of information in such Employment Eligibility Verification System in violation of clause (i) or (ii) shall be fined not more than $10,000 per individual injured by such violation. The Commissioner of Social Security shall establish procedure to ensure that 60 percent of any fine imposed under this clause is awarded to the individual injured by such violation.".

SEC. 324. SHARING OF INFORMATION WITH THE COMMISSIONER OF INTERNAL REVENUE SERVICE.

Section 205(c)(2)(H) of the Social Security Act (42 U.S.C. 405(c)(2)(H)) is amended to read as follows:

"(H) The Commissioner of Social Security shall share with the Secretary of the Treasury—

"(i) the information obtained by the Commissioner pursuant to the second sentence of subparagraph (B)(ii) and to subparagraph (C)(ii) for the purpose of administering those sections of the Internal Revenue Code of 1986 that grant tax benefits based on support or residence of children; and

"(ii) information relating to the detection of wages or income from self-employment of unauthorized aliens (as defined by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a)), or the investigation of false statements or fraud by such persons incident to the administration of immigration, social security, or tax laws of the United States.

Information disclosed under this subparagraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.".

SEC. 325. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY.

(a) Amendment to the Social Security Act.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)), as amended by section 423, is amended by adding at the end the following new subparagraph:

"(J) Upon the issuance of a social security account number under subparagraph (B) to any individual or the issuance of a Social Security card under subparagraph (G) to any individual, the Commissioner of social security shall transmit to the Secretary of Homeland Security such information received by the Commissioner in the individual's application for such number or such card as the Secretary of Homeland Security determines necessary and appropriate for administration of the immigration laws of the United States.".

(b) Amendments to the Immigration and Nationality Act.—

(1) Forms and procedures.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

"(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, Secretary of Labor and the Attorney General are authorized to require any individual to provide the individual's own social security account number for purposes of inclusion in any record of the individual maintained by any of any such Secretary or the Attorney General, or for inclusion on any application, document, or form provided under or required by the immigration laws.".

(2) Central file.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986) earnings are reported on or after January 1, 1997, to the Commissioner of Social Security on a social security account number issued to an alien who is not authorized to work in the United States, the Commissioner shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(3) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where a social security account number does not match the name in the Social Security Administration record. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of an individual, as well as the name and address of the person reporting the earnings, in any case where the individual has more than one person reporting earnings for the individual during a single tax year and where a social security number was used with multiple names. The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws. The Secretary, in consultation with the Commissioner, may limit or modify these requirements as appropriate to identify those cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, any search or manipulation of records held by the Commissioner, so long as the Secretary certifies that the purpose of the search or manipulation is to obtain information likely to assist in identifying individuals (and their employers) who—

"(i) are using false names or social security numbers; who are sharing among multiple individuals a single valid name and social security number;

"(ii) are using the social security number of persons who are deceased, too young to work or not authorized to work; or

"(iii) are otherwise engaged in a violation of the immigration laws.

"(B) The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986). The Secretary shall transfer to the Commissioner the funds necessary to cover the additional cost directly incurred by the Commissioner in carrying out the searches or manipulations reported by the Secretary.".

Subtitle D—Sharing of Information

SEC. 331. SHARING OF INFORMATION WITH THE SECRETARY OF HOMELAND SECURITY AND THE COMMISSIONER OF SOCIAL SECURITY.

(a) Amendment to the Internal Revenue Code of 1986.—Section 6103(i) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(9) Disclosure of information relating to violations of federal immigration law.—

"(A) Upon receipt by the Secretary of the Treasury of a written request, by the Secretary of Homeland Security or Commissioner of Social Security, the Secretary of the Treasury shall disclose return information to officers and employees of the Department of Homeland Security and the Social Security Administration who are personally and directly engaged in—

"(i) preparation for any judicial or administrative civil or criminal enforcement proceeding against an alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), other than the adjudication of any application for a change in immigration status or other benefit by such alien, or

"(ii) preparation for a civil or criminal enforcement proceeding against a citizen or national of the United States under section 274, 274A, or 274C of the Immigration and Nationality Act (8 U.S.C. 1324, 1324a, or 1324c), or

"(iii) any investigation which may result in the proceedings enumerated in clauses (i) and (ii) above.

"(B) Limitation on use and retention of tax return information.—

"(i) Information disclosed under this paragraph shall be solely for the use of the officers and employees to whom such information is disclosed in such response or investigation.

"(ii) Should the proceeding for which such information has been disclosed not commence within 3 years after the date on which the information has been disclosed by the Secretary, the information shall be returned to the Secretary in its entirety, and shall not be retained in any form by the requestor, unless the taxpayer is notified in writing as to the information that has been retained.".

(b) Amendment to the Immigration and Nationality Act.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end the following new subsection:

"(i) No-Match Notice.—

“(1) NO-MATCH NOTICE DEFINED.—In this subsection, the term ‘no-match notice’ means a written notice from the Commissioner of Social Security to an employer reporting earnings on a Form W-2 that an employee name or corresponding social security account number fail to match records maintained by the Commissioner.

“(2) PROVISION OF INFORMATION.—

“(A) REQUIREMENT TO PROVIDE.—Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Commissioner shall provide the Secretary of Homeland Security with information relating to employers who have received no-match notices and, upon request, with such additional information as the Secretary certifies is necessary to administer or enforce the immigration laws.

“(B) FORM OF INFORMATION.—The information shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

“(C) USE OF INFORMATION.—A no-match notice received by the Secretary from the Commissioner may be used as evidence in any civil or criminal proceeding.

“(3) OTHER AUTHORITIES.—

“(A) VERIFICATION REQUIREMENT.—The Secretary, in consultation with the Commissioner, is authorized to establish by regulation requirements for verifying the identity and work authorization of an employee who is the subject of a no-match notice.

“(B) PENALTIES.—The Secretary is authorized to establish by regulation penalties for failure to comply with this subsection.

“(C) LIMITATION ON AUTHORITIES.—This authority in this subsection is provided in aid of the Secretary's authority to administer and enforce the immigration laws, and nothing in this subsection shall be construed to authorize the Secretary to establish any regulation regarding the administration or enforcement of laws otherwise relating to taxation or the Social Security system.”.

Subtitle E—Identification Document Integrity

SEC. 341. CONSULAR IDENTIFICATION DOCUMENTS.

(a) ACCEPTANCE OF FOREIGN IDENTIFICATION DOCUMENTS.—

(1) IN GENERAL.—Subject to paragraph (3), for purposes of personal identification, no agency, commission, entity, or agent of the executive or legislative branches of the Federal Government may accept, acknowledge, recognize, or rely on any identification document issued by the government of a foreign country, unless otherwise mandated by Federal law.

(2) AGENT DEFINED.—In this section, the term “agent” shall include the following:

(A) A Federal contractor or grantee.

(B) An institution or entity exempted from Federal income taxation under the Internal Revenue Code of 1986.

(C) A financial institution required to ask for identification under section 5318(l) of title 31, United States Code.

(3) EXCEPTIONS.—

(A) IN GENERAL.—An individual who is not a citizen or national of the United States may present for purposes of personal identification an official identification document issued by the government of a foreign country or other foreign identification document recognized pursuant to a treaty entered into by the United States, if—

(i) such individual simultaneously presents valid verifiable documentation of lawful presence in the United States issued by the appropriate agency of the Federal Government;

(ii) reporting a violation of law or seeking government assistance in an emergency;

(iii) the document presented is a passport issued to a citizen or national of a country that participates in the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) by the government of such country; or

(iv) such use is expressly permitted another provision of Federal law.

(B) NONAPPLICATION.—The provisions of paragraph (1) shall not apply to—

(i) inspections of alien applicants for admission to the United States; or

(ii) verification of personal identification of persons outside the United States.

(4) LISTING OF ACCEPTABLE DOCUMENTS.—The Secretary of Homeland Security shall issue and maintain an updated public listing, compiled in consultation with the Secretary of State, and including sample facsimiles, of all acceptable Federal documents that satisfy the requirements of paragraph (3)(A).

(b) ESTABLISHMENT OF PERSONAL IDENTITY.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (5), by striking “or” at the end;

(2) in paragraph (6), by striking the period at the end and inserting a comma and “or”; and

(3) by inserting after paragraph (6) the following new paragraph:

“(7) to use to establish personal identity, before any agent of the Federal Government, or before any agency of the Federal Government or of a State or any political subdivision therein, a travel or identification document issued by a foreign government that is not accepted by the Secretary of Homeland Security to establish personal identity for purposes of admission to the United States at a port of entry, except—

“(A) in the case of a person who is not a citizen of the United States—

“(i) the person simultaneously presents valid verifiable documentation of lawful presence in the United States issued by an agency of the Federal Government;

“(ii) the person is reporting a violation of law or seeking government assistance in an emergency; or

“(iii) such use is expressly permitted by Federal law.”.

SEC. 342. MACHINE-READABLE TAMPER-RESISTANT IMMIGRATION DOCUMENTS.

(a) IN GENERAL.—Section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) is amended—

(1) in the heading, by striking “**ENTRY AND EXIT DOCUMENTS**” and inserting “**TRAVEL, ENTRY, AND EVIDENCE OF STATUS DOCUMENTS**”;

(2) in subsection (b)(1)—

(A) by striking “Not later than October 26, 2004, the Attorney General” and inserting “The Secretary of Homeland Security”; and

(B) by striking “visas and” each place it appears and inserting “visas, evidence of status, and”;

(3) by striking subsection (d) and inserting the following:

“(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of immigrant, nonimmigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and incorporate a biometric identifier to allow the Secretary of Homeland Security to electronically verify the identity and status of the alien.

“(e) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursements to international and domestic standards organizations.

“(2) FEE.—During any fiscal year for which appropriations sufficient to issue documents described in subsection (d) are not made pursuant to law, the Secretary of Homeland Security is authorized to implement and collect a fee sufficient to cover the direct cost of issuance of such document from the alien to whom the document will be issued.

“(3) EXCEPTION.—The fee described in paragraph (2) may not be levied against nationals of a foreign country if the Secretary of Homeland has determined that the total estimated population of such country who are unlawfully present in the United States does not exceed 3,000 aliens.”.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Enhanced Border Security and Visa Entry Reform Act of 2002 (Public Law 107-173; 116 Stat. 543) is amended by striking the item relating to section 303 and inserting the following:

“Sec. 303. Machine-readable, tamper-resistant travel, entry, and evidence of status documents.”.

Subtitle F—Effective Date; Authorization of Appropriations

SEC. 351. EFFECTIVE DATE.

Except as otherwise specially provided in this Act, the provisions of this title shall take effect not later than 45 days after the date of the enactment of this Act.

SEC. 352. AUTHORIZATION OF APPROPRIATIONS.

In addition to amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2007 through 2011 to carry out this title.

SA 4148. Mr. KENNEDY (for himself and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

“SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

“(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

“(1) IN GENERAL.—It is unlawful for an employer—

“(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

“(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

“(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) USE OF LABOR THROUGH CONTRACT.—

“(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

"(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

"(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

"(B) INFORMATION SHARING.—The person hiring the alien shall provide to the employer who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(C) REPORTING REQUIREMENT.—The employer shall submit to the Electronic Employment Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

"(D) ENFORCEMENT.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien failed to comply with the requirements of this section.

"(4) DEFENSE.—

"(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

"(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

"(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

"(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

"(A) the employer is in compliance with the requirements of subsections (c) and (d); or

"(B) that the employer has instituted a program to come into compliance with such requirements.

"(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

"(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

"(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

"(1) ATTESTATION BY EMPLOYER.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

"(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

"(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

"(i) in the case of an individual who is a national of the United States—

"(I) a United States passport; or

"(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

"(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

"(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

"(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that—

"(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

"(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

"(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

"(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

"(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 5 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

"(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States, including a copy of the form described in subsection (a)(3)(B).

"(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause

(i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

“(5) Penalties.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

“(6) No authorization of national identification cards.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

“(d) Electronic Employment Verification System.—

“(1) Requirement for system.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the ‘System’) to determine whether—

“(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

“(B) such individual is eligible for employment in the United States.

“(2) Requirement for participation.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection.

“(3) Other participation in system.—Notwithstanding paragraph (2), the Secretary has the authority—

“(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

“(B) to require any employer or class of employers to participate on a priority basis in the System with respect to employees hired prior to, on, or after the date of enactment of the Comprehensive Immigration Reform Act of 2006—

“(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

“(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

“(4) Requirement to notify.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

“(5) Registration of employers.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

“(6) Additional guidance.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

“(A) the attestation requirement in subsection (c); and

“(B) the employment eligibility verification requirements in this subsection.

“(7) Consequence of failure to participate.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

“(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

“(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

“(8) Design and operation of system.—

“(A) In general.—The Secretary shall, through the System—

“(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

“(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

“(B) Initial inquiry.—

“(i) Information required.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

“(I) the individual's name and date of birth;

“(II) the individual's social security account number; and

“(III) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such alien identification or authorization number that the Secretary shall require.

“(ii) Submission to system.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

“(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

“(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

“(C) Initial response.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

“(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

“(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

“(D) Confirmation or nonconfirmation.—

“(i) Confirmation upon initial inquiry.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

“(ii) Tentative nonconfirmation.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)((1)(A)(i).

“(iii) No contest.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(2), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

“(iv) Contest.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

“(v) Effective period of tentative nonconfirmation notice.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii), or the earlier of—

“(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

“(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

“(vi) Automatic final notice.—

“(I) In general.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

“(II) Period prior to initial certification.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

“(III) Period after initial certification.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

“(IV) Additional authority.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

“(vii) Effective period of final notice.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

“(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

"(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

"(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

"(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

"(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

"(E) RESPONSIBILITIES OF THE SECRETARY.—

"(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

"(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

"(II) a determination of whether the individual is authorized to be employed in the United States.

"(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Secretary shall submit to Congress a report that includes—

"(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

"(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

"(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

"(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

"(I) information about the reason for such notice;

"(II) the right to contest such notice;

"(III) contact information for the appropriate agency and instructions for initiating such contest; and

"(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

"(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

"(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

"(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

"(10) ADMINISTRATIVE REVIEW.—

"(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

"(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

"(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

"(i) an error or negligence on the part of an employee or official operating or responsible for the System;

"(ii) the decision rules, processes, or procedures utilized by the System; or

"(iii) erroneous system information that was not the result of acts or omissions of the individual.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final confirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall take such affirmative action as the Secretary determines is appropriate, which shall include compensating the individual for reasonable costs and for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

"(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

"(11) JUDICIAL REVIEW.—

"(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

"(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

"(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall take appropriate affirmative action, which shall include compensating the individual for reasonable costs and for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(12) LIMITATION ON COLLECTION AND USE OF DATA.—

"(A) LIMITATION ON COLLECTION OF DATA.—

"(i) IN GENERAL.—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

"(I) information necessary to register employers under paragraph (5);

"(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

"(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

"(IV) information necessary to detect and prevent employment related identity fraud; and

"(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

"(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

"(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(13) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(14) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

"(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

"(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

"(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) specify the amount of fines or other penalties to be imposed;

"(iv) disclose the material facts which establish the alleged violation; and

"(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

"(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

"(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

"(4) CIVIL PENALTIES.—

"(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

"(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

"(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

"(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

"(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

"(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

"(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

"(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

"(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

"(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

"(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

"(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

"(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

"(h) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

"(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

"(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

"(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

"(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

"(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

"(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

"(j) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(l) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(d)".

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

"(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

"(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(II) determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.".

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

"(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

"(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

"(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

"(i) establishing and enforcing employer participation in the System,

"(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(iii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)", and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) Employer Compliance Fund.—

"(1) In general.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) Deposits.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) Purpose.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) Availability of funds.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) Increase in Number of Personnel.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) Use of Personnel.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) Application of Prohibition of Discrimination to Verification System.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) Classes of Aliens as Protected Individuals.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) Requirements for Electronic Employment Verification.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) Antidiscrimination requirements of the electronic employment verification system.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

"(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).".

(d) Increase in Civil Money Penalties.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) Increased Funding of Information Campaign.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2007 through 2009" before the period at the end.

(f) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 4149. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 345, between lines 5 and 6, insert the following:

Subtitle B—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 511. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Victims Immigration Benefits Preservation Act".

SEC. 512. DEFINITIONS.

In this subtitle:

(1) Application of definitions from the Immigration and Nationality Act.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) Direct result of a specified hurricane disaster.—The term "direct result of a specified hurricane disaster"—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 513. SPECIAL IMMIGRANT STATUS.

(a) Provision of Status.—

(1) In general.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) Inapplicable provision.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) Aliens Described.—

(1) Principal aliens.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) Spouses and children.—

(A) In general.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) Construction.—In construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) Grandparents or legal guardians of orphans.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) Priority Date.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 514. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than one year after it would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.".

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(f) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(g) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 515. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section

203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) APPLICATIONS BY SURVIVING SPOUSES AND CHILDREN OF REFUGEES AND ASYLEES.—

(1) IN GENERAL.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under sections 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 516. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit or as a direct result of a specified hurricane disaster.

SEC. 517. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 518. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) IN GENERAL.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters .

(b) NOTIFICATION.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) SUNSET DATE.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 519. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 520. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 521. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death:

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 522. IDENTIFICATION DOCUMENTS.

(a) TEMPORARY IDENTIFICATION.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any federal law or regulation until August 26, 2006.

(b) ISSUANCE.—An agency may not issue identity documents under this section after January 1, 2006.

(c) NO COMPULSION TO ACCEPT OR CARRY IDENTIFICATION DOCUMENTS.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) NO PROOF OF CITIZENSHIP.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 523. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedure Act") or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 524. NOTICES OF CHANGE OF ADDRESS.

(a) IN GENERAL.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005 and ending on the date of enactment of this legislation, the alien shall have 30 days after notice of enactment of this legislation to submit such notice.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 525. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

SA 4150. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes: which was ordered to lie on the table: as follows:

Beginning on page 391, strike line 24 and all that follows through page 392, line 9.

SA 4151. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 378, strike lines 11 through 14, and insert "any right to judicial review, other than to contest any removal action on the basis of".

SA 4152. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 380, between lines 20 and 21, insert the following:

"(e) Confidentiality of Information.—The restrictions on the use of information set out in subsection (e) of section 245B shall apply to information submitted by an alien seeking Deferred Mandatory Departure status under this section.

SA 4153. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . VOTER VERIFIED BALLOTS.

(a) Verification.—

(1) In general.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

"(7) Voter verified ballots.—In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2009:

"(A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to verify the ballot before it is cast and counted.

"(B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

"(i) A paper record.

"(ii) An audio record.

"(iii) A pictorial record.

"(iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

"(C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

"(D) The requirements of this paragraph shall not apply to any voting system purchased before January 1, 2009, in order to meet the requirements of paragraph (3)(B).".

(2) Conforming amendment.—Clause (i) of section 301(a)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting "and consistent with the requirements of paragraphs (2), (4), and (7)" after "independent manner".

(b) Guidance.—

(1) In general.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. VOTER VERIFIED BALLOTS.

"The Commission shall issue uniform and nondiscriminatory standards—

"(1) for voter verified ballots required under section 301(a)(7); and

"(2) for meeting the audit requirements of section 301(a)(2).".

(2) Conforming amendment.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E;".

(3) Rulemaking authority.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking "The Commission" and inserting the following:

"(a) In General.—Except as provided in subsection (b), the Commission", and

(B) by inserting at the end the following new subsection:

"(b) Exception.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title.".

(c) Reports.—

(1) Election assistance commission.—Section 207 of the Help America Vote Act of 2002 (42 U.S.C. 15327) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) A description of the progress on implementing the voter verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.".

(2) State reports.—Section 258 of the Help America Vote Act of 2002 (42 U.S.C. 15408) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; and", and by adding at the end the following new paragraph:

"(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the voter verified ballot requirements of section 301(a)(7).".

(d) Effective Date.—The amendments made by this section shall take effect on January 1, 2009.

SA 4154. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) In General.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Statewide Counting of Provisional Ballots.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote.".

(b) Effective Date.—

(1) In general.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

"(2) Effective date for statewide counting of provisional ballots.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2007.".

(2) Conforming amendment.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking "Each" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), each".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2007.

SA 4155. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . IMPARTIAL ADMINISTRATION OF ELECTIONS.

(a) In General.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. ELECTION ADMINISTRATION REQUIREMENTS.

"(a) Notice of Changes in State Election Laws.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

"(b) Observers.—

"(1) In general.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

"(A) party challengers;

"(B) voting rights and civil rights organizations; and

"(C) nonpartisan domestic observers and international observers.

"(2) Notice of denial of observation request.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

"(c) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(b) Conforming Amendment.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2009.

SA 4156. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . VOTER REGISTRATION.

(a) In General.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) Exception.—On and after January 1, 2009—

"(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

"(ii) subparagraph (B) shall not apply.".

(b) Internet Registration.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. INTERNET REGISTRATION.

"(a) INTERNET REGISTRATION.—Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(c) STANDARDS FOR INTERNET REGISTRATION.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.

"The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.".

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E;".

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the Commission", and

(B) by inserting at the end the following new subsection:

"(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4157. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking "or" at the end of subclause (I) and by adding at the end the following new subclause:

"(III) executes a written affidavit attesting to such individual's identity; or".

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting "; or", and by adding at the end the following new subclause:

"(III) a written affidavit, executed by such individual, attesting to such individual's identity.".

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. VOTER IDENTIFICATION.

"The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.".

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E;".

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the Commission", and

(B) by inserting at the end the following new subsection:

"(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4158. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INTEGRITY OF VOTER REGISTRATION LIST.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. REMOVAL FROM VOTER REGISTRATION LIST.

"(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

"(b) NOTICE TO INDIVIDUAL VOTERS.—

"(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

"(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

"(A) provided to each voter in a uniform and nondiscriminatory manner;

"(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

"(C) in the form and manner prescribed by the Election Assistance Commission.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(b) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4159. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. ELECTION DAY REGISTRATION.

"(a) IN GENERAL.—

"(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any individual on the day of a Federal election—

"(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 297; and

"(B) to cast a vote in such election.

"(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2009.".

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(b) ELECTION DAY REGISTRATION FORM.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. ELECTION DAY REGISTRATION FORM.

"The Commission shall develop an election day registration form for elections for Federal office.".

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E;".

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the Commission", and

(B) by inserting at the end the following new subsection:

"(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2009.

SA 4160. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . EARLY VOTING.

(a) Requirement.—

(1) In general.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. EARLY VOTING.

"(a) In General.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

"(b) Minimum Early Voting Requirements.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

"(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

"(2) have uniform hours each day for which such voting occurs.

"(c) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(2) Conforming amendment.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(b) Standards for Early Voting.—

(1) In general.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. STANDARDS FOR EARLY VOTING.

"(a) In General.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

"(b) Deviation.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.".

(2) Conforming amendment.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E;".

(3) Rulemaking authority.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking "The Commission" and inserting the following:

"(a) In General.—Except as provided in subsection (b), the Commission", and

(B) by inserting at the end the following new subsection:

"(b) Exception.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2009.

SA 4161. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.

(a) Minimum Required Voting Systems and Poll Workers.—

(1) In general.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

"(a) In General.—Each State shall provide for the minimum required number of voting systems and poll workers for each polling place on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 297.

"(b) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(2) Conforming amendment.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(b) Standards.—

(1) In general.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

"(a) In General.—The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each polling place on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

"(b) Distribution.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers.

"(c) Deviation.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.".

(2) Conforming amendment.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E;".

(3) Rulemaking authority.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking "The Commission" and inserting the following:

"(a) In General.—Except as provided in subsection (b), the Commission", and

(B) by inserting at the end the following new subsection:

"(b) Exception.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2009.

SA 4162. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) In General.—

(1) In general.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

"(a) In General.—Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Election Assistance Commission under section 297 to cast a vote in an election for Federal office.

"(b) Submission and Processing.—

"(1) In general.—Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved.

"(2) Deadline.—An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

"(c) Special Rules.—The following rules shall apply with respect to national Federal write-in absentee ballots:

"(1) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

"(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

"(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

"(d) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(2) Conforming amendment.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(b) National Federal Write-in Absentee Ballot.—

(1) In general.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

"(a) FORM OF BALLOT.—The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

"(b) STANDARDS.—The Commission shall prescribe standards for—

"(1) distributing the national Federal write-in absentee ballot, including standards for distributing such ballot through the Internet; and

"(2) processing and submission of the national Federal write-in absentee ballot.".

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E;".

(3) RULEMAKING AUTHORITY.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(A) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the Commission", and

(B) by inserting at the end the following new subsection:

"(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or section 304.".

(c) COORDINATION WITH UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Citizens Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot for absent uniformed services voters and overseas voters.

(2) DEFINITIONS.—For purposes of this subsection, the terms "absent uniformed service voter" and "overseas voter" shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg–6).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2009.

SA 4163. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE —VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT

SEC. 01. SHORT TITLE.

This title may be cited as the "Voting Opportunity and Technology Enhancement Rights Act of 2006".

SEC. ___02. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress makes the following findings:

(1) The right of all eligible citizens to vote and have their vote counted is the cornerstone of a democratic form of government and the core precondition of government of the people, by the people, and for the people.

(2) The right of citizens of the United States to vote is a fundamental civil right guaranteed under the United States Constitution.

(3) Congress has an obligation to reaffirm the right of each American to have an equal opportunity to vote and have that vote counted in Federal elections, regardless of color, ethnicity, disability, language, or the resources of the community in which they live.

(4) Congress has an obligation to ensure the uniform and nondiscriminatory exercise of that right by removing barriers in the form of election administration procedures and technology and insufficient and unequal resources of State and local governments.

(b) PURPOSES.—The purposes of this title are as follows:

(1) To secure the opportunity to participate in democracy for all eligible American citizens by establishing a national Federal write-in absentee ballot for Federal elections.

(2) To expand and establish uniform and nondiscriminatory requirements and standards to remove administrative procedural barriers and technological obstacles to casting a vote and having that vote counted in Federal elections.

(3) To expand and establish uniform and nondiscriminatory requirements and standards to provide for the accessibility, accuracy, verifiability, privacy, and security of all voting systems and technology used in Federal elections.

(4) To provide a Federal funding mechanism for the States to implement the requirements and standards to preserve and protect voting rights and the integrity of Federal elections in the United States.

SEC. 03. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) IN GENERAL.—

(1) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle C—Additional Requirements

"SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

"(a) IN GENERAL.—Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Election Assistance Commission under section 298 to cast a vote in an election for Federal office.

"(b) SUBMISSION AND PROCESSING.—

"(1) IN GENERAL.—Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved.

"(2) DEADLINE.—An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

"(c) SPECIAL RULES.—The following rules shall apply with respect to national Federal write-in absentee ballots:

"(1) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

"(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

"(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

"(d) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(2) CONFORMING AMENDMENT.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and subtitle C".

(b) NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle E—Guidance and Standards

"SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

"(a) FORM OF BALLOT.—The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

"(b) STANDARDS.—The Commission shall prescribe standards for—

"(1) distributing the national Federal write-in absentee ballot, including standards for distributing such ballot through the Internet; and

"(2) processing and submission of the national Federal write-in absentee ballot.".

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) carrying out the duties described in subtitle E.".

(c) COORDINATION WITH UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot for absent uniformed services voters and overseas voters.

(2) DEFINITIONS.—The terms "absent uniformed service voter" and "overseas voter" shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg–6).

SEC. ___04. VOTER VERIFIED BALLOTS.

(a) VERIFICATION.—

(1) IN GENERAL.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

"(7) VOTER VERIFIED BALLOTS.—In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2009:

"(A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to verify the ballot before it is cast and counted.

"(B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

"(i) A paper record.

"(ii) An audio record.

"(iii) A pictorial record.

"(iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

"(C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

"(D) The requirements of this paragraph shall not apply to any voting system purchased before January 1, 2009, in order to meet the requirements of paragraph (3)(B).".

(2) Conforming Amendment.—Clause (i) of section 301(a)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting "and consistent with the requirements of paragraphs (2), (4), and (7)" after "independent manner".

(b) Guidance.—Subtitle E of title II of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

"SEC. 298. VOTER VERIFIED BALLOTS.

"The Commission shall issue uniform and nondiscriminatory standards—

"(1) for voter verified ballots required under section 301(a)(7); and

"(2) for meeting the audit requirements of section 301(a)(2).".

(c) Reports.—

(1) Election Assistance Commission.—Section 207 of the Help America Vote Act of 2002 (42 U.S.C. 15327) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) A description of the progress on implementing the voter verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.".

(2) State Reports.—Section 258 of the Help America Vote Act of 2002 (42 U.S.C. 15408) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting "; and", and by adding at the end the following new paragraph:

"(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the voter verified ballot requirements of section 301(a)(7).".

SEC. 05. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) In General.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Statewide Counting of Provisional Ballots.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote.".

(b) Effective Date.—

(1) In general.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

"(2) Effective date for statewide counting of provisional ballots.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2007.".

(2) Conforming amendment.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking "Each" and inserting the following:

"(1) In general.—Except as provided in paragraph (2), each".

SEC. ___06. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.

(a) In General.—Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

"SEC. 322. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

"(a) In General.—Each State shall provide for the minimum required number of voting systems and poll workers for each polling place on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299A.

"(b) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(b) Standards.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

"(a) In General.—The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each polling place on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

"(b) Distribution.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers.

"(c) Deviation.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.".

SEC. 07. ELECTION DAY REGISTRATION.

(a) Requirement.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 323. ELECTION DAY REGISTRATION.

"(a) In General.—

"(1) Registration.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6), each State shall permit any individual on the day of a Federal election—

"(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 297; and

"(B) to cast a vote in such election.

"(2) Exception.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

"(b) Effective Date.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2009.".

(b) Election Day Registration Form.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299A. ELECTION DAY REGISTRATION FORM.

"The Commission shall develop an election day registration form for elections for Federal office.".

SEC. 08. INTEGRITY OF VOTER REGISTRATION LIST.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.

"(a) Public Notice.—Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

"(b) Notice to Individual Voters.—

"(1) In general.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

"(2) Requirements of notice.—The notice required under paragraph (1) shall be—

"(A) provided to each voter in a uniform and nondiscriminatory manner;

"(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

"(C) in the form and manner prescribed by the Election Assistance Commission.

"(c) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

SEC. ___09. EARLY VOTING.

(a) In General.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 325. EARLY VOTING.

"(a) In General.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

"(b) Minimum Early Voting Requirements.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

"(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

"(2) have uniform hours each day for which such voting occurs.

"(c) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(b) Standards for Early Voting.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299B. STANDARDS FOR EARLY VOTING.

"(a) In General.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

"(b) Deviation.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.".

SEC. ___10. ACCELERATION OF STUDY ON ELECTION DAY AS A PUBLIC HOLIDAY.

(a) In General.—Section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381) is amended by adding at the end the following new subsection:

"(d) Report on Election Day.—

"(1) In general.—The report required under subsection (a) with respect to election administration issues described in subsection (b)(10) shall be submitted not later than 6 months after the date of the enactment of the Voting Enhancement and Technology Accuracy Rights Act of 2006.

"(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2007, $100,000 shall be authorized solely to carry out the purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. ___11. IMPROVEMENTS TO VOTING SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking ", a punch card voting system, or a central count voting system".

(b) CLARIFICATION OF REQUIREMENTS FOR PUNCH CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)) is amended by inserting "punch card voting system," after "any".

SEC. ___12. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION.—On and after January 1, 2009—

"(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

"(ii) subparagraph (B) shall not apply.".

(b) INTERNET REGISTRATION.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 326. INTERNET REGISTRATION.

"(a) INTERNET REGISTRATION.—Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(c) STANDARDS FOR INTERNET REGISTRATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299C. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.

"The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.".

SEC. 13. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking "or" at the end of subclause (I) and by adding at the end the following new subclause:

"(III) executes a written affidavit attesting to such individual's identity; or".

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting "; or", and by adding at the end the following new subclause:

"(III) a written affidavit, executed by such individual, attesting to such individual's identity.".

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299D. VOTER IDENTIFICATION.

"The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.".

SEC. 14. IMPARTIAL ADMINISTRATION OF ELECTIONS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.

"(a) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

"(b) OBSERVERS.—

"(1) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

"(A) party challengers;

"(B) voting rights and civil rights organizations; and

"(C) nonpartisan domestic observers and international observers.

"(2) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

SEC. ___15. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.

(a) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by inserting after section 209 the following new section:

"SEC. 209A. SUBMISSION OF BUDGET REQUESTS.

"Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.".

(b) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) the Election Assistance Commission;".

(c) RULEMAKING.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(1) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the Commission", and

(2) by inserting at the end the following new subsection:

"(b) EXCEPTION.—On and after January 1, 2009, subsection (a) shall not apply to any authority granted under subtitle E of this title or subtitle C of title III.".

(d) NIST AUTHORITY.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299E. TECHNICAL SUPPORT.

"At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking "for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year)" and inserting "$23,000,000 for fiscal year 2006 (of which $3,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for succeeding fiscal years".

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

"(4) For fiscal year 2006, $2,000,000,000.

"(5) For each fiscal year after 2006, such sums as are necessary.".

SEC. ___17. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in section __10 and subsection (b), the amendments made by this title shall take effect on January 1, 2009.

(b) PROVISIONAL BALLOTS.—The amendments made by sections __05, __15, and __16, shall take effect on January 1, 2007.

SA 4164. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REDUCTION IN IMMIGRANT VISAS.

(a) ESTIMATE OF BIRTHS TO ILLEGAL ALIENS.—The Secretary, in consultation with the Commissioner of Social Security, shall annually estimate the number of children who were born, during the most recently concluded calendar year, to a mother who was unlawfully present in the United States at the time of the birth if the child's father is not a citizen of the United States.

(b) REPORT.—The Secretary shall annually submit a report to Congress that contains the estimate described in subsection (a) and an explanation of the methods used to create such estimate.

(c) VISA REDUCTION.—The Secretary shall reduce, for each fiscal year, the number of family-sponsored immigrants authorized under section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) by a number equal to the number estimated under subsection (a) for the most recently concluded calendar year.

SA 4165. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 107, strike lines 15 through 18.

SA 4166. Mr. BYRD (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 370, strike line 14 and all that follows through page 371, line 14, and insert the following:

"(3) ADDITIONAL AMOUNTS OWED.—Prior to the adjudication of an application for adjustment of status filed under this section, the alien shall pay an amount equaling $2,500, but such amount shall not be required from an alien under the age of 18.

"(4) USE OF AMOUNTS COLLECTED.—The Secretary of Homeland Security shall deposit payments received under this subsection in the Immigration Examinations Fee Account, and these payments in such account shall be available, without fiscal year limitation, such that—

"(A) 80 percent of such funds shall be available to the Department of Homeland Security for border security purposes;

"(B) 10 percent of such funds shall be available to the Department of Homeland Security for implementing and processing applications under this section; and

"(C) 10 percent of such funds shall be available to the Department of Homeland Security and the Department of State to cover administrative and other expenses incurred in connection with the review of applications filed by immediate relatives of aliens applying for adjustment of status under this section.

"(5) FINES CONTINGENT ON APPROPRIATIONS.—No fine may be collected under this section in excess of $2,000 except to the extent that the expenditures of the fine to pay the costs of activities and services for which the fine in excess of $2,000 is imposed, as described in paragraph (6), is provided for in advance in an appropriations Act.

"(6) DEPOSIT OF COLLECTIONS.—Amounts collected under subsection (5) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

"(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense covered in section 212(a);

"(B) to carry out the apprehension and detention of any alien who is deportable by reason of any offense under section 237(a);

"(C) for border sensor and surveillance technology;

"(D) for air and marine interdiction, operations, maintenance and procurement;

"(E) for customs and border protection construction;

"(F) for federal law enforcement training;

"(G) for maritime security;

SA 4167. Mr. COLEMAN (for himself, Mr. DORGAN, Ms. COLLINS, Mrs. MURRAY, Ms. CANTWELL, Ms. SNOWE, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, insert the following:

SEC. 133. WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) EXTENSION OF WESTERN HEMISPHERE TRAVEL INITIATIVE IMPLEMENTATION DEADLINE.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "the later of June 1, 2009, or 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subsection (i) of section 133 of the Comprehensive Immigration Reform Act of 2006.".

(c) PASSPORT CARDS.—

(1) AUTHORITY TO ISSUE.—In order to facilitate travel of United States citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda, the Secretary of State, in consultation with the Secretary, is authorized to develop a travel document known as a Passport Card.

(2) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall be authorized to issue to a citizen of the United States who submits an application in accordance with paragraph (5) a travel document that will serve as a Passport Card.

(3) APPLICABILITY.—A Passport Card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(4) VALIDITY.—A Passport Card shall be valid for the same period as a United States passport.

(5) LIMITATION ON USE.—A Passport Card may only be used for the purpose of international travel by United States citizens through land and sea ports of entry between—

(A) the United States and Canada;

(B) the United States and Mexico; and

(C) the United States and a country located in the Caribbean or Bermuda.

(6) APPLICATION FOR ISSUANCE.—To be issued a Passport Card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(7) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a Passport Card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the Passport Card is not developed by that date.

(B) TECHNOLOGY.—The Secretary and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department, allows for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

(8) SPECIFICATIONS FOR CARD.—A Passport Card shall be easily portable and durable. The Secretary of State and the Secretary shall consult regarding the other technical specifications of the Card, including whether the security features of the Card could be combined with other existing identity documentation.

(9) FEE.—

(A) IN GENERAL.—An applicant for a Passport Card shall submit an application under paragraph (6) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Fees for a Passport Card shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended.

(B) LIMITATION ON FEES.—The Secretary of State shall seek to make such fees as low as possible and less than $24. If the Secretary of State, the Secretary, and the Postmaster General jointly certify to Congress that such fees represent the lowest possible cost of issuing Passport Cards and provide a detailed cost analysis for any such fee that is more than $24, fees may exceed $24 but may not exceed $34.

(C) REDUCTION OF FEE.—The Secretary of State shall reduce the fee for a Passport Card for an individual who submits an application for a Passport Card together with an application for a United States passport.

(D) WAIVER OF FEE FOR CHILDREN.—The Secretary of State shall waive the fee for a Passport Card for a child under 18 years of age.

(E) AUDIT.—In the event that the fee for a Passport Card exceeds $24, the Comptroller General of the United States shall conduct an audit to determine whether Passport Cards are issued at the lowest possible cost.

(10) ACCESSIBILITY.—In order to make the Passport Card easily obtainable, an application for a Passport Card shall be accepted in the same manner and at the same locations as an application for a United States passport.

(11) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a Passport Card.

(d) STATE ENROLLMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of State and the Secretary shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

(A) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(B) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

(C) All information collected about the individual shall be managed exclusively in the same manner as information collected through a passport application and no further distribution of such information shall be permitted.

(D) A State may not require an individual to include the individual's citizenship status on a driver's license.

(E) Notwithstanding any other provision of law, a driver's license which meets the requirements of this paragraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States from Canada through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall have the effect of creating a national identity card.

(3) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary may expand the demonstration program under this subsection so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

(4) STUDY.—Not later than 6 months after the date that the demonstration program under this subsection is carried out, the Comptroller General of the United States shall conduct a study of—

(A) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

(B) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

(C) the security of travel documents that meet the requirements of the program compared with other travel documents.

(5) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, the Secretary of State and Secretary are authorized to work with appropriate authorities of Canada to certify identification issued by the Government of Canada, including a driver's license, as meeting security requirements similar to the requirements under the REAL ID Act of 2005 (division B of Public Law 109–13) and including a citizenship verification mechanism. To the maximum extent possible, the Secretary shall work to ensure that Canadian identification documents used as described in this paragraph contain the same technology as United States documents and may be accepted using the same document scanners. Notwithstanding any other provision of law, in the event that such certified identity document includes information that shows an individual to be a citizen of Canada, such individual shall be permitted to enter the United States from Canada. The Secretary shall ensure that, at all times, more States are participants in this program than Canadian provinces.

(e) EXPEDITED PROCESSING FOR REPEAT TRAVELERS.—

(1) LAND CROSSINGS.—To the maximum extent practicable, the Secretary shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists. The Secretary, in consultation with the appropriate officials of the Government of Canada, shall equip at least 6 additional northern border crossings with NEXUS technology.

(2) SEA CROSSINGS.—The Commissioner of Customs and Border Patrol shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. One such program shall be conducted in Florida and modeled on the I–68 program.

(f) PROCESS FOR INDIVIDUALS LACKING APPROPRIATE DOCUMENTS.—

(1) IN GENERAL.—The Secretary shall establish a program that satisfies section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(A) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States for a time period of not more than 72 hours, on a limited basis, and at no additional fee; or

(B) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in paragraph (A) upon the arrival of such citizen at an international border of the United States.

(2) GRACE PERIOD.—During a time period determined by the Secretary, officers of the United States Customs and Border Patrol may permit citizens of the United States and Canada who are unaware of the requirements of 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), or otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer. Officers of the United States Customs and Border Patrol shall educate such individuals about documentary requirements.

(g) TRAVEL BY CHILDREN.—For travel to Canada, the Secretary shall have authority to waive the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) for travel by children who are 17 years old or younger traveling in groups of 6 or more, provided that such groups present documents demonstrating parental consent for each child's travel. The Secretary may issue similar regulations for travel to Mexico.

(h) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the collection and analysis of data to measure the success of the public promotion plan; and

(4) additional measures as appropriate.

(i) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the later of June 1, 2009, or the date that is 3 months after the Secretary of State and the Secretary certify to Congress that—

(1)(A) if the Secretary and the Secretary of State develop and issue Passport Cards under this section—

(i) such cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(ii) Passport Cards are provided to applicants, on average, within 4 weeks of application or within the same period of time required to adjudicate a passport; and

(iii) a successful pilot has demonstrated the effectiveness of the Passport Card; or

(B) if the Secretary and the Secretary of State do not develop and issue Passport Cards under this section and develop a program to issue an alternative document that satisfies the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, in addition to the NEXUS, SENTRI, FAST and Border Crossing Card programs, such alternative document is widely available and well publicized;

(2) United States border crossings have been equipped with sufficient document readers and other technologies to ensure that implementation will not substantially slow the flow of traffic and persons across international borders;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept Passport Cards and all alternative identity documents at all United States border crossings; and

(4) the outreach plan described in subsection (g) has been implemented and the Secretary determines such plan has been successful in providing information to United States citizens.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Secretary such sums as may be necessary to carry out this section, and the amendment made by this section.

SA 4168. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 397, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

SA 4169. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 398, strike lines 10 through 13, and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

SA 4170. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 400, strike line 14, and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 4171. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 407, strike line 18, and all that follows through page 408, line 9 and insert the following:

(i) QUALIFYING EMPLOYMENT.—The alien has performed not less than the following agricultural employment:

(I) IN GENERAL.—Except as provided in subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to have met the agricultural employment requirements described in subclause (I) if the alien has performed 4 years of agricultural employment in the Untied States for at least 150 work days during three of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

SA 4172. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 398, between lines 21 and 22, insert the following:

(D) has not been convicted of a felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 410, strike lines 18 through 20, and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 413, strike lines 22 through 24, and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SA 4173. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 428, strike lines 8 through 11, and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 and 2008 such sums as may be necessary to carry out this section, including carrying out the initial actions necessary to beginning conferring blue card status to aliens.

SA 4174. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 417, line 10, strike "paragraph (1)(A)(i)(II)" and insert "paragraph (1)(A)(ii)".

On page 429, strike line 8 and all that follows through page 502, line 25, and insert the following:

CHAPTER 2—REFORM OF H–2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 218 (8 U.S.C. 1188) is amended to read as follows:

"SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

"(a) EMPLOYER APPLICATIONS.—

"(1) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(A) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(i) the assurances described in paragraph (2);

"(ii) a description of the nature and location of the work to be performed;

"(iii) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(iv) the number of job opportunities in which the employer seeks to employ the workers.

"(B) ACCOMPANIED BY JOB OFFER.—Each application filed under subparagraph (A) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(2) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in paragraph (1)(A)(i) are the following:

"(A) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(i) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(ii) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(iii) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this subparagraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(iv) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(v) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(vi) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(B) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(i) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(ii) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(iii) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (b) to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(iv) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(v) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(I) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(II) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(III) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(vi) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under clause (v) of an employer if the other employer described in such clause displaces a United States worker as described in such clause.

"(vii) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment, which shall provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(viii) EMPLOYMENT OF UNITED STATES WORKERS.—

"(I) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(aa) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(bb) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in paragraph (1)(B) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(cc) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(dd) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(II) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(III) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(aa) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this subclause.

"(bb) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of item (aa) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, not later than 36 hours after the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary shall immediately suspend the application of this subclause with respect to that certification for that date of need.

"(cc) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding item (aa), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(IV) STATUTORY CONSTRUCTION.—Nothing in this clause shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(3) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(A) IN GENERAL.—An agricultural association may file an application under paragraph (1) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section.

"(B) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under subparagraph (A) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under paragraph (5)(B)(ii) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(4) WITHDRAWAL OF APPLICATIONS.—

"(A) IN GENERAL.—An employer may withdraw an application filed under paragraph (1), except that if the employer is an agricultural association, the association may withdraw an application filed under paragraph (1) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application filed under paragraph (1), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(B) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under paragraph (1) is unaffected by withdrawal of such application.

"(5) REVIEW AND APPROVAL OF APPLICATIONS.—

"(A) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, not later than 1 working day after the date on which an application is filed under paragraph (1), at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(B) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(i) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this paragraph. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(ii) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary shall certify that the intending employer has filed with the Secretary an application described in paragraph (1). Such certification shall be provided not later than 7 days after the application is filed.

"(b) EMPLOYMENT REQUIREMENTS.—

"(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. A job offer may not impose on United States workers any restrictions or obligations that will not be imposed on the employer's H–2A workers.

"(2) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required under paragraph (1), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under subsection (a)(2)(B) shall include each of the following benefit, wage, and working condition provisions:

"(A) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(i) IN GENERAL.—An employer applying under subsection (a)(1) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that subsection and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(ii) TYPE OF HOUSING.—In complying with clause (i), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State and for other purposes; which was ordered to lie on the table; as follows:

On page 398, strike lines 10 through 13, and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

SA 4170. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 400, strike line 14, and insert the following:

or harm to property in excess of $500; or

(iii) the alien fails to perform the agricultural employment required under subsection (c)(1)(A)(i) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (c)(1)(A)(iii).

SA 4171. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 407, strike line 18, and all that follows through page 408, line 9 and insert the following:

(i) QUALIFYING EMPLOYMENT.—The alien has performed not less than the following agricultural employment:

(I) IN GENERAL.—Except as provided in subclause (II), the alien has performed at least—

(aa) 5 years of agricultural employment in the United States, for at least 100 work days per year, during the 5-year period beginning on the date of enactment of this Act; or

(bb) 3 years of agricultural employment in the United States, for at least 150 work days per year, during the 3-year period beginning on the date of enactment of this Act.

(II) 4-YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to have met the agricultural employment requirements described in subclause (I) if the alien has performed 4 years of agricultural employment in the Untied States for at least 150 work days during three of the 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on the date of enactment of this Act.

SA 4172. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 398, between lines 21 and 22, insert the following:

(D) has not been convicted of a felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 410, strike lines 18 through 20, and insert the following:

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

On page 413, strike lines 22 through 24, and insert the following:

(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

SA 4173. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 428, strike lines 8 through 11, and insert the following:

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 and 2008 such sums as may be necessary to carry out this section, including carrying out the initial actions necessary to beginning conferring blue card status to aliens.

SA 4174. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 417, line 10, strike "paragraph (1)(A)(i)(II)" and insert "paragraph (1)(A)(ii)".

On page 429, strike line 8 and all that follows through page 502, line 25, and insert the following:

CHAPTER 2—REFORM OF H–2A WORKER PROGRAM

SEC. 615. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

Section 218 (8 U.S.C. 1188) is amended to read as follows:

"SEC. 218. ADMISSION OF TEMPORARY H–2A WORKERS.

"(a) EMPLOYER APPLICATIONS.—

"(1) APPLICATIONS TO THE SECRETARY OF LABOR.—

"(A) IN GENERAL.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(i) the assurances described in paragraph (2);

"(ii) a description of the nature and location of the work to be performed;

"(iii) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(iv) the number of job opportunities in which the employer seeks to employ the workers.

"(B) ACCOMPANIED BY JOB OFFER.—Each application filed under subparagraph (A) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(2) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in paragraph (1)(A)(i) are the following:

"(A) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(i) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(ii) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(iii) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this subparagraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(iv) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(v) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(vi) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(B) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(i) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(ii) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(iii) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by subsection (b) to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(iv) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(v) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(I) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(II) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(III) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(vi) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under clause (v) of an employer if the other employer described in such clause displaces a United States worker as described in such clause.

"(vii) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment, which shall provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(viii) EMPLOYMENT OF UNITED STATES WORKERS.—

"(I) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(aa) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(bb) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in paragraph (1)(B) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(cc) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(dd) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(II) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(III) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(aa) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H–2A workers in order to force the hiring of United States workers under this subclause.

"(bb) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of item (aa) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, not later than 36 hours after the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary shall immediately suspend the application of this subclause with respect to that certification for that date of need.

"(cc) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding item (aa), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(IV) STATUTORY CONSTRUCTION.—Nothing in this clause shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(3) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(A) IN GENERAL.—An agricultural association may file an application under paragraph (1) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section.

"(B) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under subparagraph (A) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under paragraph (5)(B)(ii) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(4) WITHDRAWAL OF APPLICATIONS.—

"(A) IN GENERAL.—An employer may withdraw an application filed under paragraph (1), except that if the employer is an agricultural association, the association may withdraw an application filed under paragraph (1) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application filed under paragraph (1), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(B) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under paragraph (1) is unaffected by withdrawal of such application.

"(5) REVIEW AND APPROVAL OF APPLICATIONS.—

"(A) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, not later than 1 working day after the date on which an application is filed under paragraph (1), at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(B) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(i) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this paragraph. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(ii) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary shall certify that the intending employer has filed with the Secretary an application described in paragraph (1). Such certification shall be provided not later than 7 days after the application is filed.

"(b) EMPLOYMENT REQUIREMENTS.—

"(1) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers not less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. A job offer may not impose on United States workers any restrictions or obligations that will not be imposed on the employer's H–2A workers.

"(2) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required under paragraph (1), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under subsection (a)(2)(B) shall include each of the following benefit, wage, and working condition provisions:

"(A) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(i) IN GENERAL.—An employer applying under subsection (a)(1) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that subsection and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(ii) TYPE OF HOUSING.—In complying with clause (i), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(iii) FAMILY HOUSING.—If it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(iv) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(v) LIMITATION.—Nothing in this subparagraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(vi) CHARGES FOR HOUSING.—

"(I) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(II) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(vii) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(I) IN GENERAL.—If the requirement under subclause (II) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under clause (i). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this subclause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(II) CERTIFICATION.—The requirement of this subclause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(III) AMOUNT OF ALLOWANCE.—

"(aa) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is a nonmetropolitan county, the amount of the housing allowance under this clause shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(bb) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this clause is in a metropolitan county, the amount of the housing allowance under this clause shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(B) REIMBURSEMENT OF TRANSPORTATION.—

"(i) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(ii) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(iii) LIMITATION.—

"(I) AMOUNT OF REIMBURSEMENT.—Except as provided in subclause (II), the amount of reimbursement provided under clause (i) or (ii) to a worker or alien shall not exceed the lesser of—

"(aa) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(bb) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(II) DISTANCE TRAVELED.—No reimbursement under clause (i) or (ii) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance provided under subparagraph (A)(vii).

"(iv) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in subparagraph (D)(iv)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by clause (ii) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by clause (i).

"(v) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(C) REQUIRED WAGES.—

"(i) IN GENERAL.—An employer applying for workers under subsection (a)(1) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(ii) LIMITATION.—Effective on the date of the enactment of the AgJOBS Act of 2006, and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(iii) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(I) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this subsection before the first March 1 that is not less than 3 years after the date of the enactment of AgJOBS Act of 2006, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

"(aa) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(bb) 4 percent.

"(II) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of the enactment of the AgJOBS Act of 2006, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

"(aa) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

"(bb) 4 percent.

"(iv) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

"(v) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

"(vi) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

"(I) the worker's total earnings for the pay period;

"(II) the worker's hourly rate of pay, piece rate of pay, or both;

"(III) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the 75 percent guarantee described in subparagraph (D);

"(IV) the hours actually worked by the worker;

"(V) an itemization of the deductions made from the worker's wages; and

"(VI) if piece rates of pay are used, the units produced daily.

"(vii) REPORT ON WAGE PROTECTIONS.—Not later than December 31, 2008, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

"(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

"(V) recommendations for future wage protection under this subsection.

"(viii) COMMISSION ON WAGE STANDARDS.—

"(I) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (referred to in this clause as the 'Commission').

"(II) COMPOSITION.—The Commission shall consist of 10 members, of which—

"(aa) 4 shall be representatives of agricultural employers and 1 shall be a representative of the Department of Agriculture, each appointed by the Secretary of Agriculture; and

"(bb) 4 shall be representatives of agricultural workers and 1 shall be a representative of the Department of Labor, each appointed by the Secretary of Labor.

"(III) FUNCTIONS.—The Commission shall conduct a study that addresses—

"(aa) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

"(bb) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

"(cc) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

"(dd) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

"(ee) recommendations for future wage protection under this subsection.

"(IV) FINAL REPORT.—Not later than December 31, 2008, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under subclause (III).

"(V) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

"(D) GUARANTEE OF EMPLOYMENT.—

"(i) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least 75 percent of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. In this clause, 'the hourly equivalent' means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this subparagraph, the employer shall pay such worker the amount which the worker would have earned had the worker worked for the guaranteed number of hours.

"(ii) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, if the worker has been offered an opportunity to so work, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

"(iii) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the 75 percent guarantee described in clause (i).

"(iv) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in clause (i) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in clause (i) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in subparagraph (B)(iv).

"(E) MOTOR VEHICLE SAFETY.—

"(i) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

"(I) IN GENERAL.—Except as provided in subclauses (III) and (IV), this subparagraph applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

"(II) DEFINED TERM.—In this subparagraph, the term 'uses or causes to be used'—

"(aa) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

"(bb) does not apply to—

"(AA) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

"(BB) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

"(III) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

"(IV) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subparagraph does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental to such activities.

"(V) COMMON CARRIERS EXCLUDED.—This subparagraph does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(ii) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(I) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(aa) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(bb) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(cc) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(II) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required under subclause (I)(cc) shall be determined by the Secretary of Labor pursuant to regulations to be issued under this paragraph.

"(III) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of clause (ii)(I)(cc) relating to having an insurance policy or liability bond apply:

"(aa) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(bb) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(3) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided under this subsection, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(4) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in subsection (a)(1), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(5) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“(c) PROCEDURE FOR ADMISSION AND EXTENSION OF STAY.—

“(1) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission of an H–2A worker into the United States may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under subsection (a)(5)(B)(ii) covering the petitioner.

“(2) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for the expedited adjudication of petitions filed under paragraph (1). Not later than 7 working days after the receipt of such a petition, the Secretary shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate if the petitioner has indicated that the alien beneficiary or beneficiaries will apply for a visa or admission to the United States.

“(3) CRITERIA FOR ADMISSIBILITY.—

“(A) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section and the alien is not ineligible under subparagraph (B).

“(B) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(i) violated a material provision of this subsection, including the requirement to promptly depart the United States when the alien's authorized period of admission under this subsection has expired; or

“(ii) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(C) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(i) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this subsection, and who is otherwise eligible for admission in accordance with subparagraphs (A) and (B), shall not be deemed inadmissible under section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

“(ii) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to clause (i) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility under clause (i).

“(4) PERIOD OF ADMISSION.—

“(A) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to subsection (a)(5)(B)(ii), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(i) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(ii) the total period of employment, including such 14-day period, may not exceed 10 months.

“(B) CONSTRUCTION.—Nothing in this paragraph shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(5) ABANDONMENT OF EMPLOYMENT.—

“(A) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(B) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

“(C) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

“(D) VOLUNTARY TERMINATION.—Notwithstanding subparagraph (A), an alien may voluntarily terminate the alien's employment if the alien promptly departs the United States upon termination of such employment.

“(6) REPLACEMENT OF ALIEN.—

“(A) IN GENERAL.—Upon notification to the Secretary under paragraph (5)(B), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

“(i) who abandons or prematurely terminates employment; or

“(ii) whose employment is terminated after a United States worker is employed pursuant to subsection (a)(2)(B)(viii)(III), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(B) CONSTRUCTION.—Nothing in this paragraph shall limit any preference required to be accorded United States workers under any other provision of this Act.

“(7) IDENTIFICATION DOCUMENT.—

“(A) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

“(B) REQUIREMENTS.—An identification and employment eligibility document may be issued only if it meets the following requirements:

“(i) The document shall be capable of reliably determining whether—

“(I) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(II) the individual whose eligibility is being verified is claiming the identity of another person; and

“(III) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

“(ii) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(iii) The document shall—

“(I) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(II) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(8) EXTENSION OF STAY IN THE UNITED STATES.—

“(A) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to paragraph (1), shall request an extension of the alien's stay and a change in the alien's employment.

“(B) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

“(i) for a period of more than 10 months; or

“(ii) to a date that is more than 3 years after the date of the alien's last admission to the United States under this subsection.

“(C) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

“(i) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under subparagraph (A) on the date on which the petition is filed.

“(ii) DEFINITION.—In clause (i), the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(iii) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(iv) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of subparagraph (A), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(E) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

“(i) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H-2A worker (including any extensions) is 3 years.

“(ii) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

“(I) IN GENERAL.—Subject to subclause (II), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H-2A worker unless the alien has remained outside the United States for a continuous period equal to at least 20 percent of the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

“(II) EXCEPTION.—Subclause (I) shall not apply if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

“(9) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—Notwithstanding any provision of the AgJOBS Act of 2006, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder, goat herder, or dairy worker—

“(A) may be admitted for an initial period of 12 months;

“(B) subject to paragraph (10)(E), may have such initial period of admission extended for a period of up to 3 years; and

“(C) shall not be subject to the requirements of paragraph (8)(E).

“(10) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS FOR ALIENS EMPLOYED AS SHEEPHERDERS, GOAT HERDERS, OR DAIRY WORKERS.—

“(A) ELIGIBLE ALIEN.—In this paragraph, the term ‘eligible alien’ means an alien—

“(i) having nonimmigrant status under section 101(a)(15)(H)(ii)(a) based on employment as a sheepherder, goat herder, or dairy worker;

“(ii) who has maintained such nonimmigrant status in the United States for a cumulative total of 36 months (excluding any period of absence from the United States); and

“(iii) who is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

“(B) CLASSIFICATION PETITION.—In the case of an eligible alien, the petition under section 204 for classification under section 203(b)(3)(A)(iii) may be filed by—

“(i) the alien's employer on behalf of an eligible alien; or

“(ii) the eligible alien.

“(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)((3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa for an eligible alien under section 203(b)(3)(A)(iii).

“(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on the approval of such a petition, shall not constitute evidence of an alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(ii)(a).

“(E) EXTENSION OF STAY.—The Secretary shall extend the stay of an eligible alien having a pending or approved classification petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

“(F) CONSTRUCTION.—Nothing in this paragraph shall be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.

“(d) WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT.—

“(1) ENFORCEMENT AUTHORITY.—

“(A) INVESTIGATION OF COMPLAINTS.—

“(i) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition under subsection (a)(2), or an employer's misrepresentation of material facts in an application under subsection (a)(1). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this clause if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(ii) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, not later than 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in clause (iii), (iv), (v), or (vii). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, not later than 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this clause on such complaints.

“(iii) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of subparagraph (A)(i), (A)(ii), (A)(iv), (A)(vi), (B)(i), (B)(ii), or (B)(vii) of subsection (a)(2), a substantial failure to meet a condition of subparagraph (A)(iii), (A)(v), (B)(iii), (B)(iv), (B)(v), or (B)(viii) of subsection (a)(2), or a material misrepresentation of fact in an application under subsection (a)(1)—

“(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(II) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

“(iv) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of subsection (a)(2), a willful misrepresentation of a material fact in an application under subsection (a)(2), or a violation of paragraph (4)(A)—

“(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

“(II) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of paragraph (4)(A); and

“(III) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

“(v) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of subsection (a)(2) or a willful misrepresentation of a material fact in an application under subsection (a)(1), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under subsection (a)(1) or during the 30-day period preceding such period of employment—

“(I) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(II) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

“(vi) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under subsection (a)(1) in excess of $90,000.

“(vii) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under subsection (b)(2), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under subsection (b)(2) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

“(B) STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section.

“(2) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in paragraph (3), and no other right of action shall exist under Federal or State law to enforce such rights:

“(A) The providing of housing or a housing allowance as required under subsection (b)(2)(A).

“(B) The reimbursement of transportation as required under subsection (b)(2)(B).

“(C) The payment of wages required under subsection (b)(2)(C) when due.

"(D) The benefits and material terms and conditions of employment expressly provided in the job offer described in subsection (a)(1)(B), not including the assurance to comply with other Federal, State, and local labor laws described in subsection (b)(3), compliance with which shall be governed by the provisions of such laws.

"(E) The guarantee of employment required under subsection (b)(2)(D).

"(F) The motor vehicle safety requirements under subsection (b)(2)(E).

"(G) The prohibition of discrimination under paragraph (4)(B).

"(3) PRIVATE RIGHT OF ACTION.—

"(A) MEDIATION.—

"(i) IN GENERAL.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under paragraph (2), and not later than 60 days after the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in clause (iii).

"(ii) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under paragraph (2) between H–2A workers and agricultural employers without charge to the parties.

"(iii) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(iv) AUTHORIZATION.—

"(I) IN GENERAL.—Subject to subclause (II), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this subsection.

"(II) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to subclause (I). Such reimbursement shall be credited to appropriations available at the time of receipt.

"(B) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under paragraph (2) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this section, not later than 3 years after the date the violation occurs.

"(C) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under subparagraph (B) unless a complaint based on the same violation filed with the Secretary of Labor under paragraph (1)(A) is withdrawn before the filing of such action, in which case the rights and remedies available under this paragraph shall be exclusive.

"(D) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this section shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this section.

"(E) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this section shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this section. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(F) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(i) If the court finds that the respondent has intentionally violated any of the rights enforceable under paragraph (2), it shall award actual damages, if any, or equitable relief.

"(ii) Any civil action brought under this paragraph shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(G) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, if the workers' compensation law of a State is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this subsection in the case of bodily injury or death, in accordance with such workers' compensation law.

"(ii) PRECLUSION.—The exclusive remedy prescribed in clause (i) precludes the recovery under subparagraph (F) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(I) a recovery under a State workers' compensation law; or

"(II) rights conferred under a State workers' compensation law.

"(H) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under this paragraph shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(I) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and an H–2A employer or any person reached through the mediation process required under subparagraph (A) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(J) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under paragraph (1)(A)(ii) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(4) DISCRIMINATION PROHIBITED.—

"(A) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under subsection (a)(1), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section subsection (a) or (b), or any rule or regulation pertaining to such subsections, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements such subsections or any rule or regulation pertaining to either of such subsections.

"(B) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under subsection (a)(1), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under paragraph (2) or instituted, or caused to be instituted, a private right of action under paragraph (3) regarding the denial of the rights under paragraph (2), or has testified or is about to testify in any court proceeding brought under paragraph (3).

"(5) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of paragraph (4) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(6) ROLE OF ASSOCIATIONS.—

"(A) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of subsections (a) and (b), as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(B) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this subsection, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"(e) DEFINITIONS.—In this section:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)), including employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more H–2A workers.

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in subsection (b)(1)(B)(iv)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under subsection (a) by an entity that is not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 616. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this subtitle and the amendments made by this subtitle, and a collection process for such fees from employers participating in the program provided under this subtitle. Such fees shall be the only fees chargeable to employers for services provided under this subtitle.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this subtitle, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out subsections (a) and (c) of the Immigration and Nationality Act, as added by section 615 of this Act, and the provisions of this subtitle.

SEC. 617. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this subtitle and the amendments made by this subtitle.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this subtitle and the amendments made by this subtitle.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this subtitle and the amendments made by this subtitle.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under section 218 of the Immigration and Nationality Act, as added by section 615 of this Act, shall be issued not later than 1 year after the date of the enactment of this Act.

SEC. 618. REPORT TO CONGRESS.

Not later than September 30 of each year, the Secretary shall submit a report to Congress that identifies, for the previous year—

(1) the number of job opportunities approved for employment of aliens admitted under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)), and the number of workers actually admitted, by State and by occupation;

(2) the number of such aliens reported to have abandoned employment pursuant to section 218(c)(5)(B) of such Act;

(3) the number of such aliens who departed the United States within the period specified in subsection 218(c)(4) of such Act;

(4) the number of aliens who applied for adjustment of status pursuant to section 613(a);

(5) the number of such aliens whose status was adjusted under section 613(a);

(6) the number of aliens who applied for permanent residence pursuant to section 613(c); and

(7) the number of such aliens who were approved for permanent residence pursuant section 613(c).

SA 4175. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS ON SOCIAL SECURITY BENEFITS FOR ILLEGAL IMMIGRANTS.

It is the sense of the Congress that—

(1) illegal immigrants should never receive Social Security benefits or federally funded cash welfare, nor should illegal aliens receive the earned income tax credit based on unauthorized employment under any circumstances, and this prohibition should be strictly enforced; and

(2) identity theft should be prosecuted to the fullest extent of the law.

SA 4176. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . RADIATION SOURCE PROTECTION.

(a) TRACKING SYSTEM.—Section 170H of the Atomic Energy Act of 1954 (42 U.S.C. 2210h) is amended—

(1) in subsection c.—

(A) in paragraph (1)(B)—

(i) by inserting “and the Secretary of Homeland Security” after “Secretary of Transportation” the first place it appears; and

(ii) by inserting “or the Secretary of Homeland Security” after “Secretary of Transportation” the second place it appears; and

(B) in paragraph (2)(A), by inserting “and each license holder” after “unique identifier”; and

(2) by adding at the end the following:

“h. License Verification for Exports and Imports.—The Commission shall—

“(1) assist the Bureau of Customs and Border Protection of the Department of Homeland Security in verifying any documentation or authorization issued by the Commission associated with the export or import of a radiation source regulated under this section, including allowing the Department of Homeland Security access to the tracking system established under subsection c.; and

“(2) require any individual transporting radiation sources that are exported from or imported into the United States to possess the applicable and required documentation issued by the Commission.”.

(b) Customs Revenue Function.—Section 415 of the Homeland Security Act of 2002 (6 U.S.C. 215) is amended by adding at the end the following:

“(9) Verifying the authorizations issued by the Nuclear Regulatory Commission to possess and transport radiation sources when individuals pass through United States ports of entry.”.

SA 4177. Mr. GRASSLEY (for himself, Mr. Obama, Mr. Baucus, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes, as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) In General.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

“SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

“(a) Making Employment of Unauthorized Aliens Unlawful.—

“(1) In general.—It is unlawful for an employer—

“(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard, that the alien is an unauthorized alien with respect to such employment; or

“(B) to hire, or to recruit or refer for a fee, for employment in the United States an individual unless such employer meets the requirements of subsections (c) and (d).

“(2) Continuing employment.—It is unlawful for an employer, after lawfully hiring an alien for employment, to continue to employ the alien in the United States knowing that the alien is (or has become) an unauthorized alien with respect to such employment.

“(3) Use of labor through contract.—

“(A) In general.—An employer who uses a contract, subcontract, or exchange to obtain the labor of an alien in the United States knowing, or with reckless disregard—

“(i) that the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A); or

“(ii) that the person hiring such alien failed to comply with the requirements of subsections (c) and (d) shall be considered to have hired the alien in violation of paragraph (1)(B).

“(B) Information sharing.—The person hiring the alien shall provide to the employer, who obtains the labor of the alien, the employer identification number assigned to such person by the Commissioner of Internal Revenue. Failure to provide such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

“(C) Reporting requirement.—The employer shall submit to the Electronic Verification System established under subsection (d), in a manner prescribed by the Secretary, the employer identification number provided by the person hiring the alien. Failure to submit such number shall be considered a recordkeeping violation under subsection (e)(4)(B).

“(D) Enforcement.—The Secretary shall implement procedures to utilize the information obtained under subparagraphs (B) and (C) to identify employers who use a contract, subcontract, or exchange to obtain the labor of an alien from another person, where such person hiring such alien fails to comply with the requirements of subsections (c) and (d).

“(4) Defense.—

“(A) In general.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

“(B) Exception.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

“(b) Order of Internal Review and Certification of Compliance.—

“(1) Authority to require certification.—If the Secretary. has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

“(2) Content of certification.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

“(A) the employer is in compliance with the requirements of subsections (c) and (d); or

“(B) that the employer has instituted a program to come into compliance with such requirements.

“(3) Extension.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

“(4) Publication.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

“(c) Document Verification Requirements.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States shall verify that the individual is eligible for such employment by meeting the following requirements:

“(1) Attestation by employer.—

“(A) Requirements.—

“(i) In general.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

“(ii) Signature requirements.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

“(iii) Standards for examination.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

“(B) Identification documents.—A document described in this subparagraph is—

“(i) in the case of an individual who is a national of the United States—

“(I) a United States passport; or

“(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that satisfies the requirements of division B of Public Law 109–13 (119 Stat. 302);

“(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary;

“(iii) in the case of an alien who is authorized under this Act or by the Secretary to be employed in the United States, an employment authorization card, as specified by the Secretary that—

“(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use;

“(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that—

“(I) contains a photograph of the individual or other identifying information, including name, date of birth, gender, and address; and

“(II) contains security features to make the document resistant to tampering, counterfeiting, and fraudulent use; or

“(v) until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, a document, or a combination of documents, of such type that, as of the date of the enactment of the Comprehensive Immigration Reform Act of 2006, the Secretary had established by regulation were sufficient for purposes of this section.

“(C) Authority to prohibit use of certain documents.—

“(i) Authority.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

"(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

"(2) ATTESTATION OF EMPLOYEE.—

"(A) REQUIREMENTS.—

"(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Secretary to be hired, or to be recruited or referred for a fee, in the United States.

"(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

"(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

"(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraph (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

"(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

"(B) in the case of the hiring of an individual the later of—

"(i) 5 years after the date of such hiring;

"(ii) 1 year after the date the individual's employment is terminated; or

"(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

"(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

"(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

"(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

"(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

"(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

"(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

"(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

"(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

"(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

"(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary or the Commissioner of Social Security; and

"(B) such individual is eligible for employment in the United States.

"(2) REQUIREMENT FOR PARTICIPATION.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to implement this subsection.

"(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

"(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

"(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of the Comprehensive Immigration Reform Act of 2006—

"(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

"(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

"(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(v).

"(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

"(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

"(A) the attestation requirement in subsection (c); and

"(B) the employment eligibility verification requirements in this subsection.

"(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

"(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

"(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

"(8) DESIGN AND OPERATION OF SYSTEM.—

"(A) IN GENERAL.—The Secretary shall, through the System—

"(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

"(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

"(B) INITIAL INQUIRY.—

"(i) INFORMATION REQUIRED.—A registered employer shall, with respect to the hiring, or recruiting or referring for a fee, any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

"(I) the individual's name and date of birth and, if the individual was born in the United States, the State in which such individual was born;

"(II) the individual's social security account number;

"(III) the employment identification number of the individual's employer during any one of the 5 most recently completed calendar years; and

"(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(2), such alien identification or authorization number that the Secretary shall require.

"(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

"(I) not later than 3 days after the date of the hiring, or recruiting or referring for a fee, of the individual (as the case may be); or

"(II) in the case of an employee hired by a critical employer designated by the Secretary under paragraph (3)(B) at such time as the Secretary shall specify.

"(iii) EIN REQUIREMENTS.—

"(I) REQUIREMENT TO PROVIDE.—An employer shall provide the employer identification number issued to such employer to the individual, upon request, for purposes of providing the information under clause (i)(III).

"(II) REQUIREMENT TO AFFIRMATIVELY STATE A LACK OF RECENT EMPLOYMENT.—An individual providing information under clause (i)(III) who was not employed in the United States during any of the 5 most recently completed calendar years shall affirmatively state on the form described in subsection (c)(1)(A)(i) that no employer identification number is provided because the individual was not employed in the United States during such period.

"(C) INITIAL RESPONSE.—Not later than 10 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

"(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

"(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

"(D) CONFIRMATION OR NONCONFIRMATION.—

"(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under paragraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

“(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under paragraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)((1)(A)(i).

“(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(2), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

“(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(iii) not later than 10 days after receiving the notice from the individual's employer.

“(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii), or the earlier of—

“(I) a final confirmation notice or final nonconfirmation notice is issued through the System; or

“(II) 30 days after the individual contests a tentative nonconfirmation under clause (iv).

“(vi) AUTOMATIC FINAL NOTICE.—

“(I) IN GENERAL.—If a final notice is not issued within the 30-day period described in clause (v)(II), the Secretary shall automatically provide to the employer, through the System, the appropriate code indicating a final notice.

“(II) PERIOD PRIOR TO INITIAL CERTIFICATION.—During the period beginning on the date of the enactment of the Comprehensive Immigration Reform Act of 2006 and ending on the date the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice.

“(III) PERIOD AFTER INITIAL CERTIFICATION.—After the date that the Secretary submits the initial report described in subparagraph (E)(ii), an automatic notice issued under subclause (I) shall be a final confirmation notice unless the most recent such report includes a certification that the System is able to correctly issue, within the period beginning on the date an employer submits an inquiry to the System and ending on the date an automatic default notice would be issued by the System, a final notice in at least 99 percent of the cases in which the notice relates to an individual who is eligible for employment in the United States. If the most recent such report includes such a certification, the automatic notice issued under subclause (I) shall be a final nonconfirmation notice.

“(IV) ADDITIONAL AUTHORITY.—Notwithstanding the second sentence of subclause (III), the Secretary shall have the authority to issue a final confirmation notice for an individual who would be subject to a final nonconfirmation notice under such sentence. In such a case, the Secretary shall determine the individual's eligibility for employment in the United States and record the results of such determination in the System within 12 months.

“(vii) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

“(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of identity fraud; or

“(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

“(viii) PROHIBITION ON TERMINATION.—An employer may not terminate the employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of employment for any reason other than such tentative nonconfirmation.

“(ix) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

“(x) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

“(E) RESPONSIBILITIES OF THE SECRETARY.—

“(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

“(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

“(II) a determination of whether the individual is authorized to be employed in the United States.

“(ii) ANNUAL REPORT AND CERTIFICATION.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Secretary shall submit to Congress a report that includes—

“(I) an assessment of whether the System is able to correctly issue, within the period described in subparagraph (D)(v)(II), a final notice in at least 99 percent of the cases in which the final notice relates to an individual who is eligible for employment in the United States (excluding an individual who fails to contest a tentative nonconfirmation notice); and

“(II) if the assessment under subclause (I) is that the System is able to correctly issue within the specified time period a final notice in at least 99 percent of the cases described in such subclause, a certification of such assessment.

“(iii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

“(iv) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

“(I) information about the reason for such notice;

“(II) the right to contest such notice;

“(III) contact information for the appropriate agency and instructions for initiating such contest; and

“(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

“(v) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

“(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

“(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

“(10) ADMINISTRATIVE REVIEW.—

“(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 60 days after the date of such termination, file an appeal of such notice.

“(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

“(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine if the final nonconfirmation notice issued for the individual was the result of—

“(i) an error or negligence on the part of an employee or official operating or responsible for the System;

“(ii) the decision rules, processes, or procedures utilized by the System; or

“(iii) erroneous system information that was not the result of acts or omissions of the individual.

“(D) COMPENSATION FOR ERROR.—

“(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was not caused by an act or omission of the individual, the Secretary shall compensate the individual for lost wages.

“(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the administrative review process described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(E) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was ineligible for employment in the United States.

"(F) SOURCE OF FUNDS.—Compensation or reimbursement provided under this paragraph shall not be provided from funds appropriated in annual appropriations Acts to the Secretary for the Department of Homeland Security.

"(11) JUDICIAL REVIEW.—

"(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 60 days after the date of such decision, or such further time as the Secretary may allow.

"(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

"(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

"(D) COMPENSATION FOR ERROR.—

"(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph (10), the court shall compensate the individual for lost wages.

"(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost beginning on the first scheduled work day after employment was terminated and ending 180 days after completion of the judicial review described in this paragraph or the day after the individual is reinstated or obtains employment elsewhere, whichever occurs first.

"(12) LIMITATION ON COLLECTION AND USE OF DATA.—

"(A) LIMITATION ON COLLECTION OF DATA.—

"(i) IN GENERAL.—The System shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

"(I) information necessary to register employers under paragraph (5);

"(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

"(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

"(IV) information necessary to detect and prevent employment related identity fraud; and

"(V) such other information the Secretary determines is necessary, subject to a 180 day notice and comment period in the Federal Register.

"(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined not more than $1,000 for each violation.

"(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

"(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

"(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

"(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

"(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

"(13) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System.

"(14) ANNUAL GAO STUDY AND REPORT.—

"(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

"(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

"(C) REPORT.—Not later than the date that is 24 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement this subsection, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

"(i) An assessment of the annual report and certification described in paragraph (8)(E)(ii).

"(ii) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

"(iii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

"(iv) An assessment of the effects of the System on the employment of unauthorized aliens.

"(v) An assessment of the effects of the System, including the effects of tentative confirmations, on unfair immigration-related employment practices and employment discrimination based on national origin or citizenship status.

"(vi) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

"(e) COMPLIANCE.—

"(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

"(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

"(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

"(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

"(2) AUTHORITY IN INVESTIGATIONS.—

"(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

"(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

"(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

"(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

"(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

"(3) COMPLIANCE PROCEDURES.—

"(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

"(i) describe the violation;

"(ii) specify the laws and regulations allegedly violated;

"(iii) specify the amount of fines or other penalties to be imposed;

"(iv) disclose the material facts which establish the alleged violation; and

"(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

"(B) REMISSION OR MITIGATION OF PENALTIES.—

"(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice.

“(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

“(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

“(4) CIVIL PENALTIES.—

“(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

“(i) Pay a civil penalty of not less than $500 and not more than $4,000 for each unauthorized alien with respect to each such violation.

“(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $4,000 and not more than $10,000 for each unauthorized alien with respect to each such violation.

“(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of not less than $6,000 and not more than $20,000 for each unauthorized alien with respect to each such violation.

“(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

“(i) Pay a civil penalty of not less than $200 and not more than $2,000 for each such violation.

“(ii) If the employer has previously been fined 1 time during the 12-month period preceding the violation under this subparagraph, pay a civil penalty of not less than $400 and not more than $4,000 for each such violation.

“(iii) If the employer has previously been fined more than 1 time during the 24-month period preceding the violation under this subparagraph or has failed to comply with a previously issued and final order related to such requirements, pay a civil penalty of not less than $600 and not more than $6,000 for each such violation.

“(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

“(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 45 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

“(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 46 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

“(7) RECOVERY OF COSTS AND ATTORNEY'S FEES.—In any appeal brought under paragraph (5) or suit brought under paragraph (6) of this section the employer shall be entitled to recover from the Secretary reasonable costs and attorney's fees if such employer substantially prevails on the merits of the case. Such an award of attorney's fees may not exceed $25,000. Any such costs and attorney's fees assessed against the Secretary shall be charged against the operating expenses of the Department for the fiscal year in which the assessment is made, and may not be reimbursed from any other source.

“(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

“(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $20,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

“(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

“(g) ADJUSTMENT FOR INFLATION.—All penalties and limitations on the recovery of costs and attorney's fees in this section shall be increased every 4 years beginning January 2010 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

“(h) PROHIBITION OF INDEMNITY BONDS.—

“(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referring for a fee, of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

“(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(w).

“(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 5 years. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 5 years.

“(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

“(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

“(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years.

“(C) WAIVER.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 5 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding. The decision of whether to debar or take alternate action under this subparagraph shall not be judicially reviewed.

“(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

“(j) MISCELLANEOUS PROVISIONS.—

“(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(w).

"(l) DEFINITIONS.—In this section:

"(1) EMPLOYER.—The term 'employer' means any person or entity, including any entity of the Government of the United States, hiring, recruiting, or referring an individual for employment in the United States.

"(2) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

"(3) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

"(A) an alien lawfully admitted for permanent residence; or

"(B) authorized to be so employed by this Act or by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking "274A(h)(3)" and inserting "274A".

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking "274A(b)" and inserting "274A(d)"; and

(B) in subsection (g)(2)(B)(ii), by striking "274A(b)(5)" and inserting "274A(d)".

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

"(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Comprehensive Immigration Reform Act of 2006, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

"(I) a determination of whether the name, date of birth, employer identification number, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner in order to confirm the validity of the information provided;

"(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

"(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

"(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

"(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

"(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

"(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall, to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary.".

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY SOCIAL SECURITY ADMINISTRATION TO DEPARTMENT OF HOMELAND SECURITY.—

"(A) IN GENERAL.—From taxpayer identity information which has been disclosed to the Social Security Administration and upon written request by the Secretary of Homeland Security, the Commissioner of Social Security shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

"(i) DISCLOSURE OF EMPLOYER NO-MATCH NOTICES.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 during calendar year 2006, 2007, or 2008 which contains—

"(I) more than 100 names and taxpayer identifying numbers of employees (within the meaning of such section) that did not match the records maintained by the Commissioner of Social Security, or

"(II) more than 10 names of employees (within the meaning of such section) with the same taxpayer identifying number.

"(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE EMPLOYEE TAXPAYER IDENTIFYING INFORMATION.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of identity fraud due to the multiple use of the same taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051).

"(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of each person who has filed an information return required by reason of section 6051 which the Commissioner of Social Security has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

"(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) hired after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—Taxpayer identity information of all employees (within the meaning of section 6051) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

"(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—Taxpayer identity information of each person participating in the System and taxpayer identity information of all employees (within the meaning of section 6051) of such person hired during the period beginning with the later of—

"(I) the date such person begins to participate in the System, or

"(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

"(B) RESTRICTION ON DISCLOSURE.—The Commissioner of Social Security shall disclose taxpayer identity information under subparagraph (A) only for purposes of, and to the extent necessary in—

"(i) establishing and enforcing employer participation in the System,

"(ii) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act, and

"(iii) the civil operation of the Alien Terrorist Removal Court.

"(C) REIMBURSEMENT.—The Commissioner of Social Security shall prescribe a reasonable fee schedule for furnishing taxpayer identity information under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

"(D) TERMINATION.—This paragraph shall not apply to any request made after the date which is 3 years after the date of the enactment of this paragraph.".

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

"(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

"(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an on-site review every 3 years (mid-point review in the case of contracts or agreements of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.
The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.".

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: "The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).".

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking "or (17)" both places it appears and inserting "(17), or (21)", and

(ii) by striking "or (20)" each place it appears and inserting "(20), or (21)".

(D) Section 6103(p)(8)(B) of such Code is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(E) Section 7213(a)(2) of such Code is amended by striking "or (20)" and inserting "(20), or (21)".

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent the Secretary has provided, in advance, funds to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2007.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

"(w) EMPLOYER COMPLIANCE FUND.—

"(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

"(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

"(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

"(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.".

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2007 through 2011 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking "citizen" and inserting "national".

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a)(1) (8 U.S.C. 1324b(a)(1)) is amended by inserting ", the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d)," after "the individual for employment".

(b) CLASSES OF ALIENS AS PROTECTED INDIVIDUALS.—Section 274B(a)(3)(B) (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208;

"(v) granted the status of a nonimmigrant under section 101(a)(15)(H)(ii)(c);

"(vi) granted temporary protected status under section 244; or

"(vii) granted parole under section 212(d)(5).".

(c) REQUIREMENTS FOR ELECTRONIC EMPLOYMENT VERIFICATION.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended by adding at the end the following:

"(7) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

"(A) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

"(B) to use the verification system for screening of an applicant prior to an offer of employment;

"(C) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first 3 days of employment, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

"(D) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).".

(d) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (I), by striking "$250 and not more than $2,000" and inserting "$1,000 and not more than $4,000";

(B) in subclause (II), by striking "$2,000 and not more than $5,000" and inserting "$4,000 and not more than $10,000";

(C) in subclause (III), by striking "$3,000 and not more than $10,000" and inserting "$6,000 and not more than $20,000"; and

(D) in subclause (IV), by striking "$100 and not more than $1,000" and inserting "$500 and not more than $5,000".

(e) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting "and an additional $40,000,000 for each of fiscal years 2007 through 2009" before the period at the end.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply to violations occurring on or after such date.

Subsection (b) of section 402 is amended to read as follows:

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 18 months after the date that not less than $400,000,000 have been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a), with respect to aliens, who, on such effective date, are outside of the United States.

SA 4178. Mr. BAUCUS (for himself, Mr. CRAIG, Ms. CANTWELL, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 12, line 1, strike "(e)" and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

SA 4179. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . ACCESS FOR SHORT-TERM STUDY.

(a) Reduced Fee for Short-Term Study.—

(1) In general.—Section 641(e)(4)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(e)(4)(A)) is amended by striking the second sentence and inserting "Except as provided in subsection (g)(2), the fee imposed on any individual may not exceed $100, except that in the case of an alien admitted under subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as an au pair, camp counselor, or participant in a summer work travel program, the fee shall not exceed $35 and that in the case of an alien admitted under subparagraph (F) of such section 101(a)(15) for a program that will not exceed 90 days, the fee shall not exceed $35.".

(2) Technical amendments.—Such section 641(e)(4)(A) is further amended—

(A) in the first sentence, by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) in the third sentence, by striking "Attorney General's" and inserting "Secretary's".

(b) Recreational Courses.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this Act, the Secretary of State shall issue appropriate guidance to consular officers to in order to give appropriate discretion, according to criteria developed at each post and approved by the Secretary of State, so that a course of a duration no more than 1 semester (or its equivalent), and not awarding certification, license or degree, is considered recreational in nature for purposes of determining appropriateness for visitor status.

(c) Language Training Programs.—

(1) Requirement for accreditation.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i)) is amended by striking "a language" and inserting "an accredited language".

(2) Requirement for regulations.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations to carry out the amendment made by paragraph (1). Such regulations shall—

(A) except as provided in subparagraphs (C) and (D), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F)(i)) be accredited by an accrediting agency recognized by the Secretary of Education;

(B) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary with documentation regarding the specific subject matter for which the program is accredited;

(C) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program that is not accredited as described in subparagraph (A) during the 2-year period beginning on the date of the enactment of this Act; and

(D) permit a language training program established after the date of the enactment of this Act and that is not accredited as described in subparagraph (A) to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 2-year period beginning on the date such language training program is established.

SA 4180. Mr. FRIST submitted an amendment intended to be proposed by him to the bill S. 2611, to provide comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. IDENTIFICATION REQUIREMENTS.

(a) Requirement for Identification Cards to Include Citizenship Information.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

"(8) An indication of whether the person is a United States citizen.".

(b) Identification Required for Voting in Person.—

(1) In general.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

"(a) In General.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

"(b) Effective Date.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.".

(2) Conforming amendment.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(c) Funding for Free Photo Identifications.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

"SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) In General.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

"(b) Eligibility.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements of section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

"(c) Use of Funds.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

"(d) Allocation of Funds.—

"(1) In general.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 298; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

"(b) Availability.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.".

SEC. . EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the Director of the Bureau of Census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several states, and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

SEC. . REFORM OF THE DIVERSITY VISA PROGRAM.

(a) Worldwide Level of Immigrants With Advanced Degrees.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) Worldwide Level of Diversity Immigrants and Immigrants With Advanced Degrees.—

"(1) Diversity immigrants.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) Immigrants with advanced degrees.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(b) Immigrants With Advanced Degrees.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

"(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) MAINTENANCE OF INFORMATION.—

"(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. . ADMISSION OF TEMPORARY GUEST WORKERS.

(a) IN GENERAL.—Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by title IV and title VI, is further amended by inserting after section 218H the following:

"SEC. 218I. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

"(a) AUTHORIZATION.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall, subject to the numeric limits under subsection (i), award a SAFE visa to each alien who is a national of a NAFTA or CAFTA-DR country and who meets the requirements under subsection (b), to perform services in the United States in accordance with this section.

"(b) REQUIREMENTS FOR ADMISSION.—An alien is eligible for a SAFE visa if the alien—

"(1) has a residence in a NAFTA or CAFTA-DR country, which the alien has no intention of abandoning;

"(2) applies for an initial SAFE visa while in the alien's country of nationality;

"(3) establishes that the alien has received a job offer from an employer who has complied with the requirements under subsection (c);

"(4) undergoes a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice;

"(5) passes all appropriate background checks, as determined by the Secretary of Homeland Security;

"(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

"(7) pays a visa issuance fee, in an amount determined by the Secretary of State to be equal to not less than the cost of processing and adjudicating such application.

"(c) EMPLOYER RESPONSIBILITIES.—An employer seeking to hire a national of a NAFTA or CAFTA-DR country under this section shall—

"(1) submit a request to the Secretary of Labor for a certification under subsection (d) that there is a shortage of workers in the occupational classification and geographic area for which the foreign worker is sought;

"(2) submit to each foreign worker a written employment offer that sets forth the rate of pay at a rate that is not less than the greater of—

"(A) the prevailing wage for such occupational classification in such geographic area; or

"(B) the applicable minimum wage in the State in which the worker will be employed;

"(3) provide the foreign worker one-time transportation from the country of origin to the place of employment and from the place of employment to the country of origin, the cost of which may be deducted from the worker's pay under an employment agreement; and

"(4) withhold and remit appropriate payroll deductions to the Internal Revenue Service.

"(d) LABOR CERTIFICATION.—Upon receiving a request from an employer under subsection (c)(1), the Secretary of Labor shall—

"(1) determine if there are sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the foreign worker is sought; and

"(2) if the Secretary determines under paragraph (1) that there are insufficient United States workers, provide the employer with labor shortage certification for the occupational classification for which the worker is sought.

"(e) PERIOD OF AUTHORIZED ADMISSION.—

"(1) DURATION.—A SAFE visa worker may remain in the United States for not longer than 10 months during the 12-month period for which the visa is issued.

"(2) RENEWAL.—A SAFE visa may be renewed for additional 10-month work periods under the requirements described in this section.

"(3) VISITS OUTSIDE UNITED STATES.—Under regulations established by the Secretary of Homeland Security, a SAFE visa worker—

"(A) may travel outside of the United States; and

"(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(4) LOSS OF EMPLOYMENT.—The period of authorized admission under this section shall terminate if the SAFE visa worker is unemployed for 60 or more consecutive days. Any SAFE visa worker whose period of authorized admission terminates under this paragraph shall be required to leave the United States.

"(5) RETURN TO COUNTRY OF ORIGIN.—A SAFE visa worker may not apply for lawful permanent residence or any other visa category until the worker has relinquished the SAFE visa and returned to the worker's country of origin.

"(6) FAILURE TO COMPLY.—If a SAFE visa worker fails to comply with the terms of the SAFE visa, the worker will be permanently ineligible for the SAFE visa program.

"(f) EVIDENCE OF NONIMMIGRANT STATUS.—Each SAFE visa worker shall be issued a SAFE visa card, which—

"(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

"(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and

"(3) shall, during the alien's authorized period of admission under subsection (e), serve as a valid entry document for the purpose of entering the United States.

"(g) SOCIAL SERVICES.—

"(1) IN GENERAL.—SAFE visa workers are not eligible for Federal, State, or local government-sponsored social services.

"(2) SOCIAL SECURITY.—Upon request, a SAFE visa worker shall receive the total employee portion of the Social Security contributions withheld from the worker's pay. Any worker who receives such contributions shall be permanently ineligible to renew a SAFE visa under subsection (e)(2).

"(3) MEDICARE.—Amounts withheld from the SAFE visa workers' pay for Medicare contributions shall be used to pay for uncompensated emergency health care provided to noncitizens.

"(h) PERMANENT RESIDENCE; CITIZENSHIP.—Nothing in this section shall be construed to provide a SAFE visa worker with eligibility to apply for legal permanent residence or a path towards United States citizenship.

"(i) NUMERICAL LIMITS.—

"(1) ANNUAL LIMITS.—Except as provided under paragraphs (2) and (3), the number of SAFE visas authorized under this section shall not exceed 200,000 per fiscal year.

"(2) WAIVER.—The President may waive the limit under paragraph (1) for a specific fiscal year by certifying that additional foreign workers are needed in that fiscal year.

"(3) INCREMENTAL ADJUSTMENTS.—If the President certifies that additional foreign workers are needed in a specific year, the Secretary of State may increase the number of SAFE visas available in that fiscal year by the number of additional workers certified under paragraph (2).

"(4) CONGRESSIONAL OVERSIGHT.—The President shall transmit to Congress all certifications authorized in this section.

"(5) ALLOCATION OF SAFE VISAS DURING A FISCAL YEAR.—Not more than 50 percent of the total number of SAFE visas available in each fiscal year may be allocated to aliens who will enter the United States pursuant to such visa during the first 6 months of such fiscal year.

"(j) SAVINGS PROVISION.—Nothing in this section shall be construed to affect any other visa program authorized by Federal law.

"(k) REPORTING REQUIREMENT.—Not later than 3 years after the implementation of the SAFE visa program, the President shall submit a detailed report to Congress on the status of the program, including the number of visas issued and the feasibility of expanding the program.

"(l) DEFINITIONS.—In this section:

"(1) NAFTA OR CAFTA–DR COUNTRY.—The term 'NAFTA or CAFTA–DR country' means any country (except for the United States) that has signed the North American Free Trade Agreement or the Central America-Dominican Republic-United States Free Trade Agreement.

"(2) SAFE VISA.—The term 'SAFE visa' means a visa authorized under this section.".

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101) is amended by inserting after the item relating to section 218H, as added by section 615, the following:

"Sec. 218I. Secure Authorized Foreign Employee Visa Program.".

SEC. . BLUE CARD PROGRAM.

(a) WORK DAY DEFINED.—Notwithstanding paragraph (7) of section 612 of this Act, for the purposes of the AgJOBS Act of 2006, as added by subtitle B of title VI, the term "work day" shall mean any day in which the individual is employed 8 or more hours in agriculture.

(b) DEFINITIONS.—The definitions of terms defined in section 612 of this Act, as applied by subsection (a), shall apply to such terms in this section.

(c) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 150 work days per year during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (g)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this section or AgJOBS Act of 2006, as added by subtitle B of title VI, that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (e), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (g)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $1,000.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(d) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT FOR ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (e)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (c)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(e) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (c)(5); or

(II) such documentation as may be submitted under subsection (f)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $1,000.

(vi) ENGLISH LANGUAGE.—The alien has demonstrated an understanding of the English language, as required under section 312(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)).

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the blue card status granted such alien, if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to blue card status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (g)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted blue card status who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(D) PAYMENT OF INCOME TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required under paragraph (1)(A) by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required under this paragraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted blue card status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—

(i) REMOVAL.—The spouse and any minor child of an alien granted blue card status may not be removed while such alien maintains such status, except as provided in subparagraph (C).

(ii) TRAVEL.—The spouse and any minor child of an alien granted blue card status may travel outside the United States in the same manner as an alien lawfully admitted for permanent residence.

(iii) EMPLOYMENT.—The spouse of an alien granted blue card status may apply to the Secretary for a work permit to authorize such spouse to engage in any lawful employment in the United States while such alien maintains blue card status.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (g)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(f) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—The Secretary shall provide that—

(A) applications for blue card status may be filed—

(i) with the Secretary, but only if the applicant is represented by an attorney or a non-profit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations; or

(ii) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(B) applications for adjustment of status under subsection (e) shall be filed directly with the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (c), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 89–732, Public Law 95–145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this subtitle as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (c)(1)(A) or (e)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (c)(1) or (e)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (c)(1)(A) or (e)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (c)(1)(A) or (e)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department, or a bureau or agency of the Department, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department, or a bureau or agency of the Department, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (c) or (e) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (c) and (e).

(g) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (c)(1)(C) or an alien's eligibility for adjustment of status under subsection (e)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(h) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for blue card status (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for blue card status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for blue card status during the application period described in subsection (e)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(i) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (c) or (e) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(j) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(k) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(l) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2007 through 2010.

(n) APPLICATION OF OTHER PROVISIONS.—Section 613 of this Act is null and void.

SEC. . CONFIDENTIALLY OF INFORMATION SUBMITTED FOR EARNED ADJUSTMENT OF STATUS.

Notwithstanding section 601(b) of this Act, subsection (e) of section 245B of the Immigration and Nationality Act, as added by such section 601(b), is amended to read as follows:

"(e) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) or as otherwise provided in this section, or pursuant to written waiver of the applicant or order of a court of competent jurisdiction, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to—

"(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

"(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

"(3) INAPPLICABILITY AFTER DENIAL.—The limitation under paragraph (1)—

"(A) shall apply only until an application filed under paragraph (1) or (2) of subsection (a) is denied and all opportunities for appeal of the denial have been exhausted; and

"(B) shall not apply to use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

"(4) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.".

SEC. ___. EFFECTIVE DATE FOR NEW NONIMMIGRANT TEMPORARY WORKER CATEGORIES.

Notwithstanding subsection (b) of section 402 of this Act, the amendments made by subsection (a) of such section 402 shall take effect on the date that is 18 months after the date that a total of not less than $400,000,000 has been appropriated and made available to the Secretary to implement the Electronic Employment Verification System established under 274A(d) of the Immigration and Nationality Act, as amended by section 301(a) of this Act, with respect to aliens, who, on such effective date, are outside of the United States.

SEC. ___. ELIGIBILITY FOR THE EARNED INCOME TAX CREDIT.

Notwithstanding section 601(b) of this Act, subsection (g) of section 245B of the Immigration and Nationality Act, as added by such section 601(b), is amended to read as follows:

"(g) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613), an alien who is unlawfully present in the United States, or an alien who receives an adjustment of status under subsection (n) of section 245 who was illegally present in the United States prior to January 7 2004, this section, section 245C, or section (e) of the Comprehensive Immigration Reform Act of 2006, shall not be eligible for the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien whose status has been adjusted in accordance with subsection (a) shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).".

SA 4181. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this act the language in Title V Sec. 501 under the heading "(2) VISAS FOR SPOUSES AND CHILDREN" is null and void and the following shall be applicable in lien thereof.

"(2) VISAS FOR SPOUSES AND CHILDREN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

"(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

"(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

SA 4182. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

Notwithstanding any other provisions of this act the language in Title V Sec. 501 under the heading "(2) VISAS FOR SPOUSES AND CHILDREN" is null and void and the following shall be applicable in lien thereof.

"(2) VISAS FOR SPOUSES AND CHILDREN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

"(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

"(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, June 1st, 2006 at 9:30 a.m. in the Grand Junction City Hall Auditorium located at 250 North 5th Street in Grand Junction, Colorado.

The purpose of the hearing is to receive testimony on the implementation of the oil shale provisions of the Energy Policy Act of 2005.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Dick Bouts at 202–224–7545 or Sara Zecher at 202–224–8276.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 23, 2006, at 10 a.m., to conduct a hearing on "Improving Financial Literacy in the United States."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President. I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 23, 2006, at 10 a.m. on price gouging.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 23 at 10 a.m.

The purpose of this hearing is to receive testimony on the National Research Council Report, "Managing Construction and Infrastructure in the 21st Century Bureau of Reclamation" and the U.S. Bureau of Reclamation Report, "Managing for Excellence: An Action Plan for the 21st Century."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to hold a Business Meeting on May 23, 2006 at 9:30 am to consider the following agenda:

S. 2735 To amend the National Dam Safety Program Act to reauthorize the national dam safety program, and for other purposes.

S. 2832 The Appalachian Regional Development Act Amendments of 2006.

S. 2430 Great Lakes Fish and Wildlife Restoration Act of 2006 with amendment.

S. 1509 Captive Primate Safety Act.

S. 2041 Ed Fountain Park Expansion Act.

S. 2127 To redesignate the Mason Neck National Wildlife Refuge in the state of Virginia as the "Elizabeth Hartwell Mason Neck National Wildlife Refuge".

S. Res. 301 Commemorating Audubon Society's 100th Anniversary with amendment.

S. 2781 Wastewater Treatment Works Security Act of 2006.

S. 2650 To designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse."

S. 801 To designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse."

S.___ Great Lakes Coordination and Oversight Act of 2006.

S. 2023 To amend the oil pollution act of 1990 to improve that act, and for other purposes.

GSA Resolutions: To authorize the majority of the General Services Administration's FY 2007 Capital Investment and Leasing Program; To authorize seven new courthouse construction projects.

Army Corps Study Resolutions: Committee Resolution on Cedar River, Time Check Area, Cedar Rapids, Iowa; Committee Resolution on Pawcatuck River, Little Narragansett Bay, and Watch Hill Cove, Rhode Island and Connecticut; Committee Resolution on Kansas River Basin, Kansas, Colorado, and Nebraska; and Committee Resolution on Port of San Francisco, San Francisco, California.

Nominations: Molly O'Neill to be an Assistant Administrator—EPA; Dr. Dale Klein to be a member of the Nuclear Regulatory Commission; Dr. Gregory Jaczko to be a member of the Nuclear Regulatory Commission; and Dr. Peter Lyons to-be a member of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, May 23, 2006, at 2:30 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "Encouraging Economic Self-Determination in Indian Country".

The PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 23, 2006, at 2:15 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 23, 2006, at 2:30 p.m. to hold a closed mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on "Perspectives on Patents: Post-Grant Review Procedures and Other Litigation Reforms" on Tuesday, May 23, 2006, at 2 p.m. in room 226 of the Dirksen Senate Office Building.

Witness List: Panel I: Andrew Cadel, Managing Director, Associate General Counsel and Chief Intellectual Property Counsel, JP Morgan Chase, New York, NY; Philip S. Johnson, Chief Patent Counsel, Johnson & Johnson, Newbrunswick, NJ; Nathan P. Myhrvold, Chief Executive Officer, Intellectual Ventures, Bellevue, WA; John R. Thomas, Professor of Law, Georgetown University Law Center, Washington, DC; and Mark Chandler, Senior Vice President and General Counsel, Cisco Systems, Inc., San Jose, CA.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Tod Bowman, a member of my staff, be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that James Walsh, a detailee on my staff, be given floor privilege for the remainder of the Senate session. I also ask unanimous consent that Carol Wolchak, an attorney on my staff, be given floor privileges for the remainder of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOBBYING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2006

Mr. FRIST. Mr. President, I ask that the Chair lay before the Senate the House message to accompany S. 2349 to provide greater transparency in the legislative process.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2349

Resolved, That the bill from the Senate (S. 2349) entitled "An Act to provide greater transparency in the legislative process", do pass with amendments.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate disagree with the House amendments, request a conference with the House, and the Chair be authorized to appoint conferees at a ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appointed Mr. LOTT, Mr. STEVENS, Mr. McCONNELL, Mr. DODD, and Mr. INOUYE conferees on the part of the Senate.

NATIONAL SAFETY MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration and the Senate now proceed to S. Res. 450.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 450) to designate June 2006 as National Safety Month.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 450) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 450

Whereas the mission of the National Safety Council is to educate and influence citizens of the United States to adopt safety, health, and environmental policies, practices, and procedures that prevent and mitigate human suffering and economic losses arising from preventable causes;

Whereas the National Safety Council works to protect lives and promote health with innovative programs;

Whereas the National Safety Council, founded in 1913, is celebrating its 93rd anniversary in 2006 as the premier source of safety and health information, education, and training in the United States;

Whereas the National Safety Council was chartered by Congress in 1953, and is celebrating its 53rd anniversary in 2006 as a congressionally-chartered organization;

Whereas even with advancements in safety that create a safer environment for the people of the United States, such as new legislation and improvements in technology, the unintentional-injury death toll is still unacceptable;

Whereas the National Safety Council has demonstrated leadership in educating citizens of the United States on how to prevent injuries and deaths to senior citizens as a result of falls;

Whereas citizens deserve a solution to nationwide safety and health threats;

Whereas such a solution requires the cooperation of all levels of government, as well as the general public;

Whereas the summer season, traditionally a time of increased unintentional-injury fatalities, is an appropriate time to focus attention on both the problem and the solution to such safety and health threats; and

Whereas the theme of "National Safety Month" for 2006 is "Making Our World A Safer Place": Now, therefore, be it

Resolved, That the Senate—

(1) designates June 2006 as "National Safety Month"; and

(2) recognizes the accomplishments of the National Safety Council and calls upon the citizens of the United States to observe the month with appropriate ceremonies and respect.

RELATIVE TO THE DEATH OF FORMER SENATOR LLOYD BENTSEN

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 489, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 489) relative to the death of Lloyd Bentsen, distinguished member of the United States Senate.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, the distinguished elder statesman, Senator Lloyd Bentsen, passed away today in his family home in Houston at the age of 85. He leaves behind his wife Beryl Ann and his three children, Lloyd III, Lan and Tina, and seven beloved grandchildren. He also leaves behind almost four decades of dedicated public service on behalf of Texas and the American people.

Alternately described as elegant, courtly, smooth, and collegial, Lloyd Bentsen of Rio Grande Valley was the picture of a Senator. A shrewd legislator with finely honed negotiating skills, he was able to work with both sides of the aisle and gain the trust and cooperation of his colleagues.

Senator Bentsen began his life in public service in 1942 when, fresh out of the University of Texas Law School, he enlisted in the U.S. Army. The war was on, and he was eager to serve his country.

After a brief stint as a private in intelligence, the young Bentsen became a combat pilot. He began flying B–24 missions over an embattled Europe. By the time he was done, he had flown 50 missions and earned the Distinguished Flying Cross and the Air Medal with three oakleaf clusters. He retired a colonel in the Air Force Reserves.

Still a young man in his early twenties, he returned to his hometown, where he practiced law for a year. He then became a county judge at the age of 25, and in 1948 he ran for Congress, where he served for three consecutive terms. He took a 16-year hiatus from elected office to become a successful financier. Then, in 1970, Lloyd Bentsen ran for the Senate, where he rose to national prominence. In 1988, Democratic Presidential nominee Michael Dukakis selected the distinguished 67-year-old as his running mate, and in 1993, President Clinton nominated Senator Bentsen to serve the Department of Treasury. He led that Department and he retired in 1994, nearly 30 years in public office.

Over his long career, Senator Bentsen earned the respect of his colleagues and of the American people. He was an old-school gentleman who could don his partisan hat and share a respite from the day-to-day battles on the Senate floor. I came across a quotation of his, not as famous as another but one which I think sums up his lifetime in public service and one which is a valuable motto for us all:

> It should be clear by now that serious problems cannot be solved by public relations; they can only be solved by public responsibility.

Lloyd Bentsen's words.

On behalf of the Senate and the American people, our hearts go out to the Bentsen family. We join them in mourning the passing of a noteworthy statesman. May God bless them, and may God bless America.

Mrs. HUTCHISON. Mr. President, today we mourn the loss of a great Texan and a true American hero. Lloyd Bentsen passed away this morning, and I rise to pay tribute to the life and legacy of a great statesman.

Senator Bentsen served this Nation in numerous capacities. Everyone in Texas knew who Lloyd Bentsen was during all of the time that I was in my early years of public service. Many in this body also served with him and knew him well. He put his stamp on Texas, and he put his stamp on our country.

Lloyd Bentsen was born in Mission, TX, in 1921, in the southernmost part of our State. He attended public schools and graduated from the University of Texas Law School in 1942. Upon graduation, he served in the U.S. Army Air Forces during World War II. He flew more than 200 bombing missions to liberate Europe from the Nazi grasp. For his heroic service, he was awarded the Air Medal with three oak leaf clusters, as well as the Distinguished Flying Cross for valor in combat. He retired with the rank of colonel from the Air Force Reserve.

After the war, Lloyd Bentsen returned home to his native Rio Grande Valley. There he began his career as a public servant. As everyone who worked with him will attest, Lloyd Bentsen was a natural. His first office was county judge of Hidalgo County. He was then elected to represent Texas in the U.S. House of Representatives in 1948, serving 6 years before leaving Congress to go into business. He moved to Houston and started a business that was very successful, and after some number of years in business, he decided he wanted to do what he liked doing best, and that was to have an office and serve the public. He was elected to the Senate in 1970.

I have to say that is when I really got to know Lloyd Bentsen a little bit because I was a cub news reporter at KPRC–TV in Houston, and I covered that race. It was the battle of the titans. This was a race between George H.W. Bush and Lloyd Bentsen for the U.S. Senate seat in 1970. I remember me and all the reporters saying at the time that this is what a Senate race should be. These are two high-quality individuals. They are the kind of people you would want in public service, and certainly the kind of people you would want elected to public office. Lloyd Bentsen won that race for the Senate. But George H.W. Bush also had an illustrious career to follow.

Lloyd Bentsen stayed in the Senate and became a leader. He was here for 22 years. Everyone in Texas knew him, but he was also a national figure. Lloyd Bentsen ran for President in 1976. He was the Democratic candidate for Vice President in 1988. His illustrious public career concluded with his service to our Nation as Secretary of the Treasury. He served under President Clinton from 1993 to 1994. It was then that I was able to run for and win the seat that he had held.

I have to say that when I was covering that Senate race in 1970, it would never have occurred to me that I would succeed the man who won that seat. I do remember that he came to my swearing in ceremony, which I thought was very gracious of him, and I thought it was so nice of him to wish me well. He wanted also to make sure I felt comfortable here, which, of course, I did. I have gotten to know Lloyd and B.A. Bentsen, his beautiful wife, who has been by his side all of these years—in the good days of public service when he was one of our country's great leaders, and during the time that he was so ill for so long. I saw B.A. at his side every time I saw Senator Bentsen, either in Houston or Austin or someplace in Texas.

He was awarded the Presidential Medal of Freedom on August 11, 1999. Later today, I will introduce a joint resolution with Senator CORNYN honoring the life and legacy of Lloyd Bentsen.

When people think of Lloyd Bentsen, if you talk to anybody on this floor who served with him, or if you talk to anybody in Texas who was one of his friends, or someone he knew, they always describe him as a gentleman, a person of the highest quality, exactly the kind of person you want in public service—someone with integrity, always there doing the right thing as he saw it, and always spending the time to do a great job for our country.

Our thoughts and prayers go out today to B.A. Bentsen and to Lloyd Bentsen III and Lan Bentsen, the two sons of this great American. We will introduce a resolution later today to pay tribute to him. I want his family to know that our thoughts and prayers in this Senate are with him and with them today.

Mr. CORNYN. Mr. President, I wish to join my voice with those of my colleagues in celebrating the life, and mourning the death, of one of the political giants of our time: Lloyd Bentsen fellow Texan, son, husband, father, friend, honored veteran, lawyer, county judge, Congressman, businessman, Senator, and at the peak of his career in public service, U.S. Secretary of the Treasury.

It is difficult to capture in one brief statement the weight and the impact of one man's life. But we can all be confident that the legacy left by Lloyd Bentsen is one of which his family, his State, and his country can be remarkably proud.

Perhaps one important way to capture the meaning of his influence is to listen to those who have known or served with him or those who have had the honor of calling him a friend. Today, the chorus of their voices reminds us.

Texas State Comptroller Carole Keeton Strayhorn said: "Sen. Lloyd Bentsen was a true Texas icon and a friend. He put Texans above politics. He lifted all Texans."

His former aide, and State Representative Richard Raymond said: "He didn't pass the buck. That's one of the things that stuck with me."

We should all be fortunate as to be remembered so fondly, and so well.

It is clear that Lloyd Bentsen lived a life of purpose; he certainly wasted no time making his mark on our country. Born in Mission, TX, on February 11, 1921, Bentsen received his law degree from University of Texas Law School at Austin.

He served as a pilot in the U.S. Army Air Forces from 1942 to 1945, and reportedly flew 35 B–24 missions during 18 months of heavy combat. He was put in charge of 600 men at the young age of 23, and was promoted to the rank of major. For his heroic service, Bentsen was awarded the Distinguished Flying Cross, and the Air Medal with three oak leaf clusters. By the end of his military service, he had reached the rank of colonel.

Bentsen returned from the war to serve as county judge in Hidalgo from 1946 to 1948; then was elected in 1948 to the U.S. House of Representatives, where he served three terms. He then went on to pursue a career in business, which he did for 16 years in Houston before being elected to the U.S. Senate in 1971.

His career, of course, also notably includes his party's nomination for Vice President in 1988 a remarkable achievement, to be sure, as was his tenure as the 69th U.S. Secretary of the Treasury, where he served with distinction from January 1993 to December 1994.

Mr. President, today our country both celebrates the life and mourns the death of this distinguished American, a great Texan, who dedicated his life to public service. He was a powerful voice for the people he served, and he will be deeply missed.

Mr. HATCH. Mr. President, I rise today to express my sadness in learning of the passing of our esteemed former colleague from Texas, Senator Lloyd Millard Bentsen, Jr. I am certain that I join all of our colleagues in grieving the loss of this great American, and especially those of us who had the honor to have served in this body with him.

Lloyd Bentsen was a good and a great man, and I had the opportunity to work with him closely many times over the 16 years we served here together. When I joined the Finance Committee in 1991, Senator Bentsen was the chairman. As a new member of the committee, I appreciated the way Chairman Bentsen ran Finance in a bipartisan and fair way that reflected positively on the long and distinguished history of that panel and the spirit of which continues until today.

Many of us knew Senator Bentsen as a man of his word, and as a superb communicator. He was not a man of many words, but when he spoke, people everywhere stopped to listen. He spoke slowly and with great meaning, and he connected with those who heard him, whether they were a group of schoolchildren from Texas, his colleagues from his long years of service in the House and the Senate, the financial markets that listened to his every word as chairman of the Finance Committee and as Secretary of the Treasury, or the world's financial leaders, with whom he consorted as the President's main economic spokesman.

Lloyd Bentsen was a hero, to his family, his constituents, his State, and to his country. As a young man, he served as a combat pilot in the European theater during World War II, and he flew 35 missions in B–24s. Lloyd was awarded the Air Medal with three Oak Leaf Clusters and the Distinguished Flying Cross. By the time he left military service, was promoted to a full colonel in the Air Force Reserve.

Lloyd Bentsen's natural leadership ability was evident early in life. As a young man he earned the rank of Eagle Scout, and he graduated from the University of Texas Law School by the time he was 21 years old. He then joined the Army Air Corps and rose from a private to the rank of major and was given command of a squadron of 600 men at the age of 23. Our friend and colleague was truly a remarkable man.

After serving our country so valiantly during the war, Lloyd returned to his native Rio Grand Valley in Texas where he became a county judge and then ran successfully for the House, where he served for three terms. In 1955, he decided to leave public service temporarily and began an impressive career in business and finance in Houston, which ended in 1970 when he decided to run for the Senate.

Mr. President, Lloyd Bentsen was one of the modern giants of the Senate. Of course, I did not always agree with him, or him me. However, I respected him. He was respected on both sides of the aisle, and by all who came to know him.

Many words come to my mind when I think of Senator Bentsen. He was bright. He was fair. He was serious. He was dedicated. He was dignified. The State of Texas and all America have lost a great son.

My heart goes out to Lloyd's wife, Beryl, and to their children, grandchildren and other family members. May they find peace and joy in their memories and in knowing of the great contribution Lloyd gave to his country.

Mr. AKAKA. I join my colleagues in tribute to my dear friend and tremendous public servant, Congressman, Senator, and Secretary Lloyd Bentsen, on his recent passing. His tenure in Federal service is notable and well documented three terms in the House of Representatives and four terms in the Senate representing the people of Texas and 2 years as Secretary of the Treasury under former President Bill Clinton.

I remember Lloyd as a giant in the Senate leadership when I first came to this body in 1990. He wielded the gavel at the Finance Committee and had already ascended to national recognition as a formidable Vice Presidential nominee in 1988. He was a Senator who worked hard every day to benefit the people of Texas and of this country.

As a distinguished World War II veteran, Lloyd was always supportive of our veterans and fulfilling their urgent needs. He fought to preserve and protect women's rights, including the Equal Rights Amendment. He understood the needs of America's entrepreneurs and business owners and carried his acumen in economic policy from the Senate into the Clinton administration.

Millie and I remember Lloyd and his wife B.A., from our years in the Senate together, with fondness. We join others in extending to his family our warmest wishes in this difficult time. We say farewell to a true statesman. This Nation is richer for his life and poorer for his loss.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The resolution (S. Res. 489) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 489

Whereas Lloyd Bentsen was born in Mission, Texas, on February 11, 1921, to the children of first generation citizens of the United States;

Whereas Lloyd Bentsen began his service to the United States as a pilot in the Army Air Forces during World War II;

Whereas, at the age of 23, Lloyd Bentsen was promoted to the rank of Major and given command of a squadron of 600 men;

Whereas, because of his heroic efforts during World War II, Lloyd Bentsen was awarded the Distinguished Flying Cross, the highest commendation of the Air Force for valor in combat, and the Air Medal with 3 Oak Clusters;

Whereas, after his service in the military, Lloyd Bentsen returned to Texas to serve as a judge for Hidalgo County and was then elected to 3 consecutive terms in the House of Representatives;

Whereas, after a successful business career, Lloyd Bentsen desired to return to public life;

Whereas, in 1970, Lloyd Bentsen was elected to serve as a Senator from Texas, and did so with distinction for 22 years;

Whereas the illustrious career of Lloyd Bentsen also included a Vice Presidential nomination in 1988;

Whereas Lloyd Bentsen retired from the Senate in 1993 to serve as the 69th Secretary of the Treasury;

Whereas Lloyd Bentsen was awarded the Presidential Medal of Freedom in 1999 for his meritorious contributions to the United States;

Whereas the record of Lloyd Bentsen demonstrates his outstanding leadership and his dedication to public service; and

Whereas Lloyd Bentsen will be remembered for his faithful service to Texas and the United States; Now, therefore, be it

Resolved, that the Senate honors the life and legacy of Lloyd Bentsen;

Resolved, that the Senate extends its warmest sympathies to the family members and friends of Lloyd Bentsen;

Resolved, that when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Lloyd Bentsen.

SENATE LEGAL COUNSEL AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 490 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 490) to authorize representation by the Senate Legal Counsel in the case of Lannak v. Biden, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against all three members of the Delaware congressional delegation, Senator JOSEPH R. BIDEN, JR., Senator THOMAS R. CARPER, and Representative MICHAEL N. CASTLE. Plaintiff complains that the defendants violated his rights under the Age Discrimination Act, by not actively assisting him in his quest to have the National Institutes of Health analyze and prove his research regarding the cause of a spine condition he terms "equilibrium scoliosis." Plaintiff seeks damages for this alleged failure to help him in his dealings with the National Institutes of Health.

This suit is subject to dismissal on various grounds, including failure to state a claim against the defendants under the Age Discrimination Act. This resolution authorizes the Senate Legal Counsel to represent the Senator defendants in this suit and to move for its dismissal.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The resolution (S. Res. 490) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 490

Whereas, in the case of Lannak v. Biden, et al., No. 06-CV-0180, pending in the United States District Court for the District of Delaware, the plaintiff has named as defendants Senators Joseph R. Biden, Jr. and Thomas R. Carper;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(1), the Senate may direct its counsel to defend Members, officers, and employees of the Senate in civil actions relating to their official responsibilities: Now, therefore, be it

Resolved, that the Senate Legal Counsel is authorized to represent Senators Joseph R. Biden, Jr. and Thomas R. Carper in the case of Lannak v. Biden, et al.

APPOINTMENT OF COMMITTEE TO ESCORT HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

Mr. FRIST. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MAY 24, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 a.m. on Wednesday, May 24, 2006. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time of the two leaders be reserved, and the Senate resume consideration of S. 2611 as under the previous order; provided further that second-degree amendments be filed no later than 10 a.m. under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow morning we will be debating Senator McCONNELL's amendment related to ballots. That vote will occur at approximately 9:30 a.m., and that will be the first vote of the day. That will be followed by the cloture vote on the immigration bill. We have an agreement in place that will allow other amendments to be offered, and therefore everyone can expect another lengthy day of votes. I do thank everyone for allowing us to line up amendments as agreed to over the course of the day. I expect that cloture will be invoked tomorrow morning and that we will then finish this bill later on Wednesday or Thursday at the latest.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment as a further mark of respect for our former colleague, Senator Lloyd Bentsen, following the remarks of Senator SESSIONS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. SESSIONS. Mr. President, I am going to take some time tonight to inform my colleagues about some of the problems with the legislation before us. It is worse than you think, colleagues. The legislation has an incredible number of problems with it. Some, as I will point out tonight, can only be considered deliberate. Whereas on the one hand it has nice words with good sounding phrases in it to do good things, on the second hand it completely eviscerates that, oftentimes in a way that only the most careful reading by a good lawyer would discover. So I feel like I have to fulfill my duty. I was on the Judiciary Committee. We went into this. We tried to monitor it and study it and actually read this 614-page bill, and I have a responsibility and I am going to fulfill my responsibility.

I think the things I am saying tonight ought to disturb people. They ought to be unhappy about it. It ought to make them consider whether they want to vote for this piece of legislation that, in my opinion, should never, ever become law.

I would also just point out I will be offering tomorrow, or soon, an amendment to deal with the earned-income tax credit situation that is raised by this legislation, focusing on the amnesty in the bill and what will happen after amnesty is granted, before they become a full citizen. The Congressional Budget Office has concluded that the earned-income tax credit will pay out to those who came into our country illegally $29 billion over 10 years. The earned-income tax credit has been on the books for some time. It is a good bit larger than most people think. The average recipient of it receives $1,700. Lowerincome people get a larger amount. Over half the people who we expect will receive amnesty are without a high school degree. They are receiving lower wages. They will be the ones who will particularly qualify for this. This is a score that has been given to us by the group that is supposed to score it—$29 billion will be paid out.

If they go all the way and become a citizen they will be entitled to this like any other citizen, and they will be entitled to get it under my amendment. But I do not believe we should award people who have entered our country illegally, submitted a false Social Security number, worked illegally—I do not believe we should reward them with $29 billion of the taxpayers' money. That is a lot of money.

I will also be offering a budget point of order, I or one of my colleagues will, in the next day or so. We have been working on that. We asked for a report. The Congressional Budget Office has concluded that the budget point of order lies in the first 10 years of this bill. It also concludes that it lies under the long-term provisions of the budget points of order for expenditures in the outyears. They didn't give us those numbers, but they said, without much work—they didn't have to do much work—the numbers are going to be much worse in the outyears. It clearly would be a detriment to the Government and these figures would exceed the budget, and a budget point of order would lie.

At the Heritage Foundation, Mr. Robert Rector, who is the expert who dealt with welfare, studied this. He was the architect of welfare reform who has done so much to improve America's welfare system and improve incomes for low-income families. It really worked beautifully. He was the architect of it. He says this bill represents the greatest increase in welfare in 35 years. With the provisions and benefits that will be in it, he estimates that year 10 through year 20, the cost could be $50 to $60 billion a year to the taxpayers because it takes some time for the people who are adjusting and becoming citizens and/or legal permanent residents to really begin to make the claims.

CBO admits the numbers are going to surge in the outyears. He says it is $50 billion a year. If that is so—and he is not exaggerating the numbers, because that is based solely on the amnesty provisions, not the provisions that will allow 3 times to 4 times as many people to come into the country legally in the next 20 years as come in today, and many of them will go on welfare because that whole system is not based on identifying people with skills and educational levels that would indicate they would be more than low-wage workers—so it could really be more than that. But $50 billion a year over 10 years is $500 billion. That is a half a trillion dollars, and that is why Mr. Rector said this legislation is a fiscal catastrophe. This is a man whose opinions and ideas and research this Congress, and particularly the Republicans, utilized to hammer away, time and time again, year after year, to get welfare reform.

It finally happened. It worked just like he said. The predictions of disaster made against his recommendations proved to be false.

He is saying that about this. So this is not a technical point of order. It represents an attempt to save the fiscal soundness of the budget of the United States.

I want to take some moments here to deal with some problems with the legislation. The American people are suspicious of us. They were promised in 1986, after years of urging the Government, the President and the Congress, promised to fix our borders and end illegal immigration. In exchange for that they acquiesced and went along with amnesty in 1986. They said there were a million, 2 million here who would claim it. It turned out 3 million claimed amnesty after 1986. That ought to give us some pause about the projections that we would have. We have 11 million people here now and only 8 or so will seek amnesty under it. That ought to give us some pause there. It may well be above the number.

So the American people are suspicious and they are dubious and they are watching us carefully, and they should. Let me tell you some of the things that are in the legislation that indicate a lack of respect for the American people, really. Some of these are some of the reasons I said the other day the Senate should be ashamed of itself, the way we are moving this bill.

My staff, working up some of these comments, came up with a title—maybe at my suggestion—"Sneaky Lawyer Tricks" that are in the bill. I will let you decide if that is a fair description of what is in it. I will go down through some of the matters that are important. There are others I could complain about for which we will not have time.

First, the legislation talks about title IV of the bill. That title IV of the bill defines the new H2–C program as a temporary guest worker program. Those are in big print in the bill: Temporary guest workers.

That sounds like a temporary worker, doesn't it? It sounds like a guest, like somebody who stays in your bedroom for a weekend, a guest, temporary guest.

Interesting, section 408 sets out the temporary guest worker visa program task force. So a little further down it has what is called a temporary guest worker visa program task force. So you would think they are writing in this section, would you not, something about the task force. But this, down in that section, this task force establishes the number of H2C visas that may be issued annually and subsection (h) is where the writers of the bill hid the provision that actually transforms these so-called temporary workers into legal, permanent residents. OK? So all the big print, "temporary guest workers," "temporary guest worker task force," and then you read in that section down there that it effectively converts them from temporary workers to legal permanent residents, granting them a green card.

It is tucked away in a title that has nothing to do with substance of that matter. So I am pleased that my staff and others who have been reading the bill have discovered that. It wasn't discovered early on in the process.

Family members of H–2C visa holder need not be healthy. Under current law, aliens must prove that they are admissible and meet certain health standards. Many times, visa applicants must have a medical exam to show that they do not have a communicable disease. They have to be up-to-date on immunizations, and cannot have mental disorders. Spouses and children of H–2C visa holders, however, are not required to have a medical exam before receiving a visa. I have an amendment to fix this that I hope is accepted.

The work requirement for a blue card can be satisfied in a matter of hours. Under the AgJOBS component of the substitute, illegal alien agricultural workers who have worked 150 "workdays" in agriculture over the last 2 years will receive a "blue card," allowing them to live and work permanently in the U.S. However, because current law defines an agricultural "workday" as 1 hour of work per day—the bill language restates that definition on page 397—an alien who has worked for as little as 150 hours—there are 168 hours in a week—in agriculture over the last 2 years will qualify for a blue card.

Blue card aliens can only be fired for just cause, unlike an American citizen worker who is likely under an employment at will agreement with the agricultural employer.

> No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

Because blue card aliens are not limited to working in agriculture, this employment requirement will follow the alien at their second and third jobs as well. The bill goes as far as setting up an arbitration process for blue card aliens who allege they have been terminated without just cause. Furthermore, the bill requires the Secretary of Homeland Security to pay the fee and expenses of the arbitrator. American citizens do not have a right to this arbitration process, why are we setting up an arbitration process for blue card aliens paid for by the American taxpayer.

Regarding free legal counsel, the AgJOBS amendment goes further than paying for arbitrators, it also provides free legal counsel to illegal aliens who want to receive this amnesty. The AgJOBS amendment specifically states that recipients of "funds under the Legal Services Corporation Act" shall not be prevented "from providing legal assistance directly related to an application for adjustment of status under this section." Interestingly, page 414 of the bill requires the alien to have an attorney file the application for him. Not only will AgJOBS give amnesty to 1.5 million illegal aliens, it would have the American taxpayer pay the legal bills of those illegal aliens. This is unbelievable and unacceptable. We should not be rewarding illegal aliens who break our laws with free legal counsel and a direct path to citizenship.

Under this bill a temporary worker is eligible for a green card if they, in part, maintained their H–2C status. In order to maintain this status the "temporary" worker may not be unemployed for a period of 60 continuous days. This means that a temporary worker only has to work 1 day in every 59 days to maintain status. This employment requirement only requires that they work about 1 day every 2 months.

In this bill, an alien who has been here between 2 and 5 years is not eligible for asylum if they have persecuted others on account of race, religion, nationality, membership in a particular social group, or political opinion. However, an alien here more than 5 years who has persecuted others on account of race, religion, nationality, membership in a particular social group, or political opinion gets amnesty under this bill. There is no specific ineligibility for such conduct. Since it is included under the "mandatory deferred departure" section, a court will interpret this to mean we purposefully left it out of the "earned amnesty." I cannot imagine why the drafters of this bill would allow persecutors to benefit from amnesty.

The bill's future flow "guest worker" program in title IV leaves no illegal alien behind—it is not limited to people outside the United States who want to come here to work in the future, but includes illegal aliens currently present in the United States that do not qualify for the amnesty programs in title VI, including aliens here for less than 2 years. Under the bill language, you can qualify for the new H-2C program to work as a low-skilled permanent immigrant, even if you are unlawfully present inside the United States today. The bill specifically says:

> In determining the alien's admissibility as an H–2C nonimmigrant . . . paragraphs (5), (6)(A), (7), (9)(B), and (9) (C) of section 212(a) may be waived for conduct that occurred before the effective date. . . .

By waving these grounds of inadmissibility, the new H–2C program is specifically intended to apply to illegal aliens who were already removed from the United States and illegally reentered.

The bill tells DHS to accept "just and reasonable inferences" from day labor centers and the alien's "sworn declaration" as evidence that the alien has met the amnesty's work requirement. Under the bill, the alien meets the "burden of proving by a preponderance of the evidence that the alien has satisfied the [work] requirements" if the alien can demonstrate employment "as a matter of just and reasonable inference." An alien can present "conclusive evidence" of employment in the United States by presenting documents from social security, IRS, employer, or a "union or day labor center." The bill then states that:

> It is the intent of Congress that the [work] requirement . . . be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

If these lax standards can't be met, the bill makes sure that the alien can get what they need by allowing them to submit "sworn declarations for each period of employment." Putting these together the alien must prove it is more likely than not that there is a just and reasonable inference that the alien was employed. I don't know what this means other than DHS will have to accept just about anything as proof of employment.

Regarding in-State tuition for illegal aliens, current law provides that:

> [A]n alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

The DREAM Act would eliminate this provision and allow illegal alien college and university students to be eligible for in-state tuition without affording out-of-state citizen students the same opportunity. Thus, the University of Alabama could offer in-state tuition to illegal alien students while requiring citizens residing in Mississippi to pay the much higher out-of-state tuition rates.

Allowing all illegal aliens enrolled in college to receive in-state tuition rates means that while American citizens from 49 other states have to pay out-of-state tuition rates to send their kids to UVA, people who have illegally immigrated to this country might not. Out-of-state tuition rates range from 2 to 3½ times the in-state resident tuition rate.

Regarding Federal financial aid for illegal aliens, while the Pell grants provision was removed from the bill, Stafford student loans and work study remains in.

Under title IV of the Higher Education Act of 1965, as amended, legal permanent residents and certain other eligible non-citizens are eligible to compete with American citizens for certain types of higher education assistance.

The DREAM Act makes illegal aliens eligible for several types of higher education assistance offered under the Higher Education Act—including Stafford student loans and work study programs.

There is another matter, another sleight of hand I suggest.

Amnesty both for legal aliens who have been here for more than 5 years, and those in the next category who are here from 2 to 5 years, don't really require that those aliens have to be continuously present in the United States. That is what it says in plain language.

It starts off that you have to be continuously present in the United States. But, once again, is that what it really means?

The bill allows these aliens to depart and to return after a brief departure. This allows illegal aliens who broke our laws by entering the United States and who have left and returned illegally perhaps multiple times—and each time violating our laws by entering the United States—to qualify for this amnesty.

I am not sure how these departures and illegal entries can be considered innocent since the illegal aliens broke U.S. laws by reentering. But it will absolve them from any of these multiple violations. That is a huge loophole.

This is even more important. An alien may not have had deep roots in our country. They may have spent a lot of their time away from our country. But they heard about this amnesty, and if they can get in the country, then they will say they have been here continuously, perhaps.

Somebody says: No. We found out you were back home.

He says: That was brief. I want my amnesty.

We object. I am going to take you to court, or you prove it, or I say I have been here. That is what I say. It is going to be very difficult to prove that.

There are provisions in the bill that deal with U.S. worker protections. The bill purports to protect U.S. workers from the flood of cheap labor that might occur by requiring employers to prove to the Department of Labor that good-faith efforts have been taken, first, to recruit U.S. workers for a job before they go out and hire someone from outside of our country. They ought to at least find out if there are American workers who want the job.

Then they are supposed to notify the Secretary of Labor and the Department of Homeland Security when one of these H-2C workers is "separated from employment."

I am quoting that—"separated from employment" requires notice.

We heard defenders of the bill say: Well, if you are not continuously working, they will notify the Department of Labor and you have to leave the country.

Have you heard that? You have to be continuously working, you can't be not working, or else you are not entitled to the benefits of this H-2C provision. The separation from employment notification is supposed to help the Department of Labor and Homeland Security know which people have been out of work, and if they are out of work under the bill for more than 60 days, their visas are supposed to be revoked.

OK. That is supposed to be a provision that makes sure people who come here are really working. Sounds good. But under the provisions of the bill, the term "separation from employment"—you can find that on page 236. As defined, the term means virtually zero.

As defined, "separation from employment is anything other than discharged for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, or expiration of a grant or contract."

Furthermore, it does not include those situations where the worker is offered—even if they do not take it—another position by the same employer.

Is that what I just read to you? It is hard to believe—that you are supposed to notify them, except you don't need to notify them if they have left work, if they left work because they were discharged for inadequate performance, fired, or violation of workplace rules, or for just cause, or involuntary departure, involuntary retirement, or expiration of the contract. You don't have to notify them about those things.

What would you notify them for, pray tell? That is "flabber" written. I submit whoever wrote this bill—it was not the Senators, I can assure you of that—ought to be ashamed of themselves.

That was a deliberate evisceration of what on the surface sounds like a legitimate provision, totally unenforceable. There is no way under this provision DHS or the Department of Labor will be provided information about people who have been terminated from employment.

Protections for U.S. workers—that is one of the goals the bill says it reaches. Under the bill, employers must prove that hiring an H-2C worker will not adversely affect the wages and working conditions of workers in the United States, and that they did not and will not cause separation from employment of a U.S. worker employed by an employer within the 180-day period beginning 90 days before this H-2C petition is filed.

Employers must also prove that they made good-faith efforts to recruit U.S. workers before they can hire an H-2C worker. That sounds good but, once again, things are not what they seem.

As defined on page 263 of the bill, a U.S. worker includes not only citizens, it includes legal alien workers. And, amazingly, it also includes aliens who are "otherwise authorized under this act to be employed in the United States."

In other words, this provision provides protection for those who have been given legal status under amnesty, over and above, and provides them the same protection we provide to American citizens who are supposed to be given some protection against the flood of foreign labor.

You have heard the deal. You have heard it said that the people who come to get amnesty—this is almost humorous—have got to pay their taxes. That is part of some sort of punishment. They make it sound like, in some way, you earned the right to be forgiven of your crime by paying your taxes.

Everybody is supposed to pay their taxes. For heaven's sake, we are all supposed to pay taxes. This is nothing but doing what you would expect any American to do. But under the bill, things are, once again, not quite what their sponsors have said, or what the language might lead you to believe. You have to read it carefully.

Under the bill, an illegal alien who is getting amnesty only has to pay back taxes for the period of employment required in the INA, section 245(B)(A)(1)(d).

This is on page 347 of the bill, if people would like to look. These are actually just 3 of the 5 years between April 5, 2001, and April 5, 2002.

So the plain language of the bill doesn't require them to pay all their back taxes at all. They get an option to pick and choose which 3 years they want to pay their taxes. Presumably, they can forget and not pay the taxes for the high years. How silly is that?

This is really important. I think most Americans are pretty sophisticated. They know how the system works and the massive numbers we are talking about—the burden of proving payment of back taxes is on the Internal Revenue Service, pages 351 and 411. They have to prove it. How are they going to prove it? The IRS must prove that they owe the taxes. How will the IRS know if an illegal alien has worked off the books thereby avoiding paying any taxes?

This is really an utter joke. It is a promotion put forth by those in support of the bill that I have heard repeatedly—that somehow it is supposed to make us believe that people have earned their right to be forgiven for violating the law, and they only have to pay back 3 of the last 5 years in taxes.

What about American citizens? Do you think you can go down to Uncle Sam, Mr. President, and have 5 years of income and then be able to pick and choose which years you pay and you only pay 3 out of your last 5 years? Why don't we let every American citizen have this benefit? Why do we only give it to people who entered the country illegally? You tell me.

What about background checks? The bill requires the Department of Homeland Security to do them on illegal aliens. That is going to be exceedingly difficult. They are required to do it within 90 days. They have to protect our homeland. They have to handle all these provisions. I don't think it can ever be done. That may sound like something important is going to happen, that all the people here illegally will have their backgrounds checked promptly, but the truth is that is not going to get done in that timeframe.

How about fines? Let me state who they want to fine. A Federal agent, trying to do his duty to enforce the law and investigate fraudulent information provided by an illegal alien in their amnesty application, for law enforcement purposes, what happens to them if they take the amnesty application and actually examine it and find out it is fraudulent? What do they do? The agent would be fined $10,000. That fine, I note, is five times the amount the alien is able to post, $2,000, to get his amnesty from his illegal acts.

There is no reason in the world Federal law enforcement officers should be barred from investigating and utilizing amnesty applications to prosecute criminal activities in America. There is no reason this ought to be protected other than it looks to me that some clever lawyer has realized if they can get this in the bill people can file false amnesty applications all day and no one will ever be able to investigate. Isn't that horrible? That is what it looks like to me. Is that a sneaky lawyer trick? I ask you to make that judgment. It does not sound good to me.

Page 363 of the bill. Look it up.

How about the employers? They get tax amnesty. Employers of aliens applying for adjustment of status—amnesty—"shall not be subject to civil and criminal tax liability relating directly to the employment of such an alien." That means a business that hired illegal workers does not have to pay the taxes they should have paid. Why? This encourages employers to violate our tax laws and not pay what they owe the Federal Government. They are excusing these employers and giving them amnesty from not withholding taxes. That is a very bad thing. Every American business knows they have to pay their withholding taxes.

What about two small businesses, one hiring illegal aliens not paying Social Security, not paying withholding to the Government, and paying some low wage, and another one across the street doing all the right things, hiring American citizens, perhaps paying higher wages and withholding money and sending his Social Security money to the Federal Government, what message does that send to the good guy, to give complete amnesty to the guy who has manipulated the system and gotten away perhaps with tens of thousands of dollars in benefits that his competitor did not get?

You cannot play games with the law like this. You cannot pick and choose people and allow them unilaterally to not have to pay their taxes.

What about illegal alien protection? The alien and their families who file applications for amnesty "shall not be detained, determined inadmissible, deported, or removed until their applications are finally adjudicated, unless they commit a future act that renders them ineligible with amnesty." With tens of millions of applications, this amnesty, this provision essentially guarantees an illegal alien years of protection in the United States, even if they do not qualify for the amnesty.

We hear they have to pay the fine, the $2,000 fine, but it is not due right away. For those in the amnesty program, illegal aliens are supposed to pay a fine of $2,000. However, the way the bill is written, many illegal aliens may not have to pay the fine for 8 years. The bill says that the $2,000 fine has to be paid "prior to adjudication." It is not required at the first. If it is left the way it is, the illegal alien can live, work and play in our country and not pay a cent of his fine for years. Perhaps they may even decide they do not want to pay it at all. This puts a financial burden on local taxpayers for the health, education, and the infrastructure costs that are not reimbursed for about 5 or 10 years.

There are a number of other items. However, it is late; I will make these remarks part of the RECORD and will not belabor these points.

It is clear the people who drafted this legislation had an agenda and the agenda was not to meet the expectations of the American people. The agenda was to create a facade and appearance of enforcement, an appearance of toughness in some instances. When you get into the meat of the provisions and get into the bill and study it, tucked away here and there are laws that eviscerate and eliminate the real effectiveness of those provisions. It was carefully done and deliberately done. This is a bill that should not become law. It is a bill that will come back to be an embarrassment to our Members who have supported it. I wish it were not so. I know how these things happen. You do not always have time to do everything you want to do. You try to do something you think is right, but ultimately in a bill as important as this one that has tremendous impact on the future of our country and our legal system and our commitment to the rule of law, we ought to get it right. We ought not to let this one slide by. It is not acceptable to say, let's just pass something and we will send it to the House and maybe the House of Representatives will stand up and stop it and fix it. That is not acceptable for the great Senate of the United States.

I strongly believe we are not ready to pass the bill. We are not ready to give it final consideration. I strongly believe it is a horrendous violation of the Committee on the Budget and that it is, as Mr. Rector said, a fiscal catastrophe if passed, and as such we ought not to waive the Budget Act but pull the bill from the floor and fix it.

I yield the floor.

ADJOURNMENT UNTIL 8:30 A.M TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 8:30 a.m., Wednesday, May 24, 2006.

Thereupon, the Senate, at 8:28 p.m., adjourned until Wednesday, May 24, 2006, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 23, 2006:

DEPARTMENT OF STATE

RICHARD E. HOAGLAND, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF

THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ARMENIA.

CLIFFORD M. SOBEL, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATIVE REPUBLIC OF BRAZIL.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be commander

MAX A. CARUSO, 9694

To be lieutenant

JOSH L. BAUER, 9532

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant (junior grade)

MARK MOLAVI, 0397
ANDREW G. SCHANNO, 6070

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PAUL ANTONIOU, 7787
PETER J. VARJEEN, 3838

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

RICHARD J. HAYES, JR., 0777
KENNETH L. HEGTVEDT, 8324
MICHAEL N. SELBY, 6759

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

DAVID W. ACUFF, 6348
TIMOTHY H. ATKINSON, 1713
TIMOTHY K. BEDSOLE, SR., 9908
CARLETON W. BIRCH, 5715
RANDY L. BRANDT, 8180
PETER M. BRZEZINSKI, 8321
JASON E. DUCKWORTH, 2621
GRANT E. JOHNSON, 8116
ROBERT F. LAND, 0818
MITCHELL I. LEWIS, 2672
ARLEY C. LONGWORTH, JR., 7058
TERRY L. MCBRIDE, 1686
WILLIAM C. MCCOY, 9538
THOMAS G. MCFARLAND, 4368
JOHN C. MOLINA, 8383
RICKEY L. MOORE, 7927
JOHN F. OGRADY, 4432
DOUGLAS J. PETERSON, 1056
MARSHALL H. PETERSON, 9506
MARK E. ROEDER, 5812
ROBERT E. ROETZEL, 8064
JOHN W. SHEDD, 7008
DAVID K. SHURTLEFF, 0604
LANCE A. SNEATH, 5100
DARRELL E. THOMSEN, JR., 2007
DAVID A. VANDERJAGT, 8345
JEFFREY D. WATTERS, 3525
ROBERT H. WHITLOCK, 1633
MACKBERTH E. WILLIAMS, 0987
MICHAEL E. YARMAN, 3588

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

*MANUEL CASTILLO, 7731
*MICHAEL E. DINOS, 5000
*VESNA ELE, 3523
*ANA L. GARDNER, 2833
*MICHAEL K. GREGORY, 9614
*RAJDEEP S. GURAYA, 2055
*ERIC A. HALL, 6021
*JAE I. HWANG, 0218
*SIMUEL L. JAMISON, 0097
*HEKYUNG L. JUNG, 0238
*ANTHONY MAIORANA, 8720
*ANDREW D. PALALAY, 5723
*DAVID E. PALO, 6979
*DONG S. PARK, 9043
*KIMBERLEY L. PERKINS, 0631
*THOMAS K. SCHREIBER, 3227
*JON D. STINEMAN, 5190
*RICARDO J. VENDRELL, 4305
*JOSE R. VILLANUEVA, 5308
*ANDREW J. WARGO, 0122

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

*TODD S. ALBRIGHT, 7183
CLETUS A. ARCIERO, 7732
*AMY J. ASATO, 1087
KAREN C. BAKER, 5713
VINCENT J. BARNHART, 1917
JOHN P. BARRETT, 1367
*TIMOTHY P. BARRON, 7150
JAMES D. BARRY, 7941
*WILLIAM K. BAXTER, 7845
ANTHONY A. BEARDMORE, 8161
*DOUGLAS B. BEECH, 9078
*PHILIP J. BELMONT, 0188
*PAUL D. BENNE, 4984
*MARK E. BOSELEY, 4091
*BARBARA L. BOWSHER, 2387
*STEVEN M. BRADY, 2230
*STEPHEN J. BROWN, 1199
*RICHARD F. BURROUGHS, 7117
*THOMAS E. BYRNE, 4155
*TIMOTHY J. CAFFREY, 8787
JEFFREY S. CAIN, 6772
*ARTHUR B. CAJIGAL, 4078
*SEAN T. CARROLL, 3146
*VICTORIA W. CARTWRIGHT, 5598
*KAO B. CHOU, 5632
*DAVID S. COBB, 5179
JOHN J. COMBS, 3661
*AMY B. CONNORS, 2072
*ELLIS O. COOPER III, 7654
*GEORGE L. COPPIT III, 7897
*DONALD M. CRAWFORD, 5100
SCOTT M. CROLL, 1375
*GEORGE H. CUMMINGS, JR., 4457
*TIMOTHY M. CUPERO, 8783
*SHELTON A. DAVIS, 8594
*TROY M. DENUNZIO, 9325
*PETER G. DEVEAUX, 8685
JOHN S. EARWOOD, 1122
MARY E. EARWOOD, 7627
*MARSHALL E. EIDENBERG, 5110
*JAY C. ERICKSON, 7217
*ANDRE FALLOT, 0717
JOHN W. FAUGHT, 9336
*TOMAS M. FERGUSON, 6793
ROGER K. FINCHER, 1423
*LOUIS N. FINELLI, 9412
*CHARLES J. FOX, 5092
DOMINIC R. GALLO, 7514
*KEVIN J. GANCARCZYK, 1104
*ROGER L. GELPERIN, 7575
*BARNETT T. GIBBS, 0595
JOHN F. GILLMAN, 6913
*BENJAMIN S. GONZALEZ, 8790
*CHARLES M. GOODEN, 8168
*CHRISTOPHER G. GORING, 5280
*ANDREW C. GORSKE, 3730
JAMES D. GRADY, 7066
*JOHN GREEN III, 9051
*MARK E. GREEN, 3230
SCOTT D. GREENWALD, 6594
*KATHLEEN R. GROOM, 2814
MELANIE L. GUERRERO, 3817
*THOMAS S. GUY, 3560
*MARK I. HAINER, 6302
*MICHAEL C. HARNISCH, 9214
*STEPHEN A. HARRISON, 2027
JOHN P. HARVEY, 8907
MICHAEL A. HELWIG, 2546
*MICHAEL D. HENRY, 0863
*DEMETRICE L. HILL, 5038
*JOHN V. HIRSCH, 6745
KURTIS R. HOLT, 6724
MICHAEL D. HUBER, 3883
*CHRISTY W. JONES, 6396
*JENNIFER S. JURGENS, 3696
SHAWN F. KANE, 5415
SEAN KEENAN, 3009
*LLOYD H. KETCHUM, 7714
GINA J. KIMAHN, 5944
*ELIZABETH R. KINZIE, 3460
CHRISTOPHER KLEM, 4949
*ROBERT P. KNETSCHE, 6080
STACEY G. KOFF, 7602
*MARY V. KRUEGER, 0298
*MARKIAN G. KUNASZ, 2821
*GEORGE M. KYLE, 1446
*JACK E. LEWI, 3805
*KRISTEN M. LINDELL, 3610
ANTHONY C. LITTRELL, 0959
*KRISTIE J. LOWRY, 4699
*MIGDALIA MACHADO, 9790
*CARLINA MADELAIRE, 6927
JAMIL A. MALIK, 6624
*MARYANN MASONE, 3069
*PHILLIP L. MASSENGILL, 4097
*PARNELL C. MATTISON, 9486
*TAMARIN L. MCCARTIN, 4269
*EDWARD L. MCDANIEL, 2861
*MYRON B. MCDANIELS, 1209
*MARK K. MCPHERSON, 7536
MICHAEL S. MEYER, 4223
*JEANNE P. MITCHELL, 2222
*TIMOTHY P. MONAHAN, 4911
*JAIME L. MONTILLASOLER, 1952
KEVIN E. MOORE, 7915
KIMBERLY A. MORAN, 8260
DAN S. MOSELY, 8759
JOSEPH A. MUNARETTO, 4853
*NHAT NGUYENMINH, 6157
*ALEXANDER S. NIVEN, 1209
*RICARDO C. ONG, 2994
*JOSEPH R. ORCHOWSKI, 4405
*JOHN M. PAGE, 4849
NEIL E. PAGE, 4175
*DOUGLAS W. PAHL, 5475
*JAMES L. PERSSON, 0207
*ANDREW C. PETERSON, 7553
*CECILY K. PETERSON, 4173
SHEAN E. PHELPS, 8322
*CHRISTOPHER R. POWERS, 8548
MAXIMILIAN PSOLKA, 9472
*MITCHELL J. RAMSEY, 1283
JOHN C. RAYFIELD, 5724
MARK T. REED, 1319
*SCOTT T. REHRIG, 8693
*MIN S. RO, 4693
*DONALD W. ROBINSON, 4881
*JORGE L. ROMEU, 6546
*SCOTTIE B. ROOFE, 1466
*RICHARD C. ROONEY, 9193
*MICHAEL K. ROSNER, 4981
*RONALD D. ROSS, 5400
*MICHAEL C. ROYER, 6330
*ROBERTO J. SARTORI, 4545
SAMUAL W. SAUER, 0711
*BRETT J. SCHNEIDER, 5204
STEPHEN R. SEARS, 1792
JAMES A. SEBESTA, 8656
ELIZABETH C. SHANLEY, 6947
*SCOTT B. SHAWEN, 7242
*CLAYTON D. SIMON, 7619
DARRELL E. SINGER, 0132
*JOHN F. SLOBODA, 3541
*MICHAEL E. SMITH, 5380
*BRIAN J. SONKA, 7807
*PHILIP C. SPINELLA, 6818
*JAMES J. STEIN, 3013
*CHARLES A. STILLMAN, 2929
*BRAD STRUMWASSER, 8284
*PREM S. SUBRAMANIAN, 7722
*RYUNG SUH, 1681
*JAN S. SUNDE, 7181
*STEVEN J. SVOBODA, 9935
STEVEN J. TANKSLEY, 1106
*DAVID E. THOMAS, 7450
*ALVIN Y. TIU, 0527
STEVEN K. TOBLER, 3333
RAYMOND F. TOPP, 7394
*ERNESTO TORRES, 0646
ROLANDO TORRES, 3433
LADD A. TREMAINE, 5251
DAWN C. UITHOL, 4346
DAVID M. WALLACE, 0745
MICHAEL J. WALTS, 9365
*CHARLES W. WEBB, 4411
*ALDEN L. WEG, 3718
ROBERT B. WENZEL, 4019
*ROBERT R. WESTERMEYER II, 9204
BRADFORD P. WHITCOMB, 4021
JASON S. WIEMAN, 6210
RONALD N. WOOL, 8082
*EYAKO K. WURAPA, 4872

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION:

To be lieutenant colonel

BRENT A. HARRISON, 6477

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

MICHAEL H. JOHNSON, 8670

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

MICHAEL A. HOFFMANN, 7657

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

RICHARD M. BURKE, JR., 2358
FREDERICK L. CANBY, 9433
CHARLES R. FAHNCKE, 5872
PETER M. MURPHY, 7586

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

FREDERICK C. DAVIS, 9098
ENRIQUE FLORES, JR., 8225
LEON W. HERRING, 8523
ANITA M. KOBUSZEWSKI, 6192
STEVEN R. MEDINA, 1971
HIRAM M. PATTERSON, 6318

ELEANOR J. SMITH, 8967

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

CLAUDE R. SUGGS, 1986

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MATTHEW C. HELLMAN, 2162
DEREK A. TAKARA, 7604

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

ANGELA J. BAKER, 1651
HAROLD S. ZALD, 6960

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

LOUIS V. CARIELLO, 1254
ROBERT O. FETTER, 5970
WILLIAM E. FINN, 7805
JOHN V. HECKMANN, JR., 5734
MARK W. JACKSON, 9984
JOHN W. KORKA, 3787
PETER S. LYNCH, 7924
BEN D. PINA, 4982
JORGE P. RIOS, 1298
ALLAN M. STRATMAN, 3283
PAUL F. WEBB, 3366
JAMES M. WINK, 0747
GREGORY J. ZIELINSKI, 3195

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GEORGE E. ADAMS, 6949
RONDALL BROWN, 8536
DOYLE W. DUNN, 1207
IRVING A. ELSON, 2952
MARGARET G. KIBBEN, 4656
DEBRA E. MCGUIRE, 9512
DIANA L. MEEHAN, 3670
CONRAD A. TARGONSKI, 7602
GARY P. WEEDEN, 0753
ROBERT T. WILLIAMS, 1808

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ANTHONY P. BRAZAS, 3318
GRISELL F. COLLAZO, 5828
ARTHUR L. COTTON III, 7295
DWIN C. CROW, 0880
JOSEPH F. DUNN, 0219
MICHAEL L. FULTON, 4889
STUART S. JONES, 0100
MARY A. KASPRZAK, 1992
ROBERT J. KILPATRICK, JR., 4482
BRIAN H. MALLADY, 6659
JOHN G. MEIER III, 0850
DAVID C. MEYERS, 3955
ANDREW S. MORGART, 7930
RANDAL J. ONDERS, 1945
JAMES K. PATTON, 3032
DAVID R. PIMPO, 2267
CHARLES T. RACE, 9107
JAMES M. REICH, 8186
ELLEN E. ROBERTS, 7568
DONALD L. SINGLETON, 1617
JAMES W. SMART, 8317
BARRY R. SMITH, 5070
GLEN T. STAFFORD, 2140
BRETT A. STURKEN, 1558
WILLIAM J. TERRY, 0643
ROBERT F. TUCKER, 4108
SCOTT R. VANDERMAR, 2645
PAUL J. VERRASTRO, 4464
FRANCIS K. VREDENBURGH, JR., 0278

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

COLLETTE J. B. ARMBRUSTER, 8211
THOMAS C. ARMEL, 3851
ANNETTE BEADLE, 7848
HOLLY S. BENNETT, 9889
ANDREW R. BIEGNER, 6383
KAREN K. BIGGS, 5885
JODY K. BLONIEN, 4580
SHIRLEY M. BOWENS, 6454
BONNIE A. BULACH, 3101
ALICE A. CAGNINA, 6070
DAWN M. CAVALLARIO, 1825
TINA A. DAVIDSON, 3885
BRENDA DAVIS, 1305
ANNE M. DIGGS, 2335
PATRICIA W. DORN, 0524
DAWNE C. GABRIELSON, 6119
THERESA S. GEE, 4260
WILLIAM L. GOODMAN, 8751
KIMBERLY M. HARLOW, 4127
PATRICIA A. W. KELLEY, 1825
MARK S. LARSEN, 6029
DEBORAH S. MCCAIN, 6660
PATRICIA MCDONALD, 6796
KATHLEEN A. MICHEL, 4646
TINA L. ORTIZ, 6128
ROCHELLE A. OWENS, 2042
DEBRA A. PENNINGTON, 3094
MAGGIE L. RICHARD, 0841
DENISE L. SMITH, 3765
TERESA E. SNOW, 9516
ANN M. UETZ, 9657
MARY K. VANN, 5592
JENNIFER L. VEDRALBARON, 5260
SUSAN W. WOOLSEY, 5756

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

GREGORY P. BELANGER, 6899
STUART W. BELT, 4700
THOMAS L. COPENHAVER, 1381
PATRICK M. MCCARTHY, 9513
MICHAEL T. PALMER, 8698
CHRISTIAN L. REISMEIER, 1305
ROBERT P. TAISHOFF, 3999
TAMMY P. TIDESWELL, 0966
BRENDAN F. WARD, 0923
BRIAN S. WILSON, 2688

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

DALE P. BARRETTE, 4466
TED F. CARRELL, 4712
DAVE E. GIBSON, 2172
GARY L. HOOK, 3879
STEVEN L. KEENER, 5661
JAMES J. KING, 6081
KENNETH A. LAUBE, 9528
SUSAN E. LICHTENSTEIN, 7448
MICHAEL J. MACINSKI, 1470
PAULA H. MCCLURE, 1675
JAMES J. PELLACK, 6040
THOMAS J. PETRILAK, 3879
CAREY M. SILL, 7457
STEPHANIE M. SIMON, 2278
MICHAEL A. SOKOLOWSKI, 2870
GINA M. SPLEEN, 2175
GARY D. WERTZ, 9930
SILVA P. D. WESTERBECK, 9797

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JAMES A. BLUSTEIN, 9329
JOHN P. BROWNING, 3154
TED J. CAMAISA, 6144
JAMES T. CASTLE, 6192
JOSEPH I. GLIKSMAN, 8258
JONATHAN L. HAUN, 3477
CORNELIOUS T. LYNCH, 1306
STUART O. MILLER, 8661
LINDA P. NIEMEYER, 8493
JEFFERY S. NORDIN, 9783
NASREEN S. QADER, 9524
ROBERT D. RUPPRECHT, 4284
KYLE J. SCHMIDT, 5587
PATRICK J. STEINER, 7696
RICHARD W. STEVENS, 6101
JOSEPH C. K. YANG, 2589

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

ROBERT A. ALONSO, 9061
JAMES K. AMSBERRY, 8594
CLAUDE D. ANDERSON, 8803
BEN J. BALOUGH, 2753
JEFFREY P. BLICE, 9067
CRAIG L. BONNEMA, 2239
ERIC A. BOWER, 1287
JAMES L. CARUSO, 1663
STEWART W. COMER, 3519
MICHAEL A. FERGUSON, 4220
PRESTON S. GABLE, 6583
RICHARD GREEN, 5164
KRISTINA E. HART, 3420
DANIEL E. HUHN, 8981
THOMAS M. JOHNSON, 6684
KENNETH J. KELLY, 4040
TREYCE S. KNEE, 6692
DAVID LEONARD, 3344
RONALD L. LINFESTY, 1767
CRAIG T. MALLAK, 6735
PETER A. MARCO, 3455
ANDREW A. NELSON, 8868
JOSEPH PASTERNAK, 8459
MICHAEL M. QUIGLEY, 7615
JOSEPH F. RAPPOLD, 2185
JOEL A. ROOS, 3159
JOHN B. SHAPIRA, 5750
TIMOTHY C. SORRELLS, 1817
BRUCE A. STINNETT, 9167
MICHAEL R. WAGNER, 2916
LAWRENCE E. WALTER, 1237
MYRON YENCHA, 6470
KENNETH S. YEW, 4112
KRISTEN C. ZELLER, 7997

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

VIRGINIA T. BRANTLEY, 1260
MICHAEL G. CASEY, 7044
PETERSEN N. DECKER, 1104
THOMAS M. ELAM, 3389
WILLIAM D. GRAF, 4212
DEAN W. HILF, 6011
VIRGINIA R. KURTZ, 0494
JAMES R. MCNEAL, 3493
ERIC C. NIEMANN, 2780
DUANE R. PITCHER, 4370
DAVID W. POLLOCK, 8750
MARK J. SPARLING, 3206
ROBERT S. STRAUS, 2477
PETER A. VANLOON, 3490
SCOTT A. VERMILYEA, 5460
MARON D. WYLIE, 2402

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DOUGLAS E. ALEXANDER, 4209
BRET C. GEAN, 7769
DEAN A. GOULD, 7763
ROBERT P. HARRIS, 9366
LEWIS G. HARRISON, JR., 7639
MARK R. JENKINS, 8258
MICHAEL A. MORELLI, 0819
DANNY L. MOTLEY, 1573
KATHLEEN ONEILL, 0373
MICHAEL S. REDMAN, 7363
JAMES H. SCHROEDER, JR., 8234

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PAUL I. BURMEISTER, 8268
KENNETH C. CIENIK, 4793
BARRY N. CRANE, 3534
MICHAEL J. DOYLE, 0318
CHARLES N. GOLDSBOROUGH, 7651
GREGORY C. HORN, 1400
RONALD E. HOWARD, 7054
GERALD F. HUTCHINSON, 7594
WILLIAM N. MOQUIN, JR., 6323
VAN T. NGUYEN, 8205
CLYDE C. REYNOLDS, 7940

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

PHILIP P. ALFORD, 4812
DONALD E. BITTNER, 8779
MARTHA W. CARTER, 8013
WILLIAM B. CARTER, 1530
JOSEPH P. COSTABILE, 5532
DONALD A. DREW, 1236
CHAD ELSNER, 3540
THOMAS B. FAULKNER, 8386
JAMES F. FLAHERTY, 1060
JOSEPH A. GREENLEE III, 7915
TIMOTHY J. HANNON, 8239
MARK G. HOFFMAN, 7561
GREGG A. KASTING, 0531
TERESITA P. MENDOZA, 6208
CAROL A. MOORE, 7568
MARILYN S. NORTON, 1850
CHARLES B. PASQUE, 9610
SAMUEL J. PIERCE, 0605
ROBERT J. ROOKSTOOL, 5694
TIMOTHY A. SCHNEIDAU, 4946
LISA A. SWANN, 6509
JAMES F. THORNTON, 0231
JEFFREY J. TOMLIN, 6750
LOUIS C. TRIPOLI, 9786
EDWIN D. TURNER, 0715
ROBERT L. YARRISH, 8330

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

MICHAEL S. ARNOLD, 8380
TODD A. BAHL, 0040
MARY K. BONILLA, 8215
ANN M. CAMPBELL, 1379
ANN M. CARLIN, 7260
ANN M. DALTER, 0691

ANNETTE M. DAVIS, 2694
PAMELA R. DENNIS, 4867
JAMES W. FLOOD, 8457
LILLY E. FOTIADIS, 8677
GAIL L. FRIEDT, 2493
JOANNE M. GREENE, 0352
CLEM E. GRITSAVAGE, 0440
BONNIE J. HALDERSON, 0121
BONNIE L. HAND, 5116
MARY K. JACOBSEN, 5708
SUSAN C. LABHARD, 2745
GEORGIA G. LEAVER, 7559
MARTIN A. LISZEWSKI, 2457
GINA S. LONG, 6668
MARY K. LOVE, 2450
MYRNA E. MAMARIL, 8893
SCHALLMOSER L. D. MARTINEZ, 7475
MARGARET O. MCKAVITT, 7945
SUSAN R. MCKINLEY, 5302
JULIE L. MILLER, 7957
MARY P. MILLER, 9001
HILARY S. MORGAN, 9764
GAYLE E. MYERS, 8073
ANNA M. OSHEASMITH, 2054
JOAN T. REISDORFER, 8308
DOROTHY S. ROBERTSON, 5686
ANDREA J. RUSSELL, 9489
BELEN M. SARWACINSKI, 4349
DOROTHY J. SHVEIMA, 5875
DEBORAH A. VACEK, 4126
IRENE K. WEAVER, 7609
EVELYN M. WEBB, 6585

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

GREGORY BRIDGES, 9335
TODD M. CABELKA, 1008
DAVID M. CARON, 2390
RICHARD B. COWAN, 4401
EUGENE B. DAVIS, JR., 4411
BRENT G. FILBERT, 0940
DAMIAN J. HANSEN, 6299
BRIAN L. HOWELL, 8272
MARY R. MCCORMICK, 9936
WILLIAM J. MORRISON III, 8133
WILLIAM T. PURDUE, 9477
NEIL A. SHEEHAN, 6443
WILLIAM R. SPRANCE, 3320
WILLIAM M. WHEELER, 4185

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

HONORATO AGUILA, 2669
KERMIT R. BOOHER, 0853
LEWIS E. BROWN, 6680
JOSE C. DELAPENA, 3510
ROBERT L. DENNISON, JR., 7549
WILLIAM D. DEVINE, 9318
JAMES J. DIBELKA, JR., 4767
RICHARD M. DIBELLA, 0949
HARRY D. ELSHIRE III, 2079
KARL K. FUNG, 6852
DARRELL R. GALLOWAY, 3536
RICHARD L. HAMILTON, 5260
STEPHEN J. HENSKE, 6091
TERENCE C. HILGER, 1206
ELWOOD W. HOPKINS, 1416
CHARLES HOUSE, 3753
ROBERT E. HOYT, 5202
PHILLIP D. HUNT, 5326
JEFFEREY R. JERNIGAN, 7400
ELLEN M. JEWETT, 5635
KENNETH S. KELLEHER, 7988
GERALD N. KERR, 8085
DAVID LEIVERS, 8507
EVERETT F. MAGANN, 2313
LLOYD W. MARLAND, 7101
STEPHEN F. MCCARTNEY, 1543
JESSE MONESTERSKY, 8294
MARK F. MORRIS, 6433
JACKIE D. NANNY, 0172
BENJAMIN G. NEWMAN, 9379
JESUS A. M. OLCESE, 0195
FRANK A. PUGLIESE, 1196
ALAN L. RIDNOUR, 3195
WILLIAM J. STARSIAK, JR., 6749
DANA STOMBAUGH, 4638
FELIX R. TORMES, 4820
JEFFREY B. WHITING, 3012
GERALD L. WILKS, 8572
THOMAS M. WILLIAMS, 4378
JOSEPH H. WILLOUGHBY, 6381

To be commander

ANGELA ALEXANDER, 1654
STEPHEN G. ALFANO, 4100
JEFFREY M. ALVES, 5674
WILLIAM M. ANDERSON, 4733
JOSEPH C. AQUILINA, 9366
JOHN B. BACCUS III, 3355
RICHARD D. BARROW II, 4047
JOHN L. BASTIEN, 2867
ANTHONY G. BATTAGLIA, 8622
MARY F. BAVARO, 8811
MARY BECKETT, 6235
BRYAN L. BELL, 4295
STEPHANIE A. BERNARD, 2423
STEVEN J. BLIVIN, 6283
BENEDICT J. BROWN, 2968
TROY H. BRUNHART, 9577
BRYAN S. BUCHANAN, 0016
KEVIN D. BUCKLEY, 4167
LLOYD G. BURGESS, 6795
WAYNE A. CAROLEO, 2585
PETER R. CATALANO, JR., 0629
MILDRED R. CHERNOFSKY, 4880
JOSE L. CISNEROS, 4229
BRIAN D. CLEMENT, 1376
ROYCE E. CLIFFORD, 4550
EUGENIO G. CONCEPCION II, 7859
KENNETH D. COUNTS, 5130
CARL R. COWEN, 0543
ROBERT J. COYLE, 8467
STEPHEN W. CRAWFORD, 9458
LESLIE D. CUNNINGHAM, 6821
MARIO H. DIAZ, 4030
MARK L. DICK, 2344
RICHARD R. DOBHAN, 2575
JOHN C. ELKAS, 6848
JUDITH E. EPSTEIN, 1839
SEAN R. FINDLAY, 8115
ALLAN M. FINLEY, 3285
CHARLES A. FROSOLONE, 6391
MICHELE L. GASPER, 0601
THOMAS G. GAYLORD, 7502
TIMOTHY S. GORMLEY, 0844
MARK M. GOTO, 2773
DANIEL L. GRAMINS, 1983
TIMOTHY W. HALENKAMP, 2663
THOMAS P. HALL, 9046
SCOTT E. HALUSKA, 7339
CARY E. HARRISON, 6205
JEANETTE L. HEBEL, 6207
J P. HEDGES, JR., 0046
RICHARD C. HESS, 4202
ROBERT P. HINKS, 3366
NICHOLAS M. HOLMES, 2409
DARRYL K. ITOW, 8503
JENNIFER M. JAGOE, 7154
SCOTT L. JOHNSTON, 0591
MAURICE S. KAPROW, 7685
CHAND B. KATHURIA, 2462
FRANCES G. KELLER, 6136
MICHAEL T. KELLEY, 3631
DENNIS F. KELLY, 2693
BRIAN S. KING, 6822
BARBARA E. KNOLLMANNRITSCHEL, 2860
CHRISTOPHER A. KURTZ, 2133
TRI H. LAC, 0283
BENJAMIN K. LEE, 0339
CHARLES L. LEVY, 6389
ROBERT J. LIPSITZ, 0680
ARTHUR H. LOGAN, 6747
ROBERT R. LOWE, JR., 0048
JOHN W. LYLE, 8354
ROBERT O. MARTSCHINSKE, 8613
PAUL D. MCADAMS, 0599
JONIE L. MCBEE, 5929
LISA M. MCGOWAN, 7238
MICHAEL L. MEADOWS, 9575
MELANIE J. MERRICK, 8980
ERIC A. MILLER, 7549
DAVID A. MUDD, 7513
JANET N. MYERS, 7455
DIPAK D. NADKARNI, 8388
LORRAINE S. NADKARNI, 0494
MEENAKSHI A. NANDEDKAR, 7975
AMY L. OBOYLE, 4773
ROBERT E. OBRECHT, 7241
PHILIP M. OCONNELL, 7281
ANTHONY J. OPILKA, 7193
SCOTT T. OZAKI, 7937
DAVID PALMER, 6342
MICHAEL G. PENNY, 7514
TONY L. PETERSON, 5779
LEE A. PIETRANGELO, 9219
VISWANADHAM POTHULA, 8153
ANDREW POTTS, 4643
ANTHONY V. POTTS, 8234
RODNEY C. PRAY, 6250
RICHARD R. REED, 6195
JOHN J. RICHARD, 0429
MATTHEW C. RINGS, 6545
THOMAS D. ROBINSON, 9082
ANTHONIO RODRIGUEZ, 6790
JUAN A. ROSARIOCOLLAZO, 7042
MICHAEL J. RYAN, 0508
HERMAN M. SACKS, 5325
ASHLEY A. SCHROEDER, 7763
ERIC L. SCHWARTZMAN, 4383
JOSEPH A. SCORDO, 1726
CHRISTINE L. G. SEARS, 4396
DAVID M. SERBER, 0630
SOHAIL A. SIDDIQUE, 8351
AMANDA J. SIMSIMAN, 4987
JONATHAN T. SKARDA, 8942
LLOYD W. SLOAN, 5244
STUART D. SMITH, 1089
IFEOLUMIPO O. SOFOLA, 4795
CHRISTOPHER T. SOSA, 6674
MARC T. STEINER, 5763
JONATHAN F. STINSON, 2708
JAMES A. STOREY, 5020
ROGER L. SUR, 8508
MICHAEL H. TAI, 9743
BRUCE J. TAYLOR, JR., 9152
JAMES D. THOMPSON, 1605
JAMES E. TOLEDANO, 3528
ELVIRA TOMESCU, 2293
RONALD D. TOMLIN, 9456
JIM T. TRAN, 8342
ANTHONY M. TRAPANI, 3248
ANDREW F. VAUGHN, 6307
TERESE M. WARNER, 6679
EDWARD T. WATERS, 1518
KIMBERLY S. WYATT, 1733
JAMES C. YOUNG, 9748
CRAIG M. ZELIG, 9435

To be lieutenant commander

CHARLES D. ADAMS, 4653
MICHAEL L. ADAMS, 6238
TIM K. ADAMS, 1069
SUE A. ADAMSON, 1665
EROL AGI, 3537
MIGUEL A. AGUILERA, JR., 4404
JOEL A. AHLGRIM, 7979
IK J. AHN, 1302
PETER S. AIREL, 8145
BRIAN M. AKER, 6066
ROGER S. AKINS, 1638
OLADAPO A. AKINTONDE, 4183
MARIA C. ALBERTO, 7974
DENNIS J. ALBINO, 6367
ERIC J. ALDERMAN, 5927
HORACE D. ALEXANDER, 2398
KRISTINE E. ALEXANDER, 0460
BELINA R. ALFONSO, 1539
ADDIE ALKHAS, 4679
GWENDOLYN A. ALLANSON, 9071
JAY E. ALLARD, 9329
ANDRE K. ALLEN, 4247
CALLIOPE E. ALLEN, 3055
DAVID E. ALLEN, 4939
TERESA M. ALLEN, 7447
JENNIFER M. ALMY, 7255
ADNAN A. ALSEIDI, 7159
MANUEL F. ALSINA, 0946
LUIS A. ALVAREZ, 7394
ERSKINE L. ALVIS, 9145
PAUL B. ALVORD, 5067
ERIC C. AMESBURY, 5669
MICHAEL R. ANCONA, 5445
CHRISTOPHER D. ANDERSON, 1421
ERIC L. ANDERSON, 6783
PAUL S. ANDERSON, 8015
PAUL A. ANDRE, 9304
JOSEPH E. ANDREWS, 9611
JEFFREY G. ANT, 1227
JARED L. ANTEVIL, 5063
ARTHUR C. ANTHONY, 7440
JEFFREY M. APPLE, 9156
ANDREW M. ARCHILA, 8087
MONICA J. ARELLANO, 0758
JUAN C. ARGUELLO, 1644
ANTHONY A. ARITA, 9561
STEPHEN P. ARLES, 8694
GLEN M. ARLUK, 7876
RODNEY A. ARMAND, 9690
ADAM W. ARMSTRONG, 9229
DAVID ARNOLD, 1490
MATTHEW J. ARNOLD, 6227
SARAH J. ARNOLD, 7877
ERICK A. ARROYO, 8874
ANTHONY R. ARTINO, JR., 0665
SCOTT ASHBY, 0200
WILLIAM C. ASHBY, 7062
DAVID C. ASSEFF, 6223
DEREK J. ATKINSON, 1023
DAVID A. AUSTIN, 0791
KENNETH R. AUSTIN, 8309
ANDREW J. AVILLO, 1736
CHAD M. BAASEN, 8727
JOSEPH W. BABB, 1117
DAVID J. BACHAND, 4120
RODERICK A. BACHO, 8641
REBECCA L. BACZUK, 7127
PHILIP D. BAILEY, JR., 1658
RAY A. BAILEY, 6350
ALBERT J. BAINGER, 9418
LEE G. BAIRD, 9657
ALFREDO E. BAKER, 0775
JONATHAN G. BAKER, 5111
MARK E. BAKER, 3678
ROCKNE T. BAKER, 7303
RANDY L. BALDWIN, 9755
ANTHONY G. BALDWINVOEKS, 5100
ROBIN M. BALL, 6759
ERIN K. BALOG, 6560
LUKE H. BALSAMO, 4142
SEAN P. BARBABELLA, 5814
ROBERT C. BARBEE, 1624
WILLIAM J. BARD, 1241
MICHAEL J. BARKER, 8316
JOHN J. BARNETT, 1154
MATTHEW R. BARR, 6661
JOSEPH P. BARRION, 4202
GLEN W. BARRISFORD, 0123
STEVEN R. BARSTOW, 4065
TIMOTHY S. BARTLETT, 0423
JOEL D. BASHORE, 2941
JOHN T. BASSETT, 6603
MAXWELL C. BASSETT, 9800
RAYMOND R. BATZ, 8938
THOMAS C. BAUGH, 8565
SALVATORE K. BAVUSO, 7581
MICHAEL R. BAYDARIAN, 7857
JEFFREY A. BAYLESS, 6219
DAVID S. BAYLEY, 9613
JOEL R. BEALER, 3899

ESTHER R. BEALLANDIS, 4747
JENNIFER F. BEATTY, 5360
BRIAN L. BECK, 3896
CHARMAGNE G. BECKETT, 3814
WILLIAM A. BECKMAN, 5942
ANTHONY V. BEER, 4362
MATTHEW J. BEHIL, 3124
ROBERT E. BELK, 7411
STEVEN M. BELKNAP, 8296
DEDRA A. BELL, 1670
STEPHEN J. BELL, 0094
LAURA J. BENDER, 8587
SANDRA M. BENDER, 2413
CARL D. BENDIXEN, 0213
GERARD M. BENECKI, 0995
RODD J. BENFIELD, 5742
JOHN R. BENJAMIN, 3373
JASON H. BENNETT, 7352
JOHN O. BENNETT, 5498
DAVID B. BENSON, 7227
ANTHONY A. BENTLEY, 9361
MARK D. BENTON, 6200
RICHARD C. BENTS, 9023
ANTONY BERCHMANZ, 7164
TOR L. BERG, 1308
ERIK W. BERGMAN, 9058
LYNN A. BERGMAN, 0369
JERRY L. BERMAN, 3037
KAREN BERRIOS, 0092
MICHAEL S. BERRY, 1224
DANIEL C. BERTEAU, 4817
WILLIAM R. BERTUCCI, 4624
ANTHONY BESSONE, 0072
ROBERT J. BETTENDORF, 4860
DONALD E. BEYERS, 8412
MICHAEL M. BEZOUSKA, 9564
BERNARD A. BEZY, 5551
ANTHONY C. BIASCAN, 5539
MICHAEL A. BIDUS, 0942
JOHN C. BIERY, 4391
ROBIN BIGBY, 3399
RICHARD L. BIGGS, 4296
ROGER L. BILLINGS, 9236
TRACY R. BILSKI, 0441
JONATHAN L. BINGHAM, 9383
JOHN K. BINI, 7582
LYNN R. BINKLEY, 0505
MICHAEL C. BIONDI, 6620
ARTHUR P. BIRCHUM, 7145
RON A. BIRNBAUM, 6387
AMY L. BIRTELSMITH, 1357
JOHN F. BISCHOF, 7170
DARREL T. BISHOP, 2136
JAMES A. BISHOP, 7621
JULLIAN C. BISHOP, 9238
JOHN E. BISSELL, 0465
LARRY D. BLACK, 2346
JOHN R. BLACKBURN, 4091
STEVEN M. BLACKWELL, 5197
GERARD F. BLAKE, 0240
PENELOPE M. BLALACK, 7121
MICHAEL L. BLANSCET, 3233
FLINT M. BLASER, 3043
PAUL L. BLASKOWSKI, 9393
BENJAMIN G. BLAZADO, 8652
DAVID L. BLAZES, 0011
NISKA A. BLEVINS, 7797
PETER M. BLEYER, 0947
DAVID C. BLOOM, 1712
TAMMY L. K. BLOOM, 5227
CARLEN P. BLUME, 5418
BRYAN L. BLYTHE, 0799
LYNELLE M. BOAMAH, 7890
MAJOR K. BOATENG, 8245
WILLIAM V. BOBO, 3317
ANTHONY C. BOGANEY, 9233
MARCIA C. BOGLE, 0414
IAN H. BOHNE, 5245
MATTHEW E. BOLAND, 3673
ERIC G. BONENBERGER, 7311
MARK R. BOONE, 2291
MICHAEL S. BOOTH, 4250
RACHEL BOOTH, 8802
PRODROMOS G. BORBOROGLU, 3625
BARBARA J. BOROWY, 2408
ROBERT L. BOSWORTH, 3874
WAYNE C. BOUCHER, 5248
RONDA D. BOUWENS, 1657
TONI A. BOWDEN, 8370
PAUL D. BOWDICH, 3225
MATTHEW J. BOWEN, 7026
DANIEL L. BOWER, 7443
RONALD J. BOYD, 5725
DENNIS P. BOYLE, 2356
RODNEY D. BOYUM, 3596
ELEANOR M. BRACKEN, 6905
CHARLES S. BRACKNEY, 4196
CHAD BRADFORD, 9603
DOUGLAS A. BRADLEY, 4716
KEVIN R. BRADSHAW, 9802
MATTHEW F. BRADY, 9547
SCOTT J. BRADY, 6463
MARY A. BRAFFORD, 3545
TRUPTI N. BRAHMBHATT, 3053
CHRISTOPHER J. BRAINARD, 2399
BRIAN M. BRAITHWAITE, 9405
RUSTY C. BRAND, 3321
FREDERICK R. BRANDON, 8948
ALFRED H. BRANSDORFER, 5094
AMY H. BRANSTETTER, 8353
MICHAEL D. BRASSEUR, 9953
THOMAS M. BRAXTON, JR., 7680
KELVIN R. BRAY, 0410
BRECK C. BREGEL, 1123
CELESTEANN T. BREMER, 5067
ANTHONY R. BREYER, 2211
GARY T. BRICE, 7497
GEORGE D. BRICKHOUSE III, 6751
ROBERT S. BRIDGES, JR., 2589
MATTHEW T. BRIGGER, 7065
LAWRENCE J. BRIGGS, 9627
PRESTON C. BRIGGS, 9090
BRADEN O. BRILLER, 2174
JON D. BRISAR, 8490
JORGE L. BRITO, 7165
TIMOTHY E. BRODERICK, 1586
MARK F. BRODIE, 4913
CHRISTOPHER D. BROGA, 1232
CASEY C. BRONAUGH, 6954
DANIEL M. BROOKES, 1495
JARED L. BROOKS, 2008
JOHN E. BROTEMARKLE, 5074
ABE J. BROWN, JR., 6653
DANIEL A. BROWN, 6388
DAVID R. BROWN, 7386
DOUGLAS E. BROWN, 5281
EDWARD C. BROWN III, 1154
KEVIN J. BROWN, 7585
LESLIE M. BROWN, 2500
MATTHEW W. BROWN, 2484
MICHAEL D. BROWN, 9089
SHAUN S. BROWN, 9247
WILLIAM M. BROWN, 9275
ROBERT M. BRUCE, 4602
ERIC P. BRUMWELL, 5945
PIERRE A. BRUNEAU, 8641
GARY W. BRUNETTE, 2839
DAVID J. BRUNKHORST, 8320
EDWIN F. BRUSH III, 1804
CYNTHIA M. BRYANT, 1970
JAMES T. BUEHLER, 6866
ANN M. BUFF, 3326
KIRK L. BUKER, 5791
BRADLEY L. BUNTEN, 2843
JAMES T. BURATTO, 3860
THERESE J. BURATYNSKI, 5094
RONALD B. BURBANK, 4792
CASEY J. BURG, 8222
TIMOTHY H. BURGESS, 2595
REX D. BURKETT, 8226
JAMES K. BURNHAM, 4025
CAROL A. BURROUGHS, 2559
LARRY C. BURTON, 6221
JEANNE M. BUSCH, 9841
WILLIAM S. BUSHNELL, 5572
JEFFREY D. BUSS, 8402
ALEXANDER I. BUSTAMANTE, 5357
RALPH E. BUTLER, 2422
ERIC M. BUUS, 9896
MATTHEW C. BYARS, 2735
ANGELA L. BYRDGLOSTER, 1687
MICHAEL C. CABASSA, 4156
RAMON A. CABUNGCAL, 6439
MICHAEL CACKOVIC, 1562
TODD W. CAHOON, 9862
JAMIE A. CALABRESE, 9446
DANIEL W. CALDWELL, 5031
JAMES E. CALLAN, 1166
CURTIS S. CALLOWAY, 9749
JAMES R. CAMPBELL III, 7319
RAYMOND D. CAMPBELL, 4527
ERIC S. CAMPENOT, 9683
RICHARD C. CAMPIN, 2254
MATTHEW R. CAMUSO, 9651
JOHN K. CAPOS, 0650
THOMAS A. CAPOZZA, 3028
MICHAEL E. CARDENAS, 7682
NICHOLAS M. CARDINALE, 3705
WAYNE A. CARDONI, 1026
KEVIN L. CAREY, 0332
REBECCA S. CARLIN, 9103
HERBERT W. CARLOCK III, 5407
ERIC B. CARLSON, 5653
NICOLE L. CARLSON, 2161
SCOTT J. CARLSON, 4111
ADAM T. CARLSTROM, 2370
RICHARD W. CARNICKY, 7489
GREGORY R. CARON, 4805
GENE A. CARPENTER, 8168
LEWIS T. CARPENTER, 9534
ROBERT J. CARPENTER III, 0311
CHRISTOPHER CARR, 9990
MICHAEL R. CARR, 1526
RUSSELL B. CARR, 8983
WALTER S. CARR, 8738
KENICHI CARRIGAN, 7267
EDWIN M. CARROLL, 8162
WILLIAM D. CARROLL, 2306
KATHERINE R. CARSON, 6104
MICHAEL M. CARSON, 8808
KERI L. CARSTAIRS, 0897
JOHN W. CARTER, 1838
LUTHER I. CARTER, 2663
MEREDITH L. CARTER, 1933
HENRY F. CASEY III, 8818
RICHARD CASEY, 4319
GREGORY R. CASKEY, 9951
GARY B. CASON, 9599
JOHN B. CASON, 5214
JEFFREY A. CASSIDY, 2705
DERRICK B. CASTRO, 1780
ROGER C. CASTRO, 0716
STEVEN CASTRO, 8185
ROBERT A. CATANIA, 4734
GREGORY C. CATHCART, 4718
MICHAEL R. CATHEY, 4065
KYLE A. CAUDLE, 7986
ROBERT M. CAVAGNOL, 2543
JEFFREY J. CAVENDISH, 1468
RAMON F. CESTERO, 9988
JEFFERY F. CHANDLER, 0015
ALEXANDER B. CHAO, 7755
WILLIE S. CHAO, 3827
IAN J. CHAPEL, 7204
WILLIAM J. CHARAMUT II, 9776
WAYNE X. CHARDON, 4215
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JEANNE M. CHATELAIN, 9045
CHUN W. CHEN, 9172
KATRINA A. CHENEVERT, 7941
JACKY P. CHENG, 4106
KEVIN E. CHESHURE, 4625
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BRIAN J. CHEYKA, 9631
NORAK P. CHHIENG, 8142
GENOLA C. CHILDS, 0680
EDWARD H. CHIN, 7011
WILLIAM K. CHIN, 2835
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CHRISTOPHER B. CHISHOLM, 4818
ARRON A. CHO, 2269
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BOEU M. CHON, 5837
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JAMES W. CHRISTOPHER, 5628
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JUDITH A. CIESLA, 7122
BENJAMIN W. CILENTO, 7615
BELINDA T. CLANOR, 9911
DUWAYNE F. CLARK, 9910
GEORGE W. CLARK III, 2390
PERRIN C. CLARK, 9188
SUSAN C. CLARK, 6615
THOMAS H. CLARK, 3167
WILLIAM CLARK, 3078
DEBRA A. CLARKE, 3379
DOUGLAS D. CLARKE, 0242
MICHAEL J. CLARY, 2498
NANCY M. CLAYTON, 8136
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PATRICK W. CLYDE, 8505
STEVEN T. COBERY, 1879
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LOUIS T. COHEN, 4059
EMILY E. COLE, 7362
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JOHN P. COLLINS, 8277
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CAMERON H. CONKIN, 9060
ANTHONY M. CONLEY, 0349
WILLIAM T. CONNELL, 5129
JORGE L. CONTRERAS, 9862
CHRIS C. COOK, 2687
WILLIAM T. COOK, 1213
WILLIAM W. COOK, 7011
JOHN A. COOLEY, 4073
RONALD A. COOLEY, 8232
THOMAS COONEY, 1015
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ERICA V. COOPER, 8176
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NANA E. K. DADSON, 4095
WALTER W. DALITSCH, 9428
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JEREMY B. DAVIDSON, 9601
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MARK L. DEARDEN, 4637
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JOHN B. DEGRAFTJOHNSON, 8896
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CHRISTOPHER B. DEWING, 7092
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THERESA M. DUNBARREID, 9985
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JAMES E. DUNCAN, 5392
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STEVEN L. DUNDAS, 1014
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PAUL B. DURAND, 6703
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SEAN P. EASLEY, 6860
MARK E. EATON, 1536
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JACQUELINE M. ETHERIDGE, 5995
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MICHAEL R. EVANS, 0750
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MAUREEN E. FARRELL, 0706
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CLARE E. FEIGL, 2303
JOSHUA D. FELDMAN, 9112
ERIN A. FELGER, 0466
MICHAEL E. FENTON, 1669
BRETT A. FEREDAY, 0205
BRIDGET M. FERGUSON, 0159
CYNTHIA T. FERGUSON, 9670
JUAN G. FERNANDEZ II, 8357
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LISA M. FINLAYSON, 7685
JOSEPH C. FINLEY, 9297
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STEPHEN L. FISCHER, 3950
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JOHN FITZWILLIAM, 8538
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DOUGLAS W. FLETCHER, 0324
EUGENE H. FLETCHER, 1136
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FRANCIS P. FOLEY, 7127
RICHARD V. FOLGA, 8270
GRETCHEN S. FOLK, 9264
ROBERT B. FOLK, 4153
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ROSS A. FONTANA, 6012
KAREN J. FOOTE, 4915
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STEPHEN L. FOSTER, 8549
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CHRISTEN P. FRAGALA, 2553
BRODY L. FRAILEY, 7321
GREGORY M. FRANCISCO, 6440
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MALCOLM B. FRANKLIN, 5061
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TIMOTHY M. FRENCH, 9431
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TODD M. FRIEDMAN, 6929
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RICHARD G. FRODERMAN, 1832
JOHN J. FROIO, 2801
JOHN M. FRYZLEWICZ, 9800
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JOHN P. GAZE, 9095
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KURT M. GEISEN, 6028
JAY GEISTKEMPER, 9856
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BARRY C. GENTRY, 9557
ADRIAN R. GERVACIO, 5282
SAMAN GHARAI, 6218
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SANJIV J. GHOGALE, 0088
DEAN T. GIACOBBE, 6766
DONALD A. GIBB, 1901
LAWRENCE M. GIBBONS, 9404
MICHAEL S. GIBSON, 9703
WILLIAM M. GILL, 6786
YOLANDA L. A. GILLEN, 6623
DIANE M. GILLILAND, 0276
RONALD W. GIMBEL, 9123
GEORGE A. GINER, 5808
JULIE A. GINOZA, 0637
PAUL J. GIRARD, 3560
ALBERT M. GIRIMONTE, 8571
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TODD D. GLEESON, 8941
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FERMIN S. GODINEZ, 3878
ADAM N. GOETZ, 5177
BENNET B. GOFF, 9858
JON P. GOGGIN, 4938
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MAURICE L. GOINS, 6173
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MARK E. GOODEN, 8013
FRED L. GOODMAN, 0956
GEORGE J. GOODREAU II, 3725
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ROBERT H. GOODWIN, 4137
MARY E. GOOLSBY, 2443
SEAN E. GORETZKE, 9696
GREGORY H. GORMAN, 3719
TADD H. GORMAN, 3905
MONIQUE C. GOURDINE, 6637
COLETTE M. GRABILL, 1435
MARY G. GRACIA, 4587
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ADOLFO J. GRANADOS, 7659
SCOTT F. GRANGER, 1319
FRANK T. GRASSI, 8050
WILLIAM E. GRAVES, JR., 9428
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BRUCE G. GREEN, 6381
DONALD J. GREEN, 7465
MICHAEL A. GREEN, 0472
CURTIS J. GREGORY, 6141
ERIK W. GREVE, 4531
HERBERT L. GRIFFIN, JR., 3674
SAMANTHA GRILLO, 6547
JAMES R. GRIMES, 0690
MATTHEW E. GRIMES, 8065
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MARILEE C. GRISWOLD, 7890
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PATRICK N. GROVER, 7027
LAURA K. GRUBB, 5637
JAMES M. GRUESKIN, 7608
ROBERT A. GUARDIANO, 4989
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JOSEPH H. GUERREIN III, 6483
GEORGE M. GUISE, 9810
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SCOTT J. HABAKUS, 4483
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CATHERINE E. HAGAN, 1569
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TUANH C. HALQUIST, 4208
SANDRA M. HALTERMAN, 8086
HATIM A. HAMAD, 0676
HARRY W. HAMILTON, 5064
JADA L. HAMILTON, 8030
RICHARD S. HAMILTON, 0724
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JEFFREY T. HAN, 0976
JOHN T. HANNIGAN, 2157
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JEREMY J. HAWKER, 4100
DANIEL B. HAWLEY, 6443
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MICHAEL K. HAYTAIAN, JR., 5568
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JUSTIN W. HEIL, 1222
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JOE D. HERRE, 6110
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CHRIS B. HYUN, 7953
ROMEO C. IGNACIO, 2401
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PAUL J. JENNINGS, 5812
ELAN JEREMITSKY, 6755
JEANNE C. JIMENEZ, 9226
NISHITH K. JOBANPUTRA, 6375
JOEL A. JOCO, 7873
JOHN T. JOHNS, 2424
CHRISANNA JOHNSON, 6799
DAVID P. JOHNSON, 5003
DENNIS W. JOHNSON, 0815
ERIC JOHNSON, 4435
JAMES L. JOHNSON, 4613
JOHN C. JOHNSON, JR., 2556
KENNETH D. JOHNSON, 5521
LAWRENCE P. JOHNSON, 3175
RAYMOND W. JOHNSON, 3146
SHANNON J. JOHNSON, 8223
STEVIN S. JOHNSON, 5321
TARAH L. JOHNSON, 5935
TERENCE E. JOHNSON, 5378
THEODORE R. JOHNSON, 6005
VIVIANA V. JOHNSON, 9893
WENDY L. JOHNSON, 4816
WILLIAM JOHNSON, 4430
PAUL D. JOHNSTONE, 5799
DAVID W. JONES, 1758
JACQUELINE R. JONES, 0831
LISA M. JONES, 1866
SAMUEL W. JONES, 3979
SCOTT A. JONES, 5241
SEON JONES, 1229
THOMAS B. JORDAN, 0408
JEFF B. JORDEN, 0532
HERBERT L. JOSEY, 1122
JOSEPH C. JOYCE, 8997
MICHAEL L. JULIANO, 0014
DAVID M. JUNKER, 4990
STACEY E. JUSTESEN, 6096
STEPHEN S. KACZYNSKI, 1091
MARK S. KAHLER, 6290
KEVIN M. KAHN, 7366
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JOHN A. KALANTZIS, 8973
MAILE E. KALINOWSKI, 9582
JINU P. KAMDAR, 6214
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CHRISTOPHER S. KAMMER, 6362
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SONG K. KANG, 2738
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CHRISTOPHER S. KAPLAFKA, 5324
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BRADLEY J. KAROVIC, 1018
MICHAEL KASELIS, 0541
JULIAN P. KASSNER, 9604
KEVIN A. KASYCH, 3106
KATY L. KAZEL, 9812
MICHAEL D. KAZEL, 2314
JANET R. KEAIS, 0130
KRISTIAN P. KEARTON, 2847
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JULIANNA P. L. KECK, 4700
JOHN J. KEELING, 3452
MARIA KELCHNER, 7244
DARREN B. KELLER, 9632
KEVIN F. KELLEY, 5618
STEVEN D. KELLEY, 3812
LISA A. KELTY, 3886
DORAN T. KELVINGTON, 1900
DANIEL J. KEMPER, 8694
MICHAEL J. KEMPER, 4088
JAY K. KENNARD, 7393
CARRIE H. KENNEDY, 0014
DOUGLAS E. KENNEDY, 4540
JAMES M. KENNEDY, 1140
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GRACE L. KEY, 3674
JEFFREY J. KEYTE, 0439
MATHIAS J. KILL, 1750
BRADLEY J. KILLENBECK, 6698
DERMOT N. KILLIAN, 6751
JEONG H. KIM, 2786
JOHN C. KIM, 6272
JOHN J. KIM, 0612
JONG M. KIM, 8724
MIN K. KIM, 6640
MYUNG B. KIM, 8770
SANDRA L. KIMMER, 3581
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AARON A. KING, 3169
BRIAN S. KING, 7198
HEATHER C. KING, 9861
JULIE S. KING, 6816
NATHAN J. KING, 0366
PHILIP D. KING, 1465
RICHARD C. KING, 8515
ERIC N. KINN, 0083
DANIEL P. KINSTLER, 0427
DANIEL E. KIRKWOOD, 1085
KARL A. KISH, 8194
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PAUL E. KLIMKOWSKI, 3169
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STEVEN T. KNAUER, 9170
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BRIAN C. KNOLL, 2193
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TARAS J. KONRAD, 0949
JOSEPH V. KOSHIOL, 0666
SHAWN D. KOSNIK, 6161
MARK KOSTIC, 3075
ERNEST P. KOTSOS, 0190
BUDDY G. KOZEN, 2859
MADELYN P. KOZUB, 3336
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ANA C. KRAKUSIN, 4252
TIMOTHY P. KRAY, 8544
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KORTNEY A. KROPP, 9504
JULIE A. KRUMREICH, 1777
ZOE S. KUGEARES, 9656
LAURENCE J. KUHN, 9369
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JAYDE E. KURLAND, 9407
LEONARD J. KUSKOWSKI, 3522
ALLEN R. KUSS, 1668
ANGELINE A. KUZNIA, 3487
CHRISTOPHER T. KUZNIEWSKI, 0860
LARRY L. LABOSSIERE, 1707
DAVID W. LABRIE, 3752
JULIA K. LACUNZA, 0410
BRETT T. LAGGAN, 9520
NEIL J. LAHURD, JR., 6548
RICHARD A. LAING, 6469
DUANE E. LAMBERT, 9065
EDWARD W. LAMBERT III, 4624
MARK E. LAMBERT, 6886
JULIE K. LANDECKER, 3991
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JAMES D. LANDREAU, 4729
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JANE E. LANHAM, 9403
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ROBB N. LARSEN, 7533
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JOHN E. LARSON, JR., 6864
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DAVID J. LASH, 0377
KERRY C. LATCH, 5928
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GARY W. LAUCK, 3837
MARY K. LAUNDON, 2262
RENE LAVERDE, 8580
ERIC A. LAVERY, 4097
BRIAN D. LAWENDA, 9182
JAMES V. LAWLER, 4330
DUANE M. LAWRENCE, 7730
GARY A. LAWSON, 4202
KEVIN D. LAYE, 2206
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COREY P. LAZARE, 2604
KHANG T. LE, 6652
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MICHAEL D. LEBU, 8694
WILLIAM G. LECHUGA, 8856
EDITH R. LEDERMAN, 2578
ANABELA S. LEE, 5895
CHAD A. LEE, 8743
DONG H. LEE, 2558
GABRIEL LEE, 3429
JEFFERY S. LEE, 2773
KWANGMYUNG S. LEE, 7843
REES L. LEE, 0335
STEPHEN M. LEE, 9822
TERRENCE H. C. LEE, 5761
MICHAEL B. LEHMAN, 8096
CLINT A. LEMAIRE, 2776
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ALAN W. LENZ, 5171
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KRISTEN M. LEWIS, 5011
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ALISON M. LEX, 4646
JANIE C. LIAO, 4598
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BENJAMIN H. LIEN, 8667
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MARK D. LIGNELL, 5916
MATTHEW L. LIM, 4642
PAUL I. LIM, 1421
VICTOR S. LIN, 4171
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KARL A. M. LINDBLAD, 7872
JAMES R. LINDERMAN, 4091
JAMIE M. LINDLY, 1481
CURTIS S. LINDSAY, 8623
FRED W. LINDSAY, 8572
ROBIN W. LINDSAY, 6171
DANIEL E. LINK, 5345
ALLEN G. LINN, 8785
GEORGE P. LINVILLE, 4406
MICHAEL D. LIPKE, 3182
SCOTT W. LISSON, 7520
MICHAEL E. LITTLE, 4421
LANNY F. LITTLEJOHN, 7415
JEFFREY D. LITZINGER, 5831
MARK Y. LIU, 4716
JEFFREY LOGAN, 7992
ROYAL A. LOMBLOT, 7756
BRIAN D. LONG, 5906
RICHARD A. LOPES, 3520
ARLENE G. LOPEZ, 8466
DAVID C. LOPRESTI, 5985
JOHN A. LOVIER, JR., 4686
MICHAEL A. LOWE, 2163
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REBECCA M. LUCAS, 1150
RODERICK L. LUCAS, 9927
BRUCE B. LUDWIG, JR., 8182
EUGENIO LUJAN, 5304
WILFRED A. LUMBANG, 2828
GUY L. LUND, 5266
BRYAN C. LUNDGREN, 8480
ERIK J. LUNDQUIST, 6789
JOHN R. LUNDSTROM, 0918
WILLIAM B. LUTES, 9066
TODD J. LUYBER, 7629
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JAMES LYNCH, 0084
RICHARD O. LYNCH, 2737
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COREY J. LYON, 5834
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WILLIAM M. LYTKOWSKI, 4961
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THOMAS J. MACK, 4591
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LLOYD B. MAGRUDER IV, 2311
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JUDY T. MALANA, 0405
HEINZ E. MALON, 7768
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ROSEMARY C. MALONE, 5704
SCOTT M. MALONEY, 8316
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WILLIAM MANN, 8486
MICAH D. MANNINGHAM, 6884
WILLIAM T. MANSKE, 6566
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CHARLES G. MARGUET, 9332
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NATHANIEL R. MARLER, 8438
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JAMES C. MARSH, 1116
JAMES J. MARSH, 9601
ERIK R. MARSHBURN, 3645
AMY H. MARTIN, 2015
CAROLYN J. MARTIN, 0300
JOSEPH J. MARTIN, 8253
KRISTEN O. MARTIN, 7260
ANTONIO MARTINEZ, 8826
GILBERT MARTINEZ, 2909
RANDY L. MARTINEZ, 7832
TODD R. MARZANO, 1488
KEVIN J. MASON, 8245
BENJAMIN B. MASSIGLIA, 6147
GERALD A. MASTAW, JR., 9566
RYAN P. MATHERNE, 9181
JAMES MATHES, 5269
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DEAN C. MATOUSEK, 1819
THOMAS C. MATT, JR., 7734
MICHAEL J. MATTEUCCI, 9614
KAREN L. MATTHEWS, 2657
KARLWIN J. MATTHEWS, 6545
TIMOTHY E. MATTISON, 5325
THOMAS L. MATTOX, 0869
GREGORY N. MATWIYOFF, 3572
DAVID R. MATZAT, 8341
CARTER J. MAURER, 6003
RYAN C. MAVES, 5543
TODD J. MAY, 6014
CHARLES D. MAYFIELD, 3266
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JAMES B. MAZOCK, 3496
MARY C. MCALLISTER, 3808
DAVID L. MCBETH, 8034
MOLLY MCCABE, 0680
CHRISTOPHER M. MCCALLUM, 7471
MARY H. MCCARTHY, 9609
RAYMOND W. MCCLARY III, 7564
SCOTT D. MCCLELLAN, 6735
SCOTT C. MCCLELLAND, 7943
WILLIAM D. MCCORMICK II, 3750
BRIAN P. MCCOY, 5475
KELLY L. MCCOY, 9006
HENRY V. MCCRACKING, 9126
JEFFREY MCCREARY, 4895
WILLIAM P. MCCULLOUGH, 3118
FRITZI J. MCDONALD, 5819
SHANNON M. MCDONNELL, 6248
MARC A. MCDOWELL, 3844
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JOEL T. MCFARLAND, 8011
JEFFRY D. MCGRATH, 0271
EDWIN T. MCGROARTY, 1336
PATRICK E. MCGROARTY, 0680
VICTOR E. MCINNIS, 9390
DANIEL J. MCINTYRE, 8059
NICOLE K. MCINTYRE, 7543
DANIEL E. MCKAY, 7218
JAMES M. MCKEE, 4166
JOHN B. MCKELVY, 8627
REBECCA A. MCKNIGHT, 5895
JOHN D. MCLAUGHLIN, 0197
PATRICK J. MCLAUGHLIN, 5226
ROBERT N. MCLAY, 0609
DAVID B. MCLEAN, 2645
FRANCIS V. MCLEAN, 7340
MATTHEW D. MCLEAN, 4927
MICHAEL P. MCNALLY, 9164
DAVID A. MCNUTT, 5157
JOSEPH R. MCPHEE IV, 6616
CECIL L. MCQUAIN, 0589
DANIEL S. MCSEVENEY, 9001
HUGH K. MCSWAIN IV, 0150
VALERIE H. MEADE, 6808
BRIAN W. MECKLENBURG, 9746
BRYANT A. MEDEIROS, 6384
ERIC T. MEIER, 2854
MICHAEL J. MEIER, 4689
KYLE A. MENZEL, 9048
CHRISTOPHER MERRIS, 1575
ASHLEY G. MERRITT, 3938
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SCOTT J. MESSMER, 7161
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BARRY A. METZGER, 3622
CHRISTOPHER T. MEYER, 3739
ROBERT J. MEYER, 0861
TODD A. MEYER, 3020
FAYE P. MEYERS, 9423
SAMIRA MEYMAND, 6866
THOMAS J. MEZZANOTTE, 3606
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ADAM S. MICHELS, 3872
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MARK A. MIDDLETON, 4937
WILLIAM E. MIDDLETON, 3195
STEPHEN J. MILBACK, 7124
EDMUND A. MILDER, 0080
CHERYL E. MILLER, 0942
DOUGLAS C. MILLER, 1747
IVO A. MILLER, 4523
MARK W. MILLER, 6258
MATTHEW A. MILLER, 0059
STEVEN R. MILLER, 4553
VINSON W. MILLER, 0564
CATHLEEN S. MILLS, 2182
TAVONYA S. MINER, 9141
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JOHN M. MINNICH, 3435
PHILIP T. MINSHEW, 2018
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DANIEL K. MISHLER, 1467
ERIC S. MITCHELL, 6113
LAURA N. MODZELEWSKI, 2447
ROBIN K. MOELLER, 5056
ARASH MOHTASHAMIAN, 3379
JOHN J. MOLL, JR., 9840
DANIEL P. MOLONEY, 5810
STACEY M. MONACO, 2389
ANN B. MONASKY, 4829
STEPHEN E. MONGOLD, 1315
MICHAEL J. MONSOUR, 8157
JUNG H. MOON, 3431
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JENNIFER L. MOORE, 8476
JOHN E. MOORE, 5380
SLADE C. MOORE, 1153
THOMAS W. MOORE, 6191
TODD M. MOORE, 8281
ENRIQUE M. MORALES, 8844
ELIZABETH A. MORAN, 4144
PETER A. MORAWIECKI, 9009
KENNETH F. MORE, 0787
MICHAEL P. MORENO, 2260
JAMES M. MORGAN, 0814
ROBERT A. MORGAN, 0443
CRAIG A. MORGENSTERN, 9117
THOMAS G. MORIARITY, 4870
KRISTINA V. MOROCCO, 6438
JOHN W. MORONEY, 8586
DEVIN J. MORRISON, 3914
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PAMELA L. MORRISON, 1340
RICHARD B. MORRISON, 0508
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MARK M. MORTON, 7625
ZACHARY V. MOSEDALE, 3230
SHEILA J. MOSELEY, 3469
NORMAN K. MOSER, 4642
KENNETT J. MOSES, 4855
STEVEN R. MOSES, 9989
THOMAS A. MOSKO, 1976
CARLSON D. MOSS, 9691
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THOMAS P. MOSSEY, 8257
ERIC C. MOSTOLLER, 7068
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EMILE G. MOURED, 4572
CHRISTOPHER G. MOURSUND, 3943
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AMY L. MRUGALA, 2572
KURT H. MUELLER, 0209
WILLIAM J. MUHM, 4908
FRANK E. MULLENS, 3465
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ANDREW D. MULLINS, 5947
SCOTT T. MULVEHILL, 6356
DANIEL D. MUNN, 4230
ENCHANTA L. MURPHY, 4209
MANUEL A. MURPHY, 9625
SEAN J. MURPHY, 7286
MICHELE L. MURRAY, 4299
RACHEL MYAINGMISFELDT, 0436
JOHN C. MYERS, 5936
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CHRISTIAN W. MYRAH, 8123
DEREK F. NALEWAJKO, 5679
BENFORD O. NANCE, 5448
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SANDEEP K. NARANG, 2082
ISRAEL NARVAEZ, 3624
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TRAVIS D. NASH, 3049
CHRISTOPHER S. NASIN, 4580
MICHAEL L. NASON, 8675
JOEL NATIONS, 7920
PRASHANTH S. NAVARAN, 6643
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WILLIAM P. NEIS, 9941
BRENDA L. NELSON, 9890
THOMAS J. NELSON, 7527
TIFFANY S. NELSON, 4168
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STEVEN W. NEWELL, 2520
KELLEY A. NEWMAN, 7088
MATTHEW W. NEWMAN, 4542
MICHAEL T. NEWMAN, 1231
TIMOTHY B. NEWSOM, 1347
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KEITH B. NEWTON, 3986
KRISTY L. NEWTON, 8479

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BENJAMIN V. NGUYEN, 4551
KHANH K. NGUYEN, 0481
MARK M. NGUYEN, 9235
MINH Q. NGUYEN, 8387
BRICE R. NICHOLSON, 4877
MICHAEL W. NIELSEN, 6876
JANIS L. NOBLE, 3873
MUHIYYALDIN M. M. NOEL, JR., 0907
KRIST D. NORLANDER, 2236
CRAIG D. NORRIS, 9153
JENNIFER E. NUSSBAUM, 2270
SHAWN P. OBANNON, 4883
JAMES P. OBERMAN, 0945
MARGARET P. OBERMAN, 7930
ROBERT J. OBRIAN, 2579
COLIN OBRIEN, 0380
COLIN J. OBRIEN, 7761
DAVID D. OBRIEN, 6196
JOSEPH G. OBRIEN, 3767
SEAN P. OBRIEN, 9204
ANTONIO J. OCHOA, 9548
ELOY OCHOA, 0703
TODD J. OCHSNER, 4682
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MITCHELL K. OCONNOR, 6507
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CHRISTOPHER P. OGRADY, 1196
BRIAN C. OHAIR II, 3720
SHEILA F. OLEARY, 2090
DAVID M. OLIVER, 0816
ODETTE OLIVERAS, 0346
KENDAL R. OLVEY, 2443
WILLIAM P. OMEARA, 0412
BRIAN A. ONEAL, 4002
ROBERT E. ONEIL III, 9989
JOSEPH S. OPP, 0271
JAMES B. OROS, 3633
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STEVEN T. ORREN, 7485
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BOYD F. PADFIELD, 5667
CECILIA C. PAIRO, 1453
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HENRY F. PALLATRONI, 3152
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VIVIANNA F. PALOMO, 2571
THOMAS R. PALUSKA, 0232
STEPHEN J. PANCHYSHYN, 3736
CHARLES G. PAQUIN, 4966
CHAN W. PARK, 0386
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PETER J. PARK, 2510
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ORBITO I. PATANGAN, 2938
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MATTHEW B. PATTERSON, 3456
JACQUELYN M. PAYKEL, 3228
CRAIG M. PAYNE, 9965
MARK D. PAYSON, 5161
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MATTHEW S. PEDERSON, 4909
JOSE G. PEDROZA, 2190
TERRY S. PEERY, 7177
WILLIAM D. PEFFLEY, 7600
ANDREW J. PELCZAR, 8629
PHILIP J. PELIKAN, 6025
RICHARD F. PELL IV, 0480
PIERRE A. PELLETIER, 2726
JAY J. PELOQUIN, 4597
CHARLES O. PELTON, 5080
ARTHUR S. PEMBERTON, 4287
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LYNN E. PETERSON, 6082
ROBERT J. PETERSON, 7087
SHAUN N. PETERSON, 8338
ANTON PETRICH, 0493
CAROL G. PETRIE, 6162
TODD O. PETTIBON, 3142
TRAVIS M. PETZOLDT, 0023
DONALD M. PHILLIPS, JR., 0940
TIMOTHY J. PHILLIPS, 2319
MICHAEL E. PICIO, 9765
DAVID J. PICKEN, 9923
CLINTON A. PICKETT III, 6509
SHERI D. PIEL, 0534
FLETCHER N. PIERCE, 0686
JAMES C. PIERCE, 0160
JENNIFER L. PIERCE, 2846
GUILLERMO PIMENTEL, 9917
ANGELA E. PINKERTON, 1060
JOHN T. PITTA, 9153
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JOSE D. PLANAS, 3988
SCOTT A. PLAYFORD, 1179
SPRING L. PLIHCIK, 6644
JONI M. PLOURD, 7837
PAUL A. PLOWCHA II, 8374
ROBERT D. POERSCHMANN, 9948
MATTHEW M. POGGI, 5020
PHILIP D. POLEN, 3013
WINNIE M. J. POLEN, 5641
KEVIN J. POLICKY, 1257
NICHOLAS D. POLLARD, 0279
JOHN P. PORTER, 4379
STEVEN J. PORTER, 9494
MATTHEW R. POTHIER, 6675
LAWRENCE H. POTTER, 4796
ERIC G. POTTERAT, 2416
BLAINE M. POWELL, 8994
TIMOTHY B. POWELL, 7716
TIMOTHY M. POWELL, 1378
TIMOTHY J. POWER, 1563
CASEY J. POWERS, 0593
SUSAN C. POWERS, 8026
THEODORE C. PRATT, 4695
GREGORY PRICE, 9616
MARK A. PRICER, 3506
DAVID E. PROCTOR, 8234
MATTHEW T. PROVENCHER, 5006
NICOLE B. PRUITT, 2784
TODD T. PUCKETT, 8880
CHARLES M. PUMPHREY, 9531
RONALD T. PURCELL, 0833
DANNY B. PURVIS, 1085
SCOTT J. PUSATERI, 8932
TERRANCE L. PYLES, 8778
DANIEL E. QUANCE, 6494
CARLOS E. QUEZADA, 4276
ALISSA G. QUIN, 2463
CYRUS N. RAD, 0173
ROBERT T. RADEL, 5950
SCOTT B. RADER, 2489
SCOTT L. RADETSKI, 1435
ANN E. RADFORD, 2291
MATTHEW C. RADIMER, 0158
SHARON A. RAGHUBAR, 3169
ANDREA T. RAHN, 2306
SEPEHR RAJAEI, 8593
DANIEL A. RAKOWSKI, 5205
ALFREDO R. RAMIREZ, 2404
MARIA B. RAMOS, 4619
KATHLEEN A. RAMSEY, 4214
CRAIG J. RANDALL, 7260
DANIEL J. RANDALL, 1194
WILLIAM M. RANNEY, 7727
TARIQ M. RASHID, 9673
LESLIE H. RASSNER, 3374
CAMERON P. RATKOVIC, 5269
TRAVIS M. RAUCH, 9327
JOHN M. RAY, 9929
QUENTIN P. RAY, 0691
MARK J. RAYBECK, 3400
SHAY S. RAZMI, 9969
MARGARET M. READ, 1094
PRASHANT M. REDDY, 2571
AMY L. REDMER, 8745
BITHIAH R. REED, 4074
MICHAEL A. REED, 5983
PAUL L. REED, 9605
SHARON B. REED, 9053
AMY M. REESE, 7631
JAMES J. REEVES, 7347
CHRISTOPHER O. REGISTER, 5966
EDITH M. REICHERT, 3962
GEORGE G. REICHERT, 3676
LLOYD R. REINHOLD, 3492
DANIEL W. REMINGTON, 4769
CHARLES W. RENINGER III, 4512
MARK C. RESCHKE, 5128
DELORES Y. RHODES, 6868
BRANDT E. RICE, 7086
CAROLYN C. RICE, 6631
DARIAN C. RICE, 0865
GEORGE M. RICE, 1605
GLENN R. RICHARD, 8332
JOHN D. RICHARD, 2261
BROWYN P. RICHARDS, 3867
SCOTT A. RICHARDS, 3106
MARK S. RIDDLE, 1236
RICARDO L. RIEGODEDIOS, 6894
JASON L. RIGGS, 9102
JAY K. RIGSBEE, 8433
BRIAN A. RILEY, 1854
PATRICK RILEY, 8845
SUZANNE D. RIMMER, 7294
WADE W. RINDY, 9713
TODD D. RING, 1271
GRETCHEN B. RISS, 4931
ALLISON E. RITSCHER, 0650
ARNALDO L. RIVERA, 4855
BRIAN D. RIVERA, 1985
ERNESTO A. RIVERA, 3865
LOUIS RIVERA, 2612
DENNIS J. RIVET, 4381
DEMETRIUS P. RIZOS, 4198
PAUL B. ROACH, 4816
LYMON N. ROAN, 7658
CARRI A. ROBBINS, 5150
JILL D. ROBBINS, 5291
DAVID E. ROBERTS, 2607
ERIN M. ROBERTS, 7831
SHARON J. ROBERTS, 2981
TIMOTHY A. ROBERTS, 8690
TED E. ROBERTSON, 4525
DEBORAH E. ROBINSON, 2421
JAMES A. ROBINSON, 7986
JOEL C. ROBINSON, 9906
MATTHEW T. ROBINSON, 4476
MICHAEL A. ROBINSON, 0475
DAVID M. ROCKABRAND, 4702
DAVID L. RODDY, 8684
TINA RODRIGUE, 4726
CARLOS J. RODRIGUEZ, 9615
JAIME E. RODRIGUEZ, 5252
JUAN J. RODRIGUEZ, 5904
NANETTE L. ROLLENE, 2868
MARK D. ROLLINS, 6631
KIMBERLY W. ROMAN, 0039
CHRISTINE ROMASCAN, 8250
STEVEN C. ROMERO, 1150
LOREN P. ROMEUS, 2152
TIMOTHY B. ROONEY, 9316
JEANETTE D. ROSEBERRY, 8368
ROBERT E. ROSENBAUM, 9344
DAVID B. ROSENBERG, 2193
DAVID R. ROSETTER, 3935
DAVID C. ROSKA, 4067
JAMES B. ROSS, 3587
RONALD B. ROSS, 4327
MICHAEL T. ROTHERMICH, 6035
JOHN R. ROTRUCK, 8764
MATHEW J. ROYAL, 2130
RICHARD C. RUCK, 5565
MICHAEL E. RUDISILE, 7348
MATTHEW S. RUDOLPH, 2804
JOHN P. H. RUE, 1915
STEVEN RUIZ, 5426
KRIS E. RUNAAS, 5896
SEAN X. RUSH, 4963
ANDREW A. RUSNAK, 5906
ANTHONY J. RUSSO, 6031
MICHAEL B. RUSSO, 6188
DONALD H. RUTH II, 9576
NATHANIEL J. RUTTIG, 3398
JIMMY L. RYALS, 2210
DANIEL K. RYAN, JR., 6839
THOMAS J. RYDER, 0997
FARZANEH SABI, 1795
SHAWN D. SAFFORD, 4139
SHERMA R. SAIF, 4297
ABUHENA M. SAIFULISLAM, 0910
KOICHI SAITO, 0565
VINCENT A. SALAMONI, 7138
RICHARD SAMS, 4622
JOAQUIN A. SANCHEZ, 5008
JOSEPH M. SANCHEZ, 0264
MARLENE L. SANCHEZ, 5199
DEREK O. SANDERS, 6412
ALICIA R. SANDERSON, 7142
THOMAS M. SANDOVAL, 3105
FREDERICK M. SANT, 1633
CELESTE C. SANTANA, 8850
PATCHO N. SANTIAGO, 8395
RAOUL H. SANTOS, 0666
ADAM K. SAPERSTEIN, 5530
AARON P. SARATHY, 0489
CHADWICK M. SARGENT, 1482
JAMEY A. SARVIS, 9157
FREDERICK J. SATKOWIAK, 6890
BETH A. SAULS, 1885
KENNETH P. SAUSEN, 8663
BETTINA M. SAUTER, 3103
MCHUGH L. A. SAVOIA, 7073
ELIZABETH K. SAYRE, 0360
PRISCILLA SCANLON, 8632
JAMES W. SCHAFFER, 4607
CORY D. SCHEMM, 3498
ANTHONY J. SCHERSCHEL, 4834
ANDREW W. SCHIEMEL, 2993
MARK A. SCHIFFNER, 1576
DAVID D. SCHILLING, 6117
MARK A. SCHMIDHEISER, 4156
NANCY E. SCHMIDT, 2953
GERALD N. SCHMUKER, 9631
WILLIAM B. SCHNEIDER, 6213
BRIAN R. SCHNELL, 2373
JAMES S. SCHOEB, 7020
ERIC F. SCHOENEBECK, 0440
DAVID L. SCHOO, 9328
DAVID T. SCHRODER, 9438
ARTHUR M. SCHUELER III, 6229
TRENT A. SCHUENEMAN, 4602
JASON R. SCHUH, 3392
CARY T. SCHULTZ, 5287
ERIK J. SCHWEITZER, 8746

CHRISTOPHER D. SCIBELLI, 5183
MARTIN N. SCOTT, 4385
RODNEY V. SCOTT, 1235
MARTHA S. SCOTTY, 7050
WILLIAM T. SCOUTEN, 5310
RUTH E. SCRANO, 1043
VERNON F. SECHRIEST, 7984
GILBERT SEDA, 7107
JAMES A. SEELYE, 8448
JOSHUA E. SEGAL, 5646
SCOTT D. SEGAL, 8625
JON A. SELBYG, 0531
CRAIG S. SELF, 6379
KATHRYN C. SELF, 1534
ARVO SEPP, 2986
JOSEPH M. SEWARDS, 3690
ANDREW J. SEXTON, 5896
MICHAEL SEXTON, 6523
ROBERT P. SHAFER, 3925
NIKHIL K. SHAH, 2667
DAVID SHAPIRO, 1062
DAVID P. SHAPIRO, 2405
PAUL J. SHAUGHNESSY, 2034
TODD A. SHEER, 2682
INGRID V. SHELDON, 7648
ALAN G. SHELHAMER, 5437
MARK E. SHELLY, 2088
AARON D. SHELTON, 3760
BOBBY L. SHELTON II, 3004
FOREST R. SHEPPARD, 3765
LAMAL D. SHEPPARD, 0195
CRAIG D. SHEPPS, 1273
JOSEPH T. SHIELDS, 2695
WILLIAM H. SHIH, 0696
WILLIAM T. SHIMEALL, 5107
JEANETTE F. SHIMKUS, 6088
JOHN M. SHIMOTSU, 1395
DAVID A. SHIRK, 9012
ANDREW P. SHOLTES, 2160
JAMES A. SHOMOCK, 9971
MARSHALL S. SHOOK, 4626
DEVIN M. SHOQUIST, 4652
BRIAN P. SHORTAL, 7923
KEITH J. SHULEY, 9495
PETER R. SHUMAKER, 0987
MICHAEL P. SHUSKO, 4640
KATERINA R. SHVARTSMAN, 3551
ALFRED F. SHWAYHAT, 3806
LARRY A. SIDBURY, 0247
BRETT H. SIEGFRIED, 5575
ELISABETH SIEGLER, 3038
ANTHONY N. SILVETTI, 1823
STEPHEN E. SIMMS, 2690
DANA F. SIMON, 4040
LESLIE V. SIMON, 2525
JOHN C. SIMS, 5694
BRIAN A. SINGLETON, 9081
STEVEN A. SIRINEK, 7328
EILEEN M. SIROIS, 9180
JOHN W. SISSON, 5377
SEAN C. SKELTON, 8863
SHANNON D. SKIDMORE, 4500
RICHARD W. SKINNER, 1783
TRACY T. SKIPTON, 5791
BERET A. SKROCH, 4604
ASHLEY L. SLAPPY, 6489
CHRISTOPHER T. SLAYMAN, 3670
MARGUERITE I. SLINGLUFF, 8109
CHARLES R. SMALLING, JR., 4675
RANDY M. SMARGIASSI, 3948
DANIEL J. SMELIK, 7161
CLAYTON M. SMILEY, 6124
KURT D. SMILEY, 5903
BRADFORD L. SMITH, 4356
BRADLEY J. SMITH, 1008
BRYAN D. SMITH, 1586
CLIFFORD L. SMITH, 8263
DAVID J. SMITH, 9598
DET R. SMITH, 3663
JACK D. SMITH, 7423
JAMES P. SMITH, 2062
JONATHAN M. SMITH, 1727
MICHAEL P. SMITH, 1934
PATRICK W. SMITH, 1520
RACHELLE M. SMITH, 1184
SCOTT A. SMITH, 9853
STEVEN C. SMITH, 6997
TARA N. SMITH, 9627
BRIAN A. SMOLEY, 9902
MICHAEL W. SNEATH, 9622
ANDREA N. SNITCHLER, 2984
JOHN H. SNYDER, JR., 1531
KURT M. SNYDER, 6331
JEREMY B. SOKOLOVE, 1383
CAROL SOLOMON, 0165
DANIEL J. SOLOMON, 9097
KENNETH Y. SON, 0628
SUNG W. SONG, 0459
MICHAEL J. SORNA, 1693
BRETT V. SORTOR, 4641
STEVEN L. SOUDERS, 6781
CATHERINE E. SOUTH, 3582
BEVERLY A. SOUTHERLAND, 9609
MATTHEW W. SOUTHWICK, 7690
JOSEPH M. SPAHN, 5991
BRYAN M. SPALDING, 8868
J W. SPARKS, 8610
WILLIAM H. SPEAKS, 8447
GEORGE A. SPENCER, 8976
GLYNN S. SPENCER, JR., 9961
LINDA K. SPENCER, 6533
JANET W. SPIRA, 0250
MARY M. SPOLYAR, 3081
MICHAEL T. SPOONER, 2261
DONNA M. SPORRER, 8017
JOSEPH J. SPOSATO, 2526
STUART E. SQUIRE, 6938
COURTNEY L. STAADECKER, 6090
KIMBERLY M. STACK, 7502
CHRISTOPHER M. STAFFORD, 7120
PAULINE M. STAJNER, 5746
RONALD P. STAKE, 0932
STEVE L. STALLINGS, 6394
JOHN B. STAPLETON, 9467
HARRY F. STATIA, 9765
ERIC T. STEDJELARSEN, 8834
GEORGE STEFFIAN, 0930
HEATHER L. STEIN, 3211
ORVILLE J. STEIN, JR., 4423
FREDERICK M. STELL, 0424
JAMES E. STEPENOSKY, 0012
BERNHARD STEPKE, 4714
Q R. STERLING, 1534
STEPHEN J. STERLITZ, 8296
NICOLE L. STERNITZKY, 6583
KRISTIN R. STEUERLE, 3929
DAVID M. STEVENS, 7834
MATTHEW T. STEVENS, 5710
SONJA L. STEVENSON, 2935
DAVID J. STEWART, 6281
THOMAS R. STEWART, 8630
ELEANOR P. STEWARTGARBRECHT, 6434
GLENN A. STOCKMAN, 1533
RICHARD A. STOEBNER, 3654
STEVEN M. STOKES, 0286
JEFFERY A. STONE, 5307
KIMBERLY J. STONE, 9376
MICHELLE R. STONEKING, 2798
ERIK J. STORLIE, 2076
BUFFY STORM, 1190
VALERIE S. STRANG, 7231
ROBERT A. STRANGE, 7045
ROBERT G. STRANGE, JR., 4043
JENNIFER R. STRATTON, 1476
JOSEPH E. STRAUSS, 7050
GARRICK L. STRIDE, 5080
STEVEN R. STROBERGER, 2438
DAVID A. STROUD, 8017
BRIAN P. STRUYK, 9205
BRIAN J. STUART, 9574
SCOTT W. STUART, 8198
ROBERT A. STUDEBAKER, 6732
WILLIAM H. STURGILL III, 4156
MATTHEW J. SULLENS, 3257
BRIAN M. SULLIVAN, 1239
CHRISTOPHER D. SULLIVAN, 7837
DAVID C. SULLIVAN, JR., 7349
DOUGLAS R. SULLIVAN, 7310
EDWARD J. SULLIVAN, 0750
SEAN D. SULLIVAN, 3088
JEFFREY J. SURRAN, 5481
CHRISTOPHER M. SUTTER, 1734
JOANNE M. SUTTON, 6434
MARGARET A. SWANK, 2761
MICHAEL G. SWANSON, 1409
KEVIN J. SWEENEY, 6661
JASON D. SWEET, 4403
SEAN A. SWIATKOWSKI, 2100
MATTHEW J. SWIERGOSZ, 8846
DANIEL M. SWISSHELM, 3450
TINA F. SYLVE, 4189
DANIEL E. SZUMLAS, 1979
DENNIS C. SZURKUS, 5141
FRANCISCO B. TACLIAD, 2461
LUKE R. TAJIMA, 5114
ROBERT K. TAKESUYE, 4531
CYNTHIA L. TALBOT, 6119
ROGER L. TALBOT, SR., 4465
MARCUS G. TALERICO, 6970
HARLAN C. TALIAFERRO, 4316
KENNETH S. TALLARICO, 9901
JANOS TALLER, 2739
BRIAN D. TALLERICO, 2077
ROGER A. TALOB, JR., 8818
ROBERT M. TAMURIAN, 7388
MANUEL I. TANGUMA, 8122
SAMUEL J. TANNER, 8197
HATTIE M. TAPPS, 1494
NICKI S. TARANT, 9951
CHRISTOPHER J. TARSA, 3295
SHARON L. TATE, 9386
JEFF J. TAVASSOLI, 6975
JINNY O. TAVEE, 3530
AARON M. TAYLOR, 2416
ANDREW P. TAYLOR, 1306
ATTICUS T. TAYLOR, 4226
BRADLEY M. TAYLOR, 4803
BRIAN M. TAYLOR, 8806
DAVID F. TAYLOR, 8061
JOSEPH L. TAYLOR, 8227
KIMBERLY A. TAYLOR, 3742
MICHAEL C. TAYLOR, 0882
ROBERT W. TAYLOR, 8604
DANIELLE A. TAYSOM, 1484
RICHARD W. TEMPLE, 9124
NIMFA C. TENEZAMORA, 1030
DAVID C. TERRY, 8068
JEFFREY A. TERRY, 8135
RONALD B. TESORIERO, 8870
HASSAN A. TETTEH, 2649
MARK W. TEWS, 7099
ANDREW S. THAELER, 5735
WILLIAM B. THAMES, 3815
BRIAN C. THOMAS, 2839
DENNIS A. THOMAS, 1535
ERIC L. THOMAS, 4249
JOSEPH C. THOMAS, 3156
KARIN E. THOMAS, 0075
LASHAWNE M. THOMAS, 6630
MATTHEW M. THOMAS, 7799
RODNEY A. THOMAS, 8131
STEPHEN C. THOMAS, 8689
STEVEN W. THOMAS, 2658
ANTHONY S. THOMPSON, 5142
HERBERT R. THOMPSON, 1323
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KEITH E. THOMPSON, 4147
JOHN M. THOMSON, 5985
LOFTEN C. THORNTON, 8125
DAVID C. THUT, 3279
MARK P. TILFORD, 7939
JOHN J. TILL, 5773
MICHAEL M. TILLER, 4391
JEFFREY A. TJADEN, 8589
KYLE A. TOKARZ, 4902
VALERIE A. TOKARZ, 8232
BRIAN K. TONER, 9204
JENNIFER E. TONGEMARTIN, 2181
KIMBERLY P. TOONE, 7259
RAMBERTO A. TORRUELLA, 9903
NICHOLAS J. TOSCANO, 3646
JOHN P. TRAFELI, 9738
RONNIE D. TRAHAN, JR., 6238
TIMOTHY J. TRAINOR, 0785
HENRY D. TRAVIS, 7757
MARK D. TRAVIS, 4497
WADE R. TRAVIS, 5772
PAUL D. TREADWAY, 3909
THEODORE M. TREVINO, 1494
BRENDAN T. TRIBBLE, 6363
HIEN T. TRINH, 1190
KERRY N. TRIPP, 8908
ARVIN W. TRIPPENSEE, 0036
GERALD W. TRKULA, 3656
JOSE F. TROCHE, 3208
CARL E. TROST, 0517
CHARLES S. TROTTER, 7691
APRIL A. TRUETT, 0856
CATHERINE TSAI, 1034
JACK W. L. TSAO, 1134
BRENDAN W. TULLY, 6990
DENNIS J. TURNER, 8244
JOHN E. TURNER, 6824
PATRICIA F. TURNER, 7067
EUGENE G. TUTKO, 9685
NATHAN S. UEBELHOER, 5649
STEPHEN M. UGOLINI, 8045
MELVIN H. UNDERWOOD, 4545
MICHAEL S. VALADE, 7797
FRANCISCO O. VALDEZ, 8491
CHRISTOPHER J. VALDIVIA, 9842
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TEDMAN L. VANCE, 8456
JOSEPH W. VANDELAC, 1811
STEVEN J. VANDENBOOGARD, 3747
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JONATHAN K. VANDERVELDE, 9079
ALAN J. VANDERWEELE, JR., 4364
ROBERT T. VANHOOK, 0090
JONATHAN S. VANLARE, 7600
LORI L. VANSCOY, 7286
JOHN VANSLYKE, 2301
TRICIA E. VANWAGNER, 8773
GABRIEL A. VARELA, 1846
KEITH K. VAUX, 7934
DEBRA M. VAZQUEZ, 3545
PETER A. VELLIS, 2565
MICHAEL B. VENER, 1060
ALVIN S. VENTURA, 4151
FRANCISCO X. VERAY, 5281
MICHAEL H. VERDOLIN, 0162
JOSE G. VERGARA, 0799
BRAD W. VETTING, 8487
RICHARD J. VIDRINE, 4125
MARY N. VIETEN, 1134
MAURICIO A. VILES, 1002
ALCHRISTIAN C. VILLARUZ, 0116
EDWARD S. VOKOUN, 1739
BRADFORD S. VOLK, 8792
STACY L. VOLKERT, 0285
KARINA VOLODKA, 7908
JOHN T. VOLPE, 1680
ANNETTE M. VONTHUN, 0574
TODD R. VORENKAMP, 3679
DOUGLAS J. VRIELAND, 6794
DALE R. WAGGONER, 2397
THAO N. WAGNER, 5163
BRIAN K. WAITE, 9531
TAMEKIA L. WAKEFIELD, 7375
THOMAS J. WALCOTT, 6187
JASON M. WALDRON, 3764
COREY W. WALKER, 0549
ERRIKA M. WALKER, 5652
DEREK B. WALL, 2497
JENNIFER K. WALLACE, 2030
MICHAEL E. WALLACE, 4051
RHONDA A. WALLACE, 9868
WADE A. WALLACE, 8433
WILLIAM C. WALLACE, 6310
DAVID P. WALT, 6966
MICHAEL J. WALT, 0477
THOMAS C. WALTER, 2148
ALFRED D. WALTERS II, 4952
JOHN R. WALTERS, 3186
WILLIAM L. WALTERS, 7710
CHRISTOPHER S. WALTHOUR, 9481

SAM O. WANKO, 9654
JENNIFER R. WARD, 0505
RICKY W. WARD, 7163
JOHNATHAN E. WARE, 9768
WILLIAM B. WARNER, 6825
ANDREW WASIELEWSKI, 6071
ROSS T. WATERFIELD, 3710
SONYA N. WATERS, 0765
MATTHEW J. WAUSON, 0835
CHRISTOPHER H. WAY, 0754
DAVID K. WEBER, 5825
MATTHEW I. WEBER, 3161
CHAD E. WEBSTER, 1571
DAVID E. WEBSTER, 9161
ERICH F. WEDAM, 8128
LAURA L.V. WEGEMANN, 1530
JEFFREY P. WEIGLE, 8473
STEVEN E. WEINSTEIN, 8089
TAMMY L. WEINZATL, 4072
DAVID A. WEIS, 3438
BRIAN P. WELLS, 9473
BRITTON C. WELLS, 4601
KENNETH WELLS, 1398
NATALIE Y. WELLS, 9685
DARRELL J. WESLEY, 6868
BRENT WEST, 2132
GARY D. WEST, 6953
JAMES C. WEST, 6262
JAMES E. WEST, 1908
SAM J. WESTOCK, 9130
JAMES A. WESTRA, 0490
DOUGLAS A. WHEATON, 0774
DAVID R. WHIDDON, 4005
ANDREW A. WHITE, 4428
ERIK L. WHITE, 5922
MICHAEL H. WHITE, 6758
YOLANDA M. WHITFIELD, 1341
TIMOTHY J. WHITMAN, 9686
EDNA C. WHITMORE, 2848
DAVID R. WHITTAKER, 3063
KENNETH J. WHITWELL, 2598
LISA M. WIEDEL, 0788
FRED R. WILHELM III, 0932
JENNIFER B. WILKES, 7709
FRED C. WILKINS, 6609
TIMOTHY M. WILKS, 8206
RICHARD M. WILLEY, 0216
CARLOS D. WILLIAMS, 2423
CARLOS R. WILLIAMS, 9256
CHRISTOPHER M. WILLIAMS, 4643
ELWYN C. WILLIAMS, JR., 6048
FRANCIS T. WILLIAMS, 1116
JEFFREY S. WILLIAMS, 7202
KELLY S. WILLIAMS, 0423
LEILA S. WILLIAMS, 5789
MARK D. WILLIAMS, JR., 7365
MELITA J. WILLIAMS, 7141
MICHAEL B. WILLIAMS, 0369
MICHAEL D. WILLIAMS, 3856
NECIA L. WILLIAMS, 8737
PATRICK J. WILLIAMS, 7224
RANDY E. WILLIAMS, 9722
RONALD M. WILLIAMS, 0713
ULRIC A. WILLIAMS, 6993
WALTER H. WILLIAMS, 0140
WILLIAM M. WILLIAMS, 0069
EVAN R. WILLIAMSON, 4610
ROLAND O. WILLOCK, 3368
RONALD J. WILLY, 1012
ANDRE R. WILSON, 8609
CHARLES E. WILSON, 4410
JEFFREY S. WILSON, 4730
JOHN H. WILSON, 2065
SHAWN C. WILSON, 3562
STEPHEN M. WILSON, 9924
WILLIAM O. WILSON, JR., 5289
PAUL H. WILT, 7724
TIMOTHY M. WIMMER, 9318
MICHELLE D. WINEGARDNER, 4160
REID J. WINKLER, 2109
DOUGLAS A. WINSTANLEY, 6822
JEFFREY W. WINTERS, 3043
GARY WINTON, 9667
MARK S. WINWARD, 3787
GORDON G. WISBACH, 1457
JAMES B. WITKOWSKI, 1918
PAUL W. WITT, 1739
MICHAEL D. WITTENBERGER, 4886
WALTER R. WITTKE, 7062
DONALD WOLFE, 0950
DAVID P. WOLYNSKI, 7216
CRAIG M. WOMELDORPH, 8776
DARYL S. WONG, 6565
NORMAN B. WOODCOCK, 9136
ANTHONY M. WOOLF, 4746
BYRON E. WRIGHT, 7590
DONALD A. WRIGHT, 7661
GEOFFREY A. WRIGHT, 1936
DAVID A. WYCKOFF, 4255
BELINDA M. WYCOFF, 0812
JOHN WYLAND, 9075
MICHAEL J. YABLONSKY, 8940
STEVEN T. YADEN, 3615
JOHN M. YAKUBISIN, 0228
SCOTT Y. YAMAMOTO, 1322
SEUNG C. YANG, 9018
LAGENA K.G. YARBROUGH, 2723
CATHERINE M. YATES, 1450
MEREDITH L. YEAGER, 2982
LAWRENCE J. YENNI, 7500
FREDERICK E. YEO, 0505
DOUGLAS YIM, 2470
MICHAEL R. YOCHELSON, 2516
JI H. YOO, 1293
BARRY K. YOUNG, 2214
MARC T. YOUNG, 0591
PATRICK E. YOUNG, 1077
SCOT A. YOUNGBLOOD, 8638
DAVID A. YOUTT, 7928
HOLLY A. YUDISKY, 6195
DAVID N. YUE, 5327
KATHLEEN L. YUHAS, 3252
STEPHEN S. YUNE, 0883
ROBERT A. ZALEWSKI, 7983
CHRISTOPHER R. ZEGLEY, 9516
CHAD T. ZEHMS, 8151
JEFFREY G. ZELLER, 5199
BRACKEN M.A. ZEPEDA, 0738
TARA J. ZIEBER, 4148
AARON J. ZIELINSKI, 9843
RICHARD L. ZIMMERMANN, 2966
BENJAMIN D. ZITTERE, 3411
GORDON J. ZUBROD, 3416
KIMBERLY A. ZUZELSKI, 4601

QA LIST OF NOMINATIONS RECEIVED

DEPARTMENT OF STATE

PN1596 RICHARD E. HOAGLAND

DEPARTMENT OF STATE

PN1597 CLIFFORD M. SOBEL

IN THE COAST GUARD

PN1598 MAX A. CARUSO, 9694 THROUGH JOSH L. BAUER, 9532

PN1599 MARK MOLAVI, 0397 THROUGH ANDREW G. SCHANNO, 6070

IN THE ARMY

PN1600 PAUL ANTONIOU, 7787 THROUGH PETER J. VARJEEN, 3838

PN1601 RICHARD J. HAYES, JR., 0777 THROUGH MICHAEL N. SELBY, 6759

PN1602 DAVID W. ACUFF, 6348 THROUGH MICHAEL E. YARMAN, 3588

PN1603 MANUEL CASTILLO, 7731 THROUGH ANDREW J. WARGO, 0122

PN1604 TODD S. ALBRIGHT, 7183 THROUGH EYAKO K. WURAPA, 4872

IN THE MARINE CORPS

PN1605 BRENT A. HARRISON, 6477

IN THE NAVY

PN1606 MICHAEL H. JOHNSON, 8670

PN1607 MICHAEL A. HOFFMAN, 7657

PN1608 RICHARD M. BURKE, JR., 2358 THROUGH PETER M. MURPHY, 7586

PN1609 FREDERICK C. DAVIS, 9098 THROUGH ELEANOR J. SMITH, 8967

PN1610 CLAUDE R. SUGGS, 1966

PN1611 MATTHEW C. HELLMAN, 2162 THROUGH DEREK A. TAKARA, 7604

PN1612 ANGELA J. BAKER, 1651 THROUGH HAROLD S. ZALD, 6960

PN1613 LOUIS V. CARIELLO, 1254 THROUGH GREGORY J. ZIELINSKI, 3195

PN1614 GEORGE E. ADAMS, 6949 THROUGH ROBERT T. WILLIAMS, 1808

PN1615 ANTHONY P. BRAZAS, 3318 THROUGH FRANCIS K. VREDENBURGH, JR., 0278

PN1616 COLLETTE J.B. ARMBRUSTER, 8211 THROUGH SUSAN W. WOOLSEY, 5756

PN1617 GREGORY P. BELANGER, 6899 THROUGH BRIAN S. WILSON, 2688

PN1618 DALE P. BARRETTE, 4466 THROUGH SILVA P.D. WESTERBECK, 9797

PN1619 JAMES A. BLUSTEIN, 9329 THROUGH JOSEPH C.K. YANG, 2589

PN1620 ROBERT A. ALONSO, 9061 THROUGH KRISTEN C. ZELLER, 7997

PN1621 VIRGINIA T. BRANTLEY, 1260 THROUGH MARON D. WYLIE, 2402

PN1622 DOUGLAS E. ALEXANDER, 4209 THROUGH JAMES H. SCHROEDER, JR., 8234

PN1623 PAUL I. BURMEISTER, 8268 THROUGH CLYDE C. REYNOLDS, 7940

PN1624 PHILIP P. ALFORD, 4812 THROUGH ROBERT L. YARRISH, 8330

PN1625 MICHAEL S. ARNOLD, 8380 THROUGH EVELYN M. WEBB, 6585

PN1626 GREGORY BRIDGES, 9335 THROUGH WILLIAM M. WHEELER, 4185

PN1627 HONORATO AGUILA, 2669 THROUGH KIMBERLY A. ZUZELSKI, 4601

HOUSE OF REPRESENTATIVES—*Tuesday, May 23, 2006*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. CHOCOLA).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 23, 2006.

I hereby appoint the Honorable CHRIS CHOCOLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Florida (Mr. KELLER) for 2 minutes.

COMMENDING TOM DAVIS

Mr. KELLER. Mr. Speaker, today I am happy to welcome Tom Davis to Washington, DC. He has traveled here all the way from Spring, TX, to testify before the Subcommittee on 21st Century Competitiveness, which I chair. I invited him to talk about the ways that the private sector can help increase college access for millions of Americans.

Tom Davis is already doing his part. He is the owner of Davis Brothers Construction, a company of about 35 employees that builds multi-family homes. Most of his employees are hourly laborers who make a decent living but can't afford to send their kids to college. So Mr. Davis has said that, for any of his employees whose children want to go to college but can't afford it, he will pay for their tuition and books. His generosity has built fierce loyalty among his employees, and he has already sent seven kids to college who otherwise couldn't have gone.

It is because of businesses like his that I introduced the Family Friendly Employers Act which gives a tax incentive to those employers who pay for their employees' children to go to college. Our country could use more family friendly employers like Tom Davis.

GAS PRICE GOUGING

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Well, big surprise, the Bush Federal Trade Commission finds out there is no price gouging in the oil industry. No, none whatsoever. The oil men in the White House and the vice president, the oil man, their political appointees at the Federal Trade Commission finds no price gouging. The American people aren't going to believe this.

Now, let's just take one little example with Katrina. I live on the west coast of the United States; none of our oil refined products come from the southeastern United States, yet on Labor Day weekend in Oregon the prices were identical and they had gone up by 60 cents a gallon in one day. Now, isn't that interesting.

Now, how does that work? That is not price gouging? That is market-based? So they were going to build a pipeline that day and start shipping it to the southeast, or they were going to truck it across the country? Come on. Totally separated markets. Unbelievable increase in profits. $100 million a day for ExxonMobil, the most profitable day in the history of the world, and there was no price gouging going on.

Now, there is one commissioner who has a shred of integrity left, Commissioner John Leibowitz. He issued a sharp statement. He said a handful of refiners more than doubled operating margins in ways not attributable to increased costs after the hurricanes.

Sounds like price gouging to me. No, the entire Commission determined that the firm's conduct in response to hurricane-induced reductions was consistent with competition, adding that the Bush-appointed Federal Trade Commission doesn't back proposals to create Federal price gouging laws. There is no price gouging.

So then why wouldn't we create price gouging laws? If there isn't any, there hasn't been any, we could prevent it in the future. Or maybe there really was a little teeny bit of price gouging and the Bush appointees don't want us to be able to prosecute that in the future. I think we could substitute the word consistent with business as usual.

This is not a competitive market. There is collusion. It is organized. It has been going on for more than a decade when the American Petroleum Institute suggested to Big Oil that they shut down refineries to squeeze down capacity so that they could drive up refinery margins. And, guess what. On average they are up 255 percent in 5 years. Now, this is competition according to the Bush-appointed Federal Trade Commission. The rest of us might call it collusion, market manipulation, and price gouging. The American people are seeing it.

Now, if we took two simple steps. They say, oh, there is nothing Congress could do anyway, don't worry about it. That is what the President says. Yeah, there are a couple things we could do. The experts say that 75 percent of the crude oil market is unregulated. It is traded in ways that would be illegal if it was controlled by the Commodities Future Trading Commission, like all other commodities and a quarter of the oil market. Traders swap back and forth, back and forth, back and forth just to drive up the price, no intention of actually taking a contract or taking delivery. They say we could squeeze 20 to 25 percent out of today's cost at the pump if we just regulated that market with the same rules as any other traded commodity and part of the oil market today.

Well, that would take us from $3.20 down to $2.56 a gallon. Not bad. I think the American people and American businesses would think that was pretty good.

And then we have the collusion to shut the refineries. Now, if we just took the refineries back to their previous margins, that was the historic margin that they got per gallon, that would knock another 50 cents a gallon off. But let's say we have got to give them an inducement to reopen the refineries that they shut, or build new ones because they tore down the ones that they shut to restrict the market to drive up the price. So with a little windfall profits tax that says these are windfall profits unless and until you invest in production and refining capacity; and if you do that, then you won't have to pay this confiscatory tax, that would take us down to somewhere around $2.26 a gallon. Now, that would be quite a gift for the American economy, American consumers, people

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who live in the rural parts of my district who have to commute long distances to work.

But the Republican Congress is silent and complicit with the oil men at the White House who have manipulated the Federal Trade Commission into trying to fool the American consumers and say, oh, that wasn't price gouging, that was a market at work.

Yeah. Give me a break.

DO-NOTHING CONGRESS FAILING THE AMERICAN PEOPLE

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, the Do-Nothing Congress of 1948 is about to be replaced as the most ineffective Congress in recent times. Today, just as in 1948, the American people are looking to Congress to tackle some very important issues: The war in Iraq, rising gas prices, rising college and health care costs, the economic uncertainty resulting from the outsourcing of high-paying American jobs, and a record deficit that continues to spiral out of control.

There is so much that this Congress could be working on right now, but House Republicans refuse to address any of these concerns. In fact, it is difficult to address the concerns of the American people when Congress is never in session.

I am sure the American people will be shocked to hear that this is only the 36th day the House is scheduled to hold votes this year. With only 57 scheduled voting days until adjournment, the House is now on track to meet 15 days less than the first Do-Nothing Congress of 1948. And it is no wonder the American people are so disgusted with Congress.

Mr. Speaker, the House Republican majority is simply out of new ideas. Any time that a crisis hits, they throw out the same old ideas that haven't worked for them in the past and will not work for them in the future. And let me give you a case in point. This week, House Republicans say they are finally ready to address the record gas prices Americans have been forced to pay every time they go to the gas station. So what is the new idea House Republicans will bring to the floor this week? Drilling in the Alaska wilderness, the area known as the Arctic National Wildlife Refuge. Well, that sounds familiar. That's right. You've heard it before. It's nothing new. And it will do absolutely nothing to help American consumers with the pain they now face at the pump. In fact, they wouldn't even be able to start drilling for oil out in this Alaska wilderness until a decade after Congress gives its approval. Worse yet, ANWR only holds enough oil to provide 6 months of oil to the American consumer. This is simply not an energy solution. It is the same old idea.

So then why do Washington Republicans choose to ignore the problem? Could it be that they have built such a cozy relationship with the CEOs of Big Oil that they are simply unwilling to break these bonds? Let's not forget that with two oil men in the White House and a rubber-stamp Republican Congress always ready to back them up, big oil companies have seen their profits quadruple in the past 4 years. At the same time the price of gasoline has doubled and our dependence on foreign oil has increased substantially.

As American families struggle to deal with falling wages and rising prices at the pump, the Republicans in this body continue to deliver billions of dollars in tax breaks to big oil companies.

Mr. Speaker, it is no wonder the American people are demanding change. They want results, and they aren't getting them from this Republican majority.

Unlike our Republican colleagues, House Democrats have offered some innovative and new ideas that are worth exploring. Last week, the Democratic Rural Working Group unveiled its ambitious plan to reduce our dependence on foreign petroleum and promote the production and use of clean renewable energy here at home. In other words, promote the production and use of clean renewable energy here at home so we are not so dependent on foreign oil.

Our proposal, the Democratic proposal, provides tax incentives to encourage increased biofuels production, expands the ethanol and biodiesel pumps at gas stations, and increases the number of flex fuel vehicles on the road.

The Democrats have also introduced legislation that would rescind the tax breaks to big oil companies. At a time when they are breaking record profits every quarter, why should the Federal Government hand out tax breaks to these companies? We shouldn't. It is simply not fair.

As Americans prepare to travel this weekend for the Memorial Day holiday, they should know that Democrats are offering real solutions to high gas prices to protect the American consumer, not Big Oil.

Mr. Speaker, the American people are fed up with the Republican Do-Nothing Congress and are demanding change here in Washington, something that Republicans simply cannot deliver. It is time for fresh ideas. It is time for Democrats to take control of this House so that the needs of all Americans are once again addressed on this House floor rather than just the corporate interests such as Big Oil.

109TH CONGRESS HAS UNFINISHED BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the gentleman from Tennessee (Mr. COOPER) is recognized during morning hour debates for 5 minutes.

Mr. COOPER. Mr. Speaker, my colleague from New Jersey who just spoke is exactly right. This Congress, this year, this House of Representatives will probably meet fewer days, fewer hours than any Congress since 1948. President Harry Truman called that Congress the Do-Nothing Congress because it did almost nothing, and it only tried to work for about 110 days out of the whole year of 365 days. We will meet for substantially fewer days than the Do-Nothing Congress. So how do you do less than nothing? Sadly, the American public is about to find out.

Now, how does the schedule happen? Well, in the House of Representatives, it is set by the majority party. They can choose. They can make us work a long year or a short year, or a very short year as they have decided to do this year.

Now, why are we meeting for so few days? Well, it is not because taxpayers back home aren't paying us a full-time, full-year salary. We are making the same pay. But yet we are able to spend 9 or 10 months of the year back home in our districts. And I love that. My wife and kids are back home, I love being home 4 or 5 days a week every week.

But I am worried about America, and I am worried that this House is not confronting the problems that America faces, because the workweek here in Congress is really too short to even be called a workweek. The normal congressional schedule, and this week is not a normal week, but the normal schedule is we come to Washington Tuesday afternoon for a few votes on Tuesday night; those are usually inconsequential votes such as, for example, renaming post offices. On Wednesday, sometimes there are some real votes, and sometimes on Thursday, usually Thursday morning. And then by Thursday afternoon our so-called workweek is over. Well, this is called the Tuesday-Thursday Club. I have been in Congress a number of years, there always was a Tuesday-Thursday club, but membership in that club used to be reserved for a few folks who happened to have congressional districts nearby in Virginia or Maryland, or, quite frankly, for some members who didn't really care about the job, who didn't want to attend all the hearings, who didn't want to participate in the debates, who didn't want to study the legislation and really face the problems that America faces.

Sadly, today, Mr. Speaker, pretty much everybody belongs to the Tuesday-Thursday Club. Because if you are here in Washington on Monday or Friday, you will discover that none of your colleagues are. No hearings are being held. No investigations are being conducted.

For example, the majority in their wisdom has abolished most all of the subcommittees that has the power to investigate because they simply do not want investigations to take place. Well, that is one of the primary functions of Congress, is to conduct what they call oversight. And that doesn't mean overlooking a problem. It means digging into a problem so you can find out exactly how taxpayer dollars are being spent.

So, Mr. Speaker, we are in this ironic situation with America confronting a myriad of problems, and here we are working less than any time in literally a half century, working less than any time since 1948.

It is time that this Congress got down to business to confront problems such as, for example, what my constituents back home want is an immigration bill. And the House passed one back last December. The Senate hopefully will pass one this week or next week. But then those two have to be reconciled into a bill that both Houses can support. With only a few days left in this entire session, how are we going to reconcile that legislation? Is it going to be a good bill when it is reconciled? The clock is ticking, Mr. Speaker. There is very little time left.

Let me mention one other issue that I think is of great concern to all Americans. If you have anyone in your family who has been touched by the dread diseases of Parkinson's or Alzheimer's or diabetes or cancer or a stroke or heart disease, or any other of a myriad of diseases, you are probably interested, you are probably in strong support of embryonic stem cell research so that our brilliant scientists can try to discover cures for these dread diseases. The best information we have is that some 72 percent of the American people favor research in this area. They want it done. They want it done now. They want it done in America, too. They are not willing to outsource an entire area of scientific hope for our patients. But although this House passed a stem cell bill, the Senate has not, and we need action on that, because the House passed stem cells a year ago.

I see that my time is expired, Mr. Speaker. Thank you.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 18 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS) at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

With the words about Judith from the Hebrew scriptures, let us pray for each of the women who serve in our military forces:

"Strike up a song to our God. Let us sing a hymn of praise as we honor and call upon God's holy name.

"The Lord is our God who stamps out wars. Enemies have threatened us and set fire to our land. The young they have killed, and they have left us widows and orphans.

"Yet the Lord has fought back with a woman's hand. She took off her mourning cloak and has taken on a new beauty.

"Some were struck by her daring. Others stopped by her boldness. She has led her people with a shout of triumph, and the enemy became paralyzed with fear."

So let us sing a new hymn, in our day, to the Lord, for the strength of our God has been made known in the glory of this woman, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

NEW IRAQI GOVERNMENT: SUCCESS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, I rise today to acknowledge and applaud the inauguration this past weekend of Iraq's new permanent unity government. For 3 years, democracy has been coming to Iraq, and now it is officially here.

Millions have participated in the process, voting and debating, and now the people of Iraq finally have their own sovereign, democratically elected government. The Iraqis have overcome huge obstacles, uncertainty, threats, violence and fear, but have continued to stand firm for the most noble of ideals, freedom and democracy.

In just 3 years, we have seen a tyrannical oppressive dictatorship removed and a fully sovereign democracy born. Their new government is one of unity with Kurds, Shiites and Sunnis all serving in prominent leadership roles. All the people of Iraq may proudly stand up and say, this is their government, their country, and they will honor and protect it.

Mr. Speaker, the historic significance of this event cannot be overestimated. From this day forward, we must always look at Iraq as a nation of independence, a nation of freedom and a nation of democracy. May it always be.

"NO COST" SUGAR PROGRAM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, there is a Dear Colleague circulating on Capitol Hill that talks about our no-cost sugar subsidy program. I would suggest that each of our Congressional offices have a little contest, take the certified smart young interns that we have working for us and have a contest in your office. See how long it takes them to prove how bogus that claim is.

How long will it take them to find out that there is a $1- to $2 billion cost to the taxpayer and the consumer, that there are environmental costs for cleaning up the Everglades, that this program threatens over 500,000 American jobs in the candy industry that are being driven to Mexico and Canada because our cost of sugar is two to three times the world price.

Those interns will find that 40 percent of the benefits go to 1 percent of the growers, and just two huge companies in south Florida get $120 million a year.

It is time to make modest adjustments and have a serious discussion about how to treat sugar in this assembly. I strongly urge approval of the amendment that Mr. FLAKE and I will be offering later today.

AMERICANS NEED NOT APPLY

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, imagine a place where one can get a job with no identification, no references, no experience. You show up, and after a few hours, you walk away with hard cash in your pocket. No questions asked. You pay no taxes. You pay no Social Security. You pay no health coverage, and at the end of the day, somebody else pays for all of that.

Welcome to your local day labor center funded by American tax dollars. Government money to get hoards of illegal day labor jobs with the help of your wallet. Provide that cheap plantation labor for businesses that exploit the law at the expense of real Americans.

But these day laborers don't always work, Mr. Speaker. One in New York partied on cocaine and beer then beat, raped and murdered a woman after a subcontractor hired him to power wash her home. That Guatemalan had been illegally in the United States for 5 years. Another example of our government's failure to keep illegals out of America but provide them jobs while they are here.

Mr. Speaker, whose side is our government on? Our government should be buying into America, not selling out to illegals.

And that's just the way it is.

ANNIVERSARY OF H.R. 810, STEM CELL RESEARCH ENHANCEMENT ACT

(Ms. DEGETTE asked and was given permission to address the House for 1 minute.)

Ms. DEGETTE. Mr. Speaker, nearly 1 year ago today, we witnessed a truly historic event on the floor of this House: Members of Congress from both sides of the aisle joining together to put patients first by passing H.R. 810, the Stem Cell Research Enhancement Act.

Two months later we were further encouraged when the majority leader of the other body announced his support for our bill. At that point, it appeared that the hopes of so many patients and caregivers would finally be realized as this critically important research would obtain the funding necessary to reach its true potential. Unfortunately, Mr. Speaker, that is the last we heard of this bill; 364 days after passage of the bill in the House, the other body remains silent. They have proceeded to work on numerous other bills, including the designation of 46 post offices, but they have refused to put patients first.

In the meantime, in the last year, 1.5 million people have been diagnosed with diabetes; 55,000 were diagnosed with Parkinson's; and 8,700 with multiple sclerosis.

It is time for the other body to put patients first and pass H.R. 810.

NORTH CAROLINA TEACHER OF THE YEAR

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, today I rise to congratulate Diana Beasley, a biology teacher at Hickory High School in my district, for being named North Carolina's Teacher of the Year.

A teacher for over two decades, Mrs. Beasley is known for bringing passion to her job while instilling confidence in her students. Mrs. Beasley will spend the next year as a teaching ambassador, traveling throughout North Carolina and acting as a role model for teachers and students alike.

It has been said, "Teachers who inspire realize there will always be rocks in the road ahead of us. There will be stumbling blocks or stepping stones; it all depends on how we use them."

Mrs. Beasley is like all great educators, teaching us more by who she is than by what she says.

Mr. Speaker, I commend the great work of Mrs. Beasley and the tireless, selfless investment she has made to the future of my district and to the future of North Carolina.

STEM CELL RESEARCH

(Mr. CHANDLER asked and was given permission to address the House for 1 minute.)

Mr. CHANDLER. Mr. Speaker, I rise today on behalf of life and on behalf of my constituents whose voices are weakening because they are losing their battles with diseases such as diabetes, Alzheimer's, Parkinson's and ALS.

Just last week, I met with Mary Lou Smith of Lexington, Kentucky, who struggles daily with her battle against Lou Gehrig's disease.

Diagnosed in February of 2005, this degenerative neurological disease has quickly devastated her and her family.

It is individuals such as Mary Lou Smith that exemplify the urgency for the Federal Government to act on stem cell research. I urge the other body to pass H.R. 810, which the House passed 1 year ago tomorrow.

Stem cell research has the potential to not only improve the quality of life of people living with ALS but save the lives of individuals all across this world.

DELIVER ECONOMIC OPPORTUNITIES TO AMERICANS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, 3 years ago, I visited the White House and witnessed President Bush sign several historic tax cuts into law. House Minority Leader Nancy Pelosi predicted that none of these cuts would create jobs, but we have actually seen 5.2 million American jobs created in only 2½ years. Additionally, our country has the lowest average unemployment rate in over four decades.

By decreasing income taxes, doubling the child tax credit, reducing the marriage penalty, and creating new incentives for small businesses, Republicans have delivered tremendous economic opportunities throughout our country.

Last week I was proud to visit the White House again to watch President Bush sign another law to help prevent tax increases upon American families. While Democrats have proposed to increase taxes by $772 billion, House Republicans will always fight to ensure that American families keep more of their own hard-earned income.

In conclusion, God bless our troops, and we will never forget September 11.

EXPANSION OF STEM CELL RESEARCH

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, it has been 1 year since the historic bipartisan achievement in the House of Representatives when we voted overwhelmingly to support stem cell research. Yet Americans and others around the world have continued to suffer from devastating illnesses and disabilities while scientific progress has been limited at home due to restrictive policies. Other nations with more progressive policies have not let the opportunities slip by.

Let us look at lung disease as one example. In the past year, an estimated 342,000 Americans have died of lung disease; yet researchers in London have coaxed embryonic stem cells to change into specialized lung cells, highlighting the potential for embryonic stem cells to be used in regenerative medicine.

All this while the United States Senate has failed to hold a vote on H.R. 810 and the President has failed to offer support for the advancement of this science, which holds tremendous potential not only for lung disease but Parkinson's disease, ALS, and even spinal cord injuries and so many others.

Mr. Speaker, the suffering faced by so many Americans dealing with disease and chronic conditions is shameful in the face of such potential treatments and cures. I urge all my colleagues in the House to encourage our friends in the Senate to act swiftly to pass the Stem Cell Research Enhancement Act.

NATIONAL GUARD

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in strong support of border security.

Every day we fail to put a meaningful immigration reform bill on President Bush's desk is 1 more day illegal immigrants will steadily flow across our border, seeking the unearned rewards of American society.

I strongly support President Bush's call for temporarily utilizing members of our National Guard along the border. Guardsmen have the training and skills needed to support our overburdened Border Patrol, as we continue to expand its numbers.

As they have in the past, National Guard units will assist with constructing barriers, providing surveillance operations, and analyzing intelligence. All of these functions will help secure our border while rightfully leaving law enforcement duties to the U.S. Border Patrol.

Mr. Speaker, the National Guard units are a temporary solution to help stop the flow of illegal immigrants into this Nation. I remain committed to legislation that gives our Border Patrol better tools, more personnel and the resources they need to secure our borders.

ONE YEAR ANNIVERSARY OF THE PASSAGE OF H.R. 810, THE STEM CELL RESEARCH ENHANCEMENT ACT

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Mr. Speaker, I rise to recognize it has been 1 year since this House passed H.R. 810, the Stem Cell Research and Enhancement Act, and still there is no action by the Senate.

Stem cell research holds the promise of cures for many diseases. Removing the Bush administration's limits will expand research and support the hopes of millions of Americans who work every day to survive under the burden of a life-altering diagnosis. Science, not politics, should determine the future of this vital research.

The House passed H.R. 810 with extraordinary bipartisan effort, and most believe there is a bipartisan group in the Senate of well over 60 votes to pass this bill. And still there is no action in the Senate.

We stand here with the tools in our hands to ease the pain of so many across this country and around the world. If we don't tap into this potential, we will never know what it can yield. To forego potentially lifesaving cures is simply immoral. It is time for the Senate to act on lifesaving cures.

☐ 1015

MEXICAN PRESIDENT SHOULD WORK TO GUARD BORDER

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, I read in the paper this morning that Mexican President Vicente Fox is visiting the United States today. I would like to encourage him to visit the border and to understand why we are so troubled by what is happening there. The reported actions on that border, they are not good for his country. They are certainly not good for our's.

And I hope he does spend some time observing the power of freedom and capitalism, to make a better life for countries which choose to honor these values. That power of freedom is a reason people want to come. We ask that they come legally and respecting those laws and respecting those freedoms.

I also hope that he will speak to those breaking U.S. law, violating the security on our border and tell them he does not condone what they are doing.

Mr. Speaker, the Mexican President should be working with us to guard our borders, not encouraging his nation's citizens to cross our borders illegally. We hope he will join us in the fight against terrorism.

SOMETHING IS ROTTEN IN THE STATE OF BIG OIL

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BISHOP of New York. Mr. Speaker, while the Federal Trade Commission says price gouging isn't a problem at the Nation's gas pumps, American families know there is something rotten in the state of big oil.

In the face of soaring gas prices that have pinched consumers for over a year, record breaking profits and nine-figure golden parachutes for oil CEOs, it is impossible to fathom why the FTC didn't include any meaningful recommendations about how to deal with price spikes or why our leadership in Congress hasn't done a better job delivering relief to American families approaching the peak summer months of gas consumption.

One thing is for sure: This rubber stamp Republican Congress bears responsibility for an energy policy that makes a priority of handing out billions worth of tax breaks for an industry that simply doesn't need it, as one CEO testified before the Senate, above delivering real relief to consumers.

When all five FTC Commissioners back up their report before the Senate Commerce Committee today, it is going to be a tough sell to the American people that price gouging really isn't a problem and that what is good for the oil companies' bottom line is good for the American families.

REPUBLICANS HAVE ALREADY WORKED TO GAIN BORDER SECURITY

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, Democrats unveiled their national security agenda recently with much fanfare. High on their agenda was improving border security. So how can Democrats improve border security?

Here are some suggestions. First, you get a border security bill that addresses the hiring of illegal immigrants and gaining control of our borders. Second, you can have a bill that completes the mission of the 9/11 Commission recommendations by implementing common-sense reforms in order to better protect our homeland.

Now, I am sure many on this side of the aisle are asking, didn't we pass legislation like this? Why, yes we did. Back in December 2005, we passed the Border Protection Anti-Terrorism and Illegal Immigration Control Act, which combats the hiring of illegal workers and increases penalties for alien smuggling. We also passed the Real ID, which requires driver's license applicants to provide proof they are in the country legally and closed asylum loopholes that the 9/11 Commission found had been abused by a number of terrorists.

Mr. Speaker, I guess the Democrats left improving border security on their list because they didn't vote for either bill. But I say they should check it off. House Republicans have already accomplished it.

REPUBLICANS UNDERFUND OUR VETERANS

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, as we near Memorial Day, it is especially important to recognize the dedication of the men and women who have served in our Armed Forces over the years. Across the country on Monday, flags will be flown, parades will be held, and many Americans will enjoy a day off work. However, truly honoring our veterans means making sure their needs are met every day of the year, not just on one day in May.

Democrats believe strongly in providing for America's veterans. That is why we introduced the New GI Bill for the 21st Century, comprehensive legislation that will strengthen benefits for veterans and military retirees, as well as the men and women serving our country today.

Unfortunately, our colleagues on the other side of the aisle do not seem to share this same dedication to fully funding veterans programs. In fact, the Republicans recently passed a 5-year budget that cuts veteran health care by $6 billion, even as hundreds of thousands of new veterans return from Iraq and Afghanistan in need of VA care. They yell "support our troops, support our troops," but these returning men and women will have to wait almost a year for some appointments.

Mr. Speaker, the brave men and women who risk their lives in our Armed Forces deserve more than just our respect. They also deserve the quality health care we promised them when they enlisted.

TAX RELIEF LEGISLATION PROVIDING RELIEF TO AMERICANS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, Florida once again led the Nation in job growth during the past year with 261,000 new jobs. To continue this growth, Mr. Speaker, in Florida and the rest of the country, this Republican Congress passed a tax relief bill which ensures millions of American families, small businesses and seniors will continue to enjoy relief from budget-busting, economy-killing tax increases.

Yet despite our sustained economic success and the shrinking deficits, Democrat leadership continues to endorse policies that would slam the brakes on our economic success and our remarkable job growth. Just last week, Mr. Speaker, House Democrats, like the minority leader and the ranking Democrat member of the Ways and Means Committee, voted for a massive tax hike on hard-working Americans, more than half a trillion dollars in increased taxes over the next 5 years, or enough to pay for all the expenditures of all the governments of the Western Hemisphere combined for an entire year.

The American people, Mr. Speaker, want and deserve a fiscally responsive government, not the burdensome tax burden one that the Democrats continue to vote for.

STEM CELL RESEARCH: IT'S TIME FOR THE SENATE TO ACT

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, today marks the one year anniversary of the House passage of the Stem Cell Research Enhancement Act. By a vote of 298–134, the House overwhelmingly approved the stem cell bill, which would expand the Federal Government's investment in vital promising research.

Embryonic stem cells hold the key to the treatment of diseases like Parkinson's, Alzheimer's, ALS and many other currently incurable diseases. An overwhelming majority of Americans support this research.

This is not a traditional Democrat versus Republican issue, it is about a right versus a wrong. Yet a year after House action, America is still waiting on the Senate.

Two weeks ago, the Senate held its "Health Week," a series of votes, but the Republican leadership refused to take a vote on stem cell research that would have saved lives in the area we are talking about. Health Week in the Senate will be known from now on as the "Hoax Week."

When the Senate majority leader refused to hold a vote, despite his past public support, the majority leader showed America his priorities, and I am afraid it has little to do with funding treatments for incurable diseases.

Mr. Speaker, if the majority leader is as committed to stem cell research as he says, then it is time for an up or down vote on this important research that will save many lives, and then the Senate will earn the title "Health Week" back again.

RENEWING THE AMERICAN DREAM: THE REAL RATIONAL MIDDLE GROUND ON IMMIGRATION REFORM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, one week ago President Bush set out his views on immigration reform to the American people. He stated, "There is a rational middle ground between granting an automatic path to citizenship for every illegal immigrant and a program of mass deportation."

I agree with the President that there is a rational middle ground that can be found between amnesty and mass deportation, but amnesty is not that middle ground.

Today at the Heritage Foundation, here in Washington, DC, I will unveil the real rational middle ground on immigration reform. I call it the Border Integrity and Immigration Reform Act. It sees the solution to this crisis as a four-step process. First, secure the border. The second step is to make the decision once and for all to deny amnesty to people whose first act in the United States was a violation of the law. Third, is to put in place a guest worker program without amnesty that will efficiently provide American employers with willing guest workers who come into America legally. The final step is tough employer sanctions that ensure a full partnership between American business and the American government in the enforcement of our laws on immigration.

There is a real rational middle ground on immigration reform, and I hope and humbly submit the Border Integrity and Immigration Reform Act might just be it.

WAR WITH IRAN NOT INEVITABLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, war with Iran is not inevitable if the U.S. is ready to lead the way with honest, patient negotiations. However, this administration seems intent on war with Iran. The administration is ignoring any diplomatic initiatives which could set the stage for talks to end the confrontation and the escalation.

The administration is seeking to isolate Iran from the international community and threatens to punish nations which try to intervene to end the crisis. The administration is ratcheting up fears in Europe over a first strike nuclear capability, which Iran does not have.

Dozens of Members of Congress have now signed a letter to the President urging the United States to open up talks with Iran. Foreign policy experts such as Henry Kissinger, Zbigniew Brzezinski and Madeleine Albright are urging negotiations.

President Kennedy once said in his inaugural, "We should not negotiate out of fear, but we should never fear to negotiate." We must make a new beginning and begin talks with Iran. War is not inevitable. Peace is inevitable, if we are ready to work for it.

DEMOCRAT PLAN TO ACHIEVE ENERGY INDEPENDENCE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, when I return to my home district, where the price of regular gas has topped $3 a gallon at many service stations, I hear constituents tell me loud and clear that they believe that the Republican majority in Congress has led this country in a drastically wrong direction.

Unfortunately, from the very beginning, the Bush administration has excluded the concerns of ordinary Americans from their energy policy debates. In fact, the secretive energy task force, headed by Vice President CHENEY, deliberated behind closed doors, and, as a result, billions of dollars in subsidies were provided to big oil interests.

Last fall, the Republican House rubber stamped an energy bill that even President Bush's own Energy Department predicted would raise gas prices. Almost 1 year later, the price of gas at the pump has skyrocketed. In fact, Americans are now paying an incredible 100 percent more for gas than they were when President Bush took office. Meanwhile, the incomes of middle income families have fallen every year.

Mr. Speaker, I ask that we turn out those who have given us this flawed policy.

REPUBLICAN DO-NOTHING CONGRESS REFUSES TO ADDRESS RISING GAS PRICES

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, as of today, this House has been in session only 36 days this year. We are scheduled to meet a total of 93 days. That is 15 days less than the do-nothing Congress of 1948. How are we supposed to address the issues most important to all of our fellow countrymen if we are hardly ever in session?

This weekend, millions of Americans will take Memorial Day vacations. They will be forced to pay hundreds of dollars more in travel bills, thanks to high prices at the pump.

For weeks now, House Republicans have ignored this very serious economic issue. That is, until this week, when the House Republicans plan to offer their second solution. Their first solution a couple years ago was to throw billions of dollars at the oil companies. The second solution is drilling in the Arctic National Wildlife Refuge.

Despite the environment havoc this would cause, it will do nothing to lower gas prices today. When Republicans tout this as a solution, they ignore the fact that drilling in ANWR would not be possible for another decade and would provide only 6 months of oil, in any event, for the American consumer.

Once again this week, the House Republicans plan to do nothing to address high prices at the pump. They simply refuse to offer any real solutions to our energy problems. It is time for a change in leadership.

PROVIDING FOR CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 830 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 830

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for sections 749, 751, and 752. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

□ 1030

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 830 is an open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of H.R. 5384, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation Act of 2007. Under the rules of the House, the bill shall be read for amendment by paragraph.

House Resolution 830 waives points of order provisions in the bill for failure to comply with clause 2 of rule XXI prohibiting unauthorized appropriations or legislative provisions in an appropriation bill, except as specified in the resolution.

The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit, with or without instructions.

Mr. Speaker, I am proud that yesterday the House Rules Committee reported by voice vote an open rule for consideration of H.R. 5384, the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2007.

As with most appropriation bills, the Rules Committee has once again afforded Members an opportunity to offer amendments to this legislation that comply with the rules of the House. Members of the House may bring forth an idea or change they wish to see and express their views on how our Nation should prioritize its spending.

Mr. Speaker, the Agriculture Appropriations Subcommittee reported out a bill that provides important resources for the U.S. Department of Agriculture and various other agencies. Specifically, H.R. 5384 makes available nearly $95 billion to fund agriculture, rural development, drug safety, food nutrition programs for the fiscal year 2007.

Mr. Speaker, this legislation provides the funding necessary for the programs and activities of USDA while at the same time maintaining fiscal discipline and reflecting our Nation's priority spending needs.

Mr. Speaker, the USDA carries out widely varied responsibilities through about 30 separate internal agencies and offices staffed by some 100,000 employees. Important programs covered under the agriculture spending bill include the food nutrition programs such as the Food Stamp Program, the Nutrition Program for Women, Infants and Children or WIC, and child nutrition programs, farm and foreign agricultural services, certain mandatory conservation and trade programs, crop insurance, farm loans, foreign food aid programs.

Additionally, it includes natural resources and environmental conservation programs and food safety and rural development activities. The underlying bill provides essential funding for agriculture research activities which include USDA's Agriculture Research Service as well as university research and extension programs.

I have visited, Mr. Speaker, several agricultural research centers in central Washington, and I am impressed by the innovative work being accomplished to equip farmers with the tools they need to improve the quality and production of their agricultural products.

Agriculture research enables American farmers to reap the benefits of science and technology they need to remain competitive in an ever-changing international marketplace. H.R. 5384 also provides several programs that seek to protect human health and safety.

Avian flu pandemic countermeasures and monitoring are funded at $80 million. The Food Safety and Inspection Service is funded at $853 million. The Animal Plant and Health Service Inspection Service activities are funded at $904 million, with $90 million going to BSE detection and prevention activities.

One program of importance to farmers in my area of central Washington is the Department of Agriculture's Market Access Program, which is aimed at creating, expanding and maintaining foreign markets for U.S. agriculture products through consumer promotions, market research and technical assistance.

One of the biggest challenges facing American agriculture, especially the specialty crops, is the need to expand overseas markets in the face of often subsidized foreign competition. By opening foreign markets to American agricultural products and breaking down trade barriers, the Market Access Programs help local farmers and our Nation's economy, while improving our balance of trade and creating jobs.

I am pleased that the underlying bill fully funds the Market Access Program, which is particularly important for many of the specialty crops that I mentioned, including apples, cherries, hops, pears, potatoes and wine grapes.

With a proven track record of success, it is clear that this program's return on investment is far greater than the cost of the Market Access Program to the Federal Government.

Mr. Speaker, this is a fiscally responsible bill that will help American farmers and ranchers respond to the challenges of the global market and provide a wholesome food supply for our Nation. I urge my colleagues to join me in support of House Resolution 830, and the open rule provided by the Rules Committee by a voice vote.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman from Washington, my good friend, for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I want to commend Chairman BONILLA and Ranking Member DELAURO for working together on this important bill. They have taken the President's inadequate budget proposal and made it better.

Chairman BONILLA and his staff deserve to be congratulated for doing the right thing with this bill. And Ranking Member DELAURO and the Democratic members of the Appropriations Committee, including Ranking Member OBEY, deserve credit for improving the chairman's mark.

Mr. Speaker, I would like to take a moment to highlight some of the very important antihunger programs in this bill that make a real difference in the lives of millions of people here in the United States and around the world.

Mr. Speaker, I am privileged to be a cochair of the Congressional Hunger Center and of the Hunger Caucus. I have seen how important our anti-hunger programs are to low-income Americans. I have met families who, through no fault of their own, have to rely on Federal anti-hunger programs to put food on their table.

In my own district, I am working with State and local officials to make sure every eligible person in need signs up and receives these important benefits so that central Massachusetts and southeastern Massachusetts is made up of hunger-free communities.

On the Federal level, we must continue to fight for critical anti-hunger programs. In his budget, the President eliminated the Commodity Supplemental Food Program, which provides food to low-income mothers and children under 6 years of age, as well as America's elderly poor. Literally hundreds of thousands of people would have been left to fend for themselves if this program had been shut down, as the President had requested.

Thankfully, Chairman BONILLA and Ranking Member DELAURO not only restored the funding eliminated by President Bush, they also provided an increase of $11 million over last year's level. I believe my colleagues on both sides of the aisle are thankful that this bill includes a $40 million increase for the WIC Program over last year's allocation, or $44 million more than the President's request.

WIC is one of the most successful domestic maternal and infant health and nutrition programs in the history of the United States. I am troubled, however, that funding in this bill for the child nutrition programs is below the President's request and that funding for the food stamp program is almost $3 million less than last year, at a time when more and more and more people are falling below the poverty line.

Mr. Speaker, even though I believe the funding levels for anti-hunger programs should be increased even more than what this bill was able to provide, I am more concerned that the administration and Congress continue to lack a cohesive anti-hunger, antipoverty strategy.

Mr. Speaker, I know the Agriculture Appropriations Act is not the most appropriate bill to establish such a policy, but it is the vehicle that ultimately funds many of the important and most fundamental programs that help lift people out of poverty. I believe we can end hunger and poverty, if only we have the political will to do so.

I challenge my colleagues in this chamber to do more. And it will not necessarily cost a great deal more, but it will take far better coordination of public and private efforts. It will take a concerted effort by the Federal Government, and it will take the heart and compassion of a great Nation to eradicate poverty and hunger in the United States once and for all.

I believe in the heart of the American people. I think we saw that heart after Katrina. I think we see that heart every time there is a crisis abroad and children are in need.

Mr. Speaker, over the next year, I hope we all rise to the occasion and commit to this worthy and necessary goal. Overall, Mr. Speaker, I believe this bill should be commended for restoring funding for many of our most important domestic hunger and nutrition programs.

Regrettably, due once again to the extreme limits on the Agriculture Appropriations Bill, the same cannot be said of international hunger and good aid programs. The committee was able to maintain last year's funding levels, but so much more is needed.

The George McGovern-Bob Dole International Food for Education Program is basically frozen at last year's levels. This was done despite a bipartisan letter from over 100 Members of Congress asking that funding for the McGovern program be restored to its fiscal year 2001 level of $300 million.

This bill provides only one-third of that amount. McGovern-Dole has proven itself time and time again to be one of our most effective tools in reducing hunger in school-aged children, and increasing attendance and academic performance, especially among girls in some of the poorest places in the world.

I know that the committee supports this program. I just hope that the chairman and the ranking member will find a way in conference negotiations to increase the funding for this program so that it can reach more children in the neediest communities in the developing world.

Mr. Speaker, I also regret that P.L. 480, title II, food for peace, emergency food aid and development programs, have also basically been level-funded, although I do appreciate that the committee did find a few additional dollars for this program. In fiscal year 2006, Congress has ostensibly provided $1.218 billion for title II, and this bill provides $1.226 billion for title II.

Unfortunately, what is hidden by these figures is that, for the past 3 years, the Congress has ended up appropriating about $1.5 billion each year so that title II can meet global food emergencies. This year is no exception. In the fiscal year 2006 emergency supplemental, which is currently awaiting House-Senate conference negotiations, there is about $350 million in title II emergency food aid; $225 million of that emergency food aid is for the humanitarian crisis in Darfur.

If the President had put those funds in last year's regular budget request, and Congress had approved and appropriated those funds in the regular agriculture appropriations bill, then that food would be on its way to the people of Darfur today.

Instead, the World Food Programme has been forced to cut food rations in half for 2.6 million Darfur refugees and displaced people.

Why should we care about this? Well, Mr. Speaker, as a Congress, we should care because this is deceptive budgeting, and poor planning hinders our ability to respond to emergencies as they arise. But more importantly, much more importantly, we should care because people are dying from lack of food because we do not have the funding in hand that we knew ahead of time we would need for fiscal year 2006 and that we should plan now to have in hand for fiscal year 2007.

We know emergencies happen. We know we have been appropriating about $300 million or more each year for the past 3 years in supplemental appropriations bills to meet those needs. Let us do the right thing and build such funds into our planning process.

Put those funds in the regular budget and include and approve them in the regular agriculture appropriations bill. Let me be clear, Mr. Speaker. No country in the world has been as responsive to international food emergencies as the United States.

No other country even comes close to our generosity. The United States has been and continues to be the leader in providing food and humanitarian aid for Darfur. It is past time that the rest of the world step up to the plate.

The funds sitting in the fiscal year 2006 supplemental will not reach the President's desk until June. And therefore the food aid itself will not reach the people of Darfur until November. If USAID had those moneys now up front, the ration cuts in Darfur would not be happening, period. I appeal to the President. I appeal to the appropriators and to the leadership of this House, do not repeat this mistake in 2007. We need to plan ahead.

Somehow, before this bill comes back to us as a conference report, we need to find a way to substantially increase Title II funding so that we are not robbing food aid from one hungry family to feed another simply because we failed to provide the necessary funding to plan for and to meet global food emergencies.

Mr. Speaker, I know the committee cannot do this on its own, which is why I make a plea for all of us to work this problem out, so that we are not faced with such desperate choices next year.

□ 1045

Mr. Speaker, Chairman BONILLA, Ranking Member DELAURO, and their colleagues on the committee should be commended for their hard work on this bill. They have done the best they could despite the difficult choices that face them in this process. They deserve our respect and gratitude.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I had originally intended to vote for this bill and for this rule; but the action of the Rules Committee on one item last night has changed all of that, at least for me, and I would like to alert Members of the House as to the reasons why.

In the farm bill that passed several years ago, the expiration date for various programs wound up not being identical; and that meant that the dairy program was hugely at a disadvantage after the expiration of the dairy title of the farm bill. Last year the Congress renewed the dairy section of the bill that related to the milk program, but it contained a budget gimmick which ended the dairy program one month before the end of the fiscal year and one month before the other farm programs in that bill.

As a result, when the next farm program is put together next year, dairy will be at a huge disadvantage because there will be nothing included in the budget baseline for dairy. That will not only be a problem for dairy farmers; that will be a problem for all other farmers, because if in the end the Congress decides under those circumstances to extend the milk program, the funding for that will come out of the hide of each and every other farm program, all because of this 1-month gimmick that we tried to correct in the Appropriations Committee.

Now, the Appropriations Committee adopted an amendment that I offered last week which attempted to correct that problem by simply extending the milk program by 1 month so that it would expire at the same time as the other programs in the farm bill. But now our friends on the authorizing committee have insisted that the Rules Committee not protect that provision from being stricken on a point of order. As a result, if such a motion is made and upheld by the Chair, it will mean that we are going to create the conditions for a billion dollar war between farm groups all over this country. That could easily be avoided by the $40 million provision represented by section 752 of the appropriations bill that will shortly be before us.

That $40 million correction is fully paid for so that at this point there is no budget problem associated with 752. So I would simply want to alert every Member of this House who represents dairy farmers that they will be at a substantial disadvantage in considering the farm bill a year and a half from now if this section 752 of this bill is stricken.

And I want to alert Members who represent other kinds of farmers that lest they think this is only a problem only affecting dairy farmers, I'm sorry, it will affect all farmers because financing for whatever dairy program that eventually emerges from that authorization bill will come out of reductions for other farm programs.

Now, this may not be a big problem for persons who have thousand-cow dairy herds, but it is a huge problem if you represent a district like mine where the average herd is 50 or 60 cows. The extension to the milk program will determine whether or not many of those farmers stay in business. And I would submit that the House would be doing itself a great favor if they could prevail upon our friends on the authorizing committee not to lodge a point of order against this provision in this bill.

There is another provision in this bill which affects an extension of the peanut program for storage. It seems to me that there are good reasons for extending both of those programs. So I would urge any Member of this House who is concerned about being able to pass a decent farm bill down the line to recognize that if this action takes place today, if this action takes place today, anyone who votes for the farm bill, if this is stricken today, anyone who votes for this agriculture appropriations bill will be voting to put dairy farmers at a huge disadvantage a year and a half from now when the reauthorization is considered and they will be inviting a very nasty war between different commodity groups and different regions of the country.

That is what the milk program sought to end 3 years ago when we wanted to end all of these regional fights on dairy, and I would suggest that the House would be ill advised if it produces that result by allowing this provision to be knocked out on a point of order.

So I will be calling for a roll call on the rule to protest the action of the Rules Committee, and I will urge Members from farm country to vote "no" on the rule and "no" on the bill if that provision is stricken.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the remarks of the distinguished ranking member of the Appropriations Committee, but we have a long-standing tradition in the Rules Committee that when the authorizing committee has a problem with amendments or policies that are put on the Appropriations Committee that they feel is under their jurisdiction, they ask that that not be protected. That was the case here as you pointed out in your remarks with the peanut program and the milk program.

So as you suggested, if somebody from the Agriculture Committee or the chairman stands up and asks for a point of order then, of course, the Chair will have to make his ruling by what the rules are.

I will also say this, and I know that the gentleman from Wisconsin has been working just because of the nature of his committee on a lot of milk programs. I too have a lot of dairies in my district. There has been a gravitation towards those dairies in my district. When I talk to my dairy farmers, I have essentially one message for them and that message is at some point, and I know this is a very difficult thing to do, but at some point the dairy industry in this country has got to try to speak with one voice as much as they possibly can. I know that is very, very difficult. They are cognizant of that.

When this provision was put in place several years ago, there was an attempt to do that. So we will have to see. But the Rules Committee has a tradition and that is the reason why we did not protect that portion of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take just a moment to thank Chairman BONILLA and Ranking Member DELAURO and members of the committee for providing funding for the Congressional Hunger Center. The Hunger Center is co-chaired by my colleague Congresswoman JO ANN EMERSON and myself, and it trains young people to be the future leaders of the anti-hunger movement. The Congressional Hunger Center, I think, is known to most Members of this Chamber. It has an incredible staff, an excellent staff, and does a very good job in raising awareness and getting young people involved and getting them to feel passionate about combating hunger, not only here in the United States but around the world. I think every Member of this Chamber should be proud of this center's work. So I am pleased that the committee continues to fund this center.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this rule.

I am pleased that under the rule we will be able later in the deliberations to have a debate, a discussion, on a modest amendment to the sugar subsidy program. This is something that unfortunately flies under the radar screen here in Washington, DC. Any approach to look at independent analysts, to look at conservative groups like the Cato Institute, to look at environmental organizations, all document that the sugar subsidy program we have provides tremendous cost to the taxpayers, billions of dollars.

It starts by forcing American consumers and the industries that use sugar to pay two to three times the world market price. It puts at risk over 500,000 jobs that are still in the United States in the confectionery industry. We used to have more people at work in Hershey, Pennsylvania, in the Northeast, in Chicago making candy; but these jobs are being driven to Canada, to Mexico and other places because our price of the raw material, sugar, is so much more expensive.

We find that the sugar cane industry particularly is a cause of significant pollution in the everglades. This Congress has placed a $7.5 billion down payment cleaning up the everglades in part because of the significant expansion of cane sugar production because it is so heavily subsidized and produces a toxic run off of pollution.

It even drives up cost to the Federal Government in other areas you do not think about: $90 million that the Federal Government pays for food, for example, for U.S. troops, with added cost because of these subsidies.

This sugar subsidy continues at a time when we are cutting programs for other farmers for their environmental programs at a time when there is no help for many farmers, in my State that are short-changed row crops, the speciality crops, the nursery industry, and wine producers. We have an out-of-whack, hopelessly expensive, outmoded and anti-competitive trade subsidy program that will leave the taxpayer footing the bill for years to come.

We will have an amendment offered later today that will provide for a modest adjustment, downward, so the taxpayer will not be on the hook for quite so much and we can reduce the pressure on American industry that uses sugar and American consumers who will be paying over a billion dollars a year.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman for yielding. I speak at this time in regard to an amendment which I understand will be offered later concerning the National Animal Identification System.

Two Tennessee legislators who also happen to represent parts of my district, State Representative Frank Niceley and my own State Senator Tim Burchett, have introduced a bill to prohibit the use of State funds to implement the program in Tennessee. As Representative Niceley told the Knoxville News Sentinel: "I think this thing had more to do with selling chips than anything else." He said, "I just get tired of business going to Washington and selling their business plan up there and getting rich off the public."

The people pushing this are international and national bureaucrats who want more power and control, their academic supporters, and especially a few agri-giant businesses. Small and medium-sized farmers do not want it.

Ron Freeman, a fifth-generation cattleman said, "NAIS will not prevent or control disease. Instead it will allow the government and big business to control our food supply and intrude into the lives of every farmer and rancher."

Judith McGeary, a Texas lawyer, described the program as, "One of the most far-reaching acts of surveillance of the most wholesome activities of U.S. citizens. Children in 4-H with pet goats, senior citizens raising food for themselves, friends going on trail rides would all be forced to endure the warrantless government surveillance."

If this isn't Big Brother government I do not know what is.

Mr. Speaker, this sure isn't traditional conservatism. Costs of new programs such as this are always lowballed on the front end. The president of the Australian Cattleman's Association called this program "the single worst thing to ever hit the beef industry in Australia."

□ 1100

He said they were promised on the front end that it would cost only $3 a head. The costs are already running $37 a head counting cost of scanners and various indirect costs.

A farmer in Roane County, Tennessee, Everett Phillips has only eight beef cattle, a milk cow, some chickens and a few barnyard animals. He told the Knoxville News-Sentinel, if you add up cost, the inconvenience of Federal bureaucracy and privacy concerns, and "It is going to hurt the farmer." He said he considers selling out and moving to Argentina. I know that people laugh when people make statements like this, but this highlights the serious concern that small farmers have about this program.

If this is still a free country, Mr. Speaker, we should at least make this program voluntarily instead of mandatory. This NAIS program will really hurt the smallest of our farmers, the very farmers we always claim to be helping.

I urge support if this amendment is offered later today to really help the small farmer.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I am sure there will be a number of amendments offered during the day. I just want to call my colleagues' attention to one amendment that may be offered by Representative JOHNSON of Illinois that I strongly oppose, and I would urge all my colleagues to oppose it as well.

This is an amendment that is supposedly an attempt to tackle the obesity problem in this country, but what it is, is an amendment that would restrict the choice of people who are on food stamps. It would basically dictate to people on food stamps that they could not buy certain things, and this is problematic, I think, for a number of reasons.

First, I think the emphasis should be on promoting healthier foods in our nutrition and not on constant punitive measures against poor people. If we want to deal with the obesity problem in this country, which is a serious problem, we should do so thoughtfully, and we should do so with considerable deliberation to make sure that what we are doing is actually solving and tackling the problem. I do not think this will do that.

Secondly, this bill I do not think is the appropriate bill for us to make these kinds of big changes. There are other bills that are more appropriate coming down the line, and I hope that my colleagues will respect that. But, again, rather than limiting choices for poor people, we should focus our attention and put the emphasis on healthier foods, like fruits and vegetables, without limiting people's choices. We should focus on nutrition education, and we should focus on raising people out of poverty instead of constantly blaming them and trying to pursue punitive measures, which I think is not only the wrong way to deal with the problem but I also think shows kind of a lack of respect for people who are struggling in this country.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO), the ranking member on this committee.

Ms. DELAURO. Mr. Speaker, it has been a privilege to serve on this subcommittee and to work on issues of such importance, such as rural development, nutrition, drug safety and so many others, and I have enjoyed working with Chairman BONILLA in my time as ranking member.

We have produced a good bill I think, but I am disappointed that this rule does not allow for consideration of an amendment I planned to offer that would have increased funding for rural development and renewable energy programs by $500 million. Nor does this rule protect language giving the FDA, the Food and Drug Administration, the much-needed authority to mandate post-market drug studies when needed.

In offering this amendment, I believe we could have begun to meet a variety of rural development needs, from waste and water grants and community facility grants to funding for broadband expansion and renewable energy infrastructure.

In particular, we could have made a strong commitment to renewable energy by providing meaningful incentives for renewable energy production, consumption and infrastructure through programs in the farm bill and in the energy bill, the Bioenergy Program, the Value-Added Agricultural Product Market Development Grants, the Renewable Energy Systems and Energy Efficiency Improvements Programs, just to name a few.

But even though we have an extraordinary opportunity to reenergize our farm economy at the same time we jump start the country's energy independence efforts by getting these new technologies out of the labs, onto our roads and into our homes and businesses, our investment in these programs continues to be tentative.

Mr. Speaker, with Americans ready to declare their energy independence, with biofuels on the cusp of revolutionizing the American economy in the very near future, just as they did for Brazil in only a few years' time, we can make a statement that the Congress is ready to face this challenge. We should be tapping the promise that our farms hold to reduce our dependence on oil and provide a more secure economic future for our farmers.

I am also disappointed that the Rules Committee failed to protect language approved by the Appropriations Committee to give the Food and Drug Administration, the FDA, the much-needed authority to mandate post-market drug studies when needed and allow the FDA to begin the process of removing the drugs in question from the market if there are instances of noncompliance.

The amendment is simple. It would require anyone who has the approval of the FDA to sell a drug to conduct any study or studies on any significant safety issue on that product that the FDA requests.

This language addresses one of the key issues identified in the recent GAO study on post-market studies which concluded that, "the FDA lacks clear and effective processes for making decisions about and providing management oversight of post-market safety issues." The FDA needs this authority to ensure that we are not putting lives at risk with unsafe drugs that are not fully tested.

Let me quote to you what the GAO study said: To improve the decision-making process for post-market drug safety, the Congress should consider expanding FDA's authority to require drug sponsors to conduct post-market studies, such as clinical trials and observation studies, as needed and to collect additional data on the drug safety concerns.

This is an issue that could not have come up at a more appropriate time. Just yesterday, the New York Times reported that the data analysis that was completed on Vioxx was done in a way that actually minimized the risks of the drug. That tells us that even when post-market studies are conducted, they cannot be counted on to be completely reliable. The language stripped by this rule would have constituted one small step toward implementing a better post-market system at the FDA and to stop putting at risk the lives of the American public and make sure that the drugs are safe and that they are fully tested and that, when we have adverse reactions to these drugs, that there is a way in which the government can, in fact, make sure that these companies do what is required to ensure public health.

So, Mr. Speaker, while I do believe we have produced a good bill, these are two areas in which I am very disappointed because I think we had an opportunity to produce an even better bill.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I will be calling for a "no" vote on the previous question. If the previous question is defeated, I will amend the rule so that we can consider the DeLauro amendment that was rejected in Rules Committee last night on a straight party-line vote.

Mr. Speaker, I ask unanimous consent to insert in the text of the amendment and extraneous materials immediately prior to the vote.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, the DeLauro amendment will increase funding for alternative energy research, something that is desperately needed in our Nation these days. The cost of the amendment is fully offset by rolling back a mere 1.21 percent, the tax cut for Americans making more than $1 million annually.

Mr. Speaker, the energy crisis continues to get worse and worse in our country every day. All you need to do is fill up your gas tank or open your heating bill to know that the cost of fuel is skyrocketing, with no signs of letting up anytime soon, if ever.

We can continue to ignore this crisis until the costs are prohibited or our supplies run dry, or we can do the responsible thing and invest in research and development of alternative energy sources, something that we should have been doing a long time ago.

Our energy needs are growing every day in this Nation and in the rest of the world as well. We have to find other ways to meet those needs. We need a substitute for oil and other fossil fuels. There are many promising alternative energy sources out there that we need to explore immediately to ensure that they are available in the near future. The DeLauro amendment will help support these efforts.

Mr. Speaker, in the Rules Committee last night, we were told, as we are told often, that there is a germaneness issue and that thereby they would not make this amendment in order, but the fact of the matter is that those of us on this side of the aisle are trying to actually solve America's problems. We are trying to propose alternatives and pay for them as we go. We are not just proposing ideas and not identifying where the money would come from. We are actually laying out a plan to make this country energy independent, to try to deal with the rising costs of gas and of oil, and this is the only way we can do this. We are constantly denied the opportunity to debate and to vote on a comprehensive plan or to deal with this issue. This is the moment.

I want to point out to my colleagues that a "no" vote will not prevent us from considering the agricultural appropriations bill under an open rule, but a "no" vote will allow Members to vote on the DeLauro amendment. A "no" vote will allow us to be able to support an initiative and a plan to deal with this energy crisis, to actually map out a strategy to support renewable energy sources.

I urge my colleagues to vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am going to urge my colleagues to vote for the previous question and for the resolution. I want to make two points.

The gentleman says that one reason to vote against the previous question is to have a chance to have a say on the DeLauro amendment. I would advise my colleagues that the DeLauro amendment was offered in the full committee, notwithstanding the fact that it is legislating on an appropriations bill, and even the members of the Appropriations Committee rejected the DeLauro amendment.

As I mentioned earlier in my remarks, there is a long-standing tradition that when an authorizing committee has an objection to a provision in an appropriations bill, that provision is not waived.

With that, Mr. Speaker, this is a good rule. It allows for open debate. It is an open rule.

The material previously referred to by Mr. McGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 830—RULE FOR H.R. 5384, THE AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS FOR FY 2007

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative DeLauro of Connecticut or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 5384, AS REPORTED

OFFERED BY MS. DELAURO OF CONNECTICUT

Page 13, line 6, insert after the dollar amount the following: "(increased by $25,000,000)".

Page 36, line 21, insert after the dollar amount the following: "(increased by $229,303,000)".

Page 48, line 26, insert after the dollar amount the following: "(increased by $12,000,000)".

Page 50, line 6, insert after the dollar amount the following: "(increased by $23,000,000)".

Page 51, line 23, insert after the dollar amount the following: "(increased by $10,000,000)".

Page 52, line 7, insert after the dollar amount the following: "(increased by $6,697,000)".

At the end of the bill (before the short title), add the following new sections:

"SEC. . In addition to amounts otherwise provided by this Act, there is hereby appropriated to the Secretary the following amounts for the following purposes:

"(1) For biorefinery grants authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103), $50,000,000.

"(2) For grants under the energy audit and renewable energy development program authorized by section 9005 of such Act (7 U.S.C. 8105), $10,000,000.

"(3) For payments under the bioenergy program authorized by section 9010 of such Act (7 U.S.C. 8108), and notwithstanding subsection (c)(2) of such section, $120,000,000.

"(4) For grants under the Biomass Research and Development Initiative authorized by section 307 of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624), $14,000,000.

"SEC. . In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27, and Public Law 108-311 shall be reduced by 1.21 percent.".

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT OF CONFEREES ON H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. LEWIS of California. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, with the Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. LEWIS of California, YOUNG of Florida, REGULA, ROGERS of Kentucky, WOLF, KOLBE, WALSH, TAYLOR of North Carolina, HOBSON, BONILLA, KNOLLENBERG, OBEY, MURTHA, SABO, MOLLOHAN, OLVER, VISCLOSKY, Mrs. LOWEY, and Mr. EDWARDS.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on H. Res. 830, by the yeas and nays;

Adoption of H. Res. 830, if ordered;

Motion to suspend the rules on H.R. 4681, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 830 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 213, nays 194, not voting 25, as follows:

[Roll No. 179]

YEAS—213

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—25

Brown, Corrine
Camp (MI)
Davis (FL)
Doolittle
Evans
Ford
Gibbons
Higgins
Hunter
Issa
Istook
Jenkins
Kennedy (RI)
Larson (CT)
Lewis (GA)
McCrery
Peterson (PA)
Pickering
Poe
Pombo
Rehberg
Snyder
Wexler
Wicker
Young (AK)

☐ 1140

Ms. WATSON, Mr. MILLER of North Carolina and Mr. COSTA changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 214, noes 192, answered "present" 1, not voting 25, as follows:

[Roll No. 180]

AYES—214

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hyde
Inglis (SC)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle

Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Platts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

McHugh

NOT VOTING—25

Brown, Corrine
Camp (MI)
Davis (FL)
Doolittle
Evans
Ford
Gibbons
Higgins
Hunter
Issa
Istook
Jenkins
Kennedy (RI)
Larson (CT)
Lewis (GA)
McCrery
Peterson (PA)
Pickering
Poe
Pombo
Rehberg
Snyder
Strickland
Wexler
Wicker

☐ 1149

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4681. as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 4681. as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device. and there were—yeas 361. nays 37, answered "present" 9, not voting 25, as follows:

[Roll No. 181]

YEAS—361

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—37

Abercrombie
Becerra
Blumenauer
Capps
Capuano
Conyers
DeFazio
Dingell
Doggett
Eshoo
Farr
Gilchrest
Grijalva
Hinchey
Jones (NC)
Kaptur
Kilpatrick (MI)
Kolbe
Kucinich
LaHood
Lee
Marshall
McCollum (MN)
McDermott
McGovern
McKinney
Miller, George
Moore (WI)
Moran (VA)
Obey
Paul
Price (NC)
Rahall
Stark
Thornberry
Velázquez
Watt

ANSWERED "PRESENT"—9

Carson
Clay
Davis (IL)
Gutierrez
Jackson (IL)
Johnson, E. B.
Payne
Rush
Watson

NOT VOTING—25

Brown, Corrine
Camp (MI)
Davis (FL)
Doolittle
Evans
Ford
Gibbons
Higgins
Hunter
Issa
Istook
Jenkins
Kennedy (RI)
Larson (CT)
Lewis (GA)
McCrery
Napolitano
Peterson (PA)
Pickering
Poe
Pombo
Rehberg
Ruppersberger
Snyder
Wicker

☐ 1157

Mr. PAYNE changed his vote from "nay" to "present."

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RUPPERSBERGER. Mr. Speaker, on rollcall No. 181 I was unavoidably detained in a meeting with some of my constituents. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HIGGINS. Mr. Speaker, I missed three rollcall votes this morning, Tuesday, May 23, 2006.

On roll No. 179 regarding the Previous Question for the Agricultural, Rural Development, FDA and related agencies Appropriations Act, I would have voted "no."

On roll No. 180 regarding the Rule for the consideration of H.R. 5384—Agricultural, Rural Development, FDA and related agencies Appropriations Act (Rules), I would have voted "no."

On roll No. 181 regarding H.R. 4681—Palestinian Anti-Terrorism Act of 2006, I would have voted "yea."

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, I was unable to vote today on the House floor. I take my responsibility to vote very seriously.

Had I been present, I would have voted "yea" on rollcall 179; "yea" on rollcall 180, or H. Res. 380, the Rule for consideration of H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007; and "yea" on rollcall 181, or H.R. 4681, the Palestinian Anti-Terrorism Act. On March 9, 2006 I joined 295 of my colleagues in the House in support of H.R. 4681.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2349) to provide greater transparency in the legislative process, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Sec. 101. Short title.
Sec. 102. Out of scope matters in conference reports.
Sec. 103. Earmarks.
Sec. 104. Availability of conference reports on the Internet.
Sec. 105. Elimination of floor privileges for former members, Senate officers, and Speakers of the House who are lobbyists or seek financial gain.
Sec. 106. Ban on gifts from lobbyists.
Sec. 107. Travel restrictions and disclosure.
Sec. 108. Post employment restrictions.
Sec. 109. Public disclosure by Members of Congress of employment negotiations.
Sec. 110. Prohibit official contact with spouse or immediate family member of Member who is a registered lobbyist.
Sec. 111. Influencing hiring decisions.
Sec. 112. Sense of the Senate that any applicable restrictions on Congressional branch employees should apply to the Executive and Judicial branches.
Sec. 113. Amounts of COLA adjustments not paid to certain Members of Congress.
Sec. 114. Requirement of notice of intent to proceed.
Sec. 115. Effective date.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

Sec. 201. Short title.

Subtitle A—Enhancing Lobbying Disclosure

Sec. 211. Quarterly filing of lobbying disclosure reports.
Sec. 212. Annual report on contributions.
Sec. 213. Public database of lobbying disclosure information.
Sec. 214. Disclosure by registered lobbyists of all past executive and congressional employment.
Sec. 215. Disclosure of lobbyist travel and payments.
Sec. 216. Increased penalty for failure to comply with lobbying disclosure requirements.
Sec. 217. Disclosure of lobbying activities by certain coalitions and associations.
Sec. 218. Disclosure of enforcement for noncompliance.
Sec. 219. Electronic filing of lobbying disclosure reports.
Sec. 220. Disclosure of paid efforts to stimulate grassroots lobbying.
Sec. 221. Electronic filing and public database for lobbyists for foreign governments.
Sec. 222. Effective date.

Subtitle B—Oversight of Ethics and Lobbying

Sec. 231. Comptroller General audit and annual report.
Sec. 232. Mandatory Senate ethics training for Members and staff.
Sec. 233. Sense of the Senate regarding self-regulation within the lobbying community.
Sec. 234. Annual ethics committees reports.

Subtitle C—Slowing the Revolving Door

Sec. 241. Amendments to restrictions on former officers, employees, and elected officials of the executive and legislative branches.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

Sec. 251. Prohibition on provision of gifts or travel by registered lobbyists to Members of Congress and to congressional employees.

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2006

Sec. 261. Short title.
Sec. 262. Establishment of Commission.
Sec. 263. Purposes.
Sec. 264. Composition of Commission.
Sec. 265. Functions of Commission.
Sec. 266. Powers of Commission.
Sec. 267. Administration.
Sec. 268. Security clearances for Commission Members and staff.
Sec. 269. Commission reports; termination.
Sec. 270. Funding.

TITLE I—LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 101. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2006".

SEC. 102. OUT OF SCOPE MATTERS IN CONFERENCE REPORTS.

(a) IN GENERAL.—A point of order may be made by any Senator against consideration of a conference report that includes any matter not committed to the conferees by either House. The point of order shall be made and voted on separately for each item in violation of this section.

(b) DISPOSITION.—If the point of order against a conference report under subsection (a) is sustained, then—

(1) the matter in such conference report shall be deemed to have been struck;

(2) when all other points of order under this section have been disposed of—

(A) the Senate shall proceed to consider the question of whether the Senate should recede from its amendment to the House bill, or its disagreement to the amendment of the House, and concur with a further amendment, which further amendment shall consist of only that portion of the conference report not deemed to have been struck;

(B) the question shall be debatable; and

(C) no further amendment shall be in order; and

(3) if the Senate agrees to the amendment, then the bill and the Senate amendment thereto shall be returned to the House for its concurrence in the amendment of the Senate.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 103. EARMARKS.

The Standing Rules of the Senate are amended by adding at the end the following:

“RULE XLIV

“EARMARKS

“1. In this rule—

“(1) the term ‘earmark’ means a provision that specifies the identity of a non-Federal entity to receive assistance and the amount of the assistance; and

“(2) the term ‘assistance’ means budget authority, contract authority, loan authority, and other expenditures, and tax expenditures or other revenue items.

“2. It shall not be in order to consider any Senate bill or Senate amendment or conference report on any bill, including an appropriations bill, a revenue bill, and an authorizing bill, unless a list of—

“(1) all earmarks in such measure;

“(2) an identification of the Member or Members who proposed the earmark; and

“(3) an explanation of the essential governmental purpose for the earmark;

is available along with any joint statement of managers associated with the measure to all Members and made available on the Internet to the general public for at least 48 hours before its consideration.”.

SEC. 104. AVAILABILITY OF CONFERENCE REPORTS ON THE INTERNET.

(a) In General.—

(1) Amendment.—Rule XXVIII of all the Standing Rules of the Senate is amended by adding at the end the following:

“7. It shall not be in order to consider a conference report unless such report is available to all Members and made available to the general public by means of the Internet for at least 48 hours before its consideration.”.

(2) Effective date.—This subsection shall take effect 60 days after the date of enactment of this title.

(b) Implementation.—Not later than 60 days after the date of enactment of this title, the Secretary of the Senate, in consultation with the Clerk of the House of Representatives, the Government Printing Office, and the Committee on Rules and Administration, shall develop a website capable of complying with the requirements of paragraph 7 of rule XXVIII of the Standing Rules of the Senate, as added by subsection (a).

SEC. 105. ELIMINATION OF FLOOR PRIVILEGES FOR FORMER MEMBERS, SENATE OFFICERS, AND SPEAKERS OF THE HOUSE WHO ARE LOBBYISTS OR SEEK FINANCIAL GAIN.

Rule XXIII of the Standing Rules of the Senate is amended by—

(1) inserting “1.” before “Other”;

(2) inserting after “Ex-Senators and Senators elect” the following: “, except as provided in paragraph 2”;

(3) inserting after “Ex-Secretaries and ex-Sergeants at Arms of the Senate” the following: “, except as provided in paragraph 2”;

(4) inserting after “Ex-Speakers of the House of Representatives” the following: “, except as provided in paragraph 2”; and

(5) adding at the end the following:

“2. (a) The floor privilege provided in paragraph 1 shall not apply to an individual covered by this paragraph who is—

“(1) a registered lobbyist or agent of a foreign principal; or

“(2) is in the employ of or represents any party or organization for the purpose of influencing, directly, or indirectly, the passage, defeat, or amendment of any legislative proposal.

“(b) The Committee on Rules and Administration may promulgate regulations to allow individuals covered by this paragraph floor privileges for ceremonial functions and events designated by the Majority Leader and the Minority Leader.”.

SEC. 106. BAN ON GIFTS FROM LOBBYISTS.

Paragraph 1(a)(2) of rule XXXV of the Standing Rules of the Senate is amended by—

(1) inserting “(A)” after “(2)”; and

(2) adding at the end the following:

“(B) This clause shall not apply to a gift from a registered lobbyist or an agent of a foreign principal.”.

SEC. 107. TRAVEL RESTRICTIONS AND DISCLOSURE.

(a) In General.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate is amended by adding at the end the following:

“(f)(1) Before a Member, officer, or employee may accept transportation or lodging otherwise permissible under this paragraph from any person, other than a governmental entity, such Member, officer, or employee shall—

“(A) obtain a written certification from such person (and provide a copy of such certification to the Select Committee on Ethics) that—

“(i) the trip was not financed in whole, or in part, by a registered lobbyist or foreign agent;

“(ii) the person did not accept, directly or indirectly, funds from a registered lobbyist or foreign agent specifically earmarked for the purpose of financing the travel expenses;

“(iii) the trip was not planned, organized, or arranged by or at the request of a registered lobbyist or foreign agent; and

“(iv) registered lobbyists will not participate in or attend the trip;

“(B) provide the Select Committee on Ethics (in the case of an employee, from the supervising Member or officer), in writing—

“(i) a detailed itinerary of the trip; and

“(ii) a determination that the trip—

“(I) is primarily educational (either for the invited person or for the organization sponsoring the trip);

“(II) is consistent with the official duties of the Member, officer, or employee;

“(III) does not create an appearance of use of public office for private gain; and

“(iii) has a minimal or no recreational component; and

“(C) obtain written approval of the trip from the Select Committee on Ethics.

“(2) Not later than 30 days after completion of travel, approved under this subparagraph, the Member, officer, or employee shall file with the Select Committee on Ethics and the Secretary of the Senate a description of meetings and events attended during such travel and the names of any registered lobbyist who accompanied the Member, officer, or employee during the travel, except when disclosure of such information is deemed by the Member or supervisor under whose direct supervision the employee is employed to jeopardize the safety of an individual or adversely affect national security. Such information shall also be posted on the Member's official website not later than 30 days after the completion of the travel, except when disclosure of such information is deemed by the Member to jeopardize the safety of an individual or adversely affect national security.”.

(b) Disclosure of Noncommercial Air Travel.—

(1) Rules.—Paragraph 2 of rule XXXV of the Standing Rules of the Senate, as amended by subsection (a), is amended by adding at the end the following:

“(g) A Member, officer, or employee of the Senate shall—

“(1) disclose a flight on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, excluding a flight on an aircraft owned, operated, or leased by a governmental entity, taken in connection with the duties of the Member, officer, or employee as an officeholder or Senate officer or employee; and

“(2) with respect to the flight, file a report with the Secretary of the Senate, including the date, destination, and owner or lessee of the aircraft, the purpose of the trip, and the persons on the trip, except for any person flying the aircraft.”.

(2) FECA.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended—

(A) by striking “and” at the end of paragraph (7);

(B) by striking the period at the end of paragraph (8) and inserting “; and”; and

(C) by adding at the end the following:

“(9) in the case of a principal campaign committee of a candidate (other than a candidate for election to the office of President or Vice President), any flight taken by the candidate (other than a flight designated to transport the President, Vice President, or a candidate for election to the office of President or Vice President) during the reporting period on an aircraft that is not licensed by the Federal Aviation Administration to operate for compensation or hire, together with the following information:

“(A) The date of the flight.

“(B) The destination of the flight.

“(C) The owner or lessee of the aircraft.

“(D) The purpose of the flight.

“(E) The persons on the flight, except for any person flying the aircraft.”.

(c) Public Availability.—Paragraph 2(e) of rule XXXV of the Standing Rules of the Senate is amended to read as follows:

“(e) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to subparagraphs (f) and (g) as soon as possible after they are received and such matters shall be posted on the Member's official website but no later than 30 days after the trip or flight.”.

SEC. 108. POST EMPLOYMENT RESTRICTIONS.

(a) In General.—Paragraph 9 of rule XXXVII of the Standing Rules of the Senate is amended by—

(1) designating the first sentence as subparagraph (a);

(2) designating the second sentence as subparagraph (b); and

(3) adding at the end the following:

“(c) If an employee on the staff of a Member or on the staff of a committee whose rate of pay is equal to or greater than 75 percent of the rate of pay of a Member and employed at such rate for more than 60 days in a calendar year, upon leaving that position, becomes a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, such employee may not lobby any Member, officer, or employee of the Senate for a period of 1 year after leaving that position.”.

(b) Effective Date.—This section shall take effect 60 days after the date of enactment of this title.

SEC. 109. PUBLIC DISCLOSURE BY MEMBERS OF CONGRESS OF EMPLOYMENT NEGOTIATIONS.

Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

“14. A Member shall not directly negotiate or have any arrangement concerning prospective private employment until after the election for his or her successor has been held, unless such Member files a statement with the Secretary of the Senate, for public disclosure, regarding such negotiations or arrangements within 3 business days after the commencement of such negotiation or arrangement, including the name of the private entity or entities involved in such negotiations or arrangements, the date such negotiations or arrangements commenced, and must be signed by the Member.".

SEC. 110. PROHIBIT OFFICIAL CONTACT WITH SPOUSE OR IMMEDIATE FAMILY MEMBER OF MEMBER WHO IS A REGISTERED LOBBYIST.

Rule XXXVII of the Standing Rules of the Senate is amended by—

(1) redesignating paragraphs 10 through 12 as paragraphs 11 through 13, respectively: and

(2) inserting after paragraph 9, the following:

"10. (a) If a Member's spouse or immediate family member is a registered lobbyist under the Lobbying Disclosure Act of 1995, or is employed or retained by such a registered lobbyist for the purpose of influencing legislation, the Member shall prohibit all staff employed by that Member (including staff in personal, committee and leadership offices) from having any official contact with the Member's spouse or immediate family member.

"(b) In this paragraph, the term 'immediate family member' means the son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, or stepsister of the Member.".

SEC. 111. INFLUENCING HIRING DECISIONS.

Rule XLIII of the Standing Rules of the Senate is amended by adding at the end the following:

"6. No Member shall, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

"(1) take or withhold, or offer or threaten to take or withhold, an official act; or

"(2) influence, or offer or threaten to influence the official act of another.".

SEC. 112. SENSE OF THE SENATE THAT ANY APPLICABLE RESTRICTIONS ON CONGRESSIONAL BRANCH EMPLOYEES SHOULD APPLY TO THE EXECUTIVE AND JUDICIAL BRANCHES.

It is the sense of the Senate that any applicable restrictions on Congressional branch employees in this title should apply to the Executive and Judicial branches.

SEC. 113. AMOUNTS OF COLA ADJUSTMENTS NOT PAID TO CERTAIN MEMBERS OF CONGRESS.

(a) In General.—Any adjustment under section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) (relating to the cost of living adjustments for Members of Congress) shall not be paid to any Member of Congress who voted for any amendment (or against the tabling of any amendment) that provided that such adjustment would not be made.

(b) Deposit in Treasury.—Any amount not paid to a Member of Congress under subsection (a) shall be transmitted to the Treasury for deposit in the appropriations account under the subheading "MEDICAL SERVICES" under the heading "VETERANS HEALTH ADMINISTRATION".

(c) Administration.—The salary of any Member of Congress to whom subsection (a) applies shall be deemed to be the salary in effect after the application of that subsection, except that for purposes of determining any benefit (including any retirement or insurance benefit), the salary of that Member of Congress shall be deemed to be the salary that Member of Congress would have received, but for that subsection.

(d) Effective Date.—This section shall take effect on the first day of the first applicable pay period beginning on or after February 1, 2007.

SEC. 114. REQUIREMENT OF NOTICE OF INTENT TO PROCEED.

(a) In General.—The majority and minority leaders of the Senate or their designees shall recognize a notice of intent of a Senator who is a member of their caucus to object to proceeding to a measure or matter only if the Senator—

(1) submits the notice of intent in writing to the appropriate leader or their designee; and

(2) within 3 session days after the submission under paragraph (1), submits for inclusion in the Congressional Record and in the applicable calendar section described in subsection (b) the following notice:

"I, Senator   , intend to object to proceeding to ____, dated ____.".

(b) Calendar.—The Secretary of the Senate shall establish for both the Senate Calendar of Business and the Senate Executive Calendar a separate section entitled "Notices of Intent to Object to Proceeding". Each section shall include the name of each Senator filing a notice under subsection (a)(2), the measure or matter covered by the calendar that the Senator objects to, and the date the objection was filed.

(c) Removal.—A Senator may have an item with respect to the Senator removed from a calendar to which it was added under subsection (b) by submitting for inclusion in the Congressional Record the following notice:

"I, Senator ____, do not object to proceeding to   , dated   .".

SEC. 115. EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall take effect on the date of enactment of this title.

TITLE II—LOBBYING TRANSPARENCY AND ACCOUNTABILITY ACT OF 2006

SEC. 201. SHORT TITLE.

This title may be cited as the "Legislative Transparency and Accountability Act of 2006".

Subtitle A—Enhancing Lobbying Disclosure

SEC. 211. QUARTERLY FILING OF LOBBYING DISCLOSURE REPORTS.

(a) Quarterly Filing Required.—Section 5 of the Lobbying Disclosure Act of 1995 (in this title referred to as the "Act") (2 U.S.C. 1604) is amended—

(1) in subsection (a)—

(A) in the subsection heading, by striking "Semiannual" and inserting "Quarterly";

(B) by striking "the semiannual period" and all that follows through "July of each year" and inserting "the quarterly period beginning on the 20th day of January, April, July, and October of each year or on the first business day after the 20th day if that day is not a business day"; and

(C) by striking "such semiannual period" and inserting "such quarterly period"; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "semiannual report" and inserting "quarterly report";

(B) in paragraph (2), by striking "semiannual filing period" and inserting "quarterly period";

(C) in paragraph (3), by striking "semiannual period" and inserting "quarterly period"; and

(D) in paragraph (4), by striking "semiannual filing period" and inserting "quarterly period".

(b) Conforming Amendments.—

(1) Definition.—Section 3(10) of the Act (2 U.S.C. 1602) is amended by striking "six month period" and inserting "three-month period".

(2) Registration.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(A) in subsection (a)(3)(A), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(3)(A), by striking "semiannual period" and inserting "quarterly period".

(3) Enforcement.—Section 6(a)(6) of the Act (2 U.S.C. 1605(6)) is amended by striking "semiannual period" and inserting "quarterly period".

(4) Estimates.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)(1), by striking "semiannual period" and inserting "quarterly period"; and

(B) in subsection (b)(1), by striking "semiannual period" and inserting "quarterly period".

(5) Dollar amounts.—

(A) Registration.—Section 4 of the Act (2 U.S.C. 1603) is amended—

(i) in subsection (a)(3)(A)(i), by striking "$5,000" and inserting "$2,500";

(ii) in subsection (a)(3)(A)(ii), by striking "$20,000" and inserting "$10,000";

(iii) in subsection (b)(3)(A), by striking "$10,000" and inserting "$5,000"; and

(iv) in subsection (b)(4), by striking "$10,000" and inserting "$5,000".

(B) Reports.—Section 5 of the Act (2 U.S.C. 1604) is amended—

(i) in subsection (c)(1), by striking "$10,000" and "$20,000" and inserting "$5,000" and "$10,000", respectively; and

(ii) in subsection (c)(2), by striking "$10,000" both places such term appears and inserting "$5,000".

SEC. 212. ANNUAL REPORT ON CONTRIBUTIONS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(d) Annual Report on Contributions.—Not later than 45 days after the end of the quarterly period beginning on the first day of October of each year referred to in subsection (a), a lobbyist registered under section 4(a)(1), or an employee who is a lobbyist of an organization registered under section 4(a)(2), shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives containing—

"(1) the name of the lobbyist;

"(2) the employer of the lobbyist;

"(3) the name of each Federal candidate or officeholder, leadership PAC, or political party committee, to whom a contribution equal to or exceeding $200 was made within the past year, and the date and amount of such contribution; and

"(4) the name of each Federal candidate or officeholder, leadership PAC, or political party committee for whom a fundraising event was hosted, co-hosted, or otherwise sponsored, within the past year, and the date and location of the event.".

SEC. 213. PUBLIC DATABASE OF LOBBYING DISCLOSURE INFORMATION.

(a) Database Required.—Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) in paragraph (7), by striking "and" at the end;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registrations and reports filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 4(b) or 5(b).".

(b) AVAILABILITY OF REPORTS.—Section 6(a)(4) of the Act is amended by inserting before the semicolon the following: "and, in the case of a report filed in electronic form under section 5(e), shall make such report available for public inspection over the Internet not more than 48 hours after the report is filed".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (9) of section 6(a) of the Act, as added by subsection (a).

SEC. 214. DISCLOSURE BY REGISTERED LOBBYISTS OF ALL PAST EXECUTIVE AND CONGRESSIONAL EMPLOYMENT.

Section 4(b)(6) of the Act (2 U.S.C. 1603) is amended by striking "or a covered legislative branch official" and all that follows through "as a lobbyist on behalf of the client," and inserting "or a covered legislative branch official.".

SEC. 215. DISCLOSURE OF LOBBYIST TRAVEL AND PAYMENTS.

Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon;

(2) in paragraph (4), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the name of each covered legislative branch official or covered executive branch official for whom the registrant provided, or directed or arranged to be provided, or the employee listed as a lobbyist directed or arranged to be provided, any payment or reimbursements for travel and related expenses in connection with the duties of such covered official, including for each such official—

"(A) an itemization of the payments or reimbursements provided to finance the travel and related expenses and to whom the payments or reimbursements were made, including any payment or reimbursement made with the express or implied understanding or agreement that such funds will be used for travel and related expenses;

"(B) the purpose and final itinerary of the trip, including a description of all meetings, tours, events, and outings attended;

"(C) the names of any registrant or individual employed by the registrant who traveled on any such trip;

"(D) the identity of the listed sponsor or sponsors of travel; and

"(E) the identity of any person or entity, other than the listed sponsor or sponsors of the travel, which directly or indirectly provided for payment of travel and related expenses at the request or suggestion of the registrant or the employee;

"(6) the date, recipient, and amount of funds contributed or disbursed by, or arranged by, a registrant or employee listed as a lobbyist—

"(A) to pay the costs of an event to honor or recognize a covered legislative branch official or covered executive branch official;

"(B) to, or on behalf of, an entity that is named for a covered legislative branch official or covered executive branch official, or to a person or entity in recognition of such official;

"(C) to an entity established, financed, maintained, or controlled by a covered legislative branch official or covered executive branch official, or an entity designated by such official; or

"(D) to pay the costs of a meeting, retreat, conference or other similar event held by, or for the benefit of, 1 or more covered legislative branch officials or covered executive branch officials;

except that this paragraph shall not apply to any payment or reimbursement made from funds required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(7) the date, recipient, and amount of any gift (that under the rules of the House of Representatives or Senate counts towards the one hundred dollar cumulative annual limit described in such rules) valued in excess of $20 given by a registrant or employee listed as a lobbyist to a covered legislative branch official or covered executive branch official;

"(8) for each client, immediately after listing the client, an identification of whether the client is a public entity, including a State or local government or a department, agency, special purpose district, or other instrumentality controlled by a State or local government, or a private entity.

For purposes of paragraph (7), the term 'gift' means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. Information required by paragraph (5) shall be disclosed as provided in this Act not later than 30 days after the travel.".

SEC. 216. INCREASED PENALTY FOR FAILURE TO COMPLY WITH LOBBYING DISCLOSURE REQUIREMENTS.

Section 7 of the Act (2 U.S.C. 1606) is amended by striking "$50,000" and inserting "$100,000".

SEC. 217. DISCLOSURE OF LOBBYING ACTIVITIES BY CERTAIN COALITIONS AND ASSOCIATIONS.

(a) IN GENERAL.—Section 4(b)(3)(B) of the Act (2 U.S.C. 1603(b)(3)(B)) is amended to read as follows:

"(B) participates in a substantial way in the planning, supervision or control of such lobbying activities;".

(b) NO DONOR OR MEMBERSHIP LIST DISCLOSURE.—Section 4(b) of the Act (2 U.S.C. 1603(b)) is amended by adding at the end the following:

"No disclosure is required under paragraph (3)(B) if it is publicly available knowledge that the organization that would be identified is affiliated with the client or has been publicly disclosed to have provided funding to the client, unless the organization in whole or in major part plans, supervises or controls such lobbying activities. Nothing in paragraph (3)(B) shall be construed to require the disclosure of any information about individuals who are members of, or donors to, an entity treated as a client by this Act or an organization identified under that paragraph.".

SEC. 218. DISCLOSURE OF ENFORCEMENT FOR NONCOMPLIANCE.

Section 6 of the Act (2 U.S.C. 1605) is amended—

(1) by inserting "(a)" before "The Secretary of the Senate";

(2) in paragraph (8), by striking "and" at the end;

(3) in paragraph (9), by striking the period and inserting "; and";

(4) after paragraph (9), by inserting the following:

"(10) provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives the aggregate number of lobbyists and lobbying firms, separately accounted, referred to the United States Attorney for the District of Columbia for noncompliance as required by paragraph (8) on a semi-annual basis"; and

(5) by inserting at the end the following:

"(b) ENFORCEMENT REPORT.—The United States Attorney for the District of Columbia shall report to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Government Reform and the Committee on the Judiciary of the House of Representatives on a semi-annual basis the aggregate number of enforcement actions taken by the Attorney's office under this Act and the amount of fines, if any, by case, except that such report shall not include the names of individuals or personally identifiable information.".

SEC. 219. ELECTRONIC FILING OF LOBBYING DISCLOSURE REPORTS.

Section 5 of the Act (2 U.S.C. 1604) is amended by adding at the end the following:

"(e) ELECTRONIC FILING REQUIRED.—A report required to be filed under this section shall be filed in electronic form, in addition to any other form. The Secretary of the Senate and the Clerk of the House of Representatives shall use the same electronic software for receipt and recording of filings under this Act.".

SEC. 220. DISCLOSURE OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.

(a) DEFINITIONS.—Section 3 of the Act (2 U.S.C. 1602) is amended—

(1) in paragraph (7), by adding at the end of the following: "Lobbying activities include paid efforts to stimulate grassroots lobbying, but do not include grassroots lobbying."; and

(2) by adding at the end of the following:

"(17) GRASSROOTS LOBBYING.—The term 'grassroots lobbying' means the voluntary efforts of members of the general public to communicate their own views on an issue to Federal officials or to encourage other members of the general public to do the same.

"(18) PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

"(A) IN GENERAL.—The term 'paid efforts to stimulate grassroots lobbying' means any paid attempt in support of lobbying contacts on behalf of a client to influence the general public or segments thereof to contact one or more covered legislative or executive branch officials (or Congress as a whole) to urge such officials (or Congress) to take specific action with respect to a matter described in section 3(8)(A), except that such term does not include any communications by an entity directed to its members, employees, officers, or shareholders.

"(B) PAID ATTEMPT TO INFLUENCE THE GENERAL PUBLIC OR SEGMENTS THEREOF.—The term 'paid attempt to influence the general public or segments thereof' does not include an attempt to influence directed at less than 500 members of the general public.

"(C) REGISTRANT.—For purposes of this paragraph, a person or entity is a member of a registrant if the person or entity—

"(i) pays dues or makes a contribution of more than a nominal amount to the entity;

"(ii) makes a contribution of more than a nominal amount of time to the entity;

"(iii) is entitled to participate in the governance of the entity;

"(iv) is 1 of a limited number of honorary or life members of the entity; or

"(v) is an employee, officer, director or member of the entity.

"(19) GRASSROOTS LOBBYING FIRM.—The term 'grassroots lobbying firm' means a person or entity that—

"(A) is retained by 1 or more clients to engage in paid efforts to stimulate grassroots lobbying on behalf of such clients; and

"(B) receives income of, or spends or agrees to spend, an aggregate of $25,000 or more for such efforts in any quarterly period.".

(b) REGISTRATION.—Section 4(a) of the Act (2 U.S.C. 1603(a)) is amended—

(1) in the flush matter at the end of paragraph (3)(A), by adding at the end the following: "For purposes of clauses (i) and (ii), the term 'lobbying activities' shall not include paid efforts to stimulate grassroots lobbying."; and

(2) by inserting after paragraph (3) the following:

"(4) FILING BY GRASSROOTS LOBBYING FIRMS.—Not later than 45 days after a grassroots lobbying firm first is retained by a client to engage in paid efforts to stimulate grassroots lobbying, such grassroots lobbying firm shall register with the Secretary of the Senate and the Clerk of the House of Representatives.".

(c) SEPARATE ITEMIZATION OF PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—Section 5(b) of the Act (2 U.S.C. 1604(b)) is amended—

(1) in paragraph (3), by—

(A) inserting after "total amount of all income" the following: "(including a separate good faith estimate of the total amount of income relating specifically to paid efforts to stimulate grassroots lobbying and, within that amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(B) inserting "or a grassroots lobbying firm" after "lobbying firm";

(2) in paragraph (4), by inserting after "total expenses" the following: "(including a good faith estimate of the total amount of expenses relating specifically to paid efforts to stimulate grassroots lobbying and, within that total amount, a good faith estimate of the total amount specifically relating to paid advertising)"; and

(3) by adding at the end the following:

"Subparagraphs (B) and (C) of paragraph (2) shall not apply with respect to reports relating to paid efforts to stimulate grassroots lobbying activities.".

(d) GOOD FAITH ESTIMATES AND DE MINIMIS RULES FOR PAID EFFORTS TO STIMULATE GRASSROOTS LOBBYING.—

(1) IN GENERAL.—Section 5(c) of the Act (2 U.S.C. 1604(c)) is amended to read as follows:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, the following shall apply:

"(1) Estimates of income or expenses shall be made as follows:

"(A) Estimates of amounts in excess of $10,0000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(2) Estimates of income or expenses relating specifically to paid efforts to stimulate grassroots lobbying shall be made as follows:

"(A) Estimates of amounts in excess of $25,000 shall be rounded to the nearest $20,000.

"(B) In the event income or expenses do not exceed $25,000, the registrant shall include a statement that income or expenses totaled less than $25,000 for the reporting period.".

(2) TAX REPORTING.—Section 15 of the Act (2 U.S.C. 1610) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986."; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "and" after the semicolon;

(ii) in paragraph (2), by striking the period and inserting "; and"; and

(iii) by adding at the end the following:

"(3) in lieu of using the definition of paid efforts to stimulate grassroots lobbying in section 3(18), consider as paid efforts to stimulate grassroots lobbying only those activities that are grassroots expenditures as defined in section 4911(c)(3) of the Internal Revenue Code of 1986.".

SEC. 221. ELECTRONIC FILING AND PUBLIC DATABASE FOR LOBBYISTS FOR FOREIGN GOVERNMENTS.

(a) ELECTRONIC FILING.—Section 2 of the Foreign Agents Registration Act (22 U.S.C. 612) is amended by adding at the end the following new subsection:

"(g) ELECTRONIC FILING OF REGISTRATION STATEMENTS AND UPDATES.—A registration statement or update required to be filed under this section shall be filed in electronic form, in addition to any other form that may be required by the Attorney General.".

(b) PUBLIC DATABASE.—Section 6 of the Foreign Agents Registration Act (22 U.S.C. 616) is amended by adding at the end the following new subsection:

"(d) PUBLIC DATABASE OF REGISTRATION STATEMENTS AND UPDATES.—

"(1) IN GENERAL.—The Attorney General shall maintain, and make available to the public over the Internet, without a fee or other access charge, in a searchable, sortable, and downloadable manner, an electronic database that—

"(A) includes the information contained in registration statements and updates filed under this Act;

"(B) directly links the information it contains to the information disclosed in reports filed with the Federal Election Commission under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434); and

"(C) is searchable and sortable, at a minimum, by each of the categories of information described in section 2(a).

"(2) ACCOUNTABILITY.—Each registration statement and update filed in electronic form pursuant to section 2(g) shall be made available for public inspection over the internet not more than 48 hours after the registration statement or update is filed.".

SEC. 222. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect January 1, 2007.

Subtitle B—Oversight of Ethics and Lobbying

SEC. 231. COMPTROLLER GENERAL AUDIT AND ANNUAL REPORT.

(a) AUDIT REQUIRED.—The Comptroller General shall audit on an annual basis lobbying registration and reports filed under the Lobbying Disclosure Act of 1995 to determine the extent of compliance or noncompliance with the requirements of that Act by lobbyists and their clients.

(b) ANNUAL REPORTS.—Not later than April 1 of each year, the Comptroller General shall submit to Congress a report on the review required by subsection (a). The report shall include the Comptroller General's assessment of the matters required to be emphasized by that subsection and any recommendations of the Comptroller General to—

(1) improve the compliance by lobbyists with the requirements of that Act; and

(2) provide the Secretary of the Senate and the Clerk of the House of Representatives with the resources and authorities needed for effective oversight and enforcement of that Act.

SEC. 232. MANDATORY SENATE ETHICS TRAINING FOR MEMBERS AND STAFF.

(a) TRAINING PROGRAM.—The Select Committee on Ethics shall conduct ongoing ethics training and awareness programs for Members of the Senate and Senate staff.

(b) REQUIREMENTS.—The ethics training program conducted by the Select Committee on Ethics shall be completed by—

(1) new Senators or staff not later than 60 days after commencing service or employment; and

(2) Senators and Senate staff serving or employed on the date of enactment of this Act not later than 120 days after the date of enactment of this Act.

SEC. 233. SENSE OF THE SENATE REGARDING SELF-REGULATION WITHIN THE LOBBYING COMMUNITY.

It is the sense of the Senate that the lobbying community should develop proposals for multiple self-regulatory organizations which could provide—

(1) for the creation of standards for the organizations appropriate to the type of lobbying and individuals to be served;

(2) training for the lobbying community on law, ethics, reporting requirements, and disclosure requirements;

(3) for the development of educational materials for the public on how to responsibly hire a lobbyist or lobby firm;

(4) standards regarding reasonable fees to clients;

(5) for the creation of a third-party certification program that includes ethics training; and

(6) for disclosure of requirements to clients regarding fee schedules and conflict of interest rules.

SEC. 234. ANNUAL ETHICS COMMITTEES REPORTS.

The Committee on Standards of Official Conduct of the House of Representatives and the Select Committee on Ethics of the Senate shall each issue an annual report due no later than January 31, describing the following:

(1) The number of alleged violations of Senate or House rules including the number received from third parties, from Members or staff within each House, or inquires raised by a Member or staff of the respective House or Senate committee.

(2) A list of the number of alleged violations that were dismissed—

(A) for lack of subject matter jurisdiction; or

(B) because they failed to provide sufficient facts as to any material violation of the House or Senate rules beyond mere allegation or assertion.

(3) The number of complaints in which the committee staff conducted a preliminary inquiry.

(4) The number of complaints that staff presented to the committee with recommendations that the complaint be dismissed.

(5) The number of complaints that the staff presented to the committee with recommendation that the investigation proceed.

(6) The number of ongoing inquiries.

(7) The number of complaints that the committee dismissed for lack of substantial merit.

(8) The number of private letters of admonition or public letters of admonition issued.

(9) The number of matters resulting in a disciplinary sanction.

Subtitle C—Slowing the Revolving Door

SEC. 241. AMENDMENTS TO RESTRICTIONS ON FORMER OFFICERS, EMPLOYEES, AND ELECTED OFFICIALS OF THE EXECUTIVE AND LEGISLATIVE BRANCHES.

(a) Very Senior Executive Personnel.—The matter after subparagraph (C) in section 207(d)(1) of title 18, United States Code, is amended by striking "within 1 year" and inserting "within 2 years".

(b) Restrictions on Lobbying by Members of Congress and Employees of Congress.—Subsection (e) of section 207 of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by striking "within 1 year" and inserting "within 2 years";

(2) by striking paragraphs (2) through (5) and inserting the following:

"(2) Congressional staff.—

"(A) Prohibition.—Any person who is an employee of a House of Congress and who, within 1 year after that person leaves office, knowingly makes, with the intent to influence, any communication to or appearance before any of the persons described in subparagraph (B), on behalf of any other person (except the United States) in connection with any matter on which such former employee seeks action by a Member, officer, or employee of either House of Congress, in his or her official capacity, shall be punished as provided in section 216 of this title.

"(B) Contact persons covered.— persons referred to in subparagraph (A) with respect to appearances or communications are any Member, officer, or employee of the House of Congress in which the person subject to subparagraph (A) was employed. This subparagraph shall not apply to contacts with staff of the Secretary of the Senate or the Clerk of the House of Representatives regarding compliance with lobbying disclosure requirements under the Lobbying Disclosure Act of 1995.";

(3) in paragraph (6)—

(A) by striking "paragraphs (2), (3), and (4)" and inserting "paragraph (2)";

(B) by striking "(A)";

(C) by striking subparagraph (B); and

(D) by redesignating the paragraph as paragraph (3); and

(4) by redesignating paragraph (7) as paragraph (4).

(c) Effective Date.—The amendments made by subsection (b) shall take effect 60 days after the date of enactment of this Act.

Subtitle D—Ban on Provision of Gifts or Travel by Lobbyists in Violation of the Rules of Congress

SEC. 251. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

The Lobbying Disclosure Act of 1995 is amended by adding at the end the following:

"SEC. 25. PROHIBITION ON PROVISION OF GIFTS OR TRAVEL BY REGISTERED LOBBYISTS TO MEMBERS OF CONGRESS AND TO CONGRESSIONAL EMPLOYEES.

"(a) Prohibition.—A registered lobbyist may not knowingly make a gift or provide travel to a Member, Delegate, Resident Commissioner, officer, or employee of Congress, unless the gift or travel may be accepted under the rules of the House of Representatives or the Senate.

"(b) Penalty.—Any registered lobbyist who violates this section shall be subject to penalties provided in section 7.".

Subtitle E—Commission to Strengthen Confidence in Congress Act of 2006

SEC. 261. SHORT TITLE.

This subtitle may be cited as the "Commission to Strengthen Confidence in Congress Act of 2006".

SEC. 262. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch a commission to be known as the "Commission to Strengthen Confidence in Congress" (in this subtitle referred to as the "Commission").

SEC. 263. PURPOSES.

The purposes of the Commission are to—

(1) evaluate and report the effectiveness of current congressional ethics requirements, if penalties are enforced and sufficient, and make recommendations for new penalties;

(2) weigh the need for improved ethical conduct with the need for lawmakers to have access to expertise on public policy issues;

(3) determine whether the current system for enforcing ethics rules and standards of conduct is sufficiently effective and transparent;

(4) determine whether the statutory framework governing lobbying disclosure should be expanded to include additional means of attempting to influence Members of Congress, senior staff, and high-ranking executive branch officials;

(5) analyze and evaluate the changes made by this Act to determine whether additional changes need to be made to uphold and enforce standards of ethical conduct and disclosure requirements; and

(6) investigate and report to Congress on its findings, conclusions, and recommendations for reform.

SEC. 264. COMPOSITION OF COMMISSION.

(a) Members.—The Commission shall be composed of 10 members, of whom—

(1) the chair and vice chair shall be selected by agreement of the majority leader and minority leader of the House of Representatives and the majority leader and minority leader of the Senate;

(2) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, 1 of which is a former member of the Senate;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, 1 of which is a former member of the Senate;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, 1 of which is a former member of the House of Representatives; and

(5) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, 1 of which is a former member of the House of Representatives.

(b) Qualifications; Initial Meeting.—

(1) Political party affiliation.—Five members of the Commission shall be Democrats and 5 Republicans.

(2) Nongovernmental appointees.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) Other qualifications.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in professions such as governmental service, government consulting, government contracting, the law, higher education, historian, business, public relations, and fundraising.

(4) Deadline for appointment.—All members of the Commission shall be appointed on a date 3 months after the date of enactment of this Act.

(5) Initial meeting.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) Quorum; Vacancies.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 265. FUNCTIONS OF COMMISSION.

The functions of the Commission are to submit to Congress a report required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules and regulations—

(1) related to section 263; or

(2) related to any other areas the commission unanimously votes to be relevant to its mandate to recommend reforms to strengthen ethical safeguards in Congress.

SEC. 266. POWERS OF COMMISSION.

(a) Hearings and Evidence.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths.

(b) Obtaining Information.—Upon request of the Commission, the head of any agency or instrumentality of the Federal Government shall furnish information deemed necessary by the panel to enable it to carry out its duties.

(c) Limit on Commission Authority.—The Commission shall not conduct any law enforcement investigation, function as a court of law, or otherwise usurp the duties and responsibilities of the ethics committee of the House of Representatives or the Senate.

SEC. 267. ADMINISTRATION.

(a) Compensation.—Except as provided in subsection (b), members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(b) Travel Expenses and Per Diem.—Each member of the Commission shall receive travel expenses and per diem in lieu of subsistence in accordance with sections 5702 and 5703 of title 5, United States Code.

(c) STAFF AND SUPPORT SERVICES.—

(1) STAFF DIRECTOR.—

(A) APPOINTMENT.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint a staff director for the Commission.

(B) COMPENSATION.—The staff director shall be paid at a rate not to exceed the rate established for level V of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—The Chair (or Co-Chairs) in accordance with the rules agreed upon by the Commission shall appoint such additional personnel as the Commission determines to be necessary.

(3) APPLICABILITY OF CIVIL SERVICE LAWS.—The staff director and other members of the staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the staff director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(d) PHYSICAL FACILITIES.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable office space for the operation of the Commission on a nonreimbursable basis. The facilities shall serve as the headquarters of the Commission and shall include all necessary equipment and incidentals required for the proper functioning of the Commission.

(e) ADMINISTRATIVE SUPPORT SERVICES AND OTHER ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request.

(2) ADDITIONAL SUPPORT.—In addition to the assistance set forth in paragraph (1), departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support services as the Commission may deem advisable and as may be authorized by law.

(f) USE OF MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as Federal agencies and shall, for purposes of the frank, be considered a commission of Congress as described in section 3215 of title 39, United States Code.

(g) PRINTING.—For purposes of costs relating to printing and binding, including the cost of personnel detailed from the Government Printing Office, the Commission shall be deemed to be a committee of the Congress.

SEC. 268. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this title without the appropriate security clearances.

SEC. 269. COMMISSION REPORTS; TERMINATION.

(a) ANNUAL REPORTS.—The Commission shall submit—

(1) an initial report to Congress not later than July 1, 2006; and

(2) annual reports to Congress after the report required by paragraph (1);

containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) ADMINISTRATIVE ACTIVITIES.—During the 60-day period beginning on the date of submission of each annual report and the final report under this section, the Commission shall—

(1) be available to provide testimony to committees of Congress concerning such reports; and

(2) take action to appropriately disseminate such reports.

(c) TERMINATION OF COMMISSION.—

(1) FINAL REPORT.—Five years after the date of enactment of this Act, the Commission shall submit to Congress a final report containing information described in subsection (a).

(2) TERMINATION.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the final report is submitted under paragraph (1), and the Commission may use such 60-day period for the purpose of concluding its activities.

SEC. 270. FUNDING.

There are authorized such sums as necessary to carry out this title.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent to strike all after the enacting clause of S. 2349 and insert in lieu thereof the provisions of H.R. 4975 as engrossed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "To provide greater transparency with respect to lobbying activities, to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 4975) was laid on the table.

☐ 1200

GENERAL LEAVE

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5384, and that I might include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 830 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5384.

The Chair designates the gentleman from Wisconsin (Mr. RYAN) as Chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. MILLER) to assume the chair temporarily.

☐ 1201

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. MILLER of Florida (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. BONILLA) and the gentlewoman from Connecticut (Ms. DELAURO) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House today the fiscal year 2007 appropriations bill for Agriculture, Rural Development, the Food and Drug Administration and Related Agencies. Before I do so, I would like to say how proud I am to be serving in my final year as chairman of the subcommittee. It has been a great privilege and a great experience.

I want to compliment my ranking member, Ms. DELAURO, for helping us get to this point today to produce a good bill for the American people. My goal every year has been to produce a bipartisan bill.

We began our hearings on the budget on February 15, and we added an additional hearing at the request of Ms. DELAURO on bird flu, which is a very important issue to people not just in this country, but around the world; and I have tried very hard to accommodate every Member who had a request for this bill. But it has been difficult. We received this year over 1,600 individual requests for specific spending from most Members of the House.

I would say that all Members can support this bill and tell their constituents that they voted to improve their lives while maintaining fiscal responsibility.

I would also like to thank all of my subcommittee members on both sides of the aisle for helping to produce this bill, and I would like to thank people who oftentimes don't get recognized for all of the hard work, sometimes on Saturday nights and Sunday mornings, that goes into putting a bill together. It is not just the Members that are elected to serve on this subcommittee and full committee, but we have the committee staff: Martha Foley of the minority staff; Martin Delgado, the great, distinguished leader, the clerk of the subcommittee; Maureen Holohan, Leslie Barrack and Jamie Swafford of the majority staff. In addition, I would like to thank our detailee, Mike Arnold, and Walt Smith from Texas A&M back in Texas at College Station from my personal staff for working hard on this.

I also want to mention some people that I would say have never had their names mentioned before on the floor of the House, but without them we could not be here today. They are the ones that helped put this whole product together: Larry Boarman, Theo Powell, Cathy Edwards, Linda Muir and the staff of the Government Printing Office.

Mr. Chairman, we refer to this bill as the agriculture bill, but it goes so much more than assisting basic agriculture. It also supports rural and economic development, human nutrition, ag exports and land conservation, as well as the food, drug, and medical safety in this country. This bill will cover benefits to of every one of your constituents everyday, no matter what district you represent.

There are some key increases over the fiscal year 2006 spending level in the bill that include the following: $80 million for bird flu; $24 million for food safety; $11 million for the Commodity Supplemental Food Program, the budget request proposed to zero out this program; $34 million for the Farm Service Agency, salaries and expenses; $12 million for farm operating loans; $91 million for the Animal and Plant Health Inspection Service; and $20 million for the FDA user-fee programs for prescription drugs, medical devices, and animal drugs.

Mr. Chairman, I will include at this point in the RECORD tabular material relating to the bill.

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	5,076	11,540	5,499	+423	-6,041
Executive Operations:					
Chief Economist	10,434	11,226	11,226	+792	---
National Appeals Division	14,379	14,795	14,795	+416	---
Office of Budget and Program Analysis	8,215	8,479	8,479	+264	---
Homeland Security staff	925	1,114	954	+29	-160
Office of the Chief Information Officer	16,297	16,936	16,936	+639	---
Common computing environment	108,971	108,900	68,971	-40,000	-39,929
Office of the Chief Financial Officer	5,815	19,931	5,991	+176	-13,940
Working capital fund	---	---	---	---	---
Total, Executive Operations	165,036	181,381	127,352	-37,684	-54,029
Office of the Assistant Secretary for Civil Rights	813	836	836	+23	---
Office of Civil Rights	19,908	22,650	22,650	+2,742	---
Office of the Assistant Secretary for Administration	669	773	736	+67	-37
Agriculture buildings and facilities and rental payments	(185,857)	(209,814)	(209,814)	(+23,957)	---
Payments to GSA	146,257	155,851	155,851	+9,594	---
Building operations and maintenance	39,600	53,963	53,963	+14,363	---
Hazardous materials management	11,880	12,020	12,020	+140	---
Departmental administration	22,872	28,302	24,114	+1,242	-4,188
Office of the Assistant Secretary for Congressional Relations	3,783	3,940	3,940	+157	---
Office of Communications	9,414	9,695	9,695	+281	---
Office of the Inspector General	79,533	82,493	82,493	+2,960	---
Office of the General Counsel	38,957	40,647	40,455	+1,498	-192
Office of the Under Secretary for Research, Education, and Economics	592	694	651	+59	-43
Economic Research Service	75,172	82,544	80,963	+5,791	-1,581
National Agricultural Statistics Service	139,293	152,584	148,719	+9,426	-3,865
Census of Agriculture	(28,824)	(36,582)	(36,582)	(+7,758)	---
Agricultural Research Service:					
Salaries and expenses	1,123,654	1,001,385	1,057,603	-66,051	+56,218
Buildings and facilities	129,883	8,415	140,000	+10,117	+131,585
Total, Agricultural Research Service	1,253,537	1,009,800	1,197,603	-55,934	+187,803
Cooperative State Research, Education, and Extension Service:					
Research and education activities	670,081	566,300	651,606	-18,475	+85,306
Native American Institutions Endowment Fund	(12,000)	(11,880)	(11,880)	(-120)	---
Extension activities	451,395	430,727	457,042	+5,647	+26,315
Integrated activities	55,234	19,120	55,234	---	+36,114
Outreach for socially disadvantaged farmers	5,940	6,930	6,930	+990	---
Total, Cooperative State Research, Education, and Extension Service	1,182,650	1,023,077	1,170,812	-11,838	+147,735
Office of the Under Secretary for Marketing and Regulatory Programs	717	741	741	+24	---
Animal and Plant Health Inspection Service:					
Salaries and expenses	807,306	945,153	898,116	+90,810	-47,037
Animal welfare (user fees) (leg. proposal) NA.	---	(8,221)	---	---	(-8,221)
Buildings and facilities	4,946	6,431	5,946	+1,000	-485
Total, Animal and Plant Health Inspection Service	812,252	951,584	904,062	+91,810	-47,522

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)

(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Agricultural Marketing Service:					
Marketing Services	74,622	81,498	77,269	+2,647	-4,229
Standardization (user fees) (leg. proposal) NA	---	(2,212)	---	---	(-2,212)
(Limitation on administrative expenses, from fees collected)	(65,667)	(62,211)	(62,211)	(-3,456)	---
Funds for strengthening markets, income, and supply (transfer from section 32)	16,055	4,106	16,425	+370	+12,319
Agriculture marketing service standardization (user fees) (leg. proposal) NA	---	(12,000)	---	---	(-12,000)
Discretionary appropriations	20,000	---	9,900	-10,100	+9,900
Payments to states and possessions	3,809	1,334	1,334	-2,475	---
Total, Agricultural Marketing Service	114,486	86,938	104,928	-9,558	+17,990
Grain Inspection, Packers and Stockyards Administration:					
Salaries and expenses	38,059	21,844	39,737	+1,678	+17,893
Grain inspection, packers and stockyards administration (user fees) (leg. proposal)NA	---	(19,663)	---	---	(-19,663)
Limitation on inspection and weighing services	(42,463)	(42,463)	(42,463)	---	---
Office of the Under Secretary for Food Safety	596	696	656	+60	-40
Food Safety and Inspection Service	829,378	757,470	853,249	+23,871	+95,779
Food safety inspection (user fees) (leg. prop) NA	---	(105,435)	---	---	(-105,435)
Lab accreditation fees	(1,000)	(1,000)	(1,000)	---	---
Total, Production, Processing, and Marketing	4,990,530	4,692,063	5,041,725	+51,195	+349,662
Farm Assistance Programs					
Office of the Under Secretary for Farm and Foreign Agricultural Services	629	737	691	+62	-46
Farm Service Agency:					
Salaries and expenses	1,019,700	1,091,359	1,053,760	+34,060	-37,599
Loan deficiency payments (user fees) (leg. proposal) NA	---	(10,000)	---	---	(-10,000)
Conservation reserve program (user fees) (leg. proposal) NA	---	(25,000)	---	---	(-25,000)
(Transfer from export loans)	(1,821)	(346)	(346)	(-1,475)	---
(Transfer from P.L. 480)	(3,185)	(2,651)	(2,651)	(-534)	---
(Transfer from ACIF)	(301,545)	(311,737)	(307,338)	(+5,793)	(-4,399)
(Transfer from farm storage loan program account)	---	(4,560)	---	---	(-4,560)
Subtotal, transfers from program accounts	(306,551)	(319,294)	(310,335)	(+3,784)	(-8,959)
Total, Salaries and expenses	(1,326,251)	(1,410,653)	(1,364,095)	(+37,844)	(-46,558)
State mediation grants	4,208	4,208	4,208	---	---
Grassroot source water protection program	3,713	---	3,713	---	+3,713
Dairy indemnity program	100	100	100	---	---
Subtotal, Farm Service Agency	1,027,721	1,095,667	1,061,781	+34,060	-33,886
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(205,918)	(222,750)	(222,750)	(+16,832)	---
Guaranteed	(1,386,000)	(1,200,000)	(1,200,000)	(-186,000)	---
Subtotal	(1,591,918)	(1,422,750)	(1,422,750)	(-169,168)	---
Farm operating loans:					
Direct	(643,500)	(643,500)	(643,500)	---	---
Unsubsidized guaranteed	(1,138,500)	(1,025,610)	(1,150,000)	(+11,500)	(+124,390)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subsidized guaranteed	(271,886)	(272,250)	(272,254)	(+368)	(+4)
Subtotal	(2,053,886)	(1,941,360)	(2,065,754)	(+11,868)	(+124,394)
Indian tribe land acquisition loans	(2,000)	(3,960)	(3,960)	(+1,960)	---
Boll weevil eradication loans	(100,000)	(59,400)	(59,400)	(-40,600)	---
Total, Loan authorizations	(3,747,804)	(3,427,470)	(3,551,864)	(-195,940)	(+124,394)
Loan subsidies:					
Farm ownership loans:					
Direct	10,544	9,333	9,333	-1,211	---
Guaranteed	6,653	---	6,960	+307	+6,960
Subtotal	17,197	9,333	16,293	-904	+6,960
Farm operating loans:					
Direct	64,028	75,225	75,225	+11,197	---
Unsubsidized guaranteed	34,497	2,667	28,405	-6,092	+25,738
Subsidized guaranteed	33,986	24,720	27,416	-6,570	+2,696
Subtotal	132,511	102,612	131,046	-1,465	+28,434
Indian tribe land acquisition	80	838	838	+758	---
Boll weevil eradication loans	---	1,129	1,129	+1,129	---
Total, Loan subsidies	149,788	113,912	149,306	-482	+35,394
ACIF expenses:					
Salaries and expense (transfer to FSA)	301,545	311,737	307,338	+5,793	-4,399
Administrative expenses	7,920	7,920	7,920	---	---
Total, ACIF expenses	309,465	319,657	315,258	+5,793	-4,399
Total, Agricultural Credit Insurance Fund	459,253	433,569	464,564	+5,311	+30,995
(Loan authorization)	(3,747,804)	(3,427,470)	(3,551,864)	(-195,940)	(+124,394)
Total, Farm Service Agency	1,486,974	1,529,236	1,526,345	+39,371	-2,891
Risk Management Agency	76,278	80,797	77,197	+919	-3,600
Total, Farm Assistance Programs	1,563,881	1,610,770	1,604,233	+40,352	-6,537
Corporations					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	3,159,379	4,131,035	4,131,035	+971,656	---
Commodity Credit Corporation Fund:					
Reimbursement for net realized losses	25,690,000	19,740,000	19,740,000	-5,950,000	---
Hazardous waste management (limitation on expenses)	(5,000)	(5,000)	(5,000)	---	---
Farm Storage Facility Loans Program Account:					
Salaries and expenses:					
Farm Service Agency (transfer to FSA)	---	4,560	---	---	-4,560
Total, Corporations	28,849,379	23,875,595	23,871,035	-4,978,344	-4,560
Total, title I, Agricultural Programs	35,403,790	30,178,428	30,516,993	-4,886,797	+338,565
(By transfer)	(306,551)	(319,294)	(310,335)	(+3,784)	(-8,959)
(Loan authorization)	(3,747,804)	(3,427,470)	(3,551,864)	(-195,940)	(+124,394)
(Limitation on administrative expenses)	(113,130)	(109,674)	(109,674)	(-3,456)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	737	957	810	+73	-147
Natural Resources Conservation Service:					
Conservation operations	831,124	744,877	791,498	-39,626	+46,621
Watershed surveys and planning	6,022	---	6,022	---	+6,022
Watershed and flood prevention operations	74,250	---	40,000	-34,250	+40,000
Watershed rehabilitation program	31,245	15,300	31,245	---	+15,945
Resource conservation and development	50,787	25,933	50,787	---	+24,854
Healthy forests reserve program	---	2,475	---	---	-2,475
Total, Natural Resources Conservation Service	993,428	788,585	919,552	-73,876	+130,967
Total, title II, Conservation Programs	994,165	789,542	920,362	-73,803	+130,820
TITLE III - RURAL DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Development	629	823	692	+63	-131
Rural Development:					
Rural community advancement program	694,922	600,762	699,893	+4,971	+99,131
(Transfer out)	(-25,740)	---	---	(+25,740)	---
Total, Rural community advancement program	694,922	600,762	699,893	+4,971	+99,131
RD expenses:					
Salaries and expenses	162,979	170,741	182,860	+19,881	+12,119
(Transfer from RHIF)	(450,261)	(455,776)	(430,080)	(-20,181)	(-25,696)
(Transfer from MHRP)	---	---	(990)	(+990)	(+990)
(Transfer from RDLFP)	(4,745)	(4,950)	(4,780)	(+35)	(-170)
(Transfer from RETLP)	(38,396)	(39,600)	(39,101)	(+705)	(-499)
(Transfer from RTB)	(2,475)	---	---	(-2,475)	---
Subtotal, Transfers from program accounts	(495,877)	(500,326)	(474,951)	(-20,926)	(-25,375)
Total, RD expenses	(658,856)	(671,067)	(657,811)	(-1,045)	(-13,256)
Total, Rural Development	857,901	771,503	882,753	+24,852	+111,250
Rural Housing Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Single family direct (sec. 502)	(1,129,391)	(1,237,498)	(1,237,498)	(+108,107)	---
Unsubsidized guaranteed	(3,644,224)	(3,564,238)	(3,564,238)	(-79,986)	---
Subtotal, Single family	(4,773,615)	(4,801,736)	(4,801,736)	(+28,121)	---
Housing repair (sec. 504)	(34,652)	(36,382)	(36,382)	(+1,730)	---
Rental housing (sec. 515)	(99,000)	---	(100,000)	(+1,000)	(+100,000)
Site loans (sec. 524)	(5,000)	(5,045)	(5,045)	(+45)	---
Multi-family housing guarantees (sec. 538)	(99,000)	(197,997)	(100,000)	(+1,000)	(-97,997)
Multi-family housing credit sales	(1,485)	(1,482)	(1,482)	(-3)	---
Single family housing credit sales	(10,000)	(10,000)	(10,000)	---	---
Self-help housing land develop. (sec. 523)	(4,998)	(4,980)	(4,980)	(-18)	---
Total, Loan authorizations	(5,027,750)	(5,057,622)	(5,059,625)	(+31,875)	(+2,003)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Loan subsidies:					
Single family direct (sec. 502)	128,638	124,121	124,121	-4,517	---
Unsubsidized guaranteed	40,491	7,772	7,772	-32,719	---
Subtotal, Single family	169,129	131,893	131,893	-37,236	---
Housing repair (sec. 504)	10,136	10,751	10,751	+615	---
Rental housing (sec. 515)	45,421	---	45,670	+249	+45,670
Multi-family housing guarantees (sec. 538)	5,366	15,325	7,740	+2,374	-7,585
Multi-family housing credit sales	674	672	672	-2	---
Single family housing credit sales	---	48	48	+48	---
Self-help housing land develop. (sec. 523)	51	123	123	+72	---
Multi-family housing preservation	8,910	---	---	-8,910	---
Total, Loan subsidies	239,687	158,812	196,897	-42,790	+38,085
RHIF administrative expenses (transfer to RD).	450,261	455,776	430,080	-20,181	-25,696
Rental assistance program:					
(Sec. 521)	638,651	486,320	329,500	-309,151	-156,820
(Sec. 502(c)(5)(D))	7,920	---	5,900	-2,020	+5,900
Total, Rental assistance program	646,571	486,320	335,400	-311,171	-150,920
Total, Rural Housing Insurance Fund	1,336,519	1,100,908	962,377	-374,142	-138,531
(Loan authorization)	(5,027,750)	(5,057,622)	(5,059,625)	(+31,875)	(+2,003)
Rural housing voucher program	15,840	---	---	-15,840	---
Multifamily housing revitalization program account	---	74,250	28,000	+28,000	-46,250
MHRP administrative expenses (transfer to RD)	---	---	990	+990	+990
Total, Multifamily housing revitalization	---	74,250	28,990	+28,990	-45,260
Mutual and self-help housing grants	33,660	37,620	37,620	+3,960	---
Rural housing assistance grants	43,536	40,590	40,590	-2,946	---
Farm labor program account	30,856	33,798	47,525	+16,669	+13,727
Subtotal, grants and payments	108,052	112,008	125,735	+17,683	+13,727
Total, Rural Housing Service	1,460,411	1,287,166	1,117,102	-343,309	-170,064
(Loan authorization)	(5,027,750)	(5,057,622)	(5,059,625)	(+31,875)	(+2,003)
Rural Business-Cooperative Service:					
Rural Development Loan Fund Program Account:					
(Loan authorization)	(33,870)	(33,925)	(33,925)	(+55)	---
Loan subsidy	14,571	14,951	14,951	+380	---
Administrative expenses (transfer to RD)	4,745	4,950	4,780	+35	-170
Total, Rural Development Loan Fund	19,316	19,901	19,731	+415	-170
Rural Economic Development Loans Program Account:					
(Loan authorization)	(24,752)	(34,652)	(34,652)	(+9,900)	---
Direct subsidy	4,943	7,568	7,568	+2,625	---
Rural cooperative development grants	29,193	27,225	9,913	-19,280	-17,312
Rural empowerment zones and enterprise communities grants	11,088	---	11,088	---	+11,088
Renewable energy program	22,770	10,163	20,000	-2,770	+9,837
Total, Rural Business-Cooperative Service	87,310	64,857	68,300	-19,010	+3,443
(Loan authorization)	(58,622)	(68,577)	(68,577)	(+9,955)	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Rural Utilities Service:					
Rural Electrification and Telecommunications Loans Program Account:					
Loan authorizations:					
Electric:					
Direct, 5%	(99,000)	(99,018)	(99,018)	(+18)	---
Direct, Municipal rate	(99,000)	(39,602)	(99,000)	---	(+59,398)
Direct, FFB	(2,600,000)	(3,000,000)	(3,000,000)	(+400,000)	---
Direct, Treasury rate	(990,000)	(700,000)	(990,000)	---	(+290,000)
Guaranteed electric	(99,000)	---	---	(-99,000)	---
Guaranteed underwriting	(1,500,000)	---	(500,000)	(-1,000,000)	(+500,000)
Subtotal, Electric	(5,387,000)	(3,838,620)	(4,688,018)	(-698,982)	(+849,398)
Telecommunications:					
Direct, 5%	(145,000)	(143,513)	(143,513)	(-1,487)	---
Direct, Treasury rate	(419,760)	(246,666)	(246,666)	(-173,094)	---
Direct, FFB	(125,000)	(299,000)	(299,000)	(+174,000)	---
Subtotal, Telecommunications	(689,760)	(689,179)	(689,179)	(-581)	---
Total, Loan authorizations	(6,076,760)	(4,527,799)	(5,377,197)	(-699,563)	(+849,398)
Loan subsidies:					
Electric:					
Direct, 5%	911	2,119	2,119	+1,208	---
Direct, Municipal rate	5,000	598	1,495	-3,505	+897
Guaranteed electric	89	---	---	-89	---
Direct, Treasury rate	99	---	---	-99	---
Subtotal, Electric	6,099	2,717	3,614	-2,485	+897
Telecommunications:					
Direct, 5%	---	531	531	+531	---
Direct, Treasury rate	210	74	74	-136	---
Subtotal, Telecommunications	210	605	605	+395	---
Total, Loan subsidies	6,309	3,322	4,219	-2,090	+897
RETLP administrative expenses (transfer to RD)	38,396	39,600	39,101	+705	-499
Total, Rural Electrification and Telecommunications Loans Program Account	44,705	42,922	43,320	-1,385	+398
(Loan authorization)	(6,076,760)	(4,527,799)	(5,377,197)	(-699,563)	(+849,398)
Rural Telephone Bank Program Account:					
RTB administrative expenses (transfer to RD)	2,475	---	---	-2,475	---
Total, Rural Telephone Bank Program Account	2,475	---	---	-2,475	---
High energy costs grants (by transfer)	(26,000)	---	---	(-26,000)	---
Distance learning, telemedicine, and broadband program:					
Loan authorizations:					
Distance learning and telemedicine	(24,750)	---	---	(-24,750)	---
Broadband telecommunications	(495,000)	(356,419)	(503,535)	(+8,535)	(+147,116)
Total, Loan authorizations	(519,750)	(356,419)	(503,535)	(-16,215)	(+147,116)
Loan subsidies:					
Distance learning and telemedicine:					
Direct	371	---	---	-371	---
Grants	29,700	24,750	24,750	-4,950	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)

(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Broadband telecommunications:					
Direct	10,643	10,826	10,826	+183	---
Grants	8,910	---	8,910	---	+8,910
Total, Loan subsidies and grants	49,624	35,576	44,486	-5,138	+8,910
Total, Rural Utilities Service	96,804	78,498	87,806	-8,998	+9,308
(Loan authorization)	(6,596,510)	(4,884,218)	(5,880,732)	(-715,778)	(+996,514)
Total, title III, Rural Economic and Community Development Programs	2,503,055	2,202,847	2,156,653	-346,402	-46,194
(By transfer)	(521,877)	(500,326)	(474,951)	(-46,926)	(-25,375)
(Loan authorization)	(11,682,882)	(10,010,417)	(11,008,934)	(-673,948)	(+998,517)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	593	732	652	+59	-80
Food and Nutrition Service:					
Child nutrition programs	7,473,208	7,763,200	7,610,897	+137,689	-152,303
Transfer from section 32	5,187,821	5,582,287	5,734,590	+546,969	+152,303
Contingency reserve	---	300,000	---	---	-300,000
Total, Child nutrition programs	12,660,829	13,645,487	13,345,487	+684,658	-300,000
Special supplemental nutrition program for women, infants, and children (WIC)	5,204,430	5,200,000	5,244,000	+39,570	+44,000
Food stamp program:					
Expenses	36,045,026	33,186,215	33,159,215	-2,885,811	-27,000
Indian reservations (FDPIR)	2,970	---	---	-2,970	---
Armed forces provision	1,000	1,000	1,000	---	---
Reserve	3,000,000	3,000,000	3,000,000	---	---
Nutrition assistance for Puerto Rico and Samoa	1,522,369	1,565,016	1,565,016	+42,647	---
The emergency food assistance program	140,000	140,000	140,000	---	---
CSFP transitional benefit	---	21,000	---	---	-21,000
CSFP nutrition education	---	2,000	---	---	-2,000
CSFP food Stamp expenses	---	19,000	---	---	-19,000
Total, Food stamp program	40,711,365	37,934,231	37,865,231	-2,846,134	-69,000
Commodity assistance program	177,572	70,370	189,370	+11,798	+119,000
Nutrition programs administration	139,353	160,429	142,314	+2,961	-18,115
Total, Food and Nutrition Service	58,893,549	57,010,517	56,786,402	-2,107,147	-224,115
Total, title IV, Domestic Food Programs	58,894,142	57,011,249	56,787,054	-2,107,088	-224,195
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service:					
Salaries and expenses, direct appropriation	146,422	157,486	156,486	+10,064	-1,000
(Transfer from export loans)	(3,406)	(4,985)	(4,985)	(+1,579)	---
(Transfer from P.L. 480)	(166)	---	---	(-166)	---
Total, Salaries and expenses program level	(149,994)	(162,471)	(161,471)	(+11,477)	(-1,000)
Public Law 480 Program and Grant Accounts:					
Program account:					
Loan authorization, direct	(74,032)	---	---	(-74,032)	---
Loan subsidies	64,390	---	---	-64,390	---
Ocean freight differential grants	11,821	---	---	-11,821	---
Title II - Commodities for disposition abroad:					
Program level	(1,138,500)	(1,218,500)	(1,223,100)	(+84,600)	(+4,600)

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Appropriation	1,138,500	1,218,500	1,223,100	+84,600	+4,600
Salaries and expenses:					
Foreign Agricultural Service (transfer to FAS)	166	---	---	-166	---
Farm Service Agency (transfer to FSA)	3,185	2,651	2,651	-534	---
Subtotal	3,351	2,651	2,651	-700	---
Total, Public Law 480:					
Program level	(1,138,500)	(1,218,500)	(1,223,100)	(+84,600)	(+4,600)
Appropriation	1,218,062	1,221,151	1,225,751	+7,689	+4,600
CCC Export Loans Program Account (administrative expenses):					
Salaries and expenses (Export Loans):					
General Sales Manager (transfer to FAS)	3,406	4,985	4,985	+1,579	---
Farm Service Agency (transfer to FSA)	1,821	346	346	-1,475	---
Total, CCC Export Loans Program Account	5,227	5,331	5,331	+104	---
McGovern-Dole international food for education and child nutrition program grants	99,000	99,000	100,000	+1,000	+1,000
Total, title V, Foreign Assistance and Related Programs	1,468,711	1,482,968	1,487,568	+18,857	+4,600
(By transfer)	(3,572)	(4,985)	(4,985)	(+1,413)	---
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	1,466,801	1,540,399	1,538,452	+71,651	-1,947
Prescription drug user fee act	(305,332)	(320,600)	(320,600)	(+15,268)	---
Medical device user fee act	(40,300)	(43,726)	(43,726)	(+3,426)	---
Animal drug user fee act	(11,318)	(11,604)	(11,604)	(+286)	---
Reinspection fees (user fees) (leg. prop) NA	---	(22,000)	---	---	(-22,000)
Food export fees (user fees) (leg. prop) NA	---	(3,536)	---	---	(-3,536)
Subtotal	(1,823,751)	(1,916,329)	(1,914,382)	(+90,631)	(-1,947)
Mammography clinics user fee (outlay savings)	(17,173)	---	(17,522)	(+349)	(+17,522)
Export and color certification	(7,640)	---	(8,481)	(+841)	(+8,481)
Payments to GSA	(134,853)	---	(146,013)	(+11,160)	(+146,013)
Buildings and facilities	7,920	4,950	4,950	-2,970	---
Total, Food and Drug Administration	1,474,721	1,545,349	1,543,402	+68,681	-1,947
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	97,402	127,000	109,402	+12,000	-17,598
Transaction fees (user fees) (leg. prop) NA	---	(127,000)	---	---	(-127,000)
Farm Credit Administration (limitation on administrative expenses)	(44,250)	---	(44,250)	---	(+44,250)
Total, title VI, Related Agencies and Food and Drug Administration	1,572,123	1,672,349	1,652,804	+80,681	-19,545
TITLE VII - GENERAL PROVISIONS					
Hunger fellowships (sec. 716)	2,500	---	2,500	---	+2,500
National Sheep Industry Improvement Center revolving fund (sec. 717)	1,238	---	250	-988	+250
Denali Commission	743	---	---	-743	---

AGRICULTURE-RURAL DEVELOPMENT-FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS (H.R. 5384)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Section 32 (rescission) (sec. 740)...................	-37,601	---	-9,900	+27,701	-9,900
Milk processing and packaging facilities	644	---	---	-644	---
Alaska private lands wildlife management	198	---	---	-198	---
Livestock Expo Center	990	---	---	-990	---
Wisconsin Federation of Cooperatives.................	2,228	---	---	-2,228	---
WIC contingency reserve (rescission).................	-32,000	---	---	+32,000	---
Specialty crop grants (sec. 736).....................	6,930	---	15,600	+8,670	+15,600
SFSP Summer food service program.....................	1,000	---	---	-1,000	---
Healthy Forest Reserve...............................	2,475	---	---	-2,475	---
Fruit and vegetable pilot program (sec. 738).........	6,000	---	25,000	+19,000	+25,000
World food prize.....................................	347	---	---	-347	---
Utah State....................................	198	---	---	-198	---
University of Nevada.................................	139	---	---	-139	---
Ohio State University................................	396	---	---	-396	---
Nueces County..	495	---	---	-495	---
IRP Choctaw.......................................	990	---	---	-990	---
High energy cost grants (rescission) (sec. 744).......	---	-25,265	-25,265	-25,265	---
MILC extension (sec. 752)............................	---	---	40,000	+40,000	+40,000
Total, title VII, General provisions...........	-42,090	-25,265	48,185	+90,275	+73,450
OTHER APPROPRIATIONS					
EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT TO ADDRESS HURRICANES IN THE GULF OF MEXICO AND PANDEMIC INFLUENZA, 2006 (P.L.109-148, DIVISION B)					
TITLE I, CHAPTER 1					
Department of Agriculture					
Executive Operations, Working capital fund (emerg.)..	35,000	---	---	-35,000	---
Agricultural Research Service					
Buildings and facilities (emergency).................	9,200	---	---	-9,200	---
Rural Development					
Rural community advancement program (emergency).......	45,000	---	---	-45,000	---
Rural Housing Service					
Rural housing insurance fund program (emergency)......	45,000	---	---	-45,000	---
Rural housing assistance grants (emergency)...........	20,000	---	---	-20,000	---
Rural Utilities Service					
Rural electrification and telecom (emergency).........	8,000	---	---	-8,000	---
Food and Nutrition Service					
Commodity assistance program (emergency)..............	4,000	---	---	-4,000	---
The emergency food assistance program (emergency).....	6,000	---	---	-6,000	---
General Provisions					
Emergency conservation program (emergency)...........	199,800	---	---	-199,800	---
Watershed and flood prevention operations (emergency).	300,000	---	---	-300,000	---
Emergency forestry conservation reserve program.......	50,000	---	---	-50,000	---
Total, Title I, Chapter 1 (emergency)..............	722,000	---	---	-722,000	---

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II, CHAPTER 1					
Department of Agriculture					
Office of the Secretary (emergency)	11,350	---	---	-11,350	---
Agricultural Research Service					
Salaries and expenses (emergency)	7,000	---	---	-7,000	---
Cooperative State Research, Education, and Extension Service					
Research and educational activities (emergency)	1,500	---	---	-1,500	---
Animal and Plant Health Inspection Service					
Salaries and expenses (emergency)	71,500	---	---	-71,500	---
Department of Health and Human Services					
Salaries and expenses (emergency)	20,000	---	---	-20,000	---
Total, Title II, Chapter 1 (emergency)	111,350	---	---	-111,350	---
TITLE III, CHAPTER 1					
Department of Agriculture					
Natural Resources Conservation Service: Conservation Operations (rescission)	-10,000	---	---	+10,000	---
Rural Utilities Service					
Distance Learning, Telemedicine, and Broadband direct loan financing (rescission)	-9,900	---	---	+9,900	---
Food and Nutrition Service: Food Stamp Program (rescission)	-11,200	---	---	+11,200	---
Foreign Agricultural Service					
Public Law 480 Title I Ocean Freight Differential Grants (rescission)	-35,000	---	---	+35,000	---
Total, Title III, Chapter 1 (rescissions)	-66,100	---	---	+66,100	---
Total, Public Law 109-148	767,250	---	---	-767,250	---
Emergency appropriations	833,350	---	---	-833,350	---
(Rescissions)	(-66,100)	---	---	(+66,100)	---
Total, Other appropriations	767,250	---	---	-767,250	---
Grand total	101,561,146	93,312,118	93,569,619	-7,991,527	+257,501
Appropriations	(100,863,497)	(93,337,383)	(93,604,784)	(-7,258,713)	(+267,401)
Emergency Appropriations	833,350	---	---	-833,350	---
Rescissions	(-135,701)	(-25,265)	(-35,165)	(+100,536)	(-9,900)
(By transfer)	(832,000)	(824,605)	(790,271)	(-41,729)	(-34,334)
(Loan authorization)	(15,504,718)	(13,437,887)	(14,560,798)	(-943,920)	(+1,122,911)
(Limitation on administrative expenses)	(157,380)	(109,674)	(153,924)	(-3,456)	(+44,250)

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first thank you and Mr. OBEY, as well as Chairman LEWIS, all of whom I have been pleased to work with on this bill. In particular it is a pleasure to join the chairman again as we bring to the floor our second and final agriculture appropriations bill together. As before, this has been a good process, one in which we have made substantial progress on many issues.

As I have said before, I want to take a moment to recognize that this is not only the last time this bill will be considered on the House floor under Mr. BONILLA's management, but also his last year of service on our subcommittee. He has served as chairman with distinction and carried out his responsibilities to this subcommittee with a real sense of determination and focus. So I thank you, and it has been a pleasure to work with you.

This is always an important bill, from public health and the FDA, to rural development and food safety, to environmental conservation and nutrition assistance, to investing in renewable sources of energy.

The mission of the Agriculture Appropriations Subcommittee is, at its core, about improving people's lives; and I think the subcommittee has produced a bill overall that we can be proud of.

There are several areas in particular that have been improved from the President's request. For one, the bill includes increased funding for the Commodity Supplemental Food Program and the Specialty Crops Program on which so many of our farmers rely. The bill restores the section 515 Housing Program and included $25 million for a National Fresh Fruit and Vegetable Program.

In addition, we have turned aside several misguided proposals by the administration not included in this bill, including proposals that would have changed funding for the Agriculture Research Institutions and capped WIC administrative funds.

We also made some progress during the markup. I appreciate the chairman's willingness to increase funding for the Office of Generic Drugs, bringing that up to $5 million. This will help to reduce the backlog of generic drug applications and in turn contribute to reducing the price of prescription drugs.

I was pleased that the committee accepted an amendment that I offered to give the FDA the authority to mandate post-market drug studies when needed. With 65 percent of the post-market studies pending, it is clear that the system FDA has in place is broken and must be fixed. As such, giving FDA the authority to mandate post-market drug studies and authorizing the agency to begin proceedings that would move a drug from the market, should the drug company refuse to carry out its responsibility, is a critical part of the drug safety process.

I was also pleased that this subcommittee accepted language preventing the implementation of a final rule by USDA to allow processed chicken products from China to enter the United States. We all know China has massive problems with avian influenza in its chicken population. Only hours after the Food Safety and Inspection Service announced it would allow the imports from China, claiming these products would be safe because they will be fully processed and cooked, a Tennessee firm announced the recall of more than 20,000 pounds of breaded chicken due to possible undercooking. Stopping that process from going forward was a good decision.

I do think that there are some areas where the bill falls short. While I know we cannot do everything we want to in this bill, I believe that many Members will be disappointed to see that, for instance, we could not fund a pilot program to look at the impact of eliminating the Reduced Price Meal Program that requires children from low-income working families to pay 40 cents per lunch and 30 cents per breakfast. If a family qualifies for free WIC benefits, they should qualify for free school meals as well. I wish we had found the money to make that pilot program happen, even if only as a pilot program.

I am also disappointed that we failed to substantially increase the funding for the McGovern-Dole International Food Program which is funded in this bill at $100 million, an increase of a mere $1 million over last year's bill and the budget request. This program fights child hunger in the world's poorest countries, while expanding educational opportunities for children; and it has a proven track record. It should have been a priority in this bill.

Lastly, we missed a golden opportunity with this bill to jump-start the country's energy independence efforts by seriously and aggressively funding the many programs in this bill that deal with renewable energy. I offered an amendment that was defeated on a roll call vote of 24-36 to our commitment to renewable energy and rural development by $500 million. It is time to be bold about energy independence; and this bill is an appropriate place to start doing that, which is why I intend to offer this amendment again before the full House.

I look forward to debating this bill today, Mr. Chairman, and I want to say thank you to you and your staff as well as staff on our side of the aisle for working so hard to put together the bill before us. As I have said throughout the process, barring any unexpected developments, it is my intention to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the distinguished chairman of the full committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5384, the agriculture appropriations bill for the year 2007. This is the third of 11 bills the committee plans to bring to the House floor before the 4th of July break.

I want to especially praise Chairman BONILLA and Ranking Member DELAURO, as well as members of the Agriculture Subcommittee and their staff, for the very fine work done on this bill.

In total, this measure provides $18.4 billion in total discretionary spending. This level represents a decrease, that is a decrease, of $96 million below the FY 2006 enacted level. The bill contains critical funding to protect health and safety, fulfill our commitment to important food and nutrition programs and support farmers and ranchers, as well as rural America.

I would like to make, Mr. Chairman, two additional points about the measure. First, the bill before us today includes $435 million in Member-project funding, which is $35 million below, that is, below last year's House-bill level. It is $277 million below last year's House-Senate conference report as well.

This bill also terminates eight programs resulting in $414 million in taxpayer savings; eight programs, $414 million in taxpayer savings.

Mr. Chairman, this agriculture bill is Mr. BONILLA's last bill as chairman of this subcommittee; and to say the least, this bill is a very fine product, and it is worthy of our support.

I want to commend Mr. BONILLA and certainly Ms. DELAURO, as well, for their work on this very fine measure. Indeed, it is a reflection of the best work of our committee. Mr. BONILLA is to be congratulated for his service as chairman of the committee.

Ms. DELAURO. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I want to renew my comments on something that is likely to happen here later with respect to the dairy program; but before I do that, in the unlikely event that anybody in any of the congressional offices is listening, I hope they understand that there are at least 50 amendments pending to this bill. If we only take 10 minutes on each of those amendments and if we only have votes on about half of them, we will be here until about 2 or 3 o'clock in the morning. So I hope that Members will not expect us to have a schedule which allows them to go to supper and allows them to do other work around here and, at the same time, expect the committee to get us out of here before the wee hours of the morning. If all of these amendments are offered, that just isn't going to happen.

Let me say, Mr. Chairman, that I want to once again take note of the fact that because the Rules Committee chose not to protect a provision in this bill that is very important to small dairy farmers around the country, we face the likelihood that a point of order will be lodged against section 752 of this bill. That section is meant to correct a major flaw in the authorization bill that was amended last year.

Under existing law, supplemental payments to dairy farmers, the so-called MILC program, will expire 1 month before the other major commodities programs expire in the existing farm bill.

☐ 1215

What that means in practical terms is that there will be no dairy component in the budget baseline when the next farm bill is considered by the authorizing committee.

If that happens, we are guaranteeing that there will be fewer dollars in the Federal budget that will be flowing to rural America than would otherwise be the case. If people think it is a good idea for rural America to voluntarily relinquish any portion of their share of the Federal budget, then by all means they should be enthusiastic about the point of order.

If they do not, then I think they ought to ask the authorizing committee chairman not to make that point of order. I would point out that the provision in this bill which extends that MILC program for 1 month so that we can correct that budget baseline problem. I should point out that that provision is supported by the Midwest Dairy Coalition, the Northeast Dairy Producers, including Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont. It is supported by the New York Farm Bureau, by the National Farmers Union, by the Wisconsin Farm Bureau, and by a good many other farmers around the country.

Mr. Chairman, I would simply say that if that point of order is lodged, and if this bill therefore does not carry that correcting provision, it will not just be dairy farmers who are hurt, it will also mean that if a dairy program is continued, financing for that program will have to come out of the base for each of the other farm groups.

That is a great recipe for having a regional war between different farm groups, and it is a great recipe for having a war between various commodity groups in the agriculture community. So I would urge the majority party leadership to prevail upon the chairman of the Agriculture Committee not to make that point of order, because, if he does, we are not going to be able to fix this problem and dairy farmers are going to be at a huge disadvantage when the next farm bill is written.

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentlemen from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want to thank the chairman of the committee, Mr. BONILLA, for the great job that he has done, and the leadership that he has provided. And I thank my friend, ROSA DELAURO, for all the good work that she has done and the bipartisan cooperation that we have had on this bill. We don't agree on everything, but we agree on ag policy and trying to look out for the farmers together, and all of the various commodities and programs that are in this important bill. And this is certainly one of the greatest subcommittees in Congress.

Mr. Chairman, farmers today have lots of challenges, financing. Long-term financing for farmers, they can't get loans the way business people can get loans. They have problems with labor. The immigration issue is the hot issue of the day right now. Well, it has been a hot issue down on the farm for years as they have tried to get labor who will go out there in the hot sunshine and pick apples and pick peaches and pick onions, and trying to work with the H2A program that can be very difficult to comply with.

And while farmers are trying to work with H2A, along comes legal services funded by the Federal Government and suing farmers for technical violations often and not really substantive violations.

They have problems with environmental issues, in that we have very strict EPA laws, which their international competitors do not always have. And Ms. KAPTUR, our friend from Ohio, often talks to us about Ohio tomatoes. And yet we know in Mexico they make tomatoes that can be competitive with those of Ohio tomatoes, but they do not have to follow the same labor or environmental laws.

Mr. Chairman, that is just one of the examples. And then we talk about unfair trade practices and what is subsidized and what is not. And so often the WTO, which is an organization most Americans do not even know about; yet the farmers, they are very mindful of what the WTO is up to, because so often the rulings seem to come down against American farmers.

Mr. Chairman, despite everything that farmers are up against, our food program and our food supply is the best any world has ever seen, any nation in the world at any time. Americans spend 11 cents on the dollar on groceries. We spend 43 cents on the dollar on recreation, from skiing to jet skiing, to boats, to fishing to buying CDs and going to movies and shows; we spend 43 cents on the dollar, but only 11 cents on the dollar for food. And for that, we have fruit all year long. We have meat in great abundance at low prices all year long. We have, as Mr. OBEY knows well, milk. And there used to be milk shortages all over the country. And yet we do not have those kinds of shortages anymore. We do have a very complex, hard-to-explain agriculture system in America, and yet the product on the shelf in the grocery stores across America beats all in the world.

We need to all support this bill. It is a bipartisan bill. It is well thought out, well debated. There are going to be things I am going to comment on later on.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Chairman, I want to thank Mr. KINGSTON for all he has done on behalf of peanuts and milk. In the authorizing committee, we failed to extend the peanut program storage and handling fees for the year it needed to be extended, at the end of this farm program. And we also failed to extend the milk program, that 1 month that is necessary, according to Mr. OBEY and others, to establish an appropriate baseline where milk is concerned and an appropriate baseline where peanuts are concerned, peanut storage and handling.

Anticipating that a point of order might be made, Mr. Chairman, and I am not sure that it would be made by the chairman of the authorizing committee or someone else, we have put together a letter to the chairman, Chairman GOODLATTE, asking that he support the two bipartisan amendments made in the appropriations committee with regard to these two issues, the peanut storage and handling fees issue and the milk program issue that was spoken about by Mr. OBEY.

Mr. Chairman, 26 members of the 46 members of the committee have signed on. Mr. Chairman, it seems to me the real question will be whether or not somehow the Appropriations Committee is inappropriately treading on the authority of the authorizing committee. Here you have a majority of the members of the authorizing committee saying that they think that the Appropriations Committee is acting properly with regard to these two issues, and they would request that the point of order be denied.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume for the purpose of entering into a colloquy with the gentlemen from New Jersey (Mr. GARRETT). I now yield to Mr. GARRETT.

Mr. GARRETT of New Jersey. Mr. Chairman, I appreciate the opportunity to enter into a colloquy with the gentlemen from Texas, the chairman of the subcommittee.

Also, before I begin, I just want to thank the chairman for all of your hard work that you put into the committee and into this bill, and all of the members of the committee.

And may I also echo the words as far as those members of the committee and the staff who do not normally get their names mentioned on the floor for their work; as the former chairman, I know there are many people behind the scenes that do not get recognized and I appreciate your recognizing those people of your committee.

Mr. Chairman, at this time I also want to voice my strong support of the Farm and Ranchland Preservation Program. The chairman may know that I grew up on my family farm in the State of New Jersey; it is the Garden State. We are the most densely populated State in the country. And for that reason, trying to preserve open space and farmland was one of the main reasons why I went into government 12 years ago on the state level and here in the Congress as well.

And so I support strongly The National Farm and Ranchland Preservation Program and its work to contain, to preserve environmentally sensitive pieces of property in the Fifth Congressional District.

It is my hope that the chairman would continue to work closely with myself and the Department of Agriculture, so that we can move forward to see to it that as much of this property can be preserved for future generations.

Mr. BONILLA. If the gentleman would yield, I thank the gentlemen for his comments and pledge to work closely with him and the Department of Agriculture moving forward to see that any eligible environmentally sensitive farmland is given full and adequate consideration as this bill continues through the legislative process and as the Department establishes its priorities for the Farm and Ranchland Preservation Program for fiscal year 2007.

Mr. GARRETT of New Jersey. I thank the gentlemen for his support.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I want to thank Chairman BONILLA and Ranking Member DELAURO for their hard work on this bill, particularly their work on the school meal and WIC program.

While I appreciate the increase in funding, I sincerely hope that we can do even better in conference on the WIC program and on the school meal program.

I also appreciate that the committee rejected a number of President Bush's requests that would have harmed the women and children who benefit from WIC. The President's proposed cap on nutrition counseling and on education for WIC recipients would limit both essential services for WIC families and for the States' abilities to negotiate cost savings with food producers.

The President also asked to limit WIC eligibility for any Medicaid recipients. These are only some of the examples that the President would have listed in his neverending effort to pay for tax cuts for the wealthiest Americans, with benefit cuts for the most vulnerable Americans.

As I say, I honor the Chair and the ranking member for not letting that happen. I am proud to have led a bipartisan effort in opposition to those proposals, and I thank the committee again for rejecting them.

Finally, Mr. Chairman, I thank the committee for its promise to continue to monitor the WIC caseload to ensure that funding remains sufficient to meet the needs. I ask the committee to also monitor, as I will, USDA's implementation of its cost containment regulations.

Mr. BONILLA. Mr. Chairman, I continue to reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, can you tell us, please, how much time remains on the bill.

The Acting CHAIRMAN. The gentlewoman has 17½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise today to I guess reluctantly support the bill. I have been looking over the provisions, and I think that while I commend Chairman BONILLA and Ranking Member DELAURO for their work, given the constraints that they have been placed under, but I do have some concerns that I would like to raise.

You know, in the last farm bill, 2002 Farm Bill, we made a significant shift in the biggest increases that we placed in the 2002 Farm Bill were in the conservation programs.

And we have some limitations that have been put in the bill that have been protected against a point of order, that I have some concerns about and other people across the country have concerns about.

Our Wetlands Reserve Program, which I think has been one of the most successful programs that we have implemented and was part of the 2002 farm bill, we are going to be further limiting the level to 144,000 acres.

This is a program that has a substantial backlog. We have a lot of folks out there that are ready to go and put their land into the Wetlands Reserve Program and, you know, just does not seem logical that we would eliminate it given the amount of interest that is out there in the countryside.

The EQUIP Program was another program that we substantially increased in the 2002 farm bill. And again, we have many more requests than we have money and authorization. And we are going to have some further limitations in that area as well, as well as the CSP program, the WHIP program and some others.

So I just want to raise my concern about those limitations and I guess my displeasure from the authorizing committee point of view that the appropriators would be limiting the work of the Agriculture Committee that has spent a lot of time looking into them.

☐ 1230

I would also like to follow up on the comments of Mr. OBEY regarding the milk program. Wherever you are at on that particular issue, I think this does have implications out into the next farm bill.

I know in our part of the country this is a popular program. In the west it is not popular. But eliminating this baseline is going to make it more difficult for us as we do the next farm bill next year, and it could come back to haunt some folks in the dairy area potentially given how that all plays out.

The peanut provision which also was not protected is something that was worked out in the last farm bill and is important to a lot of folks that had to have a substantial change in that program, and I just do not think it is right to end that program a year early. It would make more sense, I think, to continue it to the ends of the bill.

I am going to support this bill today. I commend the chairman and the ranking member for their work, and I look forward to the debate.

Mr. BONILLA. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Can I ask the gentleman from Texas if he has any additional speakers.

Mr. BONILLA. At this time I do not.

Ms. DELAURO. Neither do we.

With that, my comment is I think that we will just proceed to the amendments, and I hope that with that process we can make the bill better.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, once again, just to comment on how many prudent recommendations were made to put this bill together and it has been a very good product that we have come to the floor with today, and we hope that all Members would support it without any amendments.

Mr. LEVIN. Mr. Chairman, I rise in support of H.R. 5384, the Fiscal Year 2007 Agriculture Appropriations Act. In particular, I am pleased that funding for the Commodity Supplemental Food Program, or CSFP, has been restored in this bill.

In yet another example of the Administration's upside-down priorities, the President's request proposed eliminating CSFP. Last year, in Michigan alone, almost 76,000 low income seniors, mothers and children received much-needed, nutritious food each month thanks to this funding and the hard work of organizations like Focus: Hope in Detroit.

I thank the Committee for responding to the outpouring of grassroots support for CSFP, and refusing to do away with this important program. The bill before us includes $118.3 million for CSFP, an increase of $11 million from the current level. Following the President's recommendation would have literally taken food from the mouths of seniors and children across the country. I hope our action here not only protects CSFP, but also sends a message to the President that cuts like this are not acceptable.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the House and Senate, I would like to place into the RECORD a listing of Congressionally-directed projects in my home state of Idaho that are contained within the report to this bill. These are projects that I asked the Agriculture Subcommittee to consider, both this year and in previous years, and I am grateful for their inclusion in this bill.

I'd like to take just a few minutes to describe why I supported these projects and why they are valuable to the nation and its taxpayers.

It is important to remember that the vast majority of these funds go to two entities.

First, the Cooperative State Research, Education, and Extension Service, CSREES, grants included below are targeted to our nation's Land Grant Colleges. In the case of Idaho, these funds are used by the University of Idaho to conduct research on a variety of crops important to the Pacific Northwest. I have also supported research in Washington and Oregon because their research is invaluable to my constituents as well.

In assessing the value of these requests, there are some important considerations that must be made. World labor standards and costs are far below those of the U.S. Our Nation's farmers are subjected to far more stringent environmental regulations than those of many of our competitors. Input costs in the U.S. far surpass those of other nations. And energy prices, including farm diesel, are rising dramatically.

So how can a U.S. farmer remain competitive in a global market? Through greater productivity and efficiency, increased yields, and better defenses against diseases. These are the very things that agriculture research funding delivers for U.S. producers—and for U.S. consumers.

If you want to rely on foreign nations for our food in the way we rely on them for our oil, then by all means eliminate these important agriculture research programs. But if you believe, as I do, that maintaining a domestic capability to produce our food is a national security issue, then you ought to support these research programs and fight for their continuation.

The second entity that receives the bulk of these funds is the Agriculture Research Service, ARS, and its stations across rural America. In Idaho, these institutions are conducting vital research into some of our most important crops—sugar, potatoes, small fruits, and aquaculture. I encourage all of my colleagues to visit an ARS station to see firsthand the value of this research. If you do, you will learn that these researchers are doing amazing things with very limited budgets. These projects are usually small in terms of their funding, but the benefits that flow from that research cannot be measured in dollars alone.

Two of the projects below are funded through the Animal and Plant Health Inspection Service, APHIS. These two programs are critical to combating brucellosis in bison and cattle and in assisting ranchers whose livestock are harassed and killed by predators like wolves.

The Greater Yellowstone Brucellosis funding is particularly critical to my home State of Idaho. Idaho recently lost its brucellosis free status and these funds are critical to establishing a management plan that will allow Idaho to regain its brucellosis free status.

The Tri-State Predator control funding is hardly a handout to ranchers. The federal government forced wolf reintroduction on Idaho and other western states and it is duty-bound to pay for the deadly and gruesome impacts of this decision.

The final project on this list is the Idaho One-Plan. The Idaho One-Plan is a unique collaboration of agencies, industries, and associations dedicated to assisting Idaho farmers and ranchers in their continuing natural resource stewardship responsibilities. The program was developed jointly with state and federal resource agencies, the University of Idaho Cooperative Extension program, the Environmental Protection Agency, and local commodity groups. It's a successful program that has enormous value to not only the Idaho agriculture community and the environment, but to other states that might be interested in a similar collaborative process.

Mr. Chairman, any effort to remove these projects from the bill would not only result in zero savings to taxpayers, it would stop dead these important efforts to enhance and protect our nation's food supply.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

1. ARS aquaculture research—Aberdeen ($628,843) pg. 17;

2. CSREES NW Small Fruits Research—ID, WA, OR ($443,000) pg. 36;

3. ARS Potato Breeding—Aberdeen ($365,156) pg. 18;

4. ARS Sugarbeet Research—Kimberly ($702,592) pg. 19;

5. ARS Sustainable Aquaculture Feeds—Aberdeen ($99,000) pg. 19;

6. ARS Viticulture—Corvallis, OR ($852,861) pg. 19;

7. CSREES Grain Legume Plant Pathologist—Pullman, WA ($244,125) pg. 20;

8. CSREES Alternative Crops—Canola ($1,175,000) pg. 33;

9. CSREES Aegilops Cylindricum—Goatgrass (WA, ID) ($355,000) pg. 34;

10. CSREES Cool Season Food Legume Research (ID, WA, ND) ($564,000) pg. 34;

11. CSREES Grass Seed Cropping/or Sustainable Agriculture (WA, ID, OR) ($450,000) pg. 35;

12. CSREES Increasing Shelf Life of Agricultural Commodities ($863,000) pg. 35;

13. CSREES Potato Research (national program) ($1,497,000) pg. 36;

14. CSREES STEEP III ($640,000) pg. 36;

15. CSREES Wood Utilization (multi-state) ($6,371,000) pg. 36;

16. APHIS Greater Yellowstone Brucellosis—ID, WY, MT ($10,455,000) pg. 72;

17. APHIS Tri-State Predator Control ($1,324,000) pg. 74;

18. NRCS Idaho One-Plan ($200,000) pg. 87.

Mr. RYAN of Wisconsin. Mr. Chairman, I rise today to support the Milk Income Loss Contract Program (MILC). Created under the 2002 Farm Bill, the MILC program has been a major success for Wisconsin dairy farmers. I believe it is inherently unfair to set the expiration date of the MILC program one month before the expiration of other farm bill programs. MILC should be on a level playing field with all other commodity programs, so that it will be dealt with equitably under the 2007 Farm Bill.

Mr. GUTKNECHT. Mr. Chairman, I rise today to support the FY 2007 Agriculture Appropriations bill. I am especially pleased with the funding levels prescribed for the Domestic Food Assistance programs such as the Commodity Supplemental Food Program CSFP) and the Women, Infants and Children (WIC) nutritional programs.

This year, the President proposed eliminating CSFP as part of his plan to streamline government services. Participants in this program were supposed to move to either the Food Stamps program or the WIC program. I disagreed with this proposal, and that is why I am pleased that my colleagues on the House Agriculture Appropriations Subcommittee chose to ignore the elimination proposal and instead increased funding for this program by $11 million above last year's level.

Under the House-passed bill, CSFP will get $118.3 million in fiscal 2007. It is my understanding and hope that the Senate will include a similar amount in its appropriations bill and that future conferees will protect this valuable program from elimination.

More than 2,000 seniors in my district depend on this important supplemental food program, which provides them a box of food staples once a month to seniors who are at or below 130 percent of the poverty level. Pregnant, breast feeding and postpartum women, infants and children up to age six also are eligible for CSFP if they are at or below 185 percent of federal poverty guidelines. For young children, the program is used as a bridge between their eligibility for WIC and their eligibility for free school lunches, which generally happens around age 6.

There is no doubt that CSFP works. In Minnesota, about 15,000 participants—85 percent of them seniors—receive a box of food at the beginning of each month. The box is about the size of a banana box and weighs about 60 pounds. Each box contains about $55 worth of pantry staples such as canned vegetables, fruit and meat, as well as evaporated milk, juice, rice and pasta. The foods are nutritionally balanced and approved by the U.S. Department of Agriculture.

Minnesota receives about $3.2 million each year to purchase these foods and deliver them to four food banks throughout the state. Volunteers then deliver the boxes to centralized distribution sites and in some cases to the front doors of home-bound seniors.

In Southeastern Minnesota, the Channel One Food Distribution Center in Rochester, delivers CSFP food packages to 1,750 participants in a 13 county area. The average income for a senior receiving CSFP assistance in this area is a meager $8,846 a year or $737 a month. That's why CSFP is so vital for our nation's low-income seniors, particularly those in rural America.

Seniors like Harriet Salisbury from Ceylon, Minnesota; Elsa Suter of Fairmont, Minnesota, and Edward Levy of Brownsdale, Minnesota, need these vital food packages. When the Administration proposed eliminating CSFP, these seniors took pen and paper in hand and let me know exactly what they thought about that proposal. They told me CSFP was their "lifeline," and some even begged me to save this vital program from elimination.

Today, I am here to tell these seniors and thousands more across our nation that I know how important CSFP is to them, and that I will fight to save this vital program from elimination.

In conclusion, I want to thank Chairman BONILLA for his continued support for CSFP.

Mr. UDALL of Colorado. Mr. Chairman, I will vote for the bill H.R. 5384, the "Agriculture, Rural Development, Food and Drug Administration, Appropriations Act of 2007."

While the bill is a dramatic improvement from the request made by the Bush Administration it still does not fully meet the needs of rural Colorado. I'm disappointed about that, but the fact is that the federal government is being forced to do more with less because of the budget resolution the Republican leadership forced through the House.

I am pleased the bill provides support for research programs important to Colorado State University, including research on infectious diseases and ultraviolet radiation monitoring. I am also pleased provisions of the legislation adequately funds important programs for Renewable Energy and Energy Efficiency grants which can provide much needed resources for rural economic development to communities throughout the Eastern Plains, Western Slope and San Luis Valley of Colorado.

While there are good things about this bill it does have its shortcomings. Even though attempts were made to the conservation provisions, more needs to be done to address the continued under funding of these important programs. I am also particularly disappointed this legislation does not address the continued delay of the implementation of a mandatory country of origin labeling (COOL) for products such as meat and produce. The shortsightedness of the committee denies Colorado ranchers and farmers a wonderful resource to market their products and provide consumers a clear choice in the products they purchase.

I am hopeful the Senate will build on the work of the House passed legislation so an even stronger bill can be sent to the President.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, $5,499,000: *Provided,* That not to exceed $11,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 2, line 9, insert after the dollar amount the following: "(reduced by $1)".

Mr. KUCINICH. Mr. Chairman, the Kucinich Organic Food Amendment strikes $1 of salary from the Secretary's office to raise an objection to the removal of consumer public interest representation from the National Organic Standards Board.

What is organic food? Organic food is produced in a sustainable manner without pesticides, herbicides, or artificial fertilizers. Organic food production improves the environment and delivers a safe food to our children.

Our fields and streams are relied upon to grow our food; therefore, we must protect these assets with a sustainable agricultural system. Organic food has proven itself commercially viable. It is a multi-billion dollar industry. It has improved the sustainability of our agricultural system. But organic foods cannot be distinguished by how they look, taste, or smell. Consumers can only rely on an organic label. Consumers need to trust that label if they are going to pay the premium for organic food.

The National Organic Standards Board was formed in 1990 as part of the 1990 farm bill's Organic Food Production Act. Its 15 members are meant to assist the Secretary of Agriculture in developing organic food standards. Members have 5-year terms and the board is comprised of four farmers/growers; two handlers/processors; one retailer; one scientist; three consumer public advocates; three environmentalists; and one certifying agent who sits on various committees.

This board is, among other things, tasked with ensuring that consumers can trust the organic food label. There appears to be an effort to undercut consumer public interest representation on the board. Led by Consumers Union, several food safety and public interest organizations raised objections to two recent appointments to the consumer public interest slots because those slots went to industry representatives. One occupant is a food industry lobbyist for General Mills and the other occupant is a consultant to the organic dairy industry. Fortunately, the General Mills lobbyist was responsible and resigned. Unfortunately, the dairy consultant remains on the board.

Now, the Consumers Union letter stated in part: "These individuals could not reflect the specific interests of the consumers or the public, but rather the interests of the industry. For example, General Mills is a large corporation. It has a vested interest in the sales of organic food products which is in conflict with representing a consumer public interest position on the National Organic Standards Board."

When the USDA was challenged by the Center For Science in the Public Interest, the USDA staff for the National Organic Standards Board responded with: "It was the Secretary's decision to pick," talking about the General Mills representative, "and he didn't want to pick anyone else."

Clearly, the USDA has signaled its intention to leave the consumer slot vacant for the rest of the year. To ensure consumers can trust the organic label, the Secretary should fill the slots with consumer representatives. This amendment would simply remind the USDA that Congress, which created the National Organic Standards Board, believes that the consumer public interest representation on the National Organic Standards Board is critical to setting organic food standards that are credible and trustworthy.

Mr. Chairman, I yield to my colleague from Wisconsin, Mr. OBEY.

Mr. OBEY. I thank the gentleman for yielding. Let me simply say that I appreciate his comments, especially in light of the fact that last year in the conference on this bill after the conference was gaveled to a close, the conference committee then made arbitrary and anonymous changes in the definition of organic foods without a vote of the conference. So it seems to me that the gentleman is correct that we need to be vigilant in terms of who is trying to manipulate their definition of what represents a high organic standard.

I thank the gentleman for yielding.

Mr. KUCINICH. Reclaiming my time, the comments of the gentleman from Wisconsin make it very clear that Congress has a role here in affirming the position of consumer representatives on the National Organic Standards Board. It was Congress that created this board. It was Congress that wanted to ensure the integrity of the organic label. So I am asking my colleagues to vote "yes" to protect the integrity of the organic food label.

I would once again say that the Consumers Union has taken this position that they believe that the integrity of the consumer public interest positions have been compromised by the appointment.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is my understanding that there is currently one vacancy on the National Organic Standards Board, and I understand the gentleman is very concerned about this issue and USDA is seeking nominations for the position. There was some advertisement that went out to these positions in the spring time. The vacancy closes July 14, and it will be filled. So the way we see the process going, that is, the gentleman's issues are being addressed, we see this as a non-issue, and we would hope that the gentleman would withdraw the amendment.

If there is some opposition to the way the process works, we can understand that; but the process is moving forward and the board positions will be filled in a timely manner according to our information.

Mr. KUCINICH. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Ohio.

Mr. KUCINICH. Would the gentleman endorse the statement of concern that I made so that the appointment would truly go to a consumer representative?

Mr. BONILLA. I cannot advocate or endorse a particular group's choice for the position. That is not my role.

Mr. KUCINICH. If I may, if the gentleman would continue to yield, it is not my intention to ask you to endorse a particular person or a particular group's nominee. The spirit of this amendment is to protect the organic label through making sure that there is a consumer representative.

I would ask if the gentleman would be willing to work with me to make sure as we move through this process that, in fact, we will have a real consumer representative, whoever he or she may be, and not someone who is necessarily part of the industry. The industry does have representatives, and I have no quarrel with that; but consumer representatives ought to be as such. If the gentleman would agree to work with me on it, I would be happy to withdraw the amendment.

Mr. BONILLA. I would be happy to work with the gentleman on this; but, of course, I cannot stand here and guarantee the outcome.

Mr. KUCINICH. I understand, but the chairman, if we work together. I think that the consumers would have a better feeling that with the Chair being involved there is an opportunity that at least we could address the issue. I am not asking you to guarantee the outcome, but if I have your word that you will make an effort, that is good enough for me.

Mr. BONILLA. I would be happy to do that. I have a tremendous amount of respect for the gentleman. There have been many unrelated issues that we have worked on together in the past, and we would be happy to do that.

Mr. KUCINICH. In consideration of the chairman giving me his word that we will work together on this, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost-benefit analysis, energy and new uses, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $11,226,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $14,795,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, $8,479,000.

HOMELAND SECURITY STAFF

For necessary expenses of the Homeland Security Staff, $954,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $16,936,000.

COMMON COMPUTING ENVIRONMENT

For necessary expenses to acquire a Common Computing Environment for the Natural Resources Conservation Service, the Farm and Foreign Agricultural Service, and Rural Development mission areas for information technology, systems, and services, $68,971,000, of which $4,494,127 is for rural development-related activities, $14,494,273 is for Natural Resource Conservation Service-related activities, and $49,982,600 is for Farm Service Agency-related activities, to remain available until expended, for the capital asset acquisition of shared information technology systems, including services as authorized by 7 U.S.C. 6915–16 and 40 U.S.C. 1421–28: *Provided*, That obligation of these funds shall be consistent with the Department of Agriculture Service Center Modernization Plan of the county-based agencies, and shall be with the concurrence of the Department's Chief Information Officer: *Provided further*, That of the funds provided under this section, $410,000 shall be available to process data to acquire fourband digital color infrared imagery of the entire State of New Mexico.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

Page 3, line 12, insert after the dollar amount the following: "(reduced by $25,576,000)".

Page 3, line 13, insert after the dollar amount the following: "(reduced by $1,666,523)".

Page 3, line 14, insert after the dollar amount the following: "(reduced by $5,374,803)".

Page 3, line 15, insert after the dollar amount the following: "(reduced by $18,534,674)".

Page 19, line 8, insert after the first dollar amount the following: "(increased by $23,000,000)".

Mr. WEINER. Mr. Chairman, there are a great many people who are watching with rapt attention what we do in this appropriations bill. There are many people watching, well, many might be a strong word, but there are some people watching on C–SPAN and many of our colleagues are very interested to see the outcome of this bill. But I can tell you there is a whole group of other creatures that really don't mind at all what we do here because they are going about the business of ravaging our economy.

I am talking about the invasive insects, the invasive species like the Asian longhorn beetle which because of the lack of funding in this budget and in past budgets are on course to do an estimated $268 billion worth of damage to the economy. It is insects like the Asian longhorn beetle that is eating away at Illinois and Pennsylvania and New York and New Jersey. It is insects like the emerald ash borer that my colleague Mr. SCHWARZ is so concerned about and folks in Indiana and Ohio. The sudden oak death disease in California and Oregon, all kinds of different insects are right now creating havoc in our economy.

We have over the course of time been frankly funding less and less and less for these invasive species. Sometimes it is a matter of surveillance like it is with the Asian longhorn beetle. You have to find it in order to stamp it out. Sometimes it is a matter of taking steps like we did successfully in Illinois to poison these pests before they do any more damage.

□ 1245

But I am going to tell you what the cost is if we do not pass the Weiner-Schwarz-Crowley-Maloney amendment today.

These insects will continue to move from neighborhood to neighborhood, city to city, State to State. This very same insect, which has cost over 4,000 trees in New York City, yes, Mr. OBEY, a tree does grow in Brooklyn; more than 4,000 trees have been eaten by the Asian longhorned beetle. It is on a path going north. Think of what is north of New York City. It is the Adirondacks. It is Vermont. This pest likes maple trees more than we like maple syrup. If it starts to infect that part of the U.S. economy, there will be no stopping it.

But we do have a plan now. If we provide about $23 million, it does not eliminate the problem overnight, but it does put us on a glide course to stopping this problem and these pests in their tracks.

This is a moment. This is kind of like a ripple in a pond. Right now, the problem is relatively concentrated. This is what it looks like in New York City. It started about 3 years ago, just in this neighborhood of Greenpoint, and now it is moving further and further and further out. At the same time that is happening, we have been reducing our funding, and the President has underfunded this bill appreciably.

My amendment is very simple. It would take $23 million from the common computing account and move it into this line which would help stamp out this bug and so many others. There is a list of States that this impacts, everything from the southern U.S. where the cactus moth is, all the way up to the northeast where the Asian longhorned beetle is, and Mr. SCHWARZ is going to talk about the effect it is having on Michigan.

Look, I want to upgrade the computers at the Department of Agriculture as much as anyone, but a slow computer is the least of our problems when up against this fellow. I want to tell you, as dangerous as this bug is, in all truth, this is not life size. It is a little bit smaller than this, but this bug will continue plowing away through our trees. They have already eaten 4,000 trees in New York City alone, and the only way to stop it after a while is just to raze entire forests. We simply cannot do that.

In conclusion, let me just say this, Mr. Chairman, we have shown that when the office of APHIS at the Department of Agriculture goes into a problem like they did with the boll weevil, jumps into a problem like they did with the Asian longhorned beetle in Illinois, we can stop this problem, and we can do it for relatively pennies on the dollar.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, parliamentary inquiry. Am I allowed to reserve time?

The Acting CHAIRMAN (Mr. MILLER of Florida). No.

Mr. WEINER. Mr. Chairman, in conclusion then, this is a chance to spend $23 million to save us having to spend $268 million.

I urge you to vote "yes" on the Weiner-Schwarz-Maloney-Crowley amendment and stamp out the Asian longhorned beetle and the other invasive species.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman raises a very good issue that deserves attention, but we have done our absolute best to fund eradication and control of plant pests in the bill before you today that we are presenting. The overall total for plant pests is $115 million, which is $16 million over last year's level.

The Asian longhorned beetle is at the President's request of $20 million; the glassy winged sharpshooter is at $24 million; emerald ash borer, $20 million, more than doubling last year's level of $8 million; citrus response is $39 million; sudden oak death, doubled from last year to $6 million; and the list goes on and on.

Eradication and control of these pests is also supported by emergency funding from the Commodity Credit Corporation at the discretion of the Secretary. The emerald ash borer control just received $7.5 million from CCC last month.

As for the offset of this amendment, it is completely irresponsible to cut funding to farmers, rural areas and conservation programs for this gentleman's purpose.

I would imagine that it would not just be me, but there would be Members from all across America that are sensitive to the cuts that are being proposed in this amendment. It is not just about one district. This is about national priorities.

If the gentleman wishes to look in his own district for offsets, New York City benefits greatly from the programs funded by this bill. I heard from you and others that funding for the Commodity Supplemental Fielding Program was a critical need. This bill includes $118 million for that program, which the President attempted to zero out. Of that amount, New York City receives $7.8 million and about 30,000 people receive food as a result. Would the gentleman propose that funding for that program be cut to fund beetle eradication since there is a parochial interest in taking money from one place and putting it in another?

The gentleman could also propose cuts in funding for WIC, the feeding program that we all care about and try to take care of every year for at-risk women and children, to fund this priority. This bill before us today includes over $5 billion of WIC funding. New York receives about $200 million of that funding every year for eligible women, infants and children. Why are beetles more important? What is the priority?

The point is that there are a lot of choices that you have to make in putting a bill like this together, and we made the choices that we feel are best for this country and have been fair to every State. So I would ask Members to oppose the amendment when it comes for a moment.

Mrs. MALONEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Weiner-Schwarz amendment to boost funding for the Animal and Plant Health Inspection Service by $23 million to fight invasive species nationwide, all across our country, and this additional funding that we are requesting is measured, it is responsible. It is the difference between what APHIS tell us they need to eradicate invasive species and what this bill contains.

My good friend on the other side of the aisle calls this a New York issue. This is not a New York issue. This is across the country, and it addresses not only the Asian longhorned beetle, but the emerald ash borer, the sudden death oak disease, the cactus moth that is in the gulf region, the boll weevil that is in the south and has destroyed a lot of the cotton industry, and again, this is not what we are requesting. It is what the professionals are requesting.

If we are able to stop it in New York or Chicago; Chicago has practically eradicated the Asian longhorned beetle. Believe me, you do not want this moving across the country. It is a terrible, terrible bug. I have got one right here, and it is only about an inch long with white spots on it. It does not look that dangerous, but if it gets into a tree, it will completely destroy the tree.

It first appeared in Greenpoint, Brooklyn, in my district, and we did not detect it, and literally, we had to chop down every single tree in a park and throughout the neighborhood. We are now trying to contain it and to keep it out of Central Park. It has moved into New Jersey. If we are able to contain it in Chicago and New Jersey and New York, then you will not have this problem.

Again, we are not just talking about the Asian longhorned beetle. We are talking about all invasive species, and it is the amount that is requested by the professionals in the Animal and Plant Health Inspection Service.

So this is a responsible bill. Regrettably, in New York, we have had to chop down over 4,000 trees; 27,000 trees have been chopped down across the country, and this is really an unacceptable price to pay, and that is why we need to pass this amendment which will provide more funding to fight these invasive species.

I tell you, it is a responsible request. We are just backing up what the agency is asking for, and this is a national problem. If we are able to contain it in Chicago and New Jersey, then you will not have the problem, and as I said, it also funds all of the other areas such as the sudden oak death and the emerald ash borer. I yield the remainder of my time to my colleague and friend from New York who has worked so hard on this issue, and it is so critical to all of New York City and State but to your States, too.

Mr. WEINER. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I thank the gentlewoman.

This was passed on a bipartisan level, a similar bump-up amendment, 2 years ago. I just want to respond to the chairman's suggestion.

There is no doubt about it, the chairman makes some very difficult choices and I think did a very admirable job, but he read a long list of programs we do not take the money from. It should be clear where it comes from.

It comes from computer upgrades, computer upgrades, infrastructure, Department of Agriculture, a very worthy thing to do, no doubt about it, but if we do not wipe out these invasive species, they are going to wipe us out. The vector is like this. It is a wider and wider challenge with each additional year.

I believe that we need to have the highest technology we can in all of our agencies, but it is a matter of waiting another year to upgrade computers rather than trees.

Mrs. MALONEY. Mr. Chairman, reclaiming my time, if we do not fell this beetle and other invasive species, they will continue to fell our trees across our country.

I have an example here from APHIS of the beetle and what to look for if it goes to your States so you will know about it, and I urge my colleagues to support this amendment. This is a bipartisan amendment, and this is about the health and welfare of our economy, our environment.

It has cost us zillions of dollars to stop this beetle. We need to stop it now or it is only go to cause more economic and environmental damage across our country.

So I urge my colleagues on both sides of the aisle to support this important amendment.

Mr. SCHWARZ of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the emerald ash borer started in the State of Michigan, in southeast Michigan, probably another unwanted import from someplace in Southeast Asia where it does not affect the ash species, only apparently in North America, but it has now killed tens of millions of ash trees in the Midwest, and the destruction continues.

It affects the baseball bat industry, baseball bats are made from ash; the nursery industry; Native American culture, basket weaving; hardwood flooring and furniture industry; beautification projects; et cetera. It has moved out from southeast Michigan now to central Michigan into the northern part of the State and into the upper peninsula, Ohio and Indiana and, unfortunately with some nursery trees, into the State of Virginia as well.

It is expected, if we do not go after this effectively and aggressively, that all the ash trees east of the Mississippi River will soon be destroyed by the emerald ash borer. For that reason, I support the Weiner-Schwarz amendment. I am hopeful that the chairman will as well.

Michigan State University in my State is doing a great deal of research and trying to find an easier way than the methods now used to exterminate this pest. That has not been done yet, and as a result, all of the ash trees in the United States, but especially those east of the Mississippi, are at risk.

I would say this. We appreciate the $20 million. The $20 million is not quite enough, and I do not think, unless you live in that part of the country, one understands the magnitude of what is going on with the emerald ash borer.

If we cannot pass our amendment, I would hope the chairman would consider changing the report language in the bill to include the lower peninsula of Michigan as well as the upper peninsula and Indiana and Ohio. For some reason yet unknown to me, the lower peninsula of Michigan is not in that language, but in any event, the emerald ash borer, which is the reason I am here and the reason I so strongly support this amendment, is something that has to be eradicated. If it is not eradicated, every ash tree in the United States itself will be eradicated.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

I rise in support of the Weiner-Schwarz amendment. I want to thank my colleague from New York (Mr. WEINER) for all his hard work on this important issue on attacking invasive species.

Many people wonder why members of the New York City delegation would be up here on the Agricultural bill, but the issue of invasive species is a serious one for Members from rural, suburban and urban areas as well.

For New York City, the pest in question is the Asian longhorned beetle, and quite frankly, if the Asian longhorned beetle were this big, we would not be having this debate right now. We would all be putting more than $48 million per year towards eradicating it. But it is much smaller. It is about one-and-a-half inches to 2 inches in length.

It has been in Queens County since 1999, where I represent. The Asian longhorned beetle has had devastating effects on trees in my home County of Queens but also of Brooklyn, the Bronx, Manhattan, as well as parts of Chicago and New Jersey.

□ 1300

I know this pest has been depriving the residents of my constituency in my district of precious shade, green space, and natural beauty provided by a variety of trees. This issue is particularly serious in an area where trees and shades are at a premium, in the County of Queens. We have lost almost half of the trees that have been lost in New York City.

But besides attacking urban area trees, scientists have stated that the Asian longhorned beetle is a real threat to the hardwood trees of America; and if left unchecked, this pest could be more threatening to our Nation's trees and forests than the Dutch elm disease, the gypsy moth caterpillar, the chestnut blight combined. This beetle would be devastating to our timber industry, but let me go to our homes and to the breakfast table. This invasive species can have a direct impact on the maple syrup industry here in America. Imagine, pancakes without real maple syrup. That is what this bug represents to America right now.

On this point, I want to thank again the Chair and the ranking member for including report language in this bill recognizing the real threat of the Asian longhorned beetle. The report states: "The Asian longhorned beetle threatens all hardwood trees, and is of great concern to the northeast, particularly in New York and New Jersey."

When this pest was first discovered, I called for the assistance of my colleagues in this Chamber and you all responded. I want to acknowledge the great work of then-Chairman Skeen and now Chairman BONILLA, and then-Ranking Member KAPTUR and now Ranking Member DELAURO in working with me and the City of New York to try to address this issue.

I remember visiting the Heinz family of Ridgewood, Queens, who lost some of their precious trees to this pest in 1999. Due to our hard work here in Washington, we were able to fund investigators who searched the trees to look for the beetle and worked towards eliminating the problem in this particular neighborhood. We were able to replace those trees.

Green space and trees are a vital component to the quality of life of my constituents both in Queens and the Bronx and all the outer boroughs, including Manhattan. We can fight this invasive species and other pests that plague our country, like the emerald ash borer, sudden oak death, cactus moth and boll weevil, by passing this Weiner-Schwarz amendment today.

In addition to their past support for battling the beetle, I also want to thank Chairman BONILLA and Ranking Member DELAURO for including a provision in their bill granting the Secretary of the USDA discretion to use Commodity Credit Corporation funds to combat the beetle. While this provision is important, it cannot replace the need for this amendment, as over the past several years OMB has not approved CCC funding to combat this beetle and work towards its total eradication.

That is why I am supporting this amendment today to provide a $23 million increase to APHIS this year to more effectively combat invasive species in our country. Please support this amendment. It will benefit our constituents in almost every State in the country. In fact, I would argue every State, if you eat pancakes in the morning.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the last word.

I rise for the purpose of a colloquy with the chairman. I want to thank you for the good work you and Ranking Member DELAURO have done on this bill and all the good work you have done for agriculture, much of which is manifested in this bill.

Mr. Chairman, thank you in particular for the interest that you have paid in regard to the wine industry, which is very important not only to my district but to the entire State of California, now a nearly $50 billion annual industry in California. I know that you took the time to come out and see it firsthand from the ground up, and that is very much appreciated.

Mr. Chairman, on page 22 of the House report, it directs and approves the reprogramming of available construction funds away from certain facilities. The report further states: "This reprogramming will be used to offset construction costs for other Federal facilities in those States."

I would like to get clarification, Mr. Chairman, that this language is not intended to imply that the committee has decided that these other projects are unworthy facilities or that the committee has determined that construction funding is no longer warranted.

Mr. BONILLA. If the gentleman will yield, I appreciate the gentleman's inquiry. The bill ensures that previously appropriated funds for planning and design of a new facility will continue to be available. This reprogramming is not intended to signify that construction funds are no longer needed.

Let me also add that I appreciate the gentleman's remarks on my interest in the industry. I have enjoyed my touring of the gentleman's region of California and also in Washington and would look forward at some point to returning. I plan to continue supporting the industry for as long as I am here.

Mr. THOMPSON of California. Thank you, Mr. Chairman, and I look forward to working with you and your staff on this and other matters that are important to this region in the future. We would love to get you back out there to see the parts of the industry that you didn't get a chance to see, and I appreciate your continued interest and hard work on behalf of this industry.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT OFFERED BY MR. BUTTERFIELD

Mr. BUTTERFIELD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUTTERFIELD:

Page 3, line 12, insert after the dollar amount the following: "(reduced by $5,000,000)".

Page 3, line 14, insert after the dollar amount the following: "(reduced by $5,000,000)".

Page 36, line 21, insert after the dollar amount the following: "(increased by $5,000,000)".

Page 36, line 22, insert after the dollar amount the following: "(increased by $5,000,000)".

Mr. BUTTERFIELD. Mr. Chairman, I would like to offer this amendment today on behalf of the 23 rural counties that I represent in eastern North Carolina, and I might say that we are also the 15th poorest district in the Nation. I offer this amendment on behalf of the small and low-income and underserved rural communities all across America.

Mr. Chairman, before I continue with offering this amendment, I would like to say what a fine job that you and your staff have done on this bill. You were very courteous to me when I discussed this amendment with you a few minutes ago, and I thank you so very much. I also would like to thank the chairman and the ranking member for their spirit of bipartisanship on this committee.

Mr. Chairman, it is my intention to support the underlying bill. This amendment is offered to respectfully bring attention to this particular area of need.

If an individual is driving along interstate highway 95, and many of my colleagues when they travel south will travel that route, if you are driving along this interstate highway and you find yourself in an unfortunate collision, the odds are very likely that the emergency vehicles that respond to your situation were financed through the Community Facilities Account in Rural Development.

In all likelihood, the fire station and the police station and other facilities in the rural community that support these vehicles came from this account. Community Facilities, or CF as we call it, provides low-interest, long-term loans to rural towns and cities for buildings and emergency vehicles and other items. These loans are a net positive to the Federal Government over the life of the loan, and they have an exceptionally low default rate because the recipient is a local governmental entity. Because the funding is leveraged, a $5 million increase in this account will result in approximately $28 million in increased lending to local counties, cities, and towns.

Mr. Chairman, I realize that funding is tight this fiscal year. We all know that. But a small amount of money will allow a disproportionately large amount of lending to small communities across America to develop critical infrastructure that will save lives. So on behalf of the rural communities across America, I urge the adoption of this amendment.

Mr. BONILLA. Mr. Chairman, I rise to oppose the amendment.

The amendment proposes to cut funding for computers and information technology for NRCS and to add funding for the Rural Community programs.

The gentleman did not include this funding level as a priority to the subcommittee prior to this bill coming to the floor. The bill provides over $49 million for the Rural Community programs, which is an increase of $6 million over the President's request.

We had to make some tough decisions within our funding allocation, and I do not believe we should cut the Natural Resources Conservation Service to provide an additional increase for the Rural Community programs. So we have dealt with this issue in the committee, and we feel like we have done the best we can. Therefore, I rise to oppose this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. BUTTERFIELD).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $5,991,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

For necessary salaries and expenses of the Office of the Assistant Secretary for Civil Rights, $836,000.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $22,650,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration, $736,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $209,814,000, to remain available until expended, of which $155,851,000 shall be available for payments to the General Services Administration for rent and the Department of Homeland Security for building security: *Provided*, That amounts which are made available for space rental and related costs for the Department of Agriculture in this Act may be transferred between such appropriations to cover the costs of additional, new, or replacement space 15 days after notice thereof is transmitted to the Appropriations Committees of both Houses of Congress.

AMENDMENT NO. 3 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KENNEDY of Minnesota:

Page 5, line 15, insert after the dollar amount the following: "(reduced by $500,000)".

Page 13, line 6, insert after the dollar amount the following: "(increased by $500,000)".

Mr. KENNEDY of Minnesota. Mr. Chairman, let me first of all thank the chairman of the committee and the great committee itself for the wonderful job they are doing with a very difficult task in a tight budget year of balancing so many priorities, and I commend them on the job that they have done.

I do rise today as someone who did not live in a town of more than 500 until after I graduated from high school. I understand the unique challenges that our rural communities face, and one of those challenges that has emerged in the last few years is the growing shortfall of qualified veterinarians serving in rural practice.

This shortage is particularly troubling because vets provide critical services that help make our country's food security and disease management systems the envy of the world. Veterinarians in rural communities are our front line of defense against biosecurity outbreaks, like avian influenza, SARS, BSE, West Nile virus, and others.

The need to prevent such outbreaks and identify new biohazards before they endanger our food supply makes it crucial that we have qualified vets working in our rural communities. However, over the last few years, the rising cost of veterinary education has led to a critical shortfall of new vets entering into practice in lower-paying underserved areas.

□ 1315

According to the American Veterinary Medical Association, in 2005, the average new vet had over $88,000 in debt from their education, and more than one-third of the graduates had debt over $100,000. As a result, new vets face loan repayments that amount to nearly a third of their monthly salaries, forcing many to go into higher-paying smaller animal practices instead of the large animal, food-supply related service in our rural areas.

Worse yet, statistics show that the shortage of food-supply vets is growing by 4 percent a year with an anticipated 13 percent shortage for cattle and swine veterinarians and a 19 percent shortage for vets involved in Federal animal inspections.

To address this shortfall, in December 2003, the National Veterinary Medical Service Act was signed into law. The bill authorizes the Secretary of Agriculture to exchange payment of a vet's educational loans for service in critical shortage areas such as rural, public health and inner city practices.

Although the act had nearly unanimous support when passed into law, today Congress has only appropriated $500,000 for this pilot program in last year's agriculture appropriations conference report, and I thank the chairman for that. The amount is far too short of the act's authorizing level, but veterinarian professionals like the American Veterinary Medical Association believe it is vital to encouraging more vets to enter into practices critical to our Nation's food security.

That is why I am offering an amendment to again fund this program at $500,000, the same as enacted in last year's bill. The offset for this funding would come from the Agriculture Buildings Facilities and Rental Payments Account which is set to increase at over $24 million to nearly $210 million next year.

We must provide much-needed resources in the area of work dedicated to combating the threat of economic, human and animal loss. I again acknowledge the difficult task the chairman faces and the commendable job they have done in balancing those priorities, but I encourage all Members to support my amendment, which is endorsed by the Veterinary Medical Association, so we have a strong defense against all disease outbreaks throughout the country.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first let me say, I want to commend Mr. KENNEDY for his hard work on this issue. He is a great Member of the House and is destined and on his way to doing greater things for the State of Minnesota.

However, I reluctantly rise to oppose the amendment, and I think if the gentleman will listen to my reasons, he will understand why.

Mr. Chairman, it is not that we are against the issue; it is that there is no place to put the money that the gentleman is proposing. The gentleman does accurately point out that the Senate provided funding for this program in fiscal year 2006, and we agreed to fund this in the conference. The Senate-passed bill had $1 million for this program, and we agreed to $500,000.

However, adding more money to this program will have zero effect. This is a brand new program. The USDA is only currently deciding how to set this program up because they do not run a student loan repayment program. The department has coordinated a working group, and they are only now reviewing a draft management proposal. USDA wants to ensure that this program is thought out. Rules and regulations will have to be drafted and finalized, and the USDA estimates it is going to be about 18 months before this program is in place.

My point is fiscal year 2007 will have passed before this program is in place. We have a hard enough time keeping ongoing programs adequately funded. I know the gentleman appreciates that.

So, again, just to emphasize, even if I stood up here and agreed to the gentleman's amendment, the money would go into limbo and would not be used for what the gentleman wants it to be used for. I would urge the gentleman to withdraw his amendment because we can work together to make sure that this thing works properly.

This is the fiscal year 2007 appropriations bill for agriculture, and there is absolutely nothing that they can do with this money for at least 18 months. So it is not a prudent way to proceed.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Would the gentleman stipulate that the previously appropriated funds are going to be sufficient to cover any amounts going under this program during fiscal year 2007?

Mr. BONILLA. Yes, because until they can develop the rules, regulations and how it is going to work, there is nothing they can spend money the money on.

Mr. KENNEDY of Minnesota. At the chairman's request, I will withdraw my amendment under the agreement that in the future and once this program has been further defined by the USDA, that we work together to make sure that it becomes funded at the level necessary to ensure that we have large animal veterinarians out in our rural areas.

Mr. BONILLA. Absolutely.

Mr. KENNEDY of Minnesota. I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT NO. 18 OFFERED BY MR. HOLT

Mr. HOLT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. HOLT:

Page 5, line 15, after the dollar amount, insert the following: "(reduced by $3,145,000)".

Page 17, line 14, after the dollar amount, insert the following: "(increased by $3,145,000)".

Page 17, line 24, after the dollar amount, insert the following: "(increased by $3,145,000)".

Mr. HOLT. Mr. Chairman, I rise to offer an amendment to the bill that will increase funding for organic transitions. It should come as no surprise; in fact, we have talked about it already this morning, that the demand for natural pesticide-free and chemical-free foods has been increasing dramatically in the United States. In fact, the Department of Agriculture says this part, this sector of the industry, is growing at 20 percent per year.

And yet funding for a critical government program to help farmers make the transition to organic farming has remained quite small and flat year after year.

The Organic Transitions Program is a competitive grants program established as part of the Cooperative Research and Extension Service. The national program has been very important to organic farming, to organic farmers and farms, and to fund research to assist the farmers in overcoming the barriers and making the transition into organic production.

This will help farmers, and it does today, help farmers optimize management of organic matter, soil fertility, research in pests and in crop health. Farmers have been funded to implement pest management programs for use in blueberry production. Another study has been funded to look at organic weed suppression.

Organic agriculture, indeed, is coming of age. But still, there is a need for research under the Department of Agriculture to help in the transition. Despite the surge in demand for organic products, the research into the transition, the research to assist the farmers in making the transition into organic farming methods has been holding steady at just under $2 million for the last several fiscal years. Well, spread over 50 States for agricultural research and extension services, obviously that is not keeping up.

So today I am offering with my colleagues from Iowa, Oregon and Wisconsin, Mr. LEACH, Mr. DEFAZIO and Mr. KIND, an amendment to increase the funding of the organic transitions program from $1.8 million to $5 million.

I am very much aware of the hard work that the chairman and the committee have put into squeezing every dollar out of their bill to get the best effect. However, I must say I was startled to find that the funding for this important program was not increased a bit even though this sector of agriculture in the United States is growing at 20 percent a year, and the demand for this very program is growing very rapidly.

So this amendment has the enthusiastic support of the National Organic Coalition, the Organic Trade Association, the northeast and other chapters of the Organic Farming Association, and many in the farming community.

And without this additional organic research funding, the farming community simply will not be able to keep pace with the ever-growing demand for pesticide-free and chemical-free organic agricultural products.

I hope my colleagues will join me in favor of this amendment. I ask for its approval.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment. The amendment proposes to increase the organic transitions program by over $3 million. This represents, and I ask for all of my colleagues to get this, a 175 percent increase over the current funding level. This amendment is not even reasonable.

We struggle every day when we put a bill like this together to squeeze every last penny that we can to be fiscally responsible and to take care of requests that Members have. So to come to the floor with an amendment that has a 175 percent increase is unreasonable. It is not good government. I would urge Members to vote "no." If this amendment even passes with this funding level, it would be unsustainable in conference. I do not understand, what is the point?

Mr. KIND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, with all due respect to the chairman of the subcommittee, and I know he has a very tough task given the allocation that he has to work with under the budget, but this amendment is not only necessary, it is fair and reasonable.

The offset would be from the facilities account which is increased even more than 175 percent from our calculation.

But the reason it is fair is because the organic industry today commands well over 2 percent of market share in this country. As my friend from New Jersey indicated, they have been growing on average 20 percent every year. The demand is growing even faster than that. Yet under agriculture appropriations funding, they are receiving approximately 0.2 percent of the funding under the agriculture bill even though they command well over 2 percent of market share.

What we are saying is that the organic industry is here and it is time to start treating them more fairly. They are growing and commanding a bigger share. Consumer demand exists, and that is why I am proud to offer this amendment with the gentleman from New Jersey, along with our colleagues, Mr. LEACH and Mr. DEFAZIO.

I personally have witnessed this growth in my congressional district in western Wisconsin, which has more organic producers than anywhere else in the entire country. In fact, it is the home of Organic Valley which has seen their sales increase, on average, roughly 50 percent every year. Last year alone, Organic Valley had an increase by 173 in the membership of their coop, bringing their total number up to 730. Today, based on a recent communication I had with them, they have over 600 applicants wanting to join Organic Valley and the cooperative, so they can sell their organic products.

But as we know, the transition to organic is very difficult, very expensive and it is very lengthy. The transition is a 3-year period where they see a tremendous drop in income during that time period until they are certified organic. That is why I think this amendment addresses a very specific need that exists, and it is helping with the transition costs into organic by the competitive grants that this amendment would offer. The increase in funding is something that I think is long overdue.

I think we in this body need to recognize the growing strength and the impact that organic is having in the market today. But this is not a question that organic is scientifically more healthy. We are not alleging that.

What organic represents is a choice: A choice that producers get to make on how they want to work their own lands, and a choice that consumers can make when it comes time to buying products for themselves and their families, and more and more consumers are choosing organic. In fact, more and more large retailers throughout the country are choosing to offer organic products on their shelves, and this will only continue to grow. Therefore, the demand will continue to grow, and the necessity for this amendment will certainly grow.

That is why I am hoping as we move forward with the reauthorization of the next farm bill in the next session of Congress, we will be able to engage the chairman of the subcommittee and other Members of this Congress in recognizing the growing need and vitality that exists in the organic industry today, and that we will be able to do some innovative and creative things to assist organic producers, but especially those smaller producers that are making that difficult and expensive transition into organic today so that there is a place in the farm bill for short-term assistance to enable them to make it.

But we can take an important step today by supporting this amendment, again with the appropriate offset that we have identified, which is a lot less than the increase in funding under this transition program.

Mr. HOLT. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentleman from New Jersey.

Mr. HOLT. The gentleman from Wisconsin, I am sure, is fully aware of the fact that the Department of Agriculture's Cooperative State Research and Extension Service has been one of the things that has made agriculture in America great and has made it successful.

What we are talking about is a highly competitive grant program under that service. This is not any give-away. This is something that advances the understanding and advances the agricultural science. The chairman makes it sounds like we are talking about a whooping amount of money, $5 million. We are talking about agricultural services all over the country; every State is involved in organic agriculture now. This is an important increase, but this is not a whooping, prohibitive increase.

□ 1330

Mr. KIND. Mr. Chairman, reclaiming my time, the organic industry has never come before the Congress asking for a heck of a lot. That has been the history of them. God bless them for doing so. This is one small program in the overall agriculture appropriations bill that they have come to us asking for greater assistance, because their need has grown exponentially.

We believe that with the appropriate offset we have identified, moving from roughly $1.8 million in these competitive grants up to $5 million will help relieve a little pent up pressure in that need that exists today. Because the organic industry has the potential of growing much faster and much larger than it is, even in recent years. I encourage my colleagues to support the amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word.

I want to thank the gentleman from New Jersey as well as the gentleman from Wisconsin for their statements in support of the organic transitions program.

As someone who has traveled the country, I can tell you that organic food growers are an emerging sector in agriculture. Mr. KIND pointed out that they now are at 2 percent.

I can tell you that all around this country there are many people getting into organic agriculture. What that means is that there needs to be structures in place to facilitate the growth of organic agriculture, which is just what this amendment will do.

I think we can look at it as emerging small business persons as well. These are individuals who believe in sustainability. These are individuals who believe in the American dream of being able to farm a plot of land and do it in a way that is consistent with a high quality, something that we ought to all be proud of. It is something that affects many Congressional districts in certainly every State.

I wanted to add my voice to support the efforts of Mr. HOLT, Mr. KIND and others who understand that the organic transition program is something that is going to help the organic industry grow. It is good for the industry, and it is good for American agriculture, and it is good for our ability to keep growing our economy as we grow with the growth of the organic industry.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I won't take all of my time, I just want to lend my support to this amendment as a State in which we are seeing increasing efforts in terms of organic farming, and having visited those efforts, myself and understanding the concerns that they have in making these kinds of transitions with the kinds of movement of the American public that is moving in this direction.

I just wanted to associate myself with the words of my colleagues and support the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), $12,020,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $24,114,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,940,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry out services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $9,695,000: *Provided*, That not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the Inspector General Act of 1978, $82,493,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $40,455,000.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service, and the Cooperative State Research, Education, and Extension Service, $651,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and analysis, $80,963,000.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, $148,719,000, of which up to $36,582,000 shall be available until expended for the Census of Agriculture.

AMENDMENT NO. 17 OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. KENNEDY of Minnesota:

Page 9, line 10, insert after the first dollar amount the following: "(reduced by $500,000)".

Page 19, line 8, insert after the first dollar amount the following: "(increased by $500,000)".

Mr. KENNEDY of Minnesota. Mr. Chairman, as a representative from Minnesota's largest dairy-producing region, I have been a strong advocate for working with the Federal Government to protect my State's dairy producers and ranchers.

With 30,000 cattle producers representing a $2 billion industry in the State of Minnesota, I take very seriously any potential threat to the viability of the livestock sector in my State. The continued spread of bovine tuberculosis in cattle throughout Minnesota and other States poses a major risk of devastation to herds across the country.

So far this year, five beef cattle herds have tested positive for bovine tuberculosis in Minnesota. During the same period, seven beef and dairy herds in Michigan, and one dairy heard in Arizona have contracted the disease.

While some may believe that these outbreaks are the exception rather than the rule, it should be noted that several other States, including California, New Mexico and Texas have seen outbreaks in their herds. In fact, back in 2000, the USDA Secretary Glickman authorized over $44 million in emergency funds to expand TB eradication in Texas, Michigan and elsewhere.

States are responsible for the lion's share of the cost of dealing with these outbreaks. Not only must they combat the spread of bovine TB in livestock, but they must also make do with the shortage of limited Federal funds for indemnity payments to the ranchers and dairy producers.

The scope of the problem is evident at USDA's Animal and Plant Health Inspection Service, APHIS, where the limited funding for the bovine TB eradication program has been strained so severely that no indemnity money is left for the rest of this fiscal year. In fact, as a result of the most recent herds testing positive for bovine TB, USDA has had to find an additional $1.5 million above what has been appropriated for the bovine TB program for this year.

This has resulted in delays, threatens animal health and increases costs for our farmers and ranchers who are now reluctant. They are reluctant to test their herds unless they are confident that indemnity money is available.

Simply put, this is not acceptable. That is why I am offering an amendment today that calls for a $500,000 increase in APHIS TB's eradication program. Such an increase was specifically referenced in the meeting that I had with APHIS Administrator DeHaven just last week.

My amendment, which is endorsed by the National Cattlemen's Beef Association, would mean that the total of $17.2 million would be appropriated for this year to deal with tuberculosis outbreaks in fiscal 2007. The offset for this funding would come from the National Agricultural Statistics Service, which has provided an increase of $9 million this year to a total of $145 million.

I, again, commend the chairman for the difficult balancing act that he has and a difficult tight year, but I encourage all Members to support my amendment so that all ranchers and dairy farmers, dairy producers, receive the resources they need to combat this resilient and destructive disease.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is with great reluctance I rise to oppose the gentleman's amendment, because the gentleman is such a distinguished Member. But we have funded the bovine TB program at $16.7 million, the same as the President's request. That is $1.8 million over the current level. So it is not like we haven't tried to address this issue.

We have challenges in fighting TB, but we feel like the resources provided can meet those challenges for now. If indemnity funds are exhausted in the current year, the Secretary can then access emergency funds.

So we do feel that this issue that the gentleman is concerned about, the concerns could be addressed. We certainly would be willing to work with the Department and the gentleman if there is a greater need that we currently don't foresee.

The gentleman also proposes to cut funds for the National Agriculture Statistics Service. Those funds are for the purposes of agriculture and agriculture estimates. The census of agriculture does have an increase this year because it is a 5-year cycle and has up and down years. We are headed up to a census.

If you cut agricultural estimates, you decrease the USDA's ability to provide quality agriculture data. That data affects cash receipts to America's farms and ranches and exceeds $200 billion annually. The estimates must be precise; for example, a 1 cent change in the average corn price can result in the change of more than $110 million in counter-cyclical payments.

That is why I oppose the amendment. I know the gentleman can see my points very clearly and also the earlier point I made that it is not like we are not trying to address the gentleman's concerns and feel like, again, that we have increased this line item. There is additional money available, if there is a problem that emerges, so we are on your side, would be my quote to the gentleman.

Mr. KENNEDY of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Minnesota.

Mr. KENNEDY of Minnesota. Mr. Chairman, the concern that we have, having met with the administrator, the funds have run out for this year some time ago. They have other diseases where they have sort of known expiration funds that they can give assurance.

But there is no assurance that funds would be released by OMB from CCC to provide this. Our farmers are telling us, as you know, farmers can take time to be concerned, that they just don't even want to test their animals because they know there isn't assured indemnity funds out there. So given the current status we are at today, where we are out of indemnity funds, farmers are concerned that their concern and their lack of confidence in the program being there could result in them making decisions that would delay identification of TB.

I recognize the issues that the chairman has brought up, but I do believe that given the heightened importance of this, that I think we need to proceed. I would also point out, as I mentioned, that when Texas was vitally concerned, we had $44 million back in 2000. Yes I do commend the increase, but I do believe this further increase remains being called for.

Mr. BONILLA. Mr. Chairman, reclaiming my time, I would further emphasize CCC funds could be used if they are needed to address this. So we feel like, again, we are doing all we can to address this issue at this time. That is why I am opposing the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Minnesota. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,057,603,000, of which $2,350,000 shall remain available until expended: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7

U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land at Florence, South Carolina: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That the Secretary, through the Agricultural Research Service, or successor, is authorized to lease approximately 40 acres of land at the Central Plains Experiment Station, Nunn, Colorado, to the Board of Governors of the Colorado State University System, for its Shortgrass Steppe Biological Field Station, on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Secretary understands that it is the intent of the University to construct research and educational buildings on the subject acreage and to conduct agricultural research and educational activities in these buildings: *Provided further*, That as consideration for a lease, the Secretary may accept the benefits of mutual cooperative research to be conducted by the Colorado State University and the Government at the Shortgrass Steppe Biological Field Station: *Provided further*, That the term of any lease shall be for no more than 20 years, but a lease may be renewed at the option of the Secretary on such terms and conditions as the Secretary deems in the public interest: *Provided further*, That the Agricultural Research Service may convey all rights and title of the United States, to a parcel of land comprising 19 acres, more or less, located in Section 2, Township 18 North, Range 14 East in Oktibbeha County, Mississippi, originally conveyed by the Board of Trustees of the Institution of Higher Learning of the State of Mississippi, and described in instruments recorded in Deed Book 306 at pages 553–554, Deed Book 319 at page 219, and Deed Book 33 at page 115, of the public land records of Oktibbeha County, Mississippi, including facilities, and fixed equipment, to the Mississippi State University, Starkville, Mississippi, in their "as is" condition, when vacated by the Agricultural Research Service: *Provided further*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $140,000,000, to remain available until expended.

COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $651,606,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $183,275,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $22,668,000; for payments to the 1890 land-grant colleges, including Tuskegee University and West Virginia State University (7 U.S.C. 3222), $38,331,000, of which $1,507,496 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for special grants for agricultural research (7 U.S.C. 450i(c)), $103,471,000; for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)), $14,952,000; for competitive research grants (7 U.S.C. 450i(b)), $190,000,000; for the support of animal health and disease programs (7 U.S.C. 3195), $5,006,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $1,175,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,091,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,250,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $1,000,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $4,455,000, to remain available until expended (7 U.S.C. 2209b); for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,445,000; for a higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $988,000 to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $5,940,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $990,000; for aquaculture grants (7 U.S.C. 3322), $3,956,000; for sustainable agriculture research and education (7 U.S.C. 5811), $12,196,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to colleges eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University and West Virginia State University, $12,375,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,000,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $500,000; and for necessary expenses of Research and Education Activities, $39,542,000, of which $2,723,000 for the Research, Education, and Economics Information System and $2,151,000 for the Electronic Grants Information System, are to remain available until expended: *Provided*, That none of the funds appropriated under this heading shall be available to carry out research related to the production, processing, or marketing of tobacco or tobacco products: *Provided further*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO:

Page 13, line 6, insert after the dollar amount the following: "(increased by $25,000,000)".

Page 36, line 21, insert after the dollar amount the following: "(increased by $229,303,000)".

Page 48, line 26, insert after the dollar amount the following: "(increased by $12,000,000)".

Page 50, line 6, insert after the dollar amount the following: "(increased by $23,000,000)".

Page 51, line 23, insert after the dollar amount the following: "(increased by $10,000,000)".

Page 52, line 7, insert after the dollar amount the following: "(increased by $6,697,000)".

At the end of the bill (before the short title), add the following new sections:

"SEC.   . In addition to amounts otherwise provided by this Act, there is hereby appropriated to the Secretary the following amounts for the following purposes:

"(1) For biorefinery grants authorized by section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103), $50,000,000.

"(2) For grants under the energy audit and renewable energy development program authorized by section 9005 of such Act (7 U.S.C. 8105), $10,000,000.

"(3) For payments under the bioenergy program authorized by section 9010 of such Act (7 U.S.C. 8108), and notwithstanding subsection (c)(2) of such section, $120,000,000.

"(4) For grants under the Biomass Research and Development Initiative authorized by section 307 of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624), $14,000,000.

"SEC.   . In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27, and Public Law 108–311 shall be reduced by 1.21 percent.".

Ms. DELAURO. (During the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Mr. BONILLA. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. A point of order is reserved.

Ms. DELAURO. Mr. Chairman, this amendment seeks to address energy and rural development needs. We have become all too aware in recent years of the growing divide between rural Americans and other parts of our nation. Rural America has 90 percent of the country's poorest counties, a poverty rate of over 14 percent, and the number of farms in the United States has declined by two-thirds over the past 7 decades. Crop prices are low. Subsidies are eroding deepening digital divide. The opportunities for opportunity in rural America are slim.

In offering the amendment, I believe we could begin to meet a variety of rural development needs. From waste and water grants and community facility grants to funding for broadband expansion and renewable energy infrastructure, the amendment would raise the total water and waste grant program in the bill to $689 million, an increase of 44 percent over the bill, higher than any of the years since at least fiscal year 1996. These are the kinds of community facilities which help communities, that provide direct loans to them to build libraries, medical facilities, daycare centers. The funds help small rural communities meet EPA Clean Water Act requirements, lower water costs for homeowners and businesses, helping lower-income smaller communities get funds they need.

USDA has left grant applications with $497 million from 536 communities unfunded at the end of fiscal year 2005 because it had used up the funds appropriated for the program. This happens year after year. We have got to start doing better. I believe this amendment helps us to do that.

Let me focus on energy for a moment. The single most significant action this committee could take to improve the prospects for rural and national economies would be to make a strong commitment to renewable energy. There are several programs in the 2002 farm bill, last year's energy bill, funded through the agricultural appropriations bill that offer us this opening to look at meaningful incentives for renewal energy, production, consumption and infrastructure.

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We ought to seize this opportunity to re-energize a farm economy and at the same time jump-start the country's energy independence by looking at these new technologies.

Unfortunately, I believe our investment in these programs continues to be tentative. Let's take a look at the programs. Bioenergy makes available reduced-price feedstocks for expansion of ethanol and biodiesel facilities. That receives no funding at all under this bill. This program alone could help our farmers take those first steps towards creating a market for renewable energy.

The Value-Added Agricultural Product Market Development Grants could build more integrated ethanol biorefineries and spur development of new uses for agricultural products that does not even receive its authorized level in this bill with only $28 million.

Despite its popularity, the Renewable Energy Systems and Energy Efficiencies Improvement Program that provides resources to farmers and rural small businesses for energy efficiency is only funded at $23 million. That is half its authorized level.

Let me just be clear. These are all USDA programs funded under this bill, so we have a serious role to play in this committee. The amendment proposes to seriously fund these programs. It would increase biorefinery development grants by $50 million, restore $120 million to the bioenergy program, and fund the Value-Added Agricultural Product Market Development Grant Program at an authorized level of $40 million.

In addition, it doubles the funding for the Renewable Energy Systems and the Energy Efficiency Improvements Program and the Biomass Research and Development Program, while providing increased funding to finance renewable fuel filling stations in rural areas. It also increases funding for the land grant universities by $25 million to look at their portion of the research, which will be critical in order for us to move forward.

The amendment is fully paid for by asking those making more than $1 million per year to forego less than $1,500 of their $90,000-plus tax cuts. American families are sacrificing enough. It is time this Congress ask the most well-off to do their part to meet the challenge as well.

So, Mr. Chairman, with biofuels on the cusp of revolutionizing the American economy in the very near future, the technologies are here, they are here now. Brazil did this in only a few years' time. We can make a statement here, a statement that the Congress is ready to face this challenge head-on.

As I said before, Americans are ready to declare their energy independence. We can make this possible with this bill. We can tap the promise of our farms that they hold to reduce our dependence on oil. We can provide a more secure economic future for our farmers. We can make it happen with this amendment.

Renewable energy has the incredible potential to revive the American farm economy and our own agricultural base. We ought to pass this amendment.

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment changes the application of existing law.

I request a ruling from the Chair.

The Acting CHAIRMAN (Mr. MILLER of Florida). Does any Member wish to be heard?

The Chair is prepared to rule. The Chair finds this amendment changes the application of existing law. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACA:

Page 13, line 6, insert after the dollar amount the following: "(reduced by $100,000)".

Page 13, line 19, insert after the dollar amount the following: "(reduced by $800,000)".

Page 14, line 12, insert after the dollar amount the following: "(increased by $700,000)".

Page 18, line 16, insert after the dollar amount the following: "(increased by $100,000)".

Mr. BACA. Mr. Chairman, I first wish to commend Ranking Member ROSA DELAURO and Chairman BONILLA for their good work on this appropriations bill. It is a good bipartisan bill that has brought in a very important issue, especially as it pertains to Hispanic Serving Institutions and Colleges.

I now rise in favor of this collaboration amendment by my Congressional Hispanic and Black Caucus to boost funding for minority education in farming programs at the USDA. This amendment is being offered by me, Representatives BUTTERFIELD, HINOJOSA and THOMPSON to increase funding for Hispanic Serving Institutions and for the 2501 Socially Disadvantaged Farmers and Ranchers Program.

This amendment is important because it provides funding to help minority educations in agriculture.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. BACA. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman is presenting a good amendment, and I would just like to inform the gentleman we would be happy to accept the gentleman's amendment if he would like to move it to a vote.

Mr. BACA. Mr. Chairman, reclaiming my time, I don't mind. I just wanted to read it for the RECORD to be recorded that I am fighting on behalf of everyone, if you don't mind, Mr. Chairman. But I appreciate that. I think it is important, and I appreciate the fact that they are moving on the amendment. Also I felt it was important for people to hear the amendment itself in terms of what it does.

This amendment is important because it provides funding for minority education in agriculture and helps rebuild a minority farming community that has been often neglected and discriminated against.

Hispanic Serving Institutions are a great source of innovation and deserve funding to continue generating advances in agricultural sciences. We must stop the long-standing practice of underfunding these institutions.

HSI funding lags behind funding for other minority institutions and remains underfunded by nearly 75 percent. With population growth, and this is why I appreciate the chairman's concern, and innovative ideas in terms of helping Hispanic-growing populations, we see enrollment at HSIs has skyrocketed, but funding remains very low and it is still unacceptable.

HSIs have grown to a number nearly equal to Historically Black Colleges and Universities. The funding has remained much lower.

A decade ago, we had less than 100 of the HSIs, and now we have nearly 250. In my district alone, we have three Hispanic Serving Institutions: Chaffey Community College, San Bernardino Community College and San Bernardino Cal State University of California. Hispanic community colleges want to know why they should not receive the full $20 million per year in investment we promised them in the farm bill.

In addition, the 2501 program helps socially disadvantaged farmers and ranchers, the fastest growing population in agriculture. We need to help these small minority farmers who are investing and keeping our country's farming legacy alive and well.

This program can help thousands of farm workers who are leaving strawberry fields behind and growing their own crops. This is a great example of the American Dream.

On the opposite side of the American Dream, this program helps keep farming traditions of thousands of African American farmers forced to the brink of discrimination, often by our own Federal Government.

Mr. Chairman, I understand you have agreed to accept this amendment, and I appreciate that. Again, I want to thank you; I want to thank Ranking Member DELAURO for the fine and great work on this legislation and this bill. So I thank both of you.

Mr. BUTTERFIELD. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Chairman, I won't take the full 5 minutes. Let me thank the chairman for agreeing to this amendment and thank him for his leadership on the committee and thank him for his work on this Congress.

Mr. Chairman, this amendment is critically needed to provide financial assistance to our Nation's minority farmers, 1890 Land Grant Colleges and Universities, and our Nation's Hispanic serving institutions.

We must offer more outreach and more technical assistance to our farmers. During fiscal year 1983, President Reagan initiated the Small Farmer Outreach Training and Technical Assistance program in response to the USDA task force on A.A. farm ownership.

This is the only program—the only program—implemented by the USDA that directly helps minority farmers who are losing their farms at a rate that far exceeds their White counterparts.

Mr. Chairman, the USDA has already paid over $1 billion to settle discrimination lawsuits. By investing in the 2501 program, we can improve relationships between the USDA and socially disadvantaged farmers and prevent future lawsuits. This is a small investment that could potentially save millions in the future. I therefore, Mr. Chairman, urge my colleagues to support this amendment.

Mr. Chairman, I rise to urge my colleagues to support the Baca-Butterfield-Hinojosa-Thompson amendment to increase funding for the USDA education grants program for Hispanic-serving institutions and for the Minority Rancher and Farmer Program. I would like to thank my colleague from California, my good friend, Mr. BACA, for his leadership role in building the capacity for our community to fully participate and contribute to the USDA research agenda.

I am also pleased to join in partnership with Mr. BUTTERFIELD and Mr. THOMPSON to offer this amendment to advance equality and equity in the agriculture sector.

I would especially like to thank the chairman, my colleague from Texas, Mr. BONILLA, for working with us to craft an amendment that could draw bipartisan support.

The minority farmer and rancher outreach and technical assistance program provides outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers in owning and operating farms and ranches as well as participating equitably in the full range of agricultural programs offered by the USDA.

My region is home to a large number of hispanic farmers, and their numbers are growing. our nation is stronger when our minority farmers and ranchers are successful, and this program is a modest investment to advance that success.

The competitive USDA/HSI grant program is designed to promote and strengthen the ability of HSIs to carry out education programs that attract, retain, and graduate outstanding students capable of enhancing the nation's food and agricultural scientific and professional work force.

This program is making a difference in my community and across the nation.

Only 2.7 percent of Hispanic college graduates earn a degree in agriculture-related areas. The continued under-representation of Hispanics in these important demands a greater investment in such programs to expand funding to additional HSIs to better meet USDA goals.

Our amendment is a modest step in that direction.

I strongly urge my colleagues to support this amendment.

Mr. AL GREEN of Texas. Mr. Chairman, I rise to speak on behalf of some of our most vulnerable Americans who are being denied access to needed and I underscore needed food stamps because of states eliminating face-to-face interviews.

Mr. Chairman, I speak on behalf of children, the elderly, the disabled and those with limited literacy. And I regret that they are not here to speak for them selves. Because if they were here to speak for themselves, they would tell you about the 20 minute phone waits, they would tell you about the phone calls that have been abandoned because they had to wait too long (44 percent per the USDA). They would tell you about the inability to use the phone because they can't speak; the inability to use the phone because they can't hear; they would tell you about the lack of computer access and the lack of computer literacy. This amendment assures a user friendly system for some of our most vulnerable Americans. I speak for them, I stand for them, I cast my vote for them.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BACA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FALEOMAVAEGA

Mr. FALEOMAVAEGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FALEOMAVAEGA:

Page 13, line 19, after the dollar amount, insert "(decreased by $200,000)".

Page 15, line 2, after the dollar amount, insert "(increased by $200,000)".

Mr. FALEOMAVAEGA. Mr. Chairman, I first would like to express my appreciation to Chairman BONILLA and our senior ranking member, Ms. DELAURO, for allowing me this opportunity to introduce this amendment on behalf of my colleagues, the gentleman from Puerto Rico (Mr. FORTUÑO), the gentlewoman from Guam (Ms. BORDALLO), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, we have reviewed the amendment and would be happy to accept it. If the gentleman would like to submit his remarks for the RECORD, we can accept the amendment and move on.

Mr. FALEOMAVAEGA. I thank the distinguished chairman and the ranking member for their support of my amendment.

Mr. Chairman, the bill as reported by the committee provides five hundred thousand dollars for the Resident Instruction Grants Program for Institutions of Higher Education in the Insular Areas. Our amendment would increase this amount by two hundred thousand dollars for a total of seven hundred thousand dollars for this program.

The Resident Instruction Grants Program is a competitively-awarded program administered by the Cooperative State Research, Education, and Extension Service of the United States Department of Agriculture. The Program is authorized by Section 7503 of the Farm Security and Rural Investment Act of 2002.

Resident Instruction Grants, as described by C-S-R-E-E-S, are designed to promote and strengthen the ability of institutions in the insular areas to carry out teaching and education programs within the food and agricultural sciences and related disciplines. This Program helps the land-grant institutions in the territories meet their unique needs by strengthening their institutional educational capacities in instruction and curriculum, and by enhancing the quality of teaching and learning. Funding this program at a more sufficient level will allow for a more efficient use of existing educational funds by the institutions in the territories. Partnerships between faculties at insular area and mainland institutions can be forged with continued and increased funding for this program.

The amendment would reduce the amount appropriated for the National Research Initiative competitive grants program by a corresponding amount to ensure budget neutrality. The NRI is slated to receive roughly a five percent increase over the Fiscal Year 2006 level under this bill. The Congressional Budget Office has reviewed this amendment and determined that it is budget neutral.

Adoption of this amendment would fund the Resident Instruction Grants Program at an amount closer to what my colleagues from the territories and I have requested in this cycle. The additional two hundred thousand that this amendment would provide is still below the amount my colleagues and I originally requested. This figure is also below the amount recommended for this program by the National Association of State Universities and Land-Grant Colleges.

Mr. Chairman, for the past three fiscal years my colleagues and I have requested a level of funding for this program proportional to the level provided under this bill for historically black colleges and universities, Hispanic-serving institutions and tribal colleges. The land grant institutions in our districts, in ways similar to the 1890 and 1994 institutions, are underserved and have unique needs that deserve to be addressed.

We have written to the subcommittee chairman and to the ranking member to request their support for the Resident Instruction Grants Program. We have done so most recently as of last week regarding this specific amendment, a version of which was preprinted in the May 16 CONGRESSIONAL RECORD by my colleague from Guam, Ms. BORDALLO. We are grateful Mr. Chairman that Chairman BONILLA has recognized the unique needs of the land-grant institutions in the insular areas. He understands their potential to contribute more substantially with USDA support to national agricultural research missions.

This Program was first funded two years ago with the support of Chairman BONILLA and our colleague from Ohio, Ms. KAPTUR. This program is important to strengthening the curriculum in the agricultural and food sciences in the territories. The territorial colleges were designated by Congress in 1972 as part of the land grant university system, and are considered 1862 institutions. They include American Samoa Community College, the University of Guam, the University of the Virgin Islands, the University of Puerto Rico at Mayaguez, Northern Marianas College, and the College of Micronesia in Palau, Pohnpei, and the Marshall Islands.

The institutions in the territories do not have the advantage of housing long-established and historically well-funded agricultural and food science programs as do many of the flagship programs within the 1862 institutions. Our institutions boast a much smaller faculty and student enrollment compared with the most reputable 1862 institutions on the U.S. mainland. Our institutions also do not have the capability and capacity, from an institutional perspective, to effectively compete for National Research Initiative dollars at the national level. The inherent disadvantages experienced by our institutions are significant concerns from a policy standpoint. We seek to address these concerns with the amendment.

The amendment simply recognizes that the 1972 community—the land grant in the territories—should have the ability to compete amongst themselves for research and instruction grants. This amendment would afford them that opportunity. I hope the gentleman from Texas, Chairman BONILLA, and the gentle lady from Connecticut, Ms. DELAURO, can support this amendment and, provided that it is adopted, will work to support this increased level of funding in conference with the other body.

I thank the gentleman from Texas for committing the first funds for this program two years ago and for his continued support of the land-grant colleges in the territories. I also want to thank Mr. Chairman, the Ranking Member for her support, as well as the assistance of Martin Delgado and Martha Foley of the subcommittee staff. This program is important to us and to our institutions in the territories. We hope we can strengthen the Resident Instruction Grants Program in future years, but we recognize that the modest increase proposed by this amendment is a good start. I urge adoption of this amendment.

Ms. BORDALLO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) to strengthen the Resident Instruction Grants Program for the land-grant institutions in the U.S. territories. This amendment, which is also supported by the gentleman from Puerto Rico (Mr. FORTUÑO) and the gentlelady from the Virgin Islands (Mrs. CHRISTENSEN), would increase the amount provided under this bill for this important Program by $200,000 for a total of $700,000.

This Program is a competitively-awarded grants program administered by the Cooperative State Research, Education, and Extension Service, CSREES, of the United States Department of Agriculture. This Program is authorized by Section 7503 of the Farm Security Rural Investment Act of 2002 (P.L. 107–171), and has been funded for the past two consecutive fiscal years.

Resident Instruction Grants promote and develop teaching and education programs within the food and agricultural sciences, and related disciplines, at the landgrant institutions in the U.S. territories. This Program helps these institutions meet unique challenges by strengthening their institutional educational capacities in instruction and curriculum, and by enhancing the quality of teaching and learning. These unique challenges have been documented by CSREES and previously acknowledged by the Committee on Appropriations.

CSREES has awarded two grants this past year with the initial level of funding provided for this program. The land-grant institutions in the territories formed a consortium with the University of Guam as the lead institution for the first year. These eight institutions are working together to increase the quality of their academic programs in the food and agricultural sciences. The consortium is using the first ever awarded Resident Instruction Grant to enhance courses of study and curricula, to explore alternative methods of delivering instruction, and to increase enrollment and retention in their degree programs. Each of these three objectives is being pursued through the development of coordinated and comprehensive five-to-ten year strategic plan. We believe that each member institution will be able to implement this strategic plan with funding awarded through future Resident Instruction Grants.

We also believe that partnerships between faculties at institutions in the territories and on the mainland can be eventually forged as a result of continued and increased funding for this program. Such partnerships will allow for a more efficient use of existing educational funds by the institutions in the territories.

I thank the gentleman from Texas (Mr. BONILLA), the Chairman of the Subcommittee, and the gentlewoman from Connecticut (Ms. DELAURO), for recognizing the unique needs of the land-grant institutions in the U.S. territories and for their support of the Resident Instruction Grants Program. We ask for their support of this amendment and for their support for funding this Program at the highest level possible in conference with the other body.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103–382 (7 U.S.C. 301 note), $11,880,000, to remain available until expended.

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa, $457,042,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $281,429,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $3,273,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $62,634,000; payments for the pest management program under section 3(d) of the Act, $10,152,000; payments for the farm safety program under section 3(d) of the Act, $4,517,000; payments for New Technologies for Ag Extension under Section 3(d) of the Act, $1,985,000; payments to upgrade research, extension, and teaching facilities at the 1890 land-grant colleges, including Tuskegee University and West Virginia State University, as authorized by section 1447 of Public Law 95–113 (7 U.S.C. 3222b), $16,777,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,396,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $494,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,052,000; payments for federally-recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,000,000; payments for sustainable agriculture programs under section 3(d) of the Act, $4,067,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92-419 (7 U.S.C. 2662(i)), $1,945,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326 and 328) and Tuskegee University and West Virginia State University, $34,073,000, of which $1,724,884 shall be made available only for the purpose of ensuring that each institution shall receive no less than $1,000,000; for grants to youth organizations pursuant to section 7630 of title 7, United States Code, $2,000,000; and for necessary expenses of Extension Activities, $18,248,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $55,234,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $45,792,000, including $11,278,000 for the water quality program, $12,997,000 for the food safety program, $3,890,000 for the regional pest management centers program, $4,219,000 for the Food Quality Protection Act risk mitigation program for major food crop systems, $1,275,000 for the crops affected by Food Quality Protection Act implementation, $3,075,000 for the methyl bromide transition program, and $1,855,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $990,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $1,000,000, to remain available until September 30, 2008 for the critical issues program; and $1,378,000, for the regional rural development centers program; $2,277,000 for asian soybean rust; and $11,000,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Act of 1977, to remain available until September 30, 2008.

OUTREACH FOR SOCIALLY DISADVANTAGED FARMERS

For grants and contracts pursuant to section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279), $6,930,000, to remain available until expended.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service; the Agricultural Marketing Service; and the Grain Inspection, Packers and Stockyards Administration; $741,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; and to protect the environment, as authorized by law, $898,116,000, of which $4,127,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions; of which $40,269,000 shall be used for the Cotton Pests program for cost share purposes or for debt retirement for active eradication zones; of which $33,107,000 shall be available for a National Animal Identification program; of which $47,205,000 shall be used to conduct a surveillance and preparedness program for highly pathogenic avian influenza: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That none of the funds appropriated under this heading for the National Animal Identification program may be obligated until the Committee on Appropriations of the House of Representatives receives from the Secretary a complete and detailed plan for the National Animal Identification System, including, but not limited to, proposed legislative changes, cost estimates, and means of program evaluation, and such plan is published as an Advanced Notice of Proposed Rulemaking in the Federal Register for comment by interested parties: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

Page 19, line 8, insert after the first dollar amount the following: "(reduced by $89,000,000)(increased by $89,000,000)".

Mr. KUCINICH. Mr. Chairman, my amendment would maintain current testing levels for mad cow disease. The underlying bill already appropriates the same amount as that appropriated in fiscal year 2005. This amendment merely calls for the same funding levels using the same funding mechanism.

Until the United States Department of Agriculture stumbled upon America's first case of mad cow disease, testing rates were abysmally low. Out of 35 million cattle slaughtered annually, the USDA tested 20,000 in fiscal year 2003. Out of every 10,000 cattle that went to the dinner table, only six were tested.

Then came the first case of mad cow in the U.S., that we know of. The USDA ramped up the testing rate significantly, but only after considerable public pressure. Six months after the positive test in fiscal year 2005, the USDA tested at the rate of 100 cattle tested for every 10,000 slaughtered. Another way of looking at it is 99 percent were untested even after a major increase in testing rates. Though still inadequate, it was a big improvement.

Contrast that with the other industrialized nations, many of whom did not know the extent to which their countries harbored mad cow disease until they got serious with their testing program. France and Germany test over half their cattle. The U.K. tests all cattle over 24 months old. Japan tests every single one.

So far, even with an untested rate of 99 percent, we managed to find a total of three cases in the United States. When we looked, we found cases. Even the USDA predicts undetected cases exist in the U.S.

Now their illogical response is to try to drastically cut back its testing rates again. It is not enough of a gift to the large cattle producers that 99 percent of the cattle do not go tested. Do we have to do more for them at the expense of public health? So now 99.9 percent will go untested?

Now, you could almost call this a we-aren't-looking-so-it-is-not-there policy. And this policy is built on the assumption that we have a firewall in place that prevents infected material from getting into the food supply.

By banning high-risk material like cattle brains and spinal cord from cattle feed, we are supposedly preventing any infected cow from contaminating other cattle. This is an important part of our efforts, because mad cow disease spreads when cattle eat infected parts of other cattle. And yet scientists, advocates, the Inspector General and the GAO have detailed the ways in which this practice is still allowed because of gaping holes in the firewall.

Consider that the infectious material can be found in materials that are allowed to be fed to cattle. Bone marrow, cow blood, peripheral nerves, tongue and now some muscles are well-known or suspected to contain the same infectious agent called a prion.

□ 1400

And they are all still allowed in animal feed. There is very little protection for cattle under 30 months. The justification is, we do not expect to see the disease in younger cattle. But at least two cases in Japan, 19 cases in the UK and 20 cases in the European Union have occurred in cattle under 30 months old.

This level of protection failed to end the epidemic in the UK. Enforcement of the firewall has been weak. The GAO found on three separate occasions, including 2005, that even the meager laws designed to keep cattle from eating cattle were being poorly enforced.

Finally, we must not forget that the USDA is in favor of this "do not look, do not find" policy. When testing results for a cow in Texas were inconclusive in November of 2004, the USDA declared the cow to be free of Mad Cow Disease. But, again, after a public outcry and a public admonition from the inspector general, the cow was tested 7 months later and was found to be positive. And now the USDA wants to reduce testing rates without adequate protections to ensure the disease cannot be amplified through industrial agriculture practice. We need a backstop.

Mr. Chairman, we need a way to know for sure whether our so called firewall is working. Surveillance is the way to do that. But we are taking an already weak program and undermining it: 99.9 percent of our cattle will not be tested unless we signal to the USDA that Congress demands otherwise.

Mr. Chairman, I am asking for support for my amendment to keep the same level of testing we are using right now. This is the level that proved what we all knew despite reassurances to the contrary, that undetected Mad Cow Disease is here in the United States.

We must test to build the confidence of both domestic and foreign consumers of American beef.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to oppose the amendment. And I want to explain to the gentleman from Ohio why, because I know he has got a serious concern here. Let me assure the gentleman that there is not a Member in this House of Representatives that is not concerned about BSE.

But sometimes some fringe groups in this country and big media start talking about the sky is falling, and you have got to do this, that or the other to check our beef supply, but for the most part, I am proud of what this country has done to monitor BSE. I mean, nobody, most people that serve in the House have children; they have families, and no one wants to expose anyone to anything dangerous to eat.

USDA has had an enhanced surveillance program going since the spring of 2004, they have tested 700,000 cattle. They have had two positive tests. USDA is evaluating data from the enhanced surveillance program to design a maintenance surveillance program. The data and design are being peer reviewed by an outside group who will report findings within a month.

Under any surveillance program, the U.S. will continue to test 100 percent of animals that have signs of a central nervous system disorder. Any BSE program USDA adopts will meet or exceed international standards.

Again, to compare our standards to another country that has a minimal industry versus what we have in this country is absolutely not fair and comparing apples to oranges. No country tests 100 percent of its cattle.

The budget request covers 40,000 tests per year. However, if the peer review panel or USDA determine that more than 40,000 are needed, the Secretary has the ability to access additional funds. I can assure you that if more tests need to be done to affirm the safety of the food supply, they will be done.

Again, I can assure the gentleman that I have no less concern about this issue than he does. And I understand, I have read the gentleman's amendment. It is a very short amendment. It is going to take money out of a line item, put it back into a line item in the appropriations bill.

Mr. Chairman, I can assure the gentleman that the points have been made. This is, again, not going to change one dollar in the bill. So now that we have had this discussion, maybe the gentleman would consider withdrawing the amendment unless he has an additional comment that he would like to make.

I would yield for a response.

Mr. KUCINICH. If the gentleman would yield. I thank the gentleman. I think that the gentleman's expression of concern that is shared by all Members of Congress is correct. I appreciate you voicing it.

I want to point out that the feed ban, which is an underlying problem here, and the USDA insists is strong, in reality is so weak that you have companies like McDonalds, Cargill, Purina Mills, and even Pharma, the pharmaceutical industry publicly calling for closing the loopholes.

So while I would agree with you, that if there were an outbreak, the Secretary would advance more funds, I am also concerned that if we do not keep the present funding levels, that we may not know if there is a problem. So that is why I brought this amendment, Mr. Chairman.

I would reluctantly ask for the amendment to be voted on, only because of that underlying concern that there is not enough, and we should just keep things the way they are at the current levels and not cut back on them. That is what my concern is.

Mr. BONILLA. Mr. Chairman, I appreciate the gentleman's position, because I know he brings a great deal of sincerity to the floor when he has an amendment. In closing, I would just comment on how no matter what business you have that sells beef to the public, whether it is a fast food chain or a single restaurant, doesn't the gentleman understand that that industry in itself, that the gentleman mentioned, would do everything humanly possible to keep the beef supply safe?

So I know the gentleman is not making insinuations beyond what he is saying today. But there are a lot of groups out there that somehow try to scare the American people into thinking that this is not happening. But I can assure the gentleman, again, that there is no less concern on this side of the aisle about this issue than he has.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the gentleman's amendment because I, too, am very, very concerned that the USDA is deciding or may decide to lower the number of BSE tests that are performed annually. I spent some time in this area.

Since the enhanced testing program began, the Inspector General of the USDA has raised series concerns about the current enhanced surveillance program. We have raised concerns with the USDA agencies in hearings and in private conversations.

Let me just give you just a little bit of information. For example, 2004, the IG reported serious problems with the testing program, including sampling was not random, and APHIS had not exercised the authority it had to collect the samples. Geographic representation in the testing was not assured. Cattle with central nervous system symptoms were not always tested. Because of interagency confusion, a process for getting samples of animals that die on the farm, those who are at the highest risk, was not in place.

More recently, the IG found that senior APHIS officials blocked the recommendations of scientists at the National Veterinary Services Laboratory in Ames, Iowa, for additional BSE testing on a sample that had tested positive initially several times.

Faced with the conflicting results, the scientists recommended additional testing to resolve the discrepancy. APHIS headquarter officials concluded no further testing was necessary, because testing protocols were followed. In the end, it was the IG who decided the additional testing should take place. It was done by AIS and the British lab at Weybridge who both found that the sample tested positively for BSE.

The IG also made shocking findings about the quality assurance and the BSE testing program at the NVSL, the National Veterinary Service Laboratory, such as the lack of adequate controls and procedures to ensure the quality or capability of the BSE testing program, the failure to implement an adequate quality assurance program for its own laboratory testing procedures, or to obtain internationally recognized accreditation for its BSE testing program.

Those are our concerns. That is what I was trying to lay out here, and flaws in the program, the existing program. It does not make sense to return to a lower level of BSE testing. I support the amendment.

I yield to the gentleman from Ohio.

Mr. KUCINICH. I thank the gentlewoman from Connecticut.

As the gentlewoman has pointed out, we have questions about the current testing practices at the current funding levels. If we reduce substantially the funding levels, with the thought that we have flaws in the current test and practices, what could the consumers expect?

I mean, what the gentlewoman has suggested is that the USDA in this regard has not been doing its job. Part of its job is to advocate for defects for which the world has told us they do not want beef from the United States if they cannot be assured of its safety.

Mr. Chairman, in same way you can say that the USDA is sabotaging U.S. beef exports by its failure to have the kind of program that people have a right to expect with the money that has already been appropriated; if that money is cut, it essentially plays into the USDA's lack of performance. So I want to thank the gentlewoman for bringing that up. I, again, want to let the chairman know that I am convinced on his commitment to this.

I believe that he wants to make sure that there is safety here. And I just feel that it is important to bring this up and to call for a vote on it.

Mr. GOODLATTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to join Chairman BONILLA in opposition to this amendment.

Mr. Chairman, the most important thing that should come out of this debate is that the American beef supply is very, very safe, the safest in the world. And that is based not only on the statistics maintained by the Department on food-borne illness, the lowest in the world, but also based on the fact that there is no evidence of any American ever contracting any disease from BSE based upon consuming American beef, ever.

The enhanced surveillance program for BSE was designed as a one-time intensive assessment to test as many animals as possible from the portion of the cattle population considered to be most at risk for BSE.

A surveillance program is not designed to test every single animal at risk for a disease, and surveillance is not a food safety measure. Surveillance testing looks for signs of the disease in the cattle herd. But it is USDA's other safeguards, such as the removal of specified risk materials from cattle at slaughter, that protect consumers and the food supply.

USDA has tested over 714,000 samples. And they have tested the greatest at-risk cattle for having BSE. It has cost us more than $1 million a week to do it. The USDA's analysis of that surveillance data shows that we are dealing with an incredibly low prevalence of the disease in the United States, no more than four to seven cases in the entire U.S. herd of 100 million cows.

What is more, because of the other practices, even if a cow has BSE, like four to seven may have, they are not getting into our food supply. The two cows that have been found so far in this country with BSE, neither one got into our food supply. The USDA is currently putting its analysis through a rigorous peer review process to ensure that the conclusions drawn are sound and that they are scientifically credible.

We should allow that process to go forward. The enhanced surveillance program gives the USDA the ability to stand on solid scientific ground in saying that the prevalence of BSE in the United States is extraordinarily low.

Mr. Chairman, given that fact, there is little justification for continuing surveillance at the enhanced level once the USDA analysis is affirmed by peer review. The USDA has said that the framework for ongoing BSE testing will be based in science and will be in line with international guidelines for a country like the United States that is at minimal risk for the disease.

Mr. Chairman, we now have the data to draw scientific specific conclusions, leaving no need to continue the enhanced program and no justifications for the related costs. Surveillance testing is distinct from food-safety testing, which we also conduct.

It is appropriate that the USDA will transition to ongoing testing for BSE from a standpoint of sound science and policy.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. KUCINICH. Mr. Chairman, after conferring with the Chair and the ranking member, I decided that it looks like they are really engaged in this to keep on the USDA, so I am going to withdraw the amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In fiscal year 2007, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $5,946,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry out services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States, $77,269,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $62,211,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, including not less than $9,900,000 for replacement of a system to support commodity purchases, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $16,425,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,334,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, $39,737,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,463,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $656,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $853,249,000, of which no less than $766,290,000 shall be available for Federal food safety and inspection; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That of the total amount made available under this heading, no less than $20,653,000 shall be obligated for regulatory and scientific training: *Provided further*, That not to exceed $565,000 is for construction of a laboratory sample receiving facility at the Russell Research Center in Athens, Georgia: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

FARM ASSISTANCE PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Farm Service Agency, the Foreign Agricultural Service, the Risk Management Agency, and the Commodity Credit Corporation, $691,000.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs administered by the Farm Service Agency, $1,053,760,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That none of the funds made available by this Act may be used to pay the salaries or expenses of any officer or employee of the Department of Agriculture to close any local or county office of the Farm Service Agency unless the Secretary of Agriculture, not later than 30 days after the date on which the Secretary proposed the closure, holds a public meeting about the proposed closure in the county in which the local or county office is located, and, after the public meeting but not later than 120 days before the date on which the Secretary approves the closure, notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, and the members of Congress from the State in which the local or county office is located of the proposed closure.

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AMENDMENT OFFERED BY MR. RYAN OF OHIO

Mr. RYAN of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RYAN of Ohio:

Page 27, line 1, strike "after" and insert "before".

Mr. BONILLA. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

Mr. RYAN of Ohio. Mr. Chairman, my amendment would simply strike the word "after" and insert "before" in the section of the bill dealing with the Farm Service Agency.

The amendment at hand would allow for the public hearing to take place no later than 30 days before and not after the Secretary of Agriculture allows for an office closure.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Ohio. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, we have reviewed the amendment and would be happy to accept the amendment. If the gentleman would take "yes" for an answer and submit his remarks for the RECORD, we could move on.

Mr. RYAN of Ohio. I would be happy to, Mr. Chairman.

Mr. BONILLA. I withdraw my reservation of the point of order.

Mr. RYAN of Ohio. I thank the chairman and I thank Ms. DELAURO.

Thank you Mr. Chairman, Chairman BONILLA and Ranking Member DELAURO and the staff on the Agriculture Appropriations Subcommittee.

My amendment would simply strike the word "after" and insert "before" in the section of the bill dealing with the Farm Service Agency. The amendment at hand would allow for the public hearing to take place no later than 30 days before—and not after—the Secretary of Agriculture allows for an office closure.

In this section of the current bill, language had been put in place to safeguard local FSA offices from inappropriate closure and relocation. In current form, the Secretary of the Department of Agriculture would be able to propose an office closure—and then after the closure is proposed, then hold a public hearing. This language was in last years Agriculture Appropriations Bill—and we thought this would help the process and allow for local public input before any office closures were proposed.

The reason for this amendment is due to my profound concerns of what is currently taking place in Ohio. Last month I was contacted by local producers in my district concerned that their local FSA office would be closed.

My office received a copy of the proposed "county office reorganization" as provided by the Ohio State FSA Committee, and I was surprised to see this proposal as there has been no involvement from my local county FSA committees or local producers.

In a memo sent from Administrator Teresa Lasseter (USDA) to all State FSA Executive Directors on January 13, 2006, she states, "Further, USDA agrees with the long-standing intent of Congress that office closures and relocations should occur based on rigorous analysis to ensure actions are cost-effective and will better serve the public."

The bottom line is that we need to have complete information about the needs of family farmers and ranchers before we or the Department makes radical decisions about FSA Personnel levels.

This process should start at the county committees and involve an office-by-office and regional analysis. Only then, can our State FSA offices and the USDA make the best decisions on office closures and relocations.

I understand the need for efficiency, but we must be concerned about how this will impact our family farmers and agricultural communities. In most of our counties, our farmers know that they can drive to one place to access their FSA, NRCS, SWCD and Extension. This is the place where they access the Internet, the fax machine and socialize with others in their community.

Again, my amendment only says that the public hearing be 30 days prior to closure, rather than after the closure has been proposed. Please help in supporting the family farmers in your district and support this fair and simple amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,208,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $3,713,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, $100,000, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), and boll weevil loans (7 U.S.C. 1989), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,422,750,000, of which $1,200,000,000 shall be for unsubsidized guaranteed loans and $222,750,000 shall be for direct loans; operating loans, $2,065,754,000, of which $1,150,000,000 shall be for unsubsidized guaranteed loans, $272,254,000 shall be for subsidized guaranteed loans and $643,500,000 shall be for direct loans; Indian tribe land acquisition loans, $3,960,000; and for boll weevil eradication program loans, $59,400,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $16,293,000, of which $6,960,000 shall be for guaranteed loans, and $9,333,000 shall be for direct loans; operating loans, $131,046,000, of which $28,405,000 shall be for unsubsidized guaranteed loans, $27,416,000 shall be for subsidized guaranteed loans, and $75,225,000 shall be for direct loans; Indian tribe land acquisition loans, $838,000; and for boll weevil eradication program loans, $1,129,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $315,258,000, of which $307,338,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership and operating direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer: *Provided further*, That none of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries and expenses of personnel to collect from the lender an annual fee on unsubsidized guaranteed operating loans, a guarantee fee of more than one percent of the principal obligation of guaranteed unsubsidized operating or ownership loans, or a guarantee fee on subsidized guaranteed operating loans administered by the Farm Service Agency.

RISK MANAGEMENT AGENCY

For administrative and operating expenses, as authorized by section 226A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6933), $77,197,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a-11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C 714i) for the conduct of its business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $810,000.

AMENDMENT OFFERED BY MR. LUCAS

Mr. LUCAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUCAS:

Page 32, line 12, insert after the dollar amount the following: "(reduced by $810,000)".

Mr. LUCAS. Mr. Chairman, the purpose of the amendment is to remove $810,000 in salaries and expenses from the Office of the Under Secretary For the Natural Resources and the Environment.

Mr. Chairman, I have had the privilege since and during the 2002 farm bill of chairing the subcommittee with jurisdiction over the conservation programs. In the 2002 farm bill we did an outstanding job of bringing new and substantial resources to conservation. Since then I have had the privilege of working with Chairman BONILLA and the subcommittee on appropriations in making sure those resources are effectively put in the hands of producers out there to protect our environment, our soil, our water, our wildlife. But after a number of years, I have worked diligently to address problems in the technical assistance programs, how these problems are paid for, the implementation.

I must say after much frustration with working with the national office of the NRCS today I have to take action. In that I offer this amendment to set aside $810,000 so that when the Appropriations Committee begins the process of putting the final conference committee reports together this fall, that they will have the necessary ammunition to correct this situation.

I know it is a bold statement, and I know it is a serious thing; but making sure that the technical assistance dollars are available to local and State NRCS offices so that the farm bill programs, conservation programs can be implemented is of the greatest importance. And only after tremendous frustration as a subcommittee chairman on the authorizing committee do I take this bold and drastic step.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

I would like to commend the gentleman from Oklahoma for his work on this issue. When a gentleman who works as hard and as sincerely as Mr. LUCAS does on this issue, it is just unconscionable that he cannot get the response that he needs.

This is a gentleman who does not ask for too much. He tries to be fair about the request that he has from the Department. I support the gentleman's amendment with enthusiasm. There is also, as an aside from the issues that he has addressed, it has been brought to my attention that there may be some inappropriate activity that has been conducted out of this office. We are not going to name names here, but there is a buddy who has the nickname by the name of "chief" or something like that that has been lobbying on behalf of their causes which is an unethical, illegal activity that has been conducted out of this office.

We need to get to the bottom of this as well as trying to address the gentleman from Oklahoma's issue. The gentleman brings a good amendment forward, and we are prepared to vote "aye" on it.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $791,498,000, to remain available until March 31, 2008, of which not less than $10,588,000 is for snow survey and water forecasting, and not less than $10,678,000 is for operation and establishment of the plant materials centers, and of which not less than $27,225,000 shall be for the grazing lands conservation initiative: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974 (43 U.S.C. 1592(c)): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1009), $6,022,000.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $40,000,000, to remain available until expended; of which up to $10,000,000 may be available for the watersheds authorized under the Flood Control Act (33 U.S.C. 701 and 16 U.S.C. 1006a): *Provided*, That not to exceed $20,000,000 of this appropriation shall be available for technical assistance: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED REHABILITATION PROGRAM

For necessary expenses to carry out rehabilitation of structural measures, in accordance with section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012), and in accordance with the provisions of laws relating to the activities of the Department, $31,245,000, to remain available until expended.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of sections 31 and 32 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010–1011; 76 Stat. 607); the Act of April 27, 1935 (16 U.S.C. 590a–f); and subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451-3461), $50,787,000, to remain available until expended: *Provided*, That the Secretary shall enter into a cooperative or contribution agreement, within 45 days of enactment of this Act, with a national association regarding a Resource Conservation and Development program and such agreement shall contain the same matching, contribution requirements, and funding level, set forth in a similar cooperative or contribution agreement with a national association in fiscal year 2002: *Provided further*, That not to exceed $3,411,000 shall be available for national headquarters activities.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Development to administer programs under the laws enacted by the Congress for the Rural Housing Service, the Rural Business-Cooperative Service, and the Rural Utilities Service, $692,000.

RURAL COMMUNITY ADVANCEMENT PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1926a, 1926c, 1926d, and 1932, except for sections 381E–H and 381N of the Consolidated Farm and Rural Development Act, $699,893,000, to remain available until expended, of which $49,477,000 shall be for rural community programs described in section 381E(d)(1) of such Act; of which $561,252,000 shall be for the rural utilities programs described in sections 381E(d)(2), 306C(a)(2), and 306D of such Act, of which not to exceed $500,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $1,000,000 shall be available for the rural utilities program described in section 306E of such Act; and of which $89,164,000 shall be for the rural business and cooperative development programs described in sections 381E(d)(3) and 310B(f) of such Act: *Provided*, That of the total amount appropriated in this account, $24,000,000 shall be for loans and grants to benefit Federally Recognized Native American Tribes, including grants for drinking water and waste disposal systems pursuant to section 306C of such Act, of which $4,000,000 shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of the Consolidated Farm and Rural Development Act, and of which $250,000 shall be available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated for the rural business and cooperative development programs, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development; $3,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 1921 et seq.) for any purpose under this heading: *Provided further*, That of the amount appropriated for rural utilities programs, not to exceed $25,000,000 shall be for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C of such Act; $16,215,000 shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, of which $5,600,000 shall be for Rural Community Assistance Programs; and not to exceed $14,000,000 shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $22,800,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones; of which $1,100,000 shall be for the rural community programs described in section 381E(d)(1) of such Act, of which $13,400,000 shall be for the rural utilities programs described in section 381E(d)(2) of such Act, and of which $8,300,000 shall be for the rural business and cooperative development programs described in section 381E(d)(3) of such Act: *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 901(19)) shall be transferred to and merged with the "Rural Utilities Service, High Energy Costs Grants Account".

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

Page 36, line 21, after the dollar amount, insert the following: "(increased by $1,500,000) (reduced by $1,500,000)".

Mr. SANDERS. Mr. Chairman, the purpose of this amendment is to provide $1.5 million in Federal funding for a revival of the National Agri-Tourism Initiative under the USDA Rural Community Advancement Program.

Mr. Chairman, I do not have to explain to anybody in this room that family farmers all over this country are in desperate condition. Commodity prices are extremely low, and we are seeing the loss of thousands and thousands of family farmers and the way of life that many rural communities in Vermont and throughout this country have known.

What this amendment does is pretty simple. What it says is that in many States like mine, people come to rural areas because they enjoy the beauty, the incredible beauty that farmers help create.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. BONILLA. I would say to the gentleman that we would be happy to accept the gentleman's amendment, and if he could submit his remarks for the RECORD and he can take "yes" for an answer, we can move on.

Mr. SANDERS. I thank the chairman very much. I will be very brief. Just to say that I think we can all agree that we want to help family farmers increase their cash flow, and one of the ways we can do that is enable them to come up with ideas that will bring tourists to their farms, and that is what this amendment is about. It has worked well in Vermont up to now. I think it can work well all over the country. I thank the chairman very much for his support and Ms. DELAURO as well.

Mr. Chairman, the purpose of this amendment is to provide $1.5 million in Federal funding for a revival of the national agri-tourism initiative under the USDA Rural Community Advancement Program. This program received $1 million in the fiscal year 2000 Agriculture appropriations bill. The House provided $2 million in the fiscal year 2001 Agriculture appropriations bill, but unfortunately this funding was stripped in conference, and this program hasn't received funding since. Mr. Chairman, it is time to bring this program back to life. Family farmers today need all of the help that they can get if they are going to stay in business, and agri-tourism is one way to help them.

Mr. Chairman, it is imperative that in Vermont and throughout rural America we preserve family owned farms and maintain strong rural economies. As family farmers struggle to survive, it is important that we develop new sources of revenue for them. Reviving the national agri-tourism program will help family farmers increase their incomes. From creating advertising campaigns and working more closely with the tourism industry, to developing farmers' markets, food festivals, bed and breakfasts and farm tours, such programs have great potential for increasing the incomes of family farmers.

Mr. Chairman, family farmers throughout this country deserve more revenue from tourism than they are currently receiving. Many tourists come to rural America because of the beautiful agricultural landscape. Unfortunately, however, family farmers receive relatively little direct revenue from that tourism. This program will help put more tourists' dollars into the hands of our farmers and that is very important.

Specifically, Mr. Chairman, this amendment would help farmers with the knowledge, networks, markets and loans critical to starting-up farm-based businesses that take advantage of the tourism dollars coming into their States.

Let me give you some examples of what agri-tourism is all about and why we need additional help for family farmers to get involved in this growing enterprise. Family farmers throughout this country are converting their guest rooms to small bed and breakfast operations, and are making a few bucks in doing that. To be successful, they might need a loan to convert a room into a bed and breakfast, and they might need some help in learning how to market their enterprise.

Farmers are now encouraging tour buses to stop by and to learn what family agriculture is about. In order to be successful, they might need a loan or a small grant to build a restroom or a parking facility. Farmers might want to build snowmobile trails through their fields in the wintertime. It costs a little bit of money to do that and advertise what you have.

A farm family that grows apples might want to add value to their product and bake apple pies, and they might need some help in buying a large enough oven to do that and to get started in a small business venture.

The list goes on and on. But family farmers all over this country, who desperately want to stay on the land, increasingly are trying to take advantage of the tourism that comes into their region.

Family farmers all across America desperately need the kind of funding that this agri-tourism initiative would provide. The agri-tourism initiative can mean the difference between another family farm going out of business or finding a way to thrive.

To put it simply, agri-tourism funding is about saving family farms.

Without this kind of funding America will lose its family farms, agriculture will cease to be competitive and consumers will pay the price of shortsighted government policies.

Mr. Chairman, family farmers deserve the support of this Congress. I urge my colleagues to stand up for America's family farmers and support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Rural Development Salaries and Expenses

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $182,860,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business-Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

Rural Housing Service

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V- of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: $4,801,736,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,237,498,000 shall be for direct loans, and of which $3,564,238,000 shall be for unsubsidized guaranteed loans; $36,382,000 for section 504 housing repair loans; $100,000,000 for section 515 rental housing; $100,000,000 for section 538 guaranteed multi-family housing loans; $5,045,000 for section 524 site loans; $11,482,000 for credit sales of acquired property, of which up to $1,482,000 may be for multi-family credit sales; and $4,980,000 for section 523 self-help housing land development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $131,893,000, of which $124,121,000 shall be for direct loans, and of which $7,772,000, to remain available until expended, shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $10,751,000; repair, rehabilitation, and new construction of section 515 rental housing, $45,670,000; section 538 multi-family housing guaranteed loans, $7,740,000; credit sales of acquired property, $720,000; and section 523 self-help housing land development loans, $123,000: *Provided*, That of the total amount appropriated in this paragraph, $1,500,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any obligated balances for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties as authorized in Public Law 109–97 shall be transferred to and merged with the "Rural Housing Service, Multifamily Housing Revitalization Program Account".

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $430,080,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $335,400,000, to remain available through September 30, 2008; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance that is recovered from projects that are subject to prepayment shall be deobligated and reallocated for vouchers and debt forgiveness or payments consistent with the requirements of this Act for purposes authorized under section 542 and section 502(c)(5)(D) of the Housing Act of 1949, as amended: *Provided further*, That up to $4,190,000 may be used for the purpose of reimbursing funds used for rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Act for emergency needs related to Hurricanes Katrina and Rita.

Multifamily Housing Revitalization Program Account

For the rural housing voucher program as authorized under section 542 of the Housing

Act of 1949, (without regard to section 542(b)), for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties, $28,000,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $16,000,000 shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That funds made available for such vouchers, shall be subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development (including the ability to pay administrative costs related to delivery of the voucher funds): *Provided further*, That of the funds made available under this heading, $3,000,000 shall be available for loans to private non-profit organizations, or such non-profit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, $9,000,000 shall be available for a demonstration program for the preservation and revitalization of the section 515 multi-family rental housing properties to restructure existing section 515 loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances and incentives required by the Secretary: *Provide further*, That if Congress enacts legislation to permanently authorize a section 515 multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, for administrative expenses necessary to carry out the direct loan program, $990,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses", which shall be made available for the Secretary to contract with third parties to acquire the necessary automation and technical services needed to restructure section 515 mortgages.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $37,620,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,000,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

RURAL HOUSING ASSISTANCE GRANTS

For grants and contracts for very low-income housing repair, supervisory and technical assistance, compensation for construction defects, and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, 1479(c), 1490e, and 1490m, $40,590,000, to remain available until expended: *Provided*, That of the total amount appropriated, $1,188,000 shall be available through June 30, 2007, for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That any balances to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects as authorized in Public Law 108–447 and Public Law 109–97 shall be transferred to and merged with "Rural Housing Service, Multifamily Housing Revitalization Program Account".

FARM LABOR PROGRAM ACCOUNT

For the cost of direct loans, grants, and contracts, as authorized by 42 U.S.C. 1484 and 1486, $47,525,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts.

Rural Business—Cooperative Service

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,925,000.

For the cost of direct loans, $14,951,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,724,000 shall be available through June 30, 2007, for Federally Recognized Native American Tribes and of which $3,449,000 shall be available through June 30, 2007, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, $880,000 shall be available through June 30, 2007, for the cost of direct loans for authorized empowerment zones and enterprise communities and communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $4,780,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $34,652,000.

For the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, $7,568,000, to remain available until expended.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $78,514,000 shall not be obligated and $78,514,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $9,913,000, of which $500,000 shall be for a cooperative research agreement with a qualified academic institution to conduct research on the national economic impact of all types of cooperatives; and of which $3,000,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $1,485,000 shall be for cooperatives or associations of cooperatives whose primary focus is to provide assistance to small, minority producers and whose governing board and/or membership is comprised of at least 75 percent minority.

RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES GRANTS

For grants in connection with second and third rounds of empowerment zones and enterprise communities, $11,088,000, to remain available until expended, for designated rural empowerment zones and rural enterprise communities, as authorized by the Taxpayer Relief Act of 1997 and the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277): *Provided*, That of the funds appropriated, $1,000,000 shall be made available to third round empowerment zones, as authorized by the Community Renewal Tax Relief Act (Public Law 106–554).

RENEWABLE ENERGY PROGRAM

For the cost of a program of direct loans, loan guarantees, and grants, under the same terms and conditions as authorized by section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106), $20,000,000 for direct and guaranteed renewable energy loans and grants: *Provided*, That the cost of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

Rural Utilities Service

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935) shall be made as follows: 5 percent rural electrification loans, $99,018,000; municipal rate rural electric loans, $99,000,000; loans made pursuant to section 306 of that Act, rural electric loans, $3,000,000,000; Treasury rate direct electric loans, $990,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans, $143,513,000; cost of money rural telecommunications loans, $246,666,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $299,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936), as follows: cost of rural electric loans, $3,614,000, and the cost of telecommunications loans, $605,000: *Provided*, That notwithstanding section 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $39,101,000 which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $503,535,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., $24,750,000, to remain available until expended.

For the cost of broadband loans, as authorized by 7 U.S.C. 901 et seq., $10,826,000, to remain available until September 30, 2008: *Provided*, That the interest rate for such loans shall be the cost of borrowing to the Department of the Treasury for obligations of comparable maturity: *Provided further*, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, $8,910,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service, $652,000.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; $13,345,487,000, to remain available through September 30, 2008, of which $7,610,897,000 is hereby appropriated and $5,734,590,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That up to $5,335,000 shall be available for independent verification of school food service claims.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $5,244,000,000, to remain available through September 30, 2008, of which such sums as are necessary to restore the contingency reserve to $125,000,000 shall be placed in reserve, to remain available until expended, to be allocated as the Secretary deems necessary, notwithstanding section 17(i) of such Act, to support participation should cost or participation exceed budget estimates: *Provided*, That amounts over $125,000,000 in the contingency reserve shall be treated as general WIC appropriated funds rather than contingency reserve funds: *Provided further*, That of the total amount available, the Secretary shall obligate not less than $15,000,000 for a breastfeeding support initiative in addition to the activities specified in section 17(h)(3)(A): *Provided further*, That notwithstanding section 17(h)(10)(A) of such Act, only the provisions of section 17(h)(10)(B)(i) and section 17(h)(10)(B)(ii) shall be effective in 2007; including $14,000,000 for the purposes specified in section 17(h)(10)(B)(i) and $20,000,000 for the purposes specified in section 17(h)(10)(B)(ii): *Provided further*, That funds made available for the purposes specified in section 17(h)(10)(B)(ii) shall only be made available upon a determination by the Secretary that funds are available to meet caseload requirements without the use of the contingency reserve funds: *Provided further*, That none of the funds made available under this heading shall be used for studies and evaluations: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011 et seq.), $37,865,231,000, of which $3,000,000,000 to remain available through September 30, 2008, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, as authorized by section 16(h)(1) of the Food Stamp Act: *Provided further*, That notwithstanding section 5(d) of the Food Stamp Act of 1977, any additional payment received under chapter 5 of title 37, United States Code, by a member of the United States Armed Forces deployed to a designated combat zone shall be excluded from household income for the duration of the member's deployment if the additional pay is the result of deployment to or while serving in a combat zone, and it was not received immediately prior to serving in the combat zone.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the commodity supplemental food program, as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $189,370,000, to remain available through September 30, 2008: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2007 to support the Seniors Farmers' Market Nutrition Program (SFMNP), as authorized by section 4402 of Public Law 107–171, such funds shall remain available through September 30, 2008: *Provided further*, That no funds available for SFMNP in fiscal year 2007 shall be used to pay State or local sales taxes on food purchased with SFMNP coupons or checks: *Provided further*, That the value of assistance provided by the SFMNP shall not be considered income or resources for any purposes under any Federal, State or local laws related to taxation, welfare and public assistance programs: *Provided further*, That of the funds made available under section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the Secretary may use up to $10,000,000 for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the domestic nutrition assistance programs funded under this Act, $142,314,000.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $156,486,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development.

PUBLIC LAW 480 TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Public Law 83–480, $2,651,000, to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

PUBLIC LAW 480 TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $1,223,100,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM 102 and GSM 103, $5,331,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which $4,985,000 may be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", including $775,000 to be made available for debt recovery, and of which $346,000 may be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $100,000,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein.

TITLE VI

RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $1,914,382,000: *Provided*, That of the amount provided under this heading, $320,600,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2008 but collected in fiscal year 2007; $43,726,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; and $11,604,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, and animal drug assessments received during fiscal year 2007, including any such fees assessed prior to the current fiscal year but credited during the current year, shall be subject to the fiscal year 2007 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $454,006,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $545,938,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $194,637,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $105,595,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $253,789,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $34,118,000 shall be for the National Center for Toxicological Research; (7) $62,007,000 shall be for Rent and Related activities, of which $25,552,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (8) $146,013,000 shall be for payments to the General Services Administration for rent; and (9) $118,279,000 shall be for other activities, including the Office of the Commissioner; the Office of Management; the Office of External Relations; the Office of Policy and Planning; and central services for these offices: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b may be credited to this account, to remain available until expended.

In addition, export certification user fees authorized by 21 U.S.C. 381 may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $4,950,000, to remain available until expended.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $109,402,000, including not to exceed $3,000 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $44,250,000 (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the current fiscal year under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 292 passenger motor vehicles, of which 290 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, information technology infrastructure, fruit fly program, emerging plant pests, cotton pests program, low pathogen avian influenza program, high pathogen avian influenza program, up to $33,107,000 in animal health monitoring and surveillance for the animal identification system, up to $682,000 in the brucellosis program for indemnities, up to $2,888,000 in the chronic wasting disease program for indemnities, up to $3,934,000 in the scrapie program for indemnities, up to $2,387,000 in the tuberculosis program for indemnities, up to $4,900,000 in the emergency management systems program for the vaccine bank, up to $1,000,000 for wildlife services methods development, up to $1,000,000 of the wildlife services operations program for aviation safety, and up to 25 percent of the screwworm program; Food Safety and Inspection Service, field automation and information management project; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)), funds for the Research, Education, and Economics Information System, and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; Foreign Agricultural Service, middle-income country training program, and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service.

SEC. 703. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, financial management modernization initiative, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without the prior approval of the Committees on Appropriations of both Houses of Congress.

SEC. 704. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 705. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 706. None of the funds in this Act shall be available to pay indirect costs charged against competitive agricultural research, education, or extension grant awards issued by the Cooperative State Research, Education, and Extension Service that exceed 22 percent of total Federal funds provided under each award: *Provided*, That notwithstanding section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310), funds provided by this Act for grants awarded competitively by the Cooperative State Research, Education, and Extension Service shall be available to pay full allowable indirect costs for each grant awarded under section 9 of the Small Business Act (15 U.S.C. 638).

SEC. 707. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 708. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 709. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 710. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 711. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 712. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

SEC. 713. (a) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities; or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

(c) The Secretary of Agriculture, the Secretary of Health and Human Services, or the Chairman of the Commodity Futures Trading Commission shall notify the Committees on Appropriations of both Houses of Congress before implementing a program or activity not carried out during the previous fiscal year unless the program or activity is funded by this Act or specifically funded by any other Act.

SEC. 714. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2008 Appropriations Act.

SEC. 715. None of the funds made available by this or any other Act may be used to close or relocate a State Rural Development office unless or until cost effectiveness and enhancement of program delivery have been determined.

SEC. 716. In addition to amounts otherwise appropriated or made available by this Act, $2,500,000 is appropriated for the purpose of providing Bill Emerson and Mickey Leland Hunger Fellowships, through the Congressional Hunger Center.

SEC. 717. There is hereby appropriated $250,000 for a grant to the National Sheep Industry Improvement Center, to remain available until expended.

SEC. 718. Notwithstanding any other provision of law, of the funds made available in this Act for competitive research grants (7 U.S.C. 450i(b)), the Secretary may use up to 30 percent of the amount provided to carry out a competitive grants program under the same terms and conditions as those provided in section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621).

SEC. 719. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the program authorized by section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)).

SEC. 720. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer the calendar year 2007 wetlands reserve program as authorized by 16 U.S.C. 3837 in excess of 144,776 acres.

SEC. 721. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer an environmental quality incentives program authorized by chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) in excess of $1,087,000,000.

SEC. 722. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 601(j)(1) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb(j)(1)).

SEC. 723. None of the funds made available in fiscal year 2006 or preceding fiscal years for programs authorized under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 724. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 6401 of Public Law 107–171, in excess of $28,000,000.

SEC. 725. Notwithstanding subsections (c) and (e)(2) of section 313A of the Rural Electrification Act (7 U.S.C. 940c(c) and (e)(2)) in implementing section 313A of that Act, the Secretary shall, with the consent of the lender, structure the schedule for payment of the annual fee, not to exceed an average of 30 basis points per year for the term of the loan, to ensure that sufficient funds are available to pay the subsidy costs for note guarantees under that section.

SEC. 726. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a conservation security program authorized by 16 U.S.C. 3838 et seq., in excess of $280,173,000.

SEC. 727. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 2502 of Public Law 107–171, in excess of $55,000,000.

SEC. 728. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 2503 of Public Law 107–171, in excess of $50,000,000.

SEC. 729. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a ground and surface water conservation program authorized by section 2301 of Public Law 107–171, in excess of $51,000,000.

SEC. 730. None of the funds made available by this Act may be used to issue a final rule in furtherance of, or otherwise implement, the proposed rule on cost-sharing for animal and plant health emergency programs of the Animal and Plant Health Inspection Service published on July 8, 2003 (Docket No. 02–062–1; 68 Fed. Reg. 40541).

SEC. 731. Funds made available under section 1240I and section 1241(a) of the Food Security Act of 1985 in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year, and are not available for new obligations. Funds made available under section 524(b) of the Federal Crop Insurance Act, 7 U.S.C. 1524(b), in fiscal years 2004, 2005, and 2006 shall remain available until expended to disburse obligations made in fiscal years 2004, 2005, and 2006, respectively, and are not available for new obligations.

SEC. 732. Notwithstanding any other provision of law, Rural Development shall provide grants from funds available for the Rural Community Advancement Program for the Ohio Livestock Expo Center in Springfield, Ohio, in an amount not to exceed $1,000,000.

SEC. 733. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer an agricultural management assistance program authorized by section 524 of the Federal Crop Insurance Act, in excess of $6,000,000 (7 U.S.C. 1524).

SEC. 734. None of the funds provided in this Act may be used for salaries and expenses to draft or implement any regulation or rule insofar as it would require recertification of rural status for each electric and telecommunications borrower for the Rural Electrification and Telecommunication Loans program.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. In addition to other amounts appropriated or otherwise made available by this Act, there is hereby appropriated to the Secretary of Agriculture $15,600,000, of which not to exceed 5 percent may be available for administrative expenses, to remain available until expended, to make specialty crop block grants under section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note).

SEC. 737. No funds shall be used to pay salaries and expenses of the Department of Agriculture to carry out or administer a program authorized by section 18(g)(6)(B)(i) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)(6)(B)(i)).

SEC. 738. Notwithstanding any other provision of law, there is hereby appropriated $25,000,000, of which not to exceed 5 percent may be available for administrative expenses, to carry out section 18(g) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g) in each State and on Indian reservations.

SEC. 739. None of the funds made available in this Act may be used to study, complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary of Agriculture, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.

SEC. 740. Of the unobligated balances under section 32 of the Act of August 24, 1935, $9,900,000 are hereby rescinded.

SEC. 741. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel who implement or administer section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) or any regulation, bulletin, policy or agency guidance issued pursuant to section 508(e)(3) of such Act for the 2007 and the 2008 reinsurance years, except that funds are available to administer section 508(e)(3) of the Federal Crop Insurance Act for policies in effect as of the date of enactment of this Act.

SEC. 742. None of the funds made available in this Act may be used—

(1) to grant a waiver of a financial conflict of interest requirement pursuant to section 505(n)(4) of the Federal Food, Drug, and Cosmetic Act for any voting member of an advisory committee or panel of the Food and Drug Administration; or

(2) to make a certification under section 208(b)(3) of title 18, United States Code, for any such voting member.

SEC. 743. Section 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation Act, 2001 (H.R. 5426 as enacted by Public Law 106–387, 115 Stat. 1549A–34) is amended by striking "2 percent" and inserting "3 percent".

SEC. 744. Of the unobligated balances available in the High Energy Cost Grants account, $25,265,000 is hereby rescinded.

SEC. 745. Notwithstanding any other provision of law, for the purposes of title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), the Secretary of Agriculture shall consider the City of Atascadero, California, the City of Paso Robles, California, the City of Freeport, Illinois, and Kitsap County (except the City of Bremerton), Washington, as meeting the requirements of a rural area contained in section 520 of such Act (42 U.S.C. 1490) until the receipt of the decennial Census in the year 2010.

SEC. 746. Of the appropriations available for payments for the nutrition and family education program for low-income areas under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)), if the payment allocation pursuant to section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)) would be less than $100,000 for any institution eligible under section 3(d)(2) of the Smith-Lever Act, the Secretary shall adjust payment allocations under section 1425(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to ensure that each institution receives a payment of not less than $100,000.

SEC. 747. None of the funds made available in this Act may be used to implement the final rule published by the Secretary of Agriculture on April 24, 2006, amending part 381 of title 9 of the Code of Federal Regulations to add the People's Republic of China to the list of countries eligible to export poultry products to the United States.

SEC. 748. None of the funds made available in this Act may be used to prohibit the use of non-government electronic certification forms that verify properly certified results of equine infectious anemia testing for the purpose of interstate or international shipment of tested animals.

□ 1430

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GOODLATTE. I rise to make a point of order against section 749, which begins on page 80, line 19, and ends on page 81, line 7, because it violates rule XXI, clause 2, which prohibits legislative language in a general appropriations bill.

The CHAIRMAN. The Chair finds that this section directly amends existing law. This section, therefore, constitutes legislation in violation of clause 2, rule XXI.

The point of order is sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 750. None of the funds appropriated or otherwise made available by this Act for the Food and Drug Administration may be used under section 801 of the Federal Food, Drug, and Cosmetic Act to prevent an individual not in the business of importing a prescription drug within the meaning of section 801(g) of such Act, wholesalers, or pharmacists from importing a prescription drug which complies with sections 501, 502, and 505.

POINT OF ORDER

Mr. DEAL of Georgia. Mr. Chairman, I rise to make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DEAL of Georgia. Mr. Chairman, I make a point of order that the language beginning with, "The Secretary of Health and Human Services," on page 81, line 16, through, "Food, Drug and Cosmetic Act," on page 82, line 5, violates clause 2 of rule XXI of the rules of the House which prohibits legislation on appropriations bills.

The language that I have cited permits the Secretary of HHS to require the holder of an approved application for a drug to conduct studies to refute proposed theories. This language clearly constitutes legislating on an appropriations bill and, as such, violates clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. DELAURO. Mr. Chairman, I regret that my friend has moved to strike this language, particularly given the GAO's recent findings.

The FDA needs the authority to mandate post-marketing drug studies when needed, and indeed, the General Accountability Office has issued a very harsh report of the post-market studies saying, and I quote, FDA lacks clear and effective processes for making decisions about and providing management oversight of post-market safety issues. They further say that, to improve the decision-making process for post-market drug safety, Congress should consider expanding FDA's authority to require drug sponsors to conduct post-market studies, such as clinical trials or observational studies, as needed, to collect additional data on drug safety issues.

The FDA is under increasing pressure to approve new drugs quickly. Some of us have been concerned by the implication of the approval process. Since 2000, ten drugs have been withdrawn for safety reasons by their manufacturers, all voluntarily. As far back as 1996, when the inspector general at HHS looked into the matter, it found that the FDA lacked an appropriate system for monitoring or tracking the status of the post-market——

The CHAIRMAN. The gentlewoman would confine her remarks to the substance of the point of order.

Ms. DeLAURO. Mr. Chairman, no one is accusing FDA of willful negligence. There can be innocent reasons why this study is not done, but the fact is the FDA needs to have authority in order to assure that we are not putting lives at risk with unsafe drugs that are not fully tested.

This language would ensure that they have the authority. Prescription drugs are the foundation of modern medical treatment. The public's interest is being preserved by having the FDA have this authority.

The CHAIRMAN. The Chair will remind the gentlewoman that her remarks must be confined to the substance of the point of order.

☐ 1445

If no other Members wish to be heard on the point of order, the Chair is prepared to rule.

The Chair finds that this section confers authority on the Executive. The section, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 752. Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) by inserting "and" at the end of subparagraph (A);

(2) in subparagraph (B), by striking "August 31, 2007, 34 percent; and" and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

POINT OF ORDER

Mr. GOODLATTE. Mr. Chairman, I raise a point of order against section 752.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GOODLATTE. I raise a point of order against page 82, line 6, ending on page 82, line 17, because it violates rule XXI, clause 2, which prohibits legislative language in a general appropriations bill.

The CHAIRMAN. Does anybody wish to be heard on the point of order? If not, the Chair is prepared to rule on the point of order.

The Chair finds that this section directly amends existing law. This section, therefore, constitutes legislate in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

Mr. KINGSTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in less than 6 months, farmers will begin to plan for the next crop year. Without extending the storage and handling fee program for peanuts, all over the Southeast there will be problems in the ag world. As we know, when we did away with the peanut quota program, the farmers went from a support price of over $600 down to $355. Now, in exchange for such a reduction in the support price and elimination of the quota program, farmers were also successful in negotiating a $50 per ton storage and handling fee.

The reason why this was important is because when peanuts are ready to harvest, the market might not be at the optimal selling price for the peanuts. Likewise, when the shellers and the folks in manufacturing and processing need peanuts, there might at times be an abundance and at other times there might be a deficit. So for everyone involved in the peanut food chain, having a good storage and handling program is important. You can't just put peanuts in any warehouse and keep them in fresh order. You have to have a specialized warehouse, and that is why this program is important.

This program is important not just to those in the peanut business directly, the farmer, the producer, the processor, the user, and the shelling facility; but it is also important for rural southeast America. The peanut program is bigger in poor counties across the southeastern States. You don't have a problem with the peanut program in Atlanta, Georgia, or in Birmingham, Alabama, or St. Simons Island, Georgia, or Savannah, Georgia. You have it in the small areas, like Cook County and Berien County and Candler County and Bulloch County, counties that do not have the growth in many cases of those in the urban areas.

This program has been successful from South Carolina to southern Mississippi to Alabama. Just one example: in Donalsonville, Georgia, the American Peanut Growers Group, a co-op comprised of 85 different peanut producers, invested in a shelling facility after the last farm bill and created 50 new full-time jobs and six new buying points throughout the region, a great success story.

In Tifton, Georgia, over $18 million has been invested in a new dome storage peanut shelling facility that employs 60 people. This is a product of 56 different peanut producers in making this shelling plant.

Examples of this are all over here. And I know the gentleman from Alabama is here and he has seen it from his own area, but even though the chairman of the Ag Committee has been a good supporter of farm programs and the peanut program, striking this language on a point of order actually hurts us at this time. Because as these peanut farmers are making growing decisions, we have just taken away one of the great economic tools they need to successfully decide if they are going to be planting peanuts or planting corn or planting soybeans or cotton.

What I would say to the members of the committee is as this bill moves through the process without this language in it, it is quite likely our friends in the other body will restore this language, and I am hoping that the Senators from Georgia are able to do that. The language was put in the bill by me, Mr. BISHOP, and Congressman BOYD, bipartisan support and southeastern agriculture support, and we are hoping to get it restored at some point along the line.

So I just wanted to come down here on the point of order to make sure folks know that even though this is going to be stricken today, we do feel like it does not kill this, but for the time being.

Mr. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to commend Mr. KINGSTON for his work on this issue. This is an issue that we have worked very closely with the authorizers on to try to fix this program because it expired, as the gentleman said. Mr. KINGSTON has been a real leader, as has Senator CHAMBLISS on the other side of the Capitol, in trying to address this issue.

I am very grateful the gentleman came to the floor today to address the concerns, because they needed to be exposed rather than just rule on the technicality that was before us. The gentleman understood that the peanut issue was subject to a point of order and nonetheless fought the good fight to the very end.

So I would just like to commend the gentleman for his work in this area.

Mr. EVERETT. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I would be happy to yield to my good friend from Alabama.

Mr. EVERETT. I thank the chairman, and Mr. KINGSTON has adequately explained the situation that we are in. This handling and storage fee is absolutely critical for the peanut farmers in these very small rural towns that we all represent.

One thing that might be noted is that in the last farm bill, which I had the privilege of being the subcommittee chairman that wrote this peanut title, this was put in there to help the farmers and the shellers transition into a more market-based program. The problem that we have gotten into is because I believe that the USDA has not followed the word and/or spirit of the peanut title, in that they have kept these peanuts, we have had about 2 or 3 years of great peanut crops, and they have kept these peanuts in loan. That has not created a market that we intended to create. They have not moved these peanuts out of loan, which we fully intended for them to do.

They have to understand if it is a budget thing, it is either pay now or pay later. But the longer they keep them in there, the less those peanuts are going to be worth and they will go out to people for almost nothing.

So I appreciate Mr. KINGSTON for putting this language in there, and I further appreciate the chairman. I understand my full committee chairman on the authorizing side is trying to protect the committee's privileges, and also my friend from Texas, Mr. BONILLA. I appreciate the words that he had concerning this issue and, hopefully, we can do something in conference about it.

Mr. BONILLA. Mr. Chairman, I appreciate the gentleman's remarks and, in closing, there are oftentimes issues like this that come before us that as appropriators you never know what is around the next corner with legislation that is being put in our lap that has a profound impact above and beyond dollar figures that we debate on every day in our committee.

So, again, I realize and all of us realize this is a very serious issue that needs to be addressed.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I simply want to express my chagrin at the fact that the chairman of the authorizing committee has exercised a point of order against the provision in the appropriation bill, section 752, which would have corrected a gross shortcoming in the dairy program.

The fact is that with the language in the appropriation bill being stricken, we will now face the situation under which dairy will be at a distinct disadvantage when the farm bill is renewed in 2007 because the authorization committee arranged in previous legislation to see to it that the milk program expired one month before the end of the fiscal year. What that means is that evidently the Agriculture Committee majority desires to see the supplemental milk payment program die.

I hope that every small dairy farmer in America takes note of that fact. It is a pretty clear indication of whose side people are on. And I simply want to make the observation that this provision that required the milk program to expire 1 month early was not done for any policy reason. It was done as a gimmick to get around the budget act. And it is another illustration of the fact that when our principal goal is to find whatever parliamentary gimmicks we can find in order to fit programs into a defined box, then real people get hurt. The fact is that there will be many small dairy farmers who go out of business if they do not have the support that comes from that supplemental milk payment program.

So, Mr. Chairman, I regret very much the gentleman felt required to do that. I hope that dairy farmers will take note of the fact that the only possible dairy farmers who could benefit from this are the giant operators, the 1,000- and 2,000-cow herd operators, but the average dairy farmer in the United States is hurt by the action that was taken today, and I hope they take that into account when they go to the polls in November.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to the point of order that was offered by my good friend, the chairman of the Agriculture Committee, Mr. GOODLATTE, and in support of the peanut storage and handling language that was included in the 2007 agriculture appropriations bill.

As the Representative of the Second Congressional District of Georgia, which I am proud to say is the largest peanut producing district in the Nation, I would like to lend my full support and endorsement of language that was included in the bill extending the peanut storage and handling program for an additional year.

During consideration of the 2002 farm bill, the peanut industry, including growers, manufacturers, and processors, asked that the House Agriculture Committee change the Nation's peanut program from a supply management structure to a more market-oriented program.

At the time, I had the pleasure of serving as a member of the Agriculture Committee. The House Ag Committee made these changes, working in cooperation with the peanut industry, and the transition to the new market-oriented program was a part of a very carefully crafted compromise that was developed and approved by the House Agriculture Committee.

□ 1500

The 2002 farm bill provided storage, handling fees and related costs for the peanut program through the 2006 crop year. Our concern centered on the fact that growers would have to absorb the storage costs associated with peanuts placed under loan.

The language included in the committee bill would simply continue the peanut storage and handling fees program through 2007, terminating at the beginning of fiscal year 2008. The language was reviewed by the CBO and will not have a 2007 cost, primarily because the payments will come after the 2007 harvest. There will be a cost of approximately $77 million in 2008. By all measures, the new peanut program is a true success story.

The storage and handling fees paid on peanuts by this loan program are very limited in scope. And more importantly, the storage and handling segment of the peanut program will actually expire at the end of this fiscal year.

As the chairman will recall, the original intent of this program was to provide an efficient and practical transition from the old supply-management structure to the new market-oriented approach. Without the bridge provided by this program, producers would not have participated in transitioning to the new program.

Every licensed warehouse operator has a structure for storage and handling fees. These fees will be passed on to the peanut producer if they are not paid by the Department of Agriculture. Much of the 2006 peanut crop has already been contracted, and the underlying business decisions associated with these transitions are in large part based on the program provisions that are in effect under current law.

Peanut producers entered this crop year and planned for this farm bill period based on the commitment that Congress made in the 2002 farm bill. Warehouse operators will not absorb these costs. It will be the producer who will pay if these fees are not paid as designed by the current bill.

Peanuts, unlike many other crops, can't practically be stored on the farm. Specialized handling and storage by knowledgeable warehouse operators is necessary to preserve the value of this semi-perishable commodity. So it is an expense that is absolutely necessary and one that the grower can't avoid by doing it himself.

Without this language, what is now a $355 per ton marketing loan program will effectively be reduced to a loan program that will not be profitable for the peanut producer.

Mr. Chairman, this language is crucial to the future of the peanut industry and continuation of the program into 2007. It could literally mean the difference between profitability and loss, between success and failure, between farmers surviving or forcing even more family farmers off the land. These farmers are real people, Mr. Chairman, real people whose lives will be profoundly changed if this point of order is upheld by the Chair.

I strongly oppose the point of order and ask the Chairman to retain the language in question which is vital to the American peanut farmer, particularly those in the State of Georgia.

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that

Committee, having had under consideration the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5384 in the Committee of the Whole pursuant to House Resolution 830, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. BLUMENAUER regarding funding limitations for sugar loan rates, which shall be debatable for 20 minutes;

An amendment by Ms. SLAUGHTER regarding funding for Center For Veterinary Medicine;

An amendment or amendments by Mr. BONILLA regarding funding levels;

An amendment by Mr. LATHAM regarding section 741 of the bill;

An amendment by Mr. HEFLEY regarding an across-the-board reduction;

An amendment by Mr. TIAHRT regarding funding limitation on competitiveness;

An amendment by Mr. PAUL regarding funding limitation on National Animal Identification System;

An amendment by Mr. KING of Iowa regarding submission of a report on the National Animal Identification System and certain pilot projects;

An amendment by Mr. SCHWARZ of Michigan regarding emerald ash borer;

An amendment by Mr. SWEENEY regarding a funding limitation on examination, inspection, and processing of horses;

An amendment by Mr. WEINER regarding payments to certain cotton and rice producers;

An amendment by Mr. CARTER regarding funding for program integrity activities in Federal Crop Insurance program;

An amendment by Mr. CHABOT regarding a funding limitation on the MAP program;

An amendment by Mr. LUCAS regarding funding for conservation technical assistance programs;

An amendment by Mr. GUTKNECHT regarding funding limitation on section 720 of this bill;

An amendment by Mr. BACA regarding funding limitation on operational changes to the Food Stamp program;

An amendment by Mr. GERLACH regarding funding limitation on section 728 of the bill;

An amendment by Mr. REICHERT regarding funding limitation on certain milk producer handlers;

An amendment by Mr. GARRETT of New Jersey regarding Federal employee attendance at overseas conferences;

An amendment by Mr. GARRETT of New Jersey on food stamp program in contravention of the INA;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Ms. JACKSON-LEE of Texas regarding claims processing on Pigford v. Glickman case;

An amendment by Mr. KING of Iowa regarding the Livestock Identification and Marketing Act;

An amendment by Mr. BOREN regarding funding limitation on the transfer of activities from Oklahoma;

An amendment by Mr. GORDON regarding energy standards for Federal buildings;

An amendment by Mr. FLAKE regarding funding limitation on dairy education in Iowa;

An amendment by Mr. FLAKE regarding funding limitation on fruit and vegetable market analysis in Arizona and Missouri;

An amendment by Mr. FLAKE regarding funding for Food Marketing Policy Center in Connecticut;

An amendment by Mr. FLAKE regarding funding limitation for greenhouse nurseries in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for aquaculture in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for hydroponic tomato production in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for wood utilization in Oregon, Mississippi, North Carolina, Minnesota, Maine, Michigan, Idaho, Tennessee, Arkansas, and West Virginia;

An amendment by Mr. FLAKE regarding funding limitation for the National Grape and Wine Initiative in California;

An amendment by Mr. FLAKE regarding funding limitation for income enhancement demonstration in Ohio;

An amendment by Mr. FLAKE regarding funding limitation for Appalachian Horticulture Research in Mississippi;

An amendment by Mr. FLAKE regarding funding limitation for the Competitiveness of Agriculture Products in Washington;

An amendment by Mr. FLAKE regarding funding limitation for Value-Added Product Development for Agriculture resources in Montana.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. OBEY. Reserving the right to object, Mr. Speaker, as I calculate the time that would be required to dispose of all the amendments made in order by this unanimous consent agreement, it appears to me that it amounts to about 6½ hours just of palaver, without the time consumed by votes; or for that matter, without the time consumed by slippage as we go through the procedures around here.

That means that if every person offers each amendment that is provided for in this unanimous consent request, and if they take the time allotted, we will be here until at least 10:30 or 11 o'clock before we even get to the votes.

Given the fact that there are many amendments, that means, as I see it, that we could be here as late as 2 o'clock tomorrow morning. I would ask Members to keep that in mind when they are determining whether or not they actually want to offer many of these amendments.

Mr. BONILLA. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Speaker, I could not agree with the gentleman more. The gentleman knows that I have tried to work through this bill as expeditiously as possible. I would concur that we try to expedite this process and minimize the speeches that could be associated with these amendments.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 830 and rule

XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5384.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the bill had been read through page 82, line 14.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BONILLA:

At the end add:

Sec. ____. The limitation in section 721 shall not apply below a program level of $1,127,000,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BONILLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Hopefully, this will set an example for dealing with the remaining amendments. We have cleared this amendment that deals with putting money back into the EQIP program. We have cleared it with the minority, and I ask for an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition?

If not, the question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following new sections:

SEC. . None of the funds made available in this Act may be used to implement or administer the National Animal Identification System.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. It says none of the funds made available in this act may be used to implement or administer a National Animal Identification System. I think at this time one thing that this country doesn't need is another huge bureaucracy tracing and following every animal in the country.

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That is exactly what this new program will do. It means that each animal will be tagged with a radio frequency ID, all cattle, swine, sheep, goats, horses poultry, bison, deer, elk, lamas and alpacas.

For one, what you own on your farm should be your property, and that information should be private unless there is some type of a subpoena. There is a fourth amendment issue here.

Also, there is the issue of just why this is being done. A lot of people have claimed, and I agree with this, that this is a benefit to the large agribusiness farmers, and it is a great detriment to the small farmers who will be burdened with this great effort to accumulate data which will be of benefit to some private big companies.

Actually, the database will be controlled by private companies. It will be said that this is a voluntary program, but it has also been told me by the Agriculture Department that if it isn't 100 percent agreed to by the year 2008, it will become mandatory. So it is a little bit of 1984 newspeak about exactly how voluntary it is.

But we certainly don't need this type of program. We already have plenty of programs that trace and monitor movement. There are health requirements and brands and all the other efforts. This, to me, is a bureaucratic boondoggle that we don't need.

Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I come from cattle country out in Colorado. I can tell you that one of the things that has gotten our cattle producers worked up more than anything in recent times is this animal identification program. They are very, very worried about it.

The feeling is that it is going to take the small producer and put them absolutely out of business. The initial estimates for a national ID program range from $122 million to $550 million, and who will be responsible for that? USDA? The producer? The packer? Again, we don't know, because we have not defined the range and scope of the program.

The Australian Beef Association condemns their mandatory ID program because it is the farmers and the ranchers that have been forced to shoulder the burden. We can understand the need to deal with the Mad Cow problem, but at the same time, the idea that the possibility that every animal you have on your farm, including your chickens and your horses, all of the animals, would have to be identified by some kind of an electronic means is something that just doesn't make any sense at all.

We have spent about $86 million on it already. I think that we ought to go back to the committee and reconsider this. At this time, I would hope that we would not put any money into it whatsoever.

Mr. Chairman, I rise today in support of the amendment that prohibits funds from being directed to an National Animal Identification program, which amounts to a total about $33 million this year. We all know this is a tough budget year, and in no way does this amendment intend to diminish the hard work performed by Chairman BONILLA and his staff. In fact, I applaud the Committee for decreasing the total bill by $7 billion below last year's level. Given our well-known budget problems, it is necessary that we evaluate what programs are working and what ones are not. When I look at the Animal ID program, one that the USDA has spent $85 million on in the last three years and at the earliest estimations, is expected to be fully operational by 2009, I do not see a program that needs $33 million more, rubber-stamped for it. Especially given that this program has seemingly very little direction and has produced very little so far, even though all 50 states are now of registering, very few animals are registered. The Department itself has changed its opinion on the fundamental direction of the program between May and August of last year, moving from defined timeline of implementation for a single national mandatory system to the collection of massive databases. When the Department, the States, as well as the numerous producer groups needed to assist in such a massive undertaking are undecided on even the goals of the program: Is it animal safety and disease control, or food safety? Let alone a course of action, this is not a program we simply need to throw more money at.

Initial estimates for a National ID program range from $122 to $550 million, and who will be responsible: USDA, the producer, the packer? Again we don't know because we have not defined the range and scope of the program. The Australian Beef Association condemns their mandatory ID program because it is the farmers and ranchers that have been forced to shoulder the burden. As this is currently set up, this makes for a massive invasion in privacy rights and will in many cases reinvent the wheel with current branding systems already in place. Furthermore, we must better define how implementation of Country of Origin Labeling will fit into this? We are foolish to look at Animal ID and Congress in a vacuum. In the report of this appropriations bill, the committee expressed concern for the program regarding "mixed signals" about participation and registration. Animal ID accounts for only about 4 percent of APHIS budget but I feel that this money would be better spent on programs like Avian Flu prevention and Emergency programs that are clearly defined, and do not threaten property rights.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I yield myself 1½ minutes.

I certainly appreciate the intent of what the gentlemen are trying to accomplish. I have a lot of sympathy for it, but I oppose the American Farm Bureau at this time. The reason is, we do need to identify those animals who are involved in the food chain for human consumption.

Yet, at the same time, because our language, we worked very closely with the authorizing committee, requires that before it is implemented that we have comments in the Federal Registry which at that time people can weed out those nonessential animals, because I don't want a national bureaucracy knowing about every single animal that I own or a rancher or farmer may own.

During that comment period, it certainly would be my intention, and I think most of us on the authorizing and on the appropriating committee, to make sure what you are saying is correct. So, at this point, I also want to point out that we are delaying any of these funds to be available to the USDA until it publishes the advance notice of proposed rulemaking about the plan. We are doing everything we can in a public comment period.

Mr. Chairman, I yield 2 minutes to the chairman of the authorizing committee, Mr. GOODLATTE.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Georgia for yielding me this time.

I rise in opposition to the amendment.

While I appreciate the intent of the amendment and the questions that have led to it, the appropriations measure as reported contains language on animal identification that should be sufficient to address its concerns. Since becoming chairman of the Agricultural Committee, we have conducted five hearings on the national identification, national animal identification system.

It is clear that animal ID has the potential to significantly improve our animal health monitoring system and enhance our ability to respond to an animal health emergency. Unfortunately, many of the livestock producers I talk with about the USDA's animal ID system, still have questions about cost, liability, regulatory burden, confidentiality and barriers to commerce that have yet to be addressed.

It is reasonable to expect that an individual producer could look at a USDA document and determine what he would be required to do under either the voluntary program or the mandatory program that will follow on later.

Today, it is simply not possible. The Appropriations Committee has included language in their bill that holds funding until the Secretary of Agriculture publishes an advance notice of proposed rulemaking outlining how USDA's animal ID system will work. This informal process will provide the details necessary to have a full and thoughtful debate about animal ID and allow us to find our way forward with this important public policy initiative.

For those who worry an ANPR might slow down an animal ID implementation, I offer this observation, if USDA is not prepared to quickly answer these fundamental questions about its plans, then USDA is in no position to be moving forward in any case.

Mr. PAUL's amendment has the best of intentions. However, the underlying bill has provided the mechanism to work through the issues he seeks to address. For this reason, I believe his amendment should be defeated.

Mr. PAUL. Mr. Chairman, I just want to say that if the gentleman from Georgia does not want another huge bureaucracy, he must support my amendment, because that is what he is going to get. It has already been funded. Even though there is pretense that there is a restraint on funding, it has already been funded, so it is in motion.

Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of the Paul amendment. The proposed national animal ID system will force small family farmers and ranchers to spend thousands of dollars as well as comply with new paperwork and monitoring regulations to implement and operate the national ID system. This unnecessary financial burden could ruin small farms.

As we all know, many of America's small farms are struggling to survive in today's environment. They are teetering on a line that fluctuates with the seasons, with disease and with ever-changing markets. The national animal ID system will only push these farmers further into financial troubles. By forcing small farms to adhere to unfair bureaucratic regulation, you will be driving third and fourth generation farmers out of the only livelihood they have ever known.

In town hall meetings across my district, constituents have expressed to me their concerns with the proposed program. They are afraid of losing their farms because of big brother looking over their shoulder and forcing them to adhere to unrealistic and intrusive regulations.

I urge my colleagues to support the Paul amendment and stand up for the thousands of hardworking small farmers in our country.

Mr. KINGSTON. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today in opposition of this amendment. Although I have to say that the way the Department so far has administered this thing, I have some sympathy for what you are saying, but not for the same reasons.

We have spent $84 million so far. We haven't accomplished a whole lot. In Canada, they put this up for $6 million. In Australia, they set their system up for $10 million. We could have done this for a lot less money if we had gone about it in the right way.

I introduced a bill some time ago to make a mandatory system. But the fact of the matter is, if you don't think we need a national ID system in this country, you have got your head in the sand, because we are going to have a problem. It is going to be foot and mouth, or it will be something else.

If we don't have a system, we are in big trouble. We are never going to get back in the Japanese market, some of these other markets, if we don't have an ID system in this country that works. So this is not the right way to go, and I urge rejection of this amendment.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. KINGSTON. How much time is remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has 30 seconds left.

Mr. KINGSTON. I will yield 10 seconds to the gentleman from Texas if 10 seconds will help him.

Mr. PAUL. I thank the gentleman for yielding.

I just want to urge an "aye" vote to try to slow up at least a brand new bureaucracy that is going to play havoc with our small farmers.

Mr. KINGSTON. Mr. Chairman, I want to urge a "no" vote and say that we are going to join Mr. PAUL in fighting a new bureaucracy and also to weed out an excessive burden on small farmers and too much information to the Federal Government. That is why we have delayed the funding of this until the advanced notice for proposed rulemaking has been filed, and we are going to work on a bipartisan basis to get that right. So please vote "no."

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the gentleman from Texas knows, I have a great deal of respect for him. He and I do not agree very often, but I think that he is a very thoughtful watchdog in this House, and I appreciate the fact that he is suspicious of government overreach wherever it comes from.

Having said that, I want to echo the words of the gentleman from Minnesota. If you think that we are going to be able to sell our meat products on international markets without eventually having a system like this, you are smoking something that ain't legal. It simply is not going to happen. To defend the ability of our producers to export, we are going to have to have a decent animal ID system. We are also going to have to have a decent animal ID system in order to protect the public health of our own citizens. So we need to have this go forward.

What the committee is doing is recognizing that the Agriculture Department has handled this issue so badly that they have given incompetence a bad name. And what the committee has therefore done is to say that until the department gets its act in order, there will be no funds provided, but we leave the possibility open for funding once they get their act together. That is the responsible way to force the agency to quit jerking farmers around. I mean, it is like watching a tennis game; bump, bump, bump. They change their mind every 5 minutes. You cannot keep your eye on the ball. One day they have one approach; one day they have another. And as a result, farmers are frustrated, consumers are confused, and taxpayers are bilked for a heck of a lot more money than this system ought to cost. We would not even be having this debate today if USDA had handled this in a fashion which was in any way competent, but they did not. So now we pay the price with debates such as this.

I would urge that the House support the committee in this position. It is taking the responsible path on this issue. And I would urge that we turn down the amendment even though I fully appreciate the frustration that lies underneath the actions of the people who have offered the amendment today.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to associate myself with the comments of Mr. OBEY and Mr. PETERSON. I think that there is not any question that on all sides of this issue there has been great frustration with the way in which the USDA has handled this issue.

In exchange, in the budget hearing this year, we find on one day it is a mandatory program and the next day it is a voluntary program. What we are doing is, we continue to put at risk the industry and its ability to be able to protect the ranchers, and on the other hand, it does not deal with looking at, how do we protect the public health?

The bill does address this issue, and it acknowledges what the problems are. And I think that we said very clearly that until there is a complete and a detailed plan for the program included, not limited to, pro-legislative changes, cost estimates, means of program evaluation, and that such a plan is published as an advanced notice of proposed rulemaking that these are the kinds of requirements that have been put in by the committee.

And I want to urge my colleagues, though I understand, again, what the frustration is about this issue, to oppose the amendment and move with what the committee has put forward.

☐ 1530

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT OFFERED BY MR. BOREN

Mr. BOREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BOREN:

Page 82, after line 14, insert the following:

SEC. 753. None of the funds provided by this Act for the Agricultural Research Service may be obligated or expended to reprogram programs and resources currently operating at Lane, Oklahoma.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oklahoma (Mr. BOREN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

Mr. BOREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would allow the scientists and support staff at the Agriculture Research Lab in Lane, Oklahoma, to continue their valuable work at the facility. The lab is important not only to my district and the State of Oklahoma, but also makes significant contributions to agriculture in the region, Nation, and across the globe.

When the center was established in 1985, it was in response to the need for new and improved innovations in agriculture for the south central region of this country. I believe that need still exists.

The ARS lab at Lane shares a facility with Oklahoma State University's Wes Watkins Research and Extension Center, named for one of my predecessors in Congress.

To give you an example of the work being done at this lab, scientists at Lane are leading research on watermelon vine decline. Watermelon growers have determined this to be the most important challenge they will face in the coming years. But with the experience and leadership that exists at Lane, they are confident they can meet this challenge.

The facility is recognized nationally and internationally as a center for excellence for vine crop research, especially on watermelons and cantaloupe. It is important our research facilities be spread across the State and country to provide the best research for varying soil types and climates.

For these reasons, Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Who seeks time in opposition?

Mr. KINGSTON. Mr. Chairman, if the gentleman will yield, I want to say on behalf of the Chair, we are ready to accept this amendment. I know you have worked very hard on this facility, and I know your passion for it. The committee accepts the amendment.

Mr. BOREN. Mr. Chairman, I thank the other side and the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. BOREN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC.   . None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

Mr. KINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

The gentleman from Kansas is recognized for 5 minutes.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. It just says that none of the funds made available in this act will be used to promulgate regulations without consideration of the effect that such regulations would have on the competitiveness of American businesses.

Mr. Chairman, over the last generation, Congress has created barriers to keeping and creating jobs in America. There are at least eight major barriers in which our policies have been preventative of keeping jobs in America. They consist of health care policy that is driving the fastest growth in costs in America, making it more difficult to keep and create jobs. It includes a tax policy that punishes success. It includes litigation costs that result in court costs, lawyer fees and higher liability insurance costs. It includes an energy policy that has prevented exploration, expansion of refinement capability, and new renewable energy resources. It includes trade policy that hasn't been properly enforced. And it has allowed American companies to be targeted by foreign-owned government businesses. It includes an education policy that is not meeting the needs of the next more technological economy. It includes research and development funding that is not focused on the ideas that will move us into a strong position for tomorrow's products in the next economy. And it includes a regulatory policy that slows the growth of our economy by taking an adversarial role which works against those that create and keep jobs in America.

Mr. Chairman, I would like to explain just one example of how the funding in this bill has been used by government agencies to prevent us from creating and keeping jobs in America.

Creekstone Farms is a small Kansas beef processing plant in my congressional district that has sought permission from the United States Department of Agriculture since early 2004 to voluntarily conduct BSE tests or screening tests on cattle. USDA has repeatedly refused to allow BSE test kit manufacturers to sell the test kits to companies who want to voluntarily test for BSE.

Let me say, Mr. Chairman, the American food system is completely safe with many checks and balances built into our production, processing, distribution, and retail system. Mad cow disease has never made it into our markets. In December of 2003, USDA detected the first case of mad cow disease, but that case never made it into our system. It is completely safe. Our food supply is completely safe.

But concerns developed overseas in several of our export markets, specifically in Japan and South Korea. They banned our meat products from their markets. Since then, we have lost over $4 billion in sales and thousands of jobs, some of them right in Kansas.

South Korea and Japan are looking for more confidence in their meat supply. We believe it is perfectly safe, but they want something to tell their consumers.

Creekstone proposed a screening test on a voluntary basis of each carcass so that they could provide that level of confidence to the consumers in South Korea and in Japan. But when they went to the United States Department of Agriculture to get permission to do this screening, they were told no. Not only was Creekstone told no, but the company that manufactured these test kits for BSE was told, no, you cannot sell these kits to Creekstone.

Whatever happened to the old adage that the consumer is always right? In America, we have built a strong economy by meeting the needs of the consumers, by opening new markets to a developing level of confidence.

For example, the side air bags in an automobile: an automobile that has side air bags, gives some people more confidence that it is safe and therefore they are willing to spend a little extra money on buying a car with side air bags. But not all cars have side air bags. The Department of Transportation said, yes, it is fine. If you want to meet those customers' needs and they want to pay a little more, then go ahead and voluntarily put side air bags in automobiles.

Unlike the Department of Transportation, USDA has said that you cannot use this type of voluntarily based marketing to meet consumers needs, so they have completely shut off this area of letting us develop this new market, and the consumers in South Korea and Japan still don't have enough confidence to buy American beef. We have lost that market now to Australia and New Zealand, and it is going to be difficult for us to gain it back.

Creekstone has an idea to regain this market, but it is the government-regulation bureaucracy that is preventing us from opening that market and keeping and creating jobs in America.

Mr. Chairman, this is just one example of how regulations can keep us from expanding and preparing for the next economy. Other nations are preparing for the next economy, but we are not.

Mr. Chairman, I realize this is authorization on an appropriations bill and it is my I intent to ask unanimous consent to withdraw this amendment, but I will not withdraw from the fight of creating a strong economy for tomorrow's future.

Mr. Chairman, I respectfully withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), add the following new section:

SEC. ___. (a) SHORT TITLE.—This section may be cited as the "Livestock Identification and Marketing Opportunities Act".

(b) FINDINGS.—Congress finds the following:

(1) For purposes of animal health investigation and surveillance, there needs to be an identification system that can trace animals from the time of first movement of the animal from its original premise to the time of slaughter of the animal in less than 48 hours.

(2) The beef industry estimates that the United States cattle industry lost approximately $3,000,000,000 in export value on beef, beef variety meats, hides, and tallow during the 12 months after a December 2003 diagnosis in the United States of bovine spongiform encephalopathy. A livestock identification system may have prevented some of this loss.

(3) In order to be as efficient as possible, the livestock identification system needs to be automated and electronic with participants using compatible technologies.

(4) The livestock identification system needs to be flexible enough to adapt to changes in technology and to the demands of the industry and the markets.

(5) The best technology available should be used for the livestock identification system while still allowing for registration into the system for livestock owners who are economically disadvantaged.

(6) Confidentiality of information on animal movements, sales, and ownership is necessary to ensure that livestock owners have the confidence to comply with and fully participate in the livestock identification system.

(7) Besides animal disease surveillance, the livestock identification system should provide a commercial information exchange infrastructure that would allow for enhanced marketing opportunities.

(c) LIVESTOCK IDENTIFICATION BOARD.—

(1) ESTABLISHMENT.—There is established a board to be known as the "Livestock Identification Board".

(2) DUTIES.—The duties of the Board shall be to—

(A) establish and maintain an electronic livestock identification system that—

(i) is capable of tracing all livestock in the United States from the time of first movement of the livestock from its original premise to the time of slaughter of such livestock in less than 48 hours;

(ii) tracks all relevant information about the livestock, including—

(I) the livestock identification number or the group or lot identification number for the livestock, as applicable;

(II) the date the livestock identification number or the group or lot identification number was assigned;

(III) the premise identification number;

(IV) the species of the livestock;

(V) the date of birth of the livestock, to the extent possible;

(VI) the sex of the livestock;

(VII) any other information the Board considers appropriate for animal disease surveillance; and

(VIII) any other information that the person who owns or controls the livestock voluntarily submits to the Board;

(B) maintain information obtained through the livestock identification system in a centralized data system; and

(C) determine the official identification technology to be used to track animals under the livestock identification system.

(3) POWERS.—The Board may—

(A) prescribe and collect fees to recover the costs of the livestock identification system; and

(B) establish and maintain a grant program to assist persons with fulfilling the requirements of the livestock identification system.

(4) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Board shall be composed of 7 voting members appointed by the Secretary of Agriculture, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of cattle owners;

(ii) 1 member shall be a representative of swine owners;

(iii) 1 member shall be a representative of sheep and goat owners;

(iv) 1 member shall be a representative of poultry owners;

(v) 1 member shall be a representative of livestock auction market operators;

(vi) 1 member shall be a representative of meat processors; and

(vii) 1 member shall be a person actively engaged in the livestock industry.

(B) NON-VOTING MEMBERS.—The Board shall include 2 non-voting members appointed by the Secretary, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of the Department of Agriculture; and

(ii) 1 member shall be a representative of State or tribal veterinarians or State or tribal agriculture agencies.

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 3 years, except as provided by clauses (ii) and (iii).

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the voting members first appointed—

(I) the members appointed under clauses (ii), (iv), and (v) of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the members appointed under subparagraphs (iii) and (vii) of subparagraph (A) shall be appointed for a term of 1 year.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) CHAIRPERSON.—The Chairperson of the Board shall be elected by its members.

(E) APPOINTMENT.—The Secretary shall appoint all members of the Board not later than 45 days after the date of the enactment of this section.

(5) MEETINGS.—

(A) INITIAL MEETING.—Not later than 60 days after the date of the enactment of this section, the Board shall hold its initial meeting.

(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Chairperson.

(6) QUORUM.—4 voting members of the Board shall constitute a quorum.

(7) PAY.—Members of the Board shall serve without compensation.

(8) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(9) STAFF.—The Board may appoint and fix the pay of personnel as the Board considers appropriate.

(10) CONTRACTS.—The Board may contract with or compensate any persons for goods or services.

(11) RULES AND REGULATIONS.—The Board may issue such rules and regulations as may be necessary to carry out this section.

(12) IMPLEMENTATION.—

(A) IN GENERAL.—The Board shall implement the livestock identification system established pursuant to this section not later than December 31, 2008.

(B) REPORT.—Not later than one year after the date of the enactment of this section, and quarterly thereafter until December 31, 2010, the Board shall submit to the Secretary of Agriculture and the relevant congressional committees a report on the status of the implementation of the livestock identification system, including—

(i) for each species subject to the system, the number of animals or groups of animals tracked by the system; and

(ii) the percentage of each animal species subject to the livestock identification system that are tracked by the system, which shall be determined by dividing the number submitted under clause (i) for a species by the total number of animals of such species in the United States.

(d) PREMISE IDENTIFICATIONS.—Not later than nine months after the date of the enactment of this section, the Secretary of Agriculture shall establish a premise identification system for all premises in the United States. The premise identification data shall be made available to the Board and shall include—

(1) a premise identification number;

(2) the name of the entity that owns or controls the premise;

(3) contact information for the premise, including a person, address, and phone number;

(4) the type of operation at the premise; and

(5) the date the premise number was assigned.

(e) ENFORCEMENT; FIRST ENTRY INTO COMMERCE.—Subject to subsection (f)(2), the Secretary of Agriculture shall verify that each animal, or group of animals, where applicable, subject to the livestock identification system established pursuant to subsection (c) is properly identified upon first entry of the animal into commerce. Any animal or group of animals that the Secretary determines is not properly identified shall be identified using the official identification technology before entering commerce.

(f) VOLUNTARY PARTICIPATION FOR OTHER ANIMAL SPECIES.—

(1) IN GENERAL.—The owner of an animal or group of animals, where applicable, that is not subject to the livestock identification system established pursuant to subsection (c) may voluntarily subject such animal or group of animals to tracking by such livestock identification system.

(2) ENFORCEMENT EXEMPTION.—The voluntary tracking of such animal or group of animals shall not make the animal or group of animals subject to the enforcement actions of the Secretary under subsection (e).

(g) RELEASE OF LIVESTOCK IDENTIFICATION NUMBERING INFORMATION.—

(1) FREEDOM OF INFORMATION ACT.—Information obtained through the livestock identification system established pursuant to subsection (c) or the premise identification system established pursuant to subsection (d) is exempt from disclosure under section 552 of title 5, United States Code.

(2) CHARACTER OF LIVESTOCK IDENTIFICATION SYSTEM INFORMATION.—Except as provided in paragraphs (3) and (4), information obtained through the livestock identification system or the premise identification system—

(A) may not be released;

(B) shall not be considered information in the public domain; and

(C) shall be considered commercial information that is privileged and confidential.

(3) LIMITED RELEASE OF INFORMATION AUTHORIZED.—Notwithstanding paragraph (2), the Board may release information obtained through the livestock identification system or the premise identification system (other than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock if—

(A) a disease or pest poses a significant threat to the livestock that the information involves;

(B) the release of the information is related to actions the Board may take under this section; and

(C) the person obtaining the information needs the information for reasons consistent with the public health and public safety purposes of the livestock identification system, as determined by the Secretary of Agriculture.

(4) LIMITED RELEASE OF INFORMATION REQUIRED.—

(A) IN GENERAL.—Notwithstanding paragraph (2), the Board shall promptly release information obtained through the livestock identification system or the premise identification system (other than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock—

(i) to the person who owns or controls the livestock, if the person requests such information;

(ii) to the Secretary of Agriculture for the purpose of animal disease surveillance;

(iii) to a State or tribal veterinarian or a State or tribal agriculture agency for the purpose of animal disease surveillance;

(iv) to the Attorney General for the purpose of investigation or prosecution of a criminal act;

(v) to the Secretary of Homeland Security for the purpose of national security;

(vi) to the Secretary of Health and Human Services for the purpose of protection of public health; and

(vii) to the government of a foreign country, if release of the information is necessary to trace livestock threatened by disease or pest, as determined by the Secretary.

(B) INFORMATION VOLUNTARILY SUBMITTED.—Notwithstanding paragraph (2), on the request of a person who owns or controls livestock, the Board shall release information voluntarily submitted to the Board pursuant to subsection (c)(2)(A)(ii)(VIII) regarding such livestock to such person or to another person.

(5) CONFLICT OF LAW.—If the information disclosure limitations or requirements of this subsection conflict with information disclosure limitations or requirements of a State law and such conflict involves interstate or international commerce, this subsection shall take precedence over the State law.

(h) REPORT ON IMPACT OF LIVESTOCK IDENTIFICATION SYSTEM.—Not later than 180 days after the date of the enactment of this section, the Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on a livestock identification system, including—

(1) the lessons learned and the effectiveness of the animal identification system pilot programs funded in fiscal year 2005;

(2) an analysis of the economic impact of a livestock identification system on the livestock industry; and

(3) the expected cost of implementing a livestock identification system.

(i) CONFORMING AMENDMENTS.—Subsection (f) of section 282 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a) is amended—

(1) by striking "CERTIFICATION OF ORIGIN.—" and all that follows through "To certify the country of origin" and inserting "CERTIFICATION OF ORIGIN; EXISTING CERTIFICATION PROGRAMS.—To certify the country of origin"; and

(2) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

(j) DEFINITIONS.—In this section:

(1) The term "Board" means the Livestock Identification Board established under subsection (c)(1).

(2) The term "livestock" means cattle, swine, sheep, goats, and poultry.

(3) The term "premise" means a location that holds, manages, or boards animals.

(4) The term "relevant congressional committees" means the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(5) The term "Secretary" means the Secretary of Agriculture.

(k) AUTHORIZATION OF APPROPRIATONS.—There is authorized to be appropriated to carry out this section $33,000,000 for each of fiscal years 2007 through 2009.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

Mr. KINGSTON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Georgia reserves a point of order.

The Chair recognizes the gentleman from Iowa for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, the amendment I offer today is an amendment that is made up of an original bill that I drafted as a stand-alone bill actually to establish a livestock identification plan. It is called the LIMO Act, the Livestock Identification and Market Opportunities Act.

We have heard debate here on the gentleman from Texas' amendment, and it is recognized I believe throughout the industry, certainly the industry in Iowa and the industry across the country that I have had the opportunity to interrelate with, that we must go to a livestock identification plan at some point.

If we are going to make a change, the quicker the better. We are losing market share in Asia right now because we are not able to identify our livestock. I took the initiative to travel to different locations on the globe to inspect their livestock identification systems, including some of the locations in Europe, including Canada and especially Australia, where I tracked their livestock from birth to slaughter and each one of those stops that they have there. They were very helpful and cooperative.

As I looked at all the models that were out there and worked with our major commodities groups that we have here in this country and sat down and sorted through the differences, we produced this bill that I think stands alone as the single most carefully thought-out crafted and customized piece of livestock identification that has been presented to this Congress.

It recognizes the gentleman from Minnesota's contribution for protection of the Freedom of Information Act and a number of other interests and points that needed to be incorporated into this legislation.

But what it does is it establishes a livestock identification board and keeps the control of the data within the hands of the producers. This is a quasi-private sector entity that will be established. It establishes a board that is made up of seven members, voting members. There is one each representing the beef industry, one for swine, one for poultry, which includes chicken and turkeys, one for sheep and goats together, and also a voting position that would be a member-at-large as well as a representative from the meat processors and another representative from the livestock auctioneers. Those would be the voting members of the board.

Also on the board would be two ex-officios that would be appointed by the Secretary of Agriculture, as would the entire board. Those ex-officios would be one from USDA, our Secretary of Agriculture's appointment, and one from the State veterinarians or Tribal veterinarians organizations. So we have a producer-driven consortium that runs this, and they will be the controllers of the data.

We set up the standards by which the data would be available to the Secretary of Agriculture in the event of the necessity to eradicate disease and give Freedom of Information Act protection.

So this process we have protects the producers from having their data within the control of the USDA; it makes it within the click of a mouse of the Secretary of Agriculture if there is a disease that needs to be eradicated. So we find the best of both worlds.

But the firewall is there. The Secretary can only access the data that is necessary for eradication, and the balance of the data that would be entered into this program would be data that would be voluntarily submitted then by the producers, and they could then use this data for market opportunity, for breeding purposes, for marketing purposes, and particularly our purebred breeders will be able to utilize it.

This is an idea whose time has come. It is carefully well thought out, and this is the opportunity presented to this Congress for evaluation by the Members.

I recognize that it is policy that would be amended on to an appropriations bill, and I recognize the gentleman's point of order; but I hope that this Congress recognizes the necessity to take a careful look at this well-thought-out livestock identification plan that gives Freedom of Information Act protection.

It is driven by the membership, by the producers. They will be able to control their own data, and they will also control then the input into that data. We will let them apply some fees, and the fees then can go to fund the operation of the management of the data, and I am convinced it will be far cheaper than what will be done by the agency.

But the important part is this: it respects the contributions made by the other entities out there. The cattle industry, for example, the swine industry, they have been out there doing their contributions from a volunteer perspective.

Envision, if you will, a house with many rooms and different electricians coming into each room, wiring the lights and hanging the lights, but not wiring every room and not hanging lights in every room, just some rooms, the room for beef, the room for pork; but we don't have a junction box, we don't have a way to bring the power in.

This bill is the junction box in that house. It brings the power in that lights up all the work that has been done by the other entities, including the USDA, and it wires the rooms that haven't been wired to this point, such as sheep and goats, and it allows for group identification.

That is pretty much the quick once-over of the livestock identification bill, the LIMO Act, Mr. Chairman.

Mr. Chairman, recognizing the point of order that has been pointed out by the chairman, I would respectfully ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

□ 1545

AMENDMENT NO. 12 OFFERED BY MR. CHABOT

Mr. CHABOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. CHABOT:

At the end of the bill (before the short title) insert the following new section:

SEC.   . None of the funds appropriated or otherwise made available by this Act may be used to carry out section 203 of the Agriculture Trade Act of 1978 (7 U.S.C. 5623) or to pay the salaries and expenses of personnel who carry out a market program under such section.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. CHABOT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. CHABOT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our national debt is now $8.3 trillion. Each day we add another $1.7 billion to it. Each American's share is about $28,000. Think about that. In order for the United States to be debt free, every American, all 299 million of us, would have to write a check for about $28,000. Each year the Department of Agriculture writes checks underwritten by the American taxpayer to foot the bill for the Market Access Program, MAP, a program that pays industry associations, cooperatives and State and regional trade groups to market their wares overseas.

Now, should these groups market these wares overseas? Absolutely. We want them to be successful. We want them to create jobs. But they ought to do it on their dime, not on the dime of the American taxpayer.

Mr. Chairman, we have spent more than a billion tax dollars on a program with dubious economic benefits. We cannot even be sure that these tax dollars are not simply saving those groups money that they would have spent on overseas marketing anyway.

So who is receiving those tax dollars? The National Potato Research and Promotion Board has received well over $1 million. The Raisin Administrative Committee has received nearly $3 million, and a group called Asparagus USA has received hundreds of thousands of dollars worth of funding. That is a lot of asparagus.

It is also the type of wasteful spending that leads to big deficits and higher taxes. Mr. Chairman, in these difficult budget times, if we cannot cut a program like MAP, I think we are in serious trouble.

While MAP at a cost of a couple hundred million dollars annually might by some be just considered a blip in a $2.7 trillion budget, the cost of these programs add up, and the cumulative effect of programs like MAP is the reason that we have this $8.3 trillion debt.

Mr. Chairman, my amendment is straightforward. It would simply prohibit the Agriculture Department from funding the MAP Program. It is supported by groups like the National Taxpayers Union, Citizens Against Government Waste, and Taxpayers for Common Sense, to name a few. It is a commonsense amendment, Mr. Chairman.

We are spending too much money, and it is time to start cutting wasteful spending program by program and restore some fiscal sanity to this House.

I urge my colleagues to cast a vote for taxpayers and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I would like to claim the time in opposition.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I certainly applaud all of the efforts of Mr. CHABOT for cutting spending and so forth. And yet I find myself on the opposite side with him on this. The reason is that Tom Friedman has written a very famous book right now called, The World is Flat. And the world is flat, and it is flat because we are in a global economy, where a farmer in the Philippines or in Indonesia or in Russia can compete with a farmer from Ohio or Georgia, just as easy as if he was in the same country.

What the MAP program does is it helps sell our goods overseas. Two or three hours ago when we opened up this bill, I said that one of our farmers' big challenges right now is foreign subsidies competing against American ag products. Well, quite often, the World Trade Organization seems to allow foreign farmers to have subsidies but not American farmers.

Mr. Chairman, this is one tool that helps us combat that. I would point out that the ag exports at this point are over $64 billion, the highest level in history. And one reason is this, is because the Market Access Program has shown our farmers, whether you are growing Vidalia onions or peanuts or strawberries, how to sell your goods overseas.

And for every $1 billion in sales overseas, there is about 16,000 domestic jobs that are created. In fiscal year 2005, almost 1 million Americans had jobs that depend on U.S. American agricultural exports. MAP is an integral part of that program. And yet it is not just for farmers alone, here, come get your check. They have to contribute up to 50 percent of the program's cost. And since 1992, the MAP participants have increased their contributions from 30 percent to 166 percent.

I urge my colleagues to oppose the Chabot Amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, can I ask how much time we have?

The CHAIRMAN. Each side has 2½ minutes remaining.

Mr. KINGSTON. Mr. Chairman, I yield the balance of our time to the distinguished chairman of the Agriculture Committee, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in opposition to the amendment offered by Mr. CHABOT to limit funding to the Market Access Program. This very important program helps boost U.S. agricultural exports.

U.S. agricultural exports are expected to be $64.5 billion in 2006, resulting in a trade surplus of more than $1 billion. Just a year ago, this trade surplus was significantly higher, but with increased subsidized foreign competition, all U.S. economic sectors have seen a steady increase in trade deficits.

Agriculture is still one of the few sectors of the American economy to enjoy a trade surplus, and it is programs such as MAP that enable this. Exports also provide needed jobs throughout the U.S. economy and generate economic activity in the nonfarm economy.

Nearly every State exports agricultural commodities. Agricultural exports in 2001 generated an estimated 912,000 full-time civilian jobs, including 461,000 jobs in the nonfarm sector. MAP helps the U.S. meet heavily subsidized foreign competition.

Mr. Chairman, the European Union spent more than $3.25 billion in 2003 on agricultural export subsidies, compared to about $30 million by the U.S. The EU and other foreign competitors are moving aggressively in providing other forms of assistance to maintain and expand their share of the world market at the expense of U.S. farmers and ranchers.

In recent years, they have devoted approximately $1.2 billion for market development and related activities. Without U.S. policies and programs to counter such subsidized competition, American farmers and ranchers will be at a substantial disadvantage.

MAP is specifically targeted to help small businesses, farmer cooperatives and trade associations to meet this subsidized foreign competition. It is not a subsidy to big business as some would want you to believe; in fact, it represents a successful public-private partnership.

MAP is administered on a cost-share basis by the U.S. Department of Agriculture with farmers, ranchers and other participants required to contribute up to 50 percent toward the program. In fact, since 1992, for every dollar contributed by Federal funding, MAP participants have increased their contributions from 30 percent to 166 percent.

According to the USDA, every Federal dollar invested has resulted in $16 in additional U.S. agricultural exports.

Mr. Chairman, in closing, I urge my colleagues to vote against this misguided amendment. MAP helps U.S. agricultural exports meet foreign competition, improves U.S. trade, strengthens farm income and protects American jobs.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Chairman, I rise in strong support of the Chabot amendment. I know that its passage is very unlikely, but this is the type of thing that a conservative Congress should be doing. In fact, the Citizens Against Government Waste says, facing a massive Federal deficit, there is no reason taxpayers should be underwriting the advertising campaigns of multimillion dollar corporations.

Cutting funding for these programs would save precious taxpayer dollars and provide a dose of common sense to our agricultural programs.

In addition to that, the National Taxpayers Union says, this program is "an egregious example of Congress's unlimited appetite for special interest funding." Mr. CHABOT has already mentioned the $8.3 trillion national debt. What is even worse is that the Congressional Budget Office says we are going to add $350 to $400 billion each of the next 10 or 11 years to that debt.

If we cannot do this, then we cannot call ourselves conservatives.

Mr. CHABOT. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, I would also like to read another portion of the National Taxpayers Union letter. They say that the National Taxpayers Union and its members strongly favor free trade and the private efforts of American businesses that engage in both export and import operations.

However, it is absurd to force overburdened taxpayers to subsidize commodity producers as diverse as the Cherry Marketing Institute and the Mohair Council of America in their strategies to market their products overseas.

In fact, taxpayer subsidized trade is not really free trade at all. The more U.S. taxpayers, are forced to support economically dubious programs, such as the MAP, the less credibility our Nation has in adhering to free trade principles. One would think that with the Federal deficits looming far into the future, and government spending out of control, Congress would take swift action to abolish some of the most wasteful and unnecessary Federal programs.

Although MAP is indeed relatively small when compared with other massive bureaucracies found in Washington, the elimination of smaller programs will hopefully present Congress with an opportunity to begin trimming corporate welfare and pork barrel spending from the Federal budget.

Mr. Chairman, again, I just want to emphasize in concluding, we want these organizations to advertise overseas. We want them to be successful. We want them to create jobs, but they need to do it on their money and not on the taxpayer's money.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CHABOT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GORDON:

At the end of the bill, before the short title, insert the following:

SEC. 753. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, the National Energy Conservation Policy Act, and the Energy Policy Act of 2005.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, it is my understanding that this amendment is going to be accepted.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman is correct. We would be happy to accept the amendment. If the gentleman would like to submit his remarks for the RECORD, we can vote on this and move on, again with favorable support for the gentleman's amendment.

Mr. GORDON. Mr. Chairman, I understand the message.

Despite the high cost of energy and existing laws enforcing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last 2 years by not meeting its requirements—or roughly equivalent to 8,200 barrels of oil every day—a total of 6 million barrels over the last 2 years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act (NECPA), last year's Energy Bill (EPACT), and a related Executive Order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal Regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture Appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this Act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will contribute to substantial energy savings in the Federal sector—lessons that have already been learned outside the Federal Government.

Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CARTER

Mr. CARTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CARTER:

At the end of the bill (before the short title), add the following new section:

SEC. 7___. Not more than $3,600,000 of the funds made available in this Act under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for program compliance integrity under section 515 of such Act (7 U.S.C. 1515).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CARTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CARTER. Mr. Chairman, it is very seldom that we get good news around here, but the purpose of this amendment is the continuation of a program that is a success.

Tarleton State University has put together a data mining program in which they have been examining the operations of the crop insurance program. And they have to date saved this country $450 million in waste, fraud and abuse from the crop insurance program. And it is estimated that they have at least prevented the same.

Mr. Chairman, this is a good program that returns 22 to 1 on its expenditures.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Texas.

Mr. BONILLA. Let me just first compliment the gentleman from Texas for his hard work on this issue. This school should erect a statue in his honor for all of the effort that he has put in this tirelessly for the last few weeks.

The gentleman is correct. This has been a good program in years past, but it was not an authorized program this time around. And we have tried to work with the gentleman to try to figure out a solution to this.

Mr. Chairman, I am telling the gentleman that we would be happy to accept the amendment. I know that it has been an ordeal to get the language just right so we could move forward with this issue. I want to let the gentleman know that we would be happy to continue to work with him on this.

Mr. CARTER. Thank you, Mr. Chairman. I thank the ranking member, also, for working with me on this.

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Mr. Chairman, I yield 1 minute to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, thank you very much. I rise in support of this amendment. As I understand, it is a place holder for the opportunity for us to further discuss and refine the opportunity to continue funding of data mining.

I chair the subcommittee that has responsibility for crop insurance, and this to me is one of the most successful programs in weeding out and finding fraud and abuse. I encourage the conferees. I was glad to hear the gentleman from Texas, Mr. BONILLA's remarks, as we try to find an opportunity to make certain this program continues. As a member of the authorizing committee, I look forward to working with you to see that the necessary authorization occurs. It is an awfully important program and one that we will hold a hearing on in the future in hopes that we can expand this opportunity to other areas of the Department's operations. I appreciate the gentleman yielding.

Mr. CARTER. I thank the chairman for his support and also Mr. GOODLATTE, the chairman of the committee, has expressed his support of this program also. It is the future of looking at how we do government, and I am excited to be able to be going forward on this.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. CARTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill (before the short title), insert the following:

SEC.   . None of the funds made available in this Act may be used in contravention of section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, we have worked on this language, and I have corrected some problems we had with it. And we are happy to accept the language if the gentleman will accept our support for this.

Mr. ENGEL. I certainly will, and I will submit my statement for the RECORD.

Let me say that what we are trying to do here is to move America off its addiction to foreign oil by requiring USDA to abide by the law and at least three-quarters of the fleets that they purchase will have to be fuel-flexible cars, and I am delighted that you will go along with this.

We rarely have an opportunity to meet the needs of our farmers while also directly meeting the needs of our national security. But we do today.

President Bush was right to say we are addicted to oil. But now we in Congress need to take action. We need bold action to end this addiction. We need ethanol—not as an additive but as a full fledged alternative.

And though I am loath to use this metaphor during the debate on the Agriculture bill, we have a chicken and the egg problem with ethanol. Should we put more ethanol on the market and hope people buy cars that can use it or have more cars on the market and hope people will turn to ethanol?

I believe we need to get more flexible fuel vehicle on the road. And, I believe we should use the purchasing power of the federal government to pursue this.

Now some may not like the federal government interfering in markets. To this I would respond, this is about national security and that is the federal government's responsibility. And with the war on terror, we must look at all options—not just putting our military overseas but what we can do right here at home.

Some might not like the federal government interfering with consumer's choices. To this I would respond that the U.S. government is the largest consumer of goods and services on the planet. And to meet our responsibility to protect the American people, we have to take this step toward weaning ourselves from foreign oil.

Furthermore, Congress has already spoken on this issue—however the Administration—both Democratic and Republicans Administrations—have failed to comply.

In 1992 the Congress passed the Energy Policy Act and in section 303 of that law, Congress set out targets for the fleet of federal motor vehicles to be alternative fuel vehicles. By 1999, 75 percent of vehicles purchased or leased were supposed to be Alternative Fuel. We aren't even close.

According the GSA's Federal Fleet Report for FY2005 only 26 percent of new vehicles acquired were AFV.

And only 15 percent of the whole existing federal fleet is AFV.

In 2005, the Department of Agriculture had 41,154 cars—and only 3,267 were E–85 capable. In fact, 85 percent of the Ag Department's fleet is still gasoline only. Of the 4,108 vehicles purchased by the Department of Agriculture in FY2005 77 percent were gasoline only.

The number of flex fuel cars on the road today is less than 8 million out of more than 130 million on the road today.

We must do better than that if we are going to get the gas stations to start providing E–85 as an alternative fuel.

Of the 175,000 "fuel stations;" nation wide, only about 700 have E85 available.

And though there are more than 150,000 flex fuel cars in New York there is not one station that sells E–85 in New York.

Let's take this first step and use the federal government's purchasing power to make alternative fuels a reality.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC.   . Appropriations made in this Act are hereby reduced in the amount of $178,120,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will take the admonition of Mr. BONILLA and Mr. OBEY that we are going to be here way into the night if everybody takes all their time, and so I will not do that. I want the chairman to know I have 8 pages of scintillating argument here; but since I do not think it is going to change your mind anyway, let me just say that this is the amendment that you are familiar with that would cut 1 percent of the discretionary funding in the bill. It amounts to $178 million, which represents one penny off every dollar.

Mr. Chairman, I rise again today to offer an amendment to cut the level of discretionary funding in this appropriations bill by 1 percent. This amount equals $178.12 million dollars which represents only one penny off of every dollar.

As most members are aware, I have offered a series of similar amendments to several appropriations bills. I think it is important to state the affect these amendments would have on the deficit if they would be accepted on all spending bills.

We have to draw a line somewhere. The budget we have for next year is simply too large. We can do something about the deficit right now.

By voting for my amendment you are stating that American tax payers should not have to pay higher taxes in the future because we couldn't control our spending today.

Some of the projects in this FY 07 Agriculture Appropriations bill include over $4 million for Shrimp aquiculture research in 7 states. The USDA even testified in 2005 that this project's objectives of developing a sustainable domestic shrimp farming industry in the United States were met and completed in 1987. If the USDA concluded that the project's objectives were met 18 years before, why has Congress continued to fund this program at this level?

We also fund over $6.4 million for wood utilization and we've paid nearly $86 million on this program since 1985, $2.5 million for cotton research in Texas designed for in part, to expand the demand for cotton research in West Texas, almost $2 million to research red imported fire ants in Mississippi, as well as $878,000 for catfish genome research in Alabama.

These are just a few examples of the funding included in these appropriations bills.

The 07 Agriculture appropriations bill still provides nearly $17.8 billion in official discretionary spending, which represents over a $1 billion increase from the previous year and almost $500 million over the President's request. The authorizing and appropriating committees successfully eliminated a considerable amount of mandatory spending with help from the Deficit Reduction Act, but appropriators still shifted another $650 million from mandatory to discretionary spending which distorts some of the numbers. Last year the discretionary funds in this bill were essentially flat funded, but mandatory spending rose exponentially. We seem to be playing hot potato with these funds by trading off every year.

Our budget should be no different from the taxpayers' budgets at home. When we have less money, we should spend less money. It really is that simple.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. I will be very brief.

The gentleman is sincere in his effort in bringing this amendment forward year after year after year, and the majority of House opposes it year after year after year; and once again we oppose it today.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BONILLA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT OFFERED BY MR. LATHAM

Mr. LATHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LATHAM:

At the end of the bill (before the short title), insert the following new section:

SEC. 7___. None of the funds appropriated or otherwise made available by this Act shall be used to pay salaries and expenses of personnel who implement or administer section 741 of this Act or section 508(e)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(3)) or any regulation, bulletin, policy, or agency guidance issued pursuant to such section for the 2007 and the 2008 reinsurance years, except that funds are available to administer such section for policies for those producers who, before the date of the enactment of this Act, had in effect a crop year 2006 crop insurance policy from a company eligible for the opportunity to offer a premium reduction under such section for the 2006 reinsurance year.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The point of order is reserved.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, this is an amendment that has to do with crop insurance. As we all know last year in the ag appropriations bill there was an amendment in that that prohibited funding to do audits of companies that offer the premium reduction program. And that language, which I will read, says: "This amendment would provide time for an independent analysis of the program and the regulatory resources required by USDA to satisfy the statutory requirements. It would give the authorizing committees time to evaluate the premium discounting program and make proper adjustments in the law before it has expanded."

Folks, here we are again. We have a prohibition extending another year in this bill as far as funding. And what this does is stop companies from offering a reduced premium on their crop insurance to farmers.

I understand that there are folks who do not like this program. There have been concerns raised about the way it has been implemented, about practices that some companies have maybe used in selling the product.

In the bill last year when we put the prohibition or the limitation of funding in, that was to give USDA and the authorizing committee time to evaluate it. We have written to USDA. They have responded that they cannot find any problems with the program, and that is their position. There were concerns earlier and those concerns have been met.

In the limitation last year, the authorizing committee was asked to make recommendations to change the program if there were problems. That has not happened.

Mr. Chairman, I am a former insurance agent. I used to sell crop insurance. There is no industry that I like or love any more than this industry. And so it is very difficult for me to look at this and be totally objective. But I honestly believe that this Congress has got to look at the benefit of the producers. I will not in any way, shape or form harm the crop insurance industry. That is the last thing that we can do here because this is a way of farmers managing their risk that they have on their farms, and we have got to make sure that they have those policies available for them to cover their losses.

Having said that, the authorizing committee has not given a recommendation. I think that we have to look at what the authorizing committee on the House side and the other body have to say on this. We will have an opportunity in conference to takes this issue on; and if I could engage the chairman, Mr. Chairman, I would offer to at this time withdraw this amendment if, in fact, I could get your commitment that we would, in fact, in a realistic basis address this issue to make sure that we do the right thing for our producers.

Mr. Chairman, I yield to the gentleman.

Mr. BONILLA. I thank the gentleman for yielding. The gentleman knows absolutely we will continue to try to work with the gentleman. I know we have had some differences on this issue, but no one has worked harder on this issue in the last few weeks and months than the gentleman from Iowa.

I have said to the gentleman privately, and I will now say publicly, that the people in Iowa, not just in the gentleman's district, that the people in the State should canonize the gentleman, Mr. LATHAM, for his hard work on a long list of issues that he has worked on in this subcommittee for many years now.

There are some years as the gentleman knows where he consistently is more successful on a long list of issues that is about twice as long. I am the chairman of the subcommittee, and the gentleman from Iowa usually gets double of his requests in the bill. That is how hard he works, and that is how effective he is. So whether you win or lose on this issue in the end, I would say to the gentleman from Iowa that the people on both sides of this issue should realize that you doing everything possible and we certainly will continue to work with the gentleman from Iowa.

Mr. LATHAM. I thank the gentleman very much. It would be my hope and ambition at this point to bring all the parties together, to finally bring some type of resolution to it, to have a fair and honest discussion with no personal attacks, things like that, that unfortunately we have seen throughout some of this debate on the issue.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 Offered by Mr. BLUMENAUER:

At the end of the bill (before the short title), add the following new section:

SEC. 7 . None of the funds appropriated or otherwise made available by this Act may be used to to pay the salaries and expenses of personnel who make loans available under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) to processors of domestically grown sugarcane at a rate in excess of 17 cents per pound for raw cane sugar or to processors of domestically grown sugar beets at a rate in excess of 21.6 cents per pound for refined beet sugar.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 90 seconds.

Mr. Chairman, the United States sugar program is one of the most archaic and misguided Federal policies that we have. It artificially raises the prices of sugar. It harms U.S. customers and consumers, and prevents developing nations from competing in the global market place.

One of the deep concerns I have is that people are circulating here with a straight face the assertion that this is a no-cost program. Nothing could be further from the truth. It drives up the price for American consumers each year, upwards of $2 billion a year. It undercuts industries that use sugar as a means of production like the confectionery industry. And it is part of an enormous environmental damage, like the everglades, where we are spending $7.5 billion in clean-up.

In the course of the debate this afternoon, we will have opportunities for people to focus on the need to eliminate this program. This amendment is a small step towards sanity, making a 6 percent reduction in the guaranteed price if it is adopted.

I strongly urge that my colleagues look at the facts surrounding this, look at what is going to be good for the consumer, for the environment, for the taxpayer, and taking a step toward a rational agriculture policy.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia is recognized for 10 minutes.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the Blumenauer amendment which calls for reductions of the loan rates established in the 2002 farm bill for both refined beet sugar and raw cane sugar.

Mr. Chairman, farmers have crafted their business plans based on the assurances of the 2002 farm bill. Farmers have invested time and money in that crop often with capital borrowed from the bank. It is unfair now to reduce the returns that farmers counted on when planning, financing, and planting that crop.

This debate concerning the sugar program is an important one. However, it is a debate that my committee will conduct at the appropriate time during the authorization of the new farm bill. As chairman of the House Agriculture Committee, I have already held farm bill field hearings this year and will be holding additional farm bill hearings this summer and fall.

During this process, and not when we are on the floor debating an appropriations bill, is the correct time for discussing and making possible changes to U.S. sugar policy.

Mr. Chairman, in my capacity as chairman of the House Agriculture Committee, it is my responsibility to look at all of agriculture and consider what is best for the United States and our farmers and ranchers. The policy that was put in place by the 2002 farm bill must remain intact. I stand by this commitment to farmers and ranchers and urge a "no" vote on the Blumenauer-Flake amendment.

Mr. Chairman, I reserve the balance of my time.

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Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I am here to confess my reading incomprehension. I have listened to many of my conservative friends talk about the wonders of the free market, of the importance of letting the consumers make their best choices, of keeping government out of economic activity, of the virtues of free trade, but then I look at various agricultural programs like this one. Now, it violates every principle of free market economics known to man and two or three not yet discovered.

So I have been forced to conclude that in all of those great free market texts by Ludwig von Mises, Friedrich Hayek and all the others that there is a footnote that says, by the way, none of this applies to agriculture. Now, it may be written in high German, and that may be why I have not been able to discern it, but there is no greater contrast in America today than between the free enterprise rhetoric of so many conservatives and the statist, subsidized, inflationary, protectionist, anti-consumer agricultural policies, and this is one of them.

In particular, I have listened to people, and some of us have said let us protect workers and the environment in trade; let us not have unrestricted free trade; but let us have trade that respects worker rights and environmental rights. And we have been excoriated for our lack of concern for poor countries.

There is no greater obstacle, as it is now clear in the Doha round, to the completion of a comprehensive trade policy than the American agricultural policy, with one exception, European agricultural policy, which is much worse and just as phony.

Sugar is an example. This program is an interference with the legitimate efforts at economic self-help in many foreign nations.

So I appreciate the leadership of the gentleman from Arizona and the gentleman from Oregon. Here is a chance for some of my free-enterprise-professing friends to get honest with themselves, and now maybe we will see some born-again free enterprisers in the agricultural field.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), ranking member of the Agriculture Committee.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding.

Just a couple of comments here. Whatever you want to say about this, this program does not cost the taxpayers any money. There has been no cost for the last number of years, and I guess you could make the argument that it maybe has some impact on the prices consumers pay, but I would just like to read to the gentleman on the other side of this what the consumers think about this.

We just did a poll on this, and they were asked, how concerned are you about sugar prices? Thirty-three percent are concerned; 64 percent are not concerned.

They were asked: Still thinking of the sugar price in 2005, the average price is 43 cents. The average price in 1990 was 43 cents. In 1980, it was 43 cents. So what do you think about this? Twenty-seven percent said it was expensive; 69 percent said it is not expensive.

How important do you think it is for the United States to be able to produce food domestically instead of with foreigners? The previous gentleman was talking about the Europeans. Right now, if we got rid of the sugar program, we would end up importing sugar from Europe which has a price 50 percent higher than the price in the United States. So, when asked about that, the consumers, these are consumers, said that 93 percent think it is important we produce it here in the United States; 6 percent think it is not important.

So you vote on the line with the American consumers, and they are not concerned about this. I tell you who is concerned about this is the people that use sugar in their candy bars and other kinds of things, and I will guarantee you we can cut the price of sugar in half or to a quarter what it is now, and I will guarantee you the price of a Hershey bar will not change in the grocery store. We have seen that over the years.

So this is a good program. We are bringing in 1.5 million tons of sugar that we do not need in this country. Mr. POMEROY's and my farmers, in North Dakota and Minnesota, could produce all that sugar right here in the United States, but we bring it in, and we help 41 countries, most of them poor countries.

This is a program that has worked. It has been consistent. It makes sense. It does not cost the taxpayers any money. The consumers in the United States support it, and we should defeat this amendment and continue this program going and have any discussion that we are going to have in the farm bill next year.

Mr. BLUMENAUER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), the cosponsor of this amendment.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding and for his leadership on this issue.

I would like to respond to Mr. FRANK of Massachusetts about whether or not Republicans are free market oriented or not. I would like to respond, but I cannot. I honestly have no response to that. I honestly cannot understand how we, as Republicans, can pretend to be in favor of free market economics and still support this kind of program. I do not know how long we can do it and still say that we are free market oriented.

I think it was said best by former Senator Phil Gramm a while ago when he was asked about farm policy and these types of subsidies. He said our farm policy would make a Russian commissar puke. I do not know how to improve on that. You just look at these programs and say, how can we do this year after year after year?

It is said that this does not cost anything, that this is a no-cost program. Well, the sugar program and its price supports, its import quotas and production allotments is not no-cost.

According to the Organization of Economic Cooperation and Development, monetary transfers to producers from consumers and taxpayers as a result of government policy amounted to over half their gross receipts in 2002–2004. Half of the gross receipts from these sugar producers came from either consumers or taxpayers because of government policy regulating the price.

In the year 2000, a GAO study estimated the cost to consumers in 1998 was $1.9 billion. No cost? It is nearly $2 billion of cost.

It is a benefit to producers of about $1 billion and a net loss to the U.S. economy of $900 million. The sugar program is a classic example of the principle of concentrated benefits and diffuse costs.

Nobody is going come here and lobby to Congress because a candy bar costs a cent more or two cents or five cents more, but sugar producers are sure going to lobby when they reap huge benefits.

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, this is our annual debate, and this is an appropriations bill, not a farm bill. I think this discussion should occur in the course of the farm bill. We have many sugar producers in Nebraska who bought a sugar processing plant based on the 2002 farm bill. So we think that it is important it be considered at the right time.

Sugar prices in the United States are low by world standards. Grocery shoppers in other developed countries pay 30 percent more for sugar than the U.S.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need that sugar or not. As the world's second largest sugar importer, the United States is the only major sugar-producing country that is a net importer.

Lastly, I would like to mention this: Ten African Nations, and many others around the world, receive the U.S. premium price, and so the U.S. sugar program benefits many developing countries. This certainly is something that we need to consider.

So I urge defeat of the amendment.

Mr. BLUMENAUER. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Florida (Mr. SHAW), a distinguished senior member of the Ways and Means Committee.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding at this time, and I compliment him for this very good, well-thought-out amendment.

You are hearing a lot of statistics on the floor here, but let me throw some out there that are absolutely correct, and they are backed up by the references that I will make.

The sugar program costs the United States consumers up to $1.9 billion every year, and a recent Department of Commerce report noted that the domestic price of United States wholesale refined sugar over the last 25 years has been two to three times the world price, two to three times the world price.

According to the Bureau of Labor Statistics and the Department of Commerce, American taxpayers are paying over $200,000 per job for every year, every year, to subsidize low-wage, low-skilled growing and harvesting jobs.

This is absolutely nuts. The Department of Commerce estimates that between 1997 and the year 2002, 10,000 confectionary manufacturing jobs were lost due to the high price of sugar right here in the good ole U.S.A.

A responsible sugar policy would result in a net increase in employment in the higher paying sugar manufacturing and confectionary industries and in increased savings to the American taxpayer.

I urge my colleagues to support a responsible sugar policy that benefits U.S. food manufacturers, increases U.S. exports, helps consumers save money at the grocery store, decreases government spending, and creates more jobs for U.S. workers. That's why I'm voting for the Blumenauer-Flake Amendment to H.R. 5384.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining?

The CHAIRMAN. The gentleman from Virginia (Mr. GOODLATTE) has 4½ minutes remaining. The gentleman from Oregon (Mr. BLUMENAUER) has 3½ minutes remaining.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I very much thank my chairman for yielding.

We are at a time when we have the greatest trade imbalance that we have ever had in the history of our country, and the effect of this amendment would be to significantly encroach upon a sugar program that has kept domestic sugar production part of the agricultural production in this country.

It is very much on the bubble. Throw open the doors, there are countries around the world heavily subsidizing their domestic product, providing a global dump price well below fair cost to production, meaning the end of U.S. production, reliance entirely upon imported sugar.

Now, that has a consequence that goes well beyond trade imbalance because, at that point in time, the pricing of our groceries, turning in part upon the sugar ingredient found in so many of our processed foods, is like the oil we import and burn, out of our control. Volatile pricing of global sugar, volatile pricing of grcceries.

What we have with the sugar program is fair pricing, a stable food market, a program that needs to continue.

Mr. BLUMENAUER. Mr. Chairman, I yield myself 30 seconds.

Two very brief points. One is, because of the nature of this lavish subsidy, it has concentrated activity so that 1 percent of the sugar producers get 42 percent of the benefit. A massive amount goes to just two companies in Florida alone.

Second, it is driving jobs overseas. We have three-quarters of 1 million workers who are in sugar-using industries that are at a competitive disadvantage and are moving out of the United States.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in opposition to this Blumenauer amendment.

Nearly every year an anti-sugar farmer amendment is offered to the agriculture appropriations bill, and almost every year, the same misinformation is recklessly spread about sugar farmers. This is an appropriations bill, not a farm bill.

All U.S. commodities covered under the 2002 farm bill receive loans from the Federal Government. Sugar is not receiving special treatment.

Sugar prices for farmers have declined since 1990. Over that same period, the price of candy, cookies, cake, and ice cream have steadily risen by as much as 50 percent. Food companies, not the sugar farmers, are making the big profits.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need the sugar or not.

In light of this information and in the spirit of fairness, I ask my House colleagues to oppose this amendment.

The only difference is that sugar farmers rarely default on their loans. Sugar farmers pay loans back with interest.

Loan levels for sugar farmers have remained unchanged for 20 years, even though the cost of doing business has steadily risen—inflation since 1985 has been 81 percent.

Sugar prices in the United States are low by world standards. Grocery shoppers in other developed countries pay 30 percent more for sugar than U.S. consumers. and, U.S. retail prices remained steady, at 43 cents per pound, in 2005, despite the devastating hurricanes that ravaged cane country in Louisiana and Florida. Remarkably, 43 cents was the average U.S. retail sugar price as long ago as in 1990, and even in 1980.

Sugar prices for farmers have declined since 1990. Over that same period the price of candy, cookies, cake and ice cream have steadily risen, by as much as 50 percent. Food companies, not sugar farmers, are making the big profits.

America already has one of the most open sugar markets in the world, importing sugar from 41 countries whether we need the sugar or not. As the world's second largest sugar importer, we're the only major sugar-producing country that is a net importer.

146,000 Americans are employed by sugar and depend on strong sugar policy. A vote for the Blumenauer Amendment to H.R. 5384 is a vote against 146,000 hard-working farmers and workers in 19 States.

In light of this information and in the spirit of fairness, I ask my House colleagues to oppose this amendment.

Mr. BLUMENAUER. Mr. Chairman, I yield 1 minute again to the gentleman from Arizona (Mr. FLAKE), my colleague and the cosponsor of this amendment.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding. Let me just talk about some of the groups outside that are supporting this amendment.

This is the Consumer Federation of America: "American consumers pay almost $1 billion per year for sugar and products containing sugar than they would if the U.S. market for sugar were fully competitive."

The National Taxpayers Union: "Sugar interests like to make the claim that the Federal sugar program is run at no cost to the taxpayer, yet they conveniently ignore the cost of staffing and operating the bureaucracy necessary to run this monstrous program."

Also, we talked about the cost to the consumer that is borne, about $1 billion dollars a year.

Consumers for World Trade: "The U.S. sugar program is an outdated entitlement program that props up uncompetitive farmers at the expense of American consumers."

The sugar program is making it increasingly difficult to have real free trade agreements because it is impacting on the Doha round, and any other round we have on trade negotiations it makes it more difficult because of trade distorting practices like our sugar program.

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The Competitive Enterprise Institute said: "How can a domestic program that raises a family's cost, harms the environment, and hurts poor farmers in developing countries be justified?"

Mr. GOODLATTE. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentleman from Virginia.

Mr. Chairman, the only justification for a farm program is to ensure adequate production and processing capacity for our own security. Now, it has been talked about here today about how terrible the sugar program is. The fact is every country does this. To unilaterally disarm our producers makes absolutely no sense in the world trade scheme, and we simply cannot be allowed to be led down this path.

At the point when the rest of the world is willing to give up their subsidies and play on a level playing field, our producers can be just as successful as they are, if not more so. But until that time comes, and it is not likely to show up in my lifetime, we have to ensure adequate production and processing for the American people.

Mr. GOODLATTE. Mr. Chairman, who has the right to close? I just have one speaker remaining.

The CHAIRMAN. The sponsor of the amendment, the gentleman from Oregon, has the right to close.

Mr. GOODLATTE. Mr. Chairman, I will go ahead and close.

This has been a very interesting debate. It is just the wrong place for this debate. This is important agricultural policy that should not be determined based upon a 20-minute debate in the middle of an appropriation bill that funds agricultural programs. This is a debate that needs to wait until the 2007 farm bill.

I hear the arguments. I am very much interested in good policy for agriculture, including addressing some of the concerns that have been raised about the sugar policy. This isn't the place to do it.

So I urge my colleagues to oppose this amendment, and I look forward to addressing this in the writing of a new farm bill.

Mr. Chairman, I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chairman, I want to inquire as to the time remaining. We have 2 minutes left?

The CHAIRMAN. The gentleman from Oregon has 2 minutes remaining.

Mr. BLUMENAUER. I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman for yielding, and I hope I don't use the whole minute, but just to say that as a Republican who believes in free markets, it is one of the big contradictions for me to constantly see some of my conservative colleagues argue for a Depression program, a program from the Depression era.

This is a program that costs a billion dollars, it distorts the marketplace, and the reason we are debating it here is because we rarely get an opportunity to debate this kind of issue. It needs to be gone.

Mr. BLUMENAUER. Mr. Chairman, one of the problems here is this is not, with all due respect, some sort of major massive pruning. We are talking about a 6 percent reduction on how the American consumer and taxpayer is on the hook. That is not unilaterally disarming. That is not a massive overhaul. We need this modest step.

I look forward to working with the chairman of the Ag Committee, although I hope he is not the chairman of the Ag Committee next session, but in whatever capacity I look forward to working with him to have that honest debate. The last time it went through the legislative process, the sugar provisions got worse, not better. It was more egregious. There were more things that were added to it to make it work against the consumer and the taxpayer.

Only in Washington, DC would this be regarded as no-cost. That survey that has been talked about should have asked consumers: Do they like paying two to three times the world price of sugar? Do they like driving overseas thousands of confectionery jobs, making our trade imbalance worse? Do they like working against the ecological health of the everglades and then spending $7.5 billion of taxpayer money to start cleaning up some of the toxic residue of the sugar industry? And do they want to discriminate against poor countries like Ethiopia, Mozambique, and Mali that could benefit from freer trade in sugar?

I urge support of the Blumenauer-Flake amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. SLAUGHTER:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. 753. Of the total amount made available in title VI in the first undesignated paragraph under the heading "FOOD AND DRUG ADMINISTRATION—SALARIES AND EXPENSES", $1,000,000 is available to the Center for Veterinary Medicine for application review activities to assure the safety of animal drugs with respect to antimicrobial resistance, pursuant to section 512 of the Federal Food, Drug and Cosmetic Act, in addition to all other allocations for such purpose made from such total amount.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Ms. SLAUGHTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I shall be very brief.

As a microbiologist as well as a Member of Congress, I have been very concerned for some time about the overuse of antibiotics and the rise of drug-resistant bacteria. So what we are asking today is just a sum of money, $1 million, to be set aside from the FDA budget to begin to study the overuse of antibiotics in animals and using animals basically as incubators to breed the drug-resistant bacteria.

I think it is a matter of top concern. It has been labeled that by the CDC and the World Health Organization, which says it has become a crisis; so I am pleased to put this amendment forward today.

Mr. BONILLA. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Texas.

MR. BONILLA. Mr. Chairman, we have worked with the gentlewoman on this amendment, and I am happy to accept the amendment and would move it to a vote if the gentlewoman would agree.

Ms. SLAUGHTER. I appreciate that very much, and thank you, sir.

Mr. Chairman, I rise today to address an issue that concerns me not just as a microbiologist, but as a mother and a grandmother as well.

Americans have a right to trust the safety of the food they eat and feed their families.

Today, that safety has been put in jeopardy by a new threat, one that is the unintended result of our own advancements.

The threat comes from antibiotic resistant bacteria.

We take antibiotics for granted in this country. Just over 60 years ago, a pneumonia diagnosis was a death sentence. A case of bacterial meningitis would have been hopeless.

With the introduction of antibiotics, however, we have been able to treat these, and many other, once fatal diseases.

Unfortunately, the Centers for Disease Control and Prevention have reported that the most significant human infections are becoming resistant to the antibiotics commonly used to treat them.

In fact, antibiotic resistance has been labeled a "top concern" by the CDC, and the World Health Organization has called the situation a crisis.

Resistant bacterial infections increase health care costs by 4 to 5 billion dollars each year.

Two million Americans acquire a bacterial infection annually during stays at hospitals. Seventy percent of the infections they contract are resistant to the drugs prescribed for treatment.

Salmonella infections, the cause of food poisoning, 1.4 million illnesses, and 500 deaths in America every year are increasingly resistant to the numerous drugs used against them.

And 38 patients in American hospitals die every day as a result of diseases contracted during their stay that no longer respond to antibiotics.

While the overuse and misuse of antibiotics in humans is a factor contributing to this problem, it is not its only cause.

There are currently seven classes of antibiotics used in both animals and humans, including basic drugs like Penicillin.

In fact, 70 percent of all U.S. antibiotics are used by meat producers on their livestock for nontherapeutic purposes.

Unwittingly, we are permitting animals to serve as incubators for resistant bacteria.

And as a result, a parent on a trip to the grocery store could end up bringing home meat contaminated with diseases that will put their family's health at risk and prove difficult to treat.

In 2003, a National Academy of Sciences report stated that if we hope to make headway against this danger, we must reduce overuse of antibiotics not just in humans, but in animals and agriculture as well.

This huge and tremendously important task has fallen largely on the FDA's Center for Veterinary Medicine.

And yet, despite its position on the front lines of this fight, the CVM is ill-equipped to carry out its duties. It needs additional resources to review the drugs currently approved for animal use.

The amendment I am offering here today will give CVM the much needed boost necessary to do its job.

It will make available 1 million dollars from within its budget to make sure we have the drugs we need to treat bacterial infections.

With all of the new challenges modern medicine faces, we cannot allow a resurgence of ailments no longer seen as a source of concern.

Our failure to address this problem will result in a less secure, and less healthy, future for our children and grandchildren.

I urge all of my colleagues to support this common-sense amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. GUTKNECHT:

At the end of the bill (before the short title), insert the following new section:

SEC. 7 . (a) LIMITATION ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by this Act shall be used to implement the limitation in section 720 of this Act.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amounts otherwise provided by this Act are revised by reducing the amount made available for "AGRICULTURAL RESEARCH SERVICE—BUILDINGS AND FACILITIES" and the amount made available for "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE—RESEARCH AND EDUCATION ACTIVITIES" by $65,319,000 and $16,681,000, respectively.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. GUTKNECHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, it is a very simple amendment, but I think it is very important and one that an awful lot of groups are paying attention to.

There is a program we have had in the farm bill for a very long time, the Wetland Reserve Program, that has become extremely important on a variety of fronts. It is important to wildlife, it is important to our water quality, it is important to flood control, and I think it is important to most Americans who care about the environment.

It is especially important to those of us in Minnesota. We have 10,000 lakes. We take water very seriously. And the Wetland Reserve Program is something that we want to do everything we can to preserve and keep at its current levels.

Currently, we authorize in the farm bill about 250,000 acres for the Wetland Reserve Program. And I understand how difficult it has been for the subcommittee and the chairman and the staff to squeeze all of the requests into the amount of money that they have been allocated in this appropriation bill, so I have a great deal of empathy for the problems that they have. But I wanted to come to the floor today to offer an amendment to restore to 250,000 acres the overall authorization for the Wetland Reserve Program.

Currently, under this bill that authorization drops to about 144,000 acres. I understand that the committee had to find $82 million. And by passing this amendment we create an $82 million hole in their bill, and I am empathetic to that. So what we have done, working with the Department, we take $65 million from the ARS Facilities area and $16.5 million from the CSREES Research and Education Activities fund.

No one likes to take money from those funds, but as we looked at all the potentials for offsets, those were the best we could find. So, Members, I think this is an important amendment. I think it is one that will be watched by the Ducks Unlimited, the Pheasants Forever, lots of the wildlife groups and sportsmen groups, and it is important as well to the folks who are really concerned about preserving our wetlands and improving our environment.

So this is a very important amendment, and I hope my colleagues will join me in supporting the Gutknecht amendment.

MR. BONILLA. Mr. Chairman, I rise in opposition to the amendment and claim the time in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I strongly oppose the gentleman's amendment, and I know the gentleman has worked hard to try to perfect the language in this amendment; but as we see it, very clearly the gentleman's amendment scores at zero. So it would, in essence, not have the effect the gentleman is hoping to have on the WRP program, but it will cost $82 million in cuts.

This is for a program that the Inspector General of the Department of Agriculture cited for $159 million in overpayments over 5 years. So I am glad to see that mismanagement does not bother the gentleman from Minnesota, but it certainly bothers me and other Members of this body.

Again, there is a technicality here that we have a problem with, as we have had some professional staff review this language over and over again. So I would ask the gentleman, since his amendment would not accomplish what he is trying to accomplish, if he would withdraw the amendment and perhaps seek a different remedy.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I would be more than happy to work with the chairman on this. We worked with the professionals who draft these amendments. We told them what we wanted. We were willing to find offsets. We worked with the Department for those offsets. We understand those offsets do cause some heartburn for the Department, but it is my understanding they can work with those offsets.

I would appreciate it if we could at least adopt this amendment, and we will work with you through the conference committee process to perfect that language, if that is necessary. I hope that this body wants to send a clear message that the Wetlands Reserve Program is a high-priority program. And I would work with you on that, but I would like to have this amendment adopted, even if it is not perfect in your eyes.

MR. BONILLA. Reclaiming my time, Mr. Chairman, it is not a matter of my eyes; it is a matter of the professionals that have scrubbed this language; and again, the gentleman would not be accomplishing what he is hoping to accomplish.

I might say as an aside, too, there is an issue related to this. We understand that there may have been some unethical and perhaps even illegal activity by the Department involved directly with this issue, in terms of attempting to lobby Congress on it. And I want to say for the record that we are not done with this issue after we vote on this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise in favor of the amendment offered by my colleague from Minnesota.

Whether it is breeding grounds in the north or wintering grounds in the south, the Wetland Reserve Program—WRP—is worthy of strong funding. Besides wildlife habitat restoration, WRP has an impressive record of providing flood protection, improving water quality and conserving water quantity.

Farmer interest in these programs greatly exceeds the availability of funds. For example, in 2005 in my district, there were 240 farmers with unfunded applications totaling 34,000 acres and $49 million. These lands are marginal, high risk lands that are vulnerable both to floods and droughts because of the high content of hydric soils. These marginal lands detract from a farmer's cash flow and tend to experience repeated losses requiring disaster recovery assistance. Furthermore, it has been shown that WRP can reduce expenses in Federal crop insurance and other farm programs.

WRP provides a lump sum easement payment that assists financially distressed farmers. The easement payment may be used to pay off current debts or to meet current operating fund needs. Additionally, WRP may provide farmers with both a temporary alternative source of income through the wetlands restoration contract and a permanent source of income from the recreational and lease hunting income generated by the restored wetland wildlife habitat. The public benefits from both the reduced demand placed on disaster assistance funds from lands that previously experienced repeated losses and from significant long-term conservation benefits obtained from the protection of wildlife habitat, improvement of water quality, increase of flood storage and reduction of soil erosion.

As the ranking member of the Homeland Security Committee, I have seen avian influenza become increasingly more important. Although there has not been a case of a human contracting the disease from a wild bird anywhere in the world, it is feasible. The more we can disperse wild birds and improve their overall health, the less risk we will have, especially in an area that my colleague from Minnesota and I represent, the Mississippi Flyway.

Let's not continue with empty rhetoric of supporting the 2002 farm bill. In 2002 we passed a farm bill consisting of an annual 250,000 acres of land to be enrolled in the WRP. If we are going to say that we support the 2002 farm bill, then we should support this amendment because it does just that and I strongly encourage its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GUTKNECHT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

MR. BONILLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wonder if my distinguished ranking member, Ms. DELAURO, might engage in a colloquy with me about what remains on the bill. We are a little puzzled, and I include my side on this.

If Members are serious about offering amendments, I wonder where they are, on my side as well as on the minority's side. If we can't get Members here, perhaps we should seek a remedy to move through this bill and finish it.

Ms. DeLAURO. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentlewoman from Connecticut.

Ms. DeLAURO. Mr. Chairman, I think the gentleman makes a good point. I know we have called those on our side to come down, and I do not know the disposition on your side. It looks to me like we have on our side three amendments, and I was just trying to tally up on your side. There are about five or six; is that correct?

MR. BONILLA. Reclaiming my time, Mr. Chairman, I know the gentlewoman would agree on her side that she is not a babysitter, nor am I. If I had an amendment to offer, I would be in a three-point stance ready to go on something that was of great importance to my constituents.

So I would throw out for thought that perhaps after another 5 minutes passes, if nobody is here, we might look for a unanimous consent to shut it down and move to final passage.

Ms. DeLAURO. That is something I would very much like to consider, Mr. Chairman. So let us wait the 5 minutes and see what we have.

MR. BONILLA. We will wait 5 minutes, and if we don't see anyone, then perhaps we can work on a UC, again with a bipartisan shutdown of the bill and move forward.

□ 1645

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. WEINER of New York.

Amendment No. 17 by Mr. KENNEDY of Minnesota.

Amendment No. 4 by Mr. PAUL of Texas.

Amendment No. 12 by Mr. CHABOT of Ohio.

Amendment No. 8 by Mr. HEFLEY of Colorado.

Amendment No. 6 by Mr. BLUMENAUER of Oregon.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 234, noes 184, not voting 14, as follows:

[Roll No. 182]

AYES—234

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Burton (IN)
Camp (MI)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Chocola
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pelosi
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—184

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Beauprez
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Butterfield
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Farr
Flake
Foley
Forbes
Ford
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hyde
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Pombo
Price (GA)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Brown, Corrine
Davis (FL)
Evans
Feeney
Gibbons
Gohmert
Gutierrez
Hunter
Issa
Kennedy (RI)
Larson (CT)
Meek (FL)
Payne
Snyder

□ 1717

Messrs. WALDEN of Oregon, BARTON of Texas, BARROW, BASS, SAM JOHNSON of Texas, WILSON of South Carolina, TURNER, REGULA, KUHL of New York and NEY changed their vote from "aye" to "no."

Messrs. HINCHEY, ROGERS of Michigan, MURTHA, HOEKSTRA, PETERSON of Minnesota, CHOCOLA, RUSH, KIRK, BERRY, BOSWELL, WELDON of Pennsylvania and SALAZAR changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. KENNEDY OF MINNESOTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 345, noes 76, not voting 11, as follows:

[Roll No. 183]

AYES—345

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conyers
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Duncan
Ehlers
Engel
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutierrez
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Herseth
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inglis (SC)
Inslee
Israel
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Smith (NJ)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (FL)

NOES—76

Abercrombie
Barrett (SC)
Biggert
Blackburn
Blunt
Boehner
Bonilla
Boyd
Capps
Carter
Castle
Clay
Cleaver
Conaway
Cooper
Crowley
Culberson
Cummings
Davis (IL)
Davis (TN)
Delahunt
DeLay
Dreier
Edwards
Emanuel
Emerson
Eshoo
Farr
Flake
Foley
Gibbons
Granger
Grijalva
Hall
Hensarling
Higgins
Hobson
Hulshof
Hyde
Jackson (IL)
Johnson, Sam
Kelly
Kingston
Knollenberg
Kolbe
LaHood
Lewis (CA)
Marchant
McDermott
McMorris
Miller, George
Moran (VA)
Murtha
Myrick
Neugebauer
Nunes
Otter
Radanovich
Reichert
Rush
Ryun (KS)
Schmidt
Shaw
Simpson
Slaughter
Smith (TX)
Sweeney
Tauscher
Taylor (NC)
Thomas
Thornberry
Turner
Weldon (FL)
Wicker
Wynn
Young (AK)

NOT VOTING—11

Brown, Corrine
Davis (FL)
Evans
Hunter
Issa
Kennedy (RI)
Larson (CT)
Meek (FL)
Payne
Pelosi
Snyder

□ 1726

Mr. GEORGE MILLER of California changed his vote from "aye" to "no."

Mr. CAPUANO changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, I rise today to explain how I would have voted on May 23, 2006 during rollcall votes Nos. 179, 180, 181, 182, and 183 during the second session of the 109th Congress.

Rollcall vote No. 179 was on ordering the previous question.

Rollcall vote No. 180 was on passage of H. Res. 830, providing for consideration of H.R. 5384, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

Rollcall vote No. 181 was on the motion to suspend the rules and pass H.R. 4681, the Palestinian Anti-Terrorism Act of 2006.

Rollcall vote No. 182 was on agreeing to the Weiner amendment to H.R. 5384.

Rollcall vote No. 183 was on agreeing to the Kennedy amendment to H.R. 5384.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted "yes" on all of these rollcall votes.

Thank you for your time and careful consideration of this important matter.

AMENDMENT OFFERED BY MR. PAUL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 34, noes 389, not voting 9, as follows:

[Roll No. 184]

AYES—34

Abercrombie
Barrett (SC)
Bartlett (MD)
Burton (IN)
Duncan
Flake
Franks (AZ)
Gohmert
Goode
Hayworth
Hefley
Hostettler
Istook
Johnson, Sam
McHenry
McKinney
McMorris
Miller (FL)
Paul
Pearce
Petri
Poe
Price (GA)
Renzi
Royce
Sanders
Sensenbrenner
Shadegg
Sullivan
Tancredo
Tiberi
Udall (NM)
Wilson (NM)
Young (AK)

NOES—389

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor

Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—9

Brown, Corrine
Davis (FL)
Evans
Hunter
Issa
Kennedy (RI)
Larson (CT)
Payne
Snyder

☐ 1735

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would advise Members that this series of votes will now include a seventh question, the amendment by the gentleman from Minnesota, Mr. GUTKNECHT.

Mr. BOEHNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GREEN of Wisconsin) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER CONSIDERATION OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5384, pursuant to House Resolution 830, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

Mr. Speaker, I further ask unanimous consent that the intervention of these proceedings in the House not affect the continuation of 5-minute voting on the pending series of votes in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, just for the Members who may not have heard, a seventh vote in this series was added, the Gutknecht amendment, that must be completed before we can proceed with the bill. So there are seven votes in the ongoing series.

It is the expectation that the 2-minute voting will not begin until a subsequent series of votes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair understands that the ongoing series of votes in the Committee of the Whole will resume as 5-minute votes and that the authority for 2-minute voting will be used only in subsequent series.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 830 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5384.

☐ 1739

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, with Mr. RYAN of Wisconsin in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Texas (Mr. PAUL) had been disposed of and the bill had been read through page 82, line 14.

Under the order of the House just entered, the current series of votes will continue as 5-minute votes. Any succeeding series of votes may include 2-minute votes after the first in a series.

AMENDMENT NO. 12 OFFERED BY MR. CHABOT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 79, noes 342, not voting 11, as follows:

[Roll No. 185]

AYES—79

Akin
Andrews
Bachus
Barrett (SC)
Bass
Berkley
Bradley (NH)
Brown (OH)
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Capuano
Castle
Chabot
Chocola
Clay
Culberson
Davis, Jo Ann
DeGette
Dent
Doggett
Duncan
Ehlers
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Gillmor
Hayworth
Hefley
Hensarling
Hoekstra
Hostettler
Hyde
Inglis (SC)
Istook
Johnson, Sam
Kucinich
Linder
LoBiondo
Mack
Manzullo
Matheson
McHenry
McKinney
Miller, Gary
Moran (VA)
Myrick
Owens
Paul
Pence
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Shadegg
Shaw
Shays
Stark
Stearns
Tancredo
Taylor (MS)
Thompson (MS)
Tiberi
Van Hollen
Visclosky
Wamp
Waxman
Wilson (SC)

NOES—342

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Maloney
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Brown, Corrine
Davis (FL)
Evans
Green, Gene
Hunter
Issa
Kennedy (RI)
Larson (CT)
Lynch
Payne
Snyder

☐ 1747

Mrs. MALONEY changed her vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 99, noes 322, not voting 11, as follows:

[Roll No. 186]

AYES—99

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Campbell (CA)
Cannon
Castle
Chabot
Chocola
Coble
Cooper
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Ford
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Inglis (SC)
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Matheson
McCotter
McHenry
Mica
Miller (FL)
Miller, Gary
Myrick
Norwood
Otter
Paul
Pence
Petri
Pitts
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Rothman
Royce
Rush
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Terry
Tiberi
Westmoreland
Wilson (SC)
Young (FL)

NOES—322

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel

Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Brown, Corrine
Davis (FL)
Evans
Hunter
Issa
Istook
Kennedy (RI)
Larson (CT)
McHugh
Payne
Snyder

☐ 1755

Mr. NORWOOD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. BLUMENAUER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 135, noes 281, not voting 16, as follows:

[Roll No. 187]

AYES—135

Allen
Andrews
Bean
Berkley
Berman
Biggert
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bono
Boucher
Bradley (NH)
Brown-Waite, Ginny
Campbell (CA)
Capps
Capuano
Castle
Chabot
Chocola
Cooper
Davis (IL)
Davis (KY)
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Doggett
Doyle
Drake
Duncan
Ehlers
Emanuel
English (PA)
Eshoo
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gibbons
Gingrey
Gohmert
Gordon
Green (WI)
Gutierrez
Hart
Hayworth
Hefley
Hensarling
Hoekstra
Holt
Hostettler
Inglis (SC)
Israel
Jackson (IL)
Johnson (CT)
Johnson, Sam
Kanjorski
Keller
Kelly
Kind
Kingston
Kirk
Kolbe
Kuhl (NY)
Langevin
Lee
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Manzullo
Markey
Matheson
McKinney
McNulty
Meehan
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Neal (MA)
Northup
Owens
Pallone
Pascrell
Paul
Pence
Peterson (PA)
Petri
Platts
Price (GA)
Pryce (OH)
Ramstad
Rogers (KY)
Rohrabacher
Royce
Rush
Ryan (WI)
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Sweeney
Tancredo
Tauscher
Tiberi
Tierney
Udall (NM)
Van Hollen
Wamp
Waters
Watson
Waxman
Weiner
Westmoreland
Young (FL)

NOES—281

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Berry
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (TN)
Davis, Jo Ann
DeFazio
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Dreier
Edwards
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Feeney
Filner
Foley
Ford
Fortenberry
Foxx
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Honda
Hooley
Hulshof
Hyde
Inslee
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kline
Knollenberg
Kucinich
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pelosi
Peterson (MN)
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (TX)
Sodrel
Solis
Spratt
Strickland
Stupak
Sullivan
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Watt
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—16

Bass
Brown, Corrine
Davis (CA)
Davis (FL)
Evans
Hoyer
Hunter
Issa
Kennedy (RI)
Larson (CT)
McHenry
Millender-McDonald
Payne
Radanovich
Simmons
Snyder

☐ 1802

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 13 OFFERED BY MR. GUTKNECHT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. GUTKNECHT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 235, not voting 12, as follows:

[Roll No. 188]

AYES—185

Akin
Andrews
Baca
Bachus
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Boehner
Bono
Bradley (NH)
Brady (PA)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Camp (MI)
Campbell (CA)
Capps
Cardin
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Clyburn
Costello
Cummings
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ehlers
Emanuel
English (PA)
Eshoo
Fattah
Ferguson
Fitzpatrick (PA)
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Gerlach
Gibbons
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Holden
Holt
Honda
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kucinich
Kuhl (NY)
Langevin
Leach
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lynch
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McGovern
McKinney
Meehan
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Paul
Pelosi
Peterson (MN)
Petri
Platts
Porter
Price (GA)
Price (NC)
Pryce (OH)
Ramstad
Reyes
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Sabo
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Stearns
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tiberi
Upton
Van Hollen
Visclosky
Wasserman Schultz
Weldon (PA)
Weller
Westmoreland
Wexler
Woolsey
Wynn

NOES—235

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Davis (AL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
Engel
Etheridge
Everett
Farr
Feeney
Filner
Flake
Foley
Forbes
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Istook
Jindal
Johnson, Sam
Kaptur
Kildee
Knollenberg
Kolbe
LaHood
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCaul (TX)
McCotter
McDermott
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Otter
Pastor
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Pomeroy
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Saxton
Schmidt
Serrano
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Spratt
Stark
Strickland
Sullivan
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—12

Brown, Corrine
Culberson
Davis (FL)
Evans
Hunter
Issa
Keller
Kennedy (RI)
Larson (CT)
Oxley
Payne
Snyder

☐ 1811

Mr. ALEXANDER changed his vote from "aye" to "no."

Ms. ZOE LOFGREN of California, Mr. GUTIERREZ, Ms. WASSERMAN SCHULTZ and Mr. NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. REICHERT

Mr. REICHERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. REICHERT:

At the end of the bill (before the short title), insert the following new section:

SEC. 7 . None of the funds appropriated or otherwise made available by this Act shall be used to apply part 1124 of title 7, Code of Federal Regulations, to any producer-handler that produces less than 9,000,000 pounds of milk per month.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, in April of 2006, the U.S. Department of Agriculture issued a proposal 2 years in the making. The rule requires the Pacific Northwest and other producer-handler operations that produce more than 3 million pounds of milk per month to participate in the milk pool.

To process milk, they must buy from the pool at a set price. This helps ensure dairies small and large are paid the same price for their milk.

But do-it-all operations like Smith Brothers Farms in Kent, Washington, called producer-handlers, have been exempt from the regulations since the Depression. These producer-handlers are dairies that produce milk and process it into final product themselves. The thinking at the time was they were too small to influence prices and could not survive without the exemption.

Smith Brothers is one of only three dairies left in the Pacific Northwest that raise and milk the cows, as well as pasteurize and bottle the milk. The new regulations would devastate their business. The rule change was meant to target a much larger producer-handler that was producing 28 million pounds of milk per month, and this small, family-owned business got caught in the crossfire.

The big change happened when a producer-handler decided to get big. It made big investments and went after the big box stores, and because it had freedom to set its own prices, it took away business from the pool dairies.

This large milk distributor that I just indicated is producing 28 million pounds of milk per month and has 13,000 cows. In comparison, Smith Brothers Farms in Kent, Washington, produces only 6.5 million pounds of milk per month and has only 3,000 cows.

This order, if allowed to stand, would have a devastating effect on dairies like Smith Brothers and would require them to go out of business, sell off parts of their dairy operation, and/or pay $100,000 a month to a pooled penalty or settlement fund which would subsidize their dairy operators. This order would limit competition and ultimately drive milk prices up in the Pacific Northwest.

Mr. Chairman, my amendment states that these USDA regulations should only apply to very large producers, those that produce 9 million pounds of milk per month or more. A 9 million pound hard cap would mean that if a producer-distributor exceeds 9 million pounds of Class 1 route distribution, they cease to be eligible for producer-handler status and become a regulated plant.

Mr. Chairman, I realize that this amendment will not be made in order. However, I hope that we can continue to work on this issue in order to protect small dairy farms that provide a unique and valuable product to our customers.

Mr. Chairman, I ask unanimous consent to respectfully withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

□ 1815

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds appropriated in this Act may be used to deny compensation to eligible individuals filing claims to be satisfied out of the settlement fund approved by the court April 14, 1999 in Pigford v Glickman, 185 F.R.D. 82 (D.D.C. 1999).

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the ranking member, Ms. DELAURO, and the chairman, Mr. BONILLA.

Frankly, under ordinary circumstances, in regular order, Mr. Chairman, it would be appropriate to argue this amendment and to seek to overrule or to defend, if you will, the point of order. But I am offering this amendment to, in essence, give light to an unending problem to an aspect of the agricultural industry here in the United States.

Mr. Chairman, this is an issue that has been worked on by many Members of Congress. However, unlike as in the words "silence is golden," the absence of silence of debate on this question is not golden and has really hurt African-American farmers, black farmers. They have been working a number of years to secure the enforcement of a settlement that was rendered some years ago, in 1999, under the Glickman administration, when Mr. Glickman was the Secretary of Agriculture when President Clinton was in office.

This is a civil rights case stemming from years and years of being denied farm loans, with documented information regarding the many regions where black farmers were. Black farmers were, in essence, sort of the legacy of slavery to the extent that many of them gained their land through that period. Many of them farmed the land and were great contributors to American society in general, but certainly to the farm industry of America. When they began to ask for farm loans, as other farmers did, interestingly enough, the Department of Agriculture systematically and on racial grounds denied them loans, therefore causing a lot of foreclosures and the unnecessary losing by African Americans of their farmlands.

I am grateful to past administrations, and even to those in this administration, who understand the plight of these farmers. Without the loans, many farmers faced foreclosures, as I said, and lost their farms. In 1920, African Americans owned one in seven farms. Today, it is one in 100, and I might argue it is even less than that. A large number of African Americans did not then and many do not today even know that the lawsuit exists.

So the issue before us is the question of extending the statute of limitations so that no farmer is denied. And the language of my amendment says that no funds shall be utilized to deny any eligible farmers for this particular consent decree that comes under the Pigford v. Glickman consent order.

I want you to know, Mr. Chairman, that this was a class action and that it was agreed to by the U.S. Department of Agriculture. That is an important point. We have been trying to work on legislation that would waive or extend the statute of limitations, but it is important in the context of the agriculture appropriations bill to let it be known that there are farmers who weren't given the monies to survive and, therefore, are in need of the serious look of the Appropriations Committee to continue to press the Department of Agriculture to make good on the consent order that they agreed to.

The discrimination in the USDA was so common during the period of 1980 to 1986 that the Glickman case determined that anyone bringing a claim with a valid showing should receive compensation. In fact, any nonwhite American farmer should receive compensation because the discrimination was so pervasive.

So, in essence, this opportunity is to make a plea to the United States Congress not to forget these farmers and to take the language of the Glickman Department of Agriculture, which is in essence this Department of Agriculture, who found such blatant discrimination, such broad-based discrimination that the definition was anyone, anyone who could make their case was eligible, and my language speaks to any eligible person.

We have a barrier of the statute of limitations and we have a barrier of no one listening. We have a barrier of no one shining light on this plight and a barrier, if you will, of not recognizing that America's small farmers, which African Americans are, are the backbone of our farming industry and really are the backbone of the importance of the farming community here in the United States.

We are trying to help family farmers. We are insisting on family farmers surviving. We want to encourage them by the growth of the ethanol production and, therefore, we should try to encourage these African American farmers who were just randomly denied loans, without any criteria for the denial, just on the basis of race, to be able to make good on this important legislation and this consent decree.

In essence, Mr. Chairman, this amendment is to say to my colleagues that "none of the funds appropriated in this act may be used to deny compensation to eligible individuals filing claims to be satisfied out of the settlement fund approved by the court April 14, 1999."

I look forward to yielding to the distinguished gentleman on the point of order.

The Acting CHAIRMAN (Mr. KUHL of New York). Does the gentleman continue to reserve his point of order?

Mr. BONILLA. Mr. Chairman, I reserve the point of order and claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. The gentlewoman's time has expired, I realize, but just this comment that she is correct, that this is an issue that needs to be addressed by the Congress, and I would encourage Members to address these concerns.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I would be happy to yield briefly.

Ms. JACKSON-LEE of Texas. I thank you. I thank you for acknowledging that, Mr. Chairman, and I thank the ranking member for acknowledging this important issue, and I look forward to working with you in this body.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 82, after line 14, insert the following:

SEC. 753. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I will not use my entire 5 minutes.

This is an amendment on an appropriations bill that we have seen in some other ones that have passed previously, and it goes to the issue of how we have addressed over the last couple of days spending.

Regardless of which side of the aisle that you may come from, I think Members from both sides of the aisle will agree with one thing, and that is that our deficits are too high. When we are spending our taxpayers' dollars, we must be ever vigilant to be sure we are spending them wisely. Again, this amendment is a commonsense limitation on those hard-earned tax dollars.

Mr. BONILLA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Texas.

Mr. BONILLA. Mr. Chairman, the gentleman presents a good amendment, and we will be happy to offer support for him if the gentleman can submit his remarks and move the amendment to a vote.

Mr. GARRETT of New Jersey. Reclaiming my time, I thank the chairman for his comments, and I will then conclude my remarks simply by saying that this is an issue that has already been addressed in the Senate, somewhat extensively, pointing out the egregious examples in the past where extraordinary numbers of Federal employees have gone on international conferences.

So what the amendment simply does, at the end of the day, is put a finite number on that. In this bill it limits it down to 50 conferees to attend any international conference. We believe that is a reasonable number. We believe that any agency will be able to live within those numbers, and again I appreciate the chairman's acceptance of this amendment.

While those on each side of the aisle may differ on how we got there, I think that most Members of this body agree that our deficit is far too high.

That is why the amendment I am offering is a commonsense approach to help limit spending and abuse of all of our constituent's hard-earned tax dollars.

My amendment will limit the number of Federal employees that are sent to international conferences funded under this bill to 50. The amendment also limits that dollar amount that can be spent to $8.2 million, which is the level spent in FY01. We have seen about a 25 percent increase between then and FY05, far too great an increase while we are operating with such high deficits.

Recently there has been a trend by our government to send a far excessive amount of staff to these international conferences, costing taxpayers millions of extra dollars.

While like all of my colleagues, I understand the importance of staff, I am simply seeking to make sure that only essential staff are utilized during these expensive foreign conferences.

While one more staffer here, and one more staffer there doesn't sound like much, it could mean one more shift a worker in my district has to work instead of being home with his family.

Due to my limited time I won't bore the floor with all the egregious examples. But I will note that unfortunately these conferences are a pattern of excess government.

This amendment has passed in various appropriations bills and is an excellent way to show this body's commitment to fiscal responsibility. I urge all of my colleagues' support.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), add the following new section:

SEC. 7 . Using funds that would otherwise be paid during fiscal year 2007 as direct payments and counter-cyclical payments with regard to cotton and rice production, the Secretary of Agriculture shall make grants to the several States in an amount, for each State, equal to at least 0.75 percent of such funds, to be distributed to active agricultural producers in the State in a manner approved by the Secretary.

Mr. BONILLA. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

There is some irony in the chairman of the committee raising a point of order against this bill, because the purpose of this amendment is to point out how badly out of order one part of our budget is.

What my amendment does is it requires that each and every State in the Union get a minimum amount of agriculture programs for cotton and rice, whether they have cotton or rice or not. New York, for example, has no cotton production and has no rice production. This amendment would guarantee that New York gets a minimum amount; .75 percent, of the budget for cotton and rice should go to New York. It guarantees that all States, and there are about 25 or 30 of them that have no cotton or rice subsidies, get a minimum guarantee of cotton and rice funding.

Now, why would I offer such a thing? Why would you propose such an absurd notion, that any program designed for a specific constituency, those that make cotton and rice, would get a minimum guarantee? Well, that is exactly the question those of us in high-threat urban areas ask about homeland security funding all the time. Yet, believe it or not, a minimum amount, .75 percent, of homeland security funds go to every single State in the Union.

What is the result? The result is the number one per capita recipient of homeland security funds isn't New York, it is not Washington, DC. it is not California or Orlando, where Disney World is. It is Wyoming. Wyoming, in fact, gets $18.33 per capita while New York gets only $2.60 because there is a minimum guarantee that every State get a certain amount of homeland security funds.

So I have often said to my colleagues, wouldn't it be ridiculous to do that if this was any other program? Well, let's see. I am offering an amendment here that would do just that, and I hope what it does is it serves to get my colleagues thinking a little bit about how government programs should be allocated.

I think all of us would agree that there is an appropriate place for agriculture programs. I would hope all of us agree that in a post-9/11 world there is an appropriate role for the Federal Government in distributing aid for homeland security. But certainly we should be able to agree that just as it makes sense for cotton farmers to get cotton subsidies, those in the greatest threat of a homeland security attack should get the greatest portion of those funds.

Having a minimum guarantee, as there is in the present law, of .75 percent for every single State for homeland security funds, creates the most distorting effect. Vermont gets $15.28 for homeland security for each and every man, woman and child in Vermont, while California and New York get in the low $2 range. It simply makes no sense.

So I would encourage my colleagues to think in terms of the farm program when we come up and talk about the homeland security program. I would encourage you to think about the idea that Mr. BONILLA and Ms. DELAURO worked so hard to make sure the people that need the aid get the aid, and we should do that type of thing when we are considering homeland security funds.

It is out of order to say every State should get a minimum guarantee of agriculture programs, but it is equally out of order to make that assertion about homeland security funds. So I would say to my good friends in agriculture States, I am a person from New York. What I know from agriculture, notwithstanding the little I know about pests, is I know that the agriculture community produces a breadbasket of food second to none, and we need to do what we can to make sure that our programs here in Washington support them.

We formed a coalition throughout time, frankly, between rural areas and urban areas around our needs. We used to, in the 1980s and early 1990s, when it came to transportation funding, you would vote for that though it might not benefit you directly, and we would vote for agriculture funding. But never, never did we say in these programs there should be an absolute minimum guarantee for a program, particularly one like the Department of Homeland Security, which goes according to risk.

So I would urge my colleagues to vote "yes" on the Weiner amendment. Let us have a minimum guarantee, and maybe if we have every program by a minimum guarantee, we will realize it is absurd to have that formula for any program.

Mr. Chairman, I yield back the balance of my time.

☐ 1830

POINT OF ORDER

Mr. BONILLA. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law." The amendment imposes additional duties. I ask for a ruling from the Chair.

The Acting CHAIRMAN (Mr. KUHL of New York). Does any other Member wish to be heard on the point of order?

Mr. WEINER. Mr. Speaker, I agree that we are legislating on an appropriation bill, and I agree it is out of order to oppose or pass the notion that every State should have a minimum guarantee. It is exactly that ruling and exactly that language from the chairman that I would ask you to keep in mind when we consider other legislation.

Minimum guarantees are not the way we legislate around here. We legislate based on need; and, frankly, it is clear that we are not allocating homeland security resources. And just the way this will be ruled out of order, I hope you keep that in mind when we consider those measures as well.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Hearing none, the Chair finds that this amendment includes language imparting direction. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained. The amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 82, after line 14, insert the following:

SEC. 853. None of the funds provided under the heading "TITLE IV—DOMESTIC FOOD PROGRAMS—FOOD STAMP PROGRAM" shall be expended in contravention of section 213a of the Immigration and Nationality Act (8 U.S.C. 1183a).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I rise again this afternoon for what I believe is a commonsense and important amendment to the legislation before us; commonsense simply because at the end of the day all the amendment does is to say we should be enforcing the current law.

As it stands right now, 8 U.S.A., section 1183, states that an affidavit must be filed by a sponsor of an incoming alien to the country. That affidavit is a legally binding guarantee on the part of the sponsor that the immigrant that they are sponsoring will not become a "public charge." What I am citing here is nothing new. This public charge requirement goes all the way back to immigration policy of the 1880s.

So what this amendment does today is simply restate that in strong terms saying that no funds appropriated under this act, under the Food Stamp Program, will be spent in noncompliance of current Federal law. The reason we do this is to reinforce the fact that the laws on the books should be enforced.

And, secondly, it addresses another point as well. Some people might argue that there is not enough money in the Food Stamp Program for all of the needs that are out there, and we can debate that from one side to the other. But if you honestly believe that there isn't enough money out there for the entire Food Stamp Program, I think we all agree from both sides of the aisle that the money in the program should be going to the people that it was intended for in compliance with the statute and in compliance with current law.

So on that, I will conclude by saying we are asking nothing more than the Food Stamp Program currently in existence today comply with the laws set forth.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I would like claim time in opposition, even though I am not opposed.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. BONILLA. Mr. Chairman, it is my understanding that this amendment that the gentleman from New Jersey has worked very hard on tells the Department to comply with existing law, and at this point we have no objection to the amendment and would move the vote.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BACA:

Page 82, after line 14, insert the following:

SEC. 753. None of the funds appropriated by this Act may be expended to reimburse a State agency for expenses under section 16(a) of the Food Stamp Act of 1977 if the State agency has implemented operational changes in the food stamp program designed to increase the total percentage of applications submitted by mail, by telephone, and on-line to more than 20 percent of the total applications submitted in that State unless the State agency can certify, and it is further certified by the Secretary of Agriculture, that persons with disabilities will retain equal access to the food stamp program, that such persons will receive fair service, and that the State agency's plan would comply with applicable civil rights laws, including the American's with Disabilities Act and section 504 of the Rehabilitation Act.

Mr. BONILLA. Mr. Chairman, I rise to reserve a point of order against the amendment.

The Acting CHAIRMAN. The gentleman's point of order is reserved.

Pursuant to the order of the House of today, the gentleman from California

(Mr. BACA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. BACA. Mr. Chairman, I yield myself such time as I may consume.

We must stop throwing away good money after bad policy. Some States are taking misguided steps in administering the Food Stamp Program and other public benefits. Moving 20 to 50 percent of all cases online or to remote calling centers makes little sense, creating problems for those most in need.

The fact is, disabled, undereducated and minority food stamp participants are losing their food stamp benefit because of these cost-cutting privatization initiatives.

What is happening in Texas is a waste of Federal funds. The Texas State comptroller called for an investigation of the new public benefit system. The Texas State comptroller said that the Accenture contract appears to be a perfect storm of wasting tax dollars, reducing access to services, and profiteering at the expense of taxpayers.

The new eligibility system is a disaster. More than 300,000 children have left the CHIP program. This has been blamed on the contractor's loss of applications, payments that were not credited to the proper accounts, and families who have been improperly denied benefits.

Mr. Chairman, we cannot allow other States to be misguided down the road. If the Baca-Doggett-Green amendment would have been in order, we would have forced States to certify that changes to the application process are not hurting sensitive communities under existing civil rights and disabilities law.

People on food stamps and other public benefits need our help to ensure that new program structures, privatization and other changes do not harm them and do not take away food from the table. That is the purpose of this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, a massive experiment on poor people in Texas has been a true disaster. Mr. BACA seeks to ensure that all Americans are protected from the same thing happening to them.

Apparently, there were some people, who thought that Accenture could do just as good a job in responding to food stamp inquiries as it did dodging its fair share of taxes by moving off to Bermuda. They were wrong.

Even our Republican comptroller, as Mr. BACA has noted, says we have had a storm, "a perfect storm of wasted tax dollars." Many members of our Texas delegation this very week have written to the Governor saying that we believe "assisting families with nutrition and health care is not an expense, it is an investment in our community," and noting that face-to-face assistance by our public employees cannot be substituted by a machine, with turning poor people over to the Internet or a phone call in a distant city instead of a human being.

Moreover, our Texas State locations have "well-trained eligibility employees." Those are the employees that our Texas Governor proposed to dismiss. We need to keep them there, and this amendment would help accomplish that.

Mr. BACA. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I rise to speak on behalf of some of our most vulnerable Americans who are being denied access to needed food stamps because of States eliminating face-to-face interviews.

Mr. Chairman, I speak on behalf of children, the elderly, disabled, and those with limited literacy. I regret that they are not here to speak for themselves because if they were here to speak for themselves, they would tell you about the 20-minute phone waits. They would tell you about the phone calls that have been abandoned because they had to wait too long, 44 percent per the USDA.

They would tell you about the inability to use the phone because they cannot speak, the inability to use the phone because they cannot hear. They would tell you about the lack of computer access and the lack of computer literacy.

This amendment ensures a user-friendly system for some of our most vulnerable Americans. I speak for them. I stand with them. I cast my vote for them.

Mr. BACA. Mr. Chairman, I ask unanimous consent to withdraw my amendment given that this amendment would be subject to a point of order, and hope that Chairman BONILLA and Ranking Member DELAURO will work to increase congressional oversight on this issue.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, on the immediately preceding amendment that was just withdrawn, this is an issue I have followed closely for a long time, and I have questioned USDA officials about this. I offered a motion to instruct conferees on the 2006 conference report on this issue. There is no question that this ill-considered plan must comply with all of our civil rights laws.

I applaud the gentleman for his effort. I would also like to tell Members about what a mess the Texas effort to privatize not only the Food Stamp Program but other critical social services is in.

Just last week, Texas announced that the work by the company awarded the $899 million privatization contract, Accenture, was so bad it was putting the privatization effort on, what was described in the press, and I quote, "indefinite hold."

Texas also announced it was going to give 1,000 State employees that it had planned to lay off bonuses of $1,800 so they would stay to help fix the mess created by Accenture. Accenture's mismanagement of the State's CHIP program was so bad that 28,000 children were scheduled to lose their coverage in May, on top of an already large drop in enrollment since privatization occurred. The State had to intervene to keep the children enrolled.

As part of the 2006 conference report, USDA is required to send the committee quarterly reports on the Texas situation. The second and most recent report from the USDA, like the first, is very blunt in its assessment of the problems they see with what Texas has done with respect to the food stamp portion of this.

The report says: "The following concerns give pause to expansion without substantial improvements in system functionality to support a more ambitious implementation agenda."

Among the concerns: Long wait times for calls; high abandonment rates by callers; vendor performance is questionable as evidenced by the high percentage of cases that are returned to the vendor because of missing information and errors; case file documentation needs to be substantially improved to support program access and integrity; vendor performance on handling calls shows problems with the staffing and training resulting in information to the extent that it is unclear whether applicants will know how to apply.

The simple truth is that this effort is a disaster and it threatens the right of Texans to get the benefits to which they are entitled.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ___. None of the funds made available by this Act may be used to fund dairy education in Iowa.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. BONILLA. Mr. Chairman, before the gentleman begins, I ask unanimous consent that the amendment be read, and the reason I am doing this is because we are not sure which amendment we are addressing and in what order.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Before addressing this particular earmark, let me make a few general comments about what we are going to do today.

Today we will engage in a debate that has been a long time in coming. I plan to offer several amendments to this bill to block funding for a series of Member earmarks that are contained in the committee report that accompanies the bill.

Let me point out that the House has already voted in the lobby reform bill a few weeks ago to require that Members attach their names to their earmarks; yet this committee report has come to the floor with more than 400 earmarks and not one name. They are not required to do so until the bill passes both Chambers, but it would be nice to have the names attached.

Let me state from the outset I am under no illusion that I can block funding for any of these earmarks we will discuss. I am well acquainted with the process of log rolling where one Member agrees to support another Member's earmarks if that Member will agree to do the same. I suspect that log rolling will prevail here today.

But it is about time that we provide a little window into the process. Is it the Federal Government's responsibility to recruit dairy farmers from other regions to move to northeast Iowa, as one of the earmarks we will discuss today purports to do?

Is the need so great this year to fund the National Grape and Wine Initiative that we should add $100,000 in debt owed by future generations?

Since our responsibility as Members of Congress is to prioritize limited resources, do we really want to tell taxpayers that we believe that spending $180,000 on hydroponic tomato production is more pressing than other issues?

I expect that a few of the amendments I will offer today will be successfully blocked because of a point of order. The reason: because we have no documentation that a Federal agency that will fund the project knows anything about the project that is to be funded.

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To successfully challenge the earmark requires an assumption that the agency is familiar with the project. Otherwise, we might be legislating on an appropriation bill, a violation of our rules. The incentive, therefore, for Members looking to protect their earmarks, is to be either vague or silent about the project's goals and its oversight.

Let us think about that for a minute. How are we supposed to exercise oversight for these earmarked projects? Who is to be held accountable? Not the government agency. By upholding the point of order, we are stipulating that the agency might as well not even know that the project exists.

In the end, since rank-and-file Members can't even challenge those earmarks without being subject to a point of order and the agencies don't know anything about them and since we don't even know who requested the earmark in the first place, the only individuals who have any oversight function are selected members of the Appropriations Committee or their staff.

Mr. Chairman, it does not speak well for us as legislators when the first and last documentation of these earmarks is found in Members' press releases. I would like to think that we can do better than that. I think that all of us were elected to this august body with higher aspirations than to grovel for crumbs that might fall from appropriators' tables.

We need to reform the process. We need to get back to the process of authorization, appropriation and oversight. That is what this branch of government is supposed to do. We diminish ourselves at our office when we stray from that course.

This particular earmark or this particular amendment seeks to strike funding for an earmark to provide $229,000 to retain and grow the business of existing dairies and recruit dairy farmers from other regions to northeast Iowa. What business is it of the Federal Government to recruit dairy farmers to move from other regions to northeast Iowa?

This work is to be carried out primarily at the Northeast Iowa Community College Dairy Center, and it is funded through the Cooperative State Research, Education and Extension Services Extension Activities. The agricultural appropriation bill for fiscal year 2007 includes more than $750 million for extension activities, which is more than $5 million last year and $26 million over the President's request. I should point out, funding for this program was not included in the President's request.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

This Congress was the first one in a generation last year to cut discretionary spending. The gentleman's amendment also does not do one thing to reduce spending in the bill.

Yes, it would remove language for the particular project that the gentleman is referencing, but then that money would be reverted back to the Federal agency, to whatever office disseminates this money, and then it would be left to some career bureaucrat to make the decision. Now, there are a lot of professionals that work at that level, but I for the life of me could not understand why we would leave all of those decisions up to the Federal agencies.

Let me also say that this bill, aside from the discretionary spending we cut last year as fiscal conservatives, we cut this bill almost $100 million from last year, and the "earmarks" that are being referenced in this debate only make up 2 percent of this bill. So for all the grandiose statements that are being made here about being a champion of fiscal conservatism, big deal.

Mr. Chairman, I yield 2 minutes to my distinguished colleague from Iowa (Mr. LATHAM).

Mr. LATHAM. Mr. Chairman, I think it is fascinating the way this amendment reads. None of the funds made available in this act may be used to fund dairy education in Iowa. Now, I don't know whether that means, apparently, it is okay to educate people about dairy in Wisconsin and Minnesota and Arizona; I think we should. I don't know what you have necessarily against dairymen in Iowa.

Mr. Chairman, the funds contained in the bill for the northeast Iowa dairy education project are extremely important to Iowa's dairy industry because they help foster and enhance the development of new dairy-producing operations and mostly among young dairy farmers.

Throughout the northeast region in my district, I hear about the continuing success of this program and how the program has made meaningful differences to the small dairy producers in this part of the State. If one is a small dairy producer, of which there are many in the State, continuing education is very important. The education project aids the retention and growth of existing dairy farms and responds to challenges to dairy farmers.

This project is also important to necessary research, and it is coordinated with Iowa State University, also the National Animal Disease Center; it coordinates with this project. And it really is something that goes to not only diseases but state-of-the-art production and environmental management techniques. I should also note that the funding for this project leverages $9 million, or has in the past, $9 million of non-Federal funding. So it is not like the people, the farmers up there, the producers themselves, have not put their dollars in with this project.

It is extremely important, and I would certainly ask people to vote against this amendment.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

The only reason we limit it to dairy education in Iowa is to ensure that our amendment was made in order. Believe me, if there were dairy education for Arizona, I would strike that as well. We simply shouldn't have programs like this.

Let me just say, according to the Iowa State Dairy Association, the Iowa State dairy industry contributes more than $1.5 billion to the economy and provides more than 26,000 jobs. I would submit that spending $229,000 isn't going to do much to change that trend one way or another. It is simply something we shouldn't do.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

I would only briefly say again that a vote to support this amendment does not a single thing to cut spending in this bill and would just turn over all the decision-making process to a government agency. The Constitution calls for the House of Representatives to decide how funds are allocated, and I am a great believer in that. I urge all Members to vote "no."

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund the Fruit and Vegetable Market Analysis, Arizona and Missouri grant.

Mr. BONILLA. Mr. Chairman, again just for clarification, I would ask unanimous consent that the amendment be read so we understand which amendment is before us.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read the amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

The committee has provided $350,000 for providing analysis of the impacts of trade, environmental, monetary, and other policies on the Nation's fruit and vegetable industry to stakeholders. This research is to be carried out by Arizona State University and the University of Missouri. I should note that Arizona State University has a campus in my district.

The original goal of the research was to respond in a timely manner to requests for policy-relevant information from congressional Members and their staffs on a wide variety of topics that impact the fruit and vegetable industry and consumers. The project also develops 10-year baseline projections on production, prices, consumption and trade for the fruit and vegetable sector. The funding is through the Cooperative State Research, Education and Extension Service's Special Research grants, which are congressionally directed and noncompetitive research earmarks awarded to universities. Again, these are noncompetitive research earmarks awarded to universities.

The agriculture appropriations for fiscal year 2007 includes more than $100 million in these earmarks, many that have persisted for years and can only be terminated by Congress.

The Fruit and Vegetable Market Analysis has been receiving Federal funds since 2002 and has received more than $1.3 million in appropriations. This earmark, again, was not included in the President's request and this project has no formal evaluation. There is no expected completion date with this analysis, and it is expected to be ongoing.

Here is another example: There are so few opportunities for oversight here. When you contact the Federal agencies, it is difficult to even determine if they know that these projects exist. Who is supposed to be providing oversight here? In Congress, we are not, certainly. I mean, a lot of these programs, some of the earmarks that we will discuss today were expected to be 2-year programs. They have gone on for over a decade. When do we say, enough is enough? Where is the oversight? If the Federal agency is not providing the oversight, if they do not even know of the program, and Congress is not providing the oversight, how do we know that we are getting our bang for the buck?

These are pork barrel projects. We should not be funding them.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Once again, the gentleman who is proposing this amendment somehow thinks that this is going to save money in the bill.

Let me point out also, in addition to the remarks I made earlier about cutting discretionary spending and cutting this bill back this year, there have also been cuts in this bill where funding for the Member priorities are down $35 million or 8 percent from last year. So the effort to deal with fiscal conservatism is ongoing and continues from last year when we started cutting discretionary spending. We also terminate eight Federal programs for a savings of more than $4 million.

So anyone who thinks that we are not concerned about fiscal conservatism can look at the facts and figures before them. And we understand that the media likes to talk about Member priorities, but I would suggest that anyone who is truly serious and is not looking for recognition would work on entitlement reform, which is where the vast majority of our government funds go to, and that would really make a big mark on cutting back on spending, not amendments such as this one that do not cut one penny out of this bill. And I hope our colleagues and the constituents that are watching this are not somehow fooled into thinking that this amendment cuts one penny out of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself 2 minutes.

It strikes me as odd that the Appropriations Committee claims that this is money that is going to be spent anyway. We have no control. This is money, if we knock it out of here, it will just be spent elsewhere.

What are we here for? Are we potted plants, just here to watch money go out the door?

We are here to prioritize. We are here to say, this ought to be funded, that should not be funded.

Last Friday, we had a great discussion about the Military Quality of Life bill, where there was funding in there that was put in emergency category. Surely the Appropriations Committee or the House as a whole can say this $500 million that we are doing in earmarks here in the agriculture bill perhaps could go to Military Quality of Life. Why can we not do that?

This notion that we have no control and we cannot move money from one account to another is simply absurd. We can. We are Members of Congress. That is what we are here to do, to prioritize. So I completely reject the notion that we cannot do this.

Also, on the subject of earmarks versus entitlements, I think my colleague in the Senate said it well: Earmarks are the gateway drug to spending addiction. Once you get earmarks, then it is much easier to get other spending as well. A lot of the entitlement programs that we have expanded, the prescription drug benefit, for example, was made possible because of so many earmarks on other bills.

Earmarks are a problem. It does add up to real money. I believe the transportation bill last year was some $27 billion in earmarks. That is not chump change. And I think that Americans all over are concerned about this and rightly so.

Also, when you have a process here where there are no names attached to the earmarks, we do not know how to find out about these programs.

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We simply don't know. We contact the Federal agencies. Half the time they don't know about the programs. Where are we to provide oversight? That is one of our responsibilities, and we are not doing it here.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Members come to the floor and offer amendments that have either substantive increases or decreases to appropriations bills. I use as an example a sincere Member from the State of Colorado, comes here every year with an amendment to cut spending that has a true impact on the bill. Whether he succeeds or not, there are votes held on that and honest debate is held.

But, again, when amendments are presented in this form, there is no savings. Anyone who suggests that there is a savings in writing amendments like this is a fool, because they are not cutting a single penny from the appropriations bill.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in this 30 seconds, let me explain that the Appropriations Committee, all they have to do is tell the Budget Committee we would like a lower 302(b) allocation. The Budget Committee, believe me, will be glad to do that.

I am offering 11 amendments today. The FY 07 agriculture appropriations bill has more than 450 amendments; 450. That is nearly identical to the 10-year average, according to CRS.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

Mr. BONILLA. Mr. Chairman, I ask unanimous consent that all amendments remaining, with the exception of the last one, be read, just so we know which one we are dealing with, because we have a stack of papers we are looking at.

The Acting CHAIRMAN. That can be addressed ad hoc.

Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. . None of the funds made available by this Act may be used to fund the Food Marketing Policy Center, Connecticut grant.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment for the Food Marketing Policy Center is a Connecticut earmark. The committee has provided $579,000 for a center that analyzes strategies and public policies that impact the marketing of food as well as food safety marketing.

I would ask again, what business is it of the Federal Government, with far higher priorities, to fund an earmark like this? I would say again to those who say, well, if you strike funding for this, the funding will simply go to the agencies and they will spend it on their own, we can instruct the Budget Committee, again, to say please lower the allocations. Let's spend less on earmarks and spend more on body armor or something else. We have the power to make those priorities, yet we are not.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, to begin the position of those opposed, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I rise in strong opposition to the gentleman's amendment and want to say a few words about the work done at the University of Connecticut's Food Marketing Policy Center. It is hardly frivolous.

The policy center has an established track record as a research resource for policymakers across the world. It conducts research on a variety of food and agricultural marketing, safety related policy matters, information that contributes to the work that we do to improve our food production, marketing, and safety systems.

Let me give you a couple of examples how it has helped us here in the Congress and impacted consumers:

In 2003, the Food Marketing Policy Center research on fluid milk pricing in the Northeast and Pacific Northwest uncovered gouging by supermarket chains. After the demise of the Northeast Dairy Compact, farm prices had plummeted, but retail prices in New England only had declined marginally. The center estimated that milk at $3 per gallon retail in New England supermarkets was $1 above its supply cost for nearly 2 years, hurting farmers as much as consumers. Their research is helping us determine new approaches to fluid milk channel pricing.

Another example: other research done at the center just last year includes work done on food access for low-income consumers, the impact of foot and mouth disease and new approaches to animal health and biosecurity. On the latter point, the center has worked to outline the regulatory inconsistencies between the U.S. and other countries and the impact on the export markets for U.S. beef.

Particularly as we in the subcommittee work to ensure our food supply is safe in the face of an increasing number of new threats and market realities, we understand the need for the best research possible. That is what we get from this center and what we get in return for a very small investment from the USDA via the CSREES program, an investment, I would remind my colleagues, that leverages additional support from academic and industry sources. It is, in fact, a public-private partnership.

I believe we in the Congress have an obligation to hold up our end of the bargain and fund the center. Farmers rely on it, consumers rely on it, public agencies, State legislatures, and even us, even some here in the Congress.

So let's support the center. Let's support getting the best agricultural research that is possible.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume to ask the gentlewoman if she would engage in a colloquy on this.

May I ask how long this program has been in existence?

Ms. DELAURO. Mr. Chairman, if the gentleman will yield, yes, you may ask that question, and if you can give me a second, I will get that information.

Mr. FLAKE. Approximately is fine.

Ms. DELAURO. Just over the last 3 years.

Mr. FLAKE. Has there been a marked improvement in the way we have studied these issues? Didn't we get along just fine before this program existed?

Ms. DELAURO. I just laid out for you the specific incidents. I don't make them up. You can go back and you can check them. But I laid out for you several areas in which the research and the effort has been extremely important and helpful to farmers, to consumers, and to those of us here.

Mr. FLAKE. Mr. Chairman, reclaiming my time, should we not have similar programs for other industries, perhaps have other earmarks to help us analyze the cost of computers?

Ms. DELAURO. Mr. Chairman, if the gentleman will yield further, let me just say to you, that is not the issue at hand here. We are discussing this program. You have concerns about it. I will just say I appreciate your asking questions. I tried to answer the questions, and I think that I have provided, and given a lot more time, I could provide further information about all that this center is doing and how in fact it meets its mission in terms of assisting consumers and farmers and the general public.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I thank the gentlewoman. It makes the point why we have over the past decade increased the number of earmarks by, I believe it is, 872 percent. That is not something as a Republican that I am proud of at all. We had just under 15,000 earmarks in all appropriation bills last year. Who knows where it will go, unless we get a handle on this process.

It simply is wrong for Members of Congress to be able to take an amount of money and designate it for one particular group with no real oversight. As I mentioned, too few of these earmarks can even be challenged like we are challenging these today because you might be ruled out of order because the Federal agency has no record or no idea what the earmark is actually doing. We have a process that is out of control.

Let me mention, as well, we haven't mentioned the other side of earmarks. We have one of our former Members in jail right now for basically selling earmarks. Jack Abramoff reportedly referred to the Appropriations Committee as an "earmark favor factory." Those are his words, not mine.

We have a process that is out of control, nearly 15,000 earmarks. When you have that many, with very little oversight, it is ripe for abuse; and we simply have to change the direction we are going. That is the larger point.

Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I come from the State of Joe McCarthy, and he was famous for his use of innuendo. I don't appreciate it when I hear innuendo on this floor from any source.

Let me start this way: my opinion of earmarks is pretty clear. When I was chairman of the Appropriations Committee, for instance, we had no earmarks in the Labor-Health-Education bill. I think the number of earmarks has gotten grotesquely out of hand. I think it is beyond the ability of our staff to police. On that, I agree with the gentleman. But I don't think that we need to drag in a reference to an obscene player in the game like Mr. Abramoff in discussing a specific earmark such as we were discussing 5 minutes ago.

If one is serious about providing oversight on earmarks, then they would not have voted for the budget resolution to begin with, if they were serious about fiscal responsibility, I should say.

If they were serious about fiscal responsibility, they would not pick and choose a few random earmarks to go after on the floor. They would have insisted that this House have systematic reform of earmarks so that, for instance, we go after the big targets, the authorizing committee. The committee that provides highway authorization, for instance.

The mother of all earmarks was the "bridge to nowhere." That wasn't in an appropriation bill. That was in the authorization bill, and that authorization bill last year, the highway bill, had seven times as many earmarks as the relevant appropriation bill, seven times the amount.

If people were serious about going after earmarks, they would go after authorization earmarks. If they were serious about earmarks, they would go after tax bills. The 1981 tax bill was replete with special transition rules for corporations, and every time I would talk to a big businessman who would complain to me about the deficits that Ronald Reagan was building up, I would say, "Well, why don't you raise hell about what they are doing in the tax bill?"

"Oh, we can't, because we have got a special transition rule in there and we don't want the committee to take it away," they would say.

If you take a look the 1986 tax bill, the same problem. If you take a look at the most recent tax bills, laced with special privileges. And the fact is that those special privileges aren't just 1-year affairs, as a lot of appropriations earmarks are. They continue giving again and again and again, as the TV commercial goes.

So I would say if the gentleman has legitimate objections to specific earmarks, by all means, it is his right to raise that on the floor. But I think if the gentleman wants to be taken seriously on this effort in the House, then he needs to support a systematic and systemic approach, which will reduce the number of earmarks to a number which this House has the capacity to handle.

I don't think that we particularly add to the effort if we just pick and choose on the basis of, say, funny names. I recall once, for instance, when a Senator from will my own State, Bill Proxmire, made fun of an earmark for a research project because it was research on Polish pigs, and everybody laughed about Polish pigs. But the fact is, out of that study came a new blood pressure medicine, which has been used by millions of Americans for years.

□ 1915

So I would suggest there is a constructive way and a not so constructive way to go after earmarks. I would prefer we follow a constructive road.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would agree with the gentleman from Wisconsin on the point about trying to associate Members with activities that are well known throughout this town and throughout this country that were inappropriate.

But, unfortunately, when Members come and lack truth and substance and real meat in their debates, they often times resort to try to take a debate to that level. Anyone who opposes a person on an issue or an amendment in this body, to have them associated with someone who has really done themselves wrong and done the country wrong is really bad form and, in the view of I believe the overwhelming majority of the Members of this House, really uncalled for.

So if there are Members here who want to conduct their debates at that level, it is unfortunate, and we cannot stop them. But, again, I hope that we would conduct this debate at a substantive level. And with that, I would again oppose the amendment strongly.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, may I inquire as to how much time there is remaining?

The Acting CHAIRMAN. There is 1 minute remaining.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, at no time have I tried to associate anyone here with the actions of the former Member. At no time have I done so. And I apologies if that inference was gained.

But we have a process here that is bad, that there are too few controls. That particular Member was able to get his earmarks through the entire process without being challenged, without one person being able to stand up and say, you know, are those earmarks going for the right purpose, or are they going off for some other purpose?

That is what this earmark battle is about. And I agree with virtually every word said by the gentleman from Wisconsin, and I want to work with him on systemic reform. We got some of that in the lobby reform bill that we passed a few weeks ago. We need far more of it. We need far more than just transparency.

Mr. Chairman, you have got to have accountability as well. This is one part. Being able to challenge earmarks. No Member ought to assume that they can get a project for their district and not ever be challenged on it, to explain what it is about. That is what this debate is about.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC.   . None of the funds made available by this Act may be used to fund research and education activities for greenhouse nurseries in Ohio.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this earmark is a greenhouse nurseries earmark, $726,000 for greenhouse nurseries in Ohio, an increase of $5,000 over last year. This was described as intended to develop marketing plans to showcase this industry that has branded itself as the Maumee Valley Growers.

Mr. Chairman, let me just make the point again. I do not know what else to do here. I have been screaming for 5 years that earmarks are out of control. Yet in that same 5 years, we have doubled, probably quadrupled the number of earmarks that this body has in the appropriations bills every year. I do not know what else will work, what other avenue do rank-and-file Members who are not on the Appropriations Committee have to point out the absurdity of funding some of these items, only to be told, well, do not take this opportunity, challenge it another way.

I would like to see, where? Where do we have the opportunity? Why should we not have the opportunity to stand in this body and challenge the earmarks that Members get? Why should any Member have the opportunity to earmark a certain amount of money for his or her district, or for a particular company or non-profit organization or group of individuals, without being challenged on it?

Where is that right or so-called right that we have to do so? I simply do not see it. And I have looked, believe me, for years for opportunities to say, we are out of control. The gentleman from Wisconsin mentioned, I thank him for doing it. He says we are out of control. There is no way we can police the number of earmarks. There is no way that we can actually have real oversight here.

But if I cannot stand up and challenge these earmarks, what am I to do? What are other rank-and-file Members to do? Where is the forum if not here on the floor of the House?

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, once again, it appears that the author of the amendment is seeking to acknowledge some frustration and to quote one of his lines here, I do not know what else to do. Again, I would offer advice to not just this Member but any Member that was seriously concerned about further fiscal responsibility again to emphasize this bill is almost $100 million below last year's bill.

We have cut the number of Member projects in it. We cut discretionary spending again last year. So those of us who are truly trying to make a difference are making a difference. Is it enough? Of course not. But if Members are actually looking for honest roadmaps to success in this area, again, the area of entitlements needs to be addressed.

So I would suggest that any Member who really wants to tackle fiscal responsibility in this area go for it. That would matter. Dealing with a budget process before we get to this point, that would matter. Offering amendments that are substantive again, but that would actually have an effect on spending, whether it goes up or down, that would matter. So, again, to address the frustrations that are being expressed here, those are three clear roads to further fiscal responsibility that I would suggest to any Member who might ask.

But, again, to offer amendments that have nothing to do with cutting a dime out of this bill is useless. And I can understand why the feeling of desperation might occur.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman very much for yielding me time.

Mr. Chairman, as a member of this subcommittee for many years, I would like to point out that everyone of the projects that is included in this bill is carefully monitored and with the proposals being reviewed on campuses before they are submitted to the U.S. Department of Agriculture for funding. Then the U.S. Department of Agriculture reviews each project to be sure that the projects are ones of scientific merit, and research contracts are effectively negotiated between the USDA and the recipient.

And the subcommittee monitors each one of the projects with detailed questions at every hearing. This is the most recent hearing manual with each of the amendments that the gentleman is offering about. There is careful review. There are quarterly reports. There is documentation that is required for every single project.

So I do not quite agree with what the gentleman has said, because it is a contract negotiation and because there is careful review and a lot of projects do not get funded. The gentleman mentioned something about 400 projects. Well, we have 435 Members of this institution.

And we do have a responsibility to the country. There are projects in Arizona. There are projects in Ohio. And we cannot fund everything that we are asked, but we do the best job that we can, and we try and make and build a better country.

So the specifics, the gentleman had a question about I think the greenhouse nurseries projects in Ohio. And I can assure the gentleman that the unsubsidized family farmers of Ohio in this particular industry are competing in a global market. And the work that is being done by several land grant universities, including Ohio State University, Michigan State University, Indiana State University, are trying to help an endangered industry compete against subsidized Canadian production where power in that nation is made available at much cheaper rates.

The power costs of operating these kinds of greenhouses is enormous in the current marketplace. I only wish that our region of the country had what the gentleman has, and that is the Bureau of Land Reclamation, and your subsidized water projects in the west that have literally pulled much of our vegetable production from nonirrigated facilities to the irrigated west.

I wish we had the kind of subsidies the gentleman's region has benefited from. Perhaps because the gentleman lives in a suburb, he does not appreciate what it takes to produce food in our country with the kind of competition that we face.

Now I read in the gentleman's biography that he grew up on a ranch. I sure would like to know if your family benefited from any of those Bureau of Land Management subsidies or any of those Arizona water projects. Maybe the gentleman gets his water from the rain. I do not know. But, you know, other parts of America need to compete, too, and they are not subsidized.

So we hope that our industry will be able to survive. But I would defend any of the projects that have gone through this careful review through the U.S.

Department of Agriculture along with many of our land grant institutions.

Mr. Chairman, I would ask the gentleman to take a look in the mirror and to his own State.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply point out that one of the amendments I offered is actually to cut funding that goes to my State. I would simply point out again, last year there were more than 10,000 earmarks worth $29 billion. I would say, again, to the average American, that may not seem like much to us, but it seems like a lot to them. It is a lot to all of us.

And as mentioned before, earmarks are the gateway drug to spending addiction. When we get earmarks, it is much easier to vote for other things as well. The gentleman asked why we do not attack some of the other spending and look to entitlement spending.

Twenty-five Republicans voted against the prescription drug benefit. We have worked to limit that program to where we can afford it. We added more unfunded liabilities to Medicare than exist in all of Social Security with that single bill. We voted against it.

We offered alternative legislation. We tried to rally our colleagues to vote against it. What else are we supposed to do there? Here, with these earmarks, what other forum do we have to say, let us cut back somewhere, somewhere. On the road to 10,000 earmarks, cannot we just say, we have gone too far? Can we change this process?

If we are funding, I would submit, greenhouse nursery earmarks, $726,000, we have not scrubbed this bug well enough. And the notion, again, that if we do not spend this money here, it will just get spent elsewhere demeans us as legislators, because it is our duty to actually police how this money is spent. And if it is not going to be spent here, then, again, let's go to the Budget Committee and say, we do not need this big of an allocation.

Let's put it to the war effort. Put it to pay down the debt, somewhere else. But this process, it ought to be authorization, appropriation, oversight. And somehow we have neglected the first two, authorization and oversight. And all we do is appropriate. And then these earmarks, very few of them actually have any oversight, these special research grants, there is some kind of reporting there. But in most of the earmarks, there are not.

As I mentioned, most of the agencies do not even know that these are being funded, or do not even know what the program is, they simply fund them. They do not have the opportunity to exercise oversight there. And we do not certainly exercise the oversight here.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund aquaculture in Ohio.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the goal of this project, the aquaculture in Ohio earmark, is to foster the development of a statewide aquaculture industry in Ohio.

□ 1930

Again, I have to ask the threshold question here: Where is the Federal nexus? Why are we taking taxpayer funds from someone in Maine and putting it here in aquaculture in Ohio? How do we make that leap that it is our responsibility as legislators to do that?

Again, we can save this money. This money does not have to be spent. All we have to do is say change our allocation. Give less money. We can take some $400 million we are spending in Member earmarks and pay down the debt, fund the war effort, anything else but these earmarks, I would submit.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON) to begin the debate for those opposed.

Mr. SIMPSON. Mr. Chairman, while I do not want to respond to this specific project, I do want to respond to what the gentleman from Arizona talked about just a little bit ago. He mentioned 10,000 earmarks and $29 billion last year. And he seeks to reduce the spending because somehow I guess the implication is that that $29 billion is wasteful spending. What that is is $29 billion that Congress has directed how it is going to be spent and not the administration.

When the administration proposes a budget, it is a recommendation that comes to Congress. It is full of earmarks. Administration earmarks. Earmarks that they believe how the money should be spent. Congress in their budget process, in their hearing process, in the Appropriations Committee make certain determinations. Some of them, in fact, most of them are that the administration's requests are appropriate. Sometimes we disagree with them. We say spending ought to be done somewhere else. We have different priorities. Those are called earmarks. I call them congressionally directed spending.

To tell you the truth, I wish we congressionally directed all of the spending. Remember, the President just makes recommendations. It is this Congress's responsibility to determine where the spending is going to go and to tell an administration or an agency that some of this money, a very, very small percentage of it is going to be spent in certain projects that we think are important, at least a majority here do, I think is our role. And to suggest that all $29 billion or 10,000 earmarks, whatever the amount was, is wasteful spending is to mislead the American people.

Are there some wasteful things in there? Sure. But if you think giving the money just to the administration to determine how it ought to be spent rather than Congress directing it, all of the sudden it is going to be spent appropriately, then I want to know why there are 10,000 trailers sitting in Hope, Arkansas.

The administration can waste money just like Congress can. Sure, there is some spending in there that we would all say is inappropriate, but that is our job to get after it.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman for making those points. They are good ones. We have failed in our oversight function. But I would submit it is very difficult to criticize the Department of Defense for not buying sufficient body armor, for example, when we have instructed them with an earmark to spend more than a million dollars on a museum in New York with a congressional earmark, with a Member earmark. So we demean our role in oversight of the Federal agencies when we have instructed and stipulated that spending be on aquaculture in Ohio.

It is very difficult to, with a straight face, tell the agencies you are misspending the taxpayers money when we are doing this. So we have a process that is a great process. This was set up right in this country. Authorization, appropriations, oversight. If we do not like the way the President is submitting his budgets or his recommendations, then in authorizing bills, let's say don't do that; these are the only programs that we are going to authorize.

The trailers that ended up in Arkansas, I could not agree more. That was our mistake for giving $12 billion up front to FEMA. We should have said, let's have smaller trounces. Come every week and justify what you have done. Some of us recommended doing that. But it was not accepted, and we ended up with trailers in fields that are still in Arkansas. So we have a process. We need to follow it. We need to get back to it. That is what we are recommending here.

Some people point out that earmarks have been around as long as Congress has, and I suppose that is true to some extent. But everyone knows, over the last decade in particular, we have simply gone hog wild with earmarks. We simply have to get this process under control.

As the gentleman from Wisconsin pointed out again, we simply do not have enough staff to police this. We are out of control and if not to stand up here and challenge earmarks, I am at my wits' end. I do not know what else to do. I am frustrated. I am frustrated. I think a lot of us are. I know the taxpayers are. So that is why we are going through this process today.

Mr. Chairman, I yield back the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished, hardworking gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Chairman, I rise today in opposition to this amendment. Aquaculture is becoming a burgeoning industry in my State. Ohio aquaculture has grown 17 percent in the last year alone.

Ohio State University, Ohio's land grant university, has been conducting this vital research in my district to most importantly help Ohio's tobacco farmers transition to new crops, and that is important that we find ways for Ohio's tobacco farmers to transition to new crops or otherwise those farmers will find themselves unable to continue to be farmers in Ohio.

This funding is not just important to my district. It is essential to the aquacultural research in all of Ohio through a state-wide aquacultural extension program. This funding is well spent, and it produces real dividends for Ohio farmers. A few years ago I got to witness one of the farms that actually participated in this research, a tobacco farmer that now raises shrimp and is making money off raising shrimp in Ohio.

I am a conservative and a fiscal conservative, and I do not like to spend people's money, but I do understand the importance of this kind of economic research for Ohio's farmers and Ohio's folks.

Mr. BONILLA. Mr. Chairman, I yield the balance of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding me time. I would like to join my dear colleague from Ohio (Mrs. SCHMIDT) in saying that aquaculture is a growing business in Ohio. We want to keep all of our communities competitive.

I would say to the gentleman from Arizona, Ohio is really a shrimp in this. Arizona has a $4.2 million aquaculture designation in this bill. So we are really a shrimp compared to Arizona with your subsidized water and your Bureau of Land Reclamation incentives for your folks out there.

But I can tell you, when I was born we had 146 million people in this country. Today we have 300 million. The oceans are half depleted in fish. And the Great Lakes are in great competition with Canada. We have to put caps on what our commercial fishermen can fish. And this project has resulted in a 30 percent increase in juvenile perch, one of the most desired fish in the region. So we need more fish. The oceans are not providing. We have to do our job here. Life is important. Being competitive in the international aquaculture environment is important. And the gentleman's own State, though it costs more to do it there because you have all those irrigation costs, we are trying to do it using fresh water. I think this is a wonderful investment by the American people in their own self-interest.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ___. None of the funds made available by this Act may be used to fund the Hydroponic Tomato Production, Ohio grant.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I thank the Chair for his and this body's indulgence.

This is a hydroponic tomato production earmark that we are challenging here. Again, let me make the broader point, what business is it of the Federal Government to pick winners and losers in the economy, to decide that we ought to be promoting hydroponic tomato production earmarks instead of promoting the cherry tomato or grape tomato or others out there that any Member could get an earmark for? Why is it this is important and the others are not?

We as legislators have to decide how we are going to husband the Nation's resources. I would submit that when we have 10,000 earmarks a year or more and when we are growing it at a rate of 872 percent over the last 10 years, at some point, I do not know where that point is, maybe it is with hydroponic tomatoes, some point we have got to take a stand and say enough is enough. We simply cannot continue spending money like this.

Again, let me just point out the notion that we cannot cut spending, that this money if it is not going to be spent here it will just be spent somewhere else by the administration is false. We can spend less. We can cut our own spending. We can cut our own allocations and say we simply do not need to spend this much money.

Again, we are not potted plants here. We are legislators. We are here to make these decisions. I would submit that when we are spending $180,000 on hydroponic tomatoes that something has gone awry and we have lost our focus. That is what this debate is about.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BONILLA. Mr. Chairman, historically when Members target projects in this body, everybody understands the game. When you talk about tomatoes and aquaculture and programs that have names that do not immediately jump out to people with a true purpose, the press releases go out, the media circles when you walk out of the House Chamber, and there you have your name in the paper as a great slayer of funding programs.

But again, the hard work when you talk about fiscal conservatism as we have again last year cutting spending, trimming this bill down almost $100 million, cutting back on the Member requests, all of those things, that is the work that is done in the trenches day in and day out.

So, again, we all realize in this body what makes a headline. So if you make fun of the tomato and you make fun of the research project that is in a particular State, more power to you. But I think for the most part we are going to find that the Members of this body understand that again there is not a single dime that is going to be cut out of this amendment. True reform comes from the kind of work in the trenches that I have been suggesting, entitlement reform, budget reform, those are the processes that really matter. Or again, in the end, amendments that actually make a difference in terms of spending or cutting the budget.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response I would simply say I reject the premise that we cannot cut spending. This notion again that we will not save anybody by getting rid of earmarks. It is valid. This isn't a debate in a vacuum that really does not matter. If we reform the way we do earmarks, we will save significant money. I do not know about you, but $29 billion seems like a lot to me, $29 billion last year in appropriation earmarks. That is a lot of money. It adds up. A billion here and a billion there, soon enough you have got real money.

So this notion that we cannot save and we are just throwing out a couple of names here, I would like to bring all 450 Member earmarks to the floor that were in this bill. Simply we do not have the time and we do not have the patience and I understand that. But how else can we highlight this? What other forum do we have? Believe me, if it is there we have used it. We have got to start somewhere. I think we have got to make a stand.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say to the gentleman who is offering this amendment directly, it is not that we cannot cut spending, because we have. The issue here is that he cannot cut spending with any of the amendments that he is proposing. So, again, I do not know how much more clearly I could say that or any other Member of this body.

Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I would just like to put on the record that the State of Ohio used to be one of the leading tomato-growing States in the Nation until subsidized western water, and we lost our industry to the West.

Now, Arizona is one of the most irrigated States in the country. You are draining water that is never going to come back. And yet I look at our part of the country that has to fight for such a small part of the market right now. I would just ask the gentleman, I would love to look at the type of subsidies that attend to your agriculture in Arizona from major government agencies that do not come to Ohio farmers.

□ 1945

We are trying to maintain a very small market share. Hydroponic production is one of the ways in which we are successfully doing it, but I would just beg for the gentleman to take a look at what has really happened to the movement of agriculture. One State in the Union now produces over half the fruits and vegetables in the country, most of it irrigated. Ohioans have a right to compete in this market.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

To the gentlewoman's points, we do in Arizona get subsidies. We should not, particularly with cotton. Cotton is very water intensive. We receive subsidies in cotton in many ways, particularly through the farm bill. I would ask you, please join me in opposing the farm bill next year. We will have an extension of the farm bill perhaps this year. Please join me in opposing it for subsidizing far too much as well.

We are spending too much money. It is not just in earmarks here, but it is other areas as well, but if we say we are not going to cut it in earmarks or other ways, where do we cut it? That is why our budget is simply growing and growing.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I just want to say this may be the first year America imports more food than she exports. This is not just a problem inside the borders of the United States. We have to keep our agriculture alive in this country, and it is becoming more and more difficult every year because of what is happening in the global economy and subsidies that are out there in other countries. Thank you for yielding.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I thank the gentlewoman for that point.

We do have a problem entering into free trade agreements because we subsidize our agriculture so much. It is complicating the Doha round right now. We are limiting the markets that we can sell into because of our own subsidies.

The country of New Zealand a few years ago thought they could never get away from agriculture subsidies. They just up and said one day, we are not going to do it anymore; we cannot afford to anymore. People predicted that their agriculture would drop considerably. It has not. They have thrived. If we simply trust in the market here and let the market take over, we would be far better off.

But in this point, again, I would make the point, we can save money here. Earmarks are costing us a whale of a lot of money, not just because of the money in the earmarks themselves, but in the amount of funding that they leverage elsewhere because when you have an earmark in an appropriations bill, you had better not vote against that appropriations bill or you might see your earmark vanish. So it is not just the money in the earmarks, it is the money that is leveraged.

The CHAIRMAN. The gentleman's time has expired.

Mr. BONILLA. Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was not going to say anything on this point until the gentleman made his last remark about people taking earmarks away if they do not vote for a bill.

I do not recall a single Member of the majority party helping me when, 2 years ago, I urged Democrats to vote against the Labor, Health and Education bill because it was grossly insufficient to meet our education and health care and science needs. I well recall when the Republican Appropriations Subcommittee chairman announced to his entire caucus that, because not a single Democrat voted for that inadequate Labor bill, that no Democrat was going to get a project.

I am proud of the fact that Democrats stuck against that bill anyway because we saw our duty as requiring us to oppose that bill because it put cuts for millionaires ahead of increasing the Pell Grant for kids trying to go to college. They put tax cuts for millionaires ahead of funding health professions training. They put tax cuts for millionaires ahead of worker protection programs.

So I would simply say, I welcome the gentleman's finally saying tonight that it is improper for earmarks to be used as internal blackmail. I just wish he had spoken up when we actually faced that issue 2 years ago.

Mr. FLAKE. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the bill that you mention is a perfect example. We do not need earmarks like this. We knocked all the earmarks out. We survived just fine. Members survived just fine. They were reelected. They came back. That was the only Labor-HHS bill I have ever voted for because it did not have earmarks. We finally got it right. We ought to continue it.

Mr. OBEY. Mr. Chairman, well, with all due respect, the issue before us tonight is not what happened to past appropriations bills. The issue is whether or not, since the gentleman has chosen to take on these particular earmarks, the issue is whether or not the earmark in question merits support or not.

I recognize the gentleman is trying to do what Otto Passman when he ran the Foreign Aid Committee, which is to offer amendments for illustrative purposes, but the fact is, tonight the House is not going to be making judgments on whether there should or should not be earmarks. The House, under procedures tonight, is simply being asked to make a judgment about whether a specific earmark is meritorious or not, and I would hope that that is the basis upon which they would cast their votes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. . None of the funds made available by this Act may be used to fund the Wood Utilization grant.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, the committee has provided $6,371,000 to provide science that addresses problems with harvesting, transportation, manufacturing and marketing of economical forest products. For all the talk about, we are cutting too much timber and we are doing too much of this, to provide this kind of subsidy for research on how to do it just seems to me out of line.

Let me just point out, some of these earmarks we have been talking about have been just a few hundred thousand dollars, not that that is small money, but this one is $6 million. If we looked since 1985, this program is the wood utilization program that received Federal funds in excess of $86 million. So it goes on and on and on.

This earmark was not included in the President's request. The United States is the world's largest producer of lumber and wood products used in residential construction and in commercial wood products such as furniture and containers. The United States is also the leader in the pulp and paper business, producing about 34 percent of the world's pulp and 29 percent of the world's output in paper and paper board.

The forest products industries is a strong contributor to the Nation's economy, employing close to 1.3 million people in all regions of the country, ranking among the top 10 manufacturing industries in 46 States. Why in the world do we need to be spending over $6 million a year to talk about wood utilization? Again, let me repeat: The United States is the leader in pulp and paper business, producing 34 percent of the world's pulp, 29 percent of the world's output in paper and paper board, employs more than 1.3 million in all regions of the country, among the top 10 manufacturing industries in 46 States. Yet, we need a program that one of its goals is funding also goes towards educating graduate students to be knowledgeable in wood as a renewable resource?

Now, we have been doing this program since 1985. I think wood has been around a lot longer than that. I think people know what a valuable resource it is. I do not think we need to be spending $6 million more in taxpayer money again this year to educate graduate students in wood as a renewable research.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I yield 3 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding.

Let me first say, the gentleman from Arizona has every right to do exactly what he is doing. I believe he is sincere in his efforts, and he is right, we are not potted plants. We are elected representatives. The funny thing about democracy is a majority has a tendency to rule, and if the gentleman offers something and a majority vote against him, then they have obviously supported what he does not. That is the way the process works.

I do not ask for congressionally directed spending that I cannot justify. In fact, not all of the congressionally directed spending that I have requested is for projects in my district. Some of them are in other districts for things that I think are important. One of them is the wood utilization program. In fact, I post all of the congressionally directed spending that I have had part in obtaining on my Web site. I want my constituents to be able to see it, and I tell them if they think there is anything in there that is wasteful, that we should not be spending on, to call me and talk to me and let me know.

In fact, I entered in the RECORD earlier today on this bill all of the projects that I had had any part in directing the congressional spending on so the people could see them, and I have put in the justification for them that I felt.

The gentleman said that the Labor-HHS bill last year was the only one we got right, and I would only ask, you know, by putting no congressionally directed spending in there, who knows their districts better, who knows the needs of their constituents better, bureaucrats in Washington, D.C., or the people they elect to Congress? To suggest the only reason we put them in there is to gain the votes of a majority of this place to pass a bill, is wrong. To suggest that every congressionally directed spending earmark, as you would say, is wasteful, is wrong.

Now, with the wood utilization program, I want to show you a list, and I will not enter it into the journal because it would take up too much paper, these are the saw mills that have closed since 1998. You can go through here: Alabama; geez, California's had so many, It is something like 98; Georgia, 18; Idaho, 17; Arizona, 17; Louisiana, 24; Oregon 218. These are the saw mills that have closed since 1998 because we have stopped using and cutting timber.

Because of the Healthy Forest Initiative and because of fire suppression in the past, we have got a lot of stands that are small diameter timber. The days of cutting the old-growth, large trees are pretty much gone. We have to learn how to use small diameter timber, and that is what a lot of how this program is for, is how do we effectively use small diameter timber?

The research that is being done in these programs at I guess 11 different State universities that receive this funding are to help the industry develop products that are used today with the small diameter timber, and there are wood byproducts that occur.

To me, that is an appropriate use of congressional spending, and so I support it and I justify it, and we will see if the majority agrees with you or me.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will repeat again, I think that congressional earmarking has gotten way out of hand, but having said that, I want to challenge the idea that somehow every project that is funded by an agency downtown is pure, and every project selected for funding by a Member of Congress is impure.

I want to give you one example. A few years ago, when Mitch Daniels was still head of OMB, he put out his so-called pork list, and leading the list in an attempt to embarrass me was an attack on a wind sled which I had gotten for Ashland and Bayfield in my district on the shores of Lake Superior.

□ 2000

That water is cold; 40 degrees in the summertime. And the OMB decided that they were going to try to trumpet this project and being an illegitimate use of taxpayer funds, so they described what was wrong with it in their OMB booklet.

There was only one problem. They had the wrong wind sled, they had the wrong model, and they described it as being a pleasure craft. In fact, here is why I got the money for the wind sled in that budget: because the local sheriff called me and told me that he had seen a young boy drown in Lake Superior who went through the ice, and the old device which they had to try to rescue the boy simply did not work. So this boy's parents stood on the shore watching their son drown just 30 or 40 feet away and they could not reach him and neither could anybody else.

So the sheriff asked me if I could please get enough funds to help them provide a decent rescue vehicle for that area, and I got the wind sled, and I am proud I did. And I think that I knew a whole lot more about the facts than the head of OMB sitting on high in his office who was simply trying to skewer a Congressman from the other party, not having the foggiest idea of why we got it or what it was for.

Now, I certainly don't defend every earmark. I have attacked a number of them in my years in this Congress. But if you are going to go after an earmark, it would be useful if you knew enough about it to judge whether or not it is a decent use of taxpayers' money or not. And I can tell you that most of the attacks I have heard on this floor over the past 15 or 20 years have not measured up in terms of knowing what they were talking about.

So I just wanted to tell that little story to illustrate that I agree with the gentleman from Idaho that all of the wisdom in government is not deposited in the agencies. And I would point out that in many instances what you have in an agency is some political appointee sitting down there deciding on project after project after project who is going to get the money, and it is not on the merits; it is on the basis of who has a connection and who has an angle. The only difference is, their process is a whole lot more invisible than the process is up on the Hill.

We ought to have improvements in the process. And if we are in the majority and if I am chairman of the Appropriations Committee, I guarantee you there is going to be a lot more discipline than there is today. But having said that, I do not think it is fair to simply pick out these projects and then move to a generalization that somehow the executive branch is always more qualified to decide what ought to happen in each congressional district.

If we aren't qualified to know at least as much about that as the anonymous bureaucrats downtown, then we indeed don't belong here.

Mr. FLAKE. Mr. Chairman, I yield 1 minute of my time to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I appreciate the gentleman's courtesy, since we are on opposite sides in this debate this evening. But I wanted to follow on something Mr. OBEY said, because I used to work for a former President in the United States and I understand quite a bit about the way OMB operates.

One of the most shocking things I learned as a White House staff member was that you might have somebody in front of you who was the OMB examiner on agriculture this year, and then next year they switch that person to defense or switch them out to another agency, and you find out they do not know the details about anything.

I was shocked that the defense examiners at OMB have nowhere near the experience that the Members of this institution do, and this is really where historical memory and where experience in detail rests.

So I would agree with the gentleman from Wisconsin, we need a lot more sunlight over there on the executive side. We have total sunlight over here. And I have a totally different impression of the OMB as a former White House staff member than I ever did before, when I used to hold them in very high esteem until I realized they did not know the details of many programs. They just shifted them around, and they did not have the kinds of commitment and depth of knowledge that Members of Congress do.

Mr. KINGSTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding.

I believe the gentleman from Arizona is really looking for savings in all the wrong places. To take just one example, the Medicare Advisory Commission has pointed out there is $50 billion, with a B, $50 billion in overpayments to Medicare Advantage, HMOs, and PPOs that could easily be drawn back. So that $50 billion is one place to look.

But these funds for scientific research are critically important, and I wanted to describe at the University of Maine the wood utilization project that has been going on there for some significant period of time. It has had a significant effect in the spinoffs of businesses, because the wood composite program, the research that has been done there, married to fiberglass technology and other forms of plastics that I don't understand, has led to a variety of new projects.

I really disagree with the gentleman from Arizona. The public sector and the private sector in this country are intertwined, for good or ill sometimes. But this is a case where we are generating economic development that is very important. I would go beyond that and say with this particular project at the University of Maine, you haven't yet heard about all they are doing, but they are basically making products for the Coast Guard and for the Army that will materially strengthen the ability of our military at home and around the globe.

They have developed a lightweight bridge that is easily transported because it is using these composite materials. And you haven't heard the concept yet of up-armored tents, but that is the next product line. It is going to make our tents in Iraq much safer than they ever have been from IEDs or incoming mortars.

I think it is wrong to all too quickly decide that these research projects, like the one we are discussing today, don't have economic spinoffs or, in this case, security spinoffs that are fundamentally important to this country.

With that, I urge the defeat of the amendment.

Mr. FLAKE. Mr. Chairman, I want to just say to the gentleman from Idaho that I appreciate working with him in this process to reform the earmark process. His insights as a member of the Appropriation Committee have been valuable, and he has agreed that it is a good thing to have Members' names attached to these earmarks.

When people wonder why we are seeking this process now and how we are to provide oversight, I can tell you that with 450 earmarks in this bill, not one name was attached. That is why it has been a great process here today to see some of the authors, the sponsors of the earmarks come to the floor; otherwise, we wouldn't have known, unless you can find it in a press release somewhere, that they sponsored this legislation.

We are looking for sunlight here. We would like to provide oversight, but it is difficult when we don't even know. We got the report last week. How are we supposed to scrub this?

Let me also say that the executive branch doesn't always spend it wisely. All you have to do is drive through the fields of Arkansas and see those trailers and realize they bungle it often. What I am saying is that we diminish our credibility as those conducting oversight when we insert stipulations like this, when we say you have got to spend money on the Punxsutawney Weather Museum in Pennsylvania, or we have to spend $6 million on wood utilization that we have been doing for almost 20 years and we never seem to get out of.

We diminish our role as the conductors of oversight when we so trivialize this process and ignore the authorization and the oversight function.

Mr. Chairman, I yield back.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Without objection, the Clerk will read the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used to fund the National Grape and Wine Initiative.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Again, this is another example of the Federal Government funding a program that can and is funded by the private sector. I should note here the vision of the initiative says: "By 2020, the American grape and wine industry will triple its economic impact and become the undisputed world leader in consumer value and sustainability. The target is an economic impact of $150 billion within 16 years. This is based on a conservative estimate of current annual impact of approximately $50 billion a year."

I would submit that if an industry out there has a $50 billion-a-year impact on the economy, $50 billion, then the Congress need not spend $250,000 for strategic research and a plan to enhance the grape industry's competitiveness and contribution to the U.S. economy.

I can tell you what the contribution is to the U.S. economy. We have been told. It is about $50 billion a year. Yet here we are spending $250,000 for strategic research to enhance the grape industry's competitiveness and contribution.

Again, if we are going to get control on spending, we have to start somewhere. I would submit this is a great place to start.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I claim the time in opposition, and I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to this amendment and in support of this initiative.

The grape industry is very, very important to the country, as the gentleman noted; but this program is also very important to the grape industry and to the consumers across this country. Grapes are the sixth largest crop in the United States and the largest specialty crop in the United States.

In the past, wine, wine grapes, raisins, table grapes, and the grape juice industry have all competed for Federal funds. This is funding that does work in regard to pest control and in research for health issues that are important to the American people. Because of this competition factor in the past, oftentimes those funds were spent in ways that were duplicative and were uncoordinated. That is not healthy for the taxpayers, for the industry, or for the American people.

With this initiative, all of those aforementioned industries have come together to ensure that the funding would be coordinated and it would be focused. It would be focused to work to benefit not only all of these industries but all of the American people. Again, this is in research for health care, for health issues, and for pest control.

An example: at UC Davis, some of the work they have been doing under this program has led to some incredibly good developments in combating diabetes. If this amendment were accepted, that program would go away and all of this work would be lost. We shouldn't reduce the funding in this program, and we should all vote against the gentleman's amendment.

Mr. FLAKE. Mr. Chairman, I would simply make the point again: a $50 billion industry I think probably has the means at its disposal to fund this kind of research that we are talking about and could perhaps fill the void.

A $50 billion industry could fill the void of $250,000 that is given back to the taxpayers or spent in another area. If you can find a definition of corporate welfare in the dictionary, this would probably be it. A $50 billion industry, and yet we are giving them $250,000 to have research carried out to enhance the industry's competitiveness and contribution to the U.S. economy.

Mr. Chairman, I reserve the balance of my time.

Mr. KINGSTON. Mr. Chairman, I want to say this, and I appreciate what the gentleman from Arizona is doing, because I think that we all need to be accountable for anything that is in the bill or anything we vote on. One of my gripes with the other body is that they keep things in committee, and it is an incumbent protection system.

□ 2015

So I think having the opportunity to come down here and debate and fight for what we believe is important.

I want to point out, last year, our budget passed in the final version out of conference committee 212–214. That is a two-vote margin. So if you put more spending in the budget, it probably would not have passed. If you put less spending in the budget, it probably would not have passed also. It truly was a balance between those who wanted to spend more and those who wanted to spend less. And there are a lot who want to spend less.

However, politics is the reality of the possible or the passable. What you have sometimes is budgets that are hard to justify. I remember Mr. OBEY telling a good story about something called the soldier fly. Down in the area I represent, there is a lot of agriculture. There are a lot of chicken growers, and chicken growers have chickens in hen houses. But, unfortunately, or fortunately, in a lot of rural areas, it has turned urban. And what do chickens have? Chickens have flies. They have blue flies. People build houses, and then the first thing they do is complain about the flies coming from the chicken houses. And the farmers were there first, but it does not matter.

Well, enter the soldier fly. The soldier fly comes in, Mr. Chairman, like a big hero and eats the blue flies; solves the problems for the farmer, solves the problem for the homeowners in rural areas. And this is a big economic issue, getting rid of the flies in chicken houses.

Well, we want to know, what can you do to foster more soldier flies? And so you study soldier flies. It is a nontoxic way to take care of pollution, but of course, it is great fodder for Reader's Digest to say they are studying the mating habits of soldier flies, which is not necessarily true.

But having the opportunity to come out here, and it was not an earmark, but to come out here and have an opportunity to debate things is good. I think it is a healthy exercise. But I want to say this as a committee member: When things are in the budget, and this budget, as you know, is down 8 percent from last year and that Member priorities are down $35 million, you are under budget. And what somebody in California agriculture or somebody from Ohio agriculture supports may be different from what people in, say, Georgia support. But the overall goal is within the budget.

This year we have only passed a budget on the House side by a mere I believe 7 or 6 votes. So we are all walking that balance.

But I want to say I urge a "no" vote on this amendment, but I do like this process. I also want to say on behalf of the Appropriations Committee members, we do favor earmark reform. But we also believe when you have things like the Bridge to Nowhere that don't come from an appropriation bill, you have to open up the process to all of the other committees as well.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

I want to thank Members for their indulgence. I know it is not easy to sit through so many amendments in a row. I appreciated this process, for one actually to see and hear people defend their earmark on the floor. That is something which has been missing. As I mentioned, you see 415 projects in the report; no description really of them, and no Members' name attached. You could not call them and ask, what is this about? So the only way you can do that is come to the floor and do what we just did.

I would submit that we need to do a lot more of it, and we need to get back to authorization, appropriation and oversight. Let me say again, when we are spending money like this, then we seem to have money to throw around, and I would submit that the average taxpayer in California or Oregon or Arizona or anywhere would look at this and say, why are we taking my hard-earned money and spending it to give $250,000 to the grape and wine industry that means about $50 billion to the U.S. economy? That is not a prudent use of taxpayer resources.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. GARRETT of New Jersey.

Amendment by Mr. FLAKE of Arizona regarding dairy education.

Amendment by Mr. FLAKE of Arizona regarding hydroponic tomato production.

Amendment by Mr. FLAKE of Arizona regarding grape and wine initiative.

Pursuant to the order of the House of today, the Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 266, noes 153, not voting 13, as follows:

[Roll No. 189]

AYES—266

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Etheridge
Everett
Feeney
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Porter
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—13

Brown, Corrine
Brown-Waite, Ginny
Davis (FL)
DeLay
Evans
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
Payne
Snyder
Taylor (NC)

☐ 2046

Ms. ROYBAL-ALLARD and Messrs. BRADY of Pennsylvania, MEEK of Florida, FATTAH and GUTIERREZ changed their vote from "aye" to "no."

Mrs. DAVIS of California and Ms. HOOLEY and Messrs. LAHOOD, COOPER, KIND, GERLACH, POMEROY and LYNCH changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, on rollcall No. 189 my card did not register for the second time. I voted "aye" but it did not register.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding dairy education on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 92, noes 325, not voting 15, as follows:

[Roll No. 190]

AYES—92

Akin
Andrews
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Bilirakis
Blackburn
Blumenauer
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Castle
Chabot
Chocola
Coble
Cooper
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Doggett
Duncan
Ehlers
Eshoo
Everett
Feeney
Ferguson
Flake
Ford
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Holt
Inglis (SC)
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kline
Lewis (KY)
Lofgren, Zoe
Mack
Marchant
Matheson
McHenry
Meehan
Miller (FL)
Miller, Gary
Myrick
Norwood
Otter
Owens
Pallone
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shaw
Smith (WA)
Stearns
Sullivan
Tancredo
Tiberi
Udall (CO)
Van Hollen
Westmoreland
Whitfield

NOES—325

Abercrombie
Aderholt
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Oxley
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Ackerman
Brown, Corrine
Cantor
Davis (FL)
Evans
Higgins
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
McMorris
Payne
Snyder
Taylor (NC)

□ 2050

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding hydroponic tomato production on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 90, noes 328, not voting 14, as follows:

[Roll No. 191]

AYES—90

Akin
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Bradley (NH)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell (CA)
Chabot
Chocola
Coble
Cooper
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Doggett
Duncan
Ehlers
Eshoo
Everett
Feeney
Ferguson
Flake
Fossella
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Lofgren, Zoe
Lungren, Daniel E.
Mack
Maloney
Matheson
McHenry
Miller (FL)
Miller, Gary
Myrick
Norwood
Otter
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (WA)
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Tiberi
Velázquez
Westmoreland
Whitfield

NOES—328

Abercrombie
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Burgess
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Manzullo
Marchant
Markey

Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Ackerman
Brown, Corrine
Davis (FL)
Evans
Gingrey
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
McMorris
Payne
Snyder
Taylor (NC)

☐ 2054

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) regarding grape and wine initiative on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 328, not voting 17, as follows:

[Roll No. 192]

AYES—87

Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Bradley (NH)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Castle
Chabot
Chocola
Coble
Cooper
Cubin
Davis, Jo Ann
Davis, Tom
Deal (GA)
Duncan
Ehlers
Everett
Feeney
Ferguson
Flake
Fossella
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gingrey
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Istook
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Lewis (KY)
Mack
Marchant
Matheson
McHenry
McMorris
Miller (FL)
Myrick
Norwood
Obey
Otter
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shays
Smith (WA)
Sodrel
Stearns
Sullivan
Tancredo
Tiberi
Westmoreland
Whitfield

NOES—328

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pombo
Pomeroy
Porter
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Brown, Corrine
Davis (FL)
Evans
Fattah
Hunter
Issa
Jefferson
Kennedy (RI)
Larson (CT)
Neal (MA)
Payne
Pickering
Rush
Snyder
Taylor (NC)
Van Hollen
Waters

☐ 2058

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. VAN HOLLEN. Mr. Chairman, on rollcall No. 192, I was unavoidably detained. Had I been present, I would have voted "yes."

The CHAIRMAN. The Clerk will read the last three lines.

The Clerk read as follows:

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007".

☐ 2100

Mr. BONILLA. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. RYAN of Wisconsin, Chairman of the

Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5384) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 830, the previous question is ordered.

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that the amendment by the gentleman from New York (Mr. ENGEL) be considered to have been adopted in the Committee of the Whole with the modifications I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC.—. *None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).*

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 46, not voting 8, as follows:

[Roll No. 193]

YEAS—378

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—46

Baldwin
Bass
Bean
Biggert
Blackburn
Blumenauer
Bradley (NH)
Capuano
Conyers
DeFazio
Delahunt
Doggett
Doyle
Feeney
Ferguson
Flake
Fossella
Frank (MA)
Franks (AZ)
Gibbons
Green (WI)
Hayworth
Hefley
Hensarling
Kanjorski
Kind
Lee
Markey
Matheson
Meehan
Miller, George
Moran (VA)
Oberstar
Obey
Owens
Paul
Petri
Price (GA)
Rohrabacher
Ryan (WI)
Sensenbrenner
Shadegg
Shays
Stark
Stearns
Tancredo

NOT VOTING—8

Brown, Corrine
Davis (FL)
Evans
Jefferson
Kennedy (RI)
Larson (CT)
Payne
Snyder

□ 2117

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Tuesday, May 23, 2006 to vote on rollcall vote Nos. 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, and 193 due to a family medical emergency.

Had I been present, I would have voted:

"No" on rollcall vote No. 179 on calling the previous question on H. Res. 830—the rule providing for consideration of H.R. 5384—Department of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007; "no" on rollcall vote No. 180 on passage of H. Res. 830—the rule providing for consideration of H.R. 5384—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007; "yea" on rollcall vote No. 181 on suspending the rules and agreeing to H.R. 4681—the Palestinian Anti-Terrorism of 2006; "yea" on rollcall vote No. 182 on an amendment to H.R. 5384 to increase funding for Animal and Plant Health Inspection Service by $23 million to fight invasive species; "yea" on rollcall vote No. 183 on an amendment to H.R. 5384 to increase funding for Animal and Plant Health Inspection Service by $500,000 to fight Bovine Tuberculosis; "no" on rollcall vote No. 184 on an amendment to H.R. 5384 to prohibit funds from being used to implement the National Animal Identification System; "no" on rollcall vote No. 185 on an amendment to H.R. 5384 to prohibit funds from being used to implement the Market Access Program, an agricultural export program; "no" on rollcall vote No. 186 on an amendment to H.R. 5384 to reduce funding in the bill by 1 percent; "no" on rollcall vote No. 187 on an amendment to H.R. 5384 to reduce funding for the Sugar Loan Program by 6 percent; "no" on rollcall vote No. 188 on an amendment to H.R. 5384 to reduce funding for the Agriculture Research Services building and facilities account by $65.3 million and the Cooperative State Research, Education, and Extension Services by $16.7 million; "no" on rollcall vote No. 189 on an amendment to H.R. 5384 to prohibit the use of funds for expenditures in contravention of the Immigration and Nationality Act; "no" on rollcall vote No. 190 on an amendment to H.R. 5384 to strike $229,000 in funding for dairy education in Iowa; "no" on rollcall vote No. 191 on an amendment to H.R. 5384 to strike $180,000 in funding for hydroponic tomato production in Ohio; "no" on rollcall vote No. 192 on an amendment to H.R. 5384 to strike $100,000 in funding for the National Grape and Wine Initiative in California; "yea" on rollcall vote No. 193 on final passage of H.R. 5384—Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act for fiscal year 2007.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5384, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5384, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate disagrees to the amendments of the House of Representatives to the bill (S. 2349) "An Act to provide greater transparency in the legislative process," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LOTT, Mr. STEVENS, Mr. MCCONNELL, Mr. DODD, and Mr. INOUYE, to be the conferees on the part of the Senate.

PROVIDING FOR CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–479) on the resolution (H. Res. 832) providing for consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 832 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 832

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 102. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The question is, Will the House now consider the resolution?

The question was taken; and (two-thirds having voted in favor thereof) the House agreed to consider the resolution.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 832 is an open rule providing 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule waives all points of order against consideration of H.R. 5427, The Energy and Water Development Appropriations Act of 2007. Under the rules of the House, the bill shall be read for amendment by paragraph.

House Resolution 832 waives points of order against provisions of the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill except as specified in the resolution. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

The House Rules Committee reported by voice vote an open rule for consideration of H.R. 5427, The Energy and Water Development Appropriations Act of 2007. The underlying bill provides over $30 billion to the Corps of Engineers, the Department of Energy, the Department of the Interior's Bureau of Reclamation and several independent agencies.

The underlying bill provides nearly $5 billion to support vigorous civil works programs that focus limited resources on completing high-priority projects. The Department of Energy constitutes the bulk of the bill with funding of over $24.3 billion. Included in the Department of Energy's budget is over $4 billion for the American Competitiveness Initiative to strengthen basic research by increasing funding for the Department of Energy's Office of Science.

The bill also supports the Advanced Energy Initiative by increasing money for a variety of clean energy technologies including biomass, hydrogen, solar, wind, and clean coal.

Mr. Speaker, this bill also includes funding important many projects in my central Washington district. After getting the Bureau of Reclamation engaged in funding solutions for the depletion of the Odessa Subaquifer 2 years ago, I am pleased that this bill continues the effort to ensure the Federal Government keeps its commitment to the Columbia Basin farmers at risk of losing their water supply.

For the fifth straight year, I am pleased that the funds are provided to keep the study of additional water storage in the Yakima River Basin moving forward towards completion. 2007 is a critical year for this study and this gives the Bureau the funds needed to keep it on schedule to get the study done by 2008.

Having authored the law that created the study, I am dedicated to ensuring it stays on course. No storage has been built in this Yakima River Basin since the mid-1930s. And after several serious droughts in the last 5 years, it is vital that this study provide answers on more storage.

Over $24 million is provided for 2007 to ensure 1,000 Federal lab scientists and workers continue their important work at the Pacific Northwest National Lab. The funds are needed to transition the lab personnel into new lab buildings. Some lab buildings dating back to the mid-1940s are slated for demolition and cleanup due to radioactive contamination of the structures, soil and ground water. With coordination and planning, this transition can possibly be accomplished in a manner that could save the taxpayers over $100 million.

Within the Department of Energy, the Office of Environmental Management is responsible for the cleanup at the Nation's nuclear sites. The largest and most contaminated of these sites is Hanford in my district. This bill provides needed Hanford cleanup funds for the River Corridor Closure project, the K Basins and other projects managed by the Richland Operations Office. An increase of $20 million is provided for ground water contamination cleanup and technology development.

At Hanford's Office of River Protection, $20 million is restored to the tank farm budget for the bulk vit demonstration project. This funding is necessary for DOE to confirm alternative treatments for millions of gallons of hazardous and radioactive tank waste.

Mr. Speaker, the largest component of Hanford's budget is the waste treatment plant. This project is critical to the Federal Government's obligation to uphold its legal cleanup commitments to the State of Washington. For well over a year this project has been undergoing extensive review by the Department of Energy, the Army Corps of Engineers, and GAO.

In addition, an independent group of the Nation's best and brightest nuclear and construction experts have been looking into the project's technical issues and estimates of the projects costs and schedule. These reviews are providing both recommendations and validations that will assist the Department of Energy in setting a path forward for this project.

It is my hope, Mr. Speaker, and expectation that DOE will provide a detailed plan for the waste treatment plant before Congress writes a final conference report on the energy and water appropriations act for this year. A final path forward from DOE is critical for making decisions on this project for next year and for the future.

Mr. Speaker, I cannot stress enough the importance of Congress getting this information from DOE in a timely manner.

I also want to thank the subcommittee chairman and the ranking member for the time and attention they have dedicated to the waste treatment facility, specifically into preparing a bill that enjoyed strong bipartisan support in the subcommittee and full Appropriations Committee.

Mr. Speaker, House Resolution 832 is an open rule that gives all Members a chance to express their views on how our Nation should be prioritizing its spending. I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentleman from Washington for yielding me this time. I yield myself such time as I may consume.

Mr. Speaker, today we consider the rule governing debate for the energy and water appropriations bill. The issues of energy and water are always important, but this year these issues are front and center of our national dialogue.

Over the past 9 months, the American people have seen the direct impact of water infrastructure on their day-to-day lives, from Hurricane Katrina's devastation of New Orleans and the gulf coast to the worst flooding the New England States have experienced in 70 years, and just this week NOAA announced the upcoming hurricane season will bring an increase in strong storms reaching land, category 3 and above.

In our communities, in our States, and every region of our country we are seeing the importance of flood protection. But we are also witnessing the growing strain on our already fragile water infrastructure. Yet even with this added pressure, our Nation's civil works programs do not see a corresponding increase in funding. These projects provide critical protections and we need to make investing in them a priority.

On repeated occasions you have heard me discuss the critical need to improve flood protection in my hometown of Sacramento.

□ 2130

In terms of lives and property, I recognize what is at stake. Sacramento has the dubious distinction of being the most at-risk river city in the Nation. I certainly understand the heightened concern that arrives with each rainfall. This year, our region has experienced an especially wet winter and wet spring. Each year we delay making these necessary investments is one more year of wondering what Mother Nature will bring.

Members of the committee attempted to make the most with its limited resources. They did improve on the President's budget. However, as Appropriations Committee Ranking Member OBEY and Energy and Water Subcommittee Ranking Member Visclosky rightly pointed out, we still need an additional $250 million to protect vulnerable areas from flooding.

With these funds, the Army Corps of Engineers could speed up construction on a number of flood protection projects across the country. Additionally, they would be able to provide some support to the operation and maintenance of completed projects, as well as restore the Corps' research and development program.

As a Nation, we are at a crossroads. We can continue in a defensive position, responding to Mother Nature's whims as in New Orleans and recent storms in the northeast, or we can take the offensive, working to strengthen and reinforce our Nation's water infrastructure.

In my view, we must seek out opportunities like this to be proactive and not reactive, as Congress is beginning to do in science and investing in renewable energy sources.

I was pleased that the committee increased funding from last year's level for the Department of Energy's Office of Science. This will fund basic energy research, nuclear physics, as well as biological and environmental sciences. A 15 percent increase is a good start, but if we truly want to reverse the trend of the past few years, we need to make a greater investment in science and research and development.

I was home in Sacramento this past weekend and everyone was talking about rising gas and energy prices. The net effect for working families is perhaps a shorter vacation and perhaps not eating out at a restaurant. Escalating energy prices threaten not only the quality of life and pocketbook of every American but the very stability of our national economy.

We must do more as a Nation to develop energy alternatives. I believe that America must modernize its energy policy to decrease this Nation's dependence on foreign sources of oil and preserve the environment. To accomplish this, Congress must develop a strategic and forward-looking energy plan that places a high priority on new research into renewable fuels and greater energy efficiency.

Unfortunately, the programs this bill cut are the exact programs necessary to develop a national renewable energy portfolio for the 21st century. There are drastic reductions in funding for wind, solar and geothermal programs, some of the programs that must be grown if we are ever going to curb our reliance on oil. I am concerned that we are missing an opportunity to expand our energy alternatives.

As much as this Energy and Water Appropriations bill is about funding current needs, it is also about investing in the future. While I think the committee tried to the best of their abilities to do this, in the end, the tight funding constraints limited their ability to strike the necessary balance.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Utah (Mr. BISHOP), my colleague on the Rules Committee.

Mr. BISHOP of Utah. Mr. Speaker, I rise this evening in support of the rule for the Energy and Water Appropriations Act.

I wish to commend Chairman HOBSON and the subcommittee for crafting in a very bipartisan way an excellent bill. This bill does contain funding for water and resource-related projects in my district and my State, and I think that it is very wise of them, but it also deals with one specific issue I wish to address this evening.

Chairman HOBSON has recognized in this bill the importance of having a very strong nuclear power program in the United States. As Americans continue to face the increasing costs of energy, nuclear power is an important part of our overall energy policy. Chairman HOBSON has craftily connected the concept of interim storage with reprocessing of fuel rods, recognizing that spent fuel rods really are not spent at all. The overwhelming majority of the rod is still fuel that is available, and through reprocessing of the spent fuel rods, we can not only create greater energy, but we will significantly reduce the problem of a waste stream.

During last year's debate, I engaged Chairman HOBSON on the floor in a colloquy on this issue. He said at that time: "I do not see any reason for the Secretary to consider making a private site, or a site on tribal land, into a DOE site for interim storage. My intent is for the Secretary to evaluate storage options at existing DOE sites."

I appreciate very much that his subcommittee has taken these words to heart and has crafted in this bill a process which ensures that the interim storage of nuclear waste will be done in conjunction with willing partners.

Specifically in this bill, there are some additional criteria for interim storage in the report language. It talks about the department, and it says they will "explore consolidation of spent fuel within States with high volumes of spent fuel. The Department should conduct a voluntary, competitive process to select interim storage sites."

The key word here obviously is the word "voluntary." Chairman HOBSON added this important phrase and clearly understands that it is far wiser and better to voluntarily work with States than to try to impose mandates on States. That not only protects the rights and positions of States in our Federal State, but it is clearly a wiser policy of choice.

This bill reinforces the statements and the commitments that the chairman has made on this issue, this year, last year and repeatedly in other venues, and I appreciate him doing that. State and local officials in my State, military in my State, environmental groups and citizens in my State are encouraged with these particular words.

Once again, I would like to express my appreciation to Chairman HOBSON and the entire subcommittee, both sides of the aisle, for protecting what I consider to be in an important way the citizens of my State and ensuring that State and local interests are paramount in this particular process. I think you have done a fine job, and I am proud to speak in favor of this particular bill and especially the rule which will put it before us.

Ms. MATSUI. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Speaker, I appreciate the gentlewoman yielding and her kind remarks and also at the outset would congratulate the gentleman from Washington for his leadership and dogged determination to follow through on very complicated issues relative to Hanford, not only on behalf of the constituents he represents in his district or the State of Washington, but to make sure that we in a timely fashion have a solution to a national problem, and I do respect the gentleman's leadership.

Mr. Speaker, the Energy and Water bill that will be before us tomorrow is an excellent bill, and Mr. HOBSON and the members of the subcommittee have done an exceptional job on it. I will be strongly supporting the bill. However, I rise now because it simply does not do enough, given the restricted allocation that the subcommittee had to deal with.

That is why I am asking my colleagues to defeat the previous question on the rule so that I may offer an amendment to the Energy and Water Development Appropriation bill. Last week, in the full Appropriations Committee, Mr. OBEY proposed an alternative set of 302(b) allocations that include $1 billion more for the Energy and Water bill. My amendment would propose that the same increase to this bill be given and show how the Democratic Members of the House would allocate the additional spending.

Over 25 years ago, during the Carter administration, the country faced a major energy crisis. The Congress responded aggressively. Today, I believe our response is a faint shadow of what had been done previously. Today, our spending levels for research and development and demonstration for fossil fuels, renewable energy sources and conservation are about one-quarter of what they were then. The amendment would provide an additional $750 million across these areas.

Some examples of this increased investment in energy innovation are:

A doubling of funding for biofuels and biorefineries so that researchers can pursue the full range of biomass technologies and develop new ones;

Provide the Clean Coal Program with enough funding so that they can issue the next major solicitation of innovative proposals for making better use of this abundant domestic energy source;

To restore funding for petroleum, natural gas and geothermal technology programs for which the administration and the bill provide virtually no funds;

Increase support for developing the full range of conservation technologies;

Weatherization for an additional 30,000 homes in the year 2007, next year, providing immediate energy savings;

The establishment of a DARPA-like program in DOE for advanced energy research projects to stimulate innovation that can change the paradigms for how we obtain and use energy, much as DARPA investments in networking help create the Internet.

Relative to our water infrastructure, Hurricane Katrina was a wake-up call, and while we are providing much funding for this stricken area, flood protection is needed in many other areas of our country. The amendment would also provide $250 million more to accelerate needed improvements to flood control measures around the country. It would also increase operation and maintenance funding for two regions and partially restore the cuts to the R and D program for the Army Corps of Engineers.

Our country needs this $1 billion increase to this year's investments to ensure our future safety and prosperity. Given that there will be additional needs in the future, I would not borrow the money for these investments from our children and grandchildren. So they must be paid for now, and to do that, the amendment would provide that those making in excess of $1 million in 2007 give up 2.42 percent of the tax cuts provided to them since 2000. I think the country will miss these investments in our common good more than the most prosperous among us will miss two-tenths of their ample income.

Mr. Speaker, I had hoped that my proposal would have been made in order under the rule. I ask my colleagues to defeat the previous question so that this amendment can be debated and voted upon by the full House.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I, first of all, want to thank the ranking member for his kind words, and I also want to thank him and the chairman of the subcommittee a little broader because they have taken a great deal of interest in the Hanford project. Both of them have been out there at least once in the past several years, and other Members of the subcommittee have visited that, and I want to bring that to the House's attention because the one common denominator I hear when people go out and visit the Hanford site is, I had no idea it was that huge and that complex. I think that understanding helps us move forward.

But I do want to reiterate and I do hope the Department of Energy does come forward with their path before we finally get the final conference report. I think that it is important.

Having said that, on the Rules Committee, we did not make the gentleman's amendment in order because it calls for raising taxes, and that is a province of the Ways and Means Committee, and obviously, they do want to keep that jurisdiction. We did not provide the waiver, and therefore, that amendment was not made in order.

I also mention, too, the amendment was offered during the markup in the full Appropriations Committee, and it was defeated by the Appropriations Committee.

So I appreciate the gentleman's remarks, but I just wanted to make those observations.

Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I would just like to make some comments also that I appreciate Chairman HOBSON and Ranking Member VISCLOSKY for working with me on my project in Sacramento. That is much appreciated.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, let me say that I think in general, within the spectacularly inadequate allocation provided the subcommittee, that Mr. HOBSON and Mr. VISCLOSKY have done a very credible job on this bill, and I especially appreciate the way Mr. HOBSON has approached this bill on a bipartisan basis.

Having said that, I would hope that Members would vote against the previous question on the rule. As Mr. VISCLOSKY pointed out, for the 25 years since Jimmy Carter left office, this country has been in a listless drift as far as energy policy is concerned. Energy conservation, energy research programs, have been funded at woefully low levels in comparison to where they were during the high point of Jimmy Carter's presidency.

The problem is that, after Carter left office, his successors, especially Mr. Reagan and Mr. Bush, systematically shrank those budgets in real terms, and so today, we are paying the price in terms of scarce energy and high energy prices.

We have some choices to make. The Congress has already determined this year, the majority party has, that it is important this year to provide $40 billion in supersized tax cuts to people who make over $1 million a year.

□ 2145

In contrast, Mr. VISCLOSKY would offer an amendment which would scale back the size of those tax cuts by 2½ percent and use that money instead to make greater investments totaling $1 billion more than the bill contains for flood control projects and especially for energy conservation and energy development programs.

If we had done that over the past 25 years, if we had simply kept up with what Jimmy Carter had asked us to do while he was President, we would be in a far more secure place as a Nation tonight and we would have a far more stable pricing system for energy, and we would be much further along the way toward protecting Mother Earth from the ravages of global warming.

So I would hope that the House would vote against the previous question so that we would have an opportunity to resurrect the Visclosky amendment. I do believe that it is important to ask the question: What is more valuable to the country's future, stronger levees in our communities, stronger flood control projects, an energy policy that puts us ahead of the curve rather than at the mercy of OPEC, or an even easier Easy Street for the most well-off people in this society?

I think the choice is obvious.

Mr. HASTINGS of Washington. Mr. Speaker, I advise my friend from California I have no more requests for time, so I will reserve my time.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, I thank the gentlewoman, and I rise to oppose this rule, and I must express my very deep concern with the underlying bill.

Despite the very best efforts of many of my colleagues, this bill remains a broken promise on the most critical issues that we confront, specifically renewable energy. The gentleman from Indiana is absolutely correct, we need to do much more than we are doing in this bill on renewable energy.

Let me tell you why this is so critical, Mr. Speaker. This year, the Department of Defense will spend $10 billion on its basic energy bill. Of that $10 billion, $4.7 billion will buy one thing: fuel for the Air Force planes. That $4.7 billion is about what we are going to spend for the National Cancer Institute.

We need renewable energies, Mr. Speaker, not just for our environment, not just to bring gas prices down, but as a matter of national security. What could be more dysfunctional than having to borrow money from China in order to buy oil from our Persian Gulf adversaries in order to fuel airplanes to protect us from China and our Persian Gulf adversaries?

On renewable energies, this bill, as it is currently drafted, falls short. Last July, we passed an energy bill, and many of us printed press releases patting ourselves on the back for this sweeping new investment in renewable energy. Those press releases promised $3.3 billion would be spent on renewable energies this year alone. $3.3 billion authorized for research, development, and deployment of renewable energy. But when it comes time to actually sign the check, the check doesn't say $3.3 billion, it says $1.3 billion. That is $2 billion short.

This is like No Child Left Behind all over again. You promise to pay high, you actually pay low. In this case, it is not Leave No Child Behind; pit is Leave No Barrel of Oil Behind.

Mr. Speaker, I understand that the argument can be made, and I respect the argument, that many renewable technologies did receive increases over last year. Many specific accounts for renewable energy, research and development did receive increases over last year's levels. But only in Washington can a $2 billion shortfall be called an increase.

Try that logic with your utility company. When the bill comes, try saying I know I was going to pay $100, $150, but what I really meant to say was, I am giving you $15. No utility company would let you get away with it, and the Congress shouldn't allow that to be gotten away with.

The bottom line, Mr. Speaker, is the bottom line. And if we are truly serious about ending our dependence on foreign oil and strengthening our military, we would not be shortchanging this bill. I hope that the gentleman's efforts prevail. I hope that this Congress will have an opportunity to put our money where our mouths are when it comes to renewable energy, not just as an environmental issue, not just to get gas prices down, but to make sure our military has the capabilities to defeat our enemies around the world.

Mr. HASTINGS of Washington. Mr. Speaker, I continue to reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I am prepared to close.

Mr. Speaker, I will be calling for a "no" vote on the previous question. If the previous question is defeated, I will amend the rule so that we can consider the Visclosky amendment that was rejected in the Rules Committee tonight on a straight party-line vote.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. Mr. Speaker, the Visclosky amendment would provide $250 million for a number of ongoing flood projects that are not funded in the bill. It also adds $750 million for research into alternative sources of energy, such as coal, ethanol, and biodiesel, that would reduce or eliminate our dependence on foreign oil. The spending increase in the Visclosky amendment is offset by reducing by 2.4 percent the tax cut received by people earning more than $1 million a year.

Mr. Speaker, this amendment deals with two urgent national priorities. It puts our money where our mouth is when we say our country needs to diversify our energy supply, increase energy efficiency, and reduce our addiction to foreign oil. With the hurricane season approaching, it puts more resources into the major flood control projects that would protect our property and our lives.

Mr. Speaker, it is important for Members to know that a "no" vote will not prevent us from considering the energy and water appropriation bill under an open rule. But a "no" vote will allow Members to vote on the Visclosky amendment.

Vote "no" on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I would urge my colleagues to vote "yes" on the previous question and "yes" on the resolution.

This is a fair rule. It is an open rule and allows Members to come down to the floor and prioritize and reprioritize the spending under the jurisdiction of the Energy and Water Subcommittee.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION FOR H. RES.___, RULE FOR H.R. 5427 THE ENERGY & WATER APPROPRIATIONS FOR FY 2007

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Visclosky of Indiana or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO ENERGY AND WATER APPROPRIATIONS BILL, 2007 OFFERED BY MR. VISCLOSKY OF INDIANA

Page 2, line 20, strike "$128,000,000" and insert "$132,000,000".

Page 3, line 12, strike "$1,947,171,000" and insert "$2,175,171,000".

Page 6, line 10, strike "$2,195,471,000" and insert "$2,213,471,000".

Page 6, line 14, strike "$297,043,000" and insert "$306,043,000".

Page 7, line 3, strike "$141,113,000" and insert "$150,113,000".

Page 21, line 5, strike "$2,025,527,000" and insert "$2,525,527,000".

Page 21, line 6, before the period, insert the following: ", of which not less than $150,000,000 shall be for funding new advanced energy research".

Page 22, line 1, strike "$558,204,000" and insert "$808,204,000".

Page 22, line 2, strike "$54,000,000" and insert "$80,000,000".

Page 22, line 13, strike "$36,400,000" and insert "$200,400,000".

At the end of title V, insert the following:

SEC.   . In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107–16, Public Law 108–27 and Public Law 108–311 shall be reduced by 2.42 percent.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to vote for the previous question, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPUBLICAN TAX CUT MONOPOLY

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the Republican-controlled Congress recently passed a tax bill which President Bush signed saying, "With this bill, we are sending the American people a clear message about our policy."

I couldn't agree more. This bill makes America's tax policy into a cruel game of Monopoly designed to make winners of the super-rich and losers of America's working middle class.

Under their tax scheme, working middle-class families get the chance card and don't fair so well under the Republican bill. They get about $20. Not enough to fill their gas tanks. But trust fund millionaires with an average income of more than $5 million draw the community chest card. They get $82,000. Enough for a brand new limousine.

The President was right: the Republican tax bill does send a clear message about their policy: millionaires win, working middle-class families lose, and America needs new leadership.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JINDAL). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHY WE ARE THERE

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, the Secretary of State was on the talk show circuit this past weekend and said something extraordinary about the reason we invaded Iraq. These are Secretary Rice's words: "I understand that Americans see violence on their screens. They continue to see Americans killed. But I would ask that people remember why we are there."

Secretary Rice continued: "We are there because having overthrown a brutal dictator who was a destabilizing force in the Middle East, we are trying to help the Iraqis create a stable foundation for democracy and a stable foundation for peace."

I would have liked to have seen Ms. Rice and the rest of the Bush national security team come before the Congress, the American people, and the world community with this argument in late 2002 and early 2003. My guess is they would have gotten roughly 25 votes in this body to authorize the President to go to war. Actually, they didn't get mine, or two-thirds of the Democrats; but they got enough votes to go to war.

But, of course, the Republicans were too smart for that. To make their case for war, they needed something that would scare the pants off everyone in this Congress and in this country. So we heard a lot of tall tales about aluminum tubes, uranium from Niger, and reconstituted nuclear weapons. Secretary Rice herself engaged in the ultimate fear mongering when she said, "We don't want the smoking gun to be a mushroom cloud."

When it came time to close the sale, they sent Ms. Rice's predecessor, Colin Powell, to the U.N., not to talk about how cruel Saddam Hussein had been to his own people, but to specifically outline the case, the phony case as its turned out, that Saddam Hussein had weapons of mass destruction and posed a direct threat to our national security.

Dictators are undoubtedly bad and democracy is undoubtedly good, but can we afford to spend $300 billion and march 2,500 Americans off to their deaths every time we spot a bad, undemocratic regime? Taken to its logical extreme, this policy would commit us to military occupations in every corner of the globe, something that, to say the least, we don't have the resources or the appetite to do.

Isn't there a better way to spread freedom? Of course there is.

We can and must have a robust democracy-promotion agenda that invests in the hopes of oppressed people, one that lifts their spirits instead of tearing down their countries.

The SMART Security plan that I have proposed includes an ambitious investment in democracy-building, the kind that would establish rule of law, civil society, a free press and independent judiciaries around the world.

Unfortunately, as I have discussed here many times over, the Bush administration is scaling back funding for exactly these kinds of efforts. Step number one is to bring our troops home. Now, for sure, right now. No permanent military bases, no designs on profiting from Iraqi oil.

Let us work with the global community to establish a multilateral security force that can keep Iraq stable in the short term. Let us lead the way in the U.N. toward establishing an international peace commission that can begin the post-war reconciliation process.

Let us focus on putting Iraq back together again, changing our role from that of military occupier to reconstruction partner.

First and foremost, we must end the war. Our brave soldiers have served bravely and sacrificed plenty. It is time to return them home to their families, and it is time for the United States to truly devote itself to the spread of democracy worldwide through peaceful partnerships and not military conquest.

□ 2200

CONGRESS MUST PAVE THE ROAD TO ENERGY INDEPENDENCE

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, Memorial Day weekend marks the beginning of the summer driving season, the time of year when high gas prices will most harm families struggling to stretch family budgets already at the breaking point.

More than 31 million Americans will take to the Nation's highways this weekend for long trips. Each of those miles will cost consumers dearly at the pump because of misguided energy policies.

The simple fact is that the White House and the Republican Congress knew before they passed it that America's dependence on foreign oil would increase under the Bush energy bill. But there is hope. On Saturday, I joined my colleague, Senate Democratic leader HARRY REID, in Cleveland to announce our plan for a better, brighter future.

Our plan invests in ethanol and other biofuels grown in the Midwest, not drilled for in the Middle East. It requires increased production of flexible fuel vehicles capable of burning an 85 percent ethanol blend called E–85. It requires increased investment to make E–85 more available in America's service station. It creates incentives to encourage early adoption of these commonsense technologies that are ready to be put into production today.

Our plan also expands the tax credits for consumers who buy especially efficient hybrid cars, and it cracks down on gasoline price manipulation.

It makes it crystal clear to Big Oil that manipulation, either direct price gouging or withholding supply to drive prices up, is against Federal law. Not slap-on-the-hands kind of antiprice gouging legislation, but serious penalties and fines that will make the oil industry pay attention.

It also redirects Federal support to help rebuild the energy industries of the future. Rather than subsidize Big Oil, we should be helping farmer-owned biofuels, innovative hybrid, and fuel efficiency component manufacturers, and other emerging energy industries to grow, the kinds of jobs perfect for Ohioans who know so much about manufacturing and Ohio farmers who have contributed so much to our State.

This is about energy in my State, and it is about jobs in Ohio. With our natural resources and real leadership on energy policy, Ohio can become the Silicon Valley of alternative energy. Our plan is to invest in research.

In the 1940s, the Manhattan Project brought the Nation's best scientific minds together to develop the means to end a global catastrophe. In the 1960s the Apollo Project brought the Nation's best minds together to help our country reach a bold new goal.

Our plan creates a new advanced research project agency for energy, a mission-driven task force based on those successes, to help us build an energy future that is both economically and ecologically sustainable.

Those are not the only things we should do to protect consumers. We should also create public gasoline reserves to discourage supply manipulation by Big Oil and provide a cushion for consumers. We know whenever there is an interruption in supply from a hurricane, from a disturbance in the Middle East, or from a refinery fire, we know that the oil companies take advantage by spiking the price even higher than the supply interruption would suggest.

I suggested this idea to create public gasoline reserves 3 years ago. Senator DURBIN has a similar idea pending in the Senate for the last year or so. The Consumer Federation of America and the AAA have both testified that a gas reserve system would help consumers.

The White House is actually talking about the idea now. Talk is cheap, gas is not; but the White House could be on board and help move this proposal. This is a pocketbook issue for America's working middle class.

At our event in Cleveland, Senator REID and I were joined by two mothers from northeast Ohio who know firsthand how hard it is to keep up with these gas prices.

Reverend Lois Annich, a Presbyterian minister, called it "a social injustice of the highest order" that families were struggling to pay higher gas bills while Big Oil was posting record profits: $8 billion last quarter for ExxonMobil while its CEO earned $18,000 an hour, while Ohio minimum wage earners who buy that gasoline are making $10,000 a year.

And Jennifer Tucker, a working mother of two, explained how rising gas prices were making her family's economic future less secure by making her nursing education harder to afford.

Lois and Jennifer, millions of Americans just like them, know what I know: that it is well past time that this Congress and this Bush White House start putting the interests of the American people ahead of the interests of Big Oil.

H.R. 5351 AND DISASTER PREPAREDNESS

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 5 minutes.

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, this evening I rise on the floor to speak for a few minutes in support of H.R. 5351, the National Emergency Management Reform and Enhancement Act, and to address the need for reform of the Federal Emergency Management Agency. This legislation represents a significant victory for democratic principles of effective Federal action for the American people.

Hurricane season starts in a little over a week, and just yesterday scientists at NOAA told us to expect another several months of dangerous storms. The devastation wrought by Hurricane Katrina and Hurricane Rita on our fellow citizens on the gulf coast serves as a wake-up call that the Federal Emergency Management Agency was badly broken.

Unfortunately, the inept response of many FEMA officials and the administration to this national disaster illustrated the degradation of an agency that once was a showplace of government responsiveness, efficiency, and professionalism.

My State of North Carolina has been no stranger to hurricanes and natural disasters over the years, and FEMA personnel performed admirably as our State struggled to recover from Hurricane Fran in 1996 and Hurricane Floyd in 1999, as well as other floods, tornadoes, and ice storms. Fran featured devastating winds and Floyd produced a 500-year flood in northeastern North Carolina. Fortunately, then-FEMA director James Lee Witt was a professional with marching orders from the White House to do whatever was needed to save life and property. FEMA in the 1990s delivered vital services the American people have a right to expect. Unfortunately, that model of success was replaced by the current administration with the failed approach of cronyism and incompetence. Congress must now step in and provide leadership to fix a broken system.

However, unlike some of my colleagues in this body, my solution to fixing FEMA is not to strip it out of the Department of Homeland Security.

This action will not only result in an ill-conceived division of duties, resources and responsibilities, but also increase bureaucracy, interagency turf wars and red tape.

I don't need to tell you, but the American people will not stand for more red tape and bureaucracy. The last thing they want to see after a disaster are Federal government officials trading business cards instead of assisting the victims of the storm. My Democratic colleagues and I have worked for months on the Homeland Security Committee to reform FEMA and to restore its standing as a quality government organization.

I am pleased that our Republican colleagues have joined together and the Homeland Security Committee passed a bill on a unanimous bipartisan vote.

H.R. 5351 addresses many of the problems and deficiencies that prevented FEMA from providing efficient and effective support of State and local officials after a disaster, whether they be natural or man-made. This legislation creates a stronger autonomous mission-oriented FEMA within the framework of the Department of Homeland Security. It restores control of the accepted emergency management cycle of preparedness, response, recovery and mitigation to the agency.

It requires that the director of FEMA be a recognized emergency management professional who would serve as the day-to-day principal adviser to the President of the United States for emergency management matters. The legislation would elevate the director to the President's cabinet during times of crisis so no one could obstruct the speedy delivery of relief, personnel and resources to devastated areas in this country and around the world.

H.R. 5351 reinvigorates FEMA's regional offices and staffs them with emergency management professionals with both experience and a familiarity with the people, geography, and threats to our States and municipalities.

Importantly, this bill gives FEMA budgetary independence and prevents the Secretary of Homeland Security from siphoning money away from disaster and terrorism prevention and preparedness for other agency initiatives.

Mr. Speaker, I urge my colleagues to join me as a cosponsor of this bipartisan, commonsense legislation; and I urge the leadership to schedule for a vote this legislation as soon as possible. Our Nation and its people will not stand for another botched response from this Federal Government, nor should they. This administration should be held accountable for its many mistakes, and this bill would allow FEMA to fulfill its mission as a primary Federal responder and support agency in times of disaster.

BECOMING AMERICA THE DEPENDENT

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to claim my time.

The SPEAKER pro tempore. Without objection, the gentlewoman from Ohio is recognized for 5 minutes.

There was no objection.

Ms. KAPTUR. Mr. Speaker, America, which should value our birthright of independence, is all too quickly becoming America the dependent.

We are dangerously dependent, for example, on foreign oil for our energy needs. Indeed, we import nearly 75 percent of it; a third of our trade deficit is due to this oil dependency. We could become energy independent here at home with energy sources here that we would invent and create and refine, and what a job-rich America that would create.

America is becoming more and more dependent upon imports from foreign manufacturers than we are exports from our country in all fields: in appliances, in clothing, even food. This year America may become for the first time in its history a net food importer.

The balance of payments which had been the pride of our country, more exports than imports, has been reduced to red ink. The monthly trade deficit for March was just in 1 month over $62 billion, and we are still on another record annual trade deficit pace.

In fact, our monthly trade deficit figure is so huge it equals the entire annual budget of our Department of Veterans Affairs. Veterans fought to make us free from foreign tyranny, but the new tyranny is taking a different form.

At the end of March, our overall publicly held debt was a staggering $4.6 trillion, not counting promises that the government has made to pay for retirement programs and health benefits that are due to the American people in the amount of over $8.4 trillion. Now, would you believe that nearly half, 43 percent of this debt, overall debt, of that amount, $2 trillion is now held by foreigners.

We have already heard that it took 200 years for our Nation to accumulate $1 trillion of debt. But would you believe we are now at the point where $1 trillion of our public debt is held by Japan, China and Hong Kong? As this chart illustrates, Japan is the largest holder of our debt, followed by Europe, followed by China and Hong Kong, which are rising very quickly.

In fact, would you believe that between October of 2003 and March of this year, China alone more than doubled its holdings of our public debt from $151 billion to $321 billion. The United States government, our taxpayers this year will pay more than $200 billion in interest on publicly-held debt with nearly $100 billion going to foreign holders of our debt. That's right. We are going to pay interest to foreign holders of U.S. debt, almost five times as much as we appropriate on an annual basis for the entire U.S. Department of Energy. Imagine if we invested those dollars in ourselves. We will pay interest to foreign holders of U.S. debt nearly three times as much as we spend in a year on the Department of Housing and Urban Development to build this country from coast-to-coast.

We will pay interest to foreign holders of U.S. debt nearly twice as much as we appropriate for the entire Department of Labor. We have just had more miners killed in Kentucky, God rest their souls, because they didn't have oxygen equipment that would last them long enough that would outlast the monoxide until the rescue workers could get there.

Yet we can pay this kind of money to foreign holders of our debt. We will pay about as much interest to foreign holders of U.S. debt as we will appropriate for fighting the war in Iraq. Wow. Think about it. What do we do about it?

Without a doubt, first thing we should do is clean up our fiscal house, and that starts with balancing our budgets and digging out of this red ink. We cannot expect to continue in this fashion and remain the leader of the free world. Our currency is being devalued. We see the skittishness in the stock market, and interest rates are going up at the same time as gas prices are going up. This is very clear.

There are certain rules of economics that never fail you. We are either going to have a currency devaluation, or we are going to have inflation go out of control. But the point is, more and more, we are going in hock to foreign interests. We need to ask, how do we take our country back? At a minimum, how do we owe the money to ourselves rather than other Nations? In prior generations, when we were faced with a problem like this, we didn't turn to foreign bankers; we turned to the American people. We did it through balancing our budget, and we did it through savings bond sales. There used to be a time when savings bonds could be purchased easily at any local bank or even in smaller denominations at our U.S. Postal Service.

It was a way the average American, who is as patriotic as anybody in this world, could invest in their own country. They could buy bonds in very small denominations, and they knew their investment was secure and that they were investing in America, not someplace else.

But in recent years, the Federal Reserve and our Treasury have gotten lazy. They are selling these denominations in big, big numbers, thousands of dollars apiece, and they like to do it through just a few cushy dealers on Wall Street. They love dealing with the big bond houses to get fees for every bond they sell. It is a very undemocratic bond system.

In fact, the Federal Reserve loves to reward their friends on Wall Street instead of strengthening our Nation down to the average citizen and their ability to own a piece of the republic. I would like to restore that spirit of independence to our country, and this method, tried and true, of savings bond purchases helped us through military wars and economic depressions.

Savings bonds can be called upon again, in a new war, to maintain America's economic independence and take it back from foreign investors who are owning larger pieces of us every day. Independence, independence, independence. Reduce America's ownership by foreign interests.

□ 2215

ILLEGAL IMMIGRATION AND BORDER STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for half the time before midnight as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I appreciate being recognized and the ability to have the chance to address the House this night on the issue we all know is the most critical issue our Nation faces today, that is the security of the American borders and the sovereignty of our Nation.

I rise because I am from Texas, and I grew up crossing the Mexican border with our neighbors from Mexico all of my life. I have even been several times to the great international celebration in Nuevo Laredo for George Washington's birthday, a time in which thousands and thousands of Texans joined their neighbors in Mexico for a great fiesta. I consider Mexico, my entire life, I have considered them my friend and our neighbor to the south. I actually went to school in Mexico. I am very familiar with the country, and I have a warm regard for the people of Mexico.

However, the world we live in today is not the world I grew up in. I have had the occasion in the last 6 months to visit Nuevo Laredo with Congressman CUELLAR on two occasions. I have been down there with Congressional delegations that have visited the border to talk about the incursions into the United States by literally hundreds of thousands and millions of people coming out of Mexico across our southern borders from San Diego to Brownsville.

But the world I know is Texas, and I am going to talk about the Texas border that I am familiar with. I want to tell you that I sat out in a pickup truck on the side of the Rio Grande in a mesquite thicket in the dark with one lone border patrolman and his electronic equipment, which was a camera that scanned 2.5 miles in either direction, a stretch of the river, right in the city limits or on the edge of the city limits of Laredo, Texas.

I got to sit out there on that lonely job with that young man for a pretty good while and talk to him about what he has experienced. He says what every rancher and farmer and homeowner that lives on the border of Texas today repeats: This is not the same bunch of people that used to come across our border.

They are coming in waves, and they are doing damage and breaking into homes, and they are stealing things. Whereas they used to come by a pepper's house with their hat in their hands and the rancher wife would put dinner out on the back porch for them, today they break into the house; they have no regard for private property. They have no regard for anything that is going on in Texas. They just think it is their right to come into Texas, and they are acting that way.

This young man told me, he said, I asked him, I said, how many people? The first time I visited was in the wintertime. I said, how many people will come across? He said, well, it is winter. Maybe a couple of hundred tonight. But in the summer, maybe a couple of thousand in my sector that I will turn back on some given nights.

This is a number that way surpasses anything we have ever experienced in our State, and all the other States along the border are experiencing this problem.

But, you know, I have been thinking about this, and this is not a problem that just started last week. I firmly believe that we enhanced the problem of the Mexican border, especially our southern border, with the amnesty bill that we passed in 1986. We gave a message, and in that message, it was clear: Come on in, boys, you are welcome, and in they came.

Their thoughts were, I can go, most of them came for jobs. But I used to be able to say, when I was a young man and a teenager, the people who came over here are coming to work. I am telling you, you can't say that today. You can't say that every person that crosses that border comes to work. That border patrolman told me a tale that will chill your soul. In the El Paso sector in December, they stopped 15 illegal immigrants, all of whom claimed to be from Mexico, all of whom voluntarily agreed to return.

So they fingerprinted them and processed them and took them back to Mexico. They ran those fingerprints through. I think it is NCI or whatever it is that they use with the Border Patrol, and about five of those finger prints had previously been recorded by the United States Government. Those prints came from a cave in Afghanistan. Now those were not people coming across our border from Mexico to get a job. But they were blending in with those who were.

We live in the world of 9/11. We live in a time when an enemy has launched and successfully accomplished the worst attack on the United States in the history of the United States. We have people we don't know coming across our border.

We are doing a lot of talk about enforcement. We are doing a lot of talk about writing new laws. We go, oh, my gosh, let us rush out, and we have got to come up and figure out how we get a work program. We have got to come up with citizenship for these people. We have got to know what to do with these people. Sure, these are problems that we have to address sometime, and I am sure soon.

But my concern is, we are not analyzing this problem the way the problems should be analyzed. The legislation we are hearing that is coming this way from the Senate, and my way of thinking, is a totally improper way to analyze a problem of the United States.

I spent almost 21 years as a district judge in Texas. I had many, many, times, where I had a multiple-issue case that I had to choose. But a jury would use the same analysis to try to figure out a solution to a problem. So I will use that example. But the same example could be used for a surgeon in an emergency room.

You have a problem, and you look at that problem, and you say, well, this problem has multiple issues we have to deal with. We have evidence to cover these issues. We need to examine those issues, that evidence closely and come up with a solution to these problems.

But first where is the ongoing harm? Where is the bleeding? You have got to stop the damage that is there right now today before you move on to the damage that may be coming down the road or to work on other issues to determine the solution. I would say the bleeding is at the border. We have got to stop the bleeding.

The surgeon that is at the emergency room when they are bringing someone, if there is arterial blood flowing, he is not worried about a CAT scan or an X-ray or whether this man might have cancer or diabetes. He wants to stop the bleeding.

If we don't go and address the issues on the border as the House bill has done to stop the bleeding, if we don't do that, we are analyzing this problem wrong.

You know, we could stand around in this House, and we can talk about whose fault is it. You know, hindsight is 2020, but the truth is, the fault lies across the board, and we ought to step up and say so.

From 1986 until the present, we have had both Republican and Democratic administrations. We can all point the finger and say, you did it. But as you point that finger, point it back to you. The fact is, we have not met our duty to the American people.

But now we see a crisis. Ask any American, where is the crisis in immigration, and something like 90 percent of them will say, at the border. Before we deal with anything, we have got to stop the flow. That is why the House bill is so very important that we go forward on it.

You know, we took an oath in this House. The President of the United States took an oath. That oath was that we would, to the best of our ability, perform the duties of the office to which we had been elected and preserve, protect and defend the Constitution of the United States. We took an oath to do our job. Those people we hire to work for us assist us in doing that job.

□ 2230

Mr. Speaker, I am very concerned that as we rush to judgment on the issue of immigration, that we start talking about amnesty and we start talking about creating a program where people who have broken the laws of the United States are going to be given special privileges that even people who are born here don't get. There are things now being proposed in the Senate bill as to collecting back Social Security, having the Davis-Bacon Act apply to all of your wages, and unbelievable things where even every American doesn't have those benefits. Talk to my teachers back in Texas about some of their missing Social Security benefits they have been trying to get for, Lord, it has got to be 50 years. And yet we are looking at this and putting patches on it, and the patches are getting worse and the tire is going flatter.

Mr. Speaker, the executive and those on both sides of the aisle have failed. When we wrote the law in 1986, we had laws that pertained to crossing our borders and we didn't enforce them. We had laws that pertained to employers and we didn't enforce them, and the Congress failed in its duty to do that also.

I would argue the worst offender of all are the bureaucrats. But all that is beside us now. We cannot continue on with a system that doesn't work at the border, where some nights 16,000 people come across that border.

I went out and pulled up some of the old law books just to find a few things, because you hear people say well, they are not really breaking any laws. Shame on you. Somebody wants to make this a felony. I don't think anybody has ever looked to see what it is. It is a civil, not a criminal file for the first crossing. But it continues on. Illegal entry carries a punishment of fine and imprisonment of up to 6 months. Harboring undocumented aliens carries a fine and imprisonment of up to 5 years. Alien smuggling carries a fine and imprisonment up to 10 years. Those are felonies, 5 and 10 year sentences, in my opinion.

A crime that causes a serious bodily injury to any person, the penalty is a fine and a sentence of up to 20 years in prison. Reentry into the United States is a felony charge punishable with fines and/or imprisonment for 2 or more years. If reentry is after a previous non-aggravated felony, it is up to 10 years. If it is after an aggravated felony, it is up to 20 years.

Now, I would like to know, are we enforcing those laws? I used to sit in the courtroom and do a jail call every Monday morning. I would call the jail and we would bring people over and find out who was in jail. Inevitably, once, twice, three times a month, we would have anywhere from two to 20 illegal aliens in the jail. Inevitably.

We would call INS and tell them, we got some of your people here. You need to pick them up. They would say if they are there on Thursday, we will get them. They would all bond out on Tuesday and be gone.

Now, is the Immigration and Naturalization Service doing the duty that our laws gave them to do? No. We have failed to enforce the laws that are on the books today. So we are not in a panic to create laws to prevent these people from coming in here. We have laws we are not enforcing. Now the tide has become overwhelming for law enforcement. This overwhelming of us is what we are talking about. This is where the bleeding is. This is where the bleeding has got to be stopped.

The bill that we passed through this House, I would like to add things to it, were I given the opportunity. Hopefully there will be more resources for our Border Patrol, resources on the border, electronic surveillance, unmanned drones and all of the other things that technology provides for us today, to help us stop this invasion.

I use the term "invasion," and I don't take that hesitantly. While I was there, I saw a film of what now we are being told were drug dealers coming across the border in what looked like to everybody there Mexican military uniforms, carrying satchels of drugs with automatic weapons and vehicles. Now, it has not been resolved as to exactly who those people are, but, you know, if it looks like the Mexican army, I wonder if it is? I think we ought to know that. I think we ought to have an answer to that.

Most of Europe went to war over an invasion in 1939 and it ended up being World War II. I am concerned about the invasion across our southern border. I am concerned we are not enforcing the laws.

I am convinced that the solution to this problem is to do our job, and if we do our job and enforce the laws that are in place and make a conscientious effort to study the best possible solution for every one of the multiple problems that exist in this immigration and border security issue, let's stop the bleeding at the border and then let's put the good minds in this House on both sides of the aisle to work in cooperating to come up with real lasting solutions, and not forgetting that we have laws we can enforce now as we come up with solutions for these other things.

That is basically the way I view this thing.

I want to yield to the gentleman from California (Mr. ROHRABACHER), who also would like to address this House on this important issue.

Mr. ROHRABACHER. I thank you very much, and associate myself with your remarks. I think what is really important at this point is that every American understands that the massive influx of illegal immigrants into our country has not been an accident. It is, instead, the result of an intentional strategy on the part of America's political elite.

Yes, the laws are not being enforced, just as you said. That is an intentional decision by someone that those laws are not enforced. The business community wants cheap labor. The movers and shakers of the liberal left, consistent with their Tammany Hall traditions want more political pawns who are dependent on government programs. They got what they wanted. Bear Stearns estimates that are there are between 15 and 20 million illegals now in our country.

By the way, one area I might disagree a little bit with my friend, although it is really not a disagreement, it is just not the border. Of the 15 to 20 million illegals, 4 to 5 million of them are visa overstayers, people who have come into our country on a visa and just overstayed their visa and melded right into the population. Many, many are from Mainland China, for example. And the decision of not having a visa system in which we check to see if anybody returns once they have come to the United States has been a conscious decision. We are not going to correct this problem.

Well, my own subcommittee held a hearing on that, and it was demonstrable that over the last two decades we have had a huge influx of people just overstaying their visa and becoming illegally part of our country.

The downside of all of this, 15 to 20 million illegals in our country, is becoming increasingly evident. In education we hear about overcrowding and the declining quality of our schools. The States are spending $7.4 billion annually to provide K through 12 education to people who aren't supposed to be here in the first place.

Without school age illegal immigrants or the children of illegal immigrants, school enrollment would not have risen at all during the past decade. So when you hear about overcrowding or the decline of our education, that is where it starts. Our limited education dollars are being expended not for our children's benefit, but for children of foreigners who have come here illegally. That is a crime against America's youth. Our children are being denied a quality education because of our cowardice or incompetence to deal with this issue.

Similarly, our health care system is under siege. Illegal aliens account for 43 percent of those without health insurance in our country. At least $9 billion then of our scarce health care dollars are being spent on foreigners who have come here illegally.

Yes, business gets their cheap labor. The rest of us end up with closed hospital emergency rooms and skyrocketing health insurance costs, which can be traced, among other things, to the care that is given to illegal aliens, which is then simply added on to our bill and sent to our insurance companies.

The effect on our criminal justice system has been no less catastrophic. Almost 30 percent of Federal prisoners are now foreign born. That is one out of every three Federal prisoners. In California, for example, about one out of every four persons in our prisons are illegal. The estimated cost, of course, of incarcerating an illegal for a year is $22,517 per year.

And that is only a small price that the American people are paying. Think of the other price, the price of the theft and property damage that is traced to these criminal aliens. And who can put a price tag on the violent attacks, the murders, the rapes, perpetrated by these foreign marauders?

And less easily recognized, millions of American families are being robbed of a higher quality of life and a higher standard of living as wages are bid down by hordes of job seekers who are not even supposed to be here in our country. A study by Harvard University professor George Boris shows immigration accounts for the entire decline of real wages that has affected so many of our countrymen in the past two decades. Competition from the growing number of illegal immigrant laborers in the past 20 years means American workers are earning, get this, an average of $1,700 less every year than they would have otherwise been earning.

Now, who gets hurt? Well, unemployment among Americans with less than a high school education is at 14 percent. Fourteen percent of those Americans who don't have a high school education are out of work, with no hope. And who is taking their jobs?

Many of our citizens find they have a decline in pay in terms of real dollars. And who are these people who are mainly finding that their pay level is going down? It is the people on the bottom end of the scale. The less fortunate Americans we are trying to help are the ones who are being hurt the most by illegal immigrants.

So whether we are talking about education, health care, food stamps, housing assistance, school breakfast and lunch programs, all of which were intended for struggling Americans, all of these are being drained to one extent or another by people who have come here illegally, and in many cases these people have paid little or nothing into the system.

It is estimated that the average illegal alien uses $2,700 or more in government services more than he pays in taxes. That is coming right out of the hide of America's least fortunate citizens. This is a crime perpetrated by America's elite on America's least fortunate people. It is a betrayal of our fellow Americans for whom these programs were intended.

Now, we keep hearing we need these illegals. We need people coming in to do jobs that Americans won't do. Well, that is so much baloney. Americans will do these jobs. If Americans are paid a decent wage, Americans will do the jobs.

I was on a TV show recently where a woman said she couldn't find an American woman to help take care of her children. This was a very wealthy person who ended up hiring an illegal Mexican woman. Yes, she hired her probably at about $50. She wouldn't hire the American woman down the road who would be glad to work for her for $20 an hour while her own kids are going to school, thus paying her $100 a day.

Who was worse off? The worse off person is the American woman who would have loved to have worked for that job. Yes, the illegal got a little money, 50 bucks. Who is really better off? The rich lady who got that illegal at half the price she would have had to pay an American. This goes right down the line to so many other jobs.

We say now there are a lot of jobs, for example, in hotels. Yes, hotels, they say they need illegals to change the sheets in the hotel rooms. There are lots of American women who would love so help us with child care and help with changing the sheets in the motel room if we would pay them a decent wage. But we have hordes of illegals coming into this country bidding down those prices so those American women stay at home and have no job at all. Who is being hurt? Regular Americans are being hurt by this.

The open-borders crowd are now throwing their weight behind the current Senate bill. Wake up America. This is the same gang that brought this crisis upon us, and the Senate bill will make the situation worse.

□ 2245

Even the bill before us from the United States Senate is not an anti-illegal immigration bill. It is a pro-immigration, a pro-illegal immigration bill, because that will be the impact.

The core provisions of the Senate bill around which everything else orbits is the so-called guest worker program, and the legalization status of those 15 to 20 million illegals who are now in our country. The Senate bill changes the status of these millions of intruders from illegal to legal.

The President does not want to call that amnesty. I call that amnesty, and there is no other definition I know for it. You are changing the status from illegal to legal of people who have come here in violation of our law.

Whatever you call it, if you legalize the status of those who skipped the line and came here in violation of our country's law, we are telling hundreds of millions of foreigners who are waiting to come to this country legally, they are waiting in line overseas, we are telling them they are a bunch of saps.

We will start a stampede towards America, just like what happened the last time we legalized the status of people who were here illegally back in 1986. No matter what is done to strengthen the border, any benefit from strengthening the border will be overwhelmed by the dramatically increased pull which is a result of legalizing the status of these millions of illegals who are in our country.

Now, the rest of the Senate bill. What does it include? It guarantees in-state tuition for illegals. Your kid has to pay full tuition if he crosses a border of a State line. These illegals do not. Now that is a way not to give anybody incentive to come here to our country.

And agricultural guest workers under this bill cannot be fired by their employers except for what the bill calls "just cause". However, American agricultural workers can be fired for any reason. Oh, well, that is going to keep them away from our country, isn't it?

The Senate bill will make illegal aliens eligible for Social Security. Get that, America. Wake up, America. The Senate has voted to give illegal immigrants Social Security. Hundreds of millions of desperate people living in poverty throughout the world who have no pension system available to them now know that the United States Senate has voted to make them part of America's pension system if they can just get here.

This is beyond absurd. This is bizarre. This is horrible. We are including people who have come here illegally in America's pension system and expecting that not to attract tens of millions of other desperate people from around the world. And, of course, Social Security is not just a pension system for people. It is also a survivor's benefit program.

So when an illegal works here and then dies, we will take care of his or her children until they are 18 years old. The potential for corruption and the gaming of such a system boggles the mind. I can assure you right now, if this is put in place as the Senate has voted to do, we will be taking care and there will be payments from our Social Security system to millions of kids in China, and in Mexico, as people go back and their coroners claim they have died and their dependents are waiting for their check to be delivered.

And of course all of this is happening at a time when we are trying to keep Social Security solvent. Oh, yes, the Senate bill, of course, gives all employers amnesty too. So now employers are not going to worry about enforcing the law. Who cares if Americans are being denied the jobs? Who cares? Because actually employers now can hire people and these employers are now no longer held accountable for the illegals that they have hired.

And what is the final result? The insult, of course, is the Senate bill is providing money for those organizations that are helping illegals adjust their status. We are actually paying them to help fight our Government and our efforts to clear up the illegal immigration situation by sending illegals home.

There are a number of other provisions in the bill that should alarm small business. For example, this bill, the Senate bill, requires us to pay illegals the prevailing wage. And then, of course, we are setting up an entire bureaucracy to determine what that prevailing wage is for various different professions.

No, this will massively increase the bureaucratic power over our people and our country, and the private sector already. Illegal immigration has had a horrible, horrible impact on our way of life. Kids in my neighborhood do not cut the lawn any more. I used to cut the lawn. That is what I did for pocket change when I was a kid. Kids do not do that any more. Kids do not wash the cars any more.

No. What we have done is our values have changed because illegals have come in and changed our way of life. And we are told we have to bring them in because, for example, the fruit and the vegetables will rot in the fields without illegals.

Well, if we pay our American people they will do the job. And if they do not, we can be creative enough. For example, let us use prisoners to pick fruit, and pay them so that when they get out of prison, they will have $10,000 or $20,000 in their pocket and they will have contributed money to their own incarceration, or for restitution to their victims.

We can come through this without importing millions and millions of people from foreign countries to come here and do this kind of work. We can. We can run the United States of America without a massive flow of illegals or a massive new flow of immigrants into our country.

Now, I support legal immigration. I think legal immigrants, legal immigrants deserve every right as every American citizen. We have the most generous legal immigration system in the world. We permit more legal immigration into America than any other country in the world.

The Senate wants to up that by so much, that if the Senate bill passed, we are talking about 100 million to 200 million more immigrants coming into our country over the next 20 years. Read that correctly.

If you put illegal immigration on top of that, we are talking about hundreds of millions, perhaps 300 million people coming into the United States of America. Wake up, America. We are losing our country. We cannot permit this massive flow of illegals to continue.

And we cannot just dramatically increase the number of legal immigrants coming into our country, which would then overwhelm our ability to assimilate them. We can be proud of legal immigration. We should keep it at the level it has been at.

But, no, we have people who are not watching out for the interests of the American people. That is what we need to talk about right now as we close this presentation. The American people need to pay attention. This vote that is coming up on the Senate bill versus the House bill, which is based on enforcement and trying to stop illegal immigration, the Senate bill is a pro-illegal immigration bill. The American people need to look very closely who is watching out for their interests and who is against them.

Who is on their side and who is on the side of foreigners who wish to come here? Again, these people who want to came here are wonderful people. Even the illegal immigrants who come here are wonderful people. 95 percent of them are wonderful people.

Our job is not to take care of every wonderful person in the world, providing them a pension, providing them health care, providing their children with education. Our job is to watch out for the American people.

We accept no apologies for that. We should have no apologies that we put the American people's interests first. But that is not what has been happening. There has been some very powerful special interests, as I say, in business who want cheap labor, and on the left wing and liberal left wing of the Democratic Party who want political pawns out of illegals who come here and other people who immigrate here who are dependent on Government programs.

The American people have the power in their hands to control the destiny of this country. They must pay attention if we are to succeed in thwarting this threat to our freedom and to our prosperity. Wake up, America. It is time to hold accountable your elected representatives. Study the issues. See who is supporting this program in the Senate to give away our Social Security, and destroy that system. See who is supporting actual border enforcement and changing our visa laws so they can be enforced and protecting us from an overwhelming flow of illegals into our country, which lowers wages and threatens our way of life.

Hold those elected officials accountable, and kick them out of office if they are not representing your interests. They are supposed to be working for you. And with that I yield back.

Mr. CARTER. Mr. Speaker, can I ask how much time we have left?

The SPEAKER pro tempore (Mr. KUHL of New York). Roughly 15 minutes.

Mr. CARTER. Mr. Speaker, at this time I yield to Mr. GINGREY.

Mr. GINGREY. Mr. Speaker, it is a pleasure to join both of my colleagues, the gentleman from Texas, Judge CARTER, who is managing the hour with the gentleman from California that you just heard from, Mr. Speaker, my colleague, Representative ROHRABACHER, who very passionately explained what the issue is.

You know, and again, I think as I represent the 640,000 or so constituents of the 11th District of Georgia, West Georgia, great, great people. And when I go home, and I am sure Representatives CARTER and ROHRABACHER are hearing the same thing from their constituents, they say and I agree, that this is a country of law abiding people.

And we have to have respect for the rule of law. I was real interested, Mr. Speaker, this weekend on one of the Sunday morning news shows, one of our colleagues, in fact, indeed one of my colleagues from Georgia, Representative NORWOOD, who is such a great spokesperson on this issue was debating one of the Senators who happened also to be from the Southeast, in regard to the Senate bill versus the Sensenbrenner, very sensible, as the name would have it, the legislation that we passed in the House before the first of the year that emphasizes border security and border security first.

And that is what my colleagues were speaking about before me, that there is all of this talk about, you know, what to do with 11 or 12 million people who are in this country illegally, and what to do about the fact that there are certain sectors of our economy that are dependent on a lot of foreign workers.

Unfortunately, a lot of those foreign workers are among the 11 or 12 million that are here illegally. So maybe we need a temporary worker program. I agree with my colleague who just spoke that if the pay and benefit package and health care and these things that go with those jobs were a decent wage, I think in some instances, Mr. Speaker, they are, but in some instances, maybe far too many, they are not.

If they were, then there are plenty of legal aliens, legal immigrants, United States citizens who are out of work today who would take those jobs. Now, everybody says, well, golly, we have this low unemployment rate of 4.5 percent. Well, that is 4.5 percent of people without jobs. Until it gets to zero percent, I cannot really see where we necessarily need a temporary worker program.

But what I was saying about that program, Mr. Speaker, that television news show this past Sunday morning, we are talking about the rule of law. The Senator incredulously said, well, the law is okay as long as it is a "just law". You know, that is just shocking to me. I do not know what the Senator's occupation is or profession, I know there is a lot of lawyers over there in the other body. But our laws are our laws. If they are not just laws, we have a way in this chamber and that chamber to change those laws, because after all we are the ones that make them.

If they are not just laws, then we change them, and we do it in the right way. We do not just ignore it, if we do not like the law. There are lots of laws that I do not like. But by golly I abide by them, whether I am on this Hill, inside the Beltway, or back home in Georgia. And that is the way my constituents feel, and that is the way my colleagues who are sharing this hour with me feel.

I am dead set with them on securing our borders first and foremost. The President spoke to the Nation the other night, Mr. Speaker, talked about putting some National Guard troops, 6,000 I think he said on a temporary basis, to sort of back up the Border Patrol. We have got what 10,000 or 12,000 U.S. Border Patrol agents on the southern border.

I think we need more. I think my colleague, Mr. NORWOOD, on Sunday morning said maybe we need 30,000. But at least we need 18,000 or 20,000. And we are going to get there. And we are going to, according to the House version of immigration reform to secure the border, we are going to build facilities and have more bed space so that we can retain these illegal immigrants that are referred to as OTM, that acronym that stands for Other Than Mexicans, that we have been catching and releasing in that catch-and-release program.

□ 2300

I think the whole point here is history: if you do not pay attention to it, you are going to repeat it; and you are going to make the same mistakes over and over again if you do not learn from the past. We can go back; my colleagues have probably already done that in the earlier part of the aisle. I may have missed part of that discussion, but that Bracero program that we had from 1942 to the 60s, dismal failure. That was a temporary worker program. Dismal failure. And then our great communicator and one of my very favorite all-time Presidents, Ronald Reagan, in the Immigration Reform Act of 1986, an amnesty, really pretty much a blanket amnesty for 3 million people.

Now, that would probably have been okay 19 years ago if we had secured our borders, but we didn't. There was no border security that went along with that as a companion. And we estimate and, Mr. Speaker, do not take my word for it, this is a CRS report that I am reading in front of me dated May 15, 2006. That is pretty darn recent, I think. It is talking about the fact that there probably are today 11 to 12 million illegal aliens in this country. If you do the math, that is about 500,000 a year that are coming through that border which is nothing but a sieve, and that hemorrhaging continues. And if we grant any kind of amnesty program today and we do not secure that border, you do the math. In 20 years from now, we will be talking about 35 or 40 million illegal immigrants, illegal aliens in this country.

My colleagues talked about the stress that that puts on public education, on our health care system. The fact that we do not know really that these, hopefully the majority are law abiding. I think they are, but in this day and time after 9/11 and with the threat of a global terrorism, how do you know who is coming in this country? Are they all coming to work? Absolutely not. Some are members of gangs. Some are involved in drug trade. So it is absolutely imperative.

I commend Chairman SENSENBRENNER, Mr. Speaker, and I commend my House colleagues. I commend the Speaker, the majority leader, this Republican majority in this body, this House of Representatives for doing what we did. In fact, the first bill we passed was the REAL ID Act and that was in complete and total lockstep response to what the 9/11 Commission asked us to do in regard to driver's licenses and this abuse of the claim of asylum, to be able to in an expedited fashion to get rid of someone who was allowed to come in this country and then was involved in terrorist activity. So these things are so important.

I just thank my colleague, my good friend, classmate from Texas, Mr. CARTER, for letting me come and just share a little bit of time with him because we are compassionate. Everybody talks about the President and his great compassion. I do not doubt that. I think he does have great compassion. But I think if he wants to insist on granting an amnesty program that even comes close to what is happening in 1986, he is dead wrong on this issue.

I want to work with employers and I think in the House bill we do that. We are going to provide a biometric tamper-proof identification card so when we get this combined program done, and we do not have to do it all in the next 2 weeks, and I think if we can get the Senate to agree as my great colleague and Senator from Georgia, JOHNNY ISAKSON said, let's get the border secured first. We can do the rest of this stuff, which is in my opinion sort of cosmetic surgery, once you stop the hemorrhaging.

If we go back and look at a temporary worker program and what to do with the 11 million that are here illegally, I personally think, yes, they should pay back taxes, pay a fine, pass a criminal background check and then be notified that they have got about a year to make arrangements to go back home, to go to the border and then get in one of three lines.

One line would be to stay home, decide that they want to stay in their country of origin. The second line would be the temporary worker program. We could even give those who have been in this country for more than 5 years working and passing all those litmus tests, good people, we could put them in the front of the temporary worker line; or if they wanted to come back in this country as permanent legal residents and get on a track to citizenship, then they could get in that line.

Maybe it is too simple. Maybe I am a simple kind of guy. That is the way I see it.

I want to thank the judge for taking the time tonight and giving me a chance to share my thoughts with my colleagues.

Mr. CARTER. Reclaiming my time, I want to thank my colleague for joining us here tonight. He is always a very calming influence when he addresses the House, and I am always fascinated to listen to him speak.

This is my whole premise that I was talking about, Mr. Speaker, is that it is time that we take a deep breath and address one of the biggest issues that this House has had to deal with in a long time and an issue that actually can be, as has been explained here tonight, a nation-changing issue.

I personally have a great, as I started out saying, have a great compassion for our neighbors to the south. And I welcome good, honest legal citizens of this country as does everyone. And no one in this House is talking about the Trail of Tears massive deportation to the border. We have issues that have to be addressed. But the problem, the hemorrhaging, the bleeding is at the border today. That is where we have got to go and get this slowed down and get it ready. And then you know I would like to hear quite honestly from my colleagues on the other side of the aisle. We have never really.

The Democrats' plan for immigration does not seem to be out there today. I would like to hear their solution to the problem. I would like for both sides of the aisle to sit down and say, let's work this thing out intelligently. And I will give you just one example, a couple examples not being addressed. One right now, there is a tremendous backlog on background investigations of people who are coming and have come into this country illegally to get their visas extended. They have to have a background check or to get into this country with a background check. That thing could take anywhere from 18 months and the backlog just once they start processing it, it can take up to 18 months or longer.

Right now in my part of Texas, our San Antonio office is working on the years 1998, 1999 and 2000. We are going to take that system in its present condition and dump 15 million-plus people into that system for background checks? Or do they get to miss that part that the legal immigrants have to take?

Health exams have to be done for everyone that comes in the United States. What are we going to do to examine the health of 15 million people in this country to make sure that there are not communicable diseases in this country? This is an issue that is part of our law. It is required by law. If we are going to process them, that needs to be here.

Then a question I do not hear anybody addressing is what do we do to the people who do not join our program? We love America and we think everybody comes here to be an American citizen. But I can tell you from personal conversations with people who have come here, I have worked building fences side by side with folks that, I never asked them, but since they did not speak any English and they told me they were from Mexico, I kind of figured they were illegal aliens. I can tell you, they didn't come here to be American citizens. They came here to work. And their families were back in Mexico, and they really wanted to go back there. And they sent 80 percent of their paycheck home because they were able to live on social services over here so they can afford to do that.

Now, what about the guy who says, well, that is great, but I do not want to pay back taxes and I do not want to pay a $200 fine, and I do not want to get a health check, and I do not want to get a background check; I will just stay in the shadows. Are we addressing that issue? Are there going to be consequences to those people who continue to stay in the shadows? If you care about the people that come in here, do we want anybody in this country starting their life on American soil under the cloud of criminal behavior?

But we know that 15 million people crossed our borders and broke the law. I did not say felony. I did not give a classification. I said broke the law. We have laws in this country, and it was broken. Let's be intelligent. Let's be smart. Let's seal the borders, put our resources there and then study this program and get a system that we can administer and we can work and we can pay for.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. RYAN) is recognized until midnight as the designee of the minority leader.

Mr. RYAN of Ohio. Mr. Speaker, once again we are coming to the floor of the House of Representatives representing the 30-something Working Group. My co-chair will be here shortly, Congressman KENDRICK MEEK from Florida. And we want to thank our minority leader, Ms. PELOSI, and Mr. HOYER and Mr. CLYBURN, Mr. JOHN LARSON, our vice chair of our caucus, for allowing us the opportunity to come down here and speak not only on behalf of our caucus but on behalf of what we feel to be the opinion of many of those folks out in the country that are facing some of the challenges that have come from the legislation, that has come out of this Chamber, and has in many ways burdened them and their families because of the lack of leadership, quite frankly, Mr. Speaker, that has been coming out of this Chamber and out of 1600 Pennsylvania Avenue.

Www.HouseDemocrats.gov/30-Something for those Members and loyal fans who would want to drop us an e-mail about their opinion of what we are saying here, an opinion of what is going on in the government.

I would like to start off today talking a little bit about unfairness and lack of investment in the future of the United States of America. This is a chart that is the Republican tax plan, an overview. And this overview will show you who is benefiting most from the tax cuts that the Republican majority has passed over and over and over again; and how this tax cut has disproportionately favored those people who make more than a million dollars a year.

Now, I think it is important, Mr. Speaker, for all of us to understand at this juncture that we do not have any money to give back in the form of tax cuts. We are borrowing $500 billion a year from the Chinese Government, from the Japanese government, from the OPEC countries, and borrowing that money and giving it back to the wealthiest people in our country in the form of tax cuts for millionaires. $16 billion in corporate welfare for the energy companies, primarily the oil companies.

So when you go to the gas pump, Mr. Speaker, and you ask yourself why is gas so high and the oil company profits so high and then you actually think about public tax dollars going to subsidize the oil industry, that really gets your goat. So not only are your gas taxes high, your gas prices are high, but the public tax dollars that you send down here instead of going into education, instead of going into health care, instead of going into broadband service for all of the citizens in the country, instead of going to clinics, instead of going into all of these art programs and sports programs across the country, Mr. Speaker, the American tax dollar is going to subsidize the most profitable industry in the entire country. $16 billion is going from the pockets of hardworking Americans all over the country to the oil companies.

□ 2315

It is that simple, Mr. Speaker. It is that simple, and what we want to talk about tonight is how a Democratic majority in this House will begin to reform and transform these horrendous decisions that have been made and get our country going in a direction that is going to benefit all.

We will ask, as Democrats, everyone to contribute and we will ask and demand that everyone benefits from those basic contributions. We are going to challenge this country to move forward in a direction that is going to benefit everybody, and the days of we are going to take the public tax dollars and we are going to give them to this special interest group that is in the oil industry and we are going to let them move forward, those days are going to be over as of January 3, 2007.

We need a government, we need a Congress, we need an executive branch that is dynamic, that is mobile, that is agile, that can move in the context of an information economy. As businesses are going down the road, government is holding them back because we are not investing in our workers. We are not investing in education. We are not investing in making sure people are healthy.

To just illustrate how terrible the decisions have been, when you look at all the problems in our country, when you look at college tuition costs doubling, when you look at health care costs going up by 10, 15, 20 percent a year, when you look at the lack of investment into K–12 and the unfunded mandates from No Child Left Behind, when you look at all this and then you have the backdrop of what the Republican Congress is doing night in and night out in the United States Congress, this chart is the Republican tax plan.

Now, I know my friend Mr. MEEK, we are probably two of the more conservative Democrat Members. I am the most conservative Democrat Member in the Ohio delegation. Now, we would love to go to all of our constituents and say you all get a tax cut; this is going to be great. It would be good for us politically to be able to say that. Look what the Republicans are doing.

This big yellow bar here is what a millionaire got in the 2006 tax reconciliation bill. They will get $42,000 back. A millionaire will get $42,000 back. If you make $500,000, you will get $4,500 back. If you make $200,000, you will get $1,395 back, and then if you make $100,000 you will get $400 back. If you make $40,000, you will get $17 back.

Is this not disproportionate? If those people who say, Mr. Speaker, well, the millionaire pays more in tax, we do not have the money to give these people to begin with. We are borrowing the $42,000 from China to give the millionaire a tax break. We do not have money to give anybody, let alone the wealthiest people in the country, give them $42,000 back. We are borrowing the money, Mr. Speaker. We are borrowing money from China to give a millionaire $42,000 back.

Now, if you think that is good public policy, then you need to make sure that you vote for your Republican Member of Congress because this policy will continue. Guess what, in 10 years your kids are going to have a big bill that is going to come in the mail to them that they are going to have to pay the taxes, the debt, the deficit, the bill to the Chinese Government, to the Japanese government, to the OPEC countries, that the money went to pay a millionaire $42,000 back.

Those people who think that this money, the $42,000 that a millionaire gets back, is going to somehow get invested back into the American economy, they have not been around for the last 15 or 20 years because this millionaire is taking their $42,000, Mr. Speaker, and they are putting that in an international fund that is going to yield good returns. They are going to invest that money in a stock that is going to invest in a business in China, in Asia. That is what is going to happen. Where is the benefit to the American people?

All we are saying is that we need to begin to invest in the common good. Everybody contributes, everybody benefits.

I would love to go tell this person, and I do not know many people like this made more than $1 million last year. I am from Youngstown, Ohio, Niles, Ohio and Akron, Ohio, is the district I represent. I would think that we would have the courage to ask this person to please pay their fair share, that they are getting a tax cut of $42,000 and we have got to borrow it from China, do you still want it? We are giving $16 billion to the oil companies. Please, someone in leadership in the United States Government, in the Republican party who controls the House, the Senate and the White House, somebody in the Republican party call in Lee Raymond, call in one of these CEOs from one of the oil companies and just say to them, we do not have $16 billion to give you in corporate welfare, I am sorry. I know we may have had a deal before the election, but you know what, I am sorry, and we do not have that money now for you, and we have to invest that money in the broadband access for everyone in the country; we have got to invest that money into reducing the costs of college education; we have got to invest that money into increasing the health and welfare of the general public; we have got to fund No Child Left Behind; we need more engineers and scientists; we need 3 million health care workers in the next decade or so. We need 1 million nurses in the next decade or so.

I would be happy to yield to my friend Mr. MEEK.

Mr. MEEK of Florida. Mr. Speaker, it has just been truly a pleasure watching you share not only with the Members, Mr. Speaker, but also with the American people, and we wonder how we got to where we are now. I am just wondering how did we got to where we are now?

Mr. Speaker, I think we have gotten there because of this rubber stamp that is here. It is not just a rubber stamp. It is the Republican Congress rubber stamp, and it is very, very unfortunate that the people that are paying the price for this rubber stamp are the American people at the gas pump. This is graduation time. A lot of parents are going to see their children walk across the stage, but guess what, college assistance and affordable loans will not be there for those children because we are willing to give $42,000, $43,000 in tax breaks to millionaires.

The Republican Congress says they gave tax cuts for the American people. Yes, they are American people, too, but I am not talking about the middle class. The middle class family does not consider themselves millionaires.

I am holding this rubber stamp because this is what got us here. Mr. RYAN talks about paying for that. Let us put that rubber stamp over here.

How we are paying for it is we are making history in all the wrong places: 224 years, $1.01 trillion borrowed, Mr. Speaker, over 224-year, 42 Presidents combined, $1.01 trillion. The Republican Congress and President Bush, he could not do it without the Republican Congress, has been able to borrow $1.05 trillion over just 4 years. 224 years versus 4 years, even though we are at war, even though we have little health care for Americans, if any, and Mr. Speaker, we have given out tax breaks to the oil companies.

Mr. RYAN of Ohio. So you are saying that that money that we are borrowing could pay for tax cuts.

Mr. MEEK of Florida. And the special giveaways and special interests.

Let me just quickly, I just want to make the point here. Oil companies, look at the subsidies and look at the profits. They have reaped $113 billion in record breaking profits in 2005; 2004, $84 billion; 2003, $59 billion; 2002, $34 billion. It is coincidental, Mr. Speaker, that after the meeting at the White House with the oil companies, that was uncovered, after they denied all of this, that they were a part of the working group, that the profit level went up.

Now, I am not just a Member with a conspiracy theory, but just the other day in the Democratic Caucus, we had a gentleman that came to speak to us about alternative fuel sources. The question was asked, well, is not the oil companies, I mean, they have commercials going on talking about how they are investing in alternative fuels. This is an actual shot of a pump at an ExxonMobil station. Here you have regular, you have special and then you have super plus.

But this is the interesting part, Mr. Speaker, because this is the ethanol part here that says E–85 which is an alternative fuel. Guess what is happening here. This sign here, and I hope that, Mr. Speaker, the Members can see it. You cannot use your Mobil credit card.

So basically what they are saying is that you can use your credit card for the gas because we want to keep you on this stuff, but if you get a vehicle with alternative fuels, even though you are a customer of ours, you cannot use our card for that fuel. Now, I guarantee you I can walk into the little food mart here at that ExxonMobil and buy a case of sodas if I wanted to with my ExxonMobil card. Someone who is a smoker can buy eight packs of cigarettes.

Mr. RYAN of Ohio. Sunflower seeds.

Mr. MEEK of Florida. Sunflower seeds, what have you, but we cannot buy alternative fuels.

Now, meanwhile, back at the ranch, I see the ExxonMobil CEO on The Today Show, and he is saying, oh, we believe in innovation and alternative fuels, but that is not what it is saying at the pump, Mr. Speaker.

So I think that when we start looking at what is wrong with the Republican majority and what we are willing to do, if the American people sees fit to put Democrats in control of this House, that we will fight the big oil companies. We will make sure that there is no price gouging. It will not be a question of having to appoint a group to go out and look at this issue. They will no longer have the kind of open access special interests has had in this House and that is a fact. That is not fiction; that is fact.

So I think it is important when you start looking at all the money that is being borrowed to fund the millionaire tax break, all the money that is being borrowed to make sure that special interests get their tax cut and their subsidies and all these things, meanwhile the American people are paying for it.

I am not going to pull this stuff off the chart tonight, but these are the countries that are owning a part of the American apple pie due to the fact they want to have the great American giveaway.

Mr. RYAN of Ohio. Mr. Speaker, I just want to make one point as you were talking about the oil companies. They have really become, and I do not say this in a derogatory way, they have become dinosaurs, and the Republican majority has just consistently reaffirmed their prehistoric nature because we are in a new economy. We are in a knowledge-based economy. We are in an economy that can figure out how to not use fossil fuels, how to figure out how to use different things. They run the gamut.

Let us invest in those things and figure out a way that we are not so dependent on the CEOs who are making $400 million, God bless them, retirement package of $2 million tax break, God bless you, but not at the expense of everyone else.

The dinosaur approach no longer works. We cannot have a government that just consistently lives in an age that no longer exists.

Mr. Speaker, I yield to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), my friend.

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

I have been listening to both of you banter back and forth about gas prices, and what I hear in both of your voices is your desire to get to the core of what we obviously are all baffled about which is why. I mean, why over the last 15 to 20 years has there not been an effort, and let us say in the last dozen years, has there not been an effort to make a real commitment to fix this, to head this off at the pass, to make sure that our constituents are not consistently having to pay, for the foreseeable future, if not forever, more than $3 a gallon for gas?

I guess because I am the newest among the three of us I have reached the conclusion that obviously the Republicans do not have the joints that they need on the side of their neck because their heads do not appear to go this way. They only go this way, like this bobblehead elephant. Apparently, they only know how to say yes, Mr. Speaker; yes, Mr. President; yes, CEO of oil companies; I am happy to do your bidding in whatever it is that you like.

□ 2330

Their necks, unlike ours, don't appear to go horizontal, or side to side. Because if they did, then their voting record would reflect ours and the values of the American people a lot more closely, and they would not have voted in favor of the energy bill they put forward last summer, when they held the vote open for 40 straight minutes to ensure they could twist enough arms to get the bill to pass and give away the subsidies and the oil leasing rights that we own as a United States Government. And instead of collecting the royalties from the oil companies, we gave them away and allowed them to drill essentially for free, or to drastically reduce the rate.

That action and the lack of a commitment to funding alternative energy research and the cozy relationship that the Bush administration has with the Saudis and with the OPEC leaders, that is what has caused us to be in the mess that we are in. And you don't see any commitment on the part of the Republican leadership here to make any significant change.

The only place you see an effort to make a significant change and take this country in a new direction on oil prices and gas prices is through the Democratic agenda, the innovation agenda, where we pledged, when we rolled out our innovation agenda under Leader PELOSI's leadership, to become energy independent within 10 years. And that is possible through the use of ethanol.

I just saw the gentleman who made that presentation to our caucus on CNN the other night for a solid hour, and he literally outlined how it was possible for us to begin to make a commitment in agriculture through corn, which we are already doing in the Midwest, in your area, Mr. RYAN, but also it could be done in my area with sugar cane, in Louisiana and in the mid northwest with sugar beets. I mean, it is possible for us to really make an effort to invest in ethanol.

Brazil did it. Brazil is now completely independent of foreign oil. They manufacture vehicles that run on ethanol. They have hybrid and ethanol-only automobiles. That is something that is entirely possible in this country within 10 years. Unfortunately, the heads of the Members on this side of the aisle only go one way.

Mr. RYAN of Ohio. And the distinction is quite clear. We want to do broadband access to every household, we want to be energy independent in a decade, we want to fund research and development, and we want to have a tax credit for venture capitalists to come in and pump money into those industries. The Republican majority wants to give the oil companies $16 billion. It is that simple.

Put us in charge and we will have an energy independent Nation in 10 years, period. Let's get the country going in that direction, Mr. MEEK. And like Ms. WASSERMAN SCHULTZ said, we can use sugar cane, we can use ethanol, we can use biodiesel, and we can use wind. We can use all these things. And nuclear. We could piece this thing together, but there's got to be a commitment to say why do we have all our eggs in one basket right now.

And then you look at the problems in the Middle East and all the rest that we have.

Ms. WASSERMAN SCHULTZ. And I actually should have mentioned something else. You are a Midwesterner, but we have coastlines in both of our districts in Florida, and obviously the United States is surrounded by coastline. What was the answer to our long-term and short-term energy needs that the Republicans put forward the other day? I mean, fortunately, we pieced together enough Members to defeat it, but that was to bring oil drilling and natural gas drilling within three miles of the coast of this country.

And it is understandable that a lot of our Midwestern colleagues voted to do that, because they are desperate to make sure that something happens and there is some movement on this. But had our Republican colleagues had a little foresight, had they actually had any interest in not, for lack of a better term, no, I won't use that expression, had they had any interest in not continuing to give significant assistance to the oil industry, then they would have not needed to make that short-term, shortsighted last-ditch effort solution to prevent minivan moms like me from having to pay $55 in filling up their gas tanks, which is what I just did the other day when I was driving my kids around.

Mr. RYAN of Ohio. The American people expect us to come here and come up with solutions; to be creative and figure out how do we fix the problem, not to subsidize with the public tax money the very problem that we are having. We are making the problem worse.

Not only are we giving the oil companies more money, but we could have cut a deal with them. We could say to the oil companies, you are in on it. Make money off it. Hire people, do ethanol. You are in. Make money. Make lots of money. But don't do it at the expense that we are having now, the expense of the American people.

I think when you look at our agenda, when you take a real look, and this isn't about, Mr. Speaker, being on Fox News or MSNBC and two people screaming at each other about who is this and who is that. It is not about that. These are real solutions. And anybody who is watching this debate or this discussion here, this is about what we have in store for the American people. These are our plans: broadband for every household, energy independence in the next 10 years.

Go to our Web site, www.housedemocrats.gov/30something. Go to our Web site, see these charts, and look at us. We want to open this government up. Look at our plan. Examine it; you will like it. It is futuristic. It is about what the country is going to look like in 10 years.

I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN and Ms. WASSERMAN SCHULTZ, it is just not natural to think that the oil industry, the CEOs, the board members of the oil industry will say, well, we want to do the right thing. Matter of fact, we are going to take money out of our pockets and profits and we are going to put it on the table and we are going to make America energy independent.

It goes against financial logic for them. Their stockholders now are making more money than they have ever made in the history of the country. When they have their shareholder meetings, Mr. Speaker, they do not go there and say, boy, people are paying a lot of money at the pump. What should we do? What should we do? No. We are making more money than we have ever made in our lives, and we are being subsidized by the Republican majority in Congress. What can we do to keep the Republican majority in control of the Congress so we can continue getting what we are getting? That is what is happening.

What has to happen on behalf of the American people, they have to have a Congress that is willing to say, you know, that is not going to happen any more. We are going to make sure we work very hard so we can start stroking away from this kind of business here. Folks are talking out of both sides of their mouths saying that, oh, we believe in innovation and in alternative fuels, yet at the same time denying their customers the right to use their credit card to buy ethanol.

This is on a pump. This is on the pump. This is on the pump. This is not something that some environmental group ran out and put a sticker on a pump. You can pull up to an ExxonMobil station now and see that on the pump. That is very unfortunate, Mr. Speaker. It is not natural for that to happen.

It is not natural for the Republican majority to say, well, Mr. President, we don't agree with your tax policy because its wrong that we are borrowing money from foreign nations and we are selling America way. It is not natural. It is not natural for the Republican majority to say we have to have oversight. We have to make sure that we have no more Hurricane Katrinas.

Yes, there were some committees that met and found out the obvious, that things went wrong. But there were no solutions that came out of the report of the partisan committee here in the House.

It is not natural for the Republican majority to stand up to companies that are raking in record profits off the backs of the American people. This is well documented. And, Mr. Speaker, I am not even going to beg the Republican majority to do the right thing at this point, because history doesn't reflect that they are willing to be bipartisan in a way that will benefit all Americans, with making sure we work in a bipartisan way.

One thing our leadership has said and one thing we have embraced here in the 30-something Group is that when the American people see fit, hopefully in November, if they are willing to have a Democratic Congress to stand up to this White House and to stand up to the special interests here in Washington, D.C., then we will have bipartisanship. Because bipartisanship can only happen when the leadership allows it. I am saying the leadership in charge allows bipartisanship.

Mr. Speaker, well documented. There are conference committees when we pass a bill in the House and the Senate that comes together and the Democratic members are not even welcome to the conference committee to sit and talk about the ideas and exchange with the Senate so we can send a positive package to the President of the United States. That is not happening.

Ms. WASSERMAN SCHULTZ. Will the gentleman yield?

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, as I close, and then I am going to be quiet, because I just want to make this last little point.

It is unfortunate that it is not natural for the Republican majority to do the right thing. I don't care if you are a Republican or an Independent or a Democrat, or you are thinking about voting and you are 17½ years old and you can register and vote in November, you have to have a problem. Or 17 and about to vote in November, because you have to be 18. You have to have a problem the way the Republican majority has put this country in a bad posture for the future and the present.

If I don't say anything else tonight, I just want to make sure that the Members understand what they are doing to the country. Not to Democrats. We are all in this. When we go to the pumps, they don't have a price for Democrats and a price for Republicans and a price for Independents. We are all paying the same price. We are all paying the same price at the pump.

So when folks pass policy and say, oh, well, we got what we wanted. It is not about carrying the Republican leadership on your shoulder saying we beat the Democrats on this one. No, you beat the American people, and the American people have had enough of it.

We are here to make it abundantly clear, and we are carrying a message on behalf of all our colleagues on this side of the aisle, and hopefully a few Republicans on that sides of the aisle, that we are willing to lead on behalf of the American people and not K Street, not the special interests, not somebody's cousin that happened to get a lobbying job that came here to get the right policy here, like they did in the White House on these oil companies.

Am I upset? You're doggone right I am upset. So I just want to make sure that we are clear on that, crystal; that everyone understands and we break this down so that the average Joe and Sue and Sally can understand what we are talking about here.

Ms. WASSERMAN SCHULTZ. You know, what we always try to do here on the 30-something time is to help people understand that we are not just offering our own opinions. And I think it would be helpful to illuminate for folks and for the Members, Mr. Speaker, just exactly what has gone down here in this Chamber and the opportunities that the Republicans have literally just cast aside.

Let us take a walk down the energy memory lane in the last several months, just since I have been here. Ninety-eight percent of House Republicans voted to let the oil companies keep their exorbitant profits. This was the week of April 28. The vote was on April 27, excuse me. And what they did was, the House Republicans rejected a Democratic effort to accept Senate provisions in the tax bill that would have removed $5 billion worth of subsidies and tax loopholes for large oil companies.

In other words, they would have removed the subsidies and tax loopholes worth $5 billion to oil companies, but House Republicans refused to do that. Ninety-eight percent of them voted to do that. Again. I don't think your rubber stamp is big enough, Mr. MEEK.

Let's talk about price gouging. It is really interesting. Before I came here, I was at home for a little while and I was watching CNN and saw a Senate colleague, to stay within the House rules, commenting at a hearing on oil prices. This was a Senate Republican, and he was using very tough talk and grilling the oil companies that were before him. Essentially, the announcer, the commentator on CNN, was talking about how this particular individual had previously never been in favor of legislation and had voted against every opportunity to rein in the oil industry and to try to bring some sanity to the direction that we are moving in terms of our energy policy.

But literally I watched him say it, he said to the oil industry representative that the American people were getting a little bit cranky and tired of this, and that he was getting ready to do something serious. What, I don't know, but if we have reached the point where even someone who has never voted to regulate the oil and gas industry is considering doing that, then you know that the American people have reached their breaking point.

Because in terms of price gouging, it has been a totally different story. The

Republican leadership in either chamber has never supported adopting price gouging legislation.

□ 2345

In September 2005, Democrats proposed legislation to establish a Federal ban, this was a Democratic proposal, a Federal ban on price gouging for oil, gasoline and other petroleum products during national emergencies; provide civil and criminal penalties for price gouging; ban market manipulation; and require greater transparency in oil and gasoline markets.

This was supported by a majority in the Senate, but it was blocked by Republicans in the House. And that vote took place on November 17, 2005.

So there has never been an interest. In fact, there has been a specific interest in continuing to prop up the oil company profits. We have third-party validator after third-party validator that back this up, so this is not the DEBBIE, TIM and KENDRICK show where we are spewing our opinions. There are facts to back up the things we are saying. We are hopeful that the American people understand who is for true energy independence and moving this country in the right direction and who is just kidding.

Mr. RYAN of Ohio. I thank the gentlewoman because not only did you have third-party validators, I think we have some of the most important third-party validators to what we are saying here.

The next five posters are strong, conservative Republicans with credentials in the conservative community well beyond anything we will ever have.

This is Pat Toomey, former Member of Congress, president of Club for Growth. He says in the Philadelphia Inquirer on May 8: Republicans have abandoned the principles of limited government and fiscal discipline. He went on to say: There is a very high level of frustration and disappointment among rank-and-file Republicans when they see a Republican-controlled Congress engaging in an obscene level of wasteful spending.

This next quote is from a guy who gave birth to the Republican revolution in 1994. He said, at the end of March, a congressional watchdog agency recently smuggled a truck carrying nuclear material into the country to test security; he said: Why isn't the President pounding on the table? Why isn't he sending in 16 reform bills?

Mr. Gingrich went on to cite a series of blunders under Republican rule, from failures in the aftermath of Hurricane Katrina to mismanagement of the war in Iraq. He said the government has squandered billions of dollars in Iraq. That is from Newt Gingrich, former Speaker, conservative Republican.

He went on to say in the same article: They are seen, the Republicans, and as my good friend from Florida loves to point out, the man who gave birth to the Republican revolution, is now calling the Republican majority they; they are seen by the country as being in charge of a government that cannot function.

This is not the Democratic Party saying this; these are conservative Republicans who had some ideals that see this Republican Congress unable to govern the country.

Pick an issue. The war, down.

Pick an issue. The prescription drug bill, not working.

Pick an issue. Hurricane Katrina, FEMA, not working.

Education costs, through the roof.

You are in charge. You are in charge of the House and the Senate and the White House.

Pick an issue. Pick an issue in this country, oil prices, gas prices, energy costs, health care costs.

Pick an issue. Unable to govern. Unable to govern. And it is not my opinion; it is not your opinion. This is their people saying they do not know how to govern.

We want an opportunity. Then we find out, Tuesday, 26.5 million veterans' information is stolen. You cannot consistently run down government and then expect it to work.

Mr. MEEK of Florida. You know why it is breaking down, because special interests have been allowed to infiltrate the U.S. House of Representatives. The K Street Project until denounced a few months ago was alive and well in the U.S. House of Representatives.

Mr. Speaker, you know it. I know it. The majority and minority know it. Articles were written, you have to be a part of the K Street Project or you are out of it. There was one Member of this House who said if they are not on the list as being a part of the K Street Project that is contributing to make sure that Republicans stay in the majority here in the House, and that also means if they did not hire staffers or ex-staffers that Republican leadership Members asked them to hire, they were not going to have access.

I am going to read this Washington Post article, Wednesday, November 16, 2005, front page: White House documents show executives from big oils companies met with the Vice President's energy task force in 2001.

Well, let us look at the chart. What happened in 2002 after they met? Wow, $34 billion in profits.

"Something long expected by environmentalists but denied as recent as last week by industry officials testifying before Congress. A document obtained this week by The Washington Post," and that was November 2005, "shows that officials from ExxonMobil, Phillips, Shell Oil and BP, Inc., met in the White House complex with Cheney's aides who were developing national energy policies, parts of which became law and parts of which are still being debated."

The bottom line is it is just not natural for the Republican majority to be part of my revolution. Their revolution is making sure that the special interests get what they want, not the revolution of accountability or any Contract for America that they came up with.

So they got in majority, and they lost touch with the rhetoric that they were sharing with the American people, and look at what happened.

The facts, after the meeting in the White House complex was documented, not the fact that the White House came forward and said, we had a meeting; no, we had to do some insight and investigation. And guess what? The American spirit broke through, and somebody said, yes, there was a meeting, I was there. Not me, but the person who reported that. There was $34 billion in profits after the meeting. Let us look at the profits here. I think that was a pretty good meeting on behalf of the special interests.

That is why Mr. Toomey is saying what he is saying. That is why Mr. Gingrich is saying what he is saying, and that is the reason why the average American person is saying, I am not voting party; I am voting for my family. I am not voting because somebody said, you are a Republican and this is what you have to do. I am not a registered Republican, but I guarantee you those people who delivered the Republican majority in this House voted for the things that they were promised some 12–14 years ago, not what is going on right now here in this House.

If they want a change, they have an opportunity to do it, and we want to make sure that everyone knows they have the power, and not to believe the rhetoric of the 30-second ad about why you need to elect me because the facts are not there on the majority's behalf, the Republican majority's behalf, that they are going to deliver for the average American worker, the average American senior citizen, the average American child that is trying to get an education. Because when they walk across that stage this week and next week, they are going to pay more than ever for their education, and it comes by way of the cuts in the budget to make sure that oil companies and millionaires get their tax breaks, and make sure that individuals who are carrying out bad policy as it relates to not having a strategy in Iraq continue to carry on that bad policy, and no one can wave an Independent or Republican or Democratic flag and say what is happening right now is good in Congress.

What we have to do is change the majority in this House to a Democratic majority because we have the will and the desire to lead, and I believe the American people know. And I believe the Republican majority knows it. I think it is going to happen, and it is going to happen because of what they have not done and what we are willing to do.

Mr. Speaker, I yield to Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I actually think you are being presumptuous because you touched a nerve when you said you think the Republicans lost touch along the way at some point. That presumes that they were ever in touch because when we listen to remarks on the floor of this House where commentary is made that, for example, people who make $40,000 a year do not pay taxes, when you know you pay upwards of $50 to fill up a gas tank, you scratch your head and wonder, who pumps their gas?

When you cannot determine whether they know what the cost of groceries are, are they shopping for food? Who is talking to them in their districts? Are they driven around in limousines? Because all of the indicators, their desire to maintain tax cuts for the wealthiest among us, all of the indicators are there that they really are that out of touch.

I mean, just to have it stated on the floor of this House that people who make $40,000 do not pay taxes, that is just unbelievable. But then just take the tax cut bill, the rubber-stamp Republican Congress, literally and the walk down memory lane that we have been going through turned the projected $5.6 trillion record surplus into a record deficit of $3.2 trillion. The President has quadrupled our debt held by China. The tax bill that was signed, Americans making $20,000 annually get $2 and Americans making $40,000 get $16.

Mr. RYAN of Ohio. Can you imagine somebody getting a $2 tax break?

Ms. WASSERMAN SCHULTZ. When I ask people in my district in town hall meetings to raise their hand and show me how many have benefited and got money in their pocket from the tax cut legislation, out of several hundred, I get two maybe three hands; that is preposterous.

Here is the kicker: Americans making more than a million dollars a year get a thousand times what people making $40,000 get. They get $42,000. We have a graphic that we can show that means that they can buy a Hummer. That is essentially, they are basically being given the equivalent of a Hummer.

Let me just conclude by adding on to what Mr. Gingrich has said because he also said some things very recently. On May 14, on Meet the Press, Mr. Gingrich said: I think we have to confront the fact that on a variety of fronts, we are not getting the performance we want. The people in charge have an obligation to deliver. When you learn that maybe as much as $16 billion of the $18 billion that we sent to Baghdad for economic purposes was not spent effectively, you know something has to change. When you look at Katrina and you realize that we, the United States Government, paid $1.75 to a general contractor who paid 75 cents to a subcontractor, who paid 10 cents to put the blue tarp on what was temporary roofing, then you know something has to change.

The leader from the 1994 Republican revolution says something has to change. Change is not going from Republican to Republican. It is going from Republican to Democrat so we can take this country in the direction that we really should be going, and so that the next generation of Americans are going to have an America that they can grow up and believe in.

Mr. RYAN of Ohio. We have positions that are right down the middle. We have positions about investing that money instead of giving $42,000 in tax breaks; making sure that everybody has access to broadband; making sure people are healthy; and No Child Left Behind is funded; and balancing the budget by putting paygo rules on that won't allow us to spend money that we do not have, that we do not either cut from a program or raise revenue somewhere.

As we are wrapping up here. I had an opportunity to go to the Kennedy Library. Mr. MURTHA received the Profiles in Courage Award for his stance on the war and coming out against the war. I ran into Ted Sorenson, who was President Kennedy's top adviser and speech writer. He said, when he was with President Kennedy, they never submitted a budget to Congress that was more than $10 billion off. They would maybe have some, but never more than $10 billion.

And when President Bush says this Congress has to rein in spending, he hasn't vetoed one spending bill, so don't give us this, and we are supposed to believe you. Let us put our faith back in the American people here, www.housedemocrats.gov/30something.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for May 22 on account of business in the district.

Mr. SNYDER (at the request of Ms. PELOSI) for today and the balance of the week.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. EMANUEL, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

(The following Members (at the request of Mr. ROHRABACHER) to revise and extend their remarks and include extraneous material:)

Mr. SODREL, for 5 minutes, May 24.

Mr. ROHRABACHER, for 5 minutes, May 24.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

ADJOURNMENT

Mr. MEEK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, May 24, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; New Stuyahok, AK [Docket No. FAA-2005-22535; Airspace Docket No. 05-AAL-24] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment to Jet Route J-158; ID [Docket No. FAA-2003-22496; Airspace Docket No. 04-ANM-26] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification to Class E Airspace; Del Rio, TX [Docket No. FAA-2005-23009; Airspace Docket No. 2005-ASW-18] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Hillsboro, TX [Docket No. FAA-2005-22998; Airspace Docket

No. 2005-ASW-19] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Arctic Village, AK [Docket No. FAA-2005-22021; Airspace Docket No. 04-AAL-06] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Tok Junction, AK [Docket No. FAA-2005-22537; Airspace Docket No. 05-AAL-29] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Nondalton, AK [Docket No. FAA-2005-22536; Airspace Docket No. 05-AAL-25] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Routes; Southwestern and South Central United States [Docket No. FAA-2005-21381; Airspace Docket No. 05-ASW-2] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7616. A letter from the Program Anlayst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace; Front Range Airport, Denver, CO [Docket FAA-2005-20248; Airspace Docket 05-AWP-13] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification of Class E; Rogers, AR [Docket No. FAA-2004-19599; Airspace Docket No. 2004-ASW-12] received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Area Navigation Routes; Southwestern and South Central United States [Docket No. FAA-2005-21381; Airspace Docket No. 05-ASW-2] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Prohibited Area P-50; Kings Bay, GA [Docket No. FAA-2003-15976; Airspace Docket No. 03-AWA-5] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class C Airspace and Revocation of Class D Airspace, Orlando Sanford International Airport, FL; and Modification of the Orlando International Airport Class B Airspace Area, FL [Docket No. FAA-2005-20700; Airpsace Docket No. 04-AWA-8] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of the Minneapolis Class B Airspace Area; MN [Docket No. FAA-2003-15471; Airspace Docket No. 03-AWA-6] (RIN: 2120-AA66) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 832. Resolution providing for consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109–479). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. REYNOLDS (for himself, Mr. ENGLISH of Pennsylvania, Mr. JONES of North Carolina, Mr. DANIEL E. LUNGREN of California, Mr. DOOLITTLE, Mr. EHLERS, Mr. SOUDER, Ms. GINNY BROWN-WAITE of Florida, Mr. BISHOP of Utah, Mr. RAMSTAD, Mr. KUHL of New York, Mr. FILNER, Mr. MCCOTTER, Mr. BROWN of South Carolina, Mrs. MYRICK, Mr. HALL, Mr. MILLER of Florida, Mr. JEFFERSON, Mr. FOSSELLA, Ms. FOXX, Ms. CARSON, and Mr. DUNCAN):

H.R. 5452. A bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. BOUCHER, Mr. AKIN, Mr. COSTELLO, Mrs. CUBIN, Mr. RAHALL, Mr. HUNTER, Mr. SKELTON, Mr. ENGLISH of Pennsylvania, and Mr. POMEROY):

H.R. 5453. A bill to amend the Internal Revenue Code of 1986 to extend the excise tax credits for certain liquid fuel derived from coal; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 5454. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2007; to the Committee on the Judiciary.

By Mr. SALAZAR:

H.R. 5455. A bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BURTON of Indiana:

H.R. 5456. A bill to respond to the crisis of illegal immigration in the United States; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLITTLE:

H.R. 5457. A bill to supersede certain judicial orders interfering with the implementation of amendments to section 235 of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, and Ms. MATSUI):

H.R. 5458. A bill to provide for the National Science Foundation to make grants for the establishment of summer science and mathematics camps for middle school and high school students; to the Committee on Science.

By Mrs. JONES of Ohio:

H.R. 5459. A bill to authorize funds for the United States Marshals Service's Fugitive Safe Surrender Program; to the Committee on the Judiciary.

By Mr. KOLBE:

H.R. 5460. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a feasibility study of the Sierra Vista Subwatershed in the State of Arizona; to the Committee on Resources.

By Mr. MELANCON (for himself, Mr. BAKER, Mr. MCCRERY, Mr. ALEXANDER, Mr. BOUSTANY, Mr. JINDAL, and Mr. JEFFERSON):

H.R. 5461. A bill to authorize the Secretary of the Army to carry out water resources projects and activities for the coastal area of Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. MUSGRAVE:

H.R. 5462. A bill to suspend the Federal highway fuels taxes, to authorize the leasing, development, production, and transportation of oil and gas in and from the Coastal Plain of Alaska, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MUSGRAVE:

H.R. 5463. A bill to amend the Internal Revenue Code of 1986 to repeal the increase in the age of minor children whose unearned income is taxed as if parent's income; to the Committee on Ways and Means.

By Mr. HINOJOSA:

H. Con. Res. 413. Concurrent resolution expressing appreciation for the life and service of Lloyd Bentsen and expressing sympathy to his family; to the Committee on House Administration.

By Mr. CLAY (for himself and Mr. COSTELLO):

H. Con. Res. 414. Concurrent resolution recognizing and honoring the life achievements of Katherine Dunham for being one of the world's most respected dancers, a teacher, mentor, choreographer, author, actress, and humanitarian; to the Committee on Education and the Workforce.

By Mr. HINCHEY (for himself, Mrs. BONO, Mrs. CAPPS, and Mr. HAYWORTH):

H. Res. 833. A resolution expressing the sense of the House of Representatives with regard to the importance of National Women's Health Week, which promotes awareness of diseases that affect women and which encourages women to take preventive measures to ensure good health; to the Committee on Energy and Commerce.

By Ms. NORTON:

H. Res. 834. A resolution congratulating Kim Burke-Ables for her exceptional dedication to the students of Benjamin Banneker Academic High School in Washington, D.C. and her excellence as a teacher resulting in her selection as the 2006 District of Columbia Teacher of the Year, in recognition of her work; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. OSBORNE, Mr. DENT, and Mr. MARSHALL.

H.R. 198: Mr. WAXMAN.

H.R. 297: Ms. ESHOO and Mr. DAVIS of Illinois.

H.R. 303: Mr. SAXTON.

H.R. 354: Mr. FITZPATRICK of Pennsylvania.

H.R. 558: Mr. RUPPERSBERGER.

H.R. 697: Mr. BROWN of Ohio.

H.R. 791: Ms. SLAUGHTER.

H.R. 808: Mr. ENGEL and Mr. DINGELL.

H.R. 819: Mr. KENNEDY of Minnesota.

H.R. 1217: Mr. STUPAK.

H.R. 1431: Ms. MOORE of Wisconsin.

H.R. 1494: Mr. KLINE.

H.R. 1518: Mr. KILDEE.

H.R. 1558: Mr. RYAN of Wisconsin.

H.R. 1582: Mr. HAYWORTH.

H.R. 1594: Ms. HERSETH.

H.R. 1619: Mr. FARR.

H.R. 1816: Mr. GOODE.

H.R. 1872: Mrs. NORTHUP.

H.R. 2178: Ms. MCCOLLUM of Minnesota, Mr. DEFAZIO, Mr. REYES, and Mr. SERRANO.

H.R. 2199: Mr. ALLEN.

H.R. 2350: Mr. PETERSON of Pennsylvania.

H.R. 2390: Mrs. JO ANN DAVIS of Virginia.

H.R. 2861: Mr. HAYWORTH.

H.R. 3022: Mr. MCNULTY, Mr. JEFFERSON, Mr. MILLER of North Carolina, and Mr. CHANDLER.

H.R. 3034: Mr. CONYERS, Ms. BORDALLO, Mr. RYAN of Ohio, and Mr. TOWNS.

H.R. 3061: Mrs. NORTHUP.

H.R. 3082: Mr. EDWARDS.

H.R. 3263: Mr. SHAYS.

H.R. 3427: Mr. ROTHMAN and Ms. MCKINNEY.

H.R. 3478: Mr. GIBBONS and Ms. JACKSON-LEE of Texas.

H.R. 3492: Mr. PASCRELL.

H.R. 3588: Mr. HAYWORTH and Mr. KUHL of New York.

H.R. 3762: Ms. DEGETTE.

H.R. 3781: Mr. BLUMENAUER.

H.R. 3852: Mr. UDALL of Colorado.

H.R. 3964: Mr. ACKERMAN.

H.R. 4008: Mr. PORTER.

H.R. 4025: Mrs. JO ANN DAVIS of Virginia.

H.R. 4033: Mr. WYNN, Mr. HOLDEN, Mr. ACKERMAN, Mr. LARSEN of Washington, Mr. WELDON of Pennsylvania, Mr. RAHALL, Mr. KENNEDY of Minnesota, Mr. OLVER, and Mr. MEEHAN.

H.R. 4052: Mr. WAXMAN.

H.R. 4098: Mr. BROWN of Ohio and Mrs. MALONEY.

H.R. 4197: Mr. LANTOS.

H.R. 4232: Mr. TOWNS.

H.R. 4259: Ms. JACKSON-LEE of Texas.

H.R. 4318: Mr. WILSON of South Carolina.

H.R. 4341: Mr. BROWN of South Carolina, Ms. GRANGER, and Mr. BURGESS.

H.R. 4350: Ms. LEE.

H.R. 4381: Mr. ALEXANDER, Ms. HARRIS, Mr. MARIO DIAZ-BALART of Florida, and Mr. MILLER of Florida.

H.R. 4423: Mr. AL GREEN of Texas and Mr. CHABOT.

H.R. 4435: Ms. JACKSON-LEE of Texas.

H.R. 4450: Mrs. KELLY.

H.R. 4469: Mr. COSTA.

H.R. 4495: Mr. CONAWAY.

H.R. 4517: Mr. MARCHANT.

H.R. 4560: Mr. UPTON.

H.R. 4562: Ms. SCHWARTZ of Pennsylvania, Mr. MATHESON, Mr. VAN HOLLEN, Mr. KIRK, Mr. BISHOP of New York, Mr. SAXTON, and Mr. SCHWARZ of Michigan.

H.R. 4573: Mr. MCHUGH.

H.R. 4597: Mr. GONZALEZ and Mr. CARTER.

H.R. 4672: Mr. SHERWOOD.

H.R. 4695: Ms. KILPATRICK of Michigan.

H.R. 4734: Mr. BACA, Mr. BECERRA, Mr. ETHERIDGE, Mr. GONZALEZ, Mr. HINOJOSA, Mr. ORTIZ, Mr. OWENS, and Ms. SOLIS.

H.R. 4747: Mr. SULLIVAN, Mr. LANGEVIN, Mr. REYES, Mr. MORAN of Virginia, Mr. SPRATT, Mr. SKELTON, Mr. BISHOP of Georgia, and Ms. WATERS.

H.R. 4751: Ms. MILLENDER-MCDONALD.

H.R. 4824: Mr. KIND and Mr. GORDON.

H.R. 4825: Mrs. LOWEY, Mr. ENGEL, and Ms. SCHAKOWSKY.

H.R. 4843: Mrs. JO ANN DAVIS of Virginia.

H.R. 4894: Mr. MARCHANT, Mr. CASTLE, Mr. NORWOOD, Mr. EHLERS, and Mr. SCHWARZ of Michigan.

H.R. 4927: Mr. ROTHMAN and Mr. MARSHALL.

H.R. 4949: Mr. CONYERS.

H.R. 5005: Mr. GARRETT of New Jersey.

H.R. 5013: Mr. DAVIS of Tennessee, Mr. GOODE, and Mr. BLUNT.

H.R. 5017: Ms. MCCOLLUM of Minnesota, Mr. GONZALEZ, and Ms. JACKSON-LEE of Texas.

H.R. 5022: Mr. YOUNG of Alaska, Mr. FARR, and Ms. MATSUI.

H.R. 5039: Mr. PEARCE.

H.R. 5058: Mr. BISHOP of Georgia.

H.R. 5100: Mr. RYAN of Wisconsin and Mr. KUHL of New York.

H.R. 5102: Mr. KUCINICH.

H.R. 5106: Ms. MCCOLLUM of Minnesota.

H.R. 5113: Mr. HOLT, Ms. MCKINNEY, Ms. MOORE of Wisconsin, and Mr. PALLONE.

H.R. 5121: Ms. CARSON, Mr. MICA, Ms. MATSUI, Mr. PLATTS, Mr. CLEAVER, Mr. SIMMONS, Mr. CASE, and Mr. BACHUS.

H.R. 5129: Mr. SENSENBRENNER.

H.R. 5139: Ms. MATSUI.

H.R. 5140: Ms. MCKINNEY and Mr. BISHOP of Georgia.

H.R. 5159: Mr. WEXLER.

H.R. 5201: Mr. WEINER, Mr. CARDIN, Mr. RUPPERSBERGER, Mrs. MYRICK, Mr. DAVIS of Illinois, Mr. OXLEY, and Mr. WICKER.

H.R. 5204: Mr. GRIJALVA, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, and Mr. COSTELLO.

H.R. 5209: Ms. MCKINNEY.

H.R. 5230: Mr. OTTER.

H.R. 5255: Mr. ALEXANDER and Mr. KENNEDY of Minnesota.

H.R. 5262: Mr. FEENEY, Mrs. NORTHUP, Mrs. DRAKE, Mr. COLE of Oklahoma, Mr. SHADEGG, Mr. GILLMOR, Mr. BARTLETT of Maryland, Ms. HART, Mr. MANZULLO, Mr. GARRETT of New Jersey, Mr. SHERWOOD, Mr. SHAW, Mr. RENZI, Mr. FOLEY, Mrs. JOHNSON of Connecticut, and Mr. MCCRERY.

H.R. 5280: Mr. EHLERS.

H.R. 5290: Mr. GONZALEZ.

H.R. 5312: Ms. LINDA T. SÁNCHEZ of California and Mr. KIND.

H.R. 5319: Mr. KLINE, Mr. FOSSELLA, and Mr. MARCHANT.

H.R. 5336: Mr. KINGSTON and Mr. BISHOP of Georgia.

H.R. 5337: Mr. CAMP of Michigan, Mr. CLAY, Mr. FORD, Mr. MEEKS of New York, Mr. MOORE of Kansas, Ms. ROS-LEHTINEN, Mr. SCOTT of Georgia, Mr. SESSIONS, Mr. STEARNS, and Mr. WAMP.

H.R. 5353: Mrs. EMERSON.

H.R. 5362: Ms. MCCOLLUM of Minnesota.

H.R. 5364: Ms. MCCOLLUM of Minnesota.

H.R. 5371: Ms. DEGETTE, Mrs. LOWEY, Mr. BISHOP of New York, Ms. WATSON, Ms. LEE, and Mr. MORAN of Virginia.

H.R. 5388: Ms. PELOSI, Mr. PAYNE, and Mr. UDALL of Colorado.

H.R. 5397: Mr. BISHOP of Georgia.

H.R. 5403: Mr. THOMAS, and Mr. CRAMER.

H.R. 5420: Mr. MARSHALL, and Mr. HINCHEY.

H.R. 5432: Mr. ROGERS of Kentucky, Ms. JACKSON-LEE of Texas, and Mrs. NORTHUP.

H.R. 5442: Mr. TIBERI, Mr. FORTUÑO, and Mr. BARTLETT of Maryland.

H.R. 5444: Mr. SCHWARZ of Michigan.

H.J. Res. 58: Mr. PEARCE, Mr. SCOTT of Georgia, Mr. FORTUÑO, Mr. BOSWELL, Mrs. DRAKE, Mr. CLEAVER, and Mr. COBLE.

H.J. Res. 73: Mr. NEAL of Massachusetts.

H. Con. Res. 42: Mr. CONAWAY.

H. Con. Res. 106: Mr. NEAL of Massachusetts.

H. Con. Res. 338: Mrs. NAPOLITANO, Mr. CHANDLER, and Mr. FERGUSON.

H. Con. Res. 343: Mr. CROWLEY.

H. Con. Res. 348: Mr. PAYNE, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 401: Mr. PAYNE, Mrs. MYRICK, Mr. HIGGINS, Mr. ABERCROMBIE, Mr. BACA, Mr. BRADY of Pennsylvania, Mr. ENGEL, Mr. HOLDEN, Mr. KUCINICH, Ms. MILLENDER-MCDONALD, Mr. MURTHA, Ms. WATERS, Mr. CAPUANO, Mr. MORAN of Virginia, Mr. LEACH, and Mr. OLVER.

H. Con. Res. 407: Mr. DENT, Ms. HART, Mr. SHUSTER, Mr. SHERWOOD, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. PITTS, Mr. PETERSON of Pennsylvania, Mr. WELDON of Pennsylvania, Mr. HOLDEN, and Mr. PLATTS.

H. Con. Res. 408: Mrs. DRAKE, Ms. ROS-LEHTINEN, Mr. MCNULTY, Ms. HARRIS, Mr. MACK, Mr. SMITH of New Jersey, Mr. WELLER, Mr. PITTS, Mr. KING of New York, and Mr. BRADLEY of New Hampshire.

H. Con. Res. 412: Mr. SHERMAN, Ms. WASSERMAN SCHULTZ, Mr. LANTOS, Mr. BACHUS, Mr. KINGSTON, Mr. NORWOOD, Mrs. MCCARTHY, and Mr. MCNULTY.

H. Res. 222: Mr. MCNULTY.

H. Res. 295: Mr. PASCRELL.

H. Res. 498: Mr. COLE of Oklahoma.

H. Res. 690: Mr. MANZULLO, Mr. BOOZMAN, and Mr. INGLIS of South Carolina.

H. Res. 723: Mr. FITZPATRICK of Pennsylvania.

H. Res. 745: Mr. HOLDEN and Mr. FILNER.

H. Res. 759: Mrs. JO ANN DAVIS of Virginia, Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, and Mr. BECERRA.

H. Res. 777: Mr. DAVIS of Florida, Ms. KILPATRICK of Michigan, Mr. FATTAH, Mr. BERMAN, and Mr. FEENEY.

H. Res. 786: Mr. MILLER of Florida, Mr. GARRETT of New Jersey, Mrs. JO ANN DAVIS of Virginia, and Mr. GIBBONS.

H. Res. 790: Mr. WEXLER.

H. Res. 793: Ms. GINNY BROWN-WAITE of Florida, Mr. BARRETT of South Carolina, Mrs. MYRICK, and Mr. DUNCAN.

H. Res. 794: Mr. WU, Ms. HARRIS, Mr. ABERCROMBIE, Mr. ROTHMAN, Mrs. NAPOLITANO, Mr. ENGLISH of Pennsylvania, Ms. PELOSI, Mrs. KELLY, Mr. BISHOP of Georgia, Mr. SOUDER, Mr. MCGOVERN, Mrs. JO ANN DAVIS of Virginia, and Mr. TANCREDO.

H. Res. 799: Mr. CROWLEY, Mr. LEACH, Mrs. JO ANN DAVIS of Virginia, Mr. ANDREWS, and Mr. BROWN of Ohio.

H. Res. 800: Mr. FOLEY, Mr. POMEROY, Mr. REICHERT, and Mr. CONAWAY.

H. Res. 801: Mr. JEFFERSON, Mr. MCCOTTER, and Mr. CROWLEY.

H. Res. 828: Mr. HYDE, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. SMITH of New Jersey, and Ms. ROS-LEHTINEN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5384

OFFERED BY: MR. GERLACH

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following new section:

SEC. 7 . (a) LIMITATION ON USE OF FUNDS.—None of the funds appropriated or otherwise made available by this Act shall be used to implement the limitation in section 728 of this Act to carry out or administer a program authorized by section 2503 of Public Law 107–171 in excess of $73,500,000.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amounts otherwise provided by this Act are revised by reducing the amount made available for "COMMON COMPUTING ENVIRONMENT" by $23,500,000, to be derived from rural development-related activities, Natural Resource Conservation Service-related activities, and Farm Service Agency-related activities in the amount of $1,531,238, $4,938,488, and $17,030,071, respectively.

H.R. 5384

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 20: At the end of the bill (before the short title), add the following new section:

SEC. ___. (a) SHORT TITLE.—This section may be cited as the "Livestock Identification and Marketing Opportunities Act".

(b) FINDINGS.—Congress finds the following:

(1) For purposes of animal health investigation and surveillance, there needs to be an identification system that can trace animals from the time of first movement of the animal from its original premise to the time of slaughter of the animal in less than 48 hours.

(2) The beef industry estimates that the United States cattle industry lost approximately $3,000,000,000 in export value on beef, beef variety meats, hides, and tallow during the 12 months after a December 2003 diagnosis in the United States of bovine spongiform encephalopathy. A livestock identification system may have prevented some of this loss.

(3) In order to be as efficient as possible, the livestock identification system needs to be automated and electronic with participants using compatible technologies.

(4) The livestock identification system needs to be flexible enough to adapt to changes in technology and to the demands of the industry and the markets.

(5) The best technology available should be used for the livestock identification system while still allowing for registration into the system for livestock owners who are economically disadvantaged.

(6) Confidentiality of information on animal movements, sales, and ownership is necessary to ensure that livestock owners have the confidence to comply with and fully participate in the livestock identification system.

(7) Besides animal disease surveillance, the livestock identification system should provide a commercial information exchange infrastructure that would allow for enhanced marketing opportunities.

(c) LIVESTOCK IDENTIFICATION BOARD.—

(1) ESTABLISHMENT.—There is established a board to be known as the "Livestock Identification Board".

(2) DUTIES.—The duties of the Board shall be to—

(A) establish and maintain an electronic livestock identification system that—

(i) is capable of tracing all livestock in the United States from the time of first movement of the livestock from its original premise to the time of slaughter of such livestock in less than 48 hours;

(ii) tracks all relevant information about the livestock, including—

(I) the livestock identification number or the group or lot identification number for the livestock, as applicable;

(II) the date the livestock identification number or the group or lot identification number was assigned;

(III) the premise identification number;

(IV) the species of the livestock;

(V) the date of birth of the livestock, to the extent possible;

(VI) the sex of the livestock;

(VII) any other information the Board considers appropriate for animal disease surveillance; and

(VIII) any other information that the person who owns or controls the livestock voluntarily submits to the Board;

(B) maintain information obtained through the livestock identification system in a centralized data system; and

(C) determine the official identification technology to be used to track animals under the livestock identification system.

(3) POWERS.—The Board may—

(A) prescribe and collect fees to recover the costs of the livestock identification system; and

(B) establish and maintain a grant program to assist persons with fulfilling the requirements of the livestock identification system.

(4) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Board shall be composed of 7 voting members appointed by the Secretary of Agriculture, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of cattle owners;

(ii) 1 member shall be a representative of swine owners;

(iii) 1 member shall be a representative of sheep and goat owners;

(iv) 1 member shall be a representative of poultry owners;

(v) 1 member shall be a representative of livestock auction market operators;

(vi) 1 member shall be a representative of meat processors; and

(vii) 1 member shall be a person actively engaged in the livestock industry.

(B) NON-VOTING MEMBERS.—The Board shall include 2 non-voting members appointed by the Secretary, in consultation with the Chair and ranking minority member of the relevant congressional committees, of whom—

(i) 1 member shall be a representative of the Department of Agriculture; and

(ii) 1 member shall be a representative of State or tribal veterinarians or State or tribal agriculture agencies.

(C) TERMS.—

(i) IN GENERAL.—Each member shall be appointed for a term of 3 years, except as provided by clauses (ii) and (iii).

(ii) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the voting members first appointed—

(I) the members appointed under clauses (ii), (iv), and (v) of subparagraph (A) shall be appointed for a term of 2 years; and

(II) the members appointed under subparagraphs (iii) and (vii) of subparagraph (A) shall be appointed for a term of 1 year.

(iii) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) CHAIRPERSON.—The Chairperson of the Board shall be elected by its members.

(E) APPOINTMENT.—The Secretary shall appoint all members of the Board not later than 45 days after the date of the enactment of this section.

(5) MEETINGS.—

(A) INITIAL MEETING.—Not later than 60 days after the date of the enactment of this section, the Board shall hold its initial meeting.

(B) SUBSEQUENT MEETINGS.—The Board shall meet at the call of the Chairperson.

(6) QUORUM.—4 voting members of the Board shall constitute a quorum.

(7) PAY.—Members of the Board shall serve without compensation.

(8) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(9) STAFF.—The Board may appoint and fix the pay of personnel as the Board considers appropriate.

(10) CONTRACTS.—The Board may contract with or compensate any persons for goods or services.

(11) RULES AND REGULATIONS.—The Board may issue such rules and regulations as may be necessary to carry out this section.

(12) IMPLEMENTATION.—

(A) IN GENERAL.—The Board shall implement the livestock identification system established pursuant to this section not later than December 31, 2008.

(B) REPORT.—Not later than one year after the date of the enactment of this section, and quarterly thereafter until December 31, 2010, the Board shall submit to the Secretary of Agriculture and the relevant congressional committees a report on the status of the implementation of the livestock identification system, including—

(i) for each species subject to the system, the number of animals or groups of animals tracked by the system; and

(ii) the percentage of each animal species subject to the livestock identification system that are tracked by the system, which shall be determined by dividing the number submitted under clause (i) for a species by the total number of animals of such species in the United States.

(d) PREMISE IDENTIFICATIONS.—Not later than nine months after the date of the enactment of this section, the Secretary of Agriculture shall establish a premise identification system for all premises in the United States. The premise identification data shall be made available to the Board and shall include—

(1) a premise identification number;

(2) the name of the entity that owns or controls the premise;

(3) contact information for the premise, including a person, address, and phone number;

(4) the type of operation at the premise; and

(5) the date the premise number was assigned.

(e) Enforcement; First Entry Into Commerce.—Subject to subsection (f)(2), the Secretary of Agriculture shall verify that each animal, or group of animals, where applicable, subject to the livestock identification system established pursuant to subsection (c) is properly identified upon first entry of the animal into commerce. Any animal or group of animals that the Secretary determines is not properly identified shall be identified using the official identification technology before entering commerce.

(f) Voluntary Participation for Other Animal Species.—

(1) In general.—The owner of an animal or group of animals, where applicable, that is not subject to the livestock identification system established pursuant to subsection (c) may voluntarily subject such animal or group of animals to tracking by such livestock identification system.

(2) Enforcement exemption.—The voluntary tracking of such animal or group of animals shall not make the animal or group of animals subject to the enforcement actions of the Secretary under subsection (e).

(g) Release of Livestock Identification Numbering Information.—

(1) Freedom of information act.—Information obtained through the livestock identification system established pursuant to subsection (c) or the premise identification system established pursuant to subsection (d) is exempt from disclosure under section 552 of title 5, United States Code.

(2) Character of livestock identification system information.—Except as provided in paragraphs (3) and (4), information obtained through the livestock identification system or the premise identification system—

(A) may not be released;

(B) shall not be considered information in the public domain; and

(C) shall be considered commercial information that is privileged and confidential.

(3) Limited release of information authorized.—Notwithstanding paragraph (2), the Board may release information obtained through the livestock identification system or the premise identification system (other than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock if—

(A) a disease or pest poses a significant threat to the livestock that the information involves;

(B) the release of the information is related to actions the Board may take under this section; and

(C) the person obtaining the information needs the information for reasons consistent with the public health and public safety purposes of the livestock identification system, as determined by the Secretary of Agriculture.

(4) Limited release of information required.—

(A) In general.—Notwithstanding paragraph (2), the Board shall promptly release information obtained through the livestock identification system or the premise identification system (other than information voluntarily submitted pursuant to subsection (c)(2)(A)(ii)(VIII)) regarding particular livestock—

(i) to the person who owns or controls the livestock, if the person requests such information;

(ii) to the Secretary of Agriculture for the purpose of animal disease surveillance;

(iii) to a State or tribal veterinarian or a State or tribal agriculture agency for the purpose of animal disease surveillance;

(iv) to the Attorney General for the purpose of investigation or prosecution of a criminal act;

(v) to the Secretary of Homeland Security for the purpose of national security;

(vi) to the Secretary of Health and Human Services for the purpose of protection of public health; and

(vii) to the government of a foreign country, if release of the information is necessary to trace livestock threatened by disease or pest, as determined by the Secretary.

(B) Information voluntarily submitted.—Notwithstanding paragraph (2), on the request of a person who owns or controls livestock, the Board shall release information voluntarily submitted to the Board pursuant to subsection (c)(2)(A)(ii)(VIII) regarding such livestock to such person or to another person.

(5) Conflict of law.—If the information disclosure limitations or requirements of this subsection conflict with information disclosure limitations or requirements of a State law and such conflict involves interstate or international commerce, this subsection shall take precedence over the State law.

(h) Report on Impact of Livestock Identification System.—Not later than 180 days after the date of the enactment of this section, the Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on a livestock identification system, including—

(1) the lessons learned and the effectiveness of the animal identification system pilot programs funded in fiscal year 2005;

(2) an analysis of the economic impact of a livestock identification system on the livestock industry; and

(3) the expected cost of implementing a livestock identification system.

(i) Conforming Amendments.—Subsection (f) of section 282 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a) is amended—

(1) by striking "Certification of Origin.—" and all that follows through "To certify the country of origin" and inserting "Certification of Origin; Existing Certification Programs.—To certify the country of origin"; and

(2) by redesignating subparagraphs (A) through (E) as paragraphs (1) through (5), respectively.

(j) Definitions.—In this section:

(1) The term "Board" means the Livestock Identification Board established under subsection (c)(1).

(2) The term "livestock" means cattle, swine, sheep, goats, and poultry.

(3) The term "premise" means a location that holds, manages, or boards animals.

(4) The term "relevant congressional committees" means the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(5) The term "Secretary" means the Secretary of Agriculture.

(k) Authorization of Appropriatons.—There is authorized to be appropriated to carry out this section $33.000.000 for each of fiscal years 2007 through 2009.

H.R. 5384

Offered By: Mr. Rush

Amendment No. 21: At the end of the bill (before the short title), insert the following new section:

Sec. 7   . It is the sense of Congress that the Secretary of Agriculture should conduct a study to evaluate the impact of the lack of readily available fresh fruits and vegetables in economically underserved areas on persons residing in such areas.

H.R. 5427

Offered By: Mr. Deal of Georgia

Amendment No. 1: Page 14, strike lines 12 through 17.

H.R. 5427

Offered By: Mr. Hefley

Amendment No. 2: Page 47, after line 2, insert the following new section:

Sec. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

H.R. 5427

Offered By: Mr. Brown of Ohio

Amendment No. 3: At the end of the bill (preceding the short title), insert the following:

Sec. ____. None of the funds made available in this Act may be used to enter into a no-bid contract with a company based outside the United States for the purpose of nuclear weapons screening of cargo shipping containers.

H.R. 5427

Offered By: Mr. Barton of Texas

Amendment No. 4: Page 47, after line 2, insert the following new section:

Sec. 503. None of the funds made available by this Act from the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

H.R. 5427

Offered By: Mr. Bishop of New York

Amendment No. 5: At the end of the bill, before the short title, insert the following new section:

Sec. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review applications for floating storage and regasification units in areas designated under section 320 of the Federal Water Pollution Control Act (33 U.S.C. 1330) as an estuary of national significance.

H.R. 5427

Offered By: Mr. Pallone

Amendment No. 6: Page 6, line 14, after "Mid Atlantic", insert "(including $6.000.000 of such $143,250,000 for the NY/NJ Harbor drift removal program)".

H.R. 5441

Offered By: Mr. Brown of Ohio

Amendment No. 1: In the item relating to "DEPARTMENTAL MANAGEMENT AND OPERATIONS—Office of the Secretary and Executive Management", after the first dollar amount, insert "(increased by $500.000) (reduced by $500,000)".

H.R. 5441

Offered By: Mr. Doolittle

Amendment No. 2: Page 62, after line 17, insert the following:

Sec. 537. None of the funds made available by this Act may be used to carry out expedited removal of aliens under section 235 of the Immigration and Nationality Act unless inadmissible citizens and nationals of El Salvador are subject to the expedited removal procedures set forth in such section to the same extent as other inadmissible aliens.

EXTENSIONS OF REMARKS

2006 NATIONAL OSTEOPOROSIS AWARENESS AND PREVENTION MONTH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BURGESS. Mr. Speaker, I rise today to recognize that the 2006 National Osteoporosis Awareness and Prevention Month will be observed this May.

There are currently 44 million Americans, age 50 or older, who have osteoporosis. In addition, an estimated 1.5 million fractures are attributed to this disease every year. Although this disease has commonly been associated with women, it is prevalent in men as well. Nearly two million men currently live with osteoporosis, millions of others are at risk and one in eight men older than 50 years will have an osteoporotic fracture.

Furthermore, the risk for osteoporosis does increase with age. However, it is important to adopt good diet with calcium and vitamin D during childhood and adolescence to prevent a person from being diagnosed with low bone mass later on.

As we observe the National Osteoporosis Awareness Month, I would like to urge providers and individuals to discuss osteoporosis and carry out bone mineral density diagnostic tests when necessary.

In addition, I would like to commend the National Osteoporosis Foundation for bringing awareness to this debilitating disease, providing educational material on this issue, and supporting a search for a cure since 1984. They have entitled this year's campaign "Osteoporosis . . . it matters" and will be hosting events throughout the nation.

Mr. Speaker, it is with great honor that I stand here today to promote the National Osteoporosis Awareness Month and honor the National Osteoporosis Foundation staff for all of their hard work.

PERSONAL EXPLANATION

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. GIBBONS. Mr. Speaker, I rise today to explain how I would have voted on May 22, 2006 during rollcall votes #177 and #178 during the second session of the 109th Congress. The first vote was for S. 1235, the Veterans' Benefits Improvement Act of 2005. The second vote was for H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

If present, I would have voted "yes" on these rollcall votes.

TRIBUTE TO MR. JOACHIM MATTHEW CHAVEZ

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to commend Mr. Joachim Matthew Chavez, a life-long teacher and strong advocate of public education.

Mr. Chavez will retire this year from a 30 year career as a public school educator. Originally from Yuma, Arizona, he graduated from Yuma High School, home of the Criminals and later attended Arizona Western College and Northern Arizona University. He started his career teaching History and English in Parker, Arizona and later moved to Somerton, Arizona where he spent most of his professional career. He created and developed the district's first Biliteracy Program where students learned to use their native language skills as a base for English instruction. He later served as the District Director of the Bilingual Programs. He was named Somerton's Teacher of the Year in 1988 and again in 1990.

His dedication did not stop at the school gate but he also committed himself to teaching Adult English as a Second Language (ESL) courses in the evenings and weekends to farmworkers in the Yuma Valley. An active member of the religious community, he taught religious education for over 25 years. As an involved parent, he was a Little League Baseball and Youth Soccer Coach, Ballet Folkloric sponsor, a parent Band Booster, and a supporter of the Cibola Thespian Group.

He and his wife Annette have become role models and mentors to many young teaching professionals. Fully bilingual themselves, they provided area families an opportunity to learn about how parents can have a lasting impact in their children's education.

Mr. Chavez has been credited with elevating the district's English Language Learning program to a level of significant academic achievement among students.

I would like to personally commend Mr. Joachim Matthew Chavez for his tireless commitment to our community. His life and work are examples of service and of hope.

IN MEMORY OF MAJOR MATTHEW W. WORRELL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BURGESS. Mr. Speaker, I rise today in memory of MAJ Matthew W. Worrell from my hometown of Lewisville, TX, located in the 26th Congressional District of Texas, for serving our country during Iraqi Freedom. Major Worrell died Sunday, May 14, after insurgents shot down his U.S. helicopter during a raid against Al Qaeda militants in Iraq. He was 34 years old.

MAJ Matthew W. Worrell was assigned to the 1st Battalion, 160th Special Operations Aviation Regiment at Fort Campbell, KY, better known as the "Night Stalkers." The 160th is an elite avian unit deployed in nearly every conflict and transports Special Forces units around the world by night in specially modified helicopters.

I would like to recognize and celebrate MAJ Matthew W. Worrell's life today. Major Worrell spent 11 years in the Army and served as a platoon leader for the special operations group after previously servicing in the 101st Airborne Division.

MAJ Matthew W. Worrell was a dedicated soldier who earned the respect of those around him. COL Kevin Mangum, the commander of the 160th Special Operations Aviation Regiment, said in a written statement, "They were warriors, heroes, fellow Night Stalkers and our friends," of Major Worrell and his fellow officer killed in the battle.

Major Worrell's family said he never doubted why he was there.

Today, I celebrate the life of MAJ Matthew W. Worrell. He was truly a soldier, a husband, a father and an American who understood his duty. It was my honor to represent MAJ Matthew W. Worrell, and I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

TRIBUTE TO SANDRA S. WALKER

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to Mrs. Sandra S. Walker, principal of Rock Creek Forest Elementary School in Chevy Chase, MD, who is retiring after a long and distinguished career with the Montgomery County Public Schools.

Mrs. Walker attended Montgomery County public schools as a student and has now spent more than 30 years working for MCPS as a teacher and administrator.

For the past 18 years Mrs. Walker has been principal at a very challenging and complex school. Rock Creek Forest Elementary School has both an English community program and a countywide Spanish immersion magnet program. The school also blends a student body of great ethnic and economic diversity. Mrs. Walker has served this school with dedication and distinction.

On behalf of the students, parents, teachers and staff of Rock Creek Forest Elementary

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

School, I am privileged to extend my gratitude and appreciation to Sandra Walker for her service to our children and our community. Congratulations on an exemplary career. You have my best wishes for an enjoyable retirement. You will be missed at Rock Creek Forrest.

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, on Monday, May 22, 2006, I was unavoidably absent due to a previously scheduled official commitment. Had I been present and voting, I would have voted as follows:

(1) Rollcall No. 177: "yes" on S. 1235—Veterans' Benefits Improvement Act of 2005.

(2) Rollcall No. 178: "yes" on H.R. 3858—Pets Evacuation and Transportation Standards Act of 2005.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. COLE of Oklahoma. Mr. Speaker, on Wednesday, May 17, 2006, I was unavoidably detained due to a prior obligation.

Had I been present and voting, I would have voted as follows: Rollcall No. 148: "no" (On Agreeing to the DeFazio of Oregon Amendment to H.R. 4200).

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BECERRA. Mr. Speaker, on Monday, May 22, 2006, I was unable to cast my floor vote on rollcall Nos. 177 and 178. The votes I missed included a motion to suspend the rules and pass S. 1235, the Veterans' Benefits Improvement Act of 2005, and a motion to suspend the rules and pass H.R. 3858, the Pets Evacuation and Transportation Standards Act of 2005.

Had I been present for the votes, I would have voted "aye" on rollcall votes 177 and 178.

TRIBUTE TO TELACU FOR ITS COMMITMENT TO SERVICE, ADVANCEMENT, AND EMPOWERMENT IN THE LATINO COMMUNITY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BACA. Mr. Speaker, the people of this great Nation share a common spirit and heritage. Whether born on the soil of this land or having chosen to come here in search of a better life—one free of political, social, and economic oppression, we are a nation of pioneers. We believe in the American dream, and the promise that through our labors we can achieve educational and economic success. No barrier is too imposing, no obstacle to tall that it should stand in the way of pursuing this dream.

Two of my congressional predecessors, Senators Robert F. Kennedy and Jacob Javits, advanced legislation in the 1960s that promoted this dream by laying the foundation for an organization called TELACU. Since its founding in 1968, TELACU has become the largest community and economic development corporation in the United States. TELACU is a pioneering institution committed to service, empowerment, advancement and the creation of self-sufficiency. Brought to life through a small investment appropriated by Congress, TELACU has grown to become an organization with nearly $500 million in assets, creating thousands of jobs, affordable homes, loans to small business people, and most importantly, numerous educational opportunities for young people and veterans.

In 1983, TELACU established the LINC TELACU Education Foundation. For 23 years, the foundation has partnered with corporate donors, private individuals, and a vast network of colleges and universities, providing the driving force behind one of the most effective national institutions ever to impact the educational needs of the Latino community.

In conceiving the foundation, TELACU discovered that while financial assistance is vital for college students to achieve academic success, other factors are also important. Students who are the first in their families ever to attend college often lack the support system necessary to achieve their dream. Socioeconomic factors, family responsibilities, cultural identity and financial stress create very real conflicting challenges to academic life.

The LINC TELACU Education Foundation has accepted this challenge head on, combining important financial assistance with highly effective programs that ensure college completion. The foundation supports 600 college students and serves 2,000 elementary, middle and high school students and veterans each year. The success of this extraordinary foundation is best summarized by the numbers: Its scholar retention and college graduation rates are an astounding 100 percent.

Mr. Speaker, I join today with community leaders throughout my State in expressing our Nation's gratitude to TELACU and the LINC TELACU Education Foundation for believing in the dream of higher education for America's next generation of pioneers and helping to make it possible.

PERSONAL EXPLANATION

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Ms. HERSETH. Mr. Speaker, on May 22, 2006, I missed rollcall vote No. 177 on S. 1235, the Veterans Benefits Improvement Act, and rollcall vote No. 178 on H.R. 3858, the Pets Evacuation and Transportation Standards Act. I was unable to vote because I was participating in a House Agriculture Subcommittee field hearing and post-hearing meetings with automobile industry executives in Rochester, MI, on the role that industry can play in promoting renewable energy technology in the United States. Had I been present and voting, I would have voted "yea" on S. 1235 and "yea" on H.R. 3858.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SMITH of Washington. Mr. Speaker, I was unable to vote on rollcall No. 173: On ordering the previous question. Had I been present, I would have voted "no."

Mr. Speaker, I was unable to vote on rollcall No. 174: On agreeing to H. Res. 821, the rule providing for consideration H.R. 5385. Had I been present, I would have voted "no."

Mr. Speaker, I was unable to vote on rollcall No. 175: On the Blumenauer amendment to H.R. 5385. Had I been present, I would have voted "aye."

Mr. Speaker, I was unable to vote on rollcall No. 176: On final passage of H.R. 5385. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BLUMENAUER. Mr. Speaker, on rollcall No. 168, the Chabot-Andrews amendment to the Interior and Environment Appropriations, though I intended to vote aye, I accidentally voted nay. The Chabot-Andrews amendment would prohibit the Forest Service from building more roads for private timber in the Tongass National Forest in Alaska. The timber program in the Tongass costs taxpayers approximately $40 million each year. I have long been a supporter of reforming the road building program in the Tongass, and have supported this amendment in the past. I am pleased that the amendment ultimately passed, and I sincerely regret that I accidentally voted against it.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. GALLEGLY. Mr. Speaker, on Monday, May 22, 2006, I was unable to be present, to vote on the motions to suspend the rules and pass as amended S. 1235 the Veterans Benefits Improvement Act (rollcall No. 177) and H.R. 3858, the Pets Evacuation and Transportation Standards Act (rollcall No. 178). Had I been present, I would have voted "yea" on both measures.

COAL-TO-LIQUIDS TRANSPORTATION FUELS

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. RAHALL. Mr. Speaker, for decades this Nation has been researching, debating, drafting, and redrafting national energy policy. Unfortunately, the long gas lines of the 1970's that motivated the kind of original thought needed to end our dependency on foreign oil slipped from our memories as supplies increased and prices dropped. Today, we are punished with oil prices floating in the range of $75 a barrel, record prices at the pump, and an unstable world market for the foreseeable future.

At the same time, according to the Department of Energy, $35–$45 a barrel oil is attainable from a source within our borders. It is our most abundant domestic energy resource—coal. With technology that has been around for decades, coal can be liquefied and turned into a liquid fuel, and eventually sold for approximately half of what we are paying now per barrel.

The true value of coal is misunderstood and many ignore its potential to free us from foreign oil at our own peril. We risk stepping into the same trap that has caught so many promising energy policy advances by the ankle for decades.

Research has brought us a long, long way from the days of smokestacks and gray skies. True, there remain many less efficient, older generation power plants in this Nation, but largely because, while the Government draped oil companies in rich tax advantages, it devoted mere dribbles of money to providing incentives for clean burning coal plants.

Thirty years of government and private-sector research and development has created a product, according to the Department of Energy, that is cleaner than required under EPA Tier II fuel standards. And with this Nation's refinery capacity operating on all cylinders, these fuels would fit right into our energy mix as they would require very little additional processing. Coal-to-liquids can curb our appetite for foreign fuel.

Disturbingly, however, for all of our Nation's pride in our competitiveness and innovation, we stand behind a number of other countries in liquefying coal to end our foreign oil dependence.

For instance, these fuels represent about one-third of the consumption in South Africa, which began its production and use in the 1950's using the Fischer-Tropsch process developed during the 1920's by two German researchers. China, India, and Indonesia, recognizing the problems of relying on foreign sources of oil, are all aggressively pursuing coal liquefaction as key components of their energy production. For the U.S., our continued myopia about coal liquefaction is particularly numb-headed, since coal is our most abundant natural energy resource.

In order to catch up to the rest of the world, a position to which the U.S. is unaccustomed, we must invest in our future and Congress began to travel down this road with the reauthorization of the Nation's surface transportation laws last year by including two new excise tax credits aimed at promoting the use of alternative transportation fuels, including liquid fuel derived from coal.

While a helpful first step, due to the restrictive nature of the existing tax credit, I am pleased to join my colleague JOHN SHIMKUS and others in introducing legislation aimed at helping far-sighted firms better afford their foray into coal liquefaction. Our bill would reduce some of the risk that these firms and their investors take as they try to lead our Nation into a new energy frontier.

Simply put, our legislation would extend until 2020 the 50 cents per gallon tax credit for liquid fuel derived from coal that is set to expire in 2009. The legislation does not address other alternative transportation fuels, just coal-to-liquids.

The aim is to provide a level of predictability for a number of years to those willing to put money into coal-to-liquids production. It would help to smooth out some of the ups and downs associated with fluctuating oil prices and the gamble investors make in the financing of these high-tech energy ventures.

Unfortunately, while other governments have been footing the bill for this kind of research and development for decades, our Government has been "playing footsie" with Big Oil. In comparison to the big tax giveaways enjoyed by the oil industry, precious few U.S. budgetary resources have been devoted over the years to cutting-edge coal technologies. This is mind-boggling policy, given coal's abundance on our own shores.

The United States will never drill its way out of our oil dependency. But using proven, coal-to-liquid technology and American initiative, we could revolutionize our way to a new energy era. This bill helps to level out Federal tax policy that has long been tilted against the public in favor of rich oil companies.

VERMONT WOMAN WINS NATIONAL HONOR FOR HELPING WOMEN IN BUSINESS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SANDERS. Mr. Speaker, for almost two decades Janet Bullard has been the program manager and office manager for the Vermont Commission on Women. Her tireless and inspired work for the Commission, work done for the betterment of the conditions in which women in the State of Vermont live and for the expansion of opportunities available to women, has recently been recognized by a signal honor.

On April 12 in Washington, DC, Janet Bullard was recognized by the Small Business Administration as the National Women in Business Champion of the Year. The competition for this award was nationwide. Janet first won the Vermont State award, then the New England Regional Award, and finally prevailed over a group of remarkably qualified women nationally. The SBA's award is bestowed on a person who has been an advocate for the women-owned business community, who has expanded the business and financial opportunities for women, and who has helped strengthen the role played by business owners in the community.

Janet, a resident of Chelsea, Vermont, has worked for the Vermont Commission of Women for 19 years, almost half of its existence. Established in 1964 by Governor Phil Hoff, the Commission has been an advocate for women and their rights and opportunities for 42 years. It consistently, and with great success, has been the primary advocate in the State of Vermont for the economic, social and political equality of women.

Janet Bullard has championed the rights of women, opened new doors for women, helped bring women together so that they can learn and strategize and about how to succeed in an economic world formerly dominated almost exclusively by men. And her involvement is concrete and financial as well: she has helped women get loans so they can establish businesses. In addition, for the last 10 years she has also worked to get funding for Vermont domestic violence and sexual assault programs.

Society changes more through dedicated work than through speeches, more by enduring commitments than by public appearances. For 19 years, Janet Bullard has worked tirelessly—a labor of love—to improve the status and business opportunities of women in the State of Vermont. Her dedication, and her remarkable ability to get things done, has left its mark on generations of women in our State.

I want to call particular attention to her work with Vermont's community action agencies, her unceasing effort to develop ways to help women start businesses with the aid of microloans. She has helped, time and again, leverage State and independent organization funds, and Federal funds, to help women—and especially low-income women—get a start in business.

Here is how Wendy Love, Executive Director of the Vermont Commission on Women described Janet's work the other day: "Janet has an outstanding history with the Commission for almost 20 years, and has shown great dedication to the Commission and to helping women. She has really been a major voice for women's economic opportunity in Vermont. Every time we talk about doing something, she is five steps ahead. Janet has been a glue, helping bind together the folks who work at the community action agencies in micro-business development, and the people who work for the Federal Government at the Small Business Development Center."

We in Vermont are delighted with the honor bestowed upon Janet Bullard: It is richly deserved.

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during Friday's rollcall votes on H.R. 5385, the 2007 Military Construction, Military Quality of Life, and Veterans Affairs Appropriations Act.

Had I been present, I would have voted against the Blumenauer Amendment (rollcall No. 175) and in favor of final passage (rollcall No. 176).

HONORING GARRISON CSM GARY DAVIS

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to Garrison Command Sergeant Major Gary Davis of Fort Knox, Kentucky, retiring June 2 after more than 33 years of military service.

A native of Spokane, Washington, Garrison CSM Davis first enlisted in 1972, completing a 6 year tenure with the Washington State National Guard. After a brief assignment with the Montana State National Guard, he joined the Active Army in May 1980, attending unit training at the United States Army Armor Center at Fort Knox.

Prior to his current assignment at Fort Knox, Garrison CSM Davis served as an instructor at the United States Sergeants Major Academy, Fort Bliss, TX; and completed numerous other assignments leading soldier divisions in Kentucky, Georgia, Arkansas, Hawaii, Louisiana and Germany.

During his time at Fort Knox, Garrison CSM Davis's leadership inspired officers and civilians to be good neighbors, making Fort Knox and its surrounding communities a better place to live and work. In this capacity, he oversaw critical improvements to the Garrison, including the modernizing of residential facilities, enhancing the quality of life of Fort Knox soldiers and their families.

Garrison CSM Davis was a tireless advocate of Fort Knox's military value and future viability in the months leading up to last year's Base Realignment and Closure consideration. Because of his efforts, Fort Knox remains open, adapting to a new mission as a vital multi-functional home to operational army forces and various administrative commands.

Garrison CSM Davis's awards and decorations include the Legion of Merit Award, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Armed Forces Service Medal, Overseas Service Ribbon, United Nations Service Ribbon, Global War on Terrorism and the Superior Unit Award.

It is my great privilege to recognize Garrison Command Sergeant Major Gary Davis today, before the entire U.S. House of Representatives, for his lifelong example of leadership and service. I would like to thank him personally for his exemplary stewardship at Fort Knox during a time of war and administrative transition. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

HONORING THE CANYON HIGH SCHOOL COWBOY FOOTBALL TEAM

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MCKEON. Mr. Speaker, before the Santa Clarita Valley school term ends this year, I wish to recognize the coaches and athletes of the Canyon High School's football program for their outstanding performance during the 2005 high school football season. Canyon High School's varsity football team completed their season by defeating cross-town rival Hart High School with a score of 21–13 to clinch the CIF—California Interscholastic Federation—Southern Section Division II title. Canyon High School finished its season with an impressive record of 13–1.

MaxPreps, a California-based national high school sports information Web site, lauded Canyon High School's football program. MaxPreps recently ranked Canyon High School's football program as the 14th best in the Nation. This ranking was achieved amongst a field of over 15,000 schools nationwide. MaxPreps presented head coach Harry Welch with a trophy engraved: "2005 MaxPreps Tour of Champions, presented by the Army National Guard to Canyon High School Head Coach Harry Welch." Only 10 such trophies were presented nationally.

Th California Interscholastic Federation also bestowed individual honors upon various members of the team. Honors include, but are not limited to, All Section First-team Defense—Tyler Hawkins, Garrett Leary, All Section Second Team Defense—J.J. DiLuigi, Richard Wirthlin, Division II Offensive Players of the Year—Austin Civita, J.J. DiLuigi, Division II Defensive Players of the Year—Matt Brown, Garrett Leary, Division II Coach of the Year—Harry Welch, Division II Offense—Nick Peterson, Nick Madia, Richard Wirthlin, Phillip Malinoski, and Division II Defense—Chris Kinsbury, Tyler Hawkins.

The level of dedication and tenacity displayed by coaches and players of Canyon High School's football program deserves great praise. The ethos of this tightly knit team should serve as an example to all those aspiring for greatness.

Mr Speaker, I would like to recognize the individual members of Canyon High School's champion football team. Coach Harry Welch, Jean P. Curvey, Ben Longshore, Richard Wirthlin, Stephen Wirthlin, Anthony Arriaga, Amir Rafeh, Mark Urbina, John DiLuigi, Austin Civita, Sean Ward, Zane Enright, Phillip Malinoski, Christopher Chapman, David Pyne, Sean Gavin, Randal Rigg, Michael Montano, Christopher Kingsbury, Michael Cooper, Kenny Suber, Daniel Garza, Jr., Leon Henderson, Tyler Hawkins, Keith Martin, Josh Parrick, Jordan Ferguson, C.R. Maldonado, Mike Loucks, Michael Pyne, Raymond Maldonado, Jonathan Hammock, Nick Jurado, Deric Blas, Matthew Brown, Randy Lemus, Joseph Dellibovi, Grant Higgins, Garrett Leary, Michael Blanco, Ryan Schurke, Andrew Martinez, Justin Wallace, Andrew Suarez, Nick Peterson, Hacob Karaoglanian, Mike Harker, Damian Ozuna, A.J. Wallerstein, Nicholas Madia, Mark Valdez, Sean Rowlett, Fares Albichara, Britt Briscoe, Ben Armbruster, and Troy Curvey.

The late Vince Lombardi once said that football is like life—it requires perseverance, self-denial, hard work, sacrifice, dedication and respect for authority. Through their triumphant season, the Canyon Cowboys have developed a winning attitude that will serve them well for their entire life. I commend the team for their ability, commitment, and steadfast determination and I wish them the best of luck in all of their future endeavors.

HONORING MS. EMMA KOLB

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MORAN of Kansas. Mr. Speaker, I rise today to honor Emma Kolb, who has recently finished her 69th year of service to students and parents in western Kansas. She has gone above the call of duty and made her teaching career of 47 years into a passion by volunteering for 22 years after her retirement.

Ms. Kolb began teaching in 1937 in Rush County, KS, and for the next 15 years worked in several other country schools. In 1951 she started at Lincoln Elementary School in Hays. For the next 33 years Emma taught grades second through sixth until she retired in 1984.

If Emma's story stopped there it would still be praiseworthy, but she didn't stop there. She went on to volunteer for 22 more years in the same school building.

The length of her tenure may only be overshadowed by the amount of joy she gave to those she worked with and worked for. During a recent party Lincoln Elementary School staff showed their appreciation for Emma's amazing work by celebrating her commitment to students and her 88th birthday.

I too would like to express my gratitude for Emma's 69 years of service to Kansas students. Ms. Kolb said that during her many years of work inside the school system that "any changes that were made were for the good . . . and that we have a good school system here."

Mr. Speaker, I ask that my colleagues join me in thanking and honoring Emma Kolb for being a part of those positive changes in the lives of so many students and their schools.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MCINTYRE. Mr. Speaker, on May 18, 2006, during consideration of H.R. 5386, I mistaken voted "no" on rollcall vote No. 167, the Hinchey Amendment. It was my intention to vote "yes" on the Hinchey Amendment.

CURRENCY PROTECTION BILL

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MANZULLO. Mr. Speaker, I wish to call your attention to H. Con. Res. 390, a resolution I introduced on April 26, 2006.

We are currently living in an environment where prevention of terrorism is at the forefront of the American mind. It is important to remember that although the U.S. dollar is not typically viewed as a vessel of major catastrophic events, mass counterfeiting of the dollar will undermine the U.S. economy and ultimately destroy the security of our Nation. We have come a long way in protecting our highly visible assets since September 11, 2001. Now we must also extend that to our currency.

H. Con. Res. 390 calls upon the U.S. government to ensure the protection of the U.S. dollar and defend its integrity throughout the world. Our Nation must deter counterfeiting of our currency in order to preserve the strength of the U.S. dollar and protect America from a economic disaster.

Recent global politics illustrate the necessity of H. Con. Res. 390. A few months ago, the United States accused the Democratic People's Republic of Korea (North Korea) of counterfeiting the U.S. dollar. In retaliation, North Korea claimed that the CIA had counterfeited the U.S. dollar and planted the counterfeit bills in North Korea. Despite North Korea's claim of innocence, it is estimated that at least $45 million counterfeit U.S. dollar are in circulation and have originated from North Korea.

A timely CRS report released March 22, 2006, correctly states that any act of counterfeiting the U.S. dollar is a direct attack on the United States. We must not allow our adversaries the option of using counterfeit U.S. dollars to cause harm against our Nation or economy. That is why H. Con. Res. 390 is so necessary.

This is not just a threat against the United States. The U.S. dollar is the world's reserve currency. Undermining the value of the dollar will negatively affect our allies and the nations that are dependent on our currency. Counterfeiting of the U.S. dollar weakens our own ability to protect the U.S. and also pads the arsenals of those who wish to engineer our destruction.

It is time to step up and put a stop to the obvious counterfeiting of the U.S. dollar by foreign nations. I am proud to introduce H. Con. Res. 390 in the House, and I hope my colleagues will join me in support of this measure. We must protect our most important national asset—the U.S. dollar.

TRIBUTE TO CHRIS CARDUCCI, GARTH EPPLEY, GEORGINA JOSHI, ZACHARY NOVAK AND ROBERT SAMELS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. VISCLOSKY. Mr. Speaker, the community of classical vocal music artists and listeners suffered a great loss on April 20, 2006, when a light plane carrying five outstanding graduate students from Indiana University's Bloomington campus School of Music crashed just short of its destination. We join those grieving the loss of these talented musicians—Chris Carducci of Monroe, MI; Garth Eppley of Wabash, IN; Georgina Joshi of South Bend, IN; Zachary Novak of Anderson, IN; and Robert Samels of Medina, OH—for their accomplishments, for the great promise they held, and for the people they were. We will remember them today:

Chris Carducci—born April 18, 1978, in Monroe, MI, a graduate of Monroe High School, he received a bachelor of arts degree in music education in 2002 from Bowling Green State University—BGSU, Bowling Green, OH. He earned a master's degree in music from Indiana University, Bloomington, in 2005. He was a life member of St. John Catholic Church, where he was baptized, confirmed, and educated at its school. He was a former member and past president of the BGSU Men's Chorus. His opera career included an appearance at Carnegie Hall, where he sang selections from Wolf's Italienisches Liederbuch for the Marilyn Horne Foundation's "The Song Continues . . . 2005." A baritone, Mr. Carducci performed with Toledo Opera, Michigan Opera Works, BGSU Opera Theater and IU Opera Theater. In 2005, he created the role of Pontius Pilate in "Pilatus," a new opera by Robert Samels. Last year, he was recognized by the Metropolitan Opera National Council's Indiana District with an Encouragement Award. He also was a two-time winner of the Conrad-Peatee Art Song Competition.

Zachary Joseph Novak—Born Sept. 17, 1980, in Anderson, IN, graduated Highland High School in 1999. He went on to Anderson University and received a bachelor's degree in 2004, graduating summa cum laude with honors in music. Zach received the Anderson University music department's Voice Performance Award and won the Senior Men category and State National Association of Teachers of Singing Awards. He was due to graduate in early May with a master of music degree in choral conducting with a minor in voice from Indiana University in Bloomington. During his years at Indiana University he studied under the direction of Dr. William Gray, professor of chorale conducting, who was instrumental in Zach's participation in the Lafayette & Carmel Bach Chorale. The Jacobs School of Music at IU continued to foster and enrich his gift of music. Numerous teachers, professors, and ministers had a positive influence on Zach throughout his life. While in Bloomington, Zach was the worship coordinator at First United Methodist Church where he directed the Wesley Choir and Children's Choir. During his time in Anderson, he was the choir director at Bethel United Methodist and choir director and organist at St. Ambrose Catholic Church, where he was a member. He touched so many with his musical talents. Zach received numerous awards during his life, including the American Legion Award twice, the Arion Music Award, Best Male Vocalist 1999, and Who's Who Among American High School & College Students. Scholarships include: The Theodore Presser Music Award, The Lilly Foundation, Anderson University Academic Honors, AU Music Award, AU Trustee Award, Tri Kappa Award, Student Exploratory Teaching, AFT Teacher's Award, and the Herman and Anne Leaf Award.

Robert Samels—Born June 2, 1981, in Akron, OH. Robert taught as an associate instructor in the IU Jacobs School of Music Theory Department with the same zeal he approached all his other professional activities. He was in charge of T231 and was loved and admired by his students. As a bass-baritone he had recently appeared as Mr. Gibbs in the world premiere of "Our Town" by Ned Rorem, as Marco in the collegiate premiere of William Bolcom's "A View from the Bridge," as well as Joseph and Herod in the collegiate premiere of "El Nino" by John Adams. In September 2005, he conducted the premiere of his own opera, "Pilatus." As a member of the Wolf Trap Opera Company for 2006, he would have added three roles this summer, including Bartolo in "Le nozze di Figaro," Friar Laurence in "Romeo et Juliette," and Pluto in Telemann's "Orpheus." Other opera credits included the title roles of "Don Pasquale" and "Il Turco in Italia," as well as Leporello in "Don Giovanni," Falstaff in "Merry Wives of Windsor," and Bottom in "A Midsummer Night's Dream." In the summer of 2004, Samels performed Creon in the New York premiere of John Eaton's "Antigone." He also frequently performed in the oratorio repertoire. In the spring of 2005, he was selected as a semifinalist in the annual competition of the Oratorio Society of New York. He began his vocal studies with Alfred Anderson at the University of Akron and Andreas Poulimenos at Bowling Green State University. He was a doctoral student in choral conducting at the Indiana University Jacobs School of Music and had studied voice with Giorgio Tozzi and Costanza Cuccaro. Robert was an announcer as well as host and producer of "Cantabile" with public radio station WFIU. A soloist with Aguava New Music Studio, he recently performed a concert at the Library of Congress.

Georgina Joshi—Born October 21, 1981, in Elkhart, IN and embarked on a life filled with beautiful music. Georgina started singing at a very early age and studied violin from the age of 3. Georgina's first stage appearance was in Canton, OH, where she appeared with Players Guild of Canton in a production of the musical, Oliver. Her operatic debut was as Amahl in Indiana Opera North's production of Amahl and the Night Visitors. Georgina graduated from John Adams High School where she was a member of the 1999 State Champion Mock Trial Team. During high school she was a member of the IUSB Philharmonic and the South Bend Chamber Singers, concertmistress of South Bend Youth Symphony, and participated in summer music programs at

Interlochen, Tanglewood Music Center and Aspen Music School. She received numerous awards, including the YWCA Young Woman of the Year. Georgina attended the Royal College of Music, London, England, where she studied with Eiddwen Harrhy, receiving a bachelor of music, honors, degree in 2001. Since that time she has been a student at the IU Jacobs School of Music where she studied with Alan Bennet. While at IU, Georgina appeared as a soloist in various concert works including Haydn's Creation, Handel's Solomon, the B-Minor Mass of Bach, Britten's Hymn to St. Cecilia, Mendelssohn's Psalm 42, Schubert's Mass in A Flat Major, Mozart's Litenae Lauritenae K.195, the Mozart Requiem, and the Brahms Deutsches Requiem. She also appeared with IU Opera Theatre as Clorinda in Cenerentola and Despina in Cosi fan Tutte. She collaborated with other musicians such as the Catacoustic Consort, the Bath Street Studio, and was a member of the Carmel Bach Festival Chorale. Outside the USA she appeared as a soloist in England, Wales, Romania, and Greece.

Garth Eppley—Garth was born on Feb. 7, 1981, in Wabash, IN, graduated Wabash High School. He graduated from Anderson College in 2003 with a degree in music performance, and was a student at Indiana University Jacobs School of Music. He attended Giest Christian Church, Fishers, and was a member of the BMW Motorcycle Owners of America, Yankee Beamers, and Rounders No. 7. Eppley had a bachelor's degree in voice performance with honors in performance from Anderson University. A tenor, Eppley studied under Fritz Robertson while at Anderson. His IU Opera Theater roles included Lysander in "A Midsummer Night's Dream," the second man in "The Magic Flute," and the lawyer in "Peter Grimes." He was a frequent soloist with the Indiana University Contemporary Vocal Ensemble, with which he recently sang the role of Pilatus in Arvo Part's "Passio." Eppley also was a frequent soloist with the Lafayette Bach Chorale, where he had performed in such programs as Handel's "Solomon," Rachmaninoffs "Vespers", and the Festival of Sacred Choral Music under the baton of guest conductor Craig Jessup of the Mormon Tabernacle Choir. Last summer, Eppley was a participant, along with other singers from the United States and Canada, in the Charley Creek Vocal Workshop, an intense program of aria and song study. He was a master's student at IU, studying with Peru native Timothy Noble.

They are mourned across the country—from Carmel, CA, to New York's Carnegie Hall, to the Wolftrap Farm Park Summer Opera in northern Virginia, to all over the Midwest and Indiana. May we never forget.

TRIBUTE TO MS. CHRISTINE L. GALLO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to Ms. Christine L. Gallo, who retired from the Defense Logistics Agency (DLA) Fort Belvoir, Virginia on April 29, 2006. Her distinguished government career spans 38 years, and her record of achievement during this period reflects greatly upon herself and upon the organizations with which she has served. Her contributions to the National Defense will be missed as she moves on to new and exciting opportunities.

Ms. Gallo was a member of the Senior Executive Service and had received numerous awards over her 38-year career. These include the 1998 Presidential Rank Award (Meritorious), the United States Army Association of Quartermasters "The Distinguished Order of St. Martin," the DLA Exceptional Civilian Service Award, the DLA Meritorious Civilian Service Award, and the Department of the Navy Meritorious Civilian Service Award.

Beginning her Federal career as a planning assistant with the Navy in 1968, Ms. Gallo held progressively responsible logistics planning and management positions with the Naval Supply Systems Command before joining the General Services Administration as Director of Distribution for Federal Supply and Services. After joining DLA in December of 1986, she served as Director of the Defense Spares Initiatives Office, Director for Systems Planning for the Assistant Secretary of Defense for Production and Logistics, Executive Director for Readiness and Customer Support, Executive Director for Business Modernization and Integration, and Director for DLA Enterprise Support (DES).

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating Ms. Christine Gallo on her retirement from Federal Civil Service. She epitomizes the dedication and professionalism that make our Federal government a model all over the world.

HONORING THE CONTRIBUTIONS OF JEWISH AMERICANS DURING JEWISH AMERICAN HERITAGE MONTH

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. AL GREEN of Texas. Mr. Speaker, today I am honored to recognize the contributions Jewish Americans have made throughout our Nation's history as we celebrate Jewish American Heritage Month. In 1654, the first Jewish settlers arrived in the New World searching for a place to practice their faith free from persecution and live in liberty. Since then, the United States has continued to serve as a haven for Jewish settlers seeking refuge from waves of anti-Semitic repression and persecution in Europe and around the world. Jewish American Heritage Month should serve to educate all Americans about the rich cultural heritage of the Jewish people and their important contributions to American culture and history.

The United States is better and stronger as a result of Jewish people from around the world choosing to become American citizens. Jewish Americans made invaluable contributions to our Nation's labor movement in the late 19th and early 20th centuries. Thousands of Jewish immigrants and their children who arrived in the United States during this time period earned their livings in sweatshops and factories in New York City, often working under horrific conditions. Many Jewish Americans played a key role in improving the working conditions for laborers, which led to collective bargaining and other advancements in the labor movement. Samuel Gompers, one of the founders and first president of the American Federation of Labor, earned his living in the crowded slums of New York as a cigar maker upon his arrival in the United States in 1863. Becoming highly skilled at his trade and earning the respect of his peers, he eventually moved up the ranks of the existing labor organization, transforming the structurally weak and ineffective Federation of Organized Trades and Labor Councils to the American Federation of Labor in 1886, which grew to represent over one million workers 6 years later.

Many individuals within the American Jewish community also made important contributions to the Civil Rights movement. Jewish philanthropist Julius Rosenwald, who funded dozens of primary schools, secondary schools, and colleges for black youth, led the Jewish community in contributing to some 2,000 schools for black Americans, including Howard, Dillard and Fisk universities. At one time, 40 percent of southern blacks were attending these schools. In addition, Jewish Americans like Abraham Joshua Heschel, a writer, rabbi and professor of theology at the Jewish Theological Seminary of America was outspoken on the subject of civil rights and marched arm-in-arm with Dr. Martin Luther King, Jr. in Selma. Professor Ernst Borinski, a refugee from the Holocaust who came to America to teach at Taugaloo University, organized dinners at which blacks and whites sat next to each other, a simple act challenging segregation. Joel Elias Spingarn, a Jewish-American educator and literary critic, was a founder and one of the first Jewish leaders of the National Association for the Advancement of Colored People (NAACP). In 1913, as the organization's chairman of the board, he established the Spingarn medal, awarded annually for outstanding achievement by an African American. In addition, organizations such as the American Jewish Committee, American Jewish Congress, and Anti-Defamation League have actively promoted civil rights over the years.

Mr. Speaker, it is my hope that all Americans observe Jewish American Heritage Month by initiating programs and activities that commemorate these and the many other significant contributions Jewish Americans have made throughout our Nation's history. Over the centuries, Jewish Americans have achieved great success in business, medicine, the arts, science and technology, and many other professions. These achievements have strengthened our country and helped shape our way of life. In their commitment to family, faith, and community, the Jewish people have made America a stronger and more democratic society.

AC TRANSIT VOTED THE "BEST OF THE BEST"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. STARK. Mr. Speaker, I rise today to recognize the Alameda County Transit Agency, AC Transit, headquartered in Oakland, California. For the sixth time in 9 years, AC Transit has been recognized as the Nation's most outstanding public bus agency at the American Public Transportation Association, APTA, meeting in Anaheim, California. At its annual "Bus Roadeo" in which bus operators and maintenance teams demonstrate their driving skills and knowledge, APTA has crowned AC Transit's drivers and mechanics as the "Best of the Best."

In addition AC Transit also won first place for its Customer Service in a special competition to evaluate bus operators' courtesy, patience and know-how.

The "Best of the Best" award came after grueling tests of competition involving more than 40 transit agencies with teams of drivers and mechanics from virtually every State in the country. Drivers were tested on their abilities to smoothly stop and maneuver their coaches in and out of tightly constricted spaces, avoiding mishaps and pedestrians. Mechanics were tested on their ability to quickly troubleshoot vehicle malfunctions by quickly diagnosing problems and instituting immediate repairs.

The competition is the "Super Bowl" for transit agencies, offering some of the world's top professionals an opportunity to display their driving skills, reflexes, judgment and superior workshop intelligence.

The "Best of the Best" designation represents the highest combined scores of the operator and maintenance team. AC Transit's team—operator Jesse DelaCruz and mechanics, Carlos Leyva, Grant Pinkston and Donald Righter—was deemed number one in the Nation. AC Transit operator Patricia Lock won first place for Customer Service.

Congratulations to AC Transit on winning this prestigious "Best of the Best" award.

RECOGNIZING THE HEALTH OCCUPATIONS STUDENTS OF AMERICA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SHAW. Mr. Speaker, I rise today to recognize the 30th anniversary of the Health Occupations Students of America (HOSA).

HOSA is a national career and technical student organization endorsed by the U.S. Department of Education and the Health Occupations Education Division of the Association for Career and Technical Education. HOSA provides a unique program of leadership development, motivation, and recognition exclusively for middle school, secondary, postsecondary, adult and collegiate students.

HOSA is not a club to which a few students in school join. Rather, HOSA is a powerful instructional tool that works best when it is integrated into the health science curriculum and classroom. Health Occupations instructors are committed to the development of the total person. Those who join the Health Science-HOSA Partnership recognize the importance of providing students with training far beyond the basic technical skills needed for entry into the health care field. The rapidly changing health care system needs dedicated workers who, in addition to their technical skills, are people-oriented and capable of playing a leadership role as a member of a health care team.

Nationally, HOSA has grown to over 78,000 members in almost every state, and soon, over 5,000 HOSA members will gather in Anaheim, California, for their annual leadership conference. This opportunity provides tours of health care facilities, exhibits presented by professional health care associates, as well as an Educational Symposium—workshops presented by professional partners that provide information about current health care issues.

The members of HOSA, through a student-led pipeline, are making a significant contribution to overcoming the shortage of health care workers in our country, guiding more than 1 million students into health professions. I am proud to say that the Florida HOSA has the fourth largest membership at more than 6,700 members.

Mr. Speaker, I would like to congratulate the Health Occupations Students of America on celebrating their 30th anniversary, and I wish them luck on their continued success.

CONGRATULATIONS TO THE PLUMBERS LOCAL UNION 210 GRADUATING CLASS OF 2006

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations of several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, June 9, 2006, the Plumbers Local Union 210 will honor the graduating class of 2006 at the Annual Apprentice Graduation Banquet, which will be held at the Patio Banquet Hall in Merrillville, Indiana.

At this year's banquet, the Plumbers Local Union 210 will recognize and honor the 2006 Apprentice Graduates. The individuals who have completed the apprentice training in 2006 are: Nino Arredondo, Joseph Butcher, Robert DePyssler, Lloyd James, Jr., Michael Klaich, Todd Knight, Paul Lacy, William Lawrence, Eric Longoria, Milutin Miljus, Greg Monnier, Eugene Pazdur, Derrick Poper, Jason Powers, Luis Quintana, Sean Severson, Daniel Smith, Bertram Wagner, Adam Westlund, Robert White, and Raymond Zack.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are all outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and selfless dedication.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, DC.

IN RECOGNITION OF THE BROWARD COUNTY 23RD ANNUAL SENIOR HALL OF FAME BREAKFAST

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. SHAW. Mr. Speaker, on Thursday, May 25, 2006, 11 outstanding Broward elders will be honored at the Annual Senior Hall of Fame Breakfast. These 11 seniors being honored have volunteered in their communities and have contributed countless hours to helping others. Their outstanding character and compassion have truly set them apart. Those being honored are Judith Armstrong, Frieda Kramer, Reverend James Gooden, Helen Landers, Marie Long, Robert Millikan, June Sragow, Shirley Strassler, Jean Thompson, Mayor Joe Varsallone and Sunny Wein.

Judith Armstrong of Fort Lauderdale volunteers with the MediVan Health and Community Services' MediVan Project, providing critically needed primary medical care and prescription medicines to Broward's uninsured, low-income, elderly community. Ms. Armstrong is active on many different senior committees and manages multiple worthwhile projects, making her an incredible asset to the community of Fort Lauderdale.

Frieda Kramer of Coral Springs has dedicated over 20 years of service as a volunteer. She worked as a Medicare counselor with the Jewish Family Service at the Coral Springs Medical Center and with the SHINE (Serving Health Insurance Needs of Elders) Program as a counselor. Frieda's dedication to helping the elderly with Medicare and medical needs goes above and beyond the call of duty. Her contributions of time, talent and energy have inspired all.

Reverend James Gooden of Fort Lauderdale has contributed countless hours to the Broward Schools Bi-racial Committee, the City of Fort Lauderdale Redevelopment Committee, and the Planning Committee for the North Broward Hospital District's Seventh Avenue Family Health Center. Reverend James Gooden is truly dedicated to helping those less fortunate and his love for humanity is demonstrated through all of his actions.

Helen Landers of Fort Lauderdale has dedicated her life's work to improving the status of women in our Nation's history. As chair of the Florida Education and Employment Council for Women and Girls, Ms. Landers has helped improved the status of all females. She is not only an outstanding advocate for women, but also for the environment. Ms. Landers is a Florida and Broward County Women's Hall of Fame Award Member and a valued historian.

Marie Long of Coral Springs is a very youthful 90-year-old volunteer at the Coral Springs Medical Center. Ms. Long has totaled more than 8,000 volunteer hours and has assisted her community through her passion for the latest computer technology. Marie's positive outlook and motivation support her life motto, "Youth is in the mind, not the age." These words come from an inspirational and well respected lady who leaves a legacy everyday in her community.

Robert Millikan of Coconut Creek is the face of the Breakfast Club at the Northwest Focal Point Senior Center. The center is a congregate lunch site, however, thanks to Robert participants have enjoyed breakfast, as well, for 8 years. Robert is beloved by both seniors and staff for his humble service and friendship. His kind heart has been a gift to everyone who has known him.

June Sragow of Hollywood is a retired educator who devotes her time and teaching skills to improving the lives of her peers. For over 8 years she has volunteered at Southeast Focal Point Senior Center teaching American History and Current Affairs, as well as tutoring non-English speaking seniors in the English language. June devotes her free time to Hospice of Southeast Florida. June's enthusiasm and desire to give back are evident by her visible presence in the community.

Shirley Strassler of Tamarac recently celebrated her 96th birthday, making her the hardest and oldest working volunteer. Ms. Strassler averages over 300 hours of service a year. Her work has involved: collecting canned goods, shopping for food and getting clothing to those in need during the holidays, and helping the senior program with various activities. Shirley won Volunteer of the Month in January 2003 for her outstanding dedication and inspiration to South Floridians she has touched along the way.

Jean Thompson of Fort Lauderdale has given countless hours of her time, since 1982, serving the less fortunate and homeless. Jean volunteers her time providing food, clothing, and medical supplies to the homeless of all ages. Jean has given hope to those who have lost their way and changes lives with her unconditional love.

Joe Varsallone of Margate has diligently served the city of Margate as mayor, vice mayor, and commissioner for more than 20 years. Mayor Varsallone continues to assure that the needs of Broward's senior population are met by voting to appropriate funding to the Aging and Disability Resource Center. Joe Varsallone's generosity and grand presence within the community gives Broward County seniors the ability to live in their accustomed environments, without losing their independence.

Sunny Wein of Tamarac has volunteered with the city of Tamarac for approximately 26 years. Ms. Wein began calling and coordinating volunteer drivers to pick up elderly residents for medical and shopping appointments. She also assisted Hall of Famer Helen Sobel in collecting clothing, food and other items for needy families in Tamarc. Sunny is a hard working, dedicated volunteer who loves interacting with people and enjoys helping others.

Mr. Speaker, I would like to again congratulate these 11 outstanding Broward County citizens who are being honored at the Annual Senior Hall of Fame, and thank them for their years of service to their fellow Floridians.

PERSONAL EXPLANATION

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. KOLBE. Mr. Speaker, yesterday, I missed the following votes because I was traveling on a congressional delegation to Egypt: S. 1235, on the motion to suspend the rules and pass the Veterans' Benefits Improvement Act, as amended (No. 177). Had I been present, I would have voted "aye." H.R. 3858, on the motion to suspend the rules and pass the Pets Evacuation and Transportation Standards Act (No. 178). Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. OXLEY. Mr. Speaker, I was absent from the House floor during yesterday's rollcall votes on S. 1235, the Veterans Benefits Improvement Act, and H.R. 3858, the Pets Evacuation and Transportation Standards Act.

Had I been present, I would have voted in favor of both bills.

LOUISIANA SCHOOL RECEIVES NATIONAL AWARD

HON. BOBBY JINDAL

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. JINDAL. Mr. Speaker, recently more than 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution. This is one of the most extensive educational programs in the country developed specifically to educate young men and women about the U.S. Constitution and Bill of Rights. The program is administered by the Center for Civic Education and funded by the U.S. Department of Education. It is my distinct pleasure to announce the competition's Unit 5 Award winner: Grace King High School from Metairie, LA.

The national finals are an arduous 3-day academic competition that simulates a congressional hearing in which the students testify before a panel of judges on constitutional topics. Students from many schools demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. This year's winner, Grace King High School, is an educational institution known for high standards of academic achievement that has produced many talented students. The winners of this competition have proven through their hard work and meticulous study of our Constitution that they are no exception.

Mr. Speaker, the names of these outstanding students from Grace King High School are as follows:

Aaron Baer-Harsha, Patrick Berrigan, Jaime Bruno, Lily Chen, Caitlyn Clarke, Paulius Donauskas, Janice Fan, Rebecca Felix, Jeremy Finnegan, Alice Ho, Tony Huang, Thomas Lambert, Krysten Le, Donald Leverson, Ali Mahbod, Elise Murphy-Mejia, Jacob O'Neil, Sean Olsen, Veronica Oro, Anna Plaksiy, Rachelle Ross, Olivia Saito, Sara Sands, and Murielle Telio.

I also wish to commend Jamie Staub, the teacher who was responsible for preparing the student class for the national finals competition. Also worthy of special recognition is John Alexander, the State coordinator, who is among those responsible for implementing the program in my district.

Mr. Speaker and my colleagues in the House, please join me in congratulating these young constitutional experts from Louisiana for their outstanding achievement.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. OWENS. Mr. Speaker, I was absent on Monday, May 22, 2006, due to unavoidable circumstances in my congressional district. Had I been present, I would have voted "yea" to S. 1235—The Veteran's Benefits Improvement Act of 2005 and "yea" to H.R. 3858—The Pets Evacuation and Transportation Standards Act of 2005.

RECOGNIZING THE LEAGUE OF WOMEN VOTERS OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of the 50th anniversary of the League of Women Voters of Humboldt County, California.

The League of Women Voters is a nonpartisan political organization that has worked since 1920 to improve our governmental systems and impact public policies through citizen education and advocacy. A grassroots organization, working at the national, State and local levels, the League's enduring vitality is a testament to its member's commitment to their communities.

The League of Women Voters of Eureka, California was organized in 1956, and in 1981 became the League of Women Voters of Humboldt County. It has influenced public policy through education and advocacy including supporting local efforts to increase affordable housing and the development and maintenance of a high quality public education system. Additionally the League has advocated for responsible stewardship of the Humboldt Bay and has aided in improving public library facilities in the Humboldt County Library District.

From its inception the League of Women Voters of Humboldt County has provided a comprehensive nonpartisan Voter Service program to the public, including live and televised candidate forums, printed information concerning State ballot measures, voter registration booths and online resources. Since 1980 the League has published and updated "A Citizen's Guide to County Government," an excellent source of current information about local government, distributed to the public free of charge.

Since 1992 the League of Women Voters of Humboldt County has honored 18 individuals and 8 organizations at its State of the Community Luncheon, with Civic Contribution Awards for the recipients' efforts in making democracy work in Humboldt County.

The League of Women Voters of Humboldt County is committed to the mission of encouraging the informed and active participation of citizens in government and has declared 2006 "The Year of the Voter" to commemorate the 50th anniversary of the organization's existence.

Mr. Speaker, it is appropriate at this time that we recognize and commend the League of Women Voters of Humboldt County on the occasion of its 50th anniversary.

IN HONOR OF THE JOURNEY FOR FREEDOM RIDE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of our U.S. Veterans and the men and women motorcyclists of America, many of whom are veterans, whose ride across America in support of our troops overseas and in honor of the service and sacrifice of our U.S. Veterans, is reflected in the rumbling wave of bikes soaring across the highways of America's heartland, echoing the universal sound of freedom, support, unity and peace.

The "Journey For Freedom Ride" began on May 17, 2006 in Tacoma, Washington, and will end in a celebration of nearly half a million riders just outside Washington, DC, on May 26. Conceived by U.S. Veterans and organized by Harley Davidson enthusiast and entrepreneur Dan Harris, founder of Global Biker Films, the "Journey For Freedom Ride" is supported by Harley Davidson Dealerships throughout the Nation, veterans groups and private businesses. The mission of the Ride is as simple and powerful as taking to the open road: To support our enlisted military women and men around the world, until they come home safely; and to ride in tribute of our veterans, especially those who've made the ultimate sacrifice on behalf of our entire Nation.

The "Journey For Freedom Ride" will be captured on film and sent overseas for free distribution to our troops. Global Biker Films is also planning the establishment of the "Journey for Freedom Foundation," an initiative that will provide college scholarships to the loved ones of our fallen servicemen and servicewomen. On May 25, 2006, the band of American freedom riders will roll into Cleveland, Ohio, at the Harley Davidson Sales Company, located on Lorain Avenue. Company owner Dan Schmidt and General Manager Joe Cervelli have offered a warm welcome to the freedom riders and veterans from our community and from the across the country.

Mr. Speaker and colleagues, please join me in honor and recognition of the riders and organizers of the "Journey For Freedom Ride." Their volunteer journey of support will serve to honor our veterans and active military personnel as they rocket down the highways of America, the chrome soul of our Nation shining like a beacon of hope, roaring with the wind, blue sky, and rolling highways, and held aloft by a spirit of unity, freedom and the endless quest for peace, here at home and around the world. Ride on.

CHILDREN'S TRANSPLANT CENTER OF PITTSBURGH CELEBRATES 25 YEARS

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. DOYLE. Mr. Speaker, I rise today to inform my colleagues in the House that June 3 will mark the 25th anniversary of the Children's Transplant Center at the Children's Hospital of Pittsburgh.

The Children's Transplant Center was the first pediatric transplant center in the entire Nation when it was established in 1981. For 25 years, the unprecedented efforts of the surgeons and staff at the Center have continually raised the bar for pediatric transplant surgery and recovery, both nationally and around the globe.

Twenty-five years after the establishment of the Children's Transplant Center under the guidance of transplant pioneer Thomas E. Starzl, MD, PhD, the Children's Hospital of Pittsburgh today is widely recognized as a leader in developing strategies to manage organ rejection. From the first and most successful series of small intestine transplants to its breakthrough work in pediatric multi-organ transplants, Children's has repeatedly achieved major advances in the operating room and laboratory.

I commend the Children's Hospital of Pittsburgh for its commitment to taking on the most challenging and difficult cases—which, by the way, has not prevented its dedicated and hard-working doctors and staff from achieving survival rates that repeatedly exceed national and international averages. I am so very proud to say that these people are the caregivers for my young constituents and for desperately sick children from around the world.

I want to extend my warmest congratulations to the Children's Transplant Center, the Children's Hospital of Pittsburgh, and all of the surgeons and staff that are part of the Center and wish them continued success in the future.

TRIBUTE TO THE 14TH AIR SERVICE GROUP AND THE 987TH SIGNAL COMPANY, U.S. ARMY

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. WU. Mr. Speaker, as we celebrate Memorial Day, a day to remember those who have given their lives to preserve democracy in this great Nation, I rise today to honor the heroes of the 14th Air Service Group and the 987th Signal Company of the United States Army. These two units represent the only all-Chinese American units serving in World War II.

Chinese-American servicemembers of World War II primarily served in integrated units, in every branch of the military, and in every theater of war, including Europe, the South Pacific, the North Atlantic, and the China Burma India Theater. The members of the 14th Air Service Group and the 987th Signal Company were exceptions. Serving in segregated units, with a mix of White and Chinese-American officers, they were organized for service in China as part of a war aid package for Chiang Kai-Shek's Chinese Nationalist Government.

Several surviving members of these two units are visiting Washington this week to commemorate Memorial Day, but also to share with me their stories. Both on and off the battlefield, their life histories are a part of our Nation's fabric.

Like all of those who served, these units performed an invaluable service to this country on the battlefield. Under difficult circumstances, these units supported the aerial operations in China and enhanced communications between American and Chinese military organizations, contributing to the Allied victory in World War II.

Off the battlefield, these units and their families represent Chinese America in the 1940's. Half were American born and half were immigrants from Hong Kong and China, some as young as high school and others as old as 36 years of age leaving behind families and established businesses and careers. None foresaw leaving what had become home, returning to the country from which they came and joining a fight to protect the freedoms of their new life in America.

To the members of the 14th Air Service Group and the 987th Signal Company, I thank you for your sacrifice, steadfast bravery and love of country and for coming to share your story.

I extend my deepest gratitude to those of the 14th Air Service Group and the 987th Signal Company who did not return home or who are not with us still today. Their memories will live on through us and all servicemembers who have or will answer the call to serve. I call upon this Congress to join me today in thanking these great Americans.

TRIBUTE TO THE DES MOINES VALLEY HIGH SCHOOL 4 BY 400-METER RELAY TEAM

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BOSWELL. Mr. Speaker, I rise today to recognize the outstanding results achieved by Iowa students at the Iowa High School State Track Meet held at Drake stadium in Des Moines this past weekend.

I congratulate the Des Moines Valley High School 4 by 400-meter relay team for topping a 36-year-old State record on Friday, May 19. The team of Bryan Collins, Zac Sandvig, Ryan Keairnes, and Brandon McSkimming set the new record finish in 3 minutes 13.8 seconds, crushing the old record of 3 minutes 16.6 seconds. I am proud to say this time is the fifth best high school mark in the Nation for 2006.

Special recognition. also needs to go to Brooke Dinsdale from North Tama High School. Brooke, a sophomore from Traer, broke the State's 25-year-old 800 meter record in 2 minutes 9.6 seconds. Only one high school girl in the United States has run a faster 800 meter race this season.

Mr. Speaker, I am extremely proud of the athletic and academic excellence of these young people from my district. Perhaps Paul "Bear" Bryant, the late, great coach of the Alabama Crimson Tide football team said it best: "If you believe in yourself, have dedication and pride, and never quit, you'll be a winner. The price of victory is high, but so are the rewards." These students have felt victory on the track, and I am confident they will continue to feel victory as they go through life.

PALESTINIAN ANTI-TERRORISM ACT OF 2006

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. UDALL of New Mexico. Madam Speaker, I strongly oppose the manner in which H.R. 4681 was brought to the floor of the House. To bring a bill of this importance up under suspension of the rules, without the opportunity for amendment or full debate, was an unfortunate decision and is a bad way for this body to be legislating. The process should be open, with every chance for members to deliberate and offer substantive and positive change to what is a very complex bill.

H.R. 4681 is well-meaning legislation. Unfortunately, it implements a foreign policy that could potentially reduce future diplomatic options for the U.S. Department of State. While the legislation should specifically target the terrorist group Hamas, it unnecessarily includes nearly all members of the Palestinian Authority—PA—Government, and will punish the entire Palestinian people.

There is no doubt that Hamas firmly believes in terrorism as a means to achieve their goals. The U.S. must continue to denounce the group's ideology. However, H.R. 4681 includes provisions which I believe will make it even more difficult for the PA to find its way back to the roadmap and to achieve peace. This includes expecting Hamas to reach specific benchmarks—benchmarks that no other PA government has been able to achieve—before receiving aid from the U.S. It includes expanding travel restriction and economic sanctions to include all members of the PA Government and all Palestinians, not simply those who are members of Hamas. Also, it includes no national security waiver which would allow the President the flexibility he needs to diplomatically deal with the situation.

Madam Speaker, this legislation is opposed by many non-governmental organizations, including those who are providing health, education, and humanitarian aid throughout the Middle East. It is also opposed by the Bush administration, which believes the legislation to be unnecessary. U.S. Secretary of State Rice has repeatedly spoken of the need for the U.S. to do all it can to be a leader in promoting peace in the Middle East, and she believes that this legislation is not the appropriate way in which to continue that leadership. This opposition from the very individual who is implementing and creating U.S. foreign policy should give us pause, and should give us even more reason not to be bringing this legislation up under suspension.

There is no question that the terrorist actions of Hamas necessitate action by the U.S. and that every Member of this body opposes Hamas. With passage of H.R. 4681, and passage of similar legislation in the Senate, I hope that a conference report takes into account all of the concerns that have been raised and substantively alters the content within this bill to ensure the Palestinian people do not unnecessarily suffer. We must enact smart foreign policy that is strong enough to bring about change, but which does not tie the hands of the President or marginalize moderate Palestinians who desire positive change.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on May 18, 2006 and missed rollcall vote 172, H.R. 5386. Had I been present, I would have voted "aye" for 172.

TRIBUTE TO CYNTHIA WONG

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Cynthia Wong who recently passed away. Ms. Wong served as a Pacoima middle-school librarian since 1994 and was an active member and officer of several professional organizations, including the California School Library Association.

Ms. Wong possessed an enormous passion for books and through this passion inspired many students. The hard work she put in as a Pacoima librarian has paid many dividends to the community. She was known to engage students through her bookmark and reading contests and would spend many hours of her own time planning and leading district workshops.

Ms. Wong's work has been so important to the community that her fellow staff members, along with her students, have decided to honor her through the dedication of a Professional Research Center and a Memorial Reading Garden. Both the center and the garden will be built next to the library that Ms. Wong loved for 12 years.

It is my distinct pleasure to ask my colleagues to join with me in saluting Ms. Wong for her outstanding achievements. She was an amazing person and her memory will live on through the Cynthia Wong Research Center and Reading Garden and through the many lives she touched.

CONGRATULATIONS TO MAXINE JAMES, ESSEX COUNTY HALL OF FAME INDUCTEE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. PAYNE. Mr. Speaker, it is with a great deal of pleasure that I ask my colleagues here in the U.S. House of Representatives to join me as I rise to congratulate my Chief of Staff, Ms. Maxine James, on her induction into the Essex County Hall of Fame. This is a well-deserved honor for Ms. James, as she has been a positive force for the betterment of Essex County for many years.

Fortunately for me and the residents of Essex County, Ms. James has always been strongly committed to meeting the needs of her community. It was through her vision and insight that some of the finest public servants in Essex County have been drawn into government service. She has also been responsible for helping to establish long-term, beneficial programs in the County, including the Newark Emergency Services for Families (NESF). NESF provides a life-line for residents of Newark and Essex County who are facing challenging situations including homelessness, a lack of heat, or the need for food to feed their families. She has contributed her time and talent to numerous community-based organizations over the years.

Throughout my years as an elected official, Ms. James has been a staunch supporter, friend and confidante. She is a true professional with a creative genius that has garnered many friends from all walks of life. Before my election to Congress, I had the privilege of working with Ms. James at Prudential Insurance Company in Newark, where she impressed me with her enormous energy, intelligence and tenacity. During my tenure on the Essex County Board of Chosen Freeholders, Maxine generously volunteered her services on several committees doing work to benefit the local community.

When I was elected to the office of Newark Municipal Council in the early 1980's, Maxine joined my team and did an excellent job running my office and providing assistance to the residents of the South Ward over the course of 7 years. In 1988, upon my election to Congress, I selected Ms. James to be my Chief of Staff, and she continues in that role today. Her loyalty is admirable and her dedication is unparalleled. She is indeed "one of a kind" and it is my good fortune to have benefited from that distinction.

Ms. James is the mother of two children, Chris and Brian, and the proud grandmother of two, Olivia and Malcolm.

Mr. Speaker, I know my colleagues join me in extending best wishes to Ms. Maxine James as she is inducted into the Essex County Hall of Fame. I am pleased to congratulate her on this very special award and wish her all the best as she continues her public service.

TRIBUTE TO MR. JOEL M. CARP

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. Joel M. Carp who will soon retire from the Jewish Federation of Metropolitan Chicago after 28 years of service to that organization. Through the Jewish Federation, Mr. Carp has supported the organization's goals of supporting local, national and international services in regards to human welfare.

Mr. Carp is an advocate for sound public social policy and has written over 30 articles pertaining to social work, social planning and refugee resettlement. Throughout his career, Mr. Carp has collaborated with the City of Chicago Mayor's Task Force on issues from hunger to homelessness. Additionally, Mr. Carp was appointed to work with the City of Chicago on welfare reform.

Previous to his work with the Jewish Federation, Mr. Carp devoted 20 years to the Jewish Community Field Center. Mr. Carp has worked in partnership with various organizations such as HIAS, NYANA and OMB Watch to champion for societal improvements. Moreover, Mr. Carp taught as a social work field-Professor at various universities in their graduate programs.

Mr. Carp is a man of integrity who keeps his word. At the request of my Chief of Staff Richard Boykin and Craig Roberts, Chief of Staff for Representative JOHN SHIMKUS, Mr. Carp organized an Illinois Chiefs of Staff delegation to visit Israel. During the visit, the Illinois Chiefs of Staff learned many interesting things about Israel and had the good fortune of meeting with the current Prime Minister Ehud Olmert.

Mr. Carp is highly esteemed for his social policy work and was recently presented with the Melvin A. Block Award for Professional Distinction. Mr. Carp is a pride to the Chicago community and his many years of work are incredibly appreciated. Mr. Speaker and my colleagues, please join with me and the residents of the Seventh Congressional District in saluting Mr. Carp for his achievements in the Jewish community, the Chicago-land area and the United States.

PERSONAL EXPLANATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. STUPAK. Mr. Speaker, last week I could not be present for votes on May 17–19 due to my son's graduation from a California law school.

If I had been present on May 17, I would have voted "no" on amendments to the Forest Emergency Recovery and Research Act, H.R. 4200 (rollcall votes 147, 148, 149, and 150). As a cosponsor of H.R. 4200, I would have voted "yes" on final passage of the bill (rollcall vote 151).

I would have voted "no" on the Marshall Rule to consider the budget (rollcall vote 152), "no" on the previous question (rollcall vote 153), and "no" on the rule to consider the Republican budget (rollcall vote 154). I would have voted "no" on the Watt Substitute (rollcall vote 155).

On May 18, I would have voted "no" on the Hensarling Substitute (rollcall vote 156).

I would have voted "yes" on the Spratt Democratic Substitute, which would have accumulated smaller deficits and less debt than the Republican budget, provided $6.5 billion more for Homeland Security and $8.6 billion more for veterans' health care over the next five years. In addition the substitute, would have provided $150 billion for middle class tax relief such as child tax credit, marriage penalty, and extension of 10% tax bracket (rollcall vote 157).

I would have voted "no" on final passage of the irresponsible Republican budget, which passed 218–210 (rollcall vote 158).

I would have voted "yes" on H. Res. 740, calling on the Government of the United Kingdom to immediately establish a full, independent public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane (rollcall vote 159).

I would have voted against the previous question and rule to consider the Interior Appropriations bill (rollcall votes 160 and 161).

I would have voted for H. Res. 795, which condemns the terrorist attacks in Dahab and Northern Sinai, Egypt (rollcall vote 162).

I would have voted for the Weiner Amendment to reopen the Statue of Liberty to the public, which passed 266–152 (rollcall vote 163). I would have voted "no" on the Poe Amendment to open the outer continental shelf to oil and natural gas drilling (rollcall vote 164). I would have voted for the Pallone Amendment to prohibit the EPA from finalizing changes to the Toxins Release Inventory, which collects and reports information on toxic substances (rollcall vote 165). I would have voted "no" on the Beauprez Amendment (rollcall vote 166). I would have voted "yes" on the Hinchey Amendment, which would require that any new leases for offshore oil and gas drilling include royalty payments if the price of oil or gas is over a certain threshold (rollcall vote 167).

I would have voted against the Chabot Amendment, which would prohibit funds for new logging roads in the Tongass National Forest in Alaska (rollcall vote 168).

I would have voted for the Oberstar Amendment to prohibit the EPA from enforcing guidelines set 3 years ago that significantly limit the applicability of the Clean Water Act to streams, ponds, and wetlands (rollcall vote 169).

I would have voted "yes" on the Putnam/Capps amendment to reinstate the bipartisan moratorium on drilling in the Outer Continental Shelf (rollcall vote 170).

I would have voted "no" on the Hefley Amendment, which would provide a one percent across-the-board cut to all programs funded in the Interior Appropriations bill (rollcall vote 171).

I would have voted for final passage of the Interior Appropriations bill given the significant improvements made to the bill by the passage of the Hinchey, Oberstar, and Putnam/Capps amendments (rollcall vote 172).

On May 19, I would have voted "no" on the Previous Question and passage of the rule for consideration of the Military Construction and Quality of Life Appropriations bill (rollcall votes 173 and 174). I would have voted "no" on the Blumenauer Amendment which would have cut $440 million from the BRAC Base Closure account (rollcall vote 175).

I would have voted for final passage of the Military Construction and Quality of Life Appropriations bill (rollcall vote 176).

JEWISH AMERICAN HERITAGE MONTH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. WAXMAN. Mr. Speaker, it is an honor and pleasure to rise in recognition of Jewish American Heritage Month, which was inaugurated this year to be celebrated annually during the month of May.

Jewish American Heritage Month is a special opportunity to celebrate Judaism not only as a religion, but a culture that is rich in history, tradition, and flavor. The American Jewish Community has made significant contributions to our society and has helped weave the fabric of American life.

In 1833, it was a Jewish immigrant, Emma Lazarus, who composed the poem "The New Colossus" as part of a fundraising campaign to erect the Statue of Liberty. The monument was later inscribed with her words, "Give me your tired, your poor, your huddled masses yearning to breathe free." These words have come to symbolize America's role as a haven for all who seek opportunities and freedom from persecution, including hundreds of thousands of Jewish immigrants who arrived at our shores.

My own grandparents came in the early 1900s from what is now Maldova after escaping hardship and pogroms. They settled in a working-class Jewish neighborhood in Los Angeles much like other communities that sprang up in major cities around the country. They lived amid a tight-knit community of kosher butchers, synagogues, and Jewish businesses, where Yiddish was often heard on the streets.

Although sometimes criticized for their insularity, these ethnic neighborhoods epitomized the values of charity and community service, building a safety net long before Medicaid, Medicare and Social Security came into existence. In this regard, Jewish Los Angeles has an impressive history. The Jewish Family Service of Los Angeles (JFS), established in 1854, was one of the first umbrella organizations of its kind to support comprehensive support services like a food pantry, care for the elderly, and assistance for the unemployed.

The community in Los Angeles also earned distinction for its openness and diversity. A special milestone being celebrated in my district this year is the 100th anniversary of Sinai Temple, which is the oldest Conservative congregation west of the Mississippi. L.A. is now home to the University of Judaism, Hebrew Union College, and an array of synagogues and schools from all streams of Jewish religious practice.

Of course, Jewish Los Angeles is perhaps best recognized for the many Jewish entrepreneurs and entertainers who have taken on prominent roles as producers, actors, recording artists and media personalities. Jewish Americans also made their mark in education, science, economics, literature and many other arenas. More than a third of U.S. Nobel Prize winners in science or economics have been Jewish. There have been 18 Jewish Recipients of the Congressional Medal of Honor. While Jews in the United States have also suffered periods of discrimination and anti-Semitism, the community has persevered as a champion of civil rights, tolerance and religious freedom. It is often said that Jews living in America are freer, safer, and more prosperous than at any time or place in Jewish history.

One reason it is particularly fitting that this month has been chosen to honor Jewish American Heritage Month is that May 5th is the anniversary of the founding of the State of Israel. The United States was the first major country to officially recognize the fledgling Jewish State. Our relationship has been cemented through robust economic ties and strong military cooperation, and an enduring partnership based on democratic values.

Although Jews account for barely two percent of the population, there are today more Jews living in the United States than any other country outside of Israel. I welcome the designation of Jewish American Heritage Month and the opportunity for all Americans to learn about the contributions made by one of our nation's most vocal and vibrant minorities.

AGRICULTURE APPROPRIATIONS ACT FOR FISCAL YEAR 2007

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. HOLDEN. Mr. Chairman, I am greatly concerned about cuts that have been made to Farm Bill programs through this agriculture appropriations bill. I believe that using mandatory Farm Bill money to pay for an annual spending bill is unacceptable, and it's simply not fair to our farmers.

Appropriators and authorizers have long fought over mandatory and discretionary dollars; however, since 2004, we've seen a large increase in the amount of mandatory money used to pay for programs in the appropriations bill. We all worked very hard during the last Farm Bill. We agreed and put together a safety net for all farmers, and dedicated money to conservation, rural development, and other programs, but have since witnessed a significant portion of our annual funding be redirected.

With falling farm income because of higher energy and production costs, along with lower farm gate prices, now is the worst time to cut this funding for our agricultural producers. I'm worried about dropping the bottom out from underneath our agricultural producers and rural citizens through cuts to conservation and rural development programs, which have already taken disproportionate reductions in funding.

Conservation programs assist our farmers and ranchers in strengthening their environmental stewardship, which is so important for looking after land and water that we will pass on to our future generations. By investing in enhanced environmental protection of land and water, the public benefits from an overall improved quality of life; affordable food, cleaner, safer, and more dependable water supplies; reduced damages caused by floods and other natural disasters; abundant wildlife; scenic landscapes and an enhanced natural resource base. Cutting important conservation programs while we're facing a huge backlog of producers waiting to participate in these programs will hinder these efforts.

I am especially concerned about cuts to the Farm and Ranch Lands Protection program. Since 1996, the program, in partnership with state and local governments and nongovernmental organizations, has kept over 440,000 acres of productive farmland in agricultural uses. FRPP is an excellent way of preserving farmland for many years to come, and helps provide a means for maintaining a viable rural economy.

Additionally, rural development programs are vital to ensuring that our traditionally-agriculturally based communities do not simply vanish because of farm and job loss. I am concerned about cuts to an important rural development program that assists farmers in adding value to their products. Rural development initiatives help to advance our rural communities, develop new markets, and provide economic growth.

Mr. Chairman, I respect the appropriators in the difficult task they have been given in this tight budget climate, but I ask that they respect the funding amounts put forth in the Farm Bill, and not make cuts to mandatory programs.

HONORING RICHARD SHOEMAKER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 23, 2006

Mr. LEVIN. Mr. Speaker, this June will witness the retirement of Richard Shoemaker after an unusually illustrious career in the American labor movement.

He rose from an eighteen-year-old worker at John Deere in Illinois to serve three terms as vice-president of the United Auto Workers.

He rose up the ranks on the basis of his strong talents of mind and spirit. No matter what rung he was on, he never forgot where he started.

The result was an exceptional dedication to work for the well-being of his fellow and sister workers. He was proud that the labor movement, of which he was a vital part, was playing a key role in creating a strong middle class in America, one that gave workers a chance to obtain what many of their parents dreamed for their children to have, and which so many did not possess before the labor movement—a truly decent wage, decent health care, some security for their retirement, and educational opportunity for their children.

That was infused in his work as a President of his local at the age of 27, as an international representative appointed at the age of 30 by Walter Reuther, and in key administrative posts for UAW vice president Steve Yokich and President Owen Bieber.

He was called upon to tackle tough issues. Some years ago it was the effort to resolve a long conflict in labor management relations at Caterpillar.

Greater challenges still lay ahead. The American auto industry is now tackling perhaps the most dramatic challenges in its history. As vice-president of the UAW for GM and Delphi, Dick Shoemaker is in the very center of the storm, using his deep talents, intelligence and experience to work toward answers that can sustain the domestic auto industry that he loves and helped build, while remaining faithful to the workers to whom he has dedicated his life's work.

Dick Shoemaker also learned early on the lesson that what goes on in the public sector and government can vitally affect any efforts and gains obtained in negotiations in the private sector. So he assumed a variety of major political responsibilities on behalf of the Union and in the Democratic Party. During these decades of unusual challenge, commitment, and achievement, Dick has been blessed by a wonderful partner, his wife Mary.

This Thursday, May 25, there will be a dinner held to give full tribute on his retirement to Dick Shoemaker. Mr. Speaker, I speak not only for myself as an admirer and friend, but I know for many, many others who say to Dick Shoemaker—congratulations on an illustrious career leaving its major mark on many yesterdays, and for many tomorrows.

SENATE—*Wednesday, May 24, 2006*

The Senate met at 8:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Sovereign Lord, we magnify Your Name. Your fairness is intertwined with everything You do. You possess absolute purity, holiness, and justice.

Bless the Members of this legislative body. Encourage them when courage fails, and comfort them when comfort flees. Lift them when they fall, and set their feet on the path of Your providence. Give them new hope when they feel hopeless, and lighten the darkness when they feel despair.

We pray for those who mourn, particularly the families of former Senators Hecht and Bentsen.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning we are getting an early start, and we will shortly resume debate on the immigration bill. In just a moment, I will offer an amendment relating to photo identifications. The time until 9:30 a.m. will be equally divided for debate on that amendment. At 9:30, we will proceed to a rollcall vote on the McConnell amendment. That vote will be followed by a vote on invoking cloture on the comprehensive immigration bill. Following that cloture vote, the Senate will recess to attend a joint meeting with the House to hear an address by the Prime Minister of Israel.

Obviously, we expect another full day considering immigration-related amendments, and we will have rollcalls periodically all day.

MINE IMPROVEMENT AND NEW EMERGENCY RESPONSE ACT OF 2006

Mr. MCCONNELL. Mr. President, this is an important coal mine safety bill which has been cleared on both sides of the aisle.

I commend Senator KENNEDY and Senator ENZI for their extraordinary effort in putting this measure together on a broad bipartisan basis. As I indicated, it has been cleared on both sides of the aisle. It is time to pass this measure and hope that the House will act in short order.

Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 439, S. 2803.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2803) to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mine Improvement and New Emergency Response Act of 2006" or the "MINER Act".

SEC. 2. EMERGENCY RESPONSE.

Section 316 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 876) is amended—

(1) in the section heading by adding at the end the following: "AND EMERGENCY RESPONSE PLANS";

(2) by striking "Telephone" and inserting "(a) IN GENERAL.—Telephone"; and

(3) by adding at the end the following:

"(b) ACCIDENT PREPAREDNESS AND RESPONSE.—

"(1) IN GENERAL.—Each underground coal mine operator shall carry out on a continuing basis a program to improve accident preparedness and response at each mine.

"(2) RESPONSE AND PREPAREDNESS PLAN.—

"(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, each underground coal mine operator shall develop and adopt a written accident response plan that complies with this subsection with respect to each mine of the operator, and periodically update such plans to reflect changes in operations in the mine, advances in technology, or other relevant considerations. Each such operator shall make the accident response plan available to the miners and the miners' representatives.

"(B) PLAN REQUIREMENTS.—An accident response plan under subparagraph (A) shall—

"(i) provide for the evacuation of all individuals endangered by an emergency; and

"(ii) provide for the maintenance of individuals trapped underground in the event that miners are not able to evacuate the mine.

"(C) PLAN APPROVAL.—The accident response plan under subparagraph (A) shall be subject to review and approval by the Secretary. In determining whether to approve a particular plan the Secretary shall take into consideration all comments submitted by miners or their representatives. Approved plans shall—

"(i) afford miners a level of safety protection at least consistent with the existing standards, including standards mandated by law and regulation;

"(ii) reflect the most recent credible scientific research;

"(iii) be technologically feasible, make use of current commercially available technology, and account for the specific physical characteristics of the mine; and

"(iv) reflect the improvements in mine safety gained from experience under this Act and other worker safety and health laws.

"(D) PLAN REVIEW.—The accident response plan under subparagraph (A) shall be reviewed periodically, but at least every 6 months, by the Secretary. In such periodic reviews, the Secretary shall consider all comments submitted by miners or miners' representatives and intervening advancements in science and technology that could be implemented to enhance miners' ability to evacuate or otherwise survive in an emergency.

"(E) PLAN CONTENT-GENERAL REQUIREMENTS.—To be approved under subparagraph (C), an accident response plan shall include the following:

"(i) POST-ACCIDENT COMMUNICATIONS.—The plan shall provide for a redundant means of communication with the surface for persons underground, such as secondary telephone or equivalent two-way communication.

"(ii) POST-ACCIDENT TRACKING.—Consistent with commercially available technology and with the physical constraints, if any, of the mine, the plan shall provide for above ground personnel to determine the current, or immediately pre-accident, location of all underground personnel. Any system so utilized shall be functional, reliable, and calculated to remain serviceable in a post-accident setting.

"(iii) POST-ACCIDENT BREATHABLE AIR.—The plan shall provide for—

"(I) emergency supplies of breathable air for individuals trapped underground sufficient to maintain such individuals for a sustained period of time;

"(II) in addition to the 2 hours of breathable air per miner required by law under the emergency temporary standard as of the day before the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, caches of self-rescuers providing in the aggregate not less than 2 hours per miner to be kept in escapeways from the deepest work area to the surface at a distance of no further than an average miner could walk in 30 minutes;

"(III) a maintenance schedule for checking the reliability of self rescuers, retiring older self-rescuers first, and introducing new self-rescuer technology, such as units with interchangeable air or oxygen cylinders not requiring doffing to replenish airflow and units with supplies of greater than 60 minutes, as they are approved by the Administration and become available on the market; and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

“(IV) training for each miner in proper procedures for donning self-rescuers, switching from one unit to another, and ensuring a proper fit.

“(iv) POST-ACCIDENT LIFELINES.—The plan shall provide for the use of flame-resistant directional lifelines or equivalent systems in escapeways to enable evacuation. The flame-resistance requirement of this clause shall apply upon the replacement of existing lifelines, or, in the case of lifelines in working sections, upon the earlier of the replacement of such lifelines or 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

“(v) TRAINING.—The plan shall provide a training program for emergency procedures described in the plan which will not diminish the requirements for mandatory health and safety training currently required under section 115.

“(vi) LOCAL COORDINATION.—The plan shall set out procedures for coordination and communication between the operator, mine rescue teams, and local emergency response personnel and make provisions for familiarizing local rescue personnel with surface functions that may be required in the course of mine rescue work.

“(F) PLAN CONTENT-SPECIFIC REQUIREMENTS.—

“(i) IN GENERAL.—In addition to the content requirements contained in subparagraph (E), and subject to the considerations contained in subparagraph (C), the Secretary may make additional plan requirements with respect to any of the content matters.

“(ii) POST ACCIDENT COMMUNICATIONS.—Not later than 3 years after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, a plan shall, to be approved, provide for post accident communication between underground and surface personnel via a wireless two-way medium, and provide for an electronic tracking system permitting surface personnel to determine the location of any persons trapped underground or set forth within the plan the reasons such provisions can not be adopted. Where such plan sets forth the reasons such provisions can not be adopted, the plan shall also set forth the operator’s alternative means of compliance. Such alternative shall approximate, as closely as possible, the degree of functional utility and safety protection provided by the wireless two-way medium and tracking system referred to in this subpart.

“(G) PLAN DISPUTE RESOLUTION.—

“(i) IN GENERAL.—Any dispute between the Secretary and an operator with respect to the content of the operator’s plan or any refusal by the Secretary to approve such a plan shall be resolved on an expedited basis.

“(ii) DISPUTES.—In the event of a dispute or refusal described in clause (i), the Secretary shall issue a citation which shall be immediately referred to a Commission Administrative Law Judge. The Secretary and the operator shall submit all relevant material regarding the dispute to the Administrative Law Judge within 15 days of the date of the referral. The Administrative Law Judge shall render his or her decision with respect to the plan content dispute within 15 days of the receipt of the submission.

“(iii) FURTHER APPEALS.—A party adversely affected by a decision under clause (ii) may pursue all further available appeal rights with respect to the citation involved, except that inclusion of the disputed provision in the plan will not be limited by such appeal unless such relief is requested by the operator and permitted by the Administrative Law Judge.

“(H) MAINTAINING PROTECTIONS FOR MINERS.—Notwithstanding any other provision of this Act, nothing in this section, and no response and preparedness plan developed under this section, shall be approved if it reduces the protection afforded miners by an existing mandatory health or safety standard.”.

SEC. 3. INCIDENT COMMAND AND CONTROL.

Title I of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811 et seq.) is amended by adding at the end the following:

“SEC. 116. LIMITATION ON CERTAIN LIABILITY FOR RESCUE OPERATIONS.

“(a) IN GENERAL.—No person shall bring an action against any covered individual or his or her regular employer for property damage or an injury (or death) sustained as a result of carrying out activities relating to mine accident rescue or recovery operations. This subsection shall not apply where the action that is alleged to result in the property damages or injury (or death) was the result of gross negligence, reckless conduct, or illegal conduct or, where the regular employer (as such term is used in this Act) is the operator of the mine at which the rescue activity takes place. Nothing in this section shall be construed to preempt State workers’ compensation laws.

“(b) COVERED INDIVIDUAL.—For purposes of subsection (a), the term ‘covered individual’ means an individual—

“(1) who is a member of a mine rescue team or who is otherwise a volunteer with respect to a mine accident; and

“(2) who is carrying out activities relating to mine accident rescue or recovery operations.

“(c) REGULAR EMPLOYER.—For purposes of subsection (a), the term ‘regular employer’ means the entity that is the covered employee’s legal or statutory employer pursuant to applicable State law.”.

SEC. 4. MINE RESCUE TEAMS.

Section 115(e) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 825(e)) is amended—

(1) by inserting “(1)” after the subsection designation; and

(2) by adding at the end the following:

“(2)(A) The Secretary shall issue regulations with regard to mine rescue teams which shall be finalized and in effect not later than 18 months after the date of enactment of the Mine Improvement and New Emergency Response Act of 2006.

“(B) Such regulations shall provide for the following:

“(i) That such regulations shall not be construed to waive operator training requirements applicable to existing mine rescue teams.

“(ii) That the Mine Safety and Health Administration shall establish, and update every 5 years thereafter, criteria to certify the qualifications of mine rescue teams.

“(iii)(I) That the operator of each underground coal mine with more than 36 employees—

“(aa) have an employee knowledgeable in mine emergency response who is employed at the mine on each shift at each underground mine; and

“(bb) make available two certified mine rescue teams whose members—

“(AA) are familiar with the operations of such coal mine;

“(BB) participate at least annually in two local mine rescue contests;

“(CC) participate at least annually in mine rescue training at the underground coal mine covered by the mine rescue team; and

“(DD) are available at the mine within one hour ground travel time from the mine rescue station.

“(II)(aa) For the purpose of complying with subclause (I), an operator shall employ one team that is either an individual mine site mine rescue team or a composite team as provided for in item (bb)(BB).

“(bb) The following options may be used by an operator to comply with the requirements of item (aa):

“(AA) An individual mine-site mine rescue team.

“(BB) A multi-employer composite team that is made up of team members who are knowledgeable about the operations and ventilation of the covered mines and who train on a semi-annual basis at the covered underground coal mine—

“(aaa) which provides coverage for multiple operators that have team members which include at least two active employees from each of the covered mines;

“(bbb) which provides coverage for multiple mines owned by the same operator which members include at least two active employees from each mine; or

“(ccc) which is a State-sponsored mine rescue team comprised of at least two active employees from each of the covered mines.

“(CC) A commercial mine rescue team provided by contract through a third-party vendor or mine rescue team provided by another coal company, if such team—

“(aaa) trains on a quarterly basis at covered underground coal mines;

“(bbb) is knowledgeable about the operations and ventilation of the covered mines; and

“(ccc) is comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.

“(DD) A State-sponsored team made up of State employees.

“(iv) That the operator of each underground coal mine with 36 or less employees shall—

“(I) have an employee on each shift who is knowledgeable in mine emergency responses; and

“(II) make available two certified mine rescue teams whose members—

“(aa) are familiar with the operations of such coal mine;

“(bb) participate at least annually in two local mine rescue contests;

“(cc) participate at least semi-annually in mine rescue training at the underground coal mine covered by the mine rescue team;

“(dd) are available at the mine within one hour ground travel time from the mine rescue station;

“(ee) are knowledgeable about the operations and ventilation of the covered mines; and

“(ff) are comprised of individuals with a minimum of 3 years underground coal mine experience that shall have occurred within the 10-year period preceding their employment on the contract mine rescue team.”.

SEC. 5. PROMPT INCIDENT NOTIFICATION.

(a) IN GENERAL.—Section 103(j) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 813(j)) is amended by inserting after the first sentence the following: “For purposes of the preceding sentence, the notification required shall be provided by the operator within 15 minutes of the time at which the operator realizes that the death of an individual at the mine, or an injury or entrapment of an individual at the mine which has a reasonable potential to cause death, has occurred.”.

(b) PENALTY.—Section 110(a) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820(a)) is amended—

(1) by striking “The operator” and inserting “(1) The operator”; and

(2) by adding at the end the following:

“(2) The operator of a coal or other mine who fails to provide timely notification to the Secretary as required under section 103(j) (relating to the 15 minute requirement) shall be assessed a civil penalty by the Secretary of not less than $5,000 and not more than $60,000.”.

SEC. 6. NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH.

(a) GRANTS.—Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end the following:

"(h) Office of Mine Safety and Health.—

"(1) In general.—There shall be permanently established within the Institute an Office of Mine Safety and Health which shall be administered by an Associate Director to be appointed by the Director.

"(2) Purpose.—The purpose of the Office is to enhance the development of new mine safety technology and technological applications and to expedite the commercial availability and implementation of such technology in mining environments.

"(3) Functions.—In addition to all purposes and authorities provided for under this section, the Office of Mine Safety and Health shall be responsible for research, development, and testing of new technologies and equipment designed to enhance mine safety and health. To carry out such functions the Director of the Institute, acting through the Office, shall have the authority to—

"(A) award competitive grants to institutions and private entities to encourage the development and manufacture of mine safety equipment;

"(B) award contracts to educational institutions or private laboratories for the performance of product testing or related work with respect to new mine technology and equipment; and

"(C) establish an interagency working group as provided for in paragraph (5).

"(4) Grant authority.—To be eligible to receive a grant under the authority provided for under paragraph (3)(A), an entity or institution shall—

"(A) submit to the Director of the Institute an application at such time, in such manner, and containing such information as the Director may require; and

"(B) include in the application under subparagraph (A), a description of the mine safety equipment to be developed and manufactured under the grant and a description of the reasons that such equipment would otherwise not be developed or manufactured, including reasons relating to the limited potential commercial market for such equipment.

"(5) Interagency working group.—

"(A) Establishment.—The Director of the Institute, in carrying out paragraph (3)(D) shall establish an interagency working group to share technology and technological research and developments that could be utilized to enhance mine safety and accident response.

"(B) Membership.—The working group under subparagraph (A) shall be chaired by the Associate Director of the Office who shall appoint the members of the working group, which may include representatives of other Federal agencies or departments as determined appropriate by the Associate Director.

"(C) Duties.—The working group under subparagraph (A) shall conduct an evaluation of research conducted by, and the technological developments of, agencies and departments who are represented on the working group that may have applicability to mine safety and accident response and make recommendations to the Director for the further development and eventual implementation of such technology.

"(6) Annual report.—Not later than 1 year after the establishment of the Office under this subsection, and annually thereafter, the Director of the Institute shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives a report that, with respect to the year involved, describes the new mine safety technologies and equipment that have been studied, tested, and certified for use, and with respect to those instances of technologies and equipment that have been considered but not yet certified for use, the reasons therefore.

"(7) Authorization of appropriations.—There is authorized to be appropriated, such sums as may be necessary to enable the Institute and the Office of Mine Safety and Health to carry out this subsection.".

SEC. 7. REQUIREMENT CONCERNING FAMILY LIAISONS.

The Secretary of Labor shall establish a policy that—

(1) requires the temporary assignment of an individual Department of Labor official to be a liaison between the Department and the families of victims of mine tragedies involving multiple deaths;

(2) requires the Mine Safety and Health Administration to be as responsive as possible to requests from the families of mine accident victims for information relating to mine accidents; and

(3) requires that in such accidents, that the Mine Safety and Health Administration shall serve as the primary communicator with the operator, miners' families, the press and the public.

SEC. 8. PENALTIES.

(a) In General.—Section 110 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 820) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following:

"(2) Any operator who willfully violates a mandatory health or safety standard, or knowingly violates or fails or refuses to comply with any order issued under section 104 and section 107, or any order incorporated in a final decision issued under this title, except an order incorporated in a decision under paragraph (1) or section 105(c), shall, upon conviction, be punished by a fine of not more than $250,000, or by imprisonment for not more than one year, or by both, except that if the conviction is for a violation committed after the first conviction of such operator under this Act, punishment shall be by a fine of not more than $500,000, or by imprisonment for not more than five years, or both.

"(3)(A) The minimum penalty for any citation or order issued under section 104(d)(1) shall be $2,000.

"(B) The minimum penalty for any order issued under section 104(d)(2) shall be $4,000.

"(4) Nothing in this subsection shall be construed to prevent an operator from obtaining a review, in accordance with section 106, of an order imposing a penalty described in this subsection. If a court, in making such review, sustains the order, the court shall apply at least the minimum penalties required under this subsection."; and

(2) by adding at the end of subsection (b) the following: "Violations under this section that are deemed to be flagrant may be assessed a civil penalty of not more than $220,000. For purposes of the preceding sentence, the term 'flagrant' with respect to a violation means a reckless or repeated failure to make reasonable efforts to eliminate a known violation of a mandatory health or safety standard that substantially and proximately caused, or reasonably could have been expected to cause, death or serious bodily injury.".

(b) Regulations.—Not later than December 30, 2006, the Secretary of Labor shall promulgate final regulations with respect to penalties.

SEC. 9. FINE COLLECTIONS.

Section 108(a)(1)(A) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 818(a)(1)(A)) is amended by inserting before the comma, the following: ", or fails or refuses to comply with any order or decision, including a civil penalty assessment order, that is issued under this Act".

SEC. 10. SEALING OF ABANDONED AREAS.

Not later than 18 months after the issuance by the Mine Safety and Health Administration of a final report on the Sago Mine accident or the date of enactment of the Mine Improvement and New Emergency Response Act of 2006, whichever occurs earlier, the Secretary of Labor shall finalize mandatory heath and safety standards relating to the sealing of abandoned areas in underground coal mines. Such health and safety standards shall provide for an increase in the 20 psi standard currently set forth in section 75.335(a)(2) of title 30, Code of Federal Regulations.

SEC. 11. TECHNICAL STUDY PANEL.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.) is amended by adding at the end the following:

"SEC. 514. TECHNICAL STUDY PANEL.

"(a) Establishment.—There is established a Technical Study Panel (referred to in this section as the 'Panel') which shall provide independent scientific and engineering review and recommendations with respect to the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

"(b) Membership.—The Panel shall be composed of—

"(1) two individuals to be appointed by the Secretary of Health and Human Services, in consultation with the Director of the National Institute for Occupational Safety and Health and the Associate Director of the Office of Mine Safety;

"(2) two individuals to be appointed by the Secretary of Labor, in consultation with the Assistant Secretary for Mine Safety and Health; and

"(3) two individuals, one to be appointed jointly by the majority leaders of the Senate and House of Representatives and one to be appointed jointly by the minority leader of the Senate and House of Representatives, each to be appointed prior to the sine die adjournment of the second session of the 109th Congress.

"(c) Qualifications.—Four of the six individuals appointed to the Panel under subsection (b) shall possess a masters or doctoral level degree in mining engineering or another scientific field demonstrably related to the subject of the report. No individual appointed to the Panel shall be an employee of any coal or other mine, or of any labor organization, or of any State or Federal agency primarily responsible for regulating the mining industry.

"(d) Report.—

"(1) In general.—Not later than 1 year after the date on which all members of the Panel are appointed under subsection (b), the Panel shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the utilization of belt air and the composition and fire retardant properties of belt materials in underground coal mining.

"(2) Response by secretary.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

"(e) Compensation.—Members appointed to the panel, while carrying out the duties of the Panel shall be entitled to receive compensation, per diem in lieu of subsistence, and travel expenses in the same manner and under the same conditions as that prescribed under section 208(c) of the Public Health Service Act.".

SEC. 12. SCHOLARSHIPS.

Title V of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 et seq.), as amended by section 11, is further amended by adding at the end the following:

"SEC. 515. SCHOLARSHIPS.

"(a) ESTABLISHMENT.—The Secretary of Education (referred to in this section as the 'Secretary'), in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall establish a program to provide scholarships to eligible individuals to increase the skilled workforce for both private sector coal mine operators and mine safety inspectors and other regulatory personnel for the Mine Safety and Health Administration.

"(b) FUNDAMENTAL SKILLS SCHOLARSHIPS.—

"(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in 2-year associate's degree programs at community colleges or other colleges and universities that focus on providing the fundamental skills and training that is of immediate use to a beginning coal miner.

"(2) SKILLS.—The skills described in paragraph (1) shall include basic math, basic health and safety, business principles, management and supervisory skills, skills related to electric circuitry, skills related to heavy equipment operations, and skills related to communications.

"(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

"(A) have a high school diploma or a GED;

"(B) have at least 2 years experience in full-time employment in mining or mining-related activities;

"(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

"(D) demonstrate an interest in working in the field of mining and performing an internship with the Mine Safety and Health Administration or the National Institute for Occupational Safety and Health Office of Mine Safety.

"(c) MINE SAFETY INSPECTOR SCHOLARSHIPS.—

"(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarship to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree programs at accredited colleges or universities that provide the skills needed to become mine safety inspectors.

"(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

"(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

"(A) have a high school diploma or a GED;

"(B) have at least 5 years experience in full-time employment in mining or mining-related activities;

"(C) submit to the Secretary an application at such time, in such manner, and containing such information; and

"(D) agree to be employed for a period of at least 5 years at the Mine Safety and Health Administration or, to repay, on a pro-rated basis, the funds received under this program, plus interest, at a rate established by the Secretary upon the issuance of the scholarship.

"(d) ADVANCED RESEARCH SCHOLARSHIPS.—

"(1) IN GENERAL.—Under the program under subsection (a), the Secretary may award scholarships to fully or partially pay the tuition costs of eligible individuals enrolled in undergraduate bachelor's degree, masters degree, and Ph.D. degree programs at accredited colleges or universities that provide the skills needed to augment and advance research in mine safety and to broaden, improve, and expand the universe of candidates for mine safety inspector and other regulatory positions in the Mine Safety and Health Administration.

"(2) SKILLS.—The skills described in paragraph (1) include skills developed through programs leading to a degree in mining engineering, civil engineering, mechanical engineering, electrical engineering, industrial engineering, environmental engineering, industrial hygiene, occupational health and safety, geology, chemistry, or other fields of study related to mine safety and health work.

"(3) ELIGIBILITY.—To be eligible to receive a scholarship under this subsection an individual shall—

"(A) have a bachelor's degree or equivalent from an accredited 4-year institution;

"(B) have at least 5 years experience in full-time employment in underground mining or mining-related activities; and

"(C) submit to the Secretary an application at such time, in such manner, and containing such information.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 13. RESEARCH CONCERNING REFUGE ALTERNATIVES.

(a) IN GENERAL.—The National Institute of Occupational Safety and Health shall provide for the conduct of research, including field tests, concerning the utility, practicality, survivability, and cost of various refuge alternatives in an underground coal mine environment, including commercially-available portable refuge chambers.

(b) REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the National Institute for Occupational Safety and Health shall prepare and submit to the Secretary of Labor, the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report concerning the results of the research conducted under subsection (a), including any field tests.

(2) RESPONSE BY SECRETARY.—Not later than 180 days after the receipt of the report under paragraph (1), the Secretary of Labor shall provide a response to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives containing a description of the actions, if any, that the Secretary intends to take based upon the report, including proposing regulatory changes, and the reasons for such actions.

SEC. 14. BROOKWOOD-SAGO MINE SAFETY GRANTS.

(a) IN GENERAL.—The Secretary of Labor shall establish a program to award competitive grants for education and training, to be known as Brookwood-Sago Mine Safety Grants, to carry out the purposes of this section.

(b) PURPOSES.—It is the purpose of this section, to provide for the funding of education and training programs to better identify, avoid, and prevent unsafe working conditions in and around mines.

(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1) be a public or private nonprofit entity; and

(2) submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require.

(d) USE OF FUNDS.—Amounts received under a grant under this section shall be used to establish and implement education and training programs, or to develop training materials for employers and miners, concerning safety and health topics in mines, as determined appropriate by the Mine Safety and Health Administration.

(e) AWARDING OF GRANTS.—

(1) ANNUAL BASIS.—Grants under this section shall be awarded on an annual basis.

(2) SPECIAL EMPHASIS.—In awarding grants under this section, the Secretary of Labor shall give special emphasis to programs and materials that target workers in smaller mines, including training miners and employers about new Mine Safety and Health Administration standards, high risk activities, or hazards identified by such Administration.

(3) PRIORITY.—In awarding grants under this section, the Secretary of Labor shall give priority to the funding of pilot and demonstration projects that the Secretary determines will provide opportunities for broad applicability for mine safety.

(f) EVALUATION.—The Secretary of Labor shall use not less than 1 percent of the funds made available to carry out this section in a fiscal year to conduct evaluations of the projects funded under grants under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year, such sums as may be necessary to carry out this section.

● Mr. ENZI. Mr. President, I rise today to voice my support for the Mine Improvement and New Emergency Response Act of 2006. This legislation, The MINER Act, represents the most comprehensive overhaul of our Nation's mine safety laws in a generation.

S. 2803, was unanimously reported out last week by the Committee on Health, Education, Labor, and Pensions. It is the product of a truly bipartisan effort undertaken with the single goal of improving the safety of our Nation's miners. I would like to thank Senator KENNEDY, the ranking member of the HELP Committee, Senators ISAKSON and MURRAY, the chair and ranking member of the Subcommittee on Employment and Workplace Safety; and Senators BYRD and ROCKEFELLER of West Virginia for their long and tireless efforts in fashioning this legislation. I would also like to express my thanks to Senators DEWINE, SANTORUM, SPECTER, MCCONNELL, and BUNNING for their cosponsorship of this legislation.

This year we have witnessed a series of tragic losses in the coal mining community. The year began with the deadly accidents at the Sago and Alma mines in West Virginia. It continued this weekend with the deaths of five miners in a coal mine explosion in eastern Kentucky. Nothing we can do here can bring back those whose lives have been lost. We can, however, best honor those who have lost their lives by making such accidents less likely in the future, and making it more likely that miners will survive such accidents when they do occur. That is the aim of the MINER Act.

The MINER Act would require that coal mines develop and continuously update emergency response and preparedness plans that are designed to make mining accidents more survivable. These plans will incorporate technological advances designed to enhance surface to underground communication, to aid in the location of underground personnel, and to provide additional breathable air for miners that are trapped underground. The legislation codifies the requirements for mine rescue teams, affords protections for these heroic volunteers, and ensures that they, and other necessary Federal resources, will be promptly called upon when an emergency occurs.

The bill further recognizes that the development of mine safety technology, and the education and training of all those who work in the industry are vital elements in the effort to improve mine safety. Thus, the legislation enhances the mine safety research and development efforts of the National Institute of Occupational Safety and Health. It encourages private sector technology development, and speeds the approval of new equipment. It also provides a mechanism for sharing technical research and development among Federal agencies. The bill will also provide grants for additional safety training, and scholarship funds for mine safety related education.

In addition, the legislation recognizes the fact that despite the tragedies of this year, the safety record in the mining industry has been a good one that continues to improve. This has been due to the concerted efforts of State and Federal regulators, mine employees, and mine operators, the vast majority of whom are serious and steadfast in meeting their workplace safety responsibilities. However, there are a few operators that fall outside the mold; thus, the legislation contains enhanced penalty provisions targeted at these few "bad actors."

Those who work in our Nation's mines play a vital role in our country's economic well-being and energy security. They deserve our best efforts to provide for their protection as they perform their often dangerous work. I believe that the MINER Act does make major safety improvements that will better protect miners both today and in years to come.•

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to proceed for just 2 minutes on this issue.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I welcome the fact that the Senator from Kentucky has advanced this issue this morning and ensured that the legislation was going to be passed. I wish to pay tribute to my chairman, Senator ENZI. Within hours of the Sago mine disaster, he notified our committee that we would go as a committee down to visit the Sago mine. We spent hours with the families of Sago, came back immediately, had an informal hearing to get early reactions and responses about things that could be done immediately, and then structured a whole series of hearings. We had very extensive markups on those hearings.

This legislation has the strong support of the families and the strong support of the mine workers. I think it is a very clear indication that this Senate gives the highest possible priority to the workers and their families and safety and security.

We believe strongly that we should be tireless in pursuing new technologies which will provide additional kinds of safety and security to these miners. That process is outlined in the legislation. But this is a very clear message to the families that they are perhaps in the most dangerous undertaking which is absolutely essential in providing energy for our country. These are extraordinarily heroic men and women who work the mines. This Senate has responded, and we will respond to ensure to the extent legislatively we can that they will have safe and secure jobs.

I thank the Senator. I am grateful for the leadership of Senator ENZI.

Finally, during all of this period, we have been fortunate to have the tireless leadership of Senator ROBERT BYRD and JAY ROCKEFELLER. JAY ROCKEFELLER is recovering from a difficult operation, but he has been in constant touch with me and members of the committee and is following this legislation. Senator BYRD appeared before our committee, sat through the hearings, and has been instrumental in terms of developing the legislation and pressing and pushing us forward to make sure it is achieved.

I thank the Senator.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, it is my great pleasure to commend my colleagues for their quick action today in taking up and passing S. 2803, the Mine Improvement and Emergency Response Act, or the MINER Act, of 2006.

In passing this important legislation, the Senate has set the stage for the most dramatic improvement in coal mine safety in a generation. Before we can celebrate significant improvements in our mine safety laws, we must encourage our colleagues in the House to act as quickly as they can to pass mine safety legislation so that it can be sent to the President for his signature.

The recent mining deaths in the Commonwealth of Kentucky—five over the weekend and one yesterday—lend further credence to the truism that mine safety laws are written in the blood of coal miners. We began this year with the tragic deaths of 12 men at Sago mine in Upshur County, WV. Before we could even comprehend that immense loss, two more West Virginia miners lost their lives at the Alma mine in Logan County. These men—and miners who paid the ultimate price this year in West Virginia's Longbranch No. 18, Black Castle, Candice No. 2, and Jacob No. 1 mines, as well as at mines in Kentucky, Utah, Alabama, and Maryland—went to work each day knowing full well that mining is inherently dangerous.

The miners who died knew—and the miners who still go to work each day understand—the risks they face in fueling the American economy and providing better lives for their families. We can do nothing that adequately honors our fallen miners, but we can give the families who continue to send their loved ones to work underground a better chance of seeing their miners come home safely at shift's end.

The MINER Act will bring into the mines new technology to help trapped miners breathe after an accident and enable them to get out or wait to be rescued. It will introduce new communications equipment into mines to allow miners underground to benefit from information known to those at the surface that could save their lives. This legislation will make it more certain that, if there is an accident, highly trained mine rescue teams are available and familiar with the mines where they will called upon to save lives. It does not include every technology that I believe could be important to safeguarding miners as they do their work, but it is still groundbreaking legislation that addresses mine safety problems for the first time in a generation.

We could not have done this without the dedication and integrity of the distinguished chairman and ranking member of the Senate HELP Committee, MIKE ENZI and TED KENNEDY. Their understanding of the absolute necessity of tackling this issue made this legislation possible. I want to especially also thank Senators JOHNNY ISAKSON, PATTY MURRAY, and my colleague and Senior Senator, ROBERT C. BYRD. In the several months since Sago and Alma became places all Americans know, the persistence of these Senators has been crucial in moving this legislation forward. We can only hope that this bill will prevent future tragedies that could make other coal communities into household words.•

Mr. KENNEDY. I am pleased that the Senate has passed the Mine Improvement and New Emergency Response Act today, and I commend Chairman ENZI, Senator ISAKSON, and Senator MURRAY for their dedication in pursuing these safety protections. I also commend Senator BYRD and Senator ROCKEFELLER, who have been tireless in insisting on improvements in mine safety. This bill is the most significant improvement in mine safety by Congress in a generation.

Today's action was clearly necessary. The year began with the shocking tragedies at the Sago and Alma mines in West Virginia, where 14 coal miners were killed. Tragedy struck again last weekend in Kentucky, where five coal miners were killed at the Darby mine in Harlan County.

We will learn more in the weeks ahead from the ongoing investigations of these disasters. But many lessons are already painfully clear. The miners who died could have survived with adequate oxygen. But, their self-rescue units didn't work, and they had to share precious oxygen with each other.

They also had no realistic way to let rescuers outside know where they were. At Sago, they resorted to banging on pipes with sledge hammers, wasting precious energy and oxygen. This should never have happened and we need to be sure that it doesn't happen again.

The bill requires every company to have a comprehensive emergency response plan, so that companies and miners will know ahead of time how to respond. The bill sets stronger minimum safety standards for oxygen supplies, communications, tracking, lifelines, and training, and also requires companies to continuously reevaluate the safety of their mines. They must adapt their safety response plans to changes in their mining operations and advances in mine safety technology. Safety must no longer be a topic that companies address only in the wake of a disaster or a government directive. Plans to improve safety must be an enforceable day-to-day obligation of every mining operation.

As we saw at Sago and Darby, the time to determine whether a mine's oxygen supply is reliable can't just be after a tragedy. To address the recurring problems with oxygen supplies, the bill requires companies to provide at least two hours of oxygen for every miner, plus additional oxygen along evacuation routes and for trapped miners awaiting rescue. Companies will be required to inspect and replace these units regularly, so that no miner has an oxygen pack that doesn't work.

All mines will be required to have back-up telephone lines immediately available, and to adopt two-way wireless communications and electronic tracking systems as soon as possible. They will also have to install fire-resistant lifelines, to show miners to the best way out in an emergency.

One of the most moving aspects of the Sago and Alma response was the outpouring of support from other miners around the country. They wanted to do everything they could to rescue their brothers and sisters trapped underground. This bill guarantees that every mine in the country will have a person on staff who knows the mine and is trained in emergency response. It strengthens requirements for training mine rescue teams. The teams will practice in the mines they monitor, so that the first time they go into a mine will not be during an emergency.

The bill also reduces the time required for a rescue team to reach a mine to one hour from the current two hours. By providing good Samaritan-type liability protection for mine rescue team members and their regular employers, this bill will encourage more miners to participate in mine rescue teams and more employers to support them.

Even if we don't know why the seal at Sago failed, we know that it did. The initial reports from Darby suggest that a seal also failed there. We don't need another tragedy caused by a failed seal to know that the standard for seals must be improved. Our standards for these protective barriers lag far behind other developed nations. That is why this bill requires the Mine Safety and Health Administration to issue a new regulation in 18 months to improve these standards.

We also need greater incentives to prevent accidents from happening. Too many mining companies have been paying fines that cost less than parking tickets. Under this bill, companies can no longer treat violations of health and safety laws as a cost of doing business. We impose substantial new minimum penalties on companies that put miners at risk and do not take their obligation seriously to provide a safe workplace. These new penalties escalate when companies continue to ignore their safety obligations. The bill also makes clear that MSHA has the authority to shut down a mine that refuses to pay its fines.

Research is an important part of safety. The Navy has technologies to communicate with submarines on the bottom of the ocean. NASA can talk to people on the Moon. It is time to bring mine safety technology into the 21st century too. Our bill creates an interagency task force so that NIOSH will have the benefit of the advances made by other industries and agencies. It also creates two competitive grant programs: one to encourage the development and manufacture of mine safety equipment that the private sector might not otherwise find economically viable, and another to educate and train employers and miners to better identify, avoid, and prevent unsafe working conditions.

This bill is an important step in strengthening the response to mine emergencies. But there is more to be done. We have seen miners in other countries survive because of requirements that their mines have refuge chambers. Our bill requires MSHA and NIOSH to test refuge chambers to see if they should be used here to protect miners in a fire or explosion. It also addresses safety issues raised by ventilating mines with belt air, particularly the problem of fires on mine conveyor belts. The bill requires the Secretary of Labor to report to us on these problems, and I commend Senator ENZI and Senator ISAKSON for agreeing to work together and to hold hearings on these critical issues in the future.

We can't bring back the brave miners who have died this year. Today, however, we honor their memory by passing this legislation and we will honor them even more by following through to see that it is implemented as effectively as possible to make our mines safer.

The PRESIDENT pro tempore. Is there any further debate?

Without objection, the unanimous consent request is agreed to.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2803), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. McCONNELL. Mr. President, I have one further observation on the measure which we just passed.

I again congratulate the Senator from Massachusetts and Chairman ENZI for this important piece of legislation. This has been a tough few years in coal country—in Pennsylvania, West Virginia, and in Kentucky. As everyone knows, we just lost five miners last weekend. This legislation couldn't be more timely.

Again, I congratulate those on both sides of the aisle who made an important contribution to move this legislation out of the Senate and over to the House.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the Comprehensive Immigration Reform Act of 2006, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the time until 9:30 will be equally divided between the Senator from Kentucky, Mr. McCONNELL, and the Senator from Nevada, Mr. REID, or their designees.

AMENDMENT NO. 4085

Mr. McCONNELL. Mr. President, I call up amendment No. 4085.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 4085.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To implement the recommendation of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all United States citizens from ballots being cast illegally by non-United States citizens)

At the appropriate place, insert the following:

SEC. ____. IDENTIFICATION REQUIREMENTS.

(a) Requirement for Identification Cards to Include Citizenship Information.—Subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note) is amended by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and by inserting after paragraph (7) the following new paragraph:

"(8) An indication of whether the person is a United States citizen.".

(b) Identification Required for Voting in Person.—

(1) In general.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by redesignating sections 304 and 305 as sections 305 and 306, respectively, and by inserting after section 303 the following new section:

"SEC. 304. IDENTIFICATION OF VOTERS AT THE POLLS.

"(a) In General.—Notwithstanding the requirements of section 303(b), each State shall require individuals casting ballots in an election for Federal office in person to present before voting a current valid photo identification which is issued by a governmental entity and which meets the requirements of subsection (b) of section 202 of the REAL ID Act of 2005 (49 U.S.C. 30301 note).

"(b) Effective Date.—Each State shall be required to comply with the requirements of subsection (a) on and after May 11, 2008.".

(2) Conforming amendment.—Section 401 of the Help America Vote Act of 2002 (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(c) Funding for Free Photo Identifications.—Subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is amended by adding at the end the following:

"PART 7—PHOTO IDENTIFICATION

"SEC. 297. PAYMENTS FOR FREE PHOTO IDENTIFICATION.

"(a) In General.—In addition to any other payments made under this subtitle, the Election Assistance Commission shall make payments to States to promote the issuance to registered voters of free photo identifications for purposes of meeting the identification requirements of section 304.

"(b) Eligibility.—A State is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

"(1) a statement that the State intends to comply with the requirements of section 304; and

"(2) a description of how the State intends to use the payment under this part to provide registered voters with free photo identifications which meet the requirements of such section.

"(c) Use of Funds.—A State receiving a payment under this part shall use the payment only to provide free photo identification cards to registered voters who do not have an identification card that meets the requirements of section 304.

"(d) Allocation of Funds.—

"(1) In general.—The amount of the grant made to a State under this part for a year shall be equal to the product of—

"(A) the total amount appropriated for payments under this part for the year under section 298; and

"(B) an amount equal to—

"(i) the voting age population of the State (as reported in the most recent decennial census); divided by

"(ii) the total voting age population of all eligible States which submit an application for payments under this part (as reported in the most recent decennial census).

"SEC. 298. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—In addition to any other amounts authorized to be appropriated under this subtitle, there are authorized to be appropriated such sums as are necessary for the purpose of making payments under section 297.

"(b) Availability.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.".

Mr. McCONNELL. Mr. President, throughout this debate on immigration, we have been discussing what to do about illegal immigrants in the country today and what to do about those who will illegally pass our borders every day in the future. We have heard very valid concerns, which I share with my colleagues, about how best to deal with the security of the Nation. The number of illegal immigrants who currently reside in the United States has been estimated, as we all know, to be about 12 million people.

I rise today to express another area of concern which has not yet been addressed by the amendments thus far—that is voting. The U.S. Constitution secures the voting franchise only for citizens of our country. As close elections in the past have made abundantly clear, we must make certain that each vote is legally cast and counted. Imagine the impact of 12 million potentially illegal registered voters.

This problem was recently tackled by a bipartisan commission on election reform, which was chaired by former President Jimmy Carter and former Secretary of State James Baker. This was referred to as the Carter-Baker commission, named after these two American leaders.

They recognized that clean lists are key, but even more importantly they note that "election officials still need to make sure that the person arriving at the polling site is the same one that is named on the registration list." They note that "Photo IDs currently are needed to board a plane, enter Federal buildings, and cash a check. Voting is equally important." Again, those are the words of Jimmy Carter, James Baker, and their bipartisan commission.

Moreover, we not only need to ensure that those voting are those on the rolls but also that they are legally entitled to vote. As we said when we passed the Help America Vote Act a few years ago, on which I was proud to be the lead Republican, along with my good friend from Missouri, Senator Bond, and Senator Dodd, who was chairman of the Rules Committee at the time, the leader on the Democratic side, we want everyone who is legally entitled to vote to be able to vote and have that vote counted but to do so only once. In short, we wanted to make it easier to vote and harder to cheat. The key is to ensure that everyone who votes is legally entitled to do so.

The Carter-Baker commission's recommendations on voter identification are, first, to ensure that persons presenting themselves at the polling places are the ones on the registration list.

The commission recommends that States require voters to use the REAL ID card which was mandated in a law and signed by the President in May of 2005, just a year ago. The card includes a person's full name, date of birth, a signature captured as a digital image, a photograph, and the person's Social Security number. This card should be modestly adapted for voting purposes to indicate on the front or back whether the individual is a U.S. citizen. States should provide an Election Assistance Commission template identification with a photo to nondrivers free of charge.

Second, the commission said the right to vote is a vital component of U.S. citizenship, and all States should use their best efforts to obtain proof of citizenship before registering voters.

That is precisely what my amendment does—implements the recommendations of the Carter-Baker Commission on Federal Election Reform to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Further, for those who cannot afford an identification, I have included a grant program within this amendment to make identifications available free of charge.

Former mayor of Atlanta, Andrew Young, supported the free photo identification as a way to empower minorities and believes, in an era where people have to show identification to rent a video or cash a check, requiring an identification can help poor people who otherwise might be even more marginalized by not having such a photo identification.

This is an issue which an overwhelming majority of Americans support. An April 2006 NBC-Wall Street Journal poll asked for reaction to requiring voters to produce a valid photo identification when they go to vote.

Only 7 percent of Americans oppose requiring photo identification at the polls; 62 percent of Americans strongly favor requiring photo identification at the polls; 19 percent of Americans mildly favor photo identification at the polls; 12 percent are neutral; only 3 percent of Americans mildly oppose requiring photo identification at the polls; only 4 percent strongly oppose. So collapsing those numbers as we frequently do with polls, 81 percent of Americans favor photo identification at the polls, across the philosophical spectrum in our country.

As the chart indicates, only 7 percent are opposed. Not only is the Carter-Baker commission on record as supporting photo identification at the polls, the American people are overwhelmingly on the side of photo identification at the polls.

There have also, interestingly enough, been some State-based polls conducted which concur that Americans overwhelmingly support requiring photo identification at the polls. In Wisconsin, 69 percent favor requiring photo identification at the polls. In Washington State, 87 percent favor requiring photo identification at the polls. In Pennsylvania, 82 percent favor requiring photo identification at the polls. In Missouri, 89 percent favor requiring photo identification at the polls.

The numbers make it clear the vast majority of Americans support requiring photo identification at the polls. Why wouldn't they? As John Fund pointed out in his piece in the Wall Street Journal a couple of days ago, entitled "Jimmy Carter is Right, Amend the Immigration Bill to Require Voters to Show ID":

> Almost everyone needs a photo ID in today's modern world.

You need photo identification to drive a car, fly a plane, get a gun, catch a fish, open a bank account, cash a check, enter a Federal and some State buildings, and the list goes on and on.

This is not a new concept. Twenty-four States already require some kind of photo identification at the polls. Further, thanks to the Help America Vote Act, photo identification at the polls is required by those who register to vote by mail and don't provide the appropriate information at registration.

Some may ask, if States are doing it, why should the Federal Government get involved? I associate myself with the answer to this question given by Jimmy Carter and James Baker. Here is what they had to say about whether we should simply leave this up to the States:

> Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommend a standard for the entire country, Real ID Card.

I urge my colleagues to consider whether the protection of each and every American's franchise, a right at the very core of our democracy, is important enough to accord it equal treatment to getting a library card or joining Sam's Club. Last I checked, the constitutional right to rent a movie or buy motor oil in bulk was conspicuously absent. However, the Constitution is replete, as is the United States Code, with protections of the franchise for all Americans.

I will have three articles printed in the RECORD, but I will take a couple of minutes to highlight some of the very important points raised in these articles.

The first article, entitled "Jimmy Carter Is Right, Amend the immigration bill to require voters to show ID" appeared Monday in the Opinion Journal written by John Fund in which he notes:

> Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, "requiring ID can help poor people who otherwise might be even more marginalized by not having one.

Mr. Fund goes on to note:

> The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons.

This amendment does just that, provides grants to States so that anyone who wants an ID can get one free of charge.

Lastly, and most importantly for this immigration debate, Mr. Fund states:

> The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosino in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration and Naturalization Service into alleged fraud in a 1996 Orange County, California congressional race revealed that "4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez.

The second article is written by Andrew Young, former mayor of Atlanta on September 30, 2005 for the Atlanta Journal-Constitution, in which he states:

> At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12% of Americans who don't have drivers' licenses or government-issued photo IDs.

The last article is co-authored by Jimmy Carter and James Baker and appeared in the September 23, 2005, New York Times, in which they observe:

> In arguing against voter ID requirements, some critics have overlooked the larger benefits of government-issued ID's for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as a way to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post/911 world, photo ID's are required to get on a plane or into a skyscraper.

I ask unanimous consent those three articles to which I just referred be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 22, 2006]

JIMMY CARTER IS RIGHT

Amid all the disputes over immigration in Congress, one amendment is being proposed that in theory should unite people in both parties. How about requiring that everyone show some form of identification before voting in federal elections? Polls show overwhelming support for the idea, and there is increasing concern that more illegal aliens are showing up on voter registration rolls. But the fact that photo ID isn't likely to pass shows both how deeply emotional the immigration issue has become and how bitter congressional politics have become with elections only 51/2 months away.

Mitch McConnell, the Senate Republican whip, is proposing the photo ID amendment. He notes that Mexico and many other countries require the production of such identification in their own elections, and that the idea builds on the suggestion of last year's bipartisan election reform commission headed by former president Jimmy Carter and former secretary of state James Baker.

The Carter-Baker commission issued 87 recommendations to improve the functioning of election systems. One called for a national requirement that electronic voting machines include a paper trail that would allow people to check their votes, while another would have states establish uniform procedures for counting provisional ballots.

But the biggest surprise was that 18 of 21 commissioners backed a requirement that voters show some form of photo identification. They argued that with Congress passing the Real ID Act to standardize security protections for drivers' licenses in all 50 states, the time had come to standardize voter ID requirements. Former Senate Democratic leader Tom Daschle joined two other commissioners in complaining that the ID requirements would be akin to a Jim Crow-era "poll tax" and would restrict voting among the poor or elderly who might lack such an ID.

Mr. Daschle's racially charged analogy is preposterous. Almost everyone needs photo ID in today's modern world. Andrew Young, the former Atlanta mayor and U.N. ambassador, believes that in an era when people have to show ID to rent a video or cash a check, "requiring ID can help poor people" who otherwise might be even more marginalized by not having one.

The Carter-Baker commissioners recognized that cost could be a barrier to some and thus recommended that identification cards be provided at no cost to anyone who needed one. They also argued that photo ID would make it significantly less likely that a voter would be wrongly turned away at the polls due to out-of-date registration lists or for more malicious reasons. In any case, the tacit acknowledgment by Mr. Carter and most of the other liberals on the commission that the integrity of the ballot is every bit as important as access to the ballot was a welcome one.

The photo ID issue is being joined with the immigration debate because there is growing anecdotal evidence that voter registration by noncitizens is a problem. All that it takes to register is for someone to fill out a postcard, and I have interviewed people who were still allowed to register without checking the box that indicated they were a citizen. Several California counties report that an increasing number of registered voters called up for jury duty write back saying they are ineligible because they aren't citizens,

The man who in 1994 assassinated Mexican presidential candidate Luis Donaldo Colosio in Tijuana had registered to vote at least twice in the U.S. although he was not a citizen. An investigation by the Immigration and Naturalization Service into alleged fraud in a 1996 Orange County, Calif., congressional race revealed that "4,023 illegal voters possibly cast ballots in the disputed election between Republican Robert Dornan and Democrat Loretta Sanchez."

It's certainly true that new ID rules alone wouldn't eliminate all the potential for fraud. Much of the voter fraud taking place today occurs not at polling places but through absentee ballots. In some states party officials are allowed to pick up absentee ballots, deliver them to voters and return them, creating opportunities for all manner of illegal behavior. Other states allow organizations to pay "bounties" for each absentee ballot they deliver, which provides an economic incentive for fraud. The Carter-Baker commission recommended that states eliminate both practices.

In a politically polarized country, photo ID for voting is a rare issue that enjoys across-the-board support among the general public. A Wall Street Journal/NBC poll last month found that 80% of voters favored a photo ID requirement, with 62% favoring it strongly. Only 7% were opposed. Numbers that high indicate the notion has overwhelming support among all demographic and racial groups.

Skeptics argue that in some states the effort to impose such a requirement seems to emphasize the ID requirement while not making a serious effort to ensure everyone has such a document. Robert Pastor, executive director of the Carter-Baker commission, claims that some Republicans supporting voter ID "are not really serious about making sure that voter ID is free for those who can't afford it."

Some analysts say a photo ID law could pass on the national level only if it is seen to satisfy both sides. "As part of an overall bipartisan package of election reform—which would include universal voter registration conducted by the government—national voter identification makes sense, especially if structured to limit absentee vote fraud, and so that identification can be checked across states," says Rick Hasen, a professor at Loyola Law School. But he says that excessive "partisan jockeying is not going to increase public confidence in the outcome of elections."

Sen. McConnell's proposed photo ID requirement is a good idea, but it may be able to move forward only if he puts some real money on the table to ensure that everyone who wants to vote can get an ID. In that, the photo ID issue resembles the immigration debate itself. The only immigration bill that is going to pass both houses is one that combines beefed-up border enforcement with steps that regularize the growing demand for labor from Mexico via some kind of legal guest worker program. But sadly, in the case of both photo ID and immigration, political jockeying appears to be the order of the day. It may take a lame-duck session of Congress after this year's election for members finally to address both issues seriously.

[From the Atlanta Journal-Constitution, Sept. 30, 2005]

VOTER IDs ONLY PART OF ELECTIONS SOLUTION

(By Andrew Young)

There is an understandable, visceral reaction by many people against the use of a photo ID card for voting. But how we vote and voting in general must be seriously examined, and we cannot let partisanship take place over citizenship. America ranks 139th out of 172 countries in voter turnout worldwide.

How do you create a fair voting system, with access to all who deserve it, with a required photo ID without disenfranchising or penalizing Americans? We know, a photo ID requirement can be used as a latter-day equivalent of the poll tax—that has happened in Georgia, which has added a fee to get the appropriate ID.

So why did I give at least conditional support to the Carter-Baker Commission for its recommendation of a required photo ID?

First, I accepted the two pillars of the commission's own recommendation: There already is a photo ID requirement in federal law—the new Real ID requirement imposed by Congress as part of homeland security policy. If everyone will eventually be required to carry a Real ID card, why not use it to improve the voter registration and election system? Encode the cards with voter data, and that will protect voters from being wrongfully turned away from the polls.

The second pillar is that any required photo ID must be made widely available, easily accessible and free.

Time will tell whether Georgia is effectively executing its plans through its mobile vans and, for the indigent, a waiver of the fee for a photo ID.

At the end of the day, a photo ID is a true weapon against the bondages of poverty. Anyone driving through a low-income neighborhood sees the ubiquitous check-cashing storefronts, which thrive because other establishments, such as supermarkets and banks, won't cash checks without a standard photo ID. Why not enfranchise the 12 percent of Americans who don't have drivers' licenses or government-issued photo IDs?

Given these two pillars, I have no objections to an ID requirement, even though I do not believe that fraud is widespread or that the ID is the key to election reform.

But there is another condition: The ID has to be made part of a package that includes bolder solutions that expand access to large numbers of voters who are now seriously handicapped by the way we run elections.

Imagine you are a working poor person. Election Day, Tuesday, comes. You have to be at work at 8 a.m.—your employer doesn't give you time off to vote, and you will have your pay docked or be fired if you are late. You check out your polling place at 7 a.m.—there is already a long line, with many there because they have the same problem. So you go to work, finish at 6 or 7 p.m. and head to the polls again. Another long line awaits, with no guarantee you will get to the front of it before the polls close.

I firmly believe that the surest fix to our anemic turnout is in the calendar, not the cards.

Having Election Day on a Tuesday was a decision made 160 years ago, for reasons that were appropriate to Colonial times but are no longer relevant. According to the 2002 census data and other polls, the inconvenience of Tuesday is the single reason people most cited for not voting.

So I asked the members of the Carter-Baker commission when I met with them, "Why Tuesday?" having personally observed that historic weekend in South Africa when Nelson Mandela was elected president. Regrettably there is nothing in the Carter-Baker report on federal election reform that addresses why Tuesday voting remains a good idea.

If America is to remain the world's beacon of democracy, we can no longer tolerate an evergrowing class of permanent non-voters.

A simple act of Congress moving Election Day to the weekend is what the Rev. Martin Luther King Jr. truly envisioned when he said "the short walk to the voting booth" is the most decisive step for our democracy.

[From the New York Times, Sept. 23, 2005]

VOTING REFORM IS IN THE CARDS

(By Jimmy Carter and James A. Baker III)

We agreed to lead the Commission on Federal Election Reform because of our shared concern that too many Americans lack confidence in the electoral process, and because members of Congress are divided on the issue and busy with other matters.

This week, we issued a report that bridges the gap between the two parties' perspectives and offers a comprehensive approach that can help end the sterile debate between ballot access and ballot integrity. Unfortunately, some have misrepresented one of our 87 recommendations. As a result, they have deflected attention from the need for comprehensive reform.

Our recommendations are intended to increase voter participation, enhance ballot security and provide for paper auditing of electronic voting machines. We also offer plans to reduce election fraud, and to make the administration of elections impartial and more effective.

Most important, we propose building on the Help America Vote Act of 2002 to develop an accurate and up-to-date registration system by requiring states, not counties, to organize voter registration lists and share them with other states to avoid duplications when people move. The lists should be easily accessible so that voters can learn if they're registered, and where they're registered to vote.

Some of our recommendations are controversial, but the 21 members of our bipartisan commission, which was organized by American University, approved the overall report, and we hope it will break the stalemate in Congress and increase the prospects for electoral reform.

Since we presented our work to the president and Congress, some have overlooked almost all of the report to focus on a single proposal—a requirement that voters have driver's licenses or government-issued photo IDs. Worse, they have unfairly described our recommendation.

Here's the problem we were addressing: 24 states already require that voters prove their identity at the polls—some states request driver's licenses, others accept utility bills, affidavits or other documents—and 12 others are considering it. This includes Georgia, which just started demanding that voters have a state-issued photo ID, even though obtaining one can be too costly or difficult for poor Georgians. We consider Georgia's law discriminatory.

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommended a standard for the entire country, the Real ID card, the standardized driver's licenses mandated by federal law last May. With that law, a driver's license can double as a voting card. All but three of our 21 commission members accepted the proposal, in part because the choice was no longer whether to have voter IDs, but rather what kind of IDs voters should have.

Yes, we are concerned about the approximately 12 percent of citizens who lack a driver's license. So we proposed that states finally assume the responsibility to seek out citizens to both register voters and provide them with free IDs that meet federal standards. States should open new offices, use social service agencies and deploy mobile offices to register voters. By connecting IDs to registration, voting participation will be expanded.

Our proposal would allow voters without photo IDs to be able to cast provisional ballots until 2010. Their votes would count if the signature they placed on the ballot matched the one on file, just as the case for absentee ballots. After that, people who forgot their photo IDs could cast provisional votes that would be counted if they returned with their IDs within 48 hours. Some have suggested we use a signature match for provisional ballots after 2010, but we think citizens would prefer to get a free photo ID before then.

In arguing against voter ID requirements, some critics have overlooked the larger benefit of government-issued IDs for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as away to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post-9/11 world, photo IDs are required to get on a plane or into a skyscraper.

We hope that honest disagreements about a photo ID will not deflect attention from the urgency of fixing our electoral system. While some members of Congress may prefer to block any changes or stand behind their particular proposals rather than support comprehensive reforms, we hope that in the end they will work to find common ground. The American people want the system fixed before the next election, and that will require a comprehensive approach with a bipartisan voice in favor of reform.

Jimmy Carter was the 39th president. James A. Baker III was secretary of state in the George H. W. Bush administration.

Mr. MCCONNELL. What is the remaining time?

The PRESIDENT pro tempore. There is 10 minutes 15 seconds; the minority has 25 minutes.

Mr. MCCONNELL. I retain the remainder of my time, and I reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. We have 25 minutes?

The PRESIDING OFFICER (Mr. BROWNBACK). That is correct.

Mr. KENNEDY. I yield myself 7 minutes.

Mr. President, last night I offered an amendment dealing with the enforcement of safety provisions to make sure those American workers who work here, and the guest workers, are going to be in safe conditions, that they are going to be safe and secure, that we are going to have the safest workforce possible. And all I heard on the other side is: We can't do this because we haven't had any hearings.

This is an important issue, an important question, and vital, but we can't possibly consider this as a measure that is only tangentially relevant to the immigration issue. I suggest what was sauce for the goose is sauce for the gander. This is a very important issue that deserves consideration.

We have 25 minutes on this side to try and deal with this issue. Obviously, that is inadequate.

I remember 1964. My first amendment in the Senate was in opposition to the poll tax. I lost that vote, 52 to 48. Eventually, we eliminated the poll tax. But we went through to the 1964–1965 Voting Rights Act, and we eliminated not only the poll tax but the literacy test.

Why were those tests put in place? They were put in place to make sure our voting was going to be safe and secure and that we were only going to have people voting who deserved to vote. This is a way to keep our voting clear and to make sure that we are going to preserve the sanctity of the voting box.

So we had those measures, but as we know, they were struck down. Why were they struck down? I will not take the time here, but fundamentally and basically they were unconstitutional.

Now the Senator suggests: Let's go there and put in a new process. That sounds very good. The poll tax sounded very good when it was initially offered. So did the literacy test. Now we have a new idea that is going to be offered. The first question we have to ask ourselves is, Is there a problem?

We have heard anecdotal comments from the Senator from Kentucky—not studies, not reviews, but anecdotal studies—about whether there was real fraud out there. Is this a problem in the United States of America? There has not been any evidence that this is the result of hearings. We have not had any hearings.

The study of the 2002 and 2004 Ohio elections found there were 9 million votes cast and 4 were found to be fraudulent according to the League of Women Voters of Ohio; 4 votes found to be fraudulent according to the League of Women Voters of Ohio, the most comprehensive study that has been done recently in terms of elections.

The Secretary of State of Georgia stated she was not aware of a single case or complaint of a voter impersonating another voter at the polls in almost a decade. That was sworn testimony of the Secretary of Georgia. She was much more concerned about absentee ballots than the question of fraud.

A 12-State study by Demos, a nonprofit organization, not a Democrat or Republican organization, concluded election fraud was very rare. They found no evidence suggesting fraud, other than a minor problem. That is the best information we have. We have not had any hearings. All of the relevant studies indicated that is the situation. So we have a solution where there really isn't a problem.

The Senator from Kentucky says he is basically following the recommendations of the Carter-Baker commission of some time ago. That is not exactly the case. In the Carter-Baker proposal they have a number of recommendations on implementation. First of all, they say it should not be implemented until January 2010. This is to be implemented in May of 2008, the middle of the Presidential primaries.

Why did the Carter-Baker commission say 2010? They said it because the States are not prepared to deal with it prior to that time. What is the date of the Senator from Kentucky? What date do they select? May 2008, in the middle of the Presidential primaries, for 110 million Americans who vote, to drop this in on the States?

This is unworkable. The denial of one of the most sacred rights of an American citizen, the right to vote, is going to be heavily compromised if we accept this.

A second proposal of the Carter-Baker commission indicates it has to be free identifications. This is the language in the McConnell amendment:

> . . . the Election Assistance Commission shall make payments to States to—[what, make them all free? No]—promote the issuance to registered voters of free. . . .

It does not even guarantee the funding. It was guaranteed in the Carter proposal.

Finally, it also indicated that, should there be States that refuse or fail to have a process, there is a backup system to ensure the right to vote. That does not exist in this particular proposal.

So this does not even meet the bare requirements of the Carter-Baker proposal. It does not even meet those bare requirements. It accelerates the timing, which was deferred, for very good reasons, after a prolonged discussion during the debate.

Finally, and most importantly, when the courts recently considered a very similar proposal to the one we have here, which was a similar voter identification proposal, in Common Cause v. Georgia—which is a 2005 case; virtually an identical kind of a proposal to that which is offered by the Senator from Kentucky—it pointed out that it violated the equal protection clause because it unduly burdened the fundamental right to vote for several classes of citizens.

Sure, you need a photo identification to get a video because the video shop wants the video back. Sure, you have a photo identification to rent a car because the people who rent the cars want the car back, and for insurance purposes. Sure, you have a video when you buy a gun, for the obvious reasons. But as to the right to vote, we want to encourage people to vote. This is what the circuit court said, with virtually an identical proposal that came before them.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mr. KENNEDY. Mr. President, I will take another 2 minutes.

That is what the circuit court said in response to a similar proposal which became before them.

The amendment violates the Equal Protection Clause because it unduly burdens the fundamental right to vote for several classes of people. The court in the Georgia case found the voter identification requirement "most likely to prevent Georgia's elderly, poor, and African-American voters from voting."

The amendment violates the 24th amendment because it amounts to an unconstitutional poll tax. The Supreme Court found that the 24th amendment not only bars poll taxes, but also bars their "equivalent[s]" and found this kind of identification was an equivalent.

The McConnell amendment requires that the Election Assistance Commission make funds available only "to promote the issuance of free photo identification," but does not mandate and provide that.

This is an unwise amendment on an immigration bill.

Mr. President, I see our friend from Connecticut, who was the floor manager of the earlier legislation, and my colleague from Illinois, who also wishes to speak.

The most sacred right guaranteed in our democracy is the right to vote. We want to promote people voting. We want our elections safe and secure. But this issue deserves more than 45 minutes on the floor of the U.S. Senate on an immigration bill.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Sixteen minutes.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 5 minutes.

Mr. OBAMA. Thank you very much, Mr. President.

Let me echo Senator KENNEDY's strong opposition to the amendment offered by the Senator from Kentucky.

There is no more fundamental right accorded to United States citizens by the Constitution than the right to vote. And the unimpeded exercise of this right is essential to the functioning of our democracy. Unfortunately, history has not been kind to certain citizens in their ability to exercise this right.

For a large part of our Nation's history, racial minorities have been prevented from voting because of barriers such as literacy tests, poll taxes, and property requirements.

We have come a long way in the last 40 years. That was clear just a few weeks ago when Democrats and Republicans, Members of the Senate and the House, stood on the Capitol steps to announce the introduction of a bill to reauthorize the Voting Rights Act. That rare and refreshing display of bipartisanship reflects our collective belief that more needs to be done to remove barriers to voting.

Right now, the Senate is finishing a historic debate about immigration reform. It has been a difficult discussion, occasionally contentious. And it has required bipartisan cooperation. After several weeks, and many, many amendments, we are less than an hour away from voting for cloture. Considering our progress and the delicate balance we are trying to maintain, this amendment could not come at a worse time.

Let's be clear, this is a national voter identification law. This is a national voter identification law that breaks the careful compromise struck by a 50–50 Senate 4 years ago. It would be the most restrictive voter identification law ever enacted, one that could quite literally result in millions of disenfranchised voters and utter chaos at the State level.

Now, I recognize there is a certain simplistic appeal to this amendment. After all, why shouldn't we require people to present a photo identification card when they vote? Don't we want to ensure that voters are actually who they claim to be? And shouldn't we at least make sure that noncitizens are not casting ballots and changing the outcomes of elections?

There are two problems with that argument. First, there has been no showing that there is any significant problem of voter fraud in the 50 States. There certainly is no showing that noncitizens are rushing to try to vote. This is a solution in search of a problem. The second problem is that historically disenfranchised groups—minorities, the poor, the elderly and the disabled—are most affected by photo identification laws.

Let me give you a few statistics. Overall, 12 percent of voting-age Americans do not have a driver's license, most of whom are minorities, new U.S. citizens, the indigent, the elderly, or the disabled. AARP reports that 3.6 million disabled Americans have no driver's license.

A recent study in Wisconsin found that white adults were twice as likely to have driver's licenses as African Americans over 18. A study in Louisiana found that African Americans were four to five times less likely to have photo identification than white residents.

Now, why won't poor people be able to get photo identifications or REAL IDs? It is simple: Because it costs money. You need a birth certificate, passport, or proof of naturalization, and that can cost up to $85. Then you need to go to a State office to apply for a card. That requires time off work, possibly a long trip on public transportation, assuming there is even an office near you.

Imagine if you only vote once every 2 or 4 years, it is not very likely you are going to take time off work, take a bus to a far-off government office to get an identification, and pay $85 just so you can vote. That is not something most folks are going to be able to do.

The fact of the matter is, this is an idea that has been batted around, not with respect to immigration, but with respect to generally attempting to restrict the approach for people voting throughout the country. This is not the time to do it.

The Carter-Baker Commission on Federal Election Reform found that in the 2002 and 2004 elections, fraudulent votes made up .00003 percent of the votes cast. That is a lot of zeros. So let me say it a different way: Out of almost 200 million votes that were cast during those elections, 52 were fraudulent. To put that in some context, you are statistically more likely to get killed by lightning than to find a fraudulent vote in a Federal election.

This is not the appropriate time to be debating this kind of amendment. We have a lot of serious issues to address with respect to immigration. I ask all my colleagues to reject this amendment so we can move on to the important business at hand.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, do we have 11 minutes? Am I correct?

The PRESIDING OFFICER. The Senator from Massachusetts has 6 minutes. The Senator from Connecticut has 5.

Mr. KENNEDY. So 6 and 5 is 11.

I yield to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am glad our math is good here this morning. I appreciate that early in the day.

Mr. President, I thank my colleague from Massachusetts for his leadership on this bill and his eloquence this morning on this amendment being offered by our colleague from Kentucky. I commend our colleague from Illinois as well for his eloquent comments about the problems associated with this amendment.

Very bluntly and very squarely, if the McConnell amendment is adopted in the next 20 minutes, then roughly 142 million people in our country would have to have a new—a new—photo identification, one which does not exist yet, that complies with REAL ID by the elections in 2008. Otherwise, you could not vote a regular ballot in the 2008 Federal elections without this new identification.

My colleague cites polling data that indicates that 62 percent of Americans believe a photo identification may be necessary. They were not asked whether or not they knew they would have to have a completely new identification, which I presume they would have to pay for, and if they don't have it with them by election day 2008, then they would not be allowed to show up and vote a regular ballot in person for presidential and other federal candidates across the country. So 142 million people could be disenfranchised by this amendment if we end up requiring a new photo identification.

Now, it has been said over and over again this morning—it needs to be repeated—it was Patrick Henry who said, more than 200 years ago: The right to vote is the right upon which all other rights depend. It is the essential right. The idea we would somehow exclude people who are elderly or disabled or people who, for a variety of reasons, do not have or cannot get this new photo identification from having access to the ballot because of some anecdotal evidence that people may show up and pretend to be someone else—because that is the only set of circumstances we are talking about here.

Absentee ballots present a unique set of problems. This does not cover the absentee ballots. It does not cover the situations where people mail in votes under a different set of circumstances in some of our States. This amendment only addresses the situation in which someone shows up to vote claiming to be someone else, when, in fact, they are a different individual.

So I would hope our colleagues, recognizing the tremendous problems this amendment could afford us, would reject this amendment. We had this debate 4 years ago when we adopted the Help America Vote Act. What we said is, if you register by mail, then the first time you show up at the polls, you need some form of identification, and, in fact, a photo identification may be one of them. But it is not the only thing that can be a source of identification for first time voters who registered by mail. There may be a variety of other criteria that States would adopt.

In a sense, we are going to nationalize and Federalize every single State by this approach. States, as we have historically said, determine the specific requirements of registration. Some States require very little. That is their judgment. Other States require more. We stayed away from dictating to States exactly what they had to do in the Help America Vote Act. If you adopt this amendment, why not consider an amendment for national registration? Many advocate that.

I think it may be a sound idea to move to a national registration. The HAVA bill moved from local registration to Statewide registration, which is a major step forward. But here we are saying you are going to have to have one size fits all, one identification, and we do not even know what it looks like yet—it does not exist at all—which has to comply with the REAL ID requirements between now and election day 2008. And if you do not have it, then you could be refused a regular ballot and forced to vote provisionally.

Obviously, access to the ballot has been critical for us. We have balanced that right to try to ensure, to the extent possible, that the ballot is going to be secure. But if we err on any side of that equation, it has been historically to err on the side of access to make sure people are encouraged to participate. Thus, the reason, in the HAVA bill, why we have provisional balloting—for the first time that will exist—it is so that if you show up and there is a contest as to whether or not you have the right to vote, the law says you should be able to cast a provisional ballot, so that after the election, after the ballots are cast, or the polling places are closed, if, in fact, you, the voter, were right, the ballot counts. If you were wrong, obviously, it does not, but you have a right to find out why it was not counted in order to be able to correct the problem.

Provisional ballots are making it possible for people to vote who believe they have the right to vote, to cast a ballot. That right has not existed in the past. That is the direction we are heading in as a country, not going backwards, not retreating, and not creating obstacles and hurdles to cast those ballots. That, unfortunately, would be the outcome if the McConnell amendment were adopted.

Every major civil rights organization, every leading organization defending the disabled and the elderly are opposed to this amendment and are very worried about what it could mean if it were adopted.

So I urge my colleagues, at this early hour in the morning: Please, when you come here, this is not the place for this amendment on an immigration bill. There is a time and opportunity to go back and revisit election issues. I hope we do that at some point. But to cherry-pick a provision that would set us back decades would be a mistake.

The right to vote is one of the most fundamental civil rights accorded to citizens by the United States Constitution. The right of all Americans to vote, and to have their vote counted, is the cornerstone of our democratic form of government. It is at the heart of all we do here, and precedes other rights because it is the means by which we choose those who represent us. The free and unencumbered exercise of the franchise is a core pre-condition of a government that is of the people, by the people and for the people.

This amendment would jeopardize efforts to balance the traditional requirements of ballot access and ballot security; impinge unnecessarily on those fundamental rights; create a disparate impact on whole classes of our citizens; and effectively impose a new form of poll tax on millions of American voters.

Public confidence in the integrity of final election results is likely to be judged to a large extent by how well our laws balance the twin goals of expanded ballot access and enhanced ballot security, a fact that should remain foremost in our minds as we move forward on this debate in the coming days.

This amendment would dangerously undermine that delicate balance. Where difficult questions on these issues arise, my bias has always been to err on the side of expanded ballot access for all eligible voters. That should be no surprise to anyone who has been in the Senate or watched its deliberations in recent years, including the debate three years ago on the Help America Vote Act.

We must do all we can to ensure that the fundamental right to vote can be exercised freely, even while taking appropriate precautions to prevent usually isolated acts of individual voter fraud.

The McConnell amendment before us would effectively mandate a one-size-fits-all voter identification solution for every voter, every State, and the territories regardless of their circumstances, resources or preferences.

Every American citizen who is eligible to vote today in a Federal election would be effectively rendered ineligible to vote in the Presidential election of November 2008 by this amendment. Under this amendment, even those Americans who were born in this country and have been voting in every election since they turned 18 would be unable to vote in the November 2008 Presidential election, unless they first obtain a new REAL ID/citizenship card, or its equivalent.

This is a sea change in the rules of access for voters to every polling place in the United States. Under this amendment, everyone, every voter would have to present a REAL ID/citizenship card to vote a regular ballot at the polls.

My colleagues may remember the stories of dogs and dead people voting in the 2000 Presidential election. To respond to individual fraud in election registration, Congress adopted a measured, two-part response: a new identification for first time voters who register by mail and a computerized statewide voter registration system. Under HAVA, the States must have the computerized voter registration system in place this year. And the States are working diligently to accomplish that.

But this amendment goes much farther and without any justification, without any evidence of widespread fraud, effectively disenfranchises every single American voter who is eligible to vote in Federal elections today.

The only fraud that this amendment purports to address is the situation in which a voter appears, in person, at the polls and claims to be someone else. During all of the hearings that the Rules Committee held on election reform following the debacle of the 2000 Presidential elections, including the hearings held by my distinguished friend, the author of this amendment—who was Chairman of the Rules Committee at the time—not one witness testified to widespread fraud by individuals appearing in person at the polls claiming to be someone they were not.

And Congress isn't the only body which failed to find more than anecdotal evidence of such fraud.

Just last year, the bipartisan Carter-Baker Commission on Federal Election Reform, co-chaired by former President Jimmy Carter and former Secretary of State James Baker, also failed to find the fraud that this amendment is designed to address.

Let me quote from the September 2005 Carter-Baker Commission Report:

> There is no evidence of extensive fraud in U.S. elections or of multiple voting, but both could occur, and it could affect the outcome of a close election.

So even though neither Congress, nor the esteemed private Carter-Baker Commission, could find the type of fraud that would justify a national citizenship voting card, this amendment would literally jeopardize the voting rights of every single American citizen in order to combat this phantom fraud.

And yet the fraud that the bipartisan Carter-Baker Commission was concerned about—that of fraud committed through absentee balloting—is not even addressed by this amendment.

Again, quoting from the 2005 Carter-Baker Commission Report:

> Absentee ballots remain the largest source of potential voter fraud.

But does this amendment apply to absentee balloting or vote by mail? No—it applies only to those American citizens who make the effort to get up on election day and go to the polls, stand in line—sometimes for hours—and publicly present themselves to vote.

This amendment would change the law to effectively federalize what has always been a State and local determination. It would establish a one-size-fits-all Federal REAL ID/citizenship card, based on a law that has itself not been fully implemented.

It mandates that every State implement a system which uses these new cards by May 11, 2008—less than two years from now, and during a period when we will almost certainly face a hotly contested Presidential election. If this amendment is adopted, the resulting chaos will undermine the results of the 2008 Presidential election to the point that not even the Supreme Court will be able to determine the winner.

No one in this Chamber can say with any certainty how this is going to work, if at all, or that it will not further disenfranchise vulnerable voters. In my view, it almost certainly will.

This is not the time, nor the vehicle, to be debating election reforms that will most assuredly disenfranchise American citizens, particularly the poor, minorities, the elderly, and the disabled.

These voting issues are important, and as I have said, I would welcome a full and comprehensive debate on how to expand access for all Americans to enable them to more effectively and easily register and vote in Federal elections, while preserving ballot security.

I have introduced legislation on that issue in this Congress, and would like to have it considered soon. We could and should have a full debate on how best to balance the twin goals of expanded ballot access with appropriate ballot security. But now is neither the time nor the place for that debate. This is not what we should be doing on this bill.

I am also concerned about amending HAVA now. I intend to oppose any amendment that would open up the Help America Vote Act before the law is fully implemented in time for the fall Federal elections in 2006.

We have already had over 10 primaries and we are less than six months prior to the general mid-term elections. States are working hard to come into compliance with the new requirements of accessible voting systems and statewide voter registration list. Voters are working hard to understand the new circumstances and new technologies they will be facing in the 2006 elections, and are being educated on how to exercise their rights to ensure an equal opportunity for all to cast a vote and have that vote counted.

Many of us know that no single law is the comprehensive and perfect fix for a number of problems which have existed for decades in our decentralized election system. HAVA was a landmark law, the next step in a march which included the Voting Rights Act, NVRA legislation, and other measures. HAVA made appropriate changes to the law in the wake of the 2000 election debacle, and did so with broad, bipartisan support.

And I am sure there are a host of improvements that could be made to HAVA. I have some in mind myself. But HAVA deserves to be fully and effectively implemented before taking the next steps toward broader reform.

If this Senate wishes to debate election reforms, I am prepared to do so for days to come. There are numerous reforms which the Senate should be considering.

If we are prepared to impose a universal voting ID on Americans, then we should also establish a universal Federal registration requirement for voting. If we are going to preempt the rights of States to determine who is eligible to vote in a Federal election, then perhaps we should preempt the rights of States to decide whether or not they will count that Federal ballot.

If we are going to federalize identification requirements for voting, then perhaps we should federalize eligibility requirements for absentee voting.

If we want to ensure that the vote of every eligible American citizen has equal weight, then maybe we should federalize the administration of Federal elections.

But that is not the approach that my colleague, Senator MCCONNELL, and I took in developing the bipartisan Help America Vote Act. And that is not the approach that the Congress and President Bush took in passing and signing into law the Help America Vote Act. And nothing in the intervening 3½ years has changed to suggest that either HAVA isn't working, or that the American people support the kind of sea change that this amendment creates.

HAVA was a carefully crafted balance between the twin goals of making it easier to vote and harder to defraud the system. This amendment destroys the necessary balance between ballot access and ballot security—a balance that is key to ensuring the integrity of Federal election results.

If we are equally concerned about both access to the ballot box and potential fraud, then we should not enact an amendment which, by operation of its provisions, will potentially prevent every single eligible citizen from voting in the 2008 Presidential election.

And if we are truly concerned about potential voting fraud, then we should give the States the opportunity to complete implementation of HAVA and allow that new law to work before we enact a new requirement which on its face will disrupt the delicate balance HAVA created.

HAVA needs to be allowed to work. And for that reason, a broad Coalition of civil rights and voting rights groups, and organizations representing State and local governments, oppose this amendment.

This Coalition letter makes clear that in their view, the six-month period prior to Federal mid-term elections, as we are implementing HAVA, is not the time, nor is the immigration bill the vehicle, to attempt to make highly controversial changes to the way voters qualify for access to the ballot box. Specifically, the Coalition letter rejects this amendment because, and I quote:

> The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and undermines the continuing efforts of the States to enfranchise every eligible

voter through the Help America Vote Act of 2002, "HAVA".

Mr. President, any amendment which attempts to impose additional new Federal election reforms must include proposals which balance the competing goals of expanded ballot access and ballot security. My hope is that the Senate will make clear that effective election reform is not just about one of those aspects, but must address both. Some in this body have maintained a continuing misplaced emphasis on security at the expense of access. It is the duty of this Congress to ensure that both goals are protected and preserved for all Americans.

I urge rejection of the McConnell amendment.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 10 minutes.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, elections are the heart of democracy. They are the instrument for the people to choose leaders and hold them accountable. At the same time, elections are a core public function upon which all other Government responsibilities depend. If elections are defective, the entire democratic system is at risk. Americans are losing confidence in the fairness of elections. We need to address the problems of our electoral system. Those are the words of the cochairmen of the Commission on Federal Election Reform, former Secretary of State Jim Baker and former President Jimmy Carter.

Most people know Jimmy Carter, the former President. I happen to know him as a Governor. We served together. We also know him as a lion in the world of free and fair elections. He has traveled the globe, faced down dictators, watched over petty potentates, all in the name of free and fair elections. He believes we need a real voter identification.

We took steps in the HAVA to make sure that somebody who had a right to vote was not unjustifiably denied that right by being refused an opportunity to vote at the polls. That is why we supported it, and it was a great idea to have a provisional ballot. But you can lose your vote just as surely and as effectively when somebody who is not eligible to vote casts an illegal vote that cancels your vote. That is a silent and more insidious way of losing your vote—if your vote is canceled by an illegal vote cast by someone who is not eligible to vote or somebody who has voted more than once.

My colleague from Illinois has raised the question of why we need it because there isn't any vote fraud. That is a monumental announcement from somebody who comes from a State that has Chicago in it, but I think that St. Louis has outdone Chicago. In the 2000 election we had people filing to keep the polls open because they had been denied the right to vote. It turns out when they looked into the situation, the first plaintiff had trouble voting because he had been dead for 14 months.

They said: The real plaintiff is a guy whose name is very similar. That plaintiff had voted earlier that afternoon in St. Louis County. But when we started looking into voter fraud in St. Louis, news reports were rife with fraudulent voting. Thousands of votes were apparently cast by dead people, or with fraudulent addresses, large numbers voting from vacant lots, dozens of people voting from a single-family residence. Voter fraud was so bad in the elections that even a very liberal newspaper in St. Louis carried a cartoon showing St. Louis voting.

Here is the voting booth. Here is a casket where people were trying to vote in St. Louis. You can accept voting in these two places, but the coffin is not a place you expect people to cast a vote from.

How would a picture identification requirement help the situation? As you can imagine, a picture of a dead person would certainly be noticeable. Assuming the dead person was not the one actually voting, there would be a mismatch between the voter and the photo. I don't imagine that opponents of this amendment actually are fighting to have dead people vote, but that is the result when they block amendments such as this.

Another result is seen in this registration card. I suppose I shouldn't keep it up too long because somebody will want to copy the address and send Ritzy Mekler a campaign solicitation. Why does Ritzy's registration matter? How would a picture identification address her situation? A picture identification of Ritzy Mekler would instantly have indicated the problem because Ritzy is a 13-year-old cocker spaniel.

Mr. McCONNELL. I yield another minute to the Senator from Missouri.

Mr. BOND. These are not isolated instances. The Missouri Secretary of State conducted an investigation after the 2000 vote and found significant voter fraud. Subsequent criminal proceedings confirmed that fraud is still a problem and must be monitored in Missouri. A 2004 report by Missouri's State auditor found over 24,000 voters registered who were either double registered, deceased, or felons. These are problems we want to clean up, and a voter identification requirement will help us.

The amendment we have before us requires voters to present identification for the 2008 election. It will be the same requirement that citizens face every time they take the train or fly on an airplane. It will be the same requirement they face when cashing a check.

For those concerned that some voters need help getting a picture ID so they can vote, I agree 100 percent. This amendment will also provide new grant funds to States so that everyone who needs an ID can get one free of charge.

There should be no barriers to voting in this country. There also should be no barriers to a free and fair election.

We will not be alone in this requirement. Voters in nearly 100 democracies use a photo identification card. Maybe that international experience is what helped convince President Carter that this was an important idea. So important that the Commission on Federal Election Reform he cochaired included this recommendation.

That commission's executive director note that polls indicated that many Americans lack confidence in the electoral system, but that the political parties are so divided that serious electoral reform is unlikely without a strong bipartisan voice.

That is why President Carter joined in the election reform effort, and that is why I urge my colleagues to join this effort—so that we can restore faith in our elections, so that we know that citizens who have the right to vote are voting, so that even new citizens who were immigrants have a free and fair election to vote in. I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, Senator McCONNELL has proposed an amendment to the immigration bill to modify the Help America Vote Act of 2002, "HAVA", by mandating that all States require government-issued photo identification from voters at polling places. Senator McCONNELL's amendment raises serious concerns by putting the policy ahead of the groundwork necessary to determine how and whether such a step should be taken.

I do not see his justification for attaching that proposal to this measure or to get ahead of the implementation of the REAL ID Act or recommendations by the Carter-Baker commission. The REAL ID Act has given us a great many problems, and there are a number of aspects that need to be adjusted or fixed. If the Rules Committee wants to take a comprehensive look at it and if Senator DODD supports that effort, I will be very interested in what they have to say. I do not think it is wise to expand the purpose of the REAL ID Act without due deliberation. This is not the right time, nor is this bill the right place, to make hasty changes to Federal voting laws without the careful consideration such modifications deserve.

The Senate is currently considering the reauthorization of the Voting

Rights Act and is doing so in a deliberate, considered, and bipartisan manner. We should take the same approach to any enhancement of HAVA, which should include the considered input from the States, their election officials and citizens. HAVA expressly provides for State involvement in carrying out the improvements in the law. Senator McCONNELL's amendment would seem to undermine HAVA by preventing the States from performing their legislative role in devising voter identification procedures. The States play an integral role in carrying out the improvements in the Act, and we should let them perform this function without the undue interference.

Any proposal for federally standardized identification cards should be subject to hearings and debate beyond the constrained environment of the amendment process for the immigration bill. Before we vote on proposals for the use of a national identification card in our voting system, we must undertake a national debate about the technology, implementation, and the implications for the privacy rights of American citizens and the risks that required forms of voter identification have sometimes been used to intimidate minority voters or suppress their participation.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts has 6 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes and yield the last 3 minutes to the Senator from Connecticut.

This is an extraordinarily important amendment. It deserves the full consideration of this body because, as has been pointed out, it reaches the essence of our democracy, which is the right to vote. If we are going to take action on an immigration bill that is going to have an impact on 120 million Americans in the 2008 Presidential campaign, we should not be doing that in the 50 minutes before a cloture vote on the immigration bill.

I have pointed to recent courts of appeals decisions on measures that are virtually identical to this where they have struck it down because they believed that it was going to effectively discriminate against large groups of Americans, primarily the poor, the disabled, and the elderly. The court of appeals made that judgment in the Georgia ID case, not those on this side of the aisle. It was the court's decision.

It seems to me, having so clear a judicial determination on this measure and such a wide separation between what this measure is and what was recommended by the Carter-Baker commission, it is not wise for the Senate to adopt what would be a major rewriting of our national election laws in the 50 minutes prior to a cloture vote on an immigration bill. It is unwise for the Senate. If we are not successful in defeating it, this potentially could have a most dramatic adverse impact in terms of American voting in the next national election. I don't think that is what this legislation is really about. I don't think we should take that step. If we are going to debate this issue, we ought to have the opportunity to have hearings and a review to make a judgment. Now is not the time, and this is not the legislation.

I yield my remaining time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me again quote from the Carter-Baker commission report regarding the very proposal that is before us:

> There is no evidence of extensive fraud in U.S. elections or of multiple voting. It could occur and it could affect the outcome, but there is no evidence that exists today.

What is true is if this amendment were adopted, there are clearly people who will show up to vote who will not be allowed to vote a regular ballot because, under this legislation, in May of 2008, if you don't have this nonexisting voter card, you will not be allowed to vote. I don't care how long you have lived here, how many elections you have participated in, this is a national requirement that will exist in May of 2008. And out of 142 million people who have a right to vote, there is likely to be a substantial number who would be disenfranchised. This is the wrong direction to be going based on an anecdotal piece of evidence about people who show up to vote and claim to be someone else.

And that is why the Carter-Baker Commission recommendations on voter ID included a number of other reforms to provide a failsafe against this result. These additional components of the voter ID recommendation include allowing affidavit voting, with signature verification, until 2010. Thereafter, the Commission recommends that voters who did not have their ID could return to the appropriate election official within 48 hours of voting and provide the ID. But those failsafe provisions are not included in the amendment offered by the Senator from Kentucky.

Absentee balloting is an area that could take some work when it comes to addressing fraud, but even the Carter-Baker Commission concluded that fraud could not be documented in the case of in-person voting. To take this immigration legislation we have worked months to craft, and include the consideration of this ID proposal—and we rejected it only 4 years ago—to open up just this part of the Help America Vote Act, disregarding everything else, is the wrong step to take on an immigration bill.

Again, I emphasize, every civil rights organization, every group representing the elderly and disabled is urging colleagues to reject this amendment. This would be a major step backwards when it comes to election reform.

At the proper time I will offer a motion to table. My colleague from Kentucky wants to be heard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Kentucky has 4 minutes 12 seconds.

Mr. McCONNELL. Mr. President, there is a great debate going on in the Democratic Party on this issue. We have Jimmy Carter and Andrew Young on one side and, from the comments I have heard this morning, I gather colleagues from Massachusetts and Connecticut and Illinois on the other. It is an interesting debate among Democrats as to whether we should have this important ballot integrity measure.

My good friend from Massachusetts mentioned Georgia. They have photo identification in Georgia. That might explain why there were no reported cases by the Georgia Secretary of State of a problem. My good friend from Illinois declared that voter fraud was not a problem in America. I am sure he is familiar with Cook County in his own State, as Senator BOND has discussed regarding St. Louis and his State.

Let me take anyone who may doubt to eastern Kentucky. Voter fraud is a significant problem in America. And with a lot of new people coming in, many of them illegal, it raises the stakes to protect the integrity of the vote in this country. Every time somebody votes illegally, they diminish the quality and the significance of the votes of American citizens. This is not just Republicans making this point. This is some of the most significant Democrats in America today. President Jimmy Carter and former Atlanta Mayor Andrew Young believe that photo identification is absolutely critical.

With regard to the suggestion that there have been no hearings, we had numerous hearings in the Committee on Rules prior to passage of HAVA in 2002. The Baker-Carter commission had 21 members, 11 staff members, 25 academic advisors, 24 consulted experts in the field, two public hearings, advice from 22 witnesses, followed by three meetings and presentations spanning the country from LA to the District of Columbia, all of which produced a 104-page report in encapsulating 87 detailed recommendations to improve elections. There have been plenty of hearings on this subject.

The question is, on a measure which will guarantee that the number of illegals in America will continue to increase unless we are serious about border security, do we care about the franchise and diminishing the significance of the franchise of existing American citizens. We have engaged in a good discussion this morning on what this amendment does and does not do. It gives States the flexibility to design an identification to be shown at the polls to protect and secure the franchise of all U.S. citizens from ballots being cast illegally by non-U.S. citizens. Yes, the content standards of the REAL ID are the template but just the template.

And, last, the Federal Government will pay for any low-income Americans who do not have a photo identification, which is exactly the point that Andrew Young was making about how important that was for low-income Americans to finally have a photo identification so they can function in our society, which increasingly requires photo identification for almost everything—check cashing, getting on a plane, getting a fishing license, you name it, photo identification is required. It is nonsense to suggest that somehow photo identification for one of our most sacred rights, the right to participate at the polls, to choose our leadership, should not be protected by a requirement that is increasingly routine in almost all daily activities in America today.

If you support this amendment, then that puts you in the same camp with Jimmy Carter, James Baker, Andrew Young and 81% of legally registered Americans who seek to preserve and protect their Constitutionally guaranteed franchise from being disenfranchised by vote dilution and vote fraud. Mr. President, I urge that the motion to table, which Senator Dodd has indicated he is going to make, be opposed.

Mr. President, has all time been yielded back?

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I ask unanimous consent that a letter from State and local coalitions and civil rights groups be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 22, 2006.

Dear Senators: We, the undersigned national organizations, urge you to reject an amendment to be introduced by Senator Mitch McConnell (R-KY) to the Comprehensive Immigration Reform Act of 2006. The McConnell amendment would require, by May 11, 2008, that voters at polling places show federally mandated photo identification, pursuant to the "REAL ID Act of 2005" (P.L. 109-13), prior to casting a ballot.

The amendment raises voter identification issues without deliberation, further complicates unrealistic implementation deadlines for the REAL ID Act, creates a mandate for an identification tool not yet available, and underlines the continuing efforts of the states to enfranchise every eligible voter through the Help America Vote Act of 2002 (HAVA).

The undersigned groups have, for several years, been part of a coalition focused on educating Members of Congress about the importance of fully funding the Help America Vote Act. However, in this case, we have come together to oppose this amendment.

Our organizations are working to implement HAVA so that voters' rights are guaranteed, and so that states have the flexibility needed to implement required reforms to the nation's multi-jurisdictional system of election administration.

Throughout the life of HAVA, both the House and the Senate have sought input from all of the organizations in this coalition and have worked hard to balance the needs and interests of all parties. This amendment, however, has not gone through any of the normal information gathering or deliberative processes. For example: hearings have not been held in committee; interested organizations and individuals have not had an opportunity to comment, and election officials have not been given the opportunity to address how this provision would be administered.

In addition, issues like voter identification have been highly divisive. HAVA expressly recognized the states' right to address the voter ID question through the state legislative process, in a manner consistent with federal and constitutional law. The McConnell amendment would undermine the intent of HAVA in this area. Also, with growing uncertainty at the state level about implementing the REAL ID program in its current form, it is irresponsible to alter and expand the original purpose of the REAL ID's reach as contemplated by the Congress.

For the above reasons, we urge you to reject the McConnell amendment. Thank you for your consideration. If you have any questions, please feel free to contact Susan Parmis Frederick of the National Conference of State Legislatures at (202) 624-3566, Rob Randhava of the Leadership Conference on Civil Rights at (202) 466-6058, or any of the individual organizations listed below.

Organizations Representing State and Local Election Officials:

Council of State Governments; National Association of Counties; National Conference of State Legislatures; National Association of Latino Elected and Appointed Officials Educational Fund.

Civil and Disability Rights Organizations:

AARP; Alliance for Retired Americans; American Association of People with Disabilities; American Association on Mental Retardation; American Civil Liberties Union; American Council of the Blind; American Federation of State, County and Municipal Employees, AFL-CIO; Americans for Democratic Action; Asian American Justice Center; Asian American Legal Defense and Education Fund; Asian and Pacific Islander American Vote.

Asian Law Caucus; Association of Community Organizations for Reform Now (ACORN); Brennan Center for Justice at NYU School of Law; Center for Civic Participation; Center for Community Change; Common Cause; Consumer Action; Demos: A Network for Ideas and Action; Fair Immigration Reform Coalition; Friends Committee on National Legislation; Immigrant Legal Resource Center.

Japanese American Citizens League; Judge David L. Bazelon Center for Mental Health Law; Lawyers' Committee for Civil Rights Under Law; Leadership Conference on Civil Rights; League of Rural Voters; League of Women Voters of the United States; Mexican American Legal Defense and Educational Fund; NAACP Legal Defense & Educational Fund, Inc.; National Association for the Advancement of Colored People (NAACP); National Center for Transgender Equality; National Congress of American Indians.

National Council of La Raza; National Disability Rights Network; National Korean American Service and Education Consortium; People For the American Way; Project Vote; Service Employees International Union; The American-Arab Anti-Discrimination Committee; The Arc of the United States; United Auto Workers; United Cerebral Palsy; U.S. Student Association.

Mr. DODD. Mr. President, I move to table the McConnell amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. Cochran) and the Senator from Wyoming (Mr. Enzi).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. Rockefeller) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Stabenow
Sununu
Voinovich
Wyden

NAYS—49

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Coburn
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—3

Cochran
Enzi
Rockefeller

The motion was rejected.

Mr. ALEXANDER. Mr. President, although I share some of the concerns of the senior Senator from Massachusetts, I voted against tabling the McConnell amendment because I believe we need a voter identification card to reduce voter fraud. I support an appropriate identification card for Americans but did not support the REAL ID Act because I was concerned it would impose an unfunded mandate on the States and that the deadline for compliance was unattainable for most

States. I still hold those concerns, but it is clear now that the REAL ID is to become the Federal standard. I hope the Senator from Kentucky and others will work to address these concerns in conference—and during the appropriations process—so that a realistic deadline can be set and sufficient funding provided to the States so that they may comply with this federal mandate.

Mr. KENNEDY. Mr. President, what is the business before the Senate at the present time?

The PRESIDING OFFICER. The next order of business is a vote on the cloture motion.

The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that following the cloture vote, the Senate stand in recess until 12 noon to accommodate the joint meeting with the Prime Minister of Israel and that the time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I hope that this morning we will begin to draw to a close the Republican filibuster against comprehensive immigration reform. I have been encouraged that since our return to this legislation this month, the President has spoken out in favor of comprehensive immigration reform with an essential component being a realistic path to earned citizenship for those who work hard, pay their taxes, and contribute so much to our American way of life. When Republicans filibustered against two cloture votes last month, including one on a motion by the Republican Leader, I was disappointed. I had hoped we would recognize the lawful, heartfelt protests of millions against the harsh House-passed criminalization measures. While they waved American flags, some of those fueling anti-immigrant feelings burned flags of other countries. I hope that through this debate we have been able to convince enough Senate Republicans to join us in our efforts and to appreciate the contributions of immigrants to our economy and our Nation.

This bill is not all that it should be. Yesterday we short-circuited efforts to make it more flexible for those persecuted around the world. This country has had a history of being welcoming to refugees and those seeking asylum from persecution. Yesterday the Senate turned its back on that history by refusing to allow the Secretary of State the flexibility needed after restrictive language was added by the REAL ID Act to our laws. I hope Senators will reconsider these issues with more open minds and hearts and a fully understanding of the lives being affected. Sadly too, many were spooked by false arguments.

I have made no secret that I preferred the better outline of the Judiciary Committee bill. The bill the Senate is now considering is a further compromise. Debate and amendments have added some improvements and some significant steps in the wrong direction. Besides the failures yesterday to readjust its asylum provisions to take into account the realities of oppressive forces in many parts of the world, I was most disappointed that the Senate appeared to be so anti-Hispanic in its adoption of the Inhofe English amendment. Yesterday Senator SALAZAR and I wrote to the President following up on this provision and the comments of the Attorney General last week and weekend. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order 13166. A prompt and straightforward affirmative answer can go a long way toward rendering the Inhofe English amendment a symbolic stain rather than a serious impediment to immigrants and Americans for whom English is a second language. I ask consent that a copy of our letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. There are growing rumors that some who oppose comprehensive immigration reform will not be deterred by a supermajority vote for cloture and are considering various procedural points of order to delay or derail Senate action in the Nation's interest. I hope they will reconsider and join with us in a constructive way to enact comprehensive immigration reform. We do not need more divisiveness and derision. This bill is not the bill I would have designed. It includes many features I do not support and fails to include many that I do. Nonetheless, I will support cloture and will continue to work to enact bipartisan, comprehensive immigration reform.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 23, 2006.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: Last week over my objection the Senate adopted an amendment to the comprehensive immigration bill that seeks to place restrictions on the Government and its communications in languages other than English. I was extremely disappointed that your Administration did not speak out against the divisive amendment and help us work to defeat it.

Attorney General Gonzales said after the fact that you have "never been supportive of English only or English as the official language." The Attorney General indicated over the weekend that his reading of the Inhofe amendment "would not have an effect on any existing rights, currently provided under federal law." I note that you continue to use Spanish on the official White House website, indeed you include a translation into Spanish of the radio address you gave last Saturday on immigration.

I write to ask whether you intend to continue to adhere to Executive Order 13166 if the Inhofe amendment is enacted into law. This Executive Order was adopted by President Clinton in August 2000 to improve access to federal programs and activities. In 2002, your Assistant Attorney General for Civil Right reaffirmed support for the Executive Order and indicated that your "Administration does not plan to repeal Executive Order 13166." What would be the effect, if any, on Executive Order 13166 and its implementation if the Inhofe language adopted by the Senate were to become law?

Respectfully,

PATRICK LEAHY,
Senator.
KEN SALAZAR,
Senator.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 414, S. 2611: a bill to provide for comprehensive immigration reform and for other purposes.

William H. Frist, Arlen Specter, Larry Craig, Mel Martinez, Orrin Hatch, Gordon Smith, John Warner, Peter Domenici, George V. Voinovich, Ted Stevens, Craig Thomas, Thad Cochran, Judd Gregg, Lindsey Graham, Norm Coleman, Mitch McConnell, Lamar Alexander.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 2611, the Comprehensive Immigration Reform Act of 2006, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The yeas and nays resulted—yeas 73, nays 25, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—73

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Frist
Graham
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar

Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Thomas
Voinovich
Warner
Wyden

NAYS—25

Allard
Allen
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Crapo
DeMint
Dole
Dorgan
Ensign
Grassley
Inhofe
Isakson
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thune
Vitter

NOT VOTING—2

Enzi
Rockefeller

The PRESIDING OFFICER (Mr. VITTER). On this vote, the yeas are 73, the nays are 25. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that I now be recognized to use my leader time and following my comments the Senate recess under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, for the information of our colleagues, we will be having the joint session shortly, after which, with cloture successfully invoked, we will begin the 30 hours of debate on the immigration bill. I am pleased with the outcome of the vote that we just took. We are on a glidepath to complete the immigration bill, a comprehensive bill. Still, we will have the opportunity to have a number of amendments. In fact, there are a lot of amendments to be considered over the course of the day.

WELCOMING ISRAELI PRIME MINISTER EHUD OLMERT

Mr. President, today the Congress does have the pleasure in a few moments of welcoming Israeli Prime Minister Ehud Olmert to address a special Joint Session of Congress. This is his first visit to Washington as Prime Minister, and he will be only the fourth Israeli Prime Minister ever to address both Chambers.

The honor is mutual. We look forward to listening to his remarks in a few moments. Following his speech, the Speaker of the House, Speaker HASTERT, and I, along with a number of our colleagues, will host the Prime Minister for a bipartisan bicameral leadership lunch.

Ehud Olmert was sworn in as the 12th Prime Minister of Israel on May 4 after a tragic stroke incapacitated Prime Minister Ariel Sharon in January. In late March he assumed the leadership of Ariel Sharon's Kadima party, and led it to victory in Israel's national elections. His party won the largest share of seats in the Israeli Knesset, elevating Mr. Olmert to the Prime Ministership with responsibility for governing Israel's next coalition government. His Cabinet was sworn in this month and includes members of the largest opposition party, the Labor Party. I spoke with the Prime Minister in April to congratulate him on his and the Kadima party's victory.

Today it is my privilege to welcome him to the United States Capitol.

Since its founding nearly 60 years ago, Israel and the United States have enjoyed a special and exceptionally strong relationship. Shared historical and cultural ties have bound our countries together. For nearly six decades, America's commitment to Israel's security has been one of the principal pillars of U.S. policy in the Middle East.

Today, Prime Minister Olmert faces great challenges. In January's Palestinian legislative elections, Hamas won a majority of parliamentary seats. Hamas is a known terrorist organization that has called publicly for Israel's destruction. It has repeatedly demonstrated its willingness to employ violence and terrorism in pursuit of this objective.

On April 17, a Palestinian suicide bomber killed nine people in an attack in Tel Aviv during the Passover holiday. The Hamas government refused to condemn the bombing.

Here in Congress we share the view that Hamas is a terrorist organization and needs to take substantial steps to become a partner for peace. We are in agreement that Hamas must recognize Israel, renounce its violence and terrorism, disarm its militias, and abide by all previous agreements with Israel, including the roadmap for peace. Until Hamas meets these conditions, foreign assistance for the Hamas-led Palestinian Authority will not be forthcoming.

Since taking office, Prime Minister Olmert has repeated his desire to negotiate an end to this conflict. In fact, he has stated that negotiations with a credible peace partner that is genuinely and demonstrably committed to a peaceful two-state solution and that will end terrorism against Israel is "the most stable and desired basis for the political process."

The Prime Minister has stated that he will allow time for a credible peace partner to emerge in the Palestinian Authority, and like his predecessor, he has demonstrated the willingness and ability to make the difficult decisions necessary for peace in the Middle East. I hope Prime Minister Olmert will continue along this path and get the peace process back on track. I commend the Prime Minister for his leadership in the months since former Prime Minister Sharon's stroke. He can be assured of our continued support.

The United States is proud to be a friend and ally to the people of Israel. The Prime Minister's visit to the Capitol today underscores our strong bilateral relationship. My colleagues and I look forward to working closely with the Prime Minister and his new government to achieve the vision of two democratic states, Israel and Palestine, living side by side in peace and security.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 12 noon.

Thereupon, the Senate, at 10:28 a.m., took a recess, and the Senate, preceded by the Secretary of the Senate, Emily Reynolds, and the Deputy Sergeant at Arms, Lynne Halbrooks, proceeded to the Hall of the House of Representatives to hear the address by the Prime Minister of Israel, Ehud Olmert.

(The address delivered to the joint session of the two Houses of Congress is printed in the Proceedings of the House of Representatives in today's RECORD.)

At 12 noon, the Senate reassembled and was called to order by the Presiding Officer (Mr. COBURN.)

The PRESIDING OFFICER. In my capacity as a Senator from Oklahoma, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006—Continued

AMENDMENT NO. 4085

Mr. KENNEDY. Madam President, I make a point of order that the amendment of the Senator from Kentucky is not germane under rule XXII.

The PRESIDING OFFICER. The point of order is sustained.

Mr. KENNEDY. I thank the Chair.

Madam President, in accordance with the agreement that was entered into yesterday, the Senator from West Virginia is prepared to address the Senate on mine safety and then to debate his amendment. I look forward to that discussion.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, what is so lovely as a day in June? I repeat my question. What is so lovely as a day in June? Of course, the Presiding Officer, who graces the Chair this afternoon, she is—I have said enough. People have caught on already. I am talking about somebody who is as lovely as a day in June. But beauty is in the eye of the beholder, they say.

MINE SAFETY

Madam President, this morning the Senate unanimously passed critical mine safety legislation in response to the coal mine tragedies that robbed the State of West Virginia of 18 of its sons this year. A process that began with the introduction of the West Virginia delegation's mine safety bill has taken a significant step forward today. We have learned from the tragedy at Sago, and we have learned from the subsequent mining fatalities in West Virginia, Kentucky, Utah, Alabama, and Maryland.

If the House acts quickly on legislation and the Federal mine regulators are quick in implementing the bill, the miners of our Nation, the miners of our country, will soon have the oxygen—yes, the oxygen—communications, and rescue teams necessary to save lives and to prevent future tragedies. We saw in Kentucky over the weekend that these mine accidents can happen at any time, so the Senate's quick and unanimous passage of the Senate committee-reported bill this morning is greeted by all who mine coal with welcome relief.

On behalf of the many grateful coal miners and their families in West Virginia, I thank the chairman and ranking member of the Senate Committee on Health, Education, Labor and Pensions, Senators MIKE ENZI and TED KENNEDY. I thank them, yes. I do, on behalf of these people.

I was raised in the home of a coal miner. I married, 69 years ago, the daughter of a coal miner. I know about the lives—the joys and the sadnesses that come to the lives—of the men and women who work in the mines. They are a special breed. They are going to a mine, where an explosion has just occurred, to risk their own lives for other men and women who may be trapped in that mine. A special breed.

So I thank Senators ENZI and KENNEDY for their great work. They have performed a mission. I also thank Senators ISAKSON and MURRAY, the chairman and ranking members of the full committee and the Subcommittee on Employment and Workplace Safety, who committed themselves to the task of producing a mine safety bill. They were unyielding in that effort.

Along with Senator ISAKSON, Chairman ENZI and Senator KENNEDY visited the Sago and Alma mines in West Virginia. Yes, they did. I thank them again. Along with Senator ISAKSON, Chairman ENZI and Senator KENNEDY visited the Sago and Alma mines in West Virginia. They talked with the families of those who had perished. What a sad day. They took a personal interest in the safety of the coal miners of my State.

When it came time to draft a committee bill, the chairman and ranking member graciously solicited the ideas of Senator ROCKEFELLER and myself. Senator ROCKEFELLER has been away for a while recovering from back surgery. He has been away for several weeks now. Senator ROCKEFELLER is a true friend of the coal miners of West Virginia and the miners throughout the Nation. Senator ROCKEFELLER has been recovering from back surgery for several weeks now, but he contributed much—yes, much—to the discussions that produced this bill.

Even in recovery, JAY ROCKEFELLER, my esteemed colleague, is a strong presence. He has been and is a strong presence in the Senate, and throughout his career he has been a very forceful advocate for the safety of coal miners, the miners of West Virginia.

With Senate passage today, our hopes are high that the House of Representatives will act quickly on legislation that can be enacted into law. The sooner Congress passes legislation, the safer our coal miners will be at work, and the greater the likelihood the future disasters can be prevented. Our Nation's coal miners and their families deserve no less.

AMENDMENT NO. 4127

Madam President, I will be offering the Byrd-Gregg amendment to fund border security and interior enforcement efforts. For those Senators who want to secure the borders, here me now, those Senators who want to secure the borders, this is the amendment that will help to provide a source of funding to make it happen.

Of the 12 million illegal aliens in the country, it is estimated that one in four were lawfully admitted to the United States, but they overstayed their visas to remain here illegally. Of the 19 terrorists who carried out the September 11 attacks, 4 were illegal aliens who had overstayed their visas. Let me say that again for emphasis: Of the 19 terrorists who carried out the September 11 attacks, 4 were illegal aliens who had overstayed their visas. They came as students, tourists, or business travelers.

It is estimated that 400,000 illegal aliens who have been ordered deported by an immigration judge have disappeared—get that—disappeared into the interior of the country. Let me say that again: It is estimated that 400,000—yes, you heard me, 400,000—illegal aliens have been ordered deported by an immigration judge but have disappeared, have faded into, have blended into the interior of the country.

Our border and interior enforcement personnel have asked for additional resources and personnel to apprehend and deport these aliens, but those law enforcement agencies have consistently been made to do with less than what they need to do their job. It is a dismal record.

To make matters worse, the pending bill grants amnesty to up to 12 million illegal aliens by rewarding them with temporary worker status. The expectation and promise is that many of these illegal aliens who have already successfully circumvented our immigration laws will eventually adjust their status to legal permanent resident or leave the country when their temporary worker status expires.

Given the failure to prevent other immigrant workers from overstaying their temporary visas in the past, it is difficult to take such assurances seriously. The pending bill authorizes appropriations of $25 billion—that is a lot of money—over the next 5 years for border and interior security efforts. Yet there is little hope that such funds will ever be made available.

The President has consistently underfunded—yes, Senators heard me correctly—the President has consistently underfunded border and interior enforcement in his annual budgets, and he has consistently opposed efforts to replace those funds in the appropriations process. The funding for our border and interior enforcement agencies has been so severely neglected that the President has been forced to deploy the National Guard to our southern border with Mexico. This is a real national security threat that will grow alarmingly worse if this amnesty proposal is carried into effect. Our border security requires real resources not more unfunded mandates.

Today, I offer an amendment, along with Senator GREGG, my esteemed colleague—when I say "esteemed" I say that with great fervor, my esteemed colleague—the chairman of the Committee on Homeland Security Appropriations, to help provide a source of funding to secure our border.

The Byrd-Gregg amendment, or the Gregg-Byrd amendment, would require the illegal aliens who would benefit from this amnesty bill to help pay its costs. What is wrong with that? It would require the illegal aliens who would benefit from this amnesty bill to help pay its costs. That sounds pretty good to me. It would require illegal aliens to pay a $500 fee before gaining any benefit from the amnesty provisions of this bill. That is not too high a fee. This fee would be in addition to the other fees and penalties included in this bill.

The Gregg-Byrd amendment would dedicate those moneys to the appropriations accounts where border and interior security efforts are funded. Our amendment makes available almost $3 billion.

That is no small sum of money: $3 billion. That is $3 for every minute since Jesus Christ was born; $3 for every 60 seconds since our Lord and Saviour Jesus Christ was born. That is a lot of money.

Our amendment would make available almost $3 billion in the next 2 fiscal years to apprehend and detain those aliens who are inadmissible and deportable under the Immigration Act. It would make funds available to help our Border Patrol acquire border sensor and surveillance technology. It would provide funds for air and marine interdiction, operations, maintenance, and procurement; for construction projects in support of U.S. Customs and Border Protection, to train Federal law enforcement personnel, and for maritime security activities.

These are essential border security equipment needs that have been neglected for too long—too long—and continue to be neglected. So I think it is only fair and appropriate that the illegal aliens who have created the need for these funds help to finance them. Yes, this is a necessary amendment if Senators hope to secure the border.

The Byrd-Gregg amendment would help to provide some certainty that the law enforcement mandates of this bill would be carried into effect. It is not enough to authorize border security. We need to fund it. We need to fund border security. The Senate must ensure that the aliens who are supposed to leave are made to leave, and that the agencies charged with that responsibility have the resources that those agencies need to do their job.

I urge the adoption of the Byrd-Gregg amendment.

Madam President, I call up amendment No. 4127.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself and Mr. GREGG, proposes an amendment numbered 4127.

Mr. BYRD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund improvements in border and interior security by assessing a $500 supplemental fee under title VI)

On page 537, between lines 2 and 3, insert the following:

SEC. 645. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations–

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a);

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a);

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for maritime security activities.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

Mr. BYRD. Madam President, I ask unanimous consent that Senator THOMAS be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I wonder if I might inquire of the distinguished Senator from West Virginia if he would be willing to enter into a time agreement on the amendment.

Mr. BYRD. Madam President, I would. May I defer to my distinguished colleague, Mr. GREGG, that he might speak at this time on the amendment.

Mr. SPECTER. Of course. But if we could enter into a time agreement, I would suggest 1 hour equally divided. We are trying to work through—no one knows better than Senator BYRD, who was the distinguished majority leader for many, many years, and the President pro tempore, what is involved in trying to work through time agreements. I do not know that we will need all that time, but it would be my suggestion, if it is acceptable to you, I say to Senator BYRD and Senator GREGG, that we have a 1-hour time agreement equally divided.

Mr. GREGG. It is fine with me.

Mr. BYRD. I would be agreeable to a time agreement. And I believe my colleague, Senator GREGG, would be willing—he has nodded in the affirmative.

Mr. SPECTER. Then I propose a unanimous consent request, Madam President, on the Byrd-Gregg amendment, that there be a 1-hour time agreement, with no second degrees in order, and that the 1 hour be equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Madam President, did I hear the Senator include the provision that there be no second-degree amendments?

Mr. SPECTER. I did.

Mr. BYRD. I thank the Senator. That is fine.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, may I inquire of the floor manager, on a separate matter. I am going to speak, obviously, to this amendment which Senator BYRD has offered, which I am happy to cosponsor. If I could get the manager's attention, I ask unanimous consent that after we complete this amendment we go to my amendment, that I offer with Senator CANTWELL, as the next piece of business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Thank you.

Madam President, I join with Senator BYRD in sponsoring his amendment, which is a right and proper amendment in the context of the cost of containing our borders and the fact that most of that cost is incurred as a result of illegal activity occurring on the borders and especially people coming across the borders illegally.

The amendment essentially adds $500, which, as I understand it, the way it is constructed, will not be actually called upon unless the Appropriations Committee determines that it needs the money in order to improve border security. It is likely it will be called upon because we do need those funds to improve border security.

The total amount this would raise, as the Senator from West Virginia has pointed out, is about $3 billion—$2.8 billion. That is a lot of money, as he pointed out—$3 for every minute, I think he said, since the birth of Jesus. It is, however, only a small portion of what is going to be necessary in order to properly secure the borders.

We know, for example, that it will cost us about $2 billion to move forward with fully implemented sensor and surveillance technology on the border. We know it will cost approximately $2 billion, in addition to the $2 billion I just mentioned, to do a fully integrated communications system on the border. And we are talking just the southern border. We know that in order to upgrade the air fleet, which is extremely aged—the P-3s being almost 40 years over their useful life and the helicopters being 20 years over their useful life—it will cost $2.4 billion.

So there is a great need for funds to adequately secure the border. I think we have all agreed in this Senate—and I think it is the consensus of the American people—that the first effort in the area of controlling illegal immigration should be the securing of our borders, and especially our southern border, which has been the point of most concern relative to illegal immigrants coming across the border.

So this amendment says, if you are going to obtain citizenship in what has been described as earned citizenship, an element of that earning of citizenship—since you are already here illegally, according to the 12 million people who would be qualified for this and be subject to this additional fee—an element of earning that citizenship is to pay a fee, much as you would pay a fine for violating the law, which is what happened here. In addition, of course, they go to the back of the line, and they have to show so many years of having worked here in the United States in a constructive way, and they cannot have violated American laws.

But part of the element of earning that citizenship is to pay a fine. What we are suggesting is that in addition to the base fine—which is presently now, I believe, at $2,750, after all the amendments on the floor—we would add an additional $500. So the fine would essentially be—or the fee, however you want to describe it; depending on which side of the debate you are on, we use different terminology, but it is the same thing—the person seeking to change their status from illegal to legal would have to pay this fee. It would be $3,250 total, $500 of which would go to helping us secure the border so we would not have this problem in the future of so many illegals coming across the border.

It is not an exceptional amount of money. Some people are going to argue that it is too much money to ask people to pay. That is really not a lot of money to pay to get in line to become an American citizen. It is a fairly reasonable request, in light of the fact that they are already here, they have a job, they are earning money, they are taking advantage of our society, and now they want to participate in the society as legalized citizens. Having come in illegally, it is reasonable to ask them to pay this additional fee. So this $500 which is being proposed by Senator BYRD is both reasonable in the context of what people should be asked to pay and very important in the context of doing an adequate job of protecting our border.

Senator BYRD has been one of the most aggressive and effective advocates for a long time for beefing up border security. He has offered amendment after amendment to try to accomplish this. I have greatly respected and, obviously, have enjoyed working with him on the Subcommittee on Homeland Security relative to trying to improve the borders and relative to all things that committee addresses. But this has been a special focus of his, and he understands this issue.

This amendment reflects that understanding, that for all the good intentions and all the good words, if they are not backed up by resources—a point I have made on this floor innumerable times, and which is made by this amendment—you simply cannot accomplish your goal. The goal, obviously, is to secure the southern border so that, to the extent you can do it, you limit people coming in here illegally through the use of an intelligent border security system. That means electronics. That means boots on the ground. That means adequate aircraft. That means adequate unmanned aircraft. And that means adequate Coast Guard.

But it all takes dollars. As the Senator from West Virginia has pointed out, the dollars simply have not been in the pipeline. The dollars are not in the pipeline. As I have mentioned before on this floor, the budget which was sent up by the President, by the administration, requested additional commitment to the border, but they used a plug number in the sense that they expected to pay for that with $1.2 billion in increased fees for people flying on airplanes. That is not going to happen. Those fees are not going to happen. And it is reasonable they should not happen.

People flying on airplanes are not crossing our border illegally. People flying on airplanes are not using land transportation into this country. The land transportation security system should not be paid for by the air traffic security system. The air traffic security system should pay for itself, and to a great extent it does through the taxes put on people who are flying. The TSA is paid for, in large part, by that. But we should not increase further the taxes on people flying and then take that money and use it on the borders to support land transportation security.

I have suggested that maybe we should put a toll down on the border. It costs me 75 cents to go from Nashua, NH, to Manchester, NH, which is about 18 miles. With the cost of 50 cents to come across the border, we could raise this money. That was objected to. There are some treaty issues there, and also some cultural issues.

But there is another approach, and it is a good approach. It is to say to the people who abused our border, who took advantage of the fact we did not have adequate security on our border and came into our country illegally: Listen, when you want to put yourself in the status of a legal citizen—go to the back of the line, earn your citizenship—part of that is to pay the cost of making the border secure.

So the Senator from West Virginia has come up with an excellent proposal. I strongly support it, and I certainly hope the Senate will support it as we go forward.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I thank my distinguished colleagues, Senator BYRD and Senator GREGG, for offering this amendment.

The concern which I have is whether it will be counterproductive, in putting such an increased burden on the undocumented immigrants, that they will not come forward.

The fines and fees have been very carefully calibrated during the course of committee deliberation. On those who have been here for more than 5 years, we had assessed the fine or fee at $2,000, with $1,600 going to Border Patrol. With respect to those who were here 2 to 5 years, we have put on a fee of $1,000 less than those who were here more than 5 years because they have to return. And out of that $1,000, we have allocated $800 to border security. There are other fines, $500 for spouse and children on deferred mandatory departure and $400 on agriculture jobs adjustment status. It was the calculation of the committee, after considering the matter carefully, that that was the appropriate fine.

It would always be a good idea to find some other source of revenue to help defray expenditures from the general Treasury, but what we are trying to do here is to calibrate a system where we will achieve the objective of imposing fines as much as we think the traffic will bear and still bring the undocumented immigrants out of the so-called shadows and not create a fugitive class. I intend to stick with the committee recommendation which is the committee bill.

Therefore, as much as I respect and admire Senator BYRD, I am constrained, as chairman of the committee, to oppose the amendment. It is a judgment call as to what will be accomplished, a judgment call as to whether $2,000 is right or $2,500 is right or $3,000 is right. We don't want to get involved in an auction sale, obviously, but that is the position I take as manager of the bill.

Next in line is the Gregg amendment. We ought to be prepared to move to that amendment at the conclusion of debate on the Byrd-Gregg amendment. I don't know how much longer the distinguished Senator from West Virginia will want to speak or whether the Senator from Massachusetts will speak. A unanimous consent request is being typed up now. We have 14 amendments to go. We are working through time agreements. We would like to have Senators on the next amendment lined up. That would be Senator GREGG. Beyond Senator GREGG, the next amendment will be Senator LANDRIEU's amendment. So we give notice to Senator LANDRIEU that she should be on deck.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I regret that I was necessarily absent for a good part of the Senator's presentation. I am familiar with the issue. I applaud his concern about whether there are going to be adequate resources to deal with issues of enforcement, detention, and legal enforcement. These are all worthwhile undertakings. The real issue is, in the compromise legislation we are going to raise $18 billion. The Cornyn amendment adds between $5 and $6 billion. As I understand it, the Byrd amendment is $3 billion on top of that. And we have raised fees on immigrants quite significantly so that there will be a considerable additional burden.

About 35 percent of those who will be adjusting their status are overstays, and so they had nothing really to do with border security, although border security is enormously important. We can't reallocate the resources, the fines or fees, on people that had come across the border. It seems to me that these fees are enormously costly. Under the Cornyn amendment, it is going to be an additional payment for every child. We reach a point where we are talking about people of extremely modest means, reaching a ceiling. I think we crossed it even with the Cornyn amendment.

I reluctantly oppose the amendment. But I want to give assurance to the Senator from West Virginia that we will monitor this very closely. He is on our side the leader on the Appropriations Committee. We have talked over his general concerns on a wide range of issues relating to immigrants. We remember the border security issue of a couple years ago, and he was very involved in wanting to make sure of the integrity of the system. He was very involved in the debate on those questions. This subject matter is not a new matter for him. It is a matter of enormous importance. I hope we will be able to handle it under the existing provisions and we would not need the additional resources that are included in his amendment.

We want to give him assurance that we will keep in close contact with him to let him know what the current situation is, and we will always have an opportunity in the future to revisit it. I join with the Senator from Pennsylvania and hope that it will not be accepted.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I have a unanimous consent request. It has been coordinated with the Democrats, and it is appropriate to propound it at this time.

I ask unanimous consent that following the debate in relation to the Byrd amendment, it be temporarily set aside and the Senate proceed to the following amendments: Senator GREGG, 60 minutes equally divided; Senator LANDRIEU No. 4025, 20 minutes equally divided; Senator HUTCHISON No. 4046, 30 minutes equally divided; Senator SESSIONS, Budget Act point of order and a subsequent motion to waive, 1 hour for Senator SESSIONS, 30 minutes for Senator KENNEDY, 30 minutes for myself; I further ask consent that following the use or yielding back of the above mentioned times, the Senate proceed first to a vote on the pending motion to waive the Sessions budget point of order, to be followed by votes in relation to the above listed amendments in the order offered; provided further that there be no second degrees in order prior to the votes, there be 2 minutes equally divided for debate between the votes, and finally, all votes after the first vote in this sequence be limited to 10 minutes in length, with the times for voting rigidly enforced.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

Mr. BYRD. Madam President, the bill authorizes $25 billion over 5 years in appropriations. This amendment by Senator GREGG and myself funds $3 billion of that amount. This is a modest sum, a modest amendment, a modest fee increase that Senator GREGG and I are asking for. The pending bill would provide amnesty for the illegal aliens who would benefit from the bill. It would provide a path leading to U.S. citizenship. It would provide access to taxpayer-funded benefits such as Social Security, Medicare and Medicaid, unemployment compensation, food stamps. Illegal aliens who would benefit from the bill are getting a lot, significantly more than what they are being asked to pay into the system. I don't believe that it is too much to ask that they help to fix the border security system that they sought to undermine.

This amendment is specific. It targets those areas identified by the Homeland Security Appropriations Subcommittee that are most in need of funds. I also note that the Congressional Budget Office estimates that this bill would authorize $25 billion in appropriations over the next 5 years. Six billion of that is authorized for fiscal year 2007, and Senator GREGG and I, as the chairman and ranking member of the Homeland Security Appropriations Subcommittee, are going to be asked to fund many of these border security authorizations. We need a source of revenue with which to do it. So the purpose of this amendment is to provide a source of funding for our border security needs and to do it as quickly as possible.

This amendment would make almost $1 billion available for border and interior security needs for the fiscal year 2007, which the Appropriations Committee can provide this summer when it writes the bill. This amendment would make another $2 billion available in the fiscal year 2008.

We can't afford to delay this critical funding any longer. I hope Senators will support this amendment.

(Mr. DEMINT assumed the chair.)

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent to be recognized for 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

AMENDMENT 4114

Mr. SCHUMER. Mr. President, I see my good friend from New Hampshire coming to the floor to offer his amendment. I must rise in opposition to the soon to be pending amendment, which would essentially do away with the original purpose of the diversity visa program.

As a Member of the House, I helped create this program, which my colleague, Senator KENNEDY, created in the Senate in 1990. It had a very simple purpose, and that was this. Our immigration laws were based on family reunification and certain other qualifications, so there were whole ranges of countries from which people could not get visas. They tended to be European and African, even though the vast majority of Americans are descendents of Europeans and Africans. But because for several generations no people had come from those countries—the people were either third cousins or unrelated to people here—the family unification, a very noble purpose, took predominance and the overwhelming majority of immigrants came from the Caribbean, Latin America, and Asia. This diversity program was a small program, and it was intended to allow some from other countries to come. In fact, my city of New York has dramatically benefited from this program, and diverse countries such as Ireland, Poland, and Nigeria have had large numbers of immigrants to be able to come, set roots, and help the diversity of New York and of America.

So this is an excellent program. Nobody has said it has done a bad job. It is small. There are only about 50,000 visas a year. It is really based on the idea of new seed. I believe every immigrant is special because they, or all of us who descend from them, come from a special group of people who had the guts and the gumption to get off their butts and basically come to America. They said: I don't want to lead this disease-ridden, impoverished life. I am willing to come here and take a risk. That is one of the reasons America is a special place—the idea of bringing new seed to this country, people who are willing to risk everything, is great.

I have one example. I met a man named Napoleon Barragan, who probably would not qualify under this program. He founded 1–800–Mattress. It employs about a thousand people in Queens. I went to his office and saw this picture in which there were grass huts with kids playing in the front. He said: That is the village in which I was born in Ecuador. He said: Of all those kids, only one had the gumption, the guts to leave that impoverished, disease-ridden life and come to America. He said: Do you know who that was? I said no, but I had an idea. He said: Me. He went on to found a company that employs a thousand people.

My friend from New Hampshire and colleague from Washington say let's have more visas for highly educated people. I am all for that. But this bill puts a whole lot of visas in for that, and that is why groups as diverse not only as the NAACP and U.S. Conference of Catholic Bishops but the U.S. Chamber of Commerce, the National Association of Manufacturers, and I am even told that Microsoft opposes this amendment because they are very happy with the much needed increase in people who have certain skills and certain education. I think America should admit many more of those people but not at the expense of this small, successful program that guarantees that other countries, such as the Irelands, the Polands, and the Nigerias that are unable to have immigrants come in for family reasons, can get people to come into this country. So why can't we have both?

If you believe that immigrants are good for America, as I do, and you believe both highly educated people and new seed people are good for America, why do we have to rob Peter to pay Paul? As I said, Microsoft, which has led the charge for more highly educated people, such as engineers and scientists, to be allowed into this country, is not asking that this program be changed. These companies recognize, as Senator KENNEDY did in the Senate and as I did in the House a long time ago, that this country is better served by bringing immigrants from all over the world at all levels. We certainly need more scientists and engineers, but we also need new immigrants like Napoleon Barragan—ambitious people without money and a family connection—to come here and start new businesses.

The great thing about America is when you work hard, you benefit yourself, your family and, in that way, you benefit America. My own ancestors were immigrants. They didn't come here with advanced degrees. My father was an exterminator. I am a U.S. Senator. That says something great about America. But one of the things great about America is, again, we allow people from all over the world to come here.

So I plead with my colleagues, keep the diversity visa program. It is small, 50,000 a year. From all the groups that want more educated immigrants to come to America, we do not hear any need to take away from this program to add more. They are very happy with what Senator SPECTER has done in the bill, as am I, which is increase the numbers of H–1Bs and other visas for these folks. We can have both. We do not have to rob Peter to pay Paul.

As I ride my bike around New York City on the weekends, I see what immigrants do for America. This program has dramatically helped. Neighborhoods such as Woodlawn and Greenpoint have been revitalized by new Irish and Polish immigrants. Neighborhoods such as East Flatbush and Harlem have been revitalized by West African immigrants. We don't have to stop this program.

I urge my colleagues to vote no on a well-intentioned but misguided amendment and preserve the diversity program as well as other parts of the bill that allow more educated immigrants to come to this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I am not sure of the status of my amendment. I understand there was a unanimous consent agreement that it would be limited to an hour in time; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Am I to presume that the statement of the Senator from New York comes off of the opposition's time?

The PRESIDING OFFICER. After the amendment is offered, there is 1 hour equally divided.

Mr. GREGG. Would the Senator's statement be taken out of that time?

The PRESIDING OFFICER. By unanimous consent.

Mr. GREGG. First, Mr. President, I ask unanimous consent that from the previous order of the Hutchison amendment be 4101 rather than 4046 and that the time under that amendment be 40 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to yield back all time on the Byrd-Gregg amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4114

Mr. GREGG. Mr. President, I call up my amendment No. 4114.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 4114.

Mr. GREGG. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To amend title II of the Immigration and Nationality Act to reform the diversity visa program and create a program that awards visas to aliens with an advanced degree in science mathematics, technology, or engineering)

On page 345, between lines 5 and 6, insert the following:

(e) WORLDWIDE LEVEL OF IMMIGRANTS WITH ADVANCED DEGREES.—Section 201 (8 U.S.C. 1151) is amended—

(1) in subsection (a)(3), by inserting "and immigrants with advanced degrees" after "diversity immigrants"; and

(2) by amending subsection (e) to read as follows:

"(e) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS AND IMMIGRANTS WITH ADVANCED DEGREES.—

"(1) DIVERSITY IMMIGRANTS.—The worldwide level of diversity immigrants described in section 203(c)(1) is equal to 18,333 for each fiscal year.

"(2) IMMIGRANTS WITH ADVANCED DEGREES.—The worldwide level of immigrants with advanced degrees described in section 203(c)(2) is equal to 36,667 for each fiscal year.".

(f) IMMIGRANTS WITH ADVANCED DEGREES.—Section 203 (8 U.S.C. 1153(c)) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "paragraph (2), aliens subject to the worldwide level specified in section 201(e)" and inserting "paragraphs (2) and (3), aliens subject to the worldwide level specified in section 201(e)(1)";

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

"(2) ALIENS WHO HOLD AN ADVANCED DEGREE IN SCIENCE, MATHEMATICS, TECHNOLOGY, OR ENGINEERING.—

"(A) IN GENERAL.—Qualified immigrants who hold a master's or doctorate degree in the life sciences, the physical sciences, mathematics, technology, or engineering from an accredited university in the United States, or an equivalent foreign degree, shall be allotted visas each fiscal year in a number not to exceed the worldwide level specified in section 201(e)(2).

"(B) ECONOMIC CONSIDERATIONS.—Beginning on the date which is 1 year after the date of the enactment of this paragraph, the Secretary of State, in consultation with the Secretary of Commerce and the Secretary of Labor, and after notice and public hearing, shall determine which of the degrees described in subparagraph (A) will provide immigrants with the knowledge and skills that are most needed to meet anticipated workforce needs and protect the economic security of the United States.";

(D) in paragraph (3), as redesignated, by striking "this subsection" each place it appears and inserting "paragraph (1)"; and

(E) by amending paragraph (4), as redesignated, to read as follows:

"(4) MAINTENANCE OF INFORMATION.—

"(A) DIVERSITY IMMIGRANTS.—The Secretary of State shall maintain information on the age, occupation, education level, and other relevant characteristics of immigrants issued visas under paragraph (1).

"(B) IMMIGRANTS WITH ADVANCED DEGREES.—The Secretary of State shall maintain information on the age, degree (including field of study), occupation, work experience, and other relevant characteristics of immigrants issued visas under paragraph (2)."; and

(2) in subsection (e)—

(A) in paragraph (2), by striking "(c)" and inserting "(c)(1)";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) Immigrant visas made available under subsection (c)(2) shall be issued as follows:

"(A) If the Secretary of State has not made a determination under subsection (c)(2)(B), immigrant visas shall be issued in a strictly random order established by the Secretary for the fiscal year involved.

"(B) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have a degree selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is greater than the worldwide level specified in section 201(e)(2), the Secretary shall issue immigrant visas only to such immigrants and in a strictly random order established by the Secretary for the fiscal year involved.

"(C) If the Secretary of State has made a determination under subsection (c)(2)(B) and the number of eligible qualified immigrants who have degrees selected under such subsection and apply for an immigrant visa described in subsection (c)(2) is not greater than the worldwide level specified in section 201(e)(2), the Secretary shall—

"(i) issue immigrant visas to eligible qualified immigrants with degrees selected in subsection (c)(2)(B); and

"(ii) issue any immigrant visas remaining thereafter to other eligible qualified immigrants with degrees described in subsection (c)(2)(A) in a strictly random order established by the Secretary for the fiscal year involved.".

(g) EFFECTIVE DATE.—The amendments made by subsections (e) and (f) shall take effect on October 1, 2006.

Mr. GREGG. Mr. President, I ask unanimous consent that the time just allocated to the Senator from New York be applied against the time in opposition to this amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. Mr. President, this amendment is offered by myself and Senator CANTWELL. The purpose of this amendment is really pretty simple. We as a nation are in the process of addressing how we handle the illegal immigrant situation and immigration generally. We are about to basically give a large number of people—10 million, maybe 12 million—who arrived here illegally the opportunity to get in line and earn their citizenship.

Those people, for the most part, don't have any unique skills that made them special to American society. They came here, they were willing to work—which is, of course, great—and they are hard workers, in most instances. We didn't seek them out because we felt they were going to create jobs in the United States. But we do have this program called the lottery program where we essentially say to anybody in certain countries which are alleged to be underserved and have few people, immigrating into this country: You can get into the lottery and you can get in line, get a green card, and become an American citizen.

There are 50,000 winners handed out every year. It just seems to us that if we are going to have such a program in the context of overall immigration reform, we ought to be saying that people who participate in this lottery are people who we as a nation actively need in order to make our Nation stronger socially and economically, rather than simply saying to everyone in the Ukraine: You can participate in the lottery. We might get a cab driver or an unemployed cab driver as a winner of the lottery.

We would say to the people in the Ukraine: If you have an advanced degree which America feels would be constructive to our society in making us a stronger society, then you can participate in the lottery.

What we have done is taken two-thirds of the lottery options, 33,000, and said for those alleged underserved countries, people with advanced degrees will be able to compete for those options. Then we left one-third for anybody to compete for the lottery status. This only seems to make sense.

If we listen to the debate on this floor, we hear a lot about outsourcing of jobs, the fact America is losing jobs overseas. What we are proposing essentially is to bring people into our country who create jobs because they have certain skills and abilities, certain talents which we as a nation know we need.

Take, for example, the issue of engineers. We are confronting a world where countries such as Japan and especially China are graduating literally four, five, six times the number of engineers we are graduating. We are just not producing enough people in the science disciplines to keep up with our needs as a nation to be competitive economically.

So it makes sense that we should go around the world and say to people who have these types of talents: If you want to come to the United States, we have certain programs we can use to help you come here. One, of course, is the H-1B program which, under this bill, has been significantly expanded and is an appropriate program. But in order to participate in the H-1B program, you must be a family member of somebody in the United States who will sponsor you or you have an employer who has said they want to bring that person to the United States to work for them.

What we are suggesting is there are countries where a lot of these American employers are not going to go because the return on their efforts isn't that high and there are a lot of places where people who have these degrees don't have family members in the United States, so they are totally shut out of their ability to participate in coming to America, even though they may have skills and talents which we in America feel strongly will help us.

Rather than have a lottery system which says to the unemployed cab driver in Kiev, You should have a chance to come to America, we are going to have a lottery system that says to the physicist in Kiev, You have a shot at coming to America.

This seems to make sense because it isn't as if we as a nation haven't already attracted to us a large number of unskilled people. We already have that situation, and this bill is trying to address that situation. We literally have millions of unskilled people who are going to be put in line for American citizenship under this bill. It would be appropriate, therefore, it seems, to take this small number of people who can't qualify to come here, even though they may have the skills we need, because they don't have a family member and they don't have an employer sponsor and say to those folks: Yes, we are going to give you the opportunity to come here, too, through participating in this lottery system. That is what this proposal does.

The idea that some of these nations that have been described as diverse—that is one of those nomenclature, feel-good, politically correct terms put on something when it doesn't make a lot of sense. In this instance, it has no applicability at all. The fact is, these countries which qualify under what is called the diversity lottery actually have a large number of people here illegally. Most of those people are unskilled. They have just shown up, they came here illegally, and they are going to be able to get in line now under this bill. So it makes sense that we should say to those nations—for example, we know that Poland has approximately 50,000 people here illegally. Most of them don't have unique skills. We should say: If you are in Poland and you want to come to the United States and you want to use the lottery system to come here, you have to have a skill we need as a nation in order to participate in that lottery.

It is estimated that there are almost 200,000 people from Africa who are in this country illegally and who are probably totally unskilled. What we are suggesting is bring a skill with you if you want to come to this country through the lottery system.

We are not suggesting these countries won't get their fair share of people who are the types that were described by the Senator from New York who come here with a desire to produce and be successful. Those folks may already be here illegally, and they will be able to get in line or they can compete for a third of the lottery system that is not going to be targeted toward talents that America needs.

What we are suggesting is that we should have a win-win situation. If we are going to set up a lottery, not only should the person who wins the lottery be a winner and win the right to come to the United States, but the people of America should be winners by attracting into the country people whom we have a pretty good idea are going to be able to contribute to the betterment of our Nation because they will bring their talents.

That is critical in this world today. As I mentioned before, we are confronting a world where our capacity to compete is tied directly to our brain power. We can't compete with the Chinese on labor because they have a billion more people than we have. But where we can compete with them is by producing ideas that are better, by taking ideas that are good and making them better, by adding value through talent and ability. So we should be attracting to America people who can help us do that. We should be going across the world and saying: Give us your best and your brightest; come here and participate in the American dream and raise the waters so that all the boats float higher.

This lottery system, to the extent it makes sense, should be built around that concept. It should not be built around the concept if you happen to have a high-school education or you happen to have held a job in 2 out of the last 5 years, you have some right to participate in a lottery to get into the United States. That makes no sense to us as a nation.

This is not a unique approach, by the way. In fact, most nations don't do what we do. We basically have an open approach to immigration. Most people require some qualifying talent in order to immigrate to those nations, especially western nations.

So with this small group, 50,000, as was pointed out—it is very small in the context of this entire bill when we are dealing with as many as 12 million people—in this small group, at least we should do it the right way because, who knows, one of those folks who comes to this country with an advanced degree in science or an advanced degree in medicine may be the person who produces the vaccine that saves us if we confront a terrorist attack or produces the next thought process or software process that creates the next engine of dramatic expansion in the telecommunications world or is the next Bill Gates of the world.

Attracting people who have talent and ability should be one of our purposes. In the context of a lottery system, it should clearly be our purpose. Lottery, by definition, means you should win, and not only should the people who win the lottery win, but the people who are basically underwriting the lottery should win, and the way Americans will win under the lottery system is to attract people who have a likelihood of contributing significantly to the betterment of our Nation.

That is why we propose this amendment. It is proposed by myself and Senator CANTWELL. Granted there have been some big issues discussed in this Chamber—this is not a big issue, but it is an issue of significance. I appreciate Senator CANTWELL being a cosponsor of this amendment. She comes from a State where commitment to high tech and intellectual property is something that has really built up that State and has been a great driver not only of the prosperity of Washington State, but of the whole Nation. So she understands the importance of this type of approach. I thank her for joining me in this approach of taking two-thirds of these available lottery slots and saying they should be made available to people from underserved countries, but people in those countries who have obtained degrees in the areas that we as a nation determine are important to continuing to promote our prosperity as a culture and as an economy.

I reserve the remainder of my time.

I yield to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time is available, 10 minutes, 5 minutes?

The PRESIDING OFFICER. There is 19 minutes remaining for the proponents of the bill.

Mr. GREGG. I yield 5 minutes to the Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from New Hampshire. I simply want to say that if I were a teacher and giving out grades for commonsense amendments to the immigration legislation, I would give the Gregg-Cantwell amendment an A-plus. I think everyone listening and thinking about this issue would feel the same way.

Here we are in the United States of America at a very competitive time where we earn 25 percent of all the money in the world for just 5 percent of the people, and we know how we do that. We do it primarily through brain power. Eighty percent of our new jobs since World War II have come from our advantage in science and technology. Of course, we grow a lot of our own brain power, but increasingly we have been insourcing.

Mr. President, of the 100 American Nobel Prize winners in physics, 60 of them are immigrants or children of immigrants. Go down to the Oak Ridge National Laboratory in Tennessee, which is the largest science laboratory in America. The top three positions are held by people with green cards, foreign nationals. There is a man at Oak Ridge who is one of those three who is in charge of the United States effort to recapture the supercomputing lead in the world, which we lost to Japan. He is a citizen of India. He has a green card.

So Senator GREGG and Senator CANTWELL, I think, are exactly right. They are saying that in this large immigration bill where we are talking about bringing millions of more people into the United States under certain conditions, two-thirds of the lottery tickets for 50,000 people ought to go to the highly educated persons from these underserved countries who then can come to our country and help us create a standard of living. It is in our interest to do this.

I am glad the Indian citizen is in Oak Ridge, TN, in charge of our supercomputing effort to lead the world. I am glad Warner von Braun came to the United States to help us win the space race with the Soviets. I am glad that of the 100 Nobel Prize winners in physics, 60 of them are immigrants, are sons and daughters of immigrants. I want more of them to come to this country because I know what is going on in India, and I know what is going on in China.

Senator BINGAMAN and I, and many other Senators, Senator GREGG included and Senator KENNEDY has been a leader in this area as well, asked the National Academy of Sciences to tell us a year ago exactly what we need to do to keep our advantage in science and technology. They gave us a list of 20 recommendations.

Among the most prominent of those recommendations was, make it easier for the most talented men and women in the world to research and study in the United States of America and to stay here, not to run them off. We don't want them to go home; we want them to stay here. It is in our interest for them to stay here.

There are already two provisions in the underlying bill which help with that, both taken from the Augustine report, as we call it, "Rising Above the Gathering Storm," by the National Academy of Sciences. But the Gregg-Cantwell provision is exactly in that spirit. I do not think it is too much to say that the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine, who are worried about America's competitive position in the world, would think that the idea of making it easier for 35,000 or 37,000 of the best and brightest scientists in science, math, engineering, and computing to come, stay, live, work, and do research in the United States, create more jobs and raise our standard of living, I think they would give a big cheer. I bet they would give an A-plus. I am not authorized to give out A-pluses for anyone except myself. But I would think that all over America, those who know about the Gregg-Cantwell amendment, who know about our competitive position in the world, would say: Absolutely right. If we are going to have 50,000 more people coming in here, let's let them be the best and the brightest who can help create new jobs in America.

We heard plenty of speeches in this Chamber about outsourcing jobs. This is an amendment which insources brain power. Over the last half century, 80 percent of our new jobs have come from our advantage in science and technology. This would help us keep that. I would hope this would be a bipartisan amendment, strongly supported on both sides of the aisle, and would be adopted by the conference report and would become law. So I salute the Senator from New Hampshire and the Senator from Washington for their vision, and I am glad to cosponsor the amendment.

Mr. GREGG. Mr. President, I thank the Senator from Tennessee, who has been a leader on the issue of education and how we remain competitive in the world, for supporting this amendment and for coming down here and expressing his kind and very effective words with which I obviously totally agree.

The cosponsor of the amendment, Senator CANTWELL, can't get down here right now. I know Senator KENNEDY wishes to speak in opposition to the amendment. I understand we are not going to vote on this amendment or the other amendments until later this afternoon. I would suggest that we be allowed to reserve our time—if it is acceptable to Senator KENNEDY—we will reserve our time for Senator CANTWELL, even though it may not be taken with the time that is running right now, if that is agreeable.

Mr. KENNEDY. Mr. President, we would be glad to accommodate the Senator from Washington. As we know, we have a general order that we are going to vote on a number of these amendments at a certain time, but we will give the assurance—I will—that we will let her have her time prior to the vote. We can work that out.

Mr. GREGG. Mr. President, it might be as much as 15 minutes that she may wish to take.

Mr. KENNEDY. Whatever time remains on that side, as I understand, would be hers and we will accommodate her.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Mr. President, the diversity program is a small but vital part of our immigration system, and I urge my colleagues to preserve the program by voting against the Gregg amendment. This amendment would all but destroy the diversity visa program, which has served our country well and continues to do so. Yet it would have no meaningful effect on skill-based immigration, which is already favored by our immigration laws and is already being addressed elsewhere in the bill. That is why civil rights groups and ethnic groups are united with business groups in opposition to this amendment.

I understand the thinking behind the Gregg amendment, and there are a few people in the Chamber who have been more consistent supporters of high-skilled immigration than have I. I continue to support high-skilled migration, and the original McCain-Kennedy bill doubled the numerical limits on high-skilled, employment-based migration. I also supported additional changes in the Judiciary Committee to increase H-1B visa limits and to make it easier for H-1B immigrants to adjust to permanent status.

But the diversity visa program serves a wholly different purpose. The purpose of the diversity visa is not just to advance narrow economic interests but, rather, to preserve our very heritage as a nation of immigrants, a true melting pot. Unlike other visa categories, the diversity visa is not about whom you know or to whom you are related. It is a totally unique program because anyone with a high school diploma or 2 years of meaningful work experience can apply.

Without the diversity visa program, our family- and employment-based immigration system would ensure that virtually all immigrants to the United States would come from just a small handful of countries. The diversity program ensures that America continues to be a beacon to the entire world and not just to a dozen or so countries with high numbers of immigrants already living here.

This chart here behind me shows, right here on the left, that of the groups coming in now, 36.8 percent are Asian, 46 percent are Latin American; that is 85 percent coming from the Caribbean countries or from Asia. We have 10 percent from Europe, 3 percent from Canada, Oceania, and 3 percent from Africa. That is currently the mix that is coming here.

When we passed the 1965 act, we tried to provide 10,000 to 15,000 to each country so that we would have a flexible and diverse system. When we found out that for a variety of reasons we were getting this kind of a focus, what we did was develop a very modest diversity program so that other countries which were not participating, either with the very special skills or family relatives, would have an opportunity to come here. They had to demonstrate that they had a competency so that they were able to have skills which would make them active participants in our society. But it is limited to 42,000 as compared to 847,000, and look how it is distributed. It is an entirely different group. You have some from Africa, still have some from Latin America and Asia, but still a good many from Europe—essentially and effectively a different scene. That is what we are attempting to do.

Now, we have been reminded by others of the fact that, well, we need to get to the special skills. But I would mention to our friends who are concerned about that, this is 50,000. Now look at what we are doing in terms of the special skills. We have close to 750,000 to 800,000—800,000 in this legislation, but the diversity is only 42,000. No one could suggest that we haven't been sensitive to understand the importance of people with high skills and what they can do in terms of our economy, but they are effectively wiping out this diversity program.

Now, as you can see, the diversity visa is especially important when it comes to African immigration. Fewer than 4 percent of our family- and employment-based immigrants come from Africa, but almost 40 percent of the diversity visas are used for Africans. And even though only 1 in 20 green cards is a diversity visa, 1 in 3 green cards issued to an African is authorized through the program. One sure effect of the Gregg amendment is that it would substantially reduce African migration to this country. There is just no other visa out there that would replace these flows. That is one reason the groups are opposed to the Gregg amendment, including the NAACP, the Coalition on Human Rights, the U.S. Conference of Catholic Bishops, the Leadership Conference on Civil Rights, the Irish Lobby for Immigration Reform, the Illinois Coalition for Migrant and Refugee Rights, and a number of other groups.

What does the Gregg amendment hope to accomplish in exchange for giving up this program? While the diversity visa program has unchecked symbolic importance and is an important mechanism to protect balance and equality in migration flows, it is tiny in comparison to the existing high-skill program because the rules already favor the skilled immigrants. Three different classes of employment-based visas are reserved for the skilled immigrants and five different temporary worker programs: the H-1B, the L visas, the P visas, the O visas, the TN visas. These visas are already set aside for skilled workers. These are offices of various international companies that come in here; a variety of different kinds of visas. Some on the H-1B are virtually effectively almost automatic to be able to go to a university site, to be able to teach. They are not counted within the H-1B. So all but one of the programs already admit more immigrants than the Gregg amendment would generate through this change.

Business groups oppose the Gregg amendment. I have letters from the Chamber of Commerce, the American Council on International Personnel, the National Association of Manufacturers, the Business Roundtable—all major business associations which support high-skilled immigration and all opposing the Gregg amendment.

So here is what the Gregg amendment would do. It would change the diversity program from a tiny slice of the pie to a minuscule slice. These are the two, the diversity visas being at the top. It is now a small group, which is gray in this setting, and you can look over here and it is still gray, but it is a fraction of what it is in terms of the diversity flows. The flows are already one-twentieth, just one-twentieth of high-skilled flows, and under the Gregg amendment, they would be cut to less than 2 percent. These charts actually understate what is going on by a wide margin because the underlying bill already roughly triples numerical limits on high-skilled immigrants. Is the benefit to high-skilled employers of an extra 37,000 visas really worth the price of eviscerating this successful program? Are we willing to give up so much to gain so little?

Another reason to oppose the Gregg amendment is that for millions of people around the world, the diversity visa has come to symbolize the American dream. Eight million people applied for this. Eight million people look to the United States and say: Maybe I will have a chance. I have to complete my high school or the equivalent of 2 years of college, so I have to meet those kinds of standards. I have to meet all the other national security standards. You have to demonstrate that you are not going to be a burden, an economic burden. But 8 million people in countries all over the world—all over the world—who look to the United States as being the country of hope and liberty have a crack at getting into the United States. Not much of one—42,000—but they have to come from the areas where we don't have large flows of immigrants coming in. That was the purpose, for the United States to be a diverse society, to be the true melting pot at the time.

This is just a very small kind of a program. We are going to sacrifice that aspect for 8 million people all over the world who think they may be the ones who have a shot at getting into the United States, and we will say: Oh, no, it is just going to be the highly skilled, when we have 800,000 of those already coming in here, three times as many as we have now. How many is enough? How many is enough? So the diversity visa program symbolizes what makes America great because with a little luck and hard work, anyone can succeed here. We are the only country that can say that.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. KENNEDY. I have how much time? Half an hour?

The PRESIDING OFFICER. The Senator has 12 minutes remaining.

Mr. KENNEDY. I will yield myself another 3 minutes.

An advanced degree is an income test in most of the world. The diversity program symbolizes what makes America great because, with a little luck and hard work, anyone can succeed here. We are the only country that can say that. By shifting most of the diversity visas to the world's privileged elite, the Gregg amendment will dash the hopes of those who dream of a better life. It would also shift the visas away from Africa and the developing world and toward wealthier European and Asian states. This would overturn the whole point of the program. Accepting the Gregg amendment would send a terrible message about what America is all about; not a land of opportunity but, rather, an exclusive club.

I believe our diversity is one of the greatest resources of our strength and one of the truly unique things about this country. In an earlier time our laws discriminated against those coming from major areas of the world. We eliminated the national origin quota system which discriminated against many of those who came from the Mediterranean basin. We eliminated the Asian Pacific triangle. In 1964 we had 127 individuals who came from Asia or from India or from Pakistan and those areas—127. We eliminated what we called the Asian Pacific triangle, which was the remnant of what this country faced in terms of the "Yellow Peril" part of our history in the early 1900s. What we have been trying to do is at least say to the world, if you have immediate family, we put a high priority on families. But also, if you have some special skills, fine. It means further employment.

But as we were looking at the further employment, I thought we were also trying to educate and train Americans to be able to fill those jobs. That is what I thought we were trying to do: Have this as a program so, right now, we have not got the Americans who can fill the very highly technical kind of jobs that are demanded because we have not given the training or the education. In the earlier H-1B we said we were going to have a training fee, we were going to put that fee in to train Americans to be able to take those jobs.

Oh, no, the other side says. Let's just drain the Third World of their smart people to come here. After we have gotten 800,000 special skills, let's drain them as well. It seems to me at some time we ought to say, How about those jobs for Americans? But it seems the mood and atmosphere is, Let's have as many of those bright people who come in here, and it doesn't make much difference. There is not much talk out here in the Senate about training and educational opportunities, investing in Americans. How quick it is, when it is just get more visas out there in the high tech area. Let's go ahead and do that.

This is wrong for a lot of reasons. I hope it will not be accepted. I believe diversity is one of our greatest sources of strength, one of the truly unique things about this country. In earlier times, as I mentioned, we discriminated against major areas in the world. In 1965 we reformed our immigration laws to get rid of those discriminatory quotas. In 1990 we acted again to ensure greater equality of immigration by creating the diversity visa program. The Gregg amendment would be a major step backward, and I urge my colleagues to reject it.

Mr. President, how much time do I have? I believe the Senator from Illinois is on his way.

The PRESIDING OFFICER. The Senator from Massachusetts has 8 minutes remaining.

Mr. KENNEDY. I intend to yield a major part of that to the Senator from Illinois and then maybe retain a couple of minutes for response to the Senator from Washington when she addresses the Senate.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. As a point of inquiry, if I can get the attention of the Senator to Massachusetts, just for the point of clarification, how much time is remaining on our side?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. GREGG. And 8 minutes is remaining on the side in opposition, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GREGG. I ask unanimous consent that that time be set aside and we move on to whatever is the next matter, but that time be reserved for debate on this matter at whatever time the parties wish to pursue it later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, do I have 7 or 8 minutes?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY. I yield 6 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in opposition to the Gregg amendment. This amendment would literally destroy the diversity visa program and threaten the jobs of American citizens. It would make worse the brain drain which is occurring now, where some of the most talented people from the poorest countries in the world are migrating to the United States.

This morning's New York Times had an important story, a story about how the United States, through this legislation and other efforts, plans to lure nurses from some of the poorest countries on Earth. I visited some of those countries. Senator BROWNBACK of Kansas and I were there just last December, in Democratic Republic of Congo. In the Congo there are only 7 doctors per 100,000. In the Eastern Congo, there is only one doctor per 160,000, and, I was told a surgeon is literally one in a million.

Think of the circumstances from which those doctors and nurses are being drawn to the United States. We can use the talent, that is for sure. But we have to understand that there is a zero sum here. We take the talent from somewhere that needs it desperately.

The diversity visa program which is currently in place is open to people of many talents. They may not have a Ph.D, and they may not have a medical degree. It may just be a very ambitious entrepreneur with a small shop somewhere in the world who is willing to wait in line for a chance to come to the United States and maybe open another shop here, a shop that may grow into a larger business, employ people and make a livelihood for him and his family. That is what the diversity visa program is all about, to provide immigration from people all around the world, those who otherwise might not come to the United States, and to continue to make America the most diverse country in the world. That is a fact which I think is one of our strengths and not one of our weaknesses.

Diversity visas open the door for thousands of people from around the world to come to America. We make 55,000 diversity visas available each year, and the draw of America is such that over 5 million people applied for those 55,000 visas in 2005.

The diversity visa program is the only opportunity to immigrate to the United States for many people from lesser developed countries, especially African countries. For example, of 55,000 diversity visas issued in fiscal year 2005, 10,000 went to African immigrants.

A recent article in the New Yorker magazine called the diversity visa program "a splendid overseas marketing campaign for the American Dream."

Let me give an example of one American citizen who came to this country under the diversity visa program, which would be destroyed by the Gregg amendment. His name is Army Specialist Sola Ogundele from Nigeria. He came to the United States and he joined the Army. He recently took his oath of citizenship in Iraq where he was serving the United States and risking his life for this country. Here is what he said.

> I'm the happiest man on Earth today to be a U.S. citizen. I know the sky is the limit for me in the United States. I have absolute freedom to pursue my dreams.

People like Specialist Ogundele make the United States stronger, and make us proud. That is what the diversity visa program contributes to our country.

I am the son of an immigrant. I know when my grandparents brought my mother to this country at a very early age, they were looking for that American dream. I don't think they would have imagined the possibility that their grandson would be the 47th Senator in the history of the State of Illinois. That is what it is all about.

The Gregg amendment fundamentally alters the diversity visa program, setting aside two-thirds of these visas for immigrants who hold advanced degrees in science, mathematics, technology, and engineering, saying you can only be considered if you have an advanced degree. These set-asides would favor immigrants from wealthier countries and reduce the diversity of future immigration to our country. By bringing in more high-skilled immigrants, the Gregg amendment would also increase competition for jobs here, jobs like computer programmers and engineers.

The H–1B visa program already allows those with specialized education to come the United States. Why don't we keep the diversity visa program intact? Why don't we protect this program for the value that it brings to America?

The H–1B visa program already grants 65,000 visas to high-skilled immigrants every year. This bill would increase that number to 115,000, and allow that cap to increase by up to 20 percent per year. I am a little concerned, I might add, that the H–1B visa is entirely too generous. The Gregg amendment would add insult to injury, creating even more competition for Americans wanting to keep their jobs.

The Gregg amendment would essentially convert the diversity visa program into just another H–1B program, bringing many more highly trained competitive people to America. You can argue that is good for us. But, as I mentioned earlier, it is at the expense of someone else. I am concerned the Gregg amendment would really make this brain drain I have talked about even worse.

This bill already includes provisions that will increase the brain drain. The New York Times story I mentioned reports on a provision in this bill that will lift the annual cap on the number of nurses who can immigrate to our country every year. The article, which is headlined, "U.S. Plan to Lure Nurses May Hurt Poor Nations," talks about the impact of importing nurses into the United States. They now have a situation in the Philippines where there are so many nurses needed in the United States that medical doctors in the Philippines are signing up to come to the United States as nurses, where they will be paid more than they are paid in the Philippines as doctors.

I need not tell you what that means for the people in the Philippines—fewer and fewer medical professionals that they desperately need. This bill already includes provisions that will increase the brain drain.

I want to tell you candidly, I have stood up for hospitals in Chicago, in poor areas, that needed nurses. I have even stood up and explained on the floor of the Senate why Filipino nurses should be given the chance to immigrate here. But I have second thoughts about that today, after what I read in the New York Times about what is happening in the Philippines and around the world. We have to think twice.

I have an amendment, the brain drain amendment, No.4090, which I hope will be considered by the chairman for inclusion in the manager's package. This amendment would take two modest steps to address the dire shortage of healthcare personnel in the least developed nations of the world.

In exchange for financial support for their education or training, some foreign doctors, nurses, and pharmacists have signed voluntary bonds or made promises to their governments to remain in their home countries or to return from their studies abroad and work in the healthcare profession.

My amendment would ask a simple question to healthcare professionals who are applying to work in this country: have you signed a commitment to work in your home country in exchange for support for your education or training? If they have made such a commitment, they would be inadmissible until they have fulfilled this commitment.

Second, my amendment would allow doctors and nurses who are legal permanent residents of this country to work temporarily in developing countries without prejudicing their own immigration status.

Many immigrants who have come to this country would like to participate in the fight against global AIDS and other health crises. Under my amendment, they could lend their skills to the cause without sacrificing their own American dreams.

These small but important steps will not stop the brain drain, but they will signal American leadership in the effort to help stem the migration of talent from the poorest countries in the world to the richest.

The Gregg amendment, on the other hand, would increase the brain drain, reduce the diversity of immigration to the United States, and increase competition for jobs that Americans want. I will oppose the Gregg amendment and I encourage my colleagues to do the same.

I urge my colleagues to oppose the Gregg amendment and stick with the diversity visa program.

Mr. SPECTER. Mr. President, we are about to go to the amendment of the distinguished Senator from Louisiana, Ms. LANDRIEU, with 20 minutes equally divided. This is an amendment which relates to adoption procedures. It has been reviewed by both Senator KENNEDY and myself. We are prepared to accept it. But I understand there are some who oppose the amendment. If anybody wishes to speak in opposition, they ought to come to the floor now because we gave notice a couple of hours ago that this amendment was going to come up under the unanimous consent agreement after we concluded with the Byrd amendment. Anybody who wants to oppose the amendment should come to the floor at this time.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the Senator from Louisiana, Ms. LANDRIEU, is recognized to control 10 minutes, with 10 minutes in opposition.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4025

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. DEMINT, and Mr. CRAIG, proposes an amendment numbered 4025.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Tuesday, May 23, 2006, under "Text of Amendments.")

Ms. LANDRIEU. Mr. President, I thank the manager of this bill for accepting this amendment and for basically agreeing to it. I am very hopeful that no one will show up and object to this amendment because it has broad bipartisan support. I offer it on behalf of myself, Senator DEMINT, Senator CRAIG, Senator BROWNBACK, and others who have worked for years to bring this amendment to a position of getting it approved on the Senate floor.

This amendment was actually started by one of our colleagues and a great mutual friend of many of us, Senator Don Nickles, the former Senator from Oklahoma, who spent a great deal of his career, besides being an expert in finance and budget matters, as a tremendous advocate for adopted children, for families with adopted children, and to make the process more accountable, more transparent, to remove the barriers to adoption, to remove any corruption associated with adoption, and, most of all, was such a ferocious and effective advocate for children who need homes.

We have millions of children around the world who need an opportunity for a family. When Senator Jesse Helms was here many years ago, Senator Helms and Senator JOE BIDEN led the joint bipartisan effort to pass a new treaty that was a model for the world, that was profound in its essence, that basically said children should be raised in families, not alone, not in a cardboard box, not in a ditch, not under a highway somewhere, not left alone but should be raised and nurtured by a family.

I do not know what took us so long to come to that. Governments do a lot of things well, but raising children isn't one of them. Children should be raised in a family.

They set about creating a treaty, which has now been agreed to by many countries in the world, to set up a process of international adoption which goes something like this: Every child should try to stay with the parents who bring them into the world, but if they are separated from those parents by death, disease, war, famine, violence, or perhaps in some cases, as we know, the terrible thing of parental abuse, and children have to be removed to keep them safe and keep them alive, then we need to find another home for those children as quickly as possible—in their extended family, the treaty says.

After that, if there is no extended family opportunity somewhere in the community, and if there is no family that can be found in the community, then some family in the country. But if no family can be found in that country suitable to raise a child with siblings, which is what the treaty says, to try to keep siblings together, then the children have a right to try to find a family somewhere in the world because, frankly, we are one human family.

I am so aggravated, as you can tell a little bit, that it has taken us so long to pass something that is quite so simple. I am very interested, if a Senator wants to come and debate this issue. We only have 10 minutes to debate it. I wish we had more time. I am going to be very interested if someone wants to debate this. I don't think a Senator is going to come and oppose it. We have been trying to pass it.

There are some objections by the State Department. When Senator Helms passed the original treaty, they didn't think this was a big enough issue for them. Of course, they have very serious issues to deal with—the war in Iraq and other things. But some of us think American citizens adopting children from all over the world deserve a little support from their own Government to get this done.

Parents go through a lot, some of them, to build their families through adoption, and some parents want to expand their families through adoption, and at great expense to themselves. It is a very fundamental value for Americans to want to do this, and 20,000 Americans do this every year. Some Members of Congress have adopted children from overseas.

The bottom line is, this bill, which is the Intercountry Adoption Reform Act, helped to establish a center in the State Department. It streamlines the bureaucracy. It eliminates a lot of red tape, and hopefully it will eliminate the cost. But it also makes sure that there is a central agency that works with the States and with our adoption agencies around the country. It just makes the process work better.

As I have said—and I am going to conclude with this—our children are adopted, and I am proud of that. Our children are adopted from this country. But I know hundreds and thousands of people who have children adopted from other countries.

We are proud of this process that has been implemented. We need to pass this bill to make sure that when children come into this country they come in as citizens—just as American citizens give birth to a child overseas, they become automatic citizens. They don't need the extra step of a visa.

In addition to setting up a certification process for agencies that will be very helpful and effective as we again try to eliminate barriers to adoption and give parents a central agency which is required under this treaty, which all the countries now in the world are moving to, and while it respects our States' roles and respects the role of adoption agencies, it provides a central place where this important work can take place and have a focus.

That is basically what it does.

I think Senator DEMINT wanted to speak on behalf of this amendment. I will be happy to answer any questions, and I will stay here on the floor until our time has expired.

I sincerely submit this to my colleagues. Hopefully, it can be accepted, as the Senator from Massachusetts and the Senator from Pennsylvania indicated. It might be accepted without a rollcall vote.

Mr. KENNEDY. Mr. President, I was wondering, I support the Senator's amendment. I think it is a good amendment, as does the Senator from Pennsylvania.

We would like to, if it is agreeable, temporarily set the amendment aside. I think under our agreement it would be set aside in any event because we have a sequence of votes coming up. It would be our intention, unless someone comes down here, to go ahead and voice-vote it through. But the manager thinks we ought to give at least another 15 or 20 minutes for an opportunity—and we can use the time now for the Senator from Texas. If someone does come down, we will try to get the Senator a few more minutes since she has been very accommodating to try to respond to another Senator. If they do not, our intention would be to voice-vote it.

Ms. LANDRIEU. I thank the Senator from Massachusetts.

Mr. SPECTER. Mr. President, as I already stated, I think it is a good amendment. As I also stated, there may be some who object to it who are not here to raise their objection. I suggest that we just keep it listed on the vote order. When it comes up, unless somebody reserves the remainder of the time, and when it comes up on the vote order, unless somebody objects or wants to be heard, we will simply accept it at that time. And if somebody calls for a vote, we will go to a vote.

Ms. LANDRIEU. Mr. President, I have no objection to that. Could the Senator give me some timeframe? Would it be on for another hour or 2 or will this go on for several days?

Mr. SPECTER. Our schedule is as soon as we conclude this we turn to the Senator from Texas, Mrs. HUTCHISON, for 30 minutes equally divided. She will finish at about 2:45. Then we would go to Senator SESSIONS' point of order under a time agreement of 2 hours, which would be 4:45. But my sense is that there will be some time yielded. It won't go all the way to 4:45. That is the approximate timeframe.

Ms. LANDRIEU. I understand we could do this, which sounds fine to me: We would be voting sometime today either by voice or rollcall.

Mr. SPECTER. We will vote in this sequence when the votes start at 4:45, or earlier.

Mr. DEMINT. Mr. President, this immigration debate has proved divisive on many levels, but I believe there can be a shining beacon of agreement. In all of this back and forth, one group has been voiceless: the infants and young children longing for a loving home who don't care about or understand borders.

In 2004, I introduced the Intercountry Adoption Reform Act, known simply as ICARE, in the House of Representatives. I am pleased to rise today to join my colleague, the Senior Senator from Louisiana, who is introducing ICARE in this Congress as an amendment to the Immigration Reform Act.

Adoption represents the very best of the generous American spirit. In 2004 alone, Americans opened their homes through adoption to over 23,000 orphaned children from overseas. We must ask, how many more children would be with a loving family today if the maze of government regulation was not so complex?

The ICARE amendment takes two important steps to break down the roadblocks these children face on their journey to find a permanent family. First, and most importantly, it affirms that foreign adopted children of American citizens should be treated in many respects like we treat children born abroad to an American citizen. Under existing law, these children are treated as immigrants, having to apply for, and be granted, immigrant visas to enter the U.S.—a process that we all know to be cumbersome, time-consuming, and expensive. Had they been born abroad to American citizens, they could simply travel back to the U.S. with a passport and enter as citizens. This amendment eliminates this discrepancy and injects common sense into the way our law views these children.

Second, this amendment streamlines the existing foreign adoption functions of the Federal Government. Rather than having to navigate through three Federal agencies the Departments of State, Health and Human Services and Homeland Security—adoptive parents would instead have to deal with only one: a consolidated office of intercountry adoptions located within the State Department. I believe this is an essential step to cut through the layers of redtape that currently bind adoptive parents trying to give the gift of a family to a child from overseas.

Mr. President, our laws simply must do a better job of accommodating the unique circumstances surrounding intercountry adoption, and I believe that is exactly what this ICARE amendment will do. That is why, today, I ask my colleagues to join the Senior Senator from Louisiana and myself in affirming our commitment to protect these children and provide them with a loving home.

Mr. CRAIG. Mr. President, if the chairman will yield, I thank the chairman and the ranking member for handling this amendment in this fashion. It is an important amendment. We have moved it before. We are doing so very well in the area of adoption, both domestically and internationally, at this moment. This is a great facilitator. We thank the chairman for its consideration in this fashion.

Mr. SPECTER. Mr. President, I suggest that we conclude the consideration of the Landrieu amendment and now move to the Hutchison amendment.

AMENDMENT NO. 4101

The PRESIDING OFFICER. Without objection, it will be in order to go to the Hutchison amendment for 30 minutes equally divided.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I wish to take 10 minutes and then be notified when I have taken 10 minutes so I can reserve the remainder of my time.

Mr. President, there is something missing from the debate that we have had so far. I do think that this debate has been productive. I think it has been civil. I think our differing views have been aired. And I think there has been a fair consideration of the bill on the floor of the Senate. But no one is talking about the underlying cause of the problem of illegal immigration in our country. What can we do about the root cause of the problem?

Most of the people who are coming here—not counting the criminals—the people who come here to do criminal acts, such as drug dealers and human traffickers, people who come into our country surreptitiously to become a part of a movement that would harm our citizens, those people are in a different category. They are criminals. They intend to be criminals. And one of the reasons we are trying to secure our borders is to keep people like that out of our country. But the vast majority of people who are coming across our borders are not people who wish to do us harm. They are people who come here to work, to do better for their families. They want a better life. They are people who want jobs. Their countries do not provide the number of jobs to absorb them into the system. So they go to a neighboring country—our country—to seek those jobs.

Is this good for our country? I would say when people have to risk their lives to come here, it is not good for our country. Is it good for Mexico? It is certainly not good for another country to have a mass out-migration, especially because the people who want so much to work and to do better for themselves are the enterprising people of this society. If they had training, education, and opportunity, they would be able to add even more to the economy of Mexico. As it is, their U.S. earnings are the second largest economic producer in Mexico, second only to tourism.

We need to start talking about how we can address the issue of jobs in our country, address the issue of illegal immigration as we protect our borders and as we protect the economy of our country, but also to try to do what is right for the people involved in this issue.

I rise today, joined by my colleague, Senator BOND, to offer an amendment that is called the Secure Authorized Foreign Employee Visa Guest Worker Program. I am going to call it the SAFE visa. It is for people who want to work in our country but do not wish to be citizens of the United States. It is modeled after the Canadian guest worker program with Mexico that has been in place for over 30 years.

Our amendment creates an additional guest worker program available to workers from NAFTA and CAFTA nations. It is a pilot program. It does not displace the guest worker program in the Hagel-Martinez bill. It is another option. It would be one that could be expedited to meet the demand of more workers in certain fields. It would also be something the employers would know is safe for them to hire based on this visa.

The amendment seeks to create a new visa category for those individuals who want to enter and work in our country legally but do not seek a path to residency or citizenship in the United States because they want to remain citizens of their country of origin. They would be able to take the money that is earned here and use it to improve their living conditions and the living conditions in their country of origin.

Any legislation addressing immigration must firmly address the safety and security needs of the United States. In a world where terrorists continue to seek to harm Americans, we must protect our citizens. We have every right to know who is in our country, who has crossed our borders, the nature, purpose, and length of the visit. We are negligent if we do not know those things.

Everyone in the Senate and everyone with whom I talk with wants to secure our borders. I have visited with many of the Hispanic leaders in my home State. I have visited with my Hispanic-American supporters and friends. They all want to secure our borders. They are Americans. They are loyal Americans. They want to secure our borders. I have supported amendments throughout this debate to help secure our borders and to pay for these measures.

When I came to the Senate 12 years ago, I started the process of doubling the Border Patrol because we had never sufficiently manned the border. We are still in the process of doing that. We are not nearly where we need to be. We must have a sovereign nation and control our borders.

My proposed amendment will not strike any of the provisions of the underlying bill. It will not eliminate the H-2C visa program that has been put into the bill. Instead, it would be adopted so that workers and employers have a choice. The SAFE visa would be tamper proof so that an employer could look at this card, test it, and know it is valid. It would have either a fingerprint or an eye matrix that could not be duplicated, that immediately would let the employer know he or she is able to hire this person because that person is legal.

The tamper-proof card enables us to have something employers could count on which is not the case today. Today, an employer is at peril because the employer will look at a Social Security card. It may look perfectly valid, but we all know there are many fraudulent cards out there in the market. The employer cannot be the policeman. There are employers who are doing the wrong thing who should be charged with doing the wrong thing, but there are many employers who try to do the right thing, but we do not have a tamper-proof visa that allows them to do that.

Here are the guidelines in my amendment. All SAFE visa applicants would be required to apply while in their home countries. This would be a program generated in the home country. A guest worker would be subject to appropriate background checks and required to present proof of secured employment before receiving the SAFE visa. The employer would be responsible for withholding all standard payroll deductions so that all employees are on an equal footing. You would not put the foreign employee under the American employee, thereby giving an advantage to the foreign employee.

Medicare withholdings for SAFE cardholders would go into a fund to pay for emergency health care provided to foreign workers. The SAFE visa holder would not be eligible for Medicare, and therefore the money that goes from the Medicare deduction would go into a fund to pay for uncompensated health care that would be provided to foreign workers in our country.

This has been an issue for hospitals all across our country that are serving the illegal aliens in our country. They are not compensated. It is a burden on these hospitals which we can relieve with this program.

The program would be structured for a maximum of 10 months per year of work. The person would then go home for 2 months and would be able to come back and renew his or her job on an annual basis. It would be like a driver's license but annually renewable.

A SAFE visa holder could remain in the program as long as they continue to meet the qualifications. The visa would be terminated if the worker is unemployed for 60 or more consecutive days. The SAFE visa worker would not be eligible for Social Security Programs such as welfare or unemployment compensation. They would be able to take what is deducted from their paychecks for Social Security home with them when they retire from the SAFE visa program.

I yield 5 minutes to the distinguished cosponsor of the amendment, Senator Bond.

The PRESIDING OFFICER. The Chair informs the Senator that the amendment has not yet been called up. The Senator may wish to do so.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent the pending amendments be set aside, and I call up amendment No. 4101.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mrs. Hutchison], for herself and Mr. Bond, proposes an amendment numbered 4101.

Mrs. HUTCHISON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance border security by creating a pilot SAFE Visa Program to grant visas to authorized nationals of a NAFTA or CAFTA-DR country who receive employment offers in job areas in the United States that have been certified by the Secretary of Labor as having a shortage of workers)

On page 313, after line 22, add the following:

Subtitle C—Secure Authorized Foreign Employee Visa Program

SEC. 441. ADMISSION OF TEMPORARY GUEST WORKERS.

(a) In General.—Chapter 2 of title II (8 U.S.C. 1181 et seq.), as amended by this title and title VI, is further amended by inserting after section 218 the following:

"SEC. 218I. SECURE AUTHORIZED FOREIGN EMPLOYEE (SAFE) VISA PROGRAM.

"(a) Authorization.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall, subject to the numeric limits under subsection (i), award a SAFE visa to each alien who is a national of a NAFTA or CAFTA-DR country and who meets the requirements under subsection (b), to perform services in the United States in accordance with this section.

"(b) Requirements for Admission.—An alien is eligible for a SAFE visa if the alien—

"(1) has a residence in a NAFTA or CAFTA-DR country, which the alien has no intention of abandoning;

"(2) applies for an initial SAFE visa while in the alien's country of nationality;

"(3) establishes that the alien has received a job offer from an employer who has complied with the requirements under subsection (c);

"(4) undergoes a medical examination (including a determination of immunization status), at the alien's expense, that conforms to generally accepted standards of medical practice;

"(5) passes all appropriate background checks, as determined by the Secretary of Homeland Security;

"(6) submits a completed application, on a form designed by the Secretary of Homeland Security; and

"(7) pays a visa issuance fee, in an amount determined by the Secretary of State to be equal to not less than the cost of processing and adjudicating such application.

"(c) Employer Responsibilities.—An employer seeking to hire a national of a NAFTA or CAFTA-DR country under this section shall—

"(1) submit a request to the Secretary of Labor for a certification under subsection (d) that there is a shortage of workers in the occupational classification and geographic area for which the foreign worker is sought;

"(2) submit to each foreign worker a written employment offer that sets forth the rate of pay at a rate that is not less than the greater of—

"(A) the prevailing wage for such occupational classification in such geographic area; or

"(B) the applicable minimum wage in the State in which the worker will be employed;

"(3) provide the foreign worker one-time transportation from the country of origin to the place of employment and from the place of employment to the country of origin, the cost of which may be deducted from the worker's pay under an employment agreement; and

"(4) withhold and remit appropriate payroll deductions to the Internal Revenue Service.

"(d) Labor Certification.—Upon receiving a request from an employer under subsection (c)(1), the Secretary of Labor shall—

"(1) determine if there are sufficient United States workers who are able, willing, qualified, and available to fill the position in which the alien is, or will be employed, based on the national unemployment rate and the number of workers needed in the occupational classification and geographic area for which the foreign worker is sought; and

"(2) if the Secretary determines under paragraph (1) that there are insufficient United States workers, provide the employer with labor shortage certification for the occupational classification for which the worker is sought.

"(e) Period of Authorized Admission.—

"(1) Duration.—A SAFE visa worker may remain in the United States for not longer than 10 months during the 12-month period for which the visa is issued.

“(2) RENEWAL.—A SAFE visa may be renewed for additional 10-month work periods under the requirements described in this section.

“(3) VISITS OUTSIDE UNITED STATES.—Under regulations established by the Secretary of Homeland Security, a SAFE visa worker—

“(A) may travel outside of the United States; and

“(B) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

“(4) LOSS OF EMPLOYMENT.—The period of authorized admission under this section shall terminate if the SAFE visa worker is unemployed for 60 or more consecutive days. Any SAFE visa worker whose period of authorized admission terminates under this paragraph shall be required to leave the United States.

“(5) RETURN TO COUNTRY OF ORIGIN.—A SAFE visa worker may not apply for lawful permanent residence or any other visa category until the worker has relinquished the SAFE visa and returned to the worker's country of origin.

“(6) FAILURE TO COMPLY.—If a SAFE visa worker fails to comply with the terms of the SAFE visa, the worker will be permanently ineligible for the SAFE visa program.

“(f) EVIDENCE OF NONIMMIGRANT STATUS.—Each SAFE visa worker shall be issued a SAFE visa card, which—

“(1) shall be machine-readable, tamper-resistant, and allow for biometric authentication;

“(2) shall be designed in consultation with the Forensic Document Laboratory of the Bureau of Immigration and Customs Enforcement; and

“(3) shall, during the alien's authorized period of admission under subsection (e), serve as a valid entry document for the purpose of entering the United States.

“(g) SOCIAL SERVICES.—

“(1) IN GENERAL.—SAFE visa workers are not eligible for Federal, State, or local government-sponsored social services.

“(2) SOCIAL SECURITY.—Upon request, a SAFE visa worker shall receive the total employee portion of the Social Security contributions withheld from the worker's pay. Any worker who receives such contributions shall be permanently ineligible to renew a SAFE visa under subsection (e)(2).

“(3) MEDICARE.—Amounts withheld from the SAFE visa workers' pay for Medicare contributions shall be used to pay for uncompensated emergency health care provided to noncitizens.

“(h) PERMANENT RESIDENCE; CITIZENSHIP.—Nothing in this section shall be construed to provide a SAFE visa worker with eligibility to apply for legal permanent residence or a path towards United States citizenship.

“(i) NUMERICAL LIMITS.—

“(1) ANNUAL LIMITS.—Except as provided under paragraphs (2) and (3), the number of SAFE visas authorized under this section shall not exceed 200,000 per fiscal year.

“(2) WAIVER.—The President may waive the limit under paragraph (1) for a specific fiscal year by certifying that additional foreign workers are needed in that fiscal year.

“(3) INCREMENTAL ADJUSTMENTS.—If the President certifies that additional foreign workers are needed in a specific year, the Secretary of State may increase the number of SAFE visas available in that fiscal year by the number of additional workers certified under paragraph (2).

“(4) CONGRESSIONAL OVERSIGHT.—The President shall transmit to Congress all certifications authorized in this section.

“(5) ALLOCATION OF SAFE VISAS DURING A FISCAL YEAR.—Not more than 50 percent of the total number of SAFE visas available in each fiscal year may be allocated to aliens who will enter the United States pursuant to such visa during the first 6 months of such fiscal year.

“(j) SAVINGS PROVISION.—Nothing in this section shall be construed to affect any other visa program authorized by Federal law.

“(k) REPORTING REQUIREMENT.—Not later than 3 years after the implementation of the SAFE visa program, the President shall submit a detailed report to Congress on the status of the program, including the number of visas issued and the feasibility of expanding the program.

“(l) DEFINITIONS.—In this section:

“(1) NAFTA OR CAFTA-DR COUNTRY.—The term ‘NAFTA or CAFTA-DR country’ means any country (except for the United States) that has signed the North American Free Trade Agreement or the Central America-Dominican Republic-United States Free Trade Agreement.

“(2) SAFE VISA.—The term ‘SAFE visa’ means a visa authorized under this section.”.

(b) CLERICAL AMENDMENT.—The table of contents (8 U.S.C. 1101) is amended by inserting after the item relating to section 218H, as added by section 615, the following:

“Sec. 218I. Secure Authorized Foreign Employee Visa Program.”.

Mrs. HUTCHISON. I yield 5 minutes to the cosponsor of the amendment, Senator BOND.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BOND. Mr. President, I am proud to be a supporter of the Hutchison amendment. This is a model for the way things should work for seasonal workers. I hope this construct is one that could be agreed to, perhaps, in conference with broader application. Many of the criticisms of the current system with which I agreed are addressed by this amendment.

Workers come to America to fill jobs unwanted by Americans, but they are staying and they are not going home. Workers who declared an intent to leave, instead, are requesting permanent residency and a path to citizenship.

This is not the way things used to be when workers came to the United States, worked a spell, and then returned to their foreign homes and families.

The Hutchison amendment returns to those days. Workers have to apply for the program from outside. They come in for 10 months to work and then must return home for 2 months. They cannot bring their family for the temporary work, and they may not apply for renewal within the United States or for permanent residency.

I am also delighted Senator HUTCHISON has taken the suggestion to ensure that enough visas remain midyear for cooler States, such as Missouri, where our seasonal agricultural work does not begin until the late spring or after. Many Missourians claim to me that past programs allowed all visas to be issued in waiver States at the beginning of the season, and that left out the northern States.

I heard these concerns, and Senator HUTCHISON accommodated them, for which I am grateful. I hope this amendment is agreed to as a model in conference for the seasonal work program.

I also use this opportunity to talk about a modest little amendment I have, No. 4071. Senator GREGG is a cosponsor of this amendment.

I ask unanimous consent additional cosponsors be added, including Senator HUTCHISON, Senators ALEXANDER, ALLEN, BURNS, COBURN, SUNUNU, and WARNER.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4071

Mr. BOND. Mr. President, I have an amendment, No. 4071, for the benefit of America's workers, America's universities, and America's economy.

While we rightfully have spent a lot of time in the debate so far discussing low-skilled, undocumented workers. I want to spend some time discussing our vital need for legal, high-skilled, high-tech workers.

America's workers face a battle for their jobs. They are the finest workers in the world. American workers grow, harvest, and mine some of the world's highest quality and most plentiful raw materials.

American manufacturing workers made the U.S. a global giant, turning back fascism, and lifting millions into the middle-class.

American workers are not just out in the fields or on the assembly line. They are in the storefront serving customers. They are in the backrooms placing orders and balancing books. They are on the streets delivering wares. They are on the floors stocking products.

And who do all these workers count upon? What does every company need to compete and succeed in today's modern economy? They all need high technology, innovation, and invention.

It has become increasingly clear that if American workers are not supporting high tech products in demand today, they are losing their jobs.

If Americans are not using cutting edge technology to extract raw materials efficiently, or produce record harvests, they are losing their jobs. If American workers are not part of innovative companies making the next new gadget or gizmo, they are losing their jobs.

Where will tomorrow's innovations and inventions come from? Where does the brainpower needed to make a cell phone smaller, a plasma TV bigger, or digital camera clearer come from? Where does the know-how to make disease-resistant crops, infection-killing drugs, and cars and power plants emitting only water come from?

These are the products that will cause new orders—the products that will stock shelves and bring in customers—the products that most importantly will provide new, plentiful, good-paying jobs.

They will come from our best and brightest, our engineers, our scientists. They will come from our mathematicians. They will come from our technology experts, full of new ideas and know-how.

They are among us even now—at our universities across the Nation. They are in physics class. They are in computer science class. They are doing their papers, their thesis, their dissertations.

They are graduating with their masters degrees and their PhDs. They are completing their post-doctoral work. And they are vital to every worker in the Nation.

They call these people STEM students—for science, technology, engineering, and math. They form the lynchpin of our high-tech economy. Without them, there is no innovation, no invention.

Who are these STEM students? Increasingly, many STEM students graduating from U.S. universities are from other countries. We can all picture them. Engineering students from India, science majors from China. Foreign students are earning 30 percent today's U.S. doctorates in engineering, 50 percent in math, and computer sciences.

We are lucky to have them because the number of U.S. citizens enrolling in science and engineering is way down. From 1993 to 2000 it dropped 14 percent in total, 32 percent in math, and 25 percent in engineering.

U.S. undergraduate programs in science and engineering report the lowest retention rates among all disciplines. Less than half of all U.S. undergrads who attempt engineering or science majors complete a degree in one of these subjects.

American companies are calling, regardless of the student's home country. The companies of every manufacturing worker, every accountant, every stockperson, every salesman, are vying for our STEM graduates.

Employers hiring international students from Missouri universities last year included: Cisco Systems, Intel, Honeywell, Proctor & Gamble, Black & Veetch, Emerson, Cummins, and Deere among others.

And what are we doing with many of our international students? We have put so much money into them, with tuition grants, loans and fellowships. We have poured so much time into their instruction, tutoring, and study. What are we doing with this vital resource?

We are kicking many of them out of the country. We are giving them insufficient time for U.S. companies to place them. We are requiring them to leave for 2 years before coming back. We are hurting their employment chances by putting their long-term residency in doubt. All of these are ways that our antiquated visa system is out of touch with the needs of our 21st century economy.

This at the very time American workers need them the most—at the very time American workers are struggling to meet the 21st century economy, we are undercut by outdated student visa rules.

At the same time, China and India are exploding with new engineers and scientists. Last year, according to Fortune Magazine, China graduated over 600,000 new engineers, India 350,000, and the U.S. only 70,000.

China is pouring government funds into research and development. They recently decided to double such funding to 2½ percent of their GDP. India just boosted R&D by 10 percent.

The result as the Wall Street Journal recently portrayed: "Low Costs, Plentiful Talent Make China a Global Magnet for R&D."

Foreign-invested R&D centers in China more than tripled from 4 years ago. U.S. companies such as Procter & Gamble, Motorola, IBM, and others are opening research centers in China.

Motorola now has 16 R&D offices in five Chinese cities, with accumulated investment of about $500 million. Emerson, based in my home State in St. Louis, MO, a global leader in electronics engineering and technology, recently established four R&D centers in Asia—three in China and one in India.

What are we doing to counter this tidal wave? Many would say we need to invest in U.S. research and students—produce more U.S. scientists and engineers.

I would agree Wholeheartedly. I have long supported doubling the budget of the National Science Foundation. I am a cosponsor of the Protecting America's Competitive Edge Act. It calls for more investment in U.S. science and research funding and education.

But it also recognizes that encouraging more U.S. kids to go into science and math is not enough. It won't produce enough scientists and engineers. Our U.S. employers will not get the brainpower they need by this alone.

The National Academy of Sciences that produced the recommendations on which the PACE legislation is based said as much.

They document America's high-tech needs in their report "Rising Above the Gathering Storm: Energizing and Employing America for a Brighter Economic Future."

A section of that report addresses the need of U.S. universities to get international STEM students—the need of U.S. employers to get international STEM students—the need for us to change our visa rules to allow us to keep our STEM graduates here at home, to the benefit of U.S. workers and the U.S. economy.

A recent Wall Street Journal article highlighted this need. It begins with: "Last year, Stanford University awarded 88 PhDs in electrical engineering, 49 of which went to foreign-born students. U.S. business would like to hang on to these kind of prized graduates and not lose them to the world."

And so I am thrilled that the Judiciary Committee, under Senator SPECTER's fine leadership along with Senator KENNEDY, included provisions trying to answer this call. Similar provisions were included in Leader FRIST's bill and in the Protecting America's Competitive Act, of which I am a proud cosponsor along with 61 of my colleagues.

We seek to provide an answer to U.S. workers losing out on good-paying jobs in manufacturing, raw material supply, distribution, advertising, sales, and administration when their employers can't get the high-tech innovators and inventors they need to compete with foreign companies in the 21st century economy.

We seek to answer taxpayers who are sending billions of dollars to U.S. universities to fund research and student education, only to see the product of that hard work and money, U.S. university graduates from other countries, forced to leave the country to the benefit of foreign competitors.

We seek to update U.S. immigration laws to meet the needs of 21st century educators and workers. S. 2611's underlying provisions update visa requirements so that U.S. universities can get the students they need and U.S. companies can get the U.S. STEM graduates they need.

It provides U.S. advanced STEM degrees graduates up to 1 year after graduation to be placed with a U.S. company in their field of study. This will stop these valuable U.S. graduates from being forced out of the country before they have time to be placed with a U.S. company needing their expertise. It will also make the U.S. competitive with other countries with the same reform now attracting talented high-tech workers to America's detriment.

It also makes U.S. advanced STEM degree graduates placed with a U.S. company eligible for permanent residency and gives them the time they need to process their application. This will allow U.S. companies to keep U.S. graduates to the benefit of U.S. jobs and the economy. Again, it will also make the U.S. competitive with other countries with the same reform now attracting talented high-tech workers to our detriment.

With my amendment I want to ensure that we do not leave a portion of these valuable STEM students behind. It ensures that in addition to the advanced STEM degree students on F-visas, we also include those same types of students on J-visas.

Most advanced STEM degree students come to the U.S. on an F-visa. This is the primary student visa. But many may not know, including those who advocate and practice in the immigration arena, that many advanced STEM degree students also come to the U.S. on J-visas.

What's the difference with these students? Nothing really when you look at who they are. They are STEM students pursuing advanced studies in biology, biomedical engineering, and similar disciplines. They are PhDs and they come to pursue and complete their postdoctoral studies at leading universities across the nation.

In Missouri, J-visa holders make up 10 percent our University of Missouri advanced STEM degree students. At Washington University in St. Louis they form 25 percent of the advanced STEM degree student body. I think every Senator in this body will have advanced STEM degree students on J-visas at universities in their states and thus will benefit from this amendment.

There is no substantive reason to include advanced STEM degree students on F-visas and not on J-visas. Indeed, I think it may have been just an oversight.

My amendment applies strictly to advanced degree STEM students on J-visas. Other persons on J-visas in the U.S. for other reasons will not qualify for this program.

So, I urge my colleagues to support this amendment. I am thankful for the support of Senator GREGG, along with Senators ALLEN, ALEXANDER, COBURN and SUNUNU cosponsoring this amendment. It is a modest set of provisions, but its impact will be great.

Our workers need this amendment, our universities need this amendment, the Nation's competitiveness in the 21st century needs this amendment.

This amendment I am not calling up now because I understand it will be included—I hope it will be—in the managers' package.

I will tell my colleagues what it does and also alert many Members who are interested in it because it will keep our best and brightest students from abroad, the science, technology, engineering, and math students who come here for postgraduate degrees, in the United States.

Right now, there is a provision in the bill for the F-visa students to stay here, but it omits the J-visa students. American students who come from overseas and study in our institutions, which we proudly support, ought to be making their contributions to the well-being of the economy, to the knowledge and the skill base. I believe these students, if they want to stay here, ought to be given the opportunity to stay here.

Right now, under the J-visa system, you come in and you can be working postdoctorate in a science area which is exploding and creating the jobs of the future, and then the J-visa system says you have to go home for 2 years. By the way, they go home for 2 years, and guess what. They have started a business there, they have hired people in their country, and instead of having their skills, knowledge, and expertise that was gained in the United States put to work here, they are putting it to work in other countries. It does not say they have to stay here, but right now, the current system says you have to go home. We put a lot of money into training these great students. They are a wonderful resource.

I have visited many colleges in my State, and I have talked to the master degree student, doctorate degree, and postdoctorate international students working there. They want to stay here. And, reasonably, the universities want them to stay here because they form a tremendous support base for the universities.

These are people who not only can earn a good living for themselves, but their scientific know-how, their technical, managerial, engineering, and mathematical skills can provide opportunities to put all of these workers with their skills into the hiring of workers in the United States.

Regrettably, too many American students are choosing not to go into science, engineering, and mathematics.

If there is time before 2:45, after Senator HUTCHISON completes her statement, I ask to utilize that time.

Mr. KENNEDY. If the Senator will yield, we welcome having his participation. I wanted to be able to respond briefly. I don't know if Senator HUTCHISON will talk until 2:45.

Mrs. HUTCHISON. Mr. President, I say to the Senator from Massachusetts, I have 5 minutes remaining on my time which I wish to reserve for any rebuttal, and then I will be finished.

Mr. KENNEDY. And did Senator BOND want something?

Mr. BOND. Mr. President, I definitely don't want to preempt the manager from his comments, but if there is additional time, I would like another 5 minutes after the Senator from Massachusetts and the Senator from Texas have made their comments.

Mr. KENNEDY. Fine.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I say to the Senator, I will be glad to give you 5 minutes of my time, if you want it.

Mr. BOND. Fine. That is most gracious.

Mr. KENNEDY. If we could do that after my final comments.

Mr. BOND. Sure.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4101

Mr. KENNEDY. Mr. President, I thank the Senator from Texas for her vision in the importance and the role that temporary workers can play in our society, but I have to reluctantly oppose her amendment.

We are on this issue of temporary workers. The body is being sort of whipsawed. We started out with 400,000; and we have had good debates and discussions, and we have reduced the number of temporary workers to 200,000. And we are going to have further amendments before the end of the evening or on the morrow that will probably be to eliminate all of the temporary worker programs. There is a number of our colleagues who feel that way.

I had supported the number with Senator McCAIN of 400,000 temporary workers, and then we reduced that number to 325,000. And now it has been reduced to 200,000. As I mentioned, we have amendments on the list now that are going to try to, effectively, eliminate the temporary worker program. The Senator from Texas wants to increase it from 200,000. It seems to me we had it right in the earlier time when Senator McCAIN and I had introduced the legislation. It still was at the 325,000. I am going to advocate that we continue the program at the 200,000, later on in the afternoon or evening, when we are going to have attempts to eliminate it.

But this program is a very different program than the one that is in the underlying legislation. I want to talk about that very briefly.

First of all, there is a dramatic difference in the recruitment process between what we have in our legislation in the underlying bill and what is in the Hutchison amendment. We have a very extensive recruitment-and-posting program where we post, in a vigorous effort, to try to recruit American workers and indicate also what they are going to get paid. That is very extensive. It is spelled out in some detail in our legislation. I think it is far more extensive than a general designation of a category where there are some jobs available.

Secondly, we have much stronger worker protections in terms of the wages and in terms of protecting workers' rights, such as if there is going to be a walkout or a strike, which does not exist in Senator HUTCHISON's amendment. We have a complaint process and procedure, so if there are violations of the rights or wages or working conditions of these temporary workers, they will have the ability to file a complaint with the Secretary of Labor, which does not exist in the Hutchison amendment.

There is the ability for a temporary worker, if he or she does not get along with their particular employer, to be portable. He or she can go to a different job and different employer so we can free these workers from what has happened historically, and that is exploitation. That is an enormously important protection for workers. That does not exist in the Hutchison amendment.

In our particular temporary worker program, it can last for 6 years, which is very desirable both from the workers' point of view and the employers' point of view in terms of the training they give to the workers themselves.

But most importantly—most importantly—after the 4-year period, the worker, under our proposal, can actually petition for permanent citizenship—a green card, effectively. Then they have to start the process toward naturalization. It will take them 5 more years, but they can get on the path. They have to work hard over the period of some 4 years. If there is a green card available, they can move toward a green card. If not, they will have to wait, and eventually they will get to the process of citizenship—but not under the Hutchison amendment. After a total of 21 months, they return back home.

So there is a very dramatic difference in the concept of the temporary worker program included in the underlying bill than that of the Hutchison amendment. And that underlies the fact we are going to respect these workers. In our underlying bill we are going to profit and learn from the historic past, where there has been the exploitation of workers, where workers have not been able to have portability, where workers have not had a complaint procedure, where workers have not had whistleblower protections, where we have seen workers exploited.

It gives them the opportunity, if they work hard, play by the rules, to be able to be law-abiding citizens. That gives them an opportunity, then, to get on a path, with 5 more years, to be part of the American dream. Nine or 10 years it is going to take. They are going to have to demonstrate that hard work, play by the rules, stay out of trouble, and have a good work ethic to be a part of the whole American system.

That does not exist. I think that is important because it really is a reflection of the fact that we value this work. It may not be Americans who are prepared to take these jobs, but, nonetheless, we value these individuals. We value these individuals. We have the high-skilled individuals, but we also value those individuals who are going to come here, work hard, play by the rules, and are going to be able to be eventually transitioned into citizenship.

So, first of all, we have the overall scope, the fact of the total numbers we have; secondly, we have the protections. In the existing and underlying bill, I believe a careful reading of the legislation will show there are vastly more protections for the temporary workers than in the Hutchison amendment. I am concerned both about the numbers and the failure of the protections for those particular workers.

Finally, it is limited to just certain countries. Our temporary worker program can include other nations, Asian countries, countries other than those on the particular list the Senator from Texas has outlined.

So it does seem to me we really do not need an additional temporary worker program. I hope we will not accept her amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I do not know how much time I have available.

The PRESIDING OFFICER. The Senator from Massachusetts controls 12½ minutes. The Senator from Texas controls 5 minutes.

Mr. KENNEDY. Mr. President, I would be happy to yield 5 minutes of that time to the Senator from Missouri after the Senator from Texas speaks.

Mrs. HUTCHISON. No. Mr. President, I would like to reserve the remainder of my time until the Senator is finished with the rebuttal so I can close on my amendment.

Mr. KENNEDY. Fine. I was just trying to accommodate the Senator. I was going to yield the floor, and I thought both Senators wanted time. I say to the Senator, you have been very accommodating in working out the time agreements earlier, so I was glad to yield some of my time to the Senator, who is supporting your position.

Mrs. HUTCHISON. Mr. President, I appreciate that very much. I will yield to the Senator from Missouri to use the 5 minutes from the Senator from Massachusetts, and then I will wait if the Senator wishes to continue any kind of rebuttal, and then I will reserve my time until he is finished so I can close on my amendment.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 5 minutes.

Mr. BOND. Mr. President, I thank my colleagues, who are very generous.

I should have stated at the beginning that I very much support the provision that Senator SPECTER and Senator KENNEDY put in the underlying bill. There were similar provisions in Leader FRIST's bill, in the Protecting America's Competitive Act, of which I am a proud cosponsor.

AMENDMENT NO. 4071

Mr. President, this underlying bill provides that U.S. advanced STEM degree graduates—that is science, technology, engineering, and math—get up to 1 year after graduation to be placed with a U.S. company in their field of study. It will make sure they can find a place to work, and then get permanent residency to process their applications. It will allow U.S. companies to keep U.S. graduates to the benefit of U.S. jobs. And it will make our country much more competitive with other countries with the same reform now attracting high-tech workers to our detriment because they go overseas.

The amendment I have offered ensures that we do not leave a portion of these students behind. The underlying bill says it applies to students on F-visas. We include those same types of students on J-visas.

There are a significant portion of J-visa students studying in my State, pursuing advanced studies in biology, biomedical engineering, and, particularly in my State, genetic engineering and plant biotechnology. They are Ph.Ds. They come to pursue and complete their post-doctorate studies at leading universities in Missouri and across the Nation.

In Missouri, J-visa holders make up 10 percent of our University of Missouri advanced STEM degree students. At Washington University in St. Louis, they make up 25 percent. I think every Senator will have J-visa STEM students at universities in their States. There is no substantive reason not to include them in the underlying bill. I assume it was merely an oversight.

When you bring in these workers, as I was saying earlier, American manufacturing workers are getting good jobs because they have the science and the math, the technology that is enabling them to produce 21st century products and to do the kind of work that 21st century science enables them to do.

It is becoming increasingly clear that if American workers are not supporting high-tech products in demand today, they are losing their jobs. As a recent book by Tom Friedman, "The World Is Flat," explains, those high-tech jobs can go anywhere in the world and be linked up by computer. So Americans need to be using cutting-edge technology. Whether it is some of our basic activities—extracting raw materials efficiently or producing record harvests—we need to use the technology that is being developed. And with today's and tomorrow's innovations and inventions, they are going to have to come from students who are studying at our universities.

Right now, foreign students are earning 30 percent of today's U.S. doctorates in engineering, 50 percent in math and computer sciences. We are lucky to have them in the U.S. because the number of U.S. citizens enrolling in science and engineering is way down. It dropped 14 percent in total from 1993 to 2000; 32 percent in math, 25 percent in engineering.

AMENDMENT NO. 4101

Mr. President, I reiterate my support for the amendment offered by my colleague from Texas. I am very proud to support her SAFE Visa Program amendment because I do think the system she has laid out is one that is appropriate in a much broader field. I would like to see this measure in the bill because I think when the conferees start looking at how we deal with guest workers, they are going to want a commonsense solution.

That solution is to say, you can come for 10 months. We want to make it possible for you to come here and work, knowing you can come back and forth freely, knowing you are not locked in here, so you can go home and see your family and so you can take money home; and when you finish work here, you will have that portion of Social Security taken out of your paycheck as your own savings account.

This will be a tremendous boom for them, and enable them to go back to their villages or cities, or wherever they came from, and be able to provide for themselves and their families, and also, we hope, invigorate the economies of those communities from which they came.

So I am very proud to support the Senator from Texas, and I urge my colleagues to join with her in supporting the amendment.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I have 7 minutes. I was not going to make a further comment on this amendment. The Senator from Alabama indicated he had a few questions on this amendment, so I am glad to yield my time to the Senator. Then the Senator will make her concluding remarks. And then I understand we are going to go ahead with the point of order of the Senator from Alabama.

Mr. SESSIONS. That would be correct.

I thank the Senator from Massachusetts for his courtesy.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON. Mr. President, let me just clarify that the remaining amount of Senator KENNEDY's time would go to Senator SESSIONS for questions, and then I would have 5 minutes after that to close; is that correct?

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Mr. President, how much time would remain, then?

The PRESIDING OFFICER. The Senator from Massachusetts retains 6½. The Senator from Texas has 5 minutes.

Is there objection to the Senator from Alabama being allowed to control the 6½ minutes of the Senator from Massachusetts?

Without objection, it is so ordered.

The Senator from Texas is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, I defer to the Senator from Alabama, and then I will use the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I am very interested in and supportive of the concept embodied in the Hutchison amendment. A few weeks ago Senator SPECTER and I met with President Uribe in Colombia and with officials of the Dominican Republic. President Uribe and the Dominican Republic said they didn't understand this controversy. They have a good guest worker program. Both of them apparently had a guest worker program with Spain and Canada. Under those programs, the workers would sign up. I am not sure whether it was with the Colombian Government or the Canadian Government. They would be given a visa to work for so many months with the clear understanding that they would be able to come home to their families when they finished work and be able to sign up for the next year unless something significant changed. They were both very happy about that. To my knowledge, we have really nothing like that in our legislation in the main part of the bill. I ask Senator HUTCHISON, is this something similar to what you are proposing? If so, you definitely have support from those two countries.

Mrs. HUTCHISON. Mr. President, that is what is missing from this bill. Many countries have temporary worker programs with other countries that have worked very well. Many other countries even come across the ocean for temporary work. In many places you have temporary workers who go back and forth across international boundaries every day to work. In some countries it is considered that those workers are an underclass. I disagree with that. Having the ability to go back and forth, a circularity, is healthy. We want commerce with Mexico and Central and South America. We want to have the ability for people to work 3 months and go home for 2 weeks and then come back and work 3 months, whatever the employer and employee can work out, as long as it is basically 10 months here and 2 months at home. You can have exactly what Senator BOND just said. You can have the money going into the country of origin which Mexico wants. They want the ability for their people to work in the United States. But I don't think Mexico wants their good people to leave and become citizens of our country. Some will want to. That is available to them. But not every one of them wants to. And why should we force that, or why should we encourage it? If they want to go into the citizenship route, that is available.

In fact, one of the arguments that was made by the Senator from Massachusetts is, are we going to create a permanent underclass of citizens? As long as you have the citizenship route, there is no underclass because the people who abide by the laws and decide to learn English and to do the things required for citizenship can get into the citizenship track. There are many people who might not want to do that, who would like to work but take their money home, maybe have their nest egg with them when they retire to start a business at home or to pass on to their children.

We should have more options. That is what this amendment does. We should have a guest worker program in this bill that creates another option that is not now in the underlying bill.

Mr. SESSIONS. Any of these guest workers that at some point decide they wish to become a citizen or become a permanent resident wouldn't be prohibited from applying under that provision of the bill that we would pass that would allow them to get in that track, correct?

Mrs. HUTCHISON. Absolutely. If they decided to go into the SAFE visa program, they would make the decision they are not going on the citizenship track, but if they change their mind, they can withdraw from the SAFE visa program, take the Social Security that has been deducted from their salaries home with them, go back to their home country and get in line for the citizenship track.

Mr. SESSIONS. One of the problems is that people come into the country and they feel bound. If they come illegally, as they come today oftentimes, they don't feel free to go back and forth. Then there is pressure on them to try to bring their family. Whereas if they had a card such as you propose and they could come and go and leave their family at home and just work for so many months like so many Americans do, they work in different cities and towns all over America and come back home to their families, wouldn't that be a positive offering for people who wanted to come work and not a demeaning thing?

Mrs. HUTCHISON. It is so important that we have the different options. It is important that we give the opportunity to people not to disrupt their families, to be able to go back and forth, if that is the option they would choose. Maybe they want to contribute in their home country, and they want to remain citizens. As long as you have the citizenship route for people who want the rigorous test of citizenship that goes with our country, then you should have two options on the table and people can choose. This is a country of entrepreneurs who want to have options, and we need programs that work.

The PRESIDING OFFICER. The time of the Senator from Alabama has expired.

Mr. SESSIONS. I thank the Chair.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alabama. I thank the Senator from Massachusetts for letting us have the colloquy. It is so important that we recognize that we are in a system that does not work right now. We have 11 million people living under the radar screen. That is not good for them, and it is not good for our country. Since we had 9/11 and the wake-up call, we now know that we must secure our borders first. We must also not ignore the invaluable contributions made by immigrants. We are a country of immigrants, of course. Many of us in this body had parents or grandparents who were immigrants, who were the first to come to this country. They have known hardship. They have assimilated. That is a good thing.

Why not have another option for people who would not want to go the citizenship route but who could work. Some of these temporary worker permits in the underlying bill are limited to 3 years or 6 years. The SAFE visa is not limited at all. As long as the person still qualifies and there is a willing employer, the employer can train someone and know that they will come every year and be able to keep that training. It is a 10-month program, but any employer can figure out that they would hire one group of workers in January and another in March, so they would have a full year employment if they don't have a seasonal business and the jobs they need to fill are not filled by Americans, which is also part of the amendment. But you could have people in this program for 10 years. They could then take their nest egg back home with them. They would be trained workers for the employer. So it is a win for everyone.

If we are going to have a system that works, with secure borders, with a guest worker program that allows people to work and not seek citizenship, not be able to go into the social programs of our country, but people who will be well paid, well treated, and be able to build their nest egg with their Social Security deductions, we should offer that kind of opportunity side by side with the opportunity for citizenship which is a longer track. That is a system that can work for the long term.

We cannot make the mistake of 1986, when we passed an amnesty bill and said: This is the last one. In 1986 we didn't provide a guest worker program going forward that worked. As a result, we have millions of people under the radar screen not having the protections of the American system. That is not good. It is not good for them, and it is not good for us.

It furthermore sends a signal that if you come here illegally, you will be able to eventually become legal through amnesty. That is not an ordered system. An ordered system would be one in which we secure our borders, we have temporary worker programs that work, some with the citizenship track, some without, and then you deal with the people who are here illegally one time. You do it in a rational and responsible way, but you know you have a system in place that is going to work for the future.

I don't expect to carry this amendment. I do expect that the airing of this view should have an impact on the conference committee that will meet to create a bill that I hope all of us will be proud to support. It will not be the bill that is going to leave the Senate floor this week. This is not the bill that will provide a long term solution. It is not the bill that is going to assure that we have economic viability in our country as well as safety and security and protection for American workers. We can get a good bill, but that bill will have to come out of conference. I hope that the Senate speaks with a strong voice that this should be part of the solution, that we should have an option for people who could get into the system within a year, who would have a tamper-proof visa, that they would be safe and the employer hiring them would be safe to trust, and that they would be able to make a living wage and go home and keep the citizenship of their country of origin, if they choose to do that.

This is an option we should have. I hope we have a strong vote in the Senate so that this will become part of the solution to this issue that we must reach to get control of our borders and create a strong economy.

Mr. President, I ask unanimous consent that a letter of support for my amendment from the American Farm Bureau be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, May 22, 2006.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON: Thank you for requesting the views of the American Farm Bureau Federation on the Secure Authorized Foreign Employee (SAFE) visa amendment to the Hagel-Martinez immigration bill, S. 2611.

The SAFE visa would appear to provide agriculture with an alternative temporary worker program in addition to the existing H-2a program, to recruit workers from abroad when workers cannot be found locally. The amendment would not in any way affect other agriclultural provisions in the bill.

Under the SAFE program, growers would be required to pay not more than the prevailing wage. Employers would be responsible for transportation but could deduct those costs from pay under an employment agreement.

In addition to the H-2a program, we believe that the SAFE visa could help ensure that agriculture has access to a legal foreign workforce during labor shortages and therefore, we would support the amendment.

Sincerely,

BOB STALLMAN,
President.

The PRESIDING OFFICER. All time for debate on the Hutchison amendment has expired.

Under the previous order, it is now in order for the Senator from Colorado to offer a point of order.

Does the Senator wish to be recognized for that purpose?

Mr. ALLARD. Mr. President, I do. Following making my point of order, I would ask unanimous consent that the manager be recognized and then there be an opportunity for Senator SESSIONS to make a few remarks. I want to make a few remarks. I ask unanimous consent for that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, 2 hours has been allocated for debate. One hour will be controlled by the Senator from Colorado making the point of order, 30 minutes to the Senator from Pennsylvania, Mr. SPECTER, and 30 minutes under the control of the Senator from Massachusetts, Mr. KENNEDY.

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I raise a point of order that the pending bill violates section 407(B) of H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

Mr. SPECTER. Mr. President, I move to waive all applicable points of order under the Budget Act and the budget resolutions.

The PRESIDING OFFICER. The motion to waive the act is heard. Under the previous order, the time allocated for debate will be on the motion to waive.

Who yields time? The Senator from Colorado.

Mr. ALLARD. I yield to my colleague from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank my colleague from Colorado. He is a senior member of the Budget Committee. He is capable and does, in fact, help us monitor spending in this body. I am pleased that he shares my view, and I hope our colleagues will listen to the discussions we have that indicate that this bill, indeed, is a tremendous budget buster. There is very little doubt about that in any fashion whatsoever. The Congressional Budget Office has concluded that it busts the budget in the first 10 years. And they conclude, without much analysis at all, frankly, because the numbers are so much worse in the second 10 years, that it clearly will break the budget in the next 10 years. They generally do their studies on a 10-year basis.

This is a matter that is tremendously important. It is one of the reasons the legislation before us today is considered such an important matter. It has importance beyond immigration. It has great importance toward the financial stability of this Nation in the future, our ability to make ends meet and not spend more than we take in. You have heard it said, and I have talked to some fine economists and they have it in their minds—well, let's say not a lot of them because most of the economists we have heard testify here have the view that I share. But a lot of people seem to think if we just bring in more people, that will then raise revenues and that will then help us balance the Social Security default we are in. That is one of the myths that are out there. It is a very powerful myth, and it is an appealing myth.

First of all, these kinds of pieces of legislation tend to get worse rather than better. I just point out that the Congressional Budget Office study they gave us a few days ago—we have a response to it today to update it. It adds 4 million more people to their estimate in the amnesty section of the bill than they estimated a few days ago. That is a 33-percent increase, a third more than they estimated. These numbers are hard to estimate. We know that in 1986, they predicted that a little over 2 million would be eligible for that amnesty, and 3 million showed up, a 33-percent increase. These are the kinds of numbers we are dealing with.

Further, I note, very troublingly, that until we got the initial report from CBO on May 16, nobody had presented a cost estimate on this piece of legislation, and nobody really has today. In fact, the CBO score just goes out 10 years. They don't attempt to deal with the second 10 years, which is where the extraordinary growth in costs to our Government will occur.

So I challenge my colleagues. We will hear some talk, but I would like to really see how any increase in revenue the Government might have would have an ability to overcome the huge costs in the future. I think it will be, in 20 years, clear that this amnesty bill—if it goes in like it is today—will add more in costs and will absolutely not help us pay for Social Security, and it will absolutely leave us in a weaker fiscal condition than we are today.

Mr. President, how much time have I used? And I ask to be notified at 12 minutes.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. SESSIONS. Mr. President, according to the budget point of order the Senator from Colorado has raised, he will be focusing on, I believe, the second 10 years. The Congressional Budget Office has told us that the first 10 years are net losers. They say that direct spending in this bill authorizes $54 billion. There will be $66 billion in revenue, and discretionary spending will be $64 billion, for a net cost in the first 10 years of $52 billion. That is really significant. The numbers are far worse in the outyears.

Those of us who have watched this Congress operate over the years and have been in it a few years realize that we make some of our biggest mistakes when we jump into programs that sound good at the time and we have not calculated the long-term costs to our country, and we wake up wondering how it ever happened. Sometimes we need to go back to look at precisely how it occurred.

Robert Rector has done some serious number-crunching for the second 10 years. He was a chief architect of America's welfare reform bill. He is a senior analyst at the Heritage Foundation, a very well respected group in town. These are some of the things he says about that. He believes—let me tell you—that the numbers could be $50 billion to $60 billion per year in the second decade. This is one of his quotes:

> In the long run, this bill, if enacted, would prove the largest expansion of Government welfare in 35 years.

The largest expansion of Government welfare in 35 years. He estimates that the bill's provisions that put illegal aliens on a direct path to citizenship will result in $16 billion per year of net additional costs to the Federal Government for benefits given to the amnestied individuals alone. This is just the group that is in the first amnesty. This will be in the amnesty of those who are already here. That will cost $16 billion per year.

He also points out that the fiscal impact of the cost to the Treasury caused by the Senate bill will extend far beyond the benefits given to the individual aliens, those who are here seeking amnesty. Once those aliens receive legal permanent status—that is the green card, and that is what they will receive under the bill before us—they have an automatic guaranteed right to bring their spouses and minor children into the United States even if this had not been one of their strong desires to begin with. Now they have an automatic right to do this. So that will greatly expand the total number of people ultimately granted citizenship under this bill's provisions. It is not just the people who are here.

Undoubtedly, the welfare estimate of $16 billion per year will increase. That is a low estimate. Once an illegal alien becomes a citizen, they have an additional unrestricted right to bring their parents in. Many of these parents will be elderly and need medical care. The Heritage Foundation report points out that parents under the Medicare system could cost as much as $18,000 per person. They estimate that even if 10 percent of the people who are provided citizenship—we are talking about getting into the second 10 years because it will take about that long to go through the process of getting a green card under the restrictions of the bill and under their request for citizenship. You can bring your children and your wife with a green card. If you have a green card, you can bring them. If you become a citizen, you can bring your parents and your brothers and sisters, and they can bring their children. But he estimates that would be $30 billion a year in the outyears.

You say that cannot be. Well, all I know is Members of this body debated for years welfare reform. The people who opposed welfare reform and opposed it steadfastly—and President Clinton vetoed it several times—said it was going to increase poverty. The others argued: No, it will help lift people out of poverty. What has happened? Welfare rolls have dropped by more than 50 percent, and the number of children being raised in poverty is lower than it was at that time. Who said that would happen? Robert Rector at the Heritage Foundation. He was proven correct in that debate. I submit that he is one of the more brilliant students of public life today, of welfare and all of the related issues. He said it will be $50 billion to $60 billion a year in the next decade. That is a lot of money. That is really a lot of money. Over 10 years, that amounts to a half trillion dollars.

So we have to think about this. I suggest to my colleagues that we have not thought this through. We don't even have an official CBO score on the second 10 years. We are asking the country, the American taxpayer, who lifts the burdens and pays our fat salary and takes care of us and everything else in this Federal Government, to just take a walk with us in the hope that something good might happen. I don't think so.

I urge my colleagues, if you are concerned about this and other aspects of the bill, to cast a vote against waiving the Budget Act. Our chairman has said: Well, we don't deny the Budget Act is being violated, we don't deny spending increases more than it is supposed to under the Budget Act, but with 60 votes, we want to waive it, and we will move right on and pass something and send it to conference.

We have made some progress on the bill. We have had some good debate in the Senate. It is still not fixed, in my opinion, in a number of ways. What really needs to be done is the bill pulled down and seriously talked about.

The PRESIDING OFFICER. The Senator has used 12 minutes.

Mr. SESSIONS. I ask unanimous consent to have 2 more minutes.

Mr. ALLARD. Mr. President, I extend 2 more minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator is recognized for 2 more minutes.

Mr. SESSIONS. Mr. President, that is what we are talking about. This is not a technical matter. I don't believe any study is going to show that these numbers are fundamentally incorrect. I don't believe any numbers will show that the approval of this bill will not be a net cost to the Treasury of the United States. One of the reasons that is sadly so is because so many of the people who are here illegally do not have a high school education. That means they have less opportunity to succeed than if they had come here with higher abilities and skills and were in areas in our country where we really needed them. That could make them be more successful.

I thank the Chair, and I yield the floor and yield back whatever time is remaining.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 7 minutes.

Mr. ALLARD. Mr. President, I wish to express in a public way my gratitude for Senator SESSIONS, the Senator from Alabama, for his efforts on behalf of many of us who have concerns about the immigration bill. I think we should recognize his yeoman work and the amount of time he spent studying all of the ramifications of this bill.

All of us have begun to study this bill more and more over the past week, and we began to realize the long-term implications the immigration reform bill we have on the floor will have on America.

I have grave concerns with the effects of this bill on the future of this country, not the least of which is its potential fiscal impact.

Section 407 reads:

> It shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in direct spending in excess of $5 billion in any of the four 10-year periods beginning in 2016 through 2055.

The Congressional Budget Office issued a May 16, 2006, cost estimate explicitly stating:

> Enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055.

The fiscal impact of this bill can be summed up in simply two words: budget buster. This is a budget buster.

The Congressional Budget Office estimates that this legislation would increase direct spending by $54 billion over the next 10 years. While it is estimated to increase only $13 billion over the first 5 years, during the course of the second 5 years, it is expected to skyrocket up another $41 billion as the amnesty provisions begin to kick in.

Conveniently for the authors of the bill, CBO's cost estimate stops there. See, under the bill, illegal immigrants have a 6-year waiting period from enactment to establishing legal permanent resident status. Then after another 5 years, they can become citizens. Thus, in the 11th year, conveniently just out of reach of CBO's analysis, millions of people who entered this country illegally will be granted citizenship.

Where the CBO leaves off, the Heritage Foundation picks up. They estimate that the additional cost to the Federal Government of providing benefits to the individuals granted amnesty under this bill is around $16 billion annually.

On top of that, when an individual is granted citizenship, he is entitled to bring his spouse, minor children, and parents into the country. Once in the country, these individuals would become eligible to receive social services and government-funded medical care. Then after 5 years, they could become citizens, whereupon they could be eligible for supplemental security income and Medicaid at an average cost of $18,000 per person per year.

Think about that. That is about the time when many of us are talking about a financial crisis around 2016 for Social Security and Medicare. Then on top of that, we are incurring this huge liability in this bill, if we happen to pass it in its current form.

The Heritage Foundation study provides this example: If only 10 percent of the parents of those receiving amnesty under this bill became citizens and enrolled in the aforementioned Government programs, the extra costs to Government would be over $30 billion per year.

Obviously, we cannot predict how many spouses, children, and parents of those granted amnesty will come into the country, but one thing is for certain. The pool is enormous and the potential long-term effects staggering.

All this takes place against the existing backdrop of runaway Federal spending. Entitlement spending alone is on pace to exceed total Government revenues before the end of this century.

With the looming retirement of the baby boomers, we are grappling with how to pay for existing entitlement programs. The last thing we need to do is grow Federal spending by potentially hundreds of billions of dollars to provide benefits to millions of people who enter our country illegally. This stands in contravention to the rule of law and is unfair to the American taxpayer.

As a member of the Senate Budget Committee, I believe it is my duty to bring to the attention of my colleagues, as well as the American people, the staggering impact this legislation will have on the fiscal health of this country. This issue has not been thoroughly considered in the Senate. I bring it to my colleagues' attention today in hopes that we will have the debate we need.

It would be irresponsible of me not to mention a violation of personal duty to the American taxpayer, to stand idly by while my colleagues enact a bill that drives a dagger into the heart of this country's fiscal health.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Colorado for the concern he has expressed in a heartfelt way. I believe all of us have the potential of reaching an agreement on comprehensive legislation that we could actually support. I would think the Senator would agree with me that good enforcement and a good workplace enforcement system would be critical.

According to an article in yesterday's paper, Mr. T.J. Bonner, who heads the Border Patrol union and has always been correct fundamentally, I believe, on these issues, is very dubious that even the House plan is sufficiently effective on enforcement in the workplace.

The next thing we would want to do is to figure out some way to treat the people who are here illegally in a fair way. Most of them would want to stay here. Most of them have been here for over 5 years. We need to develop a system to allow people to stay here in a legal way, to come out from the shadows. I think that is a worthwhile goal, and I support that goal. But they do not need to be given every single benefit that we provide to people who come to our country legally, people who have waited in line to have their shot to come to our country. We should not give them every single benefit that a person gets who comes here legally. So we have to worry about that.

What happens when we give them a complete amnesty package is they are put on a guaranteed path to citizenship and then they automatically become eligible for these programs, with huge costs. They didn't ask for that when they came to our country. That was not why they came here. They came just to work and make some extra money and, for whatever reason, they stayed.

We have to think this through. We cannot be operating on simple feelings alone, but we should analyze it in a fair and objective way and even consider what they want. A lot of them don't want to stay and become permanent residents.

Then, finally, we ought to develop a system of immigration that provides more incentives. Why shouldn't a young high school valedictorian in, say, Peru, Brazil, Colombia, or the Dominican Republic, who already has learned to speak English, has had some college, have an advantage of coming into our country over someone who is elderly and would have a guaranteed right under the bill to come in under the parents provision, as Senator ALLARD suggested? That is what gets us in trouble. We have to think about this. It has real financial consequences.

I reiterate what the Heritage Foundation found. They found that without any change in the current law, 9.5 million individuals would enter the country as legal permanent residents over 10 years. CBO acknowledges that 11 million illegal immigrants currently are residing in the United States and over 10 years will be given legal permanent residence as a result of the bill, and an additional 7.8 million new legal immigrants will come into the country under this bill.

Not only do we provide legal status for that large group of people here illegally, we start a new system that allows very substantial increases in legal immigration. According to the Congressional Budget Office numbers, over 28 million individuals, therefore, will obtain legal permanent residence over the next 10 years if S. 2611 passes, which is three times the current level that would occur under current law.

People say this is just a bill to take care of people and to confront some issues we have to confront, work on the border, and deal with the future flow of immigration. It increases it, according to him, three times in the next 10 years. That is almost 30 million people. That is about 10 percent of the existing population of the United States of America.

Mr. Rector of the Heritage Foundation estimates that the real number would be higher. That is just an estimate. And I note, it does not account for people who come here illegally. If we give amnesty for the second time, we are going to have a lot of people believing if they can just get here illegally, somehow they also will be allowed to stay in the country eventually. So we are going to have a substantial number of illegal people. Remember, they are entitled, once they get on this automatic path to citizenship, to bring in their parents, presumably elderly parents, and presumably they will seek, as they have a right to, health care in America which could be $30 billion per year, and they have the option, although it does have to come in under the caps, of also bringing brothers and sisters into the country.

I thank the Chair and reserve the remainder of our time.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 5 minutes.

Again, I thank the Senator from Alabama. When we think about it, the Congressional Budget Office figures are way off. I do think the Heritage Foundation has probably come about as close as any figures I have seen.

Here is what concerns me and concerns those of us who believe we ought to have a balanced budget, those of us who believe we owe something to future generations of Americans: We have to be conscious of the cost of this type of legislation. It will have a huge impact. In fact, I am trying to think back in my career in the Congress to whether I have seen as expensive legislation. I don't believe I have. We are looking at astronomical figures.

If we look at the Heritage Foundation figures, $30 billion each year—and I think those are conservative and that builds into the base, so you have $30 billion the next year on top of that, as I understand it. It is astounding. We need to back up a little bit and think on what we are doing to the cost of many of those programs. We need to think more carefully about the solutions we are proposing and have in this bill.

I am real concerned about the costs. I am real concerned about escalating deficits, although I have to say I am pleased with the response to the President's efforts to stimulate the economy. By growing the economy, we bring down the deficits. They have been going down. They went down last year. They are going down this year. When we pass legislation like this, that is all for naught. That undoes everything the President has been doing to try to hold down deficit spending and what we have been doing in this Congress to hold down deficit spending. For those of us who believe that we need to balance our budget, we are going in the wrong direction. It is awfully easy to stand here on the floor and say, Look, I support a balanced budget, I support eliminating deficit spending. But then bills like this come up on the floor, and I think we forget about what we have been saying about how important it is to the future of this country to reduce and eliminate deficit spending and to bring our budget into balance.

This is an important piece of legislation if for no other reason than the fiscal impact that carries with it. That is why I made my point of order, because I think that we need to step back and think about the results of this piece of legislation.

Mr. President, I yield 5 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, just to drive home these numbers, according to the Congressional Budget Office report under the refundable tax credit—and these are primarily the earned income tax credit provisions—the Joint Tax Committee estimates that the bill would increase outlays for refundable tax credits by $29.4 billion, the largest direct spending effect in the bill over the first 10 years. That is a really huge number. For the earned income tax credit, I have an amendment that will try to reduce that number. But ultimately it is going to be a cost because as a person becomes a citizen, they will be entitled to it. I personally am of the belief that this amount of money is not necessary to be provided to people who transfer from illegal to legal status prior to citizenship, and I will offer an amendment. They weren't getting it before and they don't need to get it now. So I wanted to mention that point.

I would recall what Robert Rector said in a press conference yesterday. He referred to S. 2611 as a "fiscal catastrophe." This is a man who, I submit, knows more about welfare and health care benefits in America than probably anybody; he is certainly one of the top few in this country.

Mr. President, I see the distinguished Senator from Nebraska. I will yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. How much time do we have remaining on our side?

The PRESIDING OFFICER. Twenty-six minutes and 40 seconds.

Mr. ALLARD. Mr. President, would 10 minutes be satisfactory to the Senator from Nebraska?

Mr. NELSON of Nebraska. I don't believe I will need 10 minutes—certainly less than 10 minutes—but any time yielded is appreciated.

Mr. ALLARD. Mr. President, I yield 10 minutes to the Senator from Nebraska, my good friend, BEN NELSON.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for up to 10 minutes.

Mr. NELSON of Nebraska. Mr. President, I thank my friends from Alabama and Colorado for this opportunity to rise in support of Senator SESSIONS and our colleagues who are raising a budget point of order on this bill. I have said throughout the entire debate and since I introduced legislation last fall that we have to secure our borders first.

The budget implications of this all-encompassing, do-everything bill are just overwhelming, but what concerns me the most is that we are not doing enough to secure our borders first. We shouldn't spend one dime on any sort of amnesty provisions until we secure our border first. We shouldn't attempt to guess how many billions of dollars we are going to spend on how many millions of people might be coming into our country until we secure our borders. It is a very simple equation. We will never get a real grasp on solving the problem of illegal immigration in this country until our borders are secure. Border security first.

The deficit is real, and the problem of illegal immigration is also real, and we should make a serious investment in securing our borders. But to adopt an all-encompassing, do-everything bill with a multi-billion-dollar price tag that won't match up with what the House has passed, and that doesn't do nearly enough to secure our borders, is irresponsible, and I can't support it.

That is why I am here today to support Senator SESSIONS and the budget point of order he intends to raise against this bill.

If we don't get a bill out of Congress this year—and when I say out of Congress, I am talking about out of committee as well—the costs associated with this illegal immigration issue that we have right now will only continue to go up. That is why investing in border security first is, in fact, the right investment.

Now, not only does this do-everything bill cost a considerable amount of money—although we can't be sure exactly how much, but we do have some idea from the CBO estimates that for the first 10-year window, it could be as much as a net of $52 billion, and direct spending from 2017 to 2026 could be at least at $108 billion. So while we don't know everything about the costs, we do have estimates that would suggest that the cost will be significant and even end up costing us more.

So we do have to address the border security first. Until we do, the implications and the costs will continue to grow at an alarming rate.

Mr. President, there is an old saying that I imagine every parent has told their child: When you are in a hole, the first thing you have to do is stop digging. We have to stop digging. We must secure our border first, and we must shut down illegal immigration, and only then—only then—can we move forward in a financially responsible way that secures our border and, at the same time, gives us an opportunity to put an end to illegal immigration and deal in a comprehensive manner with the illegal immigration that we already have. We must, in fact, stop the problem from getting bigger in terms of the number of illegal immigrants before we can deal with the problem of what we do with illegal immigrants already here.

It is not mean-spirited to want to protect our borders, to want to close the back door on illegal immigration and look at opening the front door to legal immigration. There is nothing irresponsible about wanting to secure the borders with appropriate barriers, fences, and walls to make sure that we are secure against not simply illegal immigration for people who want to come to work, but also against the drug dealers, the smugglers, as well as the gang members from Central America who continue to come over the border at an alarming rate. We have a security issue. I stand today to support the budget point of order.

I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I yield 10 minutes to my colleague, the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, I spend a lot of time on the floor on budget issues and on spending issues, and I am first of all appreciative that this point of order was brought up. One of the greatest problems we have is not thinking in the long run. We think in the short run. We think in election cycles. We don't think in generation cycles.

Here are some facts that we do know: We are on an unsustainable course as a country. We have approximately $70 trillion in unfunded liabilities. That is greater than our private net worth today. And we are going to transfer those liabilities to our children and our grandchildren.

What is important about this point of order is a reflection of one of the things we are going to be talking about in June in this body, and that is budget process reform. Because the instructions to the CBO are so arcane that they didn't really even look at the real numbers associated with this bill. They didn't talk about the discretionary costs associated with this bill. This bill actually costs $40 billion over the first 10 years. After that, at a minimum, this bill will cost in the next 10 years one-half of $1 trillion. That is $500 billion.

Let me put that in perspective for a minute, what a billion is, because we throw that number around here all the time. A billion seconds ago it was 1959. Three hours and 20 minutes ago, we spent $1 billion, over 3 hours and 20 minutes, this Government. The debt that we are transferring now is close to $27,000 per person; that is $8.3 trillion. That is 8,300 billions. So the fact is that the scoring by the rule says CBO has to say it costs in excess of $5 billion. The fact is, CBO didn't even look at this. The one thing that they did look at is that in one year, in 2016, the 10th year, the direct spending, the direct cost is at a minimum of $11 billion. That is not counting EITC. That is not counting figuring in the 12 million people who are here already in any of the numbers or any of the costs associated with this.

So when we use CBO scoring to say it is a net plus in the first 9 years, you have to ask, what does CBO say about where we would be on surpluses? What does CBO say about the cost of Medicare when it was started and the cost of Medicare 10 years ago when they projected it to be about 70 percent of what it is today, and the projected cost in the outyears of Medicare? They never get it right. One of the reasons they never get it right is because we are not honest with them in the legislation that we put through.

So if we are going to pass this bill out of the Senate, as I suspect we will, the American people need to know not only the four things that are in this bill that are inappropriate for a constitutional republic that is going to need to defend itself in the future—and I am not talking about anti-Hispanic or anti-immigrant; I am talking about the rule of law and how that will impact us as a future country—we have to be considerate about what this will do from a financial impact to the very perilous state that we will find ourselves in 10 years from now anyway.

In 2016, we are going to be close to having 81 percent of the budget—81 percent of the budget—consumed by Medicare, Medicaid, Social Security, and interest on the debt. That means 19 percent is going to have to do everything else. So what you are talking about with this bill in the outyears is at a minimum of $50 billion in new expenditures per year starting in 2016. And probably the CBO scoring, because it does not reflect the direct costs of discretionary spending in this bill today for the 12 million who are here, this will be a net cost of several billion dollars over the next few years, up to $40 billion to $50 billion in year 10, and $50 billion plus after that. That violates the budget rules of this body.

We may not get the votes to win this point of order, but the American people should know, even if they agree with everything that is in this bill, that they are transferring again a lower standard of living, less opportunity, and less future to the Americans who are here today by passing this bill.

Mr. President, I yield back the remainder of my time.

Mr. ALLARD. I would let the other side use some time if they feel they want to. If not, I will recognize the Senator from Louisiana and yield him 7 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 7 minutes.

Mr. VITTER. Mr. President, I stand in strong support of this budget point of order under section 407, which is being raised against the Comprehensive Immigration Reform Act. I encourage all of my colleagues on both sides of the aisle to look very hard at this fiscal impact and this budget issue, because it has gotten very little attention in this entire debate but will have a dramatic impact on our country, our Government, and our budget for decades to come.

Section 407 of the Budget Act specifically is about impacts on the budget of various legislation for the long term, and the point of order says:

> It shall not be in order to consider any bill, joint resolution, amendment, motion or conference report that would cause a net increase in direct spending in excess of $5 billion in any 10-year period between 2016 and 2055.

That is $5 billion per decade. There is no argument. There is absolutely no argument of which I am aware that this bill is not above that mark. Everyone seems to agree—CBO, other experts—everyone seems to agree that this bill is above that mark, causing huge increases in spending—direct spending, Government liability, building into the budget forever and ever, particularly after 2016.

The proponents of the bill were very smart. They specifically limited certain benefits that would be available to new citizens under the bill in the first decade because there are other budget points of order, more immediate budget points of order, more focused on that first decade after the passage of any bill. But even in that first decade, the expected net increase in expenses is very significant—about, perhaps, $52 billion in a 10-year window. But beyond that first decade, of course, it increases exponentially. It is much more, as previous speakers have said.

I am disappointed, frankly, in the Congressional Budget Office. First of all, as I said, they make perfectly clear that this budget point of order is blown out of the water. The long-term impact is clearly more than $5 billion per decade. But that is all they said. I would have hoped, I would have expected the CBO would do a more precise analysis to give us more exact numbers, better numbers. They have not been able to do that. All they have been able to say is:

> CBO estimates that enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055.

We are not only blowing that budget point for one decade or two decades, but we are doing it for every decade because that is going to be the permanent, everlasting impact, with no end in site on Federal Government expenditures and on the budget.

Other folks outside of Government have tried to perform a more exact analysis. One of them, of course, is Robert Rector of the Heritage Foundation, who released a study on the welfare costs of S. 2611. In fact, his number, his study, goes way beyond this $5 billion per decade. He says, to sum up, that this would be the biggest increase in Federal Government spending, welfare spending, in at least 35 years.

I find it particularly ironic that many of the leading proponents of this bill also are some of the very vocal proponents of things such as earmark reform, getting spending under control, looking at the budget—the dangers of increasing automatic spending and entitlement programs without end. I agree with them about all of those concerns. I am not saying they are wrong about those things. They are exactly right. That is why I supported so many of those measures, including earmark reform. But this increase in spending under this bill will make those issues look penny ante, in dollar terms. This is of a magnitude far surpassing that in terms of their very real and very legitimate budget concerns.

We are just coming out of an experience I hope we never see again, dealing with horrific hurricanes, Katrina and Rita, with that unprecedented Federal spending in response to those storms, about $100 billion. What concerns me even more is that this legislation threatens to build into our budget, particularly after the first 10 years, a Hurricane Katrina-like event in terms of Federal spending every other year forever, with no end in sight, just repeating that every other year, as if a Katrina came across our shores and caused that need and that amount of spending every other year forever. Of course those expenditures would only increase over time.

Let me say, this is a very real, legitimate concern about this bill. I hope all of us focus on it more in the closing hours of this debate. It has gotten far too little discussion up until now, and I encourage everyone to focus on the very real and frightening budget and fiscal impacts of this bill.

I yield back my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusettes.

Mr. KENNEDY. Mr. President, I think I have 30 minutes; is that correct?

The PRESIDING OFFICER (Mr. SUNUNU). The Senator has 30 minutes.

Mr. KENNEDY. I am going to speak briefly and then yield 10 minutes to the Senator from South Carolina.

Mr. President, it is important to deal with this document which is from the Congressional Budget Office. This is an authoritative document. We understand that the Congressional Budget Office—the CBO—document is the document we ought to listen to and we ought to regard. What do they say? On May 16, 2006:

> CBO and the Joint Committee on Taxation estimate that enacting this legislation would increase direct spending by $13 billion over the 2007–2011 period and by $54 billion over the 2007–2016 period. Pursuant to section 407 of H. Con. Res 95 (the Concurrent Resolution on the Budget, Fiscal Year 2006), CBO estimates that enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. JTC and CBO [The Joint Committee on Taxation and CBO] estimate that the bill would increase total federal revenues by $66 billion over the 2007–2016 period.

It would increase revenues by $66 billion. Actually, what CBO has determined is the passage of S. 2611 will actually reduce the deficit by $12 billion over 10 years. Do we understand that? This is CBO. They estimate we are going to reduce the Federal deficit by $12 billion over 10 years. The newly legal immigrants will pay $66 billion into taxes and cost $54 billion. Net gain to the Treasury: $12 billion.

What else do they point out? They point out that after 2016, there is going to be, again, an expenditure of over $5 billion. So there goes the budget. That is what those who are complaining and raising a budget point of order are saying—which is true. But what they don't include is what is going to be paid in by the immigrants. Do we hear that? When we look at what is being expended versus what was taken in, we are reducing the deficit by $12 billion. But the CBO did not review after 2016 what will be coming. All they say is there will be more than $5 billion going out. They are giving not even half the story.

We ought to look at the statistics and figures in the studies that have been done. The most authoritative study was done by the National Research Council. It is not a Democratic or Republican organization. They are the ones that have been doing the studies. When the National Research Council's report sought to estimate a bottom-line figure for the fiscal impact of immigration, here is what they found:

> When we simultaneously average across both age and education to get a single summary measure of net fiscal impact based on the characteristic of recent arrivals, under our baseline assumptions, we find an average value of plus $80,000.

Mr. President, $80,000 per immigrant is what the NRC says. That is a good deal of money. In a country that absorbs about a million immigrants a year, that means that each year of that pays $80 billion more in taxes over the course of a lifetime, more than it consumes in services.

So when we talk about waiving the point of order, we do it from a very sound fiscal point of view. These are based upon the CBO, the National Research Council. It is wise that we waive the point of order. It is absolutely irrefutable that over the next 10 years, we are going to reduce the deficit by the $12 billion.

Mr. COBURN. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. COBURN. Is the Senator aware whether the CBO included in their scoring the disaggregated cost of the 11 million people who are here already in terms of the discretionary costs associated with them?

Mr. KENNEDY. The CBO has an estimate in there, what is necessary for border security.

Mr. COBURN. I am talking about the discretionary costs associated with the implementation. There are 11 million people here today. In fact, if the Senator will yield for just a moment, they do not consider that. That is just one of the flaws in the CBO's report.

I thank the Senator for allowing me to ask a question.

Mr. KENNEDY. For pieces of legislation that are going through the body, they have the request for the CBO requirements. The Congressional Budget Office conforms to those particular requests. That is the process which we are involved and engaged in, not some ancillary kinds of expenditures but to use the tried and tested evaluation the Budget Act requires. CBO has conformed with the Budget Act request. What I have just related relates to what is necessary for the CBO to provide in response to the Budget Committee. When you do that, you find out the surplus.

I yield 10 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank Senator KENNEDY for yielding. I will try to add a little bit different perspective.

Senator KENNEDY is right. If you look at the chart with the numbers, the revenues taken in at a point in time from the immigrant legislation exceed the outlays, and that is what CBO says. My good friend Senator COBURN and others dispute that. I think CBO is something you use when you agree with them and something you run away from when they disagree with you. Their methodology is probably flawed when I agree with them and it is probably flawed when I disagree with them.

What I am trying to bring to the table about the economic impact of this debate is that there are more people involved than just the Federal Government. It does seem as if, from a Federal Government perspective, it is probably good business to get people to pay taxes and get them legalized versus having them undocumented. That is one of the economic conditions we are dealing with, is how do you sign up people, who are here to work, in a regularized fashion so we will know who they are and they will contribute to social programs, not just take away, and they will not have to live in fear, and they can help through their tax contributions.

It is true some of them withdraw services from programs set up for people who are on economic hard times, but generally speaking, I would argue the 11 million people we are talking about assimilating and the future flow people we are talking about coming here work very hard. We all have impressions of this group. My impression of the undocumented workforce we are talking about is it is not a group of people sitting around wanting something for nothing. They are doing five and six jobs a day, working very hard, and economically there has to be room in America for somebody like that. If there is no room in America for somebody who is willing to do the hardest job in America from sunup until sundown, then America has changed.

We have 4.7 percent unemployment nationally. I am a Republican. I am going to take credit for it, along with my President, and share it with my Democratic colleagues. Whatever we are doing or failing to do, one thing I can tell you for sure: the economy is as good as it is ever going to get in your lifetime—4.7 percent unemployment. The GDP growth is over 4 percent. There is wage growth over 4 percent and an 11,000 stock market.

One thing for sure is that the 11 million undocumented workers have assimilated into our economy and are not a drain because it is humming. That is just a fact. We can't issue a press release on Monday taking credit for the good economy and talk about a workforce that has been here for years and say it is going to kill the economy because it has not yet, nor will it ever.

Our biggest problem in America from an employer point of view is how do you sign people up, knowing who is legal and who isn't. Let's fix it. Because you really don't know. What do employers tell me more than anything else? I need workers, particularly in the construction business, tourism business, agricultural business. I advertise within the native population, and I can't get enough workers. Our bill requires proof that an American has not been put out of a job, a native American citizen hasn't been put out of a job because of someone coming out of this pool of undocumented workers.

The truth is, colleagues, we need these workers.

A few years ago, Japan crossed a demographic line of having more older people than younger people. We are getting there. It is going to be impossible, because of the demographic changes in our country, to fill all of the jobs we need to keep this economy humming without assimilating more people. How do you do that?

That is what this bill is about. The economics of assimilating hard-working people, who believe in hard work, who want to play by the rules, raise families, and join the military, is a net positive. You will never convince economists that the people we are talking about are a drain on our society. They have jobs that do not pay a lot right now, but they have a heart and a mindset that makes America a wonderful place to live. Just watch them go and watch them grow. Some of the children of this illegal immigrant, undocumented workforce are now in college, in military academies, and fighting our wars in Afghanistan and Iraq, just like every other group that came to America. You start on the bottom, and people around you don't really appreciate you at first, but you eventually work your way up. That is going to happen here.

The budget impact of assimilating this undocumented workforce into our economy needs to be looked at in terms of dynamic scoring. That is what Senator KENNEDY is calling for—dynamic scoring—because that is what he is basically saying.

You need to look at all the things they do and not just at the services they take. You need to look at the economic needs of our economy for workers. We are short of workers. Let us not drive away people who are willing to work. Let us punish people who broke our laws but punish them proportionate to the crime.

There are several avenues in the bill as to how you can come to America and work, but there is one thing in common for every approach to solving the illegal immigration problem. Here is what is in common: You have to work to stay. We are not letting people come here and just sit on the corner and suck us dry. In the underlying legislation, if you are out of work for over 45 days, you are ineligible for the program. You have to learn English, as part of this bill. You just can't come here and not assimilate. You have to take a civics class. You have to hold a job. You cannot break the law, and you have to assimilate into our society. An economic benefit will be gained if we allow that to happen. A social benefit will be gained if we allow that to happen. The cost of doing nothing is catastrophic.

And how do you score it? How do you score the cost of having a border that is a joke? How do you score the cost of having a legal system nobody knows how to apply? How could you score the cost of having millions of people living around you who are scared to death?

What I hope my colleagues will look at when it comes to the budget is not only what the Congressional Budget Office says but the reality of where we are as a nation. We need good, honest, hard-working people, decent people who will get up early and stay late to keep this economy humming. And they are here among us. Make them pay a just and fair debt for getting here by cutting ahead of the line, but do not ruin our economy in the process.

I hope that when we look at the economic condition that this bill will create in America for our budget and our society, we will look at it in a dynamic way, in a realistic way, and come to grips with the idea that in 2006, America has assimilated these 11 million people who are working very hard. What do we do with them now? They are here. How do we control those who want to come after them?

I am all for employing people on our conditions—not theirs—of regularizing, legalizing, making people pay a debt, pay fines, pay back taxes and future taxes, pay your way the best you can. But I am very confident that the net benefit to our country and our society by assimilating a needed workforce in a humane fashion is a budget winner and a winner for our society as a whole.

I gladly will vote against this budget point of order because while you look at the dynamics of the economic condition of our country and the value the immigrant workforce has now and in the future, it is a plus for our country.

And doing nothing is the consequence of this bill falling or failing. What will be the cost for the next generation of politicians to do something we can't do among ourselves now? It will be more, it will be harder.

Let us do it now. Let us get it right the best we can and realize that America needs honest, hard-working, decent people now more than ever. They are among us, and let us figure out a win-win.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield 7 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise to speak in support of the point of order and my colleagues' efforts to point out that this immigration bill is ill conceived and, I am afraid, misrepresented and oversold.

I would like to say up front that I appreciate all of my colleagues' attempts to solve a big problem for our country. Illegal immigration is a huge problem which we must address. But, unfortunately, as this bill has moved along, I am afraid it has gotten worse instead of better. I am afraid that we are failing to look out 10, 15, 20 years to see the financial tsunami, the category 5 fiscal crisis we have as nation, and we are adding costs without thinking about it.

I am afraid the supporters of this legislation would have us believe that it is a rather harmless effort to incorporate illegal immigrants into our culture and that this bill will not have a detrimental impact on our society and, more importantly, on the Federal Government's finances. The truth is this bill would add billions of dollars of debt. And tomorrow, our children and grandchildren will have to pay for our irresponsibility today.

Let me point out a few examples.

This legislation would allow an unprecedented wave of immigrants, and we cannot possibly assimilate that many immigrants in that period of time. The Heritage Foundation estimates that the number of legal immigrants entering this country under this legislation would be 66 million over the next 20 years. And this doesn't include the continued stream of illegal immigrants who are projected despite what we say we are doing to the border. This bill also does not prohibit tax credits for illegal work done during illegal periods that these immigrants were here. We are going to force them to do their tax returns, and some will pay taxes. But most, we suspect, will actually qualify for an earned income tax credit worth perhaps thousands of dollars. One projection is that illegal immigrants—the average in the United States since 1986—could qualify for up to $88,000 in earned income tax credits. We must not force our fellow citizens and taxpayers to pay their bill.

In addition to this bad policy, it would also allow immigrants to get Social Security benefits for the work they performed while in this country illegally. The Senate rejected efforts to prevent Social Security benefits from being awarded to immigrants for the time they worked illegally in this country. We need to realize that they will be working with stolen Social Security numbers, which often causes chaos in the lives of Americans who have had their identities stolen. We cannot reward this behavior with Social Security checks.

The bill would also provide some immigrant workers with greater job protection than American workers. The bill supposedly would protect U.S. workers by ensuring that new immigrants would not take away jobs. However, the bill's definition of "U.S. worker" includes temporary foreign guest workers, so the protection is meaningless. Foreign guest farm workers, admitted under this bill, cannot be "terminated from employment by any employer . . . except for just case." In contrast American agriculture workers can be fired for any reason. Hence, there is really no protection for Americans, who could be terminated for almost any reason, while providing more protection for those who are here under temporary work visas.

In addition, this legislation straps States and local governments with additional unfunded burdens that could cost $16 billion over the next ten years, while providing no relief. This is perhaps the biggest hidden cost in all of this legislation.

The tremendous expenses from these illegal workers, who are here, whether it be health care or education or the many things they have to provide can not be easily paid for.

I can tell that I am running out of time, but I think it is important to note.

The Congressional Budget Office's projections are that this bill will cost our country $54 billion in mandatory spending over 10 years and $63.8 billion in discretionary spending over the next 10 years. However, the bill will only raise $66 billion in revenue. Put simply this bill will give us $51 billion more debt in 10 years and, I am afraid, even more debt over a 20-year period. We cannot increase our debt so significantly.

I rise in support of this budget point of order, and I thank my colleague for raising it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes.

Mr. MARTINEZ. Mr. President, the Senator from Pennsylvania has yielded 5 minutes from his time. I thank the Senator from Massachusetts.

Mr. KENNEDY. I yield in behalf of the Senator.

Mr. MARTINEZ. Mr. President, I speak in opposition to the budget point of order. I have heard a lot of arguments in opposition to this bill, and I guess when all else fails and we are moving toward passing comprehensive immigration reform, there is an opportunity to raise yet one other objection, which is a budget point of order. The fact is, if we did only a border security bill, if we just went about the fact of securing our border, which we must do, there is a cost associated with that. That doesn't come free. Securing the border costs money. Sending the National Guard to the border, increasing the number of Border Patrol, building vehicle obstructions and other barriers, electronic surveillance—none of that comes free. All of that has a cost.

In fact, it is estimated it would cost about $25 billion. If we only did border security and did not concern ourselves with more comprehensive reform, that $25 billion would now be offset and it would be an outlay of a net $25 billion. Our bill raises over $12 billion in revenue. It collects $66 billion where the costs are estimated to be only $55 billion, according to the Congressional Budget Office, the arm of the Congress that is supposed to do this evaluation for us.

We also have been talking about the outyears, the period of time beyond the moment, calls that may come about as a result of people "taking" from the system. First of all, we could not do it without the people here today, many of them working illegally, in an illegal system that, unfortunately, has perpetuated itself for too many years. In the State of Florida we have a labor shortage today. The famous theme parks that we hope many Americans choose to enjoy year after year cannot keep enough people on their payroll. They have a need for more people than they have available to do the work of the theme park.

The same is true in our agricultural industry. I was meeting with friends from the Florida Farm Bureau today. They were saying, whatever you do, please, help us to keep a stream of labor so we can get our work done. Talk to Florida home builders. The housing industry in Florida would grind to a halt. The construction industry depends on what is now an illegal workforce. All of these people are not working for the minimum wage, as the Heritage study would assume. Many move right on up the ladder.

The best thing I can do is use my own life as an example. Yes, my parents did come after I came to America. I came at the age of 15. They came later. If I do dare say, over the time I have been fortunate to live the American dream, I have made my contributions to the Treasury in taxes. So did my father, who came here at a much later time in life, who went to work and made a living, paid his taxes. Far more than whatever benefits may have been received were paid into the Treasury by the taxes, by the Social Security withholdings and all the other ways in which taxes are paid—whether they be property taxes for the homes we have bought, whether it be other contributions, not to mention the charitable contributions.

Yes, believe it or not, immigrants do go to work on Sunday. We talk an awful lot about the few bad apples that always are in any group that has come here, and their purposes are not good. What about the folks that go to church on Sundays and put something in the basket, help a fellow neighbor, bring someone else along and help them to get a job or give them a job?

Illegal immigrants in this country also create jobs. They open businesses. They do not just take; they give. That is the story of America. I am not saying anything that is unique or different. All I am saying is, a reflection, a mirroring of the America I have known in my life, the same America for immigrants that came at the turn of the century from other places also understood and knew to be the America they knew; it is the America that allows people to rise in accordance with their hard work, the story of immigrants in America that work, the story of hard work, people who come here to make a better life—not to take, but to give—to be part of this great experiment we call America and to not change America by what they do, but to be changed by America.

Beyond the issues of money, some worry that our culture will be changed. I have heard that, too. The nature of our country will be changed. How? Perhaps when Italian Americans came to our country, they introduced us to the menu of pizza. Are we any different or worse today because there have been cultural differences that have enriched America while, at the same time, we harness to that ideal of being an American, of looking at our flag and being proud of it, of knowing what it is and what it means to be an American?

So, let me just say, what we are doing today is to look at a bill that has been carefully crafted, that has been put together, that has had a substantial majority of support. I was very pleased 73 of our colleagues chose to vote to invoke cloture, to move forward, to end debate and to proceed so we can bring the bill to final closure. This is one last attempt to try to derail this good legislation, the legislation that our President eloquently spoke about, the need for it, that he persuasively said is part of what he believes to be comprehensive reform.

Beyond that, we have an opportunity today to begin to fix a broken down immigration system. We need to overcome this hurdle. I encourage my colleagues to vote against the budget point of order. It gives us an opportunity to move forward with this bill so that we may then engage in a conference with the House of Representatives and end up providing a secure border for our country, which this bill does, and a pathway for those who are here to be part of the American dream, to join in this great experiment we call America, to allow them to do what I have done in my own life, which is to become a part of the American dream and the American experience.

Today, I hope we will defeat this budget point of order so we can move on to put this good bill in order and get to final passage.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER (Mr. COBURN). The Senator has 23 minutes remaining.

Mr. SPECTER. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. McCAIN. I thank my friend from Pennsylvania for his leadership, along with that of my friend from Massachusetts, on this issue. They have done a great job in the last few days. Hopefully we are winding down.

I pay special attention and appreciation to my colleague from the State of Florida who is the embodiment of the American dream, as is my colleague on other side of the aisle, Senator SALAZAR, from Colorado. They have provided the experience, the knowledge, the background and the motivation to continue our efforts to see this bill passed.

Let's be clear. It is not a practice of mine to waive budget points of order. I believe the circumstances surrounding the validity of the point of order and the actual intent of its sponsors warrants my support to the waiver.

First, I take issue with the Senators over the misinterpretation and editing of the CBO score of this bill. If one were actually to read the text of that report, one would see that the CBO study also finds that the impact of the compromise bill would actually be moderately positive for the Federal Government during the next decade. Legalization would actually produce an increase in Federal revenues between 2007 and 2016 of $66 billion, mostly through increased collection of Social Security and income taxes but also from fees and fines.

Remember, we have at least a $2,000 fine being paid. That has been raised a couple of times already through amendments. Spending would go up by an accumulative $54 billion, but the surplus would be $12 billion. In reality, this program has the possibility of producing a net gain for the Federal budget.

However, putting the argument about the numbers aside, we have to get down to the fundamental question of whether or not we really want a bill. We have voted several times over the past week and a half to affirm the intent of this Senate to pass a comprehensive immigration reform bill. It is clear to me that the Senators from Colorado and Alabama are not nearly as interested in saving money in our budget as they are to sink the bill because we know that if this budget point of order were passed, it would take the bill down—as the Senator from Alabama articulated in his press release, relating to this point of order, "to derail" the bill.

So your vote on this amendment should be clear. Do Members want an immigration bill or not? I understand there are Members in this Senate who will answer that question with a resounding no. However, I believe that is not the true intent of the majority of this Senate.

This Nation is calling for our borders to be secured and an overhaul of our immigration system, and that it be done in a humane and comprehensive fashion. Vote after vote after vote has indicated that. The President's speech to the Nation last week, which I thought was inspired, was greeted by 74 percent of the American people overnight favorably, including his absolute determination to see the Congress of the United States send him a bill which has a comprehensive approach to this issue which we as a Congress and a Federal Government have ignored for 40 or 50 years.

We will not be deterred from this effort. We will not be deterred from this effort. I tell my colleagues that the cloture vote indicated the support for this bill. More importantly, the American people want us to act. And the American people, driven fundamentally by Judeo-Christian principles, want this issue handled in a humane fashion, taking into consideration the highest priority, which is our national security. No one believes that simply by enforcing the border we will be able to solve this issue.

I thank my colleagues again for their efforts. I hope this may be the last poison pill we have to fight off, but it may not be. Again, I appreciate the overwhelming support of my colleagues on this issue as well as the cloture vote which I think sends a clear message.

I yield back the remaining time to the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, the effort by those raising the budget point of order is pure and simple: Another effort to defeat this bill. There have been a series of amendments, call them killer amendments, call them poison pill amendments, which are directed to defeating a comprehensive bill by those who are interested only in border security.

The fact is that the comprehensive bill which we have proposed is a moneymaker. The direct spending costs over a 10-year-period are $54 billion; the legislation produces $66 billion. So there is a net surplus of $12 billion.

The budget resolution is a very complex resolution relating to $5 billion in expenditures in any 10-year-period between 2016 and 2056. I am advised by the Parliamentarian that in the calculation on this budget point of order—and the Parliamentarian is listening so I am subject to corrections—that it is the expenditures which are calculated but it is not the revenues to offset those expenditures in making this arcane, esoteric, complex, convoluted procedure under the Budget Act.

Over half of the fees collected from the guest worker program goes to border security. The reality is, an orderly flow of guest workers into the United States is—"vital" is not sufficiently strong—is indispensable for the American economy.

We had hearings in the Judiciary Committee on the impact of this bill on wages and economic benefit to the country. The views were unanimous that this legislation will stimulate the economy.

We have an economy where a great many industries rely upon immigrants, including the agriculture field, which has been attested to repeatedly during the course of this debate regarding the need for agriculture workers. Also, the hotel industry and the construction industry rely upon immigrants.

If we were to take away the 11 million undocumented immigrants, there would be a tremendous shortage of necessary labor. As a Senator from a State with 12 million people, a whole procession of constituents have talked to me about what would happen if the immigrant workers were suddenly eliminated in the United States, in my State, Pennsylvania.

In this legislation we have an orderly way to handle the 11 million undocumented immigrants who are in this country. Putting them on the path to citizenship is a key ingredient. Specifying that they have to work for substantial periods of time. They have to be employed, contributing to the economy, contributing to the tax base. That is in addition to passing a criminal check and paying their back taxes and the very, very substantial fees which are collected.

So there is no doubt, no doubt at all, in the aggregate, the immigrants play a vital part in making our economy expand and thrive. If you take it in the macro sense, where would this country be in the year 2006 without immigrants?

For one thing—and perhaps a minor matter—ARLEN SPECTER would not be here because both of my parents were immigrants, and perhaps most of the Senators would not be here, maybe even Senator SESSIONS. His ancestry goes back to 1850. I know because I made a trip to the Amazon with him, and we traced the path taken by an uncle. He is quoted in today's newspaper as still being angry that Abraham Lincoln killed one of his ancestors. But immigrants produced Senator SESSIONS. Immigrants produced everybody in this room, and virtually everybody in the country.

Now, where would we be if the immigrants had not come to make this a thriving capitalistic country? Where would we be? The same thing applies to the future. If you are going to cut off the immigrants, the 11 million who are here now and a calibrated guest worker program, it would be devastating to the economy, taking into consideration all of the ramifications.

So just because there is a scintilla—that may be an overstatement: "a scintilla"—that the budget point of order can hang on, on section 407 of the Budget Act—I do not know of any substance smaller than a scintilla or I would cite it; perhaps a molecule is smaller than a scintilla. Scintilla is a legal term, which does not amount to very much when you talk about $5 billion over a 10-year period from 2016 to 2056.

We have some very serious business at hand; and that is passage over an immigration bill to protect America's borders and to see to it that America's economy is strong. It would be tragic if this bill were to fail on an arcane technicality. And I am concerned that this vote may be close.

I urge my colleagues to look at the broad picture here and, most fundamentally, not to use this artifice, this tactic to defeat an important bill.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Pennsylvania has 11 minutes 10 seconds.

Mr. SPECTER. Mr. President, I yield the floor and reserve the remainder of my time.

Mr. LEAHY. Mr. President, I hope that Republicans will not succeed in derailing comprehensive immigration reform through procedural gamesmanship. I hope the bipartisan coalition is strong enough to withstand this ploy. With respect to funding, I find it ironic that the Senator who added a billion dollars to the bill is now complaining that it is too expensive and that so many in the Republican majority who have failed to enact a budget and have violated the requirements of the law by their failure are considering using budget rules to defeat this measure.

We are long past the time when individual Americans dutifully file their taxes and the Congress is required to enact a Federal budget. That date, April 15, has both those legal requirements. But unlike filing tax returns and paying our income taxes, there is no provision in the law that allows the Republican-controlled Congress to call a timeout or obtain an extension. Although Republicans remain in charge of the White House, the Senate, and the House, they have utterly failed to enact a Federal budget. With respect to the budget, they have succeeded in turning the largest budget surplus in our history into the largest deficit. They have run unprecedented annual budget deficits for year after year of $300 billion to more than $400 billion. They have turned a $5 trillion surplus into a $9 trillion deficit. For Republicans to attempt to take advantage of technical budget rules in these circumstances is simply astonishing. I trust that the only affect will be to remind the American people of their gross budgetary mismanagement.

This bill is expensive to be sure. The enforcement provisions it contains and those that have been added will come at significant costs. When the Senate was considering the amendment proposed by the Senator from Alabama for $1 billion in fencing, I raised the question of how he intended to pay for these measures. I still await an answer. The billions this bill will cost now have not been accounted for and are not budgeted. Paying for the National Guard is requiring the diversion of funds that had been intended for capital accounts and technological improvements. We heard last week from the chairman of the Homeland Security Appropriations Committee about his frustrations and the difficulties of funding these measures.

I trust that the bipartisan coalition working for improved border security as part of comprehensive immigration reform will hold together to overcome procedural, technical, and budgetary objections. I have already suggested ways to pay for these costly enforcement and security measures. I did so last week in connection with the $1 billion fencing amendment of the Senator from Alabama.

After noting the irony of the President signing into law an extension of tax breaks for the wealthiest Americans, I suggested that we end the millionaires' tax breaks and direct those revenues to border security. If we want to return to pay-as-you-go budgeting, that is an obvious way to do it.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I yield myself 2 minutes.

First of all, I would like to point out that this is not that difficult to understand. There are two points of order we can make on spending. We can make a short-term point of order, which is within 10 years, or we can make a long-term point of order, which is in the next 40 years, which is long-term spending.

This point of order is made on the latter, the 40 years. All the arguments that have been made on the floor have been on the first 10 years. So what you can do in this kind of piece of legislation is, you can lump everything to make it look good, and then after the 10 years you put all your spending. That is why we have the long-term provision where you can make a point of order for those of us who are concerned about long-term spending—programs such as Social Security and Medicare, and programs like what we are talking about in this bill that have a profound long-term effect on spending. That is what the point of order addresses.

The Budget Committee is not out here fighting this bill. They are presenting figures to us. And this is what they say: Pursuant to section 407 of House Concurrent Resolution 95, the CBO estimates that enacting this bill would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. That is the last 40 years we are talking about.

All the arguments on this floor have been on the first 10 years. This point of order is about the next 40 years and long-term spending and what it is doing to the long-term fiscal health of this country and the huge deficits that are going to lead to huge debts in the 40 years after the first 10 years. That is what this point of order is all about.

One other point I would like to make is that we are concerned about spending. The figures that are put in here by CBO—they are concerned about spending—these are real figures that will make a difference in American lives, in the next generation of American lives.

We need to face up to our responsibility. When pieces of legislation such as this are on the floor, we need to think seriously about the fiscal impact long term. That is why I made the point of order.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Nebraska?

Does the Senator from Pennsylvania yield time?

Mr. SPECTER. Mr. President, I yield 4 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 4 minutes.

Mr. HAGEL. Mr. President, I thank you and appreciate the time from the distinguished chairman of our Judiciary Committee.

I rise in opposition to this budget point of order. I have listened attentively to the points made. Certainly, we are not a model of fiscal discipline in this body, in this Congress, as we have run up the debt in this country year after year. But let's be clear about some of the facts.

First, as you have heard from others who have spoken on behalf of this responsible comprehensive immigration reform bill, CBO has scored various dynamics of this. No matter what we do—and more importantly, unfortunately, we have not done much, but no matter what we do, it is going to cost some money. It is going to cost money to reinforce our borders and to do the things that all Members of Congress have felt strongly about—enhancing the security of our border—and what the President has talked about.

But let's go a little deeper into these numbers. The CBO numbers have estimated that this bill will increase total revenues by about $66 billion over a 10-year period. But even deeper than that, what happens when people go to work? What happens when people invest in communities? What happens when there is a multiplier effect in communities?

What happens is that there are more tax revenues. There is more employment. There are more opportunities. There is better education, a higher standard of living, more consumer spending. That is what happens. And that is what we are talking about in this immigration reform bill as much as any one thing.

Now, I do not know how many of my colleagues have actually looked at this bill. This is a pretty good-sized bill—I don't know—550 pages. I think the American people, if they took any time to really read this—it would be boring, but if they would just peruse it, do you know what they would find? They would find answers we have been debating on the floor of the Senate. They would find national security answers. They would find economic answers. They would find job and employment answers. They would find social fabric answers in this bill.

This is not a bill about one or two things. Yes, the first part is significantly focused on border security. And again, there is little debate about that. But the economic factor here, the consequences are significant, just as all have said today. But the fact is, to be dragged down into the underbrush with subsections of slivers of what we are trying to accomplish here is irresponsible.

Yes, this is an immigration reform bill. But it is also a job generation bill. It is an economic development bill. It is a social fabric bill. It says something about our country.

I think we have done pretty well over the last 4 weeks—in total what we have devoted to debating on this bill—in that we have been able to deflect and knock off amendment after amendment that has not taken a wider-lens view of what we are trying to accomplish.

If we do not address all of the pieces that are in play, the cost will be far more than my dear friends on the other side are talking about. The cost to this society, the cost to our economy will be far beyond what they are talking about. This is not a cheap deal—just border security alone. But I have had colleagues, from Senator MARTINEZ to Senator SPECTER to Senator MCCAIN, on the floor this afternoon explaining what the real facts are.

So I hope our colleagues would recognize this is another attempt to defeat this bill. If this budget point of order is sustained, it will defeat immigration reform, it will defeat the President of the United States, and it will defeat our country.

I yield the rest of my time to the chairman of the Judiciary Committee. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will take a couple minutes, and then I am prepared to yield back the time.

This budget point of order does not mean that S. 2611 would result in a significant net cost to the Federal Government over time. In fact, the revenues that will be produced when the undocumented immigrants become legal residents and start paying income taxes will far exceed the cost of any services they receive.

CBO has determined that passage of S. 2611 will actually reduce the deficit by $12.1 billion over 10 years, and the newly legal immigrants will pay $66 billion in Federal taxes. The cost during the same period will be $54 billion. Thus, there will be a net gain to the Federal Treasury of $12 billion.

There is a reason to believe this same pattern—revenues coming in from immigrants in taxes exceeding the cost of services—will continue in subsequent years. The problem with the budget point of order is that it only looks at new spending in the outyears and does not consider the new tax revenue offsetting the cost of that spending. It does not look at the full picture.

Raising this budget point of order at the end of the Senate's long deliberations on this important legislation is an unfortunate diversion from the real question before us. This legislation will not cost the Federal Government money. It will actually raise revenue and reduce the deficit. But, more importantly, this legislation will address the serious problem of illegal immigration, both by increasing border security and by creating a path to earned citizenship for millions of undocumented workers. It will enhance our security, strengthen our economy, and reaffirm America's fundamental values of justice and inclusion.

Mr. President, I am prepared to yield back time. I do not know what the desire of those on the other side would be.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield 2 minutes to Senator SESSIONS. Then after his comments, I think we will be ready to wrap it up.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, I do not want to impose, but if I might have 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 5 minutes.

Mr. SESSIONS. Mr. President, first of all, I want to say, nobody is talking about ending immigration if this bill does not survive this amendment. The 1 million people who are allowed to enter our country every year will continue to be able to come in under current law. So it is not so to say a vote to pull this unwise and flawed bill, and send it back for further review, is an effort to end immigration, for Heaven's sakes.

We are going to pass, sooner or later, I believe, a bill that will increase immigration, and I will be pleased to support that. However, this one is about three times what the current rate is, and I think that is higher than we ought to approve. So we need to talk about that.

I talked to the Congressional Budget Office people today. They only did a 10-year score. Do you know why the first 10 years look better than the second 10 years? Because under the bill, you basically do not get citizenship until the 11th year, and you become entitled to all the benefits our country can give you in the 11th year, including that you have a right to bring in your aging parents. If 1 out of 10 bring in their parents—1 out of 10—according to Mr. Robert Rector at the Heritage Foundation, that will be $30 billion a year. He also estimates that the basic welfare medical cost for the people who will be given amnesty will be $16 billion. So it is $46 billion. He actually said, in his opinion, it would probably be between $50 billion and $60 billion. That is what he said.

And we do not have a CBO score, people, for the second 10 years. We do not have one. So we have here moving through this body one of the most significant pieces of legislation in decades, and we have no idea what the score is. That is how we get in trouble with spending. The entitlements for the benefits under the bill will not really kick in, in big numbers, until the second 10 years.

But I asked CBO about it. Their 10th year was $10 billion. You figure, if that just continued without an increase for the next 10 years, the second 10 years, under the CBO score, would be over $100 billion. Then, I asked a CBO guy, referring to the Heritage Foundation numbers: Well, do you think it would be worse in the second 10 years? This is the direct quote of what the CBO person told me: Very much so.

Shouldn't we know that? Shouldn't the sponsors of a bill that purports to be comprehensive, that is going to fix immigration problems in America, be able to tell us what the cost of the bill would be in 20 years? The budget point of order goes out 40 years. Through 2056, CBO says this will be a negative. This will be spending above $5 billion, and the budget point of order lies for any of those.

All I am saying to my friends is: We need to stop. We need not to run forward and go off on a bill that costs an extraordinary amount of money without giving it a great deal of thought. We haven't even considered it. Until I received this report on May 16 about what the cost was, nobody even had given any figures on the cost, none. Isn't that how we get in trouble, good friends? Isn't that how spending gets out of control?

I urge my colleagues to understand that this bill has a direct and discretionary spending increase in it of $110 billion over 10 years, that tax revenues come in at $66 billion, which is not countable as a matter of law, but we will count it as a matter of practicality, leaving a total net loss to the Government in the first 10-year window of $52 billion. That is where the budget point of order lies. We ought to sustain it.

We have made progress in making this legislation better since it has been on the floor, but the flaws are so significant and the issues important to immigration have been so little addressed in many key areas that we ought not to go forward. We should pull the bill and get a better one.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. ALLARD. Mr. President, is the other side ready to yield back their time?

Mr. SPECTER. No.

Mr. ALLARD. Then I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield back my time.

The PRESIDING OFFICER. The Senator from Pennsylvania has 6 minutes.

Mr. SPECTER. Mr. President, it is a little surprising to find this budget point of order being raised so late in the proceedings. We have been on this bill now for almost 2 weeks. We expect to finish up either late tonight or tomorrow for the 2-week period which was allocated. So had there been a judgment that this bill should fall on a budget point of order, it would have been expected to have been raised much earlier to save the Senate some time.

We have the same parties raising this objection who have raised earlier objections in what is an effort to defeat the bill. They have a right to offer amendments which may be poison pills or may be killer amendments or to raise a budget point of order, but when we are dealing with the vagaries of the Budget Act, we are talking about a $5 billion expenditure, 10-year periods beginning in the year 2016, through 2055. We are dealing in concepts that are not very tangible. And when compared to the importance of this immigration bill, those arcane tactics and procedures are not nearly as weighty as getting some action on this important bill.

I made the argument—Senator KENNEDY followed through on it—that the problem is that this calculation deals with expenditures and not with offsetting revenues. And the expenditures in the first 10 years, CBO says, are $54 billion, and the revenues are $66 billion, for a net gain of $12 billion. That is to say nothing about the importance of these 11 million undocumented immigrants for the economy of the United States. That is to say nothing about the use of guest workers calibrated very carefully for the future.

I urge my colleagues not to accept this artifice and tactic to defeat a bill which is enormously important.

I yield back my time.

The PRESIDING OFFICER. The Senator from Colorado has 1 minute.

Mr. ALLARD. Mr. President, I want to quickly summarize by saying this is about long-term spending. The Congressional Budget Office, a week ago, brought out a cost estimate that explicitly states: Enacting S. 2611 would cause an increase in direct spending greater than $5 billion in each of the 10-year periods between 2016 and 2055. This is a big spending bill in the outlying years. That is what the point of order is all about. It is not difficult. It is straightforward. These are figures that we were presented with from the Congressional Budget Office a little over a week ago. I urge my colleagues to join me in voting no to grant a waiver.

I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. SPECTER. Mr. President, parliamentary inquiry: We will now proceed to a vote on the motion to waive the budget point of order?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion to waive section 407 of the budget resolution. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—67

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Frist
Graham
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

NAYS—31

Allard
Allen
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cornyn
Crapo
DeMint
Dole
Dorgan
Ensign
Grassley
Gregg
Hatch
Inhofe
Isakson
Kyl
Lott
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—2

Enzi
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 31. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 4127

The PRESIDING OFFICER. Under a previous agreement, the next order of business is the Byrd amendment on which there is 2 minutes equally divided.

The Senator from West Virginia.

Mr. BYRD. Mr. President, the Byrd-Gregg amendment would provide $3 billion for border security and interior enforcement by assessing a $500 fee on the illegal aliens who would benefit under title VI.

The bill authorizes appropriations for $25 billion over the next 5 years with no means to pay for it. The Byrd-Gregg amendment is a modest fee increase that would help to provide essential border security funds.

So for Senators who want to secure the border, this is the amendment that will provide a source of funding to make it happen.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just so the membership knows, under the existing bill, we are collecting $18 billion in fees. With the Cornyn amendment, there is $5 billion to $6 billion in addition. That is $2,750 for every worker who is going to make their adjustment and try to become a citizen. These are the poorest of the poor. If they have a child, it is going to cost them $100 for every extra child. This amendment is adding another $500.

It seems to me that we have addressed the underlying issue in terms of cost, and this is going to be a major burden for people who work hard and are making the minimum wage. It is a big burden on them. We have adjusted for it. With the Cornyn amendment, I think we have met the responsibilities. If we need to have more, we can come back for more. But I think this is adding an additional burden, and we are doing it for low-income workers who will be covered by this legislation. I hope it will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the Byrd amendment No. 4127.

Mr. KENNEDY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) was necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—73

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Ensign
Feinstein
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Landrieu
Lautenberg
Lieberman
Lincoln
Lott
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Roberts
Santorum
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—25

Akaka
Bingaman
Chafee
Dayton
DeWine
Durbin
Feingold
Graham
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Leahy
Levin
Lugar
McCain
Nelson (NE)
Reed
Reid
Salazar
Sarbanes
Specter
Stevens

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4127) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4114

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are now ready to vote.

The PRESIDING OFFICER. The next amendment is the Gregg amendment. There are 2 minutes equally divided.

Mr. GREGG. Mr. President, can we have order?

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: Senators FRIST, SESSIONS, ALEXANDER, and BOND.

I yield my minute to the Senator from Washington.

The PRESIDING OFFICER. The Senate is not in order.

Mr. GREGG. I will yield my minute to the Senator from Washington.

The PRESIDING OFFICER. Will the Senator please restate his additional cosponsors?

Mr. GREGG. I filed them with the clerk—Senators FRIST, SESSIONS, ALEXANDER, and BOND.

I yield my minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, this amendment addresses the diversity lottery program. This is not the asylum program. This amendment is not the H-1B program. This is not the broad immigration program. This is the only program that was added to immigration legislation to try to get diversity from a number of countries that weren't sending immigrants to the United States. This amendment simply says, for those immigrants coming from those countries, let's try to get 70 percent of them to be of the education degrees—technology, math, science—that we need in the United States. That is a benefit to us because those are occupations and expertise which we need. It is also a benefit to those countries as these individuals gain expertise that can later be used in their countries.

I urge my colleagues to support this "best and brightest" amendment but still leave diversity for these countries and diversity for those who are nonskilled as well.

The PRESIDING OFFICER. Who rises in opposition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in the time that the Senator from Washington has been in the Senate, I have never differed with her except on this one occasion I do.

We have 860,000 individuals who come here. They primarily come here from Asia or from South America. We have a diversity program to permit in 42,000 of the 8 million from around the world who apply for this program who otherwise would never have the opportunity to come here. We have increased the high-tech people by three times in this legislation—three times. All we are saying is America: diverse America, melting pot America. If these individuals come here, they have to have a high school diploma, they have to meet the security requirements, and they can't be a burden on the State. That is just one feature of a very important immigration bill, but it has been an aspect and commitment of our Nation—diversity—since the history of this country.

Let me point out the opposition: the Chamber of Commerce, National Association of Manufacturers, Business Roundtable, et cetera.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4114.

Mr. GREGG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—56

Alexander
Allard
Allen
Baucus
Bennett
Bond
Bunning
Burns
Burr
Byrd
Cantwell
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Landrieu
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (FL)
Reed (RI)
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NAYS—42

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Carper
Chafee
Clinton
Dayton
DeWine
Dodd
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCain
Menendez
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reid (NV)
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Voinovich
Wyden

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4114) was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on rollcall No. 141, I voted nay. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4025

Mr. SPECTER. Mr. President, I believe we are now prepared to go to the Landrieu amendment. It is an amendment which Senator KENNEDY and I had earlier stated we found agreeable. There have been some reports that there might be objections. If there are no objections, we can take Senator LANDRIEU's amendment on a voice vote. I urge adoption of the Landrieu amendment.

Mr. KENNEDY. I ask unanimous consent that the time be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 4025) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4101

Mr. SPECTER. Mr. President, I believe we are now prepared to vote on the final amendment in this sequence.

The PRESIDING OFFICER. There will now be 2 minutes equally divided on the Hutchison amendment.

Who yields time?

Mrs. HUTCHISON. Mr. President, this amendment is a pilot program which is based on the Canadian guest worker program with Mexico. It has worked successfully for over 30 years. It would provide a safe, tamper-proof visa for people coming into this country to take jobs that Americans are not filling. The guest worker would retain citizenship in his or her own country. It doesn't replace anything in the bill. It is in addition to what is in the bill.

The American Farm Bureau supports this.

I hope that we will get a good, solid vote. This is something that could be part of an overall balanced solution to the problem we are facing. It is another option for people who want to work but do not seek citizenship in our country.

I hope my colleagues will support this amendment. It could be part of the final solution to a good bill that we would all like to support.

Mr. KENNEDY. Mr. President, this creates an entirely new guest worker program without the kind of protections for the workers that are included in the underlying legislation. It is 10 months and then 10 months with no path to be able to go forward. We have a good temporary program that has been built in. It has been modified from 400,000 down to 200,000. But why now invite an entirely new guest worker program without the worker protections? This is going to be another Bracero issue question, and we don't need to repeat that period. I hope it will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—31

Alexander
Allard
Allen
Bennett
Bond
Burns
Coburn
Cochran
Coleman
Cornyn
Crapo
DeMint
Dole
Ensign
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Johnson
Kyl
Lott
McConnell
Roberts
Santorum
Sessions
Sununu
Thomas
Thune
Vitter

NAYS—67

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Bunning
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Collins
Conrad
Craig
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Isakson
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Voinovich
Warner
Wyden

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4101) was rejected.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object, but I just want to find out what the regular order is because I am prepared to offer an amendment. I want to make sure that is still the plan on both sides, that that will happen after the Senator from Georgia speaks.

The PRESIDING OFFICER. There is no agreement to that effect at this time.

Mrs. BOXER. OK. Then I must object at the moment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Virginia.

Mr. WARNER. Mr. President, has the motion to reconsider and the motion to table been stated?

The PRESIDING OFFICER. It has not.

Mr. WARNER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent to address the Senate for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I thank you and I thank the Members for allowing me this courtesy.

MINE SAFETY LEGISLATION

Mr. President, I just received a phone call about 30 minutes ago from the House of Representatives to notify me they are prepared, tomorrow, to agree to the mine safety bill which this Senate just passed today. That is record speed for the House of Representatives. It is record speed for the Senate. But it proves that Congress can respond to a great tragedy.

Certainly, with the Sago mine disaster of January 2, followed by other disasters, and now the recent Kentucky disaster, it was very important that we look at all the mine safety issues, all the occupational safety issues, and look at coal mining.

I want to pay tribute today to the staff that worked so diligently, the staffs of Senator KENNEDY and Senator ENZI, the staff of Senator MURRAY, my staff, and the staffs of the two distinguished Senators from West Virginia, Mr. ROCKEFELLER and Mr. BYRD: Ilyse Schuman, Brian Hayes, Kyle Hicks, Holly Fechner, Portia Wu, Sharon Block, Ed Egee, Bill Kamela, David McMaster, Ellen Doneski, and John Richards.

These individuals worked tirelessly to bring a bill to this floor which we adopted unanimously. I am pleased to tell you the House intends to do the same tomorrow.

I particularly commend Senators ROCKEFELLER and BYRD, in whose State the Sago mine tragedy took place, who have worked tirelessly on behalf of the citizens in their State, and the Senators from Kentucky in their response to this tragedy that took place just last week.

But in symbol of all those brave miners, I want to pay tribute to George Junior Hamner. I went to West Virginia to see the Sago mine families 3 days after they had been found dead in that mine. I met Junior's wife and I met his 22-year-old daughter. His daughter gave me this picture, taken on Christmas Eve, just 8 days before he died in the Sago mine. And she said: Sir, if you will take this back to Washington and make sure, whatever you do, you pass legislation that hopefully will keep people from ever facing the tragedy my father faced in that mine.

So as a tribute to Junior Hamner, to his daughter, to his wife, and to all the families of those who died in the Sago mine tragedy, I pay tribute to the Senators from West Virginia, the Senator from Washington, Mrs. MURRAY, to Senator ENZI, the tireless chairman of this committee, who has worked tirelessly to see this happen, and to all the Members of this great body for passing legislation to respond to a tragedy—with hope, with reasoned responsibility, and with the promise for better technology and better safety in the future of all coal miners.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the following amendments be in order; further, that these be the only remaining amendments in order other than the managers' amendment: Senator BOXER, amendment No. 4144, with 24 minutes equally divided; Senator BURNS, amendment No. 4124, with 10 minutes equally divided; Senator CHAMBLISS, amendment No. 4084, with 40 minutes equally divided; Senator CORNYN, amendment No. 4097, with 40 minutes equally divided; and that at the conclusion of the debate on these four amendments, we proceed to four stacked votes, with the first vote on the Boxer amendment being 15 minutes, with 5 minutes overtime, according to our practice, and the following amendments being 10 minutes, with 5 minutes overtime; and that tomorrow morning we proceed with the Dorgan amendment No. 4095, with 30 minutes equally divided; Senator BINGAMAN, amendment No. 4131, with 40 minutes equally divided; Senator SESSIONS, amendment No. 4108, as modified, with 1 hour equally divided; Senator FEINGOLD, amendment No. 4083, with 1 hour equally divided; provided further that there be no second-degree amendments in order to the above amendments; provided further that the first four amendments on the list be debated with the four votes occurring in a stacked sequence at the conclusion of debate on the four amendments, with 2 minutes equally divided between each of the amendments, and that following agreement on the managers' package, the bill be read a third time and the Senate proceed to passage, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SALAZAR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I say to my friend from Pennsylvania, we cannot yet come to agreement on the modification on amendment No. 4108 by Senator SESSIONS.

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we are awaiting clearance on the modifications as to Senator SESSIONS' amendment No. 4108, so I will restate the unanimous consent request in a more limited form.

I ask unanimous consent that we may proceed to four amendments to debate them this evening: Senator BOXER, amendment No. 4144, with 24 minutes equally divided; Senator BURNS, amendment No. 4124, with 10 minutes equally divided; Senator CHAMBLISS, amendment No. 4084, with 40 minutes equally divided; Senator DORGAN, amendment No. 4095, with 30 minutes equally divided; that the first vote on the Boxer amendment be 15 minutes, in accordance with our usual practice, and the following votes be 10 minutes; provided further that there be no second-degree amendments in order to the above amendments.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, then, we now proceed to Senator BOXER's amendment No. 4144.

The PRESIDING OFFICER. That is the amendment, as modified; is that correct?

Mr. SPECTER. Senator BOXER's amendment No. 4144, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California is recognized.

AMENDMENT NO. 4144, AS MODIFIED

Mrs. BOXER. Mr. President, I thank my colleagues on both sides. We made a technical modification. It doesn't change anything, but makes it clearer.

I ask unanimous consent that Senators Dorgan and Stabenow be added as cosponsors to amendment No. 4144.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER], for herself, Mr. DORGAN, and Ms. STABENOW, proposes an amendment numbered 4144, as modified.

Mrs. BOXER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 265, between lines 7 and 8, insert the following:

"(b) REQUIRED PROCEDURE.—

"(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H–2C nonimmigrant is sought under the petition:

"(A) Submit a copy of the job offer, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

"(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

"(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

"(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

"(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H–2C nonimmigrant shall—

"(A) first offer the job to any eligible United States worker who applies, is qualified for the job, and is available at the time of need;

"(B) be required to maintain for at least 1 year after the H–2C nonimmigrant employment relation is terminated, documentation of recruitment efforts and responses conducted and received prior to the filing of the employer's petition, including resumes, applications, and if applicable, tests of United States workers who applied and were not hired for the job the employer seeks to fill with a nonimmigrant worker; and

"(C) certify that there are not sufficient United States workers who are able, willing, qualified, and available at the time of the filing of the application.".

Mrs. BOXER. Would the Chair be so kind as to let me know when I have 3 minutes remaining.

The PRESIDING OFFICER. The Chair will notify.

Mrs. BOXER. Mr. President, my amendment would require that employers take real steps to attract and hire U.S. workers prior to petitioning the Department of Homeland Security for authorization to hire an H–2C nonimmigrant. In other words, what we are trying to say here is, if there is a job available for an American worker, for a U.S. worker, let's make sure that they get that job before we give it away to an immigrant worker.

Over the next 5 years, a million foreign workers could enter the country under that guest worker program that is in the bill. This is a million new workers who will be competing with U.S. workers for jobs. Advocates of the guest worker program claim that it is needed because Americans are not willing to do the jobs that will be filled by these foreign guest workers. But it seems to me, whether you believe that or not, we need to ensure that every step is taken to hire a U.S. worker first, because these jobs we are talking about are not agricultural jobs. Those are addressed in a different section, the AgJOBS bill. We are not talking about high-tech jobs because we take care of that in another portion of the bill. So let's take a look at the jobs we are talking about. I have them here on this chart.

These are the jobs that will be taken by guest workers unless we can say that, in fact, there is an American worker for their job. I ask rhetorically, will we have U.S. workers for construction jobs? Will we have U.S. workers for food preparation jobs? Will we have U.S. workers for manufacturing jobs? Will we have U.S. workers for transportation jobs? Clearly, if you look at the jobs that are being held today, 86 percent of construction jobs are held by U.S. workers; food preparation, 88 percent; manufacturing, 91 percent; transportation, 93 percent. So obviously, there are workers in this country, U.S. workers who can take those jobs, rather than importing a guest worker to take them. These are good jobs. They pay well. Right now, again, the overwhelming number of them are held by U.S. citizens and legal workers.

Why is it that U.S. workers want these jobs? It is because they pay well. The average worker in the construction sector gets $18.21 an hour or $37,890 a year. Construction work is a good job. It is a job for which there are many U.S. workers. If we are going to open these jobs to foreign workers through the guest worker program, we better make sure that employers cannot find a U.S. worker who is willing to do the job. U.S. workers deserve to get the first crack at these jobs. All we are saying to the employers is, do anything you can first to make sure you can fill this job with an American worker.

The underlying bill is vague on what employers have to do. That is the reason why we are working with the working people here. We have come up with a very good way to ensure that there are concrete steps that have to be taken by employers before they fill a job with a foreign worker. Again, the underlying bill says the employer has to say: I made a good faith effort. But it does not lay out specific steps that they have to take. So the bill doesn't do enough to ensure that U.S. workers will find out that there are openings, and it doesn't do enough to make sure that they have an opportunity to apply for a job before it is given away to a foreign guest worker.

This amendment throws light on the process. It makes sure the job listings get to the U.S. workers in time to make a difference. I say to colleagues on both sides of the aisle, if you stand with U.S. workers, then vote "yes" on this amendment.

What is it that we ask employers to do? It is quite simple. We ask them to submit a copy of the job offer to their local State employment services agency before they file a petition for an H–2C worker. Then the State employment agency is authorized to post the job on the Internet, job banks, and with unemployment agencies. In addition, the agency, if they wanted, could share the job listing with local unions representing workers that are relevant to the job listing.

What else does the employer have to do? I already said they had to notify the State employment agency. They have one more thing they have to do. They have to post in a conspicuous place in the workplace a notice that says there is a job opening. That is all they have to do, put up a notice that there is a job opening. Put it in a conspicuous place, tell the State employment agency there is a job opening, and allow them to recruit. We do not add any more time in the process. It all is done in the same timeframe.

This amendment is a win/win for everyone. It is a win for the employers because they are going to give a good chance to a U.S. worker. It is a win for America's workers. The burdens that we place on employers are practically nonexistent: To notify the State employment department and to post a notice of the job opening.

There is no delay. The bill already requires employers to make a good faith effort, and they have to do that 90 days before they file a petition. All of this will be done in that timeframe.

Our amendment helps U.S. workers find out about job openings before employers file a petition for a foreign worker. Unemployment agencies and unions get a chance to find out about the jobs. They can present those to qualified workers. In fact, both the AFL–CIO and the Teamsters strongly support this amendment.

We think as a result of this amendment, the news of a job is spread broadly. And hopefully a U.S. worker will fill the position. If not, the employer is free to file his petition and recruit a foreign guest worker. I believe if we do not impose adequate recruitment procedures, it is the U.S. worker who will ultimately pay the price and, frankly, revolt against this bill. Jobs that should have been filled domestically will be given to foreign workers, and that is wrong. Unemployment will increase, and there will be downward pressure on wages and working conditions. This amendment would help ensure that companies will be able to get the workers they need and that U.S. workers will have a chance to fill those positions.

I retain the remainder of my time.

The PRESIDING OFFICER (Mr. BURR). Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the objectives outlined by the Senator from California I agree with; that is, to have a period of time to find an American worker so that we don't have a guest worker fill a job when there is an American worker available. We ought to do that—to protect American jobs before we bring in guest workers. The bill currently has a 90-day period during which employers find out if there are willing American workers before a job is offered to a guest worker. I believe that is a preferable course. You spend 90 days looking for an American to fill the job, but if you find, at the expiration of the 90 days, there is no American who wants the job, then you give the job to a guest worker, as opposed to giving the job to a guest worker and then looking for somebody for 90 days after that. That keeps the guest worker on tenterhooks, not knowing whether he or she has the job or not. That may lead the prospective guest worker to go elsewhere and conceivably could lead the prospective guest worker to try to enter the United States illegally since he or she doesn't know whether or not they have the job.

Mrs. BOXER. Will the Senator yield for a moment?

Mr. SPECTER. OK, on your time.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, this is not what we do. Before a guest worker is hired, we ask the employer to do two things during the 90-day period, the same period. We ask him, like the bill says, to make a good faith effort. And part of that we define as posting the job in the workplace and calling the local State employment department. And then if they can't find an American worker, then they can hire a guest worker. We don't say it is after the guest worker is hired. I felt compelled to tell my friend. Please, if you could reread the amendment, because what we say is during that 90-day period that you have, we are only adding a requirement of simply posting that position and notifying the department of employment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the current legislation, the bill, provides that the employer must try to find an American worker, must make that effort for 90 days before the employer offers a job to a guest worker. Isn't that correct, if I may direct that question to Senator BOXER?

Mrs. BOXER. I read the section of the bill several times. What you have in the bill is very good. It says the employer must make a good faith effort before hiring a guest worker, and he or she has to take 90 days. All we do is say, in that 90-day period, the employer must post a job notice in the plant and notify the department of employment. That is all we are doing. We don't change anything in the bill. We just say during the 90-day period, post the job and let the State Department of Employment know. I don't understand why we have a problem with this.

Mr. SPECTER. Mr. President, the amendment which I have before me, offered by the Senator from California, does more than that.

How much time remains on this amendment?

The PRESIDING OFFICER. The Senator from Pennsylvania has 8 minutes and 25 seconds.

Mr. SPECTER. Mr. President, if the Senator from California has accurately described her amendment, we may not be too far apart. What I would suggest is that we set aside the Boxer amendment so we can talk about it—maybe we can come to terms—and proceed at this time to the Burns amendment. I believe Senator CHAMBLISS is on the premises. This amendment will not take long. We will be prepared to go to the Chambliss amendment shortly.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I assume the manager of the bill is inviting us to proceed with our amendment.

Mr. SPECTER. Correct.

Mr. BURNS. And the Boxer amendment has been laid aside.

Mr. SPECTER. Correct.

AMENDMENT NO. 4124

Mr. BURNS. I ask unanimous consent to call up amendment No. 4124.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. STEVENS, and Mr. INHOFE, proposes an amendment numbered 4124.

Mr. BURNS. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . EXCLUSION OF ILLEGAL ALIENS FROM CONGRESSIONAL APPORTIONMENT TABULATIONS.

In addition to any report under this act the director of the bureau of the census shall submit to Congress a report on the impact of illegal immigration on the apportionment of Representatives of Congress among the several States and any methods and procedures that the Director determines to be feasible and appropriate, to ensure that individuals who are found by an authorized Federal agency to be unlawfully present in the United States are not counted in tabulating population for purposes of apportionment of Representatives in Congress among the several States.

. Mr. BURNS. Mr. President, I ask unanimous consent that Senator STEVENS and Senator INHOFE be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, this is a pretty straightforward amendment. Throughout this debate on immigration, we have heard how illegal immigration affects practically every aspect of our life. What many may not realize is that illegal immigration also affects the very foundation of this country—our system of representation, especially in the House of Representatives.

Currently, the policy of this Government is to count illegal aliens in the U.S. census and to use those numbers for reapportioning seats in the House of Representatives. Studies and census data also show that most illegal immigrants reside in just a few areas of the country. And just by being there, illegal aliens have a great deal of influence on how the seats of the House of Representatives are distributed among the States.

I ask the manager of the bill how he wants to proceed on this amendment?

Mr. SPECTER. Mr. President, if my understanding is correct, the thrust of the amendment by the Senator from Montana is to request a study on this issue.

Mr. BURNS. That is correct. This directs the Census Bureau to take a study and get the true impact of how counting illegal aliens affects the reapportionment in the House of Representatives.

Mr. SPECTER. I believe the amendment is a good one. We are prepared to accept it and move to a voice vote.

Mr. SALAZAR. Mr. President, reserving the right to object, I ask a question of the Senator from Montana. Some on our side have been concerned that the amendment would give new mandates or authorities to the Census Director beyond the study which you have described. Is this amendment intended to give any additional authority to the Census Bureau other than conducting a study as you described?

Mr. BURNS. It is not.

Mr. SALAZAR. Again, to reiterate my understanding of the proposed amendment, it is that you would request and require the Census Bureau to conduct a study on the impact of undocumented workers in this country on reapportionment?

Mr. BURNS. That is correct.

Mr. SALAZAR. Mr. President, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 4124) was agreed to.

Mr. BURNS. I thank the managers of this legislation. I felt all along that we should look at this just like we looked at employers. So I thank the managers of the bill, and I yield the floor.

Mr. SPECTER. Mr. President, I think we are prepared to move to the amendment by the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 4084

(Purpose: To modify the eligibility requirements for blue card status and to increase the fines to be paid by aliens granted such status or legal permanent resident status)

Mr. CHAMBLISS. Mr. President, I call up amendment No. 4084.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Georgia [Mr. CHAMBLISS] proposes an amendment numbered 4084.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD of Friday, May 19, 2006, under "Text of Amendments.")

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for 20 minutes, and a Senator in opposition will be recognized for 20 minutes.

Mr. CHAMBLISS. Mr. President, this is a very simple amendment. I refer to it as an American values amendment because I think it reflects the values that all Americans hold. It is no secret that I think the approach in this bill to reform immigration as it pertains to agriculture is wrong. I don't agree with amnesty, and I don't think it is in the best interest of American agriculture.

Even so, when I read the fine print of this bill, I am shocked to see who can qualify for the agricultural amnesty provisions in the bill. They are different and a separate amnesty for what exists for the 12 million or 20 million or however many millions of nonagricultural workers who are expected to adjust status under the base bill.

We have heard the proponents of the bill on the floor of the Senate discuss how it is not an amnesty bill. They point to the strict requirements that current illegal workers must meet in order to adjust their status. Illegal immigrants under the base bill, in order to adjust their status, must learn English, pay back taxes, pay a stiff penalty, and go to the back of the line in order to apply for citizenship. The people who are telling the American people this are obviously not referring to the AgJOBS portion of this bill.

If they read the AgJOBS portion of this bill, they will see that, in fact, there are substantial differences relative to the requirements for adjusting status. For agricultural workers to adjust status, they don't have to learn English, they have to pay a total of $500, they have to have worked a minimum of 150 hours over the past 2-year period leading up to December 31, 2005, and they don't have to wait at the back of the line.

This amendment I have filed does three very simple things. First, it inserts a requirement for agricultural workers to learn English if they are going to adjust their status. This is an important standard that we should insist be met by all illegal workers who are going to be put on a new path to citizenship. Why should agricultural workers be exempt from learning English when every other illegal worker under the base bill must demonstrate not only knowledge of English, but also a knowledge of U.S. history and Government?

The answer is that they should not be. We know it is important for the folks to learn English. We also know it is far more likely that if the requirement to learn English exists, then a far greater number of agricultural workers will learn it than not. In addition, this body voted just last week to make English the official language of our country. The least we can do is require folks who are obtaining an enormous benefit and privilege—the right to be U.S. citizens despite having broken our laws—to learn English. They have to do that under the base bill. They ought to be required to do that under the AgJOBS portion of this bill.

Second, this amendment would bring about the amount of fines that must be paid by illegal agricultural workers into conformance with what other illegal workers must pay in order to stay in the United States while on a path to citizenship. The nonagricultural worker must pay a penalty of $2,000 to remain in the United States and work despite their current illegal presence; whereas, agricultural workers must only pay $100. Well, $100 is not what I call a stiff penalty; $100 is one trip to the grocery store; $100 is two tanks of gasoline; $100 is a new pair of fancy tennis shoes; $100 is 33 gallons of milk; $100 is not the blue light special price of U.S. citizenship.

Third, this amendment strengthens the prior work requirements for illegal agricultural workers to obtain blue card status, which puts them on a new path to citizenship. Strengthening this requirement is important for two main reasons. First, because we know that agriculture is a traditional gateway for illegal immigration. Many illegal immigrants come to the United States to work in agriculture for a period of time and then move on to other areas of the country and to other industries. We also know that the number of agricultural workers who can adjust status under this bill is capped at 1.5 million.

If the threshold requirements, cost, future work and language requirements for adjustment of status are so much lower for agricultural workers than for the rest of the illegal population, there will be a significant incentive for those folks who spent a minimal amount of time in agriculture and have since moved on to try to adjust their status through the agricultural amnesty provision. After all, we all tend to choose the cheapest and easiest means of obtaining the things we want. The folks who are here illegally will not do otherwise. I believe this incentive will result in a situation in which many folks who are currently working in agriculture will be beat to the punch in obtaining a blue card by those no longer in agriculture, or who work only part time agricultural jobs.

At the end of the day, it is very likely that this amnesty won't benefit those it is intended to help. So while I wholeheartedly disagree with granting amnesty, if we are going to do it for agricultural workers, let's make sure it is reserved for those working permanently in agriculture.

The second reason it is important to strengthen the past work requirements is because they are generally reflective of future work requirements. If someone cannot be employed for more than 150 days per year, then they should not become a permanent U.S. citizen, but they should be under a temporary worker program.

Again, the three things that this amendment does are: First, require that agricultural workers learn English, just like everyone else, in order to be able to adjust status. Second, increase the penalty fees necessary for agricultural workers to adjust status into conformity with the fees paid by every other illegal worker under the base bill. Third, strengthen the work requirements an illegal agricultural alien must meet in order to adjust status.

Because the first two goals are relatively clear, I will explain further the third one, the strengthened work requirements. If you look on page 397 of the bill, you will see some important definitions for the AgJOBS title. One that I am seeking to change with this amendment is the definition of a workday.

The term "workday" means any day in which the individual is employed for 1 or more hours in agriculture in the AgJOBS title. A 1-hour workday will allow illegal aliens to meet their workday requirements. There are many hard-working Americans across this country who work long hours each day, some in multiple jobs, to provide for their families. It doesn't seem fair to those hard-working Americans to allow illegal immigrants to obtain the prized possession of U.S. citizenship for a 1-hour workday. That is not an American value, and most people spend 1 hour getting ready for work. You can wash and dry a load of clothes in 1 hour. You can watch two episodes of the Andy Griffith show in 1 hour. One hour is not a full workday, and I don't know of a single farm in this country that requires folks to work for 1 hour per day—yet under this bill, that is possible.

Therefore, a key provision of this amendment changes the definition of a workday from 1 hour to 8 hours. This reflects what a workday is to most Americans. Not only that, it is in line with what many agricultural workers are already doing. According to the latest National Agricultural Workers Survey, published by the U.S. Department of Labor in March 2005, the average number of hours worked per week by agricultural workers was 42 hours.

A Congressional Research Service report, entitled "Farm Labor Shortages and Immigration Policy" reveals that "recent data reveal no discernible year-to-year variation in the average number of weekly hours that hired farmworkers are employed in crop or livestock production."

According to the National Agricultural Statistics Service Farm Labor Survey, "the average work week of hired farmworkers has ranged around 40 hours since the mid 1990s."

Now, on page 398 of the bill, it tells you who can get a blue card, which is the amnesty mechanism for agricultural workers in this bill—because once you get a blue card, you are all but assured to get a green card. It says:

> Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien has performed agricultural employment in the United States for at least 863 hours, or 150 work days, whichever is less, during the 24-month period ending December 31, 2005.

If a workday is defined as one or more hours in agriculture and an illegal agricultural worker must have worked 150 days in agriculture over a 2-year period, then illegal aliens who work 150 hours in agriculture automatically become eligible for a blue card and then virtually are assured of a green card after that.

Doesn't that seem like a low threshold requirement for getting permanent resident status in the United States, is the question I ask my colleagues?

For many around the world, U.S. citizenship is the pot at the end of the rainbow that they spend their lives chasing, and in this bill, we are going to give that away to those who worked 150 hours over a 2-year period in agriculture. I don't think that is right, and I don't think it is reflective of the values that most Americans hold.

Another key provision of this amendment, therefore, changes the past work requirement necessary for an illegal agricultural worker to obtain a blue card from 863 hours, or 150 days, over a 2-year period, whichever is less, to 150 work days per year over a 2-year period.

Some might say this is an impossible requirement to meet, but according to the National Agriculture Workers Survey published in March 2005, only 8 percent of agricultural workers had worked on U.S. farms for less than 2 years. Even if that were not the case, let's think about what the bill proposes to do.

The bill proposes to confer permanent resident status on folks who do not work more than 150 days per year. According to my calculations, that is about 7 months per year. That leaves these agricultural workers unemployed for 5 months out of the year, and it seems to make more sense to me to make folks who work less than 150 days per year temporary workers rather than legal permanent residents.

How are they going to support themselves working less than 8 hours per day and for less than 150 days per year? We already know that employers of blue card workers do not have to pay more than minimum wage, and we also know that they don't qualify for public assistance for the first 5 years they are here. So what are they to do? This is a crisis waiting to happen. We have a temporary agricultural worker program that can and should be used by these employers who have jobs that last less than 150 days per year.

While this amendment only changes three main things to try to provide parity between the agricultural adjustment program and other adjustment programs within the bill, there are a number of other differences that make the agriculture amnesty program much more attractive to illegal immigrants. Let me run through some of the major discrepancies between what is required of illegal agricultural workers compared to what is required of the general population of illegal workers in order to adjust status under the base bill.

For those here illegally for 5 years or more who receive green cards, they must have worked at least 3 years during the 5-year period ending April 5, 2006, and must work for 6 years after the date of enactment of this bill. In contrast, agricultural workers only must have worked 150 hours over a 2-year period and going forward only have to work 575 hours per year.

In addition to learning English, nonagricultural illegal aliens must demonstrate a knowledge of history and Government in the United States in order to adjust to that status. In contrast, agricultural workers under the bill do not have to learn English, nor do they need to have a knowledge of the history and Government of the United States. For nonagricultural workers, there is a requirement that illegal aliens register with the Selective Service if within the age period required, but agricultural workers do not have to do this.

Nonagricultural illegal aliens cannot adjust status until the earlier of either, one, the consideration of all green card applications filed before the date of enactment of this bill or, two, 8 years after the date of enactment of this bill.

In the AgJOBS portion of this bill, illegal aliens can get a green card in as short as 3 years without having to go to the back of the line.

Nonagricultural illegal aliens and their spouses and children must submit fingerprints to relevant Federal agencies to be checked against existing databases relating to information for criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status. This is not the case for agricultural workers.

Illegal agricultural workers must submit proof of their prior work to qualify for a blue card, and the Department of Homeland Security is affirmatively barred from sharing that information with anyone unless a law enforcement entity asks for it in writing to use in connection with a criminal investigation or prosecution or an official coroner asks for it in order to identify a deceased person.

And lastly, before a nonagricultural illegal alien is granted employment authorization or permission to travel, the alien must undergo a name check against exiting databases for information relating to criminal, national security, or other law enforcement actions. Not so for agricultural workers. In the AgJOBS portion of the bill, an alien is given employment authorization in the same manner as if that alien is a green cardholder and can travel freely without such a background check around our country.

For those nonagricultural workers here illegally between 2 and 5 years, they must have been employed in the U.S. before January 7, 2004, and not unemployed for longer than 60 days. In contrast, an agricultural worker only has to have been employed for 150 hours.

To qualify, the alien must complete an application that requires answering questions concerning his physical and mental health, criminal history, gang membership, renunciation of gang affiliation, immigration history, involvement with groups or individuals who engage in terrorism, genocide, persecution, or to seek to overthrow the Government of the United States, voter registration history, claims to U.S. citizenship, and tax history. No such requirement is levied on agricultural workers under the AgJOBS title.

Illegal aliens who fall under the category of deferred mandatory departure status must be personally interviewed by the Department of Homeland Security. There is no similar requirement for agricultural workers under the AgJOBS title. The alien cannot obtain the deferred mandatory status until he submits biometric data to the Department of Homeland Security and all appropriate background checks are completed to the satisfaction of the Department of Homeland Security.

Mr. President, I could go on and on, but there is a clear differential in how illegal agricultural workers are treated in the AgJOBS title and how illegal workers are treated under the base bill. We should treat them all the same if we are going to give to them the pathway to one of the greatest treasures in the history of this world, and that is American citizenship.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time in opposition?

Mr. SPECTER. How much time would Senator CRAIG like?

Mr. CRAIG. Mr. President, first, how much time remains for the proponents of the bill?

The PRESIDING OFFICER. There is 1 minute and 20 seconds remaining.

Mr. CRAIG. I ask that I be yielded up to 10 minutes of the 20 minutes, and I be notified when my 10 minutes is expired.

Mr. SPECTER. I yield 10 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I once again stand in opposition to a Chambliss amendment, and I do so not with any great pride—frankly, with disappointment—because I went to the Senator to see if we could work out a few differences. But it was obvious that the Senator was intent on doing one thing, and that was to destroy the transitional tool that creates stability in the American agricultural workforce that is within this bill. That tool is right here. That tool is called the blue card.

We attempt to recognize those in this country who are illegal, who are working in American agriculture, who have been here for 3 years and say: Come forward, and we will allow you then to work in a temporary status with a blue card—no, I am sorry, you do have to take a background check, and if you are a felon, you are out, and if you have three misdemeanors, you are out, and, oh, by the way, now that we just passed Byrd-Gregg, you have to now pay a fine to enter to get the blue card, not of $100, but $600. It is important we do the math on this bill and we get it right.

Once you have qualified for the 150 hours to get a permanent work status, then you pay another fine, not $400, but $900. That is what the new math is as a result of the votes of just a few moments ago.

So I am not so sure we are making it easy on anyone who toils in the hot sun of America's agricultural fields, who create the stability in the American agricultural workforce today. I don't think we are making it easy on anybody. But let's talk about the key to it, and I think the Senator from Georgia said it was the key, and that is the number of hours in the field.

When this negotiated package was put together, we used the Fair Labor Standards Act definition which said 1 hour of work in agriculture creates the day. But we also knew the facts and the reality. Nobody hires any one worker for 1 hour and then they walk off the field. You just don't do that.

The Senator just admitted that the average time in the field was 40 hours a week. Those are the facts, those are the realities of the American agricultural workforce. He requires in his amendment 8 hours a day, but here is what he didn't tell you. If you worked 7½ hours a day, it doesn't count. It is not an aggregate, it is an 8-hour work day.

What about the tomato harvesters in California? They average 6.3 hours per work day, but it doesn't count. It is not an aggregate. It is 8 hours under the Chambliss amendment.

What about Lake County in California? They work 5 to 7 hours per day for orange pickers, not 8. Those are national statistical facts.

What about the Oregon strawberry pickers? They work 7.3 hours per day, not 8. So they could labor in the field 4, 5, 6, 7½ hours a day, and as I read the Chambliss amendment, it doesn't count. They have to work 8 hours a day to begin to develop the standard established in this bill, and that is fundamentally wrong.

What about the peach harvesters in the State of Georgia? Those are H–2A qualified farmers. They, by their own admission—and I have their paperwork—do not work their pickers 7 hours a day.

I think we are being phenomenally fair, but it is important that we don't make this an easy test. These people did enter our country illegally, but they have been here, they have been working hard, they are the backbone of American agriculture, and we are saying: If you come forward and you are honest and you haven't broken the law and you pay a fine going in, you can begin to work, and over a period of 2 to 3 years, 150 hours, you can get permanent work status. Then you can work, you can go home, but you can work in other jobs, too, during the off season of agriculture, if you want. That is the reward of what we are offering. It is fundamentally important that we get this right.

I would like to agree with the Senator from Georgia on his English language requirement. The English language requirement that is in the bill that we just adopted, that was offered as an amendment and a qualifier for the bill, is not as tough as the provision the Senator from Georgia puts in his amendment.

I must say that when I read these facts that are in the amendment, I have to make the determination that this amendment is not to modify the bill; this amendment is to destroy the transitional tool that creates the stability in American agriculture. We know that nearly 70 percent of American agriculture is premised on an illegal employment base. American agriculture knows it, and they want to fix it. They want to get it right.

The Senator from Georgia and I know that H–2A doesn't work. It identifies 40,000-plus; we have over a million in the workforce. We are not going to take them all, and we shouldn't, because we are saying those who have been here for 3 years and can prove it and meet all of these tests and continue to work in the fields are going to earn the right to stay and work, and that is the stabilizing factor in American agriculture.

Already, instability is showing up in the workforce of agriculture. Why? Because the borders are tightening, as they should be, and it is critically important that we assure and create the transitional tool. So the Senator comes with key plans, key ideas, key amendments. I agreed with his fines, but now we have fines already built in the bill that are equal to his because of the Byrd-Gregg amendment. So that shouldn't be a factor of determination anymore.

I dramatically believe the workday is misrepresented. Let me tell you why. I have an interesting work form here from the Tifton Peach Farmers of Springfield, SC. They by their own admission don't work 8 hours a day; they work 7. No qualification for the hardworking person in the field picking the peaches. That is just fundamentally unfair. Are they illegal? Yes. Did they break the law? Yes. We know that. Yes. Are we forgiving? Well, we fined them. We make them continue to work to qualify, and anybody who has been out there in that farm field knows it is awfully hard work and it is hot and it is dirty. I grew up bucking bails of hay in a farm field. I know a bit of what it is like. And if we are going to require 150 days of work to get through this status into a permanent work status and have the ability to come and go as a legal worker, then we ought to have a well-defined program. Transition is what is important. Cut it off now and create instability.

In the Imperial Valley of California and in Yuma, AZ, we harvest nearly 10,000 crates of green vegetables a day. This past year, we did 2,800 a day. Why? No workers. At some point, if we don't get this right, we will tip American agriculture on its head, and then who pays the price? Who pays the price? The consumer ultimately pays the price, and the green vegetable industry goes south of the border where the workers are available.

That is why, when we sat down to look at American agriculture 5 years ago, we knew we had to have a transitional tool. We knew we had to assure the stability of the existing workforce while we secured the border and while we made sure we got the hard-working illegal ones who hadn't broken laws right, and those who had broken laws, they leave the country. If you came in yesterday or if you came in last June or if you came in the year before, you don't qualify for this. You had to have been here several years already—3 years. You have to prove that. You have to go through a background check. All of that is part of what we do.

Is it different from the other H-plus programs? Yes, it is, a little bit, because agriculture is different. It is the threshold work that the Senator from Georgia talks about. It is where the foreign immigrant enters the country to work. They gain their experience there, oftentimes before they move on or if they were to qualify for other programs that are within this bill.

My effort is to secure and to stabilize. It is not to throw out the blue card. It is my opinion that the Chambliss amendment guts the agricultural provision by destroying the transitional tool we call the blue card, and I believe that is fundamentally important to creating stability to America's agricultural workforce.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are very near the end of the debate on the Chambliss amendment. The Senator from Colorado is going to speak, and then we will be prepared to move to the amendment by Senator DORGAN. I believe he is on his way, and I urge him to arrive at the earliest moment. It is 7:35 now, and we have a series of stacked votes. We are trying to work out the amendment by Senator BOXER. But we are going to conclude this debate fairly soon, and I will repeat, we want to get started with Senator DORGAN's opening arguments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I join my colleague from Idaho in opposition to the Chambliss amendment, with all due respect to my colleague and friend from Alabama.

Over the last several weeks, I have heard many times from the agricultural community in Colorado. The agricultural community in Colorado is strongly in support of the AgJOBS Program. It is only in the last 2 or 3 weeks that I met with the dairy farmers of Colorado. We have 156 dairy farms in my State. They told me that AgJOBS and its passage was so important to them that without having AgJOBS, our dairy industry in Colorado would basically go down the tubes. From their point of view, in their way of articulating the need for this workforce, what they said is the very revitalization of great parts of rural Colorado was very dependent on the passage of AgJOBS. That is why I have been a cosponsor of AgJOBS with my friend from Idaho, because it is the kind of legislation we need to create stability within the agricultural workforce of America. It is not only the dairy farmers, it is also the meat growers, it is the nursery association, and it is all of those agricultural jobs which are so dependent on making sure they have the kind of workforce to keep agriculture as a viable industry within our communities.

The Chambliss amendment is one that also makes it very expensive for people to enter into the program. According to the amendment, it would raise the fine for obtaining a blue card from $100 to $1,000. I think about the fact that these farmworkers are not paid $20 an hour, $100 an hour, $300 an hour. They don't make the kind of money other people in America make. A farmworker is lucky if he can make $10,000 to $12,000 a year. And with that kind of a wage, we are asking farmworkers to pay $1,000 in order to enter into this program if this amendment gets adopted.

The amendment as well doubles the amount of previous agricultural workdays a farmworker has to be employed. In the reality of agriculture and how it works, it is a seasonal kind of labor need where you have potato farmers who require people to come and work sometimes for 2 or 3 weeks at a time. That expectation would essentially exclude a vast swath of farmworkers who otherwise would be coming in through the funnel of the AgJOBS Program.

At the end of the day, what the proposed amendment does is it takes away the opportunity we have to create stability within the AgJOBS Program. I would ask my colleagues to join us in making sure we have stability for American agriculture and hiring labor. I ask my colleagues to join us as well in standing up for those farmworkers who are out there toiling in the fields. I don't think there is a State that any of us cannot drive through and where we haven't walked or driven through those fields and seen the people who are out there toiling in the hot Sun, in the hot summer, July and August Sun, as many of us in this room may have done in the past.

The reality is we need to create a program that will, in fact, work with the agricultural workers of America, as well as for the agricultural industry of America. That is why I am asking my colleagues to join us in opposition to amendment 4084.

Mr. President, may I ask how much time is left on this amendment?

The PRESIDING OFFICER. The opposition has 5 minutes 25 seconds.

Mr. SPECTER. Mr. President, unless the Senator from Idaho wants more time, we are prepared to yield back.

Mr. CHAMBLISS. Mr. President. I have 1 minute 20 seconds; is that correct?

The PRESIDING OFFICER. The Senator from Georgia is correct.

Mr. CRAIG. Mr. President, if the Senator now plans to close, I don't believe we have anything else to say on this issue, and I yield back the remainder for his closing statement.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 1 minute 20 seconds.

Mr. CHAMBLISS. Mr. President. I heard the response to the presentation made relative to my amendment. It is interesting to note that a couple of things were not responded to.

First of all, as I said earlier, this amendment is pretty basic. It requires everybody involved in agriculture who gets on a pathway to citizenship to learn English. Apparently there is no disagreement with that, and this bill does not, in the present way it is written, require that. Apparently there is no disagreement to that.

The Fair Labor Standards Act does say that 1 hour constitutes a workday. But the Fair Labor Standards Act applies to labor laws in the United States. It has nothing to do with the most cherished prize in the world, and that is the citizenship of the United States of America.

Senator CRAIG is my friend, and I appreciate his hard work for the last 5 years or whatever it has been. I had my first vote on modifying H-2A in the House of Representatives 11 years ago. That is how long I have been working on this issue. When he says H-2A does not work, he is wrong. H-2A does work. But what this base bill does is it encourages farmers—and I emphasize this—it encourages farmers to hire illegal workers, and they are going to do that unless we give them the incentive to hire legal workers. The H-2A program will work if we continue to modify it and make it better, streamline it, and allow our farmers to have a quality pool of workers under H–2A.

Mr. President, I ask that my colleagues support the amendment. Let's make this base bill better.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Under the previous order, the Senator from North Dakota, Mr. DORGAN, is recognized.

AMENDMENT NO. 4095

Mr. DORGAN. Mr. President, I call up my amendment No. 4095 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 4095.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To sunset the H–2C visa program after the date that is 5 years after the date of enactment of this Act)

On page 250, strike lines 5 through 10, and insert the following:

"(a) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Homeland Security may grant a temporary visa to an H–2C nonimmigrant who demonstrates an intent to perform labor or services in the United States (other than the labor or services described in clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R) of section 101(a)(15)).

"(2) SUNSET.—Notwithstanding any other provision of law, after the date that is 5 years after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, no alien may be issued a new visa as an H–2C nonimmigrant for an initial period of authorized admission under subsection (f)(1). The Secretary of Homeland Security may continue to issue an extension of a temporary visa issued to an H–2C nonimmigrant pursuant to such subsection after such date.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 15 minutes and a Senator in opposition will be recognized for 15 minutes.

Mr. DORGAN. Mr. President, this is a very simple amendment. The legislation that has come to the floor of the Senate dealing with immigration is legislation that not only describes how we might deal with 11 million to 12 million people who are here illegally in this country, it also says in addition that we need to bring more people into the country who now live outside of our country.

I have on other occasions come to the floor of the Senate and said that I don't think it makes a great deal of sense to have what is called a guest worker program which brings additional millions of people into the country who now live outside of America. Why don't I think that is a good thing to do? Because I think the American workers are under a great deal of stress. They see in this country that there are substantial numbers of jobs being outsourced to China, outsourced to Indonesia, Bangladesh, and other countries. And as jobs are being outsourced in search of cheaper labor and American workers are having trouble hanging on to their jobs or finding jobs or continuing to keep their jobs, even as that is the case, we now see a desire to import jobs—cheap labor—through the back door. That is what this guest worker program is.

This guest worker program, by the way, is a program which purchases the support of the U.S. Chamber of Commerce. Export good American jobs overseas; import cheap labor through the back door. That is what this is all about.

I offered an amendment to strip the guest worker program out. I lost. I understand that. I didn't prevail. Many Senators here voted in a way that says we need more people to come into this country who normally would be illegal, but we will simply describe them as legal under a guest worker program. Well, when we had the vote on my amendment to strip the guest worker program, the Washington Post the next day observed that many of my colleagues many of my colleagues on the other side of the aisle came to the floor intending to vote for my amendment but then switched their vote out of deference to the President who just the evening before had expressed support for a guest worker program.

I understand the Senate has made a decision about this, but I suggest with this amendment that at least with the guest worker program, the guest worker proposal, that we have a sunset after 5 years. The sunset provision which I offer with this amendment would give Congress a chance to examine the impact of the so-called guest workers—or low-wage replacement workers, as I would call them—what impact they will have on U.S. jobs and wages. It ought not be in debate.

I quoted a Harvard professor who did a study that shows the impact of these illegal immigrants, or in this case legal, low wage immigrants who now live outside of our country whom this bill will allow to come into our country.

We now know the impact it will have on American workers. It drives down American wages. It makes it more difficult for American workers. We know that is the case.

Title IV of the bill, which is the guest worker title, calls on the Census Bureau to prepare a study of the impact of guest workers on U.S. jobs and wages. I suggest that not just gather dust. I suggest a study be done and Congress take a good look at the impact and, at the 5-year mark, there will have been 1 million guest workers coming into our country. I suggest the underlying bill be changed at this 5-year point to sunset the guest worker provision so Congress can take a look at it and see what this has done to American workers.

I heard all of this discussion in this Chamber now for 2 weeks about immigration: immigration, immigrants, illegal immigrants, legal immigrants—all about immigration. Where is the discussion about the American worker?

Alan Blinder, former Vice Chairman of the Federal Reserve Board, a mainstream economist, says this. He says here is what the American worker faces. He says there are between 42 million and 56 million American jobs that are subject to outsourcing by America's corporations; 42 million to 56 million American jobs potentially could be sent to China or Indonesia or elsewhere in search of cheaper wages. He says, in his article in Foreign Affairs, not all of those jobs will be outsourced. He understands that. But all of the workers in jobs in that category that are subject to outsourcing are going to be competing against people who live elsewhere, who will accept much, much lower wages, and therefore it puts downward pressure on wages. That is a fact.

Let me describe some of the things that we have decided to sunset so we can take a new look at it. After 5 years, if we sunset the guest worker program to evaluate what impact it has had on American workers, we would be sunsetting it as we have done with provisions in the farm bill, the energy bill, the PATRIOT Act, the bankruptcy reform bill, the intelligence reform bill, the Trade Promotion Authority Act. Sunset it and take a look in 4 years, 5 years, 6 years; take a new look.

I propose with this amendment we sunset the so-called guest worker provision. Let me say again I understand those who have put this legislation together say this legislation has to hang together. If you come to the floor of the Senate and you pull a loose thread, it is like a cheap suit: If you pull a loose thread, the arm falls off and the whole thing collapses. That is always the work of the people who bring something to the floor: It can't be changed. If it is changed, it destroys the compromise. Shame on those who want to change it.

I am pulling a loose thread here and the arm is not going to fall out. I am saying maybe just once we would have somebody on the floor of the Senate talking about the plight of the American worker. Who are they competing against? What is happening to their wages? I will tell you what is happening. On average, wages decreased $1.700 a year because of back-door immigration, cheap labor through the back door while they export good jobs through the front door. Send the jobs to China and bring in cheap labor through the back door—that is what the construct is. That is what is happening and there is no discussion about what is happening to the American worker.

I understand we have an immigration problem. My feeling is you ought to address it, the first step, with securing America's borders. When you have done that, the second step then is to thoughtfully understand what you need to do with all of those who are here illegally. But there ought not be a third step. If 11 or 12 million people who have come here illegally, if this Congress decides they are legal, why is it we need 400,000 or 200,000 of the people who live outside of our country, who are not here, to come as guest workers, above the H-2A, H-2B, and all the other legal mechanisms by which people can come to this country?

My understanding is the numbers last year show this: 1.1 million people tried to come into this country and were stopped, prevented, most on the southern border; 1.1 million people were stopped at the southern border and turned back. Close to three-quarters of a million, in most cases through the southern border, got to this country illegally and became a part of the 11 or 12 million people here illegally. And 175,000 people came to the southern border and came into this country legally because there are many ways in which to do that.

That is the process by which we deal with the immigration issue. We have a lot of people who want to come in. We stop some, don't stop many, and now the proposition is we should tighten up the border, we should allow guest workers, and we should provide legal status for 11 or 12 million who are here.

I believe we ought to tighten the border, but we ought to do it in a way that makes sense, in a way that really is something that will work. I was here in 1986. All of the discussion we hear now we heard in 1986. None of it worked. I also believe we ought to deal sensibly with the 11 or 12 million people who are already here.

I don't support those who say round them up and throw them out. It is not something we should do or can do. We can't do that, frankly. But I don't understand for a minute why we decide that it is not enough; we should also suggest there are others who do not yet live in this country, don't come to this country, who have not been here, who live elsewhere, who should be invited in as guest workers.

It seems to me the underlying proposition of this bill is to make guest workers out of 11 or 12 million people. We need more? At a time when the American worker is under such siege by competition from companies that decide they want to access 33-cent-an-hour labor in China and take American jobs and shift them to China and then, by the way, the jobs they don't ship overseas they want to replace with low wage workers coming through the back door?

Just once I would like to hear some discussion about the plight of the American worker.

I understand immigration is an important issue. I don't denigrate those who come to the floor who have spent a great deal of time responding to it. My colleague from Arizona is on the floor. He likely will speak against my amendment. I am great friends with him. I have great respect for him. We just have a disagreement on this, as I do with my friend from Pennsylvania.

All I ask is this. We have a very serious problem with jobs in this country, jobs for American workers, people at the bottom of the economic ladder who are struggling, trying to figure out, How do I make enough money to provide for my family? How do I make a salary that is worthy? How do I provide for my family's health care when they are stripping health care benefits? How do I have a pension when they are stripping pension benefits away? How do I keep my job when they are sending my job to China and Indonesia and Bangladesh? How do I do that? At the same time this Senate is talking about issues other than the plight of the American worker. I just wish we could have a mix and a balance of discussions about both.

Yes, immigration is important. Yes, we ought to be sensitive in how we deal with it and thoughtful in how we deal with it. But we also ought to understand our first obligation, our first opportunity here in this Chamber is to speak up and stand up for the plight and the interests of the American workers who are having a pretty tough time.

This amendment is very simple. I suggest that we sunset this guest-worker program after 5 years. A million guest workers will have been allowed in after 5 years. All of us know it will be far more than a million, but a million under the 200,000 a year will have been allowed in after 5 years. Let's stop, let's take stock, let's evaluate and understand what the consequences are of this for the American workers. Let's do that.

If we do it for the farm bill, the energy bill, the PATRIOT Act, the bankruptcy bill, the intelligence bill, the trade promotion bill, why would we not do it here? Stop and take stock on behalf of American workers and evaluate what has all of this meant? What has been the consequence for American families at the bottom of the economic ladder, struggling to make a living?

I hope my colleagues will support sunsetting this legislation, the guest worker provision of this legislation, at the end of 5 years so the Senate can take a new look and evaluate what the consequences have been.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from North Dakota is not the only champion of the American worker. When he asks why there isn't some concern for the American worker, there is plenty of concern for the American worker. This Senator, and I know many other Senators in this body, have been very much concerned about imports, about currency manipulation, about manufacturing job losses. We have spoken out and we have acted on those matters. So when the Senator from North Dakota wants to sunset the guest worker provisions, that is fine; but when he asks, "Who is concerned about the American worker," we are all concerned about the American worker. But we have a great many problems we have to accommodate and work on at the same time.

This effort to sunset the guest worker program is just a rehash of his effort to eliminate the guest worker program. We went into great detail on that—extensive debate. And the evidence was laid out from the Judiciary Committee hearings that there is a minimal impact upon the American worker by the immigrants. It is not true that all of the jobs taken by immigrants would not be handled by American workers, but the impact in terms of lost American jobs is minimal.

On the issue of the impact on salaries, again the economists testified in the Judiciary Committee hearings that that impact was minimal. We went into all of that in debate on the earlier amendment, when the Senator sought to eliminate the guest worker program.

This bill is very carefully calibrated to have a guest worker program that responds to the needs of the U.S. economy, while exhibiting ample concern for the U.S. workers. I don't believe we need to debate this at any great length because we have already debated the subject on the amendment by the Senator from North Dakota, trying to eliminate the entire guest worker program.

Let me yield at this time to the Senator from Arizona for 5 minutes, if that is sufficient.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, first I would like to say I appreciate very much my friend from North Dakota, with whom I have had the great privilege and pleasure of working with on many issues. He is an articulate and impassioned advocate of the American worker, and his view of what is best for the American worker I not only agree with, I respect.

But let's have no doubt about what this amendment is really all about. This amendment, if we would sunset the temporary worker program, which is going to take a long period of time to get set up and functioning, obviously would be a killer for the legislation. If we tell people that after 5 years what is designed to be an ongoing and continuing program is going to be sunsetted, and the other parts of the legislation obviously are not, we all know what the effect is.

I want to just make an additional comment about 1986. My colleagues keep coming back and coming back to the failure of 1986. I am the first to admit that 1986 was a failure. But why did it fail? That was because there was no enforcement on employers that hired people illegally. An integral and vital part of this legislation—which we now have the technology in order to construct—is for these tamperproof documents, biometric documents, and no employer can hire anyone else unless they have that. That way it is easy when you go to find out whether the employer is employing someone legally or illegally.

When the word gets out south of the border or north of the border that you can't come here and work unless you have that one required document, then those illegals are going to stop coming illegally.

I think it is important to recognize that the difference between 1986 and this bill is, No. 1, there is an enforceable guest worker program on both employers as well as employees, and there is a hard path to citizenship. Many of my friends on the other side of the aisle who are advocates for these people say this is way too harsh. I understand that it is harsh and it is difficult, and there will be many who fall by the wayside for a variety of reasons.

I worry that we have raised this payment so high now that we may be disqualifying people and their families under that system. We have raised it from $2,000 I think, now, to over $3,500.

It is long and it is hard and it is a tough road. It is because they broke our laws, even if it is for the best of motives. An integral part of it is a guest worker program which has to last as long as we are willing to accept the premise of the temporary worker program. If we are not, then let's take it out of the bill. But to say after 5 years that it is going to sunset obviously is a totally unrealistic approach.

I know my time is about to expire, but, again, I appreciate the passionate and articulate comments and statement which I think present a cogent point of view on the part of my friend from North Dakota. I just happen to fundamentally believe that a temporary worker program is a vital part of this comprehensive approach to immigration reform. Being without it—after 2 years, 5 years, or 10 years—would obviously destroy the whole concept behind this carefully crafted compromise.

I believe my time has expired. I yield the floor.

Mr. SALAZAR. Mr. President, I inquire about the amount of time remaining on both sides.

The PRESIDING OFFICER. The opposition has 8 minutes 30 seconds, the Senator from North Dakota has 2 minutes 7 seconds.

Mr. SALAZAR. Thank you, Mr. President.

I have a great deal of respect for my colleague from North Dakota. I understand his heartfelt concerns as he comes to the floor to argue on behalf of American workers. But I have to reluctantly oppose his amendment which would sunset the temporary worker program.

While his amendment is well-intentioned, the amendment would undermine the carefully crafted compromise that has been struck in the underlying bill. We know that one of the fundamental causes of undocumented immigration is that too few visas exist to meet employers' demands for short-term immigrant labor.

The basic logic of this bill is to fix our broken immigration system. Earned legalization for those already here is an important part of the solution. But on its own, legalization will not solve the problem of future flow. What we need here is a solution that is comprehensive and long-lasting.

When you put the kind of sunset which is being proposed by my friend from North Dakota on this, it will only have a temporary solution in place.

I yield the remainder of our time to my friend from Massachusetts.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. KENNEDY. Mr. President, we have had probably 3 years of hearings in the development of this legislation. As a result of the hearings, we found that pressure exist on the border. We also found out in the course of these hearings that there is a great deal that can be done to make the border secure. But if you think you are going to close the border completely and eliminate the magnet of United States employment, that is failing to understand the immigration issue in terms of the border and what is happening here in the United States and what is happening in Mexico and in Central America.

One of the most important aspects of this legislation is trying to get the cooperation of Mexico and the countries in Central America. One of the most important initiatives will subsequently be to try to help Mexico develop so that people want to stay in Mexico and develop and see their own country develop. But as long as we are going to have the economic magnet here, there is going to be the draw. We can extend the fence 500 miles, 700 miles, 1,000 miles, 1,500 miles, but the idea that we are going to close this border and put tens of thousands of border guards down there and not have the pressure to come in here doesn't recognize what the problem is. This legislation attempts to understand the problem.

What we try to do is say, Look, we have the magnet of the United States, we have the vacancy in terms of American jobs, we have the pressure of these people—young people, old people, women, whomever it is—in Mexico, Central America, and Asia who want to come here.

What we are saying is, come through in the orderly process and procedure. Get your card and you will be able to come to the United States with that card when there is a job not being filled by an American worker. And you are going to have worker protection. So you are not going to decrease wages on American workers, and you will be treated fairly and with dignity.

If we think we are going to terminate that and that is going to stop our problem, that fails to understand what the realistic situation is on the border and the pressure that is there in these countries.

I hope that the amendment, with all respect to my friend from North Dakota, is rejected.

As has been pointed out, this compromise is a compromise of legality and a recognition of the pressures that exist on that border.

We believe, if we establish an orderly process and procedure for people to come here with the tamperproof card, and if we have effective implementation and enforcement against employers, that is the best way to assure that we are going to have fairness, both in treatment for these workers and also for American workers.

I stand with those who feel that this is not the right amendment. This isn't the right time. This whole construct of the immigration legislation isn't a 2-year, isn't a 3-year, isn't a 4-year, isn't a 5-year—we are trying to establish something that will serve this country and also serve the countries of Mexico and Central America in the future. That is the construct.

To try to say we are going to terminate an aspect of this after a few years really is a deathblow to the construct of this legislation. I hope that it will not be accepted.

I reserve the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes 57 seconds. The opposition has 2 minutes 58 seconds.

Mr. DORGAN. Mr. President, obviously the opposition has more time. If they are prepared to yield, I will just make some observations for a couple of minutes.

Let me say that I always find it difficult to disagree with my friend. And

I sort of have the code here in the Senate over the years. If they say you are respected, that means they think they are going to beat you by 5 votes. If they say you are articulate, they think they are going to beat you by 10 votes. If they say you are passionate, they think they are going to clobber you by 20 votes.

I understand the language here a little bit.

Let me say this: What if this were a proposal for guest Senators. There wouldn't be one vote for it, would there? But there are no guest Senators. No one here is going to have their job threatened by all of this. This is about guest workers.

My colleague says we can't shut down the border, that there is going to be illegal immigration. Let us be real about this. So the proposition of being real is, let us label those who are going to be illegal "legal." That is the way to deal with this. If we can't shut down the border, they are going to come across anyway, so let us call them "legal." They won't have to call them "illegal." I don't understand that at all.

There are 11 million to 12 million people who are here illegally who this bill is going to say we will give a legal approach to, or an approach to establish legality, and that is not enough. That is not enough. We want to bring more through the book door? I don't think so.

I am not the only one who cares about American workers. I tell you, very few are talking about the impact on American workers. That ought not be some theory. We understand the impact on American workers, those who are struggling to make ends meet, to get a decent salary, to have health care, to have retirement programs and care for their kids. They are wondering about their jobs. The good jobs are being shipped out the front door and the other jobs are being replaced through the back door.

I ask the question: What is happening to the American worker? Take a good look. I ask all my colleagues to take a good look at what is happening to the American worker today in this country.

Alan Binder, a former Vice Chair of the Fed, a mainstream economist, said there are 42 million to 56 million American jobs subject to outsourcing. Not all will go, but all of them are eligible to go and will be competing against people who work elsewhere for 33 cents an hour.

That is a fact. That is not being discussed in this discussion about immigration.

What is the impact on the American worker? And what excuse do we have for adding an additional 11 million to 12 million people and making them legal by this to say we need more, those who live outside this country called guest workers, to come in?

One excuse we are told is we can't keep them out anyway, so let us call them "legal." I don't think that is the way to deal with this. I don't support that.

This is baby step in the right direction, not a big step. At least with this guest worker program, let's sunset it after 5 years, take a look at what it means to the American worker, what it means to this country, what it means to wages and jobs for the American worker. Let's do that after 5 years. This is a baby step. Let's vote for this baby step in the right direction.

I yield the floor.

The PRESIDING OFFICER. All time has expired on the amendment.

Mr. GRAHAM. Mr. President, how much time remains, 2 minutes 58 seconds?

Mr. DORGAN. Mr. President, if I might inquire, I thought you were intending to yield back the time. That was the proposition under which I decided to speak. I said that if the other side was prepared to yield back the time, then I will use my time.

Mr. SPECTER. I don't believe anybody said we are ready to yield back time.

Mr. DORGAN. Mr. President, normally the Member who offered the amendment would close. That was my assumption, to close the debate on my amendment.

Mr. SPECTER. Would the Senator from North Dakota like 2 more minutes to close?

Mr. DORGAN. If the Senator wishes to speak, proceed. My understanding was we were going to yield back the time.

Mr. SPECTER. Would you like 2 more minutes?

Mr. DORGAN. Of course.

Mr. SPECTER. I ask unanimous consent for 2 more minutes. That will be the fastest way to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized for 2 minutes 42 seconds.

Mr. GRAHAM. Mr. President, what I have to say is not worth arguing about, but I appreciate the opportunity to say it.

My good friend from North Dakota and I have worked together on protecting the American workforce from unfair pressure. The American workforce is under assault from unfair trade practices. The truth is that America needs all the decent, hard-working people she can lay her hands on.

In my State, the tourism industry, the construction industry, and the agricultural industry are very dependent on the new blood of migrant workers. And we have a system where people come in and can't be documented. There is no control. To sunset the temporary worker program would create havoc for our economy. From South Carolina throughout this land, these 11 million have assimilated into our workforce. They are doing a darned good job. They are important to our economy.

Unemployment is 4.7 percent. It will never get any lower. Wage growth is over 4 percent. Gross domestic product growth is at 4.5 percent, and the stock market is at 11,000.

The truth is, we have already assimilated these workers, and they are adding value to our country and our economy. The demographics in this country are relevant and won't change. Japan is faced with this. They have a culture that is closed to outside influences, and there are more older people in Japan than younger people. We are about to get there.

We need new people now like we did in the 19th and 20th centuries—good, honest, hard-working people—to keep our economy humming.

If you sunset this provision of the bill, you are bringing sunset to a problem that is overdue to be solved. Let's not let the sun go down on the problem of immigration any longer.

I know what the Senator is trying to do. I respect it, but this would kill this bill.

We should have done this many sunsets ago. We have been derelict in our duty to control immigration, and we are about there. We need those workers.

I yield.

Mr. DORGAN. Mr. President, let me point out that to the 11 million to 12 million people who have come to this country illegally, this sunset issue has nothing to do with those folks. They are here.

I have not come to the floor suggesting that we interrupt the bill with respect to their plans for these folks. I have said in addition to the 11 million to 12 million, the suggestion that we need to bring in more who now live outside the country makes no sense to me. Even as jobs are moving out the front door of this country—nearly 4 million of them have gone in the last 5 years—you can hardly make a strong case that we ought to bring jobs in the back door, and particularly low-wage jobs.

I know that there are not many of us here who spend our days trying to figure out how you get a job at the bottom of the economic ladder, or how do you make ends meet on a minimum wage that hasn't been raised for nearly 9 years, or how you provide for your family at the bottom of the economic ladder and have health care being stripped away and no retirement program. Not many of us experience that. But that is what a lot of American workers are experiencing every single day.

This provision deals only with the issue of the extra guest workers who do not now live here but who this bill says we should bring here because we need them to be here to do those jobs. The fact is these jobs ought to go to people in this country who are struggling at the bottom of the economic ladder. We ought to be fair to those American workers.

I am not anti-immigrant. That is not my point. We have a lot of them in this country, and they enrich and nourish this country. But first and foremost our responsibility is to stand up for the American workers who are struggling. If Members do not believe they are struggling, look at the data. Look at what is happening in their lives. Look at the jobs that are gone. Go to Shenzhen, China, and look at the American jobs that now exist there. They are paid 33 cents an hour, 7 days a week, 12 to 14 hours a day. If American workers were asked to compete with that, they can't.

My point is very simple. Let's stand up for the American worker. Let's sunset this guest worker provision. Let's do the right thing.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4144, AS FURTHER MODIFIED

Mr. SPECTER. Mr. President, I would like to return to No. 4144, Senator BOXER's amendment. We had a brief debate, and it appeared we might be able to work it out. I believe we have. The Senator will need to modify her amendment.

I ask unanimous consent she be permitted to modify her amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Is there an objection to the unanimous consent request?

Without objection, it is so ordered.

The amendment will be so further modified.

The amendment (No. 4144), as further modified, is as follows:

On page 265, between lines 7 and 8, insert the following:

"(b) REQUIRED PROCEDURE.—Except where the Secretary of Labor has determined that there is a shortage of United States workers in the occupation and area of intended employment for which the H-2C nonimmigrant is sought—

"(1) EFFORTS TO RECRUIT UNITED STATES WORKERS.—During the period beginning not later than 90 days prior to the date on which a petition is filed under subsection (a)(1), and ending on the date that is 14 days prior to the date on which the petition is filed, the employer involved shall take the following steps to recruit United States workers for the position for which the H-2C nonimmigrant is sought under the petition:

"(A) Submit a copy of the job opportunity, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, to the State Employment Service Agency that serves the area of employment in the State in which the employer is located.

"(B) Authorize the State Employment Service Agency to post the job opportunity on the Internet through the website for America's Job Bank, with local job banks, and with unemployment agencies and other labor referral and recruitment sources pertinent to the job involved.

"(C) Authorize the State Employment Service Agency to notify labor organizations in the State in which the job is located, and if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

"(D) Post the availability of the job opportunity for which the employer is seeking a worker in conspicuous locations at the place of employment for all employees to see.

"(2) EFFORTS TO EMPLOY UNITED STATES WORKERS.—An employer that seeks to employ an H-2C nonimmigrant shall—

"(A) first offer the job to any eligible United States worker who applies, is qualified for the job and is available at the time of need, nothwithstanding any other valid employment criteria.

Mrs. BOXER. I say to my friend from Pennsylvania, thank you very much. Your staff was extremely helpful.

Now we have with this bill more protections for American workers. We have stated in this amendment very clearly that an employer is going to make every effort to offer a job to an American worker before he or she hires a guest worker by simply doing two things: posting the available job, posting that information on the premises; and, second, notifying the department of employment in the State in which the business is located so they can advertise the slot.

I thank, again, Senator SPECTER, Senator KENNEDY, and both their staffs for all their hard work.

I ask this amendment be agreed to by voice vote.

Mr. SPECTER. That is acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment (No. 4144), as further modified, was agreed to.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, we are very close to having a unanimous consent agreement setting forth the proceedings to conclude the bill, but there is still a need to review some more documents. My suggestion is we proceed with a vote on the Chambliss amendment. In between the votes we hope to have the final unanimous consent agreement formed so the Senators will be aware of what we are doing before the second vote starts.

AMENDMENT NO. 4084

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Chambliss amendment No. 4084.

Mr. CHAMBLISS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GREGG. I move to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—62

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Burns
Cantwell
Carper
Chafee
Clinton
Coleman
Conrad
Craig
Crapo
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

NAYS—35

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burr
Byrd
Chambliss
Coburn
Cochran
Collins
Cornyn
DeMint
Dole
Dorgan
Ensign
Frist
Graham
Grassley
Gregg
Hatch
Inhofe
Isakson
Kyl
McConnell
Nelson (NE)
Roberts
Santorum
Sessions
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—3

Enzi
Lott
Rockefeller

The amendment (No. 4084) was agreed to.

Mr. DORGAN. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that following the sequence of votes, the Senate begin a period of morning business; provided further that when the Senate resumes the bill on Thursday, we proceed to the following first degree amendments in the order listed below; further, that these be the only remaining amendments in order other than the managers' amendment: Cornyn No. 4097, 60 minutes equally divided: Bingaman No. 4131, 40 minutes equally divided; Sessions No. 4108, 1 hour equally divided; Feingold No. 4083, 1 hour equally divided; Ensign No. 4136, 30 minutes equally divided; provided further that there be no second-degree amendments in order to the above amendments.

Finally, I ask unanimous consent that all time while in morning business and during the adjournment of the Senate count against the time limit under rule XXII.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. REID. My question is, What time does the leader want to come in in the morning? I understand it is 9:15.

Mr. FRIST. We will be coming in at 9:15 in the morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, that means we are, most importantly, on a final glidepath. Those are the amendments which will be considered with those times, and then we will be able to vote on final passage on the bill.

SENATOR WARNER'S 10,000TH VOTE

Mr. President, I would like to pay special tribute to the senior Senator from Virginia, Mr. JOHN WARNER. Tonight he just cast his 10,000th vote.

(Applause, Members rising.)

Mr. FRIST. This year, Senator WARNER became the second longest serving U.S. Senator from Virginia in the 218-year history of the Senate. Since arriving in the Senate 27 years ago, he has forged a long and distinguished record, especially on issues concerning the Armed Forces. He has addressed some of the most fundamental security issues facing this Nation, including the revitalization of the Armed Forces under President Reagan, the restructuring of the military following our success in the Cold War, and the countering of emerging threats from foreign nations and terrorist groups.

It is my pleasure to call Senator WARNER a colleague and a friend. He is a Senator's Senator, representing the best in this august institution. We all congratulate him on his lifetime commitment to serving this country with honor and distinction.

(Applause, Members rising.)

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, when I first came to the Senate, I had the honor of serving on the Environment and Public Works Committee with JOHN WARNER. During part of my tenure there, he was chairman of that committee. No one is more of a gentleman than JOHN WARNER.

JOHN WARNER has a background that is really something all Americans should understand. JOHN WARNER was born in Virginia, attended Washington and Lee College, Virginia Law School. At age 17, he joined the Navy. That was during World War II. But that wasn't enough for him for military service. He again joined the military during the Korean conflict, joining the Marine Corps. He thereafter became Secretary of the Navy and served with distinction as Secretary of the Navy.

I think it is only appropriate that JOHN WARNER cast his 10,000th vote just a week or two after his partner and friend, CARL LEVIN. There is no better example of teamwork than we have had on the Armed Services Committee with JOHN WARNER and CARL LEVIN. It is good that these two brothers were both honored for having cast their 10,000th vote within a matter of weeks of each other. It has been a pleasure to work with both of them.

(Applause, Members rising.)

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Since I got there first, I insist upon being recognized first. I will be very brief. I will only say that there is no greater example of civility and decency and honor and integrity in the U.S. Senate than JOHN WARNER. It is a privilege and true honor to have served with him. He is the most accommodating of Senators. I will sum it up with one thing: as long as there are JOHN WARNERS in the Senate, the Senate is in good hands.

(Applause, Members rising.)

The PRESIDING OFFICER. The junior Senator from Virginia.

Mr. ALLEN. Mr. President, as the senior Senator from Virginia always refers to me as the "junior Senator from Virginia," what an honor it is to serve with Senator JOHN WARNER. He has served our country since World War II, through Korea, in a variety of ways. He is a genuine American hero who has just made history tonight, his 10,000th vote cast.

There have only been 25 other Senators in the 218 years of the U.S. Senate who have cast that many votes. I know I speak for the people of Virginia, as his partner, and for all of our colleagues on both sides of the aisle, we look forward to casting many more votes with this genuine American hero who has devoted his life to freedom, to justice, and showing us the proper manners, cordiality, and also the way to get things done for the American people.

We all salute you, Senator JOHN WARNER.

(Applause, Members rising.)

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the hour is late. I humbly thank the dear Lord for the strength and wisdom He has given me, for the support and the friendship of—I calculated—the 241 Senators I have served with during this time, and for a family that has stood by me for these many years.

To the people of Virginia, I express thanks. And to whoever up there provides luck, I am the luckiest man you have ever met.

I yield the floor.

AMENDMENT NO. 4095

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Dorgan amendment No. 4095. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—48

Allard
Allen
Bayh
Biden
Bingaman
Bond
Boxer
Burr
Byrd
Chambliss
Clinton
Coburn
Cochran
Conrad
Cornyn
Dodd
Dole
Dorgan
Durbin
Ensign
Feinstein
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kohl
Kyl
Landrieu
Levin
Nelson (FL)
Nelson (NE)
Obama
Reed
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Stabenow
Sununu
Talent
Thune
Vitter

NAYS—49

Akaka
Alexander
Baucus
Bennett
Brownback
Bunning
Burns
Cantwell
Carper
Chafee
Coleman
Collins
Craig
Crapo
Dayton
DeMint
DeWine
Domenici
Feingold
Frist
Graham
Hagel
Inouye
Jeffords
Kennedy
Kerry
Lautenberg
Leahy
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Pryor
Reid
Salazar
Smith
Snowe
Specter
Stevens
Thomas
Voinovich
Warner
Wyden

NOT VOTING—3

Enzi
Lott
Rockefeller

The amendment (No. 4095) was rejected.

Mr. FRIST. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. AKAKA. Mr. President, I rise today to speak about my amendment to S. 2611, the Comprehensive Immigration Reform Act of 2006. This amendment will clarify the process for countries to enter the visa waiver program, which enables foreign nationals of member countries to travel to the United States for tourism or business for 90 days or less without obtaining a visa. In doing so, the program facilitates international travel and commerce. In addition, the visa waiver program eases the workload of consular officers who are already struggling to process a significant backlog of visa applications.

Since 1986, when it first began as a pilot program, the visa waiver program has been a success. Over 27 countries have become certified to participate in the program in the past 20 years, and our Nation has realized substantial diplomatic and economic rewards. Relationships with our allies have been strengthened by the gesture of good will and the increase in tourism due to the visa waiver program has greatly benefitted the Nation's tourist economy.

Admission into the visa waiver program has never been an easy task. At this time, to qualify for the program, a country must do all of the following: it must offer reciprocal privileges to U.S. citizens; it must have had a nonimmigrant visa refusal rate of less than 3 percent for the previous year; it must certify that it has established a program to issue its citizens machine-readable passports that are tamper-resistant and incorporate a biometric identifier into their passports. In addition to these requirements, the Secretary of Homeland Security, in consultation with the Secretary of State, must also determine that the country's inclusion into the program will not compromise the law enforcement objectives or security of the United States.

As current law dictates, once all of these requirements have been met, the Attorney General may then designate the country a member of the visa waiver program. This means that even if a country has expended the time and effort to go through this rigorous process and has met our Government's stringent standards, its application could still be denied or, at best, indefinitely delayed by the Attorney General.

This amendment addresses two issues. First, it will revise the current law to reflect changes in the administration of the visa waiver program since 9/11 and codify those into law. While the Department of Justice continues to play a role in the designation of visa waiver program countries, the final certification of a visa waiver country is now made by the Secretary of the Department of Homeland Security, DHS, rather than the Attorney General. My amendment will ensure that the Secretary of DHS is specified as the final authority on this matter.

Second, this amendment will designate a nation a member of the visa waiver program as soon as all of the requirements have been met. In doing so, this amendment provides potential member countries with the assurance that their applications will not be held up by bureaucratic redtape or inefficiencies. It also advances our attempts to build positive relationships based on good faith with applicant countries. The visa waiver program is one means by which we can recognize our affinity with nations who share our principles and goals for a future of peace, justice, and freedom. Consequently, quicker inclusion into the visa waiver program once the requirements have been met is vital to fostering and maintaining close cultural and economic ties with friendly nations.

In addition to helping build strong diplomatic relations between nations, the visa waiver program has become key to the ongoing success of our tourism industry and business community. By eliminating the visa requirement, the program has facilitated international travel to our Nation for both business and for pleasure. In 2004, 15.9 million visitors entered the United States under the visa waiver program, constituting 58 percent of all overseas visitors.

The program encourages foreign visitors to plan their vacations in the United States, which can result in increased economic growth and tourism dollars for the United States. Over the years, the visa waiver program has played a vital role that has become critical to our Nation's tourist industry. According to the Office of Travel and Tourism Industries, all but 1 of the top 10 ten tourism-generating countries to the United States are visa waiver program nations. For states such as California, Florida, and my own home State of Hawaii which depend heavily on the tourist industry, the visa waiver program is integral to the strength of our economy. Clarifying the mechanism for countries to enter the program would strengthen the program and, in doing so, strengthen the economy on both a local and national level.

Given the considerable benefits that the visa waiver program affords the United States, it is imperative that nations who are interested in engaging in the lengthy and complicated process to become a visa waiver program feel confident that, if they strive to meet our strict security standards, they will be allowed to participate in the program. I urge my colleagues in the Senate to support this amendment which will update current legislation to more accurately reflect the post-9/11 administration of the program and perhaps, more important, confirm our commitment to those nations which would like to participate in the program that as soon as they have fulfilled our requirements, we will fulfill our promise.

Mr. LEAHY. Mr. President, the Gregg amendment No. 4054 would undermine this tradition by significantly reducing the number of visas that are available under the Diversity Visa Program. Diversity visas were created in 1990 to ensure that America would always welcome immigrants from all parts of the globe, in the tradition of our forefathers. Diversity visas are available through a lottery system to applicants from nations that are underrepresented in other immigration programs. In order to apply, an individual must be from a country that has sent less than 50,000 immigrants to the U.S. in the preceding 5 years.

This special visa program allows immigrants from nations in Africa and from a number of developing nations to have a chance to apply to emigrate to the U.S. In 2004, diversity immigrants were just 5 percent all admissions of legal permanent residents, but diversity visas were 33 percent of all legal permanent resident admissions from Africa. For this reason, the Congressional Black Caucus and the NAACP oppose the Gregg amendment. In addition to African nations like Ethiopia and Nigeria, immigrants from Ireland, Albania, Poland, and Ukraine have benefited from the program.

Diversity visa immigrants are not given a free pass to cross our borders and make a new life in American. Successful applicants must have at least a high school diploma and at least 2 years of work experience so that when they arrive in the U.S. they can contribute to the nation's economic health. They are not exempt from the tough security checks that all immigrants undergo. Applicants must complete consular processing overseas and pass Department of Homeland Security inspection. Fraud is prevented through fingerprinting and the use of digital photographs. Applications are screened and run through Homeland Security databases to ensure that an individual cannot game the system by filing multiple applications.

The Gregg amendment would take two-thirds of the 55,000 diversity visas that are available each year and redirect them to applicants with advanced degrees in science, math, and engineering. I support bringing more high-skilled immigrants to the U.S., but there are already a large number of such visa slots in the bill before us today. The bill raises the cap on H-1B visas from 65,000 per year to 115,000 per year. In addition, it adds an escalation clause so that in future years, if that new cap of 115,000 is met, the cap will be raised by 120 percent the following year. I think that this is a significant increase in high skilled worker visas. We can always revisit the issue in future years if the new levels do not provide an adequate number of visas for immigrants who bring science and technological skills to our Nation. We need not and should not undercut the Diversity Visa Program. The diversity visa program honors the hopes and aspirations of hard working and industrious individuals who want a chance to achieve the American dream.

Mr. OBAMA. Mr. President, I rise to discuss a small amendment that deals with a problem each one of us has heard about in our States—the extremely long backlog at the Bureau of Citizenship and Immigration Services.

One of the privileges of being a Senator is being able to help constituents. In my State offices, I get thousands of requests from Illinoisans trying to get their VA benefits or clear up a problem with their Social Security check or deal with any number of government bureaucracies. It is great when we can get involved and help folks cut through the redtape. We are helping make government work, one case at a time.

If your office is like mine, a large number of the cases involve immigration. And if your office is like mine, the most common complaint involves FBI name checks. I have only been in office 16 months, but in that time I have received 2,211 requests for assistance on immigration; 426 of these cases, almost 1 in 5 deal with the FBI name check.

One step that legal immigrants have to take to stay in the country lawfully is going through a security check by the FBI. This is a standard procedure, and it is critically important to screen the folks to which we are granting citizenship and permanent residence. Unfortunately, the system is overwhelmed.

The FBI's National Name Check Program is asked to review 62,000 names a week—62,000 a week. In 2005, the FBI was asked to check 3.3 million names, a 20-percent jump from 2001. A great majority of these people are cleared automatically by computer, but for many, FBI agents have to comb through paper records spread across more than 265 sites across the country.

According to a November 2005 GAG report, the FBI background check is one of the top factors beyond the Bureau of Citizenship and Immigration Services' control that contributes to long wait times and an extended backlog. The report found that 11 percent of applications studied took longer than 3 months, and a significant portion of those took much longer. The Department of Homeland Security has taken many steps to try to speed up this process, but unfortunately there are just too many requests being sent to the FBI, and not enough analysts to deal with them.

Many of my constituents have reported waiting as long as 2 years to get cleared by the FBI. These are innocent people who have jumped through every legal hoop we have put in front of them. But because of a bureaucratic mess, they are put in legal limbo.

My amendment isn't overly ambitious. It just gives the FBI a small amount of resources to start tackling this problem. It authorizes $3.125 million a year for the next 5 years to allow FBI to hire additional staff and take other steps to improve the speed and accuracy of the background checks. It also requires the FBI to report back to Congress on the size of the backlog and the steps it is taking to reduce it.

This is a problem we can do something about. And at a time when we are trying to stem the flow of immigrants entering the country illegally, this is a problem we must address. We should not punish the folks who have been responsible and applied to enter the country legally. We should make the system as efficient as possible. I urge my colleagues to support this amendment.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, I understand we are speaking in morning business; is that correct?

The PRESIDING OFFICER. The Senator is correct.

IMMIGRATION REFORM

Mr. TALENT. Mr. President, I rise to speak against the bill. I want to begin by saying that America has a proud history of immigration. When we say that America is a nation of immigrants, we mean that deep in our national consciousness is the image of America as a haven and a place of opportunity for people from all over the world.

Our policies have reflected that image. America has always had more open immigration policies than any other country. But those policies have been the result of choices the American people have made.

We are a nation of immigrants, but we are also a nation of laws. Like all sovereign nations, America has the right to determine who may enter our country and who may not. The American people have chosen to strike a legal balance between their desire to provide opportunities to new residents of diverse backgrounds and the economic reality that too much immigration too fast will depress the wages and diminish the hopes of millions of our own citizens.

I say with the utmost respect that the bill before us completely abandons that traditional balance. It provides an amnesty to those who, however understandable their motives, have chosen to trespass on our hospitality and violate our laws and does so under conditions that history has shown will increase rather than decrease illegal immigration in the future. It allows a vast new immigration for decades to come, with no regard whatsoever for the impact on the lives and hopes of our own citizens who have the first claim to the American dream, and it does little or nothing to repair the existing system of legal immigration which regularly confounds the expectations of millions around the world who claim a legal right to enter the United States.

Moreover, the Senate has regrettably and inexplicably rejected commonsense amendments which were designed to restore the balance Americans want and have the right to expect. For those reasons, I could not support voting to end debate on the bill, and I will not now support its final passage.

I should say at the outset that I do support the border security provisions in the bill. Border security is a national security issue rather than an immigration issue. For that reason, I recently sponsored bipartisan legislation, the Border Security and Modernization Act, in order to help secure America's border with additional manpower, new barriers, and high-tech surveillance equipment.

The bill I cosponsored authorizes new funds for technology to assist our Border Patrol, to construct roads, fences, and barriers along the border and to purchase air assets such as helicopters. In addition, the Border Security and Modernization Act will increase resources for border detention centers and enact stricter criminal penalties for human smuggling, falsifying work entry documents, and drug trafficking.

The immigration bill before the Senate contains many provisions similar to those in the bill which I cosponsored, and I am pleased the Senate approved an amendment which I also cosponsored to strengthen those provisions providing for the construction of at least 370 miles of triple-layered fence and 500 miles of vehicle barriers at strategic locations along the southwest border. But the good done in the immigration bill by these provisions could largely be accomplished by the President without new statutory authorization and is, in any case, far outweighed by the negatives in the bill.

I oppose the bill first because it grants a broad-based amnesty—the right to legal residence and even citizenship—to 10 to 12 million people who violated our laws. Permanent residence in the United States, not to mention American citizenship, is a valuable and important privilege.

Granting these privileges under these circumstances rewards and therefore encourages unlawful immigration. It demoralizes and punishes the millions of people around the world who have respected our rules and who are trying patiently to immigrate legally into the United States, and it makes a mockery of the policy that is supposed to form our immigration laws—the desire to balance our need for workers and vision of America as a place of opportunity against the importance of protecting jobs and wages at home.

If Congress grants an amnesty under these circumstances, what will be the argument against granting another amnesty 5, 10, or 20 years from now if millions more people, in response to the incentives created by this bill, manage to enter the United States illegally?

To those who say this will not happen, I say that it has already happened. Congress granted an amnesty 20 years ago for largely the same reasons under the same conditions and with the same assurances being offered in support of this bill before us today. Far from preventing illegal immigration, that amnesty has magnified the problem by four- or fivefold. What reason do we have to believe the same thing will not happen if we pass this bill, especially since the amnesty procedure in this bill is certain and takes effect immediately, while the border security provisions may not work at all and will, in any event, take years to implement? I suspect the pressure on our borders is increasing even now simply because the Senate is seriously debating an amnesty.

I also oppose the bill because it authorizes a vast and unvalidated increase in immigration. The bill allows 70 to 90 million immigrants to enter the country over the next 20 years—not, by and large, scientists, doctors, or engineers, but people who will compete directly against Americans for jobs in the hospitality industry or for craft work in construction or manufacturing.

I begrudge no one the desire to come to the United States to make a better life for themselves. My grandparents did that, and so did my wife's mother. I certainly hope the economy will grow fast enough that we will need additional workers, but our first responsibility is to our own people. We cannot sustain the American dream if we do not provide opportunity for all Americans, including those who do not or cannot go to college. I can think of nothing more likely to cause conflict and division, and raise the ugly specter of ethnic prejudice than making millions of Americans compete against foreign workers, sometimes in economic recessions, for the jobs their families need to make ends meet.

Congress should be willing to increase legal immigration where our employers have proven needs that our own workers cannot meet. I believe such shortage exists today in certain parts of the economy, such as agriculture, and I would be willing to consider increases in the current limits in those areas. But that decision should be made on the basis of evidence, not speculation, and Congress should make it carefully and for short periods of time rather than guessing what the labor situation will be 10 or 20 years from now.

These decisions we are considering today matter. They affect the lives of millions of our people who rightly expect that we will look out for their interests, not make them feel guilty about their legitimate concerns for themselves and their loved ones. Moreover, the legal immigration provisions in the bill will cost our taxpayers $54 billion over the next 10 years. That fact is not disputed, even by the sponsors of the bill. Because of the deficit, our health care programs are under pressure. Congress is begrudging disaster relief to our farmers. The Nation's transportation infrastructure is underfunded, and some are proposing to reduce the defense budget or increase taxes. I simply cannot understand why, at a time like this, Congress would undertake an additional budgetary commitment of this magnitude to foreign workers our economy may not even need.

Finally, I oppose the bill because it does very little to fix the current legal immigration system. The great irony of this whole debate is that it has focused largely on the wrong problem. If we want to help the economy and provide justice to immigrants, we should concentrate first on making our current programs at least minimally workable.

As Senators are probably aware, there are significant backlogs in our current system due to the sheer volume of aliens eligible to legally immigrate to the United States. As of December 31, 2003, the U.S. Customs and Immigration Service, that is the USCIS, reported 5.3 million immigrant petitions pending. USCIS decreased the number of immigrant petitions by 24 percent by the end of fiscal year 2004—that is a pretty good job—but they still had 4.1 million petitions pending. Every new applicant who is not an immediate relative of a U.S. citizen must go to the end of lines that vary in length according to country, the prospective immigrant's relationship to their American sponsor, and profession.

According to the State Department, experienced laborers from India face a 5-year wait for a visa, while Filipino siblings of Americans wait more than 22 years.

In my office, we live with this problem with the current immigration system every day. I have five caseworkers who spend parts of each day in response to constituent requests, assisting those who actually claim a legal right to enter our country. These prospective immigrants have respected our laws. They and their Missouri sponsors spend large amounts of time and money trying to navigate the existing system. We have almost 200 pending cases in our office alone.

They include Missourians who want to adopt children from abroad, foreign doctors who want to work in rural areas where they are desperately needed, and world renowned researchers who want to bring their knowledge to the United States. These people have a right to immigrate under the current laws. Yet the bill does nothing for them. In fact, the bill makes their situation worse because it puts them at the back of the line. The bill inevitably means that the time and attention of the Immigration Service will be spent processing the applications of undocumented workers and administering a vague new guest worker program for 70 million to 90 million people, rather than on the cases of legal immigrants which, in some cases, have been pending for years.

What I have just said is the answer to those who claim this bill is necessary because it is the only practical solution to our current situation. Mr. President, anybody even marginally familiar with our current legal immigration system knows that it is in disarray. I honor the work of our border agents, but the reality is that our existing border security system is in every respect inadequate. I recognize that many diligent government workers are trying to process the claims of legal immigrants, but here again, they and the system are overwhelmed, even in trying to administer the current complicated visa system. The idea that our current immigration infrastructure can take on the real job of border security, process a multitiered amnesty program for 10 million to 12 million illegal aliens, and administer the claims of 70 million to 90 million new immigrants, in addition to its current responsibilities, is sheer fantasy. And to argue in favor of this bill on the grounds that it is a practical solution to anything shows how far from reality the proponents of this legislation have really traveled.

Mr. President, I suppose there are many in Missouri who support this bill, and I know many Senators have worked hard to come up with this legislation. But in the last month, I have received over 4,000 calls, e-mails, and letters urgently in opposition to this measure before us, and I think a word should be spoken on behalf of the concerns of those constituents. They are not paranoid because, in a world of terrorism, they want the border under control. They are not ungenerous because they worry about jobs for themselves and their children. And they are not less progressive than Washington opinionmakers because they believe in the sovereign right of a democratic people who decide who and who shouldn't become a resident of this country.

The Senate had a chance to pass a good bill, a bill that secured the border, that fixed the system of legal immigration, that developed the biometrics our border security and immigration agents need to enforce the law that stops the coyotes and the fly-by-night employers from circumventing the law and paying cash to unlawful workers. The Senate has fumbled that chance. I suppose this bill will pass, based on the votes we have had in the last week or so. My hope is that in conference with the House, the Senate will agree to a commonsense bill that I can support, one that respects the balance which the American people want, are waiting for, and have the right to expect.

Mr. President, I yield the floor.

CHANGE OF VOTE

Mr. SMITH. Mr. President, on rollcall vote 140, I was recorded as voting nay. My intention was to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION REFORM

Mr. CARPER. Mr. President, I want to follow up on the comments of my friend from Missouri as he leaves the Chamber and just to acknowledge and to second his comments. He said we are indebted to those who work so hard to try to piece together this compromise legislation, and I agree. We will attack a lot of difficult issues this year—we already have—and I think few of them are more difficult than the one that we have been working with this week, last week, last month, and we will probably be dealing with in the months to come to try to hammer out a final bill to send to the President for his consideration.

Let me just make a couple of observations. First of all, let me say I am told that last week some 10,000 people came across our borders illegally. We understand that roughly 10,000 will come across our borders illegally this week. Roughly another 10,000 will enter this country illegally next week. Some people have suggested amnesty is the answer. I don't believe that it is.

We have heard it said on this floor today, and I will say it again tonight, simply providing amnesty sends the wrong signal to a lot of folks. It sends the wrong signal to people who live south of our country who, if they come in illegally, eventually we will let stay. It also sends the wrong signal, in my view, to people who are waiting—in some cases for years—to become legal residents or citizens of this country and who, even though they have been trying to play by the rules, we let other folks come in ahead of them who have not played by the rules. I think that is wrong.

What I think we need to do is to take an approach similar to that which we are taking here as we debate this legislation and amend this legislation and, I hope, improve on this legislation. We need a policy that is tough. We need an immigration policy that is smart. We need an immigration policy that is comprehensive.

I agree with many of my colleagues, including my friend from Missouri who has just spoken. I believe it begins with tougher borders, tougher border security. We have seen an increase in the number of Border Patrol who man our borders along the border of the United States and Mexico. I am told we have seen between 1995 and 2005 a doubling of the number of Border Patrol who patrol that area. Meanwhile, between 2001 and this year, we have seen a drop by almost a third of the folks who are apprehended coming into this country illegally. That makes no sense.

I think in terms of being on the border, we may need more Border Patrol. We are certainly voting for more Border Patrol, and I think that is the right step. But it is also important that the folks to whom we assign these responsibilities do a better job of tightening the borders and apprehending those who attempt to come through illegally.

The President proposed—and we have signed off on it—the deployment of National Guard troops along our border to work in conjunction with Border Patrol. I support that. As an old commander in chief of the Delaware National Guard for 8 years, I believe the National Guard can play a constructive role here.

One idea that I think makes sense is sort of a synergistic approach. We have a number of Air National Guard units around the country that have for their aircraft that they work with, they have pilotless drones. And I could see using several squadrons of those pilotless drones along our border to supplement the Border Patrol, to make them more effective, to put into the air these aircraft that can detect the movement of individuals, of vehicles moving toward our border. They are effective in the daytime and at night with infrared technology. I think that is a smart use of our National Guard and provides the kind of synergy that I think we ought to be looking for in deploying along our border for maybe a 12-month period.

I know some people are uncomfortable with the notion of building a fence along any portion of our border with Mexico. I have traveled to Israel and seen a fence being built throughout that country, the intention of which is to protect the Israelis from terrorists. And I know some people are offended by the construction of that fence. Personally, I am not. I am not offended by the notion of a fence along portions of our border with Mexico. I don't know that it makes sense, dollars and cents, to construct a fence along the entire 2,000-mile border of the United States and Mexico. But there may be stretches, several hundreds of miles, maybe 300, 400 miles where a fence is cost effective, or where a fence can complement and enhance the ability of our Border Patrol, the ability of our Guard units to provide the kind of balance and deterrence that we need.

With respect to technology, technology can be a great help to us. Unmanned aircraft is just one example. Also, simply better identification that would be awarded to people when they come here legally, whether it is as a guest worker or on a more permanent working basis, to provide them with identification that is, as best we can make it, tamper-proof.

I am reminded every time I go through the security checkpoints at airports, waiting to get through the checkpoints to get on a plane. I see people, usually crew members, who simply go to the front of the line. They go through quickly, and in many cases they have their own identification. Maybe they have biometrics. It may involve fingerprints, eyes, retinal scans. They can get through quickly.

I read recently, I think it was in Business Week, of that kind of identification that may become available commercially to folks who are willing to put out $100 or so, maybe less than that, in order to get identification that is pretty much tamper-proof, that would really say that whoever possesses this identification is indeed the person they profess to be. That is the kind of technology I think we need.

We need more detention beds. The idea that somebody shows up from Mexico, and we simply take them back to Mexico, that is fine. But if they happen to be from Guatemala or Honduras or Peru or Chile, we simply take them to a detention center. We have beds, we put them in that detention center to await an arraignment hearing. If we don't have beds, we say: Come back in a week or a month or two or three. We release them on their own recognizance, and we shouldn't be surprised that a lot of times they don't come back. I don't think we should expect them to come back.

We need more detention beds, and rather than simply turning people loose, knowing that they are unlikely to show up, we ought to be—we ought to be—smarter than that. Part of the solution is more detention beds.

Another aspect of a comprehensive law is to better enforce, to rigorously enforce the laws that we have on the books and to strengthen them with respect to employers who knowingly hire folks who are here illegally. If you look at the number of prosecutions over the last half dozen or so years, it is pitiful in terms of the employers we know are doing something illegal, that they are not doing the right work in making sure that the folks who are working for them are here lawfully. The employers aren't doing it, and, frankly, we haven't been doing much about it. We need to be tougher on that. This bill calls for that. But the best laws, the toughest penalties on the books are no better than the enforcement. In fact, we need much better enforcement.

The President has been a big advocate of a guest worker program. I think he was calling for 400,000 guest workers this year, next year, the year after that. I think we have significantly scaled back the scope of that guest worker program. I think it is acceptable that it be a small portion of a comprehensive bill, but not as the President earlier suggested as really the centerpiece.

Let me say a word or two about the 10 million or 12 million people who are here illegally, what to do with them. I know we have some who say just send them all back, line them up, put them on a bus or an airplane and send them back where they came from. I don't understand how practical that is. I understand the sentiment some feel in wanting to do that. What we are suggesting in this bill is we take an approach for people who have been here illegally, violated our laws, done so repeatedly, either committed a felony or multiple misdemeanors—that is it. They don't have a chance to stay here, no chance to be on a probationary period for 6 years or six decades and work their way toward citizenship. That is how it should be.

On the other hand, folks who have been here for 5 years or more, they worked, essentially they abided by the laws as a citizen here, they paid taxes—if those people are willing to serve an additional probationary period for 6 years or more, continue to work, continue to pay taxes, stay out of trouble with the law, to learn English, to pay a substantial fine—and frankly the size of that fine continues to grow; we grew it further tonight to be somewhere in excess of $3,000—folks who are willing to abide by the conditions of that kind of probation and do so religiously, year after year for half a dozen years or more, they have a chance to work their way toward citizenship.

Similarly, for those who have been here from 2 to 5 years, they would have a chance if they are willing to go back and come into this country through a couple of dozen entry points along the border, to get valid identification so we know who they are and we know they are here, that they, too, after a period of time would have a chance to enter the same kind of 6-year probationary period, abide by the law, pay taxes, work, pay a fine, learn English—those kinds of things. If they do those things, they, too, would have a chance to work toward citizenship.

For people who have been here less than 2 years or people who violated our laws, violated our laws repeatedly, they are out of luck. They will go back to where they came from, and ultimately, if they have not been lawbreakers, they would have a chance to reapply. I don't think their chances of getting back here any time soon would be good.

The last thing, I say it is not in this bill and I think it is unfortunate that it is not—they talked about it in our caucus, and there has been some serious discussion about whether we ought to raise the minimum wage in our country. We raised the minimum wage when I was Governor. I think 20 or so States have done so, ahead of the Nation. It has been 20 years or more since we raised it. To the extent we actually pay people a better wage in this country, we encourage more Americans to do these jobs which allegedly Americans will not do, which only foreigners are willing to do. Unfortunately, that increase in the minimum wage is not going to be part of this bill. I think that is probably a mistake, but it is what it is.

In closing, at least with respect to immigration tonight, I again want to say it is not good when 10,000 people are coming across our borders last week, this week, next week. Amnesty is not the answer. I believe the answer is legislation that is tough, that is smart, that is comprehensive, that begins with a heavy focus on making our borders more secure, enforcing the laws that are supposed to be in effect with respect to employers who knowingly hire illegal aliens, trying to make sure the identification folks bring to this country to demonstrate to employers—that we better ensure it is tamperproof and we use technology to do that sort of thing.

There are a couple of outcomes that could come out of our work here. We are going to take up this bill tomorrow with some final amendments, and we will vote on whether to pass it and to go to conference with the House, which has a somewhat different bill, as we know. It is not a comprehensive bill but a bill not without some virtue.

I think we will have a chance to pass this bill tomorrow and go to conference. There are some people saying today in our own cloakroom there is no way we are ever going to get a compromise out of a conference with the House. We may pass this bill, but that will be pretty much the end of it. They may be right. I hope they are wrong.

Maybe among the outcomes here, maybe the worst would be to pass a bad bill and send the President a bad bill he might sign. That would be a mistake.

Almost as great a mistake as that would be, I believe, would be to do nothing and to leave here this year having not addressed our problems and to know that people are going to continue to stream into this country illegally. In most cases, they are just folks who want to come to work. In some cases, they are people who are criminals. Maybe in some cases, they are people who would come here as terrorists. That is just unacceptable.

I am, frankly, proud of the Senate and the work we have done. I think in a way the center has sort of come together and held. The center has held with respect to this bill and sort of rejecting extreme views on either side. I find that encouraging.

I don't have to say complimentary things about the President. I think in this case, in this instance, he has shown leadership and willingness to use some of that political capital he earned back in 2004 and I think to put it to pretty good use.

HONORING OUR ARMED FORCES

CORPORAL CORY PALMER

MARINE CORPORAL SEAN BARNEY

STEPHEN SNOWBERGER

Mr. CARPER. I would like to change gears, if I could. I would like to talk about a place in southern Delaware, a place called Seaford. Most people in this Chamber—my guess is most people around the world—have never heard about Seaford, DE, but almost everybody in this country and around the world has heard about a product called nylon. The first nylon plant in the world was built in Seaford, DE, by the DuPont Company, I think roughly 60 years or so ago. It is a plant that is still in operation, though run by a different firm today. There are still close to 1,000 people who work there. So Seaford is really known in our State, and to the extent they are known around the country, as the home of the first nylon plant ever built in the world.

Seaford is a small town. I don't know exactly how many people live there now, but it is less than 10,000 people—maybe 5,000 or so. There is a lot of pride there, about their heritage with DuPont and a number of other reasons as well. It is in the southwestern part of our State, Sussex County. A number of people in Seaford have gone on to serve in the Armed Forces of our country. This month, two of our young Seaford natives who had gone on to serve in Iraq have given their lives, have lost their lives. A young man named Cory Palmer, earlier in his life, maybe 10 years ago, came up to the Governor's house. I was hosting the Governors Fall Festival. We kicked off the Governors Fall Festival every year with a 5-kilometer race. I remember Cory and other members of his family running in that race with the rest of us.

Earlier this month, Cory was in a humvee in Fallujah, with his teammates and the humvee exploded. It hit an IED, a big one, and Cory and his team, I think now maybe all six of them, at least five, have lost their lives.

I had the privilege of visiting with Cory Palmer's parents about 12 days ago. As I sat there in the living room of that home with Cory's mom and dad, with his grandparents, siblings, I talked about another young man, a fellow who came to my attention—gosh, 6 years ago.

I got a phone call from Bill Bradley, Senator Bill Bradley, who was running for President. Bill Bradley called me to talk about a couple of guys who had worked in his Presidential campaign. He said: I am pulling out of the Presidential campaign. I have several people in my Presidential campaign whom you ought to talk to as you consider your run for the Senate.

One of the names he shared with me that day was that of Sean Barney. Sean Barney came to work for us and ended up being my research director in our campaign for 2001. One of the smartest people I have ever met, he was also one of the hardest working people I have ever met. Sean worked as a research director in our campaign. In the campaign, he came early, he worked late. He didn't just do it once in a while, he did it every day and every night. I think one of the reasons we were successful in that campaign was because of his hard work and sort of never-say-die attitude.

I got elected, came to the Senate, and I asked Sean if he would join us on my Senate staff and he said that he would be pleased to do that. He came to work in January of 2001, one of the first people we hired. He came on board as a senior legislative aide.

I will not soon forget the day he came into my office and said to me, after 9/11, that he felt the need to do something more to serve our country. He knew that I had served in the Navy. He said he had always respected the service that I had to my country during the Vietnam war and later on in the Cold War. He said he felt the need to do that kind of thing as well.

Sean was then in his mid- to late 20s. I said: Sean, you served your country already. You do a great job of serving Delaware, you serve your country, you do it right here in the Senate, and we are lucky that you do. Why don't you just stay here with us and continue the service you perform and perform so well?

Just like in the campaign where he came early, worked late, in the Senate he was just the same. He had a whole range of issues, from tax policy, budget policy, Social Security, Medicare—he didn't take the easy issues, he took the tough issues. He came early, worked late. He had a great sense of humor, was a great person to boost the morale of the office, just a terrific team player, a guy we felt lucky to have on our team.

As it turned out, on the Friday that I was sitting in the living room there in Seaford, DE, talking with Cory Palmer's parents about the loss of his life shortly after he left Fallujah in a Medevac, I told them about Sean Barney who had gone in the Marine Corps. Sean Barney decided he was going to be a marine. Despite my encouragement to the contrary, to stay with us and serve here in the Senate, he elected to go on to active duty. Here is a guy, a college graduate. He could have gone to Quantico, gone through OCS. He didn't. He decided he was going to enlist and not take the easier route—not that there is an easy route in the Marine Corps, but he said he wanted to go to Paris Island basic training. He finished there with distinction, headed on to finish, after that, his advanced training. After having spent a little less than a year on active duty, he came back to Washington—with shorter hair but with a good spirit—and rejoined my staff. He picked up on the issues he worked on before, and he worked just as hard, came early, worked late, good humor, a great member of our team.

Late last year, he got word that he was going to be activated. I had really had a premonition that this was happening. When he had gone through his basic training and finished that and his unit was overseas—units were based up in New Jersey, the Marine unit—they were overseas, but he was not sent there to join them. They came back, and he continued to train with them in the United States. He had not been activated himself. He learned he was going to be activated late last year and be on active duty, I think this year.

He went through training here in this country and a month or two ago headed over to Iraq. He went to Fallujah. As I was sitting again in Seaford, with the Palmer family, trying to provide some comfort to them, about 12 days ago, I told them about Sean Barney.

Little did I know that just hours before I went to their home, Sean Barney was shot. He was shot in Fallujah, on the streets of Fallujah. He was shot by a sniper, and the bullet struck him in the neck, just missed his Adam's apple. It severed the carotid artery, apparently nipped the jugular vein, barely missed his spine. Sean ran about half a block, got behind some building or debris, and by a miracle, apparently a humvee that was not too far away was called in by one of Sean's buddies. I think it had a corpsman, Navy corpsman on board, maybe even a doc. They got to Sean and Sean was still conscious. The last thing he remembered was hearing the corpsman say: Let's get the tourniquet out and use it. Sean was thinking, with a wound in the neck, where are they going to put the tourniquet? That is Sean, a good sense of humor, maybe in this case gallows humor.

Within 12 minutes, they had Sean in the humvee and into the hospital in Fallujah. They applied first aid en route, got him to Fallujah. There was a doctor there, if I can find his name here, a fellow whose name is Captain Donovan. Captain Donovan, who just happened to be starting a 30-day rotation at Camp Fallujah Hospital, was able to stop the bleeding and put the carotid artery back together again. The fact that Sean is alive today—and he is alive today, he is in Bethesda tonight—is a miracle.

I know a lot of us prayed earnestly for Sean, for his life. He has been spared and returned to be here with his wife Daisy and his parents. He is going to be checking out of Bethesda later this week, we hope, and go on to Philadelphia where his wife is going through a residency in her medical training. She becomes a doctor, too.

That is a happy ending. While he has some problems with his shoulder in terms of ability to use that shoulder now, he is going to get great care and hopefully rehab and maybe someday will be able to regain his full capacity.

There is another young man from Seaford, though, subsequent to the time I visited with the Palmers, who we learned had been shot and killed in Ramadi.

Earlier today, a young man, Rick James, 20 years old, also a marine, was buried in Seaford. And 12 days ago, Cpl Cory Palmer was buried at Arlington National Cemetery.

Last night, I was back at Seaford visiting the family of Marine Cpl Rick James, trying to comfort them in the funeral home as they got ready to say goodbye to their son, their grandson, their brother, their cousin, and their friend.

It has been a tough month in Delaware. We are a little State. We have had a number of people—maybe a dozen or so—who have lost their lives prior to this month in Iraq and Afghanistan. We lost three last month, which is tough for a little place.

There is another young man whose family doesn't live in Delaware but he grew up in our State, Steven Snowberger, who went to William Penn High School. I was at his high school in New Castle, DE, last week. At the age of 16, he moved on to complete his education elsewhere and to join the Army. He died at the age of 18, about a week ago. We just said goodbye to Steven this past week.

Those are three causes for great sorrow in our State, the loss of three young men, the oldest being 22 years of age.

I must say that I am encouraged to talk to the families and see how proud they are of their young men, their sons, their grandsons, their brothers, their cousins, their friends.

I have never seen a town that small, Seaford—or, frankly, a larger town—sort of welling up, really with pride, as they have these last couple of weeks, supporting those who have lost their lives and their families as well. It was extraordinary.

One of our colleagues, JOHN MCCAIN, was invited to go to Delaware last weekend by my colleague, MIKE CASTLE, to do a campaign event over on the coast. Senator MCCAIN was good enough, at the urging of Congressman CASTLE, to swing through Seaford, DE, and stop to make an appearance there and say wonderful, supportive words about our young men—heroes. All of us in Delaware are grateful to him for doing that.

While we mourn the loss of our marines and our Army PFC, we are just grateful that later this week another marine part of our family in the Senate, Sean Barney, is alive. I think he is going to be OK. I do not know that he will ever come back and work with us in the Senate family. He has been accepted to law school at Stanford, and my guess is he will probably—when he recovers enough and is ready to go onto the next part of his life and separate from the Marines—head for points west and pick up his life and his wife.

To those in Seaford, and the Snowberger family down in North Carolina today who lost their son, Steven, our hearts go out to you. To the extent we can be helpful, you know we are there for you, like the whole State is.

To our friend, Sean, we are just glad that miracles still happen and that one of them involved you.

I yield the floor

FORMER SENATOR LLOYD BENTSEN

Mr. STEVENS. Mr. President, Catherine and I were deeply saddened to learn of Lloyd's passing. Lloyd and his wife Beryl Ann or as she is known to friends, B.A. were part of our Senate family for 22 years. They were good friends to Catherine and me, and they were quite a couple. Their sense of humor could lighten any situation. I recall B.A. once read an erroneous news report that Lloyd was worth $70 million. She responded, "Where is it?"

B.A. was a great companion and partner for Lloyd in all things, and our hearts go out to her and their three children and eight grandchildren.

Lloyd was Texan through and through. He used to tell stories about growing up on his father's ranch with the sign at the end of the road that read: "To heck with the dog, beware of the owner." You would think someone raised up the road from a sign like that would have a temper, but nothing could have been further from the truth. Lloyd was gracious, composed, polished, and pressed. He was a true gentleman. "Gravitas," he liked to say, "is gray hair and a pressed suit."

Lloyd was also a patriot. As fellow World War II veterans, we were comrades in the deepest sense of the word, and I admired him greatly. He was an accomplished legislator and statesman. He was also a dear friend.

Those in Alaska will never forget his support of our State. In 1981, Lloyd came to the floor and spoke in favor of a waiver that would enable the construction of the Alaska natural gas pipeline. Congress recently approved the financial incentives needed to begin this project—and we owe a great debt to Lloyd for always making sure those in the Senate never forgot how important the Alaska gas pipeline is to our country's energy independence.

Since Lloyd greatly respected the late House Speaker Sam Rayburn, I will close with one of Sam's sayings:

"You cannot be a leader, and ask other people to follow you, unless you know how to follow, too."

Mr. President, those are words to live by, and no one understood them better than Lloyd.

Mr. OBAMA. Mr. President, I rise today to salute Lloyd Bentsen, a dearly departed former Member of this body. Senator Bentsen died yesterday at the age of 85, and he leaves behind a legacy of fiscal responsibility, steadfast service, and unwavering statesmanship.

Senator Bentsen was born in Mission, TX, in 1921, a descendant of Danish immigrants. From a young age, he excelled in nearly all his endeavors: he was an Eagle Scout, a distinguished graduate of the University of Texas Law School, and a fighter pilot, flying B-24 combat missions during World War II. At the young age of 23, Senator Bentsen was promoted to the rank of major, a post that gave him command of over 600 men. For his valiant service during the war, the Army Air Corps, now the Air Force, awarded him the Distinguished Flying Cross, one of the military's highest honors.

Senator Bentsen went on to serve the people of Texas as Hidalgo county judge, U.S. Congressman, and, beginning in 1970, as U.S. Senator. He was overwhelmingly reelected to this body three times, in 1976, 1982, and 1988.

As a Senator, Lloyd Bentsen was a champion of sound national economic policy and fiscal responsibility. He served as chairman of the Joint Economic Committee and the Committee on Finance, and balanced his keen eye on progressive causes such as women's rights with a dogged determination to cut taxes and support our Nation's businesses. As his contemporaries will no doubt attest, Senator Bentsen's political acumen was unmatched, and the coalitions he built crossed party, ideological, and even international boundaries.

Bentsen resigned his seat in the Senate in 1993 to serve as the 69th Secretary of the Treasury under President Bill Clinton. He helped President Clinton set the course for what would be our country's strongest fiscal climate in recent memory. As Treasury Secretary, Bentsen was known to be a firm and sound counselor on economic policy; the Houston Chronicle reports that an autographed picture from President Clinton was inscribed: "To my friend Lloyd Bentsen, who makes me study things until I get it right." President Clinton went on to award Bentsen the Presidential Medal of Freedom in 1999.

Throughout his career, Lloyd Bentsen set a standard for no-nonsense service, responsible business practice, and judicious public policy. I honor his good work today, and the memory of a life lived strong and full.

Mr. BIDEN. Mr. President, I had the honor of serving with Lloyd Bentsen for 20 years, and I respected him as a Senator's Senator. He had a style about him. He was this really classy Texas gentleman who, when he walked into this Chamber or into a hearing room, you could just feel his presence and his desire to work something out.

I admired him because he used the power of that office to help millions and millions of Americans, especially the people he felt needed it most, the very young and very old among us.

Everyone in America who has an IRA and is saving for retirement can thank Lloyd Bentsen. Every American worker whose pensions are protected, is because of Lloyd Bentsen. He improved access to health care for needy women and children—not with some massive sweeping bill that would never have passed Congress but, incrementally, every year, giving a new benefit so more and more people were helped.

When he went to Treasury, he was the architect of President Clinton's economic plan that eventually balanced the budget and created millions of jobs and brought credibility and leadership back to this country with other industrialized nations.

I express my sympathy to his family, and especially his wonderful wife B.A. He liked to call her his best asset, but she was an asset to all of us. Our prayers are with her.

TRIBUTE TO JUDGE DANNY J. BOGGS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who is one of the finest legal scholars of his generation. Danny J. Boggs, Chief Judge of the U.S. Court of Appeals for the Sixth Circuit, has served on the bench for 20 years, and over the course of his stellar career he has made many friends and impressed all who know him—this Senator included.

Judge Boggs is renowned for having an engaging, active mind, with which he tackles not only the law but a host of other subjects. Well-read in history, geography, literature, mathematics, and political science, he is a true Renaissance man. And not only does he voraciously ingest knowledge, he loves to share it with others.

Ask any clerk or former clerk of Judge Boggs, and he or she will tell you: They are liable to be asked a question any time, on anything. One of his former clerks, who now works in my Washington office, recalls a time when Judge Boggs called in to the office while on a business trip to find out the population of Montana not the present-day State but the Montana territory.

Judge Boggs delights in hiring clerks of any and all political persuasions, as long as they have a keen mind and are always ready for debate. Of course, these poor clerks know that Judge Boggs will almost always win. But his interest is not winning or losing. It is in ensuring that the final product—the legal brief—is as rigorous as it can be.

Judge Boggs is infamous for giving a trivia quiz to his clerkship applicants although perhaps "trivia" is not the right word for it. He prefers the term "general knowledge" test. But I don't think there is anything general about the scope of Judge Boggs's knowledge. Just listen to one question from a recent test of his: "If the moon were made of green cheese, and if green cheese floats in water, what is the most that the moon could weigh (within a factor of 10)?"

Believe it or not, most of Judge Boggs's clerks actually enjoy running this intellectual gauntlet—so much so that three of them appeared as contestants on the popular television game show "Who Wants to Be a Millionaire." Two of them picked Judge Boggs to be their "phone a friend" lifeline a superior mind to turn to for a particularly difficult question. Judge Boggs himself has tried to be a contestant on the show, so far without success, but I suspect his true calling may be to work for the show and write the questions.

Born in Havana, Cuba, Judge Boggs grew up in Bowling Green, KY, and earned his bachelor's degree from Harvard University in 1965. He earned his law degree in 1968 at the University of Chicago while being elected to Order of the Coif. After graduating, Judge Boggs taught at the University of Chicago Law School the following academic year—quite an accomplishment for a newly minted lawyer.

Judge Boggs answered the call of public service in several capacities before he attained his current post. After a few positions in Kentucky State government, he ventured to Washington, where he served as Assistant to the Solicitor General, Assistant to the Chairman of the Federal Power Commission, and Deputy Minority Counsel for the Senate Energy Committee. Judge Boggs also worked in private practice, in the White House as a Special Assistant to the President, and from 1983 to 1986 as Deputy Secretary of the Department of Energy.

President Ronald Reagan appointed Judge Boggs to his current position in 1986, and on October 1, 2003, Judge Boggs became the Chief Judge of the Sixth Circuit. Many times, his opinions have been upheld unanimously by the Supreme Court, both when he is written in the majority and in dissent.

He has taught American jurisprudence in the Soviet Union, the Commonwealth of Independent States, and Russia. Chief Justice of the United States William H. Rehnquist appointed Judge Boggs to several important posts in the Judicial Conference of the United States, and Judge Boggs also served as chair of the Appellate Judges Conference of the American Bar Association from 2001 to 2002.

Judge Boggs entire career has been marked by energy, accomplishment, and scholarly brilliance. His fertile, polymath's mind has unlocked a love of learning in countless others. And his 20 years of distinguished service on the bench of the U.S. Court of Appeals for the Sixth Circuit has inspired us all. Mr. President, today I ask my colleagues to join me in commending Judge Danny J. Boggs for his 20 years on the bench and for his continued service to the law and his country.

INCLINE HIGH SCHOOL

Mr. REID. Mr. President, from April 29 to May 1, 2006, approximately 1,200 students from across the country participated in the national finals competition of We the People: The Citizen and the Constitution, an educational program developed to educate young people about the U.S. Constitution and Bill of Rights. The We the People Program is administered by the Center for Civic Education and funded by the U.S. Department of Education through an act of Congress.

During the 3-day competition, students from all 50 States demonstrated their knowledge and understanding of constitutional principles. The students testified before a panel of judges in a congressional hearing simulation focusing on constitutional topics. I am pleased to announce that Incline High School from Incline Village, NV, received the Western Region Award.

I had the chance to meet these bright young students from Incline High while they were here in Washington, DC. Of the many groups from Nevada that I have met with, I have rarely been asked such intelligent and thoughtful questions. I was impressed with their interest and knowledge of complex constitutional issues. These young students are an example of the future of America, and they should be commended for their hard work.

Mr. President, the names of these outstanding students from Incline High School are as follows: Kent Bergantz, Roxanne Casselberry, Dan Driver, Julie Gregory, Amy Hanna, Andrew Herr, Annie Horton, Alisa Johansson, Taylor Lane, Cara Langsfeld, Stephen McKay, Scott Nikkel, Courtney Pennacchio, Mia Perhacs, Tony Ring, Cara Sheehan, Ryan Spizman, Lara St. John, Christin Thompson, Shea Wickland, Alethia Williams, and Carly Wood.

I would also like to commend the teacher of the class, Milt Hyams, as well as the State coordinator, Marcia Stribling, and the district coordinators, Daniel Wong and Shane Piccinini, who have donated their time and energy to prepare these students for the national finals competition. Without the hard work and dedication of these individuals, our students would have missed an amazing learning experience.

Mr. President and my colleagues in the Senate, please join me in congratulating these young constitutional experts for their outstanding achievement.

NATO AND IRAN

. Mr. WARNER. Mr. President, I rise today to share with our colleagues remarks I have made recently at the Atlantic Council, the Council on Foreign Relations, and other forums regarding a role NATO should consider by joining others seeking to achieve a diplomatic resolution of the potential nuclear weapons threat posed by Iran.

I have long been, and remain to this day, a steadfast supporter of NATO. No alliance, since World War II, has achieved a more successful, steadfast record of achieving peace.

I applaud NATO for embracing the concept of "out of area" missions. In Iraq, despite continuing violence, a new unified government is emerging. Even with the differences of opinion among NATO nations related to Iraq, NATO did step forward to participate in the important mission of training Iraqi security forces.

There is no better example of NATO undertaking important "out of area" missions than the leadership NATO is providing in the International Security Assistance Force, ISAF, in Afghanistan.

Recently I was in Afghanistan and saw firsthand how ISAF is expanding its reach to provide security and stability throughout Afghanistan. ISAF forces are accepting risks in the face of a rising number of attacks, while the new Government forges ahead putting down roots of democracy so that Afghanistan can take its place among the free nations of the world.

The principal focus of my remarks today is on how NATO might respond to the greatest threat to regional and global stability that we face today: Iran.

I had the privilege this week to join Senator LUGAR and other Members in a private meeting with Dr. Mohamed ElBaradei, Director General of the International Atomic Energy Agency, IAEA. Dr. ElBaradei generously shared his insights on the situation with Iran, and how he continues to try to fulfill the responsibilities of his organization. I greatly respect his views.

I agree that when faced with a fork in the road between negotiation and confrontation, the world has rightly chosen, for the present, the path of negotiation. There is time—but not unlimited—to pursue a peaceful resolution to persuade Iran not to pursue steps leading to the development and acquisition of nuclear weapons.

Underway at this very moment are negotiations—the United States together with France, Great Britain, Germany, and other members of the EU, are doing everything to persuade Iran not to develop nuclear weapons.

The U.N. Security Council and the IAEA are also playing important roles in these diplomatic efforts.

Currently, Iran boasts about its inventory of missiles which can range throughout the Middle East and reach Europe. If Iran defies diplomacy and develops nuclear weapons, the threat will increase exponentially.

Free nations are and must face this reality now. As the Israeli Prime Minister Ehud Olmert warned in his address to a joint session of Congress this morning:

> A nuclear-armed Iran is an intolerable threat to the peace and security of the world. It cannot be permitted to materialize.

I support the principle of preserving as many options as possible in diplomacy.

One of those options is to engage in bilateral talks between the United States and Iran, and/or between one or more other nations that share our objectives and Iran.

Just this morning, the international press is reporting that the Iranian leadership is making serious overtures to the United States to initiate a bilateral dialogue. Dr. ElBaradei confirmed in our meeting with him that Iran is open to such a dialogue. The United States should keep this option on the table, and consider when it is timely to explore procedures for bilateral talks.

Iran needs to understand that the free nations of the world are serious. Iran can go ahead with its civil nuclear program, under the inspection regime of the IAEA, insofar as it relates to Iran's legitimate energy needs, but we will not, as a consortium of free nations, permit Iran to acquire a nuclear weapons capability.

Another option is deterrence. Let's reflect on the worst case scenario: If diplomacy did not succeed, at some point in time, and there is confirmation that Iran is defiantly going forward with a nuclear weapons program, what is the response of the team of nations conducting the diplomacy?

We should reflect on the lessons of the Cold War, when deterrence succeeded. We should consider erecting a "ring of deterrence" that would surround Iran and deter the use of actual force, as was done so successfully during the Cold War.

Initially, such a plan could be limited to a stand-off naval force operating in international waters, and a stand-off air capability in international airspace.

Has any organization had a better record for planning and effecting a policy of deterrence than NATO?

I call upon the North Atlantic Council of nations to discuss the option of deterrence and hopefully to initiate a study of what is a logical sequence of actions to show support to the path of negotiation.

Such a step forward would give NATO a place at the international table as a partner in the diplomatic efforts being pursued by the IAEA, the U.N. Security Council, and a consortium of nations who are deeply concerned such as Great Britain, France, Germany and the United States.

Such an initiative would signal the seriousness with which the 26 NATO nations view the concerns of the international community, and would lend important support to the combined diplomatic efforts underway.

I bring to your attention two quotes which, though not directly in context, demonstrate general thinking on why NATO should begin to prepare to address the potential threats from Iran.

In a speech on November 3, 2005, the Secretary General of NATO, Jaap de Hoop Scheffer, said:

> Either we tackle challenges to our security when and where they are, or they'll end up on our doorstep.

He is absolutely right.

On February 10th of this year, 2006, the Secretary General said at a press conference:

> Iran is of course a very, very, relevant subject for NATO. That Iran can be discussed in NATO, yes.

With a sense of fairness, I point out that in his remarks of February 10, 2006, the Secretary General also said the following:

> We follow the EU-3 in their negotiations with Iran, together with America, we follow Russia, the IAEA, and we have no intention of playing the first violin, or playing any direct or active role in this dispute.

I say, most respectfully, to the Secretary General: Mr. Secretary, the problem of Iran could be on your doorstep very soon, if it is not already there. The time to join the roundtable of diplomacy is now.

As we in the Congress, and others, continue our work and support of NATO, we have got to prepare for the many challenges in this troubled world. We may not know today what some of those challenges may be, but we must keep NATO strong, viable, and forward thinking.

NATO's most valued asset is the respect, confidence, and, above all, the trust people have for its past record of success and future potential.

We sleep better at night knowing that NATO is standing watch.

I say to all who support NATO, we cannot allow ourselves to lapse into an exercise of nostalgia, basking in the greatness of this organization, greatness achieved by our predecessor trustees and respected leaders of NATO, down through the past half century.

In my most recent consultation with General Jones, I recorded a few notes, which I share with you today. We agreed on the following: "NATO has been and must remain a great alliance. Great alliances do great things. It is possible that NATO's most important days and most important missions lie ahead in the future."

RECOGNIZING THE INTERNATIONAL EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Ms. SNOWE. Mr. President, I rise in support of this resolution which was drafted by my esteemed colleague from Maine, Senator SUSAN COLLINS, and thank my other colleagues who have cosponsored this resolution. This resolution was previously introduced in the 107th Congress, passed the Senate, but, unfortunately, time ran out in the House of Representatives to be passed. This resolution reflects the resolution introduced in the 107th Congress and is supported by the emergency managers from the participating States.

Disasters know no boundaries. In January 1998, the worst ice storm in our region's history demolished power lines from Quebec, through upstate New York, across Vermont, New Hampshire and Maine, and into the Maritimes. As many as 4 million people were without electricity, some 700,000 for as long as 3 weeks, and damage topped $6 billion. And in August 2003, a blackout left millions of American and Canadian citizens and businesses again without electrical power. These events, and many of the more than 100 federally declared disasters in the Northeast in this past quarter century, have necessitated State and provincial emergency management organizations to request out-of-jurisdiction mutual assistance to deal with the emergency.

In response to the ice storm, in June 1998, the New England Governors Conference and Eastern Canadian Premiers signed and later adopted, in July 2000, the International Emergency Management Assistance Compact, more commonly referred to as the compact. The compact is an arrangement of necessity in providing mutual assistance amongst jurisdictions for managing any type of emergency, or disaster, whether arising from natural, technological, or man-made causes. The State of Maine, along with New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, has entered into such a compact with the provinces of our good Canadian neighbor of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland.

This compact arrangement provides the form and structure to the international mutual aid and addresses such issues as liability, payment, et cetera, in advance, before an emergency occurs, allowing for expedited deployment of resources and personnel at the time of the emergency. One crucial lesson learned of Hurricane Katrina is that in the aftermath of such a crisis, emergency responders need to focus on recovery, and not bureaucratic processes and redtape. Having this compact in place enables our emergency responders to focus on their mission of response and to avoid cross-jurisdictional obstacles.

Enhancing an environment of joint communication, coordination and cooperation is crucial for a more secure region and an effective emergency response capability, and an International Emergency Management Group meets regularly to do just this, by implementing the compact and working closely together to develop plans, train and exercise for disasters and emergencies. This compact concept serves the best interests of our citizens of the United States, and of Canada, our good northern neighbor, as well.

In summary, the best way to handle an emergency is to forward plan and to take as many actions of readiness and preparedness as possible, in advance, and as feasible. Our readiness and preparedness capabilities are indeed most enhanced when an obstacle-free platform is created for our emergency responders. This compact arrangement does just that, particularly addressing international and cross-jurisdictional issues. It is for this reason, I urge my fellow colleagues to, again, support this resolution.

LIBYA AND PAN AM BOMBING

Mr. DEWINE. Mr. President, I would like to address the administration's decision to restore full diplomatic relations with Libya and remove it from the list of state sponsors of terrorism. I agree with the President that Libya has made progress in renouncing and fighting terrorism, but we must not overlook that the families of the victims of the Pan Am bombing continue to wait for the remaining compensation from Libya that was agreed to in 2003. We also must not overlook the victims and their families affected by the La Belle bombing in Germany in 1996, when two American servicemembers were killed and many others were severely injured.

I urge the administration to work toward a solution that ensures that the victims' families are fully compensated. At the same time, the Government of Libya should know that as we review this diplomatic proposal over the next several weeks, we will be looking for Libya to continue their forward progress in rejoining the international community. We urge them to make good on their promises to the families who have suffered so much.

TRIBUTE TO LAWRENCE WILLCOX

Mr. KYL. Mr. President, I rise today to offer a tribute to Lawrence Willcox, who has served me admirably for the past 3½ years as staff director of the Senate Republican Policy Committee and, before that, as legislative director and tax counsel in my personal office. Lawrence has made the decision to return to the private sector and pursue a career in tax law.

Lawrence joined my personal staff in 2001, where he served me ably, especially in the tax policy arena. When I was elected chairman of the Policy Committee at the end of 2002, I asked Lawrence to become the staff director. Lawrence has come to be a trusted adviser, and I have appreciated his good work. He promptly and dutifully carried out every task that I charged him with, and he led the staff members of the Republican Policy Committee to achieve a level of excellence that I believe has been of value to Senators and their staff.

During Lawrence's time as staff director, we have produced more than 200 policy papers, and dozens of legislative notices. In each case, our goal was a first-rate product—one that would be thorough, accurate, and reliable—that would serve Senators, their staffers, the press, and the public. I commend him for all of his work and his successes in that regard.

Additionally, Lawrence has served as my agent and adviser on Senate leadership matters. He has attended leadership meetings with me and given me sound counsel. He has also managed and attended the Policy Committee's weekly luncheons.

I should mention that it was Lawrence who instituted the Policy Committee's practice of issuing detailed amendment descriptions in anticipation of every rollcall vote. The reception from this new service has been very positive: It has made the jobs of legislative directors and legislative aides vastly easier in preparing Senators for votes. That is just one example of innovations Lawrence has overseen.

I think it would be fair to suggest that many of my colleagues here today and others in the Senate reading these words in future days would want to join me in thanking him for a job well done. We would not be able to do the work we do were it not for staff members of the caliber of Lawrence Willcox.

Before I close, I note that Lawrence has been in public service for nearly all his working life. In addition to his more than 8 years of experience on Capitol Hill, including 3 years as a staffer in the House of Representatives, he served 5 years active duty as a naval officer, and he has also worked in both the judicial and executive branches, serving in various capacities, including as a law clerk on the U.S. Court of Federal Claims and as a trial attorney in the Department of Justice's Tax Division. Lawrence holds a bachelor's degree from the University of Michigan, a law degree from American University, and a master's degree in tax law, LL.M., from New York University.

Lawrence is a person who is always growing from his experiences, putting his newfound knowledge to work in newer and better ways. So, while I wish him well, I am also confident that he will do well, and I hope to retain his friendship in the years ahead. Thank you, Lawrence.

TRIBUTE TO COAST GUARD AWARD RECIPIENTS

Mr. SESSIONS. Mr. President, I rise today to recognize and pay tribute to the brave men and women of the United States Coast Guard who came to the rescue of the citizens of the Gulf Coast in the wake of Hurricane Katrina. On May 12, 2006, in one of the largest awards ceremonies in Coast Guard history, 95 Coast Guard members received medals for their heroic efforts while rescuing thousands of victims stranded along the central Gulf Coast. The awards ceremony highlighted the Aviation Training Center near the Mobile Regional Airport. The center served as the staging base for more than 50 helicopters conducting rescue operations along the central Gulf Coast and—along with Sector Mobile personnel—is credited with saving more than 4,700 lives in the two weeks after Katrina.

The highest of the four awards presented—the Legion of Merit—went to Capt. David Callahan, commanding officer of the Coast Guard Aviation Training Center, and Capt. James Bjostad, commanding officer of Coast Guard Sector Mobile. They received the award for their outstanding leadership in the aftermath of Katrina.

The Distinguished Flying Cross—the second highest award presented at the ceremony—went to 19 local Coast Guard personnel Commander Michael McCraw, Commander Patrick Gorman, Commander James O'Keefe, Lieutenant Commander Brian Hudson, Lieutenant Commander Jacob Brown, Lieutenant Commander William Sasser, Lieutenant Commander Mark Vislay, Lieutenant Commander Scott Langum, Lieutenant Gregory Houghton, Senior Chief Aviation Survival Technician Christopher Walker, Chief Aviation Survival Technician Martin Nelson, First Class Aviation Survival Technician Timothy

Fortney, First Class Aviation Survival Technician John Williams, First Class Aviation Survival Technician Jason Shepard, Second Class Aviation Survival Technician Brian Doolittle, Second Class Aviation Survival Technician Joel Sayers, Third Class Aviation Survival Technician Mitchell Latta, Third Class Aviation Survival Technician William Lawson and Third Class Aviation Survival Technician Jason Leahr.

The Meritorious Service Medal—the third highest award presented—was pinned on 13 Coast Guard members Captain Edwin Stanton, Commander Barry Compagnoni, Commander Mark Hemann, Commander Jason Fosdick, Commander Bradley Bean, Commander Melvin Bouboulis, Commander Thomas Tardibuono, Commander Ronald Cantin, Lieutenant Commander James Elliot, Chief Warrant Officer Four Thomas Milligan, Chief Warrant Officer Three Kenneth Hardenbrook, Senior Chief Aviation Maintenance Technician Robert Gagliano and Chief Aviation Maintenance Technician Scott Corner.

The Air Medal was awarded to 61 Coast Guard members Lieutenant Commander Christopher Chase, Lieutenant Commander Christopher Conley, Lieutenant Commander Robert DeCooppman, Lieutenant Commander David Edwards, Lieutenant Commander Christian Ferguson, Lieutenant Commander Eric Gleason, Lieutenant Commander Mark Hiigel, Lieutenant Commander Thomas McCormick, Lieutenant Commander Edward Sandlin, Lieutenant Commander Patrick Shaw, Lieutenant Commander Thomas Swanberg, Lieutenant Thomas Bailey, Lieutenant Karen Cagle, Lieutenant Steven Cerveny, Lieutenant Cornelius Cummings, Lieutenant William Dronen, Lieutenant John Druelle, Lieutenant Thomas English, Lieutenant Todd Fisher, Lieutenant Mark Graboski, Lieutenant Wendy Hart, Lieutenant Brian Hopkins, Lieutenant Joseph Klatt, Lieutenant Richard Nameniuk, Lieutenant Stephen Priebe, Lieutenant Michael Rasch, Lieutenant William Strickland, Lieutenant Keith Trepanier, Lieutenant Charles Webb, Lieutenant Martin Simpson, Lieutenant Donnis Waters, Senior Chief Aviation Maintenance Technician John Burns, Senior Chief Aviation Survival Technician Jeffery Tunks, First Class Avionics Electrical Technician Ronald Jester, First Class Avionics Electrical Technician Jon Schroeder, First Class Aviation Maintenance Technician Anthony Johnson, First Class Aviation Survival Technician James Dix, First Class Aviation Survival Technician Blain Elkins, First Class Aviation Survival Technician Jeffrey Galbraith, First Class Aviation Survival Technician Dustin Skarra, Second Class Aviation Survival Technician Jason Edmiston, Second Class Avionics Electrical Technician Benjamin Berman, Second Class Avionics Electrical Technician Charles Lowmaster, Second Class Avionics Electrical Technician Stephanie Sera, Second Class Aviation Maintenance Technician Robert Bradley, Second Class Aviation Maintenance Technician Stevenjohn Conrad, Second Class Aviation Maintenance Technician Stephen Fruzan, Second Class Aviation Maintenance Technician Gabriel Grise, Second Class Aviation Maintenance Technician Michael Lewis, Second Class Aviation Maintenance Technician Karl Williams, Second Class Aviation Maintenance Technician Daniel Hoffmeier, Second Class Aviation Maintenance Technician David Villarreal, Second Class Aviation Survival Technician William Johnson, Second Class Aviation Survival Technician James Farmer, Third Class Aviation Maintenance Technician Richard Amelio, Third Class Aviation Maintenance Technician Joshua Nichols, Third Class Aviation Maintenance Technician Mathew Quiggle, Third Class Aviation Survival Technician Keric Allen, Third Class Aviation Survival Technician Sara Faulkner, Third Class Aviation Survival Technician Jeff Lowe, Third Class Aviation Survival Technician Jonathan Ptak and Third Class Aviation Survival Technician Aaron Raines.

Mr. President, these awards are a small token of the appreciation and thanks that are owed to the dedication to duty and self sacrifice these helicopter crews, technicians and support personnel displayed. The impact of the brave and tireless efforts of these 95 personnel directly impacted the rescue of 50 times their number. These individuals deserve our gratitude, our praise and most importantly our continued support as they conduct on a daily basis, vital rescue and relief missions for the citizens of the Gulf Coast. Thank you for a job well done and for continuing to support our Nation.

ADDITIONAL STATEMENTS

TRIBUTE TO SANDY BUCHANAN

• Mr. BUNNING. Mr. President, today I pay tribute to Sandy Buchanan of Cold Spring, KY, for her 41 years of service and devotion to the Disabled American Veterans. Her steadfast support reinforces her organization's honorable goal of building better lives for America's disabled veterans and their families.

The Disabled American Veterans is a service organization for the brave men and women who have become sick and disabled as a result of wartime military service. Founded in 1920, this organization serves veterans who have fought in combat since World War I.

Ms. Buchanan began work as a keypunch operator for the Disabled American Veterans on October 12, 1964. In her four decades of service, she has helped the organization grow from supporting 178.864 members to representing 1.3 million members. Over the years, she has risen to the position of executive assistant at the National Headquarters in Cold Spring, KY. During her tenure, Ms. Buchanan has served combat veterans of every war and conflict since World War I.

I now ask my fellow colleagues to join me in thanking Ms. Buchanan for her dedication and commitment to the Disabled American Veterans. Her devotion to our Nation's combat heroes serves as an example to all citizens of the Commonwealth.•

CONGRATULATING ST. ELIZABETH MEDICAL CENTER

• Mr. BUNNING. Mr. President, today I rise to congratulate St. Elizabeth Medical Center of northern Kentucky. St. Elizabeth has been named as a magnet hospital by the American Nurses Credentialing Center.

Designation as a magnet hospital by this organization is an extremely prestigious honor, so much so that some have called it the Nobel Prize of hospital nursing. Fewer than 200 providers have received this recognition. This puts St. Elizabeth in the company of only 3 percent of U.S. hospitals.

Just as the award it has received indicates, St. Elizabeth acts as a magnet for nursing. It offers the exceptional quality of nursing care and attracts and retains the most talented nurses. Not only is this good news for St. Elizabeth, but it is good news for the community—they know that if they go to this facility, they will be receiving some of the best care in the country. I am extremely excited that northern Kentucky is receiving the nursing care that it deserves.

I congratulate St. Elizabeth Medical Center on this achievement. Everyone involved with this institution is an inspiration to the citizens of Kentucky. I look forward to all that St. Elizabeth accomplishes in the future.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5384. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 3:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5403. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

At 4:11 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4681. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5384. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment and with an amended preamble:

S. Res. 301. A resolution commemorating the 100th anniversary of the National Audubon Society.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 801. A bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse".

S. 2650. A bill to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse."

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. WARNER for the Committee on Armed Services. Air Force nomination of Gen. Michael V. Hayden to be General.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS:

S. 2994. A bill to provide for the mandatory revocation, in addition to the mandatory denial, of passports of individuals who have a certain level of child support arrearages; to the Committee on Finance.

By Mr. DEMINT:

S. 2995. A bill to suspend temporarily the duty on Butanedioic acid, dimethylester polymer with 4-hyroxy-2,2,6 ,6-tetramethyl-1-piperdine ethanol; to the Committee on Finance.

By Mr. DEMINT:

S. 2996. A bill to suspend temporarily the duty on 2-(2H-Benzotriazol-2-yl)-4,6-bis(1,1-dimethylpropyl)phenol; to the Committee on Finance.

By Mr. DEMINT:

S. 2997. A bill to suspend temporarily the duty on Decanedioic acid, bis(2,2,6,6-tetramethyl-4-piperidinyl) ester; to the Committee on Finance.

By Mr. DEMINT:

S. 2998. A bill to suspend temporarily the duty on 1 ,2-Bis(3-aminopropyl) ethylenediamine, polymer with N-butyl-2,2,6 ,6-tetramethyl-4-piperidinamine and 2,4,6-trichloro-1,3,5-triazine; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, and Mr. DOMENICI):

S. 2999. A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3000. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 3001. A bill to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3002. A bill to suspend temporarily the duty on a mixture of barium carbonate, strontium carbonate, calcium carbonate, methoxy-2-propananolacetate-1, for use as emitter suspension cathode coating; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3003. A bill to suspend temporarily the duty on resin cement based on calcium carbonate and silicone resins; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3004. A bill to suspend temporarily the duty on Phosphor YOX, yttrium oxide phosphor, activated by europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3005. A bill to suspend temporarily the duty on Phosphor-BAG-barium magnesium aluminate phosphor; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3006. A bill to suspend temporarily the duty on Yttrium vanadate phosphor; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3007. A bill to suspend temporarily the duty on phosphor SCAP strontium chloroapatite-europium; to the Committee on Finance .

By Mr. REID (for Mr. ROCKEFELLER):

S. 3008. A bill to suspend temporarily the duty on preformed pellets of a mixture of sodium iodide, thallium iodide, dysprosium tri-iodide, holmium tri-iodide, thulium tri-iodide, and sometimes calcium iodide; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3009. A bill to suspend temporarily the duty on aluminum nitrate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3010. A bill to suspend temporarily the duty on Halophosphor calcium diphosphate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3011. A bill to suspend temporarily the duty on phosphor zinc silicate; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3012. A bill to suspend temporarily the duty on strontium magnesium phosphate-tin doped; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3013. A bill to suspend temporarily the duty on phosphor-YOF FLU PDR YOX; yttrium oxide phosphor, activated by europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3014. A bill to suspend temporarily the duty on phosphor-stronrium blue, strontium fluorophosphate, antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3015. A bill to suspend temporarily the duty on calcium halophosphate phosphor activated by manganese and antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3016. A bill to suspend temporarily the duty on ceramic frit powder; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3017. A bill to suspend temporarily the duty on Phosphor Lite White and Phosphor Blue Halo; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3018. A bill to suspend temporarily the duty on Phosphor-SCA, strontium halophosphate doped with europium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3019. A bill to suspend temporarily the duty on phosphor-cool white small particle calcium halophosphate phosphor activated by manganese and antimony; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3020. A bill to suspend temporarily the duty on phosphor LAP lanthanum phosphate phosphor, activated by cerium and terbium; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3021. A bill to suspend temporarily the duty on Cerous nitrate; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3022. A bill to suspend temporarily the duty on certain camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3023. A bill to suspend temporarily the duty on waste of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3024. A bill to suspend temporarily the duty on certain camel hair carded or combed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3025. A bill to suspend temporarily the duty on woven fabric of vicuna hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3026. A bill to suspend temporarily the duty on certain camel hair not processed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3027. A bill to suspend temporarily the duty on noils of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3028. A bill to suspend temporarily the duty on kashmir; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 3029. A bill to extend temporarily the suspension of duty on combed cashmere; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. LIEBERMAN, and Mr. KENNEDY):

S. 3030. A bill to extend the period for unemployment compensation under the Katrina Emergency Assistance Act of 2006; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEWINE:

S. 3031. A bill to suspend temporarily the duty on certain articles of platinum; to the Committee on Finance.

By Mr. DEWINE:

S. 3032. A bill to suspend temporarily the duty on certain nickel alloy wire; to the Committee on Finance.

By Mr. DEWINE:

S. 3033. A bill to suspend temporarily the duty on Methylionone; to the Committee on Finance.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 3034. A bill to suspend temporarily the duty on titanium mononitride; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Ms. SNOWE, and Mr. CHAFEE):

S.J. Res. 37. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. MURKOWSKI, and Mr. VOINOVICH):

S. Res. 491. A resolution recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist, and commemorating the 65th anniversary of his death on June 29, 1941; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. Res. 492. A resolution to amend the Standing Rules of the Senate to prohibit Members from using charitable foundations for personal gain; to the Committee on Rules and Administration.

By Mr. DEWINE (for himself and Mr. DODD):

S. Res. 493. A resolution calling on the Government of the United Kingdom to establish immediately a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Western Park agreement and a way forward for the Northern Ireland Peace Process; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 333

At the request of Mr. SANTORUM, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 380

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 457

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 577

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 577, a bill to promote health care coverage for individuals participating in legal recreational activities or legal transportation activities.

S. 660

At the request of Mrs. DOLE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 660, a bill to provide for the acknowledgement of the Lumbee Tribe of North Carolina, and for other purposes.

S. 760

At the request of Mr. INOUYE, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 760, a bill to amend the Public Health Service Act to provide a means for continued improvement in emergency medical services for children.

S. 770

At the request of Mr. LEVIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 1479

At the request of Mr. DODD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1507

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1507, a bill to protect children from Internet pornography and support law enforcement and other efforts to combat Internet and pornography-related crimes against children.

S. 1948

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1948, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of passenger motor vehicles, and for other purposes.

S. 2135

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2135, a bill to direct the Secretary of Transportation to report to Congress concerning proposed changes to long-standing policies that prohibit foreign interests from exercising actual control over the economic, competitive, safety, and security decisions of United States airlines, and for other purposes.

S. 2140

At the request of Mr. HATCH, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2140, a bill to enhance protection of children from sexual exploitation by strengthening section 2257 of title 18, United States Code, requiring producers of sexually explicit material to keep and permit inspection of records regarding the age of performers, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2302

At the request of Mr. INHOFE, his name was added as a cosponsor of S. 2302, a bill to establish the Federal Emergency Management Agency as an independent agency, and for other purposes.

S. 2306

At the request of Mr. LEVIN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2306, a bill to amend the National Organ Transplant Act to clarify that kidney paired donation and kidney list donation do not involve the transfer of a human organ for valuable consideration.

S. 2321

At the request of Mr. SANTORUM, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2424

At the request of Mr. ALLEN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2424, a bill to amend the Internal Revenue Code of 1986 to increase the contribution limits for health savings accounts, and for other purposes.

S. 2435

At the request of Mr. LUGAR, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Delaware (Mr. BIDEN), the Senator from West Virginia (Mr. BYRD) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2435, a bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes.

S. 2467

At the request of Mr. GRASSLEY, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 2467, a bill to enhance and improve the trade relations of the United States by strengthening United States trade enforcement efforts and encouraging United States trading partners to adhere to the rules and norms of international trade, and for other purposes.

S. 2503

At the request of Mrs. LINCOLN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2503, a bill to amend the Internal Revenue Code of 1986 to provide for an extension of the period of limitation to file claims for refunds on account of disability determinations by the Department of Veterans Affairs.

S. 2563

At the request of Mr. COCHRAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy co-branding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA–PD plans under such part.

S. 2566

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Vermont (Mr. LEAHY) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2784

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 2784, a bill to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, non-violence, human rights, and religious understanding.

S. 2810

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2970

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. HARKIN), the Senator from California (Mrs. BOXER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2970, a bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes.

S. CON. RES. 20

At the request of Mr. COCHRAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Con. Res. 20, a concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 224

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 224, a resolution to express the sense of the Senate supporting the establishment of September as Campus Fire Safety Month, and for other purposes.

S. RES. 405

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 405, a resolution designating August 16, 2006, as "National Airborne Day".

S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

AMENDMENT NO. 4045

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 4045 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4071

At the request of Mr. BOND, the names of the Senator from Texas (Mrs.

HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 4071 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4083

At the request of Mr. FEINGOLD, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 4083 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4114

At the request of Mr. GREGG, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 4114 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4124

At the request of Mr. BURNS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 4124 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4127

At the request of Mr. BYRD, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of amendment No. 4127 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4144

At the request of Mrs. BOXER, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4144 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4167

At the request of Mr. COLEMAN, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4167 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4175

At the request of Ms. STABENOW, her name was added as a cosponsor of amendment No. 4175 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4178

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 4178 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS:

S. 2994. A bill to provide for the mandatory revocation, in addition to the mandatory denial, of passports of individuals who have a certain level of child support arrearages; to the Committee on Finance.

Mr. ROBERTS. Mr. President, I rise today to offer legislation that helps to prevent children from living in poverty and ensures that noncustodial parents pay child support, instead of fleeing off to hide from their responsibilities. I commend my fellow Kansas colleagues, Congressman JERRY MORAN and Congressman DENNIS MOORE, for introducing similar legislation in the House.

The problem is this: a noncustodial parent could potentially avoid paying their responsible share of child support by leaving the country. State child support enforcement agencies must certify cases to the State Department for passport denial if the child support debt is over $5,000. The $5,000 is slated to be reduced in October 2006 to $2,500 in accordance with Public Law 109-171. The loophole that emerges is for those deadbeat parents who already have a passport. Under current implementation of the law, the next opportunity point of enforcement is at the renewal of the passport, which could be several years down the road. The legislation I offer today closes that loophole, and simply instructs the State Department to revoke, in addition to denying, a noncustodial parent's passport once the individual's child support debt exceeds the amount set in law.

Studies show that the receipt of child support is a key factor that keeps a child and single parent family from living in or near poverty. Beyond that financial security that steady child support provides, there is a greater likelihood that the noncustodial parent is personally involved in their child's life. If a parent shows responsibility financially, there is a bigger chance that he or she is involved emotionally. The impact of a noncustodial parent's involvement in his child's life, in many cases, results in better grades and fewer behavioral problems.

In Kansas alone, there are currently 131,000 child support cases open, including those receiving public assistance, and those above that income bracket. Last year, the Kansas Child Support Enforcement program collected $156 million in child support. However, that number represents only 54 percent of all payments owed to children. Unfortunately, that missing 46 percent of child support overdue averages out to just over $7,000 per child. That is quite a loss for a single-parent's household budget to absorb.

Now, you might ask: What percentage of the population will this help? I would concede that, although this may not impact a high percentage of those children and families receiving child support, the impact on an individual family is very significant. According to my State's limited records on this issue, approximately 50 passport applications and renewals are denied on a yearly basis. That figure does not include those passports that should be revoked. Coupled with the upcoming reduction in allowable debt, the Kansas Child Support Enforcement Program estimates that the number of deadbeat parents affected would increase to 250. The security afforded by the steady stream of child support could be the lone determinant of a family living in poverty or existing on adequate financial ground.

I encourage my colleagues to add their support to this important fix. We must ensure that the tools provided to the States have the teeth necessary to discourage deadbeat parents from running out on their financial responsibilities.

By Mr. DEWINE (for himself, Mr. ROCKEFELLER, and Mr. DOMENICI):

S. 2999. A bill to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes; to the Committee on Finance.

Mr. DEWINE. Today I join with my colleagues Senator ROCKEFELLER and Senator DOMENICI to introduce the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am proud to have had the opportunity to again work with my friend, Senator ROCKEFELLER, on the important issues affecting the most vulnerable and at risk children—children in foster care. This is an important bill and I hope we will be able to pass swiftly.

In 1997, I worked on the Adoption and Safe Families Act, an important bill that worked to provide timelier placement of children in foster care. Since that time, it has been successful. Dramatically more children are being adopted. Children are spending less time languishing in foster care and have greater opportunities to find a permanent home or family. However, there are barriers that remain for children in foster care—particularly for children who are placed across state lines for various reasons—including trying to place them with family members or if a family in another state is looking to adopt that child. These children are shown to continue to remain in foster care for much longer periods of time. Through no fault of their own—they wait for placement and wait for a permanency in their lives that children long for and deserve.

I also want to thank the work that the States have done to alleviate the problems we currently find in interstate placement. This has been a problem for many years, but recently States have been active in creating and promulgating guidelines for dealing with complications that can arise related to interstate placement. I hope that we can see these guidelines soon implemented. The primary power to move these children to homes rests with the States, and we want to encourage their quick action.

This bill will require and support States in the expeditious study of homes for children in foster care who may be placed or adopted across State lines. This bill would allow a 60-day period for such study to occur—while 2 months is a long time in the life of a child, we feel that it is an appropriate balance between the needs of the State and child welfare agencies to conduct thorough assessments and the needs of the child to be in a more permanent home.

This bill also expresses the sense of the Congress that States should accept the home study evaluations done by another State. This would go a long way to reduce time waiting for placement and redundancy of effort in the child welfare system.

Importantly, this bill is not just another mandate on States. This bill would provide resources to enhance and speed up their systems for interstate placement—but States do have to earn it. If passed, it would provide $1,500 per child who was placed within a 30-day period. States can use this money to improve their systems for placement, hire more staff to conduct placement, or otherwise use it for improvement of services for foster children in their State.

This bill will also improve the rights of children and their foster, pre-adoptive parents, or family caregivers to be heard in court proceedings concerning their case within the child welfare system. It is important that a child's needs are appropriately represented and this bill will work to ensure that the parties most involved in the child's life are present when important matters are being considered. Courts will also be required to work more closely with their counterparts in other States when the situation warrants. The judges who work with the child welfare system hold so much power in so many children's lives. We must continue to encourage their cooperation with outside stakeholders, including child welfare systems and court systems in other States, to quickly move these children to permanent homes. There is no excuse for a child to languish in a system for months and sometimes years of their lives due to court inaction or delay.

Again, I want to thank my colleagues for their work and support of these efforts. I am confident that we can work together to quickly pass this legislation and put it to work for our Nation's children.

Mr. ROCKEFELLER. Today, I rise to join my colleagues Senators DEWINE and DOMENICI to introduce the Safe and Timely Interstate Placement of Foster Children Act of 2006. This is a bipartisan initiative that I have been working on for several years.

This legislation could help to deliver on the promises made in the Adoption and Safe Families Act of 1997 which stated that geographic barriers should not delay or deny adoptions. Unfortunately, data continues to suggest that it can take twice as long for a child to leave foster care to an out-of-state placement. When a child leaves foster care and goes out of state, half of the time the child is being adopted and gaining a permanent home. In about twenty percent of the cases, a child is being placed with a parent or caretaker. These are good, permanent options for children, and it should not take twice as long to achieve such a placement.

This new legislation could provide incentives for States to process these out-of-state claims more quickly. In my view, this complements and builds upon actions by many States to update the 1960 Interstate Compact for the Placement of Children. The purpose of this legislation is to add specific timeframes and to provide federal incentives to achieve the goal set in 1997 of reducing and eliminating geographic barriers.

As technology has vastly improved, and more families seek to open their hearts and homes to children in foster care, we need improved regulations and policies to serve such families. This legislation is part of the DeWine-Rockefeller bill, called the "We Care Kids Act". Thanks to the leadership of Chairman GRASSLEY, the major provisions of We Care Kids Act were included in the reconciliation package to invest in court training and data to help judges have insight and the information needed to care for the vulnerable children in foster care. But action could not be taken to improve interstate case planning within the reconciliation bill. In 2004, similar legislation passed the House of Representatives. Today, we are re-introducing the legislation for timely placements of children across state lines. Hopefully the Senate will act, and we can help children in foster care get a permanent home in a timely manner.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 3000. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, I rise today to introduce legislation which will resolve an ongoing dispute in our State concerning rights of way in the Copper River Valley region.

In 1906, Congress passed the Alaska Native Allotment Act, which allowed Alaska Natives to each claim up to 160 acres of land. Between 1906 and 1970, Alaska Natives filed allotment applications. The majority of these were filed in the late 1960s. In 1971, Congress repealed the Alaska Native Allotment Act as part of the Alaska Native Claims Settlement Act. Congress then resolved all outstanding land claims by approving pending applications in the 1980 Alaska National Interest Lands Conservation Act. This approval was subject to valid existing rights.

When it settled the outstanding land claims in our State, Congress unintentionally created an issue which is now the subject of several lawsuits. In the 1950s and 1960s, the Federal Government and the State of Alaska granted rights of way to the Copper Valley Electric Association to run power lines across areas in our State which were later claimed by Alaska Natives. These rights were conveyed before Alaska Native allotment claims had been filed and processed.

Since outstanding land claims were approved through ANILCA in 1980, several Native allottees have come forward and claimed the Copper Valley Electric Association is trespassing on their lands. In 1987, the Interior Board of Land Appeals affirmed this position, finding Native allotees have priority over other competing uses of land—in this case, those of the utility company—regardless of the fact that the rights of way were granted prior to the conveyance of the property in question to the allotees. This situation is still unresolved and has resulted in years of litigation.

We have been unable to settle these disputes through existing remedies. These conflicts now jeopardize existing transportation and utility corridors. This issue threatens future infrastructure development in the region.

At my request, the Government Accountability Office, GAO, reviewed this situation. The GAO issued its report and recommended solutions. This bill incorporates the GAO's recommendation. It compensates the owners of the Native allotments, while ensuring that the utility companies are able to provide residents with the infrastructure and services they need. I believe this is the most equitable solution available, and I urge the Senate to pass this bill.

By Mr. SPECTER (for himself and Mrs. FEINSTEIN):

S. 3001. A bill to ensure that all electronic surveillance of United States persons for foreign intelligence purposes is conducted pursuant to individualized court-issued orders, to streamline the procedures of the Foreign Intelligence Surveillance Act of 1978, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.

First, I would like to thank Senator FEINSTEIN and her staff for their work on what I believe is an excellent and much needed proposal.

No one disputes that preserving our homeland must be our first priority. Without that, every other goal falls away. And no one can dispute that the enemy we face today is an enemy beyond negotiation. It is an enemy that believes it is on a mission from God to establish a worldwide theocracy and destroy all those who preach tolerance of other ideas. It is an enemy that regards mercy as a moral failing, and proudly plays videotapes of its followers beheading innocent civilians.

At the same time, no one disputes that we must, in fighting to preserve America, ensure that we protect what is uniquely American—our way of life, our principles, and our belief in liberty. Throughout our history, we have balanced the need to protect our Nation with the need to preserve our freedom.

No one disputes that we must continue to achieve both of these ends. The question is how to do so.

I believe that the Foreign Intelligence Surveillance Improvement and Enhancement Act goes a long way to answering this question. It is a responsible bill that establishes a workable framework for the future.

This bill eliminates some artificial and outdated constraints in FISA:

It grants the executive branch 7 days, instead of 3 days, for seeking an emergency order—a change that the FISA judges who testified before the Judiciary Committee advocated; it cuts through redtape by confirming that applications for FISA orders may be made by delegees of the Attorney General, such as the Deputy Attorney General and Assistant Attorney General of the National Security; it creates new emergency provisions, allowing extended periods of surveillance in the event our Nation is once again attacked; and it allocates additional personnel to DOJ to prepare applications for FISA orders in a prompt and timely manner.

This bill also ensures that our civil liberties are protected by strengthening oversight of the executive branch:

It eliminates the current ambiguity in FISA and the National Security Act of 1947, and makes it clear the executive branch must inform all members of the Senate and House Intelligence Committees on all electronic surveillance programs; it requires the executive branch to submit an additional report to the congressional Intelligence Committees listing any recommendations for legislative or administrative improvements in FISA, so that we in Congress can update FISA as needed; it establishes rigorous reporting requirements for the exercise of emergency surveillance powers; and it establishes a document management system to ensure that information concerning electronic surveillance programs is readily available for review by the Foreign Intelligence Surveillance Court and Congress, to allow for short term decisions and long-term accountability.

I do have one concern over the bill, a concern over constitutionality. The bill states that the only way the President may carry out electronic surveillance is through the procedures outlined in FISA or the Federal Criminal Code. During the four hearings I held in the Senate Judiciary Committee, numerous scholars and five FISA judges called this provision into question. They testified that the President has certain inherent powers that we in Congress cannot take away. They explained that to the extent a bill purports to override the President's inherent powers, and tell the President that he may not use them, the bill might be unconstitutional.

I think this is precisely the type of complex and weighty concern that we should work out in the Judiciary Committee, through study, analysis, and discussion. And I look forward to having those discussions with Senator FEINSTEIN and the other members of the committee.

I urge my colleagues to support the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2006.

Mrs. FEINSTEIN. Mr. President, I am pleased today to introduce legislation with Senator SPECTER to reaffirm the exclusivity of the Foreign Surveillance Intelligence Act of 1978, FISA, and streamline the process by which it works.

This measure brings the so-called Terrorist Surveillance Program being conducted by the National Security Agency under the process required by FISA. The bill will enhance our national security and provide constitutional protections against government intrusion into the privacy of ordinary Americans.

Specifically, the bill that we introduce today would:

Restate, in no uncertain terms, that FISA is the exclusive means by which our Government can conduct electronic surveillance of U.S. persons on U.S. soil for foreign intelligence purposes;

Expressly state that there is no such thing as an "implied" repeal of our FISA laws. No future bill can be interpreted as authorizing an exception from FISA unless it expressly makes such exception;

Increase flexibility under FISA by extending the period of emergency electronic surveillance from 72 hours to 7 days, which should cover all contingent needs; and

Authorize designated supervisors at the NSA and the FBI to initiate emergency electronic surveillance, provided that the surveillance is reported to the Attorney General within 24 hours, and approved by the AG within 3 days and the FISA Court within 7 days. The purpose of this is to prevent bureaucratic delay in an emergency circumstance.

In addition to these major provisions, the legislation we introduce today makes several additional changes to reinforce FISA's exclusivity and adapt existing FISA authorities and procedures.

These changes are designed to allow applications to move faster from the field to the FISA Court, and to allow that Court to handle any increased caseload that will result from bringing the current NSA program into the FISA regime.

These additional authorities, streamlined procedures, and additional resources respond directly to needs described by the Attorney General, current and former FISA Court judges, and outside experts. Specifically, the bill:

Allows the Attorney General to delegate his authority to approve applications going to the FISA Court to two other Senate-confirmed Justice Department officials;

Takes FISA's current allowance for 15 days of warrantless electronic surveillance following a declaration of war and extend it to the 15 days:

1. Following a Congressional authorization to use military force, or

2. A major terrorist attack against our nation for the same period of time.

Authorizes additional personnel at the NSA, the FBI, the Department of Justice, and the FISA Court, to reduce the time it takes to initiate, review, and file a FISA application.

Allows for additional judges to the FISA Court as needed to manage the caseload;

Facilitates a review of the FISA application process, culminating in a report designed to eliminate any unnecessary delay in the filings; and

Mandates the creation of a secure, classified document management system to facilitate electronic filing.

In addition to reaffirming FISA's exclusivity, as I mentioned before, the legislation:

Prohibits the use of Federal funds for any future electronic surveillance of U.S. Persons that does not fully comply with the law; and

Requires that the full Intelligence Committees be briefed on all electronic surveillance, and related, programs.

We are in a war against terrorists, who seek to attack us in unpredictable and asymmetric ways.

Intelligence is the key to our defense; we must know about the terrorists' intentions and capabilities to do us harm if we are to stop them.

Electronic surveillance, including surveillance conducted within the United States on U.S. persons, is part of our defense. The men and women at the NSA and the FBI who do this work are careful, dedicated officials.

But even in this war on terror, we should not sacrifice basic protections enshrined in the Constitution, including the fourth amendment protections against unreasonable search and seizures.

The FISA Court was created in 1978, following the Church Committee's investigation of some of our Government's worst civil rights violations—J. Edgar Hoover's spying on Martin Luther King, Jr., and Vietnam-era "enemies lists," for example. These abuses were the result of domestic spying—electronic surveillance—under the guise of foreign intelligence.

In response, Congress, working with both the Ford and Carter administrations, drafted and later enacted FISA in 1978 to be the exclusive means to conduct electronic surveillance of U.S. persons. It created a special court—operating in secret—that has to approve a warrant for every domestic wiretap, and provides for careful congressional oversight.

Over the years, this FISA court has rejected only a small handful of thousands of warrant requests, and has never had a significant leak. After the PATRIOT Act was passed in October 2001, for example, the Justice Department stated that FISA has worked efficiently and well.

In the past 28 years, technology has changed, as have our enemies. And from time to time, when requested by various administrations, we have made technical changes to FISA.

But the need to protect privacy rights by requiring individual warrants from a FISA judge, and the exclusivity of FISA, have remained constant.

The domestic electronic surveillance that has been conducted since October 2001 operates, for the most part, outside of the law. In addition, the way the administration has moved forward with this program has brought us to the brink of a constitutional confrontation.

The legislation that Senator SPECTER and I are introducing today brings the surveillance program under appropriate supervision and restores the checks and balances between the branches of government.

As one who has been briefed on the details of the NSA surveillance program, I have come to believe that this surveillance can be done, without sacrifice to our national security, through court-issued individualized warrants for all content collection of U.S. persons under the FISA process.

Further, testimony and letters from the Attorney General, former Director of the NSA General Hayden, and other administration officials have provided no reason, other than that of timeliness, why the NSA program couldn't proceed under the FISA regime.

This legislation would help transform the FISA process into one agile enough to meet the administration's need for timely action, while also preserving judicial oversight and our important constitutional privacy protections.

In an April 6 hearing before the House Judiciary Committee, Attorney General Gonzales openly suggested that warrants might have been obtainable for everything that the NSA is doing, and then testified that the main "problem" he saw with FISA was one of "timing."

After the Attorney General's testimony, I wrote to him asking him why these timing problems could not be addressed directly, so that we could return to the FISA process followed by all Presidents since Jimmy Carter.

The Justice Department's response does not provide a reason why FISA's timing problems are incapable of being fixed. All it demonstrates is that this administration is not interested in trying to fix them.

This bill addresses all of the concerns noted in the Attorney General's letter.

The primary concern raised was that current law requires the Attorney General to determine that FISA's factual predicates have been met before authorizing the surveillance to begin. In other words, he suggests that there is important surveillance he might delay, or even avoid, if he must determine in advance that a court will grant approval. But this bill eliminates the requirement for Attorney General approval before surveillance begins.

Under this bill, if the circumstances warrant, an Attorney General-designated supervisor of the NSA or FBI can begin emergency surveillance immediately. The designated officer would have to notify the Attorney General's office within 24 hours of starting, and then get approval from the AG within 72 hours. The Department of Justice would then need to obtain an emergency warrant from the FISA court within 7 days of the initiation of surveillance.

The Attorney General's role would simply be to decide whether to stop the surveillance—not authorize it on the front end. And even on this decision to stop surveillance, the bill allows him to delegate that decision to two other Department of Justice officials. If the Court does not issue a warrant, the information cannot be used in any legal proceeding.

This provision is respectful of the administration's needs. The 7-day emergency window in this bill more than doubles the existing 3-day period that exists for emergencies now. It also extends substantial additional resources to the Department of Justice and the intelligence agencies. And as I say, our bill expressly authorizes a designated agent to go ahead with necessary surveillance right away.

The Attorney General's letter also asserts that FISA is unworkable because prompt action increases the chance that the target of surveillance may ultimately be notified if the FISA Court later turns down the warrant.

The risk here is no different than the risk every prior Administration has faced. And it is also infinitesimal, since only a small handful of FISA applications—only 4 out of 18,747 from 1979–2005, according to press reports—have ever been refused by the FISA Court.

Even in the extremely rare case of where a FISA Court denies an emergency warrant, and therefore directs notification of the target of surveillance, the FISA law has a provision that exempts the Attorney General from notifying the target if he certifies that doing so would imperil national security.

Despite the remote chances of national security being compromised, the legislation gives the Attorney General the benefit of the doubt, and provides that if the Attorney General or his designees stops the NSA or FBI surveillance within 72 hours, the target of surveillance will not be notified.

Beyond the Attorney's General letter, the White House, the Department of Justice, and intelligence officials say that court review of the surveillance is not necessary for three reasons:

First, they argue that the President has the constitutional authority to order the surveillance, regardless of statutory prohibitions. This is a question for the courts to decide.

It is highly debatable whether the President has plenary article II constitutional power, but even if he does, he clearly does not have plenary authority to decide which of his powers are plenary. If he did, any Executive Branch official could open mail, or enter homes at any time without a warrant in the name of national security, and the doctrine of separation of powers as we know it would end.

Secondly, the administration argues that the NSA electronic surveillance program is subject to numerous reviews and safeguards at both the Department of Justice and the National Security Agency, thus making outside oversight unnecessary.

This argument flies in the face of our system of government. We have three separate branches of government, each with checks and balances on the other two. The framers of the Constitution did not vest the Executive Branch with the right to oversee itself; that is the responsibility of the Congress and the Courts.

We have also recently seen how this arrangement of internal reviews, even if it were acceptable, simply does not work. Within the Department of Justice, the Office of Professional Responsibility was recently asked to review the legality of the activities of those involved in the surveillance program outside of FISA, but we have learned that OPR was denied the security clearances needed to do their work.

Finally, as I noted before, the Executive Branch says that outside review by the Congress and the courts would hamstring their ability to prevent terrorist attacks. I do not believe that is true, based on the briefings I have received, but even if it were, the answer is to amend FISA, not to throw it out. The FISA law has been changed since September 11 through the PATRIOT Act and the renewal of the PATRIOT Act. It can be done again. In short, if the President sees problems with an existing law, the simple answer is that he should ask to change it—not refuse to follow the law.

This war on terror will be a long war, and it will be mostly fought in the shadows.

It is thus especially important that the Congress and the American people be assured that we are waging that war in a way that upholds our principles and follows the Constitution.

I believe that our national security and core privacy interests can both be protected, given the right tools and authorities, if each branch of government will work together to fulfill their respective roles and obligations.

Congress was able to do that more than 25 years ago when it first enacted FISA, and I am confident we can do it again today.

I have been waiting for the NSA to submit views regarding metadata—that is, information about communications that does not include content. It is my strong belief that any and all metadata collection programs should be approved by FISA on a program basis. I would hope to add such a provision to this bill at a later time or to introduce a new bill to cover this subject.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Ms. SNOWE, and Mr. CHAFEE):

S.J. Res. 37. A joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, I am very pleased to join my distinguished colleagues, the Senator from Connecticut, Mr. LIEBERMAN, the senior Senator from Maine, Ms. SNOWE, and Senator CHAFEE in introducing this joint resolution, which would affirm the Senate's commitment to recognize the International Emergency Management Assistance Compact, IEMAC. The purpose of IEMAC is to provide mutual assistance among the States of the Northeastern United States and the Provinces of eastern Canada for responding to any type of disaster, whether arising from natural or manmade causes.

A number of recent disasters and emergencies have necessitated mutual aid and assistance among the Northeastern States and eastern Canadian Provinces. For example, both the January 1998 ice storm and the August 2003 blackout left millions of people without electrical power, knocked out public water supplies and other essential services, and caused billions of dollars in property damage or business losses. In the past quarter century alone, there have been more than 100 presidentially declared disasters and emergencies in the Northeast, or, on average, about four per year. Many of these events required State and Provincial emergency management organizations to request out-of- jurisdiction mutual assistance to deal with the emergency.

The importance of mutual assistance was made clear by Hurricane Katrina, in which 44 States and the District of Columbia received presidential emergency declarations. This was the largest number of declarations ever made for a single disaster in FEMA history. Most of these declarations were not the result of States receiving direct damage from the storm but rather because they reached out to assist the devastated States through the nationwide Emergency Management Assistance Compact, EMAC, sending personnel, equipment and supplies into the stricken areas. In addition, numerous host States opened shelters to assist hurricane evacuees.

The genesis of IEMAC was the 1998 ice storm. The worst ice storm in our region's history demolished power lines from Quebec, through upstate New York, across Vermont, New Hampshire and Maine. As many as 4 million people were without electricity, some 700,000 people for as long as 3 weeks, and damage topped $6 billion.

The following June, the New England Governors Conference and Eastern Canadian Premiers signed Resolution No. 23-5 to adopt an International Emergency Management Assistance Agreement. The resulting memorandum of understanding was adopted by the conference in July 2000. In October of 2004, the memorandum of understanding was the renamed International Emergency Management Assistance Compact. The Governors and Premiers established the International Emergency-Management Group, IEMG, to implement the compact and to work closely developing plans to train and exercise for disasters and emergencies that could affect the Northeastern States and Provinces. The Management Group meets regularly and has recently developed a draft operational manual to fully implement the compact, which is slated to be approved at the IEMG meeting in Quebec this month.

The members of the compact are the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and the Provinces of Québec, New Brunswick, Prince Edward Island, Nova Scotia, and Newfoundland. Other States and Provinces may join the compact in the future.

IEMAC provides form and structure to international mutual aid between the Northeastern States and eastern Canadian Provinces. It addresses such issues as liability, payment, and credentialing before the emergency occurs, which allows for expedited deployment of resources and personnel in time of emergency. Working out the myriad legal and technical details in advance is especially important when resources and personnel must cross international boundaries.

The value of the compact already has been demonstrated. When Hurricane Juan slammed into Nova Scotia in late September of 2003, partners in the existing memorandum of understanding provided quick and substantial aid to the stricken province. When Nova Scotia, still recovering from the hurricane, was hit again just a few months later by "White Juan," a powerful blizzard, effective mutual aid again alleviated the suffering.

The compact was formed in the aftermath of a powerful ice storm, but the terrorist attacks of 9/11 amplified its importance. The Northeastern United States and eastern Canada are home to major population centers, vast industrial facilities, major cargo ports, and nuclear power plants—all potential terrorist targets. In the event of an attack, tighter border security would be both inevitable and necessary, and the prearrangements made through the compact would be invaluable.

The role of the compact is ever expanding. There are a multitude of threats facing the Northeast States and eastern Canadian Provinces today, and the close working relationship of the member jurisdictions fosters a cooperative environment and creates a strong partnership. These strong bonds contribute to the goals of a more secure region and an effective response capability when a disaster or emergency does occur.

As has been seen numerous times in the past, disasters know no boundaries—municipal, State, provincial or international. I ask you to join me in adopting the International Emergency Management Assistance Compact so that in a time of disaster the boundaries that separate jurisdictions are not barriers to cooperation.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL CONSENT.

Congress consents to the International Emergency Management Assistance Memorandum of Understanding entered into between the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland. The compact is substantially as follows:

“Article I—International Emergency Management Assistance Memorandum of Understanding Purpose and Authorities

“The International Emergency Management Assistance Memorandum of Understanding, hereinafter referred to as the ‘compact,’ is made and entered into by and among such of the jurisdictions as shall enact or adopt this compact, hereinafter referred to as ‘party jurisdictions.’ For the purposes of this agreement, the term ‘jurisdictions’ may include any or all of the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut and the Provinces of Quebec, New Brunswick, Prince Edward Island, Nova Scotia and Newfoundland, and such other states and provinces as may hereafter become a party to this compact.

“The purpose of this compact is to provide for the possibility of mutual assistance among the jurisdictions entering into this compact in managing any emergency or disaster when the affected jurisdiction or jurisdictions ask for assistance, whether arising from natural disaster, technological hazard, manmade disaster or civil emergency aspects of resources shortages.

“This compact also provides for the process of planning mechanisms among the agencies responsible and for mutual cooperation, including, if need be, emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party jurisdictions or subdivisions of party jurisdictions during emergencies, with such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of emergency forces by mutual agreement among party jurisdictions.

“Article II—General Implementation

“Each party jurisdiction entering into this compact recognizes that many emergencies may exceed the capabilities of a party jurisdiction and that intergovernmental cooperation is essential in such circumstances. Each jurisdiction further recognizes that there will be emergencies that may require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency because few, if any, individual jurisdictions have all the resources they need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

“The prompt, full, and effective utilization of resources of the participating jurisdictions, including any resources on hand or available from any other source that are essential to the safety, care, and welfare of the people in the event of any emergency or disaster, shall be the underlying principle on which all articles of this compact are understood.

“On behalf of the party jurisdictions participating in the compact, the legally designated official who is assigned responsibility for emergency management is responsible for formulation of the appropriate inter-jurisdictional mutual aid plans and procedures necessary to implement this compact, and for recommendations to the jurisdiction concerned with respect to the amendment of any statutes, regulations, or ordinances required for that purpose.

“Article III—Party Jurisdiction Responsibilities

“(a) FORMULATE PLANS AND PROGRAMS.—It is the responsibility of each party jurisdiction to formulate procedural plans and programs for inter-jurisdictional cooperation in the performance of the responsibilities listed in this section. In formulating and implementing such plans and programs the party jurisdictions, to the extent practical, shall—

“(1) review individual jurisdiction hazards analyses that are available and, to the extent reasonably possible, determine all those potential emergencies the party jurisdictions might jointly suffer, whether due to natural disaster, technological hazard, manmade disaster or emergency aspects of resource shortages;

“(2) initiate a process to review party jurisdictions' individual emergency plans and develop a plan that will determine the mechanism for the inter-jurisdictional cooperation;

“(3) develop inter-jurisdictional procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

“(4) assist in warning communities adjacent to or crossing jurisdictional boundaries;

“(5) protect and ensure delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material to the extent authorized by law;

“(6) inventory and agree upon procedures for the inter-jurisdictional loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

“(7) provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances, over which the province or state has jurisdiction, that impede the implementation of the responsibilities described in this subsection.

“(b) REQUEST ASSISTANCE.—The authorized representative of a party jurisdiction may request assistance of another party jurisdiction by contacting the authorized representative of that jurisdiction. These provisions only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request must be confirmed in writing within 15 days of the verbal request. Requests must provide the following information:

“(1) A description of the emergency service function for which assistance is needed and of the mission or missions, including but not limited to fire services, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

“(2) The amount and type of personnel, equipment, materials, and supplies needed and a reasonable estimate of the length of time they will be needed.

“(3) The specific place and time for staging of the assisting party's response and a point of contact at the location.

“(c) CONSULTATION AMONG PARTY JURISDICTION OFFICIALS.—There shall be frequent consultation among the party jurisdiction officials who have assigned emergency management responsibilities, such officials collectively known hereinafter as the International Emergency Management Group, and other appropriate representatives of the party jurisdictions with free exchange of information, plans, and resource records relating to emergency capabilities to the extent authorized by law.

“Article IV—Limitation

“Any party jurisdiction requested to render mutual aid or conduct exercises and training for mutual aid shall undertake to respond as soon as possible, except that it is understood that the jurisdiction rendering aid may withhold or recall resources to the extent necessary to provide reasonable protection for that jurisdiction. Each party jurisdiction shall afford to the personnel of the emergency forces of any party jurisdiction, while operating within its jurisdictional limits under the terms and conditions of this compact and under the operational control of an officer of the requesting party, the same powers, duties, rights, privileges, and immunities as are afforded similar or like forces of the jurisdiction in which they are performing emergency services. Emergency forces continue under the command and control of their regular leaders, but the organizational units come under the operational control of the emergency services authorities of the jurisdiction receiving assistance. These conditions may be activated, as needed, by the jurisdiction that is to receive assistance or upon commencement of exercises or training for mutual aid and continue as long as the exercises or training for mutual aid are in progress, the emergency or disaster remains in effect or loaned resources remain in the receiving jurisdiction or jurisdictions, whichever is longer. The receiving jurisdiction is responsible for informing the assisting jurisdictions of the specific moment when services will no longer be required.

“Article V—Licenses and Permits

“Whenever a person holds a license, certificate, or other permit issued by any jurisdiction party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party jurisdiction, such person is deemed to be licensed, certified, or permitted by the jurisdiction requesting assistance to render aid involving such skill to meet an emergency or disaster, subject to such limitations and conditions as the requesting jurisdiction prescribes by Executive order or otherwise.

“Article VI—Liability

“Any person or entity of a party jurisdiction rendering aid in another jurisdiction pursuant to this compact are considered agents of the requesting jurisdiction for tort liability and immunity purposes. Any person or entity rendering aid in another jurisdiction pursuant to this compact are not liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article does not include willful misconduct, gross negligence, or recklessness.

“Article VII—Supplementary Agreements

“Because it is probable that the pattern and detail of the machinery for mutual aid among 2 or more jurisdictions may differ from that among the jurisdictions that are party to this compact, this compact contains elements of a broad base common to all jurisdictions, and nothing in this compact precludes any jurisdiction from entering into supplementary agreements with another jurisdiction or affects any other agreements already in force among jurisdictions. Supplementary agreements may include, but are not limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

"Article VIII—Workers' Compensation and Death Benefits

"Each party jurisdiction shall provide, in accordance with its own laws, for the payment of workers' compensation and death benefits to injured members of the emergency forces of that jurisdiction and to representatives of deceased members of those forces if the members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own jurisdiction.

"Article IX—Reimbursement

"Any party jurisdiction rendering aid in another jurisdiction pursuant to this compact shall, if requested, be reimbursed by the party jurisdiction receiving such aid for any loss or damage to, or expense incurred in, the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with those requests. An aiding party jurisdiction may assume in whole or in part any such loss, damage, expense, or other cost or may loan such equipment or donate such services to the receiving party jurisdiction without charge or cost. Any 2 or more party jurisdictions may enter into supplementary agreements establishing a different allocation of costs among those jurisdictions. Expenses under article VIII are not reimbursable under this section.

"Article X—Evacuation

"Each party jurisdiction shall initiate a process to prepare and maintain plans to facilitate the movement of and reception of evacuees into its territory or across its territory, according to its capabilities and powers. The party jurisdiction from which the evacuees came shall assume the ultimate responsibility for the support of the evacuees, and after the termination of the emergency or disaster, for the repatriation of such evacuees.

"Article XI—Implementation

"(a) This compact is effective upon its execution or adoption by any 2 jurisdictions, and is effective as to any other jurisdiction upon its execution or adoption thereby: subject to approval or authorization by the United States Congress, if required, and subject to enactment of provincial or State legislation that may be required for the effectiveness of the Memorandum of Understanding.

"(b) Any party jurisdiction may withdraw from this compact, but the withdrawal does not take effect until 30 days after the governor or premier of the withdrawing jurisdiction has given notice in writing of such withdrawal to the governors or premiers of all other party jurisdictions. The action does not relieve the withdrawing jurisdiction from obligations assumed under this compact prior to the effective date of withdrawal.

"(c) Duly authenticated copies of this compact in the French and English languages and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party jurisdictions.

"Article XII—Severability

"This compact is construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability of the compact to any person or circumstances is held invalid, the validity of the remainder of this compact and the applicability of the compact to other persons and circumstances are not affected.

"Article XIII—Consistency of Language

"The validity of the arrangements and agreements consented to in this compact shall not be affected by any insubstantial difference in form or language as may be adopted by the various states and provinces.

"Article XIV—Amendment

"This compact may be amended by agreement of the party jurisdictions.".

SEC. 2. INCONSISTENCY OF LANGUAGE.

The validity of the arrangements consented to by this Act shall not be affected by any insubstantial difference in their form or language as adopted by the States and provinces.

SEC. 3. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is hereby expressly reserved.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 491—RECOGNIZING THE ACCOMPLISHMENTS OF IGNACY JAN PADEREWSKI AS A MUSICIAN, COMPOSER, STATESMAN, AND PHILANTHROPIST, AND COMMEMORATING THE 65TH ANNIVERSARY OF HIS DEATH ON JUNE 29, 1941

Mr. HAGEL (for himself, Ms. MIKULSKI, Mr. DURBIN, Ms. MURKOWSKI, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 491

Whereas Ignacy Jan Paderewski, born in Poland in 1860, was a brilliant and popular pianist who performed hundreds of concerts in Europe and the United States during the late 19th and early 20th centuries;

Whereas Paderewski donated the bulk of the proceeds of his concerts to charitable causes, including the establishment of the American Legion's Orphans and Veterans Fund;

Whereas, during World War I, Paderewski worked for the independence of Poland and served as the first Premier of Poland;

Whereas, in December 1919, Paderewski resigned as Premier of Poland, and in 1921 he left politics to return to his music;

Whereas the German invasion of Poland in 1939 spurred Paderewski to return to political life;

Whereas Paderewski fought against the Nazi dictatorship in World War II by joining the exiled Polish Government to mobilize the Polish forces and to urge the United States to join the Allied Forces;

Whereas, on June 29, 1941, Paderewski died in exile in the United States while all of Europe was imperiled by war and occupation;

Whereas, by the direction of President Franklin D. Roosevelt, the remains of Paderewski were placed alongside the honored dead of the United States in Arlington National Cemetery, where President Roosevelt said, "He may lie there until Poland is free.";

Whereas, in 1963, President John F. Kennedy honored Paderewski by placing a plaque marking his remains at the Mast of the Maine at Arlington National Cemetery;

Whereas, in 1992, President George H.W. Bush, at the request of Lech Walesa, the first democratically elected President of Poland since World War II, ordered the remains of Paderewski to be returned to his native Poland;

Whereas, on June 26, 1992, the remains of Paderewski were removed from the Mast of the Maine at Arlington National Cemetery and returned to Poland 3 days later;

Whereas, on July 5, 1992, the remains of Paderewski were interred in a crypt at the St. John Cathedral in Warsaw, Poland; and

Whereas Paderewski wished his heart to be forever enshrined in the United States, where his lifelong struggle for democracy and freedom had its roots and was cultivated, and now his heart remains at the Shrine of the Czestochowa in Doylestown, Pennsylvania: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist;

(2) on the 65th anniversary of his death, acknowledges the invaluable efforts of Ignacy Jan Paderewski in forging close ties between Poland and the United States; and

(3) recognizes Poland as an ally and strong partner in the war against global terrorism.

Mr. HAGEL. Mr. President, on behalf of my colleagues Senators MIKULSKI, DURBIN, MURKOWSKI, and VOINOVICH, I rise to submit a resolution recognizing the accomplishments of Ignacy Jan Paderewski on the 65th anniversary of his death on June 29, 1941.

Born in Poland in 1860, Paderewski is remembered for his contributions as a musician, philanthropist, statesman, and as one of the great men of his time. Paderewski was a brilliant and popular pianist who performed hundreds of concerts in Europe and the United States during the late 19th and early 20th centuries, donating the proceeds to numerous charitable causes. During World War I, Paderewski played a central role in helping achieve Poland's independence, serving as the first Premier of Poland from 1919 until 1922, when he left politics and returned to music.

The German invasion of Poland in 1939 spurred Paderewski to return to politics where he fought against Nazi Germany in World War II and joined the exiled Polish Government, where he helped mobilize Polish forces against the Nazis.

Paderewski died in 1941. At the direction of President Franklin D. Roosevelt, Paderewski's remains were placed alongside America's honored dead in Arlington National Cemetery. He did not live to see the U.S. and Allied Forces free Europe from the tyranny of Nazi control. Paderewski's legacy inspired movements throughout Europe, including Solidarity in Poland.

In 1992, Solidarity Leader Lech Walesa, the first democratically elected President of Poland since World War

II, asked U.S. President George H.W. Bush to return Paderewski's remains to his native homeland. On July 5, 1992, Paderewski's remains were interred in a crypt at the St. John Cathedral in Warsaw, Poland.

Mr. President, Ignacy Jan Paderewski's life and legacy is testimony to the enduring bonds between the United States and Poland. As we near the 65th anniversary of Paderewski's death on June 29, 1941, my colleagues and I are honored to submit this resolution honoring Ignacy Jan Paderewski and ask that it be appropriately referred.

SENATE RESOLUTION 492—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT MEMBERS FROM USING CHARITABLE FOUNDATIONS FOR PERSONAL GAIN

Mr. BAUCUS submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 492

Resolved,

SECTION 1. PROHIBITION ON USING CHARITIES FOR PERSONAL OR POLITICAL GAIN.

(a) IN GENERAL.—Rule XXXVII of the Standing Rules of the Senate is amended by adding at the end the following:

"13. (a) A Member of the Senate shall not use for personal or political gain any organization—

"(1) which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; and

"(2) the affairs over which such Member or the spouse of such Member is in a position to exercise substantial influence.

"(b) For purposes of this paragraph, a Member of the Senate shall be considered to have used an organization described in subparagraph (a) for personal or political gain if—

"(1) a member of the family (within the meaning of section 4946(d) of the Internal Revenue Code of 1986) of the Member is employed by the organization;

"(2) any of the Member's staff is employed by the organization;

"(3) an individual or firm that receives money from the Member's campaign committee or a political committee established, maintained, or controlled by the Member serves in a paid capacity with or receives a payment from the organization;

"(4) the organization pays for travel or lodging costs incurred by the Member for a trip on which the Member also engages in political fundraising activities; or

"(5) another organization that receives support from such organization pays for travel or lodging costs incurred by the Member.

"(c)(1) A Member of the Senate and any employee on the staff of a Member to which paragraph 9(c) applies shall disclose to the Secretary of the Senate the identity of any person who makes an applicable contribution and the amount of any such contribution.

"(2) For purposes of this subparagraph, an applicable contribution is a contribution—

"(A) which is to an organization described in subparagraph (a);

"(B) which is over $200; and

"(C) of which such Member or employee, as the case may be, knows.

"(3) The disclosure under this subparagraph shall be made not later than 6 months after the date on which such Member or employee first knows of the applicable contribution.

"(4) The Secretary of the Senate shall make available to the public all disclosures filed pursuant to this subparagraph as soon as possible after they are received.

"(d)(1) The Select Committee on Ethics may grant a waiver to any Member with respect to the application of this paragraph in the case of an organization which is described in subparagraph (a)(1) and the affairs over which the spouse of the Member, but not the Member, is in a position to exercise substantial influence.

"(2) In granting a waiver under this subparagraph, the Select Committee on Ethics shall consider all the facts and circumstances relating to the relationship between the Member and the organization, including—

"(A) the independence of the Member from the organization;

"(B) the degree to which the organization receives contributions from multiple sources not affiliated with the Member;

"(C) the risk of abuse; and

"(D) whether the organization was formed prior to and separately from such spouse's involvement with the organization.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2007.

Mr. BAUCUS. Mr. President, the resolution I am submitting aims to ensure that charities under the control of Senators can be viewed in the most ethical terms.

Mahatma Gandhi once said: "Men say that I am a saint losing myself in politics. The fact is that I am a politician trying my hardest to be a saint."

That sums up the purpose of my resolution. We in the Senate run for office to do good. We try to make the country better. We try to serve. We strive to do the right thing.

As much as we try, however, even innocent gestures can be perceived as self-serving, or at worst, unethical.

Some of us have started charities that we believe help to serve our country and important public needs.

Senators may innocently employ staff who they trust at the charity. Senators may use lawyers who they are familiar with to ensure that requirements are met. Senators may accept contributions from corporations because the funds will be spent on a worthy cause.

The activities that I have listed may betray nothing more than an innocent effort to carry out charitable works. But the public has a right to be skeptical. The public has a right to know what companies—that may or may not have business before the Senate—are donating to charities controlled by Senators.

My resolution would not ban Senators from starting charities. But it would address the healthy skepticism that the public has expressed about the rules governing charities controlled by Members of Congress.

As the Washington Post noted in an editorial on Tuesday, March 7 "[W]hen lawmakers have a personal interest in the charity, the opportunities for abuse are greatly magnified."

Because of the potential for abuse, and because of the perception of abuse, I believe that rules governing charities controlled by Senators should be "greatly magnified."

I am glad that the bill reported by the Homeland Security Committee takes a step to provide more disclosure in this area. The Homeland Security Committee bill would require disclosure of gifts by lobbyists to charities controlled by Members of Congress.

This is a good first step, but I think we can do better.

My resolution would do the following: First, it would require that any gift over $200 to a charity substantially influenced by a Senator be disclosed if the Senator or their senior staff are aware of the gift. While disclosing gifts from lobbyists is important, it is equally imperative that gifts from corporations and individuals are also disclosed.

Second, my resolution prohibits Senators from using a charity they substantially influence for what can be perceived as their personal gain.

How does the resolution do this? Under Senate Rule XXXVII, concerning conflicts of interest, a Senator would be barred from deriving personal gain from a charity that they substantially influence.

The resolution defines personal gain in the following way: (1) When a Senator or their family member is employed by the charity in a paid capacity (2) When a member of the Senator's staff is employed by the charity in a paid capacity (3) When an individual or firm that receives income from the Senator's political action committee serves in a paid capacity to the charity (4) When the charity pays for travel or lodging costs by the Senator on a trip where the Senator also engages in political fund raising (5) And, finally, when another charity receives payment from the Senator's charity to pay for the Senator's travel and lodging.

In vetting this proposal, I have heard concerns that prohibition on a Senator's family serving in a paid capacity of a charity they substantially influence may be too broad. The example of my friend Senator ELIZABETH DOLE is raised. When her husband, Senator Bob Dole served as our distinguished majority leader, Senator ELIZABETH DOLE served as the president of the American Red Cross. The purpose of my resolution is not to clamp down on this from occurring.

That is why my resolution would allow Senators to seek a waiver from the Senate Ethics Committee when a family member has substantial influence over a charity, and the family member's influence over the charity clearly does not provide any benefit to the Senator.

I know that some Senators may argue that more rules do not ensure ethical conduct. That is true. Every Senator is responsible for behaving ethically. My resolution will not automatically make unethical arrangements ethical. Nor should the resolution be viewed as a statement on the ethical conduct of members that currently maintain and control charities. As Ecclesiastes chapter 3, verse 17 says, "God shall judge the righteous and the wicked."

My resolution simply aims to do better—to give the public confidence that when a Senator starts a charitable organization it is for charitable purposes. It is to fulfill the commandment expressed in Deuteronomy that "Every man shall give as he is able. "

My resolution has been endorsed by the watchdog groups Public Citizen and the National Committee on Responsive Philanthropy.

I urge the Senate to support my resolution.

SENATE RESOLUTION 493—CALLING ON THE GOVERNMENT OF THE UNITED KINGDOM TO ESTABLISH IMMEDIATELY A FULL, INDEPENDENT, PUBLIC JUDICIAL INQUIRY INTO THE MURDER OF NORTHERN IRELAND DEFENSE ATTORNEY PAT FINUCANE, AS RECOMMENDED BY INTERNATIONAL JUDGE PETER CORY AS PART OF THE WESTERN PARK AGREEMENT AND A WAY FORWARD FOR THE NORTHERN IRELAND PEACE PROCESS

Mr. DEWINE (for himself and Mr. DODD) submitted the following resolution; which was referred to the committee on Foreign Relations:

Whereas human rights defense attorney and solicitor Patrick Finucane was brutally murdered in front of his wife and children at his home in Belfast on February 12, 1989;

Whereas numerous international bodies and nongovernmental human rights organizations have made note of serious allegations of collusion between loyalist paramilitaries and British security forces in the murder of Mr. Finucane;

Whereas, in July 2001, the Irish and British Governments made new commitments in the Weston Park Agreement to hold public inquiries into high profile murders if the Honorable Judge Peter Cory recommended such action, and both governments understood that such an inquiry would be held under the United Kingdom Tribunals of Inquiry (Evidence) Act 1921;

Whereas Judge Cory found sufficient evidence of collusion to warrant a public inquiry into the murder of Patrick Finucane and recommended that such an inquiry take place without delay;

Whereas, in his conclusions, Judge Cory set out the necessity and importance of a public inquiry into the Finucane case and that the failure to hold a public inquiry as soon as reasonably possible could be seen as a denial of the agreement at Weston Park;

Whereas, on May 6, 2004, Judge Cory testified in Congress before the United States Helsinki Commission and presented his report, which is replete with evidence of possible collusion relating to activities of the army intelligence unit and the Royal Ulster Constabulary (RUC) in the Finucane case;

Whereas the United Kingdom adopted new legislation after the public release of the Cory Report, the United Kingdom Inquiries Act of 2005, which severely limits the procedures of an independent inquiry and which has been rejected as inadequate by Judge Cory, the Finucane family, the Irish Government, and human rights groups;

Whereas, on March 15, 2005, Judge Cory submitted written testimony to the Committee on International Relations of the United States House of Representatives stating that the new legislation is "unfortunate to say the least" and "would make a meaningful inquiry impossible";

Whereas the written statement of Judge Cory also stated that his recommendation for a public inquiry into the Finucane case "contemplated a true public inquiry constituted and acting pursuant to the provisions of the 1921 Act" and not the United Kingdom Inquiries Act of 2005;

Whereas section 701 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) and House Resolution 128, 106th Congress, agreed to April 20, 1999, support the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

Whereas the Senate expresses deep regret with respect to the British Government's failure to honor its commitment to implement recommendation of Judge Cory in full: Now therefore, be it

Resolved, That the Senate—

(1) commends the Finucane family, wife Geraldine and son Michael, who have testified 5 times before the United States Congress (Geraldine in 2000, 2004, and 2005 and Michael in 1997 and 1999), for their courageous campaign to seek the truth in this case of collusion;

(2) welcomes the passage of a resolution by the Dail Eireann on March 8, 2006, calling for the establishment of a full, independent, public judicial inquiry into the murder of Patrick Finucane as the most recent expression of support for the Finucane family by the Government of Ireland;

(3) acknowledges the United States Helsinki Commission charged with human rights monitoring for their work in highlighting this case;

(4) supports the efforts of the Honorable Mitchell Reiss, special envoy of President Bush for the Northern Ireland Peace Process, in pushing for the full implementation of the Weston Park Agreement and the establishment of an independent, judicial inquiry into the murder of Patrick Finucane; and

(5) calls on the Government of the United Kingdom—

(A) to reconsider its position on the Finucane case to take full account of the objections of the family of Patrick Finucane, Judge Cory, officials of the United States Government, other governments, and international bodies, and amend the United Kingdom Inquiries Act of 2005; and

(B) to establish immediately a full, independent, public judicial inquiry into the murder of Patrick Finucane, as recommended by Judge Cory, which would enjoy the full cooperation of the family of Patrick Finucane and the wider community throughout Ireland and abroad.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4183. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 4184. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4185. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4186. Mr. LEVIN (for himself, Mr. SANTORUM, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, supra; which was ordered to lie on the table.

SA 4187. Mr. FRIST (for Mr. CRAIG (for himself, Mr. INHOFE, and Mr. FRIST)) proposed an amendment to the bill H.R. 5037, to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

TEXT OF AMENDMENTS

SA 4183. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4137 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end insert the following:

"(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(ii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year."

SA 4184. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4136 submitted by Mr. ENSIGN and intended to be proposed to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following clause:

(iii) LIMITATION.—Provided further that an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of subclause (I), (II), or (III) of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year."

SA 4185. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 4084 proposed by Mr. CHAMBLISS to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

CHAPTER 1—PILOT PROGRAM FOR EARNED STATUS ADJUSTMENT OF AGRICULTURAL WORKERS

SEC. 613. AGRICULTURAL WORKERS.

(a) BLUE CARD PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer blue card status upon an alien who qualifies under this subsection if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days, whichever is less, during the 24-month period ending on December 31, 2005;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—An alien in blue card status has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—An alien in blue card status shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF BLUE CARD STATUS.—

(A) IN GENERAL.—The Secretary may terminate blue card status granted under this subsection only upon a determination under this subtitle that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF BLUE CARD STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the blue card status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to blue card status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of the enactment of this Act.

(6) REQUIRED FEATURES OF BLUE CARD.—The Secretary shall provide each alien granted blue card status and the spouse and children of each such alien residing in the United States with a card that contains—

(A) an encrypted, machine-readable, electronic identification strip that is unique to the alien to whom the card is issued;

(B) biometric identifiers, including fingerprints and a digital photograph; and

(C) physical security features designed to prevent tampering, counterfeiting, or duplication of the card for fraudulent purposes.

(7) FINE.—An alien granted blue card status shall pay a fine to the Secretary in an amount equal to $100.

(8) MAXIMUM NUMBER.—The Secretary may issue not more than 1,500,000 blue cards during the 5-year period beginning on the date of the enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED BLUE CARD STATUS.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien in blue card status shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien in blue card status shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers blue card status upon that alien.

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted blue card status may be terminated from employment by any employer during the period of blue card status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted blue card status who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted blue card status without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted blue card status has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted blue card status to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least—

(I) 5 years of agricultural employment in the United States, for at least 100 work days or 575 hours, but in no case less than 575 hours per year, during the 5-year period beginning on the date of the enactment of this Act; or

(II) 3 years of agricultural employment in the United States, for at least 150 work days or 863 hours, but in no case less than 863 hours per year, during the 5-year period beginning on the date of the enactment of this Act.

(ii) PROOF.—An alien may demonstrate compliance with the requirement under clause (i) by submitting—

(I) the record of employment described in subsection (a)(5); or

(II) such documentation as may be submitted under subsection (d)(3).

(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement under clause (i)(I), the Secretary may credit the alien with not more than 12 additional months to meet the requirement under clause (i) if the alien was unable to work in agricultural employment due to—

(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of the enactment of this Act.

(v) FINE.—The alien pays a fine to the Secretary in an amount equal to $400.

SA 4186. Mr. LEVIN (for himself, Mr. SANTORUM, Mr. KENNEDY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADJUSTMENT OF STATUS FOR CERTAIN PERSECUTED RELIGIOUS MINORITIES.

(a) IN GENERAL.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) is a persecuted religious minority;

(2) is admissible to the United States as an immigrant, except as provided under subsection (b);

(3) had an application for asylum pending on May 1, 2003;

(4) applies for such adjustment of status;

(5) was physically present in the United States on the date the application for such adjustment is filed; and

(6) pays a fee, in an amount determined by the Secretary, for the processing of such application.

(b) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) INAPPLICABLE PROVISION.—Section 212(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)) shall not apply to any adjustment of status under this section.

(2) WAIVER.—The Secretary may waive any other provision of section 212(a) of such Act (except for paragraphs (2) and (3)) if extraordinary and compelling circumstances warrant such an adjustment for humanitarian purposes, to ensure family unity, or if it is otherwise in the public interest.

(c) PERSECUTED RELIGIOUS MINORITY DEFINED.—In this section, the term "persecuted religious minority" means an individual who—

(1) is, or was, a national or resident of Iraq;

(2) is a member of a religious minority in Iraq, and

(3) shares common characteristics with other minorities in Iraq who have been targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

SA 4187. Mr. FRIST (for Mr. CRAIG (for himself, Mr. INHOFE, and Mr. FRIST)) proposed an amendment to the bill H.R. 5037, to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Respect for America's Fallen Heroes Act".

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

"(a) PROHIBITION.—No person may carry out—

"(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

"(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

"(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

"(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

"(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

"(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

"(1) Any picketing or similar conduct.

"(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

"(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

"(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.".

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

"Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.".

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 24, 2006, at 9:15 a.m., in executive session to consider the nomination of General Michael V. Hayden, USAF, for reappointment to the grade of general and to be director, Central Intelligence Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 24 at 10 a.m. The purpose of this meeting is to consider pending calendar business which may be ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 24, 2006, at 3:30 p.m., to hold a hearing on nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, May 24, 2006, at 9:30 a.m., to consider the nomination of R. David Paulison to be Under Secretary for Federal Emergency Management of the U.S. Department of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, May 24, 2006, at 2 p.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: TBA.

Panel II: Andrew J. Guilford to be United States District Judge for the Central District of California, Frank D. Whitney to be United States District Judge for the Western District of North Carolina

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SPECTER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 24, 2006, at 2:30 p.m. to hold a closed Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Disaster Prevention and Prediction Subcommittee be authorized to meet on Wednesday, May 24, 2006, at 2:30 p.m., on the 2006 Hurricane Forecast and At-Risk Cities.

The PRESIDING OFFICER. without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. SPECTER. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Aviation be authorized to meet on Wednesday, May 24, 2006, at 10 a.m. on NTSB reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. SPECTER. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 24 at 2:30 p.m.

The purpose of the hearing is to receive testimony on the following bills: S. 2788, a bill to direct the exchange of certain land in Grand, San Juan and Uintah counties, Utah and for other purposes; S. 2466, to authorize and direct the exchange and conveyance of certain national forest land and other land in southeast Arizona; and S. 2567, to maintain the rural heritage of the Eastern Sierra and enhance the region's tourism economy by designating certain public lands as wilderness and certain rivers as wild scenic rivers in the State of California, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Calendar No. 630, Dirk Kempthorne, to be Secretary of the Interior.

The PRESIDING OFFICER. Without objections, it is so ordered. The clerk will report the nomination.

DEPARTMENT OF THE INTERIOR

The assistant legislative clerk read the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.

CLOTURE MOTION

Mr. FRIST. Mr. President, I believe there is an objection on the other side of the aisle to setting a time certain for a vote on this Cabinet nomination. Given that objection, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 630, the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior.

Bill Frist, Pete Domenici, John Cornyn, Tom Coburn, Jeff Sessions, Wayne Allard, Lindsey Graham, Mel Martinez, Pat Roberts, Judd Gregg, Johnny Isakson, Jim DeMint, Lamar Alexander, John Thune, Richard Burr, Bob Bennett, Chuck Hagel.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESPECT FOR AMERICA'S FALLEN HEROES ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5037, which was just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5037) to amend titles 38 and 18 of the United States Code to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAIG. Mr. President, I have sought recognition to comment on an amendment I am offering with Senators INHOFE and FRIST to H.R. 5037, the "Respect for America's Fallen Heroes Act. H.R. 5037 passed the House a couple of weeks ago by an overwhelming margin—408 to 3. It was conceived in response to hateful, intolerant demonstrations taking place at the funeral services of deceased service members of the global war on terror. The fringe group responsible for these demonstrations believes that 2,752 of our Nation's finest have lost their lives in defense of America because, unbelievably, God is exacting His revenge on the United States for its permissive laws respecting homosexuality. It is a sad irony that the same 2,752 servicemembers who fought to guarantee the right of this fringe group to hold and express their beliefs are, along with the families of deceased servicemembers, now the victims of those same hateful, but protected, ideas.

First, it is important to point out that the House, led by Representative MIKE ROGERS of Michigan and Chairman BUYER, went to great lengths to carefully craft the House-passed legislation to preserve the dignity of military funerals while at the same time balancing first amendment rights. I applaud them, and Senator JIM INHOFE, the original sponsor of the Senate version of the bill, for being proactive in addressing a problem that no military family should experience at a VA national cemetery or at Arlington National Cemetery. Let me describe in brief the many provisions of their legislation that are left untouched by this amendment. We retain the prohibition on unapproved demonstrations on VA or Arlington cemetery grounds. We retain the language used to describe exactly what kind of demonstrations are prohibited. We retain the criminal penalties attached to those who violate the prohibitions. And we retain the language expressing the sense of the Congress that States enact legislation to restrict demonstrations near any military funeral. My amendment would only modify the language of the underlying bill that restricts demonstrations that are within 500 feet of cemetery property. Let me explain why.

Many VA cemeteries are tucked in the middle of residential neighborhoods. Thus, the reach of the proposed Federal law in the underlying bill would extend to all private residences located within 500 feet of any VA cemetery property or Arlington National Cemetery. I am always sensitive to expanding zones of Federal influence or regulation, especially to cover lands that are not its own, unless it is absolutely necessary. And, furthermore, in a report by the Congressional Research Service and analyses from constitutional law experts, it was concluded that a 500-foot buffer zone around the perimeter of all cemetery lands may not be sufficiently narrow to pass constitutional muster. Constitutional questions surrounding the language are, of course, open to debate. But my goal here was to move legislation that was as narrowly tailored as possible and that didn't take away any of its effectiveness in prohibiting these offensive demonstrations at our national shrines.

There have yet to be any unapproved demonstrations either on VA cemetery property or outside of its grounds. There have been demonstrations at Arlington National Cemetery, but those demonstrations have been limited to the gates outside the front entrance of the cemetery. Practically speaking, if there were to be any demonstrations at VA cemeteries they would likely be at cemetery access points, just as at Arlington. It is VA's policy to hold funeral ceremonies at committal shelters located on its cemetery grounds. By design, those shelters at open national cemeteries are a minimum of 300 feet from any property line. And the line of sight from the property line is, also by design, typically obstructed by trees, shrubs, or other foliage. In addition, each national cemetery has three or four committal shelters, on average, which could be used for ceremonies. According to VA officials, only the cemetery superintendent knows beforehand where the committal shelter to be used for a particular funeral ceremony is located. So it is unlikely that demonstrators could effectively "disrupt" a cemetery funeral ceremony at any point other than an access point when a funeral procession was entering or leaving cemetery grounds. There simply are too many distance, visual, and logistical obstructions to overcome.

Therefore, my amendment would do the following. It would prohibit individuals who, as part of any demonstration, and within 150 feet of any point of ingress to or egress from cemetery property, be it by road, pathway, or otherwise, willfully make, or assist in the making, of any noise or diversion that disturbs or tends to disturb the peace or good order of a funeral, memorial service, or ceremony. This language will ensure that as a funeral procession is entering or exiting any cemetery that there is sufficient distance between the procession and the demonstrators, and that no slowdown of the procession is precipitated by a large gathering of demonstrators near the gates of cemetery property. Furthermore, my amendment would prohibit any demonstration, irrespective of its character, that is within 300 feet of cemetery property that would impede access to or egress from the property.

The principles behind my amendment are simple: As a funeral procession approaches a national cemetery, there should be no obstruction of that procession for any reason. The closer the procession is to the gates of the cemetery, the tighter the restrictions on demonstrations should necessarily be to ensure a dignified, solemn, and respectful burial at our national shrines.

Again, I thank Representative ROGERS of Michigan and Senator INHOFE for their leadership on this issue. And I ask my colleagues for their support.

Mr. FRIST. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4187) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Respect for America's Fallen Heroes Act".

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

"(a) PROHIBITION.—No person may carry out—

"(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

"(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

"(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

"(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

"(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

"(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

"(1) Any picketing or similar conduct.

"(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

"(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

"(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.".

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

"Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.".

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5037), as amended, was read the third time and passed.

Mr. FRIST. Mr. President, the bill we just passed was the Respect for America's Fallen Heroes Act. I would like to comment briefly, and I express my thanks to my colleagues for allowing me to proceed with this legislation and interrupt their debate.

I would like to read briefly from a news report that appeared in the Chicago Tribune this past April. And I quote:

> Army Private First Class Amy Duerksen was 19 when she died last month in a U.S. military surgical hospital in Baghdad, 3 days after being shot in an accident. By all the accounts of her family, friends and superiors, she had been a model soldier, an impassioned patriot and a deeply devout Christian.
>
> But none of that mattered to the six members of the Westboro Baptist Church who drove all night from their headquarters in Topeka, KS to show up outside Duerksen's March 17th funeral waving hateful placards.

I will not sully this institution or the memory of Amy Duerksen by repeating this group's detestable message. But I will tell you that today the Senate unanimously passed the Respect for America's Fallen Heroes Act, originally introduced by Congressman MIKE ROGERS of Michigan and passed in the House with near unanimous support.

Here in the Senate, we agreed, as one, that families like the Duerksens should never have to be harassed by protesters of any stripe as they bury their fallen warriors.

The Respect for America's Fallen Heroes Act will protect the sanctity of all 122 of our national cemeteries as shrines to our gallant dead.

It will ban demonstrations that occur within 500 feet of the cemetery without prior approval from an hour before a funeral until an hour after it. Violators will be fined up to $100,000 and spend a year in jail.

It's a sad but necessary measure to protect what should be recognized by all reasonable people as a solemn, private, and deeply sacred occasion.

The bill has been carefully crafted to meet constitutional muster. As even the ACLU acknowledges, "The right of free expression is not an absolute right to express ourselves at any time, in any place, in any manner."

And as the courts have identified, our national cemeteries are places deserving of the respect and honor of those interred or memorialized.

I thank Congressman ROGERS for bringing this issue to our attention. And I conclude with a passage from the Bible:

> Blessed are those who mourn, for they will be comforted. Matthew 5:4.

We may never understand what compels a small group of small minded and mean hearted people to harass a family in mourning. But that is not our responsibility here. Our duty is to protect the solemn right of our military families to grieve the loss of America's fallen heroes in private, with the respect and dignity that is their due.

I look forward to this bill reaching the President's desk and being signed into law.

PUEBLO DE SAN ILDEFONSO CLAIMS SETTLEMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 419, S. 1773.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1773) to resolve certain Native American claims in New Mexico, and for other purposes.

There being no objection, the Senate proceeded to consider the bill. which had been reported from the Committee on Indian Affairs with amendments, as follows:

(The parts of the bill intended to be inserted are shown in italics.)

S. 1773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pueblo de San Ildefonso Claims Settlement Act of 2005".

SEC. 2. DEFINITIONS AND PURPOSES.

(a) DEFINITIONS.—In this Act:

(1) ADMINISTRATIVE ACCESS.—The term "administrative access" means the unrestricted use of land and interests in land for ingress and egress by an agency of the United States (including a permittee, contractor, agent, or assignee of the United States) in order to carry out an activity authorized by law or regulation, or otherwise in furtherance of the management of federally-owned land and resources.

(2) COUNTY.—The term "County" means the incorporated county of Los Alamos, New Mexico.

(3) LOS ALAMOS AGREEMENT.—The term "Los Alamos Agreement" means the agreement among the County, the Pueblo, the Department of Agriculture Forest Service, and the Bureau of Indian Affairs dated January, 22, 2004.

(4) LOS ALAMOS TOWNSITE LAND.—"Los Alamos Townsite Land" means the land identified as Attachment B (dated December 12, 2003) to the Los Alamos Agreement.

(5) NORTHERN TIER LAND.—"Northern Tier Land" means the land comprising approximately 739.71 acres and identified as "Northern Tier Lands" in Appendix B (dated August 3, 2004) to the Settlement Agreement.

(6) PENDING LITIGATION.—The term "Pending Litigation" means the case styled Pueblo of San Ildefonso v. United States, Docket Number 354, originally filed with the Indian Claims Commission and pending in the United States Court of Federal Claims on the date of enactment of this Act.

(7) PUEBLO.—The term "Pueblo" means the Pueblo de San Ildefonso, a federally recognized Indian tribe (also known as the "Pueblo of San Ildefonso").

(8) SETTLEMENT AGREEMENT.—The term "Settlement Agreement" means the agreement entitled "Settlement Agreement between the United States and the Pueblo de San Ildefonso to Resolve All of the Pueblo's Land Title and Trespass Claims" and dated June 7, 2005.

(9) SETTLEMENT AREA LAND.—The term "Settlement Area Land" means the National Forest System land located within the Santa Fe National Forest, as described in Appendix B to the Settlement Agreement, that is available for purchase by the Pueblo under section 9(a) of the Settlement Agreement.

(10) SETTLEMENT FUND.—The term "Settlement Fund" means the Pueblo de San Ildefonso Land Claims Settlement Fund established by section 6.

(11) SISK ACT.—The term "Sisk Act" means Public Law 90–171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(12) WATER SYSTEM LAND.—The term "Water System Land" means the federally-owned land located within the Santa Fe National Forest to be conveyed to the County under the Los Alamos Agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to finally dispose, as set forth in sections 4 and 5, of all rights, claims, or demands that the Pueblo has asserted or could have asserted against the United States with respect to any and all claims in the Pending Litigation;

(2) to extinguish claims based on aboriginal title, Indian title, or recognized title, or any other title claims under section 5;

(3) to authorize the Pueblo to acquire the Settlement Area Land, and to authorize the Secretary of Agriculture to convey the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land for market value consideration, and for such consideration to be paid to the Secretary of Agriculture for the acquisition of replacement National Forest land elsewhere in New Mexico;

(4) to provide that the Settlement Area Land acquired by the Pueblo shall be held by the Secretary of the Interior in trust for the benefit of the Pueblo;

(5) to facilitate government-to-government relations between the United States and the Pueblo regarding cooperation in the management of certain land administered by the National Park Service and the Bureau of Land

Management as described in sections 7 and 8 of the Settlement Agreement;

(6) to ratify the Settlement Agreement; and,

(7) to ratify the Los Alamos Agreement.

SEC. 3. RATIFICATION OF AGREEMENTS.

(a) RATIFICATION.—The Settlement Agreement and Los Alamos Agreement are ratified under Federal law, and the parties to those agreements are authorized to carry out the provisions of the agreements.

(b) CORRECTIONS AND MODIFICATIONS.—The respective parties to the Settlement Agreement and the Los Alamos Agreement are authorized, by mutual agreement, to correct errors in any legal description or maps, and to make minor modifications to those agreements.

SEC. 4. JUDGMENT AND DISMISSAL OF LITIGATION.

(a) DISMISSAL.—Not later than 90 days after the date of enactment of this Act, the United States and the Pueblo shall execute and file with the United States Court of Federal Claims in the Pending Litigation a motion for entry of final judgment in accordance with section 5 of the Settlement Agreement.

(b) COMPENSATION.—Upon entry of the final judgment under subsection (a), $6,900,000 shall be paid into the Settlement Fund as compensation to the Pueblo in accordance with section 1304 of title 31, United States Code.

SEC. 5. RESOLUTION OF CLAIMS.

(a) EXTINGUISHMENTS.—Except as provided in subsection (b), in consideration of the benefits of the Settlement Agreement, and in recognition of the agreement of the Pueblo to the Settlement Agreement, all claims of the Pueblo against the United States (including any claim against an agency, officer, or instrumentality of the United States) are relinquished and extinguished, including—

(1) any claim to land based on aboriginal title, Indian title, or recognized title;

(2) any claim for damages or other judicial relief or for administrative remedies that were brought, or that were knowable and could have been brought, on or before the date of the Settlement Agreement;

(3) any claim relating to—

(A) any federally-administered land, including National Park System land, National Forest System land, Public land administered by the Bureau of Land Management, the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land; and

(B) any land owned by, or held for the benefit of, any Indian tribe other than the Pueblo; and

(4) any claim that was, or that could have been, asserted in the Pending Litigation.

(b) EXCEPTIONS.—Nothing in this Act or the Settlement Agreement shall in any way extinguish or otherwise impair—

(1) the title of record of the Pueblo to land held by or for the benefit of the Pueblo, as identified in Appendix D to the Settlement Agreement, on or before the date of enactment of this Act; and,

(2) the title of the Pueblo to the Pueblo de San Ildefonso Grant, including, as identified in Appendix D to the Settlement Agreement—

(A) the title found by the United States District Court for the District of New Mexico in the case styled United States v. Apodoca (Number 2031, equity: December 5, 1930) not to have been extinguished; and

(B) title to any land that has been reacquired by the Pueblo pursuant to the Act entitled "An Act to quiet the title to lands within Pueblo Indian land grants, and for other purposes", approved June 7, 1924 (43 Stat. 636, chapter 331);

(3) the water rights of the Pueblo appurtenant to the land described in paragraphs (1) and (2); and

(4) any rights of the Pueblo or a member of the Pueblo under Federal law relating to religious or cultural access to, and use of, Federal land.

(c) PREVIOUS EXTINGUISHMENTS UNIMPAIRED.—Nothing in this Act affects any prior extinguishments of rights or claims of the Pueblo which may have occurred by operation of law.

(d) BOUNDARIES AND TITLE UNAFFECTED.—

(1) BOUNDARIES.—Nothing in this Act affects the location of the boundaries of the Pueblo de San Ildefonso Grant.

(2) RIGHTS, TITLE, AND INTEREST.—Nothing in this Act affects, ratifies, or confirms the right, title, or interest of the Pueblo in the land held by, or for the benefit of, the Pueblo, including the land described in Appendix D of the Settlement Agreement.

SEC. 6. SETTLEMENT FUND.

(a) ESTABLISHMENT.—There is established in the Treasury a fund to be known as the "Pueblo de San Ildefonso Land Claims Settlement Fund".

(b) CONDITIONS.—Monies deposited in the Settlement Fund shall be subject to the following conditions:

(1) MAINTENANCE AND INVESTMENT.—The Settlement Fund shall be maintained and invested by the Secretary of the Interior pursuant to the Act of June 24, 1938 (25 U.S.C. 162a).

(2) USE OF FUNDS.—Subject to paragraph (3), monies deposited into the Settlement Fund shall be expended by the Pueblo—

(A) to acquire the federally administered Settlement Area Land;

(B) to pay for the acquisition of the Water System Land, as provided in the Los Alamos Agreement; and

(C) at the option of the Pueblo, to acquire other land.

(3) EFFECT OF WITHDRAWAL.—If the Pueblo withdraws monies from the Settlement Fund, neither the Secretary of the Interior nor the Secretary of the Treasury shall retain any oversight over, or liability for, the accounting, disbursement, or investment of the withdrawn funds.

(4) PER CAPITA DISTRIBUTION.—No portion of the funds in the Settlement Fund may be paid to Pueblo members on a per capita basis.

(5) ACQUISITION OF LAND.—The acquisition of land with funds from the Settlement Fund shall be on a willing-seller, willing-buyer basis, and no eminent domain authority may be exercised for purposes of acquiring land for the benefit of the Pueblo under this Act.

(6) EFFECT OF OTHER LAWS.—The Act of October 19, 1973 (Public Law 93–134; 87 Stat. 466) and section 203 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4023) shall not apply to the Settlement Fund.

SEC. 7. LAND OWNERSHIP ADJUSTMENTS.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary of Agriculture may sell the Settlement Area Land, Water System Land, and Los Alamos Townsite Land, on such terms and conditions as are agreed upon and described in the Settlement Agreement and the Los Alamos Agreement, including reservations for administrative access and other access as shown on Appendix B of the Settlement Agreement.

(2) EFFECT OF CLAIMS AND CAUSE OF ACTION.—Consideration for any land authorized for sale by the Secretary of Agriculture shall not be offset or reduced by any claim or cause of action by any party to whom the land is conveyed.

(b) CONSIDERATION.—The consideration to be paid for the Federal land authorized for sale in subsection (a) shall be—

(1) for the Settlement Area Land and Water System Land, the consideration agreed upon in the Settlement Agreement; and

(2) for the Los Alamos Townsite Land, the current market value based on an appraisal approved by the Forest Service as being in conformity with the latest edition of the Uniform Appraisal Standards for Federal Land Acquisitions.

(c) DISPOSITION OF RECEIPTS.—

(1) IN GENERAL.—All monies received by the Secretary of Agriculture from the sale of National Forest System land as authorized by this Act, including receipts from the Northern Tier Land, shall be deposited into the fund established in the Treasury of the United States pursuant to the Sisk Act and shall be available, without further appropriation, authorization, or administrative apportionment for the purchase of land by the Secretary of Agriculture for National Forest System purposes in the State of New Mexico, *and for associated administrative costs.*

(2) USE OF FUNDS.—Funds deposited in a Sisk Act fund pursuant to this Act shall not be subject to transfer or reprogramming for wildlands fire management or any other emergency purposes, or used to reimburse any other account.

(3) ACQUISITIONS OF LAND.—In expending funds to exercise its rights under the Settlement Agreement and the Los Alamos Agreement with respect to the acquisition of the Settlement Area Land, the County's acquisitions of the Water System Land, and the Northern Tier Land (if the Pueblo exercises an option to purchase the Northern Tier Land as provided in section 12(b)(2)(A), the Pueblo shall use only funds in the Settlement Fund and shall not augment those funds from any other source.

(d) VALID EXISTING RIGHTS AND RESERVATIONS.—

(1) IN GENERAL.—The Settlement Area Land acquired by the Pueblo shall be subject to all valid existing rights on the date of enactment of this Act, including rights of administrative access.

(2) WATER RIGHTS.—No water rights shall be conveyed by the United States.

(3) SPECIAL USE AUTHORIZATION.—

(A) IN GENERAL.—Nothing in this Act shall affect the validity of any special use authorization issued by the Forest Service within the Settlement Area Land, except that such authorizations shall not be renewed upon expiration.

(B) REASONABLE ACCESS.—For access to valid occupancies within the Settlement Area Land, the Pueblo and the Secretary of the Interior shall afford rights of reasonable access commensurate with that provided by the Secretary of Agriculture on or before the date of enactment of this Act.

(4) WATER SYSTEM LAND AND LOS ALAMOS TOWNSITE LAND.—The Water System Land and Los Alamos Townsite Land acquired by the County shall be subject to—

(A) all valid existing rights: and

(B) the rights reserved by the United States under the Los Alamos Agreement.

(5) PRIVATE LANDOWNERS.—

(A) IN GENERAL.—Upon acquisition by the Pueblo of the Settlement Area Land, the Secretary of the Interior, acting on behalf of the Pueblo and the United States, shall execute easements in accordance with any right reserved by the United States for the benefit of private landowners owning property that requires the use of Forest Development Road 416 (as in existence on the date of enactment of this Act) and other roads that may be necessary to provide legal access into the property of the landowners, as the property is used on the date of this Act.

(B) MAINTENANCE OF ROADS.—Neither the Pueblo nor the United States shall be required to maintain roads for the benefit of private landowners.

(C) EASEMENTS.—Easements shall be granted, without consideration, to private landowners only upon application of such landowners to the Secretary.

(e) FOREST DEVELOPMENT ROADS.—

(1) UNITED STATES RIGHT TO USE.—Subject to any right-of-way to use, cross, and recross a road, the United States shall reserve and have free and unrestricted rights to use, operate, maintain, and reconstruct (at the same level of development, as in existence on the date of the Settlement Agreement), those sections of Forest Development Roads 57, 442, 416, 416v, 445 and 445ca referenced in Appendix B of the Settlement Agreement for any and all public and administrative access and other Federal governmental purposes, including access by Federal employees, their agents, contractors, and assigns (including those holding Forest Service permits).

(2) CERTAIN ROADS.—Notwithstanding paragraph (1), the United States—

(A) may improve Forest Development Road 416v beyond the existing condition of that road to a high clearance standard road (level 2); and

(B) shall have unrestricted administrative access and non-motorized public trail access to the portion of Forest Development Road 442 depicted in Appendix B to the Settlement Agreement.

(f) PRIVATE MINING OPERATIONS.—

(1) COPAR PUMICE MINE.—The United States and the Pueblo shall allow the COPAR Pumice Mine to continue to operate as provided in the Contract For The Sale Of Mineral Materials dated May 4, 1994, and for COPAR to use portions of Forest Development Roads 57, 442, 416, and other designated roads within the area described in the contract, for the period of the contract and thereafter for a period necessary to reclaim the site.

(2) CONTINUING JURISDICTION.—

(A) ADMINISTRATION.—Continuing jurisdiction of the United States over the contract for the sale of mineral materials shall be administered by the Secretary of the Interior.

(B) EXPIRATION OF CONTRACT.—Upon expiration of the contract described in subparagraph (A), jurisdiction over reclamation shall be assumed by the Secretary of the Interior.

(3) EFFECT ON EXISTING RIGHTS.—Nothing in this Act limits or enhances the rights of COPAR under the Contract For The Sale Of Mineral Materials dated May 4, 1994.

SEC. 8. CONVEYANCES.

(a) AUTHORIZATION.—

(1) CONSIDERATION FROM PUEBLO.—Upon receipt of the consideration from the Pueblo for the Settlement Area Land and the Water System Land, the Secretary of Agriculture shall execute and deliver—

(A) to the Pueblo, a quitclaim deed to the Settlement Area Land; and

(B) to the County, a quitclaim deed to the Water System Land, reserving—

(i) a contingent remainder in the United States in trust for the benefit of the Pueblo in accordance with the Los Alamos Agreement; and

(ii) a right of access for the United States for the Pueblo for ceremonial and other cultural purposes.

(2) CONSIDERATION FROM COUNTY.—Upon receipt of the consideration from the County for all or a portion of the Los Alamos Townsite Land, the Secretary of Agriculture shall execute and deliver to the County a quitclaim deed to all or portions of such land, as appropriate.

(3) EXECUTION.—An easement or deed of conveyance by the Secretary of Agriculture under this Act shall be executed by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(b) AUTHORIZATION FOR PUEBLO TO CONVEY IN TRUST.—Upon receipt by the Pueblo of the quitclaim deed to the Settlement Land under subsection (a)(1), the Pueblo may quitclaim the Settlement Land to the United States, in trust for the Pueblo.

(c) ADEQUACY OF CONVEYANCE INSTRUMENTS.—Notwithstanding the status of the Federal land as public domain or acquired land, no instrument of conveyance other than a quitclaim deed shall be required to convey the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land under this Act.

(d) SURVEYS.—The Secretary of Agriculture is authorized to perform and approve any required cadastral survey.

(e) CONTRIBUTIONS.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the Secretary of Agriculture may accept and use contributions of cash or services from the Pueblo, other governmental entities, or other persons—

(1) to perform and complete required cadastral surveys for the Settlement Area Land, the Water System Land, the Northern Tier Land, or the Los Alamos Townsite Land, as described in the Settlement Agreement or the Los Alamos Agreement; and

(2) to carry out any other project or activity under—

(A) this Act;

(B) the Settlement Agreement; or

(C) the Los Alamos Agreement.

SEC. 9. TRUST STATUS AND NATIONAL FOREST BOUNDARIES.

(a) OPERATION OF LAW.—Without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior—

(1) on recording the quitclaim deed or deeds from the Pueblo to the United States in trust for the Pueblo under section 8(b) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs—

(A) the Settlement Area Land shall be held in trust by the United States for the benefit of the Pueblo; and

(B) the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Settlement Area Land; and

(2) on recording the quitclaim deed or deeds from the Secretary of Agriculture to the County of the Water System Land in the county land records, the boundaries of the Santa Fe National Forest shall be deemed to be modified to exclude from the National Forest System the Water System Land.

(b) FUTURE INTERESTS.—If fee title to the Water System Land vests in the Pueblo by conveyance or operation of law, the Water System Land shall be deemed to be held in trust by the United States for the benefit of the Pueblo, without further administrative procedures or environmental or other analyses.

(c) NONINTERCOURSE ACT.—Any land conveyed to the Secretary of the Interior in trust for the Pueblo or any other tribe in accordance with this Act shall be—

(1) subject to the Act of June 30, 1834 (25 U.S.C. 177); and

(2) treated as reservation land.

SEC. 10. INTERIM MANAGEMENT.

Subject to valid existing rights, prior to the conveyance under section 9, the Secretary of Agriculture, with respect to the Settlement Area Land, the Water System Land, the Northern Tier Land, and the Los Alamos Townsite Land—

(1) shall not encumber or dispose of the land by sale, exchange, or special use authorization, in such a manner as to substantially reduce the market value of the land;

(2) shall take any action that the Secretary determines to be necessary or desirable—

(A) to protect the land from fire, disease, or insect infestation; or

(B) to protect lives or property; and

(3) may, in consultation with the Pueblo or the County, as appropriate, authorize a special use of the Settlement Area Land, not to exceed 1 year in duration.

SEC. 11. WITHDRAWAL.

Subject to valid existing rights, the land referenced in the notices of withdrawal of land in New Mexico (67 Fed. Reg. 7193; 68 Fed. Reg. 75628) is withdrawn from all location, entry, and patent under the public land laws and mining and mineral leasing laws of the United States, including geothermal leasing laws.

SEC. 12. CONVEYANCE OF THE NORTHERN TIER LAND.

(a) CONVEYANCE AUTHORIZATION.—

(1) IN GENERAL.—Subject to valid existing rights, including reservations in the United States and any right under this section, the Secretary of Agriculture shall sell the Northern Tier Land on such terms and conditions as the Secretary may prescribe as being in the public interest and in accordance with this section.

(2) EFFECT OF PARAGRAPH.—The authorization under paragraph (1) is solely for the purpose of consolidating Federal and non-Federal land to increase management efficiency and is not in settlement or compromise of any claim of title by any Pueblo, Indian tribe, or other entity.

(b) RIGHTS OF REFUSAL.—

(1) PUEBLO OF SANTA CLARA.—

(A) IN GENERAL.—In consideration for an easement under subsection (e)(2), the Pueblo of Santa Clara shall have an exclusive option to purchase the Northern Tier Land for the period beginning on the date of enactment of this Act and ending 90 days thereafter.

(B) RESOLUTION.—Within the period prescribed in subparagraph (A), the Pueblo of Santa Clara may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture, a resolution of the Santa Clara Tribal Council expressing the unqualified intent of the Pueblo of Santa Clara to purchase the land at the offered price.

(C) FAILURE TO ACT.—If the Pueblo of Santa Clara does not exercise its option to purchase the Northern Tier Land within the 90-day period under subparagraph (A), or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised, the Secretary of Agriculture shall offer the Northern Tier Land for sale to the Pueblo.

(2) OFFER TO PUEBLO.—

(A) IN GENERAL.—Not later than 90 days after receiving a written offer from the Secretary of Agriculture under paragraph (1)(C), the Pueblo may exercise its option to acquire the Northern Tier Land by delivering to the Regional Director of Lands and Minerals, Forest Service, Southwestern Region, a resolution of the Pueblo Tribal Council expressing the unqualified intent of the Pueblo to purchase the land at the offered price.

(B) FAILURE OF PUEBLO TO ACT.—If the Pueblo fails to exercise its option to purchase the Northern Tier Land within 90 days after receiving an offer from the Secretary of Agriculture, or fails to close on the purchase of such land within 1 year of the date on which the option to purchase was exercised under subparagraph (A), the Secretary of Agriculture may sell or exchange the land to any third party in such manner and on such terms and conditions as the Secretary determines to be in the public interest, including by a competitive process.

(3) EXTENSION OF TIME PERIOD.—The Secretary of Agriculture may extend the time period for closing beyond the 1 year prescribed in subsection (b), if the Secretary determines that additional time is required to meet the administrative processing requirements of the Federal Government, or for other reasons beyond the control of either party.

(c) TERMS AND CONDITIONS OF SALE.—

(1) PURCHASE PRICE.—Subject to valid existing rights and reservations, the purchase price for the Northern Tier Land sold to the Pueblo of Santa Clara or the Pueblo under subsection (b) shall be the consideration agreed to by the Pueblo of Santa Clara pursuant to that certain Pueblo of Santa Clara Tribal Council Resolution No. 05–01 "Approving Proposed San Ildefonso Claims Settlement Act of 2005, and Terms for Purchase of Northern Tier Lands" that was signed by Governor J. Bruce Tafoya in January 2005.

(2) RESERVED RIGHTS.—On the Northern Tier Land, the United States shall reserve the right to operate, maintain, reconstruct (at standards in existence on the date of the Settlement Agreement), replace, and use the stream gauge, and to have unrestricted administrative access over the associated roads to the gauge (as depicted in Appendix B of the Settlement Agreement).

(3) CONVEYANCE BY QUITCLAIM DEED.—The conveyance of the Northern Tier Land shall be by quitclaim deed executed on behalf of the United States by the Director of Lands and Minerals, Forest Service, Southwestern Region, Department of Agriculture.

(d) TRUST STATUS AND FOREST BOUNDARIES.—

(1) ACQUISITION OF LAND BY INDIAN TRIBE.—If the Northern Tier Land is acquired by an Indian tribe (including a Pueblo tribe), the land may be reconveyed by quitclaim deed or deeds back to the United States to be held in trust by the Secretary of the Interior for the benefit of the tribe, and the Secretary of the Interior shall accept the conveyance without any additional administrative action by the Secretary of Agriculture or the Secretary of the Interior.

(2) LAND HELD IN TRUST.—On recording a quitclaim deed described in paragraph (1) in the Land Titles and Records Office, Southwest Region, Bureau of Indian Affairs, the Northern Tier Land shall be deemed to be held in trust by the United States for the benefit of the Indian tribe.

(3) BOUNDARIES OF SANTA FE NATIONAL FOREST.—Effective on the date of a deed described in paragraph (1), the boundaries of the Santa Fe National Forest shall be deemed modified to exclude from the National Forest System the land conveyed by the deed.

(e) INHOLDER AND ADMINISTRATIVE ACCESS.—

(1) FAILURE OF PUEBLO OF SANTA CLARA TO ACT.—

(A) IN GENERAL.—If the Pueblo of Santa Clara does not exercise its option to acquire the Northern Tier Land, the Secretary of Agriculture or the Secretary of the Interior, as appropriate, shall by deed reservations or grants on land under their respective jurisdiction provide for inholder and public access across the Northern Tier Land in order to provide reasonable ingress and egress to private and Federal land as shown in Appendix B of the Settlement Agreement.

(B) ADMINISTRATION OF RESERVATIONS.—The Secretary of the Interior shall administer any such reservations on land acquired by any Indian tribe.

(2) EFFECT OF ACCEPTANCE.—If the Pueblo of Santa Clara exercises its option to acquire all of the Northern Tier Land, the following shall apply:

(A) EASEMENTS TO UNITED STATES.—

(i) DEFINITION OF ADMINISTRATIVE ACCESS.—In this subparagraph, the term "administrative access" means access to Federal land by Federal employees acting in the course of their official capacities in carrying out activities on Federal land authorized by law or regulation, and by agents and contractors of Federal agencies who have been engaged to perform services necessary or desirable for fire management and the health of forest resources, including the cutting and removal of vegetation, and for the health and safety of persons on the Federal land.

(ii) EASEMENTS.—

(I) IN GENERAL.—The Pueblo of Santa Clara shall grant and convey at closing perpetual easements over the existing roads to the United States that are acceptable to the Secretary of Agriculture for administrative access over the Santa Clara Reservation Highway 601 (the Puye Road), from its intersection with New Mexico State Highway 30, westerly to its intersection with the Sawyer Canyon Road (also known as Forest Development Road 445), thence southwesterly on the Sawyer Canyon Road to the point at which it exits the Santa Clara Reservation.

(II) MAINTENANCE OF ROADWAY.—An easement under this subparagraph shall provide that the United States shall be obligated to contribute to maintenance of the roadway commensurate with actual use.

(B) EASEMENTS TO PRIVATE LANDOWNERS.—Not later than 180 days after the date of enactment of this Act, the Pueblo of Santa Clara, in consultation with private landowners, shall grant and convey a perpetual easement to the private owners of land within the Northern Tier Land for private access over Santa Clara Reservation Highway 601 (Puye Road) across the Santa Clara Indian Reservation from its intersection with New Mexico State Highway 30, or other designated public road, on Forest Development Roads 416, 445 and other roads that may be necessary to provide access to each individually owned private tract.

(3) APPROVAL.—The Secretary of the Interior shall approve the conveyance of an easement under paragraph (2) upon receipt of written approval of the terms of the easement by the Secretary of Agriculture.

(4) ADEQUATE ACCESS PROVIDED BY PUEBLO OF SANTA CLARA.—If adequate administrative and inholder access is provided over the Santa Clara Indian Reservation under paragraph (2), the Secretary of the Interior—

(A) shall vacate the inholder access over that portion of Forest Development Road 416 referenced in section 7(e)(5); but

(B) shall not vacate the reservations over the Northern Tier Land for administrative access under subsection (c)(2).

SEC. 13. INTER-PUEBLO COOPERATION.

(a) DEMARCATION OF BOUNDARY.—The Pueblo of Santa Clara and the Pueblo may, by agreement, demarcate a boundary between their respective tribal land within Township 20 North, Range 7 East, in Rio Arriba County, New Mexico, and may exchange or otherwise convey land between them in that township.

(b) ACTION BY SECRETARY OF THE INTERIOR.—In accordance with any agreement under subsection (a), the Secretary of the Interior shall, without further administrative procedures or environmental or other analyses—

(1) recognize a boundary between the Pueblo of Santa Clara and the Pueblo;

(2) provide for a boundary survey;

(3) approve land exchanges and conveyances as agreed upon by the Pueblo of Santa Clara and the Pueblo; and

(4) accept conveyances of exchanged lands into trust for the benefit of the grantee tribe.

SEC. 14. DISTRIBUTION OF FUNDS PLAN.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall act in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) with respect to the award entered in the compromise and settlement of claims under the case styled Pueblo of San Ildefonso v. United States, No. 660–87L, United States Court of Federal Claims.

SEC. 15. RULE OF CONSTRUCTION AND JUDICIAL REVIEW.

Notwithstanding any provision of State law, the Settlement Agreement and the Los Alamos Agreement (including any real property conveyance under the agreements) shall be interpreted and implemented as matters of Federal law.

SEC. 16. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

SEC. 17. TIMING OF ACTIONS.

It is the intent of Congress that the land conveyances and adjustments contemplated in this Act *(except the conveyances and adjustments relating to Los Alamos Townsite Land)* shall be completed not later than 180 days after the date of enactment of this Act.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as are necessary to carry out this Act.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 1773), as amended, was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL CYSTIC FIBROSIS AWARENESS MONTH

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration and the Senate now proceed to H. Con. Res. 357.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 357) supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 357) was agreed to.

The preamble was agreed to.

ORDERS FOR THURSDAY, MAY 25, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. on Thursday, May 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two Leaders be reserved, and the Senate then resume consideration of S. 2611, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, in the morning we will work toward passage of the immigration bill. We have our final amendment list lined up. We will likely debate the amendments and stack them together very early in the afternoon. I do anticipate passage of the bill by early afternoon following those votes.

Following passage of this comprehensive immigration bill, we will proceed to the cloture vote on the Kavanaugh nomination. I filed cloture the night before last. We are attempting to reach a time agreement on the Hayden nomination. I feel strongly we need to complete action on the Hayden nomination before we leave. It is an important position, General Hayden being the right man for this position at a very important time in our history. We also have the Portman nomination for OMB and the Schwab nomination at the USTR to clear this week, as well. It is my goal to reach an agreement with the other side of the aisle as to when we might be able to bring him to the Senate.

Finally, I mention that I filed a cloture motion on the nomination of our former colleague, Dirk Kempthorne, to be Secretary of the Interior. I have tried over the course of the day, to no avail, to be able to bring that to a vote and was unable to do so with an objection on the other side of the aisle. I have filed cloture tonight. This vote will occur on Friday.

We end Wednesday, at a late hour, having had a very productive day today, very productive day yesterday, really, this whole week. I appreciate the collegial approach our colleagues have taken in allowing amendments to come forward, to be debated, thoroughly debated, discussed and voted upon. We set out on this immigration bill well over a month ago. We had a hiatus over the recess, came back and in a very bipartisan spirit had an agreement to proceed to consider votes with these amendments and have the votes taken.

We have had huge progress. The debate has been very good. Everyone has participated in that debate. Everyone has had the opportunity to submit amendments and have them debated.

With that, we have progressed in our understanding of both the importance of this bill but also the importance of having a comprehensive solution to the challenges we face, with 12 million people here illegally, the need, absolute necessity of having a strong temporary worker program in this country for economic reasons and employment reasons and then, first and foremost, sealing our borders, locking down our borders in the sense we can have legal immigration and not illegal immigration coming across at ports of entry.

I have been very pleased with the debate. It has been very tough, very challenging, for a number of our Members. There is no consensus in the sense that everyone has gotten exactly what they wanted, but I will be absolutely satisfied with this bill as a reflection of the will of 100 Senators, the will of this Senate after this very long time in the Senate but very good and productive time where so many amendments have been considered.

We will complete the bill tomorrow. I expect the bill to pass tomorrow. I can't predict what the final outcome will be, but I think it will reflect this very open, free, deliberate process we have seen over the last several weeks.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:15 p.m., adjourned until Thursday, May 25, 2006, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 24, 2006:

DEPARTMENT OF VETERANS AFFAIRS

PATRICK W. DUNNE, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (POLICY AND PLANNING), VICE CLAUDE M. KICKLIGHTER, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be commander

PHILIP A GRUCCIO
RICHARD R WINGROVE
RANDALL J TEBEEST
JOHN J ADLER
MICHAEL S WEAVER
ANNE K LYNCH
KARL F MANGELS
ANITA L LOPEZ
JEFFREY C HAGAN
JOHN K LONGENECKER

To be lieutenant commander

JULIE V HELMERS
MARK A WETZLER
KURT A ZEGOWITZ
TIMOTHY J GALLAGHER
JOE C BISHOP
NATHAN H HANCOCK
PETER V SIEGEL
DEMIAN A BAILEY
MICHAEL F ELLIS
NANCY L ASH
ELIZABETH I JONES
ARTHUR J STARK, JR
THOMAS J PELTZER

To be lieutenant

PAUL W KEMP
KATHERINE R PEET
MICHAEL G LEVINE
BRYAN R WAGONSELLER
ALLISON B MELICHAREK
EARL M SPENCER
JEFFREY D SHOUP
HECTOR L CASANOVA
AMANDA M BITTINGER
NICOLE M MANNING
ERIC T JOHNSON
JASPER D SCHAER
JESSICA E DAUM
AMANDA M MIDDLEMISS
NATASHA R DAVIS
LUKE J SPENCE
JOHN J LOMNICKY
LUNDY E PIXTON

To be lieutenant (junior grade)

SAMUEL F GREENAWAY
TRACY L HAMBURGER
MICHAEL O GONSALVES
OLIVIA A HAUSER
DANIEL E ORR
REBECCA J ALMEIDA
TONY III PERRY
JONATHAN R FRENCH
AMY B COX
PAUL S HEMMICK
MATTHEW J JASKOSKI
STEPHEN C KUZIRIAN
LINDSEY M VANDENBERG
MADELEINE M ADLER
CAROL N ARSENAULT
JAMES L BRINKLEY
JOHN E CHRISTENSEN
SEAN M FINNEY
LAUREL K JENNINGS
GUINEVERE R LEWIS
ALLISON R MARTIN
JASON R SAXE
PAUL M SMIDANSKY
DAVID A STRAUSZ
REBECCA J WADDINGTON
JAMIE S WASSER

HOUSE OF REPRESENTATIVES—*Wednesday, May 24, 2006*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. EMERSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC.
> *May 24, 2006.*
>
> I hereby appoint the Honorable JO ANN EMERSON to act as Speaker pro tempore on this day.
>
> J. DENNIS HASTERT,
> *Speaker of the House of Representatives.*

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Today the House of Representatives prays with the sentiments of the 122nd Psalm:

"I rejoiced because they said to me, 'We are on our way to the house of the Lord.' Even now, at times, I have a sense we are standing within your gates, O Jerusalem.

"Jerusalem, that holy city built as a sign of unity. To it the tribes of the Lord climb up. There all the tribes of the Lord are drawn together. I rejoiced when I heard them say, 'Together let us go up to the house of the Lord.'

"Pray for the peace of Jerusalem. Pray. May all those who love her prosper. May peace be found within and permeate all great endeavors.

"Because of relatives and friends, I will pray, 'May peace be upon you.' Because here is the dwelling of the Lord God, a place holy for Jew, Christian and Muslim, I will pray for your good."

To You, Lord God, be glory and honor forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation among the Speaker, the majority and minority leaders, the Chair announces that during the joint meeting to hear an address by His Excellency Ehud Olmert, Prime Minister of Israel, only the doors immediately opposite the Speaker and those on her right and left will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Friday, May 19, 2006, the House stands in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the Chamber:

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from New York (Mr. REYNOLDS);

The gentleman from Florida (Mr. SHAW);

The gentleman from Texas (Mr. DELAY);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from Virginia (Mr. TOM DAVIS);

The gentleman from Georgia (Mr. PRICE);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. LANTOS);

The gentleman from New York (Mr. ACKERMAN);

The gentlewoman from New York (Mrs. LOWEY);

The gentleman from California (Mr. WAXMAN);

The gentlewoman from California (Ms. HARMAN); and

The gentleman from California (Mr. BERMAN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Ehud Olmert, Prime Minister of Israel, into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Alaska (Mr. STEVENS);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Arizona (Mr. KYL);

The Senator from Pennsylvania (Mr. SPECTER);

The Senator from Minnesota (Mr. COLEMAN);

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Michigan (Ms. STABENOW);

The Senator from Vermont (Mr. LEAHY);

The Senator from Michigan (Mr. LEVIN);

The Senator from Wisconsin (Mr. KOHL);

The Senator from Connecticut (Mr. LIEBERMAN);

The Senator from California (Mrs. FEINSTEIN);

The Senator from California (Mrs. BOXER);

The Senator from Wisconsin (Mr. FEINGOLD);

The Senator from Oregon (Mr. WYDEN);

The Senator from New York (Mrs. CLINTON); and

The Senator from New Jersey (Mr. LAUTENBERG).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Jesse Bibiano Marehalau, Ambassador of Micronesia.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 11 o'clock and 10 minutes a.m., the Deputy Sergeant at Arms announced His Excellency Ehud Olmert, Prime Minister of Israel.

The Prime Minister of Israel, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Ehud Olmert, Prime Minister of Israel.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY EHUD OLMERT, PRIME MINISTER OF ISRAEL

Prime Minister OLMERT. Mr. Speaker, Mr. Vice President, distinguished Members of the U.S. Congress, ladies and gentlemen, on behalf of the people and the State of Israel, I wish to express my profound gratitude to you for the privilege of addressing this joint meeting of the U.S. Congress. This building, this Chamber, and all of you stand as a testament to the enduring principles of liberty and democracy.

More than 30 years ago, I came to Washington as a young legislator thanks to a program sponsored by the State Department. I had a chance to tour this building, and I saw then what I believe today, that this institution, the United States Congress, is the greatest deliberative body in the world. I did not imagine then that a day would actually come when I would have the honor of addressing this forum as the Prime Minister of my nation, the State of Israel.

The United States is a superpower whose influence reaches across oceans and beyond borders. Your continued support, which, I am happy to say, transcends partisan affiliations, is of paramount importance to us. We revere the principles and values represented by your great country and are grateful for the unwavering support and friendship we have received from the U.S. Congress, from President George W. Bush, and from the American people.

Abraham Lincoln once said, "I am a success today because I had a friend who believed in me, and I didn't have the heart to let him down."

Israel is grateful that America believes in us. Let me assure you that we will not let you down.

The similarities in our economic, social and cultural identities are obvious, but there is something much deeper and everlasting. The unbreakable ties between our two nations extend far beyond mutual interests. They are based on our shared goals and values stemming from the very essence of our mutual foundations.

This coming Monday, the 29th of May, you commemorate Memorial Day for America's fallen. The graves of brave American soldiers are scattered throughout the world: in Asia and in the Pacific, throughout Europe and Africa, in Iraq and throughout the Middle East. The pain of the families never heals, and the void they leave is never filled.

It is impossible to think of a world in which America was not there in the honorable service of humanity. On Monday, when the Stars and Stripes are lowered to half-mast, we, the people of Israel, will bow our heads with you.

Our two great nations share a profound belief in the importance of freedom and a common pioneering spirit deeply rooted in optimism. It was the energetic spirit of our pioneers that enabled our two countries to implement the impossible, to build cities where swamps once existed and to make the desert bloom.

My parents, Bella and Mordechai Olmert, were lucky. They escaped the persecution in the Ukraine and Russia and found sanctuary in Harbin, China. They immigrated to Israel to fulfill their dream of building a Jewish and democratic state living in peace in the land of our ancestors.

My parents came to the Holy Land following a verse in the Old Testament in the book of Second Samuel: "I will appoint a place for my people Israel and I will plant them in their land and they will dwell in their own place and be disturbed no more."

Distinguished Members of Congress, I come here, to this home of liberty and democracy, to tell you that my parents' dream, our dream, has only been partly fulfilled. We have succeeded in building a Jewish democratic homeland. We have succeeded in creating an oasis of hope and opportunity in a troubled region. But there has not yet been one year, one week, even one day of peace in our tortured land.

Our Israeli pioneers suffered, and their struggle was long and hard. Yet even today, almost 60 years after our independence, that struggle still endures. Since the birth of the State of Israel and until this very moment, we have been continually at war and amidst confrontation. The confrontation has become even more violent, the enemy turned even more inhumane due to the scourge of suicide terrorism. But we are not alone. Today, Israel, America, Europe, and democracies across the globe, unfortunately, face this enemy.

Over the past 6 years, more than 20,000 attempted terrorist attacks have been initiated against the people of Israel. Most, thankfully, have been foiled by our security forces. But those which have succeeded have resulted in the deaths of hundreds of innocent civilians and the injury of thousands, many of them children guilty only of being in what proved to be the wrong place at the wrong time.

These are not statistics. These are real people with beautiful souls that have left this Earth far too soon.

In the decade I served as mayor of my beloved city, Jerusalem, we faced the lion's share of the seemingly endless wave of terrorism.

I remember Galila, a 12-year-old Ethiopian immigrant, whose parents worked in the King David Hotel. On one particular morning, her parents, overwhelmed by the fear of riding a bus in the city of Jerusalem, told their daughter, "Galila, perhaps this morning, just this morning, we'll take you in the family car to your school."

And Galila said to her parents, "Oh, come on. Don't be silly. I know where to sit in the bus. I will be safe in the bus. Don't worry for me." It so happened that on that same day, the suicide attacker ascended that same bus and chose to sit just next to her.

When I visited her grieving parents, her mother came to me sobbing and she said, "You are the mayor. You have so much influence in this city. Will you do us just one last favor. Please try to find out something, just one item of remembrance that we will be able to take with us for the rest of our lives. Maybe just a shoelace of Galila's." I did everything a mayor could do. I summoned the police. I summoned the security forces. I instructed the municipal workers. I told them, "Go look out wherever you can." And then they came back and they said to me, "Mr.

Mayor, nothing. Nothing. Not even a shoelace."

Among the victims of this brutal and unremitting terror, I am sorry to tell you, are also American citizens. Only last week, Daniel Cantor Wultz, a 16-year-old high school student from Weston, Florida, who came to spend the Passover holiday with his parents in Israel, succumbed to his severe injuries incurred in Israel's most recent suicide attack.

I asked Daniel's parents and sister, Yekutiel, Sheryl and Amanda Wultz, who only finished the traditional period of mourning 2 days ago, to be with us here today. Daniel was a relative of Congressman ERIC CANTOR of Virginia, an honorable Member of this House. Our thoughts and prayers are with you.

I bring Galila's memory, Daniel's memory, and the loss of so many others with me to my new post as Prime Minister. I also bring with me the horrific scenes I saw with my own eyes when I visited New York just a few days after the devastating attacks on September 11, a tragedy that transcends any other terrorist attack that has ever occurred.

As I told my good friend, Rudy Giuliani, on that dreadful day, our hearts went out to you, not only because of the friendship between us but because, tragically and personally, we both know what it is to confront the evil of terrorism at home.

Our countries do not just share the experience and pain of terrorism. We share the commitment and resolve to confront the brutal terrorists that took these innocent people from us. We share the commitment to extract from our grief a renewed dedication to providing our people with a better future.

Let me state this as clearly as I can: We will not yield to terror. We will not surrender to terror. And we will win the war on terror and restore peace to our societies.

The Palestinian Authority is ruled by Hamas, an organization committed to vehement anti-Semitism, the glorification of terror, and the total destruction of Israel. As long as these are their guiding principles, they can never be a partner.

Therefore, while Israel works to ensure that the humanitarian needs of the Palestinian population are met, we can never capitulate to terrorists or terrorism. I pay tribute to the firmness and the clarity with which the President and this Congress uphold this crucial principle which we both firmly share.

Israel commends this Congress for initiating the Palestinian Anti-Terrorism Act which sends a firm, clear message that the United States of America will not tolerate terrorism in any form.

Like America, Israel seeks to rid itself of the horrors of terrorism. Israel yearns for peace and security. Israel is determined to take responsibility for its own future and take concrete steps to turn its dreams into reality. The painful, but necessary, process of disengagement from the Gaza Strip and Northern Samaria was an essential step.

At this moment, my thoughts turn especially to the great leader, who, in normal circumstances, should have stood here. Ariel Sharon, the legendary statesman and visionary, my friend and colleague, could not be here with us, but I am emboldened by the promise of continuing his mission. I pray, as I am sure you all do, too, for his recovery.

Ariel Sharon is a man of few words and great principles. His vision and dream of peace and security transcended time, philosophy, and politics. Israel must still meet the momentous challenge of guaranteeing the future of Israel as a democratic state with a Jewish majority, within permanent and defensible borders and a united Jerusalem as its capital that is open and accessible for the worship of all religions.

This was the dream to which Ariel Sharon was loyally committed. This was the mission he began to fulfill. It is the goal and the purpose of the Kadima Party that he founded and which I was the first to join. And it is this legacy of liberty, identity, and security that I embrace. It is what I am working towards. It is what I am so passionately hoping for.

Although our government has changed, Israel's goal remains the same. As Prime Minister Sharon clearly stated: "The Palestinians will forever be our neighbors. They are an inseparable part of this land, as are we. Israel has no desire to rule over them, nor to oppress them. They too have a right for freedom and national inspirations."

With the vision of Ariel Sharon guiding my actions, from this podium today, I extend my hand in peace to Mahmoud Abbas, the elected President of the Palestinian Authority. On behalf of the State of Israel, we are willing to negotiate with a Palestinian Authority. This authority must renounce terrorism, dismantle the terrorist infrastructure, accept previous agreements and commitments, and recognize the right of Israel to exist.

Let us be clear: peace, without security, will bring neither peace nor security.

We will not, we cannot, compromise on these basic tests of partnership.

With a genuine Palestinian partner for peace, I believe we can reach an agreement on all the issues that divide us. Our past experience shows us it is possible to bridge the differences between our two peoples. I believe this, I know this, because we have done it before, in our peace treaties with Egypt and with Jordan. These treaties involved painful and difficult compromises. It required Israel to take real risks.

But if there is to be a just, fair and lasting peace, we need a partner who rejects violence and who values life more than death. We need a partner that affirms in action, not just in words, the rejection, prevention, and elimination of terror.

Peace with Egypt became possible only after President Anwar Sadat came to our Knesset and declared: "No more war and no more bloodshed." And peace with Jordan became possible only after the late King Hussein, here in Washington, declared the end of the state of belligerency, signed a peace treaty with us, and wholeheartedly acknowledged Israel's right to exist.

The lesson for the Palestinian people is clear. In a few years, they could be living in a Palestinian state, side by side in peace and security with Israel, a Palestinian state which Israel and the international community would help thrive.

But no one can make this happen for them if they refuse to make it happen for themselves.

For thousands of years, we Jews have been nourished and sustained by a yearning for our historic land. I, like many others, was raised with a deep conviction that the day would never come when we would have to relinquish parts of the land of our forefathers. I believed, and to this day still believe, in our people's eternal and historic right to this entire land.

But I also believe that dreams alone will not quiet the guns that have fired unceasingly for nearly a hundred years. Dreams alone will not enable us to preserve a secure, democratic Jewish state.

Jews all around the world read in this week's Torah portion: "And you will dwell in your land safely and I will give you peace in the land, and there shall be no cause for fear. Neither shall the sword cross through the Promised Land."

Painfully, we the people of Israel have learned to change our perspective. We have to compromise in the name of peace, to give up parts of our promised land in which every hill and every valley is saturated with Jewish history and in which our heroes are buried. We have to relinquish part of our dream to leave room for the dream of others, so that all of us can enjoy a better future. For this painful, but necessary, task my government was elected. And to this I am fully committed.

We hope and pray that our Palestinian neighbors will also awaken. We hope they will make the crucial distinction between implementing visions that can inspire us to build a better reality and mirages that will only lead us further into the darkness. We hope and pray for this, because no peace is more stable than one reached out of mutual understanding, not just for the past but for the future.

We owe a quiet and normal life to ourselves, our children, and our grandchildren. After defending ourselves for almost 60 years against attacks, all our children should be allowed to live free of fear and terror.

And so I ask of the Palestinians: How can a child growing up in a culture of hate dream of the possibility of peace? It is so important that all schools and all educational institutions in the region teach our children to be hate-free.

The key to a true, lasting peace in the Middle East is in the education of the next generation.

So let us today call out to all peoples of the Middle East: replace the culture of hate with an outlook of hope.

It is 3 years since the Road Map for Peace was presented. The Road Map was and remains the right plan. A Palestinian leadership that fulfills its commitments and obligations will find us a willing partner in peace. But if they refuse, we will not give a terrorist regime a veto over progress, or allow it to take hope hostage.

We cannot wait for the Palestinians forever. Our deepest wish is to build a better future for our region, hand in hand with a Palestinian partner; but, if not, we will move forward, but not alone.

We could never have implemented the Disengagement plan without your firm support. The Disengagement could never have happened without the commitments set out by President Bush in his letter of April 14, 2004, endorsed by both Houses of Congress in unprecedented majorities. In the name of the people of Israel, I thank President Bush for this commitment and for his support and friendship.

The next step is even more vital to our future and to the prospects of finally bringing peace to the Middle East. Success will only be possible with America as an active participant, leading the support of our friends in Europe and across the world.

Should we realize that the bilateral track with the Palestinians is of no consequence, should the Palestinians ignore our outstretched hand for peace, Israel will seek other alternatives to promote our future and the prospects of hope in the Middle East. At that juncture, the time for realignment will occur.

Realignment would be a process to allow Israel to build its future without being held hostage to Palestinian terrorist activities. Realignment would significantly reduce the friction between Israelis and Palestinians and prevent much of the conflict between our two battered nations.

The goal is to break the chains that have tangled our two peoples in unrelenting violence for far too many generations. With our futures unbound, peace and stability might finally find its way to the doorsteps of this troubled region.

Mr. Speaker, Mr. Vice President, allow me to turn to another dark and gathering storm casting its shadow over the world.

Every generation is confronted with a moment of truth and trial. From the savagery of slavery, to the horrors of World War II, to the gulags of the Communist bloc, that which is right and good in this world has always been at war with the horrific evil permitted by human indifference.

Iran, the world's leading sponsor of terror, and a notorious violator of fundamental human rights, stands on the verge of acquiring nuclear weapons. With these weapons, the security of the entire world is put in jeopardy.

We deeply appreciate America's leadership on this issue and the strong bipartisan conviction that a nuclear-armed Iran is an intolerable threat to the peace and security of the world. It cannot be permitted to materialize. This Congress has proven its conviction by initiating the Iran Freedom and Support Act. We applaud these efforts.

A nuclear Iran means a terrorist state could achieve the primary mission for which terrorists live and die: the mass destruction of innocent human life. This challenge, which I believe is the test of our time, is one the West cannot afford to fail.

The radical Iranian regime has declared the United States its enemy. Its President believes it is his religious duty and his destiny to lead his country in a violent conflict against the infidels. With pride he denies the Jewish Holocaust and speaks brazenly, calling to wipe Israel off the map.

For us, this is an existential threat, a threat to which we cannot consent. But it is not Israel's threat alone. It is a threat to all those committed to stability in the Middle East and the well-being of the world at large.

Mr. Speaker, Mr. Vice President, our moment is now. History will judge our generation by the actions we take now, by our willingness to stand up for peace and security and freedom, and by our courage to do what is right.

The international community will be measured not by its intentions, but by its results. The international community will be judged by its ability to convince nations and peoples to turn their backs on hatred and zealotry.

If we don't take Iran's bellicose rhetoric seriously now, we will be forced to take its nuclear aggression seriously later.

Mr. Speaker, Mr. Vice President, the true Israel is not one you can understand through the tragic experiences of the complex geopolitical realities. Israel has impressive credentials in the realms of science, technology, high tech and the arts, and many Israelis are Nobel Prize laureates in various fields.

A land with limited resources, eager to facilitate cooperation with the United States, Israel devotes its best and brightest scientists to research and development for new generations of safe, reliable, efficient and environmentally friendly sources of energy. Both our countries share a desire for energy security and prevention of global warming. Therefore, through the United States-Israel Energy Cooperation Act and other joint frameworks, in collaboration with our U.S. counterparts, Israel will increase its efforts to find advanced scientific and technological solutions designed to develop new energy sources and encourage conservation.

Just one example of Israel's remarkable achievements is the recent $4 billion purchase by an American company of Israel's industrial giant Iscar. This is an important endorsement of the Israeli economy, which has more companies listed on NASDAQ than any country other than the United States and Canada. It is also a vote of confidence in Israel's strategic initiative to enhance the economic and social development of our Negev and Galilee regions.

But above all, it is recognition that what unites us, Israel and America, is a commitment to tap the greatest resource of all, the human mind and the human spirit.

Ladies and gentlemen, we believe in the moral principles shared by our two nations, and they guide our political decisions.

We believe that life is sacred and fanaticism is not.

We believe that every democracy has the right and the duty to defend its citizens and its values against all enemies.

We believe that terrorism not only leads to war but that terrorism is war, a war that must be won every day, a war in which all men and women of good will must be allies.

We believe that peace among nations remains not just the noblest ideal but a genuine reality.

We believe that peace, based on mutual respect, must be and is attainable in the near future.

We, as Jews and citizens of Israel, believe that our Palestinian neighbors want to live in peace. We believe that they have the desire, and hopefully the courage, to reject violence and hatred as means to attain national independence.

The Bible tells us that as Joshua stood on the verge of the Promised Land, he was given one exhortation: "Chazak Ve'ematz." "Be strong and of good courage."

Strength, without courage, will lead only to brutality. Courage, without strength, will lead only to futility. Only genuine courage and commitment to our values, backed by the will and the power to defend them, will lead us forward in the service of humanity.

To the Congress of the United States and to the great people of America, on behalf of the people of Israel, I want to say today: chazak ve'ematz, be strong and of good courage; and we, and all peoples who cherish freedom, will be with you.

God bless you.

And God bless America.

Thank you.

[Applause, the Members rising.]

At noon, His Excellency Ehud Olmert, Prime Minister of Israel, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Acting Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 12 o'clock and 5 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:30 p.m.

☐ 1245

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 12 o'clock and 45 minutes p.m.

PRINT OF PROCEEDINGS HAD DURING RECESS

Mr. POE. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 1-minutes on each side.

A MARINE—A MEMORIAL DAY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, Harlon Block and his high school teammates took their friendship, bravery and boldness off the football field and on to the battlefield.

Twenty-two-year-old Corporal Block, from the small border town of Weslaco, Texas, would end his journey as a Marine atop an extinct volcano on Iwo Jima, February 23, 1945. The single most patriotic photographic scene in American history would erupt.

Six men vowed to raise a large American flag atop Mt. Suribachi, as they said, "so that every Marine on this cruddy island can see it."

That picture would be the last for three of those heroes, including Harlon Block. Admiral Chester Nimitz said, "Among the men who fought on Iwo Jima, uncommon valor was a common virtue."

Harlon Block's desire to fight for freedom was a common trait for those warriors who thought the American flag was worth dying for.

This Memorial Day we will remember men like Harlon Block, the other 400,000 of the Greatest Generation who died in the great World War II and all those who died in America and for America's service.

We shall never flinch, never flee, never fear, because we will never forget the Americans.

And that's just the way it is.

KENTUCKY MINERS

(Mr. CHANDLER asked and was given permission to address the House for 1 minute.)

Mr. CHANDLER. Mr. Speaker, I rise today on behalf of Amon Brock, Jimmy D. Lee, George Petra, Paris Thomas, Jr., Roy Middleton and Steve Bryant. These are the names of Kentucky miners who have died in the last week.

As we just heard this morning, the other body acted on behalf of our miners, and it is critical that the House take immediate action and pass H.R. 5389, a comprehensive mining bill that will not only crack down on negligent operators but save lives. This body should not risk another miner's life by failing to act.

I call on all of my colleagues to reach across party lines for the sake of our miners who are simply trying to go to work and provide for their families.

DEMOCRATS OPPOSE SECURING THE BORDER

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, House Republicans are committed to securing our Nation's borders in order to ensure that our citizens remain safe and secure. One of my Republican colleagues from Virginia recently introduced an amendment to the National Defense Authorization Act that would permit members of our Armed Forces to assist with border protection under certain circumstances.

The Democrats like to say they are working to keep our country secure, but they voted "no" on this commonsense amendment, and this is not the first time they voted against important border security and national security measures.

Republicans voted to pass a major border security bill this past December, but Democrats voted "no" on the bill.

Republicans voted to pass the REAL ID Act to make sure that people who receive driver's licenses are here legally, but Democrats voted "no" on the bill.

Mr. Speaker, House Democrats have had ample opportunity to show that they are serious about border security. Yet every time they get a chance to prove it, they vote "no."

IN HONOR OF GILLETT, ARKANSAS' CENTENNIAL CELEBRATION

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to my hometown of Gillett, Arkansas, which will celebrate its 100th anniversary this year. This is a significant milestone for our community and for all those who shaped our town's history.

Gillett was incorporated in 1906, several decades after the first settlers migrated there from Fulton County, Illinois, in 1881. These early settlers purchased land; built modest homes; farmed crops of oats, corn and cotton; and developed orchards; and raised cattle. They worked hard to establish a town, building the first school and the first church in 1886, the first store in 1888, and lobbying for the completion of the railroad from Stuttgart, Arkansas, to the new town in 1892.

The name Gillett first appeared in 1892 after community leaders designated the town's first U.S. post office in honor of Francis M. Gillett, president of the railroad company. The name stuck, and by November 21, 1906, the County Court of Arkansas County approved a petition to incorporate the town of Gillett. The town was busy in those early years, establishing the

Bank of Gillett, constructing the first sidewalks, building a modern two-story high school on Champion Avenue, and dedicating the first flagpole in honor of the men from Gillett serving in World War I. By the early 1920s, Gillett recorded its highest population ever of 1,175 citizens.

Gillett hit difficult times, however, in the late 1920s when the flood of 1927 and the Great Depression came. Residents lost their homes and farms, the local bank closed its doors, and businesses went bankrupt. It was not until the 1930s when jobs started to reappear as sawmills, stave mills, and handle factories relocated to our city.

Gillett sent many men into World War II in the 1940s. Some were captured as prisoners of war in the Pacific. Others lost their life fighting for their country. While the town prayed for its war heroes, community leaders continued working to improve the economic conditions in Gillett. In 1946, all the one-room schools in the area moved to Gillett District 66, and the town held its first Coon Supper to raise money for local school and youth activities. This event evolved over the years into one of Arkansas' most popular political events and now receives national and worldwide attention.

The town continued to grow during the 1950s and 1960s, with Gillett High School attaining North Central Accreditation, the construction of the Arkansas River Navigation Project, integration of the schools, and the establishment of the Planters and Merchants Bank of Gillett. Farmers and businesses continued to turn a profit, and by the 1970s area farmers reported all-time highs for commodities. Farms were paid off, new machinery purchased, and new homes constructed.

The town itself also underwent a number of improvements thanks to the Federal Revenue Sharing period. A new city hall was constructed, and street improvements were made. A library was built, water and sewer improvements received attention, and many beautification projects took place.

Despite the booming times of the 1960s and 1970s, the depressed farm economy of the 1980s and 1990s proved to be a challenging time for our citizens. Many businesses closed, and construction of new homes came to a halt. Population figures declined from the highs of the 1920s and 1960s, and the schools continued to lose enrollment. This declining enrollment posed a serious threat during the 1980s, when a consolidation proposal almost cost the town its schools.

It was during this time, in 1996, when the citizens of Gillett helped elect me to represent Arkansas's 1st Congressional District in the United States House of Representatives. As a resident of Gillett, Arkansas, I am honored to serve my friends in Congress and have spent the past decade working to restore prosperity to the region. We continue to fight for our farmers who struggle with high fuel and fertilizer costs, and we are working to diversify our energy supply so places like Gillett can benefit from new opportunities.

Gillett has always been a town of citizens who pull together during tough times to improve our schools, help our businesses grow, and attract new development to the region. On May 27, 2006, our community will gather to celebrate 100 years as a corporate community. We will hold a parade down Main Street, reflect on our history, and place a time capsule in front of city hall to preserve our story for generations to come.

I ask my colleagues to join me in congratulating my hometown of Gillett, Arkansas, on this significant milestone. We send our appreciation to the town's citizens for years of hard work and dedication to their community and wish Gillett many more years as a wonderful place to live and raise a family.

HEALTH IT

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today in support of Health Information Technology, one of the most important and immediate ways we can increase patient safety and help more Americans access quality health care.

Health Information Technology, like electronic medical records and e-prescribing, can help doctors save money, time and, most importantly, save lives. But as I speak to practicing physicians across America, I am hearing the same thing time and time again, Mr. Speaker: I would love to invest in this new technology, but the costs are simply prohibitive.

This is why I have introduced H.R. 4641, legislation to increase tax deductions for physicians who invest in Health Information Technology. If more physicians can afford Health IT, more Americans can benefit from these systems.

Mr. Speaker, a recent RAND study reveals that a widely adopted Health IT system could save the United States more than $126 billion each and every year. We have a unique opportunity then to help doctors, patients and the American taxpayer in one fell swoop.

It is absolutely crucial that we encourage the adoption of HIT, Health Information Technology. Congress must act, and we must act now. H.R. 4641 is the right approach to lower the cost barriers to Health IT for our physicians.

STEM CELL RESEARCH

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Mr. Speaker, I am fortunate to represent the University of Wisconsin-Madison, where Dr. Jamie Thompson and his team of scientists were the first to derive and culture human embryonic stem cells in a lab.

Embryonic stem cells open up the possibility of dramatic new medical treatments, transplantation therapies and cures. But on August 9, 2001, the hope and promise of this research was greatly curtailed by this administration's severe restrictions on Federal research dollars.

Last year, I was proud to fight for the passage of H.R. 810, a bill that opens up Federal research dollars to stem cells derived from donated embryos. One year has gone by since the House passed that bill. It is time for the Senate to act. We can no longer tie the hands of our scientists. We need to unlock the promise that this research holds.

U.S. MOX PROGRAM

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, in 2000, the U.S. and Russia agreed to dispose of 34 metric tons of surplus weapons-grade plutonium by turning it into a mixed oxide fuel for existing commercial nuclear reactors. Recently, the future of this program, which is vital to our national security, has been in doubt.

I acknowledge, sure, there have been delays, but I am confident that language previously agreed to by the House will allow the U.S. MOX program to move forward regardless of the pace of the Russian program. Moving forward in this unilateral fashion makes good sense.

I am proud that the Savannah River Site in my district has been selected for this important project. Eliminating the MOX program in the Energy and Water Appropriations Act for fiscal year 2007 is wrong not only for my State but the Nation and the world.

The chairman has made his thoughts clear, but I respectfully disagree with his conclusions and will not be able to support any legislation that effectively turns South Carolina into a dumping ground. That is why I will not be able to support H.R. 5427 when it comes to a vote later today.

□ 1300

VETERANS AND CULTURALLY APPROPRIATE CARE

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise to urge my colleagues to provide greater funding for our Nation's veterans. More than 24 million veterans and their families have sacrificed for this country, yet the majority continues to underfund vital mental health and bereavement counseling.

The growing numbers of minorities in the military and their families is especially important to note. One in 10 soldiers in the U.S. Army and one in seven marines are of Latino extraction, 7 percent of the U.S. Navy is Asian Pacific Islander, and 3 percent of the Navy and Marine Corps is Native American. But only 43 percent of the VA's staff is trained to implement culturally and linguistically appropriate programs, and only 24 percent of the facilities have translated materials into languages that are used by our servicemen and their families.

I urge my colleagues to support a bill I introduced, H.R. 5007, to ensure that veterans and their families receive culturally and linguistically competent health care, especially those suffering from post-traumatic stress disorder.

As we remember Memorial Day, we should not hinder but support our military veterans and their families. And I send my special condolences to the families of the 11 soldiers who died in Iraq from my district.

ON MEMORIAL DAY AND IN HONOR OF CHIEF WARRANT OFFICER KYLE JACKSON

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, I rise today in honor of the life of Chief Warrant Officer Kyle Jackson, a Sarasota native and an American hero.

By the measure of time, Kyle's life was too short. Yet in the words of Rudyard Kipling, he filled "the unforgiving minute with 60 seconds' worth of distance run."

A 28-year-old father of two, Kyle treasured the fullness of each and every day and treasured the fragility of every moment. His father, Gary, said that "he wanted to do his job and wanted to do it well." As a father and a son, as a soldier and a marine, Kyle gave the full measure of his heart and soul to the performance of all of his duties.

After September 11, 2001, Kyle heard the call to serve his Nation and reenlisted in the Armed Forces. Earlier this year, while stationed in Iraq, he answered God's call and gave to a grateful Nation his most treasured gift, his life.

Kyle is not unlike the many brave men and women who have died in our Nation's defense, except to his wife, Betsy, his daughters Alia and Keira, and all who were blessed to have shared a moment with him.

I wish to recognize Kyle Jackson for his extraordinary service to his Nation and to his family.

NUCLEAR IRAN

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, the danger of a nuclear Iran may be the biggest security challenge facing America and the world, and now it appears that the Iranian regime might finally be willing to talk about ending their nuclear weapons programs.

This opportunity raises many questions. Can we depend on Iran to negotiate in good faith? Is Iran truly ready to renounce terrorism? And what will be the cost to the people of Iran if we engage a regime that oppresses its own people?

We must confront all these questions and scour our conscience for the answers. But these questions are dwarfed by a more immediate one: Do we have the courage, the foresight and the strength of will to seize this opportunity? Will we be brave enough to talk with Iran and risk a diplomatic failure? Or will we be so afraid to talk that we would risk war?

I ask the President to confront his fears, justified as they may be, and choose the courageous path of reaching out to engage Iran on a diplomatic formula to end the Iranian nuclear program.

IMMIGRANT SMUGGLERS AVOID PROSECUTION

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, 94 percent of the felons arrested for illegally smuggling aliens across the Mexico border near San Diego are never prosecuted by the U.S. Attorney. This is according to a shocking internal Border Patrol report just revealed by the Associated Press.

Are you surprised? I told the Attorney General about this problem on April 6, and I spoke on the House floor about it on April 27. On my recent trip to the Mexico border, Border Patrol agents in California told me that they have arrested the same coyotes 20 times but they are not prosecuted.

The pathetic failure of the U.S. Attorney in San Diego to prosecute alien smugglers who have been arrested 20 times is a demoralizing slap in the face to Border Patrol agents to who risk their lives every day. This U.S. Attorney has, however, recently prosecuted someone for selling a Mark McGuire baseball card with a forged signature.

Here is a tip: Stop worrying about baseball cards and start worrying about enforcing our immigration laws.

HOUSE GOP CANNOT GOVERN

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Mr. Speaker, during a 48-hour period last week, the House Republican majority once again demonstrated why they cannot govern. After weeks of arm twisting and two failed attempts to bring up a budget, the Republican leadership finally forced a vote late last Wednesday. Democrats stood united against the budget. Republicans were forcing major cuts in education, veterans, health and environmental programs. Also, they would continue to shower millionaires with tax breaks.

Nevertheless, the Republican budget passed. Two days later, they saw the implications of that vote when a small group of House Republicans stripped $50 million out of the military construction and veterans appropriations bill because the funding did not fit into the budget that they passed 2 days before.

House Republicans have nobody to blame but themselves. They are the ones who continue to put the needs of the wealthiest few above the needs of our veterans, our military personnel, our children and our environment.

The sad fact is that what America witnessed last Friday afternoon will be repeated over and over again here on the House floor until Republicans finally realize that their fiscal policies are out of sync with this Nation.

TRIBUTE TO PAM KOCHER, 2006 JOSEPH MOAKLEY AWARD FOR EXEMPLARY PUBLIC SERVICE RECIPIENT

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, today I rise to pay tribute to Pam Kocher of New Hampshire, the recipient of the 2006 Congressman Joseph Moakley Award for Exemplary Public Service. Pam Kocher's service extends over three decades and includes serving in elected office at the local level and working for elected officials at the Federal level.

Pam's many years of service, coupled with her strong working relationships, came in very handy last summer when the Maine and New Hampshire congressional delegations were faced with the daunting task of convincing the BRAC Commission to keep the Portsmouth Naval Shipyard open. Pam's leadership in bringing together a community-based coalition was one of the driving factors in our success.

Pam credits her driving force as wanting to make government work for people. She stands for hard work, is a problem solver and knows how to bring people together to work towards a common goal.

I congratulate and thank Pam on her years of hard work and dedication to

New Hampshire, New England and our great Nation.

SOME POLITICIANS JUST DON'T GET IT

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, let me take you back to another time, 1986, and at that time, America had a problem with illegal immigration. They said we had about 3 million illegals here in the country. And in that debate, many people said that we needed to provide amnesty to those who were working here because we couldn't deport all of them and our country needed the labor.

In exchange for granting amnesty, Congress and the American people were promised that the Federal Government would vigorously enforce our border. The illegal aliens got amnesty all right, and many became citizens, even though they violated the law to get here. But the Federal Government did not secure our border. The results of that action? An estimated 12 million more illegal aliens in our country today.

Some are again calling for amnesty with a promise for stronger border controls. But the American people are not buying it again, and neither is a majority of this House. The American people and a majority of this House are demanding border security first.

And as the Who said, "We won't be fooled again!"

No amnesty.

EXPRESSING SUPPORT FOR THE MOX PROGRAM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, during my service, I have worked with my colleagues from South Carolina and Georgia, especially GRESHAM BARRETT and CHARLIE NORWOOD and our four U.S. Senators, to ensure a mixed oxide facility is built at the Savannah River Site. Two weeks ago, we were grateful when 396 Members of Congress voted for the defense authorization bill and approved a measure which funds and delinks the U.S.-Russia MOX programs.

After celebrating this tremendous victory, we were extremely disappointed to learn that there is an effort to eliminate all funding for the MOX program. While I respect my colleagues, I strongly disagree with their decision and will continue to fight for this critical funding to be restored in the coming weeks.

I believe the MOX program is the most viable way for America to reduce its excess plutonium supply, and we must move forward with our nonproliferation commitments as we end future storage in South Carolina.

In conclusion, God bless our troops, and we will never forget September 11.

VETERANS IDENTITY PROTECTION ACT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, many of us are talking about our veterans. And as we approach Memorial Day, it has been with great sorrow and great concern that we have noticed some of the headlines and the information on personal data of veterans being stolen. That is of tremendous concern to us, and I want to thank Chairman BUYER and the Veterans' Affairs Committee for their prompt actions in addressing this issue.

I also would like to call to the attention of the House a piece of legislation that my colleague, Representative SIMMONS, and I are working on. It is the Veterans Identity Protection Act of 2006. We will be filing the bill on Friday. Mr. SIMMONS is a Vietnam veteran, and he understands the problems that veterans face every day.

We know that veterans have placed their faith in the government to responsibly protect their personal information, and that that trust has been damaged. That is why the Blackburn-Simmons bill requires that more stringent controls be placed on the management of personal data. We also want to help those veterans monitor their credit to be certain that no one has stolen their identities.

Government has an obligation to these men and women who have been breached in the loss of this information, and we want to be certain that that obligation is met. Mr. Speaker, I would commend the legislation to each of our colleagues and encourage them to join with us in supporting the veterans of this great Nation.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4755

Mr. PITTS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor H.R. 4755, the Federal Aviation Administration Fair Labor Management Dispute Resolution Act of 2006.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CASE FOR BEING IN IRAQ

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, public opinion polls show shrinking support for the war in Iraq. No doubt the nonstop media coverage questioning President Bush's motives for going to war have contributed greatly to these poll numbers.

But where is the coverage of the progress being made in Iraq? A recent 230-page Pentagon report analyzing thousands of Iraqi documents and interviews with officials from Saddam Hussein's regime is extremely enlightening.

The report shows Saddam's well-established support of terrorist activities dating back to 1994. This includes the establishment of terror training camps within Iraq's borders, and one document shows Saddam's son, Uday, coordinating a martyrdom operation called Blessed July aimed at targets in the West.

Russian President Putin has publicly stated that Russian Special Services had received information that Saddam's officials were preparing attacks on the U.S., and he reported this to the U.S.

Mr. Speaker, it is time the American people hear more about the facts that supported our decision to go to war. We must maintain our resolve to fight extremist terrorists, and we must finish the job in Iraq.

INTRODUCTION OF ZERO BASELINE BUDGET ACT

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, I rise to congratulate the Republican leadership on passing a budget resolution for fiscal year 2007. However, I must point out that the resolution we passed last week provides for a $27 billion increase in nonemergency discretionary spending over fiscal year 2006, when we spent more than we did in fiscal year 2005, when we spent more than we did in fiscal year 2004, and so on.

The Federal Government has a long track record of spending more money than it takes in. Our fiscal irresponsibility has to stop somewhere. That is why I am introducing today a bill titled the Zero Baseline Budget Act of 2006. This bill will amend the misnamed so-called Balanced Budget Emergency Deficit Control Act of 1985, which instructs Congress to continue spending more money than it takes in every year by creating a budget baseline that automatically increases over the previous year's spending.

The Zero Baseline Budget Act will instruct the CBO to provide a baseline that has no automatic increases and does not contain emergency and supplemental spending over the previous year. The baseline for the next year will merely be the sum of the year-long spending bills in effect for the current year.

This way, an increase is an increase, a cut is a cut, and the status quo is neither. What a novel idea, for the government to say what it actually means.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

□ 1315

SAFE AND TIMELY INTERSTATE PLACEMENT OF FOSTER CHILDREN ACT OF 2006

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

The Clerk read as follows:

H.R. 5403

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe and Timely Interstate Placement of Foster Children Act of 2006".

SEC. 2. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) the States should expeditiously ratify the revised Interstate Compact for the Placement of Children recently promulgated by the American Public Human Services Association;

(2) this Act and the revised Interstate Compact for the Placement of Children should not apply to those seeking placement in a licensed residential facility primarily to access clinical mental heath services;

(3) the States should recognize and implement the deadlines for the completion and approval of home studies as provided in section 4 to move children more quickly into safe, permanent homes; and

(4) Federal policy should encourage the safe and expedited placement of children into safe, permanent homes across State lines.

SEC. 3. ORDERLY AND TIMELY PROCESS FOR INTERSTATE PLACEMENT OF CHILDREN.

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (23);

(2) by striking the period at the end of paragraph (24) and inserting "; and"; and

(3) by adding at the end the following:

"(25) provide that the State shall have in effect procedures for the orderly and timely interstate placement of children; and procedures implemented in accordance with an interstate compact, if incorporating with the procedures prescribed by paragraph (26), shall be considered to satisfy the requirement of this paragraph.".

SEC. 4. HOME STUDIES.

(a) ORDERLY PROCESS.—

(1) IN GENERAL.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is further amended—

(A) by striking "and" at the end of paragraph (24);

(B) by striking the period at the end of paragraph (25) and inserting "; and"; and

(C) by adding at the erd the following:

"(26) provides that—

"(A)(i) within 60 days after the State receives from another State a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State shall, directly or by contract—

"(I) conduct and complete the study; and

"(II) return to the other State a report on the results of the study, which shall address the extent to which placement in the home would meet the needs of the child; and

"(ii) in the case of a home study begun on or before September 30, 2008, if the State fails to comply with clause (i) within the 60-day period as a result of circumstances beyond the control of the State (such as a failure by a Federal agency to provide the results of a background check, or the failure by any entity to provide completed medical forms, requested by the State at least 45 days before the end of the 60-day period), the State shall have 75 days to comply with clause (i) if the State documents the circumstances involved and certifies that completing the home study is in the best interests of the child; except that

"(iii) this subparagraph shall not be construed to require the State to have completed, within the applicable period, the parts of the home study involving the education and training of the prospective foster or adoptive parents;

"(B) the State shall treat any report described in subparagraph (A) that is received from another State or an Indian tribe (or from a private agency under contract with another State) as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and

"(C) the State shall not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under this part to contract with a private agency for the conduct of a home study described in subparagraph (A).".

(2) REPORT TO THE CONGRESS.—Within 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a written report on—

(A) how frequently States need the extended 75-day period provided for in clause (ii) of section 471(a)(26)(A) of the Social Security Act in order to comply with clause (i) of such section;

(B) the reasons given for utilizing the extended compliance period;

(C) the extent to which utilizing the extended compliance period leads to the resolution of the circumstances beyond the control of the State; and

(D) the actions taken by States and any relevant Federal agencies to resolve the need for the extended compliance period.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that each State should—

(A) use private agencies to conduct home studies when doing so is necessary to meet the requirements of section 471(a)(26) of the Social Security Act; and

(B) give full faith and credit to any home study report completed by any other State or an Indian tribe with respect to the placement of a child in foster care or for adoption.

(b) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679b) is amended by inserting after section 473A the following:

"SEC. 473B. TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—The Secretary shall make a grant to each State that is a home study incentive-eligible State for a fiscal year in an amount equal to the timely interstate home study incentive payment payable to the State under this section for the fiscal year, which shall be payable in the immediately succeeding fiscal year.

"(b) HOME STUDY INCENTIVE-ELIGIBLE STATE.—A State is a home study incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the State is in compliance with subsection (c) for the fiscal year; and

"(3) based on data submitted and verified pursuant to subsection (c), the State has completed a timely interstate home study during the fiscal year.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary a written report, covering the preceding fiscal year, that specifies—

"(A) the total number of interstate home studies requested by the State with respect to children in foster care under the responsibility of the State, and with respect to each such study, the identity of the other State involved;

"(B) the total number of timely interstate home studies completed by the State with respect to children in foster care under the responsibility of other States, and with respect to each such study, the identity of the other State involved; and

"(C) such other information as the Secretary may require in order to determine whether the State is a home study incentive-eligible State.

"(2) VERIFICATION OF DATA.—In determining the number of timely interstate home studies to be attributed to a State under this section, the Secretary shall check the data provided by the State under paragraph (1) against complementary data so provided by other States.

"(d) TIMELY INTERSTATE HOME STUDY INCENTIVE PAYMENTS.—

"(1) IN GENERAL.—The timely interstate home study incentive payment payable to a State for a fiscal year shall be $1.500, multiplied by the number of timely interstate home studies attributed to the State under this section during the fiscal year, subject to paragraph (2).

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of timely interstate home study incentive payments otherwise payable under this section for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year (reduced (but not below zero) by the total of the amounts (if any) payable under paragraph (3) of this subsection with respect to the preceding fiscal year), the amount of each such otherwise payable incentive payment shall be reduced by a percentage equal to—

“(A) the total of the amounts so made available (as so reduced); divided by

“(B) the total of such otherwise payable incentive payments.

“(3) APPROPRIATIONS AVAILABLE FOR UNPAID INCENTIVE PAYMENTS FOR PRIOR FISCAL YEARS.—

“(A) IN GENERAL.—If payments under this section are reduced under paragraph (2) or subparagraph (B) of this paragraph for a fiscal year, then, before making any other payment under this section for the next fiscal year, the Secretary shall pay each State whose payment was so reduced an amount equal to the total amount of the reductions which applied to the State, subject to subparagraph (B) of this paragraph.

“(B) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of payments otherwise payable under subparagraph (A) of this paragraph for a fiscal year exceeds the total of the amounts made available pursuant to subsection (h) for the fiscal year, the amount of each such payment shall be reduced by a percentage equal to—

“(i) the total of the amounts so made available; divided by

“(ii) the total of such otherwise payable payments.

“(e) TWO-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the next fiscal year.

“(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post-adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under sections 423, 434, and 474.

“(g) DEFINITIONS.—In this section:

“(1) HOME STUDY.—The term ‘home study’ means an evaluation of a home environment conducted in accordance with applicable requirements of the State in which the home is located, to determine whether a proposed placement of a child would meet the individual needs of the child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development.

“(2) INTERSTATE HOME STUDY.—The term ‘interstate home study’ means a home study conducted by a State at the request of another State, to facilitate an adoptive or foster placement in the State of a child in foster care under the responsibility of the State.

“(3) TIMELY INTERSTATE HOME STUDY.—The term ‘timely interstate home study’ means an interstate home study completed by a State if the State provides to the State that requested the study, within 30 days after receipt of the request, a report on the results of the study. The preceding sentence shall not be construed to require the State to have completed, within the 30-day period, the parts of the home study involving the education and training of the prospective foster or adoptive parents.

“(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For payments under this section, there are authorized to be appropriated to the Secretary—

“(A) $10,000,000 for fiscal year 2007;

“(B) $10,000,000 for fiscal year 2008;

“(C) $10,000,000 for fiscal year 2009; and

“(D) $10,000,000 for fiscal year 2010.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended.”.

(c) REPEALER.—Effective October 1, 2010, section 473B of the Social Security Act is repealed.

SEC. 5. SENSE OF THE CONGRESS.

It is the sense of the Congress that State agencies should fully cooperate with any court which has authority with respect to the placement of a child in foster care or for adoption, for the purpose of locating a parent of the child, and such cooperation should include making available all information obtained from the Federal Parent Locator Service.

SEC. 6. CASEWORKER VISITS.

(a) PURCHASE OF SERVICES IN INTERSTATE PLACEMENT CASES.—Section 475(5)(A)(ii) of the Social Security Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking “or of the State in which the child has been placed” and inserting “of the State in which the child has been placed, or of a private agency under contract with either such State”.

(b) INCREASED VISITS.—Section 475(5)(A)(ii) of such Act (42 U.S.C. 675(5)(A)(ii)) is amended by striking “12” and inserting “6”.

SEC. 7. HEALTH AND EDUCATION RECORDS.

Section 475 of the Social Security Act (42 U.S.C. 675) is amended—

(1) in paragraph (1)(C)—

(A) by striking “To the extent available and accessible, the” and inserting “The”; and

(B) by inserting “the most recent information available regarding” after “including”; and

(2) in paragraph (5)(D)—

(A) by inserting “a copy of the record is” before “supplied”; and

(B) by inserting “, and is supplied to the child at no cost at the time the child leaves foster care if the child is leaving foster care by reason of having attained the age of majority under State law” before the semicolon.

SEC. 8. RIGHT TO BE HEARD IN FOSTER CARE PROCEEDINGS.

(a) IN GENERAL.—Section 475(5)(G) of the Social Security Act (42 U.S.C. 675(5)(G)) is amended—

(1) by striking “an opportunity” and inserting “a right”;

(2) by striking “and opportunity” and inserting “and right”; and

(3) by striking “review or hearing” each place it appears and inserting “proceeding”.

(b) NOTICE OF PROCEEDING.—Section 438(b) of such Act (42 U.S.C. 638(b)) is amended by inserting “shall have in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding to be held with respect to the child, and” after “highest State court”.

SEC. 9. COURT IMPROVEMENT.

Section 438(a)(1) of the Social Security Act (42 U.S.C. 629h(a)(1)) is amended—

(1) by striking “and” at the end of subparagraph (C); and

(2) by adding at the end the following:

“(E) that determine the best strategy to use to expedite the interstate placement of children, including—

“(i) requiring courts in different States to cooperate in the sharing of information;

“(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

“(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and”.

SEC. 10. REASONABLE EFFORTS.

(a) IN GENERAL.—Section 471(a)(15)(C) of the Social Security Act (42 U.S.C. 671(a)(15)(C)) is amended by inserting “(including, if appropriate, through an interstate placement)” after “accordance with the permanency plan”.

(b) PERMANENCY HEARING.—Section 471(a)(15)(E)(i) of such Act (42 U.S.C. 671(a)(15)(E)(i)) is amended by inserting “, which considers in-State and out-of-State permanent placement options for the child,” before “shall”.

(c) CONCURRENT PLANNING.—Section 471(a)(15)(F) of such Act (42 U.S.C. 671(a)(15)(F)) is amended by inserting “, including identifying appropriate in-State and out-of-State placements” before “may”.

SEC. 11. CASE PLANS.

Section 475(1)(E) of the Social Security Act (42 U.S.C. 675(1)(E)) is amended by inserting “to facilitate orderly and timely in-State and interstate placements” before the period.

SEC. 12. CASE REVIEW SYSTEM.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by inserting “, in the case of a child who will not be returned to the parent, the hearing shall consider in-State and out-of-State placement options,” after “living arrangement”; and

(2) by inserting “the hearing shall determine” before “whether the”.

SEC. 13. USE OF INTERJURISDICTIONAL RESOURCES.

Section 422(b)(12) of the Social Security Act (42 U.S.C. 622(b)(12)) is amended—

(1) by striking “develop plans for the” and inserting “make”;

(2) by inserting “(including through contracts for the purchase of services)” after “resources”; and

(3) by inserting “, and shall eliminate legal barriers,” before “to facilitate”.

SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this Act shall take effect on October 1, 2006, and shall apply to payments under parts B and E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under part B or E of title IV of the Social Security Act to meet the additional requirements imposed by the amendments made by a provision of this Act, the plan shall not be regarded as failing to meet any of the additional requirements before the 1st day of the 1st calendar quarter beginning after the first regular session of the State legislature that begins after the date of the enactment of this Act. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore (Mr. BOOZMAN). Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from California (Mr. STARK) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be an original cosponsor of this bipartisan legislation sponsored by the distinguished gentleman from Texas (Mr. DELAY).

Throughout his career, the gentleman from Texas has been an outstanding advocate for children and foster care. As chairman of the Human Resources Subcommittee, as a longtime colleague in this body, and as someone who shares his passion for helping children, I would like to personally commend him and thank him for his dedication to helping at-risk children across this country.

Mr. Speaker, the subcommittee I chair has conducted numerous hearings examining the Nation's child protection system. Every witness at these hearings has agreed that our current system fails to adequately protect children.

In December, Republicans in this Congress took the lead in providing $100 million in new funds over the next 5 years to better equip courts and ensure collaboration among judges and social workers. We also added an additional $200 million over the next 5 years for improved services for families, including preventive services to protect children and keep them from having to enter foster care in the first place.

Importantly, we pay for this new funding by ensuring States comply with Federal law and do not misspend other Federal funds. I believe these new resources will go a long ways towards better protecting children.

While these are important steps, we also must do more to ensure children are not needlessly lingering in foster care. The legislation before us today would require States to expedite the safe placement of foster and adopted children in homes across State lines.

Currently these placements take an average of 1 year longer than placements within a single State, delaying permanency with loving families for thousands of children. This legislation also would establish deadlines for completing home studies that assess whether a home is appropriate for a child.

The legislation authorizes up to $10 million per year for incentive payments to States that complete home studies in a timely manner. In addition, the bill includes provisions to better ensure safety for children in foster and adoptive homes, and to give foster parents and relative caregivers a right to be heard and notice of any court proceedings held concerning a child in their care.

I thank my colleagues across the aisle for their assistance in bringing this bill to the floor today. I urge all of my colleagues to support this legislation so we can ensure children are placed in a timely and safe way with loving families.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Safe and Timely Interstate Placement of Foster Children Act of 2006, H.R. 5403, and ask my associates to vote for this legislation.

As the gentleman from California (Mr. HERGER) has so eloquently described, this will help foster children across the country. But I think an easier way to look at it is here in the District of Columbia area where we are a subway ride from three States. From Maryland to Virginia to D.C., we will find that a juvenile judge in one area may have a placement of a child with a relative or acceptable foster family in another area as they move from Maryland to Virginia.

Now in California in the gentleman's district there, there may not be a lot of people wanting to go to Oregon or Nevada, it is a little longer trip. But in areas like the New Jersey-New York area, heavily populated areas are close by, and children could easily be placed in close proximity and have to cross State lines. This legislation will allow that to be done.

It takes care of a lot of technical details in terms of speeding up the process so that approval can be done across State lines, and it calls on States to update their requirements for approving the transfer of children across State lines and into foster care.

It probably will help older children, and by older I am saying 9 or older, who we have the most difficulty in placing in foster care. It is for that reason that this will help. Right now, a child 9 years or older has maybe a 20 percent chance or less of placement. We need to do better, and this bill will help.

We have 100,000 children ready for adoption, and this Congress should indeed do all that it can to expedite those procedures.

Mr. Speaker, I would like at this point first of all to commend the distinguished chairman of the Public Assistance Subcommittee of the Committee on Ways and Means, Mr. HERGER, for his Safe and Stable Families bill which we hope will be coming to the floor soon. It provides another $40 million to train case workers to help in this area. Chairman HERGER has done yeoman's work on that bipartisan bill, and I know we are getting help from the junior Senator from the State of California who has offered to help expedite it on the Senate side, and with some luck, we will be able to pass that bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, replacing a void in a child's life or a parent's life and filling it with love and laughter is one of the most wonderful gifts in the world. As twice an adoptive mother, I know this joy firsthand. And also I believe it is our duty as legislators to work with adoption and foster care advocates to break down barriers, to bring more children and families together.

Today we have the opportunity to knock down a barrier to improve the lives of these kids right here in America. Right now, children are waiting as long as a year for paperwork to go through the system before they can be placed with a family. Imagine, Mr. Speaker, paperwork standing in the way of a permanent, loving home for a 100,000 lingering, at-risk kids. There is no excuse, and we can change it.

This legislation will expedite the safe placement of children into homes even across State lines by instituting a 60-day deadline and giving financial incentives for States to process the paperwork quickly.

I commend the gentleman from Texas (Mr. DELAY) for his leadership on this most-important issue. He has been a devout advocate for foster kids and foster families as long as I have known him.

I also want to thank Chairman HERGER and Mr. STARK for their assistance on this bill. Thousands of kids are waiting to walk into the arms of a loving family and through the door of a permanent home. This legislation will move us closer to the day when every child feels the joy, love and security that a family can provide. I urge my colleagues to support this measure.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I cannot resist the opportunity to note that it is this issue of helping children that in my 34 years here has always brought us together as no other issue does. The gentlewoman from Ohio, with whom I have often disagreed on political issues, and I note the presence of the gentleman from Texas (Mr. DELAY) with whom I have disagreed on almost every issue except in the area of helping children. Now I suspect it is because the Republicans need more Republicans, and they are trying to get more children into politics, but other than that, Mr. Speaker, it is in the spirit of helping young people mature in this country.

I do not know if many of you know that the gentleman from Texas is responsible, and I say this having chaired the District Committee when there used to be one, but with the gentlewoman from the District of Columbia (Ms. NORTON), he was instrumental in creating a family court in the District of Columbia, which most other States or jurisdictions have. Now he has done some other things with legislation in Texas with which I have a little trouble. But other than that, he has created a court here that helps children.

I want to remark on one other thing in Mr. DELAY's career. I am aware that, in Texas, he has created a most unique and it sounds to me like an exciting community called the Rio Bend Community. For those who are unfamiliar with this, it creates a subdivision of let us say eight homes. I suspect they are ranch homes or standard homes, where eight families who have foster children and perhaps birth children can live in close proximity and share baby-sitting and teaching.

When I talk about sharing teaching, I am also aware that in this area of Rio Bend, Texas, the distinguished gentleman from Texas (Mr. DELAY) is known as Old Hypotenuse, and Old Hypotenuse has been tutoring the children in this community in geometry. He may not know that I got a 100 in geometry in high school, Mr. Speaker, and I might be able to come down and spell him for a while.

But I just want to commend the gentleman from California (Mr. HERGER) and the gentlewoman from Ohio (Ms. PRYCE) and Mr. DELAY for the marvelous work they have done for children in this country. I hope we can continue in a bipartisan way to unify our efforts in the House to make every day for every child in this country more healthy with better education and a better opportunity to develop into citizens of which we can all be proud.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CARDOZA).

Mr. CARDOZA. Mr. Speaker, I rise today in support of H.R. 5403 sponsored by Mr. DELAY, and I would like to associate myself with Mr. STARK's remarks and that while we have not always agreed on every policy issue, there is no doubt that Mr. DELAY will be fondly remembered in this House for his tireless work on behalf of foster children and disadvantaged youth. I very much appreciate knowing him and the work we have done together. This is not our first effort to work together on a bill, and I appreciate Mr. DELAY and his work in this House.

As Members on opposing sides of the political spectrum, we are coming together today to do fabulous work. As an adoptive parent myself of foster children, I have seen firsthand the glaring problems of the system currently facing this Nation. At any time, there are roughly 500,000 children in foster care in the United States, moving from placement to placement, often living out of a suitcase or even worse, the symbol of foster children, which is a black garbage bag, hoping that one day a loving family will welcome them into their home.

H.R. 5403, Safe and Timely Interstate Placement of Foster Children Act, addresses one specific yet extremely important aspect of the system of adoption across State lines. Often an impediment to foster children's placement to permanent homes occurs when a child from one State is adopted by a family from another. The State where the family resides must complete a home study in order to verify that the placement is safe, secure and ready for the new child. Often, these types of home studies are a low priority for the State where the adoptive family resides and can lead to delays, often taking months and sometimes years to complete.

□ 1330

This legislation that we are considering today would establish a 60-day deadline for completing an interstate home study. If the State completes the home study within 30 days, H.R. 5403 would authorize a monetary incentive for the completed study to be used for the adoption-related expenses.

The children this bill seeks to help are already needy, neglected children without a voice who desperately want a permanent home, something that most all of us have always taken for granted. They want to go to school, the same school with the same friends for more than a few months. They want someone to tuck them in at night and help them with their homework. They want to stop living out of a black garbage bag that doubles as a suitcase and have a real home with a bed they can call their own.

Over the years I have met numerous children from all over the country who are in various stages of foster care. I have heard great stories where children are reunited with their biological parents who are placed in loving, adoptive homes. But I have also heard of other stories that have just sickened me.

One boy I met at a school for foster children in my district told me the story of his life that seems quite fitting to this debate.

I met this young boy, and he had been placed in foster care at an early age and had been moved in and out of seven different foster homes up and down the State of California. As you can imagine, he grew jaded and resentful from the harsh life he was forced to live. He was also separated from brothers and sisters whom he loved very much. Finally, he was placed in a family that saw through his rough exterior and wanted to adopt him. This young boy was convinced that he had finally found a real home with devoted parents that he had always dreamed of.

However, soon after he was placed with his family, the father in this foster family was transferred to North Carolina and the family was forced to move. Unfortunately, they couldn't get the paperwork processed between California and North Carolina in order to facilitate the adoption. So this young boy was left behind in California and is now residing in a group home.

It is our job as Members of Congress to be a voice for these children and make sure their dreams are recognized. We owe it to them to streamline the adoption process and make Federal law work towards positive outcomes. If that means requiring a State to get their act in gear and complete timely home studies, then so be it.

Thank you, Mr. DELAY, for the legislation. Thank you, Mr. HERGER, for your work on this topic.

Mr. HERGER. Mr. Speaker, I hear these touching stories, and regrettably they are true, and the gentleman from California (Mr. CARDOZA) and some other stories we have heard, some 12 hearings of the tragedies that we see take place with these foster care children, not only being transferred seven times, as the gentleman from California mentioned, but maybe 50 or 60 in some cases.

Now it is my great pleasure to yield such time as he may consume to the author of this legislation, someone who we have been hearing a lot about, who has spent years, both he and his wife, working in this area, to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, this is the last piece of legislation that I will ever introduce in the United States House of Representatives. I am incredibly honored to do this piece of legislation, particularly at this time. It shows that there is a strong feeling in this House, as exemplified by Mr. STARK; and thank you, sir, for your words and thank you for your work on this.

Mr. HERGER, Mr. Chairman, I greatly appreciate your work on not just this piece of legislation, but for foster kids and abused and neglected children around the United States.

Mr. CARDOZA, thank you for those words; and your words show your deep feelings and understanding for the plight of foster children in this country and how we are trying to make their life just a little bit better. I appreciate Mr. MCDERMOTT's support for this legislation, too, and everybody's work on it.

I particularly appreciate Dr. Cassie Bevan, who has been on my staff for a long time, who has been the leading force in a lot of the work that we have been able to do, the good work that we have been able to do in this House of Representatives.

I pay particular tribute to my wife, who has a deep, deep abiding love for these children and what their future holds.

This bill, the Safe and Timely Interstate Placement of Foster Children Act, will bring urgently needed reform to America's broken system, a broken system of placing abused and neglected children in permanent homes across State lines.

The current system is an insult to any notion of compassion or justice that animates our national commitment to child welfare. Children are moved from home to home to home. They are looking for strong and safe and permanent homes.

We have one child in Rio Bend, that was mentioned by Mr. STARK, that is 17 years old, got into the system at age 6 or 7, in 10 years has been moved over 150 times, 150 times. Thousands of children are being shuttled in and out of our broken, debasing foster care system. They have foster or adoptive families out of State that are more than willing to provide them a permanent, safe and loving home.

Yet this system, as inefficient and backward as any government program, typically holds abused and neglected children in the perdition of government foster care for a full year longer than a child placed in-State, an extra year.

Do you realize what a year means to a child? It is forever. Just because a second government bureaucracy that operates without deadlines or incentives has its chance to let a child down. This is a year lost, Mr. Speaker, a year in the life of an innocent child, a year lost to abuse and neglect and violence and uncertainty and fear.

There is no justification or excuse for such monstrous inequality. The child welfare system exists for these children and must be organized around their needs, not the other way around.

So under this bill, once a child is deemed in need of an out-of-state placement, the State has 60 days to find a child a foster or adoptive home and 14 days to approve that home. It also creates a financial incentive of $1,500 for States that complete their home studies in 30 days or less.

Our society has a moral obligation to provide for children who are abused and neglected by their parents or others; and, despite the best intentions, our society is too often failing to do so. This bill will not instantly make life good for abused and neglected children in our society, but it can help make it better.

That, Mr. Speaker, is worth the vote of every Member of this body. So I urge my colleagues to support this legislation and just take one small step toward alleviating the burden of our abused and neglected sons and daughters.

Mr. STARK. Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. I yield 3 minutes to our distinguished majority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the gentleman for recognizing me. I am pleased to stand in support of this legislation and also legislation that in such a significant way recognizes the great work that Mr. DELAY has done on behalf of foster children and on behalf of adoption.

Everyone in this body understands the long-term commitment that the gentleman from Texas has had on this issue. I expect that few outside of this body appreciate the great work that he has done, the tremendous commitment that Mrs. DeLay has made to foster children and to adoptive children in this case.

Here is a bill that once again looks at how much a year means in the life of a child that is going into a foster home, can't get placed in a foster home, can't get ready to be adopted. A year in life, if you are 3 or 5 or 15, is a long, long part of the life that you have lived.

The average now for children who are going into foster adoptive families across State lines is an extra year. This legislation tries to eliminate that year. This legislation tries to make it more possible for children to be placed with families as soon as possible, rather than longer than absolutely necessary.

This legislation is on the floor today, as many before it have been, because of Mr. DELAY's commitment and his family's commitment to the lives of children. The lives of children are dramatically changed when someone gets an opportunity to care about them.

Fortunately for the laws of the country, TOM DELAY has always cared about children. For the individual children that will be impacted by this bill, their opportunity comes quicker. The love and attention comes quicker.

I appreciate the comments that Mr. STARK has made. I appreciate the work that Mr. DELAY has done. I am sure our colleagues today will be eager to see us advance this important change in the law.

Mr. STARK. Mr. Speaker, will the distinguished majority whip yield?

Mr. BLUNT. I yield to the gentleman from California.

Mr. STARK. Mr. Speaker, I do not think it should go unnoticed that the distinguished majority whip has become a recent adoptive father of, I believe, now a 7-month-old boy.

Mr. BLUNT. An 18-month-old.

Mr. STARK. We seriously hope that he will grow up to be a Democrat.

But, aside from that, I want to extend best wishes. He is a man who practices what he preaches and is doing his share to extend this concern for adoptive children in this country.

Mr. BLUNT. I thank my friend. Little Charlie Blunt will appreciate your comments as well. Thank you.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to a member of the Subcommittee on Human Resources, the distinguished gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the chairman for sponsoring the legislation, along with our colleagues on the committee, but especially Mr. DELAY and Mr. STARK for being the prime sponsors of legislation.

A lot of us have a lot of life experience that we bring to Congress. I know sometimes the general public doesn't believe that we do. Many of us are lawyers, and sometimes that is looked upon disparagingly by the general public.

But in my practice I dealt with the foster system, and I wasn't very pleased. Unfortunately, it didn't often work out as well as it should have for the children.

When I was a State senator, we had a debate about our foster system and our adoption laws and how we were treating children as chattel, the legal term for a possession. This bill helps move us away from that attitude. It helps us move toward treating children as the human beings that they are and the valued human beings who need love and nurturing that they are.

I rise in support of this bill, the Safe and Timely Interstate Placement of Foster Children Act. It will expedite the safe placement of foster adoptive children in foster homes across State lines. Currently, these types of placements take an additional year on top of all the years that the poor child has already spent in foster care.

The results of delaying safe placement have terrible implications for children. These delays are unreasonably long. They should not exist, and psychologists have stressed the importance of placing children in safe and loving environments in a timely manner.

The sooner a child is part of a safe and secure family, the sooner that child will thrive. Whether it be with a family member or another loving family, the best interests of that child dictate permanency.

Among other things, this bill will require courts to notify any foster parents, pre-adoptive parents, relatives, caregivers of the child of any court proceeding to be held concerning the child and strengthen the right of these individuals to be at permanency hearings and perhaps to be the permanent home for that child.

All of these important changes to current law ensure that some of the most vulnerable children, not only those who have been neglected or abused but who are also on top of it, have been in foster care with a lack of security, that they get that security, that they get that security sooner, and that a safe and secure, loving home will be theirs.

□ 1345

Mr. STARK. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of our subcommittee, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, we can improve the lives of abused and neglected children in this Nation. One of the powers that we have, the Federal Child Welfare Program, is a lifeline we don't use enough, in my view.

We know as legislators that the system needs reform. We saw it around Katrina very much as youngsters were spread across the country and fell between the cracks in a whole variety of situations.

We know as parents that the vulnerable want and need only what our own children want and need, to be loved, cherished and protected. Today we have an opportunity to extend our hand as caring adults and take hold of vulnerable children, and we should take it.

H.R. 5403, proposed by Mr. DELAY of Texas, takes a step in the right direction. It has been here before. I have supported it before, and I am proud to do that again today.

As the ranking member of the Human Resources Subcommittee, I believe children come first, and there is no such thing as a political divide if we can better protect and nurture vulnerable children in America.

I stand here to support my Republican colleague, Mr. DELAY, and urge the House to unanimously pass this legislation.

Specifically, this bill strives to safely speed the placement of children in foster care or adoptive homes across State lines when this is considered an appropriate thing to do. This is very important, because today there are a number of barriers that prevent the timely placement of children in homes across State lines.

We are a very mobile population, and laws that used to seem to make sense really do not today, and that is why we need this bill. They include an overly long time to conduct home studies to ensure the safety of children, obtaining criminal background checks on prospective foster care and adoptive parents, inadequate State resources and often a low priority assigned to interstate placement of foster and adoptive children. It is the latter that is really the problem.

This bill creates meaningful incentives for States to address these barriers, and I urge my colleagues to support this initiative. It is meaningful legislation. This is not symbolic. It has some real power to change things. But it is more than that. By passing this bill, we recognize the heroic efforts of countless Americans across this country, foster parents and the caseworkers who deal with them and the many others who strive to help kids who are in need.

By passing this legislation, we also rightly honor the leadership in fighting for vulnerable children by Mr. TOM DELAY. He has made a difference, and it is no surprise that he keeps fighting to protect and defend children. All too often, we are the light of hope for abused and neglected children. Today, let us curse the darkness by passing this bill.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. BRADY), a member of the Ways and Means Committee.

Mr. BRADY of Texas. Mr. Speaker, this act ought to probably be entitled the Get Foster Children Out of the System Into a Safe Home As Soon As Possible Act, as it has real consequences for our foster children.

There have been so often foster children, even in the best system, that are lost in that system. These delays can be as, TOM DELAY has told you, just so harmful for them. Moving them forward is the right thing to do, and it is a possible thing to do.

Each week on TV, we watch on "Home Makeover" a set of people come together and build a complete home for a family in one week. Why can't we find a good, safe loving home for children in 2 months? It is important we do this.

Our family has been through two home studies in our adoption, and I know what a difference how soon and how accurate and how important these home studies can be done. We ought not let a State line get in the way of helping these children.

I can tell you that TOM DELAY has been such an advocate and champion for children. When you see the work of Rio Bend, what he and his wife are doing, it is just remarkable. I strongly support this bill.

Mr. STARK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no more speakers. I would just like to reiterate my thanks to all the people. I would like to mention Sean McCluskie, who has been my staff member on the Subcommittee for Human Resources for over 7 years and, unfortunately, is leaving us for greener pastures.

I want to thank all of the staff on both sides of the aisle who worked so hard on these bills that come before our subcommittee which get little attention outside of the professionals in the social work field.

Again, I thank our Chair and thank Mr. DELAY and the people who have worked so well together to make this important step to improve the lives of foster and perhaps adoptive children.

Mr. Speaker, I yield back the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the legislation we are considering today is an important step that will ensure timely and safe homes for children. This bill would help speed up the interstate adoption process so that children could be placed in permanent, loving homes more quickly.

I thank my colleagues across the aisle, the gentleman from California (Mr. STARK) and others, for their work on this bipartisan legislation, and I again wish to thank the distinguished gentleman from Texas, Mr. DELAY, for his tireless work to improve the lives of abused and neglected children.

I urge all of my colleagues to join me in support of this legislation.

Mr. THOMAS. Mr. Speaker, I rise in support of H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act of 2006. I am pleased to be a cosponsor of this bipartisan legislation, which is sponsored by Mr. DELAY.

There are approximately 518,000 children currently in foster care. The legislation before us today is an important first step in our efforts to improve the structure that exists to find a family for these children in order to prevent them from needlessly lingering in foster care.

Specifically, H.R. 5403 would encourage states to expedite the safe placement of foster and adoptive children into homes across state lines. The data suggest that it takes 2 years on average for foster or adoptive children to be placed in homes across state lines. That is longer than the average time frame for placing children in homes within the same states. Under this legislation, states would be required to establish procedures to ensure interstate placements occur within 60 days.

The legislation also would authorize incentive payments to states that place children in safe homes within 30 days. Since we first began providing incentive payments to promote adoption in 1997, the number of adoptions of children from foster care has almost doubled. We expect this new incentive program will help expedite the safe placement of children lingering in foster care, especially when relatives or others have expressed an interest in providing a loving home.

Almost 20,000 children age out of foster care every year at age 18 without the benefit of a family to call their own. This legislation will improve that situation and ensure that more children are raised in loving families instead of waiting needlessly in temporary homes. Accordingly, I ask my colleagues to support this important legislation.

Mr. CAMP of Michigan. Mr. Speaker, I wish to express my strong support for legislation the House is considering today, H.R. 5403, the Safe and Timely Interstate Placement of Foster Children Act, introduced by Rep. TOM DELAY (R–TX).

First, I would like to commend Mr. DELAY for his work on behalf of foster children, and in the development of this bill. As the sponsor of the Adoption and Safe Families Act, I have had the privilege of working with Mr. DeLay to improve the lives of children in foster care, and promote the adoption of children into safe and loving families.

As a cosponsor of H.R. 5403, the bill before us today further expedites the safe placement of foster care children. Under current rules, children wait a year or more for states to approve placements across state lines. Children deserve better treatment, and I am glad that H.R. 5403 places a 60 day deadline on the approval of placements across state lines. Importantly, the bill also seeks to keep families together by providing incentive payments for the placement of children with extended family members.

Again, I want to applaud Mr. DeLay for his tireless advocacy on behalf of foster children, and for his work on H.R. 5403. I am confident this legislation will improve the lives foster children everywhere.

Mr. HERGER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 5403.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 832, by the yeas and nays;

Adopting House Resolution 832, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 832 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 224, nays 190, not voting 18, as follows:

[Roll No. 194]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—18

Ackerman
Cardin
Davis (FL)
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Hastings (FL)
Kennedy (MN)
Kennedy (RI)
Linder
McKinney
Nadler
Oxley
Putnam
Sherman
Skelton
Snyder
Waxman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1415

Messrs. FARR, GEORGE MILLER of California, and DAVIS of Tennessee changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PUTNAM. Mr. Speaker, on rollcall No. 194 I was unavoidably detained. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Washington. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 165, not voting 13, as follows:

[Roll No. 195]

AYES—254

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berman
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McKinney
McMorris
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—165

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gibbons
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meehan
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—13

Brown (OH)
Cardin
Case
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Forbes
Hastings (FL)
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder

☐ 1424

Mr. RUPPERSBERGER changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CARDIN. Mr. Speaker, earlier today, I was unavoidably detained and missed two rollcall votes.

Had I been present, I would have voted "nay" on rollcall vote No. 194 and "nay" on rollcall vote No. 195.

LEGISLATIVE UPDATE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, I appreciate my colleagues' indulgence. It has become clear that we will probably, in all likelihood, finish our business by Thursday night. I wanted to give Members a heads-up that we do not expect to be in on Friday. I can't give you a firm time for what time we will be out tomorrow evening, but it is not expected that we will be in on Friday.

GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5427, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5427.

☐ 1426

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5427), making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Ohio (Mr. HOBSON) and the gentleman from Indiana (Mr. VISCLOSKY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my privilege to submit to the House for its consideration H.R. 5427, the Energy and Water Development Appropriations Bill for fiscal year 2007. The Appropriations Committee approved this bill unanimously on May 16, and I believe this is a good bill that merits the support of the entire House.

Mr. Chairman, this bill provides annual funding for a wide range of Federal programs, including such diverse matters as flood control, navigation improvements, environmental restoration, nuclear waste disposal, advanced scientific research, applied energy research, maintenance of our nuclear stockpile, and nuclear nonproliferation activities.

The total funding for energy and water development for the fiscal year 2007 is $30.017 billion. This funding amount represents an increase of $546 million above the budget request and $172 million below the current fiscal year. I want to point out to everyone that our subcommittee's 302 allocation is right at the level and provides adequate funding to meet the priority needs of the House.

Title I is the Army Corps of Engineers. This provides the funding for the Civil Works Program of the Army Corps and the formerly utilized Sites Remedial Action Program which is executed by the corps and the Office of the Assistant Secretary of the Army for Civil Works.

□ 1430

The committee recommends a total of $4.983 billion for the title I activities, an increase of $251 million above the budget request and $345 million below the enacted level for the current year, separate from emergency supplemental appropriations.

In recent years, Mr. Chairman, in my opinion and I think our committee's, the corps' civil works program had lost its way. Instead of taking care of the Nation's most pressing water resources needs, the corps tried to keep everybody happy by spreading its limited resources across an ever-enlarging set of projects; and, frankly, Congress has been a big part of that problem, giving the corps more and more projects to do but, frankly, not enough money to do them.

Our committee has taken steps in the last several years to put the corps on the road to fiscal recovery and to restore the focus on getting the most critical projects done efficiently. As before, we do not fund any new starts and do not carry any new project authorizations. I might say we not only cut out the Members' new starts in the corps, we cut out the President of the United States' new starts. We treat everybody the same. Instead, we concentrate our limited resources on the completion of ongoing projects. This will save money.

I support the administration's attempt to apply performance-based criteria so that resources are applied to the highest-priority items. This is still a work in progress, and we know that the ratio of remaining costs and remaining benefits should not be the sole major of a project's merits, but I give OMB, and this is hard for me to do, credit for listening for a change to our concerns and, frankly, moving in what we all believe is the right direction.

One obvious consequence of folks seeing limited funding on the most important projects is that fewer House Members will receive funding for corps water projects in their districts. We added $251 million to address Member needs for additional water projects. As in prior years, we favored projects that could complete a useful increment of work in fiscal year 2007.

We also continue the initiatives we started last year to improve fiscal management in the corps. These initiatives have administration support. We maintain the reprogramming guidelines that we put in place last year, and we establish a fund to begin paying back some reprogramming comments that were made in previous years.

We included language last year significantly limiting the corps' ability to misuse continuing contracts and to continue those limitations in fiscal year 2007. I have directed the corps to hire a commercial audit firm to provide Congress with a full accounting of these contracts.

The current year is a transition from the old way of doing business to a new one in which the corps is more accountable for how it uses the funds that Congress appropriates for water projects. Frankly, in my opinion, these changes were long overdue; and we are confident they will put the corps on a more secure footing in the future.

I would also like to talk about title II, which is the Bureau of Reclamation. Title II of our bill provides $941 million for the Department of the Interior, including $40 million for the Central Utah Project and $901 million for the Bureau of Reclamation. This represents an increase of $17 million above the budget request and $114 million less than the amount appropriated for the current fiscal year.

We included an additional $6 million for the bureau to assist existing and future flood risks in the California Bay delta area and included the administration proposal to rescind $88 million of balances for at-risk desert terminal lakes.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, first, I would like to let my colleagues know what a privilege it is to work with Mr. HOBSON on the critical issues included in the Energy and Water Development Appropriations bill. Mr. HOBSON is a superb chairman, and I deeply appreciate his vision and even-handed approach to the work of our subcommittee. I also deeply appreciate the splendid work done by each member of the subcommittee. We have an exceptional membership.

I also would want to acknowledge the fine staff that supports both the majority and the minority: Kevin Cook, Taunja Berquam, Scott Burnison, Terry Tyborowski, Tracey LaTurner, Dixon Butler, Kenny Kraft, Tony Digiovanni, Debbie Willis and Peder Maarbjerg of my staff. These are all exceptional individuals, and I would point out to the general membership that we will lose Peder Maarbjerg who is my associate staff. He has done not only fine work for myself but for the last several years made an exceptional contribution to the committee and to this country with his very good work.

The bill itself does a good job of allocating scarce resources for sustaining the water infrastructure of our country, maintenance of our strategic deterrent, protecting our Nation from nuclear terrorism, continuing U.S. research leadership, particularly in the physical sciences, and developing energy technology to help us reverse a growing dependence on imported oil.

I will be joining my chairman in support of the bill.

Last year should have served as a major eye-opener as regards the protection of our communities and fellow citizens from the ravages of flooding. Hurricane Katrina may come to rank with the 1927 Mississippi flood as a seminal event in the corps' long history. The corps' responsibilities are multiple, and we should remember that.

The U.S. Army Corps of Engineers is a tool in our hands, and we must make good use of it and keep it sharp. Last year, the Energy and Water Appropriations Act began a major program of reforming the financial practices of the corps. This year, we try to continue that process; and I hope that no one will hamper that effort by striking section 102 of the bill.

As usual, there are unintended consequences of such a major reform; and this has been a particular concern of those Members whose projects could not use appropriated funds in past years but are now ready to go and look for restoration of these funds. The bill makes a start at solving this problem by allocating $55 million specifically to fund repayment of donor projects.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield such time as he might consume to the gentleman from California (Mr. LEWIS), the chairman of the full Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I rise in support of H.R. 5427, the Energy and Water Development Appropriations bill for the year 2007. This is the fourth of 11 bills the committee plans to bring to the House floor before the July 4 break.

I want to especially extend praise to Chairman HOBSON and Ranking Member VISCLOSKY, as well as members of the Energy and Water Subcommittee and their staff for their very fine work in preparing this bill.

This measure provides $30 billion in total discretionary spending. This represents a decrease, I repeat, a decrease of some $172 million below the fiscal year 2006 enacted level.

The bill contains critical funding to support a vigorous civil works program through the U.S. Corps of Engineers, focusing limited resources on completing high-priority projects. This legislation also continues a number of significant reforms to improve project execution and financial management.

The bill also includes a number of important energy initiatives, including efforts to strengthen clean energy technologies, energy supply and conservation programs, and fossil energy research and development.

I would like to make two additional points regarding this bill. First, Member project funding in the bill before us today is some $200 million, or 16 percent, below last year's level. This bill also terminates four programs, resulting in $460.5 million in taxpayer savings.

Mr. Speaker, this energy and water bill is a fine product, worthy of all of our support. One more time, I would like to commend Mr. HOBSON and Mr. VISCLOSKY for their work together.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would now like to discuss title III of the bill, which is the Department of Energy.

The Department of Energy receives a total of $24.37 billion in the Energy and Water Development bill, $299 million over the budget request and $326 million above the current new fiscal year.

The budget request proposes a number of major new initiatives for the Department of Energy in fiscal year 2007, the American Competitiveness Initiative, which strengthens basic research by increasing funds for DOE's Office of Science by $505 million, for a total of $4.6 billion. We fully fund the budget request for the Office of Science, and we provide an additional $30 million of headroom to fund House earmarks in the science account. The Advanced Energy Initiative would increase funding for providing clean technologies.

We generally fund all of these accounts at or above the requested funding levels funding. Funding in our bill for research in biomass energy increases 65 percent over last year. Research and development on solar energy increases 78 percent over last year. Research on hydrogen technology increases 26 percent over last year.

We have also increased funding for vehicle technologies, building technologies and industrial technologies. As with the science earmarks, we also provide additional funding for the House earmarks so that these do not harm the underlying applied science research programs.

The Global Nuclear Energy Partnership, GNEP, is an initiative to recycle spent nuclear fuel with a first-year request of $250 million; and while we believe very strongly that we need to recycle our spent fuel, we have serious policy, technical and financial reservations about the GNEP proposal. It appears that the administration funded the GNEP by cutting other essential energy programs such as university nuclear energy education. We restore these funds and limit GNEP funding to $120 million in fiscal year 2007.

We terminated the State energy programs. This amounts to $50 million spread among 50 States plus the territories. From our perspective, the States are fully capable of administering their own State energy programs. Where there is sufficient energy projects that exceed a State's capabilities, then those projects should be submitted to the committee as part of the DOE budget request. We do not support taking Federal funds from our bill and giving those States funds to spend.

I might add that the group that came in, that lobbies for this, is a group located in Washington created by the States, funded by our money, to lobby us. So what do we do? We send the money out to the States.

First of all, we collect it in taxes, we take a cut off of it here, then we send it back to the States, they take another cut, and they fund all these special people. The costs go as high as 52 percent, and then they do these little grants. We think if they need them they ought to do them; and if they really need them that bad, we ought to fund them.

We fully fund the request for the Yucca Mountain repository of $545 million and provide an additional $30 million for interim storage contingent upon authorization. Unfortunately, Yucca Mountain is on a schedule that will not allow it to accept significant quantities of commercial spent fuel until the end of the decade at the earliest.

The GNEP initiative to recycle spent fuel is on a similar schedule. The Department estimates that the Federal Government incurs a liability, and I want people to listen to this, of $500 million per year for each year that the repository is delayed. In addition, the Nuclear Regulatory Commission may not be able to issue a waste competence determination for any new reactors if the Federal Government does not provide some tangible solution to the problem of accumulating spent fuel. That is why we include $30 million for the Department to explore its options for interim storage.

The Department says it needs additional statutory authorization for interim storage. If that authorization is not enacted by the end of the fiscal year 2007, then the remaining funds will revert to the effort to begin the process of selecting a site for a second nuclear waste repository.

We continue our efforts to reform the DOE nuclear weapons complex. The committee views the reform of the weapons complex as a package deal. We will move forward with a reliable replacement warhead but only if accompanied by actions to consolidate the footprint of production complex, consolidating special nuclear fuel materials and accelerating dismantlement.

I hope people will listen to this next paragraph, because this is probably one of the most outrageous expenditures we have done. It is one we have to get on with. We have to get it done, but the cost escalation of this project drives me out of my mind and I think most Members, if they would listen.

The largest environmental cleanup project in the country, the waste treatment plant in Hanford, is billions over budget and 6 years behind schedule. The cost growth of this project is an increase of $6 billion in only 5 years; and, frankly, we still do not know what it will cost, nor can they tell us.

We direct the Department to make several major management changes to this project. The Department must complete 90 percent of design before construction of major facilities, and it must impose a tighter linkage between contract payments and contract performance.

□ 1445

Most importantly, our bill requires the Nuclear Regulatory Commission's oversight of nuclear safety at the waste treatment plant, and we direct the Department to transfer $10 million to the NRC for this purpose. Fiscal year 2007 funding for the waste treatment plant is $600 million, a reduction of $90 million from the request, but an increase of $9 million over the current year.

I would point out that our recommended funding level of $600 million is $80 million higher than what the Government Accountability Office recommended as needed for fiscal year 2007. We do increase funding for other cleanup activities at Hanford, primarily to mitigate the risk of radioactive contamination from reaching the Columbia River.

Total funding for all DOE environmental cleanup activities, both defense related and nondefense, is $644 million, an increase of $161 million. The committee provides a total of $1.59 billion for defense nuclear nonproliferation activities, a decrease of $133 million from the budget request. This reduction to the bottom line total for nuclear nonproliferation is due to the elimination of funding for construction of the mixed oxide project and associated pit disassembly and conversion facility at the Savannah River Site.

In 2000, the United States and Russia each agreed to eliminate 34 metric tons of excess weapons grade plutonium. While MOX is a far more expensive option for plutonium disposal than immobilization, it was felt several years ago that it was worth doing to encourage the Russians to do their own MOX plant. Well, guess what folks? The Russians are not coming. Listen again: The Russians are not coming.

The Russian government signaled this spring that they no longer have any interest in proceeding with their own MOX project, so there is no longer any compelling nonproliferation reason to build the MOX plant. Earlier this week, I met the head of RosAtom, the Russian atomic energy agency. He confirmed that the Russians have no interest in spending any of their own money on MOX activities in Russia.

Now, they did tell us that they would build it if we would provide all the money, because, they said, if we have to put money into something, we don't want to do that because we think it is too expensive; we think there is better technology, and we need to move on. They view MOX as an expensive outdated technology for plutonium disposal.

In addition, the GAO tells us that the cost estimate on this facility has risen from $1 billion in 2002 to over $3.6 billion in 2006, and the project is already 8 years behind. Now, if you look at Hanford as any example, what do you think this thing is going to wind up at? And this is a deal that the Russians say they don't think the technology is any good. At the beginning, when we put it together, we didn't think it was that good, but we thought we could get them into the deal by doing this, so they said, let's go ahead with the deal.

To deal with the plutonium already stored at the Savannah River Site, we should use the cheaper immobilization option. The only remaining rationale to continue the MOX plant is simply as a jobs program for certain States, and I don't think that is a compelling reason to spend several billion dollars of taxpayers' money. There is not 34 metric tons of weapons grade plutonium in South Carolina at this time, and the plutonium that is there wouldn't be able to be used in the MOX anyway, because it is of a different type than that which would be used for the MOX program.

The requested fiscal year 2007 construction funding for MOX is applied to other priority nonproliferation activities, and roughly two-thirds of it is kept at the Savannah River Site for plutonium immobilization activities and to meet environmental cleanup needs at that site.

Title IV, Independent Agencies: title IV of our bill provides $228 million for several regional commissions and independent agencies. The committee recommendation provides the requested funding for the Defense Nuclear Facilities Board, the Delta Regional Authority, the Nuclear Regulatory Commission, the Inspector General and the Nuclear Waste Technical Board.

The committee reduces the funding, and if I had my way I would take it down to zero, and I tried to get those that are offering amendments to take this down to zero, but they didn't take me up on it, the Appalachian Regional Commission, which my State gets money for. But, again, it is like the State program: We send money here. We send money back there. And the Governors run around creating a bureaucracy and go do the little projects, and nobody really knows kind of what they do.

I have had letters from all kinds of people who say they don't support excess spending. They do not like earmarks, but everybody seems to like the little earmarks that the Governors do in these little programs back in their State. So I cut the money. The President's request was around $60 million. And OMB always tells me they are so cost effective down there; I don't know why they don't look at this program. And I cut it back to $35 million.

The first year, I cut it back to zero, and then we had to fund it when we got to conference. Unfortunately, that will probably happen again, but I don't like that. But if I had my way, I would cut out all these little commissions because I just think they take away from a lot of good work that the Congress does.

We have also put an additional $40 million of budget authority to provide for the Nuclear Regulatory Commission to address anticipated license applications for new reactors, which I hope we can really move forward with.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield myself such time as I may consume, and I would like to follow up on the chairman's remarks.

Plutonium, highly enriched uranium and some highly radioactive products of nuclear fission in the hands of terrorists pose the greatest threat to the United States and its people. Accordingly, the recommendation before the committee increases funding for those elements of defense nuclear nonproliferation at DOE that truly address this issue. This bill correctly shifts money that should not be spent on MOX plants to other areas where the funds can be used now to enhance U.S. security.

The Russians will not proceed with their MOX plant unless it is fully funded by other countries in the G–8 at a cost of $2.5 billion. Pledges to date have not passed $800 million. The Russians have stressed to the chairman, as he has pointed out, and myself that they are still fully committed to destroying 34 metric tons of their surplus plutonium. To do so, they are interested in pursuing less expensive approaches in partnership with us and funding 50 percent of the cost themselves.

When it comes to energy policy, the committee's allocation forces our bill to be hundreds of millions of dollars below needed levels. While I applaud the significant increases for biofuels and solar, even in these areas, the budget forces choices between pursuing rapid commercialization of current technology and demonstrating new ones. With the support of Chairman HOBSON, conservation technology investments were increased in the full committee resulting in full funding for solid-state lighting, one of the most promising technologies for saving energy; and for the request of the Governor's Ethanol Coalition for development of E–85 infrastructure.

However, I remain concerned that the Clean Coal Power Initiative will have to wait one or more additional years before issuing its next solicitation for research proposals. The Department of Energy has argued that it is too late to include new technologies in the FutureGen demonstration plant, but given the abundance of domestic coal as an energy source, I believe we will be seeking new technologies to improve our use of coal for many years to come.

Our country needs a robust mix of energy sources so that we can adapt rapidly to changes in the world's markets. We as a Nation can innovate our way out of the current energy crisis, but I fear that we are letting a false sense of economy prevent this from happening at the pace required.

Last year, in an effort to move the country forward in developing nuclear power as a domestic source of energy that does not emit greenhouse gases, the Congress provided funds to pursue a competitive process for choosing sites for the integrated reprocessing of spent nuclear fuel, including interim storage. We as a subcommittee also worked to accelerate the opening of the Yucca Mountain permanent high-level radioactive waste repository, but without success. The administration has responded with a Global Nuclear Energy Partnership, or GNEP, and I would like to emphasize the concerns about GNEP expressed in our committee's report.

I do not know whether GNEP will truly help the future of nuclear power. I do know that any benefits from GNEP for the American people are 15 years or more in the future, but the benefits to the DOE labs, whose directors came to Washington for a recent Senate event, might be very immediate.

I appreciate the chairman's supporting a restrained funding level for this program that will provide funds for work to refine the ideas included in the GNEP concept. I believe that the level in this bill is the correct level and will oppose any efforts to make further cuts in this area. Our subcommittee will work with the authorizing committees to ensure that the costs and plans for dealing with the waste that GNEP will generate are understood and are accounted for.

Members should note that the bill requires DOE to submit its GNEP plans to peer review by the National Academy of Science and the National Academy of Engineering.

One cannot discuss the issues of spent nuclear fuel and other nuclear waste without reiterating that Yucca Mountain is essential as a permanent high-level radioactive waste repository. We must continue to support its opening and not give up, even though its opening has been delayed until at least 2017. Through GNEP, we may redefine the waste stream in the future. The character of much of the waste may change, and change so as to lessen the long-term radioactive activity of the waste. But we have today waste of known character awaiting permanent disposal. Of course, I speak of the waste generated by the creation and maintenance of our nuclear deterrent, a deterrent from which we have all benefited.

Last year's cuts to the science account at DOE were estimated to reduce support for 2,200 researchers. This year's funding will increase support for 2,600 researchers. This type of oscillation, however, does not attract bright minds to the research areas DOE sponsors, and a new increase of only 400 researchers over 2 years is hardly a major step forward. But it is a step forward, and I would stress to my colleagues and to the administration that further major increases will be required to support the physical sciences at the level befitting our Nation and its desire for continued economic growth and world leadership.

The bill provides for more staff at the Nuclear Regulatory Commission to enable it to handle an anticipated increase in license applications for new nuclear plants. I also foresee additional regulatory responsibilities for the NRC.

For example, I see the need for NRC to become involved in issues of nuclear safety at the Hanford Waste Treatment Plant. At many sites, the Department of Energy self-regulates on nuclear safety, and I consider this a foolish approach, even when the Department has the best of intentions. We do not let the private sector self-regulate in matters of nuclear safety, and we should end this practice at DOE as soon as is practical.

So I think you can see how many critical areas for our Nation are included within the scope of the energy and water bill. Again, despite the funding limitations imposed upon the subcommittee, I take comfort from the many excellent decisions embodied in it and from the good that will be accomplished by the people's money we provide for these many programs.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume to include some further observations on our bill.

I think the committee has produced a very responsible bill that makes sound investment decisions for the future of our agencies and, frankly, for the future of our country. I believe we have one of the best Secretaries of Energy that we have had in a long time. The DOE budget request for fiscal year 2007 reflects some very clear policy choices made by the Secretary in favor of basic science research and applied energy research.

While we don't rubber-stamp every one of the Secretary's priorities, I very much respect that he has been willing to articulate his vision for the Department of Energy and has been willing to make some hard funding choices to support that vision. Frankly, we wish we saw some of that same vision and leadership in the Corps of Engineers.

The devastating consequences of the hurricanes that hit the gulf coast last year demonstrates what happens when we make the wrong investments in critical water resources infrastructure.

□ 1500

The gulf hurricanes served as a wake-up call for many other parts of the country, such as Sacramento, that have inadequate flood protection.

Last fall, we asked the corps to provide Congress with a "top 10" list of the flood control and navigation infrastructure needs in the country. The corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future.

We have asked the corps to prepare 5-year budget plans, and the corps has made real progress in making these a useful planning tool, but we have not got there yet.

We have also tasked the National Academy of Public Administration to identify sensible criteria for prioritizing the most worthy projects in the future. But, frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. "More of the same" is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

After the New Orleans experience, should we continue to rely solely on levees for urban flood protection? What should our deepwater and inland navigation system look like in 20 years? Nobody right now can tell me that, and I have been asking that for a couple of years.

And how should the corps be structured and managed to meet these changing times? The committee is determined to work with the corps, with our colleagues in the Congress, and with outside groups to help the corps craft a better vision for the Nation's water resources in the future.

Our country is also in an energy crisis, and we have the responsibility to do everything we can in our bill to address that. I feel our bill, within the limits of our jurisdiction, does that. Our bill provides significant funding increases for research on renewable energy and nuclear energy resources. This research is not going to get us the results overnight, but it puts us on a long-term path to increasing energy independence.

In short, this bill supports a variety of energy efficiency programs that can realize savings immediately. The bill increases funding for weatherization, energy savings programs for the Federal Government, vehicle technologies, building technologies, and industrial technologies, all efforts in the near term to find energy savings wherever we can.

Now let me talk about earmarks.

My goal for this year's bill is to earmark less than we did last year. The number of incoming Member requests to our subcommittee was down slightly from last year. In fiscal year 2007, we received 2,957 requests, a reduction of 17 percent from the 3,572 requests submitted in fiscal year 2006.

By comparison to the total value of $1.24 billion of earmarks and congressional adds that we carried in our bill and report last year, we have only $1.4 billion this year. This is a reduction of $200 million, or 16 percent. Frankly, if we include congressional adds and programmatic increases and focus only on project-specific earmarks, then our earmarks total only 1 percent of a $30 billion appropriations bill.

Most importantly, most of the earmarks in our bill are fully funded, meaning they do not compete with administration priorities. And I want to say once again we not only take out ours where we have to, we take out the President's, and last year we took out a number on the Senate when we got to conference.

We have produced a very responsible House bill. If you want to see real earmark reform, then we encourage our colleagues in the other body to live by the same earmark levels that we have in our bill and to provide funding headroom for those earmarks so they do not adversely impact the base programs of our agencies.

Lastly, I want to thank all members of the Energy and Water Subcommittee for their help in bringing this bill to the floor. Our subcommittee held four more hearings than last year, including two intensive oversight hearings on the Hanford Waste Treatment Plant and on reform of the DOE nuclear weapons complex. I appreciate our members' attention and participation in these hearings.

I particularly want to thank the ranking member, the gentleman from Indiana (Mr. VISCLOSKY). He has been a true partner in this bill. We have had some hard-fought wins in this bill and have continued to work together. This is truly a bipartisan bill that represents the best of this Congress. This is the way I believe our constituents expect their representatives to work together. I am proud of our bipartisan process.

I also want to thank the chairman of the Appropriations Committee, Mr. LEWIS, and the ranking member, Mr. OBEY, for their support and for allowing us to move this bill forward in an expeditious manner.

Lastly, I want to thank the staff of this subcommittee, and it is truly a bipartisan staff. Kevin Cook is our clerk, Scott Burnison, Terry Tyborowski, Taunja Berquam and Tracy LaTurner, and I thank them for their hard work on this bill. I also want to thank Dixon Butler of the minority staff, and both Kenny Kraft from my office and Peder Maarbjerg of Mr. VISCLOSKY's office.

I might add that Peder is going to be leaving. This is his last bill. He has done a great job. He has always been great for everybody to work with. He is headed off to law school. Mr. VISCLOSKY and I are both lawyers; I am not sure that he took our advice, but he is doing it anyway. We want to wish him well in his new career.

I also want to acknowledge our agency detailees. The formerly single Tony DiGiovanni, and he just got married last week. We tried to advise him, but he didn't listen and got married. He is from the Department of Energy. And I am probably going to hear from a lot of people about that, but I have been married to my first wife for 47 years, so I guess I can get away with that maybe a little bit.

And also Debbie Willis from the Corps of Engineers for their invaluable assistance in putting this bill together.

If you see the hard work that goes into putting these bills together and all of the detail and especially the phone calls we get asking: How did I do in the bill? How come I didn't get more? What do you mean this is a new start? What do you mean?

Everybody thinks that their thing is the most important thing. We tried to do the best we can. I am sure we made some mistakes, and we will try to take care of those in conference on this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I yield 7¼ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the ranking member for the courtesy he is extending me today.

Mr. Chairman, I rise in strong opposition to Yucca Mountain and to the $500 million in funding that this bill will waste on efforts to turn Nevada into a nuclear garbage dump.

The families I represent in Las Vegas and north Las Vegas remain overwhelmingly opposed to Yucca Mountain. A recent survey found that 80 percent of southern Nevada residents are against high-level nuclear waste buried only a short drive from homes and businesses in by far the fasting-growing metropolitan area in the United States.

They know that Yucca Mountain is a total failure and that transporting nuclear waste to Nevada is a disaster waiting to happen and an invitation to terrorists looking to build a radioactive dirty bomb.

But that is not the only reason I stand before you today. Mr. Chairman, I cannot believe that we are being asked to approve nearly $550 million for Yucca Mountain at a time when the Secretary of Energy cannot even calculate the cost of the proposed dump.

This past February, Secretary of Energy Bodman told the New York Times that his Department no longer, and I quote, "No longer has an estimate of when it can open the nuclear waste repository that it wants to build at Yucca Mountain, and it may never have an accurate prediction of the cost."

Let me read that last sentence again: The Department of Energy may never have an accurate prediction of Yucca Mountain's total cost.

The Secretary testified in front of the committee that not only does he not have an accurate prediction of the cost but does not have any idea when Yucca Mountain may open. Yet here we are debating whether or not to spend $550 million on this boondoggle in the middle of the Nevada desert. It is an insult to the taxpayers of this Nation that we even consider spending another half a billion dollars on a proposal that threatens communities in 43 States, threatens our environment, threatens the health and safety of more than 2 million southern Nevada residents, and threatens to break this Nation's bank.

I ask my friends on both sides of the aisle, how can you vote for more spending on Yucca Mountain when we do not even know how much it will cost, when it will open, or whether it will work?

When it comes to reasons to oppose Yucca Mountain, what I have just said is only the tip of the iceberg. My colleagues, how can you vote to continue funding the Yucca Mountain project when there is overwhelming evidence of chronic mismanagement and blatant disregard for quality assurance requirements? Are you so beholden to the nuclear industry that you will not stand up for the health and safety of millions of our fellow citizens?

In its most recent report, the GAO found that since the 1980s and up until this year there have been massive ongoing problems with quality assurance efforts at Yucca Mountain, including evidence that workers at the site deliberately falsified their own work.

E-mails written by employees conducting experiments at Yucca Mountain described keeping two sets of books, Mr. Chairman, one with the real information, one for the regulators. Allow me to read these e-mails:

"This is as good as it is going to get. If they need more proof, I will be happy to make up more stuff." And another e-mail brags, "I don't have a clue when these programs were installed so I made up the dates and names."

While these workers are not being criminally prosecuted for their deceitful acts, and why, I don't know, what GAO found was a quality assurance program at Yucca Mountain riddled with failures that threatened to completely undermine the validity of scientific work done at the proposed site, and these findings are supposed to serve as a basis for licensing Yucca Mountain.

Work performed at Yucca Mountain is so flawed that in some cases the DOE is spending millions of taxpayer dollars to have the science redone in the hopes of salvaging what remains of this project.

So don't let anybody talk to me about sound science. This project is a slap in the face to any scientists worthy of that title.

But we cannot stop there, Mr. Chairman. It is vital my colleagues also remember that the area surrounding Yucca Mountain has been rocked by earthquakes and violent volcanic activity. This is especially troubling considering that waste stored at Yucca Mountain will not even reach its peak danger levels for 300,000 years and will remain toxic for nearly 1 million years.

Are we so arrogant to think that mankind actually has the ability to safeguard all of the nuclear waste ever generated in this country in one place for a period of approximately a quarter of a million years longer than modern humans have roamed the face of the earth?

Let me also remind my colleagues of the groundwater beneath the Nevada desert. Are you willing to risk destroying the ecosystem of the southwestern United States to appease the nuclear industry? I am not. Is that what we want for the future of our communities? Is that what we want for families in Chicago and St. Louis and Denver and Salt Lake and others living along the waste transportation routes to Yucca Mountain, thousands of shipments of deadly radioactive waste over decades traveling along our roads and railways?

There is a better solution, Mr. Chairman. Leave the waste at the plants where it is produced in secure dry-cask storage, where it can safely sit for the next 100 years.

Mr. Chairman, in addition to funding for Yucca Mountain, this legislation also contains $120 million for the President's Global Nuclear Energy Partnership, which I also strongly oppose. This dubious project seeks to export nuclear technology to developing nations with the guarantee that the U.S. will take back whatever nuclear waste is produced.

In other words, not only will the United States of America, State of Nevada, be the dumping ground for all of this Nation's nuclear waste, we are now supposed to be the dumping ground for the entire world's nuclear waste?

Mr. Chairman, I strongly support the efforts of my colleagues to eliminate funding for GNEP, not only because it threatens to send more nuclear waste to the United States but because nuclear reprocessing creates materials that can be used to create a nuclear bomb.

Mr. Chairman, in conclusion, I want to remind you that Nevadans are overwhelmingly opposed to seeing the Silver State turned into a nuclear garbage dump. The only safe solution is to keep the nuclear waste at the plants where it is produced in dry-cask storage.

Funding for Yucca Mountain should be eliminated, and we ought to be paying the nuclear power plants for storing this waste.

I am not an advocate of civil disobedience, but, as God is my witness, I will lie in front of any train that attempts to ship nuclear waste to Nevada. I will stand on the highway to stop any truck that is putting nuclear waste in Nevada. Nuclear waste will come to Yucca Mountain, Nevada, over my dead body, I promise you that; and I hope the people listening will contact their representatives and stand with the State of Nevada against this outrage.

□ 1515

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would admonish visitors in the gallery not to show their approval or disapproval of debate on the House floor.

Mr. VISCLOSKY. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MILLER) for purposes of a colloquy with the chairman.

Mr. MILLER of North Carolina. Mr. Chairman, the Energy Policy Act of 2005 included two provisions to improve the technology transfer of new energy technologies, neither one of which has received any funding in this appropriations bill.

Section 1001 of the bill would establish a technology commercialization fund by dedicating .9 percent of DOE research funding to tech transfer. The Appropriations Committee, I understand, has not funded that provision, because the committee considers the dedicated funding source a tax on the funding of important research programs at the Department of Energy.

But, Mr. Chairman, also, section 917 of the bill, which I first offered as an amendment in the Science Committee, authorizes the establishment of Advanced Energy Efficiency Technology Transfer Centers. This section authorizes such funds as may be appropriate, around $10 million, and does not take funding away from other research funding into alternative energy.

However, this appropriations bill also provides no funding for those technology transfer centers either.

Mr. Chairman, I am pleased that this bill does substantially increase funding for energy efficiency, for renewable energy, for basic research. I devoutly wish that it was increased more still. But I am concerned, Mr. Chairman, that we are ignoring solutions to our energy problems that are available to us now. I am concerned that we are not supporting moving technology out of the laboratory and into the marketplace, where such technologies will save consumers and businesses on their energy bills.

I hope, Mr. Chairman, that you and the committee will recognize the importance of technology transfer and provide a near-term solution to our energy needs and provide appropriate funding.

Mr. HOBSON. Mr. Chairman, I agree with the gentleman that this research and development that we are funding in this bill needs to have a pathway to the marketplace. As we move forward to a conference with the Senate, we will both, Mr. VISCLOSKY and myself, keep the gentleman's concerns in mind, as we agree.

Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this bill; and I want to commend Chairman HOBSON for the outstanding manner in which he has brought this House to this point, cooperating fully, minority, the majority, cooperating fully with the authorizing committees, and how refreshing that is to see us working hand in glove in common cause.

This bill is very important in the priorities it sets. The President's American Competitive Initiative is fully funded; the President's advanced energy initiative, which is fully funded, except for wise reductions on nuclear reprocessing.

I want to thank Secretary Bodman and Under Secretary Orbach for the long-needed attention they have brought to science programs at the Department. They are two of the finest senior public officials in this or any administration, and we are very fortunate to have them at their post.

As the National Academy of Sciences points out in the report, rising above the gathering storm, the U.S. must substantially increase its investment in basic research and the physical sciences to remain competitive. This bill responds to that message. This bill is a good bill. I urge its full support.

Mr. VISCLOSKY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding me the time and also to Chairman HOBSON.

Mr. Chairman, I have served on this committee for 12 years. Let me compliment both you and the ranking member for your relentless pursuit of accountability and fiscal restraint in this bill. This bill has addressed nuclear issues, protecting the nuclear stockpile, seeking to address waste issues, navigation issues, issues that relate to lessons learned from Katrina. The chairman and committee members have been hands on.

We have done things with the Army Corps in terms of its management alternative, energy alternatives, as Congressman BOEHLERT just mentioned, the American Competitive Initiative, more money into research and science, and in terms of energy renewables, the work of the ITER program, the international ITER program in terms of fusion, their combination with domestic fusion.

On a more parochial level, Mr. Chairman, thank you for the endorsement of the good work that we do in the New York-New Jersey region in terms of keeping the Port of New York and New Jersey open for business, a linchpin to the eastern coast economy.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I rise in strong support of this bill.

Since coming to Congress, I have been advocating for increased resources for research in the physical sciences and for the Department of Energy Office of Science in particular. I just really am most gratified that the chairman and the ranking member of the Energy and Water Subcommittee fully supported the President's request for funding for the DOE Office of Science.

As the Nation's primary supporter of research in the physical sciences, the DOE Office of Science led the way in creating a unique system of large-scale, specialized, often one-of-a-kind facilities for scientific discovery.

I also want to express my appreciation for the funding provided for the Energy Supply Account. This bill before us contains vital work in fossil energy, nuclear energy, renewable energy and conservation. Such a diverse portfolio of technologies is necessary to secure our energy future. These technologies represent wise investments and deserve broad support.

At the same time, I want to register my concern about the decreased funding for the Global Nuclear Energy Partnership, or GNEP. We must begin developing advanced fuel cycle technologies now. I know the chairman of the subcommittee appreciates this fact and wants DOE to do it right. So do I.

which is why I look forward to continuing our work on this issue of common interest.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I thank my colleague and also the Chair of the committee for bringing the bill up. I also want to thank my good friend from Indiana.

Mr. Chairman, I rise in support of the legislation. I want to thank the subcommittee leadership for their inclusion of $43 million for the Houston Ship Channel Navigation project and for $13 million in operations and maintenance for the Houston Ship Channel.

The navigation funding goes towards important environmental restoration work in the deepening and widening project. We are at the end of that project now.

The operations and maintenance funding is not as much needed to keep the channel at its authorized depth, but I am concerned by the lack of O&M maybe not only for the channel but for others. Our problem is that if the channel silts up, those oil tankers that we bring in with crude oil to our refineries, we will have to off-load or lighten them off the coast, and it will actually raise the price of our gasoline. The O&M is a concern that I have with gas prices so high. We don't really want to build all that extra cost into the refining.

I also want to thank the committee for the portion of the 2005 Energy Policy Act, the Rocky Mountain Oilfield Testing Center in Wyoming. The energy bill last year authorized this funding, so we can actually drill horizontally 50,000 feet instead of what we currently do. Again, it is something that will help us to get more reasonably priced products.

I do have some concern also about the lack of flood control funding, because I not only represent an energy-producing area but we are also a low-lying area. The Corps $4.98 billion is a cut of $345 million from last year, but I am pleased the committee went above the President's budget by $250 million.

I have three projects, Greens Bayou, Hunting Bayou and Halls Bayou, that were flooded with Allison in 2001; and we are on a road to try and get those so we don't have those massive floods like we did in 2001. I would hope that the committee would look at the cost-benefit ratio so that we don't see those floods. These homes are not vacation homes. They are blue-collar folks' homes that actually work at those refineries that were flooded in 2001.

With that, Mr. Chairman, I would hope that the committee would look at those in the conference committee.

Mr. Chairman, I rise in support of this legislation.

I do wish to thank the subcommittee leadership for their inclusion of $43 million for the Houston Ship Channel Navigation project and for $13 million in operation and maintenance for the ship channel.

I have serious concerns with the lack of flood control funding for the U.S. Army Corps of Engineers.

The bill provides the Corps $4.98 billion, a cut of $345 million below last year. I am pleased that the Committee was able to go $250 million above the President's request, but unfortunately that increase was not enough.

We requested funding for three federal flood control projects in our Harris County, TX, district—Greens Bayou, Hunting Bayou, and Halls Bayou—and not one of these projects was funded. These projects are all properly authorized.

Congress has funded Greens Bayou and Hunting Bayou for many years in a row now, and the general reevaluation review for Greens Bayou is almost complete. We need only $488,000 more to finish it.

We are told the subcommittee has a preference for completing existing projects and studies. As a result, I hope they will reconsider both of their decisions on Greens Bayou, which could have a completed study this year with funding, and Hunting Bayou, which is an ongoing construction project.

The Greens Bayou project has a high 3.7 benefit to cost ratio, and in 2001, over 15,000 homes in this watershed flooded in Tropical Storm Allison.

Hunting Bayou has already started construction and a cut-off of Federal funding threatens to put this project into danger of falling further behind schedule.

The Hunting Bayou project will reduce the number of homes and businesses in the 100-year flood plain by 85 percent, from 7,400 structures to 1,000. Eight thousand homes flooded in this area during Tropical Storm Allison as well.

It is particularly shocking that these projects were zeroed out this year because these flood-prone areas are now home to thousands of Katrina evacuees.

I am very concerned that we are going into a cycle of increased hurricane activity at the same time that we are failing to make the necessary flood control investments for our coastal cities.

Greens Bayou, Hunting Bayou, and Halls Bayou are not projects to protect vacation homes or homes in obvious flood hazard areas. Most of these areas were outside the flood plain until upstream development expanded the flood plains.

I do wish to thank the subcommittee leadership for their inclusion of $43 million for the Houston Ship Channel Navigation project and for $13 million in operations and maintenance for the ship channel.

The navigation funding will go towards important environmental restoration work included in the deepening and widening project, keeping our commitment to our region's environment and ecology strong.

The O&M funding is not as much as needed to keep the channel at its authorized depth, and I would alert the committee that if the channel is silted up too much, oil tankers will have a hard time getting to the major gasoline refineries.

With gas prices at the current high levels and supplies tight, we cannot risk another supply constraint.

I also want to thank the committee for funding a portion of the 2005 Energy Policy Act: the research into extended reach drilling at the Rocky Mountain Oilfield Testing Center in Wyoming.

This research promises to extend drilling up to 50,000 feet in three dimensions, which will allow us to recover more resources with fewer drill sites.

Congress's interest in this project is justified because of its potential to reduce the environmental cost of oil and gas production.

Mr. Chairman, I support the bill today, but I am making an urgent plea for flood control funding for Harris County. We dodged Hurricane Rita last year; over the next couple of years we may not be so lucky.

We don't want to look back on the next few hurricane seasons with the same regrets as we did after Hurricane Katrina.

Mr. VISCLOSKY. Mr. Chairman I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank my friend for yielding time.

If anyone needs to find an example of bipartisanship and good work product, they need to look no further than the Energy and Water bill, under the leadership of DAVE HOBSON and PETER VISCLOSKY, two fine midwestern gentlemen who know how to work together and lead us in a bipartisan way toward energy independence in the stronger and more effective Army Corps of Engineers.

One issue within the bill that I would like to address, Mr. Chairman, that is the Department of Energy's recent pronouncement that it would no longer reimburse Department of Energy contractors for contributions to defined benefit pension plans and medical plans. It is an overly broad and unprecedented position.

One Cabinet agency is attempting to prohibit contributions to defined benefit plans at the very moment the House and Senate conferees are negotiating over provisions to strengthen the financial solvency of the very same defined benefit plans. DOE should not be allowed to unilaterally mandate a reimbursement policy.

The White House has publicly supported reforms to our country's pension laws to strengthen defined benefit plans. We commend Chairman HOBSON and Mr. VISCLOSKY for inserting language into this appropriations bill to preclude DOE from implementing this policy.

Make no mistake that the House is working its will on this specific issue and is repudiating the DOE's policy to prohibit reimbursement of contractor contributions to these plans.

It is my hope and expectation that the House leadership will sustain this position on any negotiations with the Senate. America's workers who are covered by defined benefit plans deserve our full support and protection.

Mr. VISCLOSKY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, last month the Department of Energy announced, with no notice or consultation with Congress, that it would stop its contractors from offering traditional pension plans to new employees and cut back on health benefits as well, starting next year.

Over the next several years, this radical new policy would torpedo the retirement benefits of over 100,000 employees working on the Nation's most cutting edge and vital research and energy projects.

This unilateral action by the Department of Energy is a mistake in many ways. It sends a message that the Federal Government no longer supports one of the country's bedrock retirement systems.

The Department will shuffle employees into 401(k) savings plans, a vehicle that puts at risk all of the employees. Let's be honest. The 401(k) plans were never designed to meet comprehensive retirement needs of employees. They are saving plans, not retirement plans.

But I want to commend Chairman HOBSON and Ranking Member VISCLOSKY for addressing this issue in this legislation. It would stop the Department of Energy from implementing this new policy and prohibit it from using the contracting process in any way from curtailing traditional pension plans and health benefits.

Groups throughout the retirement policy area have expressed concern with the Department of Energy policy, the AFL–CIO, the AARP, Mercer Human Resources Consulting and Pension Rights Center.

Major Energy Department laboratories and facilities are spread throughout the country. These contractors range from institutions like the University of California, Iowa State University, and major companies like Honeywell, Fluor, Johnson Controls and Westinghouse.

Thousands of workers at the Energy Department facilities in Oak Ridge, Tennessee; Hanford, Washington; Idaho Falls, Idaho; Portsmouth, Ohio; and Los Alamos, New Mexico have jobs with traditional pension plans and comprehensive benefits. We need this as we try to stay on the cutting edge of competitiveness on a worldwide competition to make sure that we can track the best that this country has to offer in terms of scientists, engineers, computer technicians and the rest.

I want to thank the chairman and the ranking member for taking care of this in this legislation.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LATHAM), a member of the committee.

Mr. LATHAM. Mr. Chairman, I want to thank Chairman HOBSON for the great work that he has done and the ranking member, Mr. VISCLOSKY, just a great friend. You two guys fighting over who is going to give me a minute shows me how bipartisan we are here and all the great fellow committee members. This is really a subcommittee that works and works in a lot of different ways.

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We work well together on a very bipartisan basis, but also doing the oversight work, really working through some very difficult issues. We would not be able to do that without the extraordinarily talented professional staff that we have on both sides, and I want to thank them.

This is a very important bill for Iowa, for the country. We have got an energy facility, the Ames Laboratory in Ames, Iowa, and obviously, the Army Corps of Engineers, and the transportation issues we have on the Mississippi. There are a lot of different issues, the riverfront improvements in Fort Dodge, other environmental conservation projects around.

But this is a very, very good bill, accomplished by people working together, and I just want to once again express my appreciation to the chairman and ranking member and the great staff.

Mr. HOLT. Mr. Chairman, I rise in reluctant support of the Energy and Water Appropriations bill that we are considering today.

The Energy and Water bill funds our Nation's Department of Energy programs, water and science programs and some defense and agriculture related programs. Unfortunately, instead of making a commitment to a rational energy policy this bill continues our dependence on fossil fuels; continues our practice of poisoning our lands, oceans, and air; and does little to combat rising gas prices.

While H.R. 5427 does increase funding for alternative energy research and development, we must do more. I was pleased to learn that energy supply and conservation programs are funded at $2 billion, 5 percent more than the President's request and 12 percent more than the current level. Important initiatives that will receive additional funding are renewable energy and energy efficiency programs; including biomass fuels, hydrogen technologies and solar power.

Appropriations bills are a chance for Congress to fund programs that we believe fit our Nation's goals and protect the best interests of the American people. In this bill, we must show our commitment to important programs that promote sustainable energy sources, energy efficiency, and eliminate our dependence on foreign oil. We can and should do better than what we are considering today.

That is why I supported the Visclosky amendment which would have invested $750 million in alternative energy, innovation, and energy efficiency by increasing funding for the Biomass and Biorefinery Systems Research and Development and various other technologies such as clean coal and geothermal research and development.

Tomorrow we will consider a bill once again that will allow drilling the Arctic National Wildlife Refuge. I wonder when my colleagues will learn that drilling our way to energy independence is unrealistic and simply flawed logic. We must focus on developing sustainable energy sources and encouraging conservation. This is the only way to actually work our way to energy independence.

I urge my colleagues to make a commitment to alternative energy sources. Ernest Hemingway wrote, "The world is a fine place and worth fighting for." We must continue to fight to preserve our environment and develop energy sources that are clean, safe and sustainable.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman I want to thank the gentleman from Ohio and the gentleman from Indiana for their leadership on this important piece of water resources legislation in the midst of an extremely tight budget environment.

I support the fiscal year 2007 Energy and Water Development appropriation measure.

This measure includes funding for a number of flood control projects administered by the Corps of Engineers that are desperately needed within my congressional district: the Nokomis Road Bridge Erosion Project, the Upper Trinity River Feasibility Study, and most importantly the Dallas Floodway Extension.

I appreciate the subcommittee's consideration of my requests and your past support for vital flood control projects in my congressional district.

My constituents in the region are highly concerned about the possibility of severe flooding of the Trinity River, an event that could result in countless loss of lives and almost immeasurable property damage.

The Dallas Floodway Extension, DFE, is the linchpin of the city's flood control efforts. Each year the Office of Management Budget finds within its good graces to zero out funding, but the project is of critical importance to my constituents.

This legislation includes $5 million for the construction of the Dallas Floodway Extension.

This funding will go towards the construction of a chain of flood conveyance wetlands and a system of protective levees that will enhance the security of Dallas' central business district and area neighborhoods. The project will also reclaim 792 acres of land that are currently in the 100-year flood plain.

Although I am disappointed that this amount falls far below the Corps' expressed capability of $28 million, it is my hope that the project funding may be revisited during the House-Senate Conference.

As the country's recent flooding events have highlighted, we can not continue to shortchange this Nation's water resources infrastructure.

Adequate investment in our nation's infrastructure will protect lives and property, bolster economic growth, and further enhance the quality of life for all our constituents.

While I recognize the difficult constraints the committee worked under in developing this legislation, and appreciate the funding included, I also know it is imperative to the public health and safety of the people of Dallas that this project proceed as quickly as possible.

Mr. Chairman, I appreciate the bipartisan effort that went into the drafting of this legislation, commend that effort as a model for the way in which this Chamber ought to routinely work, and urge a "yes" vote on H.R. 5427.

Mr. SPRATT. Mr. Chairman, I rise to express my deep concern about the subcommittee's decision to zero out funds for the Mixed Oxide, or MOX, fuel fabrication plant at Savannah River Site in South Carolina. In a nutshell, the MOX fuel plant would take weapons grade plutonium and convert it into fuel usable in commercial reactors.

In 2002, the state of South Carolina, in an arrangement with the Department of Energy and Congress, agreed to allow 34 tons of weapons grade nuclear material for MOX processing be stored at the Savannah River Site. In exchange, the state of South Carolina received assurances that the MOX fuel plant would be completed on schedule. And to be sure, we put in place penalty payments for the Department of Energy if the MOX fuel plant's construction delayed beyond 2011.

In parallel with this U.S. effort, the U.S. and our allies agreed to help fund a MOX facility in Russia, where the Russians would likewise convert 34 tons of their own plutonium into MOX fuel. To nearly everyone, this seemed like a good deal—and in any event, a done deal. In the U.S., we would eliminate the expense and risk of safeguarding weapons usable nuclear fuel. In Russia, we would eliminate the risk that weapons grade nuclear material would fall into terrorist hands. And for the nuclear power industry, we would provide a new source of nuclear fuel.

For four years, we have been told by the Department of Energy that liability concerns for U.S. contractors in Russia were the holdup for the MOX facility—a problem we believed was resolved last summer. Unfortunately, earlier this year it came to light that there was a more fundamental problem. In February, the Russians informed U.S. officials that they would only move forward with the MOX fuel facility in Russia if the MOX fuel could be used in new so-called fast reactors, which pose proliferation concerns, or if the international community paid for the whole project. This development called into question the nonproliferation benefits that the U.S. might expect from MOX.

I can understand Chairman HOBSON's concern about these changes to the MOX fuel program. In fact, I share them. But that does not change the fact that without the MOX program, South Carolina is stuck with 34 tons of weapons grade plutonium with no clear pathway for disposal. When South Carolina agreed to take the Nation's plutonium, it did not do so to become plutonium's final burial place. We only took the plutonium with the promise that a processing facility and ultimate removal would be forthcoming. The penalty payments imposed on the Department of Energy were our ace in the hole to make sure this happened. In the Defense Authorization bill, we even included language attesting to the fact that the South Carolina MOX facility was worth doing on its own, separate of the Russian facility if need be.

We learned of Russia's decision shortly before the Defense Authorization bill was marked up in the Armed Services Committee, and we took sensible steps to account for these new circumstances. What the House Armed Services Committee did is fence the funds sought for the MOX fuel plant, pending a report from the Department of Energy that reaffirms this process as the preferred technology and most cost-effective means for disposing of weapons-grade plutonium. Millions of dollars have been spent in the expectation that the MOX fuel decision was a done deal. An EIS has been prepared. Tons of plutonium have been shipped to South Carolina, based on the ironclad promise that it would be processed into MOX reactor fuel and shipped out on schedule. The contractor for the project has put together an impressive engineering team, and begun design work. Duke Energy has obtained MOX fuel assemblies from France and loaded the fuel rods in its light water reactor. To cancel this substantial project so precipitously, with no input from the Department of Energy, with no consideration of sunk cost, and with the enormous cost to terminate for convenience does not seem wise or right to me, particularly when we lack an agreed-upon alternative that has been studied and found superior to the MOX fuel option.

I am not dogmatic about MOX; if other treatment options are available and cost effective, I am open to those options. But with over half a billion dollars already invested in the MOX facility, I am wary of scrapping the whole idea and starting over. I understand that Chairman HOBSON put $111 million of the MOX cut into exploration of other treatment options at Savannah River Site, and I commend him for that. But I think we should withhold judgment on MOX fuel until we have at least received the report sought by the House Armed Services Committee. I look forward to working with Chairman HOBSON and Ranking Member VISCLOSKY either to restore funding or to find an alternative that is mutually agreeable.

Thank you for the opportunity to share my views on this issue of great importance to my state, out country, and our nuclear complex.

Mrs. TAUSCHER. Mr. Chairman, I would like to commend Mr. HOBSON and Ranking Member VISCLOSKY for offering a strong bill that ensures that the United States maintains a robust nuclear deterrent and modernizes the infrastructure to support it.

I am especially pleased that the bill continues the House's unwavering support for the National Ignition Facility, NIF at Lawrence Livermore Laboratory in my district with full funding.

As you know, NIF is one-of-a-kind world-class scientific effort that allows the United States to maintain its nuclear arsenal without resorting to underground testing.

Also NIF significantly advances the science of fusion as a potential alternate energy source.

I would like to also commend the chairman on a bill which fully funds the National Nuclear Security Administration's Advanced Simulation and Computing Program, ASC, which has developed the fastest computer in the world.

ASC is vital to the transformation of the Nation's nuclear infrastructure and its simulations will help assess new programs such as the Reliable Replacement Warhead Program, RRW.

Livermore Lab is at the forefront of this work and I welcome the continued investment in computational capabilities, like the Blue Gene L and Purple computers at Livermore Lab, and the unparalleled capabilities they provide.

Again I commend the chairman for a strong mark.

Mr. SIMPSON. Mr. Chairman, in accordance with earmark reform proposals currently under consideration in the House and Senate, I would like to place into the record a listing of the Congressionally-directed project in my home state of Idaho that is contained within the report to this bill.

The project provides $3 million within the Army Corps of Engineers Section 595 program for rural water infrastructure upgrades in Idaho communities. The funding was authorized in the last Water Resources Development Act.

This funding is critical to assisting rural Idaho communities in upgrading their water and wastewater treatment facilities. In many cases, this funding is required to comply with unfunded mandates passed down by this Congress and federal agencies.

Perhaps the most striking example of why the federal government has a responsibility to assist these communities is the burden the EPA's revised arsenic standard is having across America.

In the small Idaho town of Castleford, the Mayor and City Council had to lay off their only law enforcement officer so they could pay for the arsenic study required by EPA's unfunded mandate. This small town of just a few hundred people has been forced to come up with at least $2 million—a sum that would have been wholly impossible without some assistance from the federal government.

In addition, these funds help rural communities in Idaho facing economic hardship—like the rural community of Rupert. Rupert, just last week, learned that one of its major employers, Kraft Foods, is closing its cheese plant in the community. The vital water funding in this bill will assist Rupert in attracting new businesses by offering improved services at lower costs than would otherwise be possible.

I'm proud to have obtained this funding for Idaho communities and look forward to working with them in the future to meet their water resource challenges.

I appreciate the opportunity to provide a list of Congressionally-directed projects in my region and an explanation of my support for them.

(1) Rural Idaho Environmental Infrastructure, $3,000,000—pg. 28.

Mr. FORTENBERRY. Mr. Chairman, I am pleased to express my support for H.R. 5427, the Fiscal Year 2007 Energy and Water Appropriations bill and I urge my colleagues to vote for it.

I would like to begin by commending the distinguished gentleman from Ohio (Mr. HOBSON), the chairman of the Energy and Water Appropriations Subcommittee, and the distinguished gentleman from Indiana (Mr. VISCLOSKY), the ranking member of the subcommittee, for their outstanding work in bringing this bill to the Floor.

I recognize that extremely tight budgetary constraints this year made the job of the subcommittee much more difficult. Therefore, I believe the subcommittee should be commended for its diligence in creating this fiscally responsible measure.

In light of these fiscal constraints, I am very pleased that the bill includes $7.5 million for the Antelope Creek Flood Damage Reduction Project, an integral component of a flood control, transportation and community revitalization project known as the Antelope Valley Project in Lincoln, Nebraska. Critical to progress on the entire Antelope Valley Project is the completion of the drainage work. This multi-purpose project is a partnership of Lincoln, the University of Nebraska, the Lower Platte South Natural Resources District, the Corps of Engineers, and the Departments of Transportation and Housing and Urban Development.

The first segment of the project was completed in 2004 under a $4 million Corps of Engineers contract. Delay of the next project segment would cause a delay in the transportation improvements already under construction. Completion of the flood control portion is necessary before community renewal can proceed.

It is also important to note that this bill includes $190,000 to complete the Fremont South Section 205 Flood Control Study. The total cost of the study is $733,500 and the total federal share is $366,750, of which $177,000 has been received over the past two study years. The goal of this project is to provide urgent feasibility planning in connection with upgrading an existing levee in order to keep a portion of south Fremont out of flooding in the 100-year floodplain. This Fremont South area is not currently identified by the Federal Management Agency (FEMA) as being in the designated floodplain. However, a revision to the FEMA Digital Flood Insurance Rate Map will include this Fremont South area when printed and approved in the near future.

Finally, I am pleased that this bill includes $175,000 for the Lower Platte Natural Resource Districts under the Lower Platte River and Tributaries authority and Section 503 authority. This provision was included in the Water Resources Development Act of 2000 for a carrying capacity assessment for protection of water resources in the critical Lower Platte basin, including planning to expand to a water resource monitoring program. Key to protection of water resources in the basin is a carrying capacity assessment to support watershed management resource protection including the strengthening of related resource monitoring programs.

Again Mr. Chairman, I appreciate the Subcommittee's inclusion of funding for these projects of great importance to my district. I support passage of H.R. 5427 and urge my colleagues to vote for it.

Mr. CARDIN. Mr. Chairman, I believe that we need comprehensive appropriations earmark reform. In the last 10 years, the number and cost of federal earmarks have spiraled out of control, from 4,000 in 1994—totaling 24 billion dollars—to more than 15,000 items last year, valued at more than 47 billion dollars.

Earmarks are out of control. We should reform the manner in which earmarks are approved by Appropriations and Authorizing Committees, with an eye toward increasing transparency and accountability.

But what we are voting on today is a series of amendments, chosen by one member, in an ad hoc, piecemeal attempt to reform the appropriations process one earmark at a time. While this is a useful exercise to point out the problem, having one member pick and choose among existing earmarks is as arbitrary as the underlying process.

I will fight for genuine, comprehensive appropriations reform, so that we can be truly open and accountable to our constituents.

Mr. GONZALEZ. Mr. Chairman, I want to briefly recognize the work the subcommittee has done in providing $2.3 million for the San Antonio Channel Improvements Project. This money will provide the first installment of a multiyear construction effort to expand the economic development of the San Antonio River while addressing potential flood control problems.

As many know, the San Antonio Riverwalk which is the central segment of the San Antonio River park system is one of the premier tourist sites in our country. Conceived in the 1930's, the Riverwalk has been an example of everything the Federal government and the Army Corps of Engineers can do right with its water construction efforts.

The San Antonio Channel Improvements Project has fully met the federal technical requirements for project development and fully fits with the Corps' strategic plan for the Nation. This project will significantly enhance flood protection in the San Antonio metropolitan effort while at the same time restore the river ecosystem and connect the San Antonio River park system with the San Antonio Missions National Historical Park.

The significant economic development impact of this project will primarily be felt by the most disadvantaged sections of the San Antonio community. The City of San Antonio and Bexar County have also committed more than $46 million in local funding to match the Army Corps of Engineers investment in this project.

Mr. Chairman this bill's $2.3 million initial commitment to the San Antonio Channel Improvements Project is appreciated by the San Antonio community. As the legislative process moves forward on this bill it is my hope the final language for this project will provide the level needed to fully proceed with construction. The construction of the San Antonio Channel Improvements Project will provide untold flood control and environmental benefits as well as economically benefit South Texas. I look forward to continuing to work with the Committee towards that goal.

Ms. LEE. Mr. Chairman, I would first like to thank the chairman of the subcommittee, Mr. HOBSON, and the ranking member, Mr. VISCLOSKY, for their work in putting together the Energy and Water Appropriations Bill.

I also want to thank both of them for including $43.5 million in the bill to continue funding the Port of Oakland's 50-foot dredging project in my district in California, as well as for including the Army Corps of Engineers funding request for Operations and Maintenance programs in California that should provide $6.5 million for the Port.

As the fourth largest container port in the country, the Port of Oakland serves as one of our premier international trade gateways to Asia and the Pacific.

The 50-foot dredging project will underpin an $800 million expansion project funded by the Port that will improve infrastructure, expand capacity and increase efficiencies throughout the distribution chain.

Once this project is finished, an additional 8,800 jobs will be added, business revenue will increase by $1.9 billion, and local tax revenues will go up by $55.5 million. Best of all, 100 percent of the dredged materials will be reused for wetlands restoration, habitat enhancement, and upland use within the San Francisco Bay Area.

I appreciate the subcommittee's support for this project and I look forward to continuing to work with the chairman and ranking member to complete it.

Mr. THOMAS. Mr. Chairman, I rise today to discuss the important issue of dam safety work at Isabella Dam, located in Kern County, California, which I represent.

On April 27, 2006, the U.S. Army Corps of Engineers declared an emergency pool restriction at the Lake Isabella Dam due to concern over increased seepage at the base of the auxiliary dam. On May 1, the Corps began releasing water from the dam to relieve pressure on the dam, until the pool level at the dam reached only 63 percent of capacity. This restriction will remain in place until the Corps can take permanent corrective action at the dam, which may not be until 2012, which is 6 years from now.

The Corps of Engineers has named Isabella Dam as their top dam safety concern in the Nation as a result of the Corps Screening Portfolio Risk Assessment done last year, due to seepage, seismic concerns, and spillway deficiencies. Nonetheless, their estimated time for taking permanent corrective action is 6 years. Because of this significant concern, I am working with Energy and Water Appropriations Chairman HOBSON to secure the additional funding needed for the Corps to continue important drilling, sample collecting, economics modeling, and environmental studies at Isabella in order to expedite this multi-year process.

Isabella Dam protects a population of 300,000 in the Bakersfield area and about 350,000 acres of highly profitable agricultural land and oil fields. Kern County's evacuation plan notes that should Isabella Dam fail, within three and a half hours portions of the city of Bakersfield would be under as much as thirty feet of water. Loss of life and property, including agricultural land, which annually produces crops with a $3.5 billion farmgate value, would be tremendous. Likewise, there would be tremendous damage to oil infrastructure and significant impact to the entire Nation because Kern County annually produces more oil than Oklahoma.

I am also concerned about the considerable economic hardship that has already occurred as a result of the Corps' pool restriction at Isabella. Water agencies and the City of Bakersfield who have water rights on the Kern River have already lost 77,000 acre feet of water since the pool restriction was put in place. This is precious water, with a conservatively estimated value of over $2.5 million. Allowing water to be lost simply because there is no place to store it is an immense problem in a State like California, which has limited resources.

Given the immediate and considerable safety and economic concerns surrounding Isabella Dam, I will continue to work with my colleagues and the Corps to resolve the problem as swiftly as possible.

Mr. SALAZAR. Mr. Chairman, I rise today to express my support of the House version of the Energy and Water Appropriations Act for Fiscal Year 2007, and I urge my colleagues to vote in support of this important measure.

I commend Chairman HOBSON and Ranking Member VISCLOSKY for their work on this bill. I believe it is a good start for addressing our Nation's water infrastructure and energy research needs, especially given the budget constraints.

As a water user in Colorado's San Luis Valley, I know and understand water issues, and I can't emphasize how important it is to invest back into local water infrastructure. Without this investment, I fear we will continue to see a decline in the management of this irreplaceable resource—water is the lifeblood of our rural communities.

The House Energy and Water Appropriations Bill would provide $5 billion for the Army Corps of Engineers, $923 million for the Bureau of Reclamation, and $24.6 billion for the Department of Energy. Of this amount, $1.9 billion is provided for energy research, development, and demonstration and conservation deployment—an amount $20 million above the previous year and $55 million above the Administration's request.

I am pleased the committee included funding for three important projects which I had requested back in March for the 3rd District of Colorado. First and foremost, the committee included $57.4 million in funding for construction of the Animas-La Plata Project. This funding level represents a $4 million increase over the FY 2006 funding level.

Completion of the A–LP will provide a much-needed water supply in the southwest corner of our state for both Indian and non-Indian municipal and industrial purposes. It will also fulfill the intent of a carefully negotiated settlement agreement in the mid-1980s to ensure the legitimate claims of the two Colorado Ute Tribes could be met without harm to the existing uses of their non-tribal neighbors.

Since 2002, the Bureau of Reclamation has made much progress, and work has been completed or initiated on many key project features. While I had hoped we could achieve a funding level closer to the Bureau of Reclamation's current capability of $70 million, I appreciate the committee's decision to increase the project funding level. If we can speed up completion of the project, then we avoid costly delays, saving taxpayer money.

I am pleased that the FY 2007 Energy and Water Appropriations bill also includes $350,000 for the Arkansas River Habitat Restoration Project. The U.S. Army Corps of Engineers in cooperation with the City of Pueblo, Colorado has completed 95 percent of the project including fish habitat structures along a 9-mile section of the river below Pueblo Dam through downtown Pueblo. This funding would be used to complete the project which is an important environmental restoration project for the project.

The committee also provided a $789,000 appropriation for the Army Corps of Engineers to engage in operations and maintenance at Trinidad Lake, Colorado. While I appreciate the funding for this project, I am disappointed that the committee chose to reduce its funding by almost half of last year's level. Trinidad Lake is a multipurpose project for flood control, irrigation and recreation, and was authorized by the 1958 Flood Control Act. I realize we are under tight budget constraints but a delay in necessary funding will end up costing us more in the long run.

Finally, I am pleased with the increased funding this bill dedicates for research and development. Some of this money will go directly to the National Renewable Energy Lab (NREL) in Golden, Colorado. NREL is home to some of the most innovative renewable energy research in America and even the world. There is also an increase above the Administration's budget request for weatherization grants. This program directly helps the American consumer by assisting them in energy conservation measures. Conservation is the quickest way for consumers to deal with high energy prices.

Given the current budgetary constraints, I believe this bill is a good start. The funding included for Colorado projects is important for improving water related infrastructure in our state. As we move forward with the appropriations process, I will continue the fight to preserve funding for Colorado and the 3rd Congressional District.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I want to thank Chairman HOBSON for his work during consideration of the Energy and Water Appropriations Act to include language in the final version of the legislation to block funds that would have allowed an ill-advised policy directive by the Department of Energy to go forward. The policy directive would have prevented contractors to the agency from continuing to provide defined benefit pension plans and comprehensive healthcare coverage to their employees. Chairman HOBSON's language blocks federal funds from implementing this directive.

The Department of Energy's policy directive amounts to nothing more than an attack on organized labor unions and their members. Not only did the policy directive allow only a scant 90 days for the new restrictions to be executed, but no labor unions were consulted on the proposed policy prior to its promulgation. The Department of Energy failed to clear its policy with the Department of Labor to determine whether it is consistent with the requirements of the Service Contract Act and the Davis-Bacon Act.

Moreover, while this policy sets a significant precedent by having one of the largest federal departments prohibiting certain employers from offering workers the security of defined benefit pension plans and comprehensive health coverage, it was not cleared by the Office of Management and Budget. The Department of Energy should not be driving pension and health care policy—especially when it does so without due deliberation and input from stakeholders and agencies with expertise on these issues.

Additionally, the House is currently in the process of crafting a reform of our Nation's pension system. It is disconcerting that an Executive agency would undertake a policy directive that could contravene the actions of the Congress in what should be a legislative matter.

It is my hope that the House will maintain its position in opposition to the Department of Energy in respect to this policy initiative, or any other legislative vehicle that would allow its execution as we enter negotiations with the other body in conference.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I rise today to thank the chairman and staff of the Energy and Water Appropriations Subcommittee for their continued support of the Florida Everglades FY07 Energy and Water Appropriations bill.

This legislation includes funding for the Army Corp of Engineers to proceed with Everglades Restoration, which will ensure natural water flows continue through Everglades National Park.

The Florida Everglades is a unique and precious ecosystem that must be preserved for future generations. Everglades Restoration is an invaluable investment that will ensure the Everglades is restored and protected.

I am pleased that the chairman included $164 million for Everglades Restoration, which is so critical to ensuring continuation of this vital project. Just last week, the Interior Appropriations bill included an additional $69 million for Restoration. The funding provided in the Interior bill, combined with that in the Energy and Water bill, will together provide a total of $233 million to allow restoration to move forward.

I thank my colleagues from Florida for their continued support of the Florida Everglades and Restoration funding. Additionally, I would like to thank the Governor of Florida for his steadfast support of Everglades Restoration. Floridians understand the great benefit the Everglades provide not just to our ecological diversity, but also to our economy, which is so dependent upon tourism and ecotourism.

On behalf of myself, and the residents of southern Florida I am so proud to represent, I thank the chairman for his support of this funding.

Mr. HOBSON. Mr. Chairman, under general leave for H.R. 5427, the Energy and Water Development Appropriations bill for fiscal year 2007, I submit the following table:

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2007 (H.R. 5427)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE - CIVIL					
DEPARTMENT OF THE ARMY					
Corps of Engineers - Civil					
Investigations	162,360	94,000	128,000	-34,360	+34,000
Emergency appropriations (P.L. 109-148)	37,300	---	---	-37,300	---
Construction	2,348,280	1,555,000	1,947,171	-401,109	+392,171
Emergency appropriations (P.L. 109-148)	101,417	---	---	-101,417	---
Rescission	---	---	-56,046	-56,046	-56,046
Sutbtotal, Construction	2,449,697	1,555,000	1,891,125	-558,572	+336,125
Flood control, Mississippi River and tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee	396,000	278,000	290,607	-105,393	+12,607
Emergency appropriations (P.L. 109-148)	153,750	---	---	-153,750	---
Operations and Maintenance	1,969.110	2,258,000	2,195,471	+226,361	-62.529
Emergency appropriations (P.L. 109-148)	327,517	---	---	-327,517	---
Regulatory program	158,400	173,000	173,000	+14,600	---
FUSRAP	138,600	130,000	130,000	-8,600	---
Flood control and coastal emergencies	---	81,000	32,000	+32,000	-49,000
Emergency appropriations (P.L. 109-148)	2,277,965	---	---	-2,277,965	---
General expenses	152,460	164.000	142,100	-10,360	-21,900
Emergency appropriations (P.L. 109-148)	1.600	---	---	-1,600	---
Office of Assistant Secretary of the Army (Civil Works)	3,960	---	1,500	-2,460	+1,500
Total, title I, Department of Defense - Civil	8,228,719	4,733.000	4,983,803	-3,244,916	+250,803
Appropriations	(5,329,170)	(4,733.000)	(4,983,803)	(-345,367)	(+250,803)
Emergency appropriations	(2,899,549)	---	---	(-2,899,549)	---
TITLE II - DEPARTMENT OF THE INTERIOR					
Central Utah Project Completion Account					
Central Utah project construction	31,351	37,587	37,587	+6,236	---
Fish, wildlife, and recreation mitigation and conservation	937	965	965	+28	---
Subtotal	32,288	38,552	38,552	+6,264	---
Program oversight and administration	1,719	1,603	1,603	-116	---
Total, Central Utah project completion account	34,007	40,155	40,155	+6,148	---
Bureau of Reclamation					
Water and related resources	874,679	833,424	849,122	-25,557	+15,698
Rescission	---	-88,000	-88,000	-88,000	---
Subtotal, water and related resources	874,679	745,424	761,122	-113,557	+15,698
Central Valley project restoration fund	52,219	41,478	41,478	-10,741	---
California Bay-Delta restoration	36,630	38,610	40,110	+3,480	+1,500
Policy and administration	57,338	58,069	58,069	+731	---
Total, Bureau of Reclamation	1,020,866	883,581	900,779	-120,087	+17,198
Total, title II, Department of the Interior	1,054,873	923,736	940,934	-113,939	+17,198

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2007 (H.R. 5427)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - DEPARTMENT OF ENERGY					
Energy supply and conservation	1,812,627	1,923,361	2,025,527	+212,900	+102,166
Clean coal technology:					
Deferral of unobligated balances, FY 2005	257,000	---	---	-257,000	---
Deferral of unobligated balances, FY 2007	-257,000	257,000	257,000	+514,000	---
Rescission, uncommitted balances	-20,000	-203,000	-257,000	-237,000	-54,000
Transfer to Fossil Energy R&D	---	-54,000	---	---	+54,000
Total, Clean coal technology	-20,000	---	---	+20,000	---
Fossil Energy Research and Development	592,014	469,686	558,204	-33,810	+88,518
Naval Petroleum and Oil Shale Reserves	21,285	18,810	18,810	-2,475	---
Elk Hills School Lands Fund	83,160	---	---	-83,160	---
Strategic petroleum reserve	164,340	155,430	155,430	-8,910	---
Northeast home heating oil reserve	---	4,950	4,950	+4,950	---
Energy Information Administration	85,314	89,769	89,769	+4,455	---
Non-defense environmental clean up	349,687	310,358	309,946	-39,741	-412
Uranium enrichment decontamination and decommissioning fund	556,606	579,368	579,368	+22,762	---
Science	3,596,393	4,101,710	4,131,710	+535,317	+30,000
Nuclear Waste Disposal	148,500	156,420	186,420	+37,920	+30,000
Departmental administration	250,289	278,382	278,382	+28,093	---
Miscellaneous revenues	-121,770	-123,000	-123,000	-1,230	---
Net appropriation	128,519	155,382	155,382	+26,863	---
Office of the Inspector General	41,580	45,507	45,507	+3,927	---
Atomic Energy Defense Activities					
National Nuclear Security Administration:					
Weapons activities	6,369,603	6,407,889	6,412,001	+42,398	+4,112
Defense nuclear nonproliferation	1,614,839	1,726,213	1,593,101	-21,738	-133,112
Naval reactors	781,605	795,133	795,133	+13,528	---
Office of the Administrator	338,450	386,576	399,576	+61,126	+13,000
Subtotal, National Nuclear Security Administration	9,104,497	9,315,811	9,199,811	+95,314	-116,000
Defense environmental cleanup	6,130,448	5,390,312	5,551,812	-578,636	+161,500
Other defense activities	635,577	717,788	720,788	+85,211	+3,000
Defense nuclear waste disposal	346,500	388,080	388,080	+41,580	---
Total, Atomic Energy Defense Activities	16,217,022	15,811,991	15,860,491	-356,531	+48,500
Power Marketing Administrations					
Operation and maintenance, Southeastern Power Administration	37,930	40,115	53,726	+15,796	+13,611
Offsetting collection	-32,386	-34,392	-48,003	-15,617	-13,611
Subtotal, O&M, Southeastern Power Administration	5,544	5,723	5,723	+179	---
Operation and maintenance, Southwestern Power Administration	32,834	34,539	45,139	+12,305	+10,600
Offsetting collection	-2,970	---	-13,600	-10,630	-13,600
Offsetting collection (P.L. 106-377)	---	-3,000	---	---	+3,000
Subtotal, O&M, Southwestern Power Administration	29,864	31,539	31,539	+1,675	---
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	511,982	490,770	688,511	+176,529	+197,741
Offsetting collection	-276,210	---	-472,593	-196,383	-472,593
Offsetting collection (P.L. 98-381)	-4,120	-3,705	-3,705	+415	---
Offsetting collection (P.L. 106-377)	---	-274,852	---	---	+274,852
Subtotal, O&M, Western Area Power Administration	231,652	212,213	212,213	-19,439	---

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS BILL FY 2007 (H.R. 5427)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Falcon and Amistad operating and maintenance fund	2,665	2,500	2,500	-165	---
Total, Power Marketing Administrations	269,725	251,975	251,975	-17,750	---
Federal Energy Regulatory Commission					
Salaries and expenses	218,196	230,800	230,800	+12,604	---
Revenues applied	-218,196	-230,800	-230,800	-12,604	---
Total, title III, Department of Energy	24,046,772	24,074,717	24,373,489	+326,717	+298,772
Appropriations	(24,031,132)	(24,277,717)	(24,630,489)	(+599,357)	(+352,772)
Advance appropriations from previous years	(35,640)	---	---	(-35,640)	---
Rescissions	(-20,000)	(-203,000)	(-257,000)	(-237,000)	(-54,000)
TITLE IV - INDEPENDENT AGENCIES					
Appalachian Regional Commission	64,817	65,472	35,472	-29,345	-30,000
Defense Nuclear Facilities Safety Board	21,812	22,260	22,260	+448	---
Delta Regional Authority	11,880	5,940	5,940	-5,940	---
Denali Commission	49,500	2,536	7,536	-41,964	+5,000
Nuclear Regulatory Commission:					
Salaries and expenses	727,032	768,410	808,410	+81,378	+40,000
Revenues	-611,010	-620,328	-656,328	-45,318	-36,000
Subtotal	116,022	148,082	152,082	+36,060	+4,000
Office of Inspector General	8,233	8,144	8,144	-89	---
Revenues	-7,410	-7,330	-7,330	+80	---
Subtotal	823	814	814	-9	---
Total, Nuclear Regulatory Commission	116,845	148,896	152,896	+36,051	+4,000
Nuclear Waste Technical Review Board	3,572	3,670	3,670	+98	---
Tennessee Valley Authority: Office of Inspector General	---	15,100	---	---	-15,100
Offset	---	-15,100	---	---	+15,100
Total, title IV, Independent agencies	268,426	248,774	227,774	-40,652	-21,000
Grand total	33,598,790	29,980,227	30,526,000	-3,072,790	+545,773
Appropriations	(30,683,601)	(30,271,227)	(30,871,000)	(+187,399)	(+599,773)
Emergency appropriations	(2,899,549)	---	---	(-2,899,549)	---
Rescission	(-20,000)	(-291,000)	(-345,000)	(-325,000)	(-54,000)
Advance appropriations from previous years	(35,640)	---	---	(-35,640)	---

Mr. INSLEE. Mr. Chairman, I rise today to bring your attention to a technology that will revolutionize our electricity resources. This Congress has recognized that energy challenges need to be explored through alternative, renewable and clean energy sources to enable a diverse national energy resource plan. However, the rhetoric of supporting alternate fuels hasn't been met with the policies enacted by the House of Representatives. The Energy and Water Appropriations Act of Fiscal Year 2007 fails to recognize an area of energy exploration that other nations are well-ahead of us in tapping—ocean wave energy.

There is an increasing need for reliable, non-polluting sources of economic electrical power throughout the world. The Electrical Power Research Institute, EPRI, has carried out a comprehensive economic study of wave generation and has concluded that the economics of wave generation are at least as favorable as for wind generation, EPRI study shows that tidal is as favorable as wind and that wave would be as favorable if the same resources for wind had been invested which has now achieved economic competitiveness and is undergoing extensive worldwide growth.

It is estimated that if 0.2 percent of the oceans' untapped energy could be harnessed, it could provide power sufficient for the entire world.

Wave Energy has several advantages over other forms of renewable energy such as wind and solar including higher energy densities, enabling devices to extract more power from a smaller volume at much lower costs (e.g., the density of water is about 1000 times that of air).

The availability of wave energy is in the 80–90 percent range, whereas wind availability is in the 30–45 percent range depending on location. Wave energy is also more predictable, with energy forecast times of greater than 10 hours, thus enabling more straightforward and reliable integration into the electric utility grid to provide reliable power.

Unfortunately, these developments have once again been ignored by Congress. While the FY 07 Energy and Water appropriations bill provides just over $24 billion for the Department of Energy, it fails to provide any funding for the ocean energy program.

Ocean wave energy extraction technology is currently in the preliminary stages of development, at the same stage that wind turbines were approximately 15–20 years ago. Several technologies are being developed, and yet no clear superior engineering solution has been established. I urge my fellow colleagues to understand to recognize any opportunity to support this new endeavor and make the United States a leader in tapping into this alternative, renewable energy source.

I am very pleased that this bill fully funds the American Competitiveness Initiative which would strengthen basic research by increasing funding for the DOE Office of Science, for a total of $4 billion. In addition, the bill supports the Advance Energy initiative by increasing funding for a variety of clean energy technologies, including biomass, hydrogen, solar, wind and clean coal. However, again, it includes no funding or support for ocean wave energy.

The new Energy Policy Act of 2005 adopted into law recognized for the first time the value of wave power to the U.S. economy. Ocean energy research and development was authorized by this Congress. It should be supported and funded by this Congress.

The CHAIRMAN. The gentleman from Ohio's time has expired.

Mr. VISCLOSKY. Mr. Chairman, I yield back my time.

Mr. HOBSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. BIGGERT) having assumed the chair, Mr. GUTKNECHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 5427 in the Committee of the Whole pursuant to House Resolution 832, notwithstanding clause 11 of rule XVIII, no amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. VISCLOSKY regarding funding levels and tax cuts;

An amendment by Mr. KING of Iowa regarding Corps of Engineers funding;

An amendment by Mr. DEAL of Georgia striking section 110 of the bill, which shall be debatable for 20 minutes;

An amendment by Mr. PICKERING regarding funding limitation on Corps of Engineers contracting;

An amendment by Ms. DELAURO regarding funding for the State energy grant program;

An amendment by Mr. MARKEY regarding funding reduction for GNEP;

An amendment by Ms. MILLENDER-MCDONALD regarding funding for energy efficiency programs;

An amendment by Mrs. DAVIS of California regarding funding for industrial assessment program;

An amendment by Mr. ANDREWS or Mr. LEACH regarding funding for the Global Threat Reduction Initiative;

An amendment by Mr. WILSON of South Carolina regarding funding for MOX plant at Savannah River site;

An amendment by Mr. BROWN of Ohio regarding funding limitation for contracts relating to port security;

An amendment by Mr. TIAHRT regarding funding limitation on competitiveness;

An amendment by Mr. GORDON regarding funding limitation on energy efficiency in Federal buildings;

An amendment by Mr. BISHOP of New York regarding funding limitation on FERC reviews of LNG floating storage applications;

An amendment by Ms. BERKLEY regarding funding limitation on Yucca Mountain Youth Zone Web site;

An amendment by Mr. MARKEY regarding funding limitation on subtitle J of title IX of Energy Policy Act of 2005;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Mr. LYNCH regarding a Secretary of Energy plan for oil and gas supply disruptions;

An amendment by Mr. BARTON of Texas regarding funding limitation on GNEP;

An amendment by Mr. HEFLEY regarding across-the-board cut;

An amendment by Mr. HINCHEY regarding funding limitation on electric transmission in the Upper Delaware Scenic River;

An amendment by Mr. STUPAK regarding funding limitation on Corps of Engineers harbor dredging policy;

An amendment by Mr. KING of Iowa regarding funding limitation on bimodal spring pulse releases on Missouri River;

An amendment by Mr. INSLEE regarding funding limitation on termination payments by certain regulated entities;

An amendment or amendments by Mr. HOBSON regarding funding levels;

An amendment by Mr. FLAKE regarding funding limitation on the Center for End-of-Life Electronics in West Virginia;

An amendment by Mr. FLAKE regarding funding limitation on the Southwest Gas Corporation GEDAC heat pump development in Nevada;

An amendment by Mr. FLAKE regarding funding limitation on Virginia Science Museum;

An amendment by Mr. FLAKE regarding funding limitation on the Missouri Forest Foundation;

An amendment by Mr. FLAKE regarding funding limitation on the Juniata Ultra Low-Emission locomotive demonstration in Pennsylvania;

An amendment by Mr. FLAKE regarding funding limitation on the research and environment center at Mystic Aquarium in Connecticut.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Energy and Water Development, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. OBEY. Madam Speaker, reserving the right to object, I would simply like to point out that if this unanimous consent agreement is accepted by the House, we are looking at at least 7 hours of time, not counting the votes that will be cast on these amendments, and if every single one of these amendments were pushed to a vote, you would be adding another 3 hours to the debate time.

So I would ask Members to recognize that perhaps it isn't crucial to have the House learn as much as it will learn in a 5-minute discussion on some of these amendments, and I would hope that Members would withhold on some of them so that we can focus on the major matters before the House and not deal with this at some time around midnight.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

Pursuant to the order of the House of today, no amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

H.R. 5427

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for energy and water development and for other purposes, namely:

TITLE I

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

Page 2, line 20, strike "$128,000,000" and insert "$132,000,000".

Page 3, line 12, strike "$1,947,171,000" and insert "$2,175,171,000".

Page 6, line 10, strike "$2,195,471,000" and insert "$2,213,471,000".

Page 6, line 14, strike "$297,043,000" and insert "$306,043,000".

Page 7, line 3, strike "$141,113,000" and insert "$150,113,000".

Page 21, line 5, strike "$2,025,527,000" and insert "$2,525,527,000".

Page 21, line 6, before the period, insert the following: ", of which not less than $150,000,000 shall be for funding new advanced energy research".

Page 22, line 1, strike "$558,204,000" and insert "$808,204,000".

Page 22, line 2, strike "$54,000,000" and insert "$80,000,000".

Page 22, line 13, strike "$36,400,000" and insert "$200,400,000".

At the end of title V, insert the following:

SEC.   . In the case of taxpayers with income in excess of $1,000,000, for the calendar year beginning in 2007, the amount of tax reduction resulting from enactment of Public Law 107-16, Public Law 108-27 and Public Law 108-311 shall be reduced by 2.42 percent.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition and would explain the amendment to the membership. As I indicated in my opening remarks, I fully support the committee's bill. The chairman and members of the committee have done an excellent job. But we do not have the sufficient resources represented in the legislation.

My amendment would provide $1 billion additional, $750 million of which would be dedicated to programs at the Department of Energy, $250 million of which would be dedicated to water projects throughout the United States of America.

As I mentioned in my statement to the full committee when this legislation was being considered, when John Kennedy was President of the United States, almost 70 cents out of every $1 spent by the Federal Government was appropriated by the Appropriations Committee, and we made an investment in our economic infrastructure. We made an investment in our society. We made an investment in our future.

Today, less than 30 cents out of every $1 spent by the Federal Government is appropriated dollars, and we are failing in that investment responsibility.

The amendment I would offer would enhance the quality of the bill before us by doubling funding for biofuels and biorefineries. It would provide for clean coal programs. It would restore funding for petroleum, natural gas, geothermal technology programs, increase support for developing a full range of conservation technologies and help weatherize an additional 30,000 homes next year to provide immediate energy savings. We would also again provide $250 million to accelerate needed programs for flood control measures and also operation and maintenance.

I also believe that, unfairly, we have borrowed too much too long in this country and have burdened the next generation with the cost of that borrowing, and therefore, the amendment would be paid for by reducing the tax cut provided to the wealthiest in society in 2001, so that the amendment is also paid for.

I do think we need to make an investment in this society, and my amendment would do so. I would hope that the point of order is not sustained.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. HOBSON. Mr. Chairman, I make a point of order against the amendment because it proposes a change to existing law and constitutes legislation in an appropriations bill, and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: An amendment to a general appropriations bill shall not be in order if changing existing law. The amendment does change the existing law.

Therefore, I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member care to be heard on the point of order?

If not, the Chair finds that the amendment changes the application of existing law by varying a rate of taxation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, yesterday, we spent an inordinate amount of time focusing on a few relatively tiny earmarks on the agriculture appropriations bill and spent almost no time discussing whether or not that bill was adequate in responding to the needs of rural America. Today, we are going to be debating the shape and nature of some of these individual programs, but we are likely, except for the Visclosky amendment, never likely to really discuss the adequacy of this bill in terms of the challenges that lie before the Nation. So I want to take just a moment to express my regret that the majority felt it necessary to strike the Visclosky amendment on a point of order.

We have been drifting aimlessly on energy policy ever since President Carter left office, as Mr. VISCLOSKY pointed out last night. In a variety of program categories, when we are discussing (energy and conservation research, renewable research, fossil fuel research and energy conservation) we are funding these efforts at levels that range from one-quarter to one-half in real-dollar terms of what we were funding those same efforts when Jimmy Carter was President.

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As a result of that two decade or more drift, we as a society today are extremely vulnerable to higher energy prices, and especially higher gas prices. The Visclosky Amendment was an attempt to, at least for a few moments on the debate on this bill, focus on the adequacy of our effort.

No one faults the gentleman from Ohio for the job he has done in allocating what resources are available. But the fact is, if we are really serious, if we were really serious about meeting the flood control needs of the country, if we were really serious about meeting the energy conservation and energy development needs of this country, we would be putting those items first.

We would be putting an extra billion dollars into those items, rather than providing super-sized tax cuts to people who make $1 million or more a year. The Visclosky Amendment would have simply asked that we cut back by $2,000 per taxpayer the size of the tax cuts going to people who make $1 million or more a year.

The tax bill that this House passed 2 weeks ago provided over $40 billion in additional tax cuts to people who make over $1 million a year. We would have simply taken $1 billion of that $40 billion and transferred it from tax cuts for the most privileged among us to investments in flood control, to investments in the kind of energy promises that Mr. VISCLOSKY was talking about today.

It is regrettable that this House does not see fit to put first things first by passing an amendment such as the Visclosky Amendment. I simply wanted to take the time to express that thought.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $128,000,000, to remain available until expended: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

CONSTRUCTION

(INCLUDING RESCISSION)

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,947,171,000, to remain available until expended; of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $2,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $29,933,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $15,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $25,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Development Act of 1996; and of which $2,500,000 shall be for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $5,000,000 shall be for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided*, That $35,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8: *Provided further*, That, of the funds provided under the heading "Construction" in title I of Public Law 109–103, $56,046,000 is rescinded, to be derived from the unobligated balances of the amounts made available for the following projects in Louisiana: Grand Isle and Vicinity, Lake Pontchartrain and Vicinity, Larose to Golden Meadow, New Orleans to Venice, Southeast Louisiana, and West Bank and Vicinity: *Provided further*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for the program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $290,607,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, including the construction of facilities, projects, or features (including islands and wetlands) to use materials dredged during Federal navigation maintenance activities; the mitigation of impacts on shorelines resulting from Federal navigation operation and maintenance activities; the benefit of federally listed species to address the effects of any civil works project under the jurisdiction of the Corps on any such species on project land within the watershed or operational reach of the project; providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, and laboratories; the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,195,471,000, to remain available until expended, of which $45,078,000 shall be for projects and activities in Region 1 New England; of which $143,250,000 shall be for projects and activities in Region 2 Mid Atlantic; of which $297,043,000 shall be for projects and activities in Region 3 South Atlantic Gulf; of which $101,407,000 shall be for projects and activities in Region 4 Great Lakes; of which $252,886,000 shall be for projects and activities in Region 5 Ohio; of which $21,301,000 shall be for projects and activities in Region 6 Tennessee; of which $233,803,000 shall be for projects and activities in Region 7 Upper Mississippi; of which $147,021,000 shall be for projects and activities in Region 8 Lower Mississippi; of which $2,999,000 shall be for projects and activities in Region 9 Souris-Red-Rainy; of which $151,180,000 shall be for projects and activities in Region 10 Missouri; of which $178,084,000 shall be for projects and activities in Region 11 Arkansas-White-Red; of which $141,113,000 shall be for projects and activities in Region 12 Texas-Gulf; of which $10,209,000 shall be for projects and activities in Region 13 Rio Grande; of which $722,000 shall be for projects and activities in Region 14 Upper Colorado; of which $3,327,000 shall be for projects and activities in Region 15 Lower Colorado; of which $761,000 shall be for projects and activities in Region 16 Great Basin; of which $242,593,000 shall be for projects and activities in Region 17 Pacific Northwest; of which $102,461,000 shall be for projects and activities in Region 18 California; of which $22,204,000 shall be for projects and activities in Region 19 Alaska; of which $1,995,000 shall be for projects and activities in Region 20 Hawaii; of which $4,000,000 shall be for projects and activities in Region 21 Caribbean; of which such sums as are necessary to cover the Federal share of eligible operations and maintenance shall be derived from the Harbor Maintenance Trust Fund of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)), shall be used for resource protection, research, interpretation, and maintenance activities related to resource protection in areas operated by the Corps at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended in accordance with the terms and conditions specified in the report accompanying this Act.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $173,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $130,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law, $32,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $142,100,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the offices of the Division Engineers: *Provided further*, That, of the funds provided under this heading, $10,000,000 shall be transferred to "Operation and Maintenance" upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

OFFICE OF ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS)

For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $1,500,000: *Provided*, That, of the funds provided under this heading, $1,000,000 shall be transferred to "Operation and Maintenance" upon the expiration of the 30-day period following the date of enactment of this Act if, during such period, the Secretary of the Army has not submitted to the Committees on Appropriations of the House of Representatives and the Senate a report summarizing outstanding reprogramming commitments of the Corps of Engineers for fiscal years 2000 through 2006 on a project by project basis.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates or initiates a new program, project, or activity;

(2) eliminates a program, project, or activity;

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $2,000,000 or 25 percent, whichever is less.

(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948; section 14 of the Flood Control Act of 1946; section 208 of the Flood Control Act of 1954; section 107 of the River and Harbor Act of 1960; section 103 of the River and Harbor Act of 1962; section 111 of the River and Harbor Act of 1968; section 1135 of the Water Resources Development Act of 1986; section 206 of the Water Resources Development Act of 1996; sections 204 and 207 of the Water Resources Development Act of 1992 or section 933 of the Water Resources Development Act of 1986.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word, and I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I thank the ranking member and thank the chairman, Mr. HOBSON, for providing me this opportunity to speak on a matter of great importance to my district.

The budget recommended by the committee provides for only $90.6 million for the Defense Environmental Cleanup at Los Alamos National Laboratories. While it is important to note that this amount is equal to the President's budget request, it is more than $50 million less than the amount enacted for this purpose in fiscal year 2006.

Mr. Chairman, I am gravely concerned that this funding level will seriously impede cleanup efforts at the Los Alamos National Laboratory. Less than a year ago, the State of New Mexico, the Department of Energy and the University of California signed an historic fence-to-fence cleanup order. This year's cut reduces funding to only 30 percent of what is called for in this order.

Not only must this cleanup be undertaken to protect the health of New Mexicans, but the order of consent is a legally enforceable document. It is my understanding that the DOE will face significant penalties for noncompliance to this agreement.

Mr. Chairman, in 1 week, the Los Alamos National Laboratories will enter a new era when the new management team comes into place. I feel that we should take advantage of this positive momentum and keep LANL moving in the right direction by showing that it is a responsible and conscientious neighbor to the residents of New Mexico.

Mr. Chairman, the order of consent was the result of years of negotiations; and it provides clear guidance for how to proceed with the cleanup. Lack of funding leaves New Mexicans, LANL and potentially the DOE in jeopardy.

I hope that an adequate funding level for the Defense Environmental Cleanup account for the Los Alamos National Laboratories is restored in conference.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 102. Notwithstanding any other provision of law, the requirements regarding the use of continuing contracts under the authority of section 206 of the Water Resources Development Act of 1999 (33 U.S.C. 2331) shall apply only to projects funded under the Operation and Maintenance account and the Operation and Maintenance subaccount of the Flood Control, Mississippi River and Tributaries account.

POINT OF ORDER

Mr. BOUSTANY. Mr. Chairman, I raise a point of order against section 102.

The CHAIRMAN. The gentleman will state his point of order.

Mr. BOUSTANY. Mr. Chairman, this provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. HOBSON. Mr. Chairman, section 202 of WRDA 1999 requires the use of continuing contracts. When the corps decides to move forward on a project, it must use a continuing contract.

You need multi-year contracting authority. Without it, the corps would be in anti-deficiency. This permits the corps to obligate the Federal Government in future fiscal years priority appropriations. The out-year costs of continuing contracts are not fully budgeted.

This is an irresponsible use of continuing contracts; and, frankly, something has got to be done. If the authorizers will not do it, then the Appropriations Committee will.

There are instances where continuing contracts make sense, but the corps, not the contractor, needs to control the spending rate. It must be no more than is available to the project.

We requested the GAO review the corps' use of this mechanism, and early findings are similar to the reprogramming report of last year. The corps has made the use of this contract provision the rule rather than the exception.

The corps cannot reliably account for the contracts currently in place. As a result, the House report directs the corps to secure the services of a national accounting firm to audit and account for all existing contracts and contain this clause and the out-year commitments required to meet these obligations.

The problem you have here is that the corps enters into these contracts, they don't control what the funding level is, and then they take money from another project and put it over there. Then they can't fund that one, all because of this provision.

We have tried to get the committee of authorization to handle this matter. They haven't. So what we have to do, and I know you will sustain his point of order, but it is not the proper thing to do, then we are going to have to go and put it back in the bill, do it for another year, because we can't get the authorizers to get into the reprogramming, which is affecting the corps and causes increased costs to the corps.

So while I disagree with the gentleman, I understand the technicalities of this. But sometimes we are able to work these things out with committees so for the good of the country we move forward. Apparently, they want to continue this. I have no other way of dealing with this than to argue about it. And then I will have to stick it back in until we get some responsible response from the corps on this matter and save money, I might add.

The CHAIRMAN. Does anyone other Member wish to be heard on the point of order? Then the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and this section is stricken from the bill.

Mr. HOBSON. Mr. Chairman, I move to strike the last word to enter into a colloquy with Mrs. BIGGERT.

Mr. Chairman, I yield to the gentlewoman from Illinois.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding to me.

I know that the chairman shares my interest in protecting the Great Lakes from aquatic invasive species like the Asian carp. I appreciate his past support for efforts by the Army Corps of Engineers to construct, operate and maintain a system of dispersal barriers.

Located on the Chicago Ship and Sanitary Canal, the only link between the Great Lakes and the Mississippi River ecosystems, these barriers are underwater, invisible electric fences that repulse fish.

As the chairman knows, the corps has encountered some obstacles, both in terms of funding and authority, to completing construction of the permanent barrier. At the same time, funding for the corps to operate the original demonstration barrier is limited.

It is up to Congress to provide the funding for the corps to complete construction and testing of the permanent barrier and to operate and maintain the original demonstration barrier while the corps completes the construction and testing. If we fail to do so, we will leave the corps without any tools to protect the Great Lakes from the Asian carp and other invasive species.

This is why I would ask the chairman to do any and everything possible in conference to ensure that the corps has the resources it needs to maintain some barrier to the threat of the fast-approaching Asian carp and other invasive species.

Mr. HOBSON. Mr. Chairman, I share the concerns of my colleague from Illinois, especially since I am from Ohio and we have the Great Lakes. That is why I commit to revisiting in conference the issue of funding for the demonstration barrier in fiscal year 2007.

If Congress were to appropriate the necessary funds, I believe the corps has the authority to operate and maintain the demonstration barrier. Continued operation of this demonstration barrier may very well be necessary if some outstanding authorization issues are not resolved and the corps is unable to complete construction of the permanent barrier next year.

Should those authorization issues be addressed before the conference on this bill is complete, I am open to providing the corps with the additional resources it needs to complete construction and testing of the permanent barrier.

Mr Chairman, I agree that we need permanent, redundant protection against the spread of the aquatic invasive species between the Great Lakes and Mississippi River basins. I commit to the gentlewoman from Illinois and the rest of our Great Lake colleagues, including my ranking member from Indiana, and we will both, I believe, work in conference to address the issue of protecting the Great Lakes from invasive species like the Asian carp.

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for his commitment. I look forward to working with him and the ranking member to ensure that every precaution is taken to protect the Great Lakes from such a harmful species as the Asian carp.

Mr. HOBSON. Mr. Chairman, I would yield any remaining time I have to my ranking member.

Mr. VISCLOSKY. I appreciate the Chair rising, and I appreciate his concern which he has continually expressed to me on this issue, and also I would want to be heard because I absolutely agree with the position the gentlewoman has taken.

Asian carp have been found in the Illinois River, which connects the Mississippi River to Lake Michigan. To prevent the carp from entering the Great Lakes, the U.S. Army Corps of Engineers, the EPA and State of Illinois, the International Joint Commission and others are working together and have installed a permanent electric barrier between the fish and Lake Michigan.

Unfortunately, the first barrier or nonpermanent barrier has been shut down. I believe we should keep both open and running. However, the fix would be legislating on an appropriations bill and would not be appropriate at this point.

Mr. Chairman, I do join the chairman and fully support the gentlewoman's intent to solve this problem. I appreciate your bringing it again to our attention.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 103. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that commits an amount for a project in excess of the amount appropriated for such project pursuant to this Act: *Provided*, That the amounts appropriated in this Act may be modified pursuant to the authorities provided in section 101 of this Act or through the application of unobligated balances for such project.

SEC 104. None of the funds provided in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

SEC. 105. (a) None of the funds provided in this Act shall be available for operation and maritime maintenance of the hopper dredge McFarland.

(b) Subsection (a) shall not apply to funds required for the decommissioning of the vessel.

SEC. 106. None of the funds provided in this Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget.

SEC. 107. None of the funds provided in this Act may be used to repay the Department of Treasury's Judgment Fund for past judgments against the United States on Civil Works contracts and real estate acquisitions that have been financed by the Judgment Fund.

SEC. 108. None of the funds provided in this Act may be used to implement an A-76 study or similar privatization process for Corps personnel employed to operate or maintain locks and dams.

SEC. 109. None of the funds in this Act may be used to further work on the Corps of Engineers proposal to remove a section of the dam for fish passage or to study other alternatives to the trap and haul facility at Elk Creek Dam, Oregon.

SEC. 110. None of the funds made available under this Act may be used to revise the master control plans and master manuals of the Corps of Engineers for the Alabama, Coosa, Tallapoosa River basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia, and Florida.

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AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEAL of Georgia:

Page 14, strike lines 12 through 17.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. DEAL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it is with reluctance that I come today because this is a matter that we would rather not have to deal with on this floor. It relates to the limiting language that was placed in the bill by way of a manager's amendment that was not debated in the subcommittee but was inserted prior to the full committee and taken by voice vote.

It relates to the restrictive language that does not allow the Corps of Engineers to upgrade its master plans and water control plans. The bottom line of this is that this is involved in litigation that has been going on at least since 1990 in the Federal courts. Most recently, the Federal courts have ordered by virtue of a decree in the District of Columbia District Court that the Corps of Engineers is to proceed with its NEPA studies. This relates to the water usage along two major river corridors that originate in the State of Georgia and also, of course, supply water into Alabama and Florida.

We believe that we should not as a Congress interfere with the actions between States that are in litigation. The courts have actually spoken on the issue. We think they should be allowed to proceed with the actions they have directed the corps to take and that Congress should not inject itself into this matter.

Mr. Chairman, I reserve the balance of my time.

Mr. EVERETT. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Alabama is recognized for 10 minutes.

Mr. EVERETT. Mr. Chairman, I yield 5 minutes to Mr. BOYD of Florida for purposes of control.

The Acting CHAIRMAN. Without objection, the gentleman from Florida will be recognized for 5 minutes.

There was no objection.

Mr. EVERETT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Georgia. The amendment would strike a much needed provision that would prohibit the Army Corps of Engineers from revising the manuals which govern the water distribution rights of Alabama, Florida and Georgia regarding the Alabama, Coosa, Tallapoosa, Apalachicola, Chattahoochee and Flint River Basin. This matter is still in Federal court, and the court's decision to revise the manuals is opposed by both the Governors of Alabama and Florida.

In addition, such an action would create severe distress in Alabama's waterways, harming both navigation and power production. In light of the ongoing Federal litigation, it is inappropriate for the courts to proceed with such revision of the manuals at this time.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I rise to support the Deal amendment. It is very important to our State of Georgia. Georgia is one of the fastest growing States in this region, and because of this growth, we certainly need to make sure that we have this detrimental language, that would be very detrimental to Georgia, out of this bill.

The manuals have not been updated for 50 years. Common sense would say that the corps is not operating based on the current situation in the area but on outdated population and outdated environmental information that was generated back in the 1950s. It is most important for my people that we have updated information, and that is why it is important for Mr. DEAL's amendment to pass.

These old, out-of-date manuals will result in a greatly increased cost of growth, inefficient and unpredictable operation of the river system, and will result in unstable water supplies for the municipalities, for the households and the businesses throughout our State of Georgia.

Moreover, Mr. Chairman, for the last 15 years, the States of Georgia, Florida and Alabama have been engaged in litigation and mediation on this issue and much progress has indeed been made. But by placing this provision in the bill, Congress is now inserting itself into a situation that is best left for the State and the local entities to resolve.

Therefore, I respectfully ask my colleagues to support the Deal amendment and let us move this offensive language out of the bill and move forward in the best interests of the entire region and certainly for the people of Georgia.

Mr. BOYD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I want to thank my friend, Mr. EVERETT, and also Chairman HOBSON and Ranking Member VISCLOSKY for including this language in there.

Just to try to give the Members a brief history: In the 1990s, this Congress set up a compact that existed between Alabama, Georgia and Florida to try to resolve this water usage issue, and those negotiations were guided by the Army Corps of Engineers. Those States were unable to come together with their leadership to resolve this issue, and so matters reverted back into the courts.

It would be completely inappropriate, Mr. Chairman, for the Army Corps of Engineers to take this step, and it would disadvantage Florida and Alabama significantly in this litigation.

Now, the bottom of that system, that ACF system, is Apalachicola Bay, and our interests are purely the life and health of that bay and the life and health of the environmental system up in that Apalachicola Basin. If these rulings come out wrong and are disadvantaged by the Army Corps of Engineers' intervention, then you would have a situation where there would be some extremely harmful environmental damage done. So I would respectfully submit to the Members of this body that we reject the Deal amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I would like to express my support for the striking amendment offered by my fellow Georgian and friend, Congressman DEAL.

Section 110 would prevent the Corps of Engineers from moving forward with their revision of the master control plans and master manuals for the Alabama, Coosa, Tallapoosa River Basin in Alabama and Georgia or the Apalachicola, Chattahoochee, Flint River Basin in Alabama, Georgia and Florida.

These control plans are essential to the corps' management of water resources in our region, not only to ensure equitable distribution of water resources but also to prevent flooding and preserve critical water infrastructure for the people of our region.

Mr. Chairman, these master control plans have not been updated since the 1950s. In the 50-plus years since the last update, our region and its water needs have fundamentally changed, and these changes must be accounted for, not only as a matter of equity but as a matter of safety. Specifically, FEMA is investing heavily in revising the flood plain maps. This is necessary due to the overwhelming growth, not just in my State of Georgia but also in Alabama.

The population explosion in the Southeast requires that the flood characteristics of the watersheds be updated as soon as possible. And delaying the update of the master control plan would delay the court-ordered implementation of the D.C. settlement agreement. Any further delay is bad policy for the regional economy, and it is a safety risk for our residents.

Section 110 is ill-conceived. I urge my colleagues to support the amendment to strike this language from the bill.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, I thank the gentleman. I think Members back in their offices ought to know this, and this is a longstanding dispute between the States of Florida, Alabama and Georgia. What this amendment does is authorize $15 million or as much as $15 million to be spent by the Corps of Engineers to revise their manuals to try to interject their decisions into what is in court today.

The court proceedings are still going on. They are on appeal. And they are not only going to affect our three States, they are going to affect everybody who eats oysters because, as Mr. BOYD said, 90 percent of the oysters come out of the basin at the bottom of the Apalachicola River. These things do not need to be decided; the purity of that water in that basin or in those seven rivers does not need to be decided on the floor of the House by people who do not know what the right decision is that ought to be made.

It ought to be made in the courts in the deliberative process and not by some bureaucrat or not by Congressmen or -women who do not understand the issues involved. I urge a "no" vote.

Mr. BOYD. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Chairman, this is a very simple issue. We have ongoing litigation in the courts. There are hearings being held. There is discovery being conducted. And most of us who have conservative impulses on both sides of the aisle think the Constitution means something and the separation of powers means something, and the courts ought to finish their process.

For the executive branch to come in and take a side in this dispute is disrespectful to the balance of power in the Constitution. There is a dispute that is going on that may have merit on both sides, but let the litigation play itself out. If this can happen in this instance, there is no possible controversy involving the Army Corps of Engineers where there is not a possibility of the executive branch inserting itself in the judicial. That is why I stand in strong opposition to the Deal amendment today, and I urge my colleagues to follow course.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Chairman, this is really pretty simple, and I am kind of amazed to hear Mr. BACHUS and my good friend from Alabama, Mr. DAVIS, say that Congress ought not to be intervening, that this is a judicial matter, because that is exactly what it is. And that is exactly what Congress is proposing to do right now, and it is very inappropriate.

The question whether or not the corps should conduct this study was submitted to the court. The court ruled against Alabama. Alabama and Florida do not like that decision. All three parties had their day in court on whether or not the corps should proceed with the study. Now Alabama and Florida are running to Congress trying to get Congress to intervene in a way that, frankly, Mr. BACHUS and Mr. DAVIS both say would be inappropriate.

I agree with that. It is inappropriate for Congress to intervene in a court proceeding where the court has specifically approved something. And the court has approved the corps moving forward with its study. For the Congress not to approve the Deal amendment is for Congress to intervene inappropriately in an ongoing court proceeding. Congress should not do that. It has not done it in the past.

Mr. EVERETT. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to this proposed amendment by the gentleman from Georgia.

We all sympathize with the needs of the water resources that each State has, but we feel the language in the bill is necessary as it is written to prevent the Corps of Engineers from interfering in litigation which is meant to allocate those resources in a fair way among the States of Alabama, Georgia and Florida.

Mr. Chairman, let me say, if the manuals are revised and are allowed to go forward, it is our belief that it will cause great harm to the State of Alabama. We will have real concerns over inadequate water for drinking, power generation, navigation, recreation and wildlife. For this reason, it is essential that all three States come to a mutual, equitable water-sharing agreement.

We do not believe it is appropriate for the Corps of Engineers to unilaterally step in and to create water distribution without the approval of all three States. With all due respect to Mr. DEAL's concern, I must ask for a "no" vote on this amendment.

□ 1615

The Acting CHAIRMAN. For the information of the Committee, the gentleman from Georgia (Mr. DEAL) has 5 minutes remaining, the gentleman from Alabama (Mr. EVERETT) has 2 minutes remaining, and the gentleman from Florida (Mr. BOYD) has 2½ minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. BISHOP), my colleague.

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the Deal amendment. I think it is appropriate that the Congress not interfere, and what this bill will do without the Deal amendment is allow the Congress to interfere with ongoing litigation.

This case has been litigated in the district courts in Alabama, the United States District Court in the District of Columbia, and the 11th Circuit Court of Appeals has rejected the claims of Florida and Alabama and has ruled in favor of Georgia. We would like very much for this Congress not to intercede and to interfere with the implementation of that court's order by violating the separation of powers and trying to hold back the Corps of Engineers through the appropriations process and preventing them from executing their duties under law.

So I think that the Deal amendment is highly appropriate. It keeps this Congress on track in its constitutional duties, and it preserves the separation of powers. I urge the adoption of the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield 1½ minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Chairman, I thank my friend from Florida; and I want to say to my colleagues, while this sounds like a complicated issue, this really is not a complicated issue.

I rise in strong opposition of the Deal amendment; and, first, I want to congratulate the chairman and the ranking member of this subcommittee and say that the language that you have put in this bill is fair. What we are after here today in Alabama and in Florida and in those other States as well is fairness.

What we want is the opportunity to settle this dispute. We are in court.

The court knows that we have been in court. The corps comes in with a last-minute attempt to revise their manual, asking for money to do that at the same time that the court is taking this very issue up.

That is not the way to do it right now. The President's budget did not include money for this. The chairman and the ranking member saw fit, in fairness to both sides, to keep this language in here.

So what we are asking today is defeat the Deal amendment and support the base bill itself.

If current conditions are used by the corps, if this amendment were to be allowed and current conditions are used to revise this manual, then that is being done at a time that would be of great disadvantage to the parties involved here.

So this issue is very critical to Alabama and to Florida. We must defeat the Deal amendment.

Mr. BOYD. Mr. Chairman, I yield my time back to the gentleman from Alabama (Mr. EVERETT).

The Acting CHAIRMAN. Without objection, the gentleman from Florida yields back his time to the gentleman from Alabama.

There was no objection.

Mr. EVERETT. Mr. Chairman, how much time does that give me?

The Acting CHAIRMAN. The gentleman from Alabama now has 3 minutes remaining. The gentleman from Georgia has 4 minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, that also includes the right to conclude; is that correct?

The Acting CHAIRMAN. That is correct.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. NORWOOD), my colleague.

Mr. NORWOOD. Mr. Chairman, we need to pass the Deal amendment. We need to strike section 110 of this bill that has been put in the bill at the last minute. That section is very, very simple that needs to be stricken. It prohibits the Corps of Engineers from updating the amount of water that counties in Georgia, Alabama and Florida can draw from the Corps of Engineers' lakes.

Now, the Corps of Engineers is simply doing what the Federal courts have told them. Someone says this is in court now. No, this is not in court now.

It is very clear. The corps will have to complete this NEPA process and was ordered to do so by the U.S. District Court of the District of Columbia as late as January 6, 2006, and it says do this as quickly as possible. The problem is we have not been able to work this out in the three States.

The second part of the problem is Alabama and Florida do not want the Corps of Engineers to work this out. Well, maybe they will be and maybe they will not, but we have to have a master plan. So says the law.

So support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. PRICE), my colleague.

Mr. PRICE of Georgia. Mr. Chairman, there are some agreements here. One is that this is a long-standing discussion and battle and it is in ongoing litigation in the court. It is a battle between some States, but I do not know that there is not a whole lot of agreement.

Everybody says that we ought to let the courts decide, but those who are opposed to this amendment begin the double talk at that point.

If this amendment fails, the Corps of Engineers will not be able to follow the court order. On January 6 of this year, the D.C. court ordered the corps to undertake the NEPA process "as expeditiously as practicable." Section 110 that was put in the bill would not allow them to do so.

Curiously, Alabama informally requested that the judge stay the corps from proceeding with the NEPA analysis or updating the water control plans, but she refused to do so.

Alabama itself says let the courts decide, and we agree. Let the courts decide, not an amendment which was inserted into this bill without discussion.

By accepting the language in the Energy and Water Appropriations bill, Congress is inserting itself both into the three-State negotiation on State water rights and a legal issue which has been ongoing.

Support the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON), my colleague.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman; and I just want to say that the Corps of Engineers has had water control plans in place for 50 years. The plans are guidelines so that everybody can kind of have some input and some feedback on what is working and what is not.

This is an area that is one of the fastest-growing parts of the United States of America, and their own regulations that the corps has, they know they need to update them.

So what we are saying is let the system that is in place stay in place without Congress inserting language that pulls the rug out from under it. If this needs to be done on a congressional level, then let us do so with all the States' delegations together. Let us not have two States against one State. Let us all sit down and work out a legislative solution if a legislative solution is necessary. I do not think that it is right now.

I think that the best thing for us to do is to let the Corps of Engineers continue to work the process as it has been set up and as it is intended to do so.

Mr. EVERETT. Mr. Chairman, I yield the remainder of the time to the gentleman from Alabama (Mr. BONNER) to close our arguments.

Mr. BONNER. Mr. Chairman, I thank the gentleman from Alabama (Mr. EVERETT).

First of all, I would like to say that those of us from Alabama and Florida find ourselves in a strange position today. Because, normally, we speak with a similar accent when we talk with our fellow brothers and sisters from the great State of Georgia. But, like my other friends from the Alabama and Florida who have already spoken, I, too, rise today in opposition to the gentleman from Georgia's amendment and to support the underlying bill.

At the outset, I want to, first of all, join my other friends in thanking Chairman HOBSON, and the ranking member as well, for including this report language in the Energy and Water Appropriations bill.

Let the record note that the chairman took this action after Members from both the Alabama and Florida delegations made him aware of the fact that it appears that our friends from Georgia are trying to get the Army Corps of Engineers to update this master manual, which on the surface sounds like a very reasonable request. It probably does need to be updated, except for the fact that it would come at a time where it would be detrimental to the people of Alabama and the people of Florida, and it would occur at the very time that this decades-long dispute is being litigated in the Federal court.

Mr. Chairman, if the Army Corps of Engineers goes forward with their plans to update this manual before the court makes a final decision, then, in essence, the corps is picking a winner even before the court has had the chance to make a determination. That would be the same thing as a judge finding someone either innocent or guilty before all of the facts have been presented.

The process can and should work, but it cannot work if one Federal agency is going to choose sides and choose a winner over another.

Vote "no" on the Deal amendment and allow the taxpayers of Alabama and Florida to have their day in court.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself the remaining time.

I would share the respect that I have for my colleagues from Georgia and Florida. This is just one of those issues we have a disagreement on.

Let us set the record straight. Yes, there is ongoing litigation. It all started in modern times in 1990 when Alabama sued the Corps of Engineers in the Northern District of Alabama, certainly a favorable venue, and has proven to be favorable for them over the years.

At a later point in time, about 13 years later, a suit was instituted in the

District of Columbia court. It is that court that has now resolved some of the issues and that court has issued an order, even though Florida and Alabama attempted to intervene to prevent that court order from going in effect.

On January 20, 2006, Judge James Robertson of the U.S. District Court of the District of Columbia ordered the corps to perform its obligations under the settlement agreement "as expeditiously as practicable."

They then went back to the Alabama court where they filed suit in 1990. They asked that judge to intervene and to enjoin the operation of the District Court of Columbia. That judge did temporarily until she was overturned by a ruling of the 11th Circuit Court of Appeals, but they also asked that same judge if she would order the Corps of Engineers not to do the NEPA and the water plan update, and even that judge who has been a favorable venue refused to do so.

The reality is the court has ordered this to go forward. Congress should not inject itself into this issue.

And, yes, I compliment my friends from Alabama for outnumbering us on the Appropriations Committee and being able to put this in the bill, but I urge you to support the Deal amendment.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today in opposition to the gentleman from Georgia's Amendment.

This provision, if enacted, would permit the Army Corps of Engineers to make an end-run around an ongoing Federal lawsuit.

It would reprogram already appropriated funds away important existing river projects.

It would also cause severe distress to Alabama's waterways, harming both navigation and power production.

The Corps of Engineers' manual on the A-C-T River Basin hasn't been revised since 1951.

This revision hasn't occurred even though nine dams, including four structures built by the Corps, have since been constructed in the A-C-T Basin.

Furthermore, the President's Fiscal Year 2007 budget request did not include a request for this action.

It is important to note that the entire Alabama delegation—along with members of the Florida delegation—have been working with the Corps to resolve this issue.

The language included in this bill, if left intact, would simply allow the current litigation process to be completed.

And it would not allow funds appropriated for Fiscal Years 2006 or 2007 to be used to revise the A-C-T Basin manual.

I would like to associate myself with the remarks made by my colleague Congressman ADERHOLT, as well as the other members of the Alabama and Florida delegations in opposition to this amendment.

Mr. Chairman, I urge a "no" vote on this amendment.

Mr. ADERHOLT. Mr. Chairman, I rise today in opposition to the proposed amendment by the gentleman from Georgia. The three States of Alabama, Georgia, and Florida have areas which are dependent on the same water sources. While I sympathize with all those needs, the language in the bill is necessary to prevent the Corps of Engineers from interfering in litigation which is meant to allocate those resources in a fair way among the three States.

Mr. Chairman, in 2005 we learned that the Corps of Engineers planned to revise the manuals which govern water sharing between three States—Alabama, Georgia, and Florida. The corps' ACT manual has not been revised since it was written in 1951, even though nine dams have been built and successfully operated in the ACT Basin since then. In other words, there is no urgent need to revise the manuals, and doing so impacts the water supply of millions of persons in the Southeast. Furthermore, this matter is still in Federal court, and allowing the corps to revise these manuals now will interfere with ongoing litigation.

Mr. Chairman, we have tried to work this issue out with the corps directly. On April 14, 2005, the entire Alabama delegation sent a letter to Lt. Gen. Carl Strock, Commander of the U.S. Army Corps of Engineers, asking that he explain the corps' actions in this matter. In response, on April 26, 2005 Assistant Secretary of the Army for Civil Works John Woodley wrote that the corps "will withdraw and disclaim any intention to re-evaluate or update the relevant operating procedures and manuals until all relevant litigation has concluded, or the three States' Governors reach an agreement."

However, Mr. Chairman, after that, the corps did not hold to their commitment. In a letter to Governor Bob Riley of Alabama, dated January 30, 2006, Assistant Secretary Woodley stated that since the relevant litigation has concluded, the corps will now begin revising its manuals. This litigation, however, is not concluded. My understanding is that the ACF litigation has been appealed, and the ACT litigation is still actively underway.

Mr. Chairman, if the corps' manuals revisions are allowed to go forward, it will cause great harm to the State of Alabama. We will have inadequate water for drinking, power generation, navigation, recreation, and wildlife. For this reason, it is essential all three States come to a mutual equitable water sharing agreement. It is not appropriate for the corps to unilaterally step in and decree water distribution without the approval of all three States.

With all due respect to Mr. DEAL's concerns, I must ask for a "no" vote in the amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. DEAL).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. BONNER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I rise for the purpose of engaging in a brief colloquy with the chairman regarding funding for several recreation areas at two Virginia lakes managed by the U.S. Army Corps of Engineers. I commend the chairman and his staff for their hard work on this bill. Considering the budget constraints, they have crafted excellent legislation.

In response to what the Corps of Engineers has identified as low funding for Operations and Maintenance, the corps has announced plans to evaluate seven recreation sites for possible closure in 2007 at John H. Kerr Lake and Philpott Lake in Virginia. These recreation sites are of great importance to citizens in these areas, and their closure would net only a savings of $97,000. There must be other ways for the corps to reform its procedures in order to reduce spending while keeping these recreation sites open to the public as camp grounds and picnic areas.

I hope that we can continue to work together to identify ways in which funding can be provided for these recreation areas either through additional funds that may become available in conference or through more appropriate reforms by the Corps of Engineers.

□ 1630

Mr. HOBSON. I understand the gentleman's concern and realize the importance of the Corps of Engineers' recreation sites to local communities. In a time of static budgets and aging infrastructure, we must work together to make our limited funding go further.

I commit to working with the gentleman from Virginia to review existing corps policies and funding to address this issue.

Mr. GOODE. Thank you, Mr. Chairman.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana.

Mr. MELANCON. Mr. Chairman, what I have here today is a map of the gulf coast. It is not all-inclusive. JO BONNER knows that. But from Galveston Bay to Mobile Bay has been a total disaster, and I am from a district that concerns me about New Orleans, but we keep talking only about Katrina, and we keep talking only about New Orleans. I am not saying we shouldn't. I am here today to say that with these natural disasters that we have had and the help that you in the Congress have given us, it is tremendously appreciated; however, immediately following those storms, coming to Congress and asking for help and, in recent weeks, bringing amendments and asking for additional moneys to build levees, and we have not even gotten to the coastal restoration issue. We were told that maybe we needed to have the authorization first. We were told to put it in the regular appropriations bill.

We are here, and it didn't get into the regular appropriations bill. So I guess these projects in Cameron, LaFourche, Terrebonne, St. Charles and other parishes, inclusive of Plaquemines Parish, it was felt they should be excluded because there wasn't enough people to justify the cost. A place on the Gulf of Mexico that services the offshore oil industry and brings in 80 percent of the offshore oil through pipelines through that parish and provides another important aspect to its presence there, it is the levee or the breakwater or whatever you might want to call it, barrier island, that protects Mississippi under many circumstances from the storm surge.

So I am here today after asking for, I think the number was $430 million, and having several of my friends say that is a lot of money, and then a week later, Mr. Powell came and asked for in excess of $4 billion and then readjusted it down when they took Plaquemines Parish out, because there are lots of projects throughout south Louisiana that are necessary if we are going to protect the residents of that State. There are many projects in the southwest part of Louisiana where Rita has gone, the storm that is forgotten, the storm you hear no one talking about in Port Arthur, and in Texas, it was devastating also.

I want to say that I do appreciate this body and everything that it has done for New Orleans, but please remember that the rest of the gulf coast has been tremendously affected, and these people that keep the oil and gas industry in operation and produce the seafood for this country as well as run the ports and export the goods and commodities from this Nation need additional help.

I thank the gentleman for allowing me the time.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman's concern and very good work.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

Central Utah Project Completion Account

For carrying out activities authorized by the Central Utah Project Completion Act, $38,552,000, to remain available until expended, of which $965,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,603,000, to remain available until expended.

Bureau of Reclamation

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

Water and Related Resources

(INCLUDING TRANSFER OF FUNDS AND RESCISSION)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $849,122,000, to remain available until expended, of which $57,298,000 shall be available for transfer to the Upper Colorado River Basin Fund and $26,952,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That from unobligated balances made available under section 2507 of the Farm Security and Rural Investment Act of 2002 for the Bureau of Reclamation's At Risk Terminal Lakes Program, $88,000,000 are rescinded: *Provided further*, That $10,000,000 of the funds provided herein shall be deposited in the San Gabriel Restoration Fund established by section 1110 of division B, title I of Public Law 106–554 as amended: *Provided further*, That of the sums provided herein, $1,000,000 shall be used for assessing the feasibility of relocating the Highway 49 bridge, Auburn-Folsom South Unit of the Central Valley Project.

Central Valley Project Restoration Fund

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $41,478,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

California Bay-Delta Restoration

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, Public Law 108–361, consistent with plans to be approved by the Secretary of the Interior, $40,110,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program: *Provided further*, That $6,000,000 shall be transferred to the Army Corps of Engineers to carry out further study and analysis of the stability of the levee projects authorized under section 103(f)(3) of Public Law 108–361.

Policy and Administration

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $58,069,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY AND CONSERVATION

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,025,527,000, to remain available until September 30, 2009.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 21, line 5, after the dollar amount insert: "(reduced by $40,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Ohio (Mr. HOBSON) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the Global Nuclear Energy Partnership receiving an additional $40 million in this budget over what it received last year. It received $80 million worth of taxpayers' dollars last year, and here we are seeing a 50 percent increase in the taxpayers' contribution to something that should be paid for by the private sector.

This is now one of the wealthiest, most successful, most profitable industries in the United States, the domestic nuclear energy industry. If there is any industry, apart from the oil and gas industry, that has no business being out here on the floor asking for handouts from the taxpayer at this time, then you have to put the nuclear industry at the top of the list.

And what is the essence of this Global Nuclear Energy Partnership? Well, sad to say, it is that we will cut deals with countries like Bulgaria, Egypt, Kazakhstan, Korea, on and on, where our private sector companies will be building nuclear power plants in those countries and returning the nuclear waste to the United States for reprocessing in our country. So on the one hand, the Congress is saying, well, we don't want any more immigrants from any of these countries, but send us your nuclear waste if an American company has been able to build nuclear power plants there and make a profit from it.

Well, ladies and gentlemen, it should not be the business of the House, of the people who represent hardworking taxpayers, to be handing over all this money to very wealthy industries. They are doing quite well, thank you. This is, once again, an example of an industry now 50 years old; this industry is like someone who is 50 years old still living at home with mom and dad and expecting mom and dad to continue to subsidize them; to give them a hand out.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman for yielding.

Boy, there is more rhetoric on this floor about GNEP and what is going on there than I have heard in quite some time. The fact is the Federal Government has the responsibility under the Nuclear Policy Act to take care of the byproduct of this stuff. Those people who use energy that is partly produced by nuclear energy have been paying a tax in order that the Federal Government would build a repository and finally take control of this. If you want the byproduct, the waste product of nuclear waste to be handled by private companies and have them in control of it, then I think you are asking for big problems.

For years, I have been asking the Federal Government, the Department of Energy, to give us a vision of what they see as the future of energy development in this country and how we are going to supply the baseload needs in this country. GNEP is the first comprehensive forward-looking plan for nuclear energy development that I have seen come out of this or any administration in decades. It takes into consideration the entire fuel cycle, from the mining uranium to final disposition of spent fuel.

It will render civilian nuclear material unusable in nuclear weapons. I will repeat that: It will render civilian nuclear materials unusable in nuclear weapons. It will use much of the energy in the fuel rods that is left behind now. And GNEP promises to make Yucca Mountain the only repository our Nation will need for the final disposition of spent nuclear fuel.

If you believe that global warming is a problem, if you believe that we can't afford to shut down nuclear power plants today that contribute over 20 percent of our electricity, and I suspect much of it in Massachusetts, the gentleman's home State; if you believe that we can't shut that down and that it makes sense to provide our baseload with an emission-free type of energy, such as nuclear power, and if we don't pursue GNEP, then we better start looking and debating on this floor where we are going to put Yucca II, Yucca III, Yucca IV, and Yucca V, because that is what is going to happen.

The simple fact is, most Americans now support nuclear energy, and most Americans know that we can't meet our growing energy needs without it. I urge you to defeat this amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

The problem with this program is that the Department of Energy is only guessing about how much it is ultimately going to cost. Their range is from $3 billion to $6 billion just for a demonstration project, because it doesn't know the answers to the ultimate questions about cost, about feasibility, about the nuclear proliferation consequences. It doesn't know the answers to any of these questions.

But if, again, the nuclear industry wants to get back out on the road and start selling nuclear power plants around the globe, they should do it. Adam Smith is spinning in his grave so fast listening to this debate that he would qualify for a subsidy under this bill as a new electrical generating source. That is how bad this is.

This is a total violation of free market principles. There are no answers at all that you are providing, except that you want to stick your hand into the pockets of the American taxpayers, and it is just wrong.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Chairman, I thank the chairman for yielding, and let me just say to the sponsor, who asserts that the reprocessing is too expensive and will add to the cost, that we don't know what the cost is.

My Subcommittee on Energy for the Science Committee has spent an entire hearing on the economics of reprocessing, and today it might be cheaper to mine and use enriched uranium, but the enrichment technology has had 30 years to develop. We stopped the process. President Carter stopped the process that is needed to treat and use all of the nuclear energy.

So, if anything, this concern only reinforces the need to increase the R&D on technologies for the back end of the fuel cycle in order to bring down the cost. We have got to have this process if we are going to have the energy needed for our children and grandchildren to live in this country. But we also have to look at taking the nuclear energy and using all of it by reprocessing and reestablishing that program.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

You know, the problem with this whole debate is that, within the same bill, there is funding for Yucca Mountain in order to store all of the spent fuel that the nuclear industry has created here domestically. Yet they are coming in here saying, well, we need another solution to the same problem. We also need the taxpayers to subsidize ultimately $3 billion, $6 billion, which is just a demonstration project, and ultimately, $20 billion, $30 billion, $40 billion or $50 billion for reprocessing technology; two paid-for-by-the-taxpayer solutions to the same problem, even though Yucca Mountain is supposed to solve the problem.

Why is that? Because this program does what President Bush wants to do, which is to offer cradle-to-grave services for countries around the world. American companies will build nuclear power plants around the world, and then they will ship the nuclear waste to the United States. And by the way, this waste, when it is reprocessed, is the worst of all materials because it can be used for nuclear weapons but it is not too dangerous for terrorists to handle as a dirty bomb at the same time.

Mr. Chairman, I reserve the balance of my time.

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Mr. HOBSON. Mr. Chairman, I yield 1 minute to my ranking member, the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I rise in strong opposition to the amendment that has been offered by the gentleman from Massachusetts. He mentioned multiple solutions. The fact is we have a waste problem.

As I pointed out in my general remarks, last year the Congress voted again to move ahead to provide funds to pursue a competitive process for choosing sites for integrative reprocessing of spent nuclear fuel as well as interim storage. The fact is the chairman and I and the subcommittee are committed to pursuing Yucca Mountain. That is not enough. If we are to have a nuclear industry and to have an investment in our energy future, we also have to examine options to reduce waste. That is what we are about.

I also believe that the subcommittee has taken a very thoughtful approach, and people have only to look at pages of committee report language that is very explicit in detail relative to the concerns and observations we have made relative to the GNEP proposal that the administration has put forth.

So we are trying to solve an energy problem dealing with our energy future. I would oppose the gentleman's amendment.

Mr. MARKEY. Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I commend the chairman and the ranking member for the work they have done here, and I take small exception here because you have cut back the $250 million the President requested. I think that is a good move, but this would simply level out the funding so that next year will have as much funding as this year.

If you go to the Savannah River Site in my State, you will see the K Reactor, on which we have spent close to $2 billion, it never was operated again; the NPR, on which we spent $40 million on the environmental impact statement; the MOX fuel facility, which is being abandoned today after millions were spent; and Agnes, where we trod down this road once before toward nuclear reprocessing and realized it was not the way to go.

And today more than ever, when we do not want to open up new nuclear processes which give rise to more fissile material, there are really legitimate doubts about this path.

I respect the course that the committee has taken, but slow it down. Let us take a closer look at this before we plunge headlong into something that could cost $20 billion, $30 billion, maybe $40 billion before it comes to full fruition.

Mr. HOBSON. Mr. Chairman, I yield the balance of my time to the gentleman from Tennessee (Mr. WAMP), a member of the committee.

Mr. WAMP. Mr. Chairman, to review, the President of the United States rightly asked for $250 million for GNEP to help us stand the nuclear industry back up in this country. Decades after Three Mile Island, we need energy independence. The committee did not have enough money, so we appropriated $150 million at the subcommittee level. At the full committee, we accepted an amendment to reduce it to $120 million, and now they are wanting to cut it further.

France understands, as an environmentally sensitive country, that in order to reduce greenhouse gas emissions, you have to use nuclear. Seventy percent of their electricity is generated from nuclear power in France.

They do not get it in Massachusetts, apparently. The gentleman from Massachusetts has fought nuclear in every capacity, every time it has come to the floor the entire 12 years that I have been here. That is what this is really about.

If his amendment stands, it would leave spent nuclear fuel at reactor sites in Massachusetts at five places: at Pilgrim 1; Yankee-Rowe; research reactors at MIT; the University of Massachusetts; and Worcester Polytechnic Institute.

Defeat the Markey amendment.

Mr. SPRATT. Mr. Chairman, I rise in support of the Markey amendment, which would cut $40 million from the so-called GNEP, the Global Nuclear Energy Partnership.

GNEP is an exceedingly ambitious set of proposals. It runs the gamut, from expanding the use of nuclear power, to closing the loophole in the nuclear fuel cycle, to developing a new generation of advanced "fast" nuclear reactors. Among other things, it calls for restarting nuclear reprocessing, a risky venture abandoned by the Carter Administration in the 1970s out of cost and proliferation concerns. It moves us ahead before we know the long term costs or international implications. On issues of this consequence, we should tread lightly.

I have concerns over GNEP on several fronts. First, I am concerned about reprocessing of nuclear spent fuel, because it lends itself to the production of fissile material. On its face, the idea of reusing spent nuclear fuel sounds appealing. Proponents point out that we only use 3–5 percent of nuclear fuel in the first reaction. They claim that reprocessing will allow us to recycle spent fuel and captured the untapped tap energy potential. But recycling nuclear fuel is not so easy, and there is a limit to the number of times you can put a fuel rod through reprocessing before fission by-products make additional recycling impractical. So, the amount of reusable energy that the process yields is questionable. As explained to me by DoE, reprocessing is really more about reducing the heat from spent nuclear fuel, to facilitate storage, than it is about generating more usable fuel.

Questionable energy yields are only one problem with reprocessing. The other problem is that re-running nuclear fuel multiple times is one means of converting commercial nuclear fuel rods into weapons-grade plutonium. The Department of Energy has told us that the new reprocessing technology they hope to use (UREX+) is "proliferation resistant" since the radioactive emissions will still be lethal to unprotected handlers. But there is no such thing as being completely proliferation-resistance. A suicidal terrorist could find a way to steal, handle, and transport any nuclear material, and increasing the neutron flux simply brings them one step closer to using this material for a nuclear weapon.

On another front, I am greatly concerned about the potential cost of the GNEP proposal. Though the President's budget request called for only $250 million this year, estimates have ranged up to $40 billion over the next 10 years. This is huge price-tag for an amorphous program.

As an example, the Department of Energy has indicated that, as part of GNEP, they would like to build a scaled-down facility to demonstrate UREX+ reprocessing technology. But when pressed for details, DoE has said that this facility could range in scale from 1 ton throughput per year to 200 tons and on up to 500 tons per year. This is almost as large as commercial scale reprocessing operations overseas, and is hardly a demonstration project. Moreover, the Department of Energy does not know where the demonstration facility will be sited, what the environmental or engineering costs will be for the facility, or what the ultimate cost will be to construct it. Even further, they do not know how many of these facilities will be needed if we ever move to a commercial scale.

We are running a budget deficit of $300–350 billion this year alone. The Department of Energy itself is has more major acquisition projects on its plate than it can carry to fruition. I am wary of adding another $40 billion liability with GNEP before we know fully what we are getting ourselves into.

The Markey amendment before us today takes a pragmatic approach to this problem. It does not eliminate funding for the program; rather, it reduces the $120 million remaining for the program by $40 million, effectively freezing GNEP funding at this year's funding level.

Before we rush headlong toward the latest acronym, GNEP, we should make the Department come to us with concrete proposals, more definitive costs and benefits, so that this far-reaching project can be measured against other priorities.

I urge my colleagues to support the Markey amendment.

The Acting CHAIRMAN (Mr. McHUGH). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

Page 21, line 5, after the dollar amount insert "(increased by $25,000,000)".

Page 29, line 11, after the dollar amount insert "(reduced by $25,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Connecticut.

Ms. DELAURO. Mr. Chairman, my amendment is simple. It would restore funding to the State Energy Program which the underlying bill eliminates, and it would happen by reducing the administrative funding for the Department of Energy to last year's levels. That means that the Department's administrative funds would amount to about $278 million.

The administration thought this program worthy enough to propose an increase to $49.5 million from approximately $35 million last year. Essentially I am saying this amendment would simply fund this program at $25 million.

The State Energy Program, it provides grants to States and directs funding to State energy offices. The States use these grants to address their energy priorities, program funding to adopt emerging renewable energy and energy-efficient technologies.

States have implemented countless initiatives funded by this program that have reduced energy costs and have increased efficiency.

Let me give you two or three examples. The Texas Energy Office's Loan Star Program has reduced building energy consumption and taxpayers' energy costs through the efficient operation of public buildings, saving taxpayers more than $172 million through energy efficiency projects.

New Mexico, the State energy office is supporting an expandable renewable energy usage, tax incentives for hybrid vehicles, school energy-efficiency programs, technical assistance to the wind industry and expansion of geothermal resources. With the funding, New Mexico has been able to meet approximately 40 energy performance goals with an annual energy savings in millions, including an expansion in the use of ethanol and biofuels.

My own State of Connecticut, the program supports 31 municipalities to help them make their schools and public buildings more energy efficient.

The value of this program speaks for itself. It enables energy offices to design and implement programs according to the needs of their economies, the potential of their natural resources and the participation of their local industries. For every dollar we spend on this public-private partnership, we save $7.23, while almost $11 is leveraged in the State, local and private funds.

That means by funding the program at $25 million this year, we could help save as much as $180 million just in fiscal year 2007.

Mr. Chairman, helping States to carry out their own energy efficiency and renewable energy programs is an effort in which the Federal Government not only has a stake, it has an obligation. This is something we should be encouraging, not eliminating. I am asking my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I rise in opposition to this amendment. This bill does in fact cut $49.7 million to State grants.

This cut was done for several reasons: to fund the higher congressional priorities that were cut by the administration; in reaction to a DOE IG report regarding the implementation of the program; and an assessment of what the grant program is adding to energy research and development, the mainstay of the DOE portfolio.

The IG report did say DOE does not know if the program is working. The IG report did say that States aren't sure what energy savings are coming from these State grants. The IG report did say that the States have large uncosted balances, and aren't spending the money that they do get in the grant and award process. The IG report did say energy savings proclaimed by proponents can't be tracked to State grants solely. They may be from other programs that we do support, like weatherization.

But I want you to know that the IG report did say that given the broad goals of the program, funds were being spent consistently. However, I would contend we ought to look at what the States can spend this money on and do: State employee salaries, travel and administrative supplies. In fact, of the States examined by the IG, 66 percent had administrative costs in excess of 29 percent to as high as 57 percent, but these are allowable under the grant statute.

Finally, I would contend that these grants may have served a useful purpose 20 years ago to raise the consciousness of energy efficiency and conservation. But, frankly, these services are not now in demand by the public, and our dollars are better suited for making the technologies available that are in demand, rather than feel-good "coordination" activities of this program.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

On the IG report, and I quote: "Nothing came to our attention during our visits to six States to indicate that they were not spending the funds for their intended purpose."

If anyone wants to know, I have a list of all of the States and the amount of money they receive in grants every year from this program, and they will get nothing next year if we do not restore some funding.

Mr. Chairman, I yield my remaining time to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, this is a crazy budget. It really is. It authorizes $50 million to help the oil companies to drill in deep water even though they reported $113 billion in profits. It allows for drilling in the Arctic National Wildlife Refuge. That is where they are going to be heading tomorrow on the House floor.

And this shows you the hypocrisy coefficient on energy policy. Last year, they trumpeted on the House floor and the President with a flourish signed the bill that put in $100 million for State energy plans for conservation at the State level, $100 million.

Then, in January, the President sends up his budget, $49.5 million.

And today, out on the House floor, the true agenda of the Republican Party once again reveals itself: zero. Zero for conservation. Nothing. Meaning that the $100 million last August that the President signed, the $49.5 million that he asked this year, all dismissed while we are going to tip the taxpayer upside down and subsidize the nuclear, oil, gas and coal industries.

But the American taxpayer knows we have to learn to work smarter, not harder; how to conserve, how to use technologies that will reduce our consumption. We only have 3 percent of the oil reserves in the world. We import 70 percent of the oil we consume. That is why we need the DeLauro amendment in order to make sure that we put conservation number one, to back out this imported oil from around the world.

Vote "aye" on the DeLauro amendment.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me talk about hypocrisy. Let me talk about extraneous matter out here. I mean, this is outrageous.

First of all, if we want to save money, you do not go back and do these itty-bitty State grants. My State gets a million dollars out of this, $1.6 million. Big deal.

Under your deal, it is going to get $250,000 or less the way you have drafted this amendment. It is absolutely ridiculous to send money up here. We take administration off the top, and then we send it back to the States, and they start it all over again and take a bunch of salaries.

The group that is out here now advocating this thing on behalf of all of the States is funded by this program. This is just another pork-barrel program for Governors of States. We ought to get rid of it. The State grant does absolutely nothing. This amendment will make it even less effective. And what it does to the Department of Energy is outrageous.

Under this, this mandates reduction of 100 employees. Those employees are responsible for the financial integrity of the Department. The next thing they will be saying is, we are not doing it right, and that is because we have cut 100 people out of it. These employees are responsible for the Department's cyber security. Then we hear it is all gone.

Programs like Minority Economic Impact, General Counsel and the Office of Economic Impact and Diversity would be severely impacted.

This amendment is outrageous. You want to get rid of pork-barrel stuff around here, these kinds of programs are a waste of money.

There are a couple of others in this bill that I would take out totally, too, but this one is particularly egregious because it doesn't do the job.

Vote "no" on the DeLauro amendment.

Mr. UDALL of Colorado. Mr. Chairman, on Rollcall 198, I inadvertently voted against the amendment offered by my colleague Rep. ROSA DELAURO to restore $25 million to the Department of Energy's State Energy Program. I had intended to vote yes because the State Energy Program is effective and important program that provides vital funds to 55 State Energy Offices around the country.

While energy prices continue to escalate, State Energy Offices are one of the few on the ground resources to increase energy efficiency for consumers, educate the public on ways of reducing energy use, and monitor the price and supply situation.

That's why I was puzzled and disappointed that the Energy and Water Development Appropriations Subcommittee effectively terminated the State Energy Program, SEP, in its FY07 bill.

In many of the States, the impact will be devastating. For States without other dedicated sources of revenue, State energy services will be terminated. Many legislatures have already adjourned for the year and will not have an opportunity to attempt to step into the breach. Destroying the State Energy Offices at the very time that energy costs are hovering at record highs, many oil producing nations are unstable, and supplies are tight makes no sense.

It was just last year that this body voted to authorize $100 million for the SEP in the Energy Policy Act of 2005. In his FY07 budget request, the President asked for $49.5 million for the SEP, restoring a 20 percent cut from last year. So I find it troubling that the Energy and Water Development Subcommittee voted in contradiction both to the Administration's proposal and the recently adopted energy policy of Congress.

SEP has a proven record of reducing energy consumption for residential consumers, as well as schools, hospitals, small businesses and agriculture, and has funded a variety of important programs in Colorado.

Restoration of SEP funding will have an immediate effect on reducing demand for energy, allowing us to leverage specific investments in a variety of energy efficiency projects in all types of buildings. In addition, SEP funding will permit us to expand aggressive public information efforts, convincing consumers and businesses alike to increase their use of energy efficient products, add insulation to their homes, utilize hybrid or ethanol-fueled vehicles, etc. Studies have shown that for every Federal dollar invested in this program, over $7 is saved in direct energy costs.

I am pleased that the DeLauro amendment passed the House, and I regret that the final vote tally does not reflect my strong support for the State Energy Program.

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The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut will be postponed.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 21, line 5, after the dollar amount insert "(increased by $5,000,000) (reduced by $5,000,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. MILLENDER-MCDONALD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I yield myself such time as I may consume.

My amendment addresses a critical energy source of our national renewable energy portfolio that needs to be a priority in the energy debate. As we know, the affordable energy situation is far from resolved in our Nation. My amendment provides for the necessary funds to continue the Geothermal Technology Program and to continue our Federal support of cleaner alternative power. This energy is cost-effective and cleaner.

Recently, an Associated Press article stated that the Federal Government has a backlog of 230 lease applications to prospect for geothermal energy. This AP article also states that the average age of an application to prospect geothermal sites is 9 years.

Recent supply projections from the American Gas Association show that natural gas suppliers will continue to lag behind the demand in the foreseeable future, resulting in continued high prices. The high cost of natural gas affects electricity and home heating costs across the United States. This is why we need to continue to support Federal investment in geothermal energy and to support the Geothermal Technology Program.

Now we do know that most of the geothermal power plants were built in the mid-1980s and early 1990s when energy markets were receptive to alternative energy investment. Since then, there has been a significant decline in this investment.

The Bush administration has repeatedly championed the need to expand our renewable energy resources and to develop our country's geothermal energy resources. The Department of the Interior and the Department of Energy have jointly stated that commitment to increase our energy security would be by expending the use of indigenous resources on Federal lands, while accelerating protection of the environment.

A recent report from the Department of Energy found that California, Nevada, New Mexico, Oregon, Utah and Washington State have the greatest potential for quick development of geothermal resources. In fact, the study, Mr. Chairman, listed nine "top pick" sites in California and ten in Nevada.

As we work on improving our affordable energy options, we must support the Geothermal Technology Program. It is also a job creation program. It will ultimately mean about 150 to 200 jobs in a community.

The minimal $5 million that I am asking for will be taken from the Hydrogen Technology Program to be placed in the Geothermal Technology Program, and all of this can be attainable.

We must not turn our backs on this important source of environmentally friendly energy. I ask my colleagues to support this amendment and to support geothermal technology and, more importantly, to support lower prices for energy.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does the gentleman from Ohio rise in opposition to the amendment?

Mr. HOBSON. Mr. Chairman, I am going to rise to strike the required number of words, I guess, because I am going to accept her amendment.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HOBSON. I think this is a very responsible amendment. I happen to agree on geothermal, and I want to thank the Member for working with us to find the appropriate funding source on this, and I look forward to holding this as we move forward into conference.

Ms. MILLENDER-McDONALD. Mr. Chairman, I do appreciate the chairman's working with me on this amendment, along with our ranking member. I thank him for accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MILLENDER-McDONALD.)

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in prior years, $257,000,000 are rescinded.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $558,204,000, to remain available until expended, of which $54,000,000 is available to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technology projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, $36,400,000 is available, after coordination with the private sector, for a request for proposals for the Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $18,810,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $155,430,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $4,950,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $89,769,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $309,946,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $579,368,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

Science

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed twenty-five passenger motor vehicles for replacement only, $4,131,710,000, to remain available until expended.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, $186,420,000, to remain available until expended, of which $156,420,000 shall be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $2,000,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That $4,000,000 shall be provided to affected units of local government, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That 7.5 percent of the funds provided shall be made available to affected units of local government in California with the balance made available to affected units of local government in Nevada for distribution as determined by the Nevada units of local government: *Provided further*, That notwithstanding the provisions of chapters 65 and 75 of title 31, United States Code, the Department shall have no monitoring, auditing or other oversight rights or responsibilities over amounts provided to affected units of local government under this heading: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action, except for normal and recognized executive-legislative communications, on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended: *Provided further*, That no funds provided in this Act may be used to pursue repayment or collection of funds provided in any fiscal year to affected units of local government for oversight activities that had been previously approved by the Department of Energy, or to withhold payment of any such funds.

Departmental Administration

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $278,382,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2007 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2007, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $155,382,000.

Office of the Inspector General

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,507,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Weapons Activities

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 14 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,412,001,000, to remain available until expended: *Provided*, That $40,000,000 of that amount is for the Material Consolidation and Upgrade Construction Project, Buildings 651 and 691, at the Idaho National Laboratory.

Defense Nuclear Nonproliferation

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,593,101,000, to remain available until expended.

Naval Reactors

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $795,133,000, to remain available until expended.

Office of the Administrator

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $399,576,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

Defense Environmental Cleanup

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $4,951,812,000, to remain available until expended, and $600,000,000 for the Waste Treatment and Immobilization Plant at Hanford, Washington, to remain available until September 30, 2007.

Other Defense Activities

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, $720,788,000, to remain available until expended.

Defense Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $388,080,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

Bonneville Power Administration Fund

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2007, no new direct loan obligations may be made.

Operation and Maintenance, Southeastern Power Administration

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,723,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $48,003,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $31,539,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $13,600,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $212,213,000, to remain available until expended, of which $208,776,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,893,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That of the amount herin appropriated, $500,000 shall be available until expended on a nonreimbursable basis to the Dynamic Engineering Studies on the TOT–3 and Wyoming West Transmission projects: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $472,593,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,500,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $230,800,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $230,800,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2007 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS

DEPARTMENT OF ENERGY

SEC. 301. CONTRACT COMPETITION.—(a)(1) None of the funds in this or any other appropriations Act for fiscal year 2007 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, and Lawrence Livermore National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 302. WORKFORCE RESTRUCTURING.—None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 303. SECTION 3161 ASSISTANCE.—None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 304. UNFUNDED REQUESTS FOR PROPOSALS.—None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) or other solicitations for a program if the program has not been funded by Congress.

SEC. 305. UNEXPENDED BALANCES.—The unexpended balances of prior appropriations provided for activities in this Act may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. BONNEVILLE POWER ADMINISTRATION SERVICE TERRITORY.—None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 307. USER FACILITIES.—When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. INTELLIGENCE ACTIVITIES.—Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of the Intelligence Authorization Act for fiscal year 2007.

SEC. 309. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT.—Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: *Provided*, That the Secretary may also authorize a specific amount not to exceed 3 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development.

SEC. 310. TECHNOLOGY COMMERCIALIZATION FUND.—None of the funds made available by this Act may be used for technology commercialization activities funded via a tax on applied energy research, development, demonstration, and commercial application activities by the Department of Energy as authorized by section 1001(e) of title X of the Energy Policy Act of 2005.

SEC. 311. CONTRACTOR PENSION BENEFITS.—None of the funds made available in title III of this Act shall be used for implementation of the Department of Energy Order N 351.1 modifying contractor employee pension and medical benefits policy.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title III be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS:

Page 29, line 11, after the dollar amount, insert the following: "(reduced by $27,800,000)".

Page 31, line 15, after the dollar amount, insert the following: "(increased by $27,800,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 2½ minutes.

I am pleased to offer this amendment with my friend from Iowa (Mr. LEACH).

On page 380 of this report, the 9/11 Commission says, "A trained nuclear engineer with an amount of highly enriched uranium or plutonium, about the size of a grapefruit or an orange, together with commercially available material, could fashion a nuclear device that would fit into a van like the one Ramzi Yousef parked in the garage of the World Trade Center in 1993. Such a bomb would level lower Manhattan."

Where would people find such highly enriched uranium? Over the last 15 years, the Department of Energy and the military have been looking at 106 reactors throughout the world. In those 15 years, they have dealt with some of them, but there are 64 of these reactors left that use highly enriched uranium.

At this pace, we will have converted those reactors to less low-enriched uranium, which cannot make a bomb, by the year 2019. We need to speed that up. The purpose of this amendment is to more than double the amount of money that is dedicated to the conversion of these reactors from highly enriched uranium to low-enriched uranium.

Last year, the President provided about $24.7 million. Our amendment adds $27 million for that purpose this year. Where do we find the money?

Well, this year's bill, which is a great bill, which I am going to support, adds about $27 million to the administrative accounts of the Department of Energy. So we take that $27 million increase in administrative costs, and we shift it towards this program of converting these potential nuclear bomb factories into low-enriched uranium.

This does not cut the administrative expenses of the Department of Energy. It simply gives the Department about the same amount that it has, actually a tiny bit more, than it has in the present fiscal year.

We need to prevent a nuclear 9/11. We will be able to convert about twice as many of these reactors from highly enriched uranium to low-enriched uranium if we adopt the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the Andrews-Leach amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

The gentleman's amendment proposes to increase funding for nuclear nonproliferation activities that were already significantly increased in this bill.

The Nonproliferation and Verification Research and Development program budget was increased by $39 million, an increase of 15 percent over the request. This program develops better technologies for satellite detection of nuclear activities.

The MPC&A program was increased by $170 million, an increase of 41 percent over the request. This program secures nuclear weapons and nuclear material in Russia and installs radiation detection monitors at border crossings around the former Soviet Union and at foreign seaports.

The MegaPorts program was increased by $65 million, an increase of 162 percent over the request. The committee recognized the need to protect the country's seaports against nuclear smuggling and increased the funding to scan cargo containers.

The Global Threat Reduction Initiative, or GTRI, which the gentleman's amendment would increase funding for, was already increased by the committee for a total of $13 million, or 12 percent over the budget request. The increase was targeted to accelerate recovery of domestic and radiological sealed sources, Russian-origin nuclear material, and U.S.-origin orphaned nuclear materials still overseas.

I urge a "no" vote on the gentleman's amendment. We have already added $222 million to this account. I do not think we need to add any more money into this account at this time.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, one of the reasons I am going to vote for the chairman's bill is because it has those increases, but I think we need to do more.

Mr. Chairman, I am pleased to yield 2½ minutes to my co-author, my friend from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I rise in deep respect for the subcommittee chairman, Mr. HOBSON; and I recognize how difficult it is to establish budget priorities within the limits provided. Nevertheless, I think it is important to note that there are many lessons of 9/11; and the one that stands out is it is relatively easy to destroy. A few can inflict havoc on the many with advanced economies being more vulnerable than less advanced ones to terrorist acts.

Significantly, what distinguishes this generation of citizens of the world from all others is that we are the first generation able not only to cause war or inflict anarchy but to destroy civilization itself. Weapons of mass destruction have been invented, refined, and access provided to a wider and wider group of nation states and potentially to terrorist organizations.

In the most profound observation of the last century, Einstein noted that splitting the atom had changed everything except our way of thinking. In this context I think there has never been a more important time to give threat reduction assistance and arms control a chance.

The goals of this Global Threat Reduction Initiative includes securing and/or removing vulnerable, high-risk nuclear and radiological materials throughout the world and minimizing or eliminating the use of highly enriched uranium. This amendment would add $27 million to the program and provide for acceleration of efforts to secure highly enriched uranium and other radiological materials. Further, it is our hope that this funding approach will give impetus to the effort to increase the number of HEU reactors being converted to low-enriched uranium.

What is needed is increased priority to this program. If Congress can lead, we would, as President Eisenhower once suggested in another context, be dedicating some of our country's strength "to serve the needs rather than the fears of mankind."

Mr. Chairman, I honor the subcommittee chairman. There is a great deal that is worthy in this bill, and I fully intend to support it. But I would hope this modest change in priorities could be looked at sympathetically by this body.

Mr. HOBSON. I understand the gentleman's concern. Let me tell you this. If funds become available along the way, we will take a look at it. I am interested in the program, but I just think we have done an awful lot, probably more than this committee has done in years. Mr. VISCLOSKY has been around longer than I, and Mr. OBEY has always been interested in nonproliferation, Mr. EDWARDS has been interested in nonproliferation, and we have tried to meet those needs by the amounts of moneys we have put in here.

I am sorry this does not meet the gentlemen's needs at this point, but if funds become available along the way and we can find them, we will do that.

But at this point I would have to oppose the gentlemen's amendment but tell them along the way we will try to take a look at it as best we can.

Mr. Chairman, I yield back the balance of my time.

Mr. ANDREWS. I simply would like to thank the chairman and the ranking member for the debate and again commend them for the increases they have in these accounts. I just respectfully believe we should do more, and I would ask my colleagues to vote "yes" on this bipartisan amendment.

Mr. Chairman, I yield back the balance of my time.

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The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, not withstanding 40 U.S.C. 14704, and, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $35,472,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,260,000, to remain available until expended.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $5,940,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $7,536,000, to remain available until expended, nothwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses not to exceed $19,000, $808,410,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $40,981,840 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $656,328,000 in fiscal year 2007 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $152,082,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,144,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,330,000 in fiscal year 2007 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2007 so as to result in a final fiscal year 2007 appropriation estimated at not more than $814,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,670,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 2, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BARTON of Texas:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act from the Nuclear Waste Fund may be used to carry out the Global Nuclear Energy Partnership program.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, $26 billion has been collected from our Nation's electricity consumers to pay for the disposal of spent nuclear fuel in a repository. $8 billion of that $26 billion already has been spent, leaving a balance of $18 billion in Nuclear Waste Fund.

The Department of Energy has not yet proposed to use this fund for the Global Nuclear Energy Partnership, but they do believe that they have the authority under the Nuclear Waste Policy Act subject to appropriations. I strongly disagree with that interpretation.

Consumers have paid for nuclear waste to be disposed of in a repository that should have been opened in 1998, 8 years ago. What they have not paid for is a program to encourage the development of nuclear energy in other countries, and they have not paid for a program to dispose of those other countries' spent fuel.

My amendment would simply prohibit the Department of Energy from looting the Nuclear Waste Fund for the Global Nuclear Energy Partnership, a program that is overly broad, premature and poorly defined. This money should be reserved for its designated purpose.

If DOE wants to encourage the development of nuclear energy, then it is time to focus here at home. It is time to get Yucca Mountain open, so new nuclear plants can be built in our own country.

I would urge my colleagues to support this amendment. It is my understanding that Mr. DINGELL supports the amendment. It is also my understanding that the chairman of the Appropriations subcommittee before us, Mr. HOBSON, supports the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I support the amendment from the chairman of the Energy and Commerce Committee. As you know, our bill does not use the Nuclear Waste Fund for any activities under the Global Nuclear Energy Partnership. Your amendment is entirely consistent with the views of our committee and its uses of the waste fund, and I encourage Members to support this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. BERKLEY

Ms. BERKLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BERKLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Office of Civilian Radioactive Waste Management to administer the "Yucca Mountain Youth Zone" website.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Nevada (Ms. BERKLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to introduce my colleagues and the American people to the newest member of the Bush administration's energy policy team. His name is Yucca Mountain Johnny. He is the star of the Energy Department's Yucca Mountain Youth Zone Web site devoted to brainwashing school children into believing that burying the Nation's nuclear garbage 90 miles from Los Vegas is safe. The Web site features helpful facts on nuclear waste, as well as games and activities to make high level nuclear waste fun.

High level nuclear waste is not fun. It is dangerous, and the Department of Energy should not be using taxpayer money to politicize this issue or to use the DOE Web site designed to attract children as a propaganda tool.

Yucca Mountain Johnny is full of advice for America's youth. Among his witty sayings, he says, "The worst mistake is never making one."

Well, Yucca Mountain is a mistake. This Web site is a mistake. Yucca Mountain Johnny, with all due respect, is a mistake, and to promote the proposed Yucca Mountain nuclear waste repository to our Nation's children under the guise of education is a big mistake.

What is next, I ask my colleagues? Will the Department of Health and Human Services recruit Joe Camel to teach our children that smoking and tobacco is good for them? This is no less egregious.

Whether you are pro-Yucca or anti-Yucca, I hope that we are all pro-children. As a parent, I am imploring my colleagues to let us not allow the DOE to use a cartoon character to persuade our children that nuclear waste is safe and good for you. It is not. This is wrong. This Web site is wrong. Yucca Mountain Johnny is very wrong.

My amendment would prohibit the Department of Energy from maintaining a Web site whose purpose is the indoctrination of our children by the nuclear industry, the Department of Energy and other proponents of Yucca Mountain.

I urge my colleagues to support this amendment. I cannot imagine how anybody could think Yucca Mountain Johnny is good for our school children.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I rise in opposition to this amendment also. It is obvious that people can have different opinions about projects, and the gentlelady from Nevada certainly has the right to have a difference of opinion about whether there should be a Yucca Mountain repository at all. I respect her opinion.

Having said that, I don't think there is any question that we should allow the Department of Energy to educate on just what that repository would be if it were in operation. They have put up a Web site for children, and they have got some diagrams and some information on it that is of a very simple nature, but to my knowledge, nobody has questioned the accuracy or truth of what is on the Web site.

So to say we are just not going to allow the Department of Energy to have an educational Web site for the children in Nevada, or any other area that wishes to find out, my guess is that most of the children that access this use it for term papers and papers in their classrooms that they have to do on nuclear power.

So I would hope we would oppose the gentlewoman's amendment and let the Department of Energy continue its educational program. Whether you oppose or support the repository, we should at least want the facts out to our children and adults who wish to use that same Web site about just what exactly it is.

So I oppose the amendment.

Ms. BERKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would probably not be as upset with Joe Camel, excuse me, Yucca Mountain Johnny, if there was a more balanced approach on this Web site. It doesn't talk about the risks of transporting nuclear waste through 43 States. It doesn't talk about the potential of accidents or being an inviting target for terrorists. It doesn't talk about the fact that Yucca Mountain is in a volcanic and seismic zone area. It doesn't talk about the chronic mismanagement of the project by the DOE. It doesn't talk about what was contained in the e-mails that said they were "making up the science," "making up the stuff." It doesn't say anything about the existence of safer and cheaper alternatives.

What it does do, some of the pithy sayings, and I can't imagine anybody doing a term paper on this one, "Think safe, be safe." "Change your attitude and you change the world." "Any idea is worth having." "The best sense for safety is common sense."

Now, quite candidly, I don't know what the schools are like in your State, but in the State of Nevada, that is not term paper material.

So this is just used for the sole purpose, and this cartoon character was created with taxpayer money, taxpayer money, to convince elementary school children that nuclear waste is a good thing. Why would we want to do this? Why would we use one penny of taxpayer money on Yucca Mountain Johnny? Have we nothing better to do with our resources in this Nation?

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. We talked about it, and we are on very different sides of this issue.

One of the reasons I am upset about some other things out here is I don't want to build seven or eight Yucca Mountains, and we differ on that, and I don't want to put perfectly good rods into Yucca Mountain. I want to go through GNEP and some other things. And maybe someday, if we were really lucky, we wouldn't have to put anything there. But I assume that we will probably have to do some things, certainly with the Naval reactor stuff.

But I think education is one of the most important things we can do. I think one of the things we ought to work on is maybe we need to look at this Web site and have some other types of things and some more balance to it. I happen to think that the best cure for fear is knowledge, and I don't happen to agree with some of the things that you are causing fear about what is going on at Yucca Mountain, and we may disagree about that.

But if we could have a more balanced approach, I still think Yucca Mountain Johnny may have a place in teaching kids. We may differ on where that place is. But I think, in the long run, education, good education is a way to go. So I would encourage the gentlelady to try to work with us and maybe with the Department to get a better and less cutesy sort of thing going and educating people, especially young people, about Yucca Mountain and the responsible use of green fuel in this country.

Ms. BERKLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I don't believe I said anything about fear. This is not about fear or creating fear. This is about using taxpayer dollars for a cartoon character when we have better things to do with our money.

It doesn't matter to me if you are pro-Yucca or anti-Yucca, this is not a good expenditure of our taxpayers' dollars, and we shouldn't be using our children as propaganda tools. This is not Communist Russia. The last time I looked, this is the United States of America.

If you will let me redesign this Web site, I might be a little bit more interested in Yucca Mountain Johnny. Right now, just his name is an offense to the people of the State of Nevada.

The Acting CHAIRMAN. The time of the gentlelady has expired.

Mr. HOBSON. Mr. Chairman, I urge a "no" vote on the amendment, and I yield back the balance of my time.

☐ 1730

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. BERKLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used to carry out subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, believe it or not, in this budget there is $50 million to help the oil industry figure out how to do ultra-deep drilling for oil.

Now, the Republicans here in Congress do this despite the fact that President Bush says this on the program, "I will tell you, with $55-a-barrel oil, we do not need incentives to oil and gas companies to explore."

It is now $70 a barrel. The President has asked us to take out the money. It is ultimately a $500 million 10-year project. The only ultra-deep drilling that is going on here is in the pockets of American taxpayers by oil companies which have reported $110 billion worth of profit in the last year.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Markey amendment.

This Ultra-Deep Program was authorized by the Energy Policy Act last summer, had bipartisan support. The Ultra-Deep is a research program that universities and independents and various national laboratories would participate in. This is to try to find the technology to allow us to go into waters primarily in the Gulf of Mexico, very deep waters, to develop the technology so that we can go in and drill in an environmentally safe fashion and recover what are estimated to be almost 4 trillion cubic feet of natural gas and almost 1 billion barrels of oil.

It is primarily a research program. It is authorized at $50 million for 10 years, or a total of $500 million. This money would go to universities like the University of Texas, Texas A&M, in my great State, Massachusetts Institute of Technology in Massachusetts, in consortium with our national laboratories and the smaller independent oil and gas companies to develop technology in an environmentally safe fashion to develop those necessary resources for our energy future.

Mr. Chairman, I oppose the Markey amendment.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to read to the Members who are paying attention what President Bush has said to us this year, just a couple of months ago. Here is what he says. He says, "In the 2007 budget, we recommend repealing provisions of the Energy Policy Act for a new mandatory $50 million per year oil and gas R&D program funded with Federal revenues from oil and gas leases which would be similar to the discretionary programs proposed for termination. Industry has the incentives and the resources to do such research and development on its own."

That is from President Bush and Dick Cheney to us on the floor.

We do not need this $500 million program. Mom and pop companies do not go out into deep water. The companies that are going out there are ExxonMobil, BP, Chevron, Conoco, Marathon. We do not have to subsidize these oil companies. They are already tipping the American consumer upside down and shaking money out of their pockets at the pump every single day.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Chairman, I rise in opposition, of course, to the Markey amendment that would repeal funding for DOE's administration of the Ultra-Deep Water and Unconventional Natural Gas Program.

Mr. MARKEY is just absolutely dead wrong when he describes this ultra-deep is a program for big energy, big energy companies, ExxonMobil and all of those. Actually, ExxonMobil is not even a member of the consortium that was selected to oversee the Ultra-Deep Program.

To call a Federal R&D program a subsidy is like calling public education a social giveaway. The Ultra-Deep Program is about American energy for the

American people, for the American young people, young people that will have to fight a war if we do not have energy for them. Countries will fight for energy. This country will fight for energy.

We do not have to, because 55 years of natural gas awaits us in the gulf. But we have to have this amendment to get it. The Ultra-Deep Program is about American energy. Nineteen of the 84 members of the consortium are universities, not Big Oil.

If Mr. MARKEY looks closely enough, he will find that one of those universities is his own Massachusetts Institute of Technology. Even more than the universities, the American people are beneficiaries of the Ultra-Deep Program.

First, the American people benefit because the intellectual property developed from the Ultra-Deep Program will belong to all of the American people, not any one company and not Big Oil.

Second, the American people will benefit because it helps get the country off foreign sources of oil and gas. The Energy Information Administration estimates that the Ultra-Deep Program will increase our domestic oil production by 50 million barrels of oil and 3.8 million cubic feet of natural gas.

Big Oil left us and went to produce in countries like Venezuela and Nigeria. The businesses that will be able to use the ultra-deep technologies are the little independent oil and gas companies that do not have the funds for huge R&D programs, not Big Oil.

It seems to be a little-known fact to Mr. MARKEY that these little independents are the companies that produce 68 percent of the net domestic oil and 82 percent of the domestic natural gas, not Big Oil. We need to help these producers get more.

Lastly, I want to emphasize that the Ultra-Deep Program is one of the few R&D programs that pays for itself. The money for the Ultra-Deep Program comes from royalty revenue that the oil and gas companies have to pay for it.

The energy is there. We know that. We have studies that show it is there. With this program, we can get it up.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, you know, I am like a referee at an intramural Republican fight here. And so I am just trying to ref it so that you can understand what is going on.

The President and the Vice President have asked for this huge subsidy to huge oil companies to be taken out. He is kind of being a free marketeer here. Well, the Republican leadership here is saying, no, we want to give another half a billion dollars to companies that are now charging $3 a gallon for gasoline, made $114 billion last year and, in the President's own words, do not need this subsidy.

So it is free marketeers versus subsidizers, but it is an intramural slaughter inside the Republican Party. And which of the companies are going to be the beneficiaries in this partnership to secure energy for America? The names are Chevron, Halliburton, BP, Marathon Oil, Kerr-McGee and others.

And this is DICK CHENEY and George Bush saying take the money out. But yet they continue to commit to these subsidies from the taxpayer even as the companies report huge profits.

Mrs. EMERSON. How much time do we have remaining on our side?

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control the time originally claimed by the gentleman from Ohio.

There was no objection.

The Acting CHAIRMAN. The gentlewoman from Missouri has 2 minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Chairman, it is interesting to listen to the discussion by the gentleman from Massachusetts describing himself as a referee.

Now he was showing the American taxpayer held by their feet shaking the money out of their pockets. The truth is that this program is actually funded by revenue from taxes on oil and gas production, and that is it.

So, first of all, the money for the program comes directly from oil and gas companies. But then the big beneficiary is, the money that is being poured into the pockets of the taxpayers, $15 million was used previously by universities to study coal bed methane gas. This last year, 2005, $327 million came into the budget from that $15 million dollar budget, and every year we are increasing the production of coal bed methane gas.

The beneficiaries are not Texaco, Chevron. They are not ExxonMobil. The beneficiaries are MIT, Stanford, Penn State, and a whole plethora of other research institutions.

This makes sense to lower the costs of energy to our American consumers. One party is in favor of that. The referee stands here trying to block the American people from having lower energy prices. That is a very simple fight to referee, my friend.

Mr. Chairman, I oppose the amendment.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am so sorry that President Bush cannot be here on the House floor, but under separation of power, he just cannot be here.

I would just like to reference for the Republicans on this side what the President has said on this issue. "I will tell you, with $55-a-barrel oil, we do not need incentives for oil and gas companies to explore."

That is President Bush talking to the Republicans in Congress.

You do not have to tell me that. I already believed that. But he is on my side of the debate now.

So the point that we are making is quite clear that, yes, the money comes from the oil companies, but the money comes from oil companies because they have to pay the public for the leases on public land. So the public gets the money.

But then what this bill does is then it takes the money back out of the taxpayers' pockets and it hands it back over to the oil companies who have already been in the other pocket of the consumer, tipping them upside down and taking it out of $3 a gallon.

So this is basically the bonus for one oil executive for a couple of years. I mean, that is where they can get the money from if this is such a valuable project.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I have no additional speakers at this time and yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, in conclusion, this amendment is nothing more nor less than an attempt to be fair to the American taxpayer. They are howling at the pumps. They feel like they are getting stuck up at the gas stations. They are paying too much. They are being ripped off.

And this just adds insult to energy by having the oil companies then come to Congress and saying, now you do the research for us. You pay us to go out and drill for more oil. We will then charge you $3.50, $4 a gallon for it. It just makes no sense.

President Bush and DICK CHENEY want this amendment to pass. Vote "aye" on the Markey amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT OFFERED BY MR. VISCLOSKY

Mr. VISCLOSKY. Mr. Chairman, as the designee of the gentleman from Tennessee (Mr. GORDON) I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VISCLOSKY:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. VISCLOSKY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

□ 1745

Mr. VISCLOSKY. Mr. Chairman, I would ask unanimous consent that Mr. GORDON's entire statement be entered into the CONGRESSIONAL RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. VISCLOSKY. I would yield a portion of my time to the chairman of the committee.

Mr. HOBSON. Mr. Chairman, I support the amendment that is being offered by Mr. GORDON.

Mr. VISCLOSKY. I appreciate the chairman's observation.

Mr. GORDON. Mr. Chairman, despite the high cost of energy and existing laws enforcing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last 2 years by not meeting its requirements—or roughly equivalent to 8,200 barrels of oil every day—a total of 6 million barrels over the last 2 years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act—NECPA, last year's Energy Bill—EPACT, and a related Executive order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will contribute to substantial energy savings in the Federal sector—lessons that have already been learned outside the Federal Government.

Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers' pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. VISCLOSKY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the Spring Rise, also known as the bimodal spring pulse releases, on the Missouri River.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment that I bring before the House today deals with the Missouri River and the flows on the Missouri River that are controlled by the Corps of Engineers in a series of dams that start at Gavins Point Dam in southeast South Dakota and move clear on up into Montana.

It has been a struggle along this river for the last several years because there has been a drought upstream for the last 7 to 8 years. And the struggle over the water is something that many people, at least west of Mississippi, are familiar with.

This is centered upon an endangered species, an endangered species called the pallid sturgeon. Fish and Wildlife and a number of environmental groups working in conjunction with the Corps of Engineers have come up with this grand experiment. It is this experiment that the idea that the natural spawning of the pallid sturgeon could be enhanced if they created a manmade flood, a "spring rise" as they call it.

Now, there is not a basis in science for this that we identify, and we have had some hearings on it. It is the belief that if you have the water come up in the spring, that it somehow triggers a spawning cue, but in fact, rather than emptying the dams out upstream and starving the reservoirs up there of water and flushing out the river and flooding our farmers in especially southwest Iowa and down into Missouri, we have also had those similar circumstances that have taken place repeatedly naturally because of the tributaries that produce this spring rise.

So there is not a basis in science for it, and my amendment removes any funding to be used to create a spring rise until such time as there would be a sound science to establish that.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

This amendment reduces the funding for the O and M account. This account is already a backlog of critical activities to ensure the safety and operation of existing programs. The amendment places our water resources infrastructure at further risk, and I oppose the amendment and encourage my colleagues to vote "no" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I make the point that this is of critical economic interest to the Missouri River bottoms all the way from Sioux City, Iowa, clear on down to St. Louis, particularly the people on the Missouri side. When we have a manmade flood, there is not crop insurance that will protect for a manmade flood. And yet we have a government-induced manmade flood that is being created as an environmental experiment, and that environmental experiment is just that, an experiment. And so I seek to protect our producers.

The reason that the project was put in place is so that we could have flood protection, navigation and open up the economy.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I misspoke a little earlier on this amendment. And I will issue a statement correcting the first part that I misspoke before.

This activity is part of a biological opinion under the Endangered Species Act. It is not appropriate to legislate this activity on the energy and water development bill.

I would really prefer that my colleague would withdraw the amendment. Failing that, I would oppose the amendment and ask my colleagues to vote "no."

This is not the appropriate forum for this piece of legislation. I understand the gentleman's concern.

Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Iowa has 2 minutes remaining.

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

I want to thank the chairman for his work on this overall bill and his interest on a broad variety of issues all across this country and his cooperation that I have enjoyed and appreciated the years I have served in this Congress.

I am sensitive to the chairman's judgment on this issue because he has to look at the Nation as a whole, and I have to represent my district. And that is our issue that is here. It is not really even a philosophical disagreement. I take the opportunity to present this species. I happen to have probably the only one in Washington, D.C., a pallid sturgeon in captivity. Actually, it is legal in my possession. I want to pass this down to the chairman for his observation at a convenient point if I could.

I want to make a closing point that when we let ideas that are not sound science dictate the economy in this country, especially when we have the billions of dollars invested for those reasons in the Missouri drainage area as I said, that is for flood control and also for barge freight and then for the economy on up the river. And the last reason is the one that they are using to date, the belief that we can flood the river and flood the backwaters, and that is the spawning areas. And then we can have another flood and go out and round them back up again, even though those circumstances have been established there in nature, and it does not pay for us then to make a false flood to try to emulate what has already happened in nature, believing that something different is going to happen, the spawning has not taken place.

I would point out that we do have hatcheries up and down the river. I visited one of those hatcheries, which is where this sample species came from, and in those hatcheries, we were able to take 250,000 eggs and fertilize those eggs and have a 95 percent success rate of releasing live and healthy pallid sturgeons into the river. And we are very close to producing the second generation. We have made a lot of progress. And I think we are going to be able to save this species, and we can save the endangered species which is the river bottom farmer if we use good judgment.

Mr. GRAVES. Mr. Chairman, I rise in strong support of Mr. KING's amendment.

As many of you know, earlier this month the Army Corps of Engineers decided to move forward with a spring rise on the Missouri River. I continue to remain strongly opposed to this policy because it significantly raises the chances of something adverse happening to the over 1 million Missourians that live along the river's flood plain.

Mr. Chairman, the spring rise is a huge gamble. We are gambling with the livelihoods of all the farmers, landowners, homeowners, and merchants along the river. All for what? To maybe trigger the spawning patterns of the pallid sturgeon. This is a risky science experiment to me, and I will continue to fight against this and future spring rises.

It's the farmer that we need to protect. I wish to remind this body how important farmers are to us three times a day when we eat. A spring rise substantially increases the chances of down river flooding and we cannot risk that potential damage to our agricultural community. Farmers play a critical role in America and to the countless countries that rely on them to feed their populations. We must protect our farmers and their livelihoods before we consider this unfounded experiment.

Mr. Chairman, I rise in support of this amendment and encourage its passage.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STUPAK:

Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used to implement a policy, proposed on pages V–5 and V–6 of the US Army Corps of Engineers Civil Works Direct Program: Program Development Guidance for Fiscal Year 2007 (Circular No. 11–2–187), to use or consider the amount of tonnage of goods that pass through a harbor to determine if a harbor is high-use.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. STUPAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, beginning in fiscal year 2005, the United States Army Corps of Engineers and the Office of Management and Budget began implementing new guidelines for including in their budget for operation and maintenance dredging of commercial harbors. Unfortunately, this new policy significantly limits dredging of harbors in rural communities including several communities in my northern Michigan district.

In fiscal year 2006, the corps excluded harbors that moved less than a million tons of cargo each year. For fiscal year 2007, the corps is using a similar tonnage base standard, requiring that dredging projects cost less than $2 per ton of product moved annually.

By using a standard based on tonnage, harbors that do not move a large amount of tonnage but are still important to the economic success of rural areas are excluded from the President's budget. As a result, a number of routine Army Corps harbor dredging projects across the country will not be carried out.

In fiscal year 2006, there were 293 harbors in the United States classified as low use. These harbors were not included in the corps budget, even though they have been in previous years, simply because of this unfair budget standard; 293 communities are impacted by this devastating new policy. An example of how this policy affects communities in my district, Ontonagan, Michigan, residents were taken by surprise when last year, for the first time in many years, the harbor was not included in the President's budget. Not dredging this harbor will have significant effect on the future of our paper company, Smurfit-Stone Container Corporation, which relies on the harbor for coal and limestone deliveries. White pine power, a revitalized coal plant that depends on the harbor for coal deliveries for power generation in an area that is underserved with electricity will also be jeopardized.

In addition, annual dredging helps prevent flooding in Ontonagan, helping to prevent the devastating private property loss and damage.

While this port does not meet the corps' new standard, dredging plays an essential role in preserving the economy, electric generation and protecting this community; 293 communities in the United States have similar concerns.

This policy is not just detrimental to these rural communities. In setting this policy, the corps also disregards the fact that approximately two-thirds of all shipping in the United States either starts or finishes at small ports. By ignoring the needs of these communities, the corps is also significantly harming the Nation's economy.

The House is on record that the corps' neglect of our rural harbors is unwise and unreasonable. During consideration of the Water Resources Development Act last July, my amendment to require the corps to fund harbor dredging projects based on standards used in fiscal year 2004 was included in the WRDA bill. While the WRDA bill is unfortunately being held up in the Senate, this policy continues to threaten the economies of those cities that depend on these ports.

Therefore, if I may enter into a brief colloquy with the chairman, does the chairman of the subcommittee share my concerns that the corps' new dredging policy is misguided and harms our rural economies?

Mr. Chairman, I yield to the gentleman from Ohio.

Mr. HOBSON. Yes, generally, I do.

Mr. STUPAK. Reclaiming my time, with that regard I will be withdrawing my amendment. I would also thank both the chairman, Mr. HOBSON, and the ranking member, Mr. VISCLOSKY, for their support on this issue. Hopefully, we will be able to pass a WRDA bill and go to conference and have it pass this year so the language that we are looking for will be included. I look forward to working with the committee and these gentlemen on this issue.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding. The gentleman from Michigan is correct to bring this issue up. The regulations that determine dredging in the Great Lakes need to be updated and reflect the true economic value that they produce.

The Great Lakes are the fourth sea coast of this Nation and home to the U.S. Flag fleet and the Canadian Flag fleet. In addition, dozens of international vessels regularly travel through the Great Lakes, visiting port communities along the way. These vessels team up to haul upwards of 125 million tons of cargo during a typical 10-month shipping season. That is almost a half of ton for every person in the United States of America. I truly thank the gentleman for highlighting this inequity and certainly assure him that we will continue to work closely with the chairman to rectify this problem.

Mr. STUPAK. Mr. Chairman, I ask unanimous consent to withdraw my amendment based upon the colloquy and comments here today.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

Mr. BISHOP of New York. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BISHOP of New York:

At the end of the bill, before the short title, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used by the Federal Energy Regulatory Commission to review the application for the Broadwater Energy proposal, dockets CP06-54-000, CP06-55-000, and CP06-56-000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. BISHOP of New York. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first, let me start by thanking my colleague and friend from Connecticut, Ms. DELAURO, for co-sponsoring this amendment and for her leadership in the effort to protect the splendor of Long Island Sound.

Our amendment limits the use of any funds appropriated in this bill for use by the Federal Energy Regulatory Commission to review the pending application for the placement of a floating storage and regasification unit known as Broadwater in the middle of Long Island Sound, an area that was designated by the Environmental Protection Agency as an estuary of national significance.

□ 1800

To be clear, the amendment does not block any other pending application before the FERC relating to the placement of onshore and offshore liquefied natural gas projects around the country. Rather, it is intended to protect the splendor of Long Island Sound as we expand our energy independence.

Like my colleagues on both sides of the aisle, I believe that it is in the best interest of our Nation to develop new and innovative technologies, expand refining capacity and increase the supply of natural gas. However, we must strike a responsible balance between expanding the supply of energy and protecting the environment.

Long Island Sound has benefited from hundreds of millions of dollars invested by the Federal Government, the States of New York and Connecticut, as well as local towns and municipalities fighting to curb hypoxia, brown tide and other destructive pollutants which decimated our fishing and shell fishing industries and set back the regional economies.

Today, Long Island Sound generates $5 billion annually for the regional economy from commercial and pleasure boating, commercial and sport fishing and other forms of tourism. It should be easy to understand why it is imperative to preserve this flourishing economy and the splendor of its environment for the benefit of over 10 million people who live within the Long Island Sound watershed alone.

Placing a floating terminal in this location threatens to jeopardize its precious ecosystem, the regional economy and the delicate balance between environmental preservation and energy independence that we have worked so hard to achieve.

Mr. Chairman, my amendment is not intended to weaken the case for expanding our supply of natural gas. My amendment is about making sure that we don't lose sight of our environmental goals or allow preservation and conservation to take a back seat in the rush to formulate a more effective and less expensive energy policy.

I ask my colleagues on both sides of the aisle to support this amendment and work with me to make sure that we satisfy our energy needs while preserving the integrity of our natural resources.

Let me close by thanking Chairman HOBSON for his continued support for Brookhaven National Laboratory, which is in my district. Thanks to his continued support and leadership, along with the ranking member, the scientific research funded in this bill will go a long way to advance our Nation's technological edge and competitiveness.

I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the gentleman.

Mr. Chairman, I rise in the strongest possible opposition to this amendment. The Energy Policy Act that we voted on in a bipartisan fashion last summer on this very floor changed the way that we have to permit our liquefied natural gas facilities and has given the Federal Energy Regulatory Commission the authority, working with the States, to have the say in where to put these LNG facilities.

This particular facility is a facility that would be located in the Northeast, offshore, in a remote area. It is the only proposal of its type that is currently before the Federal Energy Regulatory Commission. If we adopt this amendment, it would preclude the FERC from even reviewing the application.

Now, the Northeast part of the United States needs energy. This particular facility, if permitted and if operated and if operated to maximum capacity, could supply up to 25 percent of the entire needs of the Northeastern United States in terms of their natural gas usage.

To adopt this amendment right now simply says to that part of the country, We don't want any more energy.

Mr. MARKEY of Massachusetts offered an amendment in committee to the bill, the energy bill that is now the law that says LNG facilities have to be located in remote areas. This facility would be located offshore in a remote area. If we are going to say no to this, we just might as well say we don't want any more facilities in the Northeast. I don't know how they are going to get energy, but if they can't get it from LNG and they can't get it from pipelines and they can't it from drilling and they can't get it from any other area, how are they going to get it?

I strongly oppose this amendment. Let's at least let the FERC review the application. If they decide that it shouldn't be permitted, so be it. But let's at least let them look at the application.

Mr. BISHOP of New York. May I inquire as to how much time I have left?

The Acting CHAIRMAN. The gentleman from New York has 2 minutes remaining.

Mr. BISHOP of New York. If I may quickly respond to my friend from Texas. He characterizes the Long Island Sound as a remote area. That is incorrect. There are approximately 10 million people who live within a 50-mile radius of the Long Island Sound. I don't think that would fall within any reasonable description of a remote area.

Secondly, the Energy Policy Act which my friend from Texas cites strips local government of the right to have a say in whether or not we site facilities of this type within areas. This is an effort on our part to assert some local control. Every elected official on both sides of the aisle that has responsibility for this region opposes this facility, as does the vast majority of the population.

With that, I would like to yield the balance of my time to my friend from Connecticut, Congresswoman DELAURO.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 1 minute.

Ms. DELAURO. I thank the gentleman and applaud his leadership.

Remote areas, 11 miles off the coast of Connecticut, 9 miles off the coast of New York. The LNG Broadwater facility, actually, the proposal, is a vessel roughly the size of the Queen Mary. One week after passing the interior bill which dedicated $1.8 million to cleaning up the Long Island Sound, we are now going to place this vessel in the Long Island Sound. Also, a 25-mile pipeline through the middle of what is prime ground for lobstering and for fishing. Further, the entrance to the sound might need to be temporarily closed when the LNG shipments arrive every few days, disrupting all other commerce that uses that passage.

We are going to ask the Coast Guard to enforce the zone. They are already stretched thin, but they are going to have to patrol the LNG site, which will pose a new security risk.

I will conclude by saying to you that we voted to protect the Long Island Sound and, without this amendment, who knows what other estuaries of national significance will be at risk of becoming our next industrial zone.

Support the Bishop amendment.

The Acting CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HOBSON. May I inquire how much time I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 3 minutes remaining.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from New York (Mr. BISHOP) for his nice comments, but, unfortunately, I have to oppose his amendment at this time.

This amendment, the problem that I have, and I understand your concern, but this would preclude FERC from going forward with its review of the Broadwater Liquefied Natural Gas project on Long Island. This proposed project is the only floating storage and regasification unit that is pending before the commission. This amendment undos the Natural Gas Act for orderly review and decision-making process for energy infrastructure and limits energy development efforts. Further, the amendment restricts the ability of any company to use a fairly novel technological approach to siting LNG away from populated areas.

I understand that 9 miles to you is not very far and 11 miles is not far to you. But I think that is what we have this system for, is to allow the system to be fairly looked at and make a determination if they agree. Frankly, all FERC authorizations are still subject to judicial review.

I understand the concerns that people have here. There is always the NIMB effect in everything as we look around, and I understand that. But I think the best course of action is allow FERC to consider the application and consider public comments, issue the orders that are best in the public interest, and if people disagree with that, there are still courses open to them. But to start this sort of process in this bill, I think, is inappropriate.

I would have to oppose the amendment at this time.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BISHOP).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BISHOP of New York. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATHAM) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5037. An act to amend title's 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5429, AMERICAN-MADE ENERGY AND GOOD JOBS ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–480) on the resolution (H. Res. 835) providing for consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–481) on the resolution (H. Res. 836) providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

☐ 1812

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. McHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment by the gentleman from New York (Mr. BISHOP) had been postponed and the bill had been read through page 47, line 2.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LYNCH:

Page 47, after line 2, insert the following:

SEC. 503. (a) The Secretary of Energy, in cooperation with appropriate public and private entities, shall develop a plan to respond to potential disruptions in worldwide oil and natural gas production. Such plan shall include—

(1) identifying and assessing all threats to current oil and natural gas supplies that would result in a disruption of greater than 5 percent of the current oil and gas supply;

(2) formulating contingencies for acquiring, diverting, or reallocating available oil and gas supplies to mitigate disruptions to United States security and economic stability; and

(3) formulating a plan for allocating available resources in the event that rationing becomes necessary.

(b)(1) Within 90 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources and the House of Representatives Committee on Energy and Commerce a report containing the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Thank you, Mr. Chairman.

Mr. Chairman, my amendment simply asks that the Energy Department develop a plan to respond to potential disruptions in worldwide oil and natural gas production and distribution.

Throughout the last year, we have witnessed a 38 percent spike in the price of crude oil and concurrently a sharp rise in the average cost of gasoline to American families, reaching over $3 a gallon. In recent weeks, crude oil prices have risen to over $70 a barrel.

Among the chief factors that have been cited in the cause of the recent spike has been increased worldwide consumption and demand as countries such as China and India have experienced significant economic growth. China alone over the past 4 years is responsible for 40 percent of new demand around the globe.

However, it is the United States that remains the world's leading oil consumer, consuming over 20 million barrels a day, while producing only about 7 million barrels a day. Notably, our high oil consumption, coupled with the weakened reserve position, means that the United States for the most part will continue to rely on world markets for its crude oil supply. Currently, 70 percent of U.S. oil consumption is projected to be satisfied by imports of crude oil and petroleum products by the year 2025.

☐ 1815

Regrettably, our growing dependence on foreign oil not only poses a substantial risk to our economic security but may also serve to compromise the effectiveness of American foreign policy, as high domestic demand leaves the United States susceptible to the threat of hostile oil-related political reactions by foreign governments in oil-producing countries.

Iran, for example, is the second largest producer within OPEC and has repeatedly issued thinly veiled supply interruption threats in response to our efforts to curb that country's uranium enrichment program. In Venezuela, President Hugo Chavez, whose country is the United States' fifth largest source of crude imports, has asserted the possibility of retaliatory actions stemming from his opposition to U.S. policy.

It is clear that our overall economy is severely impacted by the spikes in crude oil and the prices of gasoline. The growing uncertainty of the oil reserves available to the United States is also greatly called into question. As long as we as a Nation continue our addiction to foreign oil, we will be beholden to the actions of these rogue states.

Last week, in a Government Reform Subcommittee, we heard the Under Secretary of Energy say that in the event of any disruption of any of these major players around the globe that supply us with oil and natural gas, we would have to immediately go to the U.S. Strategic Petroleum Reserve to satisfy any shortage. That is not a good long-term solution.

We have had threats in the past. We had Arab oil embargoes in this country back in 1973, and we had a plan in place to deal with that shortage. Right now, according to the Secretary of the Energy Department, we have no surplus reserves. We have no untapped reserves in the event of a shortage.

This amendment would call on the Energy Department to develop such a plan to deal with these contingencies, to deal with reallocations and to deal with the crisis that would develop in the event that any of these countries discontinued their supply of oil to the United States.

Mr. Chairman, I realize that you can only do so much in any one bill, and I thank the chairman and the ranking member for all their good work on this bill, but this is something that needs to happen, and I just ask the chairman and the ranking member to work with me to force the Department of Energy to develop this plan.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. HOBSON. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states, in pertinent part: An amendment to a general appropriations bill shall not be in order if it changes existing law.

The amendment gives affirmative direction, in effect, and, therefore, is legislation on an appropriations bill.

I ask for a ruling of the Chair.

The Acting CHAIRMAN (Mr. McHUGH). The gentleman makes a point of order against the amendment.

Does any Member wish to be heard on the point of order?

Mr. LYNCH. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment.

Hearing no objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. ENGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

I will be brief and submit most of my statement for the record, but essentially this is the same language that was adopted yesterday on the agriculture appropriations bill.

Basically, it is a reminder to the agencies that Congress has created and that Congress continues to fund that they need to follow the laws that Congress enacts. A law was enacted in 1992 which stated that, by 1999, 75 percent of the new vehicles acquired must be alternative-fuel vehicles. We aren't even close to 75 percent.

So this is something that I believe that all Departments should do. The Department of Energy purchased 1,724 cars last year, of which 927 were gasoline powered, meaning that 47 percent were alternative. That is nowhere near the 75 percent.

Again, I will submit most of this for the RECORD, but my amendment would mandate they essentially follow congressional law and get the purchase of alternative-fuel vehicles up to 75 percent.

Mr. Chairman, President Bush was right to say we are addicted to oil. But now we in Congress need to take action. We need to take this action because it is in the interest of our national security.

We need bold action to end this addiction. We need ethanol—not as an additive but as a full fledged alternative.

I believe we need to get a more flexible fuel vehicle on the road. And, I believe we should use the purchasing power of the Federal Government to pursue this.

Now some may not like the Federal Government interfering in markets. To this I would respond, this is about national security and that is the Federal Government's responsibility. And with the war on terror, we must look at all options—not just putting our military overseas but what we can do right here at home.

Some might not like the Federal Government interfering with consumer's choices. To this I would respond that the U.S. Government is the largest consumer of goods and services on the planet. And to meet our responsibility to protect the American people, we have to take this step toward weaning ourselves from foreign oil.

Furthermore, Congress has already spoken on this issue, however the Administrations—both Democratic and Republican Administrations—have failed to comply.

Let's take this first step and use the Federal Government's purchasing power to make alternative fuels a reality.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. I will accept the time and will just say that I accept the gentleman's amendment and, therefore, yield back any time that I may have.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ENGEL).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. DEAL of Georgia.

Amendment by Mr. MARKEY of Massachusetts.

Amendment by Ms. DELAURO of Connecticut.

Amendment by Mr. ANDREWS of New Jersey.

Amendment by Ms. BERKLEY of Nevada.

Amendment by Mr. MARKEY of Massachusetts.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. DEAL OF GEORGIA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. DEAL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 216, noes—201, answered "present" 6, not voting 9, as follows:

[Roll No. 196]

AYES—216

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehner
Bono
Boren
Boswell
Boustany
Bradley (NH)
Brady (PA)
Burgess
Butterfield
Buyer
Calvert
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Clay
Cleaver
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Crowley
Culberson
Cummings
Davis (CA)
Davis (IL)
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Dingell
Drake
Duncan
Emanuel
English (PA)
Eshoo
Fattah
Ford
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayworth
Hensarling
Higgins
Hinchey
Hoekstra
Holden
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kingston
Kirk
Kline
Kolbe
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McHenry
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, Gary
Miller, George
Moore (WI)
Murphy
Myrick
Neugebauer
Norwood
Oberstar
Obey
Olver
Pascrell
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reichert
Renzi
Rogers (MI)
Rohrabacher
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sanders
Schakowsky
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Sullivan
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Upton
Van Hollen
Velázquez
Wamp
Watson
Watt
Waxman
Weiner
Westmoreland
Wicker
Wilson (SC)
Woolsey
Wu
Young (AK)

NOES—201

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Bean
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Carter
Castle
Chabot
Chandler
Chocola
Clyburn
Coble
Cramer
Crenshaw
Cubin
Cuellar
Davis (AL)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emerson
Engel
Etheridge
Everett
Farr
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Harman
Harris
Hastings (FL)
Hefley
Herger
Herseth
Hinojosa
Hobson
Holt
Hostettler
Hulshof
Hunter
Inslee
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
King (NY)
Knollenberg
Kuhl (NY)
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Matsui
McCarthy
McCotter
McCrery
McHugh
McIntyre
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pastor
Paul
Pearce
Pombo
Pomeroy
Porter
Putnam
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryun (KS)

Sabo
Sánchez, Linda T.
Saxton
Schiff
Schmidt
Schwartz (PA)
Sensenbrenner
Shaw
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Stearns
Stupak
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Young (FL)

ANSWERED "PRESENT"—6

Davis (KY)
DeGette
Filner
Hayes
Jenkins
Kucinich

NOT VOTING—9

Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Wynn

☐ 1853

Mr. CAMP, Ms. LINDA T. SÁNCHEZ of California, Mr. NEAL of Massachusetts, Mrs. KELLY, Mr. BERMAN, Mr. CLYBURN and Mrs. CAPPS changed their vote from "aye" to "no."

Ms. VELÁZQUEZ, Ms. SOLIS, Mr. ENGLISH of Pennsylvania, Mr. TANCREDO, Ms. LEE, Mr. ISRAEL, Mr. McDERMOTT, Mr. GARRETT of New Jersey, Ms. WOOLSEY, Messrs. PRICE of North Carolina, DELAHUNT, CLEAVER, ROTHMAN, CALVERT, BRADLEY of New Hampshire, SIMPSON, CLAY, RANGEL, BARTLETT of Maryland, MEEKS of New York, KIND, BISHOP of New York, PLATTS, DENT, Ms. MOORE of Wisconsin, Mr. OBEY, Ms. HART, Ms. BALDWIN, Messrs. BEAUPREZ, SHAYS, KING of Iowa, REICHERT, HONDA, RAMSTAD, SMITH of Texas, OBERSTAR, and Miss McMORRIS changed their vote from "no" to "aye."

Ms. FOXX changed her vote from "present" to "aye."

Mr. HAYES changed his vote from "no" to "present."

Mr. JENKINS changed his vote from "aye" to "present."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 196, The Deal Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN (Mr. CONAWAY). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 128, noes 295, not voting 9, as follows:

[Roll No. 197]

AYES—128

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brown (OH)
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Duncan
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gibbons
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Kelly
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Millender-McDonald
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Petri
Pomeroy
Porter
Rangel
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Sensenbrenner
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Tanner
Terry
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Waxman
Wexler
Woolsey

NOES—295

Ackerman
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Wynn

☐ 1901

Mr. RUSH changed his vote from "aye" to "no."

Mr. DUNCAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FITZPATRICK of Pennsylvania. Mr. CHAIRMAN, on Rollcall No. 197, the Markey Amendment to HR 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MS. DE LAURO

The Acting CHAIRMAN (Mr. McHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 204, not voting 11, as follows:

[Roll No. 198]

AYES—217

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Fortenberry
Frank (MA)
Gibbons
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Renzi
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Whitfield
Woolsey
Wu

NOES—204

Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Evans
Fitzpatrick (PA)
Gerlach
Issa
Istook
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Wynn

☐ 1908

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 198, the DeLauro Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 195, not voting 10, as follows:

[Roll No. 199]

AYES—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Flake
Ford
Fortenberry
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Gilchrest
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Ramstad
Rangel
Reyes
Rogers (MI)
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shadegg
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)

Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Woolsey
Wu

NOES—195

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Foley
Forbes
Fossella
Foxx
Frelinghuysen
Gallegly
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Kaptur
Keller
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Pickering
Poe
Pombo
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Royce
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
Nunes
Skelton
Snyder
Wynn

☐ 1916

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 199, the Andrews Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. BERKLEY

The Acting CHAIRMAN (Mr. McHUGH). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. BERKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 147, noes 271, not voting 14, as follows:

[Roll No. 200]

AYES—147

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boyd
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Chocola
Cleaver
Conyers
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Filner
Flake
Frank (MA)
Gibbons
Gonzalez
Green, Al
Grijalva
Harman
Hart
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kildee
Kilpatrick (MI)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lofgren, Zoe
Lowey
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McKeon
McNulty
Meehan
Melancon
Michaud
Millender-McDonald
Miller, George
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Peterson (MN)
Porter
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Sherman
Slaughter
Smith (WA)
Solis
Souder
Stark
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—271

Aderholt
Akin
Alexander
Allen
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boswell
Boucher
Boustany
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Cardin
Carter
Case
Castle
Chabot
Clay
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
McCarthy
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris
Meek (FL)
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bono
Cannon
Cantor
Evans
Fitzpatrick (PA)
Gerlach
Kennedy (MN)
Kennedy (RI)
Linder
McKinney
Ney
Skelton
Snyder
Wynn

☐ 1922

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. BONO. Mr. Chairman, on rollcall No. 200 I was unavoidably detained. Had I been present, I would have voted "no."

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 200, the Berkley Amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 255, not voting 16, as follows:

[Roll No. 201]

AYES—161

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Butterfield
Capps
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gordon
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jones (OH)
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kline
LaHood
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Platts
Pomeroy
Price (NC)
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Tierney
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOES—255

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carter
Castle
Chabot
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (NM)
Upton
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—16

Baird
Brown, Corrine
Buyer
Crenshaw
Evans
Fitzpatrick (PA)
Gerlach
Johnson, E. B.
Kennedy (MN)
Kennedy (RI)
Kingston
Linder
Skelton
Snyder
Weiner
Wynn

☐ 1929

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, on rollcall No. 201, the Markey amendment to H.R. 5427, I was unavoidably detained. Had I been present, I would have voted "aye."

☐ 1930

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I seek this time in order to enter into a colloquy with Chairman HOBSON. The colloquy is regarding the construction of mooring facilities on the Tennessee-Tombigbee Waterway in Columbus, Mississippi.

A new $800 million steel plant, SeverCorr, is bringing over 500 jobs to Lowndes County. Given that the average wages for hourly workers will approach $70,000 annually, each one of these jobs is likely to be transformational for the families involved.

The SeverCorr project is the largest private construction project in the United States this year. A large amount of SeverCorr's raw materials and finished product will be shipped utilizing the Tennessee-Tombigbee Waterway beginning in June 2007. The company expects to use approximately 50 or 60 additional barges each month. However, there are no mooring facilities along this portion of the Tennessee-Tombigbee.

Presently, if an operator needs to moor a barge temporarily or overnight, the operator may tie the barge to one of several trees along the bank. This situation will clearly present a significant threat to navigation safety once the steel plant begins operation. Absence of a mooring facility could also present operational challenges to the smooth and safe transport of materials and inhibit this critically important economic activity.

I understand that the bill continues a moratorium on new projects by the Corps of Engineers. However, I hope the chairman will work with me to identify ways the committee can help support the important economic development taking place in my district along the Tennessee-Tombigbee.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I appreciate the important safety and economic justifications for construction of the mooring facility in Columbus. I understand the time limitations related to the plant's opening next year.

The gentleman is correct. This bill does contain a moratorium on new starts. However, in the event new starts are taken up in conference, this project will be a priority.

Mr. WICKER. I thank the chairman.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. I thank my friend for the time.

Mr. Chairman, as you know, Lake Isabella Dam in my district as of April is under a significant capacity restriction due to major concerns about the level of seepage at the base of the dam. The Army Corps of Engineers has rated Isabella Dam its top dam safety concern in the Nation. But even with that designation, the corps has informed me it would take as many as 6 years to create a permanent solution. The dam protects a half a million people as well as valuable agricultural and oil fields.

I appreciate the fact that the chairman has provided report language urging the corps to expedite the process, but I would like to discuss with the chairman what that means.

Mr. HOBSON. I thank the gentleman for bringing this issue to my attention. I share your concern about dam safety and expediting the process to take corrective action at Isabella Dam.

The corps requires additional studies to identify the exact nature of the problem and to begin fixing, but the time frame could be shortened both through additional funding and expedited procedures. I pledge to work with you to identify ways to provide both funding and procedural expediency and will also talk to the corps.

Mr. THOMAS. I thank the gentleman and look forward to working with him to find additional funding for this critical dam safety issue. If the corps has rated this their top dam safety concern, their behavior should reflect that in expressed concern. And I look forward to working with the chairman in conference to produce that, and I thank the gentleman for yielding.

Mr. HOBSON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 1 minute remaining.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. MCHENRY) for a colloquy.

Mr. MCHENRY. Mr. Chairman, I certainly appreciate your leadership and the hard work of your staff and the work they put into making this appropriations bill possible. I certainly appreciate that.

I would like to discuss an important issue in my district as well in western North Carolina. In recent years, my district has seen literally thousands of furniture and textile industry jobs leave due to unfair trade practices. Right now we have an industry interested in moving to our area, but the location they prefer will require some landscaping, including moving roughly 2,000 feet of a small unnamed stream. This will require approval of the Army Corps of Engineers.

As you are well aware, the corps approval process can take many months and experience significant delays. In my opinion, projects that provide economic development and jobs to economically distressed areas should be expedited and take priority over other permits.

Mr. HOBSON. I am aware of this situation and will certainly encourage the corps to move this project through the permitting process in an expedited manner to ensure that time is not an obstacle for economic development.

Mr. MCHENRY. I thank the chairman and look forward to working with you and your staff as this project moves forward through the permitting process. And I appreciate your willingness to help and assist through this.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield to the gentleman from Florida.

Mr. MACK. Mr. Chairman, I rise today to engage the esteemed chairman of the subcommittee in a colloquy concerning language and funding for the health of Florida's ecosystem.

Mr. Chairman, south Florida has experienced numerous challenging issues related to Lake Okeechobee, the quantity and quality of the water coming through the Caloosahatchee River and the Everglades. This unique ecosystem and the economy surrounding it deserve the necessary resources to ensure the continuing and lasting health of our region.

Mr. Chairman, I believe it is critical that several projects be funded to maintain the health on the region's ecosystem. The first of these projects includes the modified water project to remove the unnatural barrier of US-41. The completion of this project would restore most of the natural flow of the Everglades from Lake Okeechobee.

Second, the use of ASRs, aquifer storage and recovery systems, in the water management of the lake is a critical and innovative need that will help bridge the gap between short- and long-term goals.

Third, recent reports have raised serious concerns about the integrity of the dike surrounding Lake Okeechobee. The Federal Government must not allow the critical dike to fail.

Finally, it is imperative that the United States Senate follow the lead of the House and finally pass the WRDA legislation. WRDA has several billion dollars of these important projects. The United States Government made a commitment to restore the Everglades. This House has worked to keep our commitment, and it is time for the United States Senate to act. Thankfully, with the leadership of the gentleman from Ohio, I am sure the Energy and Water Subcommittee on Appropriations will continue to be steadfast in its support of restoring south Florida's ecosystem.

Mr. HOBSON. I thank the gentleman. I want you to know I understand these problems, having spent some time in Florida as I have grandchildren there.

We funded the waters. I think I talked to you also about the river and I want to do something about that. I pledge the support of this committee to make the necessary resources available to help with vital issues.

Mr. MACK. I thank the gentleman for those remarks and his leadership on this issue. Obviously, he understands that the issues are vital to the well-being of my home State and a place where he likes to visit. I look forward to continuing to work with him.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC.   . None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

Mr. HOBSON. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. The gentleman reserves a point of order.

The Chair recognizes the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is very simple. It just says we will not promulgate any regulations without considering the effect such regulations have on the competitiveness of American businesses.

Mr. Chairman, I am pleased that the President highlighted competitiveness in his State of the Union address this year. The President understands the need for helping make America more competitive. The Energy and Water Appropriations Bill, thanks to Chairman HOBSON of Ohio, fully funds the President's American Competitiveness Initiative within the Department of Energy at $4.1 billion. Hopefully, that money will be well spent to lay the groundwork for a strong U.S. position in the future economy.

This funding will help America provide leadership in the area of science and energy research. Our teachers, engineers and scientists need resources to help them stay on the forefront of new discoveries and practical application of new technologies.

The President understands the importance of training more scientists and engineers to conduct needed research for our future economy. China currently graduates more English speaking engineers every year than we do right here in America. They are planning for the next economy.

But beyond Federal funding, the importance of science, energy and teacher training initiatives, it is vitally important that our Federal agencies create rules in a way that do not restrict the businesses from being competitive. Federal spending, while it is important, is not the primary answer to making America more competitive. It is the private sector that creates jobs, not the government. We need to make sure that the rules and regulations are written in ways that will not harm our competitiveness.

Unnecessary burdensome regulations restrict American businesses from doing what they do best, and that is creating jobs. Other barriers beyond regulations include skyrocketing health care costs that are driven by government regulations, excess civil litigation costs that our laws allow, punitive tax policy, unenforced trade policy, a need to focus education in technical areas, and the directed research and development funds similar to what we have here in this bill.

Energy policy is another area. We must remove the barriers to lower energy costs. America currently has 103 civilian nuclear reactors that are responsible for generating 20 percent of our electrical needs. We could use more nuclear energy for our future electricity needs to reduce the demand on fossil fuels, but there are a number of obstacles in the way to these new plants from them being ordered, licensed and built.

No nuclear power plants have been built since 1978. The last one took 30 years. We have to simplify the regulations. It is important to do that in order to make America more competitive. We need to continue assisting, not hindering, commercial interests by pursuing more nuclear power plants. The more affordable we can make electricity, the more American businesses are going to benefit by having lower energy costs.

In an era when energy prices have soared, Congress needs to do everything possible to reduce the barriers in the marketplace to provide affordable energy. The more reliable and affordable sources of energy we can create in America, the more help businesses will have in creating and keeping our jobs.

Now, Mr. Chairman, I realize that the House rules view this amendment as legislating in an appropriations bill, but fighting for a strong economy is a good thing. It is good for America, and it is good for American jobs.

□ 1945

Mr. Chairman, out of respect for this process, I respectfully ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN (Mr. McHUGH). Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Federal Energy Regulatory Commission to enforce any claim for a termination payment (as defined in any jurisdictional contract) asserted by any regulated entity the Commission has found to have violated the terms of its market-based rate authority by engaging in manipulation of market rules or exercise of market power in the Western Interconnection during the period January 1, 2000, to June 20, 2001.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, we have a very commonsense amendment that would simply say that we will not be using funds in FERC to allow FERC to rule in favor of Enron against civil utilities and several companies around the country who signed contracts with Enron.

We know what happened in Enron. They were unable to provide electricity. As a result, there was a termination of contract.

We want to make sure that FERC would not issue a ruling while discussions are going on with the parties that would require these utilities and companies to pay Enron. So it is quite a simple amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Let me say this to the gentleman, I am sympathetic to the amendment, and we will probably take the amendment. I want to tell you, though, that we have some problem with what we are doing in this bill when we begin to get into this sort of regulatory adjudication process. I do not think this is the right way to go.

I understand the frustrations with Enron. I do, I think most people do, but I think we really need to let the agencies do their job. But I want you to understand we are going to take the amendment. It may need a little tinkering with as we go through the process.

Mr. Chairman, I yield back my time.

Mr. INSLEE. Mr. Chairman, we will certainly be pleased to work with the Chair if there is any tinkering necessary.

I would yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I would like to thank the chairman as well for being patient and considerate on this amendment. We know it is not perfect. We are willing to work on the issue.

I have a couple of businesses in Montana, through no fault of their own, that signed a contract with Enron. It became very apparent early that Enron was not going to be able to fulfill their responsibilities under this contract. Unfortunately, they are innocent bystanders that got included in the bankruptcy court. Ultimately, it ended up in the jurisdiction of FERC. This amendment allows an opportunity to buy them some time to come up with some kind of a mediated solution.

So I recognize it is not perfect. I want to again thank the chairman for his patience and consideration. I thank Mr. INSLEE for introducing the amendment and hope that we can pass this amendment.

Mr. INSLEE. Mr. Chairman, I yield 30 seconds to the gentleman from Washington (Mr. LARSEN), who has done a great job on this issue for years.

Mr. LARSEN of Washington. Mr. Chairman, I wish to quickly say thank you to the chairman of the subcommittee for agreeing to accept the amendment.

There is a great amount of frustration in Washington State, all over Washington State. I represent an area that is the largest public utility district. I represent an area that has the only aluminum plant still standing because all the other aluminum plants had to go out of business because of some manipulation that took place on the market with Enron.

We just want some time, some space for the parties to work this out, and this amendment will do that, and I appreciate the chairman's willingness to let us move forward.

Mr. INSLEE. I want to thank the Chair for his accommodation of this issue. I do not want these termination clauses to yield an unjust result. This will give us time to move forward.

Mr. Chairman, I rise today to offer an amendment to the fiscal year Energy and Water appropriations bill which would stop

Enron from once again cheating northwest consumers. I have worked with my colleagues and with Snohomish Public Utility District, SnoPUD, to ensure that the Federal Energy Regulatory Commission plays fair in the case between Enron Power Marketing Inc. and SnoPUD. For too long, Enron has been harassing utilities for termination fees through the FERC administrative litigation system.

The Enron Corporation has already wronged consumers through its manipulation of the energy market during the energy crisis of 2001. It wasn't bad enough that Enron already collected an astonishing $1.8 billion through their market-manipulation schemes, including millions from SnoPUD. Today, Enron is trying to bilk another $122 million from Washington State consumers.

Enron argues that they deserve a fee for the termination of their contract for electricity that they never delivered to Snohomish Public Utility District, SnoPUD. Snohomish PUD's contention is that because the power was never delivered, and because these contracts with Enron were entered into when the company was illegally manipulating the electricity market to inflate rates, these contracts are invalid.

Mr. Chairman, my amendment to the fiscal year 2007 Energy and Water Appropriations Act would prohibit the FERC from enforcing any decision that deems a termination payment is due to Enron from SnoPUD during fiscal year 2007. It's Congress's responsibility to ensure protection for consumers like those being served by Snohomish PUD from companies like the Enron Corporation. With this amendment, Congress will be deciding to stand with Enron, or stand with ratepayers.

Mr. Chairman, this amendment neither clarifies nor modifies any provision of the Federal Power Act. Nor does it ratify any action previously taken by FERC. The amendment would merely prevent entities that engaged in fraudulent and deceptive trading practices during the western states energy crisis, as determined by FERC, from profiting by their misconduct by collecting termination fees.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HEFLEY:

Page 47, after line 2, insert the following new section:

SEC. 503. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

This amendment is similar to others that I have offered over the past 4 years. It would cut total spending in the bill by 1 percent, one penny on the dollar, or $300,170,000.

Now, I do not need to go into great explanation about this because everybody knows exactly what it is, and we also know pretty much the result.

I would also like to say Mr. HOBSON's argument would be that he has already done a good deal of cutting in here, and indeed, he has, and I commend him for it. He is extremely conscientious when it comes to the spending of government money, but I would point out that we just started the appropriations process, but if we had passed the Hefley amendments that I have offered on the few bills that we have had so far we would have saved $747,350,000. Three-quarters of $1 billion we would have saved already.

We have just started the appropriations process. So it is not insignificant, even though it is only a penny on the dollar, and for these reasons, I offer this amendment and urge its support.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I think I said this to Mr. HEFLEY maybe last year. He follows in some great footsteps in offering this amendment, in my opinion, because part of my district used to be represented by Clarence Miller from Ohio, and Clarence Miller I think had the distinction of either 1 percent or 10 percent, Clarence, when he was here doing this. He is still alive and very active, but I reluctantly think that we have already got too many problems in this bill on trying to fund things adequately. So I would oppose this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman and join him in his objection. I have a great deal of respect for the gentleman and my great friend from Colorado, but this is a very carefully worked bill, very carefully crafted bill, and decisions have been made that are discrete on a project-by-project basis, and I do not think it is correct policy to simply then have an across-the-board cut regardless of what the amount is and would join my chairman in opposition to the amendment.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I understand those arguments, but if you don't have the money, we need to stop spending or at least cut down the spending. This is 1 percent. I would encourage support of the amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken, and the Acting Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the chairman from Ohio for yielding to me.

I wanted to speak tonight, Mr. Chairman, about the Atlantic Intercoastal Waterway, which stretches 161 miles from the South Carolina border to the Florida border going through the 1st District of Georgia; and if one measures the number of miles by the coastline, it is probably five or six times that.

I live by the Intercoastal Waterway. I have a boat. My friends have boats. My constituents have boats. The water is filling in, and it is a big problem in terms of recreational boating.

My concern is that the Office of Management and Budget, the OMB, in their formula does not consider the economic impact of a recreational boater when deciding if a waterway should be dredged or not.

In Georgia, for example, the last time we had serious dredging of the Intercoastal Waterway was in 2002. We have asked for $2.5 million for dredging for Georgia 2 years in a row, and because of the tight constraints, the committee has not been able to do that.

It has been the same way with the Senate. They are trying to work on something, too.

Senator SAXBY CHAMBLISS and Senator JOHNNY ISAKSON and I are all in agreement that this needs to be addressed, but when the Office of Management and Budget is looking at the commercial traffic ranks of the Intercoastal Waterway, they only consider the big tonnage, the commercial shipping. They do not consider the light loading, the recreational boater.

The recreational boater is the guy who goes out there, pulls his children on skis, has a camera, has a cooler, packs a bag of baloney sandwiches, has a lot of Coca-Cola, which in another part of the country he is probably carrying Pepsi, and spends a lot of money on the local economy, a significant amount of money. One marina alone told me that their receipts will be in excess of $500,000. If the Intercoastal

Waterway was closed up, then that marina will be gone. Those five to twelve jobs that they have will be gone. The money that his clients bring into the area, buying parts for their boats and related recreational equipment in skis and fishing poles and so forth, that will be gone as well.

We need to get the Office of Management and Budget to change their funding formula so that they will consider the economic impact of the recreational boater just as high or along the same line or with the same yardstick as they do commercial boaters.

I had an amendment to that effect. I have not offered the amendment because this committee has worked so closely with us on a lot of issues. I know that the staff was not exactly appreciative if we were going to try to authorize something on an appropriation bill. It was not appropriate. So I am not offering that amendment, but I know the staff has been very sympathetic to this issue, as have you, Mr. Chairman, and I just wanted to thank you, but say that, along the line, we are not going to let this issue go.

We need to have the Office of Management and Budget change their funding formula, and I intend to pursue legislation on that, and I just wanted to thank you for all the support you have given us on some of the other dredging issues and wanted to make this point, though, on the record.

Mr. HOBSON. Mr. Chairman, if I might respond, you have got the problem correct and we are sympathetic to the problem because it is an economic development tax revenue situation that they do not seem to want to recognize. We have this both in the waterways there and renourishment programs, the dredging of some of these smaller harbors as have gone through on another situation. So I am very sympathetic to this.

So far, we have not been able to get OMB to go along, but we have a new director of OMB, used to be a Member here, used to live on the Ohio River. Maybe he will understand it better than the other OMB directors we have.

Mr. KINGSTON. Mr. Chairman, well, I had an opportunity to speak to Mr. Portman a few minutes ago and just pled the case real briefly with the promise of a follow-up phone call.

I do want to thank you for all the harbor dredging that you have helped us with. Mr. VISCLOSKY has helped us with. The staff has gone above and beyond the call of duty on that. You guys have been magnificent, but we also have this intercoastal problem with the recreational boaters that is a tremendous issue in our area.

So we want to continue to work with you, and I really appreciate everything you have done.

Mr. HOBSON. We are going to do that.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Virginia Science Museum, VA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I call attention to this earmark today because there is so little information available about its purpose. It appears inconsistent with the program that would fund it.

The committee report lists this earmark, for the Science Museum of Virginia, in the Biological and Environmental Research program.

My amendment would prevent funding for this purpose.

I know that some museums do scientific research, but the background research on this earmark turned up very little by the way of research being done by the Science Museum of Virginia.

As an aside, I would note that the museum will soon open a traveling exhibit on candy, sponsored by the Jelly Belly Candy Company. It does not sound like much research to me.

I know that the Science Museum of Virginia was created by State law, and I have a basic understanding of the mission of the museum, and the intentions are certainly worthy.

□ 2000

The museum says it is currently raising funds to restore and remodel parts of the building; to add classrooms, meeting facilities, a library, a cafeteria, and office space; for new landscaping, new parking facilities, and exhibits.

But why are Federal funds being used for these projects? It just isn't clear to me how the museum serves a Federal function when it comes to biological and environmental research.

Again, that is the program through which we are funding this museum. I am sure that the museum is funded in part by admission fees and also by State tax funds. I would think there are also private donors who fund it. Again, what is the Federal purpose being served by funding this earmark? How should we explain this one to the taxpayers of Arizona or California or Iowa or Michigan or anywhere else outside the State of Virginia?

I am afraid that fiscal discipline and transparency is such a thing of the past that we will begin to see museum exhibits about it.

I just don't see why we are doing this, why we are funding this type of museum out of a program that is supposed to be for scientific research.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The Chair recognizes the gentleman from Ohio for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Arizona. The Science Museum of Virginia is one of the leading science museums and education and research facilities in the country, and I do not support any provision which would seek to bar it from receiving funds.

While the gentleman's intention may have been to bar the $250,000 earmark contained in the conference report, the language of this amendment is so broad that it would prevent the Virginia Science Museum from competing for any grants or funding streams, competitive or otherwise, included in the act.

Now, along with my colleague from Virginia (Mr. TOM DAVIS), I am one of the cochairs of the Congressional Chesapeake Bay Task Force and would like to reiterate the point that the work of the Science Museum with regard to testing and monitoring of the Potomac and Occoquan Rivers, both of which are part of the Chesapeake Bay Watershed, are vital to the continuing efforts to restore the Chesapeake Bay. As the Nation's largest and most productive estuaries, it is indeed a national priority. So, too, Mr. Chairman, is the mission of the Science Museum to engage in instruction and research in the sciences to educate children.

I would hope that the gentleman would not pursue this amendment. This is an extreme amendment that unnecessarily harms the Science Museum, and I would hope the amendment is defeated.

Mr. FLAKE. Mr. Chairman, I yield such time as he may consume to the sponsor of the earmark, Mr. SCOTT, and I would just like to ask him what kind of oversight is offered. Is there a reporting requirement? How do we know the museum is actually spending the money for scientific research rather than having the traveling exhibits from the Jelly Belly Candy Company?

Mr. SCOTT of Virginia. Mr. Chairman, as I understand, the money will be spent for research in the Chesapeake Bay. This is a national priority. And I would hope that the testing and monitoring of the Potomac and Occoquan

Rivers, both of which are part of the Chesapeake Bay Watershed will continue. I mean, it is a national priority.

We spend substantial resources on the Chesapeake Bay, and this research will go a long way in helping to preserve the Chesapeake Bay.

Mr. FLAKE. Mr. Chairman, I simply think this is a great example of the problem with having so many earmarks, over 10,000 earmarks in any given year, in all appropriation bills. As the minority leader mentioned yesterday, we simply don't have the staff or the resources to police these earmarks to know if they are going for the intended purpose and for oversight.

When we try to figure out which of the hundreds of earmarks to actually bring up here, we will often try to find out about the earmark. Sometimes the only information we have is from the press release that the Member who requested the earmark put out. The Federal agencies have nothing. Perhaps we can go to a Web site for the recipient of the earmark.

But in terms of oversight, there is virtually nothing. We are just approving $100,000 here, $200,000 here, $5 million there, until it adds up to hundreds of millions of dollars with virtually no oversight; nobody to check back. Then, when we try to actually conduct proper oversight of Federal agencies, it is almost a laughing matter because we have already stipulated that they spend funds for a museum. In one case last year, it was money for a museum in the Defense appropriations bill, and there are several museums in this piece of legislation.

I would submit that we have got to get a handle on this. We have to change the process. That is why we are here today, because I have exhausted every other avenue privately. This is the only place we can actually exercise any oversight, right here, in 5 minutes, to look at this earmark and look at the millions of dollars that are spent elsewhere.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Unfortunately, Mr. DAVIS had a prior commitment and couldn't be here tonight, because we didn't know what time these were going to come up to defend this. We review these within the committee and we looked at his request, and I am here to say that he met those tests.

But as far as the oversight on these things, there are project officers within the agencies. We want to fund science research wherever we can, and there are things like inspectors general who go out and look at these projects and make sure they are done right. If people don't like them and they are not done right, then they report back, and we take appropriate action. So Mr. DAVIS got a small earmark for this.

I might say my frustration is that, earlier this evening, I tried to cut $25 million, to keep $25 million out of this bill that went to little grants that we have no control over, and I wasn't able to do that. The will of this House was to fund that program for $25 million.

So I share some of the gentleman's frustrations. I don't particularly share it about this one, but I share it about a $25 million deal out there, which is probably larger than some of the cuts you are trying to do tonight. So I am maybe more frustrated than you are at the moment.

Mr. Chairman, do I have any time left?

The Acting CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman yielding and would associate myself with his remarks and add my voice and objection to the amendment being offered.

The fact is our committee does a great job at oversight. And as the chairman mentioned in his opening statement, we held a series of hearings dedicated to oversight. As he points out, you do have offices of inspectors general, and we do have a very competent staff, and we do exercise a great deal of care.

So I do join the chairman and appreciate his yielding.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, can I yield to the ranking minority member and ask: Has there been any hearings on this project, the Virginia Science Museum?

Mr. VISCLOSKY. I have made my statement to the House.

Mr. FLAKE. Okay. Does anyone know? Have there been any hearings, or has this ever been authorized?

All right. Thank you.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I appreciate the opportunity to talk about the good work being done by the Virginia Science Museum at Belmont Bay in Prince William County.

The Belmont Bay Science Center accomplishes a large number of valuable services, including the long-term water quality monitoring program that promotes the environmental health of the Occoquan and Potomac Rivers. These, as we all know, flow into the Chesapeake Bay.

Specifically, this program monitors chemical and biological conditions in these rivers. While my colleague is from Arizona, I am sure he is aware of the dire environmental concerns that affect the Potomac and Chesapeake Bay, especially in terms of high levels of nitrogen stemming from sewage treatment plants and agricultural run-off. Thus, monitoring is a critical importance.

The center also serves to teach Northern Virginia residents about the Potomac and Occoquan Rivers, as well as the Chesapeake Bay, and the attending environmental issues.

As a co-chair of the Chesapeake Bay Task Force, I have joined with other concerned colleagues to work to restore health to the Bay and its tributaries. This request for the Virginia Science Museum is part and parcel of those efforts.

The Bay watershed includes Pennsylvania, Virginia, Maryland, and the District of Columbia. It is therefore an interstate—or federal—concern.

I again thank my colleague for the opportunity to advertise the virtues of the Virginia Science Museum—virtues that would have otherwise been obscured by the stark black and white print of the committee report.

Mr. FLAKE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Research and Environmental Center at Mystic Aquarium, CT.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This is an earmark for the Mystic Aquarium and Institute for Exploration. These are divisions of the Sea Research Foundation, which is a nonprofit institution. According to the Foundation, its mission is to inspire people everywhere to care about and protect our oceans by exploring and sharing their biological, ecological and cultural treasures.

According to its Web site, the Mystic Aquarium is a nonprofit organization whose donations and revenue from admissions go to the development and execution of educational programs, marine research, marine animal rescue and deep sea expeditions.

This is a good thing. I am sure it is a great museum. Corporate membership in the aquarium includes

Foxwoods Resort Casino, American Laboratory Trading, CL&P, Coca-Cola, the Kraft Corporation, Hubbell Manufacturing, Monsanto and Pfizer, to name a few. Donations from these entities pay for some wonderful things. The aquarium is a recognized leader in aquatic animals and archeological exhibits and also a recognized leader in oceanic research.

Let me say again, Mr. Chairman, these are very good things. This is wonderful that they are doing these things. But with all the groundbreaking research and programs at the aquarium, why is it then that the taxpayer should fund $400,000 for this research and environmental center at the Mystic Aquarium? Where is the Federal nexus?

With so many private partners and local funding sources, why do we involve ourselves? There are aquariums all over the country. If we decided that we were going to give an earmark for every one, how would we fund it? How do we pick and choose between this one and that one or this one and that one?

I would submit that we simply can't, and we shouldn't. We ought to have a process that doesn't allow individual members to say, I think I need that money for my project in my district. When we do that, we simply get away from what we are all about here. We have a process, authorization, appropriation, oversight, and we seem to have ignored the end of each of that, the authorization and the oversight, and we just do the appropriations.

When we do that, we get ourselves in trouble. We embarrass ourselves with some of the earmarks that we do.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for yielding, and I rise in opposition to the amendment.

I thank my friend from Arizona for saying nice things about the Mystic Aquarium. I appreciate that. It is a great aquarium. It is a nonprofit. It is an educational facility. It is a facility that has been in operation for over 20 years.

Earlier he asked the question as to whether there had been any prior authorizations. In actual fact, the activities of the aquarium have attracted funding in fiscal years 2006, 2005 and 2004.

The moneys that we are talking about here tonight are not just moneys that are going to purchase fish food and clean the tanks. The moneys that we are talking about here tonight are to develop a research and environmental education center as a part of this research center.

Most of our colleagues have heard of Dr. Bob Ballard. Dr. Bob Ballard is the foremost ocean explorer in the world today. He is collocated at the Mystic Aquarium. His institute for exploration is collocated in the facility. His name is on the application.

The question could be asked: Well, okay, we have private sponsors. We have State and local sponsors, but what should be the responsibility of the Federal Government when it comes to marine science, marine research and ocean exploration? Well, one Federal dollar in this program creates a minimum of $10 from other sources. So one Federal dollar can be leveraged 10 to 20 times for these types of activities.

Why would the American taxpayer care about that? Well, I tell you why they care about it. Because we intimately involve young people with these activities. Two-thirds of the Nation's fourth through ninth graders are scoring below proficiency levels in science.

□ 2015

The National Science Foundation indicates students are pursuing graduate degrees in declining numbers. The activities of this aquarium and the activities of Dr. Bob Ballard turn kids on to science. That is a good thing. That is something we should support.

I urge my colleague to withdraw his amendment.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

I would simply say again there have been no hearings on this project. There will be no oversight hearings to see if the money is spent properly, and it is an earmark, so it is not authorized. So we have circumvented the process again. When we do that, when we circumvent the process and we do not have direct oversight, we diminish our ability to offer credible oversight.

Again, when we tell the Federal agencies, the Department of Defense, for example, you ought to be spending more money on body armor, they come back and tell us, hey, we cannot because you stipulated that we spend a million dollars in our defense budget for a museum in New York.

It is like that in bill after bill after bill. And those who say these earmarks do not cost any money, if it is not spent here it will be spent somewhere else, don't tell the full story. We are often earmarking accounts that we have not earmarked in the past. Those accounts are for maintenance, say the FAA to maintain runways and towers. Well, they will come back to us next year and say you earmarked our accounts for maintenance, so you have to backfill this account. So we have to appropriate more. So these do cost.

If we just got rid of these earmarks, we could lower our allocation in this committee and let us spend it on defense or give it back to the taxpayers. Let's do something else. So the notion that we heard a lot of yesterday that this will not save any money to knock out earmarks is simply wrong.

If the Appropriations Committee would say they are not going to do earmarks this year, they could lower their allocation by the total amount of earmarks. In the bill yesterday, it was about $500 million.

This is the only forum we have to stand up for 5 minutes on some of the amendments that we choose to highlight to say this process has gone awry and we need to change it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I thank the gentleman for yielding me this time.

My recollection of the appropriations process is that, if an appropriation takes place, it carries with it the authority to expend those funds. So if you look at previous appropriations for this purpose, I believe that those appropriations reflect the authority to spend that money.

The issue now becomes oversight. I quite frankly think that Members of this body who live in their districts usually have a pretty good idea of where these dollars are going. Speaking for myself, I probably am in and out of the Mystic Aquarium at least half a dozen times a year, sometimes more frequently. I am intimately involved with the activities of this facility.

Dr. Robert Ballard, who used to be located in Woods Hole, Massachusetts, came to Connecticut and came to Mystic because of the resources there so he could pursue his research. He was sponsored by the State of Connecticut and the local municipality.

People know what is going on here. People know of some of the incredible research that is taking place. People know because their kids and because the Boys Clubs and Girls Clubs are benefiting from these activities that are happening here.

And Members know. I believe when a Member submits an earmark and follows it through the process, that tells you a lot about the earmark.

I would put my name against this project any day of the week. I think that as somebody who knows my district, knows the people in my district, knows the reputation of this facility, knows of the impeccable reputation of Dr. Bob Ballard, that this is a good expenditure of taxpayer dollars, and I will stand up for it any day of the week.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

At what point do we admit we are out of control with earmarks? Would it have been at 5,000 earmarks a year? 6,000? 8,000? 9,000? 10,000? We are well above that. We have grown in the past decade. I think it has been an 872 percent increase in the number of earmarks. The dollar value has increased substantially as well.

Yesterday, we had the ranking minority member concede we have no idea, and it is "grotesquely out of control" were his words. We have that concession on that side.

On this side we are saying that as well. We do not have a way to police these earmarks or to provide oversight. At what point do we say we need to sit back and go through the regular authorization appropriation process in Congress?

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself the balance of my time.

The subcommittee does do oversight of appropriations. There were 313 days of hearings, 161 volumes. We heard testimony from 3,000 witnesses. There are 39 reports. We spend an awful lot of time on oversight, and somehow earmarks have become the thing of the day. But I have to tell you I spend a lot of time on billions of dollars of overruns and cost allowances on administration projects such as Hanford and other things. We spend time on these. Each of these goes through a process at the end and they are looked at and they are done.

I understand the concern about the numbers of earmarks. We have cut ours back. But my committee is divided up into subcommittees and we are out doing oversight. We are trying to rectify some of the problems. I urge a "no" vote.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Southwest Gas Corporation GEDAC heat pump Development, NV.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

This earmark provides close to $2 million in Federal funding for a publicly traded natural gas corporation to do research and development on an air conditioning system that uses natural gas instead of electricity, a so-called GEDAC.

I am not disputing the potential benefits of GEDAC technology for consumers and natural gas companies. Homeowners are demanding year-round comfort in their homes, particularly in Arizona, wanting to stay cool on hot days and keep warm on cool days at an affordable cost.

GEDAC use in the Southwestern United States has the potential to save significant electrical power and reduce water usage. The gas industry has long sought to sell more natural gas for cooling during the summer months. However, I cannot see the role of the Federal Government in sponsoring corporate research and development that would seek to give one industry a leg up over another. How can we pick winners and losers?

The Southwest Gas Corporation boasts more than a million customers, many of whom are in my State. They want more customers, as they should. This earmark seeks to subsidize natural gas technology with Federal money at the expense of other industry sectors.

According to the most recent quarterly report, Southwest Gas Corporation reported more than $3 billion in assets and after-tax income of over $48 million for last year. Beyond that, the defense authorization that was recently reported out of committee includes more than $6 million for GEDAC demonstration projects.

Not only are the American taxpayers supposed to help develop the technology to expand the gas company's market share, but we are footing the bill for road testing it as well. We have to be careful, I believe, when we have earmarks for nonprofit corporations and others. I think we have to be doubly careful when we are actually funding a for-profit corporation and just handing them a check and saying do some research. How do we choose that company over another?

I happen to know the people at Southwest Gas. They are fine people and have a fine company, but why are we saying we are going to give them an earmark and not others?

Another problem here, the earmark we have chosen to highlight here is $2 million in Federal funding. This is in Nevada. We found out only after offering the amendment there is an additional earmark for this same company. It is on another page and it simply doesn't say Southwest Gas. I think it is for another $3 million. So there is some $4.8 million that is being spent to subsidize a private company. I would submit that is not our role.

We get in the business of doing this, spending the taxpayers' money this way, and also picking winners and losers in the economy. It is something that we should not be doing.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

I understand some of the gentleman's concerns and what he stated about what we are doing with the private sector, but I want to relate a little story about a similar earmark from a couple of years ago. I want to tell you how it worked out.

One of the sponsors of this project is not here because he is leaving the Congress and he has a dinner, so I am going to fill in for him and tell a little story about how this does work, and it is an analogy of what might be happening here, also.

Some years ago, one of the DOE people turned down a product. They did not want to pursue the technology. So we did an earmark to this company. I think we did it a couple of years. The people came to us and said we cannot get into DOE. We have great technology here. The company I think was 3M, a big company. They said we cannot get in the door. So we gave them a little earmark.

They pursued the technology and kept talking to DOE. The next thing we hear, we hear DOE saying, guess what, there is this great technology we have just discovered. They had to go through the process we are now talking about for DOE to now look at this process. So they got into it and they said, wow, this really helps on transmission lines in the western part of the United States. We do not have to restring all of these lines. I think it increases three or four times the price and capacity of the lines. This is something that would not have happened if we had not gotten into it.

The same way here, the heat pump is something we need further development of. The one thing I would say on this, it attracts corporate dollars. Also, they cannot hide this. They have to share this since it is public dollars. Anything that they develop has to be developed with their competitors, which is good for the economy and good for all of us because we would get it and somebody cannot hold us up for it.

I understand the gentleman's concern, but I think in this case, as in the one with 3M, hopefully this will work out to be good for the taxpayers of the country.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in strong opposition to the Flake amendment.

The project that he is targeting, the gas engine driven air conditioning heat pump development program, is a multiyear partnership between the Oak Ridge National Laboratories and private industry, including, but not exclusively, Southwest Gas in my State of Nevada, to develop a rooftop heating and cooling system for residential and small commercial buildings using natural gas.

Mr. FLAKE is misinformed. The funding goes to the Oak Ridge National Research Laboratory, not to Southwest Gas. Rather than relying on electricity generated at a power plant to run heating and air conditioning, this technology would use natural gas to produce heating and air conditioning directly, saving precious energy and water, which is particularly important in the drought-stricken Southwest.

This project, in its second year, is an example of what government, working with private industry to find new and more efficient ways to generate power, can do.

I would remind the gentleman from Arizona that our Nation is in an energy crisis. We need to be funding more projects like this, not fewer. The gentleman is obviously sincere in his desire to reduce Federal spending. I wish to echo the comments of many of my colleagues who have said that they would prefer the Congress make these types of funding decisions rather than leaving it to the bureaucrats in Washington.

I urge my colleagues to oppose this amendment.

□ 2030

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

We are told that the only decision is to either spend it ourselves or leave it to those amorphous bureaucrats in Washington. How about leaving it to the market? That is where things like this are developed. Why are we choosing one? And I would have to dispute the characterization of this money going to Oak Ridge Laboratory.

If this money went straight to Oak Ridge Laboratory, I believe it would say that in the earmark. All we have to go on is what we have here, and that is part of this process, why it is so bad. We have not had any hearings on this subject. There is no other documentation than the committee report; and the committee report, like I said, we only found out later that there were actually two earmarks because one of them did not say the company, but the company says to Southwest Gas.

Is the gentlewoman saying that the money is not going to Southwest Gas, that none of the earmarked funds go directly to Southwest Gas?

Ms. BERKLEY. If the gentleman would yield, it is the gentlewoman's understanding that the funds you are trying to remove from this very worthy project, which is in its second year, goes to Oak Ridge.

Mr. FLAKE. Mr. Chairman, I would say to the gentlewoman that all we have to go on is the language in the committee report.

Ms. BERKLEY. Well, I didn't write that language.

Mr. FLAKE. That is part of what is wrong with this process. We have no oversight. The Federal agencies don't know what is going on. We heard this story about an earmark that worked. We always hear those when we are doing these earmarks. We never hear about the massive failures that go on as well or the massive waste that goes on.

We have no idea how, if that money had not been spent by us, by Congress or the bureaucrats, how, if companies would have been able to keep more of their tax dollars, they might have done something even better or even faster. We just don't hear that.

So it is simply a false argument to say that the font of all knowledge is here in Congress, and we can outguess the market. We can do better than that simply by saying I know my district, and I am going to put that money there. That is a good company. I like them.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield myself the balance of my time.

I wish I got as much interest from the gentleman and other people on the massive overrun on Hanford, which is $6 billion, and I don't hear a peep out of anybody. I go around, and I scream about it. It is $6 billion. I heard all kinds of people are against a couple hundred million cut we did en masse. I need help in keeping that.

Those are the kinds of oversights we need, also. I have not had a massive number of people coming to me telling me of all the failures of the earmarks that he is talking about. I do get some good positives, and if we find out one that is bad we will go after them. We try to monitor them. There are project officers.

I oppose the amendment.

Mr. KOLBE. Mr. Chairman, I rise today in opposition to the Flake amendment regarding the GEDAC Packaged Gas Engine-Driven Heat Pump Development. I appreciate the attention that my fellow Arizonan has brought to the issue of so-called "earmarks." I share his passion for limited, responsible government. We have seen instances in which inappropriate or even corrupt projects have been funded in appropriation, authorization and tax bills and we must ensure that all of the bills we pass—appropriations bills, authorization bills and tax bills—fund only projects that can stand up to scrutiny.

However, the GEDAC Heat Pump project is a project that deserves our support and will help us to find solutions to our country's energy and water needs. Specifically, this project will allow for the continued development of natural gas-based heat pump technology that saving both energy and water resources. When completed, this will be the first small packaged system available in the United States. The technology is broadly applicable throughout the country, and it provides a number of benefits, including greater energy efficiency and water savings. The technology will not only save energy but will save water, which is important to Arizona. If successful, it could displace central station power generation which uses approximately a gallon of water per kilowatt generated. It is in line with the President's efforts to address climate change by developing technologies that having significantly reduced greenhouse gas emissions. It also is in line with the President's efforts to utilize domestic energy resources.

None of the money in this particular project goes to private industry. Every dime of it goes to the Department of Energy's Oak Ridge National Laboratory (ORNL). ORNL has a sophisticated facility for testing that private industry cannot afford to replicate every time it has a new idea.

Mr. Chairman, I understand the gentleman's concern that we fund only those projects that can withstand serious scrutiny. But this project stands up to scrutiny and deserves our support. I urge a no vote on the Flake amendment.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Center for End-of-Life Electronics, WV.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will each control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

When I first saw this earmark, this is for Center for End-of-Life Electronics in West Virginia, I thought that it might have something to do with improving treatment technology for terminally ill patients. It is not.

This earmark is about the end of life for electronics, that is, computers, televisions, cell phones, et cetera. This earmark intends to help a single organization that is in the business of recovering the components of electric devices that can be recycled or that could be environmentally hazardous.

My amendment would simply prevent funding for this purpose. As with many of the earmarks I pointed out recently, there is simply no explanation or justification in the bill or the committee report. My staff, trying to find out where this earmark came from or what it is to do, had to finally look at a press release that mentions other funding secured for this organization. So I assume it is for the same purpose. We simply do not know.

Again, no hearings, no authorization, no method of oversight here. Evidently, the program has received $3 million in the past. Now it needs another $600.000.

I would ask the gentleman from Ohio, Mr. HOBSON, what oversight has been exercised over this program up until this point, if he knows. Public institutions and private groups in Davisville, West Virginia, have partnered and established A Center for End-of-Life Electronics to seek solutions for electronic waste.

What Federal role does this particular center fill? How should we explain this one to the taxpayers of Missouri or Connecticut or Arizona or any other State outside of West Virginia? I welcome the justification for a Federal function in this case. But then I ask, why are we picking winners and losers throughout the earmarking process?

Again, we are choosing one organization. If this recycling operation and others like it or any organization or business wants to exceed and excel. we should let them compete freely in the marketplace. Let's keep Congress out of it.

I am sure there are many other electronics recycling operations throughout the country, but we are favoring just one of them with this earmark. I don't think that the Congress ought to be making calls like this. I am certainly not capable.

I know my district pretty well, but I don't think and I wouldn't presume to say that a center in my district is the best in the world in end-of-life electronics. That is simply a call that we shouldn't be making. Rather than seeking to salvage electronic components, Congress should be intent on salvaging the process by which we spend tax dollars.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman. I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the chairman's yielding.

First of all, I would express my opposition to the amendment being offered by the gentleman from Arizona. We have an authorized activity and the subcommittee has earmarked this project.

I have a philosophical difference with the approach that the Member has taken, as a Member of the House of Representatives, because we are a coequal branch of the United States Government, and the last time I looked at the budget of this country was in excess of some trillions of dollars.

The gentleman mentioned catastrophic failures. I would mention that the administration spent a great deal of money in their budget request on about 10,000 trailers in response to a great natural crisis. Those trailers are sitting out in the middle of Arkansas.

The chairman of the committee talked about Hanford. That was not an earmark, but it was requested by the administration. If this committee and all of the members of this committee did not continue as we do every day to exercise oversight and deliberate activity and judgment, they would still be spending more of the taxpayers' hard-earned moneys than is necessary.

There is under construction in the State of California, and I don't mean to single them out, but the gentleman mentioned catastrophic failures, the National Ignition Facility that some years ago was on time and under budget. It was an administration request.

We are not defunct of all wisdom. The administration is not. There is a balance to be struck; and in a budget in excess of some trillions of dollars I do believe this subcommittee, under this chairman and the Members on it, have made wise and reasoned and specific decisions.

I am adamantly opposed to the amendment offered by the gentleman.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a little upset that there is no oversight, because we have tried to do more oversight than I think has been done in a number of years.

Let me tell you how these things work in DOE.

Each project is assigned a project manager who is responsible to work it out in a contract and the scope of the project and results. I am informed that this particular account also must have matching funds for a project to be awarded or to be made. So there is some oversight for the people who are putting the money into it, too.

These projects must be executed according to accounting standards, as in all DOE government awards. These projects are well-known by their sponsors. If we hear of a problem or one of the DOE people comes back to us who is in charge of the project and says this is out of whack, it is not being done right, then we try to take corrective action, too.

The assertion that there is no oversight is not correct. In the past, I think there was less oversight than there is today. But I think we have attempted to justify that. We have reorganized our committee in such a way that we are doing more oversight. We will continue to do so.

I think the gentleman may have encouraged us to do some more oversight as a result of some of these things, and hopefully that will prove out to be good. I would urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Let's get back to this specific earmark. I would like to know, like I said, all we know is what we gleaned from the press release, because there is no other information available at all. But the press release indicated that there was just the latest traunch of funding that had already gone to this project.

Would the ranking minority member happen to know if any oversight has been conducted on funds that have already been provided to this project?

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I would be happy to respond with a question of my own, because the gentleman is very fixated on the lack of oversight on the subcommittee, which I take umbrage at.

But I would also suggest that in an earlier remark you made on the floor that almost 70 percent of the spending of the Federal Government today, and I share the gentleman's concern making sure we have fiscal responsibility.

Mr. FLAKE. Mr. Chairman, reclaiming my time, I take it I am not going to get an answer to this. All we know is from a press release, and we know that this is simply the latest traunch in other funding that has been provided.

What I hear, and I guess the author is not here of the amendment or, I am sorry, the author of the earmark, the sponsor of the earmark, that no oversight has been conducted.

Do we feel comfortable going ahead and appropriating more when no oversight has been conducted at all on what has already been expended?

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Would the gentleman answer a question?

Mr. FLAKE. Yes.

Mr. VISCLOSKY. Are you concerned about earmarks that take place in other mandatory legislation and the fact whether or not there is specific oversight on an annual basis or, say, tax provisions in this country?

Mr. FLAKE. I am very concerned about the lack of oversight on an annual basis for, say, tax provisions in this country.

Mr. VISCLOSKY. That is where 77 percent of the spending has taken place.

Mr. FLAKE. Ninety-six percent of the earmarks that we passed last year were in conference reports that were just spending construction to the agencies. The agencies have very little knowledge that the funding is even there, yes.

The problem is, if you want little oversight on your earmark, if you want it to continue without scrutiny, it pays to be vague about your earmark, vague about its goals, vague about any benchmarks that there might be. Because as soon as you spell it out and leave a paper trail, you are subject to an amendment. If you don't, it might be ruled out of order.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Missouri Forest Foundation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 2045

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is $750,000 for the Missouri Forest Foundation. This foundation has been funded for at least 3 years, and is funded through the Energy Efficiency and Renewable Energy Program earmark section of the bill. The section of the bill includes more than $50 million in congressionally directed research earmarks. According to CRS, earmarks in the appropriations for the Renewable Energy program have tripled in the past 3 years.

According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals. Let me say that again: According to the Office of the President and the American Association for the Advancement of Science, this level of earmarking hampers the program from being able to achieve its research goals.

It was these kinds of earmarks in the fiscal year 2006 appropriations that the National Renewable Energy Laboratory said caused a $28 million shortfall and forced them to lay off 32 positions. While these positions were ultimately restored, this shows the downside of earmarks and how they can wreak havoc on the administrative agencies.

The Missouri Forest Foundation, an education and research foundation of the forest industry, supports the research and implementation of a program that would utilize wood biomass to produce energy. The task force mission is to develop a program where wood products from Missouri are fully utilized, solving forest health problems and current energy issues.

Bioenergy ranks second to hydropower in renewable U.S. primary energy production and accounts for 3 percent of the primary energy production in the United States. While I support a diverse energy sector, I cannot see the benefit of earmarking a program to the point of ineffectiveness.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume just to make one point: In this bill this year, there can be no complaint that we are impeding upon the imperial Presidency's funding levels, because somehow if the President's people fund it, it makes it okay. I don't agree with that. We put headroom in the bill this year that they cannot make that claim anymore.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Missouri (Mrs. EMERSON).

The Acting CHAIRMAN. Without objection, the gentlewoman from Missouri will control 4 minutes.

There was no objection.

Mrs. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, allow me to stand up for this provision in which my friend Mr. HOBSON and our subcommittee and staff have worked so hard to assemble.

We talk big about energy independence, Mr. Chairman, but here we are discussing Mr. FLAKE's amendment today because some of us talk the talk but we don't walk the walk. The Missouri Forest Foundation would get $750,000 from a $30 billion budget to help solve the crisis of our time, American reliance on foreign oil.

I believe that most of our colleagues would agree that this investment would pay off by finding a viable source of cellulosic ethanol in wood waste from mostly unmanageable parts of our forests.

As a source of green energy, cellulosic ethanol is limited only by our ability to harvest small trees from overgrown, unmanaged forests and generate cellulosic ethanol on a profitable scale. This project would remove many of those barriers to our energy market, and in the meantime, we will add value to our forests, 14 million acres of them in Missouri alone, and will create another value-added product to help our rural economist.

We talk a lot and we have been talking a lot lately in this body about the future of alternative fuels. This project is how we also walk the walk, and I believe it is unconscionable to turn our backs on any project to put something besides oil in the tanks of American cars and trucks, especially when it is one that is as promising as this.

Yet there is also, Mr. Chairman, a larger issue at work here: Who do you trust with these tax dollars? Some Members put their trust in the Office of Management and Budget to choose what is best for their districts, and some Members, well, they choose to put their trust in their districts back home. I trust my district, and I trust the men and women behind this project. Together we worked on this proposal. It was my idea, and we brought it to the Congress.

So now, at this point, Congress can say yes or no. But as others have said before me, I am standing up for my district, and I say it is worthwhile and we should invest in it.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before yielding 1 minute to the gentleman from Texas, let me just say that we are again faced with a false choice here. The notion is, should we spend it, or should the administration spend it? Perhaps it shouldn't be spent at all.

I would submit, if we are spending $700,000 or so for the end-of-life electronics project in West Virginia, we are spending too much money, the government is as a whole, whether it is us or whether it is the administration.

So the choice isn't, should we spend it or should they? Maybe we should just have a smaller budget.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

I will be the first to admit that I know little or nothing about this particular earmark, but here is what I do know: We need to step back and focus on the larger picture of where we are as a nation. In just a handful of years, the national debt has gone from $5.5 trillion to $8 trillion. Now, some will tell us it is because the American people are undertaxed. We happen to be awash in tax revenues. They were up 14 percent last year.

I think the problem that we have is we have a spending problem. We look at the long-term trends in Social Security, Medicare and Medicaid, we simply cannot keep with the pace in spending. We have 10,000 Federal programs spread across 600 agencies. How much government is enough?

This may be a great earmark. I don't know. It could be the greatest earmark known to mankind. But when do we finally say, enough is enough? It reminds me of what President Reagan once said, "the closest thing to eternal life on Earth is a Federal program," and every earmark can give birth to a Federal program.

We are spending $22,000 per American family. When do we stop?

Mr. Chairman, I think the challenge we have is, if we say yes to everybody's project today, we end up saying no to our children's future tomorrow. So when we are a nation that has this type of debt, when we have the recent announcement that Social Security is going to go broke a year earlier than thought, Medicare 2 years earlier, when do we stop and say, enough is enough? When do we say no to somebody's project today so we can say yes to our children tomorrow?

Mrs. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, again, I thank the gentleman from Texas for his comments. It couldn't be more true. At what point, where do we say, let's stop? We have grown earmarks in the past decade 872 percent. When is it enough? Do we earmark every account in the Federal Government? Do we look at those agencies and say, we know better than you do?

What about the maintenance accounts that they have? What about other things that they come back to us the next year and say, you shorted us? You earmarked this account. Now we still have to maintain this runway or this tower or perform this maintenance, and then we have to up the funding again.

I will say again, my colleague in the Senate described earmarks as "the gateway drug to spending addiction." Once we start with earmarks, we just can't stop spending in other areas.

I would submit that if you look at the Federal budget growth over the past several years, a lot of it is due to earmarks, simply because you get earmarks and they leverage higher spending everywhere else.

You look at how few votes there are against these appropriation bills in the end when you know more people are opposed to much more in the provisions. It is because they have earmarks, and they have to support it.

The Acting CHAIRMAN. The gentleman's time has expired.

The gentlewoman from Missouri has 2½ minutes remaining.

Mrs. EMERSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentlewoman for yielding.

Again, we are here debating these things and whether some of these things ought to be funded at all. There are programs that are not requested in the President's budget which some of us feel are appropriate. Some of them would be things like money to reimburse States for criminal costs associated with illegal immigration. The President hasn't requested that in his budget, but many of us feel it is appropriate that it ought to be put in there. I believe even the gentleman from Arizona believes that that is an appropriate thing.

Now, of course, if we would put that in there, that would be an earmark, because it would be Congress directing the spending rather than the administration making that request.

Earlier the gentleman mentioned the NREL laboratory and the fact that they had to lay off something like 32 people. What wasn't said is that this committee gave them unlimited reprogramming authority, that if that was going to happen, they could have reprogrammed the money. But they didn't do that. They chose not to use it. They chose to lay the people off. And then, magically, when the President was going to come out there for a press conference, guess what? They found the money to rehire those individuals. At the same time, the Secretary goes to, I believe it was Australia, and announces a new program down there without any funding authority whatsoever.

So to suggest that things done by the administration are appropriate but things done by Congress are inappropriate and, as the gentleman and I have talked many times, the fact is you are not going to reduce spending by eliminating these things. You are going to do it by getting a budget resolution which is lower so that that money isn't available.

But I guarantee you if you cut out this money, or any of these other earmarked projects, the money is going to be spent on something else. That is the reality, and that is what we have to address.

Mrs. EMERSON. Mr. Chairman, I yield one-half minute to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentlewoman yielding. I certainly associate myself with her remarks and am opposed to the amendment.

I would respond to an earlier remark made by the gentleman from Texas when he complained about the deficits. There are two sides to balancing the budget. There is the expenditure side, and I do think the debate taking place here is very healthy. I would hope that the gentleman would also have the same debate initiated as far as the 70 percent of the spending taking place. And that is mandatory spending. And those tax provisions, once they are a precedent to the Tax Code, inure to the benefit, the last time I look, of people that pay taxes, which are not units of the government, but private citizens and private corporations.

Mrs. EMERSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think everybody in Congress understands our need to get away from the addiction we have to oil, and anything we can do to develop alternative sources of energy is critical to our national and our economic security.

I want to say, too, the appropriations process is local control at its highest level, and we have to keep this authority within the Congress and not abdicate our responsibility to represent our own districts.

I urge a "no" vote on the Flake amendment.

The Acting CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act may be used for Juniata Ultra Low Emission Locomotive Demonstration, PA.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this will be my final amendment, at the risk of hearing cheers from the gentleman from Idaho.

Mr. Chairman, this is $1 million for the Juniata locomotive shop. I believe that it goes to a locomotive shop owned by Norfolk Southern. I can't know for sure, because there is no description of the earmark anywhere in the bill.

Let me read a quote from Norfolk Southern Chairman David Goode in 2005: "Thinking back to the beginning of my rail career in the late 1960s and early 1970s, rail systems were failing badly. There were strongly held beliefs that we were headed for a failed and nationalized system. In that context, you began to realize the strength of an industry that rebuilt itself, albeit with a lot of government policy help, although essentially no government money."

But now it seems that we are giving them money as well.

Again, here is a situation where we know so little about this earmark, and this seems to be the only forum where we can find out about it. When we come and debate it on the floor, we might get a little window into the process and see what this is about: Has this been authorized? What is the process of oversight? That is what we are here for.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise today in strong opposition to my colleague's amendment, which seeks to eliminate an important research and development program that would take place in the Juniata locomotive shop, which is in Altoona, Pennsylvania. Yes, that is my district. I am proud to stand up and take claim for this earmark.

□ 2100

But I am also proud to stand up and say this has been authorized. This has gone through the authorization program, and it has gone through the appropriations committees.

In the 2005 Energy Bill that we passed, the Diesel Emission Reduction Act of 2005, we are pushing, we are prodding, we are forcing our companies in this country to reduce emissions. And when we are encouraging and when we are prodding and forcing people to do that, companies to do that, I think that we have an obligation to assist in getting those things developed and doing the public and private assistance that comes together to reduce emissions, especially in our aging diesel fleet in the rail industry.

In 2006, the rail industry will embark on a new program to produce cleaner locomotives that utilize conventional truck engines to charge large stacks of batteries that power locomotives. In this account also there is a 50/50 match on this legislation. But what this earmark does, it is a 90/10. Norfolk Southern is providing 90 percent of the funding to do this important research and develop this initiative, and the taxpayers are putting in 10 percent.

This new hybrid locomotive will reduce harmful emissions, increase fuel efficiency and take locomotive research and development in a new direction.

The freight rail industry consumed over 4 billion gallons of diesel fuel in 2005 and freight rail traffic has grown at unprecedented levels in the past 3 years. Finding new technologies to save fuel in the movement of freight will benefit everybody.

Additionally, it is important to note that any technology gains from this project and research development will be open to the public. So this a 10 percent investment by the public, and everybody will benefit. General Electric will benefit. The other rail companies will benefit by this research and development.

Further, Mr. Chairman, this is about more than just reducing energy use. It is about improving our environment.

I prefer working cooperatively with the private sector to reduce harmful emissions of nitrous oxide, hydrocarbons, and particulate matter. This program seeks to accomplish this as well.

Last year, America's freight rail industry spent nearly $1 billion on new locomotive purchases. This money helped buy newer, more fuel efficient equipment.

While the newer locomotives are 40 percent more fuel efficient than just a decade ago, we need to take the next step in moving emissions reductions to extremely low levels, something we cannot accomplish with conventional locomotive engines.

This program will encourage industry to work on a prototype hybrid ultra-low emissions locomotive that will reduce nitrous oxide emissions by 80 to 90 percent, which is the primary component of smog, reduce diesel fuel consumption by 40 percent and lower particulate matter by 80 percent.

In a time when increasing fuel efficiency and reducing dependence on foreign sources of energy are vital to ensuring our Nation's energy independence, we should be encouraging public-private partnerships that seek to further these goals.

We need to build on our Nation's advantages, one of which is the best freight rail system in the world, which helps us compete globally. By making this mode even more fuel efficient, it will be reducing costs of transportation to our Nation's consumers and making the air we breath even cleaner.

Mr. Chairman, I would encourage my colleague from Arizona to withdraw the amendment, but, if not, I hope my colleagues will support me and vote down this amendment. This initiative, if enacted, it will, by 2008, will have hybrid locomotives as well as hybrid cars moving us into the future.

Mr. HOBSON. Mr. Chairman, might I ask how much time is remaining?

The Acting CHAIRMAN (Mr. MCHUGH). The gentleman from Ohio (Mr. HOBSON) has 1 minute remaining.

Mr. HOBSON. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just make the point that why would we assist only the locomotive sector? What about construction vehicles, highway vehicles? Again, we are picking and choosing, just based on our decisions. We are not the font of all knowledge.

And if we decide that we are just going to direct every bit of spending and that we are not going to have oversight because we have directed it and therefore we need no oversight, and all we have in terms of oversight is this 5 minutes that we have really never exercised before to question an earmark when it comes to the House floor, Mr. Chairman, I would submit that we have a broken process here. It is simply wrong. We cannot be doing this.

Again, let me just simply say, when do we concede that we are out of control? It was 5,000. We are up to over 10,000 earmarks a year. When it is too much?

In 1987, President Reagan vetoed the highway bill because there were 152 earmarks. The last highway bill we passed last year had over 6,000. Other bills have had similar increases in earmarks. And yet we say it is not enough.

If we know our own districts and we know how to direct spending, then why not direct it all? Why not earmark every account?

Again, we have demonstrated again and again, some of the authors of these amendments have not even shown up to defend them. We do not even know if there is any oversight for previous earmarks or for the ones that are here now. Yet we just blindly just say, all right, if a Member wants it, let's approve it.

I would simply submit that we have got to stop that. We have got to stop that. We are out of control. We have a fiscal train wreck coming up when it comes to entitlement spending and discretionary spending.

And this notion again that cutting those earmarks is not going to save money because it will simply be spent by the government agency is simply not true. All the committee had to do was the 302 allocations, and then they can simply say let's designate that for war funding. We know we are going to spend that money. You can reallocate before you report the bill out of committee.

So this notion that, okay, we are here, we might as well spend it or the administration will, that is simply a false choice. We are here as legislators. Again, as I said yesterday, we are not potted plants. I think taxpayers expect us to make hard choices, and we are not making them.

We are basically saying, if you can justify a project in your district, if you think it is a good idea, then we ought to fund it, by golly, and there ought to be very little oversight, because you know what is best for your district.

That is not the best way to go. We are not the font of all knowledge. We cannot outguess the market. We try and try and we will come up with an example of where this earmark led to this discovery or that, and we ignore that when we take money from the taxpayers and spend it on a teapot museum or on the Punxsutawney Weather Museum in Pennsylvania or on the Rock and Roll Hall of Fame or on the Baseball Hall of Fame, then we are taking money we should not take from the taxpayers at all.

Mr. Chairman, I yield back the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Chairman, going to the Rock and Roll Hall of Fame, it is a beautiful place.

Mr. Chairman, I did not request this earmark; Mr. SHUSTER did. I think he has adequately defended it. I would rise, as the chairman of the Railroad Subcommittee, to tell the gentleman, in 2004, the EPA identified 495 counties across America, maybe some in your district, that are not in attainment.

The purpose of this program, as Mr. SHUSTER laid out, is to reduce emissions and increase fuel efficiency; And he went through what it is going to flock out of the air. I would tell the gentleman, because I listened carefully to his discussion of the previous appropriations bill and this one, this is authorized. We did it in the Energy Act, $200 million a year for the next 5 years, $49 million is provided for these programs in the President's budget this year.

I know the gentleman is busy. But if he ever has a free moment and you want to come to the Railroad Subcommittee, we did in fact conduct oversight hearings on programs like this, talking about the new technologies, talking about the public-private partnerships that are going to get us into the next century.

Mr. Chairman, I will tell the gentleman, because of programs like this we are now able to move a ton of cargo from New York to Boston on one gallon of diesel fuel; and thanks to Mr. SHUSTER's innovations and foresight in earmarking this program, we are going to do it without polluting the air.

So I hope the gentleman reconsiders this amendment. It is authorized, and we have had oversight.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. HOBSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, the reason I am standing here is to engage the chairman of the Energy and Water Development Appropriations Subcommittee in a colloquy.

First of all, I want to just take a second to commend Chairman HOBSON and the ranking member and the Appropriations Subcommittee staff for their outstanding work in the difficulty in bringing some of these measures before the floor, for their hard work.

Mr. Chairman, my Florida district includes the coastline along Flagler County, which has been dramatically devastated by recent hurricanes and damaging storms. The beach has steadily eroded; and sections of our historic and scenic national highway A1A have been washed away by the storms. Because some of the road has fallen into the Atlantic Ocean, the Florida Department of Transportation has installed a temporary seawall in those areas.

Initially, we had some problems in reaching a local consensus on the best way to restore the beach and secure this scenic and coastal highway. However, with hurricane season approaching, if this vital highway falls, our only emergency route in this area could be lost.

Earlier this month, I brought together our local leaders and decisionmakers to discuss the problem and identify solutions. A consensus has been reached that we must complete a feasibility study and cooperate with the Corps of Engineers so the critical restoration work can be expedited. State and local officials will also be working together with Federal officials to explore cost-effective alternative restoration technologies.

I would like to, finally, ask the chairman if he would continue to work with me on this very important project for my district and also in conference to provide the critical resources to protect and restore the coastal areas and devastated beaches in Flagler County, Florida.

Mr. HOBSON. I have seen the pictures that you have given me, and I certainly understand the problem there in Florida. We will try to work with you every way we can. Because I have seen it. It has fallen in, and it has got to be fixed.

Mr. MICA. Mr. Chairman, I thank the gentleman and the subcommittee.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, first, I would like to take this opportunity to praise Chairman HOBSON and the ranking member, Mr. VISCLOSKY, for putting together this well-balanced bill. I applaud the chairman for his efforts in bringing this measure to the floor.

I rise, though, to ask a question of you, Mr. Chairman, because I am concerned with the provision added to the bill during the committee markup. The bill as currently written provides $10 million for the Department of Energy's Clean Cities Program. This program is devoted to the advancement and usage of alternative fuels.

In my home State of New Hampshire, the Granite State Clean Cities Coalition has done wonderful things, including the construction of a biodiesel filling station for off-road vehicles, support for the development of 10 public on-road biodiesel fueling stations, and the creation of natural gas refueling stations for the University of New Hampshire's bus fleet.

At a time when gasoline is well above $3 a gallon, I believe now more than ever we need to support programs that promote the use of alternative fuels and vehicles. However, during the committee markup, a provision was added that would set aside $8 million of the Clean Cities $10 million for E–85 ethanol infrastructure.

While I fully support the development of new E–85 stations, however, the Clean Cities Program has always been fuel neutral, awarding funds through a competitive process based on the merit of each project. I fear that allocating 80 percent of the program's funds for only one type of alternative fuel alters the competitive intent of that program.

Mr. Chairman, I would respectfully ask to be able to work with you during the committee of conference to try and rectify this issue. I thank you for yielding.

Mr. HOBSON. We will work with you. But I want you to understand that this was part of an amendment we accepted because we do want to encourage more E–85 use, and we were getting some complaints that there was not enough money out there.

But I understand what it has done to this program. In conference we will try to work to see if we can get some more money on the program.

Mr. Chairman, may I ask how much time remains?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HOBSON. I would like to yield back on that and strike the last word if I might.

The Acting CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. HOBSON. Let me take just a moment to say that this has been a very spirited debate out here this evening.

But I think at the end of the day we have got a good bill. I would encourage support for the committee's positions.

Mr. Chairman, I think we have cut back the number of earmarks this year in an amount of over $200 million. We have stayed within our 302(b) amount, and we have tried to take on the administration where we think appropriate, because I do not think everything they do is correct.

□ 2115

On the other hand, I do not think everything we do is correct, and we try to take that on where we can.

Mr. VISCLOSKY. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the chairman yielding, and I appreciate your leadership on this bill.

This is a finely crafted piece of legislation and, again, I congratulate the Chair and all the members of the committee and the staff, and I would encourage the membership to strongly support this legislation. It has been a pleasure to work with the gentleman from Ohio.

Mr. HOBSON. Thank you. I appreciate working with you, too, sir.

Mr. Chairmàn, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PRICE of Georgia) having assumed the chair, Mr. MCHUGH, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

RESPECT FOR AMERICA'S FALLEN HEROES ACT

Mr. BUYER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5037) to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Respect for America's Fallen Heroes Act".

SEC. 2. PROHIBITION ON CERTAIN DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§2413. Prohibition on certain demonstrations at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

"(a) PROHIBITION.—No person may carry out—

"(1) a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

"(2) with respect to such a cemetery, a demonstration during the period beginning 60 minutes before and ending 60 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

"(A)(i) takes place within 150 feet of a road, pathway, or other route of ingress to or egress from such cemetery property; and

"(ii) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral, memorial service, or ceremony; or

"(B) is within 300 feet of such cemetery and impedes the access to or egress from such cemetery.

"(b) DEMONSTRATION.—For purposes of this section, the term 'demonstration' includes the following:

"(1) Any picketing or similar conduct.

"(2) Any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony.

"(3) The display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony.

"(4) The distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2413. Prohibition on certain demonstrations at cemeteries under control of National Cemetery Administration and at Arlington National Cemetery.".

(b) CONSTRUCTION.—Nothing in section 2413 of title 38, United States Code (as amended by subsection (a)), shall be construed as limiting the authority of the Secretary of Veterans Affairs, with respect to property under control of the National Cemetery Administration, or the Secretary of the Army, with respect to Arlington National Cemetery, to issue or enforce regulations that prohibit or restrict conduct that is not specifically covered by section 2413 of such title (as so added).

SEC. 3. PENALTY FOR VIOLATION OF PROHIBITION ON UNAPPROVED DEMONSTRATIONS AT CEMETERIES UNDER THE CONTROL OF THE NATIONAL CEMETERY ADMINISTRATION AND AT ARLINGTON NATIONAL CEMETERY.

(a) PENALTY.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery

"Whoever violates section 2413 of title 38 shall be fined under this title, imprisoned for not more than one year, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1387. Demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery.".

SEC. 4. SENSE OF CONGRESS ON STATE RESTRICTION OF DEMONSTRATIONS NEAR MILITARY FUNERALS.

It is the sense of Congress that each State should enact legislation to restrict demonstrations near any military funeral.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentleman from Texas (Mr. REYES) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise this evening in great anticipation that we will pass H.R. 5037, as amended, and send the Respect for America's Fallen Heroes Act to the President for his signature by Memorial Day.

Each family of the United States military now attends to their loved ones funeral with a wrenching worry that it will be met possibly with a protest or a demonstration. With the approach of our Nation's annual day of remembrance, it is altogether fitting that we approve this bill to protect the sanctity of our military funerals at our national cemeteries and Arlington National Cemetery.

H.R. 5037, as amended, reflects a compromise agreement with the Senate that would prohibit demonstrations taking place within 150 feet of a road, pathway or other routes of ingress or egress from the national cemeteries and Arlington National Cemetery 60 minutes before and 60 minutes after the military funeral.

On May 9 the House voted 408-3 to pass H.R. 5037, thus demonstrating overwhelming bipartisan support for protecting military funerals. This bill does not unconstitutionally draw distinctions on what demonstrations are and are not allowed based on the content of the speech. It would not interfere with the VA Secretary's existing ability to regulate on VA property other conduct that is not specifically referenced in this legislation.

Penalties associated with the violations of this legislation are fair and proportionate. A violation would be a class A misdemeanor under title 18 of the United States Code and result in fines of up to $100,000 and imprisonment of not more than one year or both. The penalty balances proportionality with the need for deterrence that has been demonstrated in outrageous disruptions that we as a Nation can no longer tolerate.

Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to first of all thank our chairman, Mr. BUYER, as well as Senator CRAIG and Senator AKAKA for their speedy work in finalizing this legislation before the Memorial Day recess. I would also like to thank my good friend and colleague, Mr. ROGERS, for co-sponsoring this legislation and being a really moving force behind this effort.

Mr. Speaker, as we gather to mourn our honored dead, passage of H.R. 5037, the Respect for America's Fallen Heroes Act, will send a clear message to those who have lost a loved one in service to our Nation that their right to grieve in peace will be respected.

Organized protests have disrupted the sanctity of funerals conducted throughout the United States for our military men and women killed while serving in our current military operations in Iraq and Afghanistan. Servicemembers who have made the ultimate sacrifice deserve to be buried with honor and dignity. The families of these courageous men and women deserve funerals that allow them to say goodbye to their loved ones and to mourn their loss in peace.

H.R. 5037 is narrowly tailored to protect military families at this sacred time from verbal attacks while also protecting our freedom of speech. Furthermore, provisions in this legislation are in line with judicial precedents specific to time, to place and manner of demonstrations.

The Senate amendments to this bill limit the area in which demonstrations are restricted to within 150 feet of methods of ingress and egress from cemetery property or within 300 feet of such cemetery in a manner that impedes the access to or egress from the cemetery. The Senate version of the bill is more narrowly drafted to ensure free speech is protected, but it still fulfills the original intent of the House passed bill.

In my congressional district of El Paso, Texas, our community has mourned the loss of 20 servicemembers who have given their lives while serving in our current missions in Iraq and Afghanistan. As a Vietnam combat veteran myself and member of the House Veterans' Affairs and House Armed Services Committees, I want to assure the families of our deceased servicemembers that this Congress will ensure our Nation's heroes are given the dignified burial that they deserve.

Mr. Speaker, next Monday, our Nation will come together to remember and to honor our servicemembers who have made the ultimate sacrifice while in service to our country.

I want to commend the House and the Senate leadership for moving this bipartisan legislation so quickly so that it can be signed into law before Memorial Day. I ask all of my colleagues to join us in honoring our fallen servicemembers by voting in favor of H.R. 5037.

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. Mr. Speaker, I yield 7 minutes to the gentleman from Michigan (Mr. ROGERS), a fellow comrade of mine, a former Army captain.

Mr. ROGERS of Michigan. Mr. Speaker, I want to thank my good friend and colleague, a former veteran and great servant to his country, Mr. REYES, for your help and your impetus and your leadership on this particular bill. We could not have done it without you and your leadership. Thank you, sir.

To Chairman BUYER, thank you very much for your time and counsel and your hard work and dedicating your staff to making this happen here this evening.

To Senators FRIST and CRAIG, thank you very, very much for your quick action, your good work, your wise counsel and actually improving the bill a tad bit as they send it back to this Chamber.

The majority leader and the Speaker deserve our thanks as well for understanding the importance of this. We do not do things fast around here, and I think our Founding Fathers thought this was a pretty good idea. But this is one that we came together on a bipartisan effort and realized this we must quickly rise up to stand with the families who are grieving with the loss of great American patriots.

I just want to tell quickly, Mr. Speaker, the story of why this happened and why we got here, at least one example of many examples.

I visited a young family down at Brook Army Medical Center in Texas. Three great American soldiers who were from Michigan, a National Guard unit, were attacked by an IED and were recovering from some very severe wounds. You go down and you get to meet their families, and they are bonding together to support their loved ones who are literally fighting for their lives every single day.

Unfortunately, of course, at that time, SGT Joshua Youmans succumbed to his wounds and died. Prior to that, just a week before, after he had come back, he got to hold in his hands for the first time his daughter before he passed away. His wife was the most courageous woman I have ever met during that whole time. So we gather up to go to the celebration of the life of SGT Joshua Youmans, a time to celebrate his service, his sacrifice, the family's grieving, a community's thanks and appreciation for service given to their country.

When you pull up, you see this pretty hateful stuff. On the outside of the church were protestors who were taunting and harassing the family, this young widow, her young daughter McKenzie, their family, trying to walk in and give some dignity and respect and celebration to a life of a great American who signed up on his own to defend this Nation because he believed and a family's celebration of their love for him and the joys that they experienced in his short time on this Earth.

What a contrast it was. When she got up to give the eulogy for her husband, protesters outside yelling hateful chants, harassing, saying, "Thank God for the death of SGT Joshua Youmans," flags wrapped around their feet as they paraded and shouted.

Through all of that, this very courageous woman who had just lost the love of her life gets up to eulogize her husband. One side of the church is packed with the National Guard unit, some of the toughest, greatest Americans you will ever have the privilege to meet. Without a dry eye in the house, she proceeded to tell of her love for her husband and how proud she was that she was an Army wife and how she could not wait to look in the eyes of her daughter and tell her about the great patriot, a great American, a great hero, her father, the one she would never get to know.

We knew that day that we must do better by those families. They deserve the right to bury their loved ones in peace and with dignity. This is really America's time to stand up and say to every member of the United States military, to every family who worries every single day, this is America's time to put their arms around those families and protect them and give them the right that they deserve to peacefully and with dignity pay their last respects to great American heroes.

I want to thank all of the folks who have worked so hard on this, even my staff member Andy Keiser, who dedicated an immense amount of time to make this happen. This happens shortly before Monday. What Monday is, is that day where we stand up and say, we remember and we are thankful for all the sacrifices for all of those who came before us to make this country great and have given their lives in defense of our Nation.

This bill is important for so many reasons. It protects the families here. It certainly protects the first amendment here as well. But it also sends a very clear signal to the men and women risking their lives today that we will not forsake you. We will stand by you. And we will give you your last rights, God forbid it should happen. And we will stand with the families of America who have lost so much and deserve our love, our respect and America's dignity.

Thank you all for participating in this. And again, I just want to thank you, Mr. REYES, for your hard work, your dedication and your passion for this issue and your passion for America's soldiers. Thanks for doing it.

Mr. BUYER. Mr. Speaker, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have had regrettably over 2,400 causalities; 2,400-plus stories like the one my colleague from Michigan just related; over 2,400 courageous stories of Americans that have paid the ultimate sacrifice so that people can have the right to freedom of speech.

It is very ironic that we have to pass this kind of legislation. But it is also very necessary so that communities around our great Nation can mourn their dead.

□ 2130

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BACA), who has been a true leader on veterans issues and especially from the Congressional Hispanic Caucus.

Mr. BACA. Mr. Speaker, I stand in support of H.R. 5037.

First of all, I want to thank the chairman, Mr. BUYER, for his support and his leadership and his vision in protecting and speaking on behalf of our veterans. I think it is important that we have someone who has served in the military who will stand up for a lot of our veterans. As you see in Congress today, we do not have a lot of individuals who have served in the military or are willing to stand up with it.

The other individual I would like to thank is SYLVESTRE REYES, because he truly has served as a veteran, has served in the committee and stands up for important legislation that talks about the Fallen Heroes Act. Right now, that is important for a lot of us.

I want to thank both of you for standing up and your leadership on behalf of all veterans of America, because we owe it to our veterans.

Many of our veterans who serve our country serve with honor and dignity. They believe in this country. They believe in standing up for the freedoms we enjoy today. A lot of them do not know what is going to happen to them, but they serve with honor and dignity because they believe in the freedoms that we enjoy today and the freedoms that we will enjoy tomorrow.

But if a fallen hero falls, we have the responsibility as Americans to make sure that we protect them and that they have the right to bury their families with honor and with dignity. As Americans, we have that responsibility because, ultimately, they give the sacrifice for us so that we can enjoy those freedoms, those freedoms that we take for granted every day of our life, whether to buy a home, go to school, go to college, enjoy the freedom of speech, enjoy whatever we need. We have the same responsibility to those individuals who have fallen.

To the parents and the relatives, to a wife or anyone else who is there, I think this bill is the right thing to do because we need to respect with honor and dignity those who are willing to sacrifice for us. Too often, we forget.

As we look at the flag right behind you, Mr. Speaker, it is a flag that we honor. It is a flag that many individuals have stood for. It is our veterans who have done that, and when they receive that flag, and many of them receive that flag, it should be done with honor and dignity, without any disruption of anyone picketing, and too often we forget that.

Mr. Speaker, I stand in support of this important legislation on behalf of all veterans who are willing to serve now and will serve us in the future. We owe it to them, and I appreciate what Mr. REYES has done and Mr. BUYER has done.

Mr. REYES. Mr. Speaker, I do not have any additional requests for time, and I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5037, as amended, is well-considered legislation that carefully follows the United States Supreme Court and the Federal Circuit Court of Appeals precedents.

We have worked also cooperatively with the White House on this bill, and I would like to specifically thank Alex Mistri for his hard work. I thank the chief sponsors of the bill, Mr. ROGERS of Michigan and SYLVESTRE REYES of Texas, my comrade in arms, and JOE BACA, a veteran, JEFF MILLER of Florida, as well as our colleagues in the United States Senate, namely, Senators GRAHAM and CHAMBLISS, Senator FRIST, Senator VITTER, JIM INHOFE, LARRY CRAIG, the ranking member DANIEL AKAKA, for working with all of us to ensure that families contending with this most painful of tragedies does not face the sights and sounds of hateful disruption.

I also want to take this moment to thank Chairman JAMES SENSENBRENNER and the ranking member, JOHN CONYERS, of the House Judiciary Committee and Chairman STEVE CHABOT and Ranking Member JERRY NADLER on the Subcommittee on the Constitution for their cooperation and assistance on the bill's drafting and the constitutional considerations.

I agree with the comment earlier of Mr. ROGERS of Michigan that the Founders created this bicameral legislature to make things very difficult and challenging. When you look back, the Committee on Veterans' Affairs, we conducted our hearing back on April 6. We brought this legislation, after careful consideration, to the floor on May 9. It was sent over to the Senate. They worked their magic. They improved the bill. We bring it back and adopt it; and, hopefully, the President signs this into law Memorial Day. That is good work. That is the bipartisan cooperation that we have, and it is necessary to move veterans legislation.

I also want to take this moment to thank the National Commander Jeff Brown of the Patriot Guard Riders. These are individuals that saw an injustice and said that we will not permit people to dance on sacred ground and we will not wait for the government to act. We will defend these families and set the standards of dignity in our country with regard to military funerals.

I thank them. They have over 33,000 riders on motorcycles. When one of our soldiers falls, they grab the guidon and the American flag and they take on a mission, and the mission is to protect these military families.

Well, it is also now our responsibility to help these Patriot Riders to set forth a law so that they will not interfere with our VA national cemeteries and Arlington National Cemetery. This is the right thing to do.

So I ask my colleagues to support this legislation to preserve the sanctity of our patriots' funerals at our national cemeteries and Arlington and to ensure that the only sound echoing over a grieving family are the bugler's notes, calling upon us to remember a life well-lived and a Nation well-served.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5037.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate amendment was concurred in.

A motion to reconsider was laid on the table.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 832 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5427.

□ 2137

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the State of the Union for the further consideration of the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, with Mr. McHUGH (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) had been postponed and the bill had been read through page 47, line 2.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. BISHOP of New York.

Amendment by Mr. HEFLEY of Colorado.

Amendment relating to Virginia by Mr. FLAKE of Arizona.

Amendment relating to Pennsylvania by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. BISHOP OF NEW YORK

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 258, answered "present" 1, not voting 9, as follows:

[Roll No. 202]

AYES—164

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Doggett
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Green, Al
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Kelly
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—258

Abercrombie
Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Lipinski
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Rush
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

McCarthy

NOT VOTING—9

Evans
Istook
Jones (NC)
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2202

Mr. CUELLAR and Mr. REYES changed their vote from "aye" to "no."

Messrs. BRADY of Pennsylvania, FARR, LoBIONDO, FERGUSON, SMITH of New Jersey, CRAMER, DELAHUNT and RAMSTAD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 338, not voting 7, as follows:

[Roll No. 203]

AYES—87

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell (CA)
Cannon
Chabot
Chocola
Coble
Cooper
Davis (TN)
Davis, Jo Ann

Deal (GA)
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Foley
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Graves
Green (WI)
Gutknecht
Harris
Hefley
Hensarling
Herger
Higgins
Hostettler
Inglis (SC)
Issa
Jenkins
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Mack
Manzullo
Marchant
Matheson
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Ramstad
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Taylor (MS)
Terry
Tiberi
Westmoreland
Wilson (SC)

NOES—338

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Buyer
Calvert
Camp (MI)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Evans
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2209

Mr. BURTON of Indiana changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment relating to Virginia offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 64, noes 359, not voting 9, as follows:

[Roll No. 204]

AYES—64

Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Bishop (UT)
Blackburn
Blumenauer
Bradley (NH)
Cannon
Chabot
Chocola
Coble
Cooper
Deal (GA)
Feeney
Flake
Foley
Fossella
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Harris
Hayworth
Hefley
Hensarling
Inglis (SC)
Istook
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
Kline
Lungren, Daniel E.
Matheson
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Otter
Paul
Pence
Petri
Pitts
Poe
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Sullivan
Tancredo
Terry
Tiberi
Westmoreland

NOES—359

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall

Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Evans
Ford
Gohmert
Kennedy (MN)
Kennedy (RI)
Linder
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 2216

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN (Mr. McHugh). The pending business is the demand for a recorded vote on the amendment relating to Pennsylvania offered by the gentleman from Arizona (Mr. Flake) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 46, noes 372, not voting 14, as follows:

[Roll No. 205]

AYES—46

Barrett (SC)
Bartlett (MD)
Bass
Bean
Beauprez
Blackburn
Blumenauer
Bradley (NH)
Chabot
Chocola
Coble
Cooper
Cubin
Feeney
Flake
Ford
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gibbons
Green (WI)
Gutknecht
Hayworth
Hefley
Hensarling
Inglis (SC)
Jindal
Jones (NC)
King (IA)
Kline
Lungren, Daniel E.
Matheson
Musgrave
Myrick
Neugebauer
Otter
Paul
Pence
Ramstad
Royce
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Stearns

NOES—372

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Chandler
Davis (FL)
Evans
Kennedy (MN)
Kennedy (RI)
Kirk
Knollenberg
Linder
McDermott
Sabo
Skelton
Snyder
Stark
Strickland

☐ 2222

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The Clerk will read the last two lines.

The Clerk read as follows:

This Act may be cited as the "Energy and Water Development Appropriations Act, 2007".

Mr. HOBSON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Price of Georgia) having assumed the chair, Mr. McHugh, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5427) making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 832, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 20, not voting 8, as follows:

[Roll No. 206]

YEAS—404

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—20

Ackerman
Barrett (SC)
Berkley
Cooper
Flake
Franks (AZ)
Gibbons
Green (WI)
Hefley
Israel
Jones (NC)
Kucinich
Matheson
Norwood
Petri
Porter
Sensenbrenner
Stearns
Tancredo
Wilson (SC)

NOT VOTING—8

Evans
Kennedy (MN)
Kennedy (RI)
Linder
Paul
Skelton
Snyder
Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 2240

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5427, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2007

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5427, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

WELCOMING THE HONORABLE EHUD OLMERT, PRIME MINISTER OF ISRAEL

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, it is our distinct honor to have had with us today Israeli Prime Minister Ehud Olmert, a valued friend and trusted ally in the war against Islamic extremism.

The Prime Minister's visit focused on three principal issues in the Middle East and around the world: The challenge posted by the Hamas-led Palestinian Authority; his plan to take steps to secure Israel if no peace-partner emerges from the Palestinian Authority; and the nuclear threat from Iran.

Our friend and ally in the Middle East, Israel, has elected a strong leader in Ehud Olmert, and it was clear today that he will have the strength and fortitude to carry forward his plan to have a safe and secure Israel. He gave a wonderful and strong speech.

Mr. Speaker, I am proud to be a supporter of Israel, proud to have had the opportunity to listen to the Prime Minister today, and I am pleased that the leadership of this House and this Congress decided to welcome such a valued friend to this distinguished body.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2245

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. McHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, today I rise to comment upon a very large issue on our national landscape, and that is illegal immigration. One of the underreported and often unreported issues is the ham-handed approach the government bureaucracy has when dealing with those that try to come to this country legally.

I have a constituent, Mete Adan, in my district, born in Turkey, who has spent the past 16 years, Mr. Speaker, trying to become a U.S. citizen the right way, the legal way.

He is a legal immigrant to this country. And my office has worked with him since September of 2005 helping him cut through the bureaucratic red tape and the outdated immigration process.

Due to the inefficiency of our current system, which, Mr. Speaker, I must say processes over 7 million immigration applications per year using paper printouts. While you have Amazon.com processing millions of orders a day and transacting money, our bureaucracy is processing 7 million applications each year using paper.

So Mete's case has been a 2½ year debacle within this bureaucracy, marked by mistakes, errors and blunders. Cases like this are happening all across our Nation. That is why we need a new system, a new technology, to deal with those that are trying to come here legally.

Mete said, "I am still waiting. And these guys are coming up from Mexico to get citizenship and do not deserve it: He said. They do not even speak English. Now, Mr. Speaker, this gentleman studied medicine in his own country and has come here in and worked legally. Legally. He has worked legally as a computer programer. This gentleman is very highly trained and a good potential citizen for our country.

And let me tell you, Mr. Speaker, the USCIS, the Citizenship and Immigration Services, are the ones that are mishandling this. It is also the same bureaucracy that the Senate wants to saddle with processing 10 to 20 million illegal aliens for a guest worker visa. It is simply not possible. They process as I said, 7 million applications each other using paper printouts. When they do use computers, it is Windows 95, technology that is over 10 years out of date.

So, Mr. Speaker, I ask that we have a reasonable immigration enforcement policy, and that we also fix this outdated dysfunctional bureaucracy, so that we can process those that are trying to come here legally. And beyond that, perhaps at some future date, not now though, at the some future date, look at a reasonable fashion to bringing people here in a more reasonable way.

So, Mr. Speaker, I want to commend my constituent, and hopefully a new American citizen, Mete Adan. I appreciate his diligence in trying to do this the legal and right way. He is a testament to all of those legal immigrants that want to come and participate in the American dream. It is a strong story that we should all be proud of, of someone who wants to be American and hungers for freedom and the values of our society.

He is someone we should welcome to the United States. We should not have an amnesty program. We should have not a guest worker program. We should not have any of the other steps that the Senate is talking about in these current days.

Mr. Speaker, we should have a reasonable proposal and a reasonable way for people to come here and immigrate and be a part of our society. But say no to amnesty, to have border security and to do it the right way, while encouraging those that are doing it the right way, like Mete Adan.

AMBASSADOR EVANS REPLACEMENT

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to claim Mr. MILLER's time.

The SPEAKER pro tempore. Without objection the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

There was no objection.

Mr. PALLONE. Mr. Speaker, I rise tonight because the White House has finally made an announcement of what many of us already knew, that Ambassador John Evans of Armenia is officially being replaced.

Ambassador Evans has given exemplary service to his country, and was a well-respected ambassador in a region of strategic importance to the United States. However, as it turns out, Evans was forced to vacate his post for publicly affirming the Armenian genocide.

Reports highly suggest that because Evans declared that "the Armenian genocide was the first genocide of the 20th Century," he is being unjustly penalized for speaking the truth.

However, by employing the proper term last year, the Ambassador was only building on previous statements by our leaders in Government, as well as the repeated declarations of numerous world-renowned scholars. Ambassador Evans did nothing more than succinctly repeat the conclusions enunciated by many before him.

Mr. Speaker, it is my fear that the Government of Turkey may have played a role in this unfortunate event. I strongly believe that they have expressed concern to the White House over Evans' remarks last year. In fact, immediately following his remarks, Evans issued a correction, all too seemingly at the behest of the administration.

And we must not allow a third party to interfere in U.S. diplomacy and refrain from declaring the truth in order to promote relations with Turkey. To this day, the Republic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place under its control in the name of Turkish nationalism.

Unfortunately some 90 years later, the U.S. State Department continues to support Turkey's denials despite all evidence to the contrary. It is simply unacceptable for this administration to penalize Evans for his comments.

What he did was courageous and should be viewed as such, not punished. Ambassador Evans simply articulated the same message as that of the administration. However the only difference was his assigning a word to define the actions taken against Armenians.

Ambassador Evans is in fact an expert on the subject. He has studied the history of Armenia and based on his substantial studies he was willing to go on the record and define the systematic extermination of 1½ million Armenian men, women and children as genocide.

Mr. Speaker, in early March I wrote a letter to the State Department because I was outraged to see that Ambassador Evans was withdrawn from Armenia. Based on news reports the State Department recalled the Ambassador as retaliation for his statements.

Over 2 months have passed since I expressed my disappointment and I have yet to receive a response from the State Department. I specifically asked Secretary Rice for an explanation as to why Ambassador Evans was removed from his post. Not only was my inquiry ignored, but other Member's inquiries have also gone unanswered.

Now the White House has made an official announcement, but still has not given an explanation. Mr. Speaker, I hope that the newly-appointed U.S. Ambassador to Armenia, Richard Hoagland, will not play the word games of the White House and comply with Turkey's campaign of genocide denial.

Mr. Speaker, the New York Times did an editorial on May 16 this year detailing the dangers to Turkey and to the world of that country's continued denial of the Armenian genocide. I just want to read the last paragraph of that insignificant editorial. It says, "the preponderance of serious scholarship outside Turkey accepts that more than a million Armenians perished between 1914 and 1915 in a regime-sponsored campaign. Turkey's continued refusal to countenance even a discussion of the issue stands as a major obstacle to restoring relations with neighboring Armenia and to claiming Turkey's rightful place in Europe and the west. It is time for the Turks to realize that the greater danger to them is denying history.''

GAS PRICES AND ENERGY INDEPENDENCE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Illinois.

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, as the Memorial Day Weekend approaches, with the unofficial kickoff of the summer driving season, I rise this evening to say a few words about the energy crisis in this country.

Specifically, I urge this Congress to take immediate action to crack down on price gouging of gasoline and develop alternative fuels to free Americans from the grip of foreign oil. Over the past several weeks and months, gas prices have skyrocketed across the country.

Middle class families who were already feeling economic pressure of the rising cost of health care and college expenses are getting squeezed tighter still due to the higher price of gasoline.

According to the AAA fuel gauge report, my North Carolina neighbors are paying nearly $3 a gallon for gas. I know I paid that much when I stopped and got gas on Monday and filled my car up. Now, as a former full-time small businessman for almost 20 years, I take no back seat to anyone in support of free enterprise market capitalism.

But the gasoline price gouging of American citizens must stop. Unfortunately, the administration has chosen to turn a blind eye to this urgent problem. Just yesterday, the head of the Federal Trade Commission argued against a new Federal law against price gouging by the oil companies and suggested that they be allowed to continue to reap the profits of American consumer's pain at the pump.

I am proud that my colleagues and I have introduced the Federal Response to Energy Emergency or FREE Act. I am pleased this House has passed this important legislation. I hope the administration will end its opposition and the Senate will put this into law shortly.

Over the long term, Mr. Speaker, Congress must exercise visionary leadership to pass policies that are innovative to secure America's energy independence.

Last month I hosted a summit on biofuels in my Congressional district to explore policy options to grow our way out of this energy dependence we have. This event featured local, State and national experts on energy, biofuel producers and State government officials.

We examined the current state of the biofuel development and explored how North Carolina as the third largest agricultural producing state can become a leader in biofuel production.

What we found is that we have the technology to make our own fuel from the products we grow in our fields today. For example, soybeans are the largest crop in my State of North Carolina, making up about 25 percent of the total acreage in our State.

We have the answers to our fuel crisis growing in our fields across America. In addition to the biofuels summit, I recently discussed this topic with the Second District Youth Advisory Committee, a group of young people. And let me tell you that these young people get it. They inherently understand that the U.S. reliance on imported fossil fuels is unsustainable and leaves us vulnerable to developments far from our borders and not under our control.

Mr. Speaker, as a Member of the House Agricultural Committee and cochair of the House Democratic Rural Working Group, I know firsthand that rural Americans feel this pain when they go to the pumps. But rural America will benefit from legislation my colleagues and I have introduced to encourage biofuel production and the usage of it in the United States.

Specifically this legislation will, one, increase production of American-made biofuels. Double the percentage of renewable fuels sold in America in 6 years, make sure that biodiesel and cellulosic sources are the key parts of that increase, and extends tax credits for ethanol and biodiesel through 2015, and increases tax benefits to small ethanol producers.

Mr. Speaker, in addition, the bill will expand the market for and the distribution of biofuels, invest in research and development to improve the use of renewable energy. And, finally, the bill will encourage local domestic ownership through Federal incentives to small ethanol and biofuel plants so that independent locally-owned facilities that produce biofuels can grow and thrive, improving our rural communities and creating jobs.

Mr. Speaker, I hope when Congress returns from the Memorial Day district work period that this House will pass this legislation to invest in America's energy independence.

I hope the administration will put the power of the Federal Government to work for the American people suffering at the gas pump, rather than the big oil CEOs enjoying record profits at their expense.

☐ 2300

FOSTERING OUR FUTURE ACT OF 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, this week I introduced the Fostering our Future Act of 2006, along with my colleague, the distinguished gentlewoman from Pennsylvania (Ms. HART).

This is a bill to help our Nation's foster youth by strengthening dependency courts and requiring accountability.

Foster care is a critical safety net for half a million abused and neglected American children. It is, however, a system in need of support and reform. 20 percent of all foster kids will be forced to wait over 5 years for a safe, permanent family. Even worse, almost 20,000 older youth age out of the system without the assistance of a permanent family every year.

Frequent foster home transfers create turbulence and insecurity that heighten the emotional, behavioral and educational challenges faced by these youth. The doubling of the foster care population since the early 1980s compounds this problem by creating enormous caseloads and taxing the capacity of foster homes.

The end result is that foster kids through no fault of their own are more likely to experience homelessness, unemployment and other life course problems despite their resilience and courage. Imagine what it is like to be 8 years old, neglected by your parents and then taken away from them. You are told that you must live with a family that is not your own. You would be confused by court proceedings that govern your future and frightened that you might be transferred to yet another home. You would certainly feel alienated from your peers who talk about mom and dad. Imagine what that must feel like.

These children deserve better. They should be guaranteed physical and emotional safety. They should have continuing relationships with caregivers and loved ones. They should have an informed voice in the legal decisions made about their lives. And they should enter adulthood prepared to live a happy, healthy and productive life. We have a responsibility to these children to meet these goals. Anything less is unacceptable.

Practitioners and policy experts have conducted thorough analyses and advanced proposals to overhaul the foster care system. The most prominent example, a comprehensive 2004 report by the bipartisan Pew Commission on Children in Foster Care identified several areas where the Federal Government could support these kids by strengthening the Nation's foster care systems.

The Pew Commission found that State dependency court systems were failing to sufficiently track cases and train personnel, because they do not receive Federal funds to do so. Interagency collaboration and performance measurement where they exist have been inconsistent both within and between States and tend to focus on bureaucratic needs rather than outcomes.

I was pleased earlier this year when under the leadership of the Ways and Means chairman of the subcommittee, Mr. HERGER, the committee passed legislation that included $100 million in new funding to improve our foster care system. These funds have been allocated to improve juvenile and family courts, help track and analyze caseloads, train judges and other court personnel and bolster collaboration between State courts and State child welfare agencies. While this is a critical first step, it is time we implement the rest of the court-related provisions recommended by the Pew Commission, and this legislation we introduced will do exactly that.

Our State foster care system struggled to retain qualified dependency attorneys who are often burdened by substantial debt. A recent survey found that one-third of practicing dependency attorneys graduated with over $75,000 in outstanding loans, and 44 percent of them currently owe more than $50,000. High turnover among dependency attorneys has led to a dearth of experienced lawyers who have a comprehensive understanding of the system and maintain valuable relationships with their young clients.

The Fostering Our Future Act that we are introducing responds to these shortcomings. It encourages Statewide interagency collaboration and data sharing. It ensures effective representation is available to children and families. It establishes a loan forgiveness program to attract and retain qualified child welfare attorneys. And most importantly, by focusing on child welfare outcomes, this legislation will keep the needs of children and families rather than the needs of bureaucracies front and center.

I commend the child welfare workers of America for the invaluable services they provide and for constantly struggling to get this issue the attention it deserves. Foster care plays a crucial role in the Nation's child welfare safety net, but it is in desperate need of change and support. I call on my colleagues to join us working for the day when all of our Nation's children are protected, nurtured and loved. And I invite you to join me in that quest by co-sponsoring the Fostering Our Future Act of 2006.

HONORING OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, this week as we begin to go into this weekend to celebrate Memorial Day, it is most fitting that we take a moment to say a word about our soldiers, those who have fallen, who have given their lives in battle for the protection of this country and the enhancement of freedom around the world. And so it is with great pleasure and honor that I start this recognition off recognizing the great courage and work of our soldiers.

From the Revolutionary War, as we recall, many soldiers who gave their lives to start the foundation of this country, many of those soldiers whose portraits hang in this great Capitol, several of those soldiers who walked with bloody feet through Valley Forge through the winter because we could not get them the proper boots to wear. But they went on and they fought against the odds and brought freedom and started this country; to the War of 1812; all the way through the Civil War, where brother fought against brother; the greatest contests in war that proved the metal of this country, up through the Spanish American War and World War I and World War II. From the halls of Montezuma, to the shores of Tripoli, our soldiers have been there for us. The Korean War and on down through the Vietnam War, maybe not popular, but the soldiers went where they were called and performed admirably; through Desert Storm and now in the sandy storms of Iraq.

Mr. Speaker, I was just in Iraq in January, and one of the most memorable experiences I had during that trip was I was able to meet with our soldiers. And there was one soldier that, as I was in Camp Victory in Baghdad, who grabbed me and was hugging me so hard. Tears were coming down his eyes, tears coming down mine. And he said some words to me I will never forget. He said, Congressman SCOTT, when I am hugging you, it is like I am hugging a piece of home.

I never will forget that. And 3 weeks ago, that soldier was killed. And so, oftentimes, we go about our business, and oftentimes, we take our freedoms for granted. But that is why we have Memorial Day, to say to those who have given their lives for this country, for our freedom domestic, thank you. Because there is no greater love than the one that would give his life for another. To all the men and women in uniform, to all who have served this country, we say thank you on this, the beginning of the celebration of Memorial Day.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for half the time until midnight as the designee of the minority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come before the House once again. I would like to thank the Democratic Leader for allowing the 30-Something Group to come to the floor, Ms. PELOSI and also our Democratic Whip, Mr. HOYER, and Mr. CLYBURN, who is our chair of the Democratic Caucus, and Mr. LARSON, who is the vice chair.

Mr. Speaker, we were here the night before, and as you know, we come to the floor talking about issues that we would like to see brought to the floor and also talk about how we on the Democratic side would like to work in a bipartisan way to make America stronger.

Last night we talked quite a bit about energy. We talked about the difference between what we would do if we were in the majority versus what the Republican majority has not done and the cost it has brought about to all Americans. And it is very, very unfortunate that this continues to happen, and there is very little leeway that has been given to the American people as it relates to gas prices. We talked about the fiscal irresponsibility of the Republican majority that we are willing to work to pay as we go as it relates to our budget. We talked about the fact that students that are now graduating, that will be walking across the stage, a very proud moment for many Americans across the country, watching their young people pick up their diplomas, knowing that as they go to college they will pay more for college because the Federal Government or the Republican majority has decided to cut student benefits and also make it harder, make more of a reality of debt for students who are going to college because we have cut back, and we have Democratic initiatives to roll back the Republicans tuition tax on students.

When we talk about tuition tax on students, it is a tax on the parents and on the grandparents and the family that is trying to help that individual get through college, that is making sure that we have a stronger and brighter America in the future.

Of course, Mr. Speaker, we always talk about solutions, and we back it up with fact and not fiction. So we are here tonight, half of the time split before midnight, to talk about these issues quickly.

Tonight, as always, we have Ms. WASSERMAN SCHULTZ from Florida. We have Mr. DELAHUNT, who is going to join us tonight. We look forward to a fruitful dialogue with an abbreviated time.

Ms. WASSERMAN SCHULTZ, do you care to share anything because I am going to talk about the fiscal irresponsibility and how the Republican majority has allowed foreign countries to have a piece of the American apple pie? We talked about that last night as it relates to the irresponsible spending that has taken place, unaffordable and in many, many areas and is putting America more in debt, not only in domestic debt but foreign debt, unprecedented to any other time in the history.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. I am glad you touched on that theme. It is a pleasure to be here once again for our 30-Something Working Group, where we try to talk about the issues from the perspective of our generation and also talk about the issues important to our generation. And for people in our generation and the point that we are at in our lives, what blows my mind and continues to baffle me since I arrived in the Congress last year was the crushing debt that we are buried under right now, and that is not reversing itself; that there are no efforts on the part of the Republican leadership to reverse course, to turn around and go in the other direction and return to the days when President Clinton was in office. We had a surplus, a budget surplus, when we had no deficit, when we had a much smaller debt in terms of our debt to foreign countries. Of course, we had debt to foreign nations but not nearly what we have today.

We have more debt combined under this President than the 42 other Presidents that we have had previously. And normally we have charts that we can highlight.

Mr. MEEK of Florida. We have had 224 years, Mr. Speaker, of leadership that has only has been able to borrow $1.01 trillion from foreign nations. The Republican majority along with the President has in 4 years, from 2001 to 2005, has been able to borrow $1.05 trillion in just 4 years. Ms. WASSERMAN SCHULTZ, since we do not have our chart, I just wanted to give those facts.

Ms. WASSERMAN SCHULTZ. Absolutely. The three things I just want to hit on that are on all in that same theme: Last week, we passed a budget led by the Republican leadership here that just continues down that same path of irresponsible priorities: $6 billion cut to Homeland Security over 5 years; $488 million in 2007 alone. Cut the Army National Guard by 17,000 troops. The National Guard, which, if we all recall, the President just talked about deploying to the border, to our Mexican-American border to assist States in border security. On top of that, we are also deploying them to Iraq and Afghanistan. How thin can we spread them? And then on top of that, we are cutting the number of troops we give them.

It cut funding for equipment for firefighters and police; $6 billion cut to veterans' services over 5 years. It tripled health care fees for veterans for TRICARE.

Let's fast forward to the tax reconciliation bill, which is the tax cuts that we made permanent under the Republican leadership's insistence. Let's talk about what that tax cut meant for real people. The tax bill that was signed this week by the President had Americans who made $20,000 a year, they get $2, $2 in their tax break. And when I stand at a town hall meeting and ask folks to raise their hands, Mr. MEEK, to let me know, who is it among you who have actually received money in your pocket from the tax breaks that President Bush and the Republican leadership have handed out over the last number of years, in a room full of several hundred people, maybe I get two or three hands. Maybe.

□ 2315

Now, if these tax cuts are targeted like Democrats would design to working families and to people who really needed that money and would actually put it back into the economy so that could revitalize the economy, like buying big ticket items like refrigerators and televisions and other things that would inject cash into the economy instead of investing it, which is what the wealthiest among us would do, then I could understand letting us make those tax cuts permanent all day long, but unfortunately, we do not have any of those tax cuts.

We have tax cuts that puts $2 back in the pockets of people who make $20,000, and Americans who make $40,000, they get a whopping $16, but Americans who make more than $1 million get a thousand times that. They get $42,000. They get to go out and buy a Hummer. They can buy a Hummer. That is how much money someone who makes $1 million gets back, a Hummer, a Mercedes, a Suburban, a gas guzzler, and you cannot buy one of those with $2.

Then let us add insult to injury, and last week there were comments made in this Chamber on this floor that people who make $40,000 a year do not pay taxes. I mean, come on. Do you know anyone that does not pay taxes that makes $40,000?

Mr. DELAHUNT. Of course not. I think we all know that is an inaccurate statement, but I think what is interesting or even more interesting——

Ms. WASSERMAN SCHULTZ. It is just out of touch. That is my point.

Mr. DELAHUNT. Is how are we affording these tax cuts? Who is paying? Where is the money coming from? You remember that movie about follow the money?

I think what is particularly disturbing is the reality that we are borrowing money to subsidize tax cuts that are skewed in favor, disproportionately, for 1 percent of the American people, and when you examine the record, and I understand we do not have any charts this evening, but when you examine the record, you discover that we are borrowing money from foreign countries to provide the funding for the tax cut, and that includes the People's Republic of China, mainland China.

Now, I know that there are many in this institution that are very concerned about the emergence of China as an aggressive competitor in terms of the global economy. Some would even suggest that China is a potential adversary, and yet, here we are, borrowing money from the People's Republic of China so that we can confer a disproportionate benefit on the top 1 percent of the American people.

If you give me just another moment, I think I have a chart here and I know that it is difficult to see, but let me hold it up and let me refer to it.

Public debt held by China quadruples under Bush. In the year 2000, American Treasury notes and bills in the possession of the Central Bank of China amounted to $62 billion. That figure today is in excess of $270 billion, four times more in the course of 5 years, four times.

Now, I think you would have to conclude that our relationship with China, both commercially, politically and in every aspect of that relationship, we are losing leverage.

Mr. RYAN of Ohio. Mr. Speaker, I think you make a great point and we have all these issues and China's rising and China's making investments and China's building their infrastructure and China's doing a lot of things that they have to do. Okay. That is their world and they can do what they have to do to be competitive, and you know what, God bless them.

Mr. DELAHUNT. Just a minute. They are holding Treasury notes, and the American taxpayer is sending money to China for the interest payments on those American negotiable instruments, on those Treasury bills. We are supporting education in China.

Mr. RYAN of Ohio. And I understand that, and my point is——

Mr. DELAHUNT. Not here in the United States but in China.

Mr. RYAN of Ohio. And I understand that and I think that that is true. China has their world. We are feeding them, we are feeding them, and we are not taking care of what we need to take care of here in the United States of America. We have only certain controls over what they do in China, and if they want to focus on manufacturing and this, that and the other, hey, that is their business, God bless them.

But when we are aiding them by paying interest on money that they loaned us, then we are contributing to the downfall of the middle class of the United States of America and, at the same time, not making the investments in what we need to invest in in the United States of America.

For example, the Democratic proposal, the Innovation Agenda for the Democrats is to make sure that we have research and development tax credits, making sure that we have broadband access for every single house in the United States of America in the next 5 years. We have a plan on becoming energy independent. There it is, becoming energy independent, getting off of the addiction to foreign oil. We need to stop and move in another direction.

We cannot control everything that China does, but we have all kinds of control of what we can do here in the United States of America, and if we do not start focusing on making America stronger, whether it is with innovation, energy independence, healthier citizens, more productive citizens, investment in education, these are the things that we need to do in the near future to help us compete in the long term against China, against India and against a lot of other countries like Ireland that want to compete against the United States of America.

Mr. MEEK of Florida. Mr. Speaker, very quickly, I believe we have until 34 after the hour. So let me just quickly, since you are talking about the debt and what this Republican Congress has done, we actually have a new chart here tonight.

As you know, Japan has bought $682.8 billion of our debt. China, we are just talking about China, Red China, $249.8 billion of our debt.

Mr. DELAHUNT. That China debt has to be updated because China is escalating.

Mr. MEEK of Florida. Okay, great. UK, $223.2 billion; the Caribbean, $115.3 billion; Taiwan, $71.3 billion; and you have OPEC Nations that are oil Nations, $67.8 billion; Germany, $65.7 billion of our debt; Korea, $66.5 billion of our debt; Canada, $53.8 billion of our debt.

But let me just give you this silhouette here. This is the United States of America. It does not belong to those countries, and guess what, the American people have not delivered it to the countries. The policy of the Republican majority has delivered that debt and that ownership of the American economic pie in a record-breaking way, Mr. Speaker, in the last 4 years, $1.05 trillion of foreign debt borrowed by this country and by this administration and by this Congress.

So it is very, very important, if we are going to have a paradigm shift, that we talk about those pay-as-we-go amendments. Time after time, if we say we are going to buy it, we are going to pay for it; we are going to find a way to pay for it. We just will not put it on the credit card.

Ms. WASSERMAN SCHULTZ. We are acknowledging, we are calling on the carpet the Republican leadership for plunging us into the most debt we have ever been in and piling it up in record time to boot.

We are borrowing and spiraling downward into tremendous debt to other nations, and then, on top of that, we are giving away our oil drilling rights that we are normally paid royalties for by the oil and gas industry. Last year, we passed two bills that basically give away those rights for free. We give them to the oil industry, and subsequently, several months later, they make more profits than any corporation in American history.

What would we do in the alternative? Finally, finally, there is leadership that is willing to step forward and adopt and propose an Innovation Agenda that would pledge to make us energy independent within 10 years. Our energizing American plan that was put together by the Democratic House working group that gets more specific than our Innovation Agenda. It talks about how we would increase production of American-made biofuels, using our cellulosic sources such as switch grass, producing ethanol through corn and possibly even through sugar cane, investing in research and development to improve the use of renewable energy. These are the commitments that Democrats would make.

So, Mr. Speaker, when people on the other side of the aisle throw out that Democrats do not have an agenda, well, here is a piece of it, Mr. RYAN just had a piece of it. There are three stacks of notebook, none of which are full of empty paper. Mr. Speaker, that outline our homeland security proposal, our domestic security proposals, our energy plan.

These are the things that we would address from day one when we are in charge of this Chamber. We would eliminate the corruption. We would make sure that this Chamber is run in a bipartisan way, as Leader PELOSI indicated just last week. We would adopt democracy once again in the United States House of Representatives which, quite honestly, is something I have not seen since the first day I got here, and it is really depressing.

Mr. RYAN of Ohio. The Republican agenda today is to say the Democrats do not have an agenda. That is their agenda. That is all they have got. They have got no plan on energy, no plan on health care, no plan on education, no plan on reducing college tuition costs. They have got no plan on immigration. They have got no plans.

Ms. WASSERMAN SCHULTZ. It is like I could just close my eyes, and listening to the Republicans, point fingers and call names at us, I could just close my eyes and it is like I am listening to my twin 7-year-olds fight with each other: Yes, they are; no, they don't; yes, they are; no, they don't. That is all they are——

Mr. DELAHUNT. I hate to interrupt. I thank my friend from Florida. They have a plan which is to increase the debt that the American people owe to foreigners.

You know, those numbers that we were talking about in terms of China, that $270 billion, let us just pick a number and try to help me calculate what the interest payments are to the Chinese Government every year, 4, 5 percent? Can we agree on 5 percent, because that is easy?

Well, what we are doing is we have a plan that is a consequence of their fiscal policy and their tax policy that sends in interest payments every year to China, $25 billion a year. Now, when you stop and think about the $25 billion that goes to China from the United States taxpayers every year, what could we do with that $25 billion?

Ms. WASSERMAN SCHULTZ indicated there was a plan by Democrats regarding energy, ethanol, the use of farm products, biomass. I bet we could fund that program. I bet we could do more with that $25 billion rather than send it to the Chinese, not to reduce principal but simply to pay the interest.

Ms. WASSERMAN SCHULTZ. We could do something crazy like collect the royalties from the oil industry and invest it on alternative energy sources like those. We could fund this plan backwards and forwards with the money we did not make them pay us.

□ 2330

That is what is so outrageous

Mr. RYAN of Ohio. This is a poorly run business right now. Our government right now is a poorly run business that wastes money. And in Iraq, they lost $9 billion that nobody knows where it is. Royalties on the oil companies that we are just not getting because they get a lot of campaign contributions. Subsidies to the health care industry. And $16 billion, as Ms. WASSERMAN SCHULTZ said, to the energy companies and the oil companies.

I mean, we are hemorrhaging here, and we are giving the millionaires $42,000, and we are giving the oil companies $16 billion. We don't have it to give you. I'd love to give it to you. It would be great if we could give everybody everything.

Ms. WASSERMAN SCHULTZ. But then we are cutting 17,000 troops out of the National Guard.

Mr. RYAN of Ohio. Bingo.

Mr. DELAHUNT. And in addition to China, Mr. Speaker, the OPEC countries, they hold debt, American debt, in excess of $75 billion. Now, 5 percent of $75 billion, you know, is probably $4 billion, something like that. Those are just interest payments, Mr. Speaker, that we are sending to the OPEC countries. I mean, this makes no sense at all. It erodes the strength, the economic strength and the position of the United States of America in the international community.

The President often talked several years ago about creating an ownership society. What he failed to tell us was that America was being sold piecemeal to the Chinese, to OPEC and to the Japanese. I mean, we no longer own our wealth. It is foreign governments, foreign nations that are our competitors and our potential adversaries, according to some, that are buying America's wealth.

Mr. MEEK of Florida. Ms. WASSERMAN SCHULTZ, do you want to close real quick?

Ms. WASSERMAN SCHULTZ. I want to close with an observation that what has been frustrating to me is that there is no outrage on that side. Everything we are laying out is factual. We are not making it up. So why does the Republican head only appear to go one way, up and down? Yes, sir, Mr. Speaker. I am happy to do whatever you say. Sure, Mr. President. No problem. It would be nice if they had some joints that made their heads go in this direction and their voices could be lifted up against what is going on here. But, sadly, that doesn't happen.

Mr. RYAN of Ohio. And giving subsidies is like giving a drug addict more drugs. Giving subsidies to the oil companies. www.housedemocrats.gov. We are getting old school here, with the legal pad.

Mr. DELAHUNT. Going back to my era, aren't you?

Mr. RYAN of Ohio. www.housedemocrats.gov/30something. www.housedemocrats.gov/30something.

IMMIGRATION

The SPEAKER pro tempore (Mr. MARCHANT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, I do appreciate the honor to address you tonight, and the subject matter I wish to take up, along with my colleague from California, will be the subject of illegal immigration. We are continually discussing this issue because it is a big issue. It is complicated. It is very, very detailed, and it has many, many ramifications for the short term, mid term and long term.

As we speak, at least today and likely tomorrow, there will be more debate over in the United States Senate about this very subject matter. And as we watch them make decisions over there, many of us in this Chamber and across the country get quite apprehensive as we review the decisions that are made there, which are recommendations to us here, because many times those decisions are made, I think, without considering and maybe even without access to the facts at hand.

As nearly as I can bring it up to date with the amendments that have been passed and the way the bill sets today, the cap that they have put on for a guest worker plan is 200,000 a year. That would be a flat number that would presumably increase, and it would go 200,000 each year.

There are a number of other categories there. As we know, we have visa categories all the way from A to V. And so with all these categories that we have, there are many different ways to legally come into the United States. So I would like to send a message out there to the people who have come into this country illegally or the people outside of America that are interested in coming to the United States to live and work and play. And that is that you can go to the Web page of the U.S. Consul, and on there, you can click your way through to find out how to come the United States legally.

That is the right way to do it. That is the way we welcome people here. That is the policy we have here in the United States of America, the country that has the most liberal immigration policy on the face of the earth. Any way you measure it, we have welcomed more people into this country legally. We have welcomed them here, and they have had the opportunity to pull themselves up by their bootstraps and contribute to this country. That is the right way to do things.

We have this debate going on in this country, and the debate, Mr. Speaker, is about illegal immigration and what to do with 10 or 12 or 20 or more million illegals in this country. There seems to be a lack of will in the United States Senate to enforce the law. In fact, it seems as though, if all the illegals in America lined up and said, I think I want to go home, a bunch of the folks in the United States Senate would say, please, don't comply with the law; we don't want that to happen.

Well, I will say that I want everyone to comply with the law in the United States. The law says, if you come into the United States illegally, the penalty you are facing is 6 months in jail and deportation. Those two penalties go along with that violation. If you make that violation and you are walking the streets of America today, that means you are here illegally. If you came into this country illegally and you are not lawfully present here and you don't have proof of how you might have come here in a lawful fashion, then you are guilty of a criminal misdemeanor punishable by 6 months in jail and deportation. So many of the people that were marching in the streets claiming they were not criminals, yes, in fact, many of them were that day and are today criminals.

One of the issues we need to deal with are people who overstay their visas. At least 20 percent of the people that are here illegally come into the United States legally, as did the September 11th bombers. Some of them came here legally and then violated their visas and found themselves unlawfully present in the United States. That is part of it that we are not doing much enforcement of.

The balance of this, though, the vast majority, the mass quantity of humanity is pouring across our southern border at the rate of 11,000 a day, 77,000 a week, 4 million a year. That is a huge haystack of humanity. Some of that humanity is pretty good humanity, though they have still broken our laws. And then there is some of that humanity is not very good humanity, and in that group is the criminal element and the drug dealers and the terrorists, the needles within that 4-million-person haystack of humanity that must be sorted out.

It is not possible to sort them out with a haystack of 4 million strong. We have to cut down on the flow of humanity coming across our border.

I went down to the border about a week and a half ago and spent 4 days on the ground. I have sat through hearings in the Immigration Subcommittee, and I have done that for 3½ years, sometimes two and three and even four different hearings a week. And in that period of time, you pick up a lot of information about the immigration subject matter.

In reality, I had one of the more pessimistic views of how much illegal immigration was coming across our southern border, how many illegal drugs were coming across our southern border, how bad it is down there and how much crime comes along with it. So I went down there and spent those 4 days on the border, and I am prepared to go back to the border very soon. But it made me more pessimistic. It opened up my eyes more on how bad it actually is down there on the border.

The crime that was there in front of my nose almost every time I turned around with the interdiction of about 180 pounds of marijuana on one afternoon, and later in the afternoon, I went to a port of entry. And there on the Mexican side of the border there, I don't know if it was a drug deal that went sour there, but there was an interdiction. They brought one of the Mexican nationals that had been stabbed in the liver, and they brought him across the border in a Mexican ambulance, and we air-lifted him out to Tucson and saved his life. You and me, as taxpayers, we paid for that, and we pay for that on a daily basis.

Down there, at just that one port of entry, they get four of those a quarter, generally gunshot victims and, not as often, a knifing. So about 16 a year just at one small port of entry, with only about 180 vehicles going through it a year, which gives you an idea of how bad it is at the rest of the border, Mr. Speaker.

So I am for sealing this border, and I am for shutting off the jobs magnet, and I am for eliminating the birthright to citizenship. But shutting off this border is not going to happen with the 11,000 people a day, 4 million a year pouring across that southern border.

So what I have done, Mr. Speaker, is I have designed a concrete wall to go down on the border. I would put it 60 feet on the north side of the actual borderline, so we could have a barrier fence right on the line, and then I would put the border fence, the border wall back about 60 feet, and we can top it with concertina wire, and I am going to demonstrate just exactly how I want to go about building that.

This cardboard box, Mr. Speaker, represents the desert in Arizona, New Mexico, Southern California or Texas. Some will argue that is not all desert down there, and it is not. But looking at this on the end, one can see that this is just a trench cut through the floor of the desert. Most of that is flat ground down there. Yes, there are rocks, and there is tough terrain in many of those places, but there are hundreds and hundreds of miles that lay out smooth and flat and without a lot of rocks in it and this ought to work pretty good.

We have a company that can build a machine, and that won't even be one of their biggest challenges, that can set in and drop in a trencher and slipform a concrete footing all in one operation. This is what I have designed.

This would represent that footing, and it would drop in the ground 5 feet deep. Here is a slot we would put precast panels in, and I will demonstrate that in a minute. But this concrete footing would be poured in right behind the trencher in a slipform fashion. And as you pull that in, an operation you might visualize like this, and as you establish this footing in place, it would sit here in the desert. The earth would go up to just about the top of this.

This would be about 12 inches thick, this portion of the footing here. You would have concrete in the ground at least 5 feet. It would look like this from the side, and then you would just simply go to work, picking off your truck that has delivered precast concrete panels. These panels would be 13 feet, 6 inches long. You would pick them up with a crane and drop them in something like this. You pick up the next one and drop it in something like that. And you just continue. Once the footing is poured, it doesn't take a lot of time and it doesn't take particularly a lot of skill to install the precast panels, Mr. Speaker. They look like that, and the last section like that.

Now, you can see what I have here is a concrete wall that is 12 feet high and it goes down underground a good 5 feet. It has 6-inch thick concrete panels on top. It will have a roll of concertina wire on top, at least one, maybe two. We can put really any kind of fixtures on top here that we like and affix them to this concrete. If we want to do infrared or a camera setup, if we want to do vibration and motion sensors along this wall, we can do all of that.

But I think, for the most part, once we get the wire on top, they aren't going to want to test this wall, Mr. Speaker. They are just going to look at that and say, well, now they have built a wall I can't get over very easily, so I am going to go try to find something else.

But we need to put this in place where we have the most human traffic as fast as we can. It needs to be something that will stand up to the weather, something that doesn't rust out, something that is cheaper than the steel. If you buy that new steel, the steel prices have gotten too high. This concrete is substantially cheaper than the steel. And the construction of it is fairly easy. If you can slipform a footing, as I have demonstrated, it is very easy to set up these concrete panels.

A little company like I used to own before I came to this Congress and my son operates today could set a mile of this in a day pretty easily. You could move along pretty well. And there wouldn't be just one crew out there along that desert, and you wouldn't do 2,000 miles all in the same operation, Mr. Speaker. But this is a simple demonstration of what can be done with a rational approach.

We are spending $8 billion on 2,000 miles. That is $4 million a mile. Now, if you pay me $4 million for a mile of that desert down there and say, guard that mile, Mr. KING, I would say, for $4 million, you would not get a cockroach across that border. We can put a barrier in place so that humanity doesn't get across the border, and that will stop the lion's share, at least 90 percent of the human traffic going across.

There are $60 billion worth of illegal drugs pouring across the border and much of it in the form of 50-pound backpacks that get tossed through the fence. They climb through and put the pack on their back and walk 20 miles through the desert to a pickup location.

□ 2345

You cannot stop that with a vehicle barrier or with a fence. You can only stop it with a wall.

Sure, they can dig under the fence, but we are going to be checking this and monitoring and patrolling it, and you will not have them tunneling underneath it in the desert where they have no place to hide the dirt pile. That will only happen in the urban areas where they can come up inside of a building and hide their dirt pile.

So this works very well for the vast stretches of the desert. Many of those areas they are not crossing very intensively at this point. They will. As we close this wall in, they will.

Somebody who knows something about the southern border and has been articulate in his response and firm in his stance, and this is a time for courage and conviction. This is a time to stand up for the Constitution, the rule of law and for the future of America and stand up for Americans who respect that rule of law.

Mr. Speaker, I yield to Mr. ROHRABACHER from California.

Mr. ROHRABACHER. I want to thank you for the leadership you have been providing here. There have only been a few of us speaking up on this issue over the years. You have been a voice for reason and a patriotic voice, and there is nothing wrong with patriotism and believing in the United States of America and wanting to protect our people.

You have demonstrated today that we can control the border. There are between 15 and 20 million illegal aliens in our country. This is a dramatic threat to the well-being and security of our people. The education, the health care, the criminal justice system that is there to protect us, all are in the process of breaking down. You can see it in the Southwest in particular, but if we do not correct the situation, it will quickly spread to the rest of the country, and many of our friends in other States can see it happening in their States.

The wages of working Americans have been bid down, and less fortunate Americans have been knocked right out of their meager jobs as a result of this massive influx of illegals into our country. It is hurting the American people.

Just as alarming is the potential threat of 15 to 20 million illegals residing in our country. What potential threat? Well, one out of four of the prisoners of California's prisons are illegal, illegal immigrants. They have been convicted for murder, rape, and armed robbery. They are members of gangs. They deal in drugs and violence. And they should not even be here in this country. Our jails are bursting at the seams, and the criminal justice system is breaking down in California.

But, since 9/11, we are supposed to have been more committed to protecting America against threats like this. If not, at least against threats like terrorists. But for the last 3 years since 9/11, millions of people have crossed our border because we do not have the precautions that the gentleman from Iowa (Mr. KING) has demonstrated we could have. Millions of people have crossed the border, and crossed the border from Canada, as well as come into our country with visas and have overstayed their visas.

How many people who have crossed the border illegally are al Qaeda terrorists? We do not even know. But we know that al Qaeda has pledged to take as long as it takes to come here and kill Americans by the thousands. Yet our government, this administration, yes, and the last administration before it, has done nothing to protect the United States of America from this obvious threat of having thousands, tens of thousands, hundreds of thousands, millions of people coming into our country, and we do not know who they are. If even 1 percent mean to do us harm, we are in great jeopardy.

Well, let us note that the people crossing the border, and with this many people crossing the border it does represent a monstrous threat. But it is not just crossing the border. That is about 20 percent of the illegals in our country are here why, because they have overstayed their visa.

I held a hearing in my subcommittee, the Oversight Investigation Subcommittee which I am the chairman of, and we found about 4 million illegals in this country out of the 20 million have come here with visas and overstayed their visas. That has to be dealt with.

Again, there has been nothing done to try to change the system to prevent people from crossing the border or to fix the visa system, both of which are elements of our society that need fixing and have been neglected. In many cases, we have an administration making decisions not to do things that will solve the problem.

Well, what we have here is, of course, people streaming into the country. Well, the border alone is not the issue. Weak borders do not cause them to flow here. There are weak borders into other countries, but people are not flowing into those countries.

The reason why we need this kind of protection is because our government is offering jobs and benefits to those illegals who can manage to get to our country. If on this side of the fence we tell people on that side of the fence if they can get across, we are going to provide them with jobs and a treasure house of benefits, this fence has got to be a lot stronger than anyone can imagine.

The real solution is this fence, coupled with a cutoff of the jobs and benefits that we give to illegals which attract them over these barriers. If we do not do that, it is not going to work. When the President says he is going to send so many thousand troops down to the border, I guess National Guard troops, whatever benefit that will have will be totally overwhelmed if the President continues a policy that will permit these people to have jobs and benefits here.

Why would they not come here for jobs and benefits when they are poor? Most of these people are good people, but we cannot afford to have millions upon millions of good people coming here, much less the threat of al Qaeda and the terrorists I just talked about.

One of the reasons why so many people are here today is also because, in 1986, our government granted amnesty to those 3 million people who were illegally in the country at that time. If we grant another amnesty, and amnesty is nothing more than legalizing the status of someone who is here illegally, if we do that, we will have another massive flood. It has resulted in 15 to 20 million illegals.

If we have another legalization of status, I don't care what kind of fence we build, what we are going to have is 40 million illegals here within a decade or two.

This problem, to be solved, has to get rid of the magnet, and that is the jobs and benefits that we give to people throughout the world. And any legalizing of status will make the situation worse.

What has happened, what we have had, of course, is American government turning a blind eye to those people coming across the border, a blind eye to people giving them jobs, and even a blind eye to the regulations that would keep them from draining the scarce resources we have in our country away from our own people to provide education, health care, food, and housing to illegals rather than that money going to our own people.

Our government is supposed to be watching out for our people, and the government officials have turned a blind eye to this, and now they act surprised that so many people have come here.

The American people now know that this is a threat to their well-being. The American people are aware that something has to happen. But why isn't something happening? Why is there so much confusion in Washington?

That is because powerful forces are at work in Washington to prevent our government, the people who make decisions, the people who work with Mr. KING and myself, the people who work in the executive branch, we have powerful interest groups at work here. Who are these groups? We have a business community that wants to bid down labor. They want cheap labor, and they are willing to basically destroy the essence of America in order to get cheap labor here.

Number two, there are people on the liberal left who want political pawns. They want millions of people here who are dependent on government programs so they can go right back to their Tammany Hall roots. This is their tradition of getting people dependent on government programs so they will give them power through the vote. They want political pawns, the liberal left; and the business community wants lower wages.

These are powerful interest groups that are at play right now and are preventing us from coming up to a solution to this horrible threat to America.

The U.S. Senate has passed a bill. Mr. KING just referred to it. But that bill is not an illegal immigration bill. It does not even strengthen the borders. That bill would make illegal immigration worse. Anyone suggesting that they are for the Senate bill are telling the American people that they want to make the illegal immigration worse. They want more foreigners to come here because they are willing to, what, continue giving all of the jobs and benefits to illegals.

They, in fact, have guaranteed in the Senate bill education benefits for illegals. They have in fact given them better work guarantees, that you cannot fire them without cause, as opposed to Americans who can be fired without cause.

The Senate bill is wrapped around one center core, and that core is a guest worker program. That guest worker program is nothing more or less than amnesty because it includes legalizing the status of illegals in our country. That Senate bill, number one, will give these benefits.

By the way, the Senate voted to make illegal immigrants eligible for Social Security. Wake up, America. Your United States Senate just voted to give illegal immigrants, make them eligible for Social Security. What kind of draw will that be? Hundreds of millions of desperate people with no pensions throughout the world will do anything to get over this fence if they are going to get a pension like we give our own people.

By the way, the Social Security system is not just a pension system. It is also a survivor's benefit system. Now who is going to game that? What can you expect? Someone comes here. They are part of the Social Security system, and even if they do go home and all of a sudden someone declares they are dead, or maybe they do die, and we get the note from the coroner that says Mr. So-and-so died. He was part of the Social Security system there. His survivors are his five children. Please start sending the Social Security checks to his five children until they are 18 years old.

If the Senate bill is passed and if those Senators who voted for it, we will be spending billions of dollars in sending checks overseas for survivor benefits for people who managed to get into the Social Security system. This is an outrage. The Senate bill needs to be defeated. We have the option, and I will leave it at that.

We do not need to have a guest worker program. We do not need to provide benefits. Our solution is easy: Build this fence so they cannot get through. Cut off the benefits. Make sure no illegal is entitled to government benefits and make it hard for them to get a job and they will go home.

Anyone who claims we have to have massive deportation, that is the only solution, massive deportation or amnesty, that is a disingenuous argument. No, we can reverse the trend and after a few years illegals will start going home because they have a tough time making it here.

Again, I thank Mr. KING for his leadership. We can come at this with a barrier. We can come at this by cutting off benefits, and we can save America.

Mr. KING of Iowa. I thank the gentleman from California (Mr. ROHRABACHER) for his remarks and his commitment to this cause.

I wanted to point out that this concertina wire or razor wire on top, we can put two or three or four rolls up here.

Then I point out that this wall does not speak about America. We know that America is a magnet for people all over the world. It speaks about the failure in Mexico. The failure in Mexico is what drives people here. They have a corrupt society and a failed economy. They need to clean up their act.

Vicente Fox needs to do his job down in Mexico, rather than coming to the United States and interfere with the domestic policy of the United States. That would be a violation of the law in Mexico, for someone from the United States to go down there and interfere with their domestic policy.

Their domestic policy needs improvement. They need to get the corruption out. They need investment. And one day, when they clean up Mexico, this wall will not have to be here any longer.

When they do that, we can tear down this wall. We won't need it. This is a wall that can be torn down as easily or more easily than it can be put up. The footing will be there if we have to put it back again.

Mr. Speaker, these are all solvable problems, but they are issues that must be resolved for the benefit of the people of the United States of America. Everyone's immigration policy should be designed to enhance the economic, cultural and the social well-being of the United States of America.

Mr. Speaker, that is what Mr. ROHRABACHER is for, that is what I am for, and that is what the House of Representatives is for.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, MAY 23, 2006, AT PAGE 9255

A portion of the following bill, H.R. 5384 was inadvertently omitted from the RECORD:

After Sec. 748, insert:

SEC. 749. (a) Section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)) is amended—

(1) in the first sentence, by striking "2006" and inserting "2007"; and

(2) in the second sentence, by striking "2007" and inserting "2008".

(b) The authority provided by section 1307(a)(6) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7957(a)(6)), as amended by subsection (a), shall terminate beginning with the 2008 crop of peanuts, and shall be considered to have terminated notwithstanding section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907).

After Sec. 750, insert:

SEC. 751. The Secretary of Health and Human Services may require the holder of an approved application for a drug under section 505 of the Federal Food, Drug, and Cosmetic Act to conduct one or more studies to confirm or refute an empirical or theoretical hypothesis of a significant safety issue with the drug (whether raised with respect to the product directly or with respect to the class of the product) that has been identified by the Secretary. If the holder fails to comply with such a requirement (including a requirement imposed before the date of the enactment of this Act as a condition of the approval of an application under such section), the Secretary may, after notice and an opportunity for a hearing, consider the drug to be misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act.

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, MAY 22, 2006, AT PAGE 9042

Mr. KUCINICH. I want to extend my condolences to the family of our colleague Mr. CANTOR and also thank Ms. ROS-LEHTINEN for her leadership and her commitment to attempting to create peace, as well as to speak directly to my dear friend, Mr. LANTOS.

I think it is fair to say Israel has no greater champion in the Congress, and the American people have no greater champion for human rights than Mr. LANTOS. His escape from the Holocaust is a story worthy of being taught in all of our schools.

I am here to ask: Is the past prologue? Is war and violence inevitable, or do we have the ability to create a new future where nonviolence, peace and reconciliation are possible through the work of our own hearts and hands?

I would not take issue with my friend Mr. LANTOS's informed experience, and I join him in defense of Israel's right to survive. Mr. LANTOS is my brother. The Israelis are our brothers and sisters. The Palestinians are our brothers and sisters. When our brothers and sisters are in conflict, when violence engulfs them, it is our responsibility to help our brothers and sisters end the violence, reconcile and fulfill the biblical injunction to turn hate to love, to beat swords into plowshares and spears into pruning hooks.

These are universal principles that speak to the triumph of hope over fear. We must call upon Hamas to renounce terror. We must call upon Hamas to disavow any intention for the destruction of Israel.

This ought to be a principle of negotiation with Hamas, not separation from the aspirations of the Palestinian people to survive.

I think we can speed the cause of peace by calling upon Israel to accept the Palestinians' right to self-determination and economic survival and humanitarian relief, for food, medical care, for jobs.

I ask, how can we arrive at a two-state solution if we attempt to destroy one people's government's ability to provide? A two-state solution, I believe, can be achieved with our mutual, thoughtful patience and support.

At a time when the U.N. is reporting a pending humanitarian disaster in the West Bank and Gaza, I believe this legislation would restrict U.S. assistance to the Palestinian people delivered through nongovernmental organizations. We know that, today, up to 80 percent of all Palestinians, particularly in parts of the Gaza Strip, live at or below the poverty line. Unemployment stands at 53 percent of the total workforce.

Just as I join my good friends on both sides of the aisle in speaking out against violence against Israel, I object in the strongest terms to any measure that will increase the humanitarian crisis of the Palestinian people. It is true that the recent Palestinian legislative elections have created a tense situation in the international community. It is a situation that demands thoughtful and deliberate action in pursuit of peace. Despite the best intentions of those who wrote this legislation, I do not believe this legislation will advance peace between the Palestinian and the Israeli people.

There are people in this Congress of goodwill and good intention who want to see both the Palestinian people and the Israeli people survive. Let us continue to work towards that end.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SKELTON (at the request of Ms. PELOSI) for today on account of attending the funeral of a friend.

Mr. KENNEDY of Minnesota (at the request of Mr. BOEHNER) for today on account of family business.

Mr. LINDER (at the request of Mr. BOEHNER) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SCOTT of Georgia, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Education and the Workforce.

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on May 23, 2006, she presented to the President of the United States, for his approval, the following bill.

H.R. 1499. To amend the Internal Revenue Code of 1986 to allow members of the Armed Forces serving in a combat zone to make contributions to their individual retirement plans even if the compensation on which such contribution is based is excluded from gross income.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute a.m.), the House adjourned until today, Thursday, May 25, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7622. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule—Safe and Disposal of National Forest System Timber; Timber Sale Contracts; Indices to Determine Market-Related Contract Term Additions (RIN: 0596-AC29) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7623. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule—Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority (RIN: 0596-AC09) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Acting Chairman, Federal Financial Institutions Examination Council, transmitting the 2005 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

7625. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Manufactured Home Construction and Safety Standards Technical Correction [Docket No. FR-4886-C-03] (RIN: 2502-AI12) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7626. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations—Requirement That Mutual Funds Report Suspicious Transactions (RIN: 1506-AA37) received May 2, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7627. A letter from the Assistant General Counsel for Regulations, Office of the General Counsel, Department of Education, transmitting the Department's final rule—Equal Access to Public School Facilities for the Boy Scouts of America and Other Designated Youth Groups (RIN: 1870-AA12) received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7628. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule—Parental Information and Resource Centers; Final Priorities and Eligibility Requirements—received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7629. A letter from the Assistant General Counsel for Regulatory Service, Department of Education, transmitting the Department's final rule—State Charter School Facilities Incentive Program—received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7630. A letter from the Assistant Secretary of Labor, Employee Benefits Security Administration, Department of Labor, transmitting the Department's final rule—Amendment to Prohibited Transaction Exemption 80-26 (PTE 80-26) for Certain Interest Free Loans to Employee Benefit Plans [Application Number D-11046] received April 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7631. A letter from the Secretary, Department of Transportation, transmitting the Department's request that Congress take prompt action to authorize the Department to reform fuel economy standards for passenger automobiles for the first time; to the Committee on Energy and Commerce.

7632. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

7633. A letter from the Secretary, Department of the Treasury, transmitting as required by Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003, pursuant to 50 U.S.C. 1641(c); to the Committee on International Relations.

7634. A letter from the Deputy Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Corrections and Clarifications to the Export Administration Regulations [Docket No. 060109005-6005-01] (RIN: 0694-AD67) received March 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7635. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Australia, Canada and Malaysia (Transmittal No. DDTC 013-06); to the Committee on International Relations.

7636. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed authorization for the export of significant military equipment (Transmittal No. DDTC 007-06); to the Committee on International Relations.

7637. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed authorization of the sale of significant military equipment to the Government of the United Kingdom (Transmittal No. DDTC 075-05); to the Committee on International Relations.

7638. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Republic of Korea (Transmittal No. DDTC 071-05); to the Committee on International Relations.

7639. A letter from the Acting Senior Procurement Executive, (OCAO), GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 2005-08; Introduction—received January 9, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7640. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's Strategic Plan for 2006 through 2011 and the Annual Performance Budget for 2006; to the Committee on Government Reform.

7641. A letter from the Chairman, National Endowment for the Arts, transmitting the Strategic Plan for FY 2006-2011, as required by the Government Perfomance and Results Act; to the Committee on Government Reform.

7642. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7643. A letter from the Deputy Director for Admin. & Info. Mgmt., Office of Government Ethics, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7644. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting Pursuant to Title II, Section 203, of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, the Corporation's Annual Report for FY 2005; to the Committee on Government Reform.

7645. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Bighorn Canyon National Recreation Area, Personal Watercraft Use (RIN: 1024-AC96) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7646. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Oil and Gas and Sulphur Operations in the Outer Continental Shelf (OCS)—Geological and Geophysical (G&G) Explorations of the OCS—Proprietary Terms and Data Disclosure (RIN: 1010-AC81) received March 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7647. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Fire Island National Seashore, Personal Watercraft Use (RIN: 1024-AC94) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7648. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Gulf Islands National Seashore, Personal Watercraft Use (RIN: 1024-AD21) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7649. A letter from the Deputy Assistant Secretary, Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting the Department's final rule—Pictured Rocks National Lakeshore, Personal Watercraft Use (RIN: 1024-AC93) received May 3, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7650. A letter from the Deputy Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule—Special Immigrant Visas for Fourth Preference Employment-Based Broadcasters [CIS No. 2106-00] (RIN: 1615-AA47) received April 25, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7651. A letter from the Director, Office of Management Programs, Department of Justice, transmitting the Department's final rule—Minimum Qualifications for Annuity Brokers in Connection With Structured Settlements Entered Into by the United States [Docket No. CIV 105; AG Order No. 2807-2006] (RIN: 1105-AA82) received March 31, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7652. A letter from the Senior Counsel, Office of Legal Policy, Department of Justice, transmitting the Department's final rule—Eligibility of Arriving Aliens in Removal Proceedings to Apply for Adjustment of Status and Jurisdiction to Adjudicate Applications for Adjustment of Status [EOIR Docket No. 152; AG Order No. 2819-2006] (RIN: 1125-AA55) received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7653. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's final rule—Nomenclature Changes Reflecting Creation of Department of Homeland Security—received March 28, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7654. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting the Department's report on analyzing potential vessel routing measures for reducing vessel (ship) strikes of North Atlantic Right Whales, pursuant to Public Law 108-293, section 626; to the Committee on Transportation and Infrastructure.

7655. A letter from the Secretary for Regulation Policy and Management, Department of Veterans Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice: Public Availability of Board Decisions (RIN: 2900-AM31) received April 6, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7656. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report on Sales of Drugs and Biologicals to Large Volume Purchasers" in accordance with Section 303(c)(2) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BISHOP of Utah: Committee on Rules. House Resolution 835. Resolution providing for consideration of the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes (Rept. 109-480). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 836. Resolution providing for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes (Rept. 109-481). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BLACKBURN (for herself, Mr. Simmons, Mrs. Miller of Michigan, Mr. McCotter, Mr. Pickering, Mr. Carter, Mr. Bishop of Georgia, Mr. Boustany, Mr. Souder, Mr. Foley, Mr. Mack, Mr. Hensarling, Mr. Wilson of South Carolina, Mr. Chocola, Mr. Rogers of Alabama, Ms. Harris, Mrs. Bono, Mrs. Musgrave, Mr. Wamp, Mr. Gingrey, Mr. Doolittle, Mr. Goode, Mr. Price of Georgia, Mr. Shays, Mr. Jones of North Carolina, Mr. Poe, and Mr. Issa):

H.R. 5464. A bill to improve information security for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CAPPS (for herself and Mr. Tom Davis of Virginia):

H.R. 5465. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare Program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. Forbes, Mr. Gilchrest, Mr. Moran of Virginia, Mr. Holden, Mr. Tom Davis of Virginia, Mr. Scott of Virginia, Mr. Castle, Mr. Cantor, Mr. Bartlett of Maryland, Mr. Goodlatte, Mr. Wolf, Mrs. Drake, Mr. Hoyer, and Mr. Boucher):

H.R. 5466. A bill to amend the National Trails System Act to designate the Captain John Smith Chesapeake National Historic Trail; to the Committee on Resources.

By Mrs. DRAKE:

H.R. 5467. A bill to amend title 38, United States Code, to establish criminal penalties for the unauthorized disclosure of records containing personal information about veterans; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA (for himself, Mr. Ferguson, Mr. Engel, Mr. Sweeney, Mrs. Bono, Mr. Sessions, and Mrs. Lowey):

H.R. 5468. A bill to require that bioterrorism-related grants provided by the Secretary of Health and Human Services to States and political subdivisions of States be distributed on the basis of a risk-based formula; to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILLMOR (for himself and Mrs. Myrick):

H.R. 5469. A bill to require corporate income reported to the Internal Revenue Service to be included in annual reports to the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. GOHMERT (for himself, Mr. Hensarling, Mr. Gutknecht, Mr. Chabot, Mr. Brady of Texas, Ms. Foxx, Mr. Culberson, Mr. Rohrabacher, Mr. Akin, Mr. Wamp, Mr. Garrett of New Jersey, Mr. Ryan of Wisconsin, Mr. Flake, Mr. Chocola, Mr. McHenry, Mr. Feeney, Mr. Price of Georgia, Mr. Weldon of Florida, Mr. Goode, Mr. Franks of Arizona, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Campbell of California, Mr. Hall, and Mr. Sessions):

H.R. 5470. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to eliminate automatic increases for inflation from CBO baseline projections for discretionary appropriations, and for other purposes; to the Committee on the Budget.

By Mr. McKEON:

H.R. 5471. A bill to provide to the Bureau of Land Management a mechanism to cancel certain mining leases for lands in the leases CA-20139 and CA-22901 and provide new leasing opportunities in the Soledad Canyon adjacent to the City of Santa Clarita, California, that reflect the historical mining levels, and for other purposes; to the Committee on Resources.

By Mrs. MYRICK (for herself, Ms. Baldwin, Mr. Norwood, Mr. Murphy, Mrs. Capps, Ms. Eshoo, Mr. Waxman, and Mr. Dingell):

H.R. 5472. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Energy and Commerce.

By Mr. PASCRELL:

H.R. 5473. A bill to repeal the increase in tax on unearned income of minor children enacted by the Tax Increase Prevention and Reconciliation Act of 2005; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. Gibbons, Ms. Berkley, Mr. LoBiondo, Mr. Weiner, Mr. Jackson of Illinois, Mr. Davis of Illinois, Mr. Cardoza, Mr. Ruppersberger, Mr. Clyburn, Mr. Capuano, Ms. Watson, Ms. Eddie Bernice Johnson of Texas, Ms. Linda T. Sánchez of California, Ms.

Corrine Brown of Florida, Mr. Conyers, Mr. Rangel, Mr. Hastings of Florida, Mr. Frank of Massachusetts, Mr. Hinchey, Mrs. Jones of Ohio, Mr. Clay, Mrs. Napolitano, Mr. Thompson of Mississippi, Mr. Serrano, Mr. Crowley, Mr. Engel, Mr. Taylor of Mississippi, Mr. Langevin, Mr. Emanuel, Mr. Melancon, Mr. Lewis of Georgia, Mr. Towns, Ms. Loretta Sanchez of California, Mr. Israel, Mr. Gonzalez, Mr. Berman, Mrs. Maloney, Mr. Thompson of California, Mr. Costello, Ms. Schakowsky, Mr. Ackerman, Mr. Wexler, and Ms. Jackson-Lee of Texas):

H.R. 5474. A bill to create a commission to study the proper response of the United States to the growth of Internet gambling; to the Committee on the Judiciary.

By Mr. ROGERS of Michigan (for himself, Mr. Miller of Florida, Ms. Ginny Brown-Waite of Florida, Mr. Souder, Mr. Wicker, and Mrs. Capito):

H.R. 5475. A bill to amend title XXVII of the Public Health Service Act to permit a health insurance issuer an alternative to guaranteed issue of health insurance coverage in the small group market in order to promote affordable access to portable health insurance coverage; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. Norwood, Mr. Westmoreland, Mrs. Cubin, and Mr. Otter):

H.R. 5476. A bill to withhold United States funding from the United Nations Human Rights Council; to the Committee on International Relations.

By Mr. KIRK (for himself and Mr. Lantos):

H. Con. Res. 415. Concurrent resolution condemning the repression of the Iranian Baha'i community and calling for the emancipation of Iranian Baha'is; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 416. Concurrent resolution honoring the members of the Armed Forces serving as health care professionals in Iraq and Afghanistan, and for other purposes; to the Committee on Armed Services.

By Mr. DUNCAN (for himself, Ms. Eddie Bernice Johnson of Texas, Mr. Young of Alaska, Mr. Oberstar, Mr. Petri, Mr. DeFazio, Mr. Mica, Mr. Costello, Mr. LaTourette, Ms. Norton, Mr. LoBiondo, Ms. Corrine Brown of Florida, Mr. Shuster, and Mr. Filner):

H. Res. 837. A resolution supporting the goals and ideals of National Public Works Week; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON (for himself and Mr. Andrews):

H. Res. 838. A resolution expressing the sense of the House of Representatives that the Secretary of State should not accept the credentials of any representative of the Government of Libya until the Government of Libya has fully met its financial commitments to the families of the victims of Pan Am Flight 103 and that the President should urge the Government of Libya to make a good faith effort to resolve other outstanding cases of United States victims of terrorism sponsored or supported by Libya; to the Committee on International Relations.

By Mr. GOODE (for himself, Mr. Jones of North Carolina, Mr. Paul, Mr. Bartlett of Maryland, Mr. Hostettler, Mr. Deal of Georgia, Mr. Sullivan, Mr. Garrett of New Jersey, Mr. Westmoreland, Mr. Gingrey, Mr. Tancredo, Mr. Rohrabacher, Mr. Price of Georgia, Mr. Feeney, Mr. King of Iowa, Mr. Akin, Mr. Doolittle, Mr. Barrett of South Carolina, Mr. Wamp, Mr. Weldon of Florida, Mrs. Musgrave, Mrs. Myrick, Mr. Culberson, Mr. Marchant, Mr. Sam Johnson of Texas, Mr. Pitts, Ms. Foxx, Mr. Burton of Indiana, Mr. Carter, and Mr. Keller):

H. Res. 839. A resolution expressing the sense of the House of Representatives that officers of the Department of Homeland Security should not undermine the efforts of citizen groups such as the Minuteman Project to preserve the integrity of the borders of the United States and protect the Nation from intrusion; to the Committee on Homeland Security.

By Mr. HINCHEY (for himself, Mrs. Jones of Ohio, Mrs. Maloney, Mr. Grijalva, Mr. Brown of Ohio, Mr. Rangel, Mr. Scott of Virginia, Ms. Carson, Mr. Snyder, Mr. Serrano, Mr. Jones of North Carolina, Mr. McGovern, and Ms. Kilpatrick of Michigan):

H. Res. 840. A resolution celebrating the remarkable life and accomplishments of Floyd Patterson; to the Committee on Government Reform.

By Mr. TANNER (for himself, Mr. Cardoza, Mr. Ford, Mr. Berry, Mr. Davis of Tennessee, Mr. Matheson, Mr. Taylor of Mississippi, Mr. Scott of Georgia, Mr. Boyd, Mr. Moore of Kansas, Mr. Holden, Ms. Loretta Sanchez of California, and Mr. Pomeroy):

H. Res. 841. A resolution amending the Rules of the House of Representatives to require committees to hold hearings upon the issuance of certain reports from an Inspector General or the Comptroller General the subject matter of which is within the jurisdiction of such committees; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

318. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 690 applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer; to the Committee on International Relations.

319. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Resolution No. 19 memorializing the Congress of the United States to enact H.R. 4761, the "Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings of 2006"; to the Committee on Resources.

320. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5030 urging the federal government to lift the moratorium on offshore drilling for oil and natural gas; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 215: Mr. Holden.
H.R. 558: Mr. Peterson of Minnesota.
H.R. 747: Ms. Carson.
H.R. 752: Mr. Stupak.
H.R. 898: Ms. McKinney.
H.R. 994: Ms. Watson, Mr. Gohmert, Mr. Meehan, Ms. Hart, and Mr. Rogers of Kentucky.
H.R. 997: Mr. Weller, Mr. Foley, Mr. Otter, and Mr. Carter.
H.R. 999: Mr. Udall of New Mexico.
H.R. 1175: Mr. Brown of Ohio.
H.R. 1249: Mr. Foley.
H.R. 1366: Mr. Peterson of Minnesota.
H.R. 1462: Mr. Peterson of Minnesota.
H.R. 1494: Mr. Hoekstra.
H.R. 1498: Mrs. Napolitano.
H.R. 1578: Mr. Culberson.
H.R. 1668: Ms. Eshoo.
H.R. 1671: Mr. Bishop of Georgia, Mr. Jindal, and Mr. Farr.
H.R. 1709: Mr. Ryan of Ohio.
H.R. 1807: Ms. Roybal-Allard.
H.R. 1951: Mr. Neugebauer.
H.R. 1998: Mrs. Northup.
H.R. 2037: Mrs. Myrick.
H.R. 2076: Mr. Peterson of Minnesota.
H.R. 2421: Mr. Weller.
H.R. 2456: Ms. McKinney.
H.R. 2631: Mr. Kanjorski and Mr. Fattah.
H.R. 2730: Mrs. Bono, Mrs. Kelly, Mrs. Tauscher, Mr. Crenshaw, Mrs. Northup, Ms. Corrine Brown of Florida, Mr. Cardin, Mr. Filner, Mr. Brown of South Carolina, Mr. Calvert, and Mrs. Myrick.
H.R. 2990: Mr. Blunt.
H.R. 3063: Mr. Ortiz and Mr. Bonner.
H.R. 3194: Ms. Loretta Sanchez of California and Mr. Lynch.
H.R. 3255: Mr. Camp of Michigan.
H.R. 3427: Mr. Dent and Ms. Velázquez.
H.R. 3431: Mr. Franks of Arizona.
H.R. 3479: Mr. Cleaver.
H.R. 3644: Ms. Schakowsky and Ms. McKinney.
H.R. 3762: Mr. Price of North Carolina.
H.R. 3852: Ms. Jackson-Lee of Texas.
H.R. 3875: Ms. Jackson-Lee of Texas, Mr. Porter, and Mr. Pallone.
H.R. 4188: Mr. Davis of Illinois and Mr. Jefferson.
H.R. 4222: Mr. Davis of Illinois.
H.R. 4264: Mr. Miller of North Carolina.
H.R. 4315: Mr. Baker.
H.R. 4357: Mr. Bishop of Georgia.
H.R. 4381: Mr. Baker.
H.R. 4435: Ms. Woolsey.
H.R. 4613: Mr. Sanders.
H.R. 4755: Mr. Price of North Carolina, Mr. Stupak, Mr. Emanuel, and Mr. Bishop of Utah.
H.R. 4761: Mr. Osborne and Mr. Terry.
H.R. 4809: Mr. Akin.
H.R. 4854: Mr. Green of Wisconsin.
H.R. 4857: Mr. Calvert.
H.R. 4894: Mr. Rogers of Michigan.
H.R. 4903: Mr. Stark.
H.R. 4904: Mr. Van Hollen and Mr. Gallegly.
H.R. 4932: Mr. Ryan of Ohio.
H.R. 4941: Mr. Bradley of New Hampshire.
H.R. 4960: Mr. Fitzpatrick of Pennsylvania.
H.R. 4964: Mr. Rohrabacher and Ms. Bean.
H.R. 4982: Mr. Fitzpatrick of Pennsylvania.
H.R. 4993: Mr. Reynolds.
H.R. 4994: Mr. Kanjorski.
H.R. 5013: Mr. Bass.

H.R. 5072: Mr. MARSHALL.

H.R. 5106: Mr. GORDON, Mr. HOLT, Mr. ETHERIDGE, and Mr. CUELLAR.

H.R. 5117: Mr. FITZPATRICK of Pennsylvania.

H.R. 5134: Mr. CASTLE, Mr. JENKINS, Mr. RUPPERSBERGER, and Mr. PRICE of North Carolina.

H.R. 5150: Ms. MATSUI, Mr. MCDERMOTT, Ms. WOOLSEY, and Mrs. CAPPS.

H.R. 5166: Mr. MELANCON, Mr. WOLF, Mr. OXLEY, and Mr. TAYLOR of Mississippi.

H.R. 5170: Mrs. BONO and Mr. GILLMOR.

H.R. 5182: Mr. BONNER, Mr. BOREN, Mr. SPRATT, Mr. BOUCHER, Mr. CHANDLER, Mr. SCOTT of Georgia, Mr. DEFAZIO, Mr. RUPPERSBERGER, Mr. HIGGINS, Mr. OXLEY, Mr. BERMAN, Ms. SCHAKOWSKY, Mr. ANDREWS, Mr. PASTOR, Ms. MCCOLLUM of Minnesota, Mr. GERLACH, Mr. BOEHLERT, Mr. GENE GREEN of Texas, Mr. WALDEN of Oregon, Mr. JINDAL, Mr. PORTER, Mr. STRICKLAND, Ms. SLAUGHTER, Mr. MCDERMOTT, and Mr. PRICE of North Carolina.

H.R. 5185: Mr. SCHIFF and Mr. BROWN of Ohio.

H.R. 5195: Mr. POE, Mr. SAXTON, Mr. FORBES, Mr. MORAN of Virginia, Mr. CANTOR, and Mr. SOUDER.

H.R. 5200: Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. RAHALL, and Mr. SOUDER.

H.R. 5201: Mr. PORTER, Mr. LOBIONDO, Mr. NEUGEBAUER, Mr. ABERCROMBIE, and Mr. DICKS.

H.R. 5206: Mr. BOOZMAN, Mr. BOEHLERT, and Miss MCMORRIS.

H.R. 5208: Mr. FORD, Ms. GINNY BROWN-WAITE of Florida, and Mr. WESTMORELAND.

H.R. 5212: Mr. FILNER.

H.R. 5236: Mr. SCOTT of Georgia and Mr. ABERCROMBIE.

H.R. 5238: Mr. PAYNE, Mrs. CAPPS, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. RANGEL.

H.R. 5247: Mr. LEACH, Mr. BERMAN, Mr. BURTON of Indiana, Mr. BROWN of Ohio, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. FOLEY, Mr. ENGEL, Mr. CROWLEY, Ms. WATSON, Mr. CHANDLER, Mr. DINGELL, Mr. ROTHMAN, Mr. NADLER, Mr. HIGGINS, and Mr. EMANUEL.

H.R. 5249: Mr. CARTER.

H.R. 5275: Mr. TOWNS and Mr. KILDEE.

H.R. 5278: Mr. BASS.

H.R. 5286: Mr. POMEROY.

H.R. 5315: Mr. LARSON of Connecticut, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. CASE, and Mr. TAYLOR of Mississippi.

H.R. 5319: Ms. BEAN.

H.R. 5333: Mr. PITTS.

H.R. 5345: Mr. MCINTYRE.

H.R. 5346: Ms. JACKSON-LEE of Texas and Mr. KUHL of New York.

H.R. 5356: Mr. GILCHREST and Mr. MCGOVERN.

H.R. 5357: Mr. GILCHREST and Mr. MCGOVERN.

H.R. 5358: Mr. GILCHREST, Mr. MCGOVERN, and Mr. AL GREEN of Texas.

H.R. 5371: Ms. SCHAKOWSKY.

H.R. 5382: Mr. MCGOVERN.

H.R. 5390: Mr. PAYNE, Mr. PLATTS, Ms. CARSON, Mrs. NAPOLITANO, and Ms. JACKSON-LEE of Texas.

H.R. 5399: Mr. MCHUGH.

H.R. 5405: Mr. BURGESS, Mr. LINDER, and Mr. KUHL of New York.

H.R. 5432: Mr. WHITFIELD, Mr. BRADY of Pennsylvania, Mr. BOUCHER, Mr. MURTHA, Mr. LEWIS of Kentucky, and Mr. DAVIS of Kentucky.

H.R. 5452: Mr. FOLEY.

H.R. 5454: Mr. CONYERS.

H.R. 5455: Mr. MICHAUD, Mr. BOSWELL, Mr. GORDON, Mr. STRICKLAND, Ms. HERSETH, Mr. CROWLEY, Ms. PELOSI, Mr. OBERSTAR, Mrs. MALONEY, Mr. BOYD, Mr. MCNULTY, Mr. EMANUEL, Mr. INSLEE, Mr. ORTIZ, Mrs. CAPPS, Mr. ROSS, Mr. GUTIERREZ, Ms. LEE, Mr. SANDERS, Ms. CORRINE BROWN of Florida, Mr. HOLT, Mr. KILDEE, Mrs. DAVIS of California, Mr. FARR, Mr. FORD, Mr. CASE, Mr. REYES, Mr. LARSON of Connecticut, Mr. NEAL of Massachusetts, Mr. HIGGINS, Mr. BARROW, Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, Mr. TANNER, Ms. MATSUI, Mr. HOLDEN, Mr. MARKEY, Mr. ABERCROMBIE, Ms. ESHOO, Mr. DOGGETT, Mr. UDALL of Colorado, Ms. CARSON, Ms. KAPTUR, Mr. DINGELL, Mr. GENE GREEN of Texas, Ms. BERKLEY, Mr. CONYERS, Mr. MCGOVERN, Mr. WEXLER, Mr. DOYLE, and Ms. DELAURO.

H.R. 5463: Ms. FOXX, Mr. BURTON of Indiana, Mr. CARTER, Mr. TANCREDO, Mr. FEENEY, Mr. HOSTETTLER, Mr. BONILLA, and Mr. GARRETT of New Jersey.

H. Con. Res. 338: Mrs. JO ANN DAVIS of Virginia, Mr. TANCREDO, and Mrs. MYRICK.

H. Con. Res. 343: Mr. REYNOLDS.

H. Con. Res. 380: Mr. CONYERS.

H. Con. Res. 396: Mr. PAYNE and Mr. AKIN.

H. Con. Res. 397: Mr. ENGEL, Mr. SCHIFF, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, and Ms. CARSON.

H. Con. Res. 401: Mr. NADLER, Mr. COSTA, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GENE GREEN of Texas, Mrs. MALONEY, Mr. MELANCON, Mr. MOORE of Kansas, Ms. VELÁZQUEZ, MR. STARK, Mr. FOLEY, Mrs. MCCARTHY, Mr. KIND, Mr. NEAL of Massachusetts, and Mr. GUTIERREZ.

H. Con. Res. 408: Mr. SOUDER, Mr. FRANKS of Arizona, Mr. WELDON of Pennsylvania, Mr. STEARNS, Mr. MCINTYRE, Mr. CHABOT, Mr. HIGGINS, Mrs. JO ANN DAVIS of Virginia, Mr. LANTOS, and Mr. BUYER.

H. Con. Res. 409: Mr. BURTON of Indiana, Mr. JEFFERSON, Mr. ROHRABACHER, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, Mr. MCCOTTER, Mr. WILSON of South Carolina, Mr. BLUMENAUER, Mr. ACKERMAN, Mr. CHABOT, Mr. SHERMAN, Mr. GALLEGLY, Mr. PITTS, Mr. SMITH of Washington, Ms. WATSON, Mr. CROWLEY, Mr. KIRK, Mr. WEXLER, Mr. ROYCE, Mr. BERMAN, Mr. MEEKS of New York, and Mr. SMITH of New Jersey.

H. Con. Res. 412: Mr. STEARNS, Mr. WAXMAN, Mr. CARDIN, and Mr. BERMAN.

H. Con. Res. 413: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ORTIZ, Mr. DOGGETT, Ms. JACKSON-LEE of Texas, Mr. EDWARDS, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. CULBERSON, Mr. REYES, Mr. CARTER, Mr. THORNBERRY, Ms. GRANGER, Mr. NEUGEBAUER, Mr. HENSARLING, Mr. CONAWAY, and Mr. MARCHANT.

H. Res. 490: Ms. MCKINNEY and Mrs. MYRICK.

H. Res. 526: Mr. SHERWOOD.

H. Res. 608: Mr. PENCE.

H. Res. 688: Mr. DINGELL, Mr. PETERSON of Minnesota, and Mr. SANDERS.

H. Res. 784: Mr. WEXLER.

H. Res. 792: Ms. CORRINE BROWN of Florida, Mr. LEACH, Mr. WILSON of South Carolina, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, Mrs. JO ANN DAVIS of Virginia, Ms. MOORE of Wisconsin, Mrs. JONES of Ohio, and Ms. CARSON.

H. Res. 794: Mr. BOOZMAN, Mr. STEARNS, Mr. GRIJALVA, and Mr. DOGGETT.

H. Res. 804: Mr. RENZI, Mr. MURPHY, Mr. NUNES, Mr. RYAN of Wisconsin, Mr. CHOCOLA, Mr. BRADY of Texas, Mr. CAMP of Michigan, Mr. SAM JOHNSON of Texas, Mr. LANTOS, Mr. FOLEY, Mr. FALEOMAVAEGA, Mr. LEACH, Mrs. JO ANN DAVIS of Virginia, Mr. MCCAUL of Texas, Mr. PENCE, Mr. SHERWOOD, Mr. MACK, Mr. GREEN of Wisconsin, Mr. TANCREDO, Mr. WELLER, Mr. SMITH of New Jersey, Mr. KING of New York, and Mr. PITTS.

H. Res. 812: Mr. PAYNE, Mrs. MALONEY, Ms. KILPATRICK of Michigan, Mr. RUSH, and Ms. CARSON.

H. Res. 828: Mr. ROYCE, Mr. BLUMENAUER, Mr. RUSH, Mr. CHANDLER, Mr. CHABOT, Mr. REYNOLDS, Mrs. JO ANN DAVIS of Virginia, Mr. YOUNG of Alaska, Mr. BERMAN, Mr. PENCE, Ms. BERKLEY, Mr. ROHRABACHER, Mr. BROWN of Ohio, and Mr. WEXLER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4755: Mr. PITTS.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

117. The SPEAKER presented a petition of the Gretna City Council, Louisiana, relative to Resolution No. 2006-038 urging the Congress of the United States to enact H.R. 4761, the "Domestic Energy Production through Offshore Exploration and Equitable Treatment of State Holdings Act of 2006"; to the Committee on Resources.

118. Also, a petition of the Common Council of the City of Plattsburgh, New York, relative to a Resolution endorsing House Resolution 635 in calling for a select bipartisan committee investigation of the Iraq pre-war intelligence and the Executive's post occupation conduct; to the Committee on Rules.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 7: Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the Spring Rise, also known as the bimodal spring pulse releases, on the Missouri River.

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 8: Page 6, line 10, after the dollar amount insert "(reduced by $15,000,000)".

H.R. 5427

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 9: Page 47, after line 2, insert the following:

SEC. 503. None of the funds made available in this Act may be used for the Corps of Engineers to implement the spring pulse releases from Gavins Point Dam on the Missouri River.

H.R. 5427

OFFERED BY: MR. INSLEE

AMENDMENT NO. 10: Page 47, after line 2, insert the following new section:

SEC. 503. None of the funds made available by this Act shall be used by the Federal Energy Regulatory Commission to enforce any claim for a termination payment (as defined in any jurisdictional contract) asserted by any regulated entity the Commission has found to have violated the terms of its market-based rate authority by engaging in manipulation of market rules or exercise of market power in the Western Interconnection during the period January 1, 2000, to June 20, 2001.

H.R. 5441

Offered By: Mr. Campbell of California

Amendment No. 3: Page 62, after line 17, insert the following:

Sec. 537. None of the the funds appropriated or otherwise made available in this Act may be used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)).

H.R. 5441

Offered By: Mr. Stearns

Amendment No. 4: Page 14, line 6, after the dollar amount, insert the following: "(increased by $3,000,000)".

Page 28, line 9, after the first dollar amount, insert the following: "(reduced by $3,000,000)".

H.R. 5441

Offered By: Mr. Poe

Amendment No. 5: Page 4, line 11, after the dollar amount, insert the following: "(reduced by $41,000,000)".

Page 4, line 13, after the dollar amount, insert the following: "(reduced by $41,000,000)".

Page 14, line 6, after the dollar amount, insert the following: "(increased by $41,000,000)".

Page 14, line 18, after the dollar amount, insert the following: "(increased by $41,000,000)".

H.R. 5441

Offered By: Mr. Poe

Amendment No. 6: Page 62, after line 17, insert the following:

Sec. 537. None of the funds appropriated or otherwise made available in this Act may be used to implement a plan under section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1185 note) that permits travel into the United States from foreign countries using any document other than a passport to denote citizenship and identity.

H.R. 5441

Offered By: Mr. Tancredo

Amendment No. 7: Page 62, after line 17, insert the following:

Sec. 537. None of the funds made available by this Act may be used to administer any extension of designation made under section 244(b) of the Immigration and Nationality Act before the date of the enactment of this Act with respect to Guatemala, Honduras, or Nicaragua.

H.R. 5441

Offered By: Mr. Holt

Amendment No. 8: Page 3, line 15, after the dollar amount insert "(reduced by $50,000,000)".

Page 28, line 23, after the dollar amount insert "(increased by $50,000,000)".

Page 29, line 15, after the dollar amount insert "(increased by $50,000,000)".

Page 30, line 7, after the dollar amount insert "(increased by $50,000,000)".

H.R. 5441

Offered By: Mr. Deal of Georgia

Amendment No. 9: Page 62, after line 17, insert the following:

Sec. 537. None of the funds appropriated in this Act may be used to grant birthright citizenship to the children of those individuals who are not subject to the jurisdiction of the United States, including the children of illegal aliens.

EXTENSIONS OF REMARKS

RECOGNIZING ANDREW JAMES MILLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew James Miller, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. He has served as a quartermaster and assistant senior patrol leader and achieved the rank of Brotherhood in the Order of the Arrow and Firebuilder in the Tribe of Mic-O-Say. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

For his Eagle Scout Service Project, Andrew installed a fire ring and five benches at the Heartland Presbyterian Youth Camp for the use and enjoyment of all of the visitors.

Mr. Speaker, I proudly ask you to join me in commending Andrew James Miller for his accomplishment with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO VINCENT AND MARIA DEJOY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HIGGINS. Mr. Speaker, I rise today to honor Vincent and Maria DeJoy of Jamestown, New York for their years of service to the community through their catering and grocery store business.

As presented in a ceremony to honor Mr. and Mrs. DeJoy:

> DEAR MR. AND MRS. DEJOY: Let me extend my warmest wishes on your retirement. It is an honor for me to celebrate this momentous occasion with you. For over 30 years you both have been a staple in the Jamestown community. No matter the occasion, whether it be fundraisers, weddings, baby showers or retirement dinners, your service, presentation and food were first rate.
>
> In this day and age, it is rare to find a business like Hebner Heights Catering. It was certainly the quintessential neighborhood store, complete with a huge fan base of neighborhood children. Vincent and Maria took pride in their catering business and also their corner store. This was a family business in every sense of the word. All five of their children have been employed at one time or another, as well as their grandchildren.
>
> The DeJoy family business went far beyond the boundaries of catering and selling penny candy. Vincent and Maria are two of the most giving people you will ever meet. They have never failed to meet the needs of the community and their loved ones. St. Susan's Soup Kitchen could always depend upon a donation of food and grieving families never went without a gift.
>
> Truly, it is an honor for me that you chose this event to be your last. On behalf of all of the people you served so well, let me offer my sincere thanks and Godspeed.

Vincent and Maria have served this community so well for over 30 years, and that is why Mr. Speaker, I rise to honor them today.

HONORING IRVIN BRAD McDOUGAL

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable individual from my congressional district. Brad McDougal, supervisory park ranger at Mammoth Cave National Park, was recently awarded a Citation for Valor from the U.S. Department of Interior recognizing his actions to disarm a man threatening suicide.

On April 19, 2004, park rangers at Mammoth Cave National Park received a report that a suicidal individual was in the park preparing to take his own life. Supervisory Park Ranger Brad McDougal responded solo from his residence and quickly located the subject, parked in his vehicle with a loaded gun in his lap. While other rangers were minutes away, Ranger McDougal decided to take immediate action, approaching the man with a calm and reassuring voice, gaining his confidence and disarming him without violence.

When fellow officers arrived, Ranger McDougal had stabilized the scene, saving the individual's life, and perhaps others, by his quick, calm and decisive action. Handling this volatile situation in any other manner could have easily resulted in tragedy.

I would like to publicly thank Brad McDougal for his professionalism and the strong example he sets for others in performing his job far beyond the call of duty. His actions, on duty and off, demonstrate a genuine concern and personal involvement in protecting safety and improving quality of life in his community.

It is my great honor to recognize Brad McDougal today, before the entire U.S. House of Representatives, for his leadership and service. His unique achievements and dedication to public safety make him an outstanding American worthy of our collective honor and appreciation.

HONORING THE LIFE OF MAJOR MICHAEL R. MARTINEZ

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I have the honor today to recognize the life of Major Michael R. Martinez, who passed away on January 7, 2006 in Iraq while in support of Operation Iraqi Freedom. As a husband, father, lawyer, and soldier, Major Martinez will be missed by many.

Major Martinez lived in Platte County, Missouri during a two year posting at Fort Leavenworth. Major Martinez most recently served as a lawyer in the Judge Advocate General Corps. The Major served with the 24th Infantry Division at Fort Riley and the Combined Arms Center at Fort Leavenworth. He was assigned to Fort Carson, Colorado as chief of legal assistance and went to Iraq with the 3rd Armored Cavalry Regiment.

While in Iraq, Major Martinez served as a legal counsel to the troops. Major Martinez helped soldiers with wills, power of attorney, and provided legal guidance. Major Martinez's expertise gave soldiers a sense of comfort that all of their legal concerns would be addressed and that they had someone to talk to about their legal affairs.

Major Martinez was a good friend to many in the military and in the State of Missouri. He was very knowledgeable on issues pertaining to the law. He was an outstanding leader that will be missed. In 16 years of enlisted service to his country, Major Martinez developed a reputation as being a dedicated soldier that created a strong work environment and was a great person to work with.

I offer my condolences to his wife, Kelly, sons Alexander, Colby, and Benjamin, and step-daughters Kathryn and Samantha, and the rest of the Martinez family. In this time of sorrow, may the thoughts and prayers of friends and family comfort them and may his memory bring them peace.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HIGGINS. Mr. Speaker, I missed a rollcall vote yesterday evening, Tuesday, May 23, 2006.

On roll No. 190 regarding the Flake Amendment No. 1, an amendment to the Agricultural, Rural Development, FDA and related agencies Appropriations Act, I would have voted "no."

HONORING COLONEL RUSSELL D. GOLD

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LEWIS of Kentucky. Mr. Speaker, I rise to pay public tribute to Col. Russell D. Gold, an exemplary soldier and citizen from my congressional district. Colonel Gold recently announced his retirement as Director of Combat Developments at Fort Knox, Kentucky.

A native of West Palm Beach, Florida, Colonel Gold was first commissioned through ROTC as a Distinguished Military Student from The Citadel, beginning his military career as a Tank Platoon Leader, then Executive Officer with the 82d Airborne Division at Fort Bragg, North Carolina. After completion of the Armor Officer Advance Course, he commanded Company B, 2d Battalion, 72d Armor, 2d Infantry Division, at Camp Casey, Korea. Upon completion of command, he served as a Small Group Instructor in the Armor Officer Advance Course, then, Executive Officer of the U.S. Army Armor School at Fort Knox, Kentucky.

From 1993 through 1995, Colonel Gold was assigned to the First Armored Division in Germany, where he served as the Battalion S–3 and Battalion Executive Officer with the 2d Battalion, 67th Armor, then as the Brigade S–3 for the First Brigade, 1st Armor Division. From 1995–1997, Colonel Gold was assigned to the Joint Chiefs of Staff in Washington, DC, where he served in the J–8 as Chief, War-Game Exercise Branch. Colonel Gold then commanded the 1st Battalion, 67th Armor, 4th Infantry Division, at Fort Hood, Texas. Following battalion command, Colonel Gold served as the III Corps Secretary of the General Staff, then after graduating from the Army War College, became the Director of Combat Developments at Fort Knox.

Colonel Gold commanded the 3d Brigade Combat Team, Iraq, 1st Armored Division, of Fort Riley, Kansas, from June 2002 to June 2004 before being assigned as Chief of Staff of the Armor Center on July 30, 2004.

Colonel Gold's awards and decorations include the Legion of Merit award, Bronze Star Medal, Defense Meritorious Service Medal, Meritorious Service Medal, Army Commendation Medal, Army Achievement Medal, Joint Meritorious Unit Award, Valorous Unit Award, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Army Superior Unit Award, National Defense Service Medal, Combat Action Badge, Master Parachutist Badge, and the Joint Chiefs of Staff Identification Badge.

It is my great privilege to recognize Colonel Gold today, before the entire House of Representatives, for his lifelong example of leadership and service. His unique achievements and dedication to the men and women of the U.S. Army make him an outstanding American worthy of our collective honor and respect.

RECOGNIZING HARRY FULGHUM FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Harry Fulghum, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 155, and in earning the most prestigious award of Eagle Scout.

Harry has been very active with his troop, participating in many scout activities. Over the many years Harry has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Harry Fulghum for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING KAREN HOGAN

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SHAW. Mr. Speaker, I rise today to recognize a wonderful woman, Ms. Karen Hogan, who has worked tirelessly or the people of the State of Florida for over two decades, and to congratulate her on her retirement.

Karen Hogan has worked in the State of Florida's Washington, D.C. office since 1995. Most recently, Karen served as Senior Management Analyst for the Florida Department of Children and Families. In this capacity, she represented and advised the Governor and the Department Secretary on national issues relevant to the State, such as healthcare, immigration, the elderly and welfare. Karen is truly an expert on Health and Human Services issues, especially the welfare Program.

Before her service in the State of Florida's Washington office, Karen was Chief of Staff for our colleague and friend, the late U.S. Representative Tom Lewis (R–FL), for the 12 years he served in the U.S. House of Representatives. I know Tom's wife Marian Lewis joins me in offering thanks to Karen for her service to the residents of South Florida.

I congratulate Karen on her well deserved retirement. It has been a true joy to work with her over these many years. Karen epitomizes the phrase "consummate professional." Karen's knowledge on State and Federal policy issues is far reaching. She has always been extremely helpful to everyone in the Florida Congressional delegation and she will be dearly missed by all Members and staff.

Karen is a former resident of Palm Beach County, Florida, and is the mother of five children—Christina Kuminski, Richard Craney, Cathy Schwink, Wendy Daniels and Patrick Hogan—and grandmother of eight grandchildren—Alyssa, Keith and Jonathan Kuminski, Ryan Craney, Taylor, Alex and Spencer Schwink, and Carter Daniels. Karen is active in her church and bible study. I have no doubt that Karen will be looking forward to spending more time gardening, a hobby which she loves dearly. If you ask her, Karen would probably say that she isn't retiring, that she's just moving on to the next phase in her life.

Mr. Speaker, on behalf of the Florida Congressional delegation, I wish Karen Hogan all the best in her next phase of life.

TRIBUTE TO THE 60TH ANNIVERSARY OF THE SGT. STANLEY F. ROMANOWSKI POST 6896 OF THE VETERANS OF FOREIGN WARS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. McCOTTER. Mr. Speaker, today I rise to honor and acknowledge the 60th Anniversary of the Sgt. Stanley F. Romanowski Post 6896 of the Veterans of Foreign Wars in Westland, Michigan.

On May 12, 1946, the founding members instituted this Post in the Gymnasium of Munger Intermediate School and dedicated its mission to serving the citizens of Wayne County, Michigan. Named after Sgt. Stanley F. Romanowski, a decorated soldier of World War II who gave his life for his country, the Romanowski Post 6896 courageously pays tribute to the deceased by helping the living.

Each year, the 6896 members of the Romanowski Post 6896 launch charitable initiatives to assist the needy, aid the ill, support the students, and recognize the educators of our community. Among the many notable programs, these veterans host the Christmas Needy Basket Program, which provides food for underprivileged families; a Muscular Dystrophy Drive; a Diabetes Drive; a Cancer Drive; a $50,000 scholarship fund for students; and a Teacher of the Year program.

In memory of Sgt. Romanowski's birthday, members hold an annual December memorial service in remembrance of United States fallen veterans. This summer, the Romanowski Post 6896 will also hold the first monthly memorial service at Westland City Hall dedicated to Prisoners of War, Soldiers Missing in Action, Blue Star Mothers, and Gold Star Mothers. These deeds serve as a constant reminder, to ensure that the bravery of our soldiers, the fragility of our needy, and the heroism of our fallen will not be forgotten.

Mr. Speaker, in honor of their exemplary love for the United States and our citizens, I ask my colleagues to join me in commending these veterans for their bravery and in thanking the Romanowski Post 6896 for 60 years of loyal and unrelenting service to our community and our country.

INTRODUCTION OF IRANIAN BAHÁ'Í RESOLUTION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. KIRK. Mr. Speaker, today, I am introducing a resolution with Congressman TOM LANTOS (D–CA) condemning the repression of the Iranian Bahá'í community. This concurrent resolution exposes the Iranian Government's persecution of the Bahá'ís and calls on Iran to ensure that all of its religious minorities, including the Bahá'ís, are treated in accordance with the basic human rights to which each person is entitled.

The North American Bahá'í Temple is in my district, and the persecution against the Bahá'ís in Iran has been a longstanding concern of mine. This concurrent resolution brings he House of Representatives' attention to the latest action of the Iranian Government against the 350,000-member Bahá'í community of Iran.

On March 20, 2006, the United Nations Special Rapporteur on Freedom of Religion or Belief revealed the existence of a confidential letter by the Chairman of the Command Headquarters of Iran's Armed Services to Iran's intelligence services, military and police forces. In this letter, the Supreme Leader, Ayatollah Khamenei, instructed the Command Headquarters to identify all Iranian Bahá'ís and collect any and all information about their activities.

The Anti-Defamation League recently compared the secret letter to "the steps taken against Jews in Europe" in the 1930s.

This directive is unacceptable. Yet the secret order did not occur in isolation. Over the past 18 months, Iranian security forces have been imprisoning Bahá'ís without charges and Bahá'í youth in Iran have been denied access to universities. I understand that since October 2005, there has been a campaign of vilification against Bahá'ís in Kayhan, the government-sponsored press.

The Concurrent Resolution I introduce today calls on the Government of Iran to cease its practice of monitoring the Bahá'ís, to allow them to practice their religion and to emancipate fully their religious community. I want to thank my good friend Congressman TOM LANTOS for being the lead co-sponsor of this legislation. I look forward to working with him and my other colleagues on this important human rights initiative.

RECOGNIZING CHARLES ANTHONY CURTIS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charles Anthony Curtis, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 8, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Charles Anthony Curtis for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE QUALITY INN HOTEL—A "SALUTE TO HURRICANE VOLUNTEERS"

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BURGESS. Mr. Speaker, I rise today to salute those individuals and organizations that opened their hearts and dedicated both financial and emotional support to the evacuees of Hurricane Katrina and Hurricane Rita. All of the States along the Gulf Coast have endured terrible hardships during last year's hurricane season, and I know that the generosity of North Texans played a vital role in bringing some peace into their lives.

Today I want to specifically thank three individuals and one company for their contributions. Viral Thakkar, Cara Hensley, and Joe Leising from The Quality Inn Hotel generously provided hotel rooms for some of the first evacuees traveling to Denton, Texas, in my congressional district, after the storms. For weeks after the event, the hotel's more than one-hundred rooms remained at capacity.

In the nine-month duration of the Quality Inn Hotel's efforts, they housed more than 800 evacuees. In addition, the Quality Inn worked with the City of Denton to help transition 27 families staying at the hotel into semi-permanent housing, and hosted a number of community and holiday events for evacuees and families.

I stand here today to sincerely thank Viral Thakkar, Cara Hensley, and Joe Leising from the Quality Inn Hotel for their gracious contributions. I am proud to call these people fellow Texans. Through their contribution, they not only stand as devoted and giving American citizens, but they serve as an inspiration to others.

HONORING PAUL VI CATHOLIC HIGH SCHOOL'S GIRLS CROSS COUNTRY TEAM'S STATE CHAMPIONSHIP

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to honor the Paul VI Catholic High School's Girls Cross Country Team, who won the 2005 Washington Catholic Athletic Conference (WCAC) Championship, the Virginia State Catholic Championship, and the Virginia Independent Schools (VIS) Cross Country Championship by defeating 40 other schools and their 230 long distance athletes.

The Paul VI Panthers, from Fairfax County, completed the 2005 season with the first triple crown championship win in 11 years for the school. The Panthers won the WCAC with six of their seven allowed athletes in the top 20, won the Virginia State Catholic Championship with seven athletes in the top 12, and won the VIS with five of 10 allowed runners in the top 22.

Virginia Indepenent Schools Cross Country Association sponsors the highest level championship among all private schools in the Commonwealth. In the VIS Championship, the Panthers' top five runners completed the 3.2-mile course before 218 of the State's best female long distance runners.

Led by Head Coach Melanie Kiernan and assistants Keith Mitchell, Joe Gesker, and Mike Kiernan, the Panthers trained intensively throughout a dramatic and triumphant season.

I congratulate all the talented members of the Paul VI Girl Cross Country Team: senior Jen Scolese; juniors Kelsey Budd, Nichole Kauffmann, Michelle Kew, Caroline Manning, Rosie Loftus, Tessa Reed, and Lee Shine; sophomores Meg Clark, Mackenzie Singh, and Kate Still; and freshman Natalie Cowden.

Mr. Speaker, it is my pleasure to honor their championship, and to wish them all the best in their future endeavors.

RECOGNIZING ZACHARY LEE WILSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Zachary Lee Wilson, a very special young who has exemplified the finest qualities of citizenship and leadership by taking an active part the Boy Scouts of America, Troop 216, and in earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many scout activities. Over the many years Zachary has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Zachary Lee Wilson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. FRANKS of Arizona. Mr. Speaker, I regret that I was unable to be present for rollcall votes No. 160, 161, 162, 163, 164, 165, 166, 167, 168, which occurred on May 18, 2006. I was unable to cast votes on these important matters because I was traveling on official business in Arizona.

HONORING PAM KOCHER, RECIPIENT OF THE 2006 CONGRESSMAN JOHN JOSEPH MOAKLEY AWARD FOR EXEMPLARY PUBLIC SERVICE

HON. JEB BRADLEY

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to pay tribute to Pam Kocher of New Hampshire, the recipient of the 2006 Congressman John Joseph Moakley Award for Exemplary Public Service, which is given each year by the Greater Boston Federal Executive Board and the Moakley Family.

Initiated in 2002, the Moakley Award is given to a staff member of the New England Congressional Delegation who demonstrates strong innovative methods of thinking and effectively works on behalf of their constituents.

Anyone who knows Pam knows she is a perfect choice for this honor. Pam's public service extends over three decades and includes serving in elected office at the local level and working for Former Senator Warren Rudman, Former Congressman Bill Zeliff, and currently as State Director for Senator JOHN SUNUNU. She has worked on a number of projects important to our State for each of her bosses, including the redevelopment of the Pease Air Force Base and acting as an intermediary for small businesses during the bank failure of the early nineties. Her many years of service on the Federal level, coupled with her strong working relationships, came in very handy last summer when the Maine and New Hampshire Congressional Delegations were faced with the daunting task of convincing the BRAC Commission to keep the Portsmouth Naval Shipyard open. Pam's leadership in bringing together a broad community-based coalition was one of the driving factors in our success.

Pam credits her driving force as wanting to make government work for people. She stands for hard work, is a problem solver, and knows how to bring people together to work toward a common goal.

Pam exemplifies what good citizenship and leadership is all about. Her efforts to make New Hampshire a better place have made a lasting impact on the people that know her and know of her. I congratulate and thank Pam on her years of hard work and dedication to New Hampshire; New England, and our great Nation.

RECOGNIZING HUNTER C. GOULD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Hunter C. Gould, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Hunter has been very active with his troop, participating in many scout activities. Over the many years Hunter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Hunter C. Gould for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING THE 65TH ANNIVERSARY OF THE BATTLE OF CRETE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mrs. MALONEY. Mr. Speaker, I rise today to commemorate the 65th anniversary of the Battle of Crete.

This historic battle contributed to the Allies' victory of World War II. On May 20, 1941, thousands of German paratroopers and gliders began landing on Crete. Both the Allies and Nazis wanted Crete because of Its strategic location as part of the lifeline to India and Its proximity to both Palestine and Egypt. At that time the British controlled the island.

The Nazi invasion force included the elite German paratroopers and glider troops. Hitler felt this was to be easy victory, yet he is quoted to have said shortly after the invasion, "France fell in 8 days. Why is Crete free?"

During the 11-day Invasion of Crete, more than 6,000 German troopers were listed as killed, wounded, or missing in action. The losses to the elite 7th parachute division marked the end of the German Military's large-scale airborne operations.

This valiant fight by the Cretan people began in the first hour of the Nazi airborne invasion while other underground movements did not begin until a year or more after being invaded.

Young boys, old men, and women displayed breath taking bravery in defending Crete. Because German soldiers were not accustomed to facing women in battle, they would tear the dress from the shoulders of suspected Cretan women to find bruises from the recoil of the rifle. The penalty was death. On July 28, 1941, The Times (London) reported that "five hundred Cretan women have been deported to Germany for taking part in the defense of their native island."

Another surprise for the German soldiers who invaded Crete was the heroic resistance of the clergy. A priest leading his parishioners into battle was not what the Germans anticipated. At Paleochora, Father Stylianos Frantzeskis, hearing of the German airborne Invasion, rushed to his church, sounded the bell, took his rifle and marched his volunteers toward Maleme.

This struggle became an example for all Europe to follow in defying German occupation and aggression.

The Cretans paid a steep price for their valiant resistance to Nazi forces with thousands of civilians executed, starved, or imprisoned. The Germans burned and destroyed entire communities as a reprisal for the Cretan resistance movement. Yet this resistance lasted for 4 years.

The Battle of Crete changed history by delaying Hitler's plan to invade Russia. The invasion was delayed from April to June of 1941. The 2-month delay in the invasion made Hitler's forces face the Russian winter.

The Russian snowstorms and the sub zero temperatures eventually stalled the Nazi invasion before they could take Moscow or Leningrad. This was the beginning of the downfall of the Nazi reign of terror.

We must always remember and honor this significant battle and the heroic drive of the Cretan people. Democracy came from Greece, and the Cretan heroes exemplified the courage it takes to preserve it.

To honor these heroes, I have introduced H. Res. 290, which recognizes and appreciates the historical significance and the heroic human endeavor and sacrifice of the people of Crete during World War II and commends the PanCretan Association of America.

Today, the courage and fortitude of the Cretan people are seen in the members of the United Cretan Associations of New York which are located in Astoria, Queens.

I urge my colleagues to join me in honoring the Cretans in the United States, Greece, and the diaspora.

HONORING THE RETIREMENT OF RICHARD SHOEMAKER

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. DINGELL. Mr. Speaker, I rise to pay tribute to my dear friend Richard "Dick" Shoemaker on the occasion of his retirement as the vice-president of the United Auto Workers after 49 distinguished and exemplary years of service.

Born in St. Clair Shores, Michigan, Dick joined UAW Local 865 in 1957 at the age of 18. By the time he was 27, he was elected the youngest president of that local in its history. This rapid ascent in leadership would continue throughout his life. In 1969 he was appointed as an International Representative and in 1982 he was named as the Administrative Assistant to the Vice President of the UAW. Through a course of many other prestigious promotions, Dick eventually rose to become a Vice President himself.

A constant champion of working America for nearly half a century, Dick's successful negotiations with companies including Ford, DaimlerChrysler, General Motors, Mazda, Toyota and Mitsubishi created opportunities and advancements for tens of thousands of workers. His inspiring work shows remarkable results such as record raises in wages, job security, and a measure which ensures that employment at GM and its suppliers remains at healthy levels. The members of the UAW and their families, are fortunate to have prospered under his strong and courageous leadership.

In addition to tirelessly advancing the rights of the working-class, Dick is also a member of the Michigan Democratic Party, the ACLU, and a lifetime member of the NAACP. His activity in the community and state extends even further as he serves on the boards of the Metropolitan Detroit AFL–CIO and Blue Cross-Blue Shield of Michigan.

Dick once said that those in the labor movement "have [their] walking shoes on every day." Mr. Speaker, I would ask you to join me and all of my colleagues as we congratulate Dick Shoemaker on phenomenal career and wish him a happy retirement with his children, grandchildren, and his wife Mary. Even in retirement, I know that Dick will never take off his well-worn walking shoes.

RECOGNIZING ANDREW J. GREEN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew J. Green, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Andrew J. Green for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 31ST ANNUAL CAPITAL PRIDE FESTIVAL

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Ms. NORTON. Mr. Speaker, I rise to pay tribute to the 31st Annual Capital Pride Festival, a celebration of the National Capital Area's Gay, Lesbian, Bisexual and Transgender, (GLBT) communities, their families and friends. The Capital Pride Festival has grown from a small block party in 1975 to the current week-long celebration. This year, Capital Pride culminates with the Pride Parade on June 10th and "The Main Event," a street fair on Pennsylvania Avenue in the shadow of the Capitol, June 11th.

I have marched in the Pride parades since coming to Congress to emphasize the universality of human rights and the importance of enacting Federal legislation to secure those rights for the GLBT community. This year's theme, "Many Communities, All Proud," holds special meaning for the citizens of the District of Columbia and its GLBT community in particular. Washingtonians live in distinct, diverse neighborhoods such as Colonial Village to the North; Fort Drum to the South, Northeast Boundary to the East, and Spring Valley to the West. Yet, we unite in our quest for all the rights guaranteed U.S. citizens by the Constitution.

In 1994, the District of Columbia lost the first vote it ever won on the floor of the House of Representatives, the delegate vote in the Committee of the Whole. The Republicans retracted the District's vote when they assumed control of the House. Our city of 550,000 residents, 10 percent more residents than the entire State of Wyoming, who pay more taxes per capita than 49 of the 50 states, remains the only jurisdiction in the United States subject to Taxation Without Representation. Our Nation's Capital is entitled full voting rights in the House and the Senate. On May 18, 2006, the House Committee on Government Reform reported out the District of Columbia Fair and Equal House Voting Rights Act of 2006. This is the first milepost on DC's road to full and equal representation.

This one success is a reminder of the pending legislation that the 109th Congress must pass. The Clarification of Federal Employment Protections Act, The Domestic Partner Health Benefits Equity Act. The Domestic Partnership Benefits & Obligations Act, The Early Treatment for HIV Act, The Employment Non-Discrimination Act, The Family & Medical Leave Inclusion Act, The Local Law Enforcement Enhancement Act, The Military Readiness Enhancement Act, The Responsible Education About Life Act, The Tax Equity for Health Plan Beneficiaries Act, and The Uniting American Families Act.

I ask the House to join me in welcoming the celebrants attending the 31st Annual Capital Pride Festival in Washington, DC, and I take this opportunity to remind the celebrants that United States Citizens who reside in Washington, DC are taxed without full voting representation in Congress.

RECOGNIZING SHAWN GROVES FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Shawn Groves, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Shawn has been very active with his troop, participating in many scout activities. Over the many years Shawn has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Shawn Groves for his accomplishment with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO KATHERINE DUNHAM, WORLD-RENOWNED DANCER, PIONEER, CHOREOGRAPHER, SOCIAL ACTIVIST, ANTHROPOLOGIST, AND MUSEUM FOUNDER

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to a great American—world-renowned dancer, choreographer, anthropologist, social activist, and museum founder, Katherine Mary Dunham. Called "Miss Dunham" by many, she dedicated her life to celebrating the vibrant African-Caribbean roots and influences on dance and helped shine the light of the world on the unique dance forms and rituals of the African Diaspora. A pioneer and founder of the anthropological dance movement, Miss Dunham created the Dunham Technique and showed the world that African American heritage is rich and beautiful.

Upon her death on Sunday, May 21, 2006, Miss Dunham had lived a vibrant, creative, and revolutionary 96 years. While she may have died in her New York City apartment, her heart longed for a return to the Midwest where she had established the Katherine Dunham Museum and Children's School in East St. Louis, IL, and where she cultivated generations of dancers, musicians and other artists throughout the region.

Her ties to St. Louis, MO, and East St. Louis, IL, began in earnest in 1967 when she joined the faculty of Southern Illinois University Edwardsville. Thus began a legacy that continues to this day; which includes the Katherine Dunham Center, the Katherine Dunham Dynamic Museum and creation of a dance anthropology program. Later, the college would rename its East St. Louis Center the Katherine Dunham Centers for Arts and Humanities and name its communications arts building after Miss Dunham.

Born in Chicago, IL in 1909, Miss Dunham studied dance in her early teens and would later become one of the first African Americans to attend the University of Chicago where she earned her bachelor, masters and doctoral degrees in social anthropology. Using a Rosenwald Fellowship, she traveled and completed groundbreaking work on Caribbean and Brazilian dance anthropology as a new academic discipline. Later, she was hired as dance director for Chicago's Federal Theatre

Project. In 1931 Miss Dunham established her first dance school in Chicago, called the Negro Dance Group. By 1934 her dance career included both American and European theater in musicals, operas and cabarets throughout the world.

She danced on Broadway and with Les Ballet Negre, the first black ballet company in the United States. Her film career included "Stormy Weather" and "Cabin in the Sky," which she co-choreographed with George Balanchine. In New York she founded the Katherine Dunham School of Arts and Research dance school and a touring company—The Katherine Dunham Troupe. From the late 1930s through the 1940s the dance troupe won critical acclaim while performing in more than 100 original works choreographed by Miss Dunham. Her specific style for teaching dance is still used throughout the world.

Miss Dunham bravely used her fame to call public attention to social injustices both at home and abroad. During World War II, she successfully filed lawsuits against hotels that practiced racial discrimination. In her later years, a 47-day hunger strike by the 82-year-old Miss Dunham in 1993 helped focus attention on the plight of Haiti.

Miss Dunham's intellectual, artistic and humanitarian contributions have earned her at least 10 honorary doctorate degrees, along with many coveted awards, including the Presidential Medal of Arts, the Kennedy Center Honors, French Legion of Honor, Southern Cross of Brazil, Grand Cross of Haiti, NAACP Lifetime Achievement Award, Lincoln Academy Laureate, the Urban Leagues' Lifetime Achievement Award, the Women's International Center's Living Legacy Award and the St. Louis Walk of Fame.

Miss Dunham recounted her life and artistic experiences in eight books, including her autobiography "A Touch of Innocence." Her ground-breaking work in every aspect of dance, theater, music and education has been immortalized in the Library of Congress, where a collection of at least 1,694 items in a variety of video/motion picture formats has been preserved as part of the Katherine Dunham Collection.

Mr. Speaker, I urge members of Congress to join me in honoring the life of Katherine Dunham. Through dance, science and artistic expression, Miss Dunham worked tirelessly, encouraging all humanity to abandon the depths of despair in their lives and to drink robustly from the well of hope—through art.

CELEBRATING THE REVEREND JOHN A. CHERRY'S 25 YEARS OF SERVICE

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CARDIN. Mr. Speaker, it is with great honor that I rise today to commemorate the 25th anniversary of From the Heart Church Ministries. Since its beginnings in 1981 with only 24 members, From the Heart Church Ministries has provided spiritual guidance to the Prince George's County community through worship services and television and radio broadcasts.

Founder and Pastor Reverend John A. Cherry is a nationally acclaimed minister whose message of hope and committed spiritual teaching have changed the lives of many. Under his steady leadership, From the Heart Church Ministries has grown from its modest beginnings as a storefront church to one of the largest churches in Prince George's County, providing services to over 27,000 members. Reverend Cherry's spiritual message is also broadcast Sundays and during the week, providing religious guidance and teaching to thousands more.

Reverend Cherry's 25 years of service have established a foundation of strong biblical teaching rooted in faith and love—a foundation that his son, John A. Cherry II, will build upon. Reverend John A. Cherry, II will officially be installed as pastor during the anniversary celebration.

I urge my colleagues in the U.S. House of Representatives to join me today in recognizing From the Heart Church Ministries' 25th Anniversary and applauding the accomplishments of Reverend John A. Cherry. His legacy of spiritual leadership will allow his son to continue his work and influence the hearts and minds of a faithful community for years to come.

RECOGNIZING NOLAN R. JUSTUS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nolan R. Justus, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Nolan has been very active with his troop, participating in many scout activities. Over the many years Nolan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nolan R. Justus for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SULLIVAN. Mr. Speaker, I intended to vote "nay" on rollcall vote 167 to H.R. 5386 taken on May 18, 2006.

TRIBUTE TO ONCOLOGY NURSES

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SHAYS. Mr. Speaker, I want to call attention to the important and essential role that oncology nurses play in providing quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psychosocial and supportive care to patients, and their families. In short, they are integral to our Nation's cancer care delivery system.

On behalf of the people with cancer and their families in Connecticut's Fourth Congressional District, I would like to specifically acknowledge Karen Stanley from Greenwich, Connecticut, for her service on the Oncology Nursing Society Board of Directors and her role as president of the Oncology Nursing Society. Through her steadfast leadership and commitment to the Oncology Nursing Society, Karen has advanced policies and programs that reduce and prevent suffering from cancer.

I am proud that the Oncology Nursing Society has two chapters in my home State of Connecticut. Located in Berlin and Brookfield, these chapters serve the oncology nurses in the State and support them in the effort to provide high quality cancer care to patients and their families.

Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration, and education in the field of oncology. The Oncology Nursing Society is the largest organization of oncology health professionals the world with more than 33,000 registered nurses and other health care professionals. The Society's mission is to promote excellence in oncology nursing and quality cancer care. I commend Karen and her organization for all that they do in the field of oncology.

Cancer is a complex multifaceted and chronic disease, and people with cancer are best served by a multidisciplinary health care team specialized in oncology care, including nurses who are certified in that specialty. According to the American Cancer Society, one in three women and one in two men will receive a diagnosis of cancer at some point in their lives, and one out of every four deaths in the United States results from cancer. This year approximately 17,320 people in Connecticut will be diagnosed with cancer and another 6,990 will lose their battles with this terrible disease. Every day, oncology nurses see the pain and suffering caused by cancer and understand the physical, emotional, and financial challenges that people with cancer face throughout their diagnosis and treatment.

Today, more than two-thirds of cancer cases strike people over the age of 65, and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology nurses they need to treat cancer patients. We are on the verge of a major national nursing shortage, and it is estimated there will soon be a shortage of 1.1 million nurses.

I would like to once again acknowledge and thank Karen Stanley for her hard work and leadership as president of ONS. As a nurse and leader in the field, Karen has made it her life's mission to help others and she should be applauded for all she has done.

A TRIBUTE TO PORTER'S DAY CARE & EDUCATIONAL CENTER

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to congratulate Porter's Day Care & Educational Center on the occasion of its 25th Anniversary.

Porter's Day Care & Educational Center is dedicated to provide quality day care to infants, toddlers, pre-school children of low-income working families, in Philadelphia.

In 1981, Deborah Porter-Greasham's shared her dream of opening a daycare with her family. With their support and help of family members, Evelyn & Sultan Porter, Sr. (parents), Sultan Porter, Jr., Tyrone Porter & Darlene Porter Davis, Brenda Robinson Porter & Edward Porter, Deborah's dream became a reality with the opening of Porter's Day Care and Educational Center.

Since the opening of Porter's Day Care & Educational Center major expansions over the last 25 years have taken place with the opening of the Broad Street Academy; a private school which emphasizes "back to basic" accelerated academic programs, which enhances values and socialization skills while providing an environment that stimulates each child to reach his/her potential, was one of numerous programs created to further help children. Following the opening of the Broad Street Academy, Porter's Youth development Program, Educational Child Care Center, the Latchkey Program, and a Summer Camp Program were implemented to better the lives of needy children.

Porter's Day Care & Educational Center mission for improving the quality of life and education has continued with the opening of the "Journey Through Literacy" library, housed within the 25 room campus with full-size playground during this year.

I ask that you and my distinguished colleagues join me in congratulation Porter's Day Care & Educational Center, for the past 25 years of service and dedicated commitment to the community.

HONORING JOHN "J.J." BOUMA FOR HIS CONTRIBUTIONS TO RAISING AWARENESS OF ALS

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HOEKSTRA. Mr. Speaker, I rise today to honor John "J.J." Bouma for his efforts to raise support and awareness for Amyotrophic Lateral Sclerosis or ALS.

From May 18–24, 2006, John "J.J." Bouma drove, along with 13 other people, from Grand Rapids, Michigan to the Santa Monica pier in California on Route 66 to raise awareness about ALS. While the initial hope was to raise $66,000, Mr. Bouma's efforts have already raised more than $265,000. A photographer accompanied the trip to document it for a book and a traveling photo exhibit, which will be used to further raise awareness of the realities of ALS.

ALS, more commonly known as "Lou Gehrig's Disease," is a neurodegenerative disease that attacks nerve cells and pathways connected to the brain and spinal cord. Many patients progress to a point where they become physically paralyzed, but remain cognitively aware. John Bouma's awareness and passion for ALS arose when he was diagnosed with ALS in September of 2005.

Approximately 15 people are diagnosed daily with ALS, most of whom have an average life expectancy of 2 to 5 years. Only about 20 percent of those affected will live an additional 5 years.

John Bouma's efforts to raise money and awareness about this degenerative disease are to be commended. There have been significant advancements in increasing the independence of those afflicted with the disease although there is still no cure.

Mr. Speaker, please let it be known that on this 24th day of May in 2006, that the U.S. House of Representatives acknowledges the contributions and achievements of John "J.J." Bouma and his 13 friends to raise awareness about ALS and wishes them well with their continued efforts.

RECOGNIZING MICHAEL KUBA FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Michael Kuba, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 288, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many Scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Michael Kuba for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING STAFF DEDICATION TO FREEDOM

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. HENSARLING. Mr. Speaker, today I rise to thank a very special group of dedicated Americans who have spent considerable energy assisting me in authoring this year's Republican Study Committee—RSC—budget: the Contract with America Renewed.

Russell Vought, the policy director at the RSC, and Stephen Sepp, my legislative director, dedicated themselves this spring to helping me compile a budget that reflected the spirit of the first budget that the new Republican majority passed in 1995. I am very proud of the work that Russ and Stephen produced, and they deserve special recognition for their dedication to the advancement of freedom.

Additionally, I would like to thank the valuable members of my Washington, DC, staff who assisted with this effort: Mike Walz, Leigh Carter, Jennifer Daniels, Jamie Notman, Kyle Jackson, John Martin and Melanie Davis. Each individual provided legislative and administrative support for me during this extremely demanding project, and I am grateful for their service.

I would also like to thank my staff located in the Fifth District of Texas. Each and every one of them contributed to this budget, and I would like to publicly recognize Richard Sanders, Rebekah Kay, Margaret Smith, Barbara Luce, Beth Peters and Amanda Hodges. I am personally indebted to them for their service and sacrifice to the cause of freedom.

TRIBUTE TO KIPP UJIMA VILLAGE ACADEMY EIGHTH GRADERS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. ROGERS of Michigan. Mr. Speaker, I rise to recognize the eighth graders at KIPP Ujima Village Academy, a top performing middle school in northwest Baltimore. KIPP is an acronym for Knowledge is Power Program and is part of a network of free college-preparatory public schools in under-resourced communities throughout the United States. Established in the summer of 2002 in Baltimore, these eighth graders at KIPP are recognized as the first graduating class at this outstanding school.

These students have spent the past 4 years completing a rigorous program. The school day begins at 7:30 a.m. and ends at 5:30 p.m. They also participate in a mandatory 3-week summer program and attend educational activities on Saturdays throughout the school year.

Mr. Speaker, there is no doubt that these students and their families face challenges, with more than 87 percent qualifying for free or reduced-price lunches. Yet, there are no entrance requirements or selection criteria. The students are chosen through a lottery of all students who live in the zone and want to attend the school.

The results, though, are remarkable: Students excel academically, develop confidence and leadership skills, and experience the world through local and out-of-State field lessons. And after 4 years at KIPP, many of these students have earned acceptance to competitive college preparatory high schools throughout Maryland. In fact, KIPP Ujima Village Academy has one of only two Baltimore City public middle schools that achieved Adequate Yearly Progress in 2005.

Therefore, Mr. Speaker, I ask my colleagues to join with me in recognizing the KIPP Ujima Village Academy eighth graders on their graduation and in wishing them the best of luck in the future.

H.R. 5122, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in support of the FY 2007 Department of Defense Authorization bill. This legislation includes many necessary provisions to improve the quality of life for our military and their families. I strongly support the 2.7 percent pay raise for active duty members and the funding increases for equipment and body armor.

The legislation also includes an important provision requiring the Secretary of Defense to provide Congress with a report on the Department's 10-year strategy for addressing threats related to Iran, Iraq and the Middle East. It is critical that our country deals with these complicated issues in a thoughtful and deliberate way with a clear plan for a successful outcome.

However, I do have some very real and serious concerns about the bill. First, this legislation increases co-pays for military families that purchase their prescription drugs from a pharmacy. While I am pleased that the committee rejected the President's proposal for Tricare premium increases, it is unfair to add to the out of pocket health care costs of our military men and women that serve our country.

This Congress has the responsibility to have a real discussion about the future costs to the American taxpayer of the wars in Iraq and Afghanistan. Instead, H.R. 5122 includes authorization for a $50 billion bridge fund for the costs of the wars once again through supplemental funding. We are entering our fifth year in Afghanistan and our fourth year in Iraq. It is time for this Administration and Republican House leadership to be honest about providing for the costs of these conflicts and account for these dollars in the regular budgeting process rather than passing the entire cost on to our children and grandchildren.

I am also extremely disappointed that the Majority would not accept an amendment offered by Mr. ISRAEL regarding military chaplains. Mr. Chair, this amendment simply would have added language requiring that chaplains show "sensitivity, respect, and tolerance" for members of the military of all faiths. It continues to guarantee that military chaplains pray in accordance with their own faith but would have realigned the language with current military guidelines.

However, overall this bill makes important changes that will increase the safety and quality of life of our military and their families. I am proud to support our troops serving around the world and at home and to vote in favor of this bill today.

PAYING TRIBUTE TO JACK PORRINO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Jack Porrino for his years of dedicated military service and for his commitment to serving the community.

Jack was born in Italy and came to the United States when he was 8-years-old. At age 18, he became a United States Citizen. Jack enlisted in the United States Air Force in 1969, and began what was to become a distinguished career in the service of this country. He served in the Air Force from September 1969 to May 1972. He then joined the Air National Guard, where he served until October 1989. After 20 years of service, Jack retired from the Armed Services with the rank of Master Sergeant.

In 1993, Jack started working as a groundskeeper at the Southern Nevada Veterans' Memorial Cemetery in Boulder City, Nevada. Within a year, he was promoted to Superintendent of the Cemetery and maintains that position to this day. As Superintendent, Jack has had an overwhelming influence on the improvement of the Cemetery. He established an aggressive fundraising effort by instituting several programs to promote donations and recruit volunteers. As a result of the programs, countless individuals have donated time and funds that enabled the Cemetery to purchase trees, benches, pavers, floral vases and other items that have improved the aesthetic value and made it easier for individuals to pay their respects to the veterans who are interred at the Cemetery. During Jack's tenure as Superintendent, the Southern Nevada Veterans' Memorial Cemetery has undergone many expansions and has become the second busiest cemetery in the Nation. As part of the expansion and improvement efforts, Jack redesigned the monument section, converted several areas to water efficient desert landscaping, and assisted in the building of the Cemetery Chapel. As the final resting place for over 20,000 of our Nation's military heroes, the Southern Nevada Veterans' Memorial Cemetery has truly become a beautiful place to honor those veterans. This is due, in no small part, to Jack Porrino's dedication to making the Cemetery the best it can be.

In addition to his dedication to the Veterans' Cemetery, Jack is committed to strong family values and community involvement. He and his wife Kathleen have been married for 36 years. Together, they have three children and one grandchild. Jack coaches Little League Sports and serves on the Board of Directors in his Home Owners Association. He also teaches Bible study classes at his church for children and adults and regularly speaks to Veterans' and civilian organizations.

Mr. Speaker, I am proud to honor Jack Porrino. He has dedicated his life to serving his country and honoring America's Veterans. As a result of his leadership and advocacy, the Southern Nevada Veterans' Memorial Cemetery has become a place of dignity, honor and beauty.

TRIBUTE TO MR. JOSE OLLERVIDES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Jose Ollervides, a highly regarded anchor with KLDO TV News, a subdivision of Univision. He was recently honored by the Texas State Teachers Association with the prestigious Texas School Bell Award for his excellent coverage on educational issues that affects teachers and students in the State of Texas.

Mr. Ollervides is a highly intelligent, driven professional who is well-regarded in his community and among his peers in the broadcasting industry. He graduated from Universidad Del Noreste, in Tampico, Tamaulipas, Mexico with a Licenciado in Ciencas De La Comunicacion, which is similar to a Bachelor of Arts in Communications.

Within ten years of his graduation from Universidad del Noreste in Tampico, Tamaulipas, Mexico, he attained the prestigious position of being a television reporter for the KLDO TV Station, an affiliate of Univision in Laredo, Texas. The station was rated by Nielsen as #1 for the last five years, where due to his strong work ethic, he was instrumental in reporting important news and events for the community of Laredo, Texas, and other affiliates such as KWEX TV Station in San Antonio, Texas.

Mr. Speaker, I am honored to have had this time to recognize the great honor bestowed upon Mr. Jose Ollervides by the Texas State Teachers Association.

H.R. 4297, TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise in strong opposition to the Republican's tax reconciliation bill. This legislation is a cynical tax giveaway for the wealthy paid for by slashing services critical to families and heaping debt on future generations.

H.R. 4297 includes $70 billion in tax breaks—primarily an extension of capital gains and dividend tax cuts. Almost half of that $70 billion will benefit those making over $1 million a year. In Minnesota, 68 percent of the benefit of this bill will go to only 2 percent of taxpayers. Those making $200,000 or more will see an average benefit of over $6,000, while those making under $75,000 will see a return of only $55 on average.

The Majority party has focused tax relief on a chosen few rather than providing tax relief for everyone. Even though tax cuts passed in 2001 and 2003 have already provided millionaires with an average tax cut of $109,000, Republicans have again chosen to prioritize further gains to those who need it the least at the expense of middle-class families. The alternative minimum tax, which is a critical problem facing middle-class families, is shortchanged by this proposal. This bill provides only a one-year extension instead of honestly dealing with this issue. In addition, because these tax cuts are partially paid for by cuts to student loans and health care, working men and women are paying twice in this Republican plan.

This bill also fails to address critical issues such as extending the research and development tax credit, the tax deduction for student loans, and the deduction of state and local taxes—provisions that make an enormous difference in the lives of families across the country. For example, the student loan tax deduction provides opportunities for more families to access higher education, resulting in better paying jobs, which fuels our economy.

Our national debt is nearly $9 trillion. In the last 5 years, President Bush has borrowed more than $1 trillion from foreign governments and financial institutions. It is clearly not the time to add billions of dollars to the debt in order to provide more wealth for those most fortunate. This is a fiscally and morally irresponsible plan and should be rejected.

Mr. Speaker, this bill does not reflect the priorities of Minnesota or American families. With our country facing a growing deficit, a stagnant job economy, and spiking gas prices, it is not the time for reckless spending through tax cuts. Democrats have offered an alternative that targets relief for families without adding to the debt burden facing our children and grandchildren.

I urge my colleagues to oppose this reckless bill and support economic policies that benefit families, increase our competitiveness, and reduce our national debt.

PAYING TRIBUTE TO THE NEVADA NATIONAL GUARD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of the Nevada National Guard, and I honor them today for their service to the State of Nevada and our Nation.

The Nevada National Guard is comprised of 2,072 soldiers and 994 airman totaling 3,066 members. The Nevada National Guard has participated in Operations Iraqi Freedom, Enduring Freedom, and Noble Eagle. According to the Army National Guard's Bureau of Statistics, Nevada's contributions in support of these missions ranked among the top in the nation in overall percentages during 2003 and 2004. The following seven Units of the Nevada National Guard and Air National Guard have participated in the global war on terror: 1864th Transportation Company, Kuwait/Iraq; 1/221st Cavalry, Ft. Irwin, CA; D Company, 113th Aviation, Afghanistan; Detachment 45, OSA, Kuwait; 593 Transportation Company, Iraq; 152nd Airlift Wing & 152nd Intelligence Sqdn, Iraq; 192nd Airlift Sqdn & 152nd Maintenance Sqdn, Puerto Rico.

In addition to their national mission, the Nevada National Guard serves the State through a number of regional missions which include firefighting, security assistance, and natural disaster response. In August of 2005 the National Guard responded to Louisiana's call for help in the wake of Hurricanes Katrina and Rita by providing emergency management assistance, security, and evacuation assistance to the gulf coast region.

The Nevada National Guard is a key player in Nevada's drug control and prevention efforts. By partnering with Federal, State, and local officials and providing intelligence gathering expertise, the Guard is helping Nevada communities win the war on drugs. Nevada's Guard continues to serve our Nation throughout the world in the global war on terror and is ready to respond at a moment's notice whenever needed.

Mr. Speaker, it is with great pride and heartfelt gratitude that I salute the members of Nevada's National Guard and their families, and I honor them today for their service and dedication to our great Nation.

TRIBUTE TO MR. JOHN W. MONTOYA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. John W. Montoya, chief patrol agent for the Laredo Sector of the U.S. Border Patrol, for his incredible dedication to the city of Laredo, TX. He will retire from his long and distinguished 29 years of service in the Border Patrol on Friday, May 26, 2006.

Mr. Montoya was born in Albuquerque, NM, where he spent his youth, and later attended El Paso Community College where he earned an associate in business administration. He also attended the University of New Mexico and the University of Texas at El Paso. He and his wife, Silvia, have six children.

Mr. Montoya first joined the Border Patrol in 1976 as an agent in the El Paso Sector. In 1982, he was promoted to supervisory Border Patrol agent, a position he held until 1987, when he was promoted to deputy regional chief of the Border Patrol for the INS Regional Office in Dallas, TX. In 1990, he left the regional office for an appointment as assistant chief patrol agent for the Del Rio Sector, and after another tour in the Dallas Regional Office as assistant regional director for Border Patrol, he returned to Del Rio for the position of deputy chief patrol agent. In 2004, he was appointed and selected for the Senior Executive Service, SES, which is made up of leaders with proven executive skills, who have a strong commitment to government and to public service.

As chief patrol agent for the Laredo Sector of the U.S. Border Patrol, he was responsible for an area of 110,000 square miles and 172 river miles of border, with a large staff of 987 agents on board and 126 support personnel. The Laredo Sector extends as far north as the Oklahoma border and includes the cities of Dallas, San Antonio, Austin, and Houston. His service in law enforcement and protecting our border is truly commendable. It is always sad to lose such a valued member of the law enforcement community in South Texas, and I wish him and his family the best in their future endeavors.

Mr. Speaker, I am honored to have had this time to recognize the bravery and dedication of John W. Montoya.

HONORING THE LIFE AND WORK OF MR. JETTIE PURNELL

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BUTTERFIELD. Mr. Speaker, today I rise and ask my colleagues in the United States House of Representatives to join me in honoring and celebrating the life and work of Mr. Jettie Purnell. One of Halifax County's most notable citizens, Mr. Purnell's work in civil rights and labor rights has changed forever the lives of the people of the First Congressional District and those of people far outside its limits.

As a young man, Mr. Purnell was thrust into service during World War II as a soldier in the U.S. Army. He continued his patriotic service by fighting racism at home and playing a key role in the civil rights movement. His work continued as he moved aggressively and persistently to unionize local textile mills. Mr. Purnell led the fight for justice and equal rights, and also led a successful effort to designate a section of U.S. Highway 158 as George Thomas Young Drive.

Mr. Purnell is indeed a pillar of his community. He was a plaintiff in the historic voting rights lawsuit in Halifax County that resulted in the creation of a district method of election for the Board of County Commissioners.

Mr. Purnell's friends and family say that dispensing advice is his second profession. He has often been the chief advisor on matters of local importance. His daughter Sonya is insistent that "when my daddy spoke, people listened." Mr. Speaker, that is why this past week, Mr. Purnell was finally recognized for his tremendous work as a local leader. The longtime community activist was honored at a ceremony for the new apartment complex recently completed in the Roanoke Rapids area of my district. At the dedication ceremony the Olde Town Village Apartment Complex Activity Center was named in Mr. Purnell's honor.

Mr. Speaker, I could not imagine a more fitting facility to bear the name of Mr. Purnell than a community activity center in an area where he has been so adamantly committed to raising the quality of life.

I rise both to honor the life and service of Mr. Jettie Purnell and to thank him for his many years of service. Mr. Speaker, I rise to honor a man that has given to his community without ever asking to be recognized. This brief mention is the very least that we can do.

HONORING WILLIAM HARTWIG ON THE OCCASION OF HIS RETIREMENT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a dedicated public servant, William "Bill" Hartwig, on the occasion of his retirement from the United States Department of Interior. For the past few years Bill has been serving as Chief of the National Wildlife Refuge System.

I first met Bill in 2000 when he was working as the Regional Director for the Midwest Region. Together we embarked on a project unprecedented in America's history: an international sanctuary for birds, plants, and animals of all kinds. Today, Detroit is blessed with the serene beauty of the Detroit River International Wildlife Refuge. This 2,100-acre refuge provides Southeast Michigan citizens with a previously unimaginable opportunity to experience the magnificence of a lush habitat for hundreds of protected species close to home. To Bill's eternal credit, this remarkable project would never have been possible without his vision and powerful determination.

Long before becoming one of the Nation's great conservationists, Bill was born in Riverside, CA. Recognizing his life's path early, he graduated from West Virginia University with a bachelor's degree in outdoor recreation. Between WVU and receiving his master's degree in administration from George Washington University in 1976, Bill served in Vietnam where he received Army Commendation Medals and the Bronze Star.

Bill began his work in the Department of the Interior in 1977. Through the course of his illustrious career there, his care for the environment and all its inhabitants touched an incredible variety of issues ranging from land management to migratory bird conservation. In 1988 he received the Department's Meritorious Service Award and in 1990 was named an "Unusually Outstanding Employee."

Bill Hartwig is a great conservationist and his impact on this country is impressive and profound. I personally thank Bill for his invaluable help in creating the Detroit River International Wildlife Refuge, and I invite you Mr. Speaker, and all my colleagues, to join me in recognizing Bill for his dedication to the out-of-doors, to conservation, and for his long and distinguished career with the Department of the Interior.

TRIBUTE TO PASTOR ARTHUR JACKSON, III CELEBRATING HIS 15TH PASTORAL ANNIVERSARY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MEEK of Florida. Mr. Speaker, I would like to take this opportunity to pay tribute to one of Miami's great spiritual leaders, Pastor Arthur Jackson, III, of Antioch Missionary Baptist Church of Carol City, which is located in my Congressional District.

Pastor Jackson came to his calling through the love and influence of both his father, the late Rev. Arthur Jackson, Jr., and his mother, Mrs. Arthur Jackson. Spiritually, God has lifted and anointed him to preach the gospel to the wounded, lost, and broken. Ask any of Pastor Jackson's thousands of congregants what they most like about him, and you are likely to hear, "He is real" He relates to his flock in an honest and genuine way that brings out the best in people. During the hurricane season, for example, Pastor Jackson sent his deacons out to check on the elderly, to make sure that their houses were properly boarded up before the storm and afterwards, to make sure they had food and water and any other help they may have needed.

During Pastor Jackson's tenure at Antioch, the church has gone through a complete spiritual, financial, and structural metamorphosis. In December of 1996, the Congregation purchased surrounding lots and broke ground for a new structure—a $2 million building that was consecrated in August 1998. After only seven years, the congregation had already paid off their multi-million dollar mortgage.

A man of character, integrity and wisdom, Pastor Jackson's consistent obedience to God has taken the Antioch congregation from the "Faithful Fifty" members, to a blossoming ministry of nearly 6,000 members. Pastor Jackson serves God and his community through the ministries he has nurtured. I congratulate Reverend Jackson on his Pastoral Anniversary and extend best wishes to him, his wife, Jacquaneise, and their daughter, Jaden.

IN HONOR OF JUDGE DELBERT EARL WONG MAY 17, 1920–MARCH 10, 2006

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. BECERRA. Mr. Speaker, I rise today to pay tribute to a loving family man and eminent jurist who worked tirelessly to protect the rights of ordinary Americans throughout our country, Judge Delbert Earl Wong, who passed away Friday, March 10, 2006.

Delbert Wong rose from humble means, and it was this experience that led him to dedicate his considerable talents to serving the public. Born May 17, 1920, in Hanford, CA, to a Chinese-American mother and Chinese immigrant father, Delbert encountered great adversity and discrimination early in his life. His mother, born in Weaverville, CA, lost her American citizenship for the simple act of marrying Delbert's father in 1919. Unable to own land and forced to apply for citizenship due to the Chinese Exclusion Act, his parents' experiences would embolden Delbert and instill in him a commitment to justice and equality.

Raised in Bakersfield, CA, Delbert attended Bakersfield College where he received an associate of arts degree. After transferring to the University of California at Berkeley, he graduated with a bachelor's degree and also met his future wife, Dolores Wing. Upon graduating from U.C. Berkeley, Delbert heeded the call to serve his country and enlisted in the Army Air Corps during World War II, serving as a navigator on a B–17 Flying Fortress. Completing 30 missions over Europe, he was awarded the Distinguished Flying Cross.

In 1945 following the end of the war, Delbert enrolled in Stanford Law School, breaking barriers of discrimination as the school's only student of color. After being admitted to the State Bar of California in 1948, Judge Wong began his career working for the Office of the Legislative Counsel in Sacramento. He later transferred to the Office of the Legislative Counsel in Los Angeles, where he was one of two Chinese-American lawyers in all of Southern California. In 1951 he joined the Office of the California State Attorney General. There, he served as the first Chinese-American deputy attorney general under then Attorney General Pat Brown. When Pat Brown was elected governor, he appointed Delbert to the bench in 1959, making him the first Chinese-American judge in the United States.

Delbert Wong became a judge because of his deep commitment to justice, equality, and civil rights; ideas that he fought for throughout his entire life. He served on the bench during the tumultuous decades of the 1960s and 1970s when these issues dominated public debate with the social upheaval surrounding both the Vietnam war and the civil rights movement. Hearing cases involving free speech and assembly, employment discrimination, and school desegregation, Judge Wong was at the forefront of some of the most important court decisions of that era.

Judge Wong's professional achievements were extraordinary, as was his love for family and community. Together, Dolores and Delbert raised four children: Kent, Shelley, Duane and Marshall. Though Judge Wong retired from the bench in 1982 after 23 years of service, his role in public service continued as a private arbitrator and community leader, roles he would hold until the end of his life. He was appointed by Los Angeles Mayor Tom Bradley to a panel that authored the city of Los Angeles's first ethics code, and also led an investigation into charges of racial discrimination in employment at the Los Angeles International Airport Police Bureau. Delbert was a key supporter of the Asian-Pacific American Legal Center and the Chinatown Service Center. He is fondly remembered by his family for making breakfast for his children each morning and serving as a Boy Scout leader. Judge Wong overcame great odds to serve his country, opening doors for countless others; but even more importantly, he did so while maintaining a sincere commitment to loving and supporting his family.

Mr. Speaker, it is with immense sorrow, yet great admiration and appreciation that I ask my colleagues to join me today in saluting Judge Delbert Earl Wong, a devoted husband, father, public servant and community leader. May his passionate dedication to opening doors for others and service to this country be remembered and give birth to the next generation of champions for justice.

TRIBUTE TO RICHARD HELLMAN, M.D.

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MOORE of Kansas. Mr. Speaker, I rise today to bring to the attention of this recent election of Kansas City metro area resident Richard Hellman, MD, FACP, FACE, as President-Elect of the Board of Directors of the American Association of Clinical Endocrinologists, at its Fifteenth Annual Meeting and Clinical Congress in Chicago on April 29, 2006. Since 1999, he had served on the AACE Board of Directors.

Dr. Hellman has been privately practicing with a focus on diabetes mellitus and endocrinology in Kansas City, Missouri, since 1981; he is board certified in internal medicine and endocrinology. He is a clinical professor of medicine at the University of Missouri, Kansas City, School of Medicine and is the past president of the Metropolitan Medical Society of Greater Kansas City, a current member of the Health Commission of Kansas City and chair of their Patient Safety Task Force.

He graduated from the Chicago Medical School and completed all of his post-graduate training at the University of Kansas Medical Center. Dr. Hellman is a member of Alpha Omega Alpha, the national medical honor society. He is also the medical director of the Heart of America Diabetes Foundation.

A methodology and data expert for the Physician Consortium for Performance Improvement, Dr. Hellman is also a member of their executive committee and co-chairs their implementation work group. The Consortium is convened by the American Medical Association and includes representatives from more than 70 national medical specialty and state medical societies. The Consortium seeks to provide physician performance measures for both the Center for Medicare and Medicaid Services and for specialty boards. He was the first to show how an electronic health record can be used to improve adherence to the Consortium's physician performance measures. Dr. Hellman is the AMA representative for the Joint Commission on Accreditation of Healthcare Organizations Advisory Group for Disease-Specific Care Certification and serves on the National Diabetes Quality Improvement Alliance's Technical Expert Panel. He is also currently on the AMA expert panel on medication reconciliation.

In short, Mr. Speaker, Dr. Richard Hellman is a dedicated community leader in the medical field who is extremely well qualified to assume a leadership position with the 5,300 member-American Association of Clinical Endocrinologists. I am pleased to have this opportunity to bring his accomplishments to the attention of the House and to pay tribute to him as he assumes this new position of trust and achievement.

TRIBUTE TO THE BASILICA OF THE ASSUMPTION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. CARDIN. Mr. Speaker, I rise today with my colleagues from Maryland: ROSCOE BARTLETT, ELIJAH CUMMINGS, WAYNE GILCHREST, STENY HOYER, C.A. DUTCH RUPPERSBERGER, CHRIS VAN HOLLEN and ALBERT WYNN to pay special tribute to America's first Catholic Cathedral, the Basilica of the Assumption in Baltimore, which has undergone a two-year restoration in preparation for its bicentennial celebration on November 4, 2006.

The Basilica was the first great metropolitan Cathedral in America and the first major religious building to be constructed following the adoption of the U.S. Constitution. The construction of the Basilica reflected a fundamental shift in how government viewed religious freedom—a shift from worship in an established church to worship that was based on the individual's choice and conscience. It stands as a reminder of America's openness to people of all faiths.

Designed by Benjamin Henry Latrobe, architect of the U.S. Capitol, the Basilica is considered an architectural masterpiece and one of the finest 19th Century buildings in the world. The Basilica in Baltimore, home to the country's first Catholic Archdiocese, is designated as a National Historic Landmark and National Shrine.

We commend the Archdiocese for undertaking a major restoration of this extraordinary religious and civic landmark. After decades of slow deterioration, the Basilica is finally being restored to its original grandeur. In the future, Americans of all faiths will be able to visit this historic treasure and reflect on its history and its place in our Nation's struggle for religious freedom.

We hope our colleagues in the House will join the Maryland Delegation in honoring the Basilica during its bicentennial year of celebration and in expressing our sense of pride that the Basilica is part of our Nation's history.

TRIBUTE TO MRS. MARLYS SMITH

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor Mrs. Marlys Smith, a teacher at Matthews Elementary School in Sikeston, Missouri. Marlys is retiring after 31 years of service in Missouri's Public Schools.

Marlys was born on November 18th, 1952, on the Marine Base at Quantico, Virginia, to Monda and Jim Davis. The oldest of six children, she spent her early years in Mississippi County, Missouri, and graduated from East Prairie High School. She went on to receive her undergraduate degree in Elementary Education from Southeast Missouri State University in 1975. Later, she obtained her Masters Degree from William Woods University in Fulton, Missouri.

As a young girl of 10, Marlys contracted a disabling bone disease that caused her to be hospitalized for nearly three months. Because of the radical surgery she needed, she lost the ability to use her right hip, until extensive corrective surgery in the last year. Rather than allow this physical impairment to hinder her in any way, she turned her energy from outdoor activities to music. The young girl from Mississippi County who became a teacher and taught everything from high school special education to first, third and sixth grades also had time to develop her voice. She sang with "Young Americans in Concert" in New York at Carnegie Hall, in Europe, and also for President Nixon in the White House in the summer of 1971. And then in 1993, my late husband, Congressman Bill Emerson, invited this beautiful, young lady to sing "Amazing Grace" to 4000 participants at the National Prayer Breakfast in Washington DC. She again shared her voice in a rendition of "Amazing Grace" in 1996 at Bill's funeral in Missouri and in Statuary Hall in the U.S. Capitol.

Marlys Smith, the school teacher, has been a Girl Scout Leader, Sunday School teacher and a mentor to thousands of girls and boys in Southern Missouri and a friend to all who have known her. And I count myself as one of those friends. Marlys and her husband, Lloyd, who is my Chief of Staff, are family. We have shared many wonderful and tearful times over the last 25 years.

Although Marlys has been a leader in her field and a dedicated volunteer in a host of groups, her most special role has been that of a wife to Lloyd and mother to their three children, Trista, Sam and Tiffany. A working mom who, because of her husband's travels, was many times the only one at home to go to scouts, ball games and church events or to help with homework. She never complained and always has a smile on her face. Indeed the young girl who nearly died at age 10 turned into a beautiful woman who has shown a zest for life and shared her love with all those who have known her.

I congratulate Marlys on her retirement and wish her the best in all of her future endeavors. From the Emerson Family to Marlys Smith, we say thank you, and we pray you continue to spread your wonderful gifts for years and years to come.

PERSONAL EXPLANATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. STEARNS. Mr. Speaker, I missed the following vote due to a personal reason.

On rollcall vote No. 162 to H. Res. 795, Condemning in the strongest terms the terrorist attacks in Dahab and Northern Sinai, Egypt, on April 24 and 26, 2006, had I been present I would have voted "yes."

HONORING LTC JOHNNY M. SUMMERS

HON. JIM GIBBONS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. GIBBONS. Mr. Speaker, I would like to take this opportunity to recognize Lieutenant Colonel (LTC) Johnny M. Summers, Outgoing Commander, Hawthorne Army Depot located in Hawthorne, Nevada. LTC Summers took command of the Depot in June of 2004. On May 13, 2005, the Base Realignment and Closure (BRAC) Commission recommended closing the Depot. Soon afterward, Hawthorne realized an "Army of One" is all you really need.

From the onset, LTC Summers realized the selection criteria used for recommendation to close Hawthorne had significant flaws. He maintained that it would be a strategic mistake to close the depot due to its significant storage capability, highly skilled workforce, combat terrain training opportunities, and modern reprocessing facilities.

LTC Summers ensured that BRAC Commissioners were provided with the correct data, which countered the recommendation to close the Depot. Thanks in large part to the accurate information provided by LTC Summers, the Commissioners and their colleagues understood the mistakes and the true value the Depot provides the United States Department of Defense.

Thanks to LTC Summers' tireless efforts, the BRAC Commission agreed the evidence presented showed the Hawthorne Army Depot has great economic and strategic significance that justify keeping it open. His efforts were certainly instrumental in our success.

I commend this great commander upon his retirement from the United States Army on September 30, 2006, for his exceptional, dedicated service to the Hawthorne Army Depot, the great State of Nevada and our country. I extend to him my best wishes for continued excellence in his future endeavors.

Thank you, Lieutenant Colonel Summers, for your time and service.

HAITI'S FUTURE: THE TASK OF REBUILDING A SHATTERED NATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. RANGEL. Mr. Speaker, I rise today to acknowledge that many challenges lie ahead for President Rene Preval as he embarks on the task of rebuilding and developing the country of Haiti. I am in full support of Rene Preval and I wish him well as he strives to reconcile his countrymen through better communications and commitments for peace and progress.

Haiti is a country plagued with trouble and instability. Preval's successors, the interim administration, were not able to unite the country. A rebellion that led to the ouster of the former president, Jean Bertrand Aristide, also set the country on a path of violence, crime and bloodshed from which it may take years to recover. Rene Preval's election is clearly the best thing that could have happened to the country as it has served to give hope to its population of eight million-plus people.

While President Preval pledges to lead the country in unity he continues to cite that the solution to Haiti's problems is in the hands of the Haitians. Needless to say, the country could benefit greatly with assistance from the United States, Canada and France.

I strongly urge my colleagues to be generous with U.S. assistance to Haiti at this time when they need it most. None of us want to see Haiti revert to its previous political and security conditions. Contributions of aid and finances must be followed through and the Caribbean region must also re-engage with Haiti to help them on the course to peace and development.

Mr. Speaker, I rise to enter into the CONGRESSIONAL RECORD an editorial by Tony Best from the May 23, 2006 edition of the New York CaribNews entitled Haiti's Future—The Task of Rebuilding a Shattered Nation. This article sheds light on Haiti's plight.

HAITI'S FUTURE, THE TASK OF REBUILDING A SHATTERED NATION

(Editorial by Tony Best)

"If we don't talk, then we will only fight." Rene Preval, Haiti's newly installed President, struck an important and positive note for reconciliation, peace and development in his nation as he began the second, but not successive, term as his country's leader.

His return to the Presidential palace in Port au Prince is being widely hailed as an opportunity step forward if the country is follow a growth path, recognizing that his is an unenviable task. Preval needs the cooperation and active involvement of Haitians of all stripes and social class, whether at home or abroad if their shattered country is to serve its eight million-plus people. It goes without saying that the international community, especially the United States, Canada and France must help lead the way towards reconstruction and unity.

Caribbean nations too, especially those in Caricom must also do their part. But as Preval himself said on Sunday as he took the oath of office, "the solution to our problems is in our hands." Outside economic and political forces can help drive the engines of progress but in the end, Haitians must be responsible for their future.

When Preval ran the country for the first time between 1996–2001, he sought to unite the fractured society. But with Haiti polarized between his mentor and predecessor in office, Jean Bertrand Aristide, and those who opposed Lavalas and the former Roman Catholic priest Preval's record fell far short of the high expectations. Now he has a chance to redeem himself.

Fortunately, he was not viewed as a corrupt politician, interested only in himself and the interest of his cronies. Preval has succeed an interim administration that lost its way from the get-go and was never able to unite the country as Haiti had to grapple with more than its share of trouble, insurrection and instability.

A rebellion set in motion by the machinations of people in Washington and carried out by Haitians in the Dominican Republic and elsewhere, not only led to the ouster or abduction of President Aristide but set the country on a path of violence, crime and bloodshed from which it may take years to recover. The recent presidential election, which Preval won fair and square, was perhaps the best thing that could have happened to the country.

The Republications in Washington, who played a key role in Aristide's ouster and in the instability that followed, must see itself as a part of the solution, having helped to create some of the problems.

Preval, a former ally of the ousted former President who is cooling his heels in South Africa, must battle some formidable obstacles and challenges that run the gamut from weak judicial institutions, an inept and corrupt bureaucracy and a devastated economy to rising crime and lawlessness, not to mention the lack of a democratic tradition needed to prevent political forces from turning on each other and prolonging the agony.

As if to send a strong message to the new head of state about the enormity of the task ahead of him, inmates of the national penitentiary went on a rampage, demanding their freedom and calling for better treatment. Shots were fired and when the inmates appeared on the roof they help up two bodies, apparently those of inmates, according to a news agency account, Haitian police and United Nations armed personnel were quickly able to restore order.

If Preval and his administration needed a reminder of the troubles ahead that brief incident showed them that whether on the streets of the urban centers or behind bars, chaos could erupt at any time.

It also underscored the need to address the ills facing the awful justice system and the inhumane conditions in prison, something the U.N. Envoy in Haiti, Juan Gabriel Valdes, urged Preval to do something about. After all, hundreds of prisons have been languishing in prison for extended period of time under the most wretched of conditions.

Preval must break with the past, especially the past two years during which the interim Prime Minister, Gerard LaTortue and his ministers ignored human rights issues and the need for the prompt delivery of justice. Instead, they preferred to spend much of their time attacking Aristide's supporters.

It also failed miserably to come to grips with the day-to-day economic and social difficulties that plague the average Haitian. And as the poorest people in the Western Hemisphere, Haitians who suffered the most numbered in the millions.

That hard fact of life may explain why the UN envoy urged President Preval to show Haitians that he means business.

"It is critical for him to be able in the first year . . . to show Haitians that he can produce some change in their lives," Valdes told the Associated Press. "It would be frankly intolerable to see that for lack of international assistance at this point in time the country goes back to previous political and security conditions."

The depth of the financial and development crunch is there for all to see. So far, the rich nations have pledged $1.2 billion in aid but only $200 million of that amount has been invested in development projects.

The World Bank, International Monetary Fund and others can and must do better, much better than that.

Clearly, much of the trouble isn't at Haiti's doorsteps. Its roots are in the complicated and unfathomable rules imposed by the international financial institutions on how the money must be spent.

We agree with Valdes when he said, "A country in this situation cannot be forced to follow rules that will bring it political catastrophe."

For its part, the Caribbean region, which largely stood on the sidelines during the chaos of the past two years, must become re-engaged with Haiti again. It must welcome the country and its president back into the regional fold and while it may not have the financial resources to help get the job done, it certainly possesses the human capital and the experience to set the French-speaking nation on the right course to peace and development.

In his inaugural address President Preval stressed the value of better communications, telling Haitians, "we need to make peace through dialogue and talking to each other so we can decide where we want to go together. If we don't talk, then we will only fight and there will be no peace." Well said.

PRAISE FOR U.S. COAST GUARD IN TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PAUL. Mr. Speaker, I would like to place in the RECORD, the following report submitted by Anthony Marcos, Command Senior Chief, Air Station Houston, Texas in recognition of the men and women of the United States Coast Guard in Texas who performed with great courage and made 723 rescues under very adverse circumstances during hurricanes Katrina and Rita in 2005.

On the morning of 29 August, two HH65B helicopters from Air Station Houston arrived at Air Station New Orleans for post Hurricane Katrina operations. The arrival of these crews marked the beginning of an unprecedented period of search and rescue operations, and aviation engineering and logistical support by Air Station Houston.

For nearly two weeks, Air Station Houston provided a continuous complement of three HH65B's affording uninterrupted support of Katrina's rescue/response operations. This support culminated in more than 164 flight hours, 106 sorties, and most importantly, 691 saved lives by Air Station Houston-based aircraft and crews.

Recognizing a critical need by rescue personnel for water, energy drinks, MRE's and comfort items, Air Station Houston collected and shipped over 170,000 pounds of donated items on Coast Guard and DOD logistics flights for response personnel and the victims of Katrina.

Air Station Houston utilized valuable Coast Guard Auxiliary and other volunteer personnel in a vital information gathering effort by serving as a conduit between the Red Cross and Search and Rescue controllers for the forwarding of time-critical information on missing or evacuated Katrina victims and refugees stranded or relocated somewhere in the New Orleans area or out of state.

In addition to its legacy area of responsibility (AOR) Air Station Houston instituted a plan to relieve Air Station New Orleans of its non-Katrina SAR responsibilities west of the Mississippi River throughout the Katrina response effort, thereby increasing Houston's AOR by more than 18,000 square miles. With two aircraft and crews deployed to New Orleans, Air Station Houston crews responded to a report on 6 September of a civilian helicopter missing 20 miles south of Sabine, Texas. Although already engaged in nearly around-the-clock operations in New Orleans, Air Station Houston's outstanding readiness posture permitted two unit helicopters, manned by crews recently returned from Hurricane Katrina, to be launched in a search for the 12 persons reported aboard the overdue helicopter. All 12 persons were quickly located and then successfully recovered during this multi-unit case by the two Air Station Houston helicopters in a daring nighttime offshore rescue.

The possibility of a category five hurricane hitting the Houston-Galveston metropolitan area set in motion a massive response effort from the Coast Guard Area Commanders. Within 48 hours of Rita's early morning landfall on 24 September, over 125 contingency aircrew personnel along with 15 additional Coast Guard aircraft arrived at Air Station Houston to commence operations.

During the Houston-based response operation for Hurricane Rita, the Air Station coordinated over 61 missions and 123 sorties resulting in 205 mishap-free flight hours and the saving of 32 lives in a one week period. During this time, Air Station Houston also provided invaluable support to Gulf Coast based cutters including CGC Cypress, which allowed them to quickly fix the position of displaced waterway buoys, enabling the reopening of vital waterways and the free-flow of commerce in and out of the Gulf.

SAN CARLOS PTA CELEBRATES THE 34TH BIENNIAL CHICKENS' BALL 2006

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I rise today to honor the Parent-Teacher Association (PTA) of the San Carlos School District, located in my Congressional District, as well as the 34th Anniversary of its historic and infamous Chickens' Ball. This biennial event has helped to raise money for San Carlos' public schools as well as create ties within the community for the past 66 years.

This creative means of raising funds was first proposed by middle school teacher and PTA member, Howard J. Demeke, in 1939. Mr. Demeke himself was a regular patron of the historic San Francisco Barbary Coast Chickens' Ball, a live-entertainment show performed by women of a certain reputation in various saloons. This philanthropy-oriented event had been around since the early 1900s and included a contest of various colorful and riotous acts. The winner of the best act was awarded amounts of gold to then be donated to a designated charity.

Under Mr. Demeke' s request to the San Carlos PTA, the Chickens' Ball left the swanky scene of the saloon and was reborn in San Carlos for the purpose of raising money for the school district's milk funds. Members of the PTA, local clubs and members of the community joined together to plan comedy and entertainment skits, each competing for a large sum of donated money. The ball was an enormous success and has continued to be for the past six decades with all proceeds directly benefiting the schools of San Carlos.

I personally had the pleasure of attending the 34th Biennial San Carlos Chickens' Ball this year, with my lovely wife Annette. As we discovered, the Chickens' Ball requires the attention and participation of the audience, making each second at the show memorable. I congratulate each act unequivocally for the brave hilarity exhibited on stage by each performer.

Mr. Speaker, please join me in saluting and congratulating the outstanding Parent-Teacher Association of the San Carlos School District, for their dedication to our community and the quality of education for our children, through the most creative Chickens' Ball.

PERSONAL EXPLANATION

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Miss McMORRIS. Mr. Speaker, during the second series of votes on amendments to H.R. 5384 the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2007, I was avoidably detained and missed two votes on amendments by Representative JEFF FLAKE.

Had I been present I would have voted in favor of H. Amdt. 904 to prohibit any of the funds made available in the Act from being used to fund dairy education in Iowa and H. Amdt. 909 to prohibit use of funds in the bill for the Hydroponic Tomato Production, Ohio grant.

IN RECOGNITION OF KEN STEWART

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor Ken Stewart, recipient of the 2005 National Language Teacher of the Year Award, which is given by the American Council on the Teaching of Foreign Languages (ACTFL). Ken is the very first teacher ever to receive this award.

Señor Stewart, as he is known by his students, has taught Spanish at Chapel Hill High School for nearly 20 years. A National Board Certified Spanish teacher, he has been successful in sharing his passion for language learning in the classroom because of his foreign language teaching philosophy, education, and extensive travel experience.

As the ACTFL National Language Teacher of the Year, Señor Stewart competed for this award with five other regional winners from across the country. His award dossier included video segments demonstrating his skill as a classroom teacher and documentation of his teaching practices, as well as testimonials from his students, their parents, and his school administrators. This award, sponsored by ACTFL and publisher McDougal Littell, was created to recognize foreign language teachers at the K–12 level who exhibit excellence in classroom language teaching. As part of this honor, Señor Stewart is now involved in serving as a spokesperson for language educators and making appearances and giving presentations that promote language education through the "Discover Languages" national public awareness campaign.

The shortage of qualified language professionals across the United States underscores the importance of Señor Stewart's work: only 9 percent of students enrolled in college study a foreign language. We need to introduce language study at an earlier age and do more to encourage pursuing real proficiency.

Foreign language needs have significantly increased due to the presence of a wider range of security threats, the emergence of new nation states, and the globalization of the United States economy. Outstanding teachers who instill critical skills of language competence and cultural understanding in our students are indeed worthy of recognition and gratitude.

I call on my colleagues to seek out the 2006 Language Teacher of the Year in their own states and to encourage that teacher as he or she competes this year at the regional and national levels. It is important that we support these educators who do so much to provide our students with the foreign language skills and cultural understanding that are essential to a world class education and that will prepare them for living and working in the 21st century.

I ask my colleagues to join me in commending Señor Stewart for his years of dedicated service and his commitment to foreign language instruction.

TRIBUTE TO CHAIRMAN HENRY HYDE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. ISSA. Mr. Speaker, I have had the honor of serving under Chairman HYDE on the House International Relations Committee since I came to Congress in 2001. From my very first day on the Committee I have witnessed firsthand the wit, humor and brilliance that are trademarks of my party's elder statesman.

Henry has succeeded in bringing sensibility and strength to one of the House's most important and internationally scrutinized committees in the wake of September 11. While my colleagues on both sides of the aisle have occasionally attempted to use the International Relations Committee as a venue to push forward partisan ideology; Chairman HYDE and his fine staff have worked hard to ensure that resolutions that leave his committee are based on fairness, the promotion of our democratic ideals, the protection of human rights, and American interests throughout the world.

I appreciate the guidance and mentorship that HENRY provided to me when I first came to Congress. As a freshman member I had many legislative and policy ideas that I wanted to pursue. HENRY taught me to cool my heels and recognize the nature of the process in accomplishing my legislative goals. The advice that he gave me back then was certainly the right advice, and it still resonates with me today.

I admire the strength that Chairman HYDE continues to show. At 82 years of age and limited in his personal mobility he is still very much a workhorse in the House. We continue to maintain a busy schedule in the International Relations committee and HENRY travels around the world meeting with foreign dignitaries and protecting American foreign policy at an amazing pace. I only hope that when I reach HENRY's age that my mind will still be as sharp as his.

I continue to be amazed at the many things that HENRY has accomplished during his 30 years in this body. I'm also amazed by the fact that he has survived in this body for more than 30 years. That is no small feat by any means.

It has been an honor and pleasure to serve with Chairman HYDE in the House and under him on the International Relations Committee. I thank him for his leadership and guidance. I look forward to working with him through the remainder of this Congress and I wish him the best in his endeavors thereafter.

TRIBUTE TO WQBA–AM

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, it is with great respect that I rise today in recognition of WQBA–AM, a landmark radio station in Miami, FL, for its upcoming 40th anniversary.

Since its inception on May 31, 1966, WQBA has been a pillar of Miami's airwaves for politics and local issues. It provides members of the community the opportunity to hear from newsmakers and public officials. WQBA is also the official Spanish station of the Florida Marlins and the Miami Heat. It has been known as Radio Continental, Radio Cuba, La Cubanisima and La Voz de Miami.

WQBA has always strived to provide accurate information while also reflecting the diversity of its audience and South Florida. It is home to numerous prestigious journalists, including the only Spanish-language sports commentator belonging to the National Baseball Hall of Fame. Considered one of Miami's historic stations, WQBA has witnessed and broadcasted significant historical moments during its 40 years. In 1992 when Hurricane Andrew hit South Florida, WQBA was an essential source for news as it was the only Spanish radio station that withstood the storm.

Loyal to Hispanic traditions, WQBA began the annual Reyes Magos Parade 36 years ago and it is now co-sponsored by three sister stations and considered one of the five most important Hispanic cultural events in the country.

WQBA is one of the true voices of Miami and has always been active in its commitment to promoting education and the arts throughout the years. The station's trademark jingle "Yo soy de Cuba la voz," ("I am Cuba's voice") is played daily at the Celia Cruz exhibit at the Smithsonian Museum.

Mr. Speaker, as we recognize WQBA's long legacy and the excellent service it has provided Miami during the past four decades, I ask that you join me in expressing our appreciation for its first 40 years and best wishes for its next.

RECOGNIZING THE HILL-SMITH FAMILY REUNION

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to recognize the Hill-Smith family reunion and I ask that my colleagues join me in honoring this wonderful occasion. This reunion affirms the importance of family gatherings, drawing together relatives from Atlanta and as a far away as Boston, Massachusetts and Hartford, Connecticut.

The Smith and Hill families celebrate the union of Thomas Landrum Smith and Armentis Hill which joined the two families in 1919. Eight children resulted from this matrimony, and from those eight children, 85 direct descendants and hundreds of other relatives who bear the surnames Smith and Hill.

The Smith and Hill families organized their first reunion in Roanoke, VA in July of 1986. Over the next 20 years reunions were held every two years in New York, NY, Boston, MA, Jonesville, SC, Atlanta, GA, Pacolet SC, and Rocky Mount, NC. This year the Hill and Smith families will reunite in Stockbridge, GA for their tenth bi-annual reunion. Hundreds of relatives coming from every corner of the United States will reunite for a week of activities to reconnect and celebrate the meaning of family. Youth filled with zeal and exuberance along with elders seasoned by the wisdom of years will unite because of this occasion. The Hill-Smith family will welcome Marjorie S. Kirk of New York, NY with a special degree of warmth. At 83, Ms. Kirk will be the oldest family member attending this year's reunion. The youngest and most recent addition to the family is Maleek Thompson, born April 19, 2006. While only a few months old, Maleek will join his family traveling from Maryland to participate in his first reunion.

The governor of the state of Georgia, Sonny Purdue, recognized this momentous gathering with a welcome letter and the host city of Stockbridge, GA issued a proclamation to honor the Hill-Smith reunion. I ask that this great legislative body stand with me and add to these acknowledgements by honoring the Smith and Hill families. I am proud to represent the Hill-Smith family members who call the 13th Congressional district of Georgia home.

IN TRIBUTE TO THE WORK OF SECRETARY LLOYD BENTSEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. RANGEL. Mr. Speaker, I rise in tribute to Secretary Lloyd Bentsen, an American patriot and champion of democratic values. I salute his life achievements that have furthered the cause of American liberty and freedom at home and abroad. His life is a reflection of commitment and dedication to the vibrancy of the American economy. The brilliance that personified his life in public services has guided America to a "more perfect Union."

Lloyd Millard Bentsen, Jr. was born Feb. 11, 1921, in Mission, TX, in a small frame house; from this humble beginning, Lloyd Bentsen rose to prominence in American politics. He received a law degree from the University of Texas at Austin in 1942 and served as Army Air Corps combat pilot in World War II with the 449th bomb squadron. At the early age of 23, he was given command of a squadron of 600 men. For his bravery and leadership, he was awarded the Distinguished Flying Cross and four awards of the Air Medal.

Upon his return to his native Rio Grande Valley he was elected Hidalgo County Judge. In 1948, Lloyd ran for Congress and won easily. At 27, he had the admirable designation as the youngest Member of the House. Representative Bentsen gained respect from his colleagues by his leadership skills and political acumen. He was a strong advocate for a number of policy issues which include the deregulation of natural gas, State control of offshore oil and notably the repeal of the poll tax. He was only one of two Southern Congressmen to challenge this device that impeded voting of African-Americans in the South.

In 1955, Lloyd left Congress after he experienced difficulty raising a family in Washington on a meager congressional salary of $12,500. Subsequently, he began a business career in Houston and he eventually became president of Lincoln Consolidated, an insurance and financial holding. However, in 1970 he sold his business in a lucrative deal, and declared his candidacy for the U.S. Senate. He won the democratic nomination and then defeated George H.W. Bush, 53 to 47 percent. He was immediately tagged as a coalition builder among liberals and conservatives, putting aside differences and arriving at consensus regarding numerous policy issues. This was evident in his ability to advocate for both minorities in the South and wealthy conservatives linked to Texas oil money. Lloyd has said that his proudest accomplishment in the Senate was pension reform. Also as a member of the Finance Committee and joint Economic Committee, he also contended that the tax code should provide incentives for a myriad of activities that include national saving, production of oil and college loans.

Lloyd worked closely with President Reagan and President Carter on numerous issues. In 1977, he ran for the White House, but his campaign was unsuccessful. However, in 1986 he took the place of retired Democratic leader Senator Russell B. Long as chairman of the finance committee. He also served as chairman of the Joint Committee on Taxation and the Joint Economic Committee and was a member of the Senate Commerce, Science and Transportation committee. As a Democrat, Lloyd garnered respect from his colleges across the aisle. He was known to be well versed in tax law and was always known as the consummate insider. He commanded the respect and ear of Wall Street and was a man of integrity and character.

In 1988, Dukakis tapped Lloyd as his vice-presidential running mate and instantaneously he was again catapulted to the national stage. Though the Dukakis ticket did not win the White House, he won the hearts of Americans. He famously reminded Dan Quayle that he was no Jack Kennedy in a televised vice-presidential debate.

Bentsen retired from the Senate in January 1993 to serve as the 69th Secretary of the Treasury under Clinton from 1993 to 1994. He played an intricate role in several of Clinton's achievements. The $500 billion deficit reduction measure was crucial and drove the deficit down, which later turned into a government surplus. Additionally, he assisted in passing NAFTA, the North American Free Trade Agreement, which dramatically changed American trade policy with Mexico.

Lloyd retired in 1994 and said, "I couldn't leave with the economic flag flying any higher." His stellar public service career was solidified in 1999 when President Clinton presented him with the Presidential Medal of Freedom, the Nation's highest civilian honor.

FREEDOM FOR EGBERTO ANGEL ESCOBEDO MORALES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Egberto Angel Escobedo Morales, a political prisoner in totalitarian Cuba.

Mr. Escobedo Morales is a member of the National Council for Democratic Transition. He has dedicated his life to opposing the tyrant who enslaves the people of Cuba. He was arrested in 1995 and in sham "trial" was sentenced to 20 years in the totalitarian gulag. According the U.S. Department of State, in July 2000, Mr. Escobedo Morales was tried again for "obstruction of police" and "disrespect of government officials."

He has been incarcerated for over 10 years in the most inhuman conditions imaginable. Despite incessant repression, harassment, and abuse, Mr. Escobedo Morales remains committed to the conviction that democracy and individual liberty are the birthright of the Cuban people.

In February 2006, Mr. Escobedo Morales, along with four other political prisoners, courageously signed a letter containing the truth about Cuba under Castro. The letter was printed on Cubanet, "Cuba has become an island prison. All Cubans in the street just have conditional freedom and those of us in prison are in solitary confinement cells."

The solitary confinement cells that Mr. Escobedo Morales mentions in his letter are described in the U.S. Department of State Country Reports on Human Rights Practices—2005 as, "Prison conditions which continued to be harsh and life threatening. Prisoners sometimes were held in "punishment cells," which usually were located in the basement of a prison, with continuous semi-dark conditions, no available water, and only a hole for a toilet."

Mr. Escobedo Morales is representative of the fighting spirit of the Cuban people: of their rejection of the brutality, discrimination, depravity, and oppression of the totalitarian tyranny. Thousands languish in the gulag because, like Mr. Escobedo Morales, they refuse to accept the tyrannical dictatorship in Cuba today. Mr. Escobedo Morales is also representative of the best of the Cuban people, of the dignity of the Cuban people.

Mr. Speaker, it is unconscionable that, in the 21st century, brave men and women are chained to filth because of their belief in democracy, freedom, and the sanctity of human rights for every person. My Colleagues, we must never forget those who are locked in gulags because of their desire for freedom. My Colleagues, we must demand the immediate and unconditional release of Egberto Angel Escobedo Morales and every political prisoner in totalitarian Cuba.

VIETNAM VETERANS MEMORIAL VISITORS' CENTER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. MARKEY. Mr. Speaker, since 2001, the Vietnam Veterans Memorial Fund, under the leadership of Jan Scruggs, has been working towards the dedication of an underground visitors' center on the Memorial grounds. The proposal for the center was carefully planned to assure that America's youth learn the values of citizenship and duty to their nation. This process has been long and arduous for the Fund, but throughout it all their efforts have been supported by various legislative and public initiatives. Their efforts were officially validated when Congress passed a bill that authorized the construction of the site in November of 2003. The language of the legislation stated that the "final approval shall not be withheld."

Nevertheless, the progress and completion of the site continues to be held up, awaiting the pending approval of the National Capitol Planning Commission (NCPC). While the NCPC oversees planning and construction of any new structure within the Washington, D.C. city limits, in this case it appears to be impeding the construction of a facility authorized and sanctioned by Congress and under the law.

In December, the NCPC stalled the progress of the site by removing the Visitors Center from its December 1 monthly meeting agenda. Additionally, advocates for the Center, who were supposed to testify to the NCPC in July 2005, were told that they would have to wait to make their presentation until August

2006. Over and over again, the Vietnam Veterans Memorial Fund, under the leadership of Jan Scruggs, has complied with all the deadlines and requests of the NCPC and other governing organizations throughout the approval process. Yet, for some reason ground has yet to be broken on the construction of the site.

While the approval of the site awaits action from the NCPC, a series of actions have been taken on the proposal's behalf. In December 2005 the Resources Committee and National Parks Subcommittee began an inquiry of the actions of the National Capitol Planning Commission due to delays engineered on an effort approved by Congress in 2003. In February Congressman POMBO, chairman of the Resources Committee, requested that all internal documents from the NCPC, including emails and attorney client materials for review. After a careful review of the facts, Congressman POMBO informed the NCPC Chairman on March 2, 2006 that the NCPC appeared to be intentionally ignoring the will of the Congress with unnecessary internal delays. In response, Congressmen POMBO and RAHALL, introduced H.R. 4882 to end the delays on this important project. I cosponsored the bill, which came out of committee with great support and was brought to the House floor. On March 28, 2006 the House overwhelmingly passed H.R. 4882. A companion bill, S. 2419 was later introduced in the Senate by Senators KERRY, STEVENS and HAGEL, and is currently awaiting legislative action.

I urge the NCPC to proceed expeditiously in accordance with the express wishes of Congress so that America's youth will soon have the opportunity to learn about citizenship and duty to our country at the Vietnam Veterans Memorial Visitors' Center.

TRIBUTE TO DR. FRANK LYON ROMMEL

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. DOYLE. Mr. Speaker, I rise today to honor the memory of a Western Pennsylvania native and pioneer in the field of Physical Medicine, Dr. Frank Lyon Rommel, who passed away on I April 28, 2006, at the Moravian Manor in Lititz, PA.

Dr. Rommel, a Board Certified specialist in Physical Medicine was the founder of the Physical Medicine Rehabilitation Department at the McKeesport Hospital, and is credited with rehabilitating hundreds of injured veterans at the V.A. Harmarville Rehabilitation Center in suburban Pittsburgh as well as countless patients in hospitals throughout Western Pennsylvania between 1961 and 1988.

He was born in Glassport, PA on May 5, 1925, was a graduate of Glassport High School, St. Vincent College and the Stritch School of Medicine, Loyola University, Chicago. He served overseas during World 'War II as a cryptographer in the Army Air Corps.

Dr. Rommel was married for 51 years to Barbara Bonde Rommel who survives him along with five children, their spouses, 10 grandchildren, two sisters, and is the uncle of our colleague, Congressman Bill Shuster. Internment will be at the Shuster Family Cemetery near Everett, PA.

WELL WISHES TO BARRY BONDS IN HIS BID FOR THE HOME RUN RECORD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 24, 2006

Mr. RANGEL. Mr. Speaker, I rise today in recognition of one of baseball's most successful stars, Barry L. Bonds. An all-star outfielder for the San Francisco Giants, Bonds has had a stellar career. Since entering the major league in 1986, Bonds has created quite a name for himself.

As a young man growing up in California during the 60s, Bonds discovered his talent for sports. Not only did Bonds play baseball, but he played football as well. With a former all-star player as a father, Bobby Bonds, Barry was destined for athletic greatness.

Considered as one of the greatest baseball players of all time, Bonds has both created records and broken them alike. Bonds has won 8 Gold Glove Awards for his defensive might in left field, and he is a 13 time All-Star. He is the only player in baseball history to have hit at least 500 home runs and stolen at least 500 bases, no other player has reached even 400–400. This is all a mark of Bonds' true athletic dominance,

He is now only trailing the great Hank Aaron's 755 home run record, while currently tied with Babe Ruth's 714. Even though Bonds' record has been questioned due to alleged steroid use, it seems to not have affected such a trailblazer.

I want to wish Barry Bonds all the best in his pursuit of the home run record, for it is only in arms reach. He needs to know that he should keep pushing on and playing the game that he loves so much and the game we love to watch him play.

We must be careful to not let the racial prejudice and bias of others take away from the phenomenal achievements of such a remarkable athlete. Bonds has achieved all his accomplishments because of his work ethic and extraordinary performance. Please let us acknowledge the good that Bonds has done and to not let the bad overshadow the good. None of us are saints in this world, but we do our best to put the best foot forward.

Please allow me to enter into the RECORD this song of praise for one of the best athletes this generation has ever seen. Bonds has forever solidified his name and place in the history books and he belongs there. He belongs there for not only his love of the game, but for the fact that his commitment is unmatched by so many.

[From the Witness for Justice No. 268, May 15, 2006]

RACE MATTERS

(By Wallace Ryan Kuroiwa)

Okay, I'll admit it: I am a San Francisco Giants baseball fan. Always have been, always will be. Maybe it's because living in Hawaii, I used to get the Giants games on the radio. Or maybe it's because in my first year of seminary in the Bay Area, I watched Juan Marichal pitch and the two Willies, Mays and McCovey, homer—my first live Major League game! So I will admit to a bias in my following rumination.

I have watched with some dismay as slugger Barry Bonds has been vilified in the media and by fans as he nears the home run milestone of 714 home runs, the record the immortal Babe Ruth held until Hank Aaron eclipsed it. Most of the discussion has centered on the purported use of steroids by Bonds. Although there has not been any substantiation of steroid use in the legal arena, Bonds has been tried and convicted in the media. Television commentary will show pictures of Bonds as a younger player and then pictures of him in his present manifestation, and then conclude: now who can say he hasn't used steroids? Huh? What would happen if we put pictures of all of us in our twenties and then put them side-by-side with our pictures in our forties and jump to the same conclusion?

I believe Minnesota Twins outfielder Tori Hunter hit on a reality when he observed: "They can say what they want, but there's no way they would launch an investigation if Barry Bonds was not about to break Babe Ruth's record. It is so obvious what's going on. He has never failed a drug test and said he never took steroids, but everybody keeps trying to disgrace him. How come nobody even talks about Mark McGwire anymore? Or (Rafael) Palmeiro (who tested positive for steroids in 2005?) Whenever I go home I hear people say all of the time, 'Baseball just doesn't like black people. Here's the greatest hitter in the game, and they're scrutinizing him like crazy.' It's killing me because it's about race."

It may not be all about race, but race certainly is a rain cloud over the whole issue. Race has been a specter over sports for as long as I have been alive, and much longer. Remember Jesse Owens in Germany? Jack Johnson? Jackie Robinson? Even Hank Aaron received death threats as he approached the beloved Babe's record.

Those who would claim that sports is a level playing field, that anyone with talent can make it in sports, need to take their heads out of the sand. Race matters, as Cornel West simply put it.

Globally speaking, sports serves as a microcosm of American society. The insidious reach of racism is always near the surface of the dynamics of human interaction, if it is not overtly present. Whether it is in the New Orleans debacle, or the immigration debate, economic globalization, or whatever, you don't have to look far to find race lurking. We will never make progress toward a more just society until we own up to that, and move forward.

So my defense of Barry is more than just about being a Giants fan, much more. It's about needing to name the sin. When we do that, we can start to do better. And we do need to do better as a society, much better.

The United Church of Christ has more than 5,700 churches throughout the United States and Puerto Rico, Rooted in the Christian traditions of congregational governance and covenantal relationships, each UCC setting speaks only for itself and not on behalf of every UCC congregation. UCC members and churches are free to differ on important social issues, even as the UCC remains principally committed to unity in the midst of our diversity.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 25, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 6

10 a.m.
Commerce, Science, and Transportation
Consumer Affairs and Product Safety Subcommittee
To hold hearings to examine compliance with All-Terrain Vehicle Standards.
SD–562

JUNE 7

10 a.m.
Agriculture, Nutrition, and Forestry
To hold oversight hearings to examine agricultural conservation programs.
SR–328A

2:30 p.m.
Commerce, Science, and Transportation
Science and Space Subcommittee
To hold hearings to examine outside perspectives relating to NASA budget and programs.
SD–562

JUNE 8

10 a.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine challenges of fish farming in Federal waters relating to offshore aquaculture.
SD–562

Veterans' Affairs
To hold hearings to examine pending benefits related legislation.
SR–418

JUNE 13

10 a.m.
Commerce, Science, and Transportation
To resume hearings to examine S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced

2:30 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine business systems modernization and financial management in review of the defense authorization request for fiscal year 2007.
SR–222

JUNE 14

10 a.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine alternative energy technologies.
Room to be announced

2:30 p.m.
Commerce, Science, and Transportation
National Ocean Policy Study Subcommittee
To hold hearings to examine state of the oceans in 2006.
SD–562

JUNE 15

10:30 a.m.
Commerce, Science, and Transportation
Fisheries and Coast Guard Subcommittee
To hold hearings to examine the Coast Guard budget.
SD–562

JUNE 20

10 a.m.
Commerce, Science, and Transportation
Business meeting to markup S. 2686, to amend the Communications Act of 1934 and for other purposes.
Room to be announced

JUNE 21

2:30 p.m.
Commerce, Science, and Transportation
Technology, Innovation, and Competitiveness Subcommittee
To hold hearings to examine accelerating the adoption of health information technology.
SD–562

SENATE—*Thursday, May 25, 2006*

The Senate met at 9:15 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and eternal God, we thank You for our country. We praise You for her hills and valleys, her fertile soil, her trees, her plains and mountains.

Forgive us when we seek material power alone. Forgive us if, in our prosperity, we have been condescending to others. Forgive us, too, if we have neglected the admonition of Your word. Lord, we confess our mistakes.

Use our Senators today to keep us a great Nation, full of truth and righteousness.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 25, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2611, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2611) to provide for comprehensive immigration reform and for other purposes.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. SPECTER. Mr. President, we have a unanimous-consent agreement limiting the remaining number of amendments, with time agreements worked out. We would appreciate it if the Senators in sequence would be ready to go when the next amendment comes up.

We anticipate a long session today. There will be other votes following completion of the immigration bill, including a vote on cloture on the nomination of Brett M. Kavanaugh, U.S. circuit judge for the Court of Appeals for the District of Columbia.

We are now ready to proceed with the Cornyn amendment.

I should announce further that it is our intention to stack the votes at the conclusion of the debate on remaining amendments.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

AMENDMENT NO. 4097

Mr. CORNYN. Mr. President, I call up my amendment No. 4097, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 4097.

Mr. CORNYN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the requirements for confidentiality of certain information submitted by an alien seeking an adjustment of status under section 245B)

Beginning on page 362, strike line 4 and all that follows through page 363, line 12, and insert the following:

"(e) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) or as otherwise provided in this section, or pursuant to written waiver of the applicant or order of a court of competent jurisdiction, no Federal agency or bureau, or any officer or employee of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under paragraph (1) or (2) of subsection (a) for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to—

"(A) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested by such entity; or

"(B) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

"(3) INAPPLICABILITY AFTER DENIAL.—The limitation under paragraph (1)—

"(A) shall apply only until an application filed under paragraph (1) or (2) of subsection (a) is denied and all opportunities for appeal of the denial have been exhausted; and

"(B) shall not apply to use of the information furnished pursuant to such application in any removal proceeding or other criminal or civil case or action relating to an alien whose application has been granted that is based upon any violation of law committed or discovered after such grant.

"(4) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

Mr. CORNYN. Mr. President, this amendment is one I believe is absolutely essential to the functioning of this comprehensive immigration reform plan which has been shaped over the last 2 weeks on the Senate floor. It is premised upon the concept of information sharing, and in a post-9/11 world this is the concept with which we have become familiar because the failure to share information between law enforcement and intelligence-gathering authorities and other agencies of the Federal Government was one of the causes of the terrible disaster this country sustained on September 11, 2001.

This amendment strikes an appropriate balance between confidentiality of the records of the applicant for benefits under this bill and fraud detection. The compromise we have heard and which has been carefully crafted by a bipartisan coalition here will not in any way be unraveled or hurt by this amendment.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Finally, I believe an illegal alien will not be deterred from applying because of this amendment. This amendment does not remove confidentiality per se. It applies only after an application is denied and the need for confidentiality passes. The text is modeled after the Violence Against Women Act. And I ask my colleagues, if the limitation on confidentiality is OK in the case of women who are subjected to violence, why isn't it OK for workers who are simply here illegally?

This country's early experience—about 20 years ago now—with immigration reform shows that legalization or an amnesty program is a magnet for fraud and can be exploited in a number of ways. We know that this vulnerability can be exploited, not only by common criminals but also by terrorists. Three terrorists convicted in the 1993 World Trade Center bombing obtained green cards through the 1986 amnesty, including New York City cabdriver Mohammed Abouhalima, who obtained a green card through the agricultural worker amnesty program. The New York Times has described the 1986 amnesty as "one of the most extensive immigration frauds ever perpetrated against the United States Government."

Within just a few years, it was reported that the Government had already identified almost 400,000 cases of possible fraud. One of the reasons there was so much fraud in the 1986 amnesty was because the law did not allow the Government to share information even after an application was denied. Yet the current bill contains the exact same text and the exact same flaws.

My amendment does not eliminate any confidentiality provisions in the bill. The workers who apply will be protected by the existing confidentiality provisions. My amendment simply allows the Government to share and use information once the worker's application and all appeals are denied.

As I mentioned, my amendment is modeled after the current legal protections provided in the Violence Against Women Act, which allows the Government to share and use information submitted in an application "when the application for relief is denied and all opportunities for appeal of that denial have been exhausted." If the limitation is OK in that context, why is it not appropriate in this context?

I don't believe this amendment would deter any alien from applying for legal status. Illegal workers face deportation, a secure border, and worksite enforcement. We may hear some say that in order for undocumented individuals to come forward and take advantage of the legalization program provided by this underlying bill, we can't do anything that might cause them to second-guess or question whether they should come forward. But the fact is, I think there has to be a balance struck. I don't believe any illegal alien will be deterred from participating in the very generous provisions of this underlying bill because of concerns that if their application is denied, that information can then be shared with law enforcement personnel.

The fact is, the kinds of things we are looking out for are fraud—massive fraud—schemes which would be designed to undermine the very structure of this negotiated comprehensive immigration reform bill.

Paul Virtue, President Clinton's general counsel at the Immigration and Naturalization Service, testified before Congress that:

> The confidentiality restrictions of law [in the 1986 amnesty] also prevented INS from pursuing cases of possible fraud detected during the application process.

That was before the House Judiciary Committee on March 4, 1999.

One of our colleagues who was then in the House of Representatives, Senator SCHUMER, was quoted in the New York Times in 1989 as saying:

> One certain product of the agricultural amnesty program . . . is that in developing immigration policies in the future, Congress will be much more wary of the potential for fraud and will do more to stop it.

It has been said famously that those who refuse to learn from history are condemned to relive it. I suggest to my colleagues that we should have learned something from the massive fraud in the 1986 amnesty, and we should not relive that in this bill today.

This amendment improves the current bill by preserving the confidentiality of applicants while allowing the Government to share information, perhaps to uncover massive frauds, criminal syndicates that are designed to try to circumvent the protections in this bill and gain access to our country and our immigration system in spite of massive criminal organized crime. I ask my colleagues, do we really want to grant impunity for fraud? Do we really want to invite criminals and those who would perpetrate such fraud to do so again when we have the very tools at our command which will allow us to strike the proper balance between prosecution for fraud and yet at the same time encouraging those who would benefit from this program to come forward?

I have heard some suggestion that the only way we are going to encourage people to come forward is if we make doing so an unequivocally positive experience. In other words, it is all carrot and no stick. But I would suggest that the most practical way to deal with the current situation is for a combination of carrot and stick—the carrot being, obviously, the offer of the great benefits and very generous benefits provided by this underlying legislation, but the stick has to be things such as worksite verification. Ultimately, I believe that is the linchpin of the success of this entire program. Not even border security represents the linchpin for the success of this comprehensive immigration reform plan because 45 percent of illegal aliens currently in the United States entered legally, like the three convicted bombers of the 1993 World Trade Center explosion. But we need a combination of border security, worksite verification and enforcement, and employer sanctions for those who cheat, in order to dry up the attraction of those who want to come to the United States to work. But in doing so, we can provide a good balance for those who are here and who Congress is in the process of determining should be available for certain benefits under this bill, but I believe do so in a way that would prevent and make far less likely the massive fraud which undermined the 1986 amnesty.

I reserve the remainder of our time and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, I was here in 1986. I understand the 1986 act very well. I listened to my friend from Texas describe the provisions we have for earned legalization, saying effectively it is the same as offered in 1986. Of course, it is not because in 1986 that was a real amnesty. We have had that debate for 10 days. We can have it again today.

What we are talking about in this program is recognizing the people who have violated the law are able to work and earn their way into a position where eventually they can apply for citizenship if they pay a penalty, if they demonstrate they have paid their back taxes, have had no trouble with the law, and they are prepared to learn English. After the last person in line legitimately is able to gain entry into the United States, they can adjust their status.

The 1986 failure is entirely different than what we have now. We had a proliferation of fraudulent documents. That is the history. We understand that. We had Republican and Democrat administrations that refused to enforce the 1986 laws. That is history. We can complain about 1986, but 1986 is not 2006. What we did in 1986 is not 2006.

We can talk about how some of the terrorists got into the United States. Most of the September 11 terrorists got into the United States through Saudi Arabia. The reason they got in is because the CIA didn't talk to the FBI or the Immigration Service. The majority of those who came here and were part of September 11 were known by the CIA, and they never shared that information with the Immigration Service or the FBI. They did not need fraudulent documents. We needed the FBI and CIA to work together.

Having said that, hopefully we have a better relationship between the Central Intelligence Agency and the FBI now than we had then. However, that is the past. We have to learn from the past.

I listened to the Senator say what we need is tamper-proof documents. If we do not have tamper-proof documents, this system is not going to work. Tamper-proof documents is what we are committed to, to try and deal with the fraud.

People can come to the Senate and talk about the fraud in our immigration system, which is true. What we are trying to do with this legislation is remedy that. I don't know what the alternative is from the Senator from Texas. I know what his concerns are, but I don't know what his remedy is. We are talking about tamper-proof documents. We are talking about tamper-proof documents for guest workers. We are talking about tamper-proof documents so laws can be enforced against employers who are going to fire undocumented individuals who do not have the tamper-proof documents. We are talking about tamper-proof documents for those individuals who want to play by the rules and go by earned legalization.

The language in this legislation is very clear. That is, if you lie on your application, you lose all your rights, and you are subject to deportation. However, if you commit an innocent mistake on your application, that can be considered and not be used as a vehicle for deportation. That is the principal difference. I don't think that is unreasonable.

The Senator believes if we do not change what we have in our law to what he wants, if we accept his amendment, people will not be discouraged from coming forth. Of course they will be discouraged from coming forth. People come forth and they, in good faith, make an application. They find out that application somehow is defective. Whether it is willful, knowing, or they lied about it, they are subject to deportation. If it is an innocent mistake, we don't want them deported. If this is subject to the Cornyn amendment, why are they going to come forward and share information if they know if they share information confidentially they will be deported? We are undermining an essential aspect of this legislation—bringing people out of the shadows.

Of the millions of people who are here, we have people who have come here because they want to work hard, they want to provide for their families, they want to be part of the American dream. They are prepared to learn English. They are prepared to pay their taxes. They are prepared to pay their penalty. They want a sense of pride. They practice their faith. They want to be able to come in and be able to adjust their status so they can be legalized to have the respect of their children, their family, and their community. That is what the great majority of the people want. That is what we are trying to do.

If we follow the Cornyn amendment, people come in good faith, someone flyspecs that particular application and says: No, it is a question whether this is criminal intent—boom, you are gone; you are deported. We will have a very difficult time.

We have crafted this legislation so those who are going to lie on that application, those who are involved in criminal activity are subject to deportation—no ifs, ands or buts. But we also understand in this complicated world there will be innocent mistakes made, and we do not want to subject those people to deportation. That is not what this is about.

It seems to me honest people who submit a good-faith application to earn legalization should not be citing their own deportation orders; otherwise, why should anyone apply? That effectively is what the Cornyn amendment does. It effectively undermines the whole purpose and scope and thrust of the legislation.

I withhold the time.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I have enormous respect for the knowledge and passion the Senator from Massachusetts brings to this issue. He is reading more into the amendment than certainly I intend. I would like to explain that.

First of all, I don't want to get into an argument with him today about what is and what is not amnesty. We have had that debate. We will leave further discussion of that for another day.

I agree with the Senator that what undermined the 1986 amnesty, which I think we both agree was amnesty, was the proliferation, as he said, of fraudulent documents. He acknowledges, and correctly so, coming here now 5 years post-September 11, that it is important all of our law enforcement and intelligence agencies communicate with one another in a way that protects the American people.

He talks about tamper-proof documents. This bill does not provide for such tamper-proof documents. In fact, it maintains the current regime of allowing people to prove their eligibility to work by showing some combination of up to 20 different documents. That is where fraud has such great potential. We know there are document mills, there are criminal organizations that will generate a passport, a Social Security card, a driver's license—you name it. Some of the quality of their work is very high, and it easily passes for a valid document. But we do not have that tamper-proof document in this bill, and I hope in the conference committee we will agree among ourselves that is an essential part of this comprehensive immigration reform.

What I am getting is, if someone used a fraudulent document to apply for the benefits under this bill, and they are denied the benefits under this legalization program, that information ought to be shared with the FBI and with, potentially, the CIA in cases where their jurisdiction is invoked. This has the opportunity not only to lead our law enforcement personnel to shut down these fraudulent document mills, but also potentially to crack criminal syndicates engaged not only in generating false documents but trafficking in persons, in drugs, in guns, and even potentially terrorist organizations.

It is absolutely critical we have the Department of Homeland Security able to share that kind of information with the CIA and the FBI. It is important we bring down those stovepipes that prevented the information sharing that might have prevented September 11.

I am not suggesting a good-faith mistake in an application for the benefits under this bill would result in deportation. To the contrary. I am glad to hear the Senator from Massachusetts say, if you lie, you lose, you get deported. I believe we need to have a commonsense availability of this information—not on a widespread basis; we are not going to publish it on the Internet. But law enforcement ought to be able to share in some of this information on a case-by-case basis in a way designed not only to root out and prevent crime and punish crimes that already have been committed but potentially protect America against future terrorist attacks.

I cannot for the life of me understand why this is controversial, particularly coming up as we are on the fifth anniversary of September 11.

I withhold the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, under title III, there are only 4 documents, not 20 documents. Title III, 4 documents: the passports, REAL ID, the green cards, and employment authorization documents. They are basically biometric documents, 4 documents in title III, not 20.

Second, the Senator from Texas is describing the conditions we had in 1986, not in this legislation. There is the encouragement of cooperation with the Department of Homeland Security and the FBI when we have document fraud or when there is fraud. We make that extremely clear. That was not clear, as the Senator appropriately pointed out, in 1986. There was not that kind of cooperation. There was some but not nearly what there should be. We are all for that.

The confidentiality clause in the underlying bill does not protect the criminals. On the contrary, the bill requires DHS and State to disclose all information furnished by legalization applicants to law enforcement entities conducting criminal activity and national security investigations.

We learned from what we called IRKA, the 1986 act, and we have that in the legislation. On page 38 of the legislation:

> OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security, which may be used as evidence of an alien's status as an immigrant, nonimmigrant, parolee, asylee, or refugee, shall be machine-readable and tamper-resistant, and shall incorporate a biometric identifier to allow the Secretary of Homeland Security to verify electronically the identity and status of the alien.

We have spent time on it. I am a strong believer that is what we need. This legislation is not going to work unless we have an effective system, unique, special. Other countries have this; we ought to be able to do it, many of the countries in the Far East, also Brazil, South America, and other countries. We can and should do it. We will do it. We have developed the language to do it.

We are for prime documents that have been accepted and recommended. We worked with the Department of Homeland Security on what documents they are for. We have insisted on cooperation between the FBI, the Department of Homeland Security and the Justice Department in any area of criminality.

We are all for at least what I understand the Senator has said. We are glad to clarify that. We believe we have attended to that.

There is no question in 1986 that was not the case. We were rife with fraudulent documents, failure to enforce the law against employers, separation between the INS at that time and the FBI. We did not have the Department of Homeland Security. All of that we have learned from. We have addressed the principal issues and questions the good Senator has outlined.

I withhold the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the comments of the Senator from Massachusetts, but looking at the page he refers to on page 38 of the bill, it says:

> Not later than October 26, 2007, every document, other than an interim document, issued by the Secretary of Homeland Security . . . shall be machine-readable and tamper-resistant. . . .

I certainly applaud that aspirational goal. I would just note that just within the past few days, though, we have postponed the implementation of the Western Hemisphere Travel Initiative card for another 18 months. There is no certainty that will happen by that date. What happens in the interim?

Let me just provide a couple of examples.

In 1995, Jose Velez, was found guilty of immigration fraud after he filed fraudulent applications under the 1986 amnesty. Let me just parenthetically note, in talking to Emilio Gonzalez, the current head of Citizenship and Immigration Services, he tells me there is still litigation over some of the cases covered by the 1986 amnesty—still in litigation.

But getting back to Mr. Velez's case, he said the task force that brought down Velez resulted in the guilty pleas or convictions of 20 individuals who together are responsible for filing false legalization applications for in excess of 11,000 unqualified aliens. Between March of 1988 and January of 1991, Velez and his coconspirators submitted approximately 3,000 fraudulent applications.

In connection with the 1986 legalization program, there were 920 arrests, 822 indictments, and 513 convictions for fraud and related criminal activity.

I would just return to something I said at the outset.

What we are talking about in this amendment is essentially the same language contained in the Violence Against Women Act.

The language in that act, which was designed to protect battered women and family members, states that the confidentiality provisions end "when the application for relief is denied and all opportunities for appeal of the denial have been exhausted."

I would suggest, if that language is good enough for the protection of women against whom violence has been committed, isn't it good enough for a worker who is simply out of status?

This amendment is not designed to undercut the compromise or the overall structure of the plan that is on the floor. This is designed to make it work. I want to make sure we are committed not only to comprehensive immigration reform but that we are actually going to make it work. That is all this amendment does.

I ask for the support of my colleagues.

Mr. President, I yield the floor and retain the remainder of our time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Democratic leader.

Mr. REID. Mr. President, I yield 1 hour of my time postcloture to the Senator from Massachusetts, Mr. KENNEDY.

The ACTING PRESIDENT pro tempore. The Senator has that right.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, early this morning, as we do every morning before coming to the floor to debate the immigration bill, a group of Senators sat down to consider and analyze the amendments which are on the list for today. In discussing the amendment by the Senator from Texas, there was, candidly, more confusion than I have seen on any of the amendments which we have analyzed so far.

When the Senator from Texas says the immunity is eliminated only after the application is denied, then the reason for confidentiality ends. I disagree with him about that because the reason for the confidentiality is to get the applicant to be candid and complete and honest about all of the information in the application. So if the applicant knows that at some point the confidentiality is gone, there is no longer the motivation to be completely open and completely candid in making out the application.

What we are really seeking, as a public policy matter, is to get the applicants to be candid and forthright and complete in the information they are providing. If there is evidence of fraud in the application, or if there is evidence of crime, that will be provable by evidence outside the scope of the application.

There is another aspect of the confidentiality; that is, the confidentiality or safe harbor which applies to the employer. When the immigrant makes an application, there is material which has to be supplied by the employer—illustrative of which is a check stub, which authenticates that the applicant has a job.

Now, the confidentiality applies to what the employer provides as well. The safe harbor or confidentiality protects the employer so the employer does not run the risk of providing some information which ends up on the application, then is disclosed, that could be used against the employer in a variety of contexts.

Now, it is possible that the amendment by the Senator from Texas could be adopted and that aspect could be cured in conference. But it is my thought, after reflecting on it considerably, that the issues ought to be weeded out and resolved in conference as opposed to having the adoption of the Cornyn amendment.

The value of confidentiality to encourage the immigrant to make full disclosure, and the value of confidentiality that the employer has, outweighs the advantages which the Senator from Texas articulates. And when the immigrant is faced with a situation where the confidentiality ends at some point—it is hard enough for Senators and experienced lawyers to figure it all out, and expecting an immigrant to be able to figure it out—I think the consequence for the immigrant will be to be hesitant and unwilling or chilled, if you will, to provide all the information.

My sense is that our system will work better if there is no ambiguity or no uncertainties to the confidentiality being maintained throughout the entire process beyond when the application and appeals have all run out.

But this is an important issue. I thank the Senator from Texas for focusing our attention on it. I do believe it is better addressed in conference.

Mr. President, how much time remains on this amendment?

The ACTING PRESIDENT pro tempore. The amendment's sponsor retains

12½ minutes. The opponents retain 14 minutes.

Mr. SPECTER. Mr. President, I had announced earlier that in the management of the bill we would stack the five votes we have remaining on the immigration bill. I think that is the most efficient way to handle the matter because we know when we have a 15-minute vote, and 5 minutes more, they frequently extend far beyond that time, not wanting to cut off Senators.

We had two Senators out last night. We went to about close to 30 minutes, and I did not want to call for regular order. Evenings are a little more difficult. But it is very difficult to cut off Senators when the Senator is on the way. The Senator can be on the way for a very long period of time.

But I cannot control the stacking of votes because it requires unanimous consent to set aside the Cornyn amendment before going to the next amendment. Anybody can object. So we are going to have a vote after the Cornyn amendment. We will then try to see if we cannot get consent to stack the remainder of the votes. But the earlier announcement that the votes would be stacked will not take place because objections have been raised to that procedure.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take just a few minutes.

Mr. SPECTER. Mr. President, may I, before the Senator from Massachusetts continues, ask that the proponent of the next amendment come to the—well, he will be in the vote, so I withdraw that suggestion. We will have just one vote.

Mr. KENNEDY. Mr. President, just along those lines, I think our colleagues ought to be alerted we can anticipate a vote fairly shortly.

Mr. President, just in response to my friend from Texas, he is familiar with the fact that we passed the Border Security Act in 2002. The idea was to understand everybody coming into this country, to know where they were, and when they were leaving. We have not completed that kind of circle, but we have made dramatic progress. As of now, every green card, every work permit, every visa is machine readable and biometric—every single one that we have working today. So this is a dramatic shift in terms of dealing with the issue of fraud, which has been talked about here.

Now, in order for immigration reform—we have talked with security officials who have all told us it is in our interest, in our national security interest, to bring people out of the shadows. They have all indicated that. We have so many individuals here whose names we do not know. We do not know their locations. They are living in a shadowy world that can more often than not—or at least sometimes can—be connected with crime. And many of these people, obviously, want a different life and a different future.

To be able to make that progress and isolate those individuals who pose a threat to us, our security officials who came before our committee said that a real confidentiality clause is necessary—absolutely necessary—for the earned legalization to succeed, in order to have immigration reform. Current undocumented immigrants will have to be persuaded it is safe to come forward to an agency they have come to mistrust, and they will need to feel comfortable the information they provide on their applications about their histories, their employers, and their families will not be used against them or their loved ones.

Churches, community agencies, and attorneys who will be helping people apply will also need confidence they are not exposing their clients to immigration enforcement by encouraging them to apply for legalization.

I believe the change in the Cornyn amendment would make the confidentiality clause worthless. Hundreds of thousands of immigrants who qualify for earned legalization will likely be dissuaded from participating, undermining the effectiveness of our entire reform effort. And hundreds of thousands of immigrants would be encouraged to remain in the shadows rather than risk coming forward under these conditions.

The confidentiality clause in the underlying bill does not protect criminals. On the contrary, the bill requires DHS and State to disclose all information—it is at the bottom of page 362 of the bill—unlike the provisions the Senator referred to in the Violence Against Women provisions. The penalties for the disclosure of information, and the exceptions: The Attorney General may provide, in the discretion of the Attorney General, the disclosure of information to law enforcement officials to be used solely for law enforcement purposes.

Our legislation says:

> The Secretary of Homeland Security and the Secretary of State shall provide the information furnished pursuant to an application filed under [the] paragraph . . . and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution. . . .

Mr. President, I do not think you can do better than that. We are even stronger on this issue. I have mentioned the other reasons for it. I agree with the Senator from Texas. We have to put in place a very effective biometric system. We have a real downpayment for it. We want to strengthen that. But we are making very dramatic and significant progress, and we will continue to do so.

We have indicated, in this most strenuous way, why we have drafted these provisions the way they have been drafted. We think they best serve the interests of the innocent and the prosecution of the guilty.

The PRESIDING OFFICER (Mr. ENSIGN). Who yields time?

The Senator from Texas.

Mr. CORNYN. Mr. President, it really boggles my mind we are having a debate over such a commonsense and straightforward amendment coming up on the anniversary of 9/11. To say the Department of Homeland Security cannot share information about potential fraud and crime and potentially disclose organized criminal activity and potentially even terrorist activity because of the provisions of this underlying bill—I cannot believe we are having that debate. But we are.

Hopefully, our colleagues will join us in accepting this amendment which will reconcile this bill with other provisions of the law that we have amended and reformed over the last few years, which have improved information sharing between our intelligence community and our law enforcement agencies, which have made us safer. I don't think it is any accident that while there have been terrorist activities taking human life in places such as Madrid and London and Beslan and other places, we have been fortunate enough to avoid another travesty such as occurred on September 11. Part of it is because of information sharing.

This amendment would not deter any alien from applying for legal status. If we are going to say that once that application is denied for whatever reason that it can't be used to investigate potential crimes and fraud and potential terrorist links, that doesn't do anything to encourage or discourage people from coming forward. This is somebody whose application has already been denied. They already have come forward.

If we are going to have any criteria at all for taking 12 million people and moving them from an illegal status to some sort of legal status, we ought to be willing to enforce that criteria. That requires access to information and facts that will inform whether or not an individual satisfies the criteria that Congress has put in place.

I suggest to my colleagues that the American people are profoundly skeptical of taking 12 million people from undocumented or illegal status and all of a sudden putting them on a path to legalization and citizenship. That skepticism comes from many different directions. One of those is because they saw the tremendous fraud associated with the 1986 amnesty. The language here is precisely the same as was contained in that legislation.

What we are saying by refusing to adopt this amendment is, we haven't learned any lessons, either from the mistakes that were made in the 1986 amnesty and the fraud that occurred in connection with that, or from the terrible tragedies of 9/11.

There is not a lot more that can be said about it that we haven't already said. I hope my colleagues are listening. I hope they will consider this carefully. I hope they will consider the fact that all we are doing is something that is contained in established laws such as the Violence Against Women Act. This does not undermine the ability of people to take advantage of the benefits of this program. What it does is help make that program work, work for people who are actually qualified to receive the benefits of the program while eliminating those who are not and those who engage in fraud and criminal activities to facilitate the immigration into this country of people who are not legally authorized to be here.

May I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes 20 seconds.

Mr. CORNYN. I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. Mr. President, I am glad the Senator from Texas invited our colleagues to listen carefully. I hope they will listen carefully to what I am reading from the underlying bill. No matter how many times the Senator from Texas says he doesn't believe there will be reporting, prosecution, and cooperation between the agencies, I suggest that any of our colleagues who are in question read page 362 of the bill:

> Required disclosures—The Secretary of Homeland Security and the Secretary of State shall—

Not may, shall—

> provide the information furnished to an application filed under the paragraph (1) or (2) of subsection (a), and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by an entity.

I can't make it any clearer than that, with all respect. That was not the way it was done previously. That is the way it is now. It has been mentioned, let's have the Violence Against Women Act legislation. I have that in my hand. For our colleagues to understand, it says:

> The Attorney General may provide, in the discretion of the Attorney General, for the disclosure of information to law enforcement officials.

We say "shall provide." The Violence Against Women Act says "may provide." We have a much stronger provision.

We are not defending actions of the past. We are talking about learning from the past. We have. Tamper-proof documents, we are strongly committed to that, and fair and effective enforcement at the employer level and, when we discover criminal activity—lying, deceit—on these applications, prosecution. But let's not wrap the innocent into that package as well.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think we have said about all there is to say. Maybe we said it several times. I appreciate the Senator from Massachusetts pointing out page 362 of the bill. This is a voluminous bill, but my reading of this bill says that the section the Senator quoted only applies to the applicant and that application. In other words, if somebody fills out an application and is denied, then a criminal prosecution investigation may be had only against that applicant, but there are limitations which prohibit its distribution to third parties for purposes of investigating an organized crime syndicate or potentially terrorist links. There seems to be no commonsense reason why we would limit the availability of a document and that information, when it could well root out crimes involving hundreds and maybe even thousands of instances of fraud.

I believe the amendment strikes a balance. It is not designed to undermine the compromise that we have heard so much about. Indeed, this is to make sure that the underlying bill actually has a chance to work and isn't undermined by the fraud that has been so well documented underlying the 1986 amnesty but, rather, to fight that fraud and help build public confidence that we are serious about making this work.

Much of the problem with the 1986 amnesty was that it granted amnesty to 3 million people. The tradeoff was supposed to be effective work site verification to make sure that people who are qualified to work legally could work and those who were not could not and to sanction employers who cheat. But unless we have a system in place that will actually make it work, then all of the discussion about a comprehensive plan is a ruse. It will not work.

While I do have some differences with the Senator from Massachusetts about what this comprehensive immigration reform plan ought to look like, I trust we will be able to work on that some more when we get to conference with the House. My goal is to actually make sure it will work. He and I share that common goal, I believe. The amendment I have offered helps make that more likely.

I am prepared to yield back.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will make a brief comment. On page 119, immigration and visa fraud, it says:

> Any person who knowingly—completes, mails, prepares, presents, signs, or submits any document knowing it to contain any materially false statement or representation [is subject to prosecution].

It continues on page 120:

> . . . transfers or furnishes an immigration document to a person without lawful authority for use . . .

Any lawyer or social service agency, advocacy group, or notary, or any other agent who assists an immigrant in making a fraudulent claim is subject to criminal prosecution and also unprotected by confidentiality language.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, the provisions in the underlying bill are the same as those contained in the 1986 act that was the subject of so much fraud. I suggest that while we are all entitled to our own opinion, we are not entitled to our own set of facts. The facts are that the same provisions in this underlying bill are in the 1986 act. We can do better, and we can make this work. We can avoid the 400,000 fraudulent applications that tarnished the concept behind the 1986 bill.

I see the Senator from Alabama. May I inquire how many more minutes we have on this side?

The PRESIDING OFFICER. The Senator from Texas has 4 minutes remaining.

Mr. CORNYN. I am prepared to yield to the Senator from Alabama 3 minutes and retain 1 minute as the balance of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. SESSIONS. Mr. President, I thank the Senator from Texas for his exemplary and hard work on this legislation. From the beginning, had we listened to him, we would not be in the fix we are. With regard to this amendment, I have to tell my colleagues, it is a defining amendment. It defines us as a nation, as a Senate.

The question is, Are we going to continue to allow lawlessness to operate at the border? If we don't pass the Cornyn amendment, we will be saying we have no more intention to see that we have lawfulness in the immigration system in the future than we had in the past.

I was a Federal prosecutor for almost 15 years. What do you mean you can file a document and Federal investigators can't look at it to determine whether you committed fraud when you filed it? They are not going to be looking at people in the millions who are going to file to try to find some innocent mistake. How silly is that? They are not going to be able to prosecute blatant fraud, frankly, in large numbers. But we don't want them to be incapable of doing so. We don't want to set a policy that would prohibit criminal investigators of the United States to examine an application for amnesty under this bill and not be able to prosecute, if it has fundamental fraudulent statements in it, or even be able to use it to build some larger investigation that may relate to coyotes or organizing rings. That is what we are most likely to come up with, in my experience.

Most likely they will be investigating rings of illegal aliens who have used false identification or come across the border illegally. And you are trying to put that together, and you go back and look at these applications which will be critical in establishing that case. They are barred from doing that. This is really a big deal because one of the weaknesses I have seen in our whole approach to immigration and, frankly, other issues is that we as a nation are becoming so soft that we are incapable of drawing a line anywhere. We are incapable of drawing a line anywhere. So the proponents of this legislation are saying it is somehow wrong that we could hold people to account if they file an application to become a beneficiary of amnesty. We cannot even investigate that and prosecute them, or prosecute other people who brought them in illegally in some sort of conspiracy, and deny the investigators that.

I thank the Senator from Texas, who is a former attorney general and a former justice on the Texas Supreme Court. We should listen to him.

I yield the floor.

Mr. KENNEDY. Mr. President, I am prepared to yield back our time. I think all time has expired.

The PRESIDING OFFICER. There is 30 seconds.

Mr. CORNYN. We will yield back our time.

The PRESIDING OFFICER. All time is yielded back.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Texas.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. CHAMBLISS.) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—49

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Dayton
DeWine
Dodd
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Salazar
Sarbanes
Schumer
Specter
Stabenow
Wyden

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4097) was rejected.

Mr. McCAIN. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have an amendment, and I think it is that of our friend and colleague from New Mexico. So we want to let our colleagues know there is 40 minutes on this, and we expect to have a rollcall vote on this next amendment, just for the awareness of our colleagues at this time.

AMENDMENT NO. 4131

Mr. BINGAMAN. Mr. President, I call up amendment No. 4131 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 4131.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the total number of aliens, including spouses and children, granted employment-based legal permanent resident status to 650,000 during any fiscal year)

On page 316, strike lines 1 through 5, and insert the following:

"(2) VISAS FOR SPOUSES AND CHILDREN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), immigrant visas issued on or after October 1, 2004, to spouses and children of employment-based immigrants shall not be counted against the numerical limitation set forth in paragraph (1).

"(B) NUMERICAL LIMITATION.—The total number of visas issued under paragraph (1)(A) and paragraph (2), excluding such visas issued to aliens pursuant to section 245B or section 245C of the Immigration and Nationality Act, may not exceed 650,000 during any fiscal year.

"(C) CONSTRUCTION.—Nothing in this paragraph may be construed to modify the requirement set out in 245B(a)(1)(I) or 245C(i)(2)(A) that prohibit an alien from receiving an adjustment of status to that of a legal permanent resident prior to the consideration of all applications filed under section 201, 202, or 203 before the date of enactment of section 245B and 245C.

Mr. BINGAMAN. Mr. President, the purpose of my amendment is to put some type of limits on the number of new legal permanent residents we approve each year in this country, and that is the question. It is sort of a philosophical question and a practical question: Should we limit this number or should we leave it unlimited as the current bill provides?

We have two large categories under which we approve new legal permanent residents in this country. Let me put one chart up here to show these two categories.

One is called family preference. That is essentially where if a person is already a legal resident in the United States and wants to bring in family members, that is family reunification, and we think that is a good thing and we provide in the law so that can occur. Each year, there can be 480,000 people who gain legal permanent residency in our country under that proposal, and that is right here in the bottom half of this chart.

The other main category we use for establishing legal permanent residency is what we call employment-based, and that is where an employer essentially brings someone to this country to work, along with their family. We have always had a limit on that. The limit in the law today is 140,000.

Let me go through some of the history of where we have been on this issue.

In the law that is applicable today, we allow 140,000 legal permanent residents to be approved each year under the employment-based system. The bill Senator KENNEDY and Senator McCAIN proposed last May, on which I compliment them—they put a great deal of work into it—that bill said, let's increase that number from 140,000 to 290,000, and I think that makes some good sense. The 290,000 was to include the workers and their families, just as current law was to include the workers and their accompanying families.

Then, 2 months ago, when the Judiciary Committee began its deliberations, the chairman presented his chairman's mark, and it said: OK, the 290,000 is a good number, but let's only apply it to workers, and then any accompanying family will be extra and not count. So on this chart, you can see that this area at the top is the estimated number of family that might actually come to the country.

Now, the estimate is that there would be 1.2 family members accompanying each worker, and that estimate came from the Congressional Research Service. They said they didn't really know because it is a very different mix of people we would have immigrating into this country under this legislation than under current law. But historically, it has been 1.2 people per employee, so let's just assume that, and that gets you up to 638,000, was the Congressional Research Service's estimate of the number of employment-based visas that would be offered under Senator SPECTER's chairman's mark in the Judiciary Committee.

Well, then, of course, we had some additional deliberations here, and we now have the Hagel-Martinez bill. The Hagel-Martinez bill said the 290,000 figure is wrong; let's go to 450,000. And of course the Congressional Research Service said, OK, let's make the same calculation here: 1.2 family members will accompany each of those 450,000 workers, so you add those in and that gets you to 990,000. That is for the first 10 years. After the first 10 years, this legislation calls for that number to drop back down.

At this point, let me pause and make a point about this assumption which is built in here. Let me show one other chart. This is a very different group of immigrants we are approving to come into the country under this legislation than is currently approved under existing law. If, in fact, there are more family members who accompany these workers, then these numbers go up pretty dramatically. If, for example, instead of 1.2 people—a spouse and two-tenths of a child—coming in with each worker you had a spouse and 1 child coming in with each worker, then it is 1,350,000. If, in fact, there were 2 children, the spouse and 2 children, it would be 1.8 million people under the assumptions that are built into this legislation.

So all I am saying is, we don't know. Under the legislation pending, we don't know whether there are going to be 500,000 employment-based visas issued or a million employment-based visas issued for legal permanent residency or 1.5 million. I think we ought to fix that. My amendment says, let's pick a number.

Let's go back to this other chart, and I will show you how we came up with the specific number in the amendment. The number in the amendment tries to be a rounded-off number from what the Judiciary Committee started with and says, look, if they had kept a cap in the Judiciary Committee, as I believe they should have—we have had a cap in this country, a cap on the number of legal permanent residents historically—if we kept a cap, then it should be about 650,000. That is the estimate we came up with.

Some people say that is a very high number. That is a high number. That is over four times what we currently permit. It is more than twice what Senators KENNEDY and McCAIN recommended in their legislation, the McCain-Kennedy bill or Kennedy-McCain bill. We have tried to be generous in this and say we should have a lot of new immigrants transferring over to legal permanent status, but we should have some limit on those.

The real question for each Senator is going to be whether you agree there ought to be a cap. Do you agree there ought to be a limit? I believe very strongly we should have a limit. I believe the limit we have chosen here is a generous one. To leave this bill with no cap at all would be a mistake. To send this bill out of the Senate without knowing whether we are increasing the legal permanent residents under the employment-based system 4 times or 8 times or 12 times, which is very possible, I think would be a very big mistake. So we need to get some certainty into this. We need to try to be somewhat prudent in what we are doing.

Let me just mention one other thing. Mr. President, how much time remains?

The PRESIDING OFFICER. Twelve minutes, twenty seconds.

Mr. BINGAMAN. Mr. President, let me just mention that this cap I am trying to put on is just for one of the categories vailable for people who want to become legal permanent residents, and I need to underscore that.

There is still the opportunity to become a legal permanent resident as part of this family preference category. That is 480,000 per year, and we are not in any way affecting that with my amendment. There is still the opportunity, if you are already here in this country and you have been here 2 years under this legislation and you are undocumented, you can go through the earned legalization provisions in the bill and become a legal permanent resident. We are not in any way affecting any of that or trying to limit that. If you are an agricultural worker, there are 1.5 million blue card agricultural workers who are provided with an opportunity to become legal permanent residents in this bill, but we are not in any way affecting that. There are various categories in the bill for highly skilled workers who are able to become legal permanent residents without being subject to any numerical cap. I have supported those provisions. I am not suggesting we put a cap on those provisions. These are highly skilled workers, in many cases people involved in science and engineering and other skills that are important to our economy.

Of course, there is provided in the bill an additional estimated 141,000 visas which have been recaptured from the last 5 years because they were unused. We are not doing anything to affect that. That is fine. I have no problem with that.

All we are saying is that this large category that we call employment-based legal permanent residents, we should have an annual limit on that. We have had one for over 100 years. We have always limited that. Every country in the world limits that. We should not be the only exception in the world to this general, prudent rule as I see it.

We can argue about exactly what the right limit ought to be, but I don't think we should give up on having any cap at all, and that, unfortunately, is what the present bill provides.

How much time remains, Mr. President?

The PRESIDING OFFICER. There remains 9 minutes and 50 seconds.

Mr. BINGAMAN. I see my colleague from Arizona wishes to speak. I yield the floor and reserve my time.

The PRESIDING OFFICER. Who seeks time in opposition?

Mr. McCAIN. Mr. President, I ask that I be allowed 5 minutes in opposition.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. McCAIN. Mr. President, I rise, obviously, in strong opposition to the amendment. The Senator from New Mexico just made my arguments for me. He wants us to be like other countries in the world—maybe France, maybe Germany, maybe those countries where there has been no assimilation, no ability to become part of the society and therefore they have ended up with serious situations—riots, car burnings. It is clear he wants to be like other countries in the world.

He also made my argument in that he pointed out there are lots of ways for highly skilled workers, highly educated people to come in. There is virtually no restraint on them. So he is going to focus on the lower skilled workers. Those are the ones on whom we are going to put the cap. Right.

The overwhelming number of people who have come to this country have started out as low-skilled workers, I remind my colleague from New Mexico, and have worked their way up the economic ladder. If you are rich and educated and highly skilled, come on in. There is no problem with you coming to the United States of America. But if you are low skilled, we are going to make sure that not only you but your children are not admitted.

My parents had three children. I am glad we didn't have that kind of proposal for my family—either I or my sister or my brother may have stayed someplace else, if my parents were immigrants. This is against family. This is against everything that America stands for.

I point out to my colleagues, this is just one in a series of amendments that basically would restrict people's ability to come to this country to not only work but also, over time, raise families and become part of our society. The Bingaman amendment clearly discriminates against people who are low skilled. He wants us to be like every other country in the world. I tell the Senator from New Mexico, I don't want America to be like every other country in the world. He made my argument against his own amendment. I don't want us to be like that.

Mr. BINGAMAN addressed the Chair.

Mr. MCCAIN. Mr. President, I believe I have the floor. If the Senator from New Mexico—by the way, this amendment is opposed by the Chamber of Commerce and the majority of the unions and certainly by every major Hispanic and immigrant group in the United States of America. The Senator from New Mexico may prevail. But lately these amendments have, obviously—they have a tenor and an effect that I don't think is healthy for this country and I don't think is good for America.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. MCCONNELL. Mr. President, if the Senator will yield for just a moment, I yield my 1 hour postcloture to the Senator from Pennsylvania, Mr. SPECTER.

I thank my friend.

The PRESIDING OFFICER. The Senator has that right. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I was seeking recognition to ask the Senator from Arizona—he says this is unfair to low-income, low-skilled workers because we are putting a cap of 650,000 on this employment base. His proposal, the McCain-Kennedy bill, limited it. It had a cap of 290,000. I am proposing more than twice the admissions under the employment-based system than his proposal had. I don't understand why mine is unfair to anybody whereas his 290,000 was appropriate. He was proposing 290,000 as a limit on the number of people who could transition to legal permanent status, and that is when the guest worker program was being proposed at 400,000 per year. We have now reduced the guest worker program to 200,000 per year, and I am saying legal permanent residents should not exceed 650,000 per year under the employment-based system, in addition to the family preference, in addition to all the other ways that you can become a legal permanent resident. So I don't think this is that unfair. It is more than twice what he and Senator KENNEDY proposed and more than four times the current law.

But it does impose some cap. I understand there are people, particularly inside the beltway, who do not want any cap. A lot of the immigrant groups have indicated very clearly they are opposed to any cap, any limit in this category. Of course, the Chamber of Commerce is opposed to any limit in this category. They would prefer to be able to bring in anybody without limit. I think that is not a responsible course, and for that reason I have offered this amendment.

I reserve my time.

Mr. KENNEDY. The answer is very simple, I say to the Senator. We had one figure when we came out of committee and then we had the Martinez legislation which forced individuals to go on back. We want to make sure the people who have been working here from 2 to 5 years would be able to go back and then come back in employment. So we increase that.

I will just continue——

Several Senators addressed the Chair.

Mr. KENNEDY. I just want to make another point. Here is the legislation, the immigration act. It points out where the priorities for the green cards are. If the Senator offered that amendment and had a fair distribution of the green cards, I would support him. But he does not. Under this he gives the priority to workers, aliens with extraordinary ability. That is No. 1. Outstanding professors and researchers, they will get their green cards; certain multinational executives and managers, they are going to get their green cards; aliens who are members of professions, they are going to get their green cards; skilled workers and professionals, they will get their green cards. But the people we have talked about, to try to make this kind of balance, the ones who have been coming across the border, the ones for whom we are trying to get a legal system so they can come through as guest workers, under this they are the ones who will be left out.

Fair ought to be fair. We have tried to work with the Senator from New Mexico to get a fair distribution so people will be treated fairly, and we have not gotten it. This is why we have this dilemma.

If you wanted to try to work with us to try to get a fair distribution—but that has not been the case. We tried to do that. As a result, the point the Senator from Arizona makes has credit.

I will withhold our time.

The PRESIDING OFFICER. Who seeks time? The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, can I respond? First, on the last point Senator KENNEDY makes about fair distribution, I am accepting the distribution that is in the Hagel-Martinez legislation, the distribution that was in the chairman's mark, the distribution that was in the McCain-Kennedy bill. I am not changing that in any respect. I am not proposing to make any change in that. Whatever the distribution was that they thought was appropriate, that is exactly what I accept. My amendment doesn't affect that.

Let me make this other point because Senator KENNEDY made a point that somehow or other the Hagel-Martinez legislation caused the need for no cap in this area, and for the very large number we are, in my amendment, excluding—we are saying, in calculating this 650,000, we are excluding such visas as are issued to anyone under this 245-B and -C program, which is all of those people who are going to come in under this deferred mandatory departure system, the people who have been here at least 2 years but not a full 5 years, or not more than 5 years.

We are saying let's not count those people. Those folks are home free. Anyone who has been here over 2 years is home free. They are on their way to legal permanent status and I have supported that aspect of the bill and I continue to support that aspect of the bill.

All I am saying is that once you exclude that group and say, OK, they are home free, then you still have the question: How many new employment-based legal permanent residents are we going to admit each year? Senator MCCAIN, Senator KENNEDY said it ought to be 290,000. I am saying let's make it 650,000, but let's put on a cap. Let's not leave it the way the bill now stands, which is totally uncontrolled.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator controls 5 minutes 45 seconds.

Mr. BINGAMAN. Mr. President, I will reserve my time at this point.

Mr. KENNEDY. I will just take a minute.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. The problem is that there is a limitation with the cap. Under the existing legislation the children and the wives were not counted. You are counting them now. The way the law works is going to be the squeeze. That is the effect. If the Senator wanted to—we tried to work this out. The Senator can say we are not changing anything, but, yes, we are changing it. We are changing it because you are moving numbers around. People will be able to come into this country. There will be a job out there, a person will be able to apply for it and come in here, but they can't get the green card because we only have a certain number of green cards. So that person will not be able to get the green card. So they will never be able to make an application for permanent residency. That is the effect of it.

If the Senator wanted to work with us—which we indicated we were going to—and put in that kind of cap and work this around so we could still maintain that aspect in the legislation, we were glad to do it. But once you have that limitation which is in effect now—is in effect now—this skews this whole process in terms of green card and normalization to the highest skilled individual and says to those people we have been trying to deal with—there is pressure on the border. We spend an enormous amount of time with guest workers saying: You are going to be treated with respect, no Braceros. You are going to work hard for 4 years, and there is going to be a green card out there, and you can work 5 more years, work hard, play by the rules, pay your taxes, and get citizenship.

Can the Senator give us assurance that under his proposal someone who comes as a guest worker and works 4 years is going to be able to get the green card and go for citizenship?

Mr. BINGAMAN. Mr. President, I am glad to respond. I can't give assurance of that. But I can say they are much more likely to get the green card under my proposal than they were under McCain-Kennedy. McCain-Kennedy contemplated 400,000 guest workers every year coming in and said the total number of green cards we are going to issue to these people is 290,000, including family.

What I am saying is, we should increase that to 650,000, including family, since we have half as many guest workers coming in each year under the bill that we have agreed to on the Senate floor.

I think my proposal, frankly, is much more generous in giving green cards to people who have come here legally than was McCain-Kennedy. It is more than twice as generous. It is more than four times as generous as current law. But I am saying we ought to have some cap. We should not just leave it uncapped entirely.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 5 minutes 35 seconds.

Mr. BINGAMAN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time? The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think this has been a very good debate. Why is the Chamber opposed? Why are the groups backing the bill opposed? Do they want just anybody and everybody? Some probably do. I don't believe that is what motivates the authors of the bill.

We are trying to marry up needs, and the numbers we are picking do change because of the politics and because of projected needs.

What I would say to my good friend from New Mexico is, if you think you are helping, you are not. I am not questioning your motives. I will never question the motive of any Senator who votes differently than I do because they are all intelligent people, and I don't claim to know more about any particular area than any other of my colleagues. But what we are doing is trying to create order out of chaos because we live in a chaotic world when it comes to immigration. The numbers change every time the bill changes.

Hagel and Martinez was a new proposal, a new idea that broke people into different groups. The 2-to-5 year group of people was treated differently. Senator BINGAMAN was right, we tried to exclude that. Whether it is 290,000 or 600,000—whatever, what I don't want to do is artificially deny my country the ability to assimilate hard-working people I think we need.

The fundamental disagreement between me and the Heritage Foundation and Senator BINGAMAN is I believe that immigration is going to be regulated by the needs of our economy. When our economy gets to the point that we can't tolerate more people, the numbers are going to change. The Heritage Foundation assumed escalations in numbers apart from supply and demand. To my good friend from New Mexico, the 11 million to 12 million—whatever number it is—have already been assimilated into our workforce without damage to our workforce because we have historically low unemployment, and the economy is humming, from a Republican sound bite point of view. This is about as good as it will ever get.

When you change the formula, when you introduce the family element of having to choose between family status and work status in a different kind of way than the base bill, then you are going to create a chaotic political event, a chaotic assimilation event.

What I am trying to urge my colleagues to do is let us not create disorder in a way that just doesn't reflect what we want to be as a society. We need the workers. I think we need more than 290,000. But when you start looking at counting the children and family members and they are not workers, you are hurting our business community, and you are putting a burden down the road on people. That just really makes me feel uncomfortable.

I respect Senator BINGAMAN's approach to this problem. He has limited the number of people that can come in. I fundamentally disagree with him. I think 5 years from now we are going to need more people, not less. Japan is our model in this regard. The Japanese demographics have changed. There are more older people there than younger people. They have a closed society. They don't assimilate people from outside their culture, and their gross domestic product has slowed down. Their workforce needs are being unmet.

Whatever number we pick—and we can all talk about what the right number is—to make this change at this stage in the proceedings to introduce family status versus work status is a new concept, something we haven't all thought about and worked through before. That does more harm than good.

I hope we can march forward, work with the numbers based on what we think the economic needs of the country will be in a way that is fair to people.

We have changed the bill fundamentally from Hagel-Martinez. We are trying to accommodate business needs; we are trying to accommodate the needs of our society in terms of people violating the law.

But this idea that we are going to flood America with people who can't add value to America, my colleagues, is contrary to what this bill is about.

If you come here under this bill, whether you are a future flow or you are with the 11 million, you will have to prove to us over time that you are worthy of staying here. You will have to earn your way into working in this country and staying in this country. You are not getting anything for free. As a matter of fact, the future flow people and the 11 million people are going to be asked to do more than any generation that has ever come to this country.

I think there is a point in time where we need to stop and try to have assimilation rules that bring about order, not chaos.

I hope that we will reject this attempt to change the bill in the eleventh hour because it will create political and economic chaos.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I have great respect for the Senator from South Carolina. But when he says to the Senator from New Mexico that you think you are helping and you are not, I come down on the other side. I am one of those people who has not decided how I am going to vote on this final bill. But this will help make up my mind. If there are no caps, that would have significant bearing on how I might vote on final passage.

I have great respect for those who have managed this bill. I think this bill has been improved substantially since it came to the floor. We have actually gone through a legislative process for once around here. For the first time in a long time, we are actually legislating. This bill has been improved as a result.

The provisions to strengthen and protect the border have been dramatically improved.

The credibility of the plan to deal with the 11 million or 12 million illegal immigrants that are already here has been substantially improved. This bill is still very imperfect.

I want to conclude by saying that the Senator from New Mexico is I think casting a lifeline out to sponsors of this bill. If this bill has no caps, I think you will find a strong public reaction against this bill.

The PRESIDING OFFICER. Who seeks time?

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, once again Senator BINGAMAN is correct and has a very, very important amendment.

My staff was the first to alert the country to the huge numbers that are involved in this bill and the extraordinary increases in legal immigration that will occur. We ran the numbers also.

Senator BINGAMAN's previous amendment helps fix some of those problems. This one will further help.

Under current law for employment-based green cards, 140,000 people are allowed in the country each year, and spouses and children count against that 140,000. Under the bill that is on the floor today, that number goes to 450,000, and spouses and children do not count. Utilizing the numbers of the Congressional Research Service, as the Senator said, 1.2 children and a spouse per worker coming in, that would total 990,000 under this simple provision alone. It goes from 140,000 to 990,000. It could be more that come in under the spouse and family provisions. Let's just say go to 650,000. That is about four times the current rate.

How reasonable is that? I have not seen any economist, I have not seen hearings in which we have ever had official testimony that increasing by fivefold or sixfold the amount of legal immigration in this country is the right approach to take. So we don't have a necessary basis to assert this.

There is not really a tenor here. It is not a question of evocative, emotional feelings. It is a question of what does this bill do. It is fatally flawed, and the Senator is correct.

I support his amendment.

The PRESIDING OFFICER. Who seeks time?

Mr. BINGAMAN. Mr. President, how much time remains on the two sides?

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute 56 seconds, the Senator from Massachusetts has 7 minutes 20 seconds.

Mr. KENNEDY. Mr. President, just so that our colleagues and friends understand exactly what we have done over the course of the development of this legislation, we have increased dramatically opportunities for high-skilled people to come here to the United States, probably two or three times, and the best estimate is about 600,000. That has been increased dramatically.

Under the basic immigration law, the people who get the first crack at the green card—what is the green card? The green card is the path towards citizenship. That really is key in terms of their future and their family's future.

Under existing law, of all the green cards that are going to be available, 70 percent of those are going to go to the high skills and only 30 percent to what I call the low skills.

We have recognized in the development of the legislation the pressure that is on the border, people coming across the border illegally, the pressure that is on companies that need the unskilled individuals to work in American industry for jobs that virtually no Americans will take. So we set up the process. They have to go out and ask. Americans have to advertise for those jobs and indicate what the pay will be. If they can't get it, they are able to bring in a foreign worker.

In this legislation, since we have found that farm workers have been so exploited over the period of the past we have given the assurance that we are going to have a tamper-proof card. They will able to come here and be able to be treated with respect, with decent wages and decent working conditions.

We have put into effect a program which will enable enforcement in the legislation for employers. We know that there are demands for these low-skill workers. That is what we have done. That is the pressure at the border—for people who want to come here and be part of the American dream and provide for their family.

We said to the lower-skilled individuals that we are going to treat you the same as the higher-skilled individuals because we believe in equity and fairness. We value the work of lower-skilled persons. We value the work of minimum-wage workers as we do the presidents of universities. That is an essential part of our country and our system. They provide indispensable work.

We said to them, Look, you come to the United States as a temporary worker; you work hard for 4 years. Then you have the opportunity to get a green card; 5 years later, if you pay your taxes and behave yourself, you can earn your citizenship. But they have to be able to earn the green card.

With the numbers that have been increased over the course of the debate on McCain-Kennedy, the effect of this is going to eliminate the possibility also of those low-income people to be able to obtain a green card over the time that they are here in the 6-year period.

That is effectively capping what you do. We tried to work out with the Senator from New Mexico a way to kind of deal with this disparity so we could have a fair distribution. We haven't been able to do that. But what we have done effectively is a dramatic alteration and change in this bill. At the end of the day there will not be the opportunity nor will we be able to represent the guest workers when they come to the United States. After 6 years, you have no alternative but to return home.

I know that is not the intention of the Senator from New Mexico. But that is the effect of his amendment on this legislation.

As I said to the Senator from New Mexico, we tried over the course of yesterday to say, OK, I understand the appeal of trying to get a definitive number of people, including children. It always involves some give-and-take. Some families have larger numbers of children than others, and we have always tried to be responsive to these family needs. We were trying to work out a process so that would not happen.

The Senator from New Mexico points out that there is a difference in the underlying bill. Our underlying bill was changed both in the Judiciary Committee and on the floor. One of the principal reasons it changed on the floor is because we took the Martinez-Hagel amendment that said we are going to treat people who are here 5 years differently than we are going to treat the people that are here longer. Those who are going to be here only for 2 years are going to be deported. But they will know there is a guest worker program out there. If they want to go out and become a part of a guest worker program, they can find ways to be able to do it, play by the rules and be able to probably find a way to come back in and do it legally.

Those who are here between 2 and 5 years are going to have to be certain of the other requirements. They will have to go back to the port of entry and come back in—and they are treated differently.

I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I regret being absent for part of this debate on the issue, but the Judiciary Committee has been meeting in a rather heated session to decide what to do about getting information from the telephone companies on the NSA program. I want to comment very briefly in opposition to the amendment by the Senator from New Mexico.

This amendment will substantially limit the ability of members of a family to accompany those who come into the United States and take jobs where they will be productive. I believe having family present is a very high value. This amendment, in putting a cap on, leaving no flexibility for family members to accompany the immigrant, is just basically a bad idea.

We have sufficient room to accommodate the immigrants who are permitted to come in under the guest worker program, and accommodating the guest worker ought to include their family. They ought not to be separated from their family. We ought not to have a statute on this important subject which has that very undesirable family result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand all the time has expired. We ask for the yeas and nays on the Bingaman amendment.

The PRESIDING OFFICER. The Senator from New Mexico has 1 minute 54 seconds remaining.

Mr. KENNEDY. Excuse me. I apologize.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Thank you, Mr. President.

Let me respond to that point which was just made by the chairman of the Judiciary Committee. There is nothing in my amendment that limits the ability of families to accompany workers. All my amendment does is to say there should be a cap on the total number of workers with accompanying family, just as there is today, just as there was under the McCain-Kennedy proposal. We are saying there should be some limit. It should not be open-ended, as the current bill pending on the Senate floor provides.

We are saying this limit should be 650,000. Now, why did we choose that? Because that is what the Congressional Research Service says they estimated would actually be happening under Chairman SPECTER's proposed mark to the Judiciary Committee when they started. To do something other than what we are proposing in this amendment is to leave it totally unknown as to how many people we are going to have coming in under this employment-based legal permanent residency program, how many green cards we are going to be giving out. It could be 500,000. It could be 1 million. It could be 1.5 million. This is every year I am talking about. That is not an acceptable arrangement.

Now, I want to make clear this one point, which I said before; that is, this amendment in no way limits the number of people who can come in and become legal permanent residents under the family preference. That is 480,000. It does not affect the number of people who can have their situation, their status changed under the undocumented earned legalization provisions. That is 11 or 12 million. It is left alone. It does not affect the 1.5 million blue card agricultural workers. It does not affect the shortage occupation groups and other high-skilled workers. It does not affect the 141,000 visas that we are bringing back from the last 5 years.

This amendment will improve the bill. It is not an effort to undermine the bill. It is an effort to improve the bill. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, I ask unanimous consent that the Feingold amendment and debate precede the Sessions amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, so that our colleagues will know the schedule, Senator BYRD has asked to speak to the body following this vote on his 69th wedding anniversary. He will be recognized for that purpose.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I want to do that at a time that will accommodate him and the Senate. So if the Senator would let me know right now, if he might, when might be the best time to accommodate him and the Senate.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from West Virginia. We will see if we can find a more convenient time.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the Bingaman amendment.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

The PRESIDING OFFICER (Mr. GRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—51

Alexander
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Bunning
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Conrad
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Ensign
Feinstein
Grassley
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kyl
Lincoln
Lott
Mikulski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Santorum
Sessions
Shelby
Sununu
Talent
Thomas
Thune
Vitter
Voinovich

NAYS—47

Akaka
Bennett
Brownback
Burns
Cantwell
Chafee
Clinton
Coleman
Collins
Dayton
DeWine
Durbin
Feingold
Frist
Graham
Gregg
Hagel
Harkin
Hatch
Inouye
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Murray
Obama
Reid
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Warner
Wyden

NOT VOTING—2

Enzi
Rockefeller

The amendment (No. 4131) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, we are making progress. I see the Senator from Wisconsin on his feet. He has an amendment. We have two amendments following that. Then, hopefully, we will be ready for final passage. I understand we have an hour of time evenly divided.

Mr. FEINGOLD. Mr. President, I hope it will be shorter, but it depends on the response.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 4083

Mr. FEINGOLD. Mr. President, I call up amendment No. 4083.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4083.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision prohibiting a court from staying the removal of an alien in certain circumstances)

On page 167, strike lines 17 through 20.

Mr. FEINGOLD. Mr. President, this amendment will ensure that asylum seekers, victims of trafficking, and other immigrants are able to secure meaningful judicial review of removal orders. It would strike from the bill a provision that would have the really absurd result of making it harder in many cases for an immigrant to get a temporary stay of removal pending appeal than to actually win on the merits of the case.

Before I go further, I thank Senator Brownback for cosponsoring this amendment. He has been tireless in his efforts to help asylum-seekers and trafficking victims, and I am very pleased that we could work together on a bipartisan basis on this effort.

Under section 227(c) of the bill, a court cannot grant a temporary stay of removal pending appeal to an asylum applicant or other individual unless the immigrant proves by clear and convincing evidence that the order is prohibited as a matter of law. That, as we all know, is an extremely difficult standard to satisfy, particularly in the preliminary stage of an appeal. It is so difficult that the Chicago Bar Association called this provision a "potentially devastating threat to due process."

This draconian provision could have a particularly harmful effect on asylum-seekers. It could effectively deny all judicial review to many asylum applicants who might otherwise have successful appeals by allowing them to be sent back to countries where they can face persecution or even death before a Federal court can even rule on their cases.

Section 227(c) would overturn the decisions of seven different courts of appeal that have determined that the Immigration and Nationality Act does not currently require immigrants to meet the very high "clear and convincing evidence" standard for temporary stays of removal pending appeal. I will explain in a bit more detail, as these courts already have, why this very stringent standard would be such bad policy.

First of all, as I have said, in many cases this provision would result in an immigrant having to meet a higher standard of review to get a temporary stay of removal than to prevail on the merits of it. Federal courts review legal issues in asylum and other immigration cases de novo, and they review issues, such as credibility questions in asylum cases, using a lower, "substantial evidence" standard. These standards are nowhere near as difficult to satisfy as a "clear and convincing evidence" standard that the decision "prohibited as a matter of law." Indeed, courts of appeal have pointed out that the only individuals who could satisfy such a high standard would be U.S. citizens and individuals who hold visas of "unquestioned validity."

I will read a quick passage from a decision of the First Circuit Court of Appeals that I think goes right to the heart of the issue:

> Perhaps most important, we recognize that extending [the] stringent clear and convincing evidence standard to stays pending appeal . . . would result in a peculiar situation in which adjudicating a stay request would necessitate full deliberation on the merits of the underlying case and, in the bargain, require the alien to carry a burden of proof higher than she would have to carry on the merits. This Kafkaesque design is counterintuitive.

Let's pause for a moment to consider that—"this Kafkaesque design is counterintuitive." A panel of the First Circuit Court of Appeals, in a decision written by a judge appointed by President Reagan, has called the very provision that is in the bill "Kafkaesque." Surely, the Senate does not want to include such an extreme provision in this bill.

Even in situations where the issue on appeal is subject to a very deferential standard of review, it makes no sense to require an immigrant to meet the stringent "clear and convincing evidence" standard of review at such a preliminary stage of the case. As one court has pointed out, the appellant may not even have obtained a copy of the administrative record that early in the case. How can appellants prove by clear and convincing evidence that they will win their appeal when they may not even have a copy of the administrative record?

Kafkaesque, indeed.

This standard would also be out of line with analogous situations in other civil cases. Typically, when an appellant seeks temporary relief at the beginning of a case, the goal, as many of us know, is to preserve the factual situation for the duration of the appeal, and the goal of that is to ensure that the ultimate relief, if granted, will still be meaningful. That is why many courts of appeals reviewing removal orders rely on the same standard of review that applies to requests for temporary restraining orders in civil litigation. That test is well known to so many who have studied the law. They apply a four-part test that evaluates the likelihood of success on the merits: whether there will be irreparable injury if a stay is denied; whether there will be a substantial injury to the party opposing a stay if one is issued; and the fourth criterion, the public interest. This flexible standard allows a court to assess whether a stay is needed early in the case without having to delve into the detail required to determine the final outcome.

But if this provision were to become law, the entire case would have to be litigated in full twice—once to meet the requirements for a stay of removal and then again on the merits. At least in some courts of appeals, that would mean the case would first have to be presented to a motions panel on the stay application and then again before the merits panel. As the American Bar Association has argued in urging the Senate to reject this provision, such a duplicative process would be a significant waste of resources, particularly at a time when the immigration caseload of the Federal courts is growing.

I wish to speak for a moment about the individuals who would most likely be harmed by this new provision, and they are, of course, asylum seekers.

As one Federal court has explained, imposing this new stringent standard "would mean that 'thousands of asylum seekers who fled their native lands based on well-founded fears of persecution will be forced to return to that danger under the fiction that they will be safe while waiting the slow wheels of American justice to grind to a halt.'"

Similarly, Judge Easterbrook of the Seventh Circuit noted that stays pending appeal "remain vital when the alien seeks asylum or contends he would be subject to torture if returned. The ability to come back to the United States would not be worth much if the alien has been maimed or murdered in the interim. Yet under [the clear and convincing evidence standard] . . . an alien who is likely to prevail in this court, and likely to face serious injury or death if removed, is not entitled to remain in this Nation while the court resolves the dispute." Just to give that example.

The stakes are high. This provision has the potential to be devastating for asylum seekers; so devastating, in fact, that the provision was rejected by Congress just last year when it was taken out of the REAL ID Act in the conference process, and it is not even included in the current House bill. I hope the Senate will support my amendment to strike this troubling provision from the bill.

Let me put a personal face on this debate. I received earlier this week a letter from the National Network to End Violence Against Immigrant Women. This is a very compelling letter, and I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

May 22, 2006.

Re Comprehensive Immigration Reform Act of 2006 [Hagel-Martinez compromise] (S. 2611), Biden Amendment 4077 (amends section 403(a)(1)), and Feingold Amendment 4083 (amends section 227[c]).

Dear Senator: On behalf of the National Network to End Violence Against Immigrant Women, we write to urge you to preserve access to longstanding, life-saving legal protections embodied in the Violence Against Women Act ("VAWA") for immigrant victims of domestic abuse, sexual assault, or human trafficking. The National Network to End Violence Against Immigrant Women is comprised of over 3,000 professionals nationwide including police, sheriffs, district attorneys, probation officers, prosecutors, health providers, churches, rape crisis centers, domestic violence shelters, mental health professionals, child protective services workers, and immigrant rights' groups. The Network's members are all joined by a common purpose—working towards the eradication of all forms of violence perpetrated against immigrant women and children including domestic abuse, sexual assault, human trafficking, and stalking.

The National Network to End Violence Against Immigrant Women urges you to support:

(1) Biden Amendment 4077 [amends section 403 (a)(1)]: preserves access to VAWA cancellation of removal (family violence), T visas (trafficking), and U visas (violent crimes); and

(2) Feingold Amendment 4083 [amends section 227[c]]: preserves access to judicial stays of removal for immigrants, including victims of violence or persecution, who are appealing their cases to the federal courts.

I. S. 2611, section 403(a)(1) endangers thousands of immigrant women and children by cutting off victims of domestic abuse, sexual assault, or human trafficking from the VAWA immigration remedies created by Congress in 1994 and 2000.

S. 2611, section 403(a)(1) adds a new subsection to the Immigration and Nationality Act ("INA"), 218A(i), which would bar individuals who enter or remain in the U.S. without authorization from obtaining cancellation of removal, voluntary departure, or nonimmigrant status for 10 years. Section 218A(i) does not contain an exception for victims of domestic abuse, sexual assault, or human trafficking who qualify for VAWA cancellation of removal (family violence), T visas (human trafficking), or V visas (violent crimes). Without a specific amendment to exempt these victims, section 403(a)(1) will undo over a decade of progress in fighting domestic abuse, sexual assault, and human trafficking started with the enactment of the Violence Against Women Act ("VAWA") in 1994.

Since passing VAWA 1994, Congress has continually reaffirmed the nation's commitment to granting special humanitarian relief to immigrant victims of domestic abuse, sexual assault, or human trafficking. In 2000 Congress created the T visa and V visa in the Victims of Trafficking and Violence Protection Act. As recently as last December, Congress expanded VAWA and trafficking immigration relief in the VAWA Reauthorization Act of 2005. If the Senate does not now carve out a limited exception to S. 2611, section 403(a)(1), it will be undercutting the very protections created by Congress in VAWA 1994 and 2000.

We, therefore, respectfully urge you to support Biden Amendment 4077 which would carve out a limited exception for victims of family violence, sexual assault, or human trafficking from S. 2611, section 403(a)(1) to ensure they have continued access to VAWA cancellation of removal, T visas, and U visas.

II. S. 2611, section 227[c] endangers immigrant women and children who will be deported into the hands of human traffickers, batterers, and persecutors, thereby facing certain harm and possible death.

S. 2611, section 227[c] would bar federal courts from staying the deportation of any immigrant with a final removal order unless she shows by "clear and convincing evidence" that deportation is prohibited as a matter of law. This heightened standard would make it virtually impossible for most victims of domestic abuse, sexual assault, or human trafficking to obtain stays of deportation while their cases are on appeal to the federal courts. Section 227[c] poses grave risks to many immigrant women and children who, in the absence of a stay of removal, will be deported and delivered into the hands of human traffickers, batterers, and persecutors.

Why is preserving access to temporary judicial stays of removal critical for immigrant victims of violence or persecution? Because it is not uncommon for the federal courts to reverse illegal deportation/removal orders that were issued by immigration judges and subsequently affirmed by the Board of Immigration Appeals ("BIA"). For many immigrant women and children, the federal courts are the ultimate protectors of justice, and it is not until their case reaches the federal courts that they are given due process, as required by the Constitution. All immigrants, but especially victims of violence or persecution, need to have continued access to request judicial stays of removal/deportation while their cases are being reviewed by the federal courts. A temporary judicial stay of removal does not allow an immigrant to remain indefinitely in the U.S.; it merely prevents the Department of Homeland Security from deporting her while the federal court reviews her case.

Real-life immigrant women who obtained judicial stays of removal during the pendency of their appeals and were ultimately granted immigration relief by the federal courts:

Laura Luisa Hernandez endured years of brutal violence at the hands of her husband. He slammed her head against the wall, smashed a fan on her head, savagely beat her, attacked her with a knife, and denied her access to medical care for her injuries. Ms. Hernandez applied for VAWA suspension of deportation, a special form of relief for abused spouses and children that Congress created in VAWA 1994. An immigration judge denied Ms. Hernandez's VAWA suspension of deportation application and ordered her deported. The BIA affirmed the immigration judge's denial of VAWA suspension of application. Ms. Hernandez then appealed the BIA decision to the U.S. Court of Appeals and obtained a temporary stay of deportation while her appeal was being reviewed by the U.S. Court of Appeals. The U.S. Court of Appeals eventually reversed the BIA decision and concluded that she qualified for VAWA suspension of deportation. *See Hernandez* v. *Ashcroft*, 345 F.3d 824 (9th Cir. 2003).

Lioudmila Krotova and her children Anastasia and Aleksandra fled Russia after they were assaulted by skinheads and their synagogue was stormed. Ms. Krotova reported both attacks to the police, but the police failed to take any meaningful action. After the Krotovas fled Russia, skinheads beat a close family friend to death, and also beat the Krotovas' relative so brutally that they broke his hip. After entering the U.S., Ms. Krotova applied for asylum. An immigration judge denied her application, and the BIA affirmed the judge's decision. Ms. Krotova then appealed to the U.S. Court of Appeals and obtained a temporary stay of removal. The U.S. Court of Appeals eventually reversed the BIA decision and concluded that the harassment, discrimination, and violence experienced by Ms. Krotova on account of her being Jewish compelled the finding that she suffered past persecution. *See Krotova* v. *Gonzales*, 416 F.3d 1080 (9th Cir. 2005).

Ralitsa Nedkova, a Roma (gypsy) woman from Bulgaria, was brutalized by the police for many years. She was repeatedly arrested, detained, beaten, and threatened with rape by the police for doing nothing wrong other than being Roma. She suffered numerous injuries including cracked ribs as a result of police brutality. She was also brutalized by her ethnic Bulgarian husband who savagely beat her while screaming "Whore! Gypsy!" When she was pregnant, he beat and kicked her in the stomach yelling, "Gypsies don't have a right to have children!" He beat her so violently that she miscarried in her second trimester. Ms. Nedkova eventually fled for her life and attempted to enter the U.S. She was arrested by immigration authorities and remained in detention for years. While in detention, she applied for withholding of removal. An immigration judge denied her application, and the BIA affirmed the decision. Ms. Nedkova appealed her case to the U.S. Court of Appeals and obtained a temporary stay of removal during the pendency of her appeal. The U.S. Court of Appeals reversed the BIA decision, and Ms. Nedkova was eventually granted withholding of removal. *See Nedkova* v. *Ashcroft*, 83 Fed. Appx. 909 (9th Cir. 2003).

Juanita Sauceda was ordered removed by an immigration court while her husband was fighting in the Middle East with the Texas National Guard. Together they have several U.S. citizen children. Ms. Sauceda was ordered removed, despite the fact that she was eligible to immigrate based on her husband's petition as well as her mother's petition. Ms. Sauceda appealed her removal order to the BIA which affirmed the immigration court's decision. She then appealed her case to the U.S. Court of Appeals for the Fifth Circuit and obtained a judicial stay of removal during the pendency of her appeal. Because she was granted a stay of removal, she was able to continue caring for her U.S. citizen children while their father fought in the Middle East. If she had been denied a judicial stay of removal, she would have been deported during the pendency of her appeal, and her U.S. citizen children would have been abandoned in the U.S., with no parent to care for them. *See Sauceda* v. *Gonzales* (5th Cir. 2005).

These real-life cases illustrate why all immigrant women and children, especially victims of violence or persecution, need to have continued access to judicial stays of removal while their cases are being reviewed by federal courts. We, therefore, respectfully urge you to support Feingold Amendment 4083 which would preserve access to judicial stays of removal, thereby ensuring that victims are not illegally deported into the hands of human traffickers, batterers, and rapists.

Sincerely,

JOANNE LIN,
Legal Momentum Immigrant Women Program.
GAIL PENDLETON,
ASISTA.
LENI MARIN,
Family Violence Prevention Fund.

Mr. FEINGOLD. Mr. President, I would like to read from this letter to give my colleagues a better understanding of whom this provision of the bill will affect. According to this letter:

> Section 227(c) poses grave risks to many immigrant women and children who, in the absence of a stay of removal, will be deported and delivered into the hands of human traffickers, batterers, and persecutors.

Let me read one example the National Network provided in its letter of a case in which the availability of a stay of removal was essential. Let me tell you about Lioudmila, Anastasia, and Aleksandra Krotova. According to the letter:

> Lioudmila Krotova and her children Anastasia and Aleksandra fled Russia after they were assaulted by skinheads and their

> synagogue was stormed. Ms. Krotova reported both attacks to the police, but the police failed to take any meaningful action. After the Krotovas fled Russia, skinheads beat a close family friend to death and also beat the Krotovas' relative so brutally that they broke his hip.
>
> After entering the U.S., Ms. Krotova applied for asylum. An immigration judge denied her application, and the [Board of Immigration Appeals] affirmed the judge's decision. Ms. Krotova then appealed to the U.S. Court of Appeals and obtained a temporary stay of removal. The U.S. Court of Appeals eventually reversed the BIA decision and concluded that the harassment, discrimination and violence experienced by Ms. Krotova on account of her being Jewish compelled the finding that she suffered past persecution.

This is just one example.

The letter also talks about a woman who was ordered removed while her husband was serving overseas in the Texas National Guard and whose deportation would have left her U.S. citizen children no parent to care for them. And there are others.

If my amendment is not adopted, these are the types of people who will be affected, who will be sent back to countries where they could be killed or torn from their families.

I assume those who support this provision want to ensure immigrants cannot file frivolous appeals in order to delay their deportation, and I wholeheartedly agree with that goal. But this provision is not necessary to accomplish that worthy goal. The Federal courts do not grant stays of removal when immigrants have little likelihood of success. In fact, several of the appellate decisions that have rejected the clear and convincing evidence standard at issue here have gone on to apply the four-part test I discussed earlier and denied stays of removal pending appeals. Nonetheless, they have denied these stays in some cases because the immigrants had little likelihood of success or because the immigrant could safely return to their home countries and await the outcome. So this provision is really just a solution in search of a problem.

This amendment is about basic due process and fairness. It is about giving individuals who have been turned down at the administrative level the opportunity to seek meaningful judicial review. And it is about making sure that those who seek asylum in this country and who have meritorious claims are not returned to persecution or even murder in their home countries before they can present their case to a Federal court.

That is why a long list of organizations have come out in support of this amendment, including the U.S. Conference of Catholic Bishops, World Relief, the Leadership Conference on Civil Rights, the National Council of La Raza, and more than 50 others.

Mr. President, I ask unanimous consent that a full list of the organizations that support this amendment be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Mr. President, everybody in this Chamber, I hope, will consider supporting this amendment. I urge its adoption.

I reserve the remainder of my time.

EXHIBIT 1

LIST OF ORGANIZATIONS THAT SUPPORT FEINGOLD-BROWNBACK AMENDMENT NO. 4083

American Bar Association
American Civil Liberties Union
American Immigration Lawyers Association
American Jewish Committee
Amnesty International
Asian American Justice Center
Asian Pacific American Legal Center, Los Angeles, CA
Bernardo Kohler Center, Inc., Austin, Texas
Casa de Esperanza, Bound Brook, New Jersey
Catholic Charities USA
Center for Gender and Refugee Studies, Univ. of California, Hastings College of the Law
Center for National Security Studies
Chicago Bar Association
Church World Service Immigration and Refugee Program
Episcopal Church
Episcopal Migration Ministries
Families for Freedom, Brooklyn, NY
Hebrew Immigrant Aid Society
Hispanic National Bar Association
Human Rights First
Human Rights Watch
Immigrant Law Center, St. Paul, MN
Immigrant Legal Advocacy Project, Portland, ME
Immigrant Legal Resource Center
Immigration Unit of Greater Boston Legal Services
Institute of the Sisters of Mercy of America
Jubilee Campaign USA, Inc.
Leadership Conference on Civil Rights
Legal Momentum
Mexican American Legal Defense and Education Fund
National Advocacy Center of the Sisters of the Good Shepherd
National Council of La Raza
National Immigration Forum
National Immigration Law Center
National Immigration Project
National Network to End Violence Against Immigrant Women
New York State Defenders Association Immigrant Defense Project
Open Society Policy Center
Opening Doors Immigration Services, Denton, TX
Presbyterian Church (USA), Washington Office
Refugee Resource Project
Service Employees International Union
Sisters of Mercy of the Americas
Sikh American Legal Defense and Education Fund
Sikh Coalition
South Asian American Leaders of Tomorrow
Tahirih Justice Center
Union for Reform Judaism
United Methodist Church, General Board of Church and Society
Unitarian Universalist Service Committee
U.S. Committee for Refugees and Immigrants
U.S. Conference of Catholic Bishops
Washington Defenders Association Immigrant Defense Project, Seattle, WA
World Relief, the humanitarian arm of the National Association of Evangelicals USA

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have been advised that the objection to setting aside amendments has been withdrawn, so we will be able to stack the votes on the remainder of the amendments.

While I have recognition, I would like to comment briefly in support of the amendment offered by the Senator from Wisconsin. The standard of clear and convincing evidence, unless prohibited as a matter of law, is a very tough standard and I don't think ought to be imposed here. It is preferable to use the regular four-part standard, which includes a requirement that the petitioner is likely to succeed on the merits.

This particular matter has been commented on by a number of very distinguished jurists. Judge Frank Easterbrook, appointed by President Reagan, said that the interpretation in the current bill—the interpretation that this amendment is designed to change—could require removal of an alien who was both likely to prevail in court and likely to face serious injury or death if deported.

Judge Bruce Selya from the First Circuit, appointed by President Reagan, said that the very situation the current bill would create is, in his words, "absurd" and "Kafkaesque."

Judge Jerry Smith, another Reagan appointee on the Fifth Circuit Court of Appeals, said that the situation the bill would create is "peculiar, at best."

I believe the interest of justice would be promoted by allowing the courts to utilize the current standards for granting stays and not imposing this extraordinary standard.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am deeply grateful to the chairman, especially for his support of this amendment but also for his leadership on this legislation. It is extremely important to this country. I know he worked so hard in committee to come up with a good package that I am able to support. I particularly thank him for his support of the amendment.

I yield such time as the Senator from Kansas requires. I thank him for his tremendous help on this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Wisconsin for bringing forward this amendment and for highlighting the issue. I hope we can get a strong vote from all of our colleagues on the amendment.

We heard about the issue of clear and convincing evidence that one has to meet to keep from being sent home even though the standard is lower for one to actually win the case. I don't know anywhere else in the law where one has to meet a higher standard at that point in the system than one would on final adjudication. This is really backward in that particular situation.

I don't want to talk about that in particular, as I do the specific situations that can arise and we can see easily enough happen. I have been to one of the detention facilities in New York, a place called Wackenhut—an incredible name for a detention facility. I have been to detention facilities on the border. I met with people who sought asylum.

I recognize the problem a number of people are targeting on this issue—and I think it is a legitimate concern to raise—that too many people are claiming asylum status who are not legitimate asylees, and they are not going to win in the system and are flooding the system with requests. That is a legitimate concern. One can go into some of these detention facilities and find a lot of people who are saying they are seeking asylum and asylum status, and on its face one can question whether it is a legitimate case. That is a proper issue to raise, and I think the people who put forward this amendment are targeting a correct issue.

Having said that, I have also worked with a number of people who, if you take them in this situation and say: You can't meet clear and convincing on the initial status, you are going home and wait there before you can come here for asylum status, and we send them home, they are going to prison or they are likely to disappear. They are likely to disappear in that situation. I say disappear as in being killed in those host countries to which they would go back. We can think of some pretty easy ones. I had six refugees from North Korea in my office last week. If they go home, they are in the Gulag and probably will not survive.

What about Iran? What happens if someone from Iran comes to this country and seeks asylum status, and we say it doesn't look clear and convincing to us? How about Zimbabwe under Mugabe? That could happen in this situation. If you are in a family that has been opposed to his leadership in that country, and we say: Well, I don't know, and you are saying it is an uncle who caused a situation about which Mugabe is concerned, and we say: I don't know, did the uncle do much; we don't have a factual record on this—he doesn't have a factual record at all because they didn't let him leave with any factual record; you are going on his testimony, and he has to meet clear and convincing evidence—it would be very logical for a judge to say: You don't meet clear and convincing evidence. It is your word on this. We don't have a factual record. We can't get to a factual record. You are going back to Zimbabwe. And if he goes back to Zimbabwe, it is highly likely he will disappear, as in being killed. This guy isn't going to make it, isn't going to survive.

In that situation, we should have the standard the same on the stay as on the final injunction, particularly at this early stage in the process and particularly when somebody's physical life is in jeopardy.

I am afraid to say there are quite a few places in this world today where there are dictatorships or narrow one-party rule where if somebody is sent back and they have been opposed or now even perceived as opposed, now that they have traveled outside the United States and tried to get away, or if someone is sent back to Syria or somewhere else, there is a high likelihood they are going to disappear, they are going to be killed. They not going to be seen again in their home country. in this particular case, while I think the people who propose the base portion of this text are accurate in seeing a problem that has grown wide in this litigation, the narrow impact of this and the backwardness of the adjudication process, having the final order being a lower standard than this initial one, and the likelihood of physical harm, if not death, to the individual being sent home, we shouldn't be doing that. We shouldn't be allowing that to happen. I would hope that we could pass this amendment to change that standard so the final order and the temporary order are the same adjudication status and we don't get people killed inadvertently because we have put in a different status. This is important, and I think lives are at stake with this one.

In far too many places around the world that I have been, you can think and you can articulate a number of them that would come forward, be it the case in Burma, or be it the case in a number of countries that are dictatorships throughout Africa. You could look at Turkmenistan. I met yesterday with some human rights activists from Turkmenistan; a real question there is what happens to you. China, some real questions in that country, particularly if you are a member of Falun Gong and you come here, or you are a student activist or knew somebody who was a student activist. Again, most of it is on your word at this point in time and you can't meet the clear and convincing steps.

So I would hope we could pass this amendment. I am fearful that if we don't, we are going to see people sent back, sent back to death, and I don't want to see us doing something like that.

I thank my colleague for proposing this amendment. I appreciate those who are dealing with this issue. I do think this would be a good amendment for us to pass.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, months ago in the Judiciary Committee markup I offered an amendment that codified the process of expedited removal and extended it to include criminal aliens. We have to remember, this is about criminal aliens. What we do know from one of the Judiciary Committee hearings is somewhere between 6 and 8 percent of the people coming across our southern border have a criminal history.

There are valid points to the questions that have been raised by the Senator from Wisconsin, who I have the utmost respect for, but I think this is a question about what could happen versus what is getting ready to happen. What is getting ready to happen is instead of 28 percent of our Federal prisons today being filled with illegal aliens, it is going to become 45 and 50 percent, because they are going to stay here. We are going to give them 27 months. They are going to use stays to stay here, and what we are trying to do is have a balance.

Is it possible that somebody could be denied entry into this country and have a negative consequence? Yes. But it is far more likely there is going to be a tremendous negative consequence to us in costs and to our children as we allow this system to continue to go on and be perpetuated the way that it is.

I also remind my colleagues that current law under what we call expedited removal is law, and it is being carried out. What this amendment does will get rid of the expedited and ultimately will get rid of the removal, and what we are going to see on criminal aliens is we are going to see our prisons not having 28 percent illegal aliens who are criminals, but we are going to have 50 percent. The cost right now is $7 billion a year to our country, and $1.7 billion of that is associated with Federal prison costs for illegal immigrants. So we are talking about expedited removal.

The other thing to remember that we are talking about is this is only going to be applied to people who have been here less than 14 days and within 100 miles of the border.

The administration opposes this amendment, and for good reason. The Feingold amendment would allow aliens to remain in the United States and would perpetuate the incentive for aliens to pursue even the most meritless appeals. That is what happens when we allow this. I am not a lawyer, but I know that the obligation for clear and convincing evidence is a high standard, and that is a difficult thing. But we have to measure it against all the other consequences of not having that standard.

The arguments that the Senator from Wisconsin makes are real. They are true. But he doesn't talk about what the downside is, and the costs and the lost opportunity and actually human grief that comes from having that process for those who are going to bear the cost of it.

The section that the Senator from Wisconsin focused on in his amendment is already law. It is already U.S. Code, Section 242(f) 28 USC 1252(f2). All my amendment did to this section of the Code was to add the judicial injunction being amended to include stays. What is happening is that 90 percent of these stays are overturned right now. Ninety percent of them are overturned at the appellate division. So what we are doing is comparing what could happen to what is happening and what is the cost of that.

The heart of the Senator from Wisconsin is good. The heart of the Senator from Kansas is good. The question is, How do we balance that with the human costs of carrying out this sacrifice of not being 100 percent? We could be 100 percent. What we would do is not allow anybody to return to their country until we know that they are going to be adequately clothed and adequately fed. Forget abused and incarcerated. What about the standard of making sure they have the same opportunities that people in America have. We are not applying that standard to these people, the 90 percent where the stays are denied.

So I don't challenge what could happen to somebody who was denied the basis of asylum. What I ask is, where is the common sense on how we handle these thousands and thousands and thousands of cases that allow somebody 27 months here, who uses the claim of asylum, which, in fact, has nothing to do with why they are here, but allows them to stay another 27 months? It also raises a tremendous cost for us, because they not only have to be held, they have to be defended, and we are paying for that as well.

As to the points made by the Senators from Kansas and Wisconsin on the possibilities of what could happen, it is true; they could. But it doesn't consider what is going to happen if we continue to allow this abuse of the system where an injunction is forbidden by Federal law and a stay is issued because they can't offer an injunction, because it is illegal to do so.

So is it a difficult issue? Yes. Do I see the problem of abuse of this much greater than they? Yes. Do I balance the scales differently? Yes. Because the undetermined cost and the undetermined consequence of the way that we are doing it now is just as dangerous in the long-range measure of humanity as of the potential dangers of one person—even if it is one—if only one person was denied asylum, if it is just one, should we go even further? The fact is we can't be perfect. Even without clear and convincing evidence, we are not perfect. Even 90 percent of those that are—the stays are overturned. Some of those we decided wrongly. So it is not as clear-cut as the Senator would make it seem. And it is not just the issue of some people who might be interested, because some are going back now after a denial of the stay, using a better standard of evidence.

So I would hope that we would keep this in the bill. It is not in the House bill. It may not stay in the complete bill. But it is certainly something that will turn resources that are today wasted tremendously and turn those resources to help those people who get here and have gotten asylum to have a better life.

Mr. President, with that, I yield the floor.

Mr. FEINGOLD. Mr. President, how much time remains?

The PRESIDING OFFICER. Eleven and a half minutes.

Mr. FEINGOLD. I would like to use the time to respond to the Senator from Oklahoma, whom I greatly respect. He is right, we can't be perfect about this. This is a complicated situation. He is also right that our goal here should be to achieve the right balance, and that is the challenge before us.

My amendment certainly doesn't strike all the changes that are made in the bill; it just tries to address one particular mistake that was made that I think was almost borderline unintended. The bill as it now reads greatly expands expedited removal. I am not objecting to that, and I am not suggesting that we should not do so. I want to do exactly what the Senator from Oklahoma has suggested, which is to introduce another element of common sense and balance into this. So I want to respond to a couple of things he said.

He began his remarks by saying this is about expedited removal; we wouldn't have a problem here if we were only talking about expedited removal.

That is not the point. As I understand this provision, it goes well beyond expedited removal to all removals. So that is the problem. In fact, we even suggested at the staff level on the floor in recent days, we wouldn't have a problem if this change was honed and limited to expedited removals. So it is simply incorrect—and I want the record corrected on this—to suggest that this somehow deals with expedited removals.

Secondly, the Senator says, Well, all we are doing here is broadening the concept and expanding it to stays. That is a big deal. It is not a minor thing. What we are talking about here, and Senator BROWNBACK and I gave real, human examples of what we are talking about, is situations where if somebody can't get a stay so they can stay in this country and not be rushed to a situation where they may be harmed, that stay may be definitive for them in the form of death or serious injury or persecution. What we are talking about here is what is the standard for that temporary stay so that they get the opportunity to make their substantive case on whether they should stay here on the merits.

Finally, the Senator suggested that this would lead to approvals of meritless claims. Our judges know how to handle this sort of thing. Under the current system, they don't just hand out injunctions on no basis. As I read the standard for injunctions, they evaluate four factors: No. 1, the likelihood of success on the merits; No. 2, whether there will be irreparable injury if the stay is denied; No. 3, whether there will be a substantial injury to the party opposing a stay if the stay is issued; and No. 4, the public interest. If those standards aren't met, these judges don't just hand out stays. It is based on a long-standing tradition in the law in this area. So the idea that somehow this change would lead to meritless or automatic granting of stays is simply incorrect under the law.

So I hope that responds to the points that my friend from Oklahoma made, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be charged equally to both sides.

Mr. KYL. Mr. President, I rise in opposition to this amendment. This amendment is not just some little amendment that is seeking to cure some outlying kind of case. It amends existing law, as well as to strike a provision that was added in the Judiciary Committee. It is opposed by the administration. The reason is because the administration today is using the part of the law that would be stricken here to remove, in an expedited fashion, illegal immigrants who come here, and—using the figures that are more current—over 10 percent of whom, by the way, are criminals, to their home country, the other-than-Mexican illegal immigrant. Last year, there were over 135,000 of these people who were apprehended, and they were from countries all over the world, including a lot of countries that won't take them back, especially won't take them back very quickly.

So the question becomes, What happens? If they are from Mexico, of course, you can simply put them back on the bus and take them to the border. But if they are from China or Russia or Vietnam or some other country, you can't do that. First of all, you have to work with the other country to ensure they can be removed to the other country, and then you have to keep them in custody until they can be removed. In the meantime, if they want to make a case for asylum, they may do so, and the only standard is the usual standard of credible fear.

So let's not labor under the assumption that this outlying case, this person who will be subject to abuse if the person is returned home, can't make an asylum claim. You can, and it is resolved just like the other asylum claims are resolved: If you can establish a credible fear so that you are put in a separate category over here, and you are not removed to your home country.

But what about those who do not? Today there aren't sufficient detention spaces for these individuals, and so many of them are simply asked to report back in a few days and they don't show up, obviously. So they melt into our society.

It was to solve this problem that Secretary Chertoff invoked the expedited removal plan, which originally just applied to two of the sections on the border and now will apply to all of the border. The people are detained until they can be removed and the period for removal is reduced from about a month down to about 2 weeks, so detention space is adequate.

What happens if the Feingold amendment passes? Secretary Chertoff's promise to us that he would invoke expedited removal and be able to remove these people from the country—those who can't make a credible asylum claim—will be destroyed, because every one of them can file an appeal.

The law that currently exists says that you can't get an injunction. The reason is clear. We passed this because it is obvious that everybody simply files an appeal, gets an injunction, and they stay. It is years before you get them out—if you can ever re-contact them after they have been released. You can't keep them in detention for that period of time, so they are released and the chances are they never show up. That is the experience we had.

Congress decided we can't do that, that it is just a free pass to be illegal. So we said, once you made your claim for asylum and it is denied, and you have a final order for removal, and that can be made by an immigration judge—actually, it can go all the way through the Immigration Board of Appeals or, in certain cases, it can be by an immigration official, but once that order is final you are on your way and you cannot appeal and enjoin your removal.

The ninth circuit decided in its wisdom that "enjoined" didn't include "stay." So they said Congress may have said we can't enjoin the removal, but we can stay it. As the Senator from Wisconsin pointed out, it is pretty much the same thing. So the ninth circuit got around congressional intent. Nonetheless, the Secretary of Homeland Security believes that he can use expedited removal to remove most of these illegal immigrants, many with criminal records, from the United States.

What the amendment does is to strike both the injunction language in the existing law and the stay language in the amendment by the Senator from Oklahoma, which was intended to overturn that ninth circuit decision and get back to the original intent of Congress. But the net result is not to speak with a fine sieve or filter here, but to enable everybody against whom a final order of removal has been made to appeal and get injunctive relief from the final order of removal.

In the effort to solve a few outlier cases which could be solved by other means—and certainly the motivations of the Senator from Wisconsin and the Senator from Kansas who spoke with respect to that are important, and I think we would all agree with those motivations, but there is a better way to solve that outlier problem than to simply say, for all of the people who come here illegally and get an order of final removal, they don't have to go; they can appeal, and they can enjoin the order of removal.

I am not sure if the Senator from Wisconsin would agree to this, but one of the ways that you could begin to limit the application of this, not to destroy Secretary Chertoff's program of expedited removal, would be to ensure that the amendment of the Senator did not apply to expedited removal. I am not sure whether the Senator would be willing to do that, but that would be one start.

The Senator says it is not just expedited removal we are talking about here, and that is very true. But we are also talking about expedited removal and that is something we need to move forward with and not stop dead in its tracks. The problem is that the experience with absconders is significant.

Mr. President, 90 percent of these appeals, when there are appeals, are resolved against the person making the appeal. So most of these are not outlier cases. They are cases that were brought for the purpose of delaying, to allow the individual to stay in the country longer and, in many cases, to simply forget the judicial process once the injunction has been granted or the stay has been granted, so that the individual did simply meld into our society and never show up again. That is the concern that we have, and this amendment sweeps with too broad a brush here.

To deal with the outlier situation we do not have to remove the remedy of the final order of removal for the hundreds of thousands of people who came here illegally and need to be expeditiously removed.

I urge my colleagues to understand that this amendment is serious. It is far-reaching. It is overly broad. It strikes existing law. It is opposed by the administration and it is unnecessary with respect to the underlying purposes of the immigration problem that we are trying to resolve today. My colleagues should defeat this amendment.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I would like to use a couple of minutes of my time to respond to my friend from Arizona. I want to be clear there is no intention here to get in the way at all of the expedited removal cases or Secretary Chertoff's program. That is exactly what I was saying a few minutes ago. Were this limited to expedited removal, I probably would not be offering this amendment. In fact, we tried at staff level to suggest that this kind of change be made. It was rejected. We were forced to do this, which I do not think involves, as the Senator from Arizona suggests, outlier cases. These are dramatic, serious matters that could involve life-or-death situations for people all over the world who have come to this country and fear returning to their own countries or the countries where they may be persecuted—which the Senator from Kansas and I illustrated.

The Senator began his remarks by suggesting his position was existing law. Obviously, it couldn't be existing law if you had to propose it in committee. More important, he neglected to mention it wasn't just the ninth circuit, which of course is frequently held up as somehow a court we should not listen to—it is not just the ninth circuit that agrees with my interpretation of this, it is the first, second, third, fifth, six, seventh and ninth circuit that have all said this standard should not apply to stays.

This is not some renegade court. It is an amazing array of courts of appeals around the United States. Only one circuit has taken the other position, and here is why.

The Senator suggests that somehow these courts have inappropriately interpreted the statute. But there is absolutely nothing in the legislative history that suggests that this was supposed to apply to stays. So let's talk about what existing law is. The vast majority of circuits in the country have done a proper job of interpreting the statute. It was not supposed to apply to stays. So I again urge my colleagues to support my amendment.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. Mr. President, I wonder if the Senator from Wisconsin would answer a question that I have regarding his amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. It is my understanding that current law—this is the Immigration Nationality Act—states:

> No court shall enjoin the removal of any alien pursuant to final order unless the alien shows by clear and convincing evidence that the entry or execution of such order is prohibited as a matter of law.

Is that provision of existing law impacted by the amendment of the Senator from Wisconsin?

Mr. FEINGOLD. I don't believe that is impacted because that refers to the actual proceeding. It does not, according to the interpretation of the circuits, apply to the standard for stays. That is what the circuits have all said, except for one. That language, of course, applies to the main cases but does not apply in the case of stays. There is nothing in the legislative history that supports the notion that it would apply to stays, and that is how the circuits have come down.

Mr. KYL. Mr. President, in view of that answer, which is greatly confusing to me, it is clear that the effort is not simply to eliminate the stay language that Senator COBURN was successful in inserting in the Judiciary Committee, but also the injunction language that is in the existing statute. I don't know that you can read it any other way. If the Senator from Wisconsin would like to clarify, I will certainly stand to be corrected.

Mr. FEINGOLD. There is no intention to remove the language, or the requirement of the injunction standard. I said repeatedly here that I believe, on the stays, the person who is trying to avoid removal and trying to get the stay has to meet the standard for injunction. That is not the intent of the amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. Eleven minutes remain on the Senator's side.

Mr. SESSIONS. Mr. President, this is a very real problem in the American court system today. In fact, one of our Senators wants us to add 9 new Federal district judges as a result of immigration, and we are having surges of cases involving immigration appeals to the courts of appeals, where people can take their appeals directly if they are unhappy with the system that has been set up where administrative judges, through the immigration department, make adjudications within their sphere of influence as to whether someone is here in this country legally or not.

We are a great Nation. We are a nation of laws. Our strength is that we provide a good legal system. That is why a lot of people come here, because they are tired of being abused in their home country. They know they will be fairly treated here in our legal system. It is a key to our growth and prosperity and liberty.

These appeals are increasing in large, large numbers. Under this amendment it would have the possibility of accelerating those increases of appeals, a great deal of it.

I want to say a couple of things. A person who comes to our country, to any country, comes at that country's sufferance. They are here subject to the pleasure of that country and can only stay here according to the laws of our country. The laws of our country give adjudicative immigration courts the power and responsibility to adjudicate those questions about whether or not a person can stay here or has to be removed because they violated some law.

One of the things that is wrong with immigration today is we have so muddled and so complicated and so confused our thinking that we don't understand what has happened. So a person is here. They are here illegally—or at least on appeal and a second appeal and a trial and appeal with the immigration courts they have been adjudicated as not being here legally. What should happen then, I ask you? They have a right to appeal to the U.S. court of appeals—not even a Federal district judge, the court of appeals of Federal judges, where we have had a number of appointments recently, and it is one step below the U.S. Supreme Court.

They get a right to have that, but they do not get the right to remain here unless that court of appeals allows them to. In fact, the law is clear. In the vast, vast majority of the cases, they ought not remain here. They have no constitutional right to remain here after the adjudicative branch of the Government has concluded they are not supposed to be here. Their appeal can continue. They are not denied the right to continue their appeal. But they are allowed to go back home to their home country and to pursue their appeal otherwise through their lawyers in the appropriate way.

They say this focuses on asylum. I would say asylum represents the best argument that can be made against the provisions of the bill that is now before us, but it does not apply just to asylum cases. It applies to all cases. Any immigrant who can maintain an appeal can get to stay in the country. We had testimony in the Judiciary Committee from the second circuit, a fine circuit court of appeals, that it takes them on average 27 months to decide one of these cases. What happens to that person during the 27 months, may I ask you? Two things happen. We have to take extremely precious bed space and leave them in custody for 27 months—remember, these could be people with terrorist connections or other connections—or we have to allow them out on bail. We have one area in our country where it was reported that 95 percent of the people who were released on bail pending an immigration decision absconded.

That means they will go on, decide their appeal and some adjudication, and order that he is supposed to leave. Where has he been? He broke into the country, presumably illegally. Is he waiting around? Is he now going to show up so they can deport this person? They have already melded into the community in an illegal fashion. It is part of the problem that we deal with and which is making our system ineffective.

We have to simply understand that there is no right to be here after a final adjudication has occurred while your case is on appeal in the court of appeals. But we allow them to. We give them a right, if they can show sufficient evidence under the standards that the Senator mentioned, that a court can approve that and allow them to stay if they think they have, according to the law, convincing evidence that they are rightly here. The court of appeals can override the adjudicating authority of the Immigration Service and allow the person to stay if they choose. We have had an abuse of that. We have had 10,000 such cases. With this amendment, we are going to see even more such cases.

I suggest that we must get serious about immigration. The more we create appellate possibilities, the more we can confuse the law. The more we create exception after exception after exception, the more unable we are to operate a system effectively and fairly.

The fair principle is, if you are adjudicated not to be here, you have no right to be here. But we give you a generous right to appeal to a court one step below the U.S. Supreme Court, but you have to go home until that court decision. If they override it, he can come back.

I think that is preciously generous. I think that is fair and right, and it also provides that court, in narrow areas, to extend and allow a person to stay if they feel it is necessary to do so.

I think this is a good amendment. The Department of Justice, I think, understands it.

Senator COBURN offered a good provision to the bill which was adopted in the Judiciary Committee. It should not be overturned here on the floor.

We can be sure that those who have a good case to stay will be able to stay. But overwhelmingly, if you have been found not to be here legitimately, you are not entitled to stay, you should go home. This amendment undermines that principle.

I yield the floor and reserve the remainder of my time.

Mr. LEAHY. Mr. President, I applaud Senators FEINGOLD and BROWNBACK for proposing an amendment to correct a seriously flawed provision that remains in the immigration bill that we are likely to pass. Under section 227(c) of the bill, Federal courts of appeals would be prohibited from granting an asylum seeker a temporary stay of deportation unless the alien could prove by clear and convincing evidence that the order of deportation is unlawful. In many cases, this is the same or an even a higher standard than an alien would be required to meet in order to win his or her case on the merits. This result has been described by one Federal court as "Kafkaesque." It is also fundamentally unfair.

Judicial review is the failsafe that guarantees the rights of men and women when the law is interpreted incorrectly or when human emotion or bias overcomes impartiality. Judicial review helps define our constitutional democracy and is a value that is deeply embedded in our system of government. It would be a grave mistake for us to accept the provision in section 227(c) and to ignore the wisdom of the distinguished Federal judges who oppose this curtailment of their authority to decide these difficult cases with care and consistent with the traditional practices of the Federal judiciary.

A number of Federal courts of appeal are in agreement that the standard contained in section 227(c) is inequitable and unworkable. The Second Circuit has said that requiring this standard "would lead to the anomalous result that . . . an alien would have to make a more persuasive showing to obtain a stay than is required to prevail on the merits, thereby permitting the removal of some aliens with meritorious claims against removal." The Seventh Circuit has said that "[t]he ability to come back to the United States would not be worth much if the alien has been maimed or murdered in the interim. Yet under the [clear and convincing evidence standard] an alien who is likely to prevail in this court, and likely to face serious injury or death if removed, is not entitled to remain in this nation while the court resolves the dispute."

Some will argue that this provision will prevent aliens from abusing the system by filing frivolous appeals simply to gain the stay of deportation. But it is unwise for us to sweep aside decent and humanitarian treatment for many meritorious petitioners to prevent a few from abusing the system. I think we need to consider very carefully whether we want to mandate that our Federal courts get into the business of remanding even one potentially meritorious petitioner back to certain torture or death before his or her appeal is finally decided. I hope others share my faith in the integrity with which our Federal judges carry out their duties and that these men and women are eminently capable of identifying and rejecting fraudulent or abusive cases without the need for the restrictive provision contained in the bill.

We cannot live up to our American values, which abhor torture and human rights abuses, and at the same time allow this provision to remain in this bill. I urge my fellow Senators to join me in supporting the amendment Senators FEINGOLD and BROWNBACK propose.

Mr. FEINGOLD. Mr. President, if the Senator is agreeable, I would be willing to yield all time. I yield my time.

Mr. SESSIONS. I yield our time.

The PRESIDING OFFICER. All time is yielded.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that this amendment be set aside and be voted on later.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, what is the time agreement at this point? How much time do I have remaining on this issue?

The PRESIDING OFFICER. Once the amendment is called up, the unanimous consent agreement states that there will be 1 hour equally divided.

Mr. SESSIONS. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4108

Mr. SESSIONS. Mr. President, I call up amendment No. 4108 on the earned income tax credit.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 4108.

Mr. SESSIONS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To limit the application of the Earned Income Tax Credit)

On page 364, line 22, after "an" insert the following—

"alien who is unlawfully present in the United States, or an alien receiving adjustment of status under section 408(h) of this Act who was illegally present in the United States prior to January 7, 2004, section 601 of this Act, or section 613(c) of this Act, shall not be eligible the Earned Income Tax Credit. With respect to benefits other than the Earned Income Tax Credit, an alien".

Mr. SESSIONS. Mr. President, before I get into that, I would like to take one brief moment to note that in an election which took place last night the winner got 63 million votes, more than anybody who has ever run for President. The winner is a fine Alabaman, Taylor Hicks, who was crowned "American Idol" winner last night. I have to tell you I am proud of him. We watched it closely and with enthusiasm. If my wife were voting in a normal election, she would be in jail because she voted more than once for him, I can tell you. And we are thrilled. Taylor is Alabama's third finalist in the show, and after last night's finale, he became the second person from Birmingham to be crowned "American Idol." Of course, that followed Rubin Studdard's victory 2 years ago, and Bo Bice as a runner up last year. We are proud of that fact and we are proud of Taylor Hicks being crowned "American Idol."

Mr. President, I am also pleased that the sponsors of the immigration bill we are debating accepted my preemption amendment that I originally offered in committee. That provision, which was included in the current bill, relates to day labor centers and is included in title III. My amendment makes clear that the provisions of title III which regulate the recruiting, referring and hiring of undocumented aliens, preempt any State or local laws. The laws it preempts are those that require business entities, as a condition of conducting, continuing or expanding a business, to provide, build, fund or maintain a shelter, structure or designated area for use by day laborers at or near their place of business or take other steps that facilitate the employment of day laborers by others. Language identical to this preemption provision in the current Senate bill was included in H.R. 4437, the bill passed by the House of Representatives.

Empirical research proves that day laborers in the United States are used overwhelmingly by undocumented migrants. I would like to enter into the RECORD along with this statement, an extensive January 2006 study of the day labor issue in this country entitled: "On the Corner: Day Labor in the United States," by Abel Valenzuela Jr. and Ana Luz Gonzalez of the UCLA Center for the Study of Urban Poverty; Nik Theodore of the University of Illinois at Chicago, Center for Urban and Economic Development; and Edwin Melendez of the New School University, Milano Graduate School of Management and Urban Policy. The findings in the study are based on a national survey of day laborers drawn from 264 hiring sites in 139 municipalities in 20 states and the District of Columbia. A critical finding of this national survey, page 17, is that three-quarters of the day labor work force is comprised of undocumented migrants.

The scope of title III goes beyond the prohibition of the direct hiring of an unauthorized worker or the requirement that employers electronically verify the validity of the work authorization documents they are provided by applicants. It also prohibits persons from recruiting and referring undocumented workers and facilitating the employment of undocumented workers. A number of local governments have taken actions or sought to impose ordinances that facilitate the employment of day laborers, many of whom are not authorized to work in this country. Local governments have done this by providing public funding of day laborer centers that act as gathering places where employers can hire day laborers, and by requiring, as a condition of conducting their businesses, that business entities build and maintain day laborer centers on or near their property to facilitate the employment of day laborers by customers or contractors.

In some instances, these local governments even force employers, as condition of doing business, to hand out to day laborers a written description of their employment rights under the law. There is no doubt that these local governments are directly or indirectly forcing these businesses to attract and recruit these day laborers to their property and facilitate their employment by customers and contractors. They are forcing these businesses to create what amounts to hiring halls in the form of day labor shelters. These ordinances or proposed ordinances expose these businesses to liability under the employer sanctions provisions of title III by forcing them, as a condition of conducting business, to act as agents of the day laborers in facilitating their employment. While these businesses may not hire the day laborers, they are forced to be parties to the hiring process, for which they face potential exposure to liability under section 205 and title III of the Senate bill, and the harboring provisions of section 274 of the Immigration and Nationality Act.

These local ordinances and practices put businesses in an untenable position. Businesses oppose ordinances that provide for the accommodation of day laborers on their property, particularly when these laborers are undocumented workers. Some local governments deny licensing essential to expand or maintain their business if they do not. It is a no win situation that Congress must address consistent with the overall purpose of this legislation.

Without the preemption provisions I have offered to this bill, there would be a gaping hole that would allow public entities to foster the employment of day laborers, whom the recent study I have cited shows to be largely undocumented workers, and force, through their regulatory and licensing authority, businesses to be their agents in this process. This flies in the face of the overall intent of this bill, which is to control our borders and eliminate the job magnet for undocumented workers to enter this country. Through the preemption language that I have added to title III, we have exercised the uniquely federal role given to the Congress under the Constitution to regulate illegal immigration into the U.S. and to prohibit State and local governments through local regulatory authority to thwart the intent of Congress to prohibit the hiring and facilitation of hiring of undocumented workers.

Mr. President, let me share a couple of thoughts fundamentally about the immigration bill that is now before us.

The question of immigration is clearly one of the most important issues of our time. This vote will be one of the most momentous of our decade. The American people know that. That is why they are engaged in this debate. That is why they are watching it. That is why your phones are ringing in your offices and mail is pouring in. They care about it. They are focused on it, and they want something done.

A lot of people say, Well, they are angry at immigrants, they are mad at immigrants, they want to punish them, and they are not fair and generous. That is not so.

You know who the American people are mad at. I will tell you who they have a right to be mad at, and that is the governmental officials they sent to Washington who refuse to create a lawful system of immigration to enforce the laws that have been passed by this Congress. That is what they are mad about. They have every right to be mad about it.

They were angry in 1986. What did we do? We passed an amnesty bill that promised enforcement in the future. It was utterly not so. The amnesty took place immediately, and the enforcement never occurred. They have been asking, What is going on?

In 1986, we found that there were 3 million people who came forward to claim amnesty, and now they tell us 20 years later that there are 11 million people here illegally. Why shouldn't they be frustrated? They are not against immigration. The American people are not against immigration. They are worried about a system that is lawless, unprincipled, and indeed makes a mockery of law. And they have every right to be so. They should not be forgiving if we try to pull another fast one by passing a deeply flawed bill. I don't think they will be forgiving. The problem is, this is a deeply flawed bill. It is not going to accomplish what the goals are for immigration in America. That is a plain fact.

It is amusing now to see the sponsors of the bill when confronted with the problems, and those who say they are going to vote for it, and say they do not like it, a lot of them, but they are going to vote for it. Do you know why they say they are going to vote for it? Because maybe the House will save us in conference.

What a weak argument, that the great Senate of the United States, dealing with one of the most important issues of our time, is reduced to saying, We know this bill is flawed, we know we have problems, maybe somebody in the House can fix it, but I am going to sign my name and I am going to cast my vote to pass it. First of all, immigration will not end if this bill is not passed. There is not going to be mass deportation of people from America if this bill is not passed.

We should do what I suggested several months ago when they tried to run this bill through. Remember, about a month ago, they tried to move this bill through this Senate without any amendments. HARRY REID, the Democratic leader, said we are not going to have any amendments. They tried to move it through, just slide it through, so the American people did not know about it. Senator FRIST finally said, no, we will pull the bill, and they reached an agreement that we would have some amendments. But the bill that hit the floor, as I said at the time, was so deeply flawed, it would never be able to be fixed by the amendments we could bring up. I know Members care about this issue, as do I. They want immigration to continue, and so do I. I can support an increase in legal immigration.

What I am saying is we are voting on a bill, not some vague picture, not some emotional deal. We have legislation before the Senate. Will it do what we tell the American people we are going to do? Will we be honest and faithful with the American people when we say this piece of legislation is a comprehensive fix of immigration problems in America? I submit not.

As time has gone by, more and more people have seen this is a totally flawed bill. People are getting more and more worried. They had no idea and I am not sure the sponsors knew of a lot of the weaknesses and problems with the legislation. Some have been changed by amendment but, trust me, there are many more.

Briefly, I will mention the fundamental flaws in the legislation. These are fundamental. What I am going to talk about today is not some nitpicking over the error of a draftsman. I am talking about fundamental flaws in the bill that make it unpassable, legitimately, in my view. It should not be passed. That is why I have said it should never, ever become law.

First, the people now here illegally, the 11 to perhaps 20 million people here illegally, will be given, over a period of years, every single benefit this Nation can bestow on its citizens. That is amnesty. In my mind, that is amnesty. I have tried not to use the word "amnesty" in the sense that is automatically disqualifying. What I have tried to say is we should not give those who violate our laws to get here every single right we give the people who wait in line and come lawfully. That is a very important moral and legal principle.

In 1986, those who opposed that amnesty, warned that if we do so, more people will come and they, too, will expect amnesty. We will have increased numbers in our country, and we will be forced to grant more amnesties in the future. That is exactly what they said. Go back and read the debate. Who proved correct? The other side said it is a one-time amnesty, we will enforce the law in the future, and the result was 3 million people were given amnesty. The laws were not enforced. Twenty years later, we have 11 million people here, and we are talking about another amnesty. We should not do that. Whatever word you want to use, amnesty or not, we should not do that.

Second, the border is not secured by this legislation. We have not worked out the difficulties on the border. T.J. Bonner of the Border Patrol Agents Association, as reported in the paper on Monday in the Washington Times, said the House bill will not work and the Senate bill is ineffective. Why should we pass a bill the experts say will not work?

Now, under our procedures, we can authorize fencing. My amendment to add some fencing passed. We can authorize electronic equipment. We can authorize more agents. We can authorize more bed spaces. But will we fund it? Will we maintain a determination in the years to come to make this system work?

I submit that without the Isakson amendment, which simply says that until the Congress fulfills its authorization requirements under the bill, the amnesty cannot take effect. When it was voted down in this Senate, every American had to know right then there was no commitment to make this system work. If not, why didn't they vote for it? All it said was if we fulfill the things we authorize, amnesty can be given, if they choose to do amnesty, which remains in the bill.

The US-VISIT system is not working. The agents and beds and fences are not up. What about the workplace? That is a critical component in our legal system. The workplace verification system is not in place. There is only a pilot system. We have not worked out the Social Security number problem. It is not fixed. We voted down an amendment so weak in dealing with that. We have not fixed that problem. So the workplace is not fixed.

They say it is a temporary guest worker program, but it is not. The bill does not have temporary guest workers. People come into this country, and they ask for a green card as soon as they get here. We vastly increased the number of green cards that can be issued. And everyone comes in under the rubric, the big print in the bill that says "temporary guest worker" and will be able to file for a green card through their employer the first day they get here. Soon they will get that green card unless they get in some sort of trouble, and that entitles them to legal, permanent residence. Within 5 years of that, they can become a citizen.

This idea that it is a temporary guest worker program is as phony as a three-dollar bill. I hope we never hear that word mentioned in the Senate anymore. We should have one. That is what the President says he wants. The American people understand that and would be more supportive of that. That is precisely what we need: a good, temporary guest worker program and another program to allow people to come into the country to citizenship. But we do not have that. They sold this as a "temporary worker program" when it is not.

The bill will increase immigration legally by at least three times the current level. We have had no study which justifies that. Three times the current level? Has anyone heard a national discussion or discussion in the Senate about that? No.

We have conducted no official study of the huge adverse financial impact this bill will have in the outyears. Any legislative body serious about this issue would have known of this problem long ago. Even before the bill was drafted, they should have known we would have these consequences. The Heritage Foundation has estimated that in the 10th, 11th year, through the next 20 years, this bill will cost $50 billion a year. That is more than the budget of Homeland Security. It has tremendous financial costs. We will have some increased taxes, yes, but in the outyears it will not compensate for this. The reason is, the people who will be given amnesty, a certain high percent of them, unfortunately, do not have a high school diploma. Once they become a legal permanent resident, once they become a citizen, they are entitled to all the panoply of welfare and social benefits our country has.

We have taken no steps to ensure this country's immigration policies reflect our Nation's needs. Canada, England, Australia, France, Switzerland, and the Netherlands are working on that. Canada has a point system. They evaluate people based on what they can contribute to the Canadian economy, and then they decide whether to let them in. We have nothing like that.

We know, from my analysis of the bill, it will allow in three times as many people, legally, as we allow in today, and that 70 percent of those will be admitted without regard to what skills, education, or English language capabilities they have. That is not a good principle. That is not what Canada does. Is Canada a backward nation? I submit they are smarter.

There are a number of reasons we need to vote down this bill. One of them is the huge financial cost. I will talk about one of the most dramatic costs this bill will impose on the American taxpayer.

I offer an amendment to deal with the extraordinary financial impact that will accrue to the American taxpayers as a result of the legalization of 11 million people here today. I asked the CBO, the Congressional Budget Office, what the score would be with regard to earned income tax credits. They scored that over 10 years. It would cost the taxpayers of this country, this single program alone, $29 billion. As soon as we allow people into our country who are here illegally now, to convert to legal status under the language of this bill, they will immediately become eligible for the earned income tax credit. Most of these are low-skilled workers. They are not high school graduates. They are making the lower wages. They will qualify for that.

Hold your hat. The average person who receives an earned income tax credit check from the Federal Government receives $1,700 a year. The maximum amount you can receive under it is $4,700 a year. These are huge welfare payments designed to help working families, American working families. It started in the 1970s. It cost about $1 billion then. The figure today is closer to $39 billion, one of our largest welfare programs. It has a lot of fraud, a lot of criticism, but it was designed with good intent, and it remains a good part of how we assist lower income people in America. These people will immediately become eligible for that benefit.

When they become citizens, they are entitled to all the benefits. If they go through this process and we provide a path to citizenship, they will get that, and we cannot prohibit that. I would not want to prohibit that. I don't intend to prohibit that. We would not want to. But prior to that time, they are not entitled to it.

Let me state why. As a matter of law and as a matter of fairness, we should not reward them with this. People who come to the country illegally want to work here, we are told. They do not want to be on welfare. They are not asking for anything special. They just want to be able to work in our country. We have allowed them to do that. They have not asked for, in my view, welfare; they are not asking for it and are not entitled to it. So what happens when they convert to a legal status? Are they then entitled to this gratuitous, generous program of the United States of America that was designed to help American families who have workers trying to get ahead, they get a little extra money each year? Should they be able to participate in that program? I say no. I say there is no moral or legal reason that requires us to provide this benefit as a reward and an inducement for those who have come here in violation of our laws. It is just not required of us. And it is not smart of us.

People ask: How are we going to afford the fences and the several billions for the cost to enforce the border? They cannot find the money for it. I can tell you where we can find the money. They say that if you built a fence all the way across the border, 2,000 miles—our bill has 370 miles of fences—it would cost $4 billion or $6 billion. You have heard them say that.

This legislation, under the earned income tax credit alone over 10 years, will increase, according to the Congressional Budget Office, our outlays by $29 billion.

We can pay for the whole enforcement system on our border by not giving this gratuitous benefit to people who come here in violation of the law. They will be able to stay. They will be able to work. They will have medical care. They will have education for their children. They will have all those things provided to them free from the Federal Government or State governments, if need be. They get all those things, but they are not entitled and should not be provided the earned-income tax credit, in my view.

They say: Well, they will pay taxes in the future. OK. Well, how long have they been here not paying taxes? It is just not possible for us to do everything. And this Government ought to ask: Why should we—out of fidelity to the taxpayers of our country, who already see that we are spending recklessly, and already have a major deficit—why should we provide this benefit? I do not think we should.

The entire concept of earned legalization is muddled in this bill, in my view. But that aside, what should we do about the cost and the benefit that could be given to these people? Do we need to provide them an extra welfare benefit that they have no expectation of ever getting?

By the way, I told you earlier, that the amount of money this benefit would cost over the next ten years was projected to be $29 billion by CBO. That was based on their estimate a few days ago that we would have 6 million to 7 million people who would be given amnesty under this bill. Just yesterday, we received a letter from them that said those numbers were wrong. They are now estimating it would be 11 million people coming in. So I would submit, if you take that increased number and you apply it to the $29 billion estimate we have, we are talking about at least a $40 billion outlay over the next 10 years. But $29 billion, $40 billion, $39 billion, whatever the figure is, it is very large.

It is not necessary we provide this transfer payment, this outlay from our Treasury, directly to people who have come here illegally, and reward them in that fashion. What we should do is proceed forward. And if they move their way on to the path of citizenship, they would be entitled to it.

I thank the Chair and retain the remainder of my time.

The PRESIDING OFFICER. Who yields the time?

Mr. McCAIN. Mr. President, I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, here we go again. We have before us another amendment that says legal workers under this bill must play by our rules—by our laws—but they will not be allowed to live by those same rules.

I know that my colleagues know that illegal immigrants are ineligible for the earned-income tax credit. The legislation before us does not change that fact. But this amendment incredibly—incredibly—would deny the earned-income tax credit to taxpayers who will be working in this country legally as a result of this legislation. Remarkable.

I want to point out again, it would deny an important tax credit to some low-income workers who have legal status who are playing by the rules, meeting all the requirements of the legislation, who might otherwise be eligible for the earned-income tax credit.

Some things are within a certain area that I can probably understand the rationale behind it and legitimately respect and argue against. But what is the rationale behind saying people who have attained a legal status here, who are living by all our other laws and rules and are paying taxes—sales taxes, Social Security, et cetera, every other tax—are going to be denied a tax credit that is available to all other persons? We are not saying in the legislation that anyone who is here illegally would make themselves available to that. We are only talking about people who are here in a legal status.

The legislation is designed, rightly, to ensure that legalized workers and new guest workers would largely be taxed in the same manner as U.S. citizens. If they have attained a legal status, then clearly they should pay the taxes. They would pay payroll taxes, income taxes, excise taxes. They would pay back taxes for the period of time they had been working in this country prior to the enactment of this bill. Payment of back taxes is a very important part of this bill.

The CBO and Joint Tax Committee estimate that bringing these legal immigrants into the Federal tax system would substantially increase Federal revenue collections overall. It is patently unfair to make them abide by our tax rules yet deny any legal workers equal treatment under these same rules.

I am having a hard time understanding amendments as this which would really impose an indefensible double standard on legalized workers. What is next? Are we going to say work-authorized immigrants have to ride in the back of the bus? Some of these amendments are sending a very troubling message to the American public about what direction we want our country to go. We need to be going forward and not backward.

I wonder, do some of my colleagues really think there is an underground movement afoot plotting and scheming plans for how foreign workers can gain legal work status solely so they can freeload off of the taxpayers? These people are here to work, and they are doing jobs that most of us do not have the will to do. These are workers. They are not risking their lives to come into this country with the goal of freeloading off of us. They are here to earn a wage for the betterment of themselves and their families, the same reason our forebears came here to this country. They aren't looking for a handout. They are looking for a chance, a chance for a better life. And they are willing to work harder than most of us to have just a few of the opportunities most of us take for granted.

This amendment, if adopted, would result in highly inconsistent treatment of legal workers—legal workers. On the one hand, they would be subject to income and payroll taxes in the same manner as other workers, but on the other, they would be denied the use of a key element of the U.S. Tax Code that can mean the difference of whether or not food gets put on a child's table.

About 98 percent of the earned-income tax credit goes to working families with children. Census data shows that the EITC lifts more children out of poverty than any other Federal program. This amendment to deny the EITC to legalized workers would harm children, including many children who are U.S. citizens. Many of the children in these low-income families are citizens who live in families that experience hunger and other hardships.

This amendment, if adopted, would mean that a large number of children would be thrust into, or deeper into, poverty. An Urban Institute study found that 56 percent of young, low-income children of immigrant parents live in families that experience hunger or other food-related problems. It seems to me there is an issue of humanity here on this issue.

We have spent a week and a half debating amendments to this bill. Most of the amendments that were designed to alter substantially the comprehensive approach to immigration reform have failed. But they were debated on and voted on. I think that has been a good showing for the Senate. I think we have shown we can debate honestly and openly and reach conclusions. Some of these issues have been complex and some fairly simple. We have been conducting business the way the place is meant to have it conducted.

I hope that after all this effort, we will not now adopt such a questionable amendment to a bill that provides a comprehensive solution to our broken immigration system—a solution that is based on sound judgment, honesty, common sense, and compassion.

Mr. President, I really, on this one, would like to see not just victory in this vote but a significant signal that we would not engage in this kind of treatment of people who have come to this country and are in a legal status.

I urge my colleagues to defeat this amendment.

I reserve the remainder of my time for Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I anticipate this amendment will not require too much longer. Our final amendment in the sequence is the Ensign amendment. So I alert our colleagues to the fact that we should be starting on that amendment fairly soon.

Senator SESSIONS has, I believe, 7 minutes left. Senator KENNEDY and I will take just a few minutes in opposition to the amendment and then yield the remainder of the time back.

Mr. President, it seems to me this is a fairly fundamental issue. We have the earned-income tax credit designed to provide tax relief for low-income families and individuals. And if you qualify for it, as a taxpayer, it seems to me, when you are obligated to pay the taxes and bear the burdens of the tax system, you ought to be entitled to the tax credit, and the fact that they are undocumented immigrants should not impose a penalty on them.

We are dealing here with people of very limited means. We are dealing with people who ordinarily may—probably do—have large families. They are fighting rising costs of living and fighting to maintain their sustenance, and they are at the bottom end of the economic ladder.

So if they are in line to get a modest earned-income tax credit, which, as the language says, they have earned, it is a tax credit that is an income tax credit they have earned. Just as they have to pay their taxes, they ought to get the benefits from the tax system. Therefore, I oppose the amendment.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I rise today in strong opposition to the amendment being offered by my colleague from Alabama, Senator SESSIONS. As drafted amendment would prevent legalized workers and guest workers from receiving the earned-income tax credit even though these same workers are required to pay both income and payroll taxes. I remind my colleagues that, under current law, illegal workers are not entitled to the earned-income tax credit and S. 2611 does not change that. Instead, this amendment denies people who are paying both income and payroll taxes a tax credit that other similarly situated taxpayers receive simply because these people are legalized workers and guest workers and not naturalized citizens. This is distinction that should have no relevance for purposes of receiving the earned-income tax credit. To deny these legalized taxpayers the right to the earned-income tax credit is unjustified and grossly inequitable.

It is my understanding that CBO recently estimated that the workers affected by this amendment will be paying more than $62 billion in taxes over the next 10 years. This will result in a net of more than $33 billion in revenue after the costs associated with all refundable credits are taken into account. Mr. President, we haven't seen a $33 billion revenue raiser in this Chamber in quite some time.

Earlier this month, we passed a tax cut that provides a significant tax cut to the wealthiest in our country. The reconciliation bill was passed in spite of the fact that it provides little to no tax relief to the majority of the families in our country while raising our Nation's debt by roughly $70 billion. The proponents of this legislation were quick to defend this bill even though it employed a series of budget gimmicks that would make Enron proud. Those of us who spoke out in opposition of this bill were repeatedly told that allowing the capital gains and dividends tax cuts to expire amounted to a tax increase—one that would surely cripple our economy if not passed this year even though the provisions didn't expire until the end of 2008. I find it truly astonishing that a few short weeks later, we are debating an amendment that denies hardworking taxpayers a tax break that they so desperately need and are entitled to under current law. Clearly those who argued that allowing the capital gains and dividends tax cuts to expire is essentially the equivalent of raising someone's taxes, have to agree that taking away the earned-income tax credit from a working taxpayer is a tax increase. Unfortunately. the target of this tax increase is on hard working, lower income families—people who truly need this tax break to get by.

The earned-income tax credit is one of the few remaining tax provisions in our code that provide significant tax relief to working families. As my colleagues know, it is one of the greatest tools we have to fight poverty and allow working families to have a roof over their head and food on their table. It is a way to ensure that those earning minimum wage jobs are able to put clothes and shoes on their children so that they can go to school. This is not a hand out. In order to get the earn-income tax credit, you have to work. Pure and simple. To deny this credit to legalized workers and guest workers who pay income and payroll taxes is not what this country is all about. It is certainly not in keeping with the bipartisan way this Chamber has defended the earned-income tax credit and its recipients from misguided attacks.

I hope that all of my colleagues will join me in defeating this amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I will just take a few minutes. I know the Senator from South Carolina wants a few minutes. And then we will be prepared to move ahead.

Mr. President, as has been pointed out during this debate, all of the men and women who would become legal residents of the United States under the terms of this legislation are required to pay income tax, like every other worker in America.

What the Sessions amendment would do, is really quite extraordinary and grossly unfair. It would arbitrarily deny those immigrants who have become legal residents one of the tax benefits available to every taxpayer under the Internal Revenue Code. That provision is the earned-income tax credit, a provision designed to reduce the tax burden on low-income families with children.

It is fundamentally wrong to subject immigrant workers to a different, harsher Tax Code than the one that applies to everyone else in the country. An immigrant worker should pay exactly the same income tax that every other worker earning the same pay and supporting the same size family pays—no less, no more. We should not be designing a special punitive Tax Code for immigrants that makes them pay more than everyone else. Yet that is exactly what the Sessions amendment seeks to do.

The Sessions amendment would result in highly inconsistent treatment of legal immigrant residents and would drastically increase the amount of tax that many of these families had to pay. They would be subject to income and payroll taxes in the same manner as other workers, but would be denied the use of a key element of the Tax Code that is intended to offset the relatively heavy tax burdens that low-income working families, especially those with children, otherwise would face.

Most of the EITC is simply a tax credit for the payment of other taxes, especially regressive payroll taxes. The EITC was specifically designed to offset the payroll tax burden on low-income working parents. The Treasury Department has estimated that a large majority of the EITC merely compensates for a portion of the Federal income, payroll, and excise taxes paid by the low-income tax filers who qualify to receive it.

The earned-income tax credit is not welfare; it is an earned benefit in the Tax Code that is available to all tax paying, low-income working families with children.

Immigrant families who are legal residents are subject to the same tax as other workers in America. They have the same tax burdens, the same tax benefit as everyone else under current law. The Sessions amendment would change that, depriving legal immigrant families of one of the primary tax benefits for low-income families with children in the Tax Code. To do so would be terribly unjust. I urge my colleagues to reject the amendment.

I yield 4 minutes to the Senator from South Carolina.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from South Carolina.

Mr. GRAHAM. This amendment is important in this regard. When is it enough? When does the punishment fit the crime and when does it go too far? What role should tax policy play in punishing a violation of the law, whether it be a misdemeanor or a felony? I can tell you the role the Tax Code plays when it comes to felonies. If you are a drug dealer and you have been convicted and you are on probation or in jail, once you get out or off probation, you are not denied the earned-income tax credit. If you are a convicted child molester, the Tax Code doesn't change because of your crime.

I would argue that for the crime we are dealing with, coming across the border illegally, jumping in line, a nonviolent offense, we need to have some reasonable punishment and not go too far. If we change the Tax Code because they violated our law, then how do we look people in the eye in the category of illegal immigrants and tell them that they are being punished through the Tax Code in a way a rapist, murderer, or drug dealer is not? That is not proportional.

It is a misdemeanor under our law to cross the border illegally with no specified crime, a maximum of 6 months in prison. I have been a prosecutor. Senator SESSIONS has been a prosecutor. I can assure you, there are people who do really bad things that don't have to go through what the illegal immigrants are going to go through to earn their way back into our good graces. They have to pay a fine consistent with a misdemeanor offense. They have to learn English. If you have committed a felony outside of immigration law, you are not eligible to get in the program. If you have committed three misdemeanors outside of immigration violations, you are not eligible to get in the program. If you fail the English test, if you are out of work for over 45 days, you are subject to being deported.

What is left will be hard-working people who are trying to pay their debt back to society and, on top of all that, have to pay all of our taxes. And they should. It would be great if everybody working in America paid their fair share of taxes. It would be unfair, after you try to pay your debt to society by making it right after violating the immigration laws, which is a misdemeanor, to throw on top of that Tax Code treatment that no other felon would get.

There is a point in time here where we are going to not just punish people for a violation of the law but declare war on who they are. I don't want to cross that line as a nation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 14 minutes remaining, and there is 7 and a half minutes remaining for the Senator from Alabama.

Mr. KENNEDY. I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair. I thank Senator KENNEDY.

Mr. President, I rise respectfully to oppose this amendment. Under it, workers who are in this country legally, as a result of the underlying reform bill before us, would be prohibited from receiving the Federal earned income tax credit. Yet these same workers would be required to pay both income and payroll taxes. That seems unfair. In other words, we are going to bring them out of the shadows. We are going to get them to pay taxes. But we will not allow them access to the EITC.

Once they have earned legal status, these workers would be no different from citizens or other legal residents who pay the same taxes and, if they have low incomes, qualify for the EITC.

Some have expressed concern that the underlying bill would increase Federal spending for programs such as EITC. It would. But you have to consider the pluses and minuses. In fact, the Congressional Budget Office recently completed a cost estimate of S. 2611, the underlying bill, and found that the legislation as a whole would raise Federal tax revenues. New tax filers, people who come out of the shadows and become tax-paying citizens, are required by this proposal, as part of their path to citizenship—I call it probation, not amnesty—are projected to pay more than $60 billion in payroll and income taxes over the next 10 years. Once you factor in the cost of refundable credits provided to these workers, such as the child tax credit and the EITC, the net increase in revenues is still a significant $33 billion over the next 10 years. It would be unreasonable for us to force these new workers, who are legal and many of whom will be in the process of becoming American citizens, to pay all these taxes and not be allowed to claim the earned-income tax credit.

As has been acknowledged, undocumented immigrants are already ineligible for the EITC. If you are here illegally, you can't qualify for the EITC. We should not deny this tax credit to low-income taxpayers who are working in this country legally.

One particularly troublesome effect of this amendment, I fear, were it to be enacted into law, is that it would further impoverish some of our Nation's poorest children. Because the fact is, 98 percent of earned income tax credit payments go to working families with children.

Let me briefly recite the history of this remarkable program. The earned-income tax credit was first proposed by President Richard M. Nixon. It was signed into law by President Ford. Since then, it has been expanded, because it has worked, by Presidents Reagan, Clinton, and Bush. These Presidents saw the program as a way to help promote work and offset regressive payroll tax burdens on low-wage workers. That is the point. We know that on so many average, lower-income, middle-income workers, the great increase in Federal taxes has not been the income tax. It has been the payroll tax deductions. The EITC was created to help even that out.

It also has an effect on wages or effective wages. The Federal minimum wage has not been raised in more than 8 years. By one standard, the minimum wage is valued at its lowest level since the Truman administration. Many of the immigrants who earn legal residency under the Senate bill will have earnings around the minimum wage. I hope we will act to raise the minimum wage this year. But in the interim, particularly if we don't, we certainly should not adopt legislation that will condemn large numbers of low-wage legal workers to work effectively below the poverty level, even though they are getting the minimum wage.

This Senate bill does not create an immediate path to citizenship. Because of that, the amendment before us would subject millions of low-income workers to a regressive tax burden for as much as 11 years before they become eligible to receive the EITC. It is probably a minimum of 11 years.

I urge my colleagues to consider the administrative burden this amendment would impose on the IRS which would have to determine the immigrant status of many tax filers. The IRS is not currently equipped to make such determinations; that is, to determine the immigrant status of tax filers. It would be costly to implement new procedures. The amendment would probably add to the heavy paperwork burden already faced by those who file for the EITC.

The point of this comprehensive immigration reform is to bring people out of the shadows, to end the exploitation that some of them have lived under, to make them part of the American economy and give them the ability to compete fairly at prevailing wage rates with American workers, to offer them the equal protection of the law—I stress that, the equal protection of the law—requiring them to live by the law, requiring them to pay taxes, but also promising them that they will receive the equal protection of the law. That must include our tax laws, including the EITC. I urge my colleagues to vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I think we are prepared to yield back the remaining time on this amendment.

Mr. SESSIONS. I would like to speak further.

Mr. KENNEDY. Then I will withhold.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, let's talk about the question of whether these "legal" workers have followed the rules and are entitled to this benefit. Those granted amnesty under this bill entered the country illegally, and have not followed the rules. At this very moment, the law says they are illegal and subject to deportation from the United States. Many of them have filed false Social Security numbers and committed crimes of that kind. We are not going to deport them. We are going to allow them to stay here. We are going to be generous to them. We are going to figure out a way that under this bill the vast majority of them will be on a path to full citizenship. Anybody that becomes a full naturalized citizen would be entitled to the earned income tax credit.

My colleagues have said we are punishing these individuals by giving them amnesty. They don't say we are punishing them by saying they have to pay a penalty. They are not saying we are punishing them by saying they have to pay taxes if they owe them. One said we are declaring war on who they are.

Those kinds of words and phrases indicate the bankruptcy of the argument that is being put forth. Under current law, they are not eligible for the earned income tax credit. Under current law, they should not be here. They are here illegally. We are now going to pass a law that is going to allow them to stay here, that will give them free medical care, that will give free education for their children, and allow them to utilize all the services this Nation has put together through the taxpayers of America. Then we are prepared, under this bill, to give these illegal aliens, prior to the time they become a citizen when we change the rules, $40 billion of the taxpayers' money. What offsets do we have? What efforts or plans have been made to pay for that over the next 10 years?

Let me ask my colleagues: If we change the rules and we say we are not going to enforce the criminal laws against you or the immigration laws, why can't we say: you can stay here and, for the overwhelming majority under this bill, you are on a path to citizenship, but you do not get to claim the tax credit? This is a transfer payment. It is classified as an outlay by the U.S. Treasury.

I was disappointed to hear a Senator try to compare this to having to go to the back of the bus. I introduced and was pleased to see passed a resolution that gave the Congressional Gold Medal to Rosa Parks. It was given to her in the rotunda of the Capitol before she died. She is from Montgomery, AL. She was mistreated simply because of the color of her skin, and she was required to go to the back of the bus because of the color of her skin. I don't appreciate the suggestion that this amendment is against civil rights. These people broke the law by entering the country illegally, and should not be able to take advantage of this tax credit. This is a fair response of the American people. Let me ask this question: What about Rosa Parks' descendants who are paying taxes today? Their wages may be reduced this very day because of a large surge of illegal immigrants. This bill would increase that by threefold. Who cares about their wages perhaps being reduced as a result? And it is their money that will be paid to fund this $40 billion transfer payment to people who come here illegally. We are simply not required to give that benefit.

Now, what about taxes? They say they pay taxes. The truth is that lower-wage people—and most of these are lower-wage people—don't pay income taxes. They pay Social Security taxes, but they will get Social Security under this proposal. They don't pay income taxes because they are low-wage. If they have children, they don't pay. Most of the people that get the earned income tax credit don't pay any federal income taxes. At the end of the year when they file a tax return they get, on average, $1,700 per person. Some get as much as $4,700. It is not just families that are eligible for this credit. Single people get it, too, though not as much. It is an income tax credit. It is a payment to them.

I suggest that this is an important issue and that we think about our responsibility. We could pay for the entire enforcement mechanism for the border of the U.S. by simply not rewarding those who have come here illegally, who never expected to receive this benefit, with $40 billion in transfer payments. That is not punishing them. They are free. They are able to go back if they choose. They are able to work if they choose. They are able to carry on their own activities and make choices. But they are not entitled because we give them the benefit of legal status to receive this transfer payment that is provided for our people under current law.

I yield the floor and reserve the remainder of my time.

Mr. McCAIN. Mr. President, I ask the Senator for 3 minutes.

Mr. SPECTER. Yes, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, as I understand the remarks of the Senator from Alabama, these people are not mistreated, as others in our society have been mistreated. Wouldn't an objective observer view mistreatment as giving someone legal status in the United States, forcing them to earn citizenship, a whole program to bring people out of the shadows, and yet say you are ineligible for perhaps the most important tax incentive for the poorest of Americans, called the earned income tax credit? I call that mistreatment, Mr. President. I would call that mistreatment.

We are going to make you pay a fine, we are going to do a background check, we are going to make you work for 6 years before you can get a green card and, yet, while you are doing that—and most of you are low-income people—we are going to deprive you of the benefit that was absolutely designed to help low-income families. That is what it was all about. If you have a lot of children, I am sorry, but this benefit that was specifically designed for low-income people, which is the majority of the people we are talking about, just as all of our forefathers who came here were usually at the lowest wrung of the ladder, and we are going to say you cannot have that benefit.

Why? Why is that? Then what we are really saying is that we are going to give you legal status, but not really, because under a Republican administration, a way to try to help low-income families was designed, instead of a handout to give them a credit, instead of welfare to give them some extra income, but we are not going to give that to you. We may cause your children to go hungry because you are low-income people. I don't get it.

It is mistreatment by any objective view. It is mistreatment. As the Senator from Alabama said, this is an important issue. Maybe for the first time since we have debated this on the floor I agree with him. I totally agree that this is an important issue. It has a lot to do with what kind of country we are.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

Mr. President, the CBO and Joint Tax Committee estimates show that the increase in refundable credits resulting from S. 2611 would be more than offset by the income and payroll taxes new filers would pay. The net effect of the increased costs and revenues would be a gain of more than $30 billion between 2007 and 2016. So their estimate is that the new legal residents would pay over $62 billion in income and payroll taxes, while the costs of refundable tax credit, the EITC, and the child tax credit would only be $29 billion.

Thus, the Federal Treasury would clearly benefit from these immigrant workers becoming legal residents by about $30 billion. So only legal residents are eligible for the EITC. Undocumented workers are not eligible for the EITC today and will not be under the terms of this legislation. However, when they become legal residents, under the process created by S. 2611, they will be eligible for the EITC going forward under the same terms of all other legal workers.

The Sessions amendment would deny these legal immigrant families with children the same rights to this tax credit as other low-income families with children, and it is wrong and unfair. I hope it will be defeated.

I withhold the balance of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I had originally thought I was going to have 5 minutes to speak. As I understand it, we are kind of running behind. I wondered if there is a 5-minute window that I could have perhaps after Senator ENSIGN speaks or at some point in this debate. Would 5 minutes be OK now?

Mr. KENNEDY. Mr. President, I think we are just about to vote on the Sessions amendment and the Ensign amendment. That concludes the amendments. Then we are going to have final passage. I think Senator BYRD wanted to speak and others wanted to speak, too. I think the leaders said they hoped we would be able to move forward on these amendments. So that is what we have been doing.

Mrs. HUTCHISON. Would there be any time between now and the vote?

Mr. McCAIN. Perhaps the Senator from Alabama would grant the Senator some time.

The PRESIDING OFFICER. The Senator from Alabama has 1 minute 27 seconds. The Senator from Massachusetts has 3 minutes.

Mr. SESSIONS. I think I need that time.

Mrs. HUTCHISON. I will not ask for that time. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, I will wrap up. Although it is my amendment, I suppose I will give my colleagues the chance to have a final word. This bill would not prohibit those who come here legally in the future from being entitled to the earned income tax credit even before they become a citizen. It would say, with regard to those who came here illegally and have no entitlement whatsoever to this outlay payment from the U.S. Treasury, that they should not be able to get it until they become a naturalized citizen. That is not a punishment to them. We are rewarding them with legality in our country. We are rewarding them with the health care benefits of our country and educational benefits of our country, and it is not required that we spend, I believe, what is a fair estimate of $40 billion over the next 10 years to fund this program. That money alone would be enough to fund almost the entire immigration enforcement system we need to put into place. Maybe it would fund all of the one-time costs and much of the continuing costs of that program.

Why would we want to get into this argument that suggests that somehow we are discriminating against people because we don't give them a benefit to which they are clearly not entitled? We are giving them a number of benefits. We simply do not have to give this benefit. It has huge implications for our Treasury. Any way you spin it, our deficit would be $40 billion higher than if we don't adopt my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Massachusetts has 3 minutes remaining.

Mr. KENNEDY. Mr. President, I am prepared to yield that time back.

Mr. SPECTER. We yield back our time as well, so now we can go to the amendment by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. I yield myself 5 minutes.

The PRESIDING OFFICER. Would the Senator call up the amendment?

AMENDMENT NO. 4136

Mr. ENSIGN. Mr. President, I call up amendment 4136.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. ENSIGN) proposes an amendment numbered 4136.

Mr. ENSIGN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(To ensure the integrity of the Earned Income Tax Credit program by reducing the potential for fraud and to ensure that aliens who receive an adjustment of this status under this bill meet their obligation to pay back taxes without creating a burden on the American public)

On page 351, line 13, strike "The alien" through "which taxes are owed." on page 351, line 22, and insert the following:

"(i) IN GENERAL.—The alien may satisfy such requirement by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been met; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service and with the department of revenue of each State to which taxes are owed.

(ii) LIMITATION.—*Provided further*, That an alien required to pay taxes under this subparagraph, or who otherwise satisfies the requirements of clause (i), shall not be allowed to collect any tax refund for any taxable year prior to 2006, or to file any claim for the Earned Income Tax Credit, or any other tax credit otherwise allowable under the tax code, prior to such taxable year."

Mr. ENSIGN. Mr. President, I will speak very briefly on this amendment. It is different than Senator SESSIONS' amendment. It does deal with some of the very same programs, including the earned income tax credit. Senator SESSIONS' amendment addresses the tax credit prospectively. In other words, when somebody is given legal status under this bill they would be prohibited for the first 5 years from benefitting from the earned income tax credit.

My amendment is different. It looks back. When people have worked here illegally, many used a stolen or a false Social Security number. That is a felony. Our amendment says that under those circumstances, someone would not be able to qualify for the earned income tax credit. So my amendment is looking retrospectively instead of prospectively. My amendment would also disallow other tax credits that are meant for low-income American citizens and legal residents.

Mr. President, I believe that I need to explain why this is issue is important. During this debate, the American people have heard, again and again, that people are going to earn citizenship. The supporters of this bill reminded us of that every day. One of the things that they have consistently talked about is the requirement to pay a $2,000 fine and they are also going to pay back taxes.

During the debate on my Social Security amendment, several people stated that immigrants have paid into the system. Most people who are here illegally—and I think the statistics bear this out—are low-income folks. Under our taxation system, most low-income people will qualify for the earned income tax credit. Which is a way to supplement a person's income, like welfare, but through the tax code. With the earned income tax credit, a family that makes up to $36,000 a year can qualify for EITC. In 2005, they could be paid about $4,400 and in 2006 a refundable tax credit of $4,500. So if we are making these folks pay a "penalty"—in other words, they have to pay back taxes—these folks will qualify for this tax credit. In fact, many will get a refund instead of paying their back taxes. So what will happen is that the U.S. taxpayers will actually write them a check.

This amendment will stop that from happening. It will stop people from receiving a retroactive tax refund while they were here working illegally. Senator SESSIONS does it prospectively. Mine does it retrospectively. I think it is only right, especially for those folks who are here and have stolen an American identity and ruined someone's credit history.

Last week, I spoke about Audra, a woman whose identity was stolen. She had 218 illegal immigrants fraudulently using her identity. The IRS sent her a bill for a million dollars in back taxes. She cannot get a job. Her financial future is ruined. But what happens to the perpetrators of these crimes? Under this bill, those same 218 illegal immigrants will not only qualify for Social Security, because our amendment failed by 1 vote, but they could collect tax benefits too. If this amendment is not adopted, they will be able to qualify for the earned income tax credit, up to $4,500 per year, for years when they were, at the same time, ruining somebody else's credit and identity.

So, Mr. President, I think this is an amendment that should be adopted. It is a commonsense amendment. Even if one cannot support Senator SESSIONS's amendment, I think we should all at least be able to support this amendment.

Mr. President, does the other side want to go first?

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 15 minutes remaining.

Mr. KENNEDY. I yield myself 5 minutes.

Mr. President, the Ensign amendment does more than prohibit the immigrants from claiming the EITC when they file tax returns for the years in which they were undocumented. The amendment would prohibit immigrant workers from receiving refunds of their own money when more of their wages were withheld than they owe in taxes—do my colleagues understand? But under the Ensign amendment, when more is withheld than they owe, they cannot recover the money.

What could be more unfair? The IRS is holding their money. It was withheld from their wages and sent to the Government by their employer. So these immigrant workers have now filed tax returns, like millions of American workers each year. They have overpaid, and are entitled to refunds. The Ensign amendment would prohibit them from receiving these refunds. They cannot get their money back under the Ensign amendment. The Government arbitrarily decides to keep it.

Beyond that—listen to this, Mr. President—on page 2 "or any other tax credit otherwise allowable under the Tax Code." What could that be? The child tax credit. This amendment also prohibits immigrant workers from receiving the child tax credit. The Tax Code permits families to take a $1,000 tax credit for each minor child. This is one of the most important provisions in the entire Internal Revenue Code for working families. It recognizes how expensive it is to raise children today, and it reduces a family's tax liability by $1,000 for each child. It allows these families to pay less income tax so that the money can be used to help them meet the child's basic needs. But the Ensign amendment says to immigrant families struggling on meager wages, trying to provide a better life for their children: You can't use the child tax credit to reduce your tax liability, even though every other family can. It does not matter that in many cases your children were born in the United States and are American citizens. Your children still cannot receive the benefit of the child tax credit because you were an undocumented worker.

As a result, an immigrant family with two youth children, maybe American citizens, will have to pay $2,000 more in taxes each year than any other family in America who has the same income, same number of dependent children.

That is an incredibly harsh penalty to impose on these families. The Ensign amendment would impose a special punitive Tax Code on immigrants who were once undocumented, making them pay higher taxes than anyone else with comparable incomes, denying them the basic right to a refund of their own money when the employer withholds more than they owe.

I urge my colleagues to look closely at this unjust amendment and reject it.

I reserve the remainder of my time.

Mr. ENSIGN. Mr. President, I yield the Senator from South Carolina 4 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I rise in support of Senator ENSIGN's amendment. I very much appreciate him offering it on behalf of the American people. I also appreciate the efforts of all my colleagues who I know have worked in good faith to try to create a better immigration system that works for Americans and our heritage of welcoming immigrants.

As we have gone through this process, I think it has been a good, civil, and constructive debate, but some of us are just coming down on different sides.

My hope was as we went through this debate that we would recognize the urgent sense that Americans have what we need to secure our borders and that we need to stop illegal immigration before we expand legal immigration or increase benefits to those who are here illegally.

I had hoped that when Senator ISAKSON offered his amendment that included comprehensive reform but created a commonsense sequence, that we in America would see that we need to control our borders before we add additional legal immigrants. But when that amendment failed, I think it discouraged a lot of us, that perhaps everyone wasn't working in a way that would be constructive for America's future.

We also saw when Senator ENSIGN offered an amendment that had some commonsense ideas if someone had come here illegally and stolen someone's Social Security number, certainly they should not be rewarded by receiving Social Security benefits for the time they were using a stolen Social Security number. I think most of us thought that commonsense amendment would have been adopted overwhelmingly. Unfortunately, it failed, which discouraged many of us who wanted to work as part of a team toward comprehensive reform.

Now we see with this amendment a recognition that we don't need to continue to add reward on top of reward for those who have been working here illegally. While we need to struggle to find a system that works for America, we should not use taxpayer dollars, American taxpayer dollars to give tax credits to folks who have been working here illegally. This does not make sense.

Again, I encourage my colleagues to consider this because it is not only unjust to Americans, I think it is unfair to immigrants. This bill is ultimately going to create such a level of resentment for our immigrants. Once Americans see that this bill creates rewards for those who have come here illegally, not just Social Security benefits but tax credits, citizenships, wages that in many cases are better than Americans', guaranteed wages, Americans are going to see this as unfair and resent the immigrants, and I think it will hurt our heritage of immigration in this country.

I appreciate Senator ENSIGN offering this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe the immigrants who are here 5 years or more ought to be treated like everybody else. It raises very similar considerations to the arguments which I raised on the amendment by Senator SESSIONS.

Where they have overpaid in taxes, like any other taxpayer, they ought to be able to get it back. Where they have children who are entitled to the child tax credit, children born in the United

States would be excluded under the Ensign amendment. They ought to be treated like anyone else.

When Senator DEMINT talks about resentment and fairness, I believe there would be a lot of resentment and a lot of questioning of the fairness of treating the immigrants who have been here for more than 5 years in a discriminatory fashion, not giving them back money they overpaid in taxes, or not according their children the child tax credit.

I yield the Senator from Texas 5 minutes on my time.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, we have been debating for the last 2 weeks a bill that is going to change the course of our country. The debate has been good. We have had the ability to offer amendments. Yet, the bill has not changed to the degree it needs to change, to do the job that we must do to assure that we secure our borders. This bill has not yet changed to ensure that we have a temporary worker program that works, that does not discriminate against American workers, and that is fair. If this bill had gone through that process, we could then start dealing with the people who are here in a fair and responsible way.

Mr. President, we have benefitted from the immigrants in our country for hundreds of years—people who come here legally and work hard. They make better lives for themselves and their families, and they contribute to our country in the process. They have assimilated into America the "E Pluribus Unum" motto: Out of many, one. That has been the factor that has brought us together for all of these years.

In the last 10 years, we have watched as millions have ignored our laws. They have come into our country illegally, leaving those who have waited their turn, who have waited for the legal process to work, to wonder if, in fact, they would ever be rewarded for their correct behavior.

After 9/11, we all knew that our security was at risk. We have been forced to reexamine the laws of our country as they relate to our borders. Yet nearly 5 years after our country was attacked by people who came in through a porous border, we still have a porous border. We need immigration reform, and we must do it right.

There are some good points in this bill. Securing our borders is a part of this bill. I voted against the Budget Act point of order yesterday because I want to spend the money on border security, and it is going to cost money. But that is not the only part of this bill. The rest of the bill has caused an imbalance that cannot stand if we are to look at the big picture for our country.

Edwin Meese, the former Attorney General of the United States, warned in a New York Times editorial op-ed that we are in danger of repeating the mistakes of 20 years ago when Congress passed the Immigration Reform and Control Act of 1986, granting amnesty to those who were in this country. We are in danger of making the same mistake today.

Temporary workers are very important for our country. They provide U.S. companies with labor that keeps our economy thriving, and the workers have the opportunity to make better lives for themselves. We also need to make sure that we have some path for people who want to work in this country, but do not want to be citizens. It is important that we balance the rights of American workers' as we take this major step.

The Hagel-Martinez guest worker program does grant amnesty, and it forces guest workers into a citizenship track after 6 years, even if that is not what the worker wants or what they intended. In the polls that I have seen, most of the people coming to this country to work do not want to give up allegiance to their home countries, and they still love America. They don't have hostility toward America because they are not citizens. The arguments that I have heard indicating that we want every temporary worker to be a citizen so that they will be loyal to our country, I believe does not hold water. You can be friendly to our country, appreciate and respect our country but not have to go into the citizenship track to do that. People have been doing it for a long time.

We do not have the capability in this bill that I tried to put in it yesterday with my amendment that would allow another choice—a choice for people who do want to work in our country, go home, and who do not want the citizenship track.

Mr. President, I will not be able to vote for the bill before us today, but I do hope I can vote for a bill that comes out of conference committee, one that will be balanced and one that represents the interests of the American people, as well as treating fairly the foreign workers who come to our country.

I thank the Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. ENSIGN. I yield myself 3 minutes.

Mr. President, the 1996 historic welfare reform bill signed into law by President Clinton clearly stated illegal immigrants, people who were unlawfully in this country, would not be able to receive the benefits of the earned-income tax credit and would not be able to benefit from any of the other tax credits the law provides. That is right and that is fair. We should reserve those benefits for citizens and permanent residents.

This bill undoes that. The bill says: We know what the law says, but now we forgive you and, therefore, go ahead and claim those credits retroactively. Without my amendment, that is exactly what will happen in this bill.

The idea of stealing somebody's identity, stealing their Social Security number, ruining their credit, ruining everything that many folks have worked so hard to achieve, and then rewarding the person who stole the identity seems to me to be unfair, it seems wrong. If you have fraudulently used someone's social security number that—by the way—is a felony. We are forgiving that felony under this bill. So we are giving amnesty for that felony. It would seem to me that amnesty should be enough. We shouldn't, at the same time, allow the person who committed a felony to collect Social Security benefits and to claim the earned-income tax credit.

I want to put up a chart here because people have been talking about the earned-income tax credit. Senator COBURN earlier this year had a hearing on the earned-income tax credit. This program—and this is pretty consistent with what I have seen over the years—has somewhere between a 23 percent and 28 percent error or fraud rate. That is the error rate that currently exists each year without regard to persons affected by this bill. That fraud—according to best estimates—costs us over $10 billion a year. Just in errors and fraud. Now we want people who are here illegally to be able to go back and claim a tax credit adding more burden to the U.S. taxpayer, adding more to the deficit.

It was said by some that our amendment doesn't allow people to get refunds. That is absolutely true. If they paid into the system, and they overpaid, you are correct, we do not allow tax refunds. One of the reasons for this provision is because it is impossible to determine whether people using multiple social security numbers, as is the case with so many illegal immigrants, have overpaid. In that regard, there would be no way to match a W-2 with the person who earned the wages on that document. This bill places a huge burden on the IRS, forcing the service to prove if someone has used 13 different Social Security numbers. Sorting out who actually messed up the system. Having to prove what someone owes and if they have overpaid, if they have overclaimed or overdeducted, it is a huge burden. By the way, we are not solely placing the burden on the IRS; we are also placing a huge burden on the American taxpayer. How? The American taxpayers have to fund the IRS. So it will be very difficult to prove whether someone has overpaid or not, and whether they are due a refund. We take care of all of that. We say, No, you don't get a refund and you cannot claim the tax credits that I believe are due for American citizens, and they certainly weren't due for people who are here illegally.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. Five minutes and 36 seconds.

Mr. KENNEDY. Mr. President, I yield to the Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank the Senator for yielding. I don't know how to say it other than just to say it. We are beginning to take tax policy focusing on one group of people and tying it to criminal behavior disproportionate to the crime, and we are beginning to set the stage for a different kind of America. Not only is it ill-conceived, it is dangerous. You can rape someone, you can murder someone, you can be a convicted child molester, and our tax laws allow you to get a refund.

What kind of crime are we talking about here? Coming across the border illegally, breaking in line to try to get ahead, because here you can do really well and on the other side of the border you do really poorly. I am sorry people did that. They need to pay for their crime of coming across the border, which is a misdemeanor with no specific fine set, with a 6-month cap on punishment.

But what are we going to do to those people who come here and we have allowed them to sit here—not sit here, work here, for our benefit, doing things we don't want to do for years—we are going to say to the children who are American citizens, You are an American citizen as much as I am, but when it comes to your parents who came across that border for you and your future, we are not going to just punish them, we are going to take the whole Tax Code and turn it upside down and do to your parents what we don't do to a drug dealer or a rapist or a murderer.

To my good friend from Nevada: Enough is enough. You have gone way too far. We need to get a grip on who we are as people. Punishment, yes. Revenge, no.

You want to talk about fairness? I have been a prosecutor, I have been a defense attorney, and I know you have to pay your debt, but this is a place where you can start over—at least it used to be. It is a place where you have a chance to right your wrongs. Under this bill, you do pay a fine; you do go through a very long process to earn your way back into our good graces. It is a misdemeanor. You pay a fine. You have to learn English. If you are out of work for over 45 days, off you go. If you commit a felony or misdemeanor unrelated to immigration, off you go. We need the workers. We don't need bad people. We need good people.

Every now and then, good people do bad things. At least I have found it to be so. Count me in that category. I hope you will forgive me if I do a bad thing, because I have done plenty of bad things. It is because people have seen the good in me, allowed me to start over and do right. That is why I am in the Senate today, because people saw in me some things I didn't deserve to have seen. So yes, let's give them punishment, make them do right, make them learn our language, make them pay taxes and pay a fine, make sure they don't commit crimes. But once you pay taxes, let's don't turn the Tax Code upside down just to kick you around after you have done what we have asked you to do.

Please vote no. I yield back.

EARNED INCOME CREDIT

Mr. GRASSLEY. Mr. President, Senator ENSIGN has proposed amendment No. 4136 to this immigration bill.

Mr. ENSIGN. My amendment is designed to accomplish two purposes: one, deny the earned income credit, EIC, to undocumented workers; and two, to ensure that applicants under section 601 are not manipulating their tax attributes to generate refunds that would not otherwise be due.

Mr. GRASSLEY. I agree with the objectives of Senator ENSIGN's amendment. I note that the Finance Committee report welfare reform bill, known as the PRIDE Act, contains a technical correction to ensure that Senator ENSIGN's and my objective with respect to the EIC is met.

Secondly, I will work with Senator ENSIGN and other interested members of the conference to achieve our second objective. We recognize this amendment is our first attempt to make sure the applicants are fully compliant with our Nation's tax law. As such, the underlying bill's provisions and Senator ENSIGN's amendment will need to be further examined in conference.

Mr. ENSIGN. I thank the chairman and look forward to working with him in conference.

The PRESIDING OFFICER. Who yields time?

Mr. ENSIGN. Mr. President, I yield myself the remaining time.

The Senator from South Carolina just talked about how coming across the border illegally is a misdemeanor. What he didn't address was that stealing somebody's Social Security number is a felony. In this bill, we forgive that felony. We forgive it.

What we are saying is, if somebody who has operated under false pretenses—the 1996 welfare reform bill signed by President Clinton said that they would not qualify for earned-income tax credits or any other tax credits that we have for the low-income folks in this country—this bill will reward them and reverse the welfare act. They will be able to go back and say, Well, here is where I worked, and present some W–2 forms, maybe falsified, but they can go back and try to claim that, and then qualify for the earned-income tax credit. I fundamentally think that is wrong. We are already forgiving a felony; I think that is enough.

All of the things that the Senator from South Carolina said about people coming here and working—and I am a big supporter of immigration—I think it is the strength of our country: The diversity that it brings, the hard-working people who make us appreciate America. I am as pro-immigration as anybody in this Chamber. What I want, though, is folks who, when they are coming here, are coming here for the right reasons. They are coming here to work hard. They are coming here to do the things that make America great. I think that is wonderful. They are saying in this bill that people will pay restitution, to earn legal status by paying back taxes. I don't know how many times I have heard those words from the people who are supporting this bill. In fact, under this bill, when immigrants go back to pay back taxes, to pay restitution, many actually get money from the federal government solely because of the earned-income tax credit.

America is a compassionate country. We want to embrace people who are coming—we always have—from around the world. But I don't think it is right to ask the American people, OK, forgive them for the felony of stealing Social Security numbers, we are going to give you amnesty as far as citizenship and things like that, and on top of that, we are going to write you a check. We are going to write you a check courtesy of the American taxpayers. Yes, some may pay a fine and back taxes, but the EITC and other tax credits will actually operate so that the American people are going to write the illegal immigrant a check. Without my amendment, that is exactly what can happen to financially reward millions of the folks who are going to be legalized under this bill.

Mr. President, is there any time remaining?

The PRESIDING OFFICER. Forty-two seconds.

Mr. ENSIGN. I yield back my time.

Ms. MIKULSKI. Mr. President, there has been a lot of talk over the last 2 weeks about immigration and the need for immigration reform. I agree our immigration system is broken. We need to secure our borders, protect American jobs and make sure those immigrants in this country are treated with dignity. I rise today to talk about two provisions that I fought hard to include in the immigration bill.

First, the H–2B visa program, which rewards those immigrants who play by the rules while protecting American jobs. And second, the Kendell Frederick Citizenship Act. This act rights a wrong and corrects a terrible injustice. It makes sure those who are not U.S.

citizens but who are fighting to protect this country and have a green card can be a U.S. citizen quickly and easily.

My H-2B visa provision protects our borders by rewarding immigrants and employers who play by the rules. We are talking about workers who come here on a seasonal basis but return to their families when they are finished with their job. Workers who honor their legal commitment to come here, work legally at a job and return home when finished with their work.

This provision protects American workers by requiring employers to recruit American workers before hiring immigrant workers. It makes sure small business can continue to operate and pay their U.S. workers 12 months out of the year. It keeps small and seasonal businesses open for business and guarantees the labor supply small businesses need during their peak seasons when they can't find American workers to take the jobs.

This provision does not raise the cap. It allows employers who hire good guy workers, workers who have played by the rules and returned home after the work was done. These workers can be hired for another 3 years and not count against the annual cap of 66,000 H-2B visas. It provides a helping hand to businesses by letting them apply for workers they have already trained to come back again, year after year and return home after the work is done. And it only applies to those who have already successfully participated in the H-2B visa program—immigrants who have received a visa and have returned home to their families after their employment with a U.S. company.

Small businesses across this country count on the H-2B visa program to keep their businesses afloat when they cannot find local American workers to fill their seasonal needs. They can then turn to the H-2B visa program. Without being able to get the seasonal workers they need, these businesses would not survive. These businesses try to hire American workers. They would love to hire American workers. Under the law, they are required to hire American workers. These businesses have to prove that they have vigorously tried to recruit American workers. They have to advertise for American workers and give American workers a chance to apply. They have to prove to the Department of Labor that there are no American workers available. Only then are they allowed to fill their vacancies with seasonal workers.

The workers these businesses bring in participate in the H-2B visa program year after year, often working for the same companies. This has been the experience of the Maryland seafood industry. Yet they cannot and do not stay in the United States. They play by the rules, and return to their home countries, to their families. After the worker goes home, the U.S. employer must go through the whole visa process again the next year to get them back. That means an employer must prove again to the Department of Labor that they cannot get U.S. workers. The program also requires that the employers pay these workers the prevailing industry wage.

This is not just a Maryland issue. This is not even a coastal issue. It is an issue that affects everyone. Every State uses H-2B workers, from ski resorts out West and in the Northeast to quarries in Colorado, from landscapers who hire most of their workers in spring and summer to shrimpers in Texas and Louisiana. And of course the seafood industry on both coasts.

Being able to hire seasonal workers is critical to the State of Maryland. We have a lot of summer seasonal businesses in Maryland, on the Eastern Shore, in Ocean City or working the Chesapeake Bay. Many of our businesses use the program year after year. First, they hire all the American workers they can find, but they need additional help to meet seasonal demands. Without this program they can't meet their needs and many will be forced to limit services, lay off permanent U.S. workers or, worse yet, close their doors. These are family businesses and small businesses in Maryland. Take for example J. M. Clayton. What they do is a way of life. Started over a century ago and run by the great grandsons of the founder, J.M. Clayton works the waters of the Chesapeake Bay, supplying crabs, crabmeat and other seafood, including Maryland's famous oysters, to restaurants, markets, and wholesalers all over the Nation. It is the oldest working crab processing plant in the world. By employing 65 H-2B workers, the company can retain over 30 full time American workers.

But it is not just seafood companies that have a long history on the Eastern Shore. It is also S.E.W. Friel Cannery, which began its business over 100 years ago. Friel's is the last corn cannery left from 300 that used to operate on the shore. Ten years ago, when the cannery could not find local workers, it turned to the new H-2B visa program. Since then, many workers come each season and then go home year after year. They have helped this country maintain its American workforce and have paved the way for local workers to return to the cannery. Friel's now employs 75 full-time and 190 seasonal workers, along with 70 farmers and additional suppliers.

Last summer, I went over to the Eastern Shore after the victory of getting an extension to the H-2B visa program to meet with Latina women who come to Maryland every year under this program. I asked them "What does this program mean to you?" They told me that coming here year after year is hard work, but it means they can provide for their families. They come in April and stay until late September when the crab pots are packed up until the next season. During one summer here, they earn more than they could earn in their home countries in 5 years. They take this money back to their families and children who have been waiting for them and build a well in their native village or build a home or even pool their money to build a community center. Each year these women come back to Maryland because they know the shore and they know Clayton, they know Phillips; and they know they will have a place to live, a bus that will take them to church, access to translators and in some places they are even able to learn English. First, it is one sister and then another sister coming to the Eastern Shore for a few months a year to make money so they can take care of their families and communities back home.

Some of you may ask, "why do we need this extension since the bill has a temporary guest worker program?" We need to make sure we do not forget the needs of small and seasonal businesses in this immigration debate. I welcome the guest worker program that is before the Senate. Once the program is up and running, it will help augment the H-2B program. But that is going to take time. We need to make sure that there is no interruption so that companies can meet their hiring needs. When American workers don't apply for the job, the lack of workers could mean a missed season. That doesn't just mean a loss of profit. It means a loss of a family business, because these businesses will be forced to close their doors.

Again this year, we have already reached the cap on the H-2B visa program. The first half of the cap—33,000 visas—was reached less than 3 months after employers could begin applying. These businesses relied on the exemption of returning workers to fill vacancies that were open after trying to recruit American workers. We know how important it is to protect our borders, protect American workers and make sure small and seasonal businesses continue to operate. I don't need to tell you how important our seasonal industries are to our State economies and our local communities. This provision in the immigration bill does all of this. Every Member of Senate who has heard from their constituents, whether they are seafood processors, landscapers, resorts, timber companies, fisheries, pool companies or carnivals knows the need for this H-2B program to continue.

I also want to talk about another provision in the immigration bill meant to fix a broken bureaucracy and help noncitizens who are serving in our military become citizens of the United States. There are over 40,000 non-U.S. citizens serving in the U.S. military today. Many want to become U.S. citizens but are caught up in red tape and paperwork, bureaucratic run-a-rounds and backlogs. And that is wrong.

Many of these young people are on the front lines in Iraq, Afghanistan and throughout the world fighting terrorists. They are focused on fighting the enemy, they shouldn't also have to fight the bureaucracy just to become a citizen of the country they are fighting for. This provision in the immigration bill makes sure that it is easier and quicker for non-U.S. citizens serving in our military to become citizens.

This provision was inspired by a young man from Maryland who was in the Army serving our country. Though not a citizen, he had a green card and was killed in Iraq on October 19, 2005. He was 21 years old. Kendell Frederick was killed by a road side bomb on his way to be fingerprinted to become a U.S. citizen. But he was also killed by the botched bureaucracy of the U.S. government, by their incompetence, by their indifference, by their ineptitude. This is inexcusable.

Every military death in Iraq is a tragedy, but this one did not need to happen. A Trinidad citizen, but fighting for America, Kendell Frederick was a terrific young man who came to this country when he was 15 years old. He joined his mother here in the U.S. and wanted so much to be a part of this country. He wanted to serve this country and joined the ROTC while at Randallstown High School. After graduation, he joined the Army and went off to serve this country. In the Army, he was a generator mechanic assigned to a heavy combat battalion. His job was to keep all of the generators running, which kept his battalion running. Kendell wanted to become an American citizen, yet a series of bureaucratic screw ups and unnecessary hurdles prevented that.

Kendell had been trying for over a year to become a U.S. citizen. He started working on it when he joined the Army. While he was training and learning how to become a soldier, Kendell sent his citizenship application in and checked the wrong box. Specialist Frederick was busy training for war, packing to go to Iraq, saying good bye to his mother, his brother, his two sisters—all the while worrying which box to check to become a U.S. citizen.

After that, his application was derailed by Immigration three times. First, after his mother checked the correct box saying Kendell was in the military, the Citizenship and Immigration Service, CIS, sent the application to the wrong office, not the office that handles military applications. Second, CIS rejected the fingerprints he had submitted—with no explanation. Kendell had his fingerprints taken when he joined the military. He had an FBI background check for the military. We have high standards to be in the U.S. military. But there was no explanation. His mother did not know why the fingerprints had been rejected. Third, and finally, Kendell was told to get his fingerprints retaken in Maryland. But he was in Iraq fighting a war. His mother called 1-800-Immigration—that's supposed to be the HELP line. She told them—my boy is in Baghdad, he can't come to Baltimore to get fingerprinted. She would have loved for son to come to Baltimore, but he was fighting in a war, fighting for America. And CIS told her there was nothing they could do. They were wrong. That was the wrong information. They were no help.

Finally, an arrangement was made. Kendell's staff sergeant made arrangements for him to be fingerprinted at a nearby air base so he could complete his application. On October 19, SPC Kendell Frederick was traveling in a convoy to a base to get fingerprinted. He did not usually go on convoys, but that day he was in the convoy to get his fingerprints to become an American citizen and he was killed by a roadside bomb. Kendell was granted his U.S. citizenship a week after he died. He was buried in Arlington National Cemetery.

Kendell was trying to do the right thing, yet he was given wrong information. He got the run-a-round. His staff sergeant tried to help, but he didn't know all the rules, it was not his job to know the rules—he was fighting a war. His mother did the right thing. She tried to cut through the bureaucracy, making phone calls, sending letters, she was diligent and relentless. The system failed—again and again. And a wonderful young man lost his life.

Kendell's mother—Michelle Murphy—could have just sat there, could have boiled in her rage. She wanted to do something with her grief. When I spoke with her, she told me she didn't want any mother to have to go through what she went through, what her son went through. Servicemembers and their mothers should not be worrying about what box to check on a citizenship application, which of many addresses is the right address to mail it to, where to get fingerprints taken when the servicemember is fighting for America. Mothers have enough to worry about. Servicemembers have enough to worry about.

It took me introducing a bill to get Immigration's attention about the problems servicemembers and their families face. The Department of Homeland Security is working with me and Kendell's mother to try and make sure this does not happen again. They are working to get rid of the red tape. This provision will make sure that no mother has to go through what Mrs. Murphy went through.

The Kendell Frederick Citizenship Act that is part of the immigration bill makes it easier for military servicemembers to become citizens. The provisions of the legislation cut through the red tape. First, the act requires CIS to use the fingerprints the military takes when a person enlists in the military, so a servicemember doesn't have to keep getting new fingerprints. Second, it requires the creation of a military citizenship advocate to inform the servicemembers about the citizenship process and help with the application. Third, this legislation requires CIS to set up a customer service hotline dedicated to serving military members and their families. And fourth, it requires the Government Accountability Office to conduct an investigation into what is wrong with immigration services for our military.

No one should ever again have to go through what Kendell and his mother went through. The Kendell Frederick bill will make sure that anyone in the military who wants to be a U.S. citizen will be able to do so, quickly and easily. If you are willing to fight and die for America, you should be able to become an American.

Mr. BUNNING. Mr. President, I rise to speak about why I will vote against the immigration reform bill now before the Senate.

This is the worst piece of legislation that I have seen in my 20 years in Congress. It grants amnesty to 11 million or more illegal immigrants. It puts American workers at risk. It does little to enforce our immigration laws in the interior of the country, and worst of all, it does not even secure our border. It ignores the will of the majority of the American people. I cannot vote for such a dangerous bill.

In 1986, the year before I first joined the House of Representatives, Congress passed the immigration reform bill that got us into the situation we are in now. Ed Meese, who was President Reagan's Attorney General at the time, called it what it was—an amnesty for 3 million illegal aliens. Unfortunately, after that amnesty little attention was paid to securing our borders and interior enforcement, and the illegal immigrant population grew to over 11 million.

The 1986 amnesty was a signal to illegal immigrants that if they came here and kept their heads down, eventually they would have their crimes forgiven. The amnesty told them there was no reason to wait in line, no reason to follow our laws, just sneak into the United States, do not get caught, and eventually Congress would make them a citizen.

Well, that is exactly what happened. Earlier this week, former Attorney General Meese pointed out that Congress did not learn the lesson of 1986 and we are poised to repeat that mistake by passing a new amnesty. I suspect that 20 years from now a future Congress will talk about yet another amnesty.

A few weeks ago I came to the floor to talk about what kind of immigration reform I support. I support, first and foremost, securing our borders. If we cannot control our borders, we might as well give up on stopping the next terrorist attack.

I support strong enforcement of our immigration laws inside the country. That means punishing employers who hire illegal immigrants. We must provide employers the tools they need to make sure workers are legal and hold them responsible when they turn a blind eye to who they are hiring.

I support an immigration reform bill that protects American workers. That means a temporary worker program for when we need more workers, such as in our current rapidly expanding economy. But any worker program must make sure Americans are not being denied jobs in favor of cheap foreign labor. If there is a real need we should fill it, but foreign labor should never be a substitute for American workers.

Finally, I support continuing our long tradition of welcoming new immigrants to America. Within reasonable limits, we should continue to welcome people from around the world who want to become Americans. We should not lock the doors to new immigrants, but anyone who wants to become an American must learn our language and assimilate into our society.

Because this bill does not follow those principles, I will not support it. The bill will not secure our border. It ties the hands of law enforcement inside the country to catch illegal immigrants. It is an amnesty for illegal immigrants that not only puts them ahead of the millions who are already waiting in line, but in some ways it also treats them better than American workers. Finally, the bill does not protect American jobs, instead it encourages businesses to use cheap foreign labor.

I have heard a lot of talk the last few weeks from my colleagues supporting this bill that say we must choose from either blanket amnesty or mass deportation. That is wrong. If we passed a real border security bill with tough interior enforcement, the illegal population would shrink through attrition; in other words, the illegal immigrants would deport themselves. After we secure our borders, we can put in place a temporary worker program that protects American workers.

But that is not the path the Senate will choose today. I hope my colleagues in the House of Representatives will stay strong with their bill when we get to conference. The other body passed a strong bill that would make this country safer. That bill is not an amnesty bill. It will make sure we get our border under control before opening the door to millions of temporary workers.

Again, Mr. President, I cannot support this bill. It is the worst legislation I have ever had to vote on, and I will vote against it when the roll is called. I put securing our borders ahead of amnesty, and I am confident the American people do too.

Mr. SANTORUM. Mr. President, the Senate is scheduled to vote today on a comprehensive immigration reform bill. With thousands of illegal immigrants rushing across our borders every day, straining every sector of our society, congressional attention to this issue is appropriate and overdue. Unfortunately, S. 2611 is not the right way to reform our immigration system.

As the son of an Italian immigrant who came to the United States in 1930, I understand the important and valuable contributions immigrants have made and continue to make to our country. I have great respect for those who have legally come to our Nation seeking a better life for their families, just as my grandfather and father did.

However, as the Senate comes to a vote on S. 2611, I firmly believe that the rule of law and our safety and security must be given by importance. Who is traveling across our borders and why they are doing so is as important as any issue we currently face. It is a complicated issue, with far-reaching implications that will impact our national security, our economy, and our culture.

Securing our borders is and must be our first priority. It is a basic responsibility of a sovereign nation. An immigration policy that does not control who is entering our Nation is not an immigration policy at all. The best way we can do this is by strengthening and supporting our Border Patrol, both through greater numbers and technological advancements. To this end, I cosponsored and voted for a successful amendment that authorizes the Department of Homeland Security to construct 370 miles of triple-layer fence and 500 miles of vehicle barriers at strategic locations along our southern border.

I also cosponsored the Ensign amendment which provides reimbursement for the temporary use of the National Guard to secure the southern border of the United States. With the approval of the Secretary of Defense, the Governor of any State may order the use of the National Guard for not more than 21 days in a year to provide "command, control and continuity of support" such as ground and airborne reconnaissance, logistical, tactical, and administrative support, communications services, and emergency medical services. I was pleased to see both of these amendments pass as they are solid first steps towards border security.

But the reason I voted against cloture and why I simply cannot vote for this bill is that it gives amnesty to the immigrants who came to this country illegally. I believe those who have entered this country illegally must return to their native land and move through the legal process just like everyone else. The idea that those who have been here illegally for an arbitrary number of years—a number that is, frankly, undeterminable as their time here is by nature undocumented—should be able to stay in America simply by paying back taxes is an insult to all those who have waited, patiently and lawfully, for their chance to come here and pursue the American dream.

There were many opportunities to fix this throughout Senate debate, but I am afraid many of my colleagues have not truly heard the call of their constituents to oppose amnesty. I was disappointed that 58 of my colleagues rejected a reasonable amendment offered by Senators KYL and CORNYN to ensure that the temporary worker program was actually temporary and not a shortcut to legalization or citizenship. I also voted against the Feinstein amendment earlier this week which would have given all illegal immigrants in the United States a path to citizenship without having to leave the country.

I cannot support an amnesty proposal now because amnesty has failed in the past. In 1986, Congress attempted to address this same issue, though on a much smaller scale. Estimates of the size of the illegal-immigrant population in the United States in 1986 placed the total number close to 1 million; today we are dealing with around 12 million. If providing amnesty to 1 million illegal immigrants yielded 12 million over the course of 20 years, with how many additional millions will we be burdened in 2026 by offering amnesty now?

But this is not the only way S. 2611 rewards illegal immigrants. I cosponsored an amendment offered by Senator JOHN ENSIGN that would ensure illegal immigrants have a valid Social Security number before they can accumulate credit to qualify for Social Security. This amendment was intended to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system by ensuring that persons who receive an adjustment of status under this bill are not able to receive Social Security benefits as a result of unlawful activity. In other words, this prevents illegal immigrants from getting Social Security benefits based on their illegal work history, often with an invalid number. Unfortunately, a majority of my colleagues voted to kill this amendment. By doing so, the Senate has rewarded illegal immigrants by putting our current elderly beneficiaries, who paid into the Social Security system for decades in order to collect the benefits they receive today, further at risk in an already stretched system.

I would like to speak briefly on an amendment offered by Senator SESSIONS that would prohibit aliens unlawfully present in the United States with a green card from the H-2C visa program from claiming the earned income tax credit, EITC, when filing annual tax returns. This amendment has good intentions, but I reluctantly must oppose it. The cost of EITC for the illegal-turned-legal population is steep. However, this amendment goes further than I am comfortable with by treating these resident aliens different from others. In my mind, a better option is another amendment offered by Senator ENSIGN that would limit illegal aliens from any kind of tax refund or an EITC claim on back taxes for the time that they were here illegally. I believe this amendment strikes the right balance.

America is a nation of immigrants, a nation that derives much of our strength from those who come here to live the american dream. But the immigrants who have contributed so much to the character of our Nation came here legally. We devalue their sacrifices and hardships if we fail to ask the same of today's immigrants. This bill does not do that. It rewards illegal behavior, threatens our social welfare system, devalues the legal immigration process, and provides amnesty to illegal immigrants. I will vote against S. 2611, and I urge my colleagues to do the same.

Mr. DOMENICI. Mr. President, I rise today to express my dismay that my amendment No. 4022 to S. 2611 is not part of the bill the Senate will vote on.

At first glance, the immigration bill we are considering takes into account that if we put more border patrol agents and immigration personnel on the border, other Federal agencies that deal with immigration will need more resources. The bill adds new Department of Homeland Security and Department of Justice attorneys, public defenders, and immigration judges. But the bill fails to account for that fact that while immigration cases typically go before immigration judges, repeat offenders can be charged with felonies and tried in Federal district court.

As part of this bill, we should have considered the increased federal criminal immigration caseload we will have as a result of increased border security and immigration enforcement, and we should have added new District judges to hear those cases.

Specifically, my amendment would implement the recommendations of the 2005 Judicial Conference for U.S. district courts that have immigration caseloads totaling more than 50 percent of their total criminal filings. There are four districts that have such caseloads; unsurprisingly, all of them are on the Southwest border. Those courts' immigration caseloads vastly outweigh the immigration caseloads of northern border district courts that the 2005 Judicial Conference recommended new judgeships for.

For example, in the Southern District of Texas there were 5,599 criminal filings in fiscal year 2004, and 3,688 of them were immigration cases. By comparison, the Western District of Washington had only 539 criminal filings, and only 78 of those were immigration cases. Similarly, in the District Court for Arizona there were 4,007 criminal filings in fiscal year 2004; 2,404 of them were immigration cases. But in Idaho, there were only 213 criminal filings, and only 71 of those were immigration cases. In fiscal year 2004, the Southern District of California had 3,400 criminal filings, and 2,206 of them were immigration cases. On the northern border, in the Western District of New York, there were only 497 criminal filings; only 35 of those were immigration cases. Lastly, in the District of New Mexico, there were 2,497 criminal filings in fiscal year 2004, and 1,502 of them were immigration cases. In the District of Minnesota, there were 431 criminal filings, and only 15 of them were immigration cases.

With so many figures, the significance of those numbers may be lost, so let me sum those numbers up. In fiscal year 2004, my home state of New Mexico, which shares a border with Mexico, had 100 times more Federal criminal immigration cases than a state that shares a border with Canada.

The Albuquerque Tribune wrote an article about this issue in March. That article, "Judges See Ripple Effect of Policy on Immigration," said:

> U.S. District Chief Judge Martha Vazquez of Santa Fe oversees a court that faces a rising caseload from illegal border crossings and related crime. And help from Washington is by no means certain . . . Most typical immigration cases go before an immigration judge, and the subjects are deported. But people deported once and caught crossing illegally again can be charged with a felony. And that brings the defendant into federal district court. Those are the cases driving up New Mexico's caseload . . . Some days as many as 90 defendants crowd the courtroom in Las Cruces, said Vazquez . . . The same problems are afflicting federal border courts in Arizona, California, and Texas.

Mr. President, I will ask that this April 17, 2006 article be printed in the RECORD.

I would also like to read portions of a letter written to me earlier this month by the New Mexico District's Chief Judge, Martha Vazquez. About the Senate's immigration bill, Judge Vazquez wrote:

> As with past legislation aimed at improving border security, this bill will significantly increase the number of felony immigration and drug cases in the federal courts in districts on the southwest border. The bill, in recognition of this fact, provides funding for at least 20 additional full-time Administrative Immigration Judges. The bill, however, inexplicably fails to provide funding for additional Article III judges despite the fact that Article III judges will be as burdened, if not more, by the increased caseload that will result from the bill's implementation . . . In fiscal year 1997, there were 240 immigration felony filings in the District of New Mexico. By fiscal year 2005, the number of immigration filings increased to 1,826, which is an increase of 661 percent . . . Increasing the number of immigration judges will do nothing to reduce the increasing caseload in the border states' federal courts.

Judge Vazquez was appointed to the Federal bench by President Clinton. Clearly this is not a partisan issue, as Judge Vazquez and I agree that the Senate's failure to address the needs of our border district courts in inexplicable. I will ask that this May 16, 2006, letter from Chief Judge Vazquez be printed in the RECORD.

Lastly, I would like to quote an article written this week. On May 23, 2006, Reuters posted an article titled "Bush Border Patrol Plan to Pressure Courts: Sources." That article said:

> President George W. Bush's plan to send thousands of National Guard troops to the U.S.-Mexico border could spark a surge in immigration cases and U.S. courts are ill prepared to handle them, according to congressional and courts sources . . . Even without the stepped-up security at the border, federal courts in southern California, Arizona, New Mexico and Texas have been overburdened. Carelli [a spokesman for U.S. federal courts] said those five judicial districts, out of 94 nationwide, account for 34 percent of all criminal cases moving through U.S. courts . . . Most immigrants caught crossing illegally are ordered out of the country without prosecution. But that still leaves a growing pile of cases involving illegals who are being prosecuted after being caught multiple times or those accused of other crimes . . . Nationwide, each U.S. judge handles an average of 87 cases a year. But along the southern border, even before Bush's plan moves forward, the average is around 300 per judge, Carelli said.

Clearly, there is already a crisis regarding our Southwest border district courts' immigration caseload. As we worked on S. 2611 to provide more resources to the Departments of Homeland Security and Justice, we should have also addressed the related needs of our U.S. district courts. Senators KYL, CORNYN, and HUTCHISON understood that, and I thank them for their cosponsorship and strong support of my amendment.

Unfortunately, our other colleagues were unwilling to recognize this problem or address this need. I was told that this amendment, with an annual cost of $11 million, was too expensive. But this bill authorizes billions of new spending for homeland security and judiciary resources. I was informed that every State needs new judges. But not every State has thousands of immigration cases filed each year.

I am disheartened that the Senate did not act on amendment 4022. I am disappointed that my colleagues were unwilling to address the judicial crisis along the Southwest border. I am dismayed that this body is turning a blind eye towards the need of our U.S. district courts. As a result of such action, my State, and other States on the southwest border, will not be able to enforce the border security and immigration enforcement provisions in the Comprehensive Immigration Reform

Act because we will not have the necessary resources to prosecute immigration cases.

Mr. President, I ask unanimous consent that the aforementioned materials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Scripps Howard News Service, April 17, 2006]

JUDGES SEE RIPPLE EFFECT OF POLICY ON IMMIGRATION

(By James W. Brosnan)

WASHINGTON.—A rising number of immigration cases has New Mexico's top federal judge keeping an anxious eye on Congress' attempts to deal with border issues.

U.S. District Chief Judge Martha Vazquez of Santa Fe oversees a court that faces a rising caseload from illegal border crossings and related crime. And help from Washington is by no means certain.

Left in limbo when the Senate adjourned April 7 was a pending amendment to the stalled immigration bill that would authorize one new permanent federal judge for New Mexico and another temporary judge.

Sen. Pete Domenici, Albuquerque Republican, plans to renew the effort for his amendment when and if the Senate takes up the bill again.

"As it stands now, we won't see any needed comprehensive border security improvements in our state," Domenici said in a recent statement. "Our law enforcement won't get any new and sustained help. We won't be adding any new federal judges in New Mexico to take on the immigration cases that are overwhelming our courts."

New Mexico now has seven full-time district judges and three judges on "senior status" who are supposed to hear cases only occasionally.

But Vazquez said those three judges, James Parker, C. LeRoy Hansen and John Conway, all in their 60s, still travel to courthouses in Albuquerque, Las Cruces, Roswell and Santa Fe and take a full load of cases.

"We would be dying without them," said Vazquez.

From Sept. 30, 1999, to Sept. 30, 2004 (the end of the federal fiscal year), the caseload in the New Mexico federal district court increased 57.5 percent, from 2,804 to 4,416.

In the 2004 fiscal year alone, 2,126 felony cases were heard, almost half of all cases in the entire 10th Circuit, which includes Colorado, Kansas, Oklahoma, Utah and Wyoming. Most typical immigration cases go before an immigration judge, and the subjects are deported.

But people deported once and caught crossing illegally again can be charged with a felony. And that brings the defendant into federal district court.

Those are the cases driving up New Mexico's caseload, along with smuggling and drug cases, said Vazquez.

Some days as many as 90 defendants crowd the courtroom in Las Cruces, said Vazquez. Pre-sentence reports have to be prepared by district probation officers for every defendant.

Federal taypayers also bear the cost of housing the prisoners in jails and transporting them to the courthouse, as well as the travel and pay of their lawyers.

The same problems are afflicting federal border courts in Arizona, California and Texas. Last summer, the federal judges from those courts met and then appealed for help to their senators.

The result is the amendment Domenici is sponsoring with other border-state senators that would add nine permanent and two temporary federal judgeships in the Southwest border states.

Domenici also is sponsoring amendments to authorize $585 million to improve the infrastructure for security on the border and to add 250 deputy United States marshals.

But the burden on the federal court system could grow dramatically if Congress decides to make it a crime to be in the United States without proper documentation.

People caught crossing the border illegally face a misdemeanor and are deported only if it is a first offense.

An illegal immigrant caught inside the United States has committed a civil offense and is deported unless he or she has committed another crime.

(An estimated 40 percent of illegal immigrants are people who overstayed the limit on a legal visa, not border jumpers.)

Last year, the House voted to make illegal presence in the United States a felony, potentially creating 11 million to 12 million new. The bill pending in the Senate has no criminal penalty.

Last week, House Speaker Dennis Hastert, an Illinois Republican, and Senate Majority Leader Bill Frist, a Tennessee Republican, said they would ensure the final legislation reduced the felony charge to a misdemeanor.

Ever a misdemeanor charge can carry up to a six-month jail sentence, which would require the appointment of a taxpayer-funded lawyer for the indigent, unless the prosecutor waived any possibility of jail time, said Jeanne Butterfield, executive director of the American Immigration Lawyers Association.

"What's the point? Deport them." said Butterfield.

Federal courts processed only 9,343 misdemeanors in fiscal year 2004 compared with 53,441 felonies.

Said Vazquez, "Any time we criminalize behavior we have to consider the consequences all the way down to additional jail cells."

Making illegal presence a misdemeanor also would conflict with a bipartisan compromise in the Senate that would allow 80 percent of illegal immigrants—those here more than two years—to obtain a visa.

A Frist aide, Elie Teichman, said any undocumented worker who qualifies for a guest-worker program would be excluded from the illegal presence provisions.

U.S. DISTRICT COURT,
DISTRICT OF NEW MEXICO,
Santa Fe, NM, May 16, 2006.

Sen. PETE V. DOMENICI,
Washington, DC.

DEAR SENATOR DOMENICI: I understand that this week the Senate will be debating the Border Security and Immigration Reform Bill. As with past legislation aimed at improving border security, this bill will significantly increase the number of felony immigration and drug cases in the federal courts in districts on the southwest border. The bill, in recognition of this fact, provides funding for at least 20 additional full-time Administrative Immigration Judges. The bill, however, inexplicably fails to provide funding for additional Article III Judges despite the fact that Article III Judges will be as burdened, if not more, by the increased caseload that will result from the bill's implementation. The bill's failure to provide for critical resources is greatly concerning to those involved in the administration of justice in these districts.

The Judicial Conference of the United States determines the need for new judgeships and has established the standard of 430 weighted filings per judgeship. As of September 30, 2005 the weighted filing per judgeship in the District of New Mexico is 586. That figure is 36 percent higher than the established standard and justifies a minimum of two additional Article III judgeships. The Judicial Conference does not use projected filings when requesting additional judgeships from Congress. Without question, the expected increase in filings that will result from the pending legislation will only further burden the Article III Judges in this District.

As it is, the burden on Article III Judges in this District is considerable. This District ranks first among all districts in criminal filings per judgeship: 405 criminal filings compared to the national average of 87. As in all federal districts along the southwest border, the majority of cases filed in this District relate to immigration offenses under United States Code, Title 8 and drug offenses arising under Title 21. Immigration and drug cases account for 85 percent of the caseload in the District of New Mexico. And the numbers of filings have increased exponentially in recent years. In fiscal year 1997, there were 240 immigration felony filings in the District of New Mexico. By fiscal year 2005, the number of immigration felony filings increased to 1,826, which is an increase of 661 percent. During this same period drug cases have increased by 87 percent (298 to 558). Since 1997, the overall felony filings in the District of New Mexico has increased by 287 percent. Of course, the court cannot control the volume of cases that are filed. The United States Attorney is responsible for bringing criminal cases to federal court.

Administrative Immigration Judges and Article III Judges perform entirely different tasks in the process of adjudicating immigration cases. Immigration Judges decide civil immigration questions. Article III Judges, on the other hand, are responsible for the trials and sentencings of those who are accused or convicted of immigration and border security offenses. Article III Judges oversee an extensive background check on every felony defendant who appears before them on immigration charges to insure that the defendant does not pose a national security threat. This critically important task requires time and great deal of resources. Increasing the number of Immigration Judges will do nothing to reduce the increasing caseload in the border states' federal courts. The consequences of failing to add more Article III Judges will create an even greater burden in this District, cause a backlog and imperil the court's ability to fulfill the "Speedy Trial Act."

Further frustrating the District's ability to handle its criminal docket is the fact that, even as the District recently added to Magistrate Judges in Las Cruces, other court related resources have remained static, or worse, have declined. While law enforcement resources have increased, there has been no corresponding increase in the number of defense attorneys, Assistant United States Attorneys, Deputy United States. Marshals, Probation and Pretrial officers, interpreters, or courtroom space. Simply put, the District of New Mexico desperately needs increased resources—across the board—to enable it to keep pace with increasing border-related demands.

I truly appreciate all you have done and continue to do for the District of New Mexico. If you have any questions, please do not hesitate to contact me or my staff at (505) 988-6330.

Sincerely,

MARTHA VÁZQUEZ,
Chief Judge.

[From Reuters, May 23, 2006]

BUSH BORDER PATROL PLAN TO PRESSURE COURTS: SOURCES

(By Richard Cowan)

President George W. Bush's plan to send thousands of National Guard troops to the U.S.-Mexico border could spark a surge in immigration cases and U.S. courts are ill prepared to handle them, according to congressional and court sources.

The administration failed to plan for the surge in court cases and did not consult the judicial branch on the impact more arrests would have on federal courts in the region, said Dick Carelli, a spokesman for U.S. Federal courts.

Bush asked for $1.9 billion in emergency funds for the border plan, including $20 million to help the Justice Department deal with its increased caseload, but that did not include the courts.

"We were left out of the process," Carelli said. He added that since Bush unveiled his proposal to increase border patrols, federal judiciary officials have had to quickly cobble together a proposal to Congress for $20.3 million in emergency funds to hire three full-time judges and about 240 support staff for the Southwest.

Even without the stepped-up security at the border, federal courts in southern California, Arizona, New Mexico and Texas have been over burdened. Carelli said those five judicial districts, out of 94 nationwide, account for 34 percent of all criminal cases moving through U.S. courts.

"It's irresponsible to think that you can take care of the border security problem without also addressing the justice enforcement problem, which federal courts are indispensable in," said a congressional aide.

Most immigrants caught crossing illegally are ordered out of the country without prosecution. But that still leaves a growing pile of cases involving illegals who are being prosecuted after being caught multiple times or those accused of other crimes.

Public defenders, pretrial services and probation officers are all provided by the federal courts. "And obviously, those hearings have to take place in federal courts. The border courts and the judiciary are just being swamped," the congressional aide said.

A Bush administration official said that emergency funds requested for the Justice Department will help hire immigration attorneys and other support staff. "By increasing the Department of Justice's ability to hear and process immigration-related cases, the belief is that the impact on the judicial branch will be mitigated," the official said.

Just five months before congressional elections, public opinion polls show immigration concerns are at the top of voters' list of worries.

The U.S. Senate is trying to pass a bill this week that would further tighten border security and give some illegals already in America a route toward citizenship.

But it is unclear whether the House of Representatives, which has passed a tougher border security bill, will work out a compromise with the Senate.

Congress and the White House have been arguing over whether Bush's plan for more border guards is the best short-term fix or whether the limited amount of emergency funds should be dedicated to buying vehicles, aircraft and other supplies for existing patrols.

Nationwide, each U.S. judge handles an average of 87 cases a year. But along the southern border, even before Bush's plan moves forward, the average is around 300 per judge, Carelli said. He added that the two federal judges in Laredo, Texas now carry 1,400 cases apiece.

Mr. LIEBERMAN. Mr. President, I rise to speak on behalf of the Senate's historic accomplishment, our imminent passage of bipartisan immigration reform legislation.

The immigration reform legislation we are about to pass enhances our national security, promotes our economic well being and creates a fair and compassionate path to citizenship for those who came here to work hard, pay taxes, respect the law and learn English.

The legislation addresses serious problems that have festered for years. Our immigration system has been broken far too long. Some thought it was broken beyond repair, but it is not. This Senate reform bill stands for the principle that we in government can work together, on a bipartisan basis, to craft detailed and pragmatic solutions, and that we can avoid strident rhetoric that ultimately gets us nowhere.

There are difficult realities we must face. Despite huge increases in spending on border security since 1993, the numbers of undocumented immigrants living in the United States has more than doubled, and now stands at an estimated 11 million. That number increases significantly every year as more people come here looking for work.

We must continue to improve border security. That will require more Border Patrol officers, better technologies, more effective border security strategies, and greater expenditures. The bill we are passing ensures that all of those things will happen. But the flow of illegal migration into the country would continue indefinitely, if our only solution was to continue to increase border security spending.

Immigration enforcement is also an essential component of a reform package. Unscrupulous employers who continue to hire and exploit undocumented workers must be punished. Once adequate verification systems are in place, employers will have no excuse for hiring undocumented workers. The Senate legislation will implement an effective verification system, and it will result in the hiring of additional immigration enforcement officers and funding for thousands of additional detention beds.

But enforcement alone will not solve the major challenges we face. Last December the House of Representatives passed a punitive and unworkable bill. Their legislation would criminalize the 11 million undocumented immigrants living in the U.S., pushing deeper into the darkness those who already live in the shadows and turning Samaritans who offer humanitarian aid into outlaws. Such draconian measures would create a class of people within our own borders who would live and work without the protection of law and would be open to exploitation and crime. They would be forced to suffer in silence or risk being imprisoned if they came forward.

How would that solve the problem? We could never imprison or deport more than a tiny fraction of these millions of people—people who have laid down roots in our communities. If we were to even try, the cost would be prohibitive and would turn our society into something approaching a police state.

Virtually all of the undocumented immigrants living in this country came here to work hard and support their families. They pay taxes and they respect our laws. They would like nothing better than to become members of our society, on an equal footing, and pursue the American dream like so many immigrants before them. The alternative is keeping millions of families in the shadows, where they can be preyed upon and exploited. And by welcoming those hard working and law abiding people, we free up resources we need to seal our borders and pursue the real dangers of terrorists, drug traffickers, and other criminals.

Undocumented immigrants will not get a free pass to legal residency and citizenship. They must earn it. Under the bill, undocumented immigrants who have been present in the U.S. for at least 5 years will be able to apply for a work visa lasting 6 years. They would have to pay thousands of dollars in fines, clear background checks and then must remain gainfully employed and law abiding. After 6 years of working in the U.S. on a temporary visa, an immigrant could apply for permanent residency a process that takes 5 years provided he or she paid an additional fee, proved payment of taxes and could show a knowledge of English and United States civics. Only after a combined period of 11 years could the immigrant apply for U.S. citizenship. Those who have been here between 2 to 5 years would have to apply through a stricter guest worker program, and would have to wait even longer before they could win legal residency.

None of these undocumented immigrants would earn legal residency before we cleared the backlog of people waiting to receive visas to enter the U.S. Immigrants living in the U.S. legally have been waiting far too long to be reunited with their spouses and young children. This bill will clear those family reunification backlogs, and undocumented immigrants will have to get in the back of the line.

Each component of the plan depends on the others for any of them to be effective, and the new guestworker program that the bill creates is an essential component. Even with the provisions I have already outlined, we would still face the prospect of future illegal immigration. Currently hundreds of thousands enter the country illegally. This illegal migration has fueled a lucrative and extremely dangerous market for human smugglers. These smuggling rings war violently against each other, on both sides of the border, and they indulge in other illicit traffic. They prey on their human cargo. This has to stop.

We are accomplishing nothing if our legislation does not contain provisions addressing future migration flows. The guestworker program will channel future flows through legal avenues. People who want to come here to work will first be screened to ensure that they have committed no crimes. They can only come if they have legitimate jobs waiting for them.

If we don't include a guestworker program, we will continue to see high rates of illegal immigration in the future. We will have temporarily addressed the large numbers of undocumented immigrants in the U.S., only to see that problem resurface again over time. But with the verification and enforcement provisions I have already described, opportunities for undocumented workers will dry up. People will have no incentive to illegally enter the U.S. if they know that working here will not be a viable option.

Let me address concerns about American workers. I would not support any bill that undercuts American workers, and the Senate legislation contains safeguards to protect American workers. Temporary workers will not replace U.S. workers. Employers may only hire temporary workers after they spend 60 days attempting to recruit U.S. workers at the prevailing wage being offered. Temporary workers must be paid at prevailing wages, as defined by the Davis-Bacon Act, the Service Contract Act, or collective bargaining agreements. The bill contains strong protections to make sure that guestworkers are not exploited by labor contractors.

These provisions, as well as the wage and working condition protections, are backed up by strong complaint procedures and whistle-blower protections. Temporary workers will not be hired in the midst of a labor dispute and will not be recruited in areas where unemployment rates are high. Finally, these protections will be backed up by the authorization of 2,000 new Department of Labor inspectors charged with enforcing them.

This legislation is far from perfect. The underlying legislation already contained unnecessarily punitive provisions, provisions that have been retained. During Senate consideration of the bill our bipartisan majority successfully beat back many measures that would have gutted the bill or unfairly punished immigrants, although I was disappointed by several of the votes on the Senate floor. One example was the adoption of an amendment offered by Senator INHOFE which would undermine efforts to provide services for non-English speakers in a wide variety of essential governmental functions.

I was also disappointed by a setback Senator BROWNBACK and I suffered in our attempt to improve our nation's treatment of asylum seekers. In February of 2005, the congressionally established U.S. Commission on International Religious Freedom issued a report that raised serious concerns about insufficient protections for asylum seekers arriving in this country.

The problems raised by the Commission's report should shock us, given our nation's historic mission as a bastion for those fleeing persecution in their home country. The Commission found an unacceptable risk that genuine asylum seekers were being returned to their home countries where they faced repression and worse. This was occurring because aliens stopped at our airports and borders were not properly questioned about the dangers they would face if they were sent back. This failure to follow procedures required by law resulted in the inability of asylum seekers to plead their case.

The Commission also found that while asylum seekers are having their applications considered, they were often detained for months in maximum-security prisons and jails, without ever having a chance to appear before an immigration judge to request bail. While being held, some were subjected to mistreatment or arbitrary punishments, including solitary confinement and the denial of basic medical needs.

This kind of treatment of people trying to escape war, oppression—even torture—is unacceptable in America. The U.N. High Commissioner for Refugees has repeatedly criticized our detention of asylum seekers as inconsistent with U.S. treaty obligations.

Since the Commission's report was issued more than a year ago, I have routinely asked officials from the Department of Homeland Security what is being done about the problems the Commission identified. For more than a year, I have been assured that the Department was reviewing the report's findings. But in that time the Department did not act to address these shortcomings, nor did it respond to the recommendations as I had requested on so many occasions.

Because of that long period of inaction, Senator BROWNBACK and I introduced an amendment that would have implemented the Commission's most important recommendations. It called for sensible reforms that would have safeguarded the nation's security while ensuring that people fleeing persecution are treated in accordance with this nation's most basic values.

Unfortunately, moments before we were to begin debate on our amendment, the Department of Homeland Security disseminated a position paper objecting to our amendment. The Department claimed that implementing the Commission's recommendations would have adverse repercussions on its operational capabilities. These were claims that I had never heard previously, despite my repeated inquiries to the highest Department officials, and they were claims that I believe are not supported by the facts. Nevertheless, we entered into days of negotiations, in which we attempted to address all of the Department's concerns. The negotiations were unavailing.

Although unsuccessful on this occasion, Senator BROWNBACK and I intend to introduce our amendment as freestanding legislation, so that we can continue to fight to ensure that people who flee oppression and seek freedom in America are treated in accordance with our cherished values. After all, we often say that we are a nation built by immigrants, and that is true, but in many ways we are also a nation founded by refugees.

As we pass this historic legislation it is essential that we remember that we are a nation of immigrants and refugees. Throughout the decades new waves of immigrants have arrived. They came from many cultures and countries, they came speaking many different languages, and as they settled here they enriched the nation. All four of my grandparents came to this country to pursue a better a life, as did the family of my wife Hadassah, who was born in Czechoslovakia and arrived here as an infant. The recent immigrants about whom we have been debating these last two weeks have come to our country for the same reason that my grandparents came for freedom, opportunity, and a better life for their children.

This legislation we pass today will enhance our border security, improve our ability to enforce our immigration laws, and fuel economic growth. But beyond these reasons, it is also fully in keeping with our history as a nation of immigrants.

Mr. LEAHY. Mr. President, when the Senate resumed its consideration of comprehensive immigration reform last week, I began by expressing my hope that we would finish the job the Judiciary Committee started in March and the Senate began in April. We need to fix the broken immigration system with tough reforms that secure our borders and with reforms that will bring millions of undocumented immigrants out of the shadows. I have said all along that Democratic Senators cannot pass a fair and comprehensive bill alone. Over the last 2 weeks we finally got some help. I would like to especially thank Senators KENNEDY and McCAIN, as well as Chairman SPECTER and the Democratic leader, for their tireless work on this bill.

We got some words of encouragement from President Bush last week when he began speaking out more forcefully and in more specific terms about all of the components needed for comprehensive legislation. For the first time, he expressly endorsed a pathway to earned citizenship for the millions of undocumented workers now here. I thank him for joining in this effort. But his work is far from done. We will need his influence with the recalcitrant members of his party here in the House if we are ultimately to be successful in our legislative effort. Without effective intervention of the President, this effort is unlikely to be successful and the prospects for securing our borders and dealing with the hopes of millions who now live in the shadows of our society will be destroyed. Those who have peacefully demonstrated their dedication to justice and comprehensive immigration reform should not be relegated back into the shadows.

Yesterday we were able to begin to draw to a close the Republican filibuster against comprehensive immigration reform. When Republicans filibustered two cloture votes last month, including one on a motion by the Republican leader, I was disappointed. I had hoped we would recognize the lawful, heartfelt protests of millions against the harsh House-passed criminalization measures. While they waved American flags, some of those fueling anti-immigrant feelings burned flags of other countries. I am encouraged that through the course of this debate we have been able to convince enough Senate Republicans to join us in our efforts and to appreciate the contributions of immigrants to our economy and our Nation.

This bill is not all that it should be in my view. By incorporating the Hagel-Martinez formulation, we have compromised from the initial compromise. I have made no secret that I preferred the better outline of the Judiciary Committee bill. The bill the Senate is now considering is a further compromise. Debate and amendments have added some improvements as well as some significant steps in the wrong direction. I thank Senators BINGAMAN, KERRY, OBAMA, SALAZAR, and others for their important and constructive amendments. I was delighted that after some initial opposition, working with Senator STEVENS and others, we were able to add flexibility to the Western Hemisphere Travel Initiative by extending its deadline another year and one-half through our amendment.

The Senate unwisely rejected efforts by some of us to make it more flexible for those persecuted around the world. This country has had a history of being welcoming to refugees and those seeking asylum from persecution. The Senate turned its back on that history by refusing to allow the Secretary of State the flexibility needed after restrictive language was added to our laws by the REAL ID Act. I remain hopeful that Senators will reconsider these issues with more open minds and hearts and a fully understanding of the lives being affected. Sadly, too many were spooked by false arguments.

Besides the Senate's failure to readjust asylum provisions to take into account the realities of oppressive forces in many parts of the world, I was most disappointed that the Senate appeared to be so anti-Hispanic in its adoption of the Inhofe English language amendment.

Senator SALAZAR and I wrote to the President following up on this provision and the comments of the Attorney General last week and weekend. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order 13166. A prompt and straightforward affirmative answer can go a long way toward rendering the Inhofe English amendment a symbolic stain rather than a serious impediment to immigrants and Americans for whom English at this moment in their lives is a second language.

I deeply regret that the Senate took such a divisive act. Over my strong objection and that of the Democratic leader, Senator SALAZAR, and others, a modified version of the Inhofe amendment was adopted. I understand why this amendment provoked a reaction from the Latino community as exemplified by the May 19 letter from the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected Officials Educational Fund, the National Council of La Raza, the National Puerto Rican Coalition, and from a larger coalition of interested parties from 96 national and local organizations.

Until this week, in our previous 230 years we have not found it necessary or wise to adopt English as our official or national language. I believe it was in the Commonwealth of Pennsylvania that the State legislature shortly after the Revolutionary War authorized official publication of Pennsylvania's laws in German as well as English to serve the German-speaking population of that State. We have been a confident Nation unafraid to hear expressions in a variety of languages and willing to reach out to all within our borders. That tradition is reflected in President Clinton's Executive Order 13166.

We demean our history and our welcoming tradition when we disparage Spanish and those who come to us speaking Spanish. I have spoken about our including Latin phrases on our official seal and the many States that include mottos and phrases in Latin, French, and Spanish on their State flags. We need not fear other languages. We would do better to do more to encourage and assist those who wish to be citizens to learn English, but we should recognize English, as Senator SALAZAR's amendment suggested, as our common and unifying language.

Yesterday, once we had overcome the previous Republican filibuster, we were faced with a budget point of order supported by some Senators who oppose the bill and who added significantly to the costs of the bill through their amendments. Rather than continue their efforts to delay or derail Senate action on comprehensive immigration reform, I had hoped that they would join with us in a constructive way to enact comprehensive immigration reform. We do not need more divisiveness, derision, and obstruction.

This bill is not the bill I would have designed. It includes many features I do not support and fails to include many that I do. The bill that won the bipartisan support of a majority of the Judiciary Committee was a compromise that contained the essential components that are required for comprehensive immigration reform. Before the last recess I was willing to support a further compromise that incorporated the principles of the Hagel-Martinez bill because it was proposed by the majority leader as a "breakthrough" that would allow us to pass immigration reform.

I want to express my appreciation to the Democratic leader, Senator REID. He was right to insist that the original version of the Kyl-Cornyn amendment and the Isakson amendment not be rushed through the Senate to score political points. As the significantly revised version of the Kyl-Cornyn amendment attests, the Democratic leader was right. With a little time, and thanks to a lot of hard work, the amendment has been significantly changed, narrowed, and accepted. With a little time and bipartisan commitment the Isakson amendment was defeated.

We have proceeded to consider dozens of amendments. Most have been offered by Republican Senators. Some have been approved; some have been tabled or rejected. The Senate has worked its will.

Immigration reform must be comprehensive if it is to lead to real security and real reform. Enforcement-only measures may sound tough, but they are insufficient. The Senate has a responsibility to pass a bill that addresses our broken system with comprehensive reform and puts the pieces in place to secure the Nation.

Just a few weeks ago, I went to the White House with a bipartisan delegation of Senators to speak with the

President. The need for a fair and comprehensive immigration bill was the consensus at that meeting, and I believe the President was sincere when he told us that we had his support. I trust that he will urge comprehensive immigration reform on the Republican House leadership who has yet to endorse our bipartisan comprehensive approach. Without the President following through on his words with actions, the effort for comprehensive immigration reform is unlikely to be successful.

Last week the Senate made progress. We made progress because Democratic and Republican Senators working together rejected the most strident attacks on the comprehensive bill. We joined together in a bipartisan coalition in the Judiciary Committee when we reported the Judiciary Committee bill. Democratic Senators were ready to join together in April and supported the Republican leader's motion that would have resulted in incorporating features from the Hagel-Martinez bill, but Republicans balked at that time and continued to filibuster action. Last week, Republicans joined with us to defend the core provisions of that bill, and we defeated efforts by Senators KYL and CORNYN to gut the guest worker provisions and to undermine the pathway to earned citizenship. Instead, we adopted the Bingaman amendment to cap the annual guest worker program at 200,000 and the Obama amendment regarding prevailing wages in order to better protect the opportunities and wages of American workers.

I spoke last week about the need to strengthen our border security after more than 5 years of neglect and failure by the Bush-Cheney administration. A recent report concluded that the number of people apprehended at our borders for illegal entry fell 31 percent on President Bush's watch, from a yearly average of 1.52 million between 1996 and 2000, to 1.05 million between 2001 and 2004. The number of illegal immigrants apprehended while in the interior of the country declined 36 percent, from a yearly average of roughly 40,000 between 1996 and 2000, to 25,901 between 2001 and 2004. Audits and fines against employers of illegal immigrants have also fallen significantly since President Bush took office. Given the vast increases in the number of Border Patrol agents, the decline in enforcement can only be explained by a failure of leadership.

Meanwhile, once again the administration is turning to the fine men and women of National Guard. After our intervention turned sour in Iraq, the Pentagon turned to the Guard. After the Government-wide failure in responding to Hurricane Katrina, we turned to the Guard. Now, the administration's longstanding lack of focus on our porous southern border and failure to develop a comprehensive immigration policy has prompted the administration to turn once again to the Guard. I remain puzzled that this administration, which seems so ready to take advantage of the Guard, fights so vigorously against providing this essential force with adequate equipment, a seat at the table in policy debates, or even adequate health insurance for the men and women of the Guard.

I have cautioned that any Guard units should operate under the authority of State Governors. In addition, the Federal Government should pick up the full costs of such a deployment. Those costs should not be foisted onto the States and their already overtaxed Guard units.

Controlling our borders is a national responsibility, and it is regrettable that so much of this duty has been punted to the States and now to the Guard. The Guard is pitching in above and beyond, balancing its already demanding responsibilities to the States, while sending troops who have been deployed to Iraq. The Guard served admirably in response to Hurricane Katrina when the Federal Government failed to prepare or respond in a timely or sufficient manner. The Vermont Guard and others have been contributing to our national security since the immediate aftermath of 9/11. After 5 years of failing to utilize the authority and funding Congress has provided to strengthen the Border Patrol and our border security, the administration is, once again, turning to the National Guard.

It was instructive that last week President Bush and congressional Republicans staged a bill-signing for legislation that continues billions of dollars of tax cuts for the wealthy. Instead of a budget with robust and complete funding for our Border Patrol and border security, the President has focused on providing tax cuts for the wealthiest among us. Congress has had to step in time and again to create new border agent positions and direct that they be filled. Instead of urging his party to take early and decisive action to pass comprehensive immigration reform, as he signaled he would in February 2001, the President began his second term campaigning to undercut the protections of our Social Security system, and the American people signaled their opposition to those undermining steps. While the President talks about the importance of our first responders, he has proposed 67 percent cuts in the grant program that supplies bulletproof vests to police officers.

Five years of the Bush-Cheney administration's inaction and misplaced priorities have done nothing to improve our immigration situation. The Senate just passed an emergency supplemental appropriations bill that allocated nearly $2 billion from military accounts to border security. The Democratic leader had proposed that the funds not be taken from the troops. But last week the President sent a request for diverting a like amount of funding, intended for capital improvements for border security, into operations and deployment of the National Guard. The Republican chairman of the Senate Appropriations Subcommittee on Homeland Security came to the Senate Floor last week to give an extraordinary speech in this regard.

Border security alone is not enough to solve our immigration problems. We must pass a bill—and enact a law—that will not only strengthen the security along our borders, but that will also encourage millions of people to come out of the shadows. When this is accomplished we will be more secure because we will know who is living and working in the United States. We must encourage the undocumented to come forward, undergo background checks, and pay taxes to earn a place on the path to citizenship.

In addition, last week the Senate adopted a billion-dollar amendment to build fencing along the southern border without saying how it would be funded. We also adopted amendments by Senators BINGAMAN, KERRY, and NELSON of Florida to strengthen our enforcement efforts.

Last week we defeated an Ensign amendment to deny persons in legal status the Social Security benefits to which they are fairly entitled. I believe that most Americans will agree with that decision as fair and just. It maintains the trust of the Social Security trust fund for those workers who contribute to the fund. This week we defeated a Sessions amendment that would have unfairly stripped immigrants of earned-income tax credits. I am pleased that in both cases the Senate agreed not to unfairly withhold these benefits from hard-working immigrants who will benefit immensely from them.

The opponents of our bipartisan bill have made a number of assaults on our comprehensive approach. Senators KYL, SESSIONS, and CORNYN opposed the Judiciary Committee bill. Senators VITTER, ENSIGN, CHAMBLISS, and INHOFE have been very active in the amendment process, as well. I hope that they recognize how fairly they have been treated and the time they have been given to argue their case against the bill and offer amendments. We have adopted their amendments where possible. A narrowed version of the Kyl-Cornyn amendment disqualifying some from seeking legalization was adopted. The Sessions amendment on fencing was adopted. The Vitter amendment on documents was adopted. The Ensign amendment on the National Guard was adopted. The Cornyn amendment imposing additional costs on immigrants was adopted.

I trust that with so many of their amendments having been fairly considered and some having been adopted, those in the opposition to this measure will reevaluate their previous filibuster. It may be too much to think that they will support the bill as amended.

Mr. FEINGOLD. Mr. President, this was a truly historic week for the Senate. With passage of the Comprehensive Immigration Reform Act of 2006, S. 2611, we have succeeded in maintaining several key components of the bill that passed out of the Judiciary Committee 2 months ago—components that I believe are crucial to fixing our broken immigration system.

For starters, supporters of comprehensive reform in the Senate banded together to defeat efforts to remove or further weaken provisions in this bill that will allow the estimated 11 million to 12 million undocumented immigrants currently living in the United States to earn legal status. As both the President and the Secretary of Homeland Security have said, mass deportation is not a realistic option. Neither is amnesty. This legislation would require those who are here illegally to come forward, pay hefty fines, pay taxes, learn English and civics, work, and wait in the back of the line—before earning the privilege of permanent resident status and ultimately a path to citizenship if they choose to pursue it. These core provisions remain in the bill, and that is critical.

However, I am disappointed in the changes to the legalization process that were made as part of the Hagel-Martinez compromise when the bill was first taken up on the Senate floor in April. The compromise would treat differently those people who have been here for more than 5 years and those who entered the country illegally in the last 2 to 5 years. This approach is overly complicated and difficult to administer, and it is unfair to treat these two categories of people differently. During floor consideration, I voted to remove these arbitrary distinctions from the bill. Unfortunately, that vote failed, and I believe we must accept this compromise as the only way to move forward with comprehensive immigration reform this year.

I am pleased that efforts to gut the guest worker program were not successful and that the Senate added additional measures to strengthen labor protections for U.S. workers. We need a guest worker program that allows employers to turn to foreign labor as a last resort when they genuinely cannot find American workers to do the job. But it is important that any guest worker program contain strong labor protections, as the program outlined in the legislation does. These protections will help ensure that the program does not adversely affect wages and working conditions for U.S. workers, and that we do not create a second-class of workers, who are subject to lower wages and fewer workplace protections. Furthermore, by permitting these workers to enter the country legally, we can try to avoid a future flow of undocumented workers who would otherwise create a new underground economy.

New border security measures are, of course, an absolutely critical element of any immigration reform bill. This bill contains important provisions to increase and improve the personnel, equipment, infrastructure, and other resources our country needs to protect the border, and I strongly support those measures. But border security alone is not enough. According to a recent Cato Institute report, the probability of catching an illegal immigrant has fallen over the past two decades from 33 percent to 5 percent, despite the fact that we have tripled the number of border agents and increased the enforcement budget tenfold. We also must create realistic legal channels for immigrants to come to the United State and that allow undocumented immigrants who pass background checks to earn legal status. This reform of our immigration system is important to our national security because it will enable our border agents to focus their efforts on terrorists and others who pose a serious threat to Nation.

The bill contains other important proposals, such as the DREAM Act, which provides higher education opportunities for children who are long-term U.S. residents and came to this country illegally through no fault of their own; and the AgJOBS bill to help agricultural workers; and family reunification. These provisions may not have been subject to as much debate as other elements of the bill, but they are just as important.

The amendment process also brought improvements to title III of the bill, which creates a new mandatory, nationwide electronic employment verification system. If not implemented correctly, such a system could result in countless U.S. citizens and other work-authorized individuals being denied work as a result of errors or discrimination, a result that none of us want. The new version of title III contains important privacy, due process, and labor protections to ensure that implementation of this system is as fair and accurate as possible. That said, this system is a dramatic expansion of an existing pilot program that has faced a variety of serious problems, and I have concerns about expanding it to a nationwide mandatory scheme. Its implementation will require robust congressional oversight to ensure that citizens and work-authorized immigrants are not turned down for jobs because of mistaken results.

Although the border security measures and the core reforms to our immigration system that are in this bill are very important, I do have concerns about some aspects of this bill, including some changes that were made to this bill during the amendment process on the Senate floor.

One successful floor amendment would require the Government to build 370 miles of fence along the southern border. Every Member of this body recognizes that border security is critical to our Nation's security, but I opposed the border fencing amendment because I cannot justify pouring Federal dollars into efforts that have questionable effectiveness. Border fencing costs between $1 million and $3 million per mile. And yet we will be committing vast resources to an initiative that I have serious doubts will even work. While fencing can be effective in urban areas, adding hundreds of miles of fencing in rural sections of the border will not stem the flow of people who are willing to risk their lives to come to this country.

I was also disappointed that the Senate approved the amendment making English the national language of the United States. Instead of considering divisive English-only amendments that fan the flames of tension over the issue of immigration, we should be providing recent immigrants with more opportunities to learn English. I also am concerned that this amendment's language could limit the ability of the Federal Government to communicate with its citizens, which could have potentially devastating consequences in situations like national emergencies. That is why I supported an alternative amendment proposed by Senator SALAZAR, which simply recognized English as the "common and unifying" language of the United States.

I continue to have serious concerns about some provisions in title II of the bill. Despite improvements that were made in the Judiciary Committee, title II still contains provisions that are both ill-advised and unnecessary. Title II contains measures that require excessive deference to executive agency decisionmaking in a variety of immigration contexts; that expand the categories of individuals subject to the most draconian immigration consequences and apply some of these changes retroactively; and that require that civil immigration violators be put in the central criminal database used by local, State and Federal agencies around the country. Eroding due process rights for people in this country will not make us safer, nor is it in keeping with our Nation's values of fairness and justice. It will be important that we work to improve some of these provisions in the conference process.

I was very pleased, however, that the Senate voted in favor of an amendment that I offered on the floor to strike a provision in title II that could have had devastating consequences for asylum seekers. The provision would have made it harder for asylum seekers, victims of trafficking, and other immigrants to get a temporary stay of removal while they pursue their appeal than it would be to win on the merits. This absurd result has been rejected by seven courts of appeals, and the Senate is now on record as well. Although there are many other problems with title II of the bill, this was a significant improvement and reinstates a critical due process protection.

An amendment offered by Senator ENSIGN relating to Social Security benefits, which was tabled, has been the subject of a great deal of misinformation. Under current law, undocumented immigrants are not entitled to Social Security benefits, and there is nothing in the underlying bill that would change this. Under the Ensign Social Security amendment, immigrants who paid into Social Security and later earned legal status would have been prevented from having their earnings that they already paid into the system count toward their retirement benefits. The amendment, which I opposed, would have limited the Social Security benefits only of U.S. citizens and those in the country legally. This amendment would have harmed elderly or disabled individuals who would be impoverished despite having paid into the Social Security system for many years and would deny innocent American children who are born to these workers survivor benefits, regardless of how long their mother or father worked and paid taxes in the United States. In addition, the Ensign amendment would have forced taxpayers to pay more for the means-tested welfare programs to which these impoverished individuals would have had to turn. For these reasons, I opposed the Ensign amendment, and I am pleased that the majority of my colleagues did as well.

Mr. President, the end result of several weeks of hard work is bipartisan, compromise legislation that will bring meaningful reforms to a system that has long been broken. The bill is far from perfect, but on balance, I believe it is a victory for supporters of comprehensive reform. But as the saying goes, it ain't over 'til it's over. In order for this legislation to become law, we need our colleagues in the House to work with the Senate during the conference committee process and to adopt a comprehensive approach to this issue. And we need the President, who has come out in favor of comprehensive reform, to stay invested in this process. He has spoken, but now he must act. We will need his help in convincing members of the House to abandon ill-conceived notions like criminalizing undocumented people and those who provide humanitarian support to them, and chiseling away at due process rights. The President's leadership, and the willingness of House leaders to work with the Senate, will be crucial in order to retain the important reform provisions contained in this bill during the conference process.

This is a defining moment for America, and I am hopeful that the Senate, the House, and the President will work together so that we can build on this success and enact a comprehensive reform bill by the end of this Congress.

Mr. DURBIN. Mr. President, I rise in support of S. 2611, the Comprehensive Immigration Reform Act of 2006.

This is not a perfect bill. It is a compromise. I strongly support some provisions of this bill and I have serious concerns about others, but, on balance, I believe it is worthy of support.

If we want to solve the problem of illegal immigration, we must take a comprehensive approach. We must secure our border, strengthen enforcement of our immigration laws, and address the situation of approximately 12 million undocumented immigrants who live and work in our country. In the final analysis, this bill does all of these things and that is why I will support it.

I want to express my gratitude to Senator MCCAIN and Senator KENNEDY for their steadfast leadership of our bipartisan coalition for immigration reform. I also want to salute Senator SPECTER, the chairman of the Judiciary Committee, and Senator LEAHY, the ranking member of the Judiciary Committee, for shepherding this bill to the verge of passage.

As a member of the Judiciary Committee, and a supporter of the bipartisan McCain-Kennedy immigration reform legislation, I have been very involved in the debate over this bill for the past several months.

The process of drafting this bill began in the Judiciary Committee in early March. We engaged in a serious, substantive debate. There was disagreement on some points, but the discussion was always respectful. We considered dozens of amendments during several marathon committee meetings. At the end of the process, we approved a tough, fair, and comprehensive bill on a strong bipartisan vote.

We have seen a similar process on the floor of Senate. We have debated this legislation for several weeks. By my count, we have had over 30 roll call votes on amendments to this bill. It is rare for us to devote this much time and energy to a single piece of legislation. It demonstrates that the Senate takes the subject of immigration very seriously. And it is reflected in the quality of the final product.

As I said earlier, this bill includes provisions that I oppose and those that I support. Let me first mention some of the provisions of this bill that concern me most.

This bill includes an Inhofe amendment that declares English to be the national language of the United States. Unfortunately, the amendment goes beyond that. It includes sweeping language that some fear will call into question the validity of controlling Executive Orders and regulations.

I am especially concerned that we not undermine Executive Order 13166, which requires Federal agencies to provide meaningful access to Government services for people who have limited proficiency in English. This Executive Order protects all of our safety and well-being by ensuring that limited English proficient Americans understand vital information that the Government provides, particularly in the event of a natural disaster or a threat to national security. The threat to Executive Order 13166 is one reason why dozens of national Latino and civil rights organizations oppose the Inhofe amendment.

Senator SALAZAR and I authored an amendment declaring that, "English is the common and unifying language of the United States that helps provide unity for the people of the United States." In contrast to the Inhofe amendment, the amendment that Senator SALAZAR and I offered makes it explicit that nothing in our amendment "shall diminish or expand any existing rights under the law of the United States." The Senate approved our amendment on a strong bipartisan vote.

There is no disagreement on this principle. It is very difficult to be successful in this country if you do not speak English. Throughout American history, immigrants have come to the United States and learned English. That process continues. According to the Urban Institute, nearly 40 percent of immigrant children have limited proficiency in English, but by the second generation, only about 20 percent have limited proficiency, and by the third generation children, that number falls to .5 percent. The U.S. Census found that 92 percent of Americans "had no difficulty speaking English;" 82 percent of Americans speak only English at home; and most people who speak a language other than English also speak English "very well."

Unfortunately, many immigrants who want to learn English have few opportunities to do so. There are waiting lists of thousands of immigrants for English as a second language classes in cities around the country. We should be creating more opportunities for immigrants to learn English. The Inhofe amendment would not do that. Instead, it has the potential to marginalize immigrants and make it more difficult for them to access vital government services.

Both the Inhofe and the Salazar-Durbin amendments are in this bill. In the conference committee, we must clarify that Congress does not intend to overturn controlling Executive Orders or regulations, particularly Executive Order 13166.

I am disappointed that my Republican colleagues rejected an amendment that I offered that would have authorized the Attorney General or Secretary of Homeland Security to grant a humanitarian waiver to an immigrant if deportation of the immigrant would create extreme hardship for an immediate family member of the immigrant who is a U.S. citizen or legal permanent resident.

We need to strengthen enforcement of our immigration laws in order to restore integrity to our immigration system. As we make our laws tougher, we must ensure that we stay true to American values. I am concerned that some of the enforcement provisions in this bill are so broad that they will have unintended consequences. These provisions have the potential to sweep up long-term legal permanent residents and separate them from their immediate family members.

My amendment would have created a limited waiver that would have applied only in the most compelling cases—where deportation of an immediate family member would create extreme hardship for an American citizen or legal permanent resident.

The waiver would not be automatic. In every case, the immigrant would have to demonstrate that he meets the "extreme hardship" standard. In every case, the government would have "sole and unreviewable discretion" to deny a waiver.

This is the same strict standard that Senators KYL and CORNYN used in an amendment we approved last week by a unanimous vote. The Kyl-Cornyn waiver would apply in cases where undocumented immigrants are seeking legal status. The waiver in my amendment would apply in cases where an immigrant who was previously in legal status is subject to deportation because of a change in the law made by this bill.

It seems inconsistent to give a chance for a humanitarian waiver to an undocumented immigrant and not give the same chance to a legal immigrant. I hope that the conference committee will revisit this issue and resolve this inconsistency by extending the humanitarian waiver for undocumented immigrants to legal immigrants who face deportation because of changes in the law made in this bill.

We already give the Government broad discretion to apprehend, detain and deport immigrants. We should also give the Government some limited discretion to show mercy in the most compelling cases.

I am also very disappointed that the Senate approved a Gregg amendment that would effectively gut the Diversity Visa Program, threaten the jobs of Americans, and exacerbate the "brain drain"—the migration of talent from the poorest countries in the world to the richest.

Congress created the Diversity Visa Program to provide immigration opportunities for people from countries with low levels of immigration to the United States. Diversity visas open the door to thousands of people from around the world who could otherwise never aspire to the American Dream. The program helps to ensure that the United States continues to be the most diverse country in the world.

The Gregg amendment would fundamentally alter the Diversity Visa Program by setting aside two-thirds of diversity visas for immigrants who hold advanced degrees in science, mathematics, technology, and engineering. These set-asides would favor immigrants from wealthier countries and reduce the diversity of future immigration to our country.

By bringing more high-skilled immigrants to the United States, the Gregg amendment will also increase competition for highly sought-after American jobs. For the same reason, I am concerned that this bill would increase the annual number of H-1B visas to 115,000 and allow that cap to increase every year if American companies use all of the available visas in a given year. Some experts argue that the H-1B program is already taking jobs away from Americans.

I am also very concerned that the Gregg amendment would exacerbate the "brain drain."

And unfortunately, this bill includes another provision that will increase the brain drain by lifting the annual cap on the number of nurses who can immigrate to our country every year. A story in yesterday's New York Times on this provision, headlined, "U.S. Plan to Lure Nurses May Hurt Poor Nations," reports:

> A little-noticed provision in [the Senate] immigration bill would throw open the gate to nurses and, some fear, drain them from the world's developing countries . . . The exodus of nurses from poor to rich countries has strained health systems in the developing world, which are already facing severe shortages of their own. . . . Public health experts in poor countries, told about the proposal in recent days, reacted with dismay and outrage, coupled with doubts that their nurses would resist the magnetic pull of the United States, which sits at the pinnacle of the global labor market for nurses.

Later I will address a provision in this bill that will take modest but important steps to begin to address this brain drain, but we must do much more.

I am also disappointed that the Senate approved an amendment requiring construction of a 370-mile wall on the Southern border. We need to secure our border, and this bill includes literally dozens of provisions to do so. Among other measures, we double the size of the border patrol and we mandate the use of new technology to create a "virtual fence" at the border.

A wall will not secure our border. The reality is that no wall will prevent illegal immigration. There will always be a way around, over, or under a wall. In fact, experts estimate that 40 percent of undocumented immigrants enter the country legally and then overstay their visas. No wall will stop visa overstays.

Constructing a wall will be very expensive. It will make life more difficult for innocent Americans in border communities, including noise and light pollution. It has the potential to do great harm to environmentally sensitive border areas. Most important, a wall will send the wrong message to the rest of the world about the United States.

Now I would like to focus on the positive in this bill, especially measures with which I was personally involved.

This legislation includes the DREAM Act, a narrowly-tailored, bipartisan measure that I sponsored with Senator HAGEL and Senator LUGAR. The DREAM Act would give undocumented students the chance to become permanent residents if they came here as children, are long-term U.S. residents, have good moral character, and attend college or enlist in the military for at least 2 years.

Currently our immigration laws prevent thousands of young people from pursuing their dreams and fully contributing to our Nation's future. They are honor-roll students, star athletes, talented artists, valedictorians, and aspiring teachers and doctors. These young people have lived in this country for most of their lives. It is the only home they know. They are assimilated and acculturated into American society. They are American in every sense except their technical legal status.

And they have beaten the odds in their young lives. The high school dropout rate among undocumented immigrants is 50 percent, compared to 21 percent for legal immigrants and 11 percent for native-born Americans. These children have demonstrated the kind of determination and commitment that makes them successful students and points the way to the significant contributions they will make in their lives. These children are tomorrow's doctors, nurses, teachers, policemen, firefighters, soldiers, and Senators.

The DREAM Act would help these students. It is not an amnesty. It is designed to assist only a select group of young people who have done nothing wrong and who would be required to earn their way to legal status.

The DREAM Act offers no incentive for undocumented immigrants to enter the country. In fact, it requires beneficiaries to have been in the country for at least 5 years on the date of enactment.

The DREAM Act would also repeal a provision of Federal law that prevents States from granting in-State tuition rates to undocumented students. It would not create any new tuition breaks. It would not force States to offer in-State tuition to undocumented immigrants. It would simply return to States the authority to determine their own tuition policies.

The DREAM Act is not just the right thing to do, it is good for America. The DREAM Act would allow a generation of immigrant students with great potential and ambitions to contribute more fully to our society.

The DREAM Act is supported by a broad bipartisan coalition in the Senate, and by religious leaders, immigrant advocates, and educators from across the political spectrum and around the country. Our coalition will fight to ensure that the DREAM Act is included in the conference report.

I am also very pleased that we were able to remove some of the bill's harshest provisions during the Judiciary Committee markup.

The original version of this bill would have taken the unprecedented step of criminalizing people based solely on their immigration status. That is not the way we should treat immigrants in our country. And that is not the way our criminal justice system works. We punish people for their conduct, not their status.

Criminalizing immigrants will not help us to combat illegal immigration. Our Government does not have the time or resources to prosecute and incarcerate 12 million people. Enacting yet another law that would not be enforced will not solve the problem of illegal immigration. In fact, it would make the problem worse.

If we make undocumented immigrants into criminals, we will drive them further into the shadows. This will harm our national security because we will be unable to identify who is in our country.

This is also a moral issue. We are measured by how we treat the most vulnerable among us. It is not right to make criminals of millions of people who go to work every day cooking our food, cleaning our hotel rooms, and caring for our children and our parents. It is not right to make criminals of those who worship with us in our churches, send their children to school with our own and love this great and free land as much as any of us.

During the Judiciary Committee markup, I offered an amendment to strike the provision that would have criminalized undocumented immigrants. My amendment was approved by a strong bipartisan vote, and as a result that provision is not in the bill we are considering today.

The original version of this bill also included a provision that would make it a crime for innocent Americans to provide humanitarian assistance to undocumented immigrants. This provision stated that it would constitute alien smuggling, an aggravated felony to "encourage or induce a person to . . . remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority."

This language is so broad and vague that it could conceivably constitute an aggravated felony for a priest to counsel an undocumented mother to stay in the United States with her U.S. citizen children, rather than abandoning them to return to her home country. And a domestic violence shelter that takes in a battered immigrant spouse without asking whether or not she has a green card could be guilty of alien smuggling.

Americans honor our heritage as a Nation of immigrants by welcoming and caring for new arrivals in our country. We should thank them for their service, not prosecute them.

The original version of the bill included an exception for humanitarian assistance, but it was far too narrow. It only would have protected individuals, not organizations, like churches, hospitals, schools, or unions. It would only have applied to "emergency humanitarian assistance," not aid that is provided in non-emergency situations. It only would apply to assistance that is "rendered without compensation or the expectation of compensation." And it would only cover humanitarian assistance, not other types of lawful activity like labor organizing.

Charitable organizations, like individuals, should be able to provide humanitarian assistance to immigrants without fearing prosecution. Churches, shelters, and schools should not be limited to providing only "emergency" assistance. A domestic violence shelter should not be forced to decide whether the Government would regard a situation as "an emergency" before they take in a battered woman. A non-profit hospital should not be required to provide medical care without compensation in order to avoid criminal prosecution. And labor unions should be able to organize workers without checking their green cards.

During the Judiciary Committee markup, I offered an amendment to this provision which was approved on a strong bipartisan vote. My amendment expanded the humanitarian exception to cover organizations. It made it explicit that humanitarian assistance includes, but is not limited to, housing, counseling, and victim services. It eliminated the provisions that limit the humanitarian assistance exception to emergency situations and to assistance that is rendered without compensation.

My amendment also eliminated the provision that would have made it a crime to encourage or induce an undocumented immigrant to "remain in" this country. As a result, the law remains the same: it is not a crime to engage in activities like labor organizing with undocumented immigrants, which could conceivably be construed by an overzealous prosecutor to constitute encouraging someone to remain in the United States.

Unfortunately, H.R. 4437, the immigration bill passed by the Republican-controlled House of Representatives, still includes provisions that would criminalize hard-working immigrants and good Samaritans who provide humanitarian assistance to immigrants. This is an issue that I will monitor very closely. A conference report that criminalizes millions of undocumented immigrants and the innocent Americans who care for them will be unacceptable to me and many other Senators on both sides of the aisle.

This bill includes an amendment I offered to address a critical international problem: the dire shortage of healthcare personnel in the least developed nations of the world. Shortages of healthcare personnel are a global problem, but the brain drain of doctors, nurses, and other health workers from the poorest countries in the world to the richest is an urgent problem. According to the World Health Organization, Africa loses 20,000 health professionals a year as part of this brain drain. In Ethiopia, for example, there are now only 3 doctors and 20 nurses per 100,000 people. By comparison, there are 549 doctors and 773 nurses per 100,000 people in the United States. Experts say the shortage of health care personnel is the single biggest obstacle to fighting HIV/AIDS in Africa.

My amendment would take two measured steps to address the brain drain.

In exchange for financial support for their education or training, some foreign doctors, nurses, and other healthcare workers have signed voluntary bonds or made promises to their governments to remain in their home countries or to return from their studies abroad and work in the healthcare profession.

The Durbin amendment will require people who are applying for legal permanent residency or for visas to work as health care workers in the United States to attest that they do not have an outstanding commitment to perform healthcare work in their home country that they have incurred in exchange for support for their education or training.

If an applicant has made such a commitment as part of a voluntary agreement, the applicant would be inadmissible until he or she has fulfilled this commitment. This will enable underdeveloped countries to benefit from the investments they have made in their citizens' medical education and training, and it will ensure that U.S. immigration policy respects commitments that immigrants have made. The Secretary of Homeland Security would be able to waive this requirement in certain compelling circumstances.

The amendment will also allow healthcare workers who are legal permanent residents of this country to provide healthcare assistance in developing countries for up to 36 months without prejudicing their own immigration status. During the period when the healthcare worker is providing assistance, he or she would be deemed to be physically present in the U.S. for purposes of naturalization.

Many immigrants who have come to this country would like to participate in the fight against global AIDS and other health crises. Under my amendment, they could lend their skills to developing nations without sacrificing their own American dreams.

These small but important steps will not stop the brain drain, but they will signal American leadership in the effort to help stem the migration of talent from the poorest countries in the world to the richest.

I am also pleased that this bill includes important reforms to the immigration court system that will improve the quality of judicial decision-making and help to protect due process.

Just as important, the bill does not include provisions from the original version of this bill that would have undermined judicial review of immigration appeals.

One provision would have stripped Federal appellate courts of their jurisdiction over immigration appeals and redirected these appeals to the Federal Circuit Court, a small specialized court whose caseload consists largely of patent Federal personnel, and Government contract cases.

Another would have assigned all immigration appeals to a single Federal Circuit judge, who would have acted as a gatekeeper to full appellate review. Unless this single judge issued a so-called "certificate of reviewability," the appeal would be denied.

In recent years, Federal appeals courts judges around the country have been outspoken about the serious problems with our immigration court system.

Take the example of Judge Richard Posner, a highly-respected conservative who sits on the 7th Circuit in my home state of Illinois. Last year, Judge Posner issued an opinion in which he concluded, quote, "the adjudication of [immigration] cases at the administrative level has fallen below the minimum standards of legal justice."

After I reviewed the troubling provisions in the original version of this bill, I asked Judge Posner for his reaction to them. Judge Posner sent me a letter, which I circulated to the members of the Judiciary Committee. In his letter, Judge Posner concludes, "Funneling all petitions for judicial review of [immigration] orders to the Federal Circuit and authorizing single judges of that court to deny petitions without further review are neither just nor effective solutions."

In the aftermath of Judge Posner's letter, others stepped forward. The Judicial Conference, the policy-making arm of the Federal Judiciary, expressed their opposition to these provisions. John Walker, a Republican appointee who is the Chief Judge of the 2nd Circuit wrote in opposition to these provisions, concluding, "Reassigning petitions for review to the Federal Circuit and allowing their disposal by only one judge will neither reduce the backlog more efficiently, nor protect the aliens' entitlement to adequate review. Indeed the reverse is likely." Dozens of other sitting and retired appellate judges, law school deans and professors expressed similar views.

In fact, as the Judicial Conference explains, the Fed. appeals courts are making progress in clearing the existing backlog of immigration appeals: "These courts have worked diligently to establish court management procedures to assist them in effectively and efficiently handling these cases. These measures are enabling the courts to process significantly larger numbers of cases than in prior years."

Judges and scholars have concluded that the solution to the problems in our immigration courts is to increase their capacity. As Judge Posner says, "The only just and effective way of alleviating the burden of immigration appeals is by greatly augmenting the decisional capacity of the Immigration Court and the Board of Immigration Appeals."

Similarly, Judge Walker concludes, "The principal problem with the current system is that both the Immigration Judges and the BIA are impossibly overtaxed... I firmly believe the most effective and sound way of addressing this problem is by allocating sufficient resources to expand the capability of the Department of Justice, rather than altering the procedures for judicial review."

After considering the input of Judge Posner and other judges and scholars, I decided to offer an amendment to strike the provisions that would consolidate immigration appeals to the Federal Circuit Court and give a single judge the power to deny an immigration appeal. In response, Chairman Specter decided to remove these provisions from the original bill and they are not in the bill that we are considering today.

As judges and scholars advised us, the bill does include provisions that would bolster the capacity of the immigration courts by, among other things, increasing the number of immigration judges and members of the Board of Immigration Appeals. I hope that the conference committee retains these improvements.

Most important, this bill takes a comprehensive approach that is tough but fair. We would improve our border security by increasing manpower and deploying new technology. We would crack down on the employers that are hiring millions of undocumented workers.

We need tougher enforcement, but in this bill we acknowledge something that the House of Representatives' bill does not: A strategy that focuses only on enforcement is doomed to failure.

In the last decade, we have doubled the number of Border Patrol agents and they have spent eight times as many hours patrolling the border. During the same period, the number of undocumented immigrants has doubled.

We need a realistic and reasonable approach to address the 12 million undocumented immigrants living here today.

As the Department of Homeland Security acknowledges, mass deportation is not an option. It is impractical and too expensive. Experts estimate that deporting all of the undocumented would cost over $200 billion—that's five times the annual budget of DHS.

Amnesty is not an option. It is not right to reward those who have broken the law with automatic citizenship.

If we are serious about reform, we need to offer a chance for immigrants who work hard and play by the rules to earn their way to citizenship over the course of many years.

Some people claim this is an amnesty. But under the Judiciary Committee bill, undocumented aliens can earn their way to citizenship only if they have a clean criminal record, have been employed since before January 2004, remain continuously employed going forward, pay a large fine, pass a security background check, pass a medical exam, learn English, learn U.S. history and government, pay all back taxes, and go to the "back of line" behind all applicants waiting for green cards.

This is an II-year path to earned citizenship, not an amnesty.

Frankly, if we do not give people the chance to earn their way to citizenship, we will not solve the problem of illegal immigration. People who are living here illegally will stay in the shadows instead of coming forward to register. This would hurt our national security and hurt American workers, who are being undercut by illegal labor.

And it is not the American way. It is important to remember that this is not just a national security issue and an economic issue—it is also a moral issue. Scripture teaches us to treat immigrants as we would like to be treated: "The strangers who sojourn with you shall be to you as the natives among you, and you shall love them as yourself, for you were strangers in the land of Egypt." That is why the Catholic Church and so many other faith communities support comprehensive immigration reform that includes a path to citizenship for hardworking immigrants who play by the rules.

Today is a historic day in the United States Senate, but there is still one more bridge to cross. We must reconcile this bill, which takes a comprehensive approach, with the harsh enforcement-only legislation passed by the Republican-controlled House of Representatives. The President says he supports comprehensive reform. Now he must exercise leadership to make it a reality.

Mr. KOHL. Mr. President, I rise in support of the comprehensive immigration reform bill today. This bill appreciates the importance of addressing the problem of illegal immigration and border security while at the same time proposing an intelligent solution to the issue of the millions of people here without documentation today.

First and foremost, we need to control our borders and enforce our laws. This bill adds thousands of additional border patrol agents and authorizes the use of the National Guard to help secure our borders. It wisely increases the use of technology—including unmanned aerial vehicles, UAVs, cameras, and motion sensors—so we can succeed in controlling our borders. It also enhances the authority of our immigration enforcement officials to deport criminals and others who may seek to do us harm. This will significantly enhance our ability to catch people before they enter the country, and deport those who do. I could not support a bill that I did not believe could secure our borders.

Border security alone is not sufficient. We must also enforce our laws in our interior. This bill includes a strong employment verification system, so that employers can determine who in this country is eligible to work, and will be punished when they employ those who are here illegally. If we do not dry up the demand for illegal workers among employers, it will remain difficult to control the supply of illegal immigrants trying to enter our country.

Law enforcement alone, however, is not the entire solution. We must be realistic about how to deal with the millions of undocumented immigrants currently in this country. It is not realistic to deport them all. For those hardworking, law-abiding people who have been here for years and set down roots in our communities, it is reasonable to allow them to earn citizenship over a significant time period. This is not amnesty, and it is not automatic legalization. Under this bill, if they pay thousands of dollars in fines for violating our immigration laws, work for a number of years, learn English, and pay any taxes they may owe, only then do they go to the back of the citizenship line. They are asked to earn their legalization over the course of eleven or twelve years and demonstrate that they deserve to be an American.

We have succeeded in creating a comprehensive bipartisan solution, one that I believe effectively addresses each of the many complex issues that plague our immigration system today. There are few issues as important as immigration facing this country today, and I am glad that we have put the time and effort into crafting a solution we can be proud of: one that is both tough and fair.

Mrs. FEINSTEIN. Mr. President, I wish to comment on amendment No. 4084, which was tabled yesterday.

The Chambliss amendment would modify the eligibility requirements for blue card and green card status under AgJOBS, as drafted in the Comprehensive Immigration Reform Act.

The Chambliss amendment would make the AgJOBS earned legalization program unworkable by denying most farm workers access to it.

Just yesterday, my staff received an e-mail from the California Canning Peach Association, which produces 80 percent of the peach volume in California. They said that the Chambliss amendment would eliminate at least 90 percent of their workers from pursuing earned adjustment under the current AgJOBS language.

When I look at the Chambliss amendment, I find it to be counter to the language in AgJOBS.

One reason I believe the Chambliss amendment is counter to providing American farmers with a legal work force is the work day requirement he proposes.

Senator CHAMBLISS' amendment would change the definition of "workday" to 8 hours per day. This change would essentially gut the bill because agricultural workers simply wouldn't be able to demonstrate 8-hour workdays.

Under his amendment, in order to get a blue card, agricultural workers would have to prove that they worked at least 150 work days per year during the 24-month period ending on December 31, 2005.

Anything short of an 8-hour day wouldn't count.

This is just unworkable and impractical. There are many reasons why a farm worker might not be able to demonstrate 8-hour workdays, such as:

Weather conditions—maybe it is raining or too cold, there's hail. For instance, oranges can't be picked wet nor can table grapes. So if it rains and workers have only worked 6 hours, they have to call it a day. That wouldn't count under the Chambliss amendment.

Transportation issues—workers may not be able to catch a ride one day, or their ride may leave after only 7 hours. That wouldn't count under the Chambliss amendment.

Market demands—workers can only pick what growers ask of them, and if the market only demands x number of oranges in 1 day and that only takes 6 hours, then that is all the work they will have in that day. That wouldn't count under the Chambliss amendment.

Sickness—a worker may have a cold or other ailment that might keep them from working for a few days. In agriculture, given the seasonal nature of work, a few days lost are precious to a worker.

Labor shortages—one condition that growers tell me about are labor shortages and how they impact how many hours workers put in. For instance, a crew of workers might be in such demand that they only put in 7 hours each per day. That wouldn't count under the Chambliss amendment.

All of these are reasons why workers may not put in 8-hour workdays. And if they don't, then that doesn't count toward their eligibility and they remain here illegally.

The average number of hours that California agricultural workers log daily is 5.97 hours per day. And that's for crops like citrus, vegetables, tree fruit.

Many farm workers do not work 8 hours per day even when working full-time and 6 days a week.

Frequently, agricultural workers work 3 to 7 hours per day. This amendment would deny workers credit for their farm work on such days, and deprive them of the chance to enter the program.

Many jobs in agriculture result in fewer than 8 hours per day, particularly at times other than the peak of the harvest.

Luawanna Hallstrom with Harry Singh & Sons, which is the largest single vine ripe tomato grower in the country, explained the following to my staff about the average hours worked in a season, and how they may vary in a typical year or season at their farm in San Diego, CA.

She said that work hours and days can change from one year to the next because of reasons beyond their control—weather, production, changes to timing of harvest, fluctuation in number of employees available at any point in time, disease and more.

Ms. Hallstrom noted that agriculture is extremely fluid and vulnerable and a typical work week for them can consist of anything from 0 to 10 hours.

Another grower, Benny Jefferson, a large vegetable grower in Monterey, CA told my staff that his average worker works 6 hours per day and that 8-hour days would be a serious problem for him.

By way of example, the following job offers were posted in America's Job Bank of the U.S. Department of Labor:

Seeking farm worker for "harvesting fruits such as blueberries, cherries, strawberries, grapes, oranges, and pecans" in Georgia for "full time" work of 32 hours per week.

Seeking Citrus Harvest Worker in Florida for a contract period from

April 30, 2006, to June 30, 2006. Monday through Saturday. Hours: 36 hours per week, 6 hours per day.

Florida employers seek nursery labor in West Virginia for 40 hours week, 7 hours per day Monday through Friday and 5 hours on Saturdays.

What do these job postings show? That even "full time" work often means less than 8 hours per day.

So I believe that the Chambliss amendment, if successful, would deprive most farm workers of the chance to enter the earned legalization program, or if they entered, the chance to earn a green card.

The Chambliss amendment is an effort to destroy the AgJOBS compromise. It is not only unfair but counterproductive.

One purpose of AgJOBS is to stabilize the workforce by encouraging undocumented workers to come forward and work in agriculture in return for the opportunity to earn a blue card and eventually, after additional hard work in the fields, a green card.

By depriving many farm workers of this opportunity, the Chambliss amendment would perpetuate the unstable farm labor force that contains so many undocumented workers.

Mr. OBAMA. Mr. President, on May 1, I was in Chicago to witness a monumental event. There were close to half a million people marching for comprehensive immigration reform. They were mostly people of Mexican origin, but among them were also Nigerians, Polish, Irish, Central American immigrants, and their American-born friends, family, and supporters.

By now, most Americans are familiar with the issues surrounding immigration. We have a system of legal immigration under which 1 million people apply for legal residency each year and eventually pursue citizenship if they choose. Another 500,000 come across the border illegally and evade our border patrol.

There are an estimated 12 million undocumented persons here working mostly in backbreaking jobs in agriculture, construction, packing plants, restaurants, and elsewhere. Some in the media have presented them as an invading hoard.

But I spoke to the marchers who gathered 3 weeks ago, and what I saw was nothing to fear. They have come here for the same reason other immigrants have come for generations: to pursue the notion that they can make a better life for themselves, and most importantly for their children, if they work hard and apply themselves.

Our country is ambivalent about this influx of undocumented immigrants. Many Americans, including myself, believe that these people are doing what many of us would do for our own children in the same situation. They take immense risks to get here and would not have come illegally if they could have come legally through the limited visas we issue each year.

But while Americans understand the human desire to pursue a better life, they know we do not have an infinite capacity to absorb everyone who would like to come here. Ours is a nation of laws. And we cannot perpetuate a system that continues to have people coming here outside the law.

Economists debate the effect undocumented workers have on the economy and opportunities available to Americans. There are areas where immigrants are doing jobs Americans would not do. But there are other circumstances where employers are bringing in workers for jobs that Americans would fill if employers paid fair wages. In the African-American community, where unemployment rates often remain high, there is some tension about whether we should be importing large numbers of workers to compete with American workers.

What I say to them is that immigrants in illegal status have no ability to fight for fair pay and fair treatment. African-American workers and Latinos at the bottom of the wage ladder will all be better off if these workers can come out hiding and defend themselves.

Today, under Chairman SPECTER, Senator LEAHY, Senator MCCAIN, and Senator KENNEDY's leadership, we will pass a bill that provides stronger border security, meaningful enforcement in the workplace, and a long, earned pathway to citizenship. The idea for the undocumented is that they would jump through multiple hoops over an 11-year period to earn the right to stay and eventually become citizens of the United States.

The Senate bill upholds our tradition as a nation of immigrants and proposes reforms in a comprehensive, commonsense manner, and it imposes new, strict but sensible enforcement mechanisms.

The opponents of this effort have called it amnesty. They would prefer a punitive House bill that builds a wall across our southern border, deports the 12 million people here illegally, and makes any undocumented worker a felon.

That kind of approach is not realistic. We are not going to deport 12 million people. Millions of them have American children. Many have been here for many years and have deep roots. It is hard to imagine that we would have police and immigration officials invading people's homes, separating families, and forcibly sending people home. But Americans are right to demand that we end illegal immigration going forward.

The draconian House legislation led to the marches. But what started as marches of fear on the part of immigrant workers has turned into a movement of hope. People are hoping they have an opportunity to legalize their status in some way. Their hope and our hope is that we can move forward together.

This was and will continue to be an emotional debate. What we saw in the marches was the face of a new America. The face of our country is changing, and we cannot be threatened by it. I strongly believe that we are going to be better off united than divided.

But I also believe in a common culture. I told the immigrants at the marches that citizenship involves a common language, a common faith in the country, a common sense of purpose, and a loyalty to a common flag. I believe that this is what the immigrant community wants. They want to follow in the steps of the millions who came before them and helped our country meld from many peoples into one Nation. In diversity we come together as one.

To those who fear immigrants, I say we cannot have a country in which you have a servant class picking our lettuce, mowing our lawns, and caring for our children, but who never have the full rights and obligations of citizenship.

Today, the Senate will respond to the call for action from not only these marchers but all Americans who want to uphold our finest traditions. It has been a tough few weeks, but I am proud of this body today. We worked hard, conducted a civil debate, and have taken a big step toward fixing our immigration system. My hope is the conferees will put their stamp of approval on the Senate bill we are passing today.

Let me say that while I support this bill, it is not perfect. I have serious reservations about several of the provisions in the bill, most notably the guest worker provision. I voted for two amendments offered by Senator DORGAN that would have eliminated or sunsetted the provision, but these amendments failed. I am pleased, however, that the Senate adopted an amendment by Senator BINGAMAN that lowers the number of guest workers that could enter the country under this bill.

I also am concerned about the changes we have made to the diversity visa program that will end up disadvantaging potential immigrants from underrepresented countries, such as African countries.

On balance, however, this is a very good bill. It gives us strong border security, makes hiring illegal workers virtually impossible, and provides all those families, children, mothers, and fathers I saw in that amazing march with the opportunity to become full members of the American community.

I was pleased that two amendments I offered were included in the bill. One amendment strengthened the prevailing wage requirements in the bill for all American workers and all jobs. It also ensured that communities where the American unemployment rate is high will not experience unnecessary competition from guest workers.

The second amendment was a collaborative effort with Senators GRASSLEY, KENNEDY, and BAUCUS to create a new employment eligibility verification system. We are making it simple but mandatory for employers to verify that their employees are legally eligible to work here. This amendment will have a far greater impact on stopping the flow of illegal immigrants into this country than simply building a fence along the border.

I commend my colleagues for their work on this legislation. Together, with faith in the values that unite our country, we are moving forward true to our tradition as a nation of immigrants that is capable of coming together to resolve difficult challenges.

I urge my colleagues to support this bill.

Mr. CONRAD. Mr. President, I am voting for the immigration reform bill today because it is urgent that we act to secure our borders. And we must find a way to deal with the 11 or 12 million illegal immigrants already living in the United States. As imperfect as this bill is, it is at least a beginning on strengthening our borders and dealing with those who are here illegally.

Currently, we have 500,000 new illegal immigrants entering our country every year. That is an unacceptable security risk. If we cannot control our border, we cannot control our future.

This bill dramatically strengthens border security. It provides for triple-layered fencing, adds thousands of additional Border Patrol agents, and cracks down on employers who hire illegal aliens.

The bill also begins to deal with the 11 to 12 million illegal immigrants who are currently in this country. The bill provides a path to earned legalization for those who pay a fine, pay back taxes, learn English, and fulfill other requirements. We need some process like this; the alternative of deporting 11 million people who do not want to leave is simply unrealistic.

Finally, the Congressional Budget Office has concluded that this bill will have a positive effect in reducing the deficit.

However, there are serious flaws in this bill. I think that asking the millions of illegal aliens who have been in this country fewer than 5 years to return home before getting on a path to citizenship is unworkable. And, although the bill was improved by cutting in half the number of new guest workers who will be able to enter the country next year, I still cannot support the guest worker provisions. Finally, overall, the bill will result in millions of new immigrants entering the country over the next decade. In my view, we need to consider very carefully the effects on our society of trying to assimilate such a large number of additional immigrants in a relatively short period of time.

But at the end of the day, we are faced with one question: will this bill help secure our borders and deal with the people who are here illegally? I have concluded that, although deeply flawed in many respects, it does make improvements over the current failed system.

This is not the end of the process. During the negotiations between the House and the Senate, there will be opportunities to address the serious flaws and produce a better bill. If, at the end of the process, the bill is not substantially improved, I will not be able to support the final product.

Mr. HATCH. Mr. President, although I rise today in opposition to S. 2611, the Comprehensive Immigration Reform Act of 2006, I would like to take a moment to commend its proponents.

The task of reforming this Nation's broken immigration system is Herculean. As my colleagues know all too well, the issue of immigration riles—justifiably so—the public like nothing else. I cannot think of any piece of legislation that has provoked a prolonged national debate such as this one. I cannot think of a day in recent months that I have not turned on the television or picked up a newspaper and read about or listened to a discussion of immigration reform.

This bill consisted of roughly 616 pages when we began this debate last week, and I have no doubt that the legislation is now over 700 pages. This undertaking has been truly monumental, and while I do not agree with the result, I must acknowledge and commend the sincerity, the diligence, and the good faith of the bill's architects.

The majority leader, the distinguished Senator from Tennessee, should be recognized for his leadership on this pivotal issue. The fact that Senator FRIST has managed to get an immigration bill through the Senate despite a splintered caucus and a hotly partisan atmosphere is a tribute to his abilities as a leader.

While I believe Senator FRIST deserves a great deal of the accolades for the passage of this bill today, I would be remiss if I did not mention Judiciary Committee Chairman ARLEN SPECTER. The senior Senator from Pennsylvania has once again achieved the impossible. This bill, regardless of what one thinks of the policies it contains, is a tribute to his daunting work ethic, intelligence, and remarkable ability. Time and time again, Chairman SPECTER has overcome the odds both personally and professionally—to make sure the people's work is done, and done well.

There are many others who deserve recognition—Senators MEL MARTINEZ and CHUCK HAGEL were critical to this effort, and we cannot ignore the tireless efforts of Senators JOHN MCCAIN and TED KENNEDY. I must also thank Senators JOHN KYL, JEFF SESSIONS, and JOHN CORNYN for their vigilance and conscientious objections to this legislation. Their work has been invaluable and will continue to be so as we move to conference.

It is with great regret that I cannot endorse the substance of the bill before us despite the best efforts of many in this body. There are many laudable aspects of this bill—particularly the enforcement provisions—and, as many believe, the DREAM Act, upon which we worked so hard through the years, but at the end of the day this bill amounts to an amnesty that is several orders of magnitude larger than the one undertaken in 1986.

I would like to provide some perspective to this debate. In 1982, award-winning journalist Mr. Theodore W. White stated the following in his book, America in Search of Itself: "The United States has lost one of the cardinal attributes of sovereignty—it no longer controls its own borders. Its immigration laws are flouted by aliens and citizens alike, as no system of laws has been flouted since Prohibition." These words were true nearly a quarter of century ago, and they are true today. Some may ask what Congress has done to address the issue during this time well, I will tell you. In 1986, Congress passed, among other things, the Immigration Reform and Control Act, or IRCA, and we passed stringent enforcement measures in the 1990s. I submit that neither the IRCA amnesty policy nor the previous enforcement measures have worked. Moreover, I submit that the current legislation amounts to the combination of two failed policies that will yield nearly identical results today and in the future.

We are all aware that we have lost control of our own borders. The President of the United States has made statements to that effect. Something has to be done. Illegal immigration has also been tied in with the enormous flow of illegal drugs into this country and to international terrorist violence being imported here from abroad. Something must be done, but this bill is not the answer.

The idea that a legalization or amnesty can be given to potentially millions of illegal immigrants, who arrived illegally in this country before January of 2004, is to undermine the very principles of legality upon which our entire immigration system is founded. In the words of my former colleague, Senator Richard Schweiker, the so-called legalization or amnesty "puts the Government squarely behind the lawbreaker, and in effect, says 'Congratulations, you have successfully violated our laws and avoided detection—here is your reward.'" In clear language, granting amnesty rewards the lawbreaker, pure and simple.

To highlight the scope of this problem and the dangers of charting the wrong course yet again, I must point out to my colleagues that a significant portion of the comments I just made are over 20 years old. I changed a few names and a few numbers, but the substance remains the same.

It took the proponents of the Immigration Reform and Control Act of 1986 3 years to put a bill together. This effort took 3 months. Despite the rhetoric to the contrary, the bill before us today constitutes a massive amnesty one several orders of magnitude larger than the one undertaken 20 years ago. I do not understand how this body has failed to learn from its mistakes.

I commend the sincerity, the diligence, and the good faith of this bill's proponents, but I cannot agree in its result.

I fail to understand how a massive guest worker program that constitutes an end run around our immigration system is a good idea.

I fail to understand how an amnesty for millions of illegals is a good idea.

I fail to understand how a bill that does not address the root causes of our immigration crises is a good idea.

I ask my colleagues, why does this legislation ignore the recommendations of the U.S. Commission on Immigration Reform—an entity that spent 7 years examining the issue of immigration and making recommendations for this august body? Why do we insist on pursuing failed policies? We have an obligation to the American people to leave no stone unturned in this debate, but we have failed to live up to that obligation.

The time has come to undertake truly comprehensive reform. We must start from the ground up. We must secure our borders. We must identify the problems with the current immigration system with certainty. We must, in turn, develop meaningful solutions. I submit that the bill before us today builds upon a faulty foundation—we may have renovated a few rooms, we may have updated a few appliances, but it will all come to naught unless we fix the basic structure.

My colleagues know the extent of my commitment to my Hispanic friends. I founded and I have chaired the U.S. Senate Republican Conference Task Force on Hispanic Affairs for years now—I know the immigration issue is not solely a Latino issue, but we all know that the vast majority of the illegal aliens in this country are Hispanic. I say to my friends that my opposition to this bill has nothing to do with a lack of support or dedication to the Latino community but, rather, a fundamental and principled opposition to widespread amnesty. We have been down that road, and that road led us to this moment.

There is no question that the millions of people who are here illegally broke the laws of the land and further that they should not be rewarded for that conduct. We gave over three million illegals amnesty 20 years ago. Today, we are poised to grant amnesty to three times that number. When will we learn? What will we do when we are faced with this exact situation in another 20 years? Enough is enough.

We must take the time to craft real legislation with real solutions to real problems. We cannot afford another failure. Our children cannot afford another failure. And our Nation cannot afford another failure.

We must restructure our visa system. We must determine—affirmatively—what policies should guide admission to this country. We must provide for a truly temporary guest worker program. We must create a realistic and effective employer verification system. And we must find a humanitarian, just, and equitable solution to the millions of people in this country illegally.

This bill does nothing to address the underlying flaws in the current immigration system. This bill does not fix the current visa system. This bill does not create a truly workable employer verification system. This bill does not create a truly temporary guest worker program. Instead, this bill creates more visa categories. It increases the numbers in existing visa categories. It creates a shell of an employer verification regime. It creates a guest worker program that is an end run around the immigration system. And finally, it grants the largest amnesty ever undertaken in any country, at any time.

I wish I could support this bill. I wish we had taken more time in Committee, I wish we had taken more time before the Committee process, and I wish we crafted a comprehensive reform bill that actually lived up to its name.

I am fully aware of the hard work on both sides of these very important issues. It is important that we get this bill to conference where I hope we can correct the many deficiencies therein, and I am aware some are voting for it with that in mind despite their severe reservations.

I believe it is absolutely critical that the Congress address the issue of immigration, and I look forward to working to improve this bill during the course of our negotiations with the House. The real work lies before us, and I believe the men and women of both bodies have the mettle, the tenacity, the intelligence, and the drive to do what is right for the American people.

Mr. KERRY. Mr. President, I am proud to cast my vote today in support of S. 2611, the immigration reform bill. This legislation has strong bipartisan support—something we don't see enough of these days in the Senate. Time and time again, amendments were offered and motions were made in order to derail this bill, yet time and time again, our strong bipartisan coalition stuck together to fend off every single attack. As a result, we're able to pass comprehensive immigration reform—reform that has a real chance of solving the immigration crisis that we face today.

The bill addresses what I consider to be the four cornerstones of successful immigration reform: (1) strengthening our Nation's borders; (2) providing a path to legalization for the approximately 11 million undocumented workers currently living and working in the United States; (3) addressing future flow needs by adjusting visa caps and creating an effective guestworker program with strong labor protections; and (4) implementing a reliable employment verification program. Thus, not only will this bill prevent people from illegally crossing our borders, it will eliminate incentive for coming illegally in the first place.

I am particularly happy that the bill included an amendment I offered to strengthen our border security. My amendment increases the number of border patrol agents by an additional 1,000 this year, bringing the total number of agents in fiscal year 2006 to 3,000. It also gives border State Governors the ability to request up to 1,000 more border patrol agents from the Secretary of Homeland Security in times of international border emergencies. We need more agents on the border, and we need to make sure they have the tools to get the job done. That is why my amendment provides more helicopters, power boats, patrol vehicles, GPS devices, encrypted 2-way radios, night vision equipment, high-quality border armor; and reliable and effective weapons.

The bill also includes my amendment to the performing artist visa, which will ensure that international artists will have their visa petitions processed in a timely manner. U.S. Citizenship and Immigration Services, USCIS, delays are making it increasingly difficult for international artists to appear in the United States. Currently nonprofit arts organizations confront uncertainty in gaining approval for visa petitions for foreign guest artists and inconsistent policies in processing artist visa petitions which result in delays, expense, and unwarranted requests for further evidence. USCIS practice compounds the growing risk that foreign guest artists will be unable to enter the U.S. in time for their engagements, causing financial burdens on nonprofit arts organizations, and potentially denying the American public the opportunity to experience international artistry due to delays and cancellations. My amendment requires the UCIS to review these visa applications in a timely fashion—and consistent with protocols that ensure our security would never be compromised.

Of course, the bill contains some things that I do not agree with. For example, I would prefer that the bill not include Senator INHOFE's English language amendment not because I do not believe that English should be our national language but because I think the amendment will have some unintended, negative consequences. I believe everyone who aspires to be a part of our country should learn English. I was proud to support Senator SALAZAR's amendment declaring English is our common language. Yet I felt compelled to oppose Senator INHOFE's amendment because it would prevent critical services—including health, public safety, or education services—from being provided in more than one language. I believe that in some instances it may be important for the government to communicate in a language other than English.

However, I accept these provisions as part of the compromise. Take the temporary worker provisions, for example. They represent a true compromise between the need to protect American workers and the need to meet the future labor demands of the U.S. marketplace. Thus, the bill allows a certain number of temporary workers into the country every year, but only after the employers seeking to hire them have made serious efforts to hire an American worker. The bill also includes significant labor protections to ensure that temporary workers receive the same wages, benefits, and working conditions as similarly-employed U.S. workers. Thus, the bill does everything possible to prevent temporary workers from becoming a secondary class of citizens or from depressing American worker wages.

Passing this immigration bill is just the first step. The House passed a punitive, enforcement-only immigration bill that I believe will exacerbate rather than ameliorate the immigration crisis. The House bill sparked protests across the country. Millions of people took to the streets to call for a comprehensive and humane approach to immigration reform. I hope that the House has heeded their calls. I hope that the President can rally support for a comprehensive solution. And I sincerely hope that the conference comes back with a bill I can support.

Mr. BAUCUS. Mr. President, I rise today to commend the Senate for accepting my amendment to the Immigration Reform Bill which addresses an area that needs more attention—the northern border of the United States. We have 5,526 miles of border between the United States and Canada. This is over double the size of our southern border. Along Montana's 560-mile portion of the border we have remote terrain which is mountainous and difficult to patrol. My amendment will help our Border Patrol cover this vast area by requiring the Department of Homeland Security to conduct a pilot program using unmanned aerial vehicles along the northern border.

In his immigration speech last week, President Bush emphasized that in addition to personnel and training we must also employ the latest technologies. The Border Patrol has already conducted successful tests using UAVs along the southwestern border in Arizona. This was done for surveillance and detection of individuals attempting to enter the U.S. illegally. My amendment requires that some of the UAVs already in the bill be used to run a pilot program on the northern border similar to the program which was conducted on the southern border.

We don't want to compete with our friends along the U.S. border with Mexico, but I want to make it clear that the northern border also needs increased attention. As you can imagine, as the southern border of the U.S. is tightened, our northern border—which used to be America's back door—is quickly becoming the front door.

Customs and Border Patrol reports that their number one concern on the southern border is illegal immigration. What is their number one concern on the northern border? Terrorism. We are all aware that some of the 9/11 highjackers made their way into this country through Canada. In 1999 the "Millennium Bomber", Ahmed Ressam, was apprehended on the northern border with a trunk full of explosives. His plan was to blow up Los Angeles International Airport. Now border gangs are going international and admitting having ties to Al-Qaeda and smuggling Al-Qaeda members into the United States. In Montana markings from these gangs have been found in the corrections system—within the walls of our jails and detention facilities.

Surveillance of our ports is being conducted from the Canadian side of the border. It appears that our procedures for checking out vehicles both leaving and entering the United States are being looked at by criminals and it has been reported that these "dry runs" are being conducted near Glacier National Park.

All of these activities are made easy due to the wide open space and insufficient numbers of law enforcement along the border. Yet the bill that has been before us has many provisions which are stacked against the security of the northern border. For example, one provision in this bill provides border States with additional Immigration and Customs Enforcement field agents to help with necessary background checks. However, it stipulates that these allocations are not available to States with populations under two million. This makes northern border States Montana, North Dakota, Idaho, Alaska, Vermont, New Hampshire, and Maine ineligible for assistance.

Now the President has proposed sending our National Guard troops to the southern border. We rely greatly on our National Guard and at a time they are already stretched too thin, it is dangerous for us to lose that resource from our States. More importantly, this is being done at a time when we currently have border patrol agents being detailed from the northern border to the southern border.

The ability of our Border Patrol to successfully carry out their daily duties is of critical importance to the safety of all Americans. This amendment will give us the tools we need to protect our borders. UAVs are a safe alternative to placing civilians in harm's way and by introducing a pilot program that helps us patrol our northern border, we are getting on the right track to fighting the war on terrorism and keeping the home front safe.

Mr. BROWNBACK. Mr. President, I wish to speak to the very important issue of interior worksite enforcement in the context of the debate over comprehensive immigration reform legislation.

One of the most important elements of this bill, that is crucial to the successful implementation of the guest worker and earned legalization programs, is interior worksite enforcement. Only a serious commitment to enforcing our immigration laws against employers who knowingly hire illegal immigrants will actually deter illegal immigration because the number one reason people enter the United States illegally is to find a job.

Looking back on the history of immigration reform, one of the key elements that has been missing, and is still missing, is successful interior enforcement. However, thanks to hard work of Senators GRASSLEY, OBAMA, KENNEDY, and BAUCUS, this bill contains worksite enforcement that can work.

The original language in the underlying bill, S. 2611, concerned me in several ways, particularly with respect to certain contractor liability provisions that would have created a de facto "rebuttable presumption" for contractors whose subcontractors hired undocumented immigrants, even if the principal contractor had no knowledge of such hiring. In essence, the contractors would be guilty until proven innocent, even if the offense of hiring unauthorized workers was committed without their direct knowledge.

Before I continue, let me be clear—I am in full support of cracking down on employers who knowingly hire unauthorized workers because doing so is the key to having a lawful and successful immigration system. However, we should not cast the net so broadly that innocent contractors are punished for the independent actions of a subcontractor.

It is somewhat clear that the contractor liability provisions in the underlying bill were targeted at "bad actor" construction contractors, but I interpret the legislation to impact all employers, not just those in construction. In fact, any employer using suppliers or contractors involving labor in the normal course of their operations are impacted. A broad interpretation of the language covers companies that contract with, for example, suppliers of refreshments, including beverage companies that supply coffee, sodas and bottled water. What about the suppliers of copier services that come to fix the copy machine? Certainly they are suppliers of contracts involving labor. Can all companies contracting for such labor be responsible for ensuring that all of its suppliers employ persons of legal status? Such a requirement is unrealistic and unfairly penalizes employers.

There exists somewhat of a defense for these companies, a "knowing" standard, but what concerned me most was how a company could defend itself against accusations that it knew that its supplier employed illegal immigrants.

With the understanding that the original language applied to all employers, the construction industry nevertheless represents a good example of how unworkable these provisions are. The construction industry is a system which includes general or prime contractors with subcontractors ranging from plumbing to roofing to electrical specialty contractors. On any given project, a general contractor may have contractual relationships with as many as 50 different subcontractors. Ensuring that these prime contractors are not liable for the independent, illicit behavior of one or more of the subcontractors was the focus of my amendment.

I was also troubled by the original language, which involved a presumption of guilt before the company was able to prove its innocence.

Therefore, in effort to correct these dangerous provisions, I offered amendment number 4096 which would protect employers from being liable for the illegal behavior of their suppliers and subcontractors. This amendment resembled one that was offered during the consideration of H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act, legislation that focused on securing the border and increased internal enforcement. Offering this amendment was freshman congressman, LYNN WESTMORELAND of Georgia's 8th district. I should point out that when the House debated immigration legislation in December 2005, Westmoreland's amendment was so popular that it received more votes of support than that on final passage of the legislation.

Though the language in the Grassley title III amendment does not include the language in my amendment, Senator GRASSLEY's amendment is much more reasonable than the provisions in the underlying bill. Senator GRASSLEY's amendment replaces the "guilty until proven innocent" rebuttable presumption with a standard of "knowing or with reckless disregard," which goes a long way to protect innocent contractors from being held liable for actions of a subcontractor that are out of their control.

In closing, I respectfully request that the House-Senate conferees pay careful attention to the provisions in both the House and Senate regarding unlawful employment of aliens. I hope the conferees will engage in a discussion regarding the differences between the various standards for holding contractors liable for the actions of their subcontractors. I understand that there exists ample case law regarding the definitions of these terms, yet I ask that the conferees further define these terms for the sake of employers who will quickly be required to abide by the new provisions under this bill.

In addition, it is important for the conferees to clarify how the Electronic Employment Verification System will communicate with contractors regarding the hiring practices of their subcontractors. This relationship is yet unclear as the bill is currently written and should be clarified before the bill becomes law.

I reiterate my wholehearted support for a strict worksite enforcement system that cracks down on "bad actor" employers who thumb their nose at the law by knowingly hiring unauthorized workers. These employers should be punished for their actions; however, they should not be punished for actions taken by their subcontractors without their direct knowledge.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, I will use leader time so as not to interfere with the schedule on the floor.

I said at the beginning of this debate 2 weeks ago that this was a blockbuster. I said that this is the summer season for movies and this is the time for blockbuster movies. "The DaVinci Code" and "Mission Impossible III" came out, but I said we had our own blockbuster here in the Senate: part 2 of immigration. Prior to the Easter recess we know how immigration fared. It didn't. It stopped for a lot of different reasons. But now we start part 2. I said that 2 weeks ago, and now for me, this has been such a reminder of how the Senate used to be. We held a number of votes. I was on the prevailing side of some and I was not on the prevailing side of others. Coalitions were built here in the Senate, Democrats with Republicans and vice versa. That is the way we used to legislate.

In this most important bill, no one got everything they wanted. There were compromises made in the committee and certainly compromises made here on the Senate floor. But we have had bipartisan cooperation. This is comprehensive immigration reform, focusing first on border security.

This legislation will do so much to make our borders more secure. We have done a lot of things that have never been tried before to improve the security of our Nation by doing something about our borders. I have gone to the borders and I have seen the hard-working Border Patrolmen. They work so hard with so little attention. And this legislation is the opportunity for them to do their jobs better, because we are going to give them more resources. I would hope that we will do that. We certainly need to.

Before we finish, I would caution everyone from confusing what we are doing here today—we are going to complete passage of this bill shortly—with ultimate victory. This is not the final scene of this blockbuster that we have on the Senate floor. There is another act to go. But I want to express my appreciation to the two managers, Senator SPECTER and Senator KENNEDY. They have done yeomen's work to sort through all of the hurt feelings that people have in offering these amendments and not getting the votes they wanted when they wanted them. This is a big bill to manage, and I think these two very senior Members of the Senate have done a tremendous job. I also want to express my appreciation to Senator MCCAIN.

I also want to focus attention on someone who I think has done a great job on this bill, who is behind the scenes always trying to grow the compromises that the managers and Senator MCCAIN haven't been able to work out, and that is the senior Senator from South Carolina, LINDSEY GRAHAM. I really have appreciated the work he has done on this bill. He has been a tremendous asset to Senator KENNEDY, Senator SPECTER, and Senator MCCAIN.

I want to also say that my assistant whip of the Senate has done a great job. We all know that Senator DURBIN legislates so much with his heart. He is a good person and has a good sense of what is right and what is wrong. He was heavily involved in this legislation, being a member of the Judiciary Committee, and I want the RECORD spread with my appreciation for the work that he has done, being our counterpart to LINDSEY GRAHAM, working through different issues that we have had.

For all of the good that we are going to be able to accomplish by passing this bill, there is a lot more work to do.

I want to say something about someone who opposes this legislation. No one has been a bigger opponent of this legislation than JEFF SESSIONS of Alabama. If there has been a bigger opponent, I haven't seen him. I have told him this personally and I will say it publicly. JEFF SESSIONS and I don't agree on too much politically, in the political spectrum, but I admire how he approaches issues, because every time he came to the floor to talk about an issue, he believed sincerely what he was doing was right, and I admire that and appreciate it. Now, the fact that I disagreed with him doesn't make me any more right than he is. That is the purpose of legislation. We present our cases to this body and the body decides. But I want the Senator from Alabama to know that I appreciate his adversarial efforts.

Finally, Mr. President, for all the good work that we have done here over the past 2 weeks, it can be eliminated in a heartbeat when we go to conference with the House. We have seen it happen so much these last few years where the minority is eliminated from decisions made, public conferences are not held, items that the Senate supports are stripped, and there is nothing to prevent the same thing from happening on this bill but for the good faith we have in moving forward.

We should know the dark clouds are forming on the horizon. Influential Members of the House of Representatives in the Republican leadership are still pushing for the bill they passed, a bill that makes felons out of millions of immigrants and those who assist them, such as a member of the clergy, a health care worker, a social worker. In fact, the House Majority Leader, my friend, JOHN BOEHNER, yesterday, was quoted as saying:

> Trying to find a pathway that is acceptable to the House and Senate is going to be very difficult.

I acknowledge and say that is true. But the words we have heard from the House leadership are not encouraging.

The one thing we fought for was to have a fair balance on the conference committee, and we have gotten that. I express my appreciation to the majority leader. We have the ability to name conferees on our side who I think are going to be just fine. Knowing the Republicans who are going to be part of this conference committee, it is going to work out well. We have people who are going to work hard to uphold the position of the Senate.

But we also need the active involvement of the President. I appreciate what he has done to this point. I said that on a number of occasions before. But his biggest work is ahead of him if he wants comprehensive immigration reform.

Yes, this bill includes border security. It includes help for guest workers. Mr. President, 45,000 to 50,000 hotel rooms are going to be built in Las Vegas in the next 4 to 5 years. I just had a meeting in my office with the head of the MGM Hotel, a man who has 80,000, 90,000 employees and was part of the group who got me interested in this legislation. The hotel owners, the Chamber of Commerce in Las Vegas, and the unions have said unless we get some help on guest worker programs, we can't find people to work in those 45,000 to 50,000 hotel rooms. That is in this bill.

Another thing that is in it I am proud of, and we should be proud of, is a pathway to legalization for people who are in America and are undocumented: Pay your taxes, have a job, learn English, stay out of trouble, pay your penalties and fines, go to the back of the line—but you can come out of the shadows.

Then, finally, what we have in this legislation is better—better employer sanction enforcement, and we need that.

We are authorizing things, but they are not worth anything unless we appropriate the money to do them. All the measures we have relating to security, they must be favored with appropriations bills, as with everything else in this bill. I hope we will have the carry-through to do that. This is a two-step process from this point forward. We have to have a conference and then we have to have appropriators who will do the right thing.

Again, I feel so good today. This is what the Senate is all about. I spent 24 years of my life in the Congress of the United States, 20 of them here in the Senate. This is the way it used to be. This is the way it should be in the future. I have every hope and belief that we can make it that way.

I appreciate the courtesy of all my colleagues here allowing me to have this time.

The PRESIDING OFFICER (Mr. COLEMAN). Two minutes remain in opposition to the Ensign amendment. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the votes occur in the order in which the amendments were offered, provided further that following the disposition of amendments, the Senate proceed to an immediate vote on the managers' amendment. I also ask that there be 2 minutes equally divided between the votes and that all votes after the first be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. ENZI. Reserving the right to object. Mr. President, from what I understand we just got the managers' amendment. It is 115 pages. I think the Senator from Arizona is one of the first ones to acknowledge getting a managers' amendment with 115 pages, and then agreeing to a time agreement would be a little unreasonable. So if you would take out the agreement to have a vote directly on the managers' amendment until we have a little bit of time to go through it, I think the unanimous consent would be agreeable.

Mr. SPECTER. I modify the unanimous consent request to that effect.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I now ask unanimous consent Senator MCCAIN be recognized for 7 minutes, the managers be recognized for 7 minutes, and the leader will speak at the conclusion on leader time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, after several weeks of extensive debate and consideration of numerous and complicated amendments, the Senate is about to move to final passage of S. 2611, the Comprehensive Immigration Reform Act. This legislation addresses comprehensively one of the most important and complex issues facing our country. Our Nation's immigration system is broken. I don't think there was one Member of the Senate to argue that fact. Without enactment of comprehensive immigration reform as provided for under this bill, our Nation's security will remain vulnerable.

That is why we must pass this bill and reach a meaningful final product through conference deliberations. Our failure to produce a final comprehensive measure is an unacceptable proposition.

I want to first thank the President for his leadership on this issue. The President's speech to the Nation last week, which I thought was inspired, was greeted by 74 percent of the American people overnight favorably, including his absolute determination to see the Congress send him a bill which has a comprehensive approach to the issue which we as a Congress and a Federal Government have ignored for too long.

I also commend the Senate leadership on both sides of the aisle for their efforts to ensure that the Senate address this important issue and give us more than adequate time for a thorough debate.

I think this is a proud moment for the Senate, as we have conducted good work and returned to orderly traditions of the legislative process as envisioned by our Founding Fathers.

I also again recognize Chairman SPECTER for his work in leading us to this point in the legislative process. He and all the members of the Judiciary Committee deserve our appreciation for the considerable effort they have taken on this issue during this Congress.

Of course, I commend Senator KENNEDY, who is perhaps the leading expert on this difficult issue. He and I spent many months working to develop a comprehensive, reasonable, workable legislative proposal, much of which is contained in the bill before us.

I also thank Senators BROWNBACK and LIEBERMAN and GRAHAM and SALAZAR, MARTINEZ, OBAMA and DEWINE for their shared commitment to this issue, in working to ensure this bill moves successfully intact through the legislative process.

Throughout this debate we were reminded that immigration is a national security issue, and it is. It is also a matter of life and death for many living along the border. We have hundreds of people flowing across our borders every day, coming here only in search of better lives for themselves and their families. They come to fill the vacant jobs at businesses and farms that struggle with real labor shortages that impact our economy negatively.

This Nation is calling for our borders to be secure, for an overhaul of our immigration system, and that it be done in a humane and comprehensive fashion. Vote after vote after vote taken in this body reaffirms that fact.

The new policies as provided for in this legislation will increase border security and provide for a new temporary worker program to enable foreign workers to work legally in this country when there are jobs that Americans will not fill, and will acknowledge and address in a humanitarian and compassionate way the current undocumented population.

As many have noted, there are over 11 million people in America today who came here illegally. They live in our cities and towns and rural communities. They harvest our crops, tend our gardens, work in our restaurants, and clean our houses. They came as others before them came, to grasp the lowest rung of the American ladder of opportunity, to work the jobs others won't, and by virtue of their own industry and dreams to rise and build better lives for their families and a better America.

Some Americans believe we must find all these millions, round them up, and send them back to the country they came from. I don't know how you do that, and I don't know why you would want to. Yes, in this post-9/11 era America must enforce its borders. There are people who wish to come here to do us harm, and we must vigilantly guard against them, spend whatever it takes, devote as much manpower to the task as necessary. But we must also find some way to separate those who have come here for the same reasons every immigrant has come here from those who are driven here by their hate for us and our ideals.

We must concentrate our resources on the latter and persuade the former to come out from the shadows. We won't be able to persuade them if all we offer is a guarded escort back to the place of hopelessness and injustice that they have fled.

Why not say to those undocumented workers who are working the jobs the rest of us refuse: Come out from the shadows, earn your citizenship in this country. You broke the law to come here, so you must go to the back of the line, pay a fine, stay employed, learn our language, pay your taxes, obey our laws, and earn the right to be an American.

SSgt Riayen Tejada immigrated to New York from the Dominican Republic. He came with two dreams, he said, to become an American citizen and to serve in the U.S. Marine Corps. He willingly accepted the obligations of American citizenship before he possessed all the rights of an American. Staff Sergeant Tejada, from Washington Heights by way of the Dominican Republic, father of two young daughters, died in an ambush on May 14, 2004. He had never fulfilled his first dream, to become a naturalized American citizen. But he loved this country so much that he gave his life to defend her.

Right now, at this very moment, there are fighting for us in Iraq and Afghanistan soldiers whose parents are not yet American citizens but who have dreamed the dream that their sons and daughters risked their lives to defend. They should make us proud to be Americans. These people have come for the very same reason immigrants have always come to America. They came to grasp the lowest rung of the ladder, and they intend to rise. Let them rise. Let them rise. We will be better for it.

For America—blessed, bountiful, beautiful America—is still the land of hope and opportunity, the land of the immigrant's dreams. Long may she remain so.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, when Oscar Handlin, the eminent historian at Harvard, won the Pulitzer Prize in 1952 for his history of immigration "The Uprooted," he said he had set out to write a history of immigrants in America, but "discovered that the immigrants were America."

With passage of this legislation, we reclaim that America. We lift once again the lamp beside the golden door.

This is the most far-reaching immigration reform in our history. It is a comprehensive and realistic attempt to solve the real-world problems that have festered for too long in our broken immigration system.

It strengthens our security and reflects our humanity. It is intended to keep out those who would harm us and welcome those who contribute to our country. It has the potential to build a stronger, better, fairer America for the 21st century.

It protects our security through stricter enforcement, tamper-proof immigration cards, and high-tech border controls.

It protects American jobs and wages by bringing immigrants out of the shadows and requiring employers to pay fair American wages.

And it enables decent men and women who work hard and play by the rules to earn the privilege of American citizenship.

That has been America's story. And it's a story we must live anew with each new generation if we hope to continue as a vibrant land of liberty, progress and opportunity—a land of people who want to do better, who love their families, embrace our Nation, and are proud to be American citizens.

Wisdom in immigration policy doesn't just happen. It is a choice between a future of progress as a nation of immigrants or a future defined by high walls and long fences.

Clearly, we still have much to do before this legislation becomes the new law of the land. Some believe that enforcement is the only path to take.

I would urge them to remember that from the beginning to the present day, immigrants helped build our country, and made us strong.

They worked in our factories and toiled in our fields, and we are stronger for it.

They built the railroads that took America to the West. Even today, it is said that under every railroad tie, an Irishman is buried.

Immigrants have loved America and fought under our flag, and we are stronger for it.

And if we enact this bipartisan comprehensive reform, we will be stronger for it too.

As we close this debate, I commend our two leaders, Senator FRIST and Senator REID, for their skill in enabling this debate to take place. At a time of heated political division in Congress, the debate we have seen these past 2 weeks is unique in recent times. Senators of both parties have come together for the common good. This opportunity would not have been possible without our leaders, and I hope it is a precedent for other major issues in the weeks ahead.

I commend President Bush for putting this issue before the country and for helping Americans understand the need for comprehensive reform.

I commend the chairman and ranking member of our Judiciary Committee, Senator SPECTER and Senator LEAHY, for their strong support throughout this process.

I thank those of our bipartisan group who stood together to make this legislation possible—Senator GRAHAM, Senator SALAZAR, Senator MARTINEZ, Senator HAGEL, Senator DURBIN, Senator LIEBERMAN, Senator BROWNBACK, Senator OBAMA, and Senator DEWINE.

And most of all, I express my appreciation to my colleague, Senator MCCAIN, who made all this possible from the start. He'd probably prefer I didn't say this, but he's been a profile in courage once again, and I commend him for his leadership.

I'm also grateful to the many staff members who helped to get us to this point. I'm grateful to Ron Weich and Serena Hoy of Senator REID's staff; to Bruce Cohen, Tara Magner and Matt Virkstis of Senator LEAHY's staff; to Joe Zogby and Dan Swanson of Senator DURBIN's staff; to Jennifer Duck and Montserrat Miller of Senator FEINSTEIN's staff; to Lara Flint of Senator FEINGOLD's staff; to Felicia Escobar of Senator SALAZAR's staff; to Tom Klouda and Alan Cohen of Senator BAUCUS' staff; to Kevin Landy of Senator LIEBERMAN's staff; to Danny Sepulveda of Senator OBAMA's staff; and to Chris Schloesser of Senator MENENDEZ' staff.

This was a truly bipartisan effort, and I'm grateful to staff from the other side of the aisle as well: Juria Jones, Joe Jacqot, and Michael O'Neill of Senator SPECTER's staff; to Clay Deatherage, Brian Walsh, and Nilda Pedrosa of Senator MARTINEZ' staff; to Paul Thompson and Pete Levitas of Senator DEWINE's staff; to Jill Konz and Steve Taylor of Senator HAGEL's staff; to Matt Rimkunas and Jen Olson of Senator GRAHAM's staff; to Steve Robinson of Senator GRASSLEY's staff; to Ajit Pai and Bryan Clark of Senator BROWNBACK's staff; and to Brook Roberts of Senator CRAIG's staff.

And special thanks, of course, to Senator MCCAIN's staff, with whom we've worked so closely over the past year—Ann Begeman and Brook Sikora. And I'd like to express my deep appreciation for Becky Jensen. Without her vision and determination, this bill would never have happened.

On my own staff, I'm very very grateful to the many who worked so long and hard as well to make this day possible—Jeffrey Teitz, James Flug, James Walsh, Laura Capps, Missy Rohrbach, Lauren McGarity, Gaurav Laroia, Roberto Rodriquez, Carol Woichok, David Ryan, Mieke Eoyang, Charlotte Burrows, Christine Leonard, and Michael Myers.

My special thanks go to two on my staff who worked so hard over so many months on this bill, Janice Kaguyutan and Marc Rosenblum.

Finally, and certainly not least, there's our hero of the hour—a remarkable person with extraordinary talent, skill and compassion. We've all come to rely on her knowledge and judgment in moving this bill forward—Esther Olavarria.

Some say the easy part of this debate is over, and now we face the hard part reconciling the Senate bill with the House bill. We'll do our best, and I'm optimistic we can resolve our differences again.

Mr. SPECTER. Mr. President, the U.S. Senate is on the verge of passing landmark legislation. It has had a long, tortuous path. The McCain-Kennedy bill was the core proposition and went through very substantial hearings in the Judiciary Committee and a complex markup. It came to the floor at a moment when it was foundering, and we added to it Hagel-Martinez and their ideas to break a very complex logjam at that time.

We have labored under the competing principles of rule of law and concern for immigrants who have come to the United States without complying with the law.

On the other side, the rich tradition of the formation and development of the greatest country in the history of the world, the United States of America, made up of immigrants. Some came here illegally and some did not. But we are the melting pot, and the immigrants have contributed enormously and have made this the great country which it is today.

As we approach the final moments of action in the Senate, we are aware that there are still very strident competing concerns, strident competing interests of those who continue to insist that our legislation is amnesty, contrasted with those of us who point to the facts. The definition of amnesty is forgiveness of some wrongdoing, which is not the case.

There is a rigorous ladder which these undocumented immigrants have to pass through. They have to pay a fine, and that $2,000 fine in the underlying bill has now been increased to $3,250. They have to undergo a criminal background check, they have to pay back taxes, they have to learn English, they have to work for 6 years, and they go to the back of the line. It is genuinely earned citizenship by any measure.

We have had a very constructive debate here. We have improved the bill. The bill has been improved not only by the bipartisan coalition in favor of it, but it has been improved by the critics.

In committee we had a very rigorous debate. Objections were raised by Senator KYL, by Senator COBURN, and by Senator SESSIONS. Their concerns have been taken into account in structuring the final product which we have.

There has been a real balance for those who say that there ought to be border security before we consider a guest worker program or before we consider placing undocumented immigrants on the path to citizenship. We have provided very rigorous border safeguards.

We have provided for enforceable employer sanctions to see to it that immigrants who do not qualify do not get jobs. There has been a reduction in the number of green cards, 325,000 to 200,000. We have made major concessions to those who have been looking for enforcement by itself.

At the same time, we have structured a complex arrangement giving those here 5 years or more of the path to citizenship. We made a distinction based upon how deep their roots were here. Those who were here 5 years or more have an easier path, although they go to the back of the line. Those here 2 to 5 years have to touch back before coming back to a guest worker program and then on the path to citizenship. Those here for less than 2 years have to return to their native country and get in line if they want to come back to the United States.

That cutoff was made on January 7, 2004, the date the President made a speech outlining immigration reform. So they were on notice that they would be in a different category.

This is a practical approach. When we have 11 million people who are undocumented immigrants, we obviously do not want to create a fugitive class in America—an underclass.

If anybody has a better idea, we have been open to it, and we are still open to it as this bill will go to conference.

I am not pessimistic about the prospects of the conference. We have a bicameral legislature. We have to have agreement between both the House and the Senate. There is a genius in the American constitutional form of government in the separation of powers. No one has too much power.

We have worked out differences in the past, complicated problems on the PATRIOT Act, complicated problems on other legislation where we have gone to conference with the House Judiciary Committee under the able leadership of Chairman SENSENBRENNER.

We have had the leadership of the President on his nationwide speech at a critical moment in the progress of their bill. The President has been commended by all of those who have been in the leadership role on this bill.

We look forward to the President's more intense participation. He is the leader.

We have the House and Senate controlled by the Republican Party. There is an important political issue about the ability of Republicans to govern and whether we can do that. There is an election in November. Our leadership position as Republicans is on the line. I think that will weigh heavily in the conference.

But most of all, I credit the bipartisan nature of what has been done.

Every morning during the course of the 2 weeks of debate a group of Senators met, Democrats and Republicans, to work through the issues and to be prepared for the debate of the day. I am pleased to see the complex issues debated in the best traditions of the Senate.

I look forward to a productive, constructive and successful conference with the House of Representatives, and ultimately a day when there will be a signing by the President of the United States of this important landmark legislation.

I yield the floor.

We are awaiting the arrival of the majority leader who should be here momentarily.

Mr. DODD. Mr. President, will the manager withhold?

Mr. President, I rise today to share my views on the work that the Senate has undertaken over the last several weeks on a very difficult and complex issue—comprehensive immigration reform. Before I start, I would like to acknowledge the work of many of my colleagues, who have spent years attempting to address various aspects of this issue and who have worked in good faith to get us to the place we find ourselves as we conclude debate on the legislation before us.

Last month when the Senate first began consideration of this matter, the process fell apart rather suddenly because of procedural issues regarding which and how many amendments would be offered. These were legitimate concerns, since nearly 400 amendments were introduced, and since many of those amendments were intended to gut that measure.

In order to get this reform right, we need to address all three components of immigration—border security and enforcement, guest worker programs and, for undocumented workers who are currently in the U.S., a path to "earned" citizenship. We need to also reconcile the fact that we are nation of immigrants with ongoing legitimate economic, social and national security concerns related to the undocumented individuals currently within our borders and the impact of continuing to welcome newcomers to our Nation has on those concerns.

But let me be clear from the outset. Immigration reform must first and foremost be about protecting America's national security, economy, and citizens from the myriad challenges we face in the 21st century. We must have no higher priorities than these. Fundamentally protecting our national security means securing our borders.

I believe that the bill before us, with all the additions we have made as the Senate has worked its will on this measure, is an imperfect document, but probably the best we are going to achieve given the polarizing nature of many of the issues that have been debated, adopted and rejected.

On a positive note, the bill does set the stage for the United States to greatly increase control over our borders and help prevent individuals from illegally entering our country. Among other things, it would provide advanced border security technologies to assist those tasked with protecting our borders. And it would improve our ability to enforce our immigration laws by making structural reforms and increasing personnel and funding levels where they are needed most. It would also double the size of the border patrol over 5 years, adding 12,000 new agents to patrol our borders. It would expand the number of interior enforcement officers by 1,000 per year over each of the next 5 years. It would utilize advanced technologies to improve surveillance along the border, creating a "virtual fence" to detect and apprehend people who are illegally attempting to enter this country. And it would create new and increased penalties for individuals trying to subvert our borders with tunnels, or who attempt to smuggle people into the U.S.

These are all critical measures. I support them. Other measures adopted in the name of better controlling our borders, will in my view have less than optimum results. I am thinking of the vote that occurred last week to unilaterally construct a 370-mile fence in border areas in California and Arizona. I believe that no fence or wall or other barrier is going to stop desperate people from entering our country unless we do something about the conditions on the other side of the border and the historic unwillingness of Mexican authorities to take steps to dissuade its citizens from illegally crossing the border. That is why I opposed this initiative and have sought to strengthen the likelihood that we will get more rather than less cooperation from Mexican authorities by proposing an amendment to require advance consultations at the federal, state and local levels of government on both sides of the border before fence construction moves forward. I am grateful to the managers for their willingness to accept this amendment.

Securing our borders, while necessary is only one part of the bigger immigration equation. Were we to deal with that issue, while ignoring two other goals—bringing 11 to 12 million undocumented workers out of the shadows, and putting in place limited and carefully regulated guest worker programs to fill jobs when no Americans are available or willing to take them, we would not have fundamentally confronted the national security implications of immigration. In my view, turning our backs on this reality is the same as turning our backs on real and lasting immigration reform.

I would say the following with respect to the 11 to 12 million undocumented individuals living within our borders.

These are predominantly hard-working individuals, who are not here to flood the welfare rolls or collect our charity. They are here to work and to contribute. They want what all of our families wanted when they came to the U.S.—a piece of the American dream.

However, I understand the concerns of those who rightly state that these undocumented workers came here illegally. The pending bill recognizes that fact. And so it wouldn't give them a free ride. Instead, it would penalize illegal immigrants by requiring undocumented workers to pay fines. It would require them to pay all back taxes, submit themselves to background checks, and learn English. And for those who are eligible, this process would take an average of 11 years.

Yet even with these tough measures, it provides an incentive for undocumented workers to come out into the open. Frankly, we need to be honest with ourselves that they're not going to come out of the woodwork if they face deportation. No rational person would do that.

Why is getting them to come out into the open so important?

Because the presence of so many individuals without documentation in our country creates enormous challenges for law enforcement and undermines worker protections. It is bad for our security, bad for the American worker, and bad for undocumented immigrants themselves.

But not all people seek to come permanently to the U.S. Many seek temporary work here and desire to return home when that work is complete. The pending proposal contains extensive provisions related to guest workers.

There are legitimate concerns that temporary workers might displace American workers who are available and willing to take a job. That should never be the case. American jobs should always be filled first and foremost with American workers. Only after serious efforts to find American applicants to fill vacancies have been exhausted are guest worker programs justifiable. Much has been done in the course of consideration of this legislation to ensure more due diligence on the part of employers to look first to Americans to fill jobs.

Moreover, we need to be judicious when it comes to determining the number of guest worker visas that are needed. This shouldn't be an excessively high number that increases automatically every year. Instead, it should match actual needs. That's why I supported a number of amendments by my colleagues to place certain caps on the number of guest worker visas that are granted. As I've already said, the numbers of visas should match needs. If at any point in the future the U.S. government determines that needs aren't being met, then we can always change the numbers to reflect the facts on the ground. But we need to turn to American workers first, not foreign workers.

Some of my other concerns with the outlines of the guest worker programs have been addressed in the course of our consideration of the bill. Worker portability and the right to unionize were key deficiencies that have been remedied during the amendment process. These fixes were important, because if done incorrectly, guest worker provisions could produce a permanent underclass and downward pressure on wages for American workers.

I remain concerned about a number of the provisions that have been adopted in the course of consideration of this legislation—some by very close votes.

Among these are conflicting provisions on the nature and role of the English language, one of which could result in some of our own citizens being denied full participation in our society and opportunities to improve English proficiency. The other amendment recognizes the importance of the English language as a unifying force in our society without eliminating the many safeguards in law to ensure that those Americans with imperfect language skills can still participate in society.

Before concluding, I would like to speak briefly of two provisions in the bill which have gotten very little attention but which are very important and constructive additions to the overall package.

First, I am pleased that it includes provisions of the DREAM Act. I've long supported the DREAM Act, which in my view is a common sense measure, allowing undocumented students under the age of 16—who were brought into this country illegally through no fault of their own—a chance to complete higher education.

Qualifying students, however, will have had to live in the U.S. for at least 5 years prior to the date of enactment of this legislation. If they earn an advanced degree or serve our country in the Armed Forces, they would then be granted permanent status and allowed to petition for citizenship. Every student deserves a chance to learn and to serve a cause greater than him- or herself. This measure will give many deserving children that opportunity.

The second provision would establish programs to help our neighbors to the south, including Guatemala and Belize to fight human smuggling and gain control of their tenuous borders. It would also encourage strategic coordination across the hemisphere to fight the growing problem of gang violence. In my view, these are critically important areas because in reality we cannot solve our problems here without also addressing the roots of the problems abroad.

It remains to be seen what will happen to this bill when Senate conferees sit down with our House colleagues to work out the considerable differences between the House and Senate versions of the bill. Speaking as one Senator, the measure as it has passed the Senate is a very delicate package of compromises that just barely makes it acceptable. Any significant diminutions from the Senate package will make this measure unacceptable to me, and I suspect, to many of my colleagues. I urge the Senate conferees to stand fast to the Senate position.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. DURBIN. Mr. President, are we under unanimous consent agreement as to the speaking order?

The PRESIDING OFFICER. We finished with all the speakers on the unanimous consent order.

Mr. DURBIN. Mr. President, I seek recognition, then, in reference to the bill before the Senate.

In the 200-plus year history of the Senate, there have been few moments when Senators were called to reflect on an issue of this gravity. This issue of immigration goes to the heart and soul of this Nation in which we live. It is an issue which has called forth from each side of the aisle the very best in debate, the very best in consideration, to tackle one of the most complicated issues that has ever faced our Nation.

But it is not a new debate. It is not a new issue. Almost from its outset, America has grappled with this issue of immigration. We are a nation of immigrants. We are a diverse nation. Look around your own neighborhood, at your church, at the gallery, look around at your place of business, and you will see people from all over the world who at one time or another came to this great Nation to call it home. With the exception of those Native Americans who were here when Christopher Columbus arrived, we are all newcomers to America. We are all strangers to this land. God has blessed us with this great opportunity to live in this land of opportunity.

That immigrant spirit has meant so much to what we are today and why we are different in this world, the courage of individual immigrants to leave behind everything—their home, their church, their relatives, their language, their culture, their friends—and to strike out for America, to find that opportunity which meant so much to them.

I am a product of that immigrant spirit. My mother was an immigrant to this country. She came to the United States 95 years ago as a 2-year-old infant, brought by her mother with her brother and sister. They came from Lithuania and landed in Baltimore, MD. They found their way across the United States by train to St. Louis and then by wagon across the Mississippi River on the old Eades Bridge to go to East St. Louis, IL, to join with other Lithuanian immigrants, immigrants who worked in the packinghouses, in the steel mills, in some of the hardest jobs you could find.

Our family's story is a story that has been repeated millions of times over. I am sure my mother never would have dreamed in those early times when she was struggling with her family to make an immigrant home that her son would one day represent the great State of Illinois. But that is the story of America. And it is a story we should honor.

When I consider this debate and everything that has come to it—and I understand there are serious differences of opinion—I know this great Nation cannot absorb every person who wants to come and live here. We are trying to find a reasonable way to deal with that yearning and spirit which drives so many people to our borders. I think we have a good bill. It is not perfect by any means, but it is a good bill, with enforcement at the borders, enforcement in the workplace, and a fair process for people to earn their way, over a long period of time, facing many obstacles, to legal status in America.

We would never have had that bill before the Senate were it not for the bipartisan leadership in the Senate. I especially commend Senator TED KENNEDY on our side of the aisle. What a warhorse. Whenever there is a battle in the Senate, you will find TED KENNEDY in the midst of it, bringing his special spirit, his special determination, as he has to this bill. His great ally in this cause has been Senator JOHN MCCAIN of Arizona of the opposite political faith but joining with him in this effort to come up with a good bill. And so many others whom I could go through the list and name, including Senator SPECTER, who led this effort in the Senate; Senator LEAHY—without his help, we never would have brought this bill out of the Senate Judiciary Committee; the four Republicans, Senators who stood up in the Senate Judiciary Committee and said they would join the Democrats, did make this a bipartisan effort. When I look at those people and what they brought to this debate, I see the best of the Senate.

It is rare—rare—that we come together, as we will see this afternoon, to face one of the most complicated and controversial issues in America and to do it in a bipartisan fashion, knowing full well that many people think our efforts are futile, that it will fall on deaf ears when we go over to conference with the House of Representatives.

I do not have that negative feeling. I really believe our friends in the House of Representatives can also rise to the occasion and can understand this special moment in history that should not be lost.

Within the pages of this bill is a special provision I have worked on for years, first with Senator ORRIN HATCH of Utah, and then with Senator CHUCK HAGEL of Nebraska. It is known as the DREAM Act. The DREAM Act is a provision which says if you were a child who came to the United States at least 5 years ago, and you graduate from high school and you are prepared to do one of two things—serve in the U.S. military or go on to work toward a college degree—we will give you a chance, a chance to become an American citizen over a long period.

We call it the DREAM Act because that is what it is. I have seen these young men and women in the city of Chicago and across the United States. They did not select the United States as a home. They were brought here by their parents. Many of them—most of them—are undocumented, but they still believe in their hearts they are Americans and can make this a better nation. The DREAM Act, which is included in this bill, will give them that chance.

When I go to visit Cristo Rey High School in the city of Chicago and see these wonderful young men and women who are defying the odds by completing their high school education, who want to go to college, who want to be our doctors and engineers and scientists and businesspeople and lawyers and elected officials, I think to myself: America cannot afford to waste this great talent and this great resource.

This bill gives them a chance. This bill gives them hope. This bill allows them to have dreams that will be fulfilled.

This is a great moment in the Senate. I look forward to this vote and the passage of this legislation. We will once again validate the American dream that, yes, we are a Nation of immigrants, and, yes, we are an accepting and welcoming Nation that understands the people who come to our shores and bring us diversity bring us strength, as Abraham Lincoln once said, to replenish the stream. These are the people who will build America's tomorrow. And these are the ones we serve with this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, we are down to the final few minutes of what has been a long and complicated process but a very civil process—as some of my colleagues have referred to the process which has been a very civil process in the best spirit of the Senate.

The Senate is about to vote at last on an issue that bears directly on our core responsibility to make America a better place by making it a safer place, a more secure place. It is an issue that focuses on our identity as a nation, a bill that rises to the challenge of solving the problem of illegal immigration with a plan that not only secures our border but is a comprehensive plan that balances the needs of a growing economy with our heritage as a land of proud immigrants.

This debate has been conducted in the Senate's finest tradition. Since I announced last October that the Senate would act this year, the understanding of this issue has increased, and increased every day we have debated and discussed and voted. The conversation both in Congress, in the Senate, and throughout the country has become more mature, more sophisticated, has led to a better understanding of the complexity of the challenge before us.

With this better understanding, the fact has become clearer and clearer: true border security combines energetic border enforcement with a realistic program, a practical program which identifies who is in America today, which lays out firm but fair requirements for those who want to be part of our great country.

Last fall, I had the opportunity, as so many have, to go to the border. I went then to the Rio Grande border in Texas. The night before Senator HUTCHISON and I arrived, 800 illegal immigrants were arrested there and were in detention the next morning, and over 200 pounds of marijuana was seized. But you had to wonder how many more people slipped through unseen. Another 400, 500, 1,000, another 1,500, just through that one sector? Who were they? Where were they headed? What were their intentions? What were their names? You had to wonder how many might die crossing the desert, not knowing exactly where they were going to end up. How many pounds of drugs, in addition to that 200 pounds of marijuana we witnessed, were making their way to the streets of Tennessee, New York, and California?

When I returned from Texas, I told the American people the Senate was going to act to make those borders more secure, to make our country safer, to stop that hemorrhaging coming across every night. As one of the major first orders of business in 2006, the Senate took up a strong border security bill. I specifically outlined when we took up that bill that over the ensuing days we would expand that bill to comprehensive immigration reform.

First, the Senate needed to demonstrate we were going to fortify our borders. Next, we would strengthen worksite enforcement where the magnet is attracting people across those borders. Third, we would establish a strong, accountable temporary worker program. Fourth, we would offer a plan for a path to citizenship that deals with the 12 million people, the diversity, that range of people, many who are fully assimilated into our society, some who over the last 6 months just snuck across the border.

Today, I am proud to say the Senate has acted. We will vote here in a few minutes. We have addressed what had seemingly started as an almost insurmountable problem. We are acting with a comprehensive solution. It is not a perfect bill—we all understand that—but a bill that will accurately reflect the will of this Senate, the 100 Members in this Senate.

We took a bill to the Judiciary Committee and in a short period of time, several months, generated a comprehensive bill. We took that bill to the Senate, amended it, and made it better. We have taken a bill that the American people would have concluded was amnesty and, at least by my lights, we took the "amnesty" out while putting the "security" in.

This bill we are about to pass has a 6-year plan to dramatically increase the number of agents along that southern border, agents who are hired, who are trained, and who are deployed along that border to stop that hemorrhaging. With the amendment by Senator SESSIONS, we have agreed to build at least 370 miles of triple-layered fence, with another 500 miles of vehicle barriers at strategic locations. This adds to provisions in the underlying bill which give the Border Patrol the technology and tools, the sophistication of technology we know they need to make that border less porous. At last, we will have a long-term border control strategy that will work and give us results to make America safer, to make America more secure.

To further bolster border security, we approved an amendment to authorize the National Guard to temporarily support border patrol operations. Coupled with the almost $2 billion in funds we approved in the Senate last month to beef up that border patrol and building on the money we appropriated last year—almost $10 billion—to begin hiring new agents, Americans should know the Senate is serious about stopping that hemorrhaging coming across our borders.

We also moved to tackle another commonsense issue of national cohesion. The Senate voted in favor of an amendment by Senator INHOFE to require that English be declared the national language of the United States. Learning to speak English is a necessary step for each and every aspiring American to be successful and to join in the mainstream of American society.

If the American experiment is to succeed, built on common principles and civic duties, every person making their life in this country—all of them, all of us, native born and otherwise—needs to learn the language, needs to learn the culture, needs to learn the history that binds us as a people, as an American people.

As Americans, we are also bound by our right to vote in free and democratic elections. The bill before the Senate provides substantial reinforcement to our border and to the laws on the books. It also provides a means for some to earn citizenship, while enforcing necessary restrictions.

Illegal immigrants who have been in this country less than 2 years must return home. Those who have been here 2 to 5 years would be required to come out of the shadows and leave the country, with the opportunity to legally return as temporary workers. Those who have been here for 5 years or more will be eligible to begin an 11-year process to become citizens without uprooting and returning home. No one who comes here illegally will reap the benefit of citizenship without first demonstrating the commitment to earning, and no one who breaks our laws should gain advantage over those who heeded them.

As I mentioned, this product is not perfect. Much more refinement needs to be done. That can be done in conference. But without a doubt, the amendments and the debate of the past 2 weeks have strengthened the core of this bill. We have had at least 20 Republican amendments, at least 18 Democrat amendments. A number of other amendments will be part of the managers' package. I am grateful to my colleagues for insisting those amendments be heard.

I thank Senator SPECTER, who shepherded this bill through the Judiciary Committee, and Senators HAGEL, MARTINEZ, KYL, CORNYN, and MCCAIN for standing with us all to insist on a fair process that allowed for free and open debate in amendments so we could move forward. I thank Senator KENNEDY for helping all of us set a tone for a civil, healthy debate. And I thank Senator REID for, again, agreeing to open and full debate. We have been in full agreement as to how amendments would come forward; thus, both of us can be proud that, working together, the bill we will be voting on in a few minutes does accurately reflect the spirit and the will of this Senate.

I do hope, as others have suggested this morning, as we turn to other issues, the same spirit with which this debate has been conducted will continue and will characterize our future deliberations in the Senate.

I also thank President Bush for his strong leadership for a comprehensive solution to these challenging problems. From day one, he staked out a position that was tough, not particularly popular when we started but one that was tough as well as compassionate, a position that acknowledges the rich contributions of America's immigrants while recognizing the need, first and foremost, to buttress our borders, that respects our heritage as an immigrant nation while upholding the laws of the land.

Early on in this debate, I said:

> This debate, and our effort, is about the American dream and the hope that this country holds for so many hard-working people.

But I should add, it is also an issue about what it means to be a nation. Every nation must keep its citizens safe and its borders secure. We should not have to choose between respect for our history and respect for our laws. With hard work and responsible debate, we can have both.

In this Senate, we have engaged in responsible debate over the last several months. We have worked hard. And with the bill before the Senate today, we do have both.

In closing, we are practical people. We are here to solve problems, applying the very best of my conservative principles, learning about the best ways to act, setting deadlines, seeking action, not giving up just because things turn tough. That is the job of leadership in the Senate.

So much has been said and done in relation to this bill now, there is only one thing left for us to do: vote, up or down. I will be voting yes, and I hope my 99 colleagues will also vote their conscience but also in the affirmative. We are ready for the clerk to call the roll.

AMENDMENT NO. 4083

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Feingold amendment.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I urge my colleagues to support the Feingold-Brownback amendment. This amendment will ensure that asylum seekers, victims of trafficking, and other immigrants can have meaningful judicial review of removal orders.

The amendment would strike from the bill a provision that would have the absurd result of making it harder, in many cases, for an immigrant to get a temporary stay of removal pending appeal than to actually win on the merits of the case.

Let me state this in very clear terms. If this provision is not struck from the bill, people with meritorious asylum claims will be sent back to countries where they will face persecution or even death before a Federal court can even hear their arguments.

Current law allows courts to deny stays to people with frivolous claims who are using delay tactics. This provision, then, is a solution in search of a problem, and one that creates potentially devastating problems of its own. The Senate should strike it from the bill.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I yield back all time.

The PRESIDING OFFICER. The question is on agreeing to the Feingold amendment No. 4083.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 45, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—52

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Dayton
DeWine
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCain
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Sarbanes
Schumer
Snowe
Specter
Stabenow
Sununu
Voinovich
Wyden

NAYS—45

Alexander
Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Frist
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—3

Enzi
Rockefeller
Salazar

The amendment (No. 4083) was agreed to.

AMENDMENT NO. 4108

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the Sessions amendment.

Mr. SPECTER. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Who yields time?

Mr. KENNEDY. Mr. President, is the Sessions amendment pending?

The PRESIDING OFFICER. Yes.

Mr. KENNEDY. A minute for and a minute against, is that correct?

The PRESIDING OFFICER. Yes.

Mr. SESSIONS. Mr. President, the earned-income tax credit is a major transfer of wealth that we provide to American workers and their families. It is a plan that has grown extraordinarily. The people who are illegally here now are not entitled to that plan. Just because they are legalized, they should not have an automatic right to obtain those benefits. If they are here until citizenship, they are entitled to those benefits. As a matter of law, they would be entitled to that. It amounts to, I believe, $40 billion over the next 10 years. It is something that we need to take seriously.

This $40 billion will increase our debt by that much in the next 10 years. We are generous with health care and with education and to allow overwhelmingly these people to stay in our country. But they are not entitled to this welfare benefit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, what we are saying is when immigrants are going to be legal immigrants, they are going to pay income tax, and under the Sessions amendment they are going to say you are going to pay your taxes, but you are not going to be able to take the earned-income tax credit. Your two children may be American citizens, but under the Sessions amendment, you will not be able to take the earned-income tax credit because you have not effectively became a citizen, even though you are legally here and paying taxes.

This is a special punitive tax provision that will be unique only to those individuals. It is wrong and it is unfair, and this amendment should be defeated.

Mr. SESSIONS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment of the Senator from Alabama, Mr. SESSIONS.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—37

Allard
Allen
Bennett
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Cornyn
Craig
DeMint
Dole
Ensign
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lott
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Stabenow
Sununu
Talent
Thomas
Thune
Vitter

NAYS—60

Akaka
Alexander
Baucus
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Crapo
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Santorum
Sarbanes
Schumer
Smith
Snowe
Specter
Stevens
Voinovich
Warner
Wyden

NOT VOTING—3

Enzi
Rockefeller
Salazar

The amendment (No. 4108) was rejected.

Mr. KENNEDY. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4136

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided on the Ensign amendment. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. Mr. President, just so people understand the difference between this amendment and the amendment we just voted on, when folks were here illegally, a lot of them used fraudulent Social Security numbers, some of them had stolen IDs and ruined lives with these stolen identifications. This amendment says that even though that is a felony and this bill gives them amnesty for that felony, we think that is enough. We don't think one of these illegal immigrants should be able to come back, instead of paying back taxes and qualify for EITC and all the other tax credits available to them.

Uncle Sam is saying: We are going to give you citizenship, permanent residency, we are going to forgive the felony of using a Social Security number fraudulently, and also, now you qualify for tax credits, and so the American taxpayers are going to have to write you a check. I think that is wrong. That is why my colleagues should support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. KENNEDY. Mr. President, I yield 1 minute to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, my very good friend from Nevada is driven by what he thinks is fair and right. I have a totally different view. Here is what I think is fair and right: Punish people appropriate to the crime; don't take tax policy and connect it to criminal law.

What we are saying people right now is: pay your taxes, learn English, pay a fine. But let's not come up with tax policy for one group of people who are now legal and say: You have to pay, but you don't get what anybody else in the country legally gets, and we have made you legal.

What damage are we going to do? We are going to take the tax law and turn it upside down and focus on one group and kick them around after they do everything else that everybody else has to do. That is not the best of this country. That is not consistent with the punishment versus the crime. Why would we ask somebody to pay their taxes and then say: Thanks for the money; you don't get any other benefits in the Tax Code. Rapists, murderers, and thieves go to jail, but they get refunds if the Tax Code says so. The only people who are not going to get a refund after they pay the taxes is this group of people working hard? That is not right.

Mr. ENSIGN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4136. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Wyoming (Mr. ENZI).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—50

Alexander
Allard
Allen
Baucus
Bennett
Bond
Bunning
Burns
Burr
Byrd
Carper
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Johnson
Kyl
Lott
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter

NAYS—47

Akaka
Bayh
Biden
Bingaman
Boxer
Brownback
Cantwell
Chafee
Clinton
Conrad
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Graham
Harkin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
Menendez
Mikulski
Murray
Obama
Pryor
Reed
Reid
Sarbanes
Schumer
Specter
Voinovich
Warner
Wyden

NOT VOTING—3

Enzi
Rockefeller
Salazar

The amendment (No. 4136) was agreed to.

Mr. ENSIGN. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

The Senate is not in order.

AMENDMENT NO. 4188

Mr. SPECTER. Mr. President, I think we have finally cleared away all of the underbrush on the managers' package. All I can say with the managers' package is it makes sausage look very good, but I think we are ready to proceed to a vote on a managers' package. People have asked for it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I have an inquiry through the Chair. I thought it was possible, though I would not need 10 minutes, not having spoken on the bill, to ask for 10 minutes simply to point out a couple of things in the managers' package, including the fact that the U.S. Government would be required to consult with the Mexican Government before building any fences on the border.

Would I be able to ask for time to discuss anything in the managers' package at this time?

The PRESIDING OFFICER. The Senator could seek approval by unanimous consent.

Mr. KYL. I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KYL. Mr. President, I thank my colleagues for that courtesy.

The managers' amendment has been negotiated right up to the last second. It is hard to know exactly everything that is in it. I am told by staff that among the provisions is one which:

> . . . requires Federal, State and local representatives in the United States to consult with their counterparts in Mexico concerning the construction of additional fencing and related border security structures along the U.S.-Mexico border before the commencement of any such construction to, No. 1, solicit the views of affected communities; No. 2, lessen tensions; and, No. 3, foster greater understanding and stronger cooperation on this and other important security issues of mutual concern.

I am all for consulting with the Mexican Government on matters of mutual concern, but I do not think it is necessary for us to put as a precondition into the building of any fencing structures the requirement that the U.S. Government consult with the Government of Mexico. For that reason among others, I will be voting against the managers' package.

I thank my colleagues.

Mr. DODD. Mr. President I listened to the remarks of Senator KYL concerning the inclusion in the managers' package of the holding of consultations at Federal, State and local levels on both sides of border before fence construction occurs. I think I know something about this issue because it was my amendment. Senator KYL suggested in his remarks that consultations would give the Mexican Government veto power over the building of a fence. Nothing could be farther from the truth, and nothing in that amendment would impede the ability of the U.S. Government to construct a fence in manner the of our choosing.

But it is simply common sense and common courtesy to consult those individuals in our own communities and in affected communities on the other side of the border before constructing a fence. Why? Because the fence alone is not going to stop the flow of illegal immigration into the United States. It is going to take a cooperative effort between the United States and Mexico. My amendment seeks to foster the kind of cooperation that is vital if we are going to once and for all secure our borders.

I thank the President for the opportunity to clarify this matter.

Mr. SPECTER. Mr. President, I send the managers' package to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. KENNEDY, proposes an amendment numbered 4188.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—56

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Craig
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Graham
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Martinez
McCain
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Reed
Reid
Sarbanes
Schumer
Snowe
Specter
Stabenow
Stevens
Voinovich
Warner
Wyden

NAYS—41

Alexander
Allard
Allen
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Conrad
Cornyn
Crapo
DeMint
Dole
Dorgan
Ensign
Enzi
Frist
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lincoln
Lott
McConnell
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Sununu
Talent
Thomas
Thune
Vitter

ANSWERED "PRESENT"—1

Boxer

NOT VOTING—2

Rockefeller
Salazar

The amendment (No. 4188) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I thank the chairman, Senator SPECTER, and Senator LEAHY for accepting my amendment, which would help thousands of religious minorities who have come to the United States seeking relief from the persecution they faced in Iraq.

Currently in the United States, approximately 3,000 Christian Iraqis—about 2,000 of whom are in the metropolitan Detroit area—are in jeopardy of being deported. These are persons with no criminal record who came to the United States seeking asylum during the regime of Saddam Hussein. Due to the long delays in the immigration system, however, their cases were not heard before April 30, 2003, when the United States declared victory in Iraq. When these individuals finally had their day in court, the immigration judge denied their application because the government in Iraq that persecuted these individuals was no longer in power.

These Iraqi Christians had valid claims for asylum when the came here, they have been hard-working, law abiding residents over many years, and they have put down roots and raised families here. They should not be punished for the bureaucratic backlogs of the immigration judicial system.

. My amendment would protect persecuted religious minorities who fled Saddam Hussein's oppressive government in Iraq and came to the United States with valid claims of asylum and for whom, despite the change in government regime, it is not safe to return to their homeland. The persecuted religious minorities are defined as someone who is or was a national or resident of Iraq, is a member of a religious minority in Iraq, and shares common characteristics with other minorities in Iraq who have been targets of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. My amendment would make these individuals eligible for legal permanent residency status and would supersede all previous judicial action on their cases.

I am pleased that we are able to provide relief to these individuals who deserve legal permanent residency on the merits of their cases but were unfairly denied it because of bureaucratic delays that were beyond their control.

The PRESIDING OFFICER. The Senator from Louisiana.

CHANGE OF VOTE

Ms. LANDRIEU. Mr. President, on rollcall vote No. 131, I voted yea. It was my intention to vote nay. Given this does not change the outcome of the vote, I ask unanimous consent that I be permitted to change my vote. This will in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SPECTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER (Mr. CHAFEE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 36, as follows:

The result was announced—yeas 62, nays 36, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—62

Akaka
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brownback
Cantwell
Carper
Chafee
Clinton
Coleman
Collins
Conrad
Craig
Dayton
DeWine
Dodd
Domenici
Durbin
Feingold
Feinstein
Frist
Graham
Gregg
Hagel
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Sarbanes
Schumer
Smith
Snowe
Specter
Stevens
Voinovich
Warner
Wyden

NAYS—36

Alexander
Allard
Allen
Bond
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Cornyn
Crapo
DeMint
Dole
Dorgan
Ensign
Enzi
Grassley
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Stabenow
Sununu
Talent
Thomas
Thune
Vitter

NOT VOTING—2

Rockefeller
Salazar

The bill (S. 2611), as amended, was passed.

(This bill will be printed in a future edition of the RECORD.)

Mr. LEVIN. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, our immigration system is broken and needs to be repaired. This bill is a strong step in the right direction. We need to protect our borders and look out for American workers, and we also need a responsible way to meet the need for temporary workers, particularly in the agricultural area, where they represent about 70 percent of the U.S. agricultural workforce, with a path to earned citizenship for hard-working, law abiding temporary workers. This bill, the product of bipartisan compromise, takes a commonsense approach to all of these issues.

The comprehensive immigration reform bill before us today would strengthen security at our borders through increased border patrol and heavier fines for employers who violate the law. It would create a sustainable temporary worker program to help fill the lowest wage jobs. It would enforce labor protections for U.S. workers by ensuring that the temporary workers who are certified do not adversely impact them. And it would provide a path to earned citizenship that does not bump anybody who has applied through the legal channels and has been waiting. Undocumented immigrants who have been here for years, set down roots, worked hard, and paid their taxes would go to the end of the line and earn citizenship after perhaps as many as 10 to 15 years.

I am pleased that we were able to include additional protections for U.S. workers in the bill. I supported an amendment introduced by Senator OBAMA that strengthens labor protections for U.S. workers and bars employers from hiring guest workers in areas with a high unemployment rate. This and other amendments will help ensure that we have a well-balanced, and workable guest worker program. In addition to these amendments, I am also pleased that we have maintained the AgJOBS provision within the bill. This provision is a commonsense fix to major problems being faced by those who have the least access to resources: low wage agricultural workers from exploitation which would adversely impact American workers.

I was pleased that the Senate recognized the significant implementation challenges associated with the Western Hemisphere Travel Initiative and accepted an amendment that would extend its deadline. The WHTI requires anyone entering the United States via a U.S.-Canadian land border to have a passport or other acceptable alternative document by January 1, 2008. The amendment accepted by the Senate extends this deadline by 18 months to June 1, 2009.

My home State of Michigan, like other northern border States, enjoys a close economic and social relationship with Canada. The WHTI will play an important role in securing our borders, but it must be implemented in a reasonable, fair, and well thought out manner that minimizes negative impacts on trade, travel, and tourism. By voting to extend the deadline, we are giving the Departments of State and Homeland Security additional time to study and correct the various implementation issues related to the WHTI.

I am also pleased that the immigration bill addresses another key border issue: the security problem that is posed by trash trucks entering this country. My amendment, which was accepted by the bill managers, would stop the importation of Canadian waste if the Department of Homeland Security can not show that the methodologies and technologies used to screen these trash trucks for the presence of chemical, nuclear, biological, and radiological weapons are as effective as those used to screen for such materials in other items of commerce entering the United States by commercial vehicle.

Finally, I want to thank the managers of this bill for accepting my amendment that would protect thousands of individuals who fled religious persecution in Iraq under Saddam Hussein. Due to delays in the immigration bureaucracy, many of these individuals have not yet had their day in court, and, of those who have, many have been denied asylum based on changed country conditions since the war. My amendment would make these individuals eligible for legal permanent residency if they would have received that status but for the bureaucratic delays.

The comprehensive immigration bill before us will make our borders more secure while creating a workable temporary worker program that protects U.S. jobs. I will support this bill and hope that the conference committee will return a final bill similar to it.

EXECUTIVE SESSION

NOMINATION OF BRETT M. KAVANAUGH TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT—Resumed

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 632, the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

Bill Frist, Arlen Specter, Saxby Chambliss, Larry Craig, Mel Martinez, Elizabeth Dole, Johnny Isakson, Pat Roberts, Ted Stevens, Craig Thomas, Thad Cochran, Chuck Grassley, Judd Gregg, Tom Coburn, Richard Shelby, Lindsey Graham, Orrin Hatch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 67, nays 30, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—67

Alexander
Allard
Allen
Bennett
Biden
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kohl
Kyl
Landrieu
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—30

Akaka
Baucus
Bayh
Bingaman
Boxer
Cantwell
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Lautenberg
Leahy
Levin
Menendez
Mikulski
Murray
Reed
Reid
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—3

Conrad
Rockefeller
Salazar

The PRESIDING OFFICER. On this vote, the ayes are 67, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Parliamentary inquiry: Is it appropriate now to begin debate on the confirmation of Brett Kavanaugh?

The PRESIDING OFFICER. It is appropriate.

Mr. SPECTER. Mr. President, I support the confirmation of Brett Kavanaugh to the Court of Appeals for the District of Columbia because of his academic achievements, professional work, and potential to be an outstanding Federal judge.

Brett Kavanaugh was an honors graduate from Yale University, was a graduate of the Yale Law School, and a member of the Law Journal there. That is a strong indication of intellectual achievement. He then clerked for Judge Walter Stapleton of the Court of Appeals for the Third Circuit and then Judge Alex Kozinski of the Court of Appeals for the Ninth Circuit and then clerked for Justice Kennedy on the Supreme Court of the United States. Those are really outstanding credentials, academically and for the beginning career of a young lawyer. He then worked in the Solicitor General's Office, argued a case before the Supreme Court of the United States, and then worked as associate White House counsel and has been Secretary to President Bush.

He had a second hearing which was requested by the Democrats so that he could respond to questions which had arisen in the 2-year interim since his first hearing, and he responded by allaying any concerns about any involvement which he may have had on the subject of interrogation of detainees.

He was asked about any potential participation in the administration's electronics surveillance program. He answered that in the negative.

He responded to questions with respect to the subject of rendition, again with no knowledge on his part of any of that.

He was subject to close questioning about his work with Kenneth Starr on the impeachment proceeding, and he was not in a position of leadership. He was one of several down the tier, with Mr. Starr being Independent Counsel. Mr. Kavanaugh was a deputy, with as many as nine other such deputies on his level.

He was candid in some criticism of the handling of the matter; the public release of the report was not the choosing of Independent Counsel. He testified that he believed that the Independent Counsel statute ought to be changed materially if it was to be revised and that having Mr. Starr both on Whitewater and the impeachment of the President was too much.

He wrote a law review article on the issue of peremptory challenges for Black jurors and took the position that it was inappropriate, should not be done, and displayed in that scholarly aptitude on the journal.

One of the objections raised to Mr. Kavanaugh involved how close he was to the President. But it is hardly a surprise that Brett Kavanaugh would be close to the President because the President selects people in whom he has confidence and who share his approach to jurisprudence, to strict construction, and to not legislating from the bench. That prerogative of the President is what Presidential elections are about.

Some of Mr. Kavanaugh's answers were hesitant, and I think he was very concerned about being very precise in what he had to say. He might have been a little forthcoming, but in a context where there is a question about subsequent investigations, if the control of the Senate changes, in the context of witnesses appearing before grand juries on five occasions, looking for inconsistencies, it is understandable that he was very cautious in his comments.

I believe that on this record, Brett M. Kavanaugh ought to be confirmed, and I urge my colleagues to vote in the affirmative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I have some remarks I would like to make on this nomination.

Mr. LEAHY. Will the Senator yield for just a moment? He does have the floor, I fully understand. I assume we would follow the normal order that after the chairman spoke, the ranking member would be allowed to speak.

Mr. CORNYN. I will be glad to defer to the ranking member.

Mr. LEAHY. The Senator from Texas has the floor. He does have the floor.

Mr. CORNYN. Mr. President, I recognize I have the floor and the right to the floor, but I will be glad to accommodate the ranking member and, if I can, by unanimous consent, request that I be recognized after he speaks, I would be happy to relinquish the floor to him.

Mr. LEAHY. I certainly have no objection to that. I assume what we will probably do for the rest of the evening, and I suspect we probably will do the same thing tomorrow—hopefully by tomorrow night or early Saturday we will finish—we will go back and forth. I make a request I be recognized, and upon the completion of my remarks, the distinguished Senator from Texas be recognized.

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Only for the purpose of being in the queue after the Senator from Texas, if I can amend the unanimous consent request.

Mr. LEAHY. I ask unanimous consent that Senator DURBIN follow the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, and I do not wish to object, I presume this is a discussion on the nominee. Senator DAYTON and I have a bill we want to introduce. It will take just 3 or 4 minutes to comment on the introduction.

Mr. LEAHY. Mr. President, I ask unanimous consent that before I am recognized—the Senator from Texas still has the floor—before I am recognized and the Senator from Texas is recognized and then the Senator from Illinois is recognized and then the Senator from Idaho is recognized, that 10 minutes be divided between the Senator from Mississippi and the Senator from Minnesota.

Will that give Senator LOTT and Senator DAYTON enough time?

Mr. LOTT. That will be more than enough time. That is very generous.

Mr. LEAHY. That upon yielding back of the time of the Senator from Mississippi and the Senator from Minnesota, the Senator from Vermont be recognized following the chain we talked about.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. May I just add to that unanimous consent request that Senator HATCH be added as the next speaker on our side of the aisle in the queue?

Mr. LEAHY. I have no objection to that. I think it is quite appropriate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe Senator DAYTON will actually introduce the legislation, and I join as a cosponsor. He will lead off with his remarks, and then I will be honored to follow.

THE PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. I thank the Chair.

(The remarks of Mr. DAYTON and Mr. LOTT pertaining to the introduction of S. 3239 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the Senator from Minnesota and the Senator from Mississippi, and I thank again the distinguished Senator from Texas, who has shown his usual and normal courtesy in allowing me to go next.

The Senate has just passed bipartisan comprehensive immigration reform. I think that is an achievement for all Americans, present and future, who want to keep our country safe, and it fixes what most will acknowledge is a broken system. I mention that because the Senate, Republicans and Democrats, worked together to speak about one of America's top priorities, and it worked. I think the American public understands that. We ought to continue that. We ought to continue that on the path of addressing Americans' top priorities.

We ought to be debating the war in Iraq. None of us can go home without hearing a debate on the war in Iraq, either for or against it. We ought to be debating it on the floor of the Senate. We are, after all, the conscience of the Nation. We should be debating the war in Iraq.

We should debate the rising gas prices. You can't go into a diner in America without hearing a debate on that. They ask the same thing: Why aren't you debating it on the floor of the Senate?

How about the health care costs, which are going up at a time when seniors are faced with what for many of them is an incomprehensible prescription medicine plan. We ought to be talking about that. You can't go to the senior center anywhere in the country without hearing that being debated. What is wrong with the Senate, the conscience of the Nation, debating it?

How about stem cell research? So many parents of children with diabetes, those who have had paralyzing injuries, they say: Why aren't you at least determining a way to have stem cell research?

What about the reauthorization of the Voting Rights Act? Not only has the Voting Rights Act worked to help those minorities in this country who were denied the right to vote before, but let us make sure that it works in the future for children today, Hispanic children today, African-American children today, the children of all races? How will we guarantee they will have the right to vote? We should reauthorize the Voting Rights Act.

These are all things on which the Senate could come together in a bipartisan fashion. We could have a bipartisan debate. The country would benefit by it. We would be a better body. The country would be better. But instead, it appears that because it is an election year, then we have to go to controversial, polarizing judicial nominations.

This nomination, like the difficult and controversial nominations of Judge Terrence Boyle and Michael Wallace, signifies that the Bush-Cheney administration and those who support it here in the Senate, are more interested in playing partisan election-year politics by heeding the siren call of special interest groups rather than tackling the pressing issues facing Americans today.

Local and national law enforcement have called upon the President to withdraw the nomination of Judge Boyle, as I have, and he would be well advised to do so. The nomination of Michael Wallace received the first ABA rating of unanimously "not qualified" for a circuit court nominee in more than 20 years. The last one to get that rating didn't go through. And the nomination before us today of Brett Kavanaugh is one of the few judicial nominations to be downgraded over time by the ABA.

The Senate's job is to fulfill our duty under the Constitution, not to advance a political agenda. No matter what our political affiliation, we are supposed to consider the interests of all Americans. We have to be able to assure the American people that the judges confirmed to lifetime appointments to the highest courts in this country are being appointed fairly to protect their interests, rather than to be a rubberstamp for whichever President nominated them. Mr. Kavanaugh is a nice young man who was nominated for the U.S. Court of Appeals for the District of Columbia Circuit after working for most of his career in behalf of the Bush-Cheney administration and the Republican Party in partisan, political jobs. Since helping to author the Kenneth Starr Report, he has worked in the office of the White House Counsel and as staff secretary to the Bush-Cheney administration. He was involved in the administration's use of 750 Presidential signing statements to try to reserve to the President the power to pick and choose which laws passed by Congress he wanted to follow. In other words, he allowed the President to sign a bill but then say: This law may apply to others, but it is not going to apply to the President or anybody else to whom I don't want it to apply. It is the first time in my lifetime a President has stated so emphatically, 750 times: I am above the law. He has helped the President pack the Federal bench with right-wing ideologues.

He has helped design the White House's overbearing secrecy policy. So now we are spending billions of dollars in marking things "top secret," some of which were on Government Web sites for long periods of time until they realized it was pointing out embarrassing mistakes in the Bush-Cheney administration. So they yanked it off the Web sites and marked it "top secret." We even have now the FBI going to a dead journalist—to a dead journalist, Jack Anderson—and pressuring his elderly widow to give up his notes of 20 and 30 years ago because it might prove embarrassing to some in their party.

So my question for this nominee, which is the same question I have asked of all nominees of either party, is whether you will be an independent check and balance.

I recall recommending to President Clinton a well-known Republican from my State for a seat on the Second Circuit Court of Appeals. I did that even though the man is certainly more conservative than I and belonged to the other party. I did it because I knew he would be independent; he would not be a rubberstamp for any President, Republican or Democratic.

Regrettably, Mr. Kavanaugh has failed through two hearings to establish that he has the capacity to be an independent check on his political patron, in this case a President who is asserting extraordinary claims of power. In fact, despite his close ties to the White House's inner circle, he wouldn't even tell us what issues he would recuse himself from hearing as a judge. We asked him specifically: Here is a case where you designed the legal basis for something, and now it comes before you as a judge; would you recuse or rule on work you have done? He wouldn't even acknowledge that he would. Instead we heard from a nominee who parroted the Bush-Cheney administration's talking points on subject after subject. I don't think the Senate should confirm a Presidential spokesperson to be a judge of the second highest court in the land.

After carefully evaluating Mr. Kavanaugh's record and his answers at two hearings, it is clear that he is a political pick being pushed for political reasons. His nomination is a continuation of the Republicans' decade-long attempt to pack the DC Circuit.

You can go all the way back to President Clinton's first term when the Republicans started playing politics with the DC Circuit. They blocked President Clinton's nominees so they could make sure they had a majority of Republican appointees on the court. They were among the 61 of President Clinton's nominees that the Republicans pocket filibustered. And their plan succeeded. After confirming two other nominees last year whom I strongly opposed—Janice Rogers Brown and Thomas Griffith—Republican nominees now comprise a 2-to-1 majority on the second most important court in the land. This is not a court which needs another rubberstamp for this President's assertions of Executive power.

The Republican majority who chose to shrink the court when there was a Democratic President is now bent on packing this court. They want this up-or-down vote even though they didn't apply that standard or anything near it to President Clinton's nominees to the DC Circuit. As I say, they denied 61 of President Clinton's nominees an up-or-down vote. When they stalled the nomination of Merrick Garland to the DC Circuit beyond the 1996 election, even Senator HATCH as chairman of the committee became frustrated. He claimed the way the Republicans were opposing judicial nominees was playing politics with judges, was unfair, and he was sick of it. I wish he had followed through instead of joining with his fellow Republicans in denying 61 judges an up-or-down vote. We did finally get Merrick Garland through, but he was the last one the Republicans were willing to consider for confirmation to this important circuit.

Here we have a person with no real experience other than being willing to take political orders.

Let me tell you about two of the nominees of President Clinton whom the Republicans would not allow to have a vote, a so-called pocket filibuster. One was Elena Kagan. They wouldn't allow her to come to a vote. Some even said: We are not sure of her qualifications. She is now dean of the Harvard Law School. These are the same people pushing a nominee for the Fifth Circuit, as I mentioned earlier, who is rated unanimously unqualified. And they pocket filibustered Alan Snyder. He had served as a clerk to Justice Rehnquist—no screaming liberal he, God rest his soul. Mr. Snyder was an experienced and respected litigator, but he was pocket filibustered. The fact is, for the rest of President Clinton's second term, they blocked all nominees to the DC Circuit, pocket filibustered them all with impunity.

I will give a little background. During the 17 months I was chairman of the Judiciary Committee, I tried to stop the poisonous pocket filibustering. I am a Democrat, and the Bush-Cheney administration is Republican. In 17 months, I moved through, and the Democratic-controlled Senate moved through, 100 of President Bush's nominees. We actually moved them faster than the Republicans had moved them for a Republican President.

But I don't want to say they rubberstamped everybody. They, the Republicans, actually did treat one nominee the same way they treated President Clinton's. It is the way they treated White House Counsel Harriet Miers when the President nominated her.

She is a woman who has not gone to Ivy League schools but has a more impressive background and experience than this nominee—certainly much more legal experience than this nominee. Republicans questioned her qualifications. They demanded answers about her work at the White House and her legal philosophy. They would meet on an off-the-record basis with the press and say what a terrible nomination this was for President Bush to make.

I said: At least let her have a hearing. All Democrats on the committee said: Out of fairness to the President, we ought to let his nominee have a hearing. The Republicans said: She is not going to get a hearing, and they forced the President to withdraw her nomination.

Despite the political battle, as I said when I moved through 100 of President Bush's nominees, I approached the nomination of Mr. Kavanaugh with an open mind. I gave him the chance that Elena Kagan and Alan Snyder never received. In fact, he has had more opportunities than they. He has had an opportunity to demonstrate at not one but two hearings that he could be an independent nominee who deserved to be confirmed.

The Washington Post noted in 2003, when President Bush nominated Mr. Kavanaugh, that he had nominated somebody "who will only inflame further the politics of confirmation to one of this country's highest-quality courts" and concluded that it was "too bad Mr. Bush is too busy playing politics to lead." I agree. Instead of being an uniter, he is being a divider.

I kept an open mind, even though only 1 of the 22 judges appointed to the D.C. Circuit since the Nixon administration, Kenneth Starr, had even less legal experience at the time of his nomination than Kavanaugh. Throughout all Republican and Democratic Presidents, only Kenneth Starr had less experience since President Nixon's time than Mr. Kavanaugh.

I even kept an open mind after Mr. Kavanaugh's nomination was one of the few to be downgraded by the ABA. I can't recall anyone being confirmed after such a development.

But after I saw Mr. Kavanaugh at his recent hearing, I could appreciate one judge interviewed by the ABA peer review subcommittee describing Mr. Kavanaugh as "less than adequate" and someone who "demonstrated experience on the level of an associate." Others interviewed recently raised concerns about Mr. Kavanaugh's ability to be balanced and fair, given his years in partisan positions, working to advance a particular partisan political agenda. He was described by interviewees as "sanctimonious," "immovable and very stubborn and frustrating to deal with on some issues"—not the qualities that make for a good judge.

Despite the word put out falsely by the Bush-Cheney defenders, it was not a change in membership in the ABA peer review committee that led to his downgrading. Three-quarters of those who previously reviewed this nomination, and continued on the committee, voted to downgrade the rating based on the recent interviews and review.

His response to one very simple question I asked during his most recent hearing spoke volumes. I asked the nominee why he had taken 7 months to answer the written questions submitted to him following his initial hearing in 2004. He repeated the meaningless phrase that he "took responsibility" for such dismissive and irresponsible conduct and, implicitly, for his lack of seriousness about the confirmation. When he did that, it actually elicited laughter from the hearing room but not laughter from me because I felt it was not the first time he "dissembled" in response to my questions.

I suspect the truth is, he made a political calculation and decided to expend his time and effort at his benefactor's reelection campaign during the spring, summer, and fall of 2004 rather than answering the questions legitimately asked by Senators on the Judiciary Committee. He may be brilliant at politics and have powerful supporters, but that doesn't mean he will be a good judge. This is, after all, a vote to determine not who your supporters are or not how good you have been at partisan politics but how good a judge you will be.

In my opening statement at his hearing, I raised a key question regarding this nomination: Will he demonstrate his independence and show he can serve in the last independent branch of the Government? One party controls the White House, the Senate, the House of Representatives. There is only one body left to be independent. That is the courts. Can we look to him to be a check and balance on the President, who is asserting extraordinary claims of power, or on any President?

He could have told us something about his responsibilities as staff secretary or as an associate White House counsel, giving us examples when he showed independence and good judgment, but he didn't. Instead, he appeared at his confirmation hearing to be a spokesman and representative for the administration. Instead of speaking about how independent he would be, he basically over and over again acted like a spokesman for the administration.

Courts are not supposed to be owned by the White House. I don't care which administration is in control of the White House, they are not supposed to control the courts. Over and over he answered our questions by alluding to what the President would want and what the President would want him to do. We are going to confirm somebody who, in sworn statements, talks about how he would try to make sure he ruled as the President would want him to rule? Have we really sunk that low in the Senate on judicial nominations?

We heard from a nominee who responded not with independent answers but with the administration's talking points. We heard from a young man who, when invited by the chairman to introduce his family, began his remarks not by introducing the family but by thanking the President for nominating him and later emphasized—as if that was a qualification—that he had "earned the trust of the President" and his "senior staff."

I have no problem with the President nominating Republicans—although that seems to be all he will nominate, unlike other Presidents of both parties who have nominated people from both parties—but I expect him to nominate somebody who can be independent and will not have his strings pulled by the White House. It may be useful for advancement within the Bush-Cheney administration in Republican circles, but they are not qualifications for a judge who can be independent if he is asked to rule on this President's or the Bush-Cheney administration's policies.

Senator GRAHAM put the question this way during the course of the hearing: "There is a fine line between doing your job as a White House counsel and being part of the judicial selection team and being a judge yourself. There is a line between being an advocate and being a judge." I don't believe he showed he knows that line. The DC Circuit is too important to pack with those who would merely rubberstamp the Bush-Cheney administration or any administration, Democratic or Republican. We can't rubberstamp an administration's policies.

We had the sudden and basically forced resignation of the President's handpicked head of the CIA, Porter Goss. America witnessed another "heck of a job" accolade to an administration insider leaving a critical job undone. This administration insider—we saw what a great job he did. So, like administration insiders who ran FEMA right after Hurricane Katrina, the President said they had done a heck of a job. I think virtually all Americans, Republican and Democratic, would disagree. In fact, for that matter, this week we learned that the President's Secretary of the Veterans' Administration was in charge when there was the largest theft of private information from the Government ever—the largest theft ever, the loss of information on more than 26 million American veterans.

Compounding the incompetence is the misguided decision by the Veterans' Administration for secrecy in trying to cover it up for the last 3 weeks. Boy, if we don't talk about it, if we cover it up, maybe nobody will know that we lost the critical private information of 26 million veterans.

This is falling on the heels of last year's debacle of the $1 billion shortfall in the VA's budget for veterans health care by the same leadership, who said: Oh, we have plenty of money when they want to make political points, then quietly to the Congress after, saying: Whoops, we don't. It is a heck of a job. It is just one more heck of a job by this administration.

Maybe we should have a "heck of a job" medal to give to all of these people who get fired for incompetence—give them a "heck of a job" medal—great big thing, you have done a heck of a job. It is a heck of a job on Katrina; it is a heck of a job on rubberstamping nominees for the courts; it is a heck of a job when you lose 26 million records and put these veterans at great risk. Oh, wait a minute. They did say they would have an 800 number. If you are 1 of the 26 million now facing identity theft, maybe lose your car, maybe lose your house, maybe lose your pension, maybe lose your life savings, we have an 800 number for you.

Anybody try to get through to that 800 number? If you do, they tell you go out and buy protection. Whatever happened with "the buck stops here"? It has to be more than photo-ops when you run operations.

What is desperately lacking throughout this administration is accountability. The attack on 9/11 happened on their watch. You don't see accountability. The faulty intelligence, the years of fundamental mistakes in Iraq, hundreds of billions of dollars spent in the war in Iraq, and we were told that we were going to be greeted as liberators and that it would be over in a matter of days. The lack of preparation, the horrific aftermath of Katrina, and on and on—billions spent on homeland security.

First, a crony of the President was going to be put in to run the Department of Homeland Security until they found out the very disturbing things about his personal life; found out things that the administration knew about, that they were trying to keep secret. But when the press found out about it, somebody had an excuse not to go there.

Be ready on a moment's notice if we are ever attacked again, like we were attacked early on in the Bush-Cheney administration. Well, with Katrina, we had days and days and days of notice. It didn't do any good.

I think, speaking in behalf of the President for a moment, it is not all his fault. He has not been helped by the Republican-controlled Congress that won't provide any checks and balances. The Republican controlled Congress won't raise the questions that might be asked, and that, had they been asked, might have forced the administration to do a better job. But the Republican-controlled Congress won't serve as a check and balance, when there are colossal failures of homeland security, or at the VA, or anywhere else. Can we at least ask for the courts to be a check and balance to preserve our rights and our way of life? If our Government overreaches, at least we can count on the courts to be there to check and balance.

In fact, now that the administration is raiding congressional offices, the Republican leadership in Congress is finally protesting. When ordinary Americans' telephone calls and Internet use is being wiretapped without warrants, that same Republican leadership looked the other way. I guess they had to tread on the toes of Members of Congress before the Republican Congress will say anything.

Last year, when the President nominated Harriet Miers, Republicans questioned her qualifications and demanded answers about her work at the White House and her legal philosophy. They defeated her nomination without a hearing. Now it appears that they are back to their rubberstamping routine with every Senate Republican ready to approve this nomination without question or pause.

Then we ask the question: The President's counsel, the staff secretary, did that nominee act as a check and balance, or will he continue, as he said at his hearing, to do whatever the President wanted?

At his hearing, Senator FEINSTEIN and I gave him another opportunity to answer concern about his loyalty to the President. We asked about recusal. He could have said he would not hear any matter that raised questions about the President's claims of executive power insofar as was involved with the development of the policies and practices of the Bush-Cheney administration. It is almost judicial ethics 101 in the first year of law school. The easy answer is: Of course. I will not rule on that. Of course, I would recuse myself on something I have developed in the White House. He could have walled off matters covered by the Presidential signing statement—750 of them. This President has shown unchecked Executive power exceeding that of Richard Nixon. He could have said that given his role in the development of this administration's secrecy policies he would recuse himself from those questions regarding the right of the American people to know about their Government. It would not only be the right answer, but it would be an easy answer. After all, the administration stacked that court with so many Republicans, he should feel comfortable, but even there he didn't say he would follow basic judicial ethics.

At a time when the Senate should be addressing America's top priorities, the President and his Senate allies instead are trying to divide and distract from fixing real problems by pressing forward with this controversial unqualified nomination.

We showed in the recent debate that at least among senior Members—Republican and Democratic Members—we could be uniters and not dividers.

Unfortunately, in this case, the White House wants to be dividers not uniters. And the leadership is ready to cater to the extreme right-wing and special interest groups agitating for a fight on judicial nominations. They made no secret of the reason for pushing nominations to the Senate. They are even willing to hold up confirmation of the new Director of the CIA to vote now instead of a week from now on a nomination that has waited 3 years anyway. They just want to stir up a fight.

Mr. Kavanaugh is a young, relatively inexperienced but ambitious person who, in two hearings, has failed miserably to demonstrate his capacity for independence. I have voted for an awful lot of Republican nominees, and I expect I will in the future. I am not going to vote for any nominee—Republican or Democrat—who has failed to demonstrate his capacity for independence. This nominee has not, and I cannot in good conscious support action on this nomination to one of the Nation's highest courts.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, almost 3 years have passed since Brett Kavanaugh was nominated to the U.S. Court of Appeals for the DC Circuit. I am glad that the time has finally come for an up-or-down vote on his nomination.

Despite the threats of a filibuster and the unwarranted attacks on the nominee's qualifications and character, Brett Kavanaugh will soon be confirmed by a bipartisan majority of this body.

I fully support his nomination, and believe that he will be a valuable addition to the Federal bench. In just a moment, I will outline the reasons why.

But, first, I must say I am troubled that his confirmation has been needlessly protracted and contentious. It is the contentiousness that concerns me most.

Brett Kavanaugh's nomination has routinely been described in the press as "controversial"—not because of any legitimate quality or characteristic of the nominee, but simply because my colleagues on the other side have declared it so.

These individuals have demeaned Kavanaugh as a "crony," a "partisan warrior," and have characterized his nomination as "among the most political in history" and "judicial payment for political services rendered." Yet, a leading Democrat critic during a recent hearing conceded that Brett Kavanaugh has "blue-chip credentials." I don't understand how these comments can be squared with one another.

Mr. President, I have deep concerns about the tenor of many recent debates over this President's judicial nominees. I fear that this confirmation battle is just the latest in a series of bad precedents set in recent years when it comes to confirmation votes on a President's nominees.

The fight over Justice Samuel Alito's nomination is the first example that comes to people's minds, but there are many others. You will recall that during the Alito debate, one of his opponents said, "You name it, we'll do it." to defeat the Alito nomination. Sadly, that statement captured the tone of the Alito confirmation debate—where we saw a distinguished public servant subjected to unwarranted, baseless attacks.

Fortunately, a bipartisan Senate rejected the attempt to filibuster Samuel Alito. Any attempt to filibuster Brett Kavanaugh would surely meet the same fate.

I don't think that I am going out on a limb when I say that neither the Alito nor the Kavanaugh confirmation debates could be considered the Senate's "finest hour." Taken together with many others, these confirmation battles have the potential to paint for the public a distorted picture of our Federal judiciary—and further erode the confidence in our legal system.

The U.S. Senate should take the lead and give the public a more accurate understanding of the judge's role in our constitutional democracy. To achieve that, the judicial confirmation process must be more civil, respectful, and free of partisan politics.

There are many reasons I support this fine nominee.

Brett Kavanaugh is, by any reasonable measure, superbly qualified to join the Federal bench. His legal resume is as impressive as they come—one with a demonstrated commitment to public service. After law school at Yale, where he was an editor of the Yale Law Journal, Kavanaugh held prestigious clerkships for three Federal appellate judges—including U.S. Supreme Court Justice Anthony Kennedy. He also served in the Solicitor General's office, the Office of Independent Counsel, and was a partner at Kirkland & Ellis, one of the Nation's elite law firms. Most recently, he was Associate White House Counsel, and is currently Staff Secretary to President Bush, a job whose title belies the very serious and important responsibilities that that individual performs.

Earlier this month, the Judiciary Committee had the good fortune of hearing from Kavanaugh's mentors, two men who know him best. Neither of these men recognized the critics' demeaning description of Brett Kavanaugh as a partisan or as someone with an agenda.

Ninth Circuit Judge Alex Kozinski told the Committee that he "never sensed any ideology or agenda" when Kavanaugh served as his law clerk—perhaps the most important job other than the job of the judge in judicial chambers. Third Circuit Judge Robert Stapleton urged Kavanaugh to consider the judiciary as a career because, in addition to this young clerk's legal acumen, he displayed "no trace of arrogance and no agenda."

Judge Stapleton praised the nominee for appreciating the "crucial role of precedent in a society that is committed to the rule of law."

Brett Kavanaugh clearly understands the impartiality and independence required of an article III judge. At his first hearing in April of 2004, Mr. Kavanaugh described it best when he said: "I firmly disagree with the notion that there are Republican judges or Democrat judges. There is only one type of judge. There is an independent judge under our Constitution. And the fact they may have been a Republican or a Democrat or an independent in a past life is completely irrelevant to how they conduct themselves as judges."

The independence of our Federal judiciary is, again, using Brett Kavanaugh's words, "the crown jewel" of our constitutional democracy. But I worry that the Senate—perhaps inadvertently—is giving the American people a distorted view of our system. I regret that at the root of these harsh and unfair attacks may be a deep-seated cynicism, namely, that Federal judges are somehow just another branch of the legislature, that they are merely politicians in black robes who are somehow able to inject their own policy agendas into court decisions, thereby rendering the popular phrase "legislating from the bench."

But nothing could be further from the Founders' vision of our judiciary under the Constitution; Federal judges are given life tenure without salary reduction, precisely because we want to ensure they will decide each case, big or small, on its own merit according to the law, according to the facts and not with any agenda.

Judicial independence requires faithful application of the Constitution and the law to each case. I supported Chief Justice John Roberts and Justice Sam Alito because I believe they will respect our Constitution and respect our laws. And I believe Brett Kavanaugh will do the same.

Brett Kavanaugh is a dedicated public servant who will serve this Nation with distinction as a Federal judge. I urge my colleagues to confirm him.

I yield the floor.

The PRESIDING OFFICER. Under the unanimous consent, the Chair recognizes the Senator from Illinois.

Mr. DURBIN. Mr. President, we are considering the nomination of Brett Kavanaugh to the United States Court of Appeals for the DC Circuit. Why are we taking extra time on this nomination? Why are Members coming to the Senate on both sides, some expressing support and others opposition? Why is this different from any judicial nomination? There are two reasons. This is not your normal Federal court. The United States Court of Appeals for the DC Circuit is the second highest court in America. It has been the launching pad for Supreme Court Justices. They consider some of the most complex and technical litigation that faces the Federal bench. It is not just another court.

Second, Brett Kavanaugh is not just another judicial nominee. Brett Kavanaugh comes to this nomination with not the weakest credentials in the history of this bench, but the second weakest credentials.

Earlier this month, Senator KENNEDY called the Kavanaugh nomination a triumph of cronyism over credentials. Unfortunately, I must agree. The nomination of Brett Kavanaugh is a political gift for his loyal service to this President and his political party. Mr. Kavanaugh is not being given an engraved plaque for his fine service; he is being given a lifetime appointment to the second highest court in the land. By every indication, Brett Kavanaugh will make this judgeship a gift that keeps on giving to his political patrons who have rewarded him richly with a nomination coveted by lawyers all over America.

In light of his thin professional record, Mr. Kavanaugh bears a particularly high burden of proof. I have sat through the hearings with Mr. Kavanaugh. In my estimation, he has not met that burden. He has so little experience as a practicing lawyer, no experience as a judge. He had a special obligation when it came to these nomination hearings to tell us what he believes and what he would do on this important judicial assignment. He failed.

As I said about the DC Circuit, it is not just any court of appeals. It is the first among equals. It is based in Washington, but its rulings affect Americans from coast to coast. It is the court of last resort in some cases involving the air that every American breathes, the water that we give our children, the right of labor organizations to collectively bargain, whether Americans will have access to telecommunications, and even the price we pay for electricity.

The significance of the DC Circuit is seen in the way it has become the farm team for the Supreme Court. Over half of all the Supreme Court nominees during the past quarter century were judges on the DC Circuit where President Bush wants to send his staff secretary, Brett Kavanaugh. If Mr. Kavanaugh is confirmed for the DC Circuit, it would not surprise me if the Republicans would try to elevate him to the highest court in America.

Let's take a look at his experience for this job. Compared to others who have served on this important court, Mr. Kavanaugh's track record just does not stand up. He has never had a jury trial in his life. And he has never had a trial before a judge. I don't believe he has ever taken a deposition. I don't know if he has ever filed a motion in court. There is no evidence that he has any understanding, basic understanding, of trial practice in civil or criminal courts in America.

Think of that for a moment. Though this man has graduated from outstanding schools, he has clerked for important judges, he has never had to roll up his sleeves and represent the client or represent the United States of America or any State or local jurisdiction at a trial.

He has very little experience, of course, on the issues that come before this court. Nearly half of the cases in the DC Circuit Court involve Federal agencies dealing with the environment, electricity, labor unions and telecommunications. Mr. Kavanaugh was asked: Now, in this field of expertise that you want to be a judge in, tell us, what kind of cases have you handled? What kind of experience do you have? What did you bring to this? What kind of wisdom as a judge will you bring to this? He could identify only one case in his entire life that he had ever been involved in that related to any of those four important agencies.

During the 113-year history of the DC Circuit Court there has only been one judge, only one in its history, who has been nominated who had fewer years of legal experience than Brett Kavanaugh. That judge was a man by the name of Ken Starr. No other DC Circuit Court judge in the past 113 years has had less experience than Brett Kavanaugh.

Is that the best we can do? Is that the best the President and the White House can do for the people of America? Give us young men who may have great promise, but little experience? People who may be right on the political issues for this White House but have not demonstrated the wisdom or life experience that qualify them to stand in judgment on critical issues that affect the lives of every single American?

At his second hearing Mr. Kavanaugh tried to assure us that his career in government service was similar to others who have served in the DC Circuit. He compared his background in government service to a former DC Circuit judge by the name of Abner Mikva, who served with distinction on the DC Circuit Court from 1979 to 1995. It was truly a Lloyd Bentsen/Dan Quayle moment that Brett Kavanaugh would suggest that he was in Abner Mikva's league. That comparison is such a stretch.

Judge Mikva had 28 years of legal experience before he was nominated to the DC Circuit. Abner Mikva served for 9 years in Congress, 10 years in the Illinois legislature. He had worked for over 12 years in private practice. As the late Senator Lloyd Bentsen, who just passed away, said, to paraphrase, I know Abner Mikva; Abner Mikva is a friend of mine, and Brett Kavanaugh is no Abner Mikva.

Because of his thin track record as a lawyer, Mr. Kavanaugh had a special burden of proof to be candid and forthcoming with the committee, to tell us who he is and what he stands for. He did not meet that burden. Every time he came close to answering a hard question, he quickly backed away. But he was well-schooled in the process because he spent his time in the White House coaching judicial nominees not to answer questions. Well, he learned as a teacher, and he demonstrated it before the Senate Judiciary Committee.

For example, he would not tell us his views on some of the most controversial policy decisions of the Bush administration—like the issues of torture and warrantless wiretapping. He would not comment. He would not tell us whether he regretted the role he played in supporting the nomination of some judicial nominees who wanted to permit torture as part of American foreign policy, who wanted to roll back the clock on civil rights and who wanted to weaken labor and environmental laws. It would have been so refreshing and reassuring if Brett Kavanaugh could have distanced himself from their extreme views. But a loyal White House counsel is not going to do that. And that is how he came to this nomination. That is how he addressed the Senate Judiciary Committee with his loyalty to the President.

He would not tell us what role he played in the White House's unprecedented efforts to give the President virtually unchecked power at the expense of congressional oversight.

In light of Mr. Kavanaugh's failure to open up to the committee, we have to just guess about his brief career. He coauthored the Ken Starr Report; he represented Elian Gonzales; he worked in Florida on the Bush 2000 recount; he worked with Karl Rove and the Federalist Society to pick ideological judicial nominees. He has been the go-to lawyer time and time again for the far right in American politics. And now he is being handsomely rewarded for his loyalty, for his service to his political party.

Other than his judicial clerkships, Mr. Kavanaugh has only worked for two people during his entire legal career: President George Bush and Ken Starr.

Given this background, I asked Mr. Kavanaugh if he would agree to recuse himself in cases involving the Republican Party or the Bush administration. Clearly, he has a conflict of interest, at least the appearance of a conflict of interest, from all of the years he spent as a loyal Republican attorney. I asked him. Would you step away from cases that directly impact the Republican Party and the Bush administration policies? He refused.

The real question is whether Judge Kavanaugh would be fair and open-minded. And there are new concerns that have been raised about Mr. Kavanaugh's judicial temperament. I saw him at the last hearing with his wife and baby. He looks like a fine father—a beautiful young family. To all appearances, a good person coming from a good family. But those who have watched him in the courtroom have come to different conclusions.

Last month the American Bar Association downgraded Mr. Kavanaugh's rating after conducting additional interviews with judges and lawyers who had actually seen him in the courtroom and worked with him in the limited exposure he has had to America's courtrooms. A judge who was interviewed by the American Bar Association stated that Mr. Kavanaugh's oral presentation at the hearing was "less than adequate" and that he had been "sanctimonious." That is not a great send-off if a person who is being nominated for a lifetime appointment to the bench, a person who will now stand in judgment not only of other judges but of the counsels and attorneys that appear before him.

A lawyer interviewed by the American Bar Association also said: "Mr. Kavanaugh did not handle the case well as an advocate and dissembled." That doesn't sound very promising for someone seeking a lifetime appointment to the second highest court in the land with some of the most technical and difficult arguments and issues to consider.

One interviewee called Mr. Kavanaugh "insulated." Another person said Mr. Kavanaugh is "immovable and very stubborn and frustrating to deal with on some issues."

Is that what we are looking for in a judge, an insulated person, immovable and stubborn, who dissembles when he is in the courtroom and has a sanctimonious way about him? I can tell you, as a practicing lawyer, that is a judge I would avoid, and most people would avoid nominating that kind of lawyer to become a judge.

The ABA also stated they were disappointed that Mr. Kavanaugh seemed to have a "lack of interest" in the Manual Miranda "memogate" scandal and that he failed to conduct an internal White House investigation as to whether the scandal had tainted the Bush administration's judicial nomination process.

This issue is one I know pretty well. I was one of two Senators whose computers were hacked into by Mr. Manny Miranda, who at the time was a Republican staff member, who worked at various times for the Senate Judiciary Committee and for the Senate Republican leadership. Mr. Miranda hacked into my computer, my staff computer, and stole hundreds if not thousands of legal documents—memoranda that had been prepared by my staff analyzing issues, analyzing nominees. Mr. Miranda stole these documents and then turned them over to organizations that were sympathetic with his political point of view. There was some question as to whether those documents somehow migrated to the White House decision process—legitimate questions because those were times when many of these nominees were very controversial.

When Mr. Kavanaugh was asked about these things, he was not that interested—either when the ABA asked the questions or when the questions were asked in the Senate Judiciary Committee. Those questions went to the integrity of the process of naming men and women to our Federal judiciary for lifetime appointments. You would believe that Mr. Kavanaugh, in his capacity as White House Counsel, would have taken that issue much more seriously than he obviously did.

This nominee is not the best person for an important job. Michael Kavanaugh does not deserve a lifetime appointment to the second highest court in the land.

I believe he has a bright future in some other setting. I think after practicing law, actually finding out what it means to represent a client, perhaps going into a courtroom someday, maybe sitting down before a judge, maybe taking a deposition, understanding what it means to file a motion in court, and what that means to go to argue for a hearing, maybe to prepare a legal brief, to argue a point of view, maybe win a few or lose a few, actually go into a courtroom with a client, pick a jury in a civil case, be a prosecutor in a criminal case, watch as the case unfolds before the judge and the jury, watch it go through to verdict, consider whether or not to launch an appeal—the things I have just described are not extraordinary.

This is the ordinary life of practicing attorneys across America. But my life experience, as limited as it was in practicing law, included all of these things. They helped me to understand a judge's responsibility—a trial court judge, even an appellate court judge. This is like sending Mr. Kavanaugh into a setting where he has no familiarity and no experience.

You might say: Well, maybe he will learn on the job. Maybe he will turn out not only to be a good law student but a heck of a judge. Well, it is not a question of trial and error here. It is a question of lifetime appointment. We do not get a makeover on this decision. If this Senate approves Brett Kavanaugh for the second highest court in the Federal judiciary in America, he is there for life.

Maybe he will learn on the bench. Maybe he will turn out to be objective on the bench. Maybe he will move away from a solid legal political background to understand the law. Maybe he will have some on-the-job training as a judge in the second highest court in the land. But is that the best we can do? Doesn't that harken back to other things in this administration that have troubled us—people being appointed to positions they clearly were not qualified for because they were well connected, they knew the right people? That should not be the test for the Federal judiciary. It certainly should not be the test for the second highest court in the land.

I believe the White House, I believe the Republican party, could have done better. There are so many quality judges across America who are Republicans, in my home State of Illinois and in Federal district courts, who could have been nominated for this important and prestigious position. Instead, this nominee falls short. It is no surprise to me that the American Bar Association downgraded his nomination.

I hope if he is approved that in the years to come he will prove me wrong. At this point, there is little evidence to base that on. But I hope for the sake of this court and for the Federal judiciary that is the case.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HATCH). The Senator from Idaho.

Mr. CRAIG. Mr. President, we are in a kind of a unique procedure this evening as we debate three nominees who will be voted on tomorrow morning, obviously, the nomination of Brett Kavanaugh being one of them. But another one that is critical to the United States and critical to the public lands domain of our United States and critical to this western Senator and to the western Senator who is presiding at this moment is the nominee for the new position of Secretary of the Interior.

Tonight, I stand to support the nomination of Governor Dirk Kempthorne of my State of Idaho, who will be considered and voted on tomorrow by the Senate. I was extremely proud that our President would recognize, as Secretary Gale Norton stepped down, that it would be right and appropriate to nominate another westerner with the kind of experience westerners uniquely have in the capacity that Governor Kempthorne has had to serve not only as a U.S. Senator but as a Governor in a very large public lands State.

The Department of Interior, of course, is the largest landlord in my State, as is true in the State of Utah. It is through that experience, and working with the Federal Government and working with the Department of Interior, that I believe Dirk Kempthorne, as our new Secretary of the Interior, will do extremely well.

When he came before the Energy and Natural Resources Committee, on which I serve, he came with the support, the bipartisan support, of 40 current sitting Governors of the States of the United States. I am not quite sure I have ever seen that before, that 40 Governors—Democratic and Republican—would step up and say, in behalf of one of their colleagues, that he is qualified and they support him without condition to become the new Secretary of the Interior. Governor Kempthorne developed a close working relationship with these Governors as he served as chairman of the National Governors Association just a few years ago.

I have watched Governor Kempthorne for two terms, or 8 years in my State of Idaho, take very difficult situations and sometimes competing sides and bring them together to resolve a problem and to come out whole and smiling in behalf of their interests and in behalf of the State of Idaho. It is with that kind of style and capacity that Governor Kempthorne comes to the position of Secretary of the Interior.

Dirk Kempthorne has successfully resolved one of the largest tribal water disputes in Idaho history, if not in the West—a tribal dispute we dealt with here on the floor, just a year ago, after he and others had spent well over 5 years working through all the fine and difficult points of negotiation between very opposing and sometimes conflicting parties as they dealt with that.

When you live in the arid West, as I and the Senator from Utah do, you know how important water is. We find it, obviously, life-sustaining. And if it is not managed well, it can create great conflict or it can change the whole character of an environment or a State. And certainly for the wildlife of our great States, it is critically important habitat.

Here in the East, we worry about too much water. Out in the arid West, we worry about not enough water. And it is with that kind of experience that the Governor comes to the Secretary's position to become one of the Nation's largest water landlords, presiding over the Bureau of Reclamation and all that they do in the Western States and across the Nation in the management of critical water resources and the infrastructure that sustains those resources.

As a U.S. Senator, both the Presiding Officer, the Senator from Utah, and I served with Governor Kempthorne. He introduced and won passage of S. 1, the Unfunded Mandates Reform Act, critical and necessary as we work on legislation here to make sure we do not impact States and create and demand certain things from States that are, if you will, demanded but unfunded as a part of a Federal jurisdiction or responsibility. That is the law of the land today, and it certainly showed his skills as a legislator.

Under the leadership of Governor Kempthorne, the Western Governors' Association developed a 10-year strategy to increase the health of America's forests. Out of that collaborative process, and working with us here, we created the Healthy Forests Act, with the guidance and the assistance of the Bush administration, working cooperatively with public land timber State Senators.

It was one of the first major pieces of legislation passed to manage our forested lands of the Nation in a right and appropriate fashion, to restore health-damaged ecosystems, and to protect and promote the collaborative community effort where community watersheds were involved and at risk as a result of fire. So I was pleased to work with the Governor in his capacity at that time as chairman of the Forestry Subcommittee here in the Senate, and we were able to successfully bring that to conclusion. That is the law of the land today.

Knowing the West, as I said earlier, is critically important to the Secretary of the Interior because he is the landlord for much of the western landscape of our Nation, let alone our crown jewels, our national parks and all that they bring for the citizens of our country.

When he was nominated and we had our first visit, he said: Larry, what should some of our priorities be? And I said: You come at a unique time to the Department of Interior. Because there is no question, in my mind, at least, this Senator—and in looking at the new energy policy we passed a year ago and all that we have done to get this Nation to producing energy once again—the Governor is the landlord of one of the largest storehouses of energy in this Nation.

The kind of drilling for gas in the Overthrust Belt in the West today that we are now reengaging in, with new environmental standards, to bring billions of cubic feet of gas on line in the upper Rocky Mountain States, is presided over by the Secretary of the Interior.

A debate that has gone on here, somewhat quietly, on the floor of the Senate but will take shape in the very near future dealing with the drilling of gas down in the Gulf of Mexico, off the coast of Florida, in lease sale 181, once again, dealing with offshore resources, is in part if not in whole the responsibility of the Secretary of the Interior.

The oil shales of Colorado that we are working to develop now—a lot of it on our public lands West—is the responsibility of the Bureau of Land Management and the Secretary of Interior.

I believe in the next 2½ years Dirk Kempthorne presides over the Department of Interior as the second Secretary of the Interior of this Bush administration, he will, by his presence and the efforts currently underway, actually produce more energy for this

Nation and our Nation's energy consumers than will the Secretary of Energy. It is that kind of uniqueness and the domain over which he presides that makes this position tremendously important.

(Mr. MARTINEZ assumed the Chair.)

Mr. CRAIG. Lastly, the Governor leaves Idaho with a legacy of growing and expanding the Idaho State park system that I know he is very proud of, as am I. And now he steps into the role of really being the caretaker of all of our National Park System. That is so phenomenally important to our country.

The parks we have oftentimes called the crown jewels of the great outdoors of our country. And they truly are that. Whether it is Yellowstone in the West or whether it is the Great Smokies south of us here and slightly to the west or whether it is down in the Everglades of Florida—of which the Presiding Officer is so proud of that great park system—Dirk Kempthorne, as Secretary of Interior, will have a tremendous responsibility over that domain.

Tomorrow, we will vote on Governor Kempthorne, and he will become the next Secretary of the Interior for the Bush administration and for the United States of America. My guess is that vote will be a resounding vote because when he left here as a Senator, he left in a tremendous state of good will with his colleagues. He has returned as a nominee to visit with, I believe, nearly all of us to assure us that he will be here to listen and to work with us in his role and responsibility as our new Secretary of the Interior.

So as an Idahoan and as a U.S. Senator, I am tremendously proud that our President has nominated and we, tomorrow, will confirm Dirk Kempthorne as our next Secretary of Interior.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in strong support of the confirmation of Brett Kavanaugh to serve on one of the most important courts in our judicial system, the U.S. Court of Appeals for the District of Columbia Circuit. Brett Kavanaugh is an extremely bright, hard-working, ethical lawyer. I have known him for many years.

His father Ed Kavanaugh served as head of a major trade association here in Washington for many years, and he is known by my colleagues in Congress as a straight shooter. In this case, the apple did not fall far from the tree. Brett's mother Martha served for many years as a State court judge in Montgomery County, MD, and I am sure serves as a great model of judicial temperament and jurisprudential excellence and fairness for her son.

Brett Kavanaugh was nominated to the DC Circuit Court of Appeals in July of 2003. That is almost 3 years since he was nominated. Due in large part to the delay tactics employed by some earlier this month, Mr. Kavanaugh was the subject of a highly unusual second hearing on his nomination. Interestingly, when he was the nominee for the same court, Chief Justice Roberts was also subjected to a second hearing before the Judiciary Committee. Frankly, it may be the case that in each of these two circumstances, the second hearing tells us more about the partisan nature of the judicial confirmation process than it reveals about the qualifications of the nominees.

I might add that in both second hearings, both of these people, now Chief Justice Roberts and Brett Kavanaugh, came off very well, without one touching by anybody who was trying to do away with them.

I hope that the 14-year time period between Chief Justice Roberts' first nomination and confirmation to the DC Circuit is not matched or exceeded by the Kavanaugh nomination. Since he was nominated almost 3 years ago, Mr. Kavanaugh has become a husband and father. Let us pray that he does not become a grandfather before he gets a vote in the Senate.

This is a good day because not only can we see the light at the end of the tunnel, but we can actually get through the tunnel and complete action on this nomination that has languished for nearly 3 years. Now that Mr. Kavanaugh has once again answered questions at the unusual second hearing—and as was the case with his first hearing, some of the questions were not posed to him in the most civil fashion—and now that he has been reported to the floor by the Judiciary Committee, it is my hope he will soon have the up-or-down vote he deserves on the floor of the Senate.

I commend the manner in which Chairman SPECTER has brought this nomination through the Judiciary Committee and on to the floor. In the sunshine of the hearing room, it became ever more apparent that there are no serious objections to this nomination. Brett Kavanaugh is a highly qualified nominee and a proven public servant. Mr. Kavanaugh's education, employment history, and record of public service should speak for themselves.

Brett Kavanaugh is a local guy. He went to high school at Georgetown Prep in Bethesda, MD, where he was educated by the Jesuits. From what I can tell, he heard the call of St. Ignatius to be a true man for others. I suspect that many of my colleagues, especially those Jesuit-educated Members, appreciate that background.

He went to Yale University for college. Having excelled there, he went on to Yale Law School, where he was editor of the "Law Review." That is no small achievement. It shows that he was an excellent student, one of the best.

He went on to not one but two circuit court clerkships. You don't get those clerkships unless you are one of the best. A judge really gets to know his clerks. They work in close quarters together. The judge has a true opportunity to get the measure of the man. Brett Kavanaugh's former employers, these judges, his mentors, thought so much of Brett that they came to Washington to testify at his confirmation hearing earlier this month. That is the second confirmation hearing. They did not mince their words.

This is what Judge Walter Stapleton, one of most respected judges in the Third Circuit Court of Appeals, had to say about his former clerk:

> I am confident that Mr. Kavanaugh's perspectives on both life and the law will result in his becoming what I regard as a "judge's judge." His personal confidence is matched by his humility, and his legal acuity by his good, common sense judgment. When he served as my clerk, no case was too small to deserve his rapt attention and, without exception, he initiated his evaluation of a case with no predilections. His ultimate recommendation resulted from a careful case-by-case analysis of the facts and an objective application of the relevant precedents. He is firmly committed to the proposition that there must be equal justice for all and that this can be a reality only if all of our courts faithfully and objectively apply the statutory declarations of Congress and the teachings of the Supreme Court.

That is what I would call a ringing endorsement, a refutation of everything that has been said by the other side—and by a great judge, by the way, who knows a lot about judging and knows a lot about character.

Judge Alex Kozinski on the Ninth Circuit Court of Appeals had a similar experience during Mr. Kavanaugh's time with him. This is what he had to say at his hearing:

> I must tell you that in the times that I had Brett clerk for me, I found him to be a positive delight to have in the office. Sure . . . he is really bright, and he is really accomplished, and he is a really excellent lawyer. But most, virtually all, folks who qualify for a clerkship with a circuit judge these days have those qualities.
>
> . . . Brett brought something more to the table. He, first of all, brought what I thought was a breadth of mind and a breadth of vision. He didn't look at the case from just one perspective . . .
>
> Brett was very good in changing perspective. Sometimes I'd take one position and he'd take the opposite, and sometimes we'd switch places. He was very good and very flexible that way. I never sensed any ideology or any agenda. His job was to serve me and to serve the court, and to serve the people of the United States in achieving the correct result at the court. He always did it with a sense of humor and a sense of gentle self-deprecation.

These are strong words of support from another great circuit court of appeals judge on the Ninth Circuit Court of Appeals which is on the far west of this country. And these words describe precisely the type of qualities we want in members of the Federal judiciary.

Mr. Kavanaugh went on from those clerkships with these great circuit courts of appeal judges to bigger and better things. He worked in the office of the Solicitor General of the United States. There is hardly any one in this body who can claim that experience. He clerked for Supreme Court Justice Anthony Kennedy. Only the best and brightest lawyers win these types of challenging and prestigious assignments.

Mr. Kavanaugh went on to become a partner in one of the greatest law firms in the country, Kirkland & Ellis, a leading national law firm. That doesn't happen to somebody who is as described by some of my partisan colleagues on the other side.

Brett Kavanaugh left the no doubt financially lucrative practice at Kirkland & Ellis and returned to public service. He is a public servant. For the last 6 years, he has worked at the White House, first in the White House Counsel's Office—you don't get there unless you are really good—and currently as staff secretary to the President of the United States. Pretty impressive stuff. Some people say just a secretary. Come on, this is a person who vets the documents the President sees. It is a person you trust, whom the President trusts. It is a person with wisdom and decency and magnanimity. Nevertheless, some opponents of this nomination are suggesting that somehow Mr. Kavanaugh is unqualified to serve on the DC circuit. Come on.

Let us be clear. Mr. Kavanaugh has been practicing law for 16 years. He has argued civil and criminal matters before trial courts, appeals courts, and even the U.S. Supreme Court. I have heard Senators on this floor criticizing him for not having been a judge, not having been on the court, not having argued all kinds of cases. He has. I don't know what they have been reading, but they sure as heck haven't been reading the transcript or don't know what is going on here. Very few lawyers ever argue a case before the Supreme Court. Mr. Kavanaugh has done so.

The vast majority of his legal practice has been as a public servant. I remember a time when public service was applauded and valued, as it should be. My colleague from Arizona, Senator McCain, should be commended for reminding young men and women how crucial it is for citizens to transcend their own immediate needs and wants and to serve something larger than themselves. That is what Brett Kavanaugh has done with his life. Yet instead of applauding him, some attack him. For some, his public service has become a liability. I wish I was kidding, but I am not making this up. You have heard it here tonight. Apparently some believe Mr. Kavanaugh is just too political.

His great, alleged sins were to work for the Office of the Independent Counsel in the investigation of the Whitewater matter and later to work for President Bush. Although I think most fair observers would have to say that both of these demanding jobs are professional achievements, some are trying unfairly to use political innuendo to tar and feather this fine young lawyer. But that dog just won't hunt.

As a lawyer in the Office of the Independent Counsel, an office created by Democrats in the wake of Watergate, he worked on an investigation initiated by a Democratic President and his Attorney General. Nobody has ever suggested that his work was anything but professional. He was not a political partisan. Yet some people are hyperventilating as though the President nominated some partisan hack to a lifetime position on the Federal bench. I know Brett Kavanaugh. I have known him for years. I can tell you, he will be neither a partisan nor a hack on the bench. He has all the capacities and qualities to become a great judge.

This false charge of partisanship should be recognized for what it is—an absolute fabrication. You heard what two Federal judges for whom he clerked had to say about Mr. Kavanaugh. It doesn't get much better than that.

Another variation on this attack against Brett is the claim that he does not have adequate judicial experience. We need to put this in perspective. On the DC Circuit, only 4 of the 20 judges confirmed since President Carter's election served previously as judges. Then, all of a sudden, it is a bad thing because Brett Kavanaugh has not had experience as a judge. President Clinton nominated and the Senate confirmed—this is a Democratic President—32 lawyers with no prior judicial experience, including Judges David Tatel and Merrick Garland to the DC Circuit. Good judges. Are we to believe that those who make these arguments also believe that Chief Justice Earl Warren, Justice Hugo Black, and even Chief Justice Marshall were somehow lacking because they had not been involved in politics and had no prior judicial experience?

I could go on and name a whole bunch of other Supreme Court Justices who never had any prior judicial experience, some of whom are revered as the greatest Supreme Court Justices in history. It is very unfair to use that argument, as has been used in countless numbers of cases for President Bush's nominees and, I might add, President Reagan's as well. It was not that long ago that the minority leader publicly urged the President to nominate individuals with a diversity of experience rather than just looking to prior judicial service. Well, Brett Kavanaugh fits this bill.

His background as staff secretary may prove to be particularly good judicial training. In a letter signed by eight individuals who served as either counsel or deputy counsel to the President, this is how they described that role he fulfilled:

> The importance of this position, as well as its substantive nature, is not always well known or understood outside the White House. As Staff Secretary, Mr. Kavanaugh is responsible for ensuring that all relevant views are consistently and accurately presented to the President. The ability to assess presentations of differing arguments on a wide range of topic areas is a skill that would serve him well on the D.C. Circuit.

I concur. I ask unanimous consent that the full letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WILEY REIN & FIELDING LLP,
Washington, DC, May 5, 2006.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN SPECTER: We are writing to offer our strong support for the confirmation of Brett Kavanaugh to the United States Court of Appeals for the D.C. Circuit. We have each served as Counsel or Deputy Counsel to the President, and believe that Mr. Kavanaugh has the qualifications and experience necessary for the D.C. Circuit.

As former Counsel and Deputy Counsel to the President, we understand the importance of judicial appointments, particularly those to the federal courts of appeals. In our view, Mr. Kavanaugh possesses all of the requisite qualifications for such an appointment, including outstanding academic credentials, keen intellect, a calm and thoughtful demeanor, and exceptional analytical skills. He has extensive relevant professional experience, including arguments before the Supreme Court of the United States and the federal courts of appeals.

We would also like to emphasize the critical nature of the position that Mr. Kavanaugh currently holds as Staff Secretary. The importance of this position, as well as its substantive nature, is not always well known or understood outside the White House. As Staff Secretary, Mr. Kavanaugh is responsible for ensuring that all relevant views are concisely and accurately presented to the President. The ability to assess presentations of differing arguments on a wide range of topic areas is a skill that would serve him well on the D.C. Circuit.

Mr. Kavanaugh would be a fair and impartial judge, dedicated to the rule of law. He possesses the highest personal integrity and is exactly the type of individual this country needs on the federal appellate bench. We urge the Senate to act promptly to confirm him to the U.S. Court of Appeals for the D.C. Circuit.

Sincerely,

FRED F. FIELDING,
On behalf of: Arthur B. Culvahouse, Jr., Peter J. Wallison, Phillip D. Brady, Richard A. Hauser, Timothy E. Flanigan, David G. Leitch, John P. Schmitz, Jay B. Stephens.

Mr. HATCH. So with few rounds left, some activist groups opposing this nomination claim that Mr. Kavanaugh is too young and too inexperienced. It really is time for these folks to get a grip. Brett was nominated when he was 39 years of age. Today, as a result of several years—actually 3—of delay and obstruction, he is 41. All three of the judges Brett clerked for were nominated before the age of 39. Justice Kennedy was 38, sitting on the Supreme Court today. Judges Kozinski and Stapleton were 35 when they were put on the bench.

Several of my colleagues on the Judiciary Committee were elected in their early thirties. I don't think they would allow others to charge that they were too immature for the work. If James Madison could be the principal drafter of the Constitution in his midthirties, I think a man in his early forties, with 16 years of legal practice, and tough legal practice at that, is sufficiently mature to serve on the Federal bench.

I believe it is clear that most of the arguments marshaled against Mr. Kavanaugh are nothing more than a combination of hokum and downright hogwash. So it is not a surprise that the American Bar Association has repeatedly found him qualified for this position. Let me explain what that means.

After an extensive review, the American Bar Association gives ratings to all of the President's judicial nominees, and the judicial committee factors in these ratings when evaluating judicial nominees. A rating of qualified means this from the ABA:

> The nominee meets the committee's very high standards with respect to integrity, professional competence, and judicial temperament, and that the committee believes that the nominee will be able to perform satisfactorily all of the duties and responsibilities required by the high office of a Federal judge.

What qualified nominee has demonstrated more professional excellence? Brett Kavanaugh has been reviewed by the ABA on three separate occasions. On each occasion, he has been found qualified to serve in this position. Twice he received a rating of majority well qualified, minority qualified. In his most recent rating, he received a rating of majority qualified and minority well qualified. Much has been made of that, some calling it a downgrade. Come on. Over the last 3 years, he received 42 individual ratings by members of the American Bar Association, and all, with no exceptions in these 42 ratings, found him—all of them found him qualified for this position.

Some will try to make hay out of his most recent rating. Keep your focus on the fact that everybody from the ABA who ever evaluated Kavanaugh's ability to serve on the Federal bench found him fully qualified to do the job. Some of those doing the rating gave him the highest rating of well qualified. Nobody from the ABA ever found him to be not qualified to be a Federal judge. There is good reason for that. They would not dare do that with a person of his ability—although they did in one other case recently.

Frankly, I have always been skeptical of the ABA ratings. We have had some great committee ratings and some lousy ones. The lousy ones are where they allow politics to enter into it. Many Democrats consider the ratings of the American Bar Association their gold standard. Whenever the Democrats have called something their gold standard, I have found it useful to scratch beneath the surface because you will find that it is only goldplated. Nevertheless, the Judiciary Committee looks to the evaluations of the American Bar Association because these evaluations can often provide useful information.

I would like to commend the many men and women of the ABA who volunteer their time and energy to compile these ratings. These are volunteers. In my experience, however, the system is not infallible. For example, Judges Richard Posner and Frank Easterbrook received mixed qualified/not qualified ratings when they were nominated by President Reagan. This was a great and unpleasant surprise to those of us who were confident they would do excellent work on the bench, and many were convinced that those ratings were issued for ideological reasons. Today, these two judges are among the most frequently cited members of the Federal judiciary, and their work is widely admired all over the legal profession and all over the Federal courts.

Just recently, to show you how bad it can get, Michael Wallace, a nominee to the Fifth Circuit, seems to have fallen victim to an ideological review process by the ABA. He graduated at the top of his class at Harvard and went on to the Virginia Law School, where he distinguished himself. He clerked not only for the Mississippi Supreme Court but also for the late Chief Justice Rehnquist—positions that the average lawyer can only dream about. Yet he was given a unanimously not qualified rating. I am very curious about the facts surrounding that rating, and I suspect that part of that comes from the fact that he was chairman of one of the major legal entities in this country and they didn't like the way he chaired it, even though he is a brilliant man.

I also looked at every person on the rating committee for Brett Kavanaugh, and all rated him qualified, and most rated him well qualified, and there were a number who were partisan Democrats. There is no question about it, as shown by their schedule of donations. Maybe that had something to do with the downgrading that some on the other side have talked about, even though he was found qualified by every one of those 42 raters.

I understand that some are suggesting that past battles over particular public policy issues might have something to do with Wallace's rating and also with Kavanaugh's rating. In practice, it is sometimes hard to see clearly because the ABA rating system generally operates under a principle of anonymity. It is virtually impossible to find out who said what about whom, and try to figure out whether it was fair and objective or with an eye toward evening up old scores.

While the ABA rating system is murky in some respects, the bottom line with respect to the ABA rating of Brett Kavanaugh is that he was rated three times and found qualified by everybody who rated him each time—even though some of them on the present committee are very partisan.

Remarkably, some are trying to distort Mr. Kavanaugh's positive ABA rating and recommendation into a negative rating. As Tom Sawyer remarked in Huckleberry Finn, you can't pray a lie.

This is an important nomination because the DC Circuit Court of Appeals is such an important court. It reviews many matters relating to the actions of powerful Federal agencies. Many of its decisions will never be reviewed by the Supreme Court.

It is important to have judges on the DC Circuit Court, like Brett Kavanaugh, who understand the proper role of judges and the judiciary. For too long, some Federal judges have been permitted to run roughshod over the traditions of the American people.

My colleague from West Virginia, Senator BYRD, recently introduced a constitutional amendment that would reestablish the Constitution's traditional meaning on school prayer. In recent years, some Federal judges have taken such a radical view of the Constitution's establishment clause—one that is not only at odds with the views of the Founders but with the current views of a majority of Americans in nearly every State—that the Constitution's commitment to the free exercise of religion is now endangered. The results of this corrupted constitutional interpretation were manifest most prominently in the decision in Santa Fe Independent School v. Doe, where the court determined that a voluntary student-led prayer before a high school football game somehow violated the Constitution. A voluntary school prayer. We should applaud Senator BYRD for seeking to reestablish the Constitution's traditional meaning.

The meaning of our constitutional and statutory laws has been twisted by some judges on issue after issue. It happened when the Supreme Court discovered rights to abortion and later to burn the American flag and completely overturned the statutes of almost every State in the Union—certainly 49 of them. It can happen again today, as liberal activist groups are urging judges to promote same-sex marriage in State and Federal courts. That is another illustration.

Our judges must show a proper respect for the Constitution. The Constitution is not owned by the courts or controlled by judges. No less than judges, Members of this body take an oath to support the Constitution. The judiciary is a creature of the people and their Constitution, and the judiciary should not be a forum for wholesale social changes initiated by special interest groups and opposed by ordinary Americans.

I have no doubt that Brett Kavanaugh understands that fundamental distinction between judging and lawmaking. Let me read for the record what was said by Neal Katyal, a Georgetown University Law Center professor, former attorney to Vice President Gore, and former Clinton administration official. Let me read his expressed strong support for Mr. Kavanaugh. He says:

> I do not believe it appropriate to write to you unless I feel strongly about a particular nominee. I feel strongly now: Brett Kavanaugh should be confirmed to the United States Court of Appeals for the DC Circuit. . . . Mr. Kavanaugh would be a welcome, terrific addition to the United States Court of Appeals.

He didn't allow his own partisan feelings to be interjected into this very important decision of whom we should support for the court.

I am fully supportive of Brett Kavanaugh's nomination. I look forward to his long career on the bench. I urge my colleagues to give his nomination the support it deserves.

NOMINATION OF DIRK KEMPTHORNE

Mr. President, having spoken about Mr. Kavanaugh, I wish to take a minute or two to speak about my friend, Dirk Kempthorne, who will be voted upon tomorrow, as I understand it, as well.

Dirk Kempthorne served with us in the Senate. I have been here for 30 years, and I have to say that he was one of the finest people with whom I have ever served. He was decent, honorable, and hard-working. He was a person who was honest. This is a man who became a great Governor. He did a great job while he was here. He was only here a short time in the Senate, but it was long enough for those of us who knew him to establish in our minds and in our experience the fact that he was and is a great human being.

He is nominated now for Secretary of the Interior, and I hope everybody in this body will vote for him tomorrow. You cannot do better. The man is honest, decent, honorable, and will work with all of us in the Senate, not just Republicans. And he is from the West. He understands the problems of Federal lands. He understands the problems that confront the West. He understands the problems of energy. He understands the problems of the environment. He understands the problems of national parks. You can go right down the list.

This man has tremendous experience and has been a wonderful Governor of Idaho, our neighboring State. He and his wife are two of the best people I know. I hope everybody will vote unanimously in his favor tomorrow, or whenever we have that vote.

NOMINATION OF MICHAEL V. HAYDEN

Finally, I thank the leadership for expeditiously scheduling the confirmation vote for General Michael V. Hayden of the U.S. Air Force to be Director of the Central Intelligence Agency. In particular, I thank Intelligence Committee Chairman ROBERTS for organizing the open and closed hearings last week before our committee. The committee has a heavy work schedule, but nothing should be more important than moving forward an important nomination like this one.

I also recognize the work of my other colleague, Senator WARNER, for expediting this nomination through his committee. Air Force GEN Michael Hayden has spent his life in the service of our great country. I honor his dedication. He has honored us with his dedication.

In my opinion, he brought enormous distinction to the uniform he wears, and his contributions have served the security of this Nation, particularly since the attacks of 9/11. They have made a profound difference in our ability to defend ourselves in a war unlike any we have been forced to fight.

He was before us last year, and he is well known to this body. When last we saw him, he was to become the first deputy of an organization formed by the Congress, the Office of the Director of National Intelligence. In the legislation that created this office, we tasked it and its first officeholders with the enormous job of weaving together the disparate but impressive elements of the American intelligence community. Our concept was to create a whole that would be greater than the sum of its parts, but we left the work in the hands of the first Director, Ambassador Negroponte, and his deputy, the man whom the President now nominated to head the CIA.

As a longtime military officer, as one who spent most of his life as an intelligence consumer and a distinct part of his life in both the human and technical practices of intelligence, and now as an architect of the new intelligence structure, General Hayden is an individual exceptionally prepared to take on the responsibility of transforming the CIA.

It is my hope and expectation that, under the leadership of General Hayden, the talents and capabilities of the CIA not only make the difference in winning this current war on global terrorism but remain central to facing all of the challenges that loom before us once this particular conflict is won.

We have the very real possibility of conflicts with Iran and North Korea. We must face the fact that the day may come when we are faced with the threat of armed groups from Latin America.

What the CIA does today, if the lessons and experience it gathers from its contributions are conveyed to its new cadres, will play a key role in managing the conflicts of tomorrow. Let's hope none of these potential conflicts become such, and I really don't believe we need to allow them to become such.

Reform of the intelligence community, in which the CIA has and should maintain a central position, is already well underway, in part due to the creation of the Office of the Director of National Intelligence and also due to the oversight by the Senate Intelligence Committee in insisting that the flaws in the intelligence process we have revealed be redressed.

The DNI was created to coordinate the elements of the community, as well as to advance a reform agenda for the community as a whole, and in each of its elements.

Reform, particularly in time of war, is never easy, and it is much more complicated than creating a new bureaucratic structure. It requires creating a new culture that brings a common, professional set of doctrines and values to all components of the community that builds on the extraordinary capabilities that exist, while assembling new hybrid excellencies within an entity whose effectiveness must become greater than the sum of its parts.

General Hayden comported himself with great probity in his confirmation hearing last week and rendered honest and detailed answers to a great range of questions in both the open hearing and in the executive hearing. The general's lifetime experience has prepared him for taking this post, and I have the highest regard for him.

I might add that one of the first decisions that he will have made will be choosing Mr. Kappas to be his Deputy. I have been checking with many leaders in the CIA and elsewhere, and they say Mr. Kappas is an outstanding person who can help bring about an esprit de corps that may be lacking.

Having said all this, I want to praise Director Goss. I served with Porter Goss when he was chairman of the Intelligence Committee in the House. He is a wonderful man. He did a great job in helping to change some of the mindsets at the CIA. He made a very distinct imprint on the CIA for good, and we will miss him as well. But it should not be construed that General Hayden is replacing him because he didn't do the job. Porter said he wasn't going to stay there an excessively long time.

I have to say that I believe that as great as Porter Goss is and was, General Hayden will be a good replacement. He is one of the best people who has ever served this country. He has spent a lifetime in intelligence. He is one of the few people who really understands it all, and he is a straight shooter. He tells the truth; he tells it the way it is. He is an exceptionally decent, honorable man, and his wife is a very honorable and good person as well, as are his children.

So I hope all of us will consider voting for General Hayden. He is worth it. We should vote for him. We should be unanimous in the selection of a CIA Director, but even if we are not, I hope the overwhelming number of Senators will vote for this great general, this great intelligence officer, this great person who we all know is honest, decent, and capable.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I have been waiting some time to talk about General Hayden. I note the presence of the distinguished chairman of our committee, a committee on which I am proud to serve. Given the fact we are starting a discussion of General Hayden to head the Central Intelligence Agency, I ask unanimous consent that Chairman ROBERTS be allowed to speak at this time and that I be able to follow the chairman after he has completed his remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I thank the Senator from Oregon for allowing me to go first as chairman of the committee. Senator WYDEN is a very valued member of the committee with very strong and independent views but has always contributed in a bipartisan way on behalf of our national security.

Good evening, Mr. President. The hour is a little late. Actually, the night is young, but I am not. Nevertheless, I am going to try to be pertinent on a matter that is of real importance, and that is, in fact, the nomination and hopefully what we expect to be the confirmation of GEN Michael V. Hayden to serve as Director of the Central Intelligence Agency.

As chairman of the Select Committee on Intelligence, I rise tonight and associate myself with the remarks made by Senator HATCH, who is another very valued member of the committee, in strong support of the nomination of General Hayden to be the next Director of the Central Intelligence Agency.

He is eminently qualified for this position. He is a distinguished public servant, as has been noted, who has given more than 35 years of service to his country.

Senator HATCH referred to our hearings both open and closed that we held last week. It was my goal as chairman to ensure that every Senator had enough time to ask any question they wanted or to express any concern they had on their mind in regards to this nomination and the qualifications of this man. I think we accomplished that. We gave every Senator 20 minutes and then another 20 minutes, and then in a regular order, additional time.

I might add, Senator WYDEN certainly took advantage of that. After over 8 hours, the general, the chairman, and other members of the committee finally concluded.

I think it was a good hearing. I think it was a good open hearing and a good closed hearing. General Hayden certainly distinguished himself, and he showed the committee that he will be an outstanding choice for CIA Director.

General Hayden entered active duty, in terms of background, with the U.S. Air Force in 1969 after earning both his bachelor's and master's degree from Duquesne University in his hometown of Pittsburgh.

He has had a lengthy and diverse career. He has served as Commander of the Air Intelligence Agency and as Director of the Joint Command and Control Warfare Center. He has been assigned to senior staff positions at the Pentagon, at the headquarters of the U.S. European Command, the National Security Council, and at the U.S. Embassy in the People's Republic of Bulgaria. General Hayden has also served as the Deputy Chief of Staff for the United Nations Command and U.S. Forces in Korea and, more importantly, he has served most recently at the highest levels of the intelligence community. From 1999 to 2005, General Hayden was Director of the National Security Agency.

Finally, in April of last year, following intelligence reform and a great deal of committee action in regards to the Intelligence Committee to determine the accuracy of our 2002 NIE, National Intelligence Estimate, and then we went through intelligence reform, we had the 9/11 Commission, we had the WMD Commission appointed by the President, he was unanimously confirmed by this body to serve in his current position as the Principal Deputy Director of National Intelligence. He had that kind of background, had that kind of expertise, had that kind of experience.

Given his experience at NSA and the Office of the Director of Intelligence, I don't think there is any question General Hayden is well known to the Intelligence Committee. He has briefed us many times. I don't know of anybody in any hearing or briefing who has done any better. It is because of his qualifications and my experience working with him that I support his nomination.

This nomination comes before the Senate at a very crucial time. We are a nation fighting a war in which the intelligence community is on the front lines. The CIA is an integral and very vital part of the intelligence community. We need strong leadership in order to protect our national security.

When General Hayden takes the helm at the Agency, he is going to find a number of issues that will demand his attention. These are the same issues that we touched on and asked the general to respond to during his confirmation hearings.

First, he must continue to improve the Agency's ability to provide public policymakers with high-quality analytic products.

The Senate Intelligence Committee's July 2004 report on intelligence related to Iraq's WMD programs did conclude that the agencies of the intelligence community did not explain to policymakers the uncertainties behind their Iraq WMD assessments.

Analysts must also observe what I refer to as the golden rule of intelligence analysis, and we asked this specifically of the general: Tell me what you know, tell me what you don't know, tell me what you think and, most importantly, make sure that we understand the difference.

It will be up to General Hayden to ensure that the CIA analysts adhere to this rule in the future.

Second, General Hayden must improve the CIA's ability to collect what we call humane intelligence. He can begin by ensuring that the Agency is more aggressive in its efforts to penetrate hard targets and in the use of very innovative collection platforms.

Third, General Hayden, it seems to me, must improve information access—not information sharing, information access. There is a big difference. We on the Intelligence Committee will look to the general to ensure that appropriately cleared analysts communitywide, with a need to know and the proper training have access to the CIA's intelligence information in its earliest form, while at the same time protecting sensitive sources and methods.

No doubt the general will face a number of significant tasks, but based on his record as a manager, his qualifications, and his demonstrated leadership, I believe he is the right choice to lead the CIA. The Senate should expeditiously confirm him and let him get to work over at Langley.

Mr. President, I strongly support the nominee, and I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I am next in line, but I understand the majority leader and the distinguished Senator from Nevada wish to have a brief colloquy. I will defer to them and pick up when they are finished.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I ask unanimous consent that during this evening's session, it be in order for Senators to speak in executive session on the Kavanaugh nomination No. 632, or the Hayden nomination No. 672; provided further, that following disposition of the Kavanaugh nomination, the Senate proceed to a vote on the Hayden nomination No. 672; further, if No. 672 is confirmed, then the Senate immediately proceed to a vote on the confirmation of Calendar No. 693; I further ask unanimous consent that following those votes, Senator NELSON of Florida be recognized to speak up to 5 minutes, and the Senate then proceed to a cloture vote with respect to Executive Calendar No. 630, Dirk Kempthorne to be Secretary of the Interior; provided further, that if cloture is invoked, Senator LANDRIEU be recognized for up to 10 minutes, and the Senate then proceed to an immediate vote on the confirmation of the nomination of Dirk Kempthorne.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, what all this means is that by this agreement, we will allow Senators to speak tonight on either the Kavanaugh nomination or the Hayden nomination. We will convene tomorrow morning at 8:45. It is our hope that we will be able to vote on the confirmation of the Kavanaugh nomination after convening. We will then proceed to the votes on the Hayden nomination and the cloture vote on the Kempthorne nomination. Senators, therefore, can expect three early rollcall votes during Friday's session.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, before he leaves the Chamber, I simply wish to say to the distinguished chairman of our committee that I thank him for his kind and gracious introductory remarks to me. As he knows, sometimes we agree, as we did in the effort to make public the CIA inspector general's report on 9/11. I appreciated working with the distinguished chairman on that matter. Sometimes we disagree, as we do tonight with respect to the nomination of General Hayden, but Chairman ROBERTS has always been courteous and fair in our committee and essentially to every member. I thank him for that as he leaves the Chamber tonight. Clearly, Chairman ROBERTS and Senator HATCH, two distinguished members of our Intelligence Committee, want no part of it, but there are those who want to turn the Hayden nomination into a referendum on who is toughest on terrorism, Republicans or Democrats. These people do America a disservice. I know of no Senator who sympathizes with a terrorist. I know of no Senator who wishes to coddle al-Qaida. I know of no Senator who is anything other than a patriot.

Unfortunately, this nomination is being used to divide the Senate and the American people on the issue of terrorism. Just this past Monday, the Washington Post newspaper reported that the White House:

> Seems eager for a battle over the nomination of Air Force GEN Michael V. Hayden as CIA Director.

The article goes on to say:

> The White House hopes voters will see the warrantless surveillance program Hayden started as head of the National Security Agency as tough on terrorism rather than a violation of civil liberties.

I believe the American people deserve better than the White House agenda of false choices. I believe one can fight the terrorists ferociously and protect the liberties of law-abiding Americans. I believe the Senate should not be bullied into thinking that security and liberty are mutually exclusive, and I believe that millions of Americans share that view. From the days of Ben Franklin, security and liberty in America have been mutually reinforcing, and it is our job to maintain this sacred balance.

This is harder to do now because across America there is less trust and there is more fear. The lack of trust has been fed by the Bush administration telling the public that they have struck the right balance between security and liberty, but then we have had one media report after another that contradicts that claim.

When the media reports come out, the administration says it can't say anything because responding would help the terrorists, but then the administration responds in multiple forums to get out the small shards of information that they believe is helpful to their point of view.

The increased fear among our people is nourished by the fact that there are no independent checks on the Government's conduct, as there have been for more than 200 years in America. Law-abiding Americans have no reason to be confident that anyone is independently verifying reports about the administration's reported surveillance of their personal phone calls, e-mails, and Internet use.

All of this mistrust and fear has translated into a lack of credibility. The administration has given us, by words and deeds, a national security routine: Do one thing, say another.

An absolute prerequisite to running intelligence programs successfully is credibility. Despite the scores of talented, dedicated, patriotic people working at Langley today, the failings of the Agency's recent leadership have left the Agency's credibility diminished.

The Agency is now looking at the prospect of its fourth Director since 9/11. The last Director brought partisanship and lost talented professional staff as a result. The Agency's No. 3 man, who resigned this month, is being investigated by the FBI for links to the bribing of a former Congressman. It is long past time to get it right at the CIA.

This will be the second time I have voted on a Hayden nomination. The first time around, when he was nominated to serve as Deputy National Intelligence Director, I voted for the General. In my view, General Hayden's technical knowledge is not in question. He has always been personable in any discussions the two of us have had, and he has always been extremely easy to talk to.

But since I last voted for him, information has come to light that has raised serious questions about whether the General is the right person to lead the CIA. There are serious questions about whether the General will continue to be an administration cheerleader; serious questions regarding his credibility; serious questions about his understanding of and respect for constitutional checks and balances, and the important accountability in Government that they create.

Here are the facts: Last December, the New York Times reported that since 9/11, the National Security Agency, which General Hayden was in charge of at the time, initiated a warrantless wiretapping program. General Hayden, reported once more in the media to be the architect of the program, became the main public spokesperson in its defense. At a White House press conference in December of 2005 and at subsequent events, including a speech at the National Press Club this past January, the General vigorously defended the administration's warrantless wiretapping program.

Even before the war in Iraq, I was concerned about politicizing intelligence. Since then, I think they are only additional grounds for concern.

At his confirmation hearing, General Hayden said he wants to get the CIA out of the news. To me, this was a curious statement, given all the time he has spent on the bully pulpit defending the President's warrantless wiretapping program. Inevitably, any political appointee will have an allegiance to the White House that appointed him or her. But when it comes to positions in the intelligence community, I believe that this allegiance, regardless of whether a Republican or a Democrat is in the White House, should go only so far.

It is not good for our great country to have a CIA Director who jumps into every political debate that comes up here in Washington, D.C. It is not good for our great country to have a CIA Director who willingly serves as an administration cheerleader. It is not good for our great country to have a CIA Director who gets trotted out again and again and again to publicly argue for the President's controversial decisions. Politicizing the position renders the CIA Director less effective and less credible.

Inevitably, Americans will begin to see the Director as an administration defender rather than a conveyor of the unvarnished truth. And in our next CIA Director, we need more truth and we need less varnish.

My second concern rises out of the first. Not only has General Hayden raised questions through his words and actions about politicizing intelligence, but, unfortunately, even when he says something, you cannot trust, based on his words, that what he says is credible.

At the National Press Club speech he gave in January defending the NSA warrantless wiretapping program, the General repeatedly stated that the program was limited to international to domestic, or domestic to international calls. For instance, he said:

> There is always a balancing between security and liberty. We understand that this is a more—I'll use the word "aggressive"—program than would be traditionally available under FISA. It is also less intrusive. It deals only with international calls.

Later, General Hayden said:

> That is why I mentioned earlier that the program is less intrusive. It deals only with international calls.

He explained:

> The intrusion into privacy—the intrusion into privacy is significantly less. It is only international calls.

He added:

> We are talking about here communications we have every reason to believe are al-Qaida communications, one end of which is in the United States.

At the conclusion of the Press Club address, he was asked by a reporter:

> Can you assure us that all of these intercepts had an international component, and that at no time were any of the intercepts purely domestic?

The General said:

> The authorization given to NSA by the President requires that one end of the communications has to be outside the United States. I can assure you by the physics of the intercept, by how we actually conduct our activities, that one end of these communications are always outside the United States of America.

With those final words, the speech and the press conference concluded.

But then, just weeks ago, Americans read in the USA Today newspaper that the NSA, according to the paper, was also gathering basic information concerning hundreds of millions of innocent Americans' domestic phone calls. I cannot confirm or deny what was in that article, but I can tell you when I opened the paper that morning and read the article, it raised serious concerns for me about whether the General had been misleading.

Unfortunately, this is not a single incident in an otherwise perfect record. There is a pattern of saying one thing and doing another when it comes to the General. For instance, General Hayden said he received legal authority to tap Americans' phone calls without a warrant in 2001. A year later, in 2002, the General testified before Congress's joint 9/11 inquiry that he had no authority to listen to Americans' phone calls in the United States without first obtaining enough evidence for a warrant. As conceded by the General himself, at the time he made these statements to Congress, the NSA was in fact doing the very thing he led us to believe it could not: engaging in warrantless wiretapping on persons here in our country.

When I asked the General to explain these contradictions at his confirmation hearing, I didn't get much of a response. At best, I got a nonanswer that reflected the General's skill in verbal gymnastics, but not the type of candor that America needs in its next CIA Director.

There is another example that I want to talk briefly about, Mr. President. When General Hayden came before the Senate Intelligence Committee last year in conjunction with his nomination to serve as a deputy to Ambassador Negroponte, I asked him about the NSA Trailblazer Program. This had been one of the General's signature NSA management initiatives, one that had been again reported as one designed to modernize the Agency's information technology infrastructure. In response to my questions—I want to be specific about this because there has been a lot of discussion about it—among a variety of other comments the General made about the Trailblazer Program, at page 44 of the transcript of that 2005 hearing that was held to approve General Hayden to be the deputy to Mr. Negroponte, the General said with respect to the Trailblazer Program:

> A personal view, now—looking back—we overachieved.

Now, I cannot go into detail here on the Senate floor because of the classified nature of the information involved, but suffice it to say today the press is reporting that the program is belly-up and the press is reporting that it is a billion dollars worth of junk software.

I take my constitutional responsibility to give advice and consent to the President's nominations very seriously. Last Monday, after the hearing, I did something that I do not customarily do. I reached out to the general once more in an effort to try to find grounds for supporting his nomination. In my office I asked that he keep the Senate Intelligence Committee fully and currently informed of all intelligence activities other than covert actions.

In writing, the general responded:

> Regarding communications with Congress on critical issues, if confirmed as Director of the Central Intelligence Agency I intend to have an open and complete dialog with the full membership of the committee, as indicated by 501(C) 502 and 503 of the National Security Act as amended.

So far, so good. But then the general added:

> As you understand, there will continue to be very sensitive intelligence activities and operations such as covert actions that, consistent with legislative history and longstanding practice, is briefed only to leadership of the committee. On those rare occasions, communications with those Members will be exhaustive.

So once again the bottom line. General Hayden's response is ambiguous. If confirmed he intends to sometimes inform Congress and at other times only inform certain Members, without explaining how this will be decided or what his role in the decision will be.

Read his response from Monday and you still can't determine when he will brief members of the Senate Intelligence Committee on the activities of the CIA, and when they will be learning about them by reading the morning newspaper.

As I stated, the CIA is looking at the prospect of its fourth Director in this dangerous post-9/11 world. Serious reform is needed to get the Central Intelligence Agency headed in the right direction. To make this happen, America needs a CIA Director who says what he means and means what he says. Unfortunately, time and time again, General Hayden has demonstrated a propensity for neither. His words and acts on one occasion cannot be reconciled with words and acts on another. He is a man with a reputation for taking complicated questions and giving simple answers.

Unfortunately and repeatedly, when I have asked him simple questions, he has given me complicated answers, or nothing at all.

Americans want to believe that their Government is doing everything it can to fight terrorism ferociously and to protect the legal rights and civil liberties of law-abiding Americans. But right now millions of Americans are having trouble locating the checks and balances on Executive power. They don't know what the truth is and they are very concerned about what is next.

I believe it is time for the Senate to break that cycle. I remain concerned that what has happened at the National Security Agency under General Hayden will be replicated at the Central Intelligence Agency. For that reason, I oppose the nomination.

I yield the floor.

The PRESIDING OFFICER (Mr. DEMINT). The Senator from Illinois.

Mr. DURBIN. Mr. President, let me commend my colleague from the State of Oregon, a member of the Senate Intelligence Committee, a committee on which I served for 4 years. Senator WYDEN's statement is consistent with his service on that committee. It shows that he takes that assignment very seriously, he does his homework on a very challenging committee assignment, and that he has given great thought and reflection to this important decision about whether General

Hayden should be named to head the CIA.

Senator WYDEN and I have discussed this nomination. There are some things he cannot share with me because they were learned behind closed doors in the Senate Intelligence Committee, but I have become convinced, as well, that General Hayden, despite his many great attributes and good qualifications, is not the right person for this appointment.

When we reflect on America since 9/11, there are many things that are very clear. First, this country was stricken in a way that it has never been stricken since the War of 1812, when the British invaded the United States, invaded this Capitol building, sacked and burned it. We found 3,000 innocent Americans destroyed on American soil—a gut-wrenching experience that we will never forget. It changed America and it called on the President, on the leadership in Congress, to summon the courage to respond.

In the days that followed that horrible event, there were some inspiring images. We can recall the videotape of firefighters ascending the stairway into the World Trade Center, to certain death, braving what they knew was a terrible disaster to try to save innocent lives.

We can recall the President of the United States going to the rubble of the World Trade Center in New York and in a few brief moments rallying America and the world behind our cause.

We can remember Members of Congress standing just a few feet away from this Senate Chamber, Members of Congress who hours before had been locked in partisan combat, who put it all aside after 9/11, sang "God Bless America," and said: What can we do to save America?

After that, the response around the world; this great, giant, the United States of America, having suffered this terrible loss, was able to count its friends and allies very quickly. So many nations stepped forward and said: We are with you. We will help you. We understand that you must bury your dead and grieve your losses, but then you must defend yourself and your Nation for its future, and we will be there.

It was an amazing outpouring of support for our great country. It was a wonderful, encouraging moment.

The President came to this Congress and gave a speech shortly after 9/11 that I will say was one of the best I had ever heard, summoning us to gather together as a nation to defend ourselves against this threat of terrorism. Then, of course, we considered the PATRIOT Act. We changed the laws of America so our Government would have new tools to pursue the terrorists. It passed with an overwhelming bipartisan vote, very quickly, and we started to roll up our sleeves and take on this task.

At the time I was a member of the Senate Intelligence Committee. I realized then more than ever how important that committee was. Intelligence is the first line of defense, and good intelligence used wisely can protect America from terrorism and from enemies who would inflict great casualties and pain on us.

Then, a few months later, came a new challenge, a challenge we had not anticipated on 9/11. The President and this administration told us that the real battle was against Saddam Hussein in Iraq. I remember sitting in that Senate Intelligence Committee just days before the vote on the Senate floor about the invasion of Iraq and turning to a staffer who said to me: Senator, something is unusual here. This is the first time we have ever considered any kind of effort of this magnitude without asking the intelligence agencies of the United States to tell us what they know so we can gather information from every source and make a conscious and sensible judgment about what we should do. It is called a National Intelligence Estimate, an NIE.

So at my staffer's prompting, I requested a National Intelligence Estimate, as did Senator GRAHAM of Florida. It turned out it was routine to produce them, but no one had taken the time to do that before the invasion of Iraq.

In very short order, just a few weeks, a National Intelligence Estimate was submitted to the Intelligence Committee. There were claims in that NIE that turned out to be false, but at the time we didn't know it. There were claims about weapons of mass destruction that threatened the safety of the United States of America. There were claims of capacities and capabilities by Saddam Hussein in Iraq that were greatly exaggerated. There were claims that Saddam Hussein and the Iraqis were producing nuclear weapons which could be used against the United States. Leaders in the White House were telling us they were fearful of mushroom clouds that could result in a nuclear holocaust. All of this was given to the American people and the Intelligence Committee.

The sad reality was when we sat in the Intelligence Committee behind closed doors, we knew that the American people were not getting the full story, that in fact even within this administration there was a dispute as to the truth of these statements, statements given every day and every night by the leaders of this administration.

We know what happened. We invaded Iraq. Saddam Hussein, in a matter of weeks, was gone as their dictator, and we came to learn that all of the claims about weapons of mass destruction were false, totally false. The American people had been misled.

There is nothing worse in a democracy than to mislead the people into war, and that is what happened. We learned, as well, that there were no nuclear weapons. All those who claim there was a connection between 9/11 and Saddam Hussein could find no evidence. The statements made by the President in his State of the Union Address that somehow or another Saddam Hussein was obtaining yellowcake or the makings of nuclear weapons from Africa turned out to be false, and the President had to concede that point.

Then, in light of it, we decided it was time to take a look. The Intelligence Committee on which I served decided to ask two questions: First, did our intelligence agencies fail us? Did they come up with bad information when they should have given us good information and good advice? Were we, in fact, misled into this war by that information? And second: Did any member of this administration misuse that intelligence information, use it in a fashion that did mislead or deceive the American people? Those were two specific assignments accepted by the Senate Intelligence Committee. I served on the committee while we were in the process of meeting that obligation. We came to learn the first assignment was exactly right. The Senate Intelligence Committee concluded, as did the House, that our intelligence agencies had failed us. Our first line of defense had failed us, giving us information that was totally flawed, information which was not reliable, information which never should have resulted in the invasion of Iraq.

The administration had argued that we have a new foreign policy, a preemptive foreign policy. We can't wait to be attacked, the President said, we have to attack first if there is a threat. It turns out the information used to measure that threat was wrong, in the invasion of Iraq.

Mr. President, 23 of us in the Senate voted against the use of force in Iraq, 22 Democrats and 1 Republican. We believed then, most of us, that the information being given to the American people was misleading, the intelligence information was not accurate.

It turns out that our estimate was true. It turns out that our invasion of Iraq was based on false pretenses and on intelligence information that was fatally flawed.

The second investigation to be undertaken by the Senate Intelligence Committee, promised more than 2 years ago, was that we would look into the misuse of this intelligence by members of this administration. That is a tough thing to ask a Senate Intelligence Committee, led by a Republican chairman, to do, because it is likely to bring some embarrassment to the administration of the President.

Unfortunately, as I stand here today, the promise of almost 2 years ago to complete this second phase has not been completed. We still don't know if members of this administration misused the intelligence.

But there are things that we do know, things that are very clear. It is clear that in the lead-up to the invasion of Iraq and afterwards there was a separate intelligence agency created in the Department of Defense by a man named Douglas Feith that became virtually a renegade, independent operation. It was not working in concert with other agencies of our Government gathering intelligence. That is inconsistent with what we hoped to be a coordinated intelligence effort in our Government. But Secretary Rumsfeld, who enjoyed the confidence of the President, was able to initiate this intelligence operation in defiance of many other intelligence agencies. We know that for a fact.

Then we came to learn several other things. We learned that after 9/11, the Bush administration, for the first time in modern history, decided that they needed to rewrite the standards of interrogation for detainees. For decades we had held to the standard of the Geneva code, which basically said that we would not engage in torture, cruel, inhuman, or degrading treatment. But the infamous Bybee memo, exchanged at the time with Alberto Gonzales, then-White House Counsel, and many others, was at least a suggestion that we could breach those rules and change those rules. That conversation, in closed sections of the White House, took place without the knowledge of the American people. But then the terrible disclosure at Abu Ghraib torture, inhuman treatment perpetrated, sadly, by those who were in the service of the United States.

It was clear then that the issue of torture was one that was front and center for us as a Nation to face during this time of terror. So with this torture issue before us, we also had other things to consider.

Not long thereafter came the news that this administration was engaging in activities which clearly were beyond the law—the so-called warrantless wiretaps of Americans. You see, under the laws of the United States and under our Constitution, one cannot invade through a wiretap the privacy of another without court approval. No executive branch office, Department of Justice, or FBI can engage in a wiretap without the approval of a court order or, when it comes to questions of international security, foreign intelligence gathering, through the FISA court, a special court created for that purpose. Those are the two options.

But this administration said that it was above the law: that it didn't have to answer to those courts; that it didn't have to work through those courts; it could engage in warrantless wiretaps through the National Security Agency, an agency administered by General Hayden.

Several weeks ago, USA Today disclosed more information indicating an invasion of privacy where the telephone records of innocent American people are being gathered by the same agency, the National Security Agency, in an effort I cannot describe in detail because I have not been briefed, but in an effort to find some intelligence information.

Now comes the nomination of General Hayden to become Director of the Central Intelligence Agency after all of this experience.

Let me say at the outset that I respect General Hayden. He is a man who has served his country with distinction for over three decades. Many say—and I cannot disagree—that he is one of brightest minds when it comes to intelligence, and the agencies that he has worked with in the past are clear evidence of that.

I honor and appreciate his service. I know he is a man of considerable knowledge and formidable intellect. He is well versed in the questions of intelligence, particularly in the most technical areas. However, I have three primary reservations about this nomination.

First, I am concerned about the role of General Hayden in the NSA's warrantless wiretapping of American citizens.

Second, I am concerned about how the CIA will treat detainees in their custody and how they will implement the clear prohibition on torture and cruel, inhuman, or degrading treatment standard that was passed last year in the McCain amendment, which I cosponsored, by a vote of 90–9 on the floor of the U.S. Senate.

I am also concerned about the issue of the General's independence, not merely his independence as an individual but his ability to stand up to the Department of Defense and the likes of Secretary Rumsfeld, and separate defense intelligence operations under Douglas Feith. I raised these concerns when I met with General Hayden, and they we were echoed by many members of the committee during the hearings.

First, I would like to address the issue of surveillance of American citizens.

As Director of the NSA, General Hayden presided over a program that carried out warrantless wiretaps on innocent Americans. Those wiretaps did not have judicial approval, nor did they have meaningful congressional oversight. Precious few Members of Congress were briefed about the wiretaps, and they were sworn to secrecy about this procedure.

General Hayden has stated that the Attorney General and other legal authorities within the administration had concluded that such actions were proper and legal. In fact, I have seen no evidence of that whatsoever.

We created the FISA court to issue warrants for such surveillance. If the administration believes the FISA court is not sufficient in this age of terrorism and high technology, the administration should come to Congress and ask us to change the laws, as we did with the PATRIOT Act.

In addition to warrantless wiretaps, General Hayden reportedly oversaw a program that assembled an enormous database, the largest in the history of the world, of literally millions of calls made by Americans to Americans in the United States. Tens of millions of Americans appeared to have been included in this database. And most of us in Congress learned about it on the front page of USA Today.

I am disturbed about the role that General Hayden played in overseeing these practices. It is certainly critical that the Director of the CIA protect our security but also not endanger our liberties.

Second, I am concerned about the way the CIA will treat detainees. When the McCain amendment was pending, it was opposed openly by Vice President RICHARD CHENEY who said that he believed intelligence agents—those working for the CIA—should not be bound by the provisions of the McCain amendment. We disagreed. We passed, on the floor of the Senate, as I said earlier, by a vote of 90–9, clear standards barring torture, cruel, inhuman and degrading treatment. I believe that we should never engage in that treatment—and that is what the McCain amendment requires. Senator MCCAIN said it well last year, and I quote him. He said, "It's not about who they are. It's about who we are."

I believe we should have one clear, uniform interrogation standard that applies to all United States personnel—those in uniform and those in a civilian capacity.

I was disturbed when General Hayden was meeting with me and did not appear to share that view. He was evasive. While he said that we must establish clear guidelines, he indicated he might prefer to have one standard for the military and another standard for intelligence personnel. He said he wanted to study the question, but that two sets of rules might be appropriate.

I disagree. There is only one standard. It should be clear and unequivocal.

Finally, there is the question of independence. The Pentagon controls an estimated 80 percent of the intelligence budget. That fact alone makes it critical for the CIA to vigorously defend its independence over the Department of Defense. We need an independent voice at the CIA.

I note that last year's intelligence authorization bill, as passed by the Senate Intelligence Committee, stated that the Director of the CIA should be appointed from "civilian life."

That bill in the end never reached the floor of the Senate for a vote, but we should nevertheless consider that recommendation seriously.

General Hayden assured me that he stood up to Secretary Rumsfeld in the FISA operation when he disagreed with him, and that he will continue to do so.

Colleagues on the Intelligence and Armed Services Committee, whom I deeply respect, including Senator LEVIN of Michigan, have concluded that General Hayden will assert that independence and stand up to the Pentagon. I certainly hope he does.

Within the Bush administration, the question of the independence of intelligence agencies is particularly important. That is because the intelligence process has been abused.

This administration clearly politicized and distorted the use of intelligence to promote the false premise that Saddam Hussein was tied to the 9/11 attacks and that Iraq was developing weapons of mass destruction, including nuclear weapons. We know now that was false.

In 2002, the administration undermined the independence and credibility of the intelligence process by creating the Office of Special Plans at the Pentagon under the leadership of Under Secretary of Defense Douglas Feith. Several of us addressed this issue as part of the Intelligence Committee's 2004 Report on the Prewar Intelligence Assessments on Iraq. And Senator LEVIN joined me in this.

We wrote:

> The Intelligence Community's findings did not support the link between Iraq and the 9/11 plot [that] administration policy officials wanted [in order] to help galvanize support for military action in Iraq. As a result, officials under the direction of Under Secretary Feith took upon themselves to push for a change in the intelligence analysis so that it bolstered administration policy statements and goals.

I asked General Hayden about Douglas Feith and the Office of Special Plans. To his credit, he was critical of that operation. He said it was not legitimate "alternative analysis," and he described the troubling pattern in which preconceptions shaped the search for intelligence.

General Hayden reiterated his discomfort with the Feith approach in testifying before the Intelligence Committee. I hope that when he is confirmed, as I am certain he will be, that General Hayden will go even further in opposing efforts to subvert the intelligence process.

Today, we face even graver dangers than we did in 2003 when Under Secretary Feith was operating his own intelligence shop.

The war in Iraq has claimed over 2,400 American lives, and there is no end in sight.

Iran has pursued three different methods of enriching uranium and has experimented with separating plutonium, moving closer to the possible development of nuclear weapons.

Osama bin Laden is still at large; al-Qaida has splintered in different and dangerous directions, and North Korea is expanding its nuclear arsenal.

All these issues make it extremely important that our intelligence community conduct independent, accurate, trustworthy analysis. And it is critical that we operate within the bounds of our own Constitution and our laws.

We should not have one standard for the military and another for the intelligence community, a position once argued as high in this administration as Vice President CHENEY. We should not engage in torture or hold detainees indefinitely without of charging them with a crime.

Just 2 weeks ago, the President of the United States said it would soon be time to close Guantanamo. That certainly is something that many of us believe is in order. Those who are dangerous to the United States should be charged and imprisoned. Those who have no value to us from an intelligence viewpoint should be released, if they are not a danger to the United States.

We cannot ignore the fundamental privacy rights of American citizens and the moral values and rights reflected in the treatment of those detainees.

General Hayden will be taking charge of the CIA, by many reports at a time when the Agency is demoralized. He will have to oversee critical reforms.

Last December, members of the 9/11 Commission handed out report cards on reform for the Bush administration. They gave the CIA an "incomplete" in terms of adapting to its new mission.

I hope General Hayden can change that. I hope that he will be the independent voice that we need.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. SALAZAR. Mr. President, I was necessarily absent during the vote on final passage of S. 2611, the comprehensive immigration reform bill, because I was traveling to Colorado to attend my youngest daughter's high school graduation. I want the RECORD to reflect that had I been here, I would have voted in favor of the bill. The legislation that passed the Senate will help this country to reestablish meaningful control of our borders. It will promote real law and order at ports of entry and in the interior, improving employer verification mechanisms and establishing a tough but fair path to citizenship for qualified immigrants. It rejects the idea that America can be the country we wish to be while tolerating a permanent underclass, a shadow society, within our midst. It is my hope that the most important elements of this comprehensive bill will be retained in conference with the House, and will be sent to the President's desk for signature.

Mr. President, I was also necessarily absent during the cloture vote on the nomination of Brett Kavanaugh to be a U.S. Circuit Judge for the DC Circuit. I want the RECORD to reflect that had I been here, I would have voted in favor of invoking cloture.•

HONORING OUR ARMED FORCES

LIEUTENANT ROBERT KENNETH THOMPSON

STAFF SERGEANT GREGORY WAGNER

Mr. THUNE. Mr. President, in the spirit of Memorial Day, which is fast approaching, I rise today to pay tribute to two sons of South Dakota who dedicated and ultimately sacrificed their lives for their country. These men died on battlefields far from home, to protect us and to advance the cause of freedom. LT Robert Kenneth Thompson and SSG Gregory Wagner both died in service to this great nation at very different times in America's history. They fought in conflicts many years apart, but both understood the importance of preserving and promoting freedom. On this Memorial Day, it is appropriate to remember not only those who have fallen in the present conflict in Iraq, but those who have fallen in previous conflicts as well.

LT Robert Kenneth Thompson of Flandreau, SD, was inducted into the United States Army on December 27, 1948. At the time of his death, LT Thompson was on assignment fighting in the Korean conflict. He was killed in action on February 12, 1951 north of Hoengsong, Korea while serving as a member of Battery A, 503rd Field Artillery.

Lieutenant Thompson had served in the United States Army for just over 2 years before his life was cut tragically short. LT Thompson dedicated his life to his country. He selflessly answered when duty called, even though it meant leaving his family behind. LT Thompson's patriotism and courage will not be forgotten.

Lieutenant Thompson is survived by his wife Doris and daughter Vicki. Today we remember his selfless dedication and service to all Americans, and his sacrifice will always have meaning to all future generations of Americans, as long as our Republic exists.

SSG Gregory Wagner of Alexandria, SD, was a full-time heavy mobile equipment repairer for the National Guard in Mitchell's Battery A, 147th Field Artillery and was deployed with the Yankton, SD unit. As a member of the Battery C, 1st Battalion, 147th Field Artillery, he was chosen as the Task Force 519th Military Police Battalion "Hero of the Week", having distinguished himself with his remarkable achievements. His mission in Iraq involved training and educating the Iraqi police force.

SSG Wagner made the ultimate sacrifice on May 8, 2006 during his service in Iraq. He was honored with a Bronze Star and a Purple Heart. He will be remembered for his loyalty and dedication to his family, friends, fellow service-members, and his country.

SSG Wagner was a devoted, small-town guy who graduated from Hanson High in 1989. He was an admirer of his father, Charles Wagner, who served in the military as a sergeant in the U.S. Army. Each year at the Memorial Day services in Alexandria, SD, Charles would read the roll of soldiers. When he passed away, Greg stood in his place. My heart goes out to his mother, Velma, to all his siblings, and to his community as SGT Wagner's name is read at this year's Memorial Day service.

LT Thompson and SSG Wagner both laid down their lives for their country, and to free others from tyranny. While we are currently engaged in a very different kind of war, nothing has changed in that which we are ultimately trying to protect. For my freedom and for your freedom and to spread this freedom across the globe, our soldiers have risked and sacrificed their lives. On this Memorial Day, as we pause to reflect on those who have died so that we all might live in freedom, we can do no more to honor them than to remain dedicated to the same principles for which they stood and devoted their lives.

MEMORIAL DAY 2006

Mr. DOMENICI. Mr. President, I would like to pay tribute to those men and women of the United States Armed Services who have given their lives to defend our Nation and the ideals it represents.

Numerous times in the history of our Nation, the men and women of our Armed Forces have been called upon to defend the freedom we hold so dear. Sadly, many of those brave individuals never returned to the homes and families they selflessly left behind. Today, we honor their sacrifice and ensure that we as a nation will never forget the debt of gratitude that is owed them.

New Mexicans have a long and notable history of military service. During the Spanish American War, New Mexico guardsmen served with Teddy Roosevelt and his Rough Riders at the Battle of San Juan Hill. New Mexicans of the 1st Infantry Regiment fought with the 40th Infantry Division in France after the U.S. entered the First World War. While participating in the Italian campaign of the Second World War, new Mexicans of the 104th Tank Destroyer battalion were awarded 8 Silver Stars, 60 Bronze Stars, and 135 Purple Hearts. Of course no one will forget the contribution Navajos from my home state made as "code talkers" or the bravery of the "New Mexico Brigade" in the Philippines during World War II. During the Vietnam War, the 188th Tactical Fighter Squadron of the New Mexico Air National Guard flew over 6,000 combat sorties and amassed over 630 medals and decorations before its release from Federal active duty in June 1969. These are just a few examples of the distinction with which New Mexicans have served our Nation. From the swamps of Cuba to the jungles of Vietnam and the deserts of Iraq, many New Mexicans have given their lives on behalf of America, and for these reasons on Memorial Day we honor these brave men and women.

We must never forget the sacrifices of our solders, sailors, airmen and marines. I encourage New Mexicans and all Americans on this Memorial Day to take a moment to remember and honor the brave men and women who have fallen in our defense. I ask that New Mexicans think of them and their families, and give thanks that we are blessed with such heroic men and women.

On this Memorial Day, let us not overlook the men and women of our armed forces who since September 11, 2001 have been called away from home to fight the Global War on Terror. Many of these individuals are National Guardsmen like the members of Task Force Phoenix serving in Afghanistan, the 1116th Transportation Company serving in Iraq and Task Force Cobra serving in Kuwait. I would like to thank them and all the men and women of our State who have returned from previous deployments overseas. Not only have they made their family and state proud, they have made their country proud as well.

Today I would like to make special mention of those New Mexicans of the active and reserve military who have given their lives in Operation Iraqi Freedom and the Global War on Terror. They, like Americans of generations past, answered the call to defend this great Nation from those who would do it harm. In the spirit of the efforts put forth by such individuals, it is imperative America forever remain the land of the free and the home of the brave.

Mr. HAGEL. Mr. President, Memorial Day is a time for solemn remembrance and reflection. We remember the brave men and women who gave their lives in defense of our Nation. At cemeteries and memorials across America, in tributes both public and private, we gather to honor those who died in service to our country. On May 12, members of the SGT John Rice family of Winnebago, NE, paid final tribute to his wife Evelyn who was buried at Arlington National Cemetery next to her husband. The history of John and Evelyn Rice serves as an important reminder of the sacrifices soldiers and their families make in defense of freedom.

Sergeant Rice, a Winnebago Native American, was born on Nebraska's Winnebago reservation in 1914. After high school, he began looking for an opportunity outside of reservation life. He found that opportunity by serving in the U.S. Army during World War II. Rice received a Purple Heart after being wounded and was discharged from the Army in 1945. Rice reenlisted in the Army in 1946, and among the many duties Rice performed were escorting the bodies of war casualties being brought back to the U.S. to be buried.

Rice's service again brought him into battle in 1950 during the Korea war, where he was killed in combat early in the conflict. It wasn't until almost a year later that his body was finally returned home to Winnebago. Evelyn arranged for the burial to be at Memorial Park Cemetery in Sioux City, IA, because it was close to the family and near Winnebago.

Sergeant Rice's funeral proceeded as planned on August 28, 1951. It wasn't until after Evelyn and the family left the funeral service that cemetery personnel discovered that Rice was Native American. Evelyn was told that Sergeant Rice's burial would not be completed due to a cemetery rule that only Caucasians could be buried there. In an effort to try and solve the situation, the cemetery personnel proposed to Evelyn that she could sign a document stating that Rice was Caucasian and they would finish the burial. Evelyn rejected that offer and later stated that, "When these men are in the army, they are all equal and the same. I certainly thought they would be the same after death . . ."

Two military officers who were present at the funeral alerted Army officials in Washington of the funeral's disruption. The day after Rice's funeral, news of what happened reached President Harry S. Truman, and he offered Evelyn a space for her husband to be buried at Arlington National Cemetery. Evelyn accepted the President's offer and arrangements were made a few days later for a ceremony to take place at Arlington National Cemetery with full military honors. Sergeant Rice is believed to be the first Native American soldier to be buried in Arlington National Cemetery.

Evelyn Rice passed away last year at the age of 83 and was buried earlier this month next to her husband at Arlington National Cemetery. Her courage in refusing to accept anything less than respect and honor for her husband's service and sacrifice is an example all Nebraskans can be proud of. Evelyn Rice embodied the best of America's spirit by standing up to injustice during a very difficult time for her and her family, community and country.

We must be vigilant in our efforts to remember the sacrifices of those we honor on Memorial Day. I authored a Senate resolution, which is now law, to observe a National Moment of Remembrance at 3 p.m. local time each Memorial Day. Reserving this moment to reflect on Memorial Day is one way to honor those who died in service to our country. I ask everyone to join me this Memorial Day in honoring America's fallen heroes and their families, like SGT John and Evelyn Rice, and thank all those who have served their country in uniform.

Mr. CORNYN. Mr. President, Memorial Day is a day we have set aside to remember those who have given their lives—"the last full measure of devotion"—in service to our country.

As President Abraham Lincoln looked out across the cemetery at Gettysburg, he honored the sacrifice of the soldiers who had died there and how their sacrifices preserved the Union and advanced the cause of freedom.

For more than 200 years, men—and later, women—have donned the uniform and met the many challenges of serving our great Nation and the ideals on which it was founded. Countless numbers of them have paid the ultimate price—and we honor them today.

Our freedom was not free. It was bought and paid for by the sacrifices of generations that have gone before. We honor these heroes for their courage and for ensuring that our own freedom is more than a dream—that it is indeed a reality.

Those who fought in our country's Civil War are long passed. And many of those brave men who served in our World Wars too have passed. Members of what we fondly call the "greatest generation" are leaving our midst in record numbers, and we mourn their passing—these brave men who liberated so many from tyranny. They are gone, but they certainly are not forgotten.

Memorial Day is not merely the opportunity for a 3-day weekend. It is our duty—indeed, it is our privilege—to reflect on the sacrifices that have paid the price for our freedoms.

We must also acknowledge the heroism and sacrifice of our brave men and women currently serving in the Armed Forces. I know I speak for the people of my State of Texas, and for all Americans, when I thank our soldiers, sailors, airmen and marines—and their loved ones waiting patiently at home—for their service and their dedication to duty.

As a member of the Armed Services Committee, it is my job and my honor to look after the interests of all of our military personnel. We must ensure that the military continues to have the tools it needs to remain the most powerful fighting force the world has ever known.

Our Texas military bases are some of the strongest components of our military readiness in the current global war against terror. These valuable assets help to maintain our status as the world's lone superpower, even as we transform our military to face the challenges of the future.

Soldiers are not just numbers or statistics. These are real Americans. True patriots. They have real families. When someone leaves home to fight for American interests abroad, it affects their entire community; it affects their friends and, most profoundly, it affects their families.

And so while we must remember the sacrifices of the brave men and women who fight on the battlefield, we must also be mindful of the sacrifices of those they leave behind—and so on behalf of a grateful nation, I thank them today, as well.

The difference our military is making in the world is undeniable. Just a short while ago, the idea that the Iraqi people could live free was a concept that many would not treat seriously. But the Iraqi people are forging ahead and have formed a unity government and are firmly embracing the opportunities that freedom provides.

I wish there were more balance in this discussion about Iraq. There are so many good things happening there—so many good things. And largely, unfortunately, they are left unreported.

Recently, Jack Kelly, former marine, Green Beret, and deputy assistant secretary of the Air Force during the Reagan administration, highlighted some of these important stories—for example, the account of marine Sgt Rafael Peralta, who has been posthumously recommended for the Medal of Honor.

I quote: "Sgt. Peralta was killed on Nov. 15, 2004, during the second battle of Fallujah. His squad was clearing a house. Sgt. Peralta was the first into a room where at least three insurgents lay in ambush. He was shot in the chest and the face, but still had the presence of mind to jump into an adjoining room to give the marines behind him a clear field of fire.

Four marines maneuvered into the room where Sgt. Peralta lay when an insurgent tossed a grenade into it. Sgt. Peralta pulled the grenade to him and smothered it with his body, saving the others from death or serious injury.

Sgt. Rafael Peralta died for a country he loved, but of which he was not yet a citizen. A Mexican immigrant who lived in San Diego, Sgt. Peralta enlisted in the marines the day he received his green card.

"Be proud of being an American," Sgt. Peralta had written to his younger brother in the only letter he ever sent him.

While this is only one story, there are hundreds more that should be acknowleged.

In recent correspondence, Iraqi Freedom veteran Major Mark McDaniel of the 301st Fighter Wing in Fort Worth wrote these words: "Our efforts there in providing security enabled these courageous people to work through the sectarian issues that existed . . . I believe that this weekend has vindicated our presence and our sacrifices in Iraq. I, and the other members of the 301st Fighter Wing . . . believe in our mission there."

And we here at home believe in our men and women in uniform—in their courage and the cause of freedom they defend. We must always remember our Nation's heroes and live in a manner worthy of their sacrifice.

ASSISTING PEOPLE AFFECTED BY HUNGER AND POVERTY AROUND THE WORLD

Mr. JOHNSON. Mr. President, 850 million people around the world go hungry every day. Famine and hunger destroy the lives of those who already suffer from extreme poverty, violence, and loss. Each instance is heartbreaking, but all too often we turn a blind eye to those in need. As a person of faith, and a board member of Bread for the World, I believe we can do more to help the most vulnerable throughout the world, and I want to draw the Senate's attention to a handful of countries devastated by poverty and hunger.

For over 40 years, Colombia has been engaged in an armed conflict between insurgent guerrilla groups and the Colombian military. This violence, exacerbated by decades of political instability and illegal drug trafficking, has subjected thousands of innocent civilians to human rights abuses. Since taking office in 2002, President Alvaro Uribe Velez has made strides in boosting the Colombian economy and stabilizing the political process. However, crime and widespread violence continue to undermine these efforts.

Colombia has the third largest internally displaced population in the world. Between 2 to 3 million people, out of a total population of 43 million, have been forced from their homes. On average, 350,000 people become internally displaced each year. Many flee to escape kidnappings, assassination attempts, and local violence linked to drug trafficking and the civil conflict.

Colombia's displaced population is in a dire state of need. Eighty percent of internally displaced people live in extreme poverty and lack access to sufficient food. In fact, Colombian insurgents have increasingly employed roadblocks and isolation tactics to stop food shipments from reaching vulnerable locations. All too often, internally displaced persons are forced to eat fewer meals, each of which consists of low nutritional value. The average daily caloric intake of an internally displaced person is 1,752 calories—well below the recommended minimum of 2,100 calories.

Another country ravaged by poverty and hunger is Haiti. Haiti is the poorest country in the Western Hemisphere, with 80 percent of the population living in poverty. In 2004, political unrest, coupled with social and economic instability and natural disasters, crippled a nation already in a state of extreme food insecurity.

The poor are particularly susceptible to chronic malnourishment. Almost half of Haiti's 8.3 million citizens are undernourished. Even more troubling, due to chronic malnourishment nearly half the children under the age of five suffer from moderate to severe stunted growth. Haiti, along with Afghanistan and Somalia, experience the worst daily caloric deficit per person in the world. The average Haitian consumes only 460 kilocalories each day.

The United Nations World Food Program provides food assistance to 600,000 Haitian people. While humanitarian relief programs like the World Food Program are a step in the right direction in eradicating hunger in Haiti, a number of factors are impeding efforts. Looting, poor road conditions, and a lack of security continue to hinder the delivery of food aid in the country.

Africa has long battled systemic poverty, violence, and hunger. The Democratic Republic of Congo, DRC, has been engulfed in political turmoil for over 8 years, resulting in the death of nearly 4 million people. While the DRC is moving toward reunification and increased political stability, parts of the country remain highly volatile. Widespread violence, particularly in the eastern part of the country, has resulted in the internal displacement of more than 3.4 million people.

Civil conflict has also wreaked havoc on the country's agriculture industry. In some areas, there is a lack of secure farmland, and severe labor shortages and constant looting by combatants contribute to the crisis. Oftentimes, raiders slaughter livestock, causing scarcity of meat. In addition, efforts to increase the food supply have been thwarted by a widespread lack of basic education, job opportunities, and weak local implementing partners.

We cannot continue to ignore the current situation in the DRC while nearly 1,000 people die each day from war-related hunger and disease. Seventy-one percent of the Congolese population is undernourished and the mortality rate has climbed to more than 50 percent due to starvation.

In addition to the crisis in the DRC, Ethiopia is on the verge of a humanitarian catastrophe. Ethiopia has the poorest human development indicators in the world. More than three-quarters of Ethiopians live on less than $1 per day, and almost half the population is undernourished. Drought has plagued Ethiopia for decades, leaving the country stripped of the natural resources required to feed its citizens. During the past 20 years, five major droughts have destroyed crops and livestock, and have left many people with few personal belongings.

Ethiopia is of strategic importance to the United States, and its stability is crucial to the Horn of Africa and our efforts in the global war on terrorism. Ethiopia shares borders with nations plagued by civil war and government instability, which impede famine relief efforts. In response to the famine in Ethiopia, USAID is transitioning its emergency response famine program to be more proactive. Revamping this program will help stimulate economic growth in the country. The hope is to permanently reduce famine-related poverty and hunger by increasing the government's capacity to respond effectively to these crises. In addition, famine relief efforts will be assisted by nongovernmental organizations, the private sector, and local communities and households.

Finally, years of internal armed conflict and political instability have caused severe food shortages in Sudan. Southern Sudan, ravaged by civil war, may face the return of millions of internally displaced people following the signing of the Comprehensive Peace Agreement in January 2005. A quarter of the Sudanese population is undernourished, and an estimated 3 million people will be in need of food assistance as they return to their homes.

In western Sudan, the violence in the Darfur region has culminated in the first genocide of this century. In February 2003, fighting erupted between rebel groups and government backed militias. The United Nations estimates that more than 70,000 people have been killed in this conflict, while other organizations believe the actual number is three to four times higher. As a result of ongoing ethnic violence, approximately 2 million people have been internally displaced, and 220,000 refugees have fled to neighboring Chad.

Famine remains a distinct possibility, with need far outweighing the ability of government and nongovernment agencies to deliver food aid. Prior to the crisis in Darfur, an estimated 18 percent of Sudanese suffered from natural malnutrition. Today, 3.5 million people in Darfur are hungry, with numbers expected to skyrocket until the conflict is resolved. Relief efforts have slowed considerably due to widespread violence. Furthermore, refugees and internally displaced people are not expected to return to their homes for the next planting season. As the rainy season approaches, flooding will likely hamper our ability to adequately distribute food aid. Finally, the World Food Program recently announced that it must reduce daily rations in Darfur and eastern Sudan to as little as 1,050 kilocalories, or 50 percent of the daily minimum requirement, due to funding shortfalls.

I briefly described the food shortage crises facing five impoverished and vulnerable countries. This is a snapshot of the reality millions face each day—including those who live in the United States. Each statistic represents a person struggling to survive, not knowing where their next meal will come from—if it will come at all. In many situations, people remain poor and powerless with virtually no hope of breaking the cycle of despair. We can no longer use ignorance as an excuse for our inaction.

Without question, assisting fellow human beings in need is a moral issue. However, in many of these war-torn and troubled nations it is also an issue of national security. Countries that are politically unstable and ravaged by hunger and disease are often breeding grounds for terror and violence. After all, it wasn't long ago that Osama bin Laden based his operations in Sudan in order to export terrorism and attack innocent civilians.

As our world becomes increasingly interconnected, poverty abroad cannot be ignored. Political instability and infectious disease know no border and can affect us at home. Sadly, too often instances of extreme hunger and famine do not invoke action among the world's most powerful nations until it is too late—leaving millions dead or forever suffering from the consequences of chronic malnutrition. Our inaction is not because we don't care, but I do believe the United States should be more proactive, and not reactive, in ending hunger and poverty.

The Federal budget is a reflection of our Nation's values and priorities. The Bush administration has made clear its priorities by extending tax cuts to the fabulously wealthy, while deeply cutting funds for hunger prevention and poverty programs. Less than half of 1 percent of our budget goes to fighting poverty, hunger, and disease. The United States is the most powerful and wealthy nation in the world. We should be a leader in ending hunger and poverty, and we can begin by standing up for those at home and abroad who are in dire need of assistance.

DARFUR PEACE AGREEMENT AND SUDAN

Mrs. CLINTON. Mr. President, for nearly 3 years, the Government of Sudan has conducted genocide in Darfur. The United Nations, the African Union, the U.S. State Department, and many other organizations possess detailed descriptions of these crimes against humanity. This enormous body of evidence demonstrates unequivocally that the Government of Sudan and its jingaweit proxies have attacked, uprooted, raped, starved, enslaved, and killed millions of civilians.

In Congress, we have written letters, introduced and adopted legislation, and spoken out strongly. We have supported the African Union peacekeepers, the international relief workers, and the people of Darfur. In March, I sent a letter to President Bush detailing 13 steps that should be taken to address the crises in Sudan. I reiterate the steps that are suggested. These include appointment of a Presidential Envoy to Sudan; rapid preparation and deployment of additional, well-equipped, robustly-mandated international peacekeepers to Darfur; urgent assistance to the African Union, including by NATO; and multilateral enforcement of existing U.N. resolutions that establish a no-fly zone over Darfur and hold accountable those who have committed crimes.

Thousands of Americans, including many New Yorkers, have taken a strong and personal interest in the crisis in Darfur. I have heard their voices and frustration. The situation on the ground is still dire. As we lament this crisis today, four million people in Darfur and eastern Chad now depend on relief organizations for survival—one million more than a year ago.

The alarm issued on May 19 by the United Nations Under Secretary General for Humanitarian Affairs, Jan Egeland, is therefore especially distressing. Despite the hopeful signing of the Darfur Peace Agreement on May 5 by the Government of Sudan and one of the main Darfur rebel groups, the work of aid workers remains sharply constrained by violence, funding shortfalls, and restrictions being imposed by the Government of Sudan. Civilians continue to be attacked and sexually-brutalized by Sudanese armed forces, the jingaweit, and rebel groups. On May 19, Mr. Egeland warned, "We can turn the corner towards reconciliation and reconstruction, or see an even worse collapse of our efforts to provide protection and relief to millions of people." In eastern Chad, Mr. Egeland said, "we are confronted with a very dangerous vacuum that is being filled by rebels, militia and others, leaving civilians, internally displaced persons, refugee camps and relief workers utterly exposed."

In the context of Sudan's history, this post-peace agreement reality is not unique. Nor is it surprising. The genocide in Darfur, in the west, began just as the Government of Sudan concluded a horrific, 20-year campaign of violence in the south—a campaign that laid waste to the institutions and infrastructure of southern Sudan. That conflict was brought to an end more than 1 year ago through the Comprehensive Peace Agreement (CPA)—but conditions in southern Sudan remain grim. Deputy Secretary of State Robert Zoellick said recently that the challenge in southern Sudan is not one of re-construction, but rather of basic construction; years of conflict have destroyed nearly everything.

Even so, the National Congress Party in Khartoum—the signatory to the CPA with the means and the mandate to implement many of its provisions—has moved ahead very slowly and selectively. Khartoum is failing to deliver on some of the most important provisions of the CPA, including those related to the resolution of disputed boundaries, the sharing of oil wealth, and the timely withdrawal of armed forces. Displaced and enslaved southerners are not being returned as promised to their homes. Incursions by the Lord's Resistance Army and other armed groups continue, often with impunity. Amidst these circumstances, the Government of Southern Sudan faces great challenges in providing basic goods to the people—basic goods such as roads, electricity, schools, hospitals, food, and clean water. By dragging its feet and turning a blind eye, Khartoum is abdicating its commitments under the CPA, and perpetuating the suffering of the southern Sudanese.

If things do not change quickly in southern Sudan, today's fragility may tomorrow become chaos, with grave and deadly consequences for millions of civilians. The United States can, and must, do more. We should support the continued development of the Government of Southern Sudan, and urgently assist its provision of food, health care, shelter, and security to the southern peoples. In addition, we should expedite the safe, voluntary return of displaced southerners to their homes and families.

More broadly, we should closely monitor security conditions, humanitarian access, and implementation of the peace agreements in both southern Sudan and Darfur. We must hold the signatories to their word and bring other groups on board. The Government of Sudan must fulfill its pledges to desist from military offensives; accept international peacekeepers; disarm the jingaweit by mid-October, 2006; and take clear steps to share power and wealth with the south and west. Members and sponsors of the jingaweit should be held accountable for their gruesome crimes, and not simply integrated into the national army. Relief workers and supplies must immediately be provided free and safe access to the peoples of Sudan—by the rebels, the jingaweit, and the Government of Sudan. If the National Congress Party in Khartoum fails to uphold its commitments or its broader obligations under international law, it must face consequences—especially if its failure erodes the security of civilians or aid workers. The possible sanctions and no-fly zone that have been authorized by the U.N. Security Council can compel compliance. In the meantime, to transform the Darfur Peace Agreement into peace, we need to immediately strengthen the African Union's ability to protect civilians and aid workers.

Even with the commendable field work of the African Union, the United Nations, and many relief organizations, we must not lose focus on the current problems in Sudan. We must urgently support the work of these partners and together ensure that peace and justice prevail for the peoples of Sudan.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 15, 2006.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I write with great concern about the crisis in Sudan. Despite the work of the African Union, violence against civilians and aid workers in Darfur is increasing and spilling across the border into Chad. Between 200,000 and 400,000 people have been killed, and United Nations Secretary-General Kofi Annan and other credible experts continue to warn that three million civilians are displaced and at risk in Darfur and in eastern Chad. The situation in eastern Sudan is also of concern.

The United States and United Nations (U.N.) now possess extensive, official accounts of the violence and, through a U.N. Panel of Experts and other sources, we also know who may be responsible. The Government of Sudan—reported by the U.S. State Department on March 8, 2006 to be responsible for the genocide in Darfur—continues to deny the existence of a crisis. It continues to threaten retaliation against an international intervention, and, according to a U.N. report dated January 30, 2006, it continues to introduce additional military aircraft into Darfur. The United States can and must do more. Below are 13 ways in which you can take action.

Convene a meeting of world leaders to address the crisis in Darfur. For 100 weeks, the international community has watched, with little meaningful response, as the first genocide of this millennium has been carried out by the Government of Sudan against the people of Darfur. I urge you to convene, without delay, a meeting between leaders of the United Nations, the North Atlantic Treaty Organization (NATO) and the African Union, and other interested world leaders, to map out an action-plan for Darfur. The millions of displaced victims in Darfur deserve at least this much.

Appoint a Presidential Envoy to Sudan. To promote lasting peace in both Darfur and eastern Sudan, and to demonstrate U.S. commitment to peace negotiations and agreements, I urge you to consider the appointment of a Presidential Envoy to Sudan. Like Senator Danforth, your previous Envoy to Sudan, a new Envoy should participate personally in peace talks, oversee and coordinate U.S. engagement in Sudan, and report directly to you on these efforts.

Lead the U.N. Security Council in authorizing a peacekeeping mission in Darfur. To protect civilians from continued violence—much of which is documented explicitly in a 42-page U.N. report published on January 27 and the U.N. Secretary-General's monthly reports to the Security Council—I urge you to push the U.N. Security Council to authorize, under Chapter VII, a U.N. peacekeeping mission in Darfur.

On January 12 and March 10, 2006, the African Union endorsed this mission in principle.

U.N. Secretary-General Kofi Annan has begun planning this mission, in accordance with the U.N. Security Council's Presidential Statement of February 3, 2006.

Efforts to broker a peace agreement for Darfur must not forestall efforts to protect civilians. Our continued inaction will enable the killings to continue. This fact cannot be ignored.

A U.N. mission in Darfur must now be authorized with a clear and robust mandate to protect civilians; and be supplied with the troops, air- and ground-mobility, and communications network required to fully implement that mandate.

The Government of Sudan must either cooperate with this mission or face sanctions, in accordance with the existing U.N. Security Council Resolutions that are described below.

Support the African Union. According to U.N. officials, deployment of U.N. peacekeepers to Darfur may take six to nine months. To protect civilians in the interim, I urge you to support the African Union peacekeeping mission in Darfur in two ways. First, I urge you to support the funding needs of the African Union mission for the next nine months. As you know, the United States' share of these costs is estimated at $10 million per month.

Second, in accordance with United States Senate Resolution 383, which I co-sponsored, I urge you to lead NATO in providing assistance to the A.U. peacekeepers in Darfur, particularly in the areas of command and control, logistics, intelligence, and airlift. I called for NATO assistance in Darfur more than 12 months ago, at the Munich Conference on Security. Since then, NATO has been helpful, particularly with airlift, but it can and should do more.

Third, to improve the ability of the existing African Union peacekeepers to deter violence, I urge you to explore mechanisms that would provide African Union commanders in Darfur with specific, timely, standardized information about imminent attacks against civilians in Darfur.

Enforce the no-fly zone that has been established by the U.N. Security Council and endorsed by the U.S. Congress. Despite the enactment of a no-fly zone by the U.N. Security Council in March 2005—nearly one year ago—the Government of Sudan continues its aerial assaults against civilians in Darfur. This is unacceptable, and I urge you to work with members of NATO, the U.N. Security Council, and the African Union to immediately enforce the ban on offensive overhead flights in Darfur that was established by Security Council Resolution 1591.

On March 2, 2006, the U.S. Senate adopted Resolution 383 calling on you to take steps to enforce the no-fly zone in Darfur. Senator Biden and others have suggested that enforcement of the flight ban would require no more than 12 to 18 fighter planes and a handful of AWACs. I urge you to work with other countries to mobilize these resources, and to ensure that the Government of Sudan ceases its overhead assaults. Our continued failure on this issue is unacceptable.

Similarly, I urge you to raise with Khartoum the findings of a U.N. report dated January 30, 2006, which suggest that the Government of Sudan continues to introduce additional offensive military aircraft into Darfur.

Lead the U.N. Security Council in enforcing Resolution 1591, to freeze the assets and travel of certain dangerous individuals. I urge you to work with other members of the U.N. Security Council to fully implement Resolution 1591, which authorized the Security Council to impose travel bans and asset freezes on any individuals believed by a Panel of Experts to constitute a threat to stability, to violate international human rights law, to impede the peace process, or to conduct offensive overhead military flights.

The Panel of Experts has identified several individuals who have perpetrated such violations of international law, and these individuals must be prevented from organizing or perpetrating additional violence, and be sanctioned in full accordance with Resolution 1591. At the very least, the Security Council should call the named individuals to the United Nations for dialogue and questioning.

Lead the U.N. Security Council in enforcing Resolution 1564, to hold accountable the Government of Sudan for its documented failure to meet its international obligations to end violence and protect civilians in Darfur. I urge you to work with the U.N. Security Council to fully implement Resolution 1564, which calls on the Security Council to consider "additional measures as contemplated in Article 41 of the Charter of the United Nations, such as actions to affect Sudan's petroleum sector and the Government of Sudan or individual members of the Government of Sudan," if the Government of Sudan fails its previous obligations under international law, including U.N. Security Council Resolution 1556 and the Joint Communique dated July 3, 2004.

Several official reports, including a U.N. report published on January 27, 2006, demonstrate unequivocally that the Government of Sudan has failed its obligations. It has failed to protect civilians in Darfur, and it has failed to punish members of the military and the Janjaweed for violations of international human rights law. These realities and Resolution 1564 should now compel the Security Council to consider Article 41 measures against the Government of Sudan.

Ensure that the U.N. Security Council listens to the experts. I urge you to convene a briefing for members of the Security Council by experts who can describe the situation in Darfur, eastern Chad, and eastern Sudan. The Security Council should hear testimony from Juan Mendez, Special Advisor to the Secretary-General on the Prevention of Genocide. As you know, the Security Council did not allow Mr. Mendez to present his observations in October 2005.

Stop the violence from spreading into Chad. I urge you to monitor tensions along the Chad-Sudan border and to focus the U.N. Security Council on this important issue. The U.N. Secretary-General noted in his January 30 report to the Security Council that "there has been a worrying build-up of armed forces of the two States and local militias on both sides of the border," and that "it is vitally important that the situation in the border areas of Chad and the conflicts in the Sudan do not combine to propel the two countries and the whole region towards confrontation and conflict."

More specifically, I urge you to work with the Security Council and the African Union to monitor implementation of the February 8, 2006 accord between the Presidents of Chad and Sudan, and to deter all parties from escalating the conflict. The safety of at least three million civilians along the Chad-Sudan border depends on your attention to this issue.

Call publicly for better behavior from Khartoum. Using Resolutions 1591 and 1564 and other points of leverage, I urge you to call on the Government of Sudan—particularly the National Congress Party in Khartoum—to immediately desist from violence against civilians; protect safe passage for aid workers; cooperate fully with international peacekeepers; engage constructively in the peace talks in Abuja; diffuse tensions along the Chad-Sudan border; and disarm and punish the Janjaweed and other groups responsible for genocidal violence in Darfur.

I urge you to call similarly on the Government of Sudan to implement the Comprehensive Peace Agreement without delay and in full consultation with the Government of Southern Sudan, and to protect civilians and peacefully address the situation in eastern Sudan.

Work with the U.N. Security Council to address attacks by rebel groups in Darfur. I urge you to work with the Security Council to make it clear to all rebels and perpetrators of violence in Sudan and Chad that attacks against civilians and aid workers are violations of international law; and that continued international consideration of their grievances depends directly upon their immediate cessation of violence against civilians.

Plan for reconstruction in Darfur. Through a new Presidential Envoy or other U.S. officials, I urge you to begin working with the World Bank and other stakeholders on a Joint Assessment Mission to plan for reconstruction in Darfur. This may help to accelerate the peace process by demonstrating to the Darfur rebels and the Government of Sudan that peace can bring financial dividends, and, once peace has been established, it will help to speed reconstruction and promote stability.

Support reconstruction in southern Sudan. I urge you to provide strong, material support to the Government of Southern Sudan as it builds a stable state, economy, and society in the wake of decades of conflict. Similarly, I urge you to encourage the Government of Southern Sudan to engage constructively in the Darfur peace negotiations.

During the last century, in Nazi Europe, Cambodia, and elsewhere, the international community failed to protect millions of innocent people from genocide and horrific crimes. We look back and wonder how the world allowed those killings to continue. We must find a way to protect civilians in Darfur, without further delay.

As you know, I and other members of the U.S. Congress recognized the genocide in Darfur in July 2004. In September 2004, then Secretary of State Colin Powell did the same. A few months later, in January 2005, a U.N. International Commission of Inquiry established by U.N. Security Council Resolution 1564 also found strong evidence of genocide in Darfur. In February 2006, Secretary of State Rice said that "genocide was committed and in fact continues in Darfur." Even so, international agreement on the existence of genocide has little connection to the need or basis for action.

Hundreds of acts of violence in Darfur, many constituting crimes against humanity and war crimes—along with specific descriptions of the perpetrators—have been recorded in detail by the U.S. State Department, the United Nations, the African Union, the NGO community, and other organizations. I urge you to read these gruesome accounts, and to also review the list of individuals who have been identified by the U.N. Panel of Experts established by U.N. Security Council Resolution 1591. In the case of Darfur, we are now obligated by the U.N. Charter, the Responsibility to Protect, several statutes of international human rights law, and existing U.N. Security Council resolutions to transform our awareness into action.

Therefore, I urge you, as President of the United States, to remind the international community of its commitments and to work urgently with the United Nations, the African Union, and NATO to protect civilians and address the growing crises in Darfur, eastern Chad, and eastern Sudan. Thank you for your attention to these urgent matters.

Sincerely,

HILLARY RODHAM CLINTON.

DISSENT TO THE UNITED STATES COMMISSION ON CIVIL RIGHTS REPORT ON S. 147

Mr. AKAKA. Mr. President, I rise today to share information about S. 147, the Native Hawaiian Government Reorganization Act of 2005. Some of my colleagues have made reference to a recent report issued by the U.S. Commission on Civil Rights which characterizes my bill as race-based legislation. The report itself, however, does not contain any substantive analysis. Rather, it outlines the testimony that was presented to the commission.

I have already shared with my colleagues my dismay and displeasure with the manner in which the Commission considered S. 147. Not once did they contact the Hawaii Advisory Committee to the Commission, which is composed of experts on Hawaii's history, Federal Indian Law, and Federal policies toward indigenous peoples. In addition, during the briefing upon which this report is based, it was clear that certain Commissioners lacked a general understanding of Federal Indian law, a necessary context to understand the existing political and legal relationship between native Hawaiians and the United States.

Commissioner Michael Yaki understood both the history of Hawaii and Federal Indian Law and he, along with Commissioner Arlen Melendez, dissented from the Commission's position that S. 147 is race-based legislation. I ask unanimous consent that Commissioner Yaki's dissent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISSENTING STATEMENT OF COMMISSIONER YAKI

COMMISSIONER MELENDEZ CONCURS IN THE DISSENT

PREFACE

As a person quite possibly with native Hawaiian blood running through his veins, it is quite possible to say that I cannot possibly be impartial when it comes to this issue. And, in truth, that may indeed be the fact. Nevertheless, even before my substantive objections are made known, from a process angle there were serious and substantial flaws in the methodology underlying the report.

First, the report relies upon a briefing from a grand total of 4 individuals, on an issue that has previously relied upon months of research and fact gathering that has led to 2 State Advisory Commission reports, 1 Department of Justice Report, and Congressional action (the "Apology Resolution"), not to mention testimony before the Congress on the NHGRA bill itself that was never incorporated into the record.

The paucity of evidence adduced is hardly the stuff upon which to make recommendations or findings. Even though the Commission, to its credit, stripped the report of all its findings for its final version, does that not itself lend strength and credence to the suggestion that the briefing was flawed from the inception? And if so flawed, how can the Commission opine so strongly upon a record that it could not even find supported now non-existent findings?

Second, aside from ignoring the volumes of research and testimony that lie elsewhere and easily available to the Commission, we ignored soliciting advice and comment from our own State Advisory Commission of Hawai'i. Over the past two decades, the Hawai'i Advisory Committee to the United States Commission on Civil Rights (HISAC) has examined issues relating to federal and state relations with Native Hawaiians. As early as 1991, HISAC recommended legislation confirming federal recognition of Native Hawaiians. A mere five years ago, the HISAC found that "the lack of federal recognition for native Hawaiians appears to constitute a clear case of discrimination among the native peoples found within the borders of this nation." The HISAC concluded "[a]bsent explicit recognition of a Native Hawaiian governing entity, or at least a process for ultimate recognition thereof, it is clear that the civil and political rights of Native Hawaiians will continue to erode." The HISAC found that "the denial of Native Hawaiian self-determination and self-governance to be a serious erosion of this group's equal protection and human rights." Echoing recommendations by the United States Departments of Justice and Interior, the HISAC "strongly recommend[ed]" that the federal government "accelerate efforts to formalize the political relationship between Native Hawaiians and the United States." The HISAC's long-standing position of support for legislation like S. 147 to protect the civil rights of native Hawaiians belies recent assertions that such legislation discriminates on the basis of race and causes further racial divide.

The HISAC could and would have been a key source of information, especially updated information, on the state of the record. To exclude them from the dialogue I believe was indefensible and a deliberate attempt to ensure that contrary views were not introduced into the record.

Third, the report as it stands now makes no sense. The lack of findings, the lack of any factual analysis, now makes the report the proverbial Emperor without clothes. The conclusion of the Commission stands without support, without backing, and will be looked upon, I believe, as irrelevant to the debate. Such if the risk one runs when scholarship and balance are lacking.

Substantively, the recommendation of the Commission, cannot stand either. It is not based on facts about the political status of indigenous, Native Hawaiians, nor Native Hawaiian history and governance or facts about existing U.S. policy and law concerning Native Hawaiians. It is a misguided attempt to start a new and destructive precedent in U.S. policy toward Native Americans. The USCCR recommendation disregards the U.S. Constitution that specifically addresses the political relationship between the U.S. and the nations of Native Americans. The USCCR disregarded facts when the choice was made not to include HISAC in the January 2006 briefing on NHGRA, and not utilizing the past relevant HISAC reports concerning Native Hawaiians based on significant public hearing and facts. Spring-boarding from trick phrasing and spins offered by ill informed experts, and at least one who has filed suit to end Native Hawaiian programs established through Congress and state constitution, the USCCR majority recommendation is an obvious attempt to treat Native Hawaiians unfairly in order to begin the process of destroying existing U.S. policy towards Native Americans.

FACTS ABOUT INDIGENOUS NATIVE HAWAIIANS, NATIVE HAWAIIAN AND U.S. HISTORY AND THE DISTINCT NATIVE HAWAIIAN INDIGENOUS POLITICAL COMMUNITY TODAY

Native Hawaiians are the indigenous people of Hawai'i, just as American Indians and Alaska Natives are the indigenous peoples of the remaining 49 states. Hawai'i is the homeland of Native Hawaiians. Over 1200 years prior to the arrival of European explorer James Cook on the Hawaiian islands, Native Hawaiians self-determined their form of governance, culture, way of life, priorities and economic system to cherish and protect their homelands, of which they are physically and spiritually a part, and did so continuously until the illegal overthrow of their government by agents and citizens of the U.S. government in 1893. In fact the U.S. engaged in several treaties and conventions with the Native Hawaiian government, including 1826, 1842, 1849, 1875 and 1887.

Though deprived of their inherent rights to self-determination as a direct result of the illegal overthrow, coupled with subsequent efforts to terminate Native Hawaiian language, leaders, institutions and government functions, Native Hawaiians persevered as best they could to perpetuate the distinct vestiges of their culture, institutions, homelands and government functions maintaining a distinct community, recognizable to each other.

Today, those living in Hawai'i recognize these aspects of the distinct, functioning Native Hawaiian political community easily. For example: the Royal Benevolent Societies established by Ali'i (Native Hawaiian chiefs and monarchs) continue to maintain certain Native Hawaiian government assigned and cultural functions; the private Ali'i Trusts, such as Kamehameha Schools, Queen Lili'uokalani Trust, Queen Emma Foundation and Lunalilo Home, joined by state government entities established for indigenous Hawaiians, including the Office of Hawaiian Affairs and the Department of Hawaiian Homelands, and Native Hawaiian Serving institutions such as Alu Like, Inc. and Queen Lili'uokalani Children's Center continue the Native Hawaiian government functions of caring for Native Hawaiian health, orphans and families, education, elders, housing economic development, governance, community wide communication and culture and arts; the resurgence of teaching and perpetuation of Native Hawaiian language and other cultural traditions; Native Hawaiian civic participation in matters important to the Native Hawaiian community are conducted extensively through Native Hawaiian organizations including, the Association of Hawaiian Civic Clubs, the State Council of Hawaiian Homestead Associations, the Council for Native Hawaiian Advancement, Ka Lahui and various small groups pursuing independence; Native Hawaiian family reunions where extended family members, young and old, gather to talk, eat, pass on family stories and history, sometimes sing and play Hawaiian music and dance hula and pass on genealogy.

Indeed, if the briefing had been as consultative with the HISAC as it could have been, there would have been testimony that, for example, the Royal Order of Kamehameha, or the Hale O Na Ali'I O Hawai'i, or the Daughters of Ka'ahumanu continue to operate under principles consistent with the law of the former Kingdom of Hawai'i. There would have been testimony that these groups went "underground" due to persecution but remained very much alive during that time.

The distinct indigenous, political community of Native Hawaiians is recognized by Congress in over 150 pieces of legislation, including the Hawaiian Homes Commission Act and the conditions of statehood. Native Hawaiians are recognized as a distinct indigenous, political community by voters of Hawai'i, as expressed in the Hawai'i State Constitution.

The notion introduced by opponents to the NHGRA that the Native Hawaiians don't "fit" Federal Regulations governing recognition of Native American tribes because they lacked a distinct political identity or continuous functional and separate government would ignore all manifestations of such identity, existence, and recognition noted above.

THE NHGRA DOES NOT SET NEW PRECEDENT IN U.S.

The Native Hawaiian Government Reorganization Act of 2005 (NHGRA) is in fact a measure to establish fairness in U.S. policy towards the 3 groups of Native Americans of the 50 United States. American Indians, Alaska Natives and Native Hawaiians. The U.S. already provides American Indians and Alaska Natives access to a process of federal recognition, and the NHGRA does the same for Native Hawaiians based on the same Constitutional and statutory standing.

I. LEGAL AUTHORITIES ESTABLISHING OHA! PURPOSE OF OHA

Hawai'i became the 50th State in the union in 1959 pursuant to Pub. L. No. 86-3, 73 Stat. 5 ("Admission Act"). Under this federal law, the United States granted the nascent state title to all public lands within the state, except for some lands reserved for use by the federal Government. These lands ("public lands trust") "together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by [the State] as a public trust for the support of the public schools, . . . the conditions of native Hawaiians" and other purposes.

In 1978, the multicultural residents of Hawai'i voted to amend its state Constitution to (1) establish the Office of Hawaiian Affairs ("OHA") to "provide Hawaiians the right to determine the priorities which will effectuate the betterment of their condition and welfare and promote the protection and preservation of the Hawaiian race, and . . . [to] unite Hawaiians as a people;" and (2) to establish the public lands trust created by the Admission Act as a constitutional obligation of the State of Hawaii to the native people. The constitutional mandate for OHA was implemented via the enactment of Chapter 10, Hawaii Revised Statutes, in 1979. OHA's statutory purposes include "[a]ssessing the policies and practices of other agencies impacting on native Hawaiians and Hawaiians," conducting advocacy efforts for native Hawaiians and Hawaiians," "[a]pplying for, receiving, and disbursing, grants and donations from all sources for native Hawaiian and Hawaiian programs and services," and "[s]erving as a vehicle for reparations." OHA administers funds derived for the most part from its statutory 20% share of revenues generated by the use of the public lands trust.

Several legal challenges to the existence of OHA based upon the 14th Amendment to the United States Constitution have been filed by various Plaintiffs, some of whom are represented by Mr. Burgess. Mr. Burgess has thus far failed to win the relief he has sought, including injunctive relief, either in the United States District Court for the District of Hawaii or the United States Court of Appeals for the Ninth Circuit. The denial of injunctive relief to Mr. Burgess's clients presents a powerful rebuttal to their claims that OHA's administration of its constitutional and statutory obligations to native Hawaiians and Hawaiians deprives all Hawaii's citizens of equal protection of law.

Mr. Burgess describes the "driving force" behind the NHGRA as "discrimination based upon ancestry". Nothing could be further from the truth or more illogical. The "driving force" behind the creation and passage of NHGRA is the desire of the Hawaiian people, and virtually every political representative in the State of Hawaii to achieve legal parity and federal recognition as with the other two native indigenous peoples of America, namely American Indian Nations and Native Alaskans. There is no constitutional impediment to congressional federal recognition of the Hawaiian people.

Then-United States Solicitor John Roberts (now Chief Justice Roberts) argued in his prior legal briefs to the United States Supreme Court in Rice v. Cayetano: "[t]he Constitution, in short, gives Congress room to deal with the particular problems posed by the indigenous people of Hawaii and, at least when legislation is in furtherance of the obligation Congress has assumed to those people, that legislation is no more racial in nature than legislation attempting to honor the federal trust responsibility to any other indigenous people." It is, in sum, "not racial at all."

Roberts went on to say: Congress is constitutionally empowered to deal with Hawaiians, has recognized such a "special relationship," and—"[i]n recognition of th[at] special relationship"—has extended to Native Hawaiians the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities." 20 U.S.C. §7902(13) (emphasis added). As such, Congress has established with Hawaiians the same type of "unique legal relationship" that exists with respect to the Indian tribes who enjoy the "same rights and privileges" accorded Hawaiians under these laws. 42 U.S.C. §11701(19). That unique legal or political status—not recognition of "tribal" status, under the latest executive transmutation of what that means—is the touchstone for application of Mancari when, as here, Congress is constitutionally empowered to treat an indigenous group as such.

NHGRA IS A MATTER OF INDIGENOUS POLITICAL STATUS AND RELATIONSHIP BETWEEN THE U.S. AND THE NATIVE HAWAIIAN GOVERNMENT, AND NOT A RACIAL MATTER.

Under the U.S. Constitution and Federal law, America's indigenous, native people are recognized as groups that are NOT defined by race or ethnicity, but by the fact that their indigenous, native ancestors exercised sovereignty over the lands and areas that subsequently became part of the United States. It is the pre-existing sovereignty, sovereignty that pre-existed the formation of the United States which the U.S. Constitution recognizes and on that basis, accords a special status to America's indigenous, native people.

The tortured attempts by persons such as Mr. Burgess to distinguish Native Hawaiians from Native Americans ultimately fail by simple historical comparison. Like the Native Americans, the Native Hawaiians predated the establishment of the United States. Like the Native Americans, the Native Hawaiians had their own culture, form of government, and distinct sense of identity. Like Native Americans, the United States stripped them of the ownership of their land and trampled over their sovereignty. The only distinction—one without a difference—is that unlike the vast majority of Native American tribes, the Native Hawaiians were not shipped off, force-marched, and relocated to another area far from their original homelands.

It is somewhat disingenuous that the opponents of NHGRA are suggesting that extending this same U.S. policy to Native Hawaiians, the indigenous, native people of the 50th state would lead to racial balkanization. There are over 560 federally recognized American Indian and Alaska Native governing entities in 49 of 50 states, coexisting with all peoples and federal, state and local governments. There is absolutely NO evidence to support this notion, and seems to be spread simply to instill unwarranted fear and opposition to the NHGRA.

NHGRA IS CONSTITUTIONAL

In United States v. Lara, the Supreme Court held that "[t]he Constitution grants Congress broad general powers to legislate in respect to Indian tribes powers that we have consistently described as plenary and exclusive." In 1954, Congress terminated the sovereignty of the Menominee Indian Tribe in Wisconsin. In 1973, Congress exercised its discretion, changed its mind, and enacted the Menominee Restoration Act, which restored sovereignty to the Menominee Tribe.

NHGRA does little more than follow the precedent allowed by Lara and exercised in the Menominee case. Reliance on federal regulations as gospel ignores the fact that the plenary authority of Congress has resulted in restoration of tribal status, in the case of the Menominee, and the retroactive restoration of tribal lands, as in the case of the Lytton Band in California. The Attorney General of Hawaii, many distinguished professors, and the American Bar Association all firmly believe that Congress has the authority to recognize Native Hawaiians.

All that NHGRA seeks is parity in U.S. policies towards the three indigenous, native people in the 50 states, American Indians, Alaska Natives and Native Hawaiians. Under the U.S. Constitution and Federal law, America's indigenous, native people are recognized as groups that are not defined by race or ethnicity, but by the fact that their indigenous, native ancestors, exercised sovereignty over the lands and areas that subsequently became part of the United States. It is the pre-existing sovereignty, sovereignty that pre-existed the formation of the United States which the U.S. Constitution recognizes and on that basis, accords a special status to America's indigenous, native people.

If one accepts the Commission's pronouncement against subdividing the country into "discrete subgroups accorded varying degrees of privilege," then the Commission should immediately call for an end to any recognition of additional Indian tribes. Since that would clearly contravene the Constitutional authority of Congress, that would seem to be an unlikely—and illegal—outcome. Given that the authority for NHGRA stems from the same constitutional source as that for Native Americans, then the Commission majority has chosen to ignore the constitutionality of the proposed law.

NHGRA HAS THE SUPPORT OF THE RESIDENTS OF HAWAI’I AS REFLECTED IN TWO SCIENTIFIC POLLS, THE FACT THAT THE MAJORITY OF OFFICIALS ELECTED BY THE VOTERS OF HAWAI’I SUPPORT NHGRA

The results of a scientific poll in Hawaii showed 68 percent of those surveyed support the bill. The statewide poll was taken Aug. 15–18 by Ward Research, a local public opinion firm. The results are consistent with a 2003 poll. While polls alone do not a mandate make, the consistency between the two polls shows that despite the best efforts of opponents such as Mr. Burgess, the multicultural, multiethnic residents of Hawaii support the recognition of Native Hawaiians and allowing them to take the first, tentative, steps toward recognition and sovereignty.

More importantly, the elected officials of Hawaii have almost unanimously thrown their support to the NHGRA. The NHGRA is supported by most of the elected officials of Hawai’i, including the entire Hawai’i Congressional Delegation, Governor Linda Lingle, the Senate and House of the State Legislature (except two members), all 9 Trustees of the Office of Hawaiian Affairs and the mayors of all four counties of Hawai’i.

CONCLUSION

The NHGRA is about justice. It is about righting a wrong. It is about recognition of the identity and sovereignty of a people who survived attempts by our government to strip them of these precious rights over a hundred years ago. Far from the racial balkanization spread by its opponents, NHGRA is simply a step—a baby step at that—towards potential limited sovereignty and self-governance.

Most who live in Hawai’i know the distinct Native Hawaiian community, with its own language and culture, is the heart and breath of Hawai’i. Hawai’i, and no other place on earth, is the homeland of Native Hawaiians.

On one thing the proponents and opponents of NHGRA seem to agree: Hawai’i is a special place in these United States, a multicultural society and model for racial and ethnic harmony that is unlike anywhere else in our country and, increasingly, the world. It is also a place where its multicultural residents recognize the indigenous Native Hawaiian culture as the host culture with a special indigenous political status where there are state holidays acknowledging Native Hawaiian monarchs, and the Hawaiian language is officially recognized.

Perhaps it is the "mainlanders" lack of context and experience that creates a debate where, in Hawai’i, there is practically none. In the mainland, we think of "Aloha" as Hawaii Five-O, surfing, and brightly colored shirts that remain tucked away in the back of our closets. In Hawai’i, however, Aloha and the Aloha spirit is more than just a slogan. It is proof positive of the influence and power of the Native Hawaiian people and culture that exists and thrives today. In my lifetime, I have seen growing awareness, acceptance and usage of Hawaiian culture, symbols, and language. It is now almost mandatory to use pronunciation symbols whenever Hawaiian words are printed, whereas twenty years ago it was ignored. Multiculturalism in modern Hawai’i means that non-Native Hawaiians respect and honor the traditions of a people who settles on these volcanic paradises after braving thousands of miles of open ocean. The least we can do, the "we" being the American government which took away their islands, is to accord them the basic respect, recognition, and privileges we do all indigenous peoples of our nation. NHGRA will give meaning to the Apology Resolution; it will begin the healing of wounds.

That same aloha spirit that imbues the multicultural islands of Hawai’i will, in my opinion, ensure that the processes contained in NHGRA will inure to the benefit of all the people of Hawaii. Perhaps more than any other place in our Union, fears of racial polarization, discrimination, or unequal treatment resulting from the passage of NHGRA should be seen as distant as the stars which the Hawaiians used to navigate their wa’a, their canoes, across the vastness of the seas.

Mr. INHOFE. Mr. President, I am submitting for inclusion in the RECORD a letter from the Congressional Budget Office providing cost estimates for two bills ordered reported from the Committee on Environment and Public Works on May 23, 2006 and reported without written report to the full Senate on May 24, 2006, S. 801 and S. 2650. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 24, 2006.

Hon. JAMES M. INHOFE,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed the following legislation, as ordered reported by the Senate Committee on Environment and Public Works on May 23, 2006:

S. 801, a bill to designate the United States courthouse located at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse";

S. 2650, a bill to designate the Federal courthouse to be constructed in Greenville, South Carolina, as the "Carroll A. Campbell, Jr. Federal Courthouse."

CBO estimates that enactment of these bills would have no significant impact on the Federal budget and would not affect direct spending or revenues. These bills contain no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on State, local, or tribal governments. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

DONALD B. MARRON,
Acting Director.

INTELLIGENCE AUTHORIZATION ACT REFERRAL

Mr. WARNER. Mr. President, I ask unanimous consent that the following letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON ARMED SERVICES,
Washington, DC, May 25, 2006.

Hon. BILL FRIST,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: Pursuant to paragraph 3(b) of S. Res. 400 of the 94th Congress, as amended by S. Res. 445 of the 108th Congress, I request that the Intelligence Authorization Act for Fiscal Year 2007, as ordered reported by the Select Committee on Intelligence on May 23, 2006, be sequentially referred to the Committee on Armed Services for a period of 10 days. This request is without prejudice to any request for an additional extension of five days, as provided for under the resolution.

S. Res. 400, as amended by S. Res. 445 of the 108th Congress, makes the running of the period for sequential referrals of proposed legislation contingent upon the receipt of that legislation "in its entirety and including annexes" by the standing committee to which it is referred. Past intelligence authorization bills have included an unclassified portion and one or more classified annexes.

I request that I be consulted with regard to any unanimous consent or time agreements regarding this bill.

With kind regards, I am

Sincerely,

JOHN WARNER,
Chairman.

IN HONOR OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. FEINSTEIN. Mr. President, I rise today in recognition of Asian Pacific American Heritage Month. It is a time to recognize the immeasurable contributions in service, commerce, and cultural diversity made by Americans of Asian and Pacific Islander descent who continue to strengthen our great Nation's character and influence.

I believe that the United States draws its strength from a proud history of immigration.

The Asian Pacific American community is an essential part of that tradition and it boasts an extremely vibrant and diverse population.

Places such as Chinatown, Korea Town, Little Tokyo, Little Saigon, and Filipino Town only enhance the richness of the American urban landscape.

Today, more than 14 million Asian Pacific Americans live in the United States.

I am proud to come from the State that has the highest population of Asian Pacific Americans, nearly 5 million.

In particular, Los Angeles County is home to the country's single largest Asian community, with 1.4 million individuals.

California owes a great deal to the tradition of Asian Pacific Americans who have made their home in the Golden State since the 1800s.

To help honor that legacy, last year, Congress authorized the Angel Island Immigration Station Restoration and Preservation Act. Known as the "Ellis Island of the West," over 1 million immigrants, including 175,000 Chinese immigrants, passed through its gateways to establish new lives on the west coast. Now, this location can continue to provide us with a vital link to our Nation's history and culture.

Let me take a moment to pay tribute to the visionaries who helped to create the Asian Pacific Heritage Month: Secretary of Transportation Norman Mineta; U.S. Senator DANIEL INOUYE;

Former U.S. Senator Spark Masunaga; and Former Congressman Frank Horton.

Thanks to the leadership of these fine individuals, a joint resolution established Asian Pacific American Heritage Week in 1978, initially designating the first 10 days of May as the annual time of recognition. That was later expanded to a month-long celebration in 1992.

The month of May holds special significance for the Asian Pacific American community. It coincides with two important milestones: The arrival in the United States of the first Japanese immigrants on May 7, 1843; and the completion of the transcontinental railroad on May 10, 1869 thanks in large part to the contributions of thousands of Chinese workers. This year, the theme chosen to represent this year's Heritage Month is "Dreams and Challenges of Asian Pacific Americans." It is designed to recognize the struggle of Asian Americans and Pacific Islanders who continue to stand firm against adversity in the pursuit of the American dream.

Sadly, the Asian Pacific American community understands all too well this struggle.

Their story has been entangled with several dark chapters of America's history.

It began in the 1800s, when people of Asian Pacific ancestry were prohibited from owning property, voting, testifying in court, or attending school.

This story of persecution regrettably continued throughout much of the 19th and 20th centuries: the Chinese Exclusion Act of 1882, which prohibited the immigration of Chinese to the United States; a 1913 California law, which prohibited immigrant aliens from owning land; the repatriation of Filipino immigrants in 1935; and the mandatory internment of Japanese Americans during World War II. This particular story remains a blight on the conscience of this great Nation.

Nevertheless, the Asian Pacific American community found a way to endure and persevere over these injustices and indignities.

In so doing, they to create a tradition of triumph over adversity that personifies the best of this Nation's character.

But our Nation cannot afford to overlook their sacrifice and struggle.

For this reason, I am proud that in the 109th Congress, Tule Lake—the largest internment camp of the 10 that existed—was designated as a National Historic Landmark. This will help future generations acknowledge and understand the painful legacy of the Japanese Americans who endured the shame of the forced internment camps used during the bleak days of World War II.

I would also like to take a moment to commend the 300,000 Asian Pacific American veterans who established the practice of military service for the thousands of Asian Pacific American men and women currently serving in our Armed Forces.

One such individual is my distinguished colleague, U.S. Senator DANIEL INOUYE of Hawaii.

Even though his loyalties to our Nation and that of many other Japanese Americans—were falsely and wrongly questioned during World War II, Senator INOUYE proudly participated in our Nation's most highly decorated unit, the Army's 442nd "Go for Broke" regiment combat team.

Since then, Senator INOUYE has continued to serve this country as a devoted public servant and exemplary citizen.

His story of boldness and aspiration is not unique. Throughout the decades, countless numbers of Asian Pacific Americans have worked tirelessly to build better lives for themselves and their families.

But although many Asian Americans have achieved success, we cannot forget the hardships of the Southeast Asian and Pacific Islander communities that were forced out of their homelands and who are now struggling to prosper here in America.

According to the 2000 Census, Southeast Asian Americans have the lowest percentage of education, with most possessing less than a high school education. They also have the lowest proficiency of English and one of the highest rates of receiving public assistance.

We cannot allow these individuals to be ignored or overlooked. I will do everything I can to help this community prosper.

In closing, as we reflect on many individual stories of achievement and success during this month of May, we are steadily inspired by the standards Asian Pacific Americans set in our schools, in the business world, and our neighborhoods. I am confident that their dynamic initiative and entrepreneurship will only continue to inspire us to greatness in the years to come.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. LEAHY. Mr. President, today for the second week in a row the Senate Judiciary Committee's agenda included a proposed amendment to the Constitution, to its fundamental purpose and to our rights as Americans. I understand that Republicans are trying to keep to a political timetable for raising divisive matters in the runup to the November elections.

I know that in election years they love to wave the flag amendment, rather than work on veterans health care or protecting veterans' privacy. We have just witnessed the largest theft of private information from the Government ever, the loss of information on more than 26 million American veterans. Compounding the incompetence was the misguided decision by the Veterans' Administration for secrecy in trying to cover this up for the last 3 weeks. This follows on the heels of last year's debacle of a billion-dollar shortfall in VA's budget for veterans health care, after repeated denials. It all adds up to a "heckuva bad job" for America's veterans.

The President should call Secretary Nicholson into the woodshed for a serious shakeup in how the VA is run. In the meantime, Secretary Nicholson needs to answer why this information was left vulnerable to such a breach, why such a delay in notification was allowed to occur, and what specific steps he is taking to ensure such a breach does not happen again. The Nation's veterans—who have been willing to make the ultimate sacrifice for their country—deserve to have the best tools available to protect themselves and their families from identity theft.

Rather than work on our privacy and identity theft legislation, including the Specter-Leahy Personal Data Privacy and Security Act of 2005, or the Kerry-Salazar legislation to provide credit checks and monitoring to those veterans whose private information was compromised, we are being directed to another divisive debate on a proposed constitutional amendment.

In that regard, I noticed that earlier this week, the White House Press Secretary was asked about this constitutional amendment and had no knowledge of it existing. I would like to include that exchange in the RECORD:

> Question. [C]ould you tell us if the President also supports the proposed amendment to protect the United States flag from public desecration?
>
> Mr. SNOW. Do we have a flag desecration—I apologize; this is something that, believe it or not, in the last two weeks has not come up. So I'm afraid——
>
> Question. Flag burning.
>
> Mr. SNOW [continuing]. Flag burning. I'll just have to get back [to you].

The White House Press Secretary has yet to become familiar with the talking points on how much more important this is than national security, the war in Iraq, unprecedented gas prices, the lack of a Federal budget, the penalties on seniors who may now wish to sign up for Medicare drug prescription, comprehensive immigration reform, emergency supplemental appropriations, preparations for the hurricane season, preparations for a possible avian flu pandemic, privacy legislation, and completing our work on reauthorizing the Voting Rights Act.

FEDERAL HOUSING ENTERPRISE REGULATORY REFORM ACT OF 2005

Mr. MCCAIN. Mr. President, this week Fannie Mae's regulator reported that the company's quarterly reports of profit growth over the past few years were "illusions deliberately and systematically created" by the company's senior management, which resulted in a $10.6 billion accounting scandal.

The Office of Federal Housing Enterprise Oversight's report goes on to say that Fannie Mae employees deliberately and intentionally manipulated financial reports to hit earnings targets in order to trigger bonuses for senior executives. In the case of Franklin Raines, Fannie Mae's former chief executive officer, OFHEO's report shows that over half of Mr. Raines' compensation for the 6 years through 2003 was directly tied to meeting earnings targets. The report of financial misconduct at Fannie Mae echoes the deeply troubling $5 billion profit restatement at Freddie Mac.

The OFHEO report also states that Fannie Mae used its political power to lobby Congress in an effort to interfere with the regulator's examination of the company's accounting problems. This report comes some weeks after Freddie Mac paid a record $3.8 million fine in a settlement with the Federal Election Commission and restated lobbying disclosure reports from 2004 to 2005. These are entities that have demonstrated over and over again that they are deeply in need of reform.

For years I have been concerned about the regulatory structure that governs Fannie Mae and Freddie Mac—known as Government-sponsored entities or GSEs—and the sheer magnitude of these companies and the role they play in the housing market. OFHEO's report this week does nothing to ease these concerns. In fact, the report does quite the contrary. OFHEO's report solidifies my view that the GSEs need to be reformed without delay.

I join as a cosponsor of the Federal Housing Enterprise Regulatory Reform Act of 2005, S. 190, to underscore my support for quick passage of GSE regulatory reform legislation. If Congress does not act, American taxpayers will continue to be exposed to the enormous risk that Fannie Mae and Freddie Mac pose to the housing market, the overall financial system, and the economy as a whole.

I urge my colleagues to support swift action on this GSE reform legislation.

TRIBUTE TO GEORGIA'S 48TH BRIGADE COMBAT TEAM

Mr. CHAMBLISS. Mr. President, it is my honor and privilege today to pay tribute to the Georgia National Guard's 48th Brigade Combat Team. The 48th Brigade is an integral part of Georgia's widely respected National Guard and is comprised of more than 4,000 of Georgia's 9,000 guardsmen. The Georgia National Guard is the thirteenth largest in the Nation, with nearly 60 percent of its forces classified as "high priority units" which would be among the first to deploy during a national crisis.

The 48th Brigade has a long and proud history. The 48th was originally organized on April 23rd, 1825, in Macon, and served in some capacity during the Civil War, WWII, the Gulf War, and the Iraq War. The unit was mobilized into Federal service on November 30th, 1990 at Fort Stewart in order to participate in Desert storm.

During Desert Storm, the 48th Brigade successfully completed intense combat training at the Army's National Training Center at Fort Irwin, CA. Upon completion of this training, the 48th received the distinguished honor of being the first and only National Guard combat unit deemed combat-ready for the Gulf War. Later in 2001, the 48th was deployed to Bosnia-Herzegovina for a period of 8 months. This deployment established Georgia's 48th as one of the first National Guard units of its size to assume such a large multinational peacekeeping mission.

The 48th Brigade recently joined the 3rd Infantry Division in Iraq, making it the first unit to utilize the Army's new concept of integrating reserve units with active units in order to form a highly effective and efficient active-reserve team. The 48th Brigade was mobilized under the Presidential Selective Reserve Call Up in October 2004 and in January 2005, under the leadership of Brigadier General Stewart Rodeheaver, the 48th was ready to serve our country in Iraq. As a "Combat Ready" force, the 48th was deployed to Iraq on May 22nd, 2005, after undergoing brief training in Kuwait. On June 14, 2005, the 48th Brigade officially took over its assigned area of responsibility in southern Baghdad. They were responsible for conducting full-spectrum counter-insurgency operations in an attempt to defeat anti-Iraqi insurgents. The 48th also played in important role in developing the newly formed Iraqi Security Forces.

During their deployment to Iraq, Georgia's 48th Brigade was known for its bravery, effectiveness, and commitment to getting the job done. During a 12 month deployment, the 48th Brigade completed numerous missions and was responsible for offensive and defensive victories throughout Iraq. The Brigade was involved in a multitude of operations conducted over nearly 1,900 square kilometers throughout southern Baghdad. These missions were in conjunction with 5 larger U.S. operations including: Operation Safe Skies, Operation Warning Track, Operation Patriot's Call, Operation Dragon's Fire, and Operation Thunder. In total, the 48th Brigade conducted 12,647 combat patrols, 792 cordon and search missions, established 6,219 traffic control points, and conducted 3,782 convoy security missions.

The soldiers of the 48th captured and detained over 500 Anti-Iraqi insurgents, trained over 2,460 Iraqi Soldiers, and established two Iraqi forward operating bases in Sunni-dominated areas of Iraq. The Brigade introduced more than 11 million dollars' worth of new and vital essential services as well as set the conditions to create over 621 new jobs in southern Baghdad. One of the most historical highlights was the Brigade's ability to work with the International Elections Commission of Iraq to establish 22 polling sites across Iraq. Due to the 48th's involvement, nearly 63,000 Iraqi citizens were able to vote on their new Constitution during the "first ever" Iraqi national elections.

On October 2005, the 48th Brigade officially took over security operations for the Logistics Support Area, LSA, Anaconda base. LSA Anaconda is the largest operating base in Iraq and is located in the north-central Iraq province of Salah al Din. The 48th Brigade was simultaneously responsible for convoy security escort missions near Camp Adder, Iraq--located in the southern province of Nasiriyah. The 48th's ability to successfully complete these two missions located in two different areas of the country was instrumental to the success of all Multi-National Forces operating in Iraq. The 48th Brigade Combat Team successfully conducted operations throughout an area of over 1,192 miles while conducting 1,500 patrols and successfully securing the largest military operations base in Iraq.

It is my great honor to commend the 48th Brigade and welcome them home as honorable Soldiers who served our country courageously. The last of the 4,200 members of the 48th Brigade arrived back in Georgia on May 11th, 2006. Following their return, they outprocessed at Fort Stewart and were released from active duty to return to their hometowns throughout the State of Georgia. While we welcome the 48th Brigade back from their mission, we need to also honor the 26 soldiers who made the ultimate sacrifice. My heart goes out to the families of these soldiers. They are true heroes and our Nation will be forever in debt to their sacrifice.

I know I speak on behalf of our Nation, the State of Georgia, and the American people when I thank the 48th Brigade for living up to the calling of our National Guard "Citizen Soldiers" and making everyone in Georgia, and in America, extremely proud and grateful for their contribution.

HONORING IGNACY JAN PADEREWSKI

Ms. MIKULSKI. Mr. President, I am honored to have joined my colleagues Senator HAGEL, Senator DURBIN and Senator MURKOWSKI to submit S. Res. 491 commemorating the 65th anniversary of Ignacy Jan Paderewski's death on June 29. 1941 and recognizing his accomplishments as a musician, composer, statesman, and philanthropist.

I.J. Paderewski was a brilliant pianist who played hundreds of concerts in the United States and Europe. Paderewski always gave back to his society. As a pianist Paderewski donated a bulk of the proceeds from his concerts to charitable causes and helped establish the American Legion's Orphans and Veterans Fund.

When he decided to enter into politics, Paderewski continued to work for the betterment of society. He worked hard to bring independence to Poland, served his country as the first Premier of Poland during World War I and fought against the Nazi dictatorship in WWII.

During his time in politics one of Paderewski's main goals was to build a strong relationship between Poland and the United States. This is why it is so fitting that this resolution acknowledges Poland as an ally a strong partner in the war against global terrorism. The strong relationship that exists today is due in part to the foundations laid by I.J. Paderewski.

Ignacy Jan Paderewski's contributions to music, democracy, and humanity—as a renown pianist, composer, humanitarian and great Polish statesman—make him one of the most deeply valued and appreciated figures in the Polish American community. His close and friendly relationship with his contemporary U.S. social, cultural and political leaders, including many U.S. Presidents, made him a real friend of the American people. That is why it is an exciting opportunity for me, an American of Polish heritage to honor Ignacy Jan Paderewski by acknowledging his work, his accomplishments and all that he contributed to the world with this resolution.

NATIONAL PUBLIC WORKS WEEK

Mr. INHOFE. Mr. President, as chairman and on behalf of my colleagues on the Environment and Public Works Committee, I would like to recognize the dedicated public works professionals, engineers, and administrators who represent State and local governments throughout the United States and was pleased to introduce S. Res. 475 proclaiming the week of May 21–May 27, 2006, as National Public Works Week.

As we celebrate the contributions of the tens of thousands of men and women in America who provide and maintain the infrastructure and services that Americans rely on every day, let us not forget these same people are our first responders too. More often than not, they are on the scene before police, fire, and medical personnel. They can be found clearing roads, restoring water and power as well as critical infrastructure lifelines following disasters. Only in the absence of these dutiful public servants, would we truly recognize how valuable their tireless efforts are in providing and maintaining the basic infrastructure that many Americans often take for granted.

America's public infrastructure is the lifeblood of every community. It includes the roads, bridges, public transportation and airports, the drinking water and wastewater treatment systems, the solid waste services and facilities and other important utilities essential to our quality of life. These structures and services help sustain community life, safeguard the environment, protect our health, support our economy and allow people and goods to move safely and efficiently. These structures and services are truly public goods.

Because of my work on the most recent transportation law, SAFETEA–LU, Public Law 109-59, I have a better appreciation of just how important a reliable, well maintained and fully functioning network of interstate highways and transportation infrastructure is to the Nation. America's transportation system is one of the world's most expensive, with more than 3.9 million miles of roads, 5,300 public-use airports, 26.000 miles of navigable waterways, and more than 173,000 route-miles serviced by buses and rail in urban areas.

Transportation-related goods and services contribute more than $1.3 trillion to U.S. gross domestic product, about 11 percent of the total.

Furthermore, every $1 billion invested in roads and bridges generates approximately 47,500 jobs. Not only are infrastructure investments of the most fundamental and important functions of government, but they are also financially wise.

The Nation's 54,000 community drinking water systems supply drinking water to more than 250 million Americans, and municipal wastewater treatment systems each year prevent billions of tons of pollutants from reaching our rivers, lakes, stream, and coastlines. By keeping water supplies free of contaminants, these water utilities protect human health and preserve the environment. Additionally, our water infrastructure supports a $50 billion a year water-based recreation industry, at least $300 billion a year in coastal tourism, a $45 billion annual commercial fishing and shell fishing industry, and hundreds of billions of dollars a year in basic manufacturing which rely on clean water.

Clearly, public works professionals play a vital role in protecting the environment, improving public health and safety, contributing to economic vitality and enhancing the quality of life of every community of the United States. I am delighted to use this National Public Works Week to thank them for their diligent and continued service.

NAMING OF THE JACK C. MONTGOMERY HOSPITAL

Mr. COBURN. Mr. President, I am proud as we approach this Memorial Day that we will have occasion to celebrate the renaming of the Department of Veterans Administration Hospital in Muskogee, OK, after a true American hero—Congressional Medal of Honor winner, and Cherokee, Jack C. Montgomery.

I would first like to thank a fellow member of the Oklahoma congressional delegation, Congressman DAN BOREN of Oklahoma's 2nd District, for his diligent work in bringing this important matter to a successful conclusion. This legislation has been cosponsored by the rest of the Oklahoma delegation and also has garnered the strong support of Oklahoma's major veterans' service organizations.

H.R. 3829 pays tribute to the heroism of Mr. Montgomery, who was awarded the highest honor bestowed by our Nation upon a member of the armed services for his courageous actions on February 22, 1944, during the Italian campaign of the Second World War. On this date, Montgomery's platoon had sustained intense fire near Padiglione, Italy, from three echelons of enemy forces, at which point Montgomery displayed a singular act of courage by attacking all three positions himself and taking prisoners in the process. After witnessing this tremendous display of courage, Montgomery's men rallied and defeated the enemy.

In addition to being only one of five Native Americans to be awarded the Medal of Honor, Lieutenant Montgomery was also awarded the Silver Star, the Bronze Star, and the Purple Heart with an Oak Leaf Cluster. Upon his release from the U.S. Army, Montgomery continued his service to our Nation by beginning work with the Veterans Administration in Muskogee where he remained for most of his life.

Mr. Montgomery is survived by his wife Joyce, and I am hopeful the President can sign this bill into law in swift fashion.

In conclusion, as we do pause this Memorial Day to remember those who sacrificed so that we may remain free, I can think of no veteran more worthy of our gratitude than Jack C. Montgomery.

ADDITIONAL STATMENTS

KENYON COLLEGE GRADUATION

• Mr. KERRY. Mr. President, this month I was lucky to have the chance to address the 178th graduating class of Kenyon College in Gambier, OH.

I wanted to introduce my remarks into the CONGRESSIONAL RECORD because it was such an honor to be there to share in this graduation ceremony.

In Gambier I met some of the most passionate, dedicated, involved young

Americans out there, and I know that as graduates they will go from being student activists to citizen activists.

In advance of my speech, I also had the chance to meet in my office with many recent Kenyon alumni who shared a deep pride and genuine excitement about the role Kenyon plays in their lives even to this day. I was lucky to spend this time with young people—Democrats, Republicans, and Independents—who affirm anyone's faith in the vibrancy of our democracy and the young people who will shape its future. Mr. President, I ask unanimous consent that my remarks be printed in the RECORD.

The remarks follow.

Class of 2006—fellow survivors of November 2, 2004. I'm happy to be here at this beautiful school, which had my admiration long before that night when the country wondered whether I would win—and whether you would vote.

Your website has a profile of a very smart math major in the class of 2006. Joe Neilson. He said that once, after a statistics course here, he realized "the probability of any event in our lives is about zero." "I probably spent a week," Joe said, "annoying my friends by saying: 'What are the odds?'" Well Joe, what were the odds that we'd be linked by those long hours—not that I keep track—560 days ago? Like everyone that night, I admired the tenacity of Kenyon students. But what you did went far beyond tenacity.

My wife, Teresa, is honored by the degree you grant her, today. But she's also here to honor you because when you grow up in a dictatorship as she did, when you don't get a chance to vote until you're thirty-one, when you see your father voting for the first time in his seventies, you know what a privilege it is to cast a ballot.

Through that long night, we in Massachusetts watched you in Gambier. We were honored. We were inspired. We were determined not to concede until our team had checked every possibility. If you could stay up all night to vote, we could certainly stay up that next day to make sure your vote would count. In the end, we couldn't close the gap. We would have given anything to have fulfilled your hopes.

And I also thank those who cast a ballot for my opponent. I wish all Republicans had been just like you at Kenyon—informed, willing to stand up for your views—and only 10 percent of the vote. Actually, all of you, through your patience and good humor showed Americans that politics matters to young people. And so I really do thank every student here.

I especially want to thank someone who isn't a student. Because at the meeting Hayes was kind enough to mention—and I did take notes—the alums made it clear how much they'd been influenced by great friends, great teachers. Or a great coach.

I know what it's like to be on a team before an important game. I know how crucial that last practice can be. For the field hockey team, that November 2nd was the last day before the Oberlin game. Winning meant getting into the league championship—and from there to the NCAAs. So I can understand why players were upset after hours waiting in line at the polling place that afternoon. When Maggie Hill called her coach to ask if she should come back to practice—you'd expect the coach to say "you better believe it."

This coach had a different reaction. "I'll cancel practice," she said, "and I'm sending the whole team to vote." In that one moment she became a hero to me, and an example to many. It takes a special coach to know there are more important things than a big game. We should all express our gratitude to Robin Cash. Her values are the values of Kenyon.

By the way, for parents who may not remember—Kenyon played brilliantly—and won that Oberlin game 3-zip.

Now, it's not as if seeing brilliance here at Kenyon is a surprise. Like everybody, I know that when you look at a resume and see a Kenyon degree, you think, "Smart. Committed. Good writer." And maybe, "Likes to see a lot of stars at night."

But there's more. The Kenyon alums I met with were so eloquent about what it meant to be here, where all your friends live, study, and play along a one mile path in a town surrounded by cornfields. One said, "I came here on a cold, rainy October, but after my interview I saw professors having coffee at the deli, and heard everybody so excited about the Tom Stoppard play they were putting on—I fell in love with the place." Someone else said, "Intelligent conversation permeates the whole campus." Another said—and I don't think he was kidding—"Nobody gets drunk at Commencement."

We talked until I got dragged into an intelligence briefing from the White House. Believe me, I learned more at the Kenyon meeting.

What they said sounded very familiar. And important. Because there are other places where you can find a small community—where the bonds you forge will never dissolve. You can find it on a tiny boat in the rivers of Vietnam's Mekong Delta. You can even find it in the Senate—sometimes.

Someone described to me what it's like walking into Gund for dinner after your girl friend breaks up with you. You see every single person staring to make sure you're all right. I thought, "Sounds like walking into the Democratic Caucus after that first New Hampshire poll."

The fact is, the Kenyon grads in Washington didn't agree on everything. But they agreed that Kenyon is a place where you have the luxury of examining an idea not for whether it sounds good but for whether it is good.

Actually, one Kenyon parent told me something that bothered him. His son took Quest for Justice his first semester here. That's not what bothered him. But, the class met early in the morning, and his son made every class. After years of pushing his kid to get out of bed, the father wanted to know, "What changed?" His son said, "Dad, I could disappoint you. But not Professor Baumann."

And that brings up one of the things I want to talk about. For the Election Day event that united us was a disappointment. There's no way around it. Even as we flew in over Columbus this morning, I was looking down at the Ohio landscape, thinking: we came so close. So what. You cannot go through life without disappointment. No team, no politician, no writer, no scientist—no one avoids defeat.

The question is: what do you do next?

It's simple: you pick yourself up and keep on fighting. Losing a battle doesn't mean you've lost the war. Whether it's a term paper, an experiment or a race for President, you will learn from experience, and experience breeds success.

That's important, because frankly there are so many things to fight for. By that, I don't just mean the things we fight over in the halls of Congress. Kenyon produces graduates that produce our literature and drama—like E.L. Doctorow did with The March, 54 years after leaving Gambier. Or Allison Janney did on West Wing—the first show ever to portray politics with something approaching the complexity it deserves. Your challenge is to produce and perform the rich imaginative works that move and illuminate your time.

Kenyon has vastly expanded its science programs. And your challenge is to fight in laboratories against enemies like the tiny HIV virus that has created the most devastating epidemic in human history—killing more people every two hours than there are in this graduating class.

At a time when we read about the high-tech jobs of a globalized world, your challenge is to find a way to educate the millions of Americans who can't get those jobs because they can't read well enough to understand how to get online.

And now, we are engaged in a misguided war. Like the war of my generation, it began with an official deception. It's a war that in addition to the human cost—the tragedy of tens of thousands of Iraqis and Americans dead and wounded—will cost a trillion dollars. Enough to endow 10,000 Kenyons. Money that could fight poverty, disease, and hunger. And so, your challenge is also to find a way to reclaim America's conscience. I have no doubt you will.

For one thing you have great role models. Like your parents, sitting out there under the trees. You may laugh looking at the old photos of your dad in a ponytail, and your mom in bellbottoms and that crazy, tie-dyed shirt. But their generation too faced the task of ending a war. And they did.

And went on to invent Earth Day, march against racism, bring women into the workplace and become the first generation to usher in an acceptance for all people regardless of race, religion, gender or sexuality.

They honored democracy by making government face issues of conscience—and I ask you to applaud them for making the world better BEFORE they made it better by making you what you are!

And of course, in addition to those sitting behind you—you have great role models sitting among you. Students from this class who had a dream, took a chance, and have already achieved great things.

I know, because sitting here is a student who dreamed of being published, and felt ambitious enough to send a poem he'd written for class to the Chatauqua Literary Journal. And so Sam Anderson became a published poet at the age of 21.

I know, because sitting here is a student who, watched a cousin struggle with Duchenne Muscular Dystrophy, dreamed of finding a way to help—and designed a project that involved her with the leading DMD researcher in the world. Now Amy Aloe's been invited to work in his ground-breaking lab.

I know, because sitting here is a student who dreamed of returning to the country of her birth, the country that shaped a part of my life. And in Vietnam, Nhu Truong could examine not just issues, but the more difficult job of examining herself.

They all took a chance. If you ever despair of making a difference you'll have Kenyon people to remind you of what's possible if you take that chance.

And not just from the class of '06.

One of the alums mentioned that every week, a group of them meet to talk about issues. They don't think alike about every idea, he said. But they share a passion for ideas they learned here. Another asked me to tell those of you suspicious of government, that "it's made up of a lot of people like us, trying to make things better."

The group included one alum who's well known here—and getting well known in Washington. But a while back he was just a nervous 24-year old, sitting silently in a meeting with a new Secretary of State. Until he got up the nerve to raise his hand and make a point. "Who's that young, red-haired kid?" Condoleeza Rice said afterward, to an aide. "Keep your eye on him." No, she didn't mean he was a security risk. He'd said something that, as a Washington Post reporter put it, "crystallized her thoughts about foreign policy." And now Chris Brose, Kenyon 2002, travels everywhere with Secretary Rice, not just crafting her speeches but talking about policy. I wish the policies were a little different, but he's making a mark. He's making a difference.

You know, during World War II, my father was flying planes in the Army Air Corps. While he was away on duty, my mother was volunteering to care for the sick and wounded. She sent him a letter about it. "You have no idea of the ways in which one can be useful right now," she wrote. "There's something for everyone to do." She was right about her time. And what she wrote is right about yours too.

In a few minutes you will walk across this stage for your diploma. You'll line up on the steps of Rosse Hall to sing for the last time. You'll turn in your hoods, go back and finish packing. Maybe sell that ratty sofa to somebody from the class of 2007. And then you'll watch the cars pull away.

I know you've heard too many times the old saying that commencement is not an end but a beginning. The truth is, it's both. It is a day to feel sad about leaving Gambier. It's a day to feel eager about what lies ahead.

Because you have a special mission. Those who worked to end a war long ago, now ask you to help end a war today. Those who worked to end poverty ask you to finish what we have left undone. We ask you to take a chance. We ask you to work for change. Promise yourselves, promise your parents, promise your teachers that you will use what you have learned. Don't doubt for an instant that you can. Only doubt those pessimists who say you can't. For all along the way, I promise, that while you leave the campus, Kenyon will never leave you.

You will be linked by the experiences vividly brought to life today by Hayes Wong, who experienced them with you.

As you fight for justice in this world, you will be linked by the insights you all had in courses like Quest for Justice. You will be linked to classmates whose success you predict will take the world by storm—and to some whose success takes you by surprise. You will be linked by the times you sat on a bench in Middle Path and argued about politics with people whose views you opposed—and learned you could disagree and still be friends. At some point you'll see that this small campus that changed you has already produced enormous change in the world.

But much more is urgently needed.

Remember that the bedrock of America's greatest advances—the foundation of all we take for granted today—was formed not by cheering on things as they were, but by taking them on and demanding change. No wonder Thomas Jefferson himself said that "dissent is the highest form of patriotism."

So if you're not satisfied with the dialogue today, if you feel your issues are being ignored, speak out, act out, and make your issues the voting issues of our nation.

You might say, "who's he kidding? We can't do that." Well, I remember when you couldn't even mention environmental issues without a snicker. But then in the '70s people got tired of seeing the Cuyahoga River catch on fire from all the pollution. So one day millions of Americans marched. Politicians had no choice but to take notice. Twelve Congressmen were dubbed the Dirty Dozen, and soon after seven were kicked out of office. The floodgates were opened. We got The Clean Air Act, The Clean Water Act and Safe Drinking Water. We created the EPA. The quality of life improved because concerned citizens made their issues matter in elections.

So it's up to you now to take up the challenge of your times if you want to restore a politics of big ideas, not small-minded attacks.

Make no mistake—you'll meet resistance. You'll find plenty of people who think you should just keep your mouths shut or that by speaking out you're somehow less than patriotic. But that's not really new either. When we protested the war in Vietnam some would weigh in against us saying: "My country right or wrong." Our response was simple: "Yes, my country right or wrong. When right, keep it right and when wrong, make it right."

Graduates of the Class of 2006, you know how to make it right—and you will see that it came from what you learned here: from a class so compelling you were awake at the crack of dawn to learn . . . from that night Teresa and I will never forget when you waited patiently till 4:15 at a polling place in Gambier . . . or from a coach who knew that her mission was to teach you how to win on and off the field.

Congratulations—and God Bless.●

HONORING THE COMMITMENT OF PUBLIC SERVICE

● Mr. AKAKA. Mr. President, earlier this month I had the honor of joining Linda Springer, the director of the Office of Personnel Management, and John E. Potter, the Postmaster General of the United States, at a breakfast to kick off the 4-day celebration on the National Mall celebrating Public Service Recognition Week. The annual Mall event is part of the yearly, week-long observance to celebrate and recognize public employees sponsored by the Public Employees Roundtable at the Council for Excellence in Government. While Director Springer and I gave brief remarks to the distinguished guests at the breakfast hosted by GEICO, I was extremely impressed by the words of the Postmaster General who gave the keynote address. I want my colleagues to have the opportunity to read Mr. Potter's words, which so eloquently explain why the millions of public servants at all levels of government should be recognized for the work they do daily on our behalf.

Mr. President, I ask that the address of Mr. Potter be printed in the RECORD.

The address follows.

KEYNOTE ADDRESS—POSTMASTER GENERAL/CEO JOHN E. POTTER, MAY 4, 2006

Thank you, Chairman Harper, President McGinnis and our special guest, Director Springer.

I'd also like to take a moment to recognize and thank Tony Nicely, Chairman of GEICO, the sponsor of today's event.

Tony recently wrote about the efforts of Louisiana GEICO employees to serve their customers in the aftermath of Hurricane Katrina. The local claims office was flooded and many employees lost everything. But they showed up at work to process claims and get those checks to policyholders as quickly as possible—through the mail, of course!

I know exactly what Tony has experienced. I was in New Orleans the week after the storm and again, last month. If I learned nothing else, I learned about the frailty of the things we build. In the span of a few hours, Katrina broke open levees and brought down entire neighborhoods. Its winds dropped houses on highways and tossed ships on shore.

In the days and months since, we have seen repeatedly the one thing that could not be conquered by even this unprecedented storm—the human spirit.

One of the postal employees I talked with told me that the members of his extended family lost eight homes in and around New Orleans.

Yet, like him, hundreds of our people were back at work almost immediately. Within days of the storm, they set up temporary locations to get social security checks into the hands of thousands of local residents. Where they could, our carriers were back on the streets delivering mail. I know our customers appreciated their efforts to bring normalcy back to a very difficult situation.

So, let me welcome all of you and let me congratulate the millions of employees from every federal agency, the military, every state, every county, every city, every village—and volunteers everywhere throughout America.

Wherever you are, you serve your communities and your nation in so many ways. Public Service Recognition Week celebrates each and every one of you. It's an honor you've earned through outstanding efforts—and I salute you.

When I was asked to join you here, I didn't know that the Postal Service would be at the center of the news. By now, I'm sure you've heard that the Postal Service plans to adjust rates next spring.

Why? Well, our charter requires us to operate like a business—and to break even. But the Postal Service doesn't receive any tax money to pay for its operations—and we haven't for 25 years. When you boil it down, the American people pay for the operation of the world's largest and most efficient mail delivery system every time they buy a stamp.

Like each of you, and like every business and government agency in America, the Postal Service is not immune to rising costs. And given our size those costs can really add up. Each year, our 700,000 employees deliver 212 billion pieces of mail to 145 million homes and businesses—and that's growing by about 2 million new addresses every year.

They work from more than 37,000 Post Offices and drive more than 260,000 vehicles while delivering the mail. Every time the price of gas goes up just a penny, our costs go up $8 million a year. And the price of gas has doubled since 2002, the last time we changed rates to offset growing operational costs. You can do the math.

Our people have a big job and they're doing it better than ever. Through their efforts, service and customer satisfaction have reached record levels. They've helped us improve efficiency six years running—and this year, we're expecting a seventh.

And by the time the price of a First-Class stamp goes up—one year from now—the average increase for that five year period will be exactly one penny a year—and be below the rate of inflation.

As I said, the Postal Service is required to operate like a business. And we're not alone. Across the board, all government agencies are working to become more business-like. There's a drive for efficiency. There's a drive for keeping costs down. There's a drive for measurable results. There's a drive to provide continuously improving service.

And that puts us all on the horns of a dilemma.

That's something I thought about when I had a conversation with Bill Russell a few years ago. Most of you remember Bill as the cornerstone of the Boston Celtics back in the 60's. He was an incredible shot blocker who revolutionized defense in the NBA.

Bill is still active, although he's traded in his jersey with the big number 6 on it for a suit and tie. He's very involved in mentoring—helping children develop basic skills so they can turn their dreams into reality.

Bill joined us at a dedication for a stamp we issued to honor and encourage mentoring. When I was talking to Bill, he had a question for me.

"Jack, you're part of the government, but there's a lot of business in what you do, right?"

"That's right," I told him.

Then he asked me, "What kind of government do we have?"

I paid attention in school, so I was pretty confident when I said that we're a democracy.

But the quiz wasn't over yet. "What does that mean?" he asked.

"It means one person, one vote, equal rights for everybody, and we elect fellow citizens to represent us."

Then Bill told me that our government has evolved over time. It's a function of compromise—everyone comes to the table with their own interests.

So, at the end of the day, as a government entity, your mission is a dual mission. It's not just to deliver service. It's really much broader than that. It's about compromise. It's about change. It's about focus on mission. But it's about carrying out that mission with a very different perspective than others might bring to it.

There's an important message there. As Postmaster General, I have to stay focused on numbers—on-time delivery, cost per delivery, customer satisfaction, productivity, and, of course, making money or losing money. That's something everyone in government has to focus on, too.

That's the business end of things. But, as Postmaster General, I can never forget that my job is about more than just numbers. As a government agency, we can never operate like a pure business—and we shouldn't. There's a social aspect to everything we do.

We provide a useful and needed service—from the biggest cities to the smallest towns. We keep people in touch. We keep them connected. And we have to make sure we treat everyone equally. After all, our government doesn't belong to us, it belongs to everybody, no matter who they are, no matter where they are, no matter what their circumstances. So, when we make decisions, we have to keep that in mind.

Yes, we have to manage our budgets. Yes, we have to consider things like return on investment. Yes, we have to make our departments and our agencies more efficient than ever. Yes, we have a lot of scrutiny. And, yes, we answer to a lot of bosses—in my case, 280 million of them—and one boss who can really tell me how I'm doing—my wife Maureen.

But we can never forget one thing. Behind every program we propose or implement, there are people. There are families. There are businesses—large and small—providing jobs and opportunity for those families.

Each of them is relying on their government for the services that make so much else possible. And those services don't always lend themselves to a pure profit and loss statement. That's why government is different. And that's at the heart of public service.

When you choose a career in public service, there are tradeoffs. You'll never make the Forbes list of America's billionaires—unless you hit the Powerball a few times. And if you're like me, you've probably got a ticket in your pocket! You'll never get to exercise a stock option as part of your benefit program. And that corporate jet? Well, I've always found that the Metro is pretty reliable.

But the satisfaction is priceless. How does it feel to give a child a head start by teaching her to read her first sentence? How do you put a price on the joy of the family whose idea you helped turn into a business? How do you measure the lives saved by the research grant that helped someone find a cure for a terrible disease? And how can you not be moved by the smile of a grandmother when she receives a birthday card from her first grandchild—whether she's in the next town, in a village in the Alaskan bush, or halfway across the ocean in Hawaii?

You do all of this, and more. As public employees, you have a tremendous responsibility. You have a tremendous record of performance. You represent the very best in public service. You—and everyone in public service—should be proud.

And at the Postal Service, that's something we think about every day. We have to. That's because we're the one government service that makes a personal visit to just about everyone in the nation, just about every day. For many Americans, we're the daily face of their government.

So, when they're judging us, they're also judging their government and, to a certain extent, they're judging you. Believe me, that's a powerful motivator for the Postal Service. We don't want to let you down—and we won't.

We're all about service—and it will stay that way. Service is part of our DNA. It's what we do. It's who we are. I'm proud to say that our people have remained focused on service and brought it to record levels. And that's been reflected in customer satisfaction ratings that are the envy of just about any organization.

Our history has been about service. We've helped build a great nation and bring its people together. We've been an important part of new business development—something we still do today.

Think about eBay, think about Netflix, think about Amazon. They're all smart, modern, internet-based companies that have become powerful economic engines that rely on the mail.

But, as I said, what we do—what we all do—is about more than just a simple business equation. I think of that every day when I hear about quiet heroes, like Mike Miller, a letter carrier from a suburb of New Orleans.

Mike rode out Hurricane Katrina in his houseboat. After the storm, he saw total destruction everywhere. With a friend, Mike took his inflatable, motorized boat and responded to cries of help for four straight days, ferrying hundreds of people from rooftops to higher ground.

In one case, Mike stopped when he thought he heard sounds coming from a house that was almost completely submerged. With no way in, he pulled his boat to the roof, yanked off a vent pipe and yelled down. He heard a faint response and, with his friend, frantically pulled off roof tiles, cut through the beams, and dropped into the attic.

Groping through the darkness, heat and water, he discovered an elderly woman, barely alive. They lifted her through the opening in the roof and brought her to safety. Looking back, Mike said, "I was just doing what had to be done."

To Mike Miller, and to so many others like him, I say, "Thank you!"

When I think about people like Mike, and every one of our employees who bring their best to the job every day, I know we can meet just about any challenge that comes our way. And Mike's not alone. There are people like him all across the government. People serving people. People willing to do what it takes—and then some.

In closing, let me recognize the men and women of the Postal Service, and every government employee, from the smallest villages, to the largest cities; from every county, every state and every federal agency.

You make our nation and your community a better place with all that you do. You have earned the recognition you are receiving this week. I salute you and I am honored to be one of you.

Thank you.•

CONGRATULATING THE WINNERS OF THE NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARDS

• Mr. SUNUNU. Mr. President, I rise today to congratulate the 2006 recipients of the New Hampshire Excellence in Education Awards. These prestigious awards, commonly called the EDies, are presented each year to individuals and schools who demonstrate the highest level of excellence in education.

The recipients of the EDies are chosen based on certain criteria, including student achievement, leadership, and decisionmaking; community and parental involvement; school climate, curriculum, and instruction; and the teaching and learning process. I am proud to recognize the 34 individuals, 3 schools, 1 department, and 1 school board who will receive this distinctive honor on June 10, 2006.

The EDies awarded in various categories, including school board, principal, and superintendent of the year, as well as schools of excellence at the elementary, middle, and high school levels. In addition, individuals are recognized for their contributions in specific subject areas, such as social studies, music, and business education. There is also an award in memory of New Hampshire's own Christa McAuliffe, whom we lost 20 years ago as she courageously embarked on her journey to be the first teacher in space.

As an elected official, parent, and former student of the New Hampshire public school system. I have had the opportunity to meet and learn from many educators across the Granite State, including some of this year's award recipients. Their dedication to providing students with the tools they need to become productive and engaged citizens is commendable and the basis for the superior achievement of New Hampshire's schools. I am personally grateful to the teachers at every level of my own education who provided me with the guidance necessary to succeed.

The EDies provide us with an opportunity to acknowledge the tremendous contributions of our State's educational community. I am pleased to recognize them here today and to convey the gratitude of my State for the role each of this year's recipients have played in the lives of New Hampshire's children.

Mr. President, I ask that the list of the 2006 New Hampshire Excellence in Education Award winners and school finalists be printed in the RECORD.

The list follows.

2006 NEW HAMPSHIRE EXCELLENCE IN EDUCATION AWARD RECIPIENTS

Rebecca Albert, Deborah Boisvert, Norma J. Bursaw, Marcia B. Connors, Meoghan B. Cronin, Richard Dunning, James N. Elefante, Nancy Frantz-Clough, Kathleen Frick, CarolAnn Gregorious, Kimberly Kenney, Phillip K. Martin, Kathleen C. McCabe, Carole A. Smart, Emily K. Spear, Linda A. Vincent, Bruce R. Wheeler, David Alcox, Gregg M. Brighenti, Jaffrey Caron, W. Michael Cozort, Elizabeth M. Curran, Carol A. Dupuis, Mary E. Fay, Deborah Franzoni, Rick Glatz, Esther Kennedy, Lisa MacLean, Dr. Dennise Maslakowski, Thomas Prive, Deanne Soderberg, Gregory S. Superchi, Richard C. Walter, Jr., Doris E. Williams.

Academy of Learning and Technology: Nashua High School North, Pennichuck Middle School Technology Department, Lafayette Regional School, Oyster River Coop. School Board.

SECONDARY SCHOOL FINALISTS

Goffstown High School, Pembroke Academy, Prospect Mountain High School.

MIDDLE SCHOOL FINALISTS

Indian River School, Oyster River Middle School.

ELEMENTARY SCHOOL FINALISTS

Hollis Primary and Upper Elementary School, South Londonderry Elementary School.•

TRIBUTE TO THOMAS W. TAYLOR

• Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to Thomas W. Taylor, the Senior Deputy General Counsel of the Army, for his exceptionally meritorious service to our country. Mr. Taylor will retire on June 3, 2006, having completed 36 years of superb military and Federal civilian service with the Department of the Army, the last 19 of which have been as a member of the Senior Executive Service. As such, he has been at the forefront of the most critical issues affecting our Nation and the military today. His commitment to upholding the rule of law in the service of the national defense has been the bedrock grounding many of the Army's mission successes. We owe him a particular debt of gratitude for the genuine and enduring concern he has demonstrated for the welfare of our men and women in uniform and their families, particularly in the face of the many sacrifices our Nation has demanded of them over the last decades.

Mr. Taylor's remarkable career as a selfless and committed servant of the public trust culminated in his appointment in 1997 as Senior Deputy General Counsel, the Department's senior career civilian attorney. Mr. Taylor has long been the foundation of strategic leadership, vision, and continuity for the Army legal community. Over the course of his distinguished career, he has provided sage policy and legal advice to six Secretaries of the Army, seven Army General Counsel, and numerous other senior officers in the Army Secretariat, and Headquarters, Department of the Army, on a wide variety of operational issues, including military support to civilian authorities: during special events of national significance, such as the Olympic Games and Presidential Inaugurals; in responding to domestic disasters and civil disturbances; and in fighting drugs and weapons of mass destruction. His personnel law portfolio covered the full range of military and civilian personnel law: mobilization, recruitment, promotions, discharges, medical care issues, sexual harassment, and equal employment opportunity. Other practice areas included select aspects of criminal law, implementation of the Goldwater-Nichols Department of Defense Reorganization Act as applied to the Army, Secretarial and command authority, and application of the Federal Vacancies Reform Act, as well as policies governing the release of information under the Freedom of Information and Privacy Acts in response to public, Congressional, and media requests for information about Army activities and investigations. Further, Mr. Taylor discharged the Department's legal responsibility for intelligence oversight, monitoring Army intelligence and counterintelligence operations worldwide and overseeing legal and policy aspects of special access programs and intelligence support to other Federal agencies. In 2001, he was the senior Army lawyer at the Pentagon site on September 11, providing advice enabling immediate onscene military support to security and recovery operations. He has represented the Army and DoD in matters with Congress and other Federal agencies, as well as to foreign countries. Beginning in the Reagan administration and during extended transitional periods between successive administration appointees, Mr. Taylor often has been selected personally by Secretaries of the Army to discharge the duties of the General Counsel. Most recently, he has served in that capacity since July of 2005.

Mr. Taylor was raised in Pilot Mountain, NC, and is a graduate of public schools in North Carolina. He earned a B.A. in history with high honors from Guilford College, Greensboro, NC, in 1966, and a J.D. with honors in 1969 from the University of North Carolina at Chapel Hill, where he was inducted into the Order of the Coif and a staff member of the law review, which published three of his notes. After graduating from law school, he was commissioned as a Captain in the Judge Advocate General's Corps of the Army. He first served at Fort Wainwright, AK, followed by tours at Fulda and Darmstadt, Germany. Returning to the United States, Mr. Taylor taught from 1975 to 1978 in the law department of the U.S. Military Academy at West Point, serving as professor to many of the Army's future leaders. Later, after tours of duty in the office of the Judge Advocate General in the Pentagon and in a nominative position as an Assistant to the Army General Counsel, he left active duty to accept a civilian position with the office in 1982. In 1987 he graduated from the Industrial College of the Armed Forces. Throughout his years of civilian service, he continued to serve as an individual mobilization augmentee in the reserve component of the Army Judge Advocate General's Corps, retiring in 2000 in the grade of Colonel, having last served as the Director of the Academic Department of The Judge Advocate General's School.

In his 26 years of selfless and dedicated Federal civil service, Mr. Taylor has received numerous honors and awards, including, on three occasions, the Army's Decoration for Exceptional Civilian Service. He received the Presidential Rank Award as a Distinguished Executive in 1996 and as a Meritorious Executive in 1993 and 2002. Notably, he has received honorary awards for lifetime contributions to his client communities including: the Knowlton Award for Excellence in Intelligence, presented by the Military Intelligence Corps; the Chief of Public Affairs Award for outstanding support and advice to the Chief of Public Affairs; designation as a distinguished member of The Judge Advocate General's Corps Regiment; and induction into the Order of the Marechaussee for service to the Military Police Corps Regiment.

On leaving Federal service, Mr. Taylor will become a professor of the Practice of Public Policy Studies at Duke University. I know that he will continue to inspire others with his sense of honor, his love of the law, and his abiding belief in the nobility of public service and values for which our Nation stands. I join with all my colleagues in saluting Thomas W. Taylor and his wife Susan for their many years of outstanding service to the U.S. Army and to our country.•

100TH ANNIVERSARY OF HARVEY, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 29 to July 2, the residents of Harvey will gather to celebrate their community's history and founding.

Harvey holds an important place in North Dakota's history. Harvey was founded in 1892 and named for COL James S. Harvey, a stockholder from Wisconsin. It became a city in 1906, with Aloys Wartner serving as its first mayor.

Today, Harvey is a vibrant community in central North Dakota. Situated at the head waters of the beautiful Sheyenne River and in close proximity to the Lonetree Wildlife Management Area and the North Country National Scenic Trail, Harvey has great appeal for recreation and wildlife enthusiasts alike. The people of Harvey are enthusiastic about their community and the quality of life it offers. The community has a wonderful centennial planned that includes a street dance, golf tournament, demolition derby, lumberjack show, centennial games, parade, and many other activities for all ages.

Mr. President, I ask the Senate to join me in congratulating Harvey, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Harvey and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Harvey that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Harvey has a proud past and a bright future. •

A TRIBUTE TO MARY COPPER

• Mr. BIDEN. Mr. President, I rise today to pay tribute to Mrs. Mary Copper, who passed away February 22, at the age of 55 in Wilmington, DE. A mother, wife, sister, activist, trailblazer, and trusted friend, Mary will be missed by the countless people whose lives she touched before her time on this Earth was cut short.

Mary graduated from Wellesley College and the Boston University School of Law, and almost immediately began a rapid ascent that took her to the pinnacle of the legal field. Through her hard work and keen instincts, she quickly made herself known across Delaware as one of the hardest working and brightest female attorneys in the State's history. She dedicated 8 years to the DuPont Company before becoming the first female partner at Potter Anderson & Corroon LLP, where she was beloved by clients and coworkers alike.

But perhaps the most indelible image of Mary is that of a philanthropist with an enormous heart. She never shied away from the opportunity to help others, and devoted countless hours to numerous charitable organizations throughout the State, volunteering, serving on boards, and giving every ounce of her being to the people who needed it the most.

She was a founding member and past chair of the Advisory Committee of the Fund for Women of the Delaware Community Foundation. She also served as an enthusiastic member of the Delaware Bar Foundation and a helpful supporter of the Democratic Party within Delaware. Her absence will be sorely felt by all who knew her, but the vast reach of her acts of charity and kindness will continue to touch people's lives for years to come.

My thoughts and prayers are with Mary's family, her husband William, and daughters Mary (Lucy) and Ellen. •

100TH ANNIVERSARY OF PEKIN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On June 22, 2006, the residents of Pekin will celebrate their community's history and founding.

Pekin is a community of 80 people located in northeastern North Dakota. Nestled between the winding Sheyenne River and beautiful Stump Lake, the Pekin area offers recreational opportunities and scenic vistas. This charming location is the setting for Pekin Days, an annual citywide celebration that features the Nelson County Art Show. Known as the Littlest Town with the Biggest Art Show in North Dakota, Pekin also boasts the largest annual juried art show and sale in the State of North Dakota.

The area was homesteaded as early as 1881 but not established until 1906 when the Great Northern Railroad brought railroad workers and their families. The community was named by settlers from Pekin, IL, a town itself named due to the belief that it was located on the opposite side of the globe from Peking, China.

Mr. President, I ask the Senate to join me in congratulating Pekin, ND, and its residents on their first 100 years. By honoring Pekin and all of the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Pekin that have helped to shape this country into what it is today, which is why Pekin is worthy of our recognition.•

100TH ANNIVERSARY OF BUTTE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On June 23 to 25, the residents of Butte will gather to celebrate their community's history and founding.

Butte holds an important place in North Dakota's history. When it was founded in 1906, this Soo Line Railroad townsite was named Dogden. About 20 years later, the name was changed to Butte. Both names come from the nearby landmark, Dogden Butte, which was discovered by the explorer David Thompson in 1797.

Butte is located within minutes of excellent game and waterfowl hunting. Nearby Cottonwood Lake is a great fishing site for northern pike. Butte is home to several businesses including Butte Manufacturing and the Northern Tier Federal Credit Union, to name a few. The community has a wonderful centennial planned that includes a street dance, pitchfork fondue, parade, picnic, and much more.

Mr. President, I ask the Senate to join in me congratulating Butte, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Butte and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Butte that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Butte has a proud past and a bright future.•

125TH ANNIVERSARY OF HILLSBORO, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 29 to July 2, the residents of Hillsboro will gather to celebrate their community's history and founding.

Hillsboro is a growing community located in the "heart of the Red River Valley," and it is proud of its heritage. The city was started by a group of German and Norwegian settlers in 1869–1870. The Crown Prince of Norway visited the city in 1942. In 1971, the city was the recipient of the All-American City Award. This award is given to communities that exhibit civic excellence in times of crisis. It recognizes grassroots communities that work together to overcome challenges in innovative and collaborative ways.

Hillsboro has plenty to offer its residents and visitors. There are numerous outdoor activities to partake in, such as volleyball, golfing, fishing, snowmobiling, and snowshoeing. The Plummer House, home to the Traill

County Historical Society Museum, is another site to see while in Hillsboro. There are also the Centennial and Pioneer Buildings, a log cabin, and St. Olaf Church.

The community has planned a wonderful weekend celebration to commemorate its 125th anniversary. The celebration includes an all-school reunion, a golf tournament, an antique tractor pull, concerts, and much more.

Mr. President, I ask the Senate to join me in congratulating Hillsboro, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Hillsboro and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hillsboro that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hillsboro has a proud past and a bright future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:31 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agree to the amendment of the Senate to the bill (H.R. 5037) to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

ENROLLED BILL SIGNED

At 10:55 a.m., a message from the House of Representatives, delivered by Ms. Chiappardi, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5037. An act to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. STEVENS).

At 12:27 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5427. An act making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes.

At 5:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5429. An act to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes.

The message also announced that pursuant to 14 U.S.C. 194(a), and the order of the House of December 18, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. TAYLOR of Mississippi.

At 9:39 p.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 418. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4681. An act to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; to the Committee on Foreign Relations.

H.R. 5427. An act making appropriations for energy and water development for the fiscal year ending September 30, 2007, and for other purposes; to the Committee on Appropriations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3064. A bill to express the policy of the United States regarding the United States relationship with native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 25, 2006, she had presented to the President of the United States the following enrolled bill:

S. 1736. An act to provide for the participation of employees in the judicial branch in the Federal leave transfer program for disasters and emergencies.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6929. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grains and Similarly Handled Commodities—Marketing Assistance Loans and Loan Deficiency Payments for the 2006 through 2007 Crop Years; Cotton" (RIN0560–AH38) received on May 24, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6930. A communication from the Director, Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Percentages for Direct and Counter-Cyclical Program Advance Payments" (RIN0560–AH49) received on May 24, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6931. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Minimal Risk Tolerance Exemption" (FRL No. 8062–3) received on May 24, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6932. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Terbacil; Pesticide Tolerance" (FRL No. 8057–9) received on May 24, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6933. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Transition Assistance and Disabled Transition Assistance Programs (TAP/DTAP)"; to the Committee on Armed Services.

EC–6934. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report entitled "Department of Defense Fiscal Year 2005 Purchases of Supplies Manufactured Outside the United States" to the Committee on Armed Services.

EC–6935. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the annual report relative to material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings; to the Committee on Banking, Housing, and Urban Affairs.

EC–6936. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report relative to any significant modifications to the auction process for issuing

United States Treasury obligations; to the Committee on Banking, Housing, and Urban Affairs.

EC–6937. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a report that during the period of January 1, 2005, through December 31, 2005, no exceptions to the prohibition against favored treatment of a government securities broker or dealer were granted by the Secretary of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–6938. A communication from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of the Administration's intent to award a contract to FirstLine Transportation Security, Inc. for screening services at Kansas City International (MCI); to the Committee on Commerce, Science, and Transportation.

EC–6939. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revised Appeal Procedure for Persons Designated as Related Persons to Denial Orders" (RIN0694–AD60) received on May 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6940. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; West Coast Salmon Fisheries; 2006 Management Measures and a Temporary Rule for Emergency Action for Klamath River Chinook Area Fisheries" (RIN0648–AT34) received on May 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6941. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Target Total Allowable Catch Levels, Trip Limits, and Days-at-Sea Restrictions for the Monkfish Fishery for the 2006 Fishing Year" (RIN0648–AT22) received on May 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6942. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. 041906C) received on May 24, 2006; to the Committee on Commerce, Science, and Transportation.

EC–6943. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Agency's 2004 Toxics Release Inventory (TRI) data; to the Committee on Environment and Public Works.

EC–6944. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, the Agency's Fiscal Year 2005 Buy American Act Report; to the Committee on Environment and Public Works.

EC–6945. A communication from the Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting, pursuant to law, a report entitled "U.S.-Mexico Border Environment: Air Quality and Transportation & Cultural and Natural Resources, Ninth Report of the Good Neighbor Environmental Board"; to the Committee on Environment and Public Works.

EC–6946. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County" (FRL No. 8175–6) received on May 24, 2006; to the Committee on Environment and Public Works.

EC–6947. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Michigan" (FRL No. 8167–2) received on May 24, 2006; to the Committee on Environment and Public Works.

EC–6948. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Wisconsin; Wisconsin Construction Permit Permanency SIP Revisions; Correction" (FRL No. 8171–1) received on May 24, 2006; to the Committee on Environment and Public Works.

EC–6949. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 8166–9) received on May 24, 2006; to the Committee on Environment and Public Works.

EC–6950. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky; Redesignation of the Boyd County SO2 Nonattainment Area" (FRL No. 8174–1) received on May 24, 2006; to the Committee on Environment and Public Works.

EC–6951. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for the Printing and Publishing Industry" ((RIN2060–AI66)(FRL No. 8174–5)) received on May 24, 2006; to the Committee on Environment and Public Works.

EC–6952. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Administration's position on the budgeting of the Arkansas River Navigation Study—McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma; to the Committee on Environment and Public Works.

EC–6953. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Miami Harbor Navigation Project, Miami-Dade County, Florida; to the Committee on Environment and Public Works.

EC–6954. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Medicare Clinical Laboratory Competitive Bidding Demonstration Draft Design Report: Executive Summary"; to the Committee on Finance.

EC–6955. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a Certification to the Congress Regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations; to the Committee on Finance.

EC–6956. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to the Taiwan Relations Act; to the Committee on Foreign Relations.

EC–6957. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed authorization for the export of significant military equipment in the amount of $100,000,000 or more (export of 3 DIRECT TV commercial communications satellites to international waters for the purpose of launch on the Sea Launch platform and to transfer ownership in orbit to a U.S. company); to the Committee on Foreign Relations.

EC–6958. A communication from the General Counsel, Department of the Treasury, transmitting, the report of a draft bill "To authorize United States participation in, and appropriations for the United States contribution to, the first replenishment of the resources of the Multilateral Investment Fund"; to the Committee on Foreign Relations.

EC–6959. A communication from the Assistant Secretary for Administration and Management, Chief Acquisition Officer, Department of Labor, transmitting, pursuant to law, the Department's Fiscal Year 2005 Buy American Act Report; to the Committee on Health, Education, Labor, and Pensions.

EC–6960. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's annual report to Congress on the Fiscal Year 2003 operations of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–6961. A communication from the Deputy Solicitor for National Operations, Office of the Secretary, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Production or Disclosure of Information or Materials" (RIN1290–AA17) received on May 24, 2006; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, with amendments:

H.R. 2066. A bill to amend title 40, United States Code, to establish a Federal Acquisition Service, to replace the General Supply Fund and the Information Technology Fund with an Acquisition Services Fund, and for other purposes, (Rept. No. 109–257).

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. 2127. A bill to redesignate the Mason Neck National Wildlife Refuge in the State of Virginia as the "Elizabeth Hartwell Mason Neck National Wildlife Refuge" (Rept. No. 109–258).

By Mr. ROBERTS, from the Select Committee on Intelligence, without amendment:

S. 3237. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 109–259).

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 312. A resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments:

S. 559. A bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

S. 1950. A bill to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency.

By Mr. SPECTER, from the Committee on the Judiciary, without amendment:

S. 2039. A bill to provide for loan repayment for prosecutors and public defenders.

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments:

S. 2200. A bill to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2560. A bill to reauthorize the Office of National Drug Control Policy.

By Mr. LUGAR, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2566. A bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

By Mr. LUGAR, from the Committee on Foreign Relations, with amendments and an amendment to the title:

S. 2697. A bill to establish the position of the United States Ambassador for ASEAN.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

Jon T. Rymer, of Tennessee, to be Inspector General, Federal Deposit Insurance Corporation.

*William Hardiman, of Michigan, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2006.

*Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008.

*Todd S. Farha, of Florida, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 2006.

*Todd S. Farha, of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009.

*John W. Cox, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.

By Ms. COLLINS for the Committee on Homeland Security and Governmental Affairs.

*Lurita Alexis Doan, of Virginia, to be Administrator of General Services.

*R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security.

By Mr. SPECTER for the Committee on the Judiciary.

Sandra Segal Ikuta, of California, to be United States Circuit Judge for the Ninth Circuit.

Gary D. Orton, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Erik C. Peterson, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH (for himself and Mrs. MURRAY):

S. 3035. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM:

S. 3036. A bill to suspend temporarily the duty on Vulcuren UPKA 1988; to the Committee on Finance.

By Mr. GRAHAM:

S. 3037. A bill to suspend temporarily the duty on Vullcanox 41010 NA/LG; to the Committee on Finance.

By Mr. GRAHAM:

S. 3038. A bill to suspend temporarily the duty on Vulkazon AFS/LG; to the Committee on Finance.

By Mr. GRAHAM:

S. 3039. A bill to suspend temporarily the duty on Cohedur RL; to the Committee on Finance.

By Mr. GRAHAM:

S. 3040. A bill to extend the temporary suspension of duty on Vulkalent E/C; to the Committee on Finance.

By Mr. GRAHAM:

S. 3041. A bill to suspend temporarily the duty on Benzoyl Chloride; to the Committee on Finance.

By Mr. BAYH (for himself and Mr. SMITH):

S. 3042. A bill to amend the Public Health Service Act to improve preparedness for and response to bioterrorism and other public health emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 3043. A bill to suspend temporarily the duty on certain refracting and reflecting telescopes; to the Committee on Finance.

By Mr. HATCH:

S. 3044. A bill to suspend temporarily the duty on hydraulic control units; to the Committee on Finance.

By Mr. HATCH:

S. 3045. A bill to suspend temporarily the duty on converter asy; to the Committee on Finance.

By Mr. HATCH:

S. 3046. A bill to suspend temporarily the duty on module and bracket asy-power steering; to the Committee on Finance.

By Mr. HATCH:

S. 3047. A bill to reduce temporarily the duty on unit asy-battery hi volt; to the Committee on Finance.

By Mr. HATCH:

S. 3048. A bill to reduce temporarily the duty on certain transaxles; to the Committee on Finance.

By Mr. HATCH:

S. 3049. A bill to suspend temporarily the duty on shield asy-steering gear; to the Committee on Finance.

By Mr. HATCH:

S. 3050. A bill to suspend temporarily the duty on booster and master cyl asy-brake; to the Committee on Finance.

By Mr. CARPER:

S. 3051. A bill to suspend temporarily the duty on synthetic staple fiber of polyester; to the Committee on Finance.

By Mr. CARPER:

S. 3052. A bill to suspend temporarily the duty on synthetic staple fiber of polyester having a scalloped oval cross section; to the Committee on Finance.

By Mr. CARPER:

S. 3053. A bill to suspend temporarily the duty on synthetic elastic staple fiber; to the Committee on Finance.

By Mr. CARPER:

S. 3054. A bill to suspend temporarily the duty on synthetic staple fiber; to the Committee on Finance.

By Mr. TALENT:

S. 3055. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE:

S. 3056. A bill to extend temporarily the suspension of duty on 4,4'-Oxydiphthalic Anhydride; to the Committee on Finance.

By Mr. DEWINE:

S. 3057. A bill to extend temporarily the suspension of duty on 4,4'-Oxydianiline; to the Committee on Finance.

By Mr. DEWINE:

S. 3058. A bill to extend temporarily the suspension of duty on 3,3',4,4'-Biphenyltetracarboxylic Dianhydride; to the Committee on Finance.

By Mr. DEWINE:

S. 3059. A bill to extend temporarily the suspension of duty on difenoconazole; to the Committee on Finance.

By Mr. DEWINE:

S. 3060. A bill to extend temporarily the suspension of duty on Pyromellitic Dianhydride; to the Committee on Finance.

By Mr. TALENT:

S. 3061. A bill to extend the patent term for the badge of the American Legion Women's

Auxiliary, and for other purposes; to the Committee on the Judiciary.

By Mr. TALENT:

S. 3062. A bill to extend the patent term for the badge of the American Legion, and for other purposes; to the Committee on the Judiciary.

By Mr. TALENT:

S. 3063. A bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 3064. A bill to express the policy of the United States regarding the United States relationship with native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; read the first time.

By Mr. CORNYN:

S. 3065. A bill to reduce temporarily the duty on (IPN) Isophthalonitrile; to the Committee on Finance.

By Mr. CORNYN:

S. 3066. A bill to reduce temporarily the duty on Paraquat Dichloride; to the Committee on Finance.

By Mr. CORNYN:

S. 3067. A bill to reduce temporarily the duty on NOA 446510 Technical; to the Committee on Finance.

By Mr. THUNE:

S. 3068. A bill to amend title 38, United States Code, to provide for annual cost-of-living adjustments to be made automatically by law each year in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. BYRD, Mr. CONRAD, Mr. DEWINE, Mr. DORGAN, Mr. JOHNSON, Mr. KENNEDY, and Mr. LEAHY):

S. 3069. A bill to amend section 2306 of title 38, United States Code, to modify the furnishing of government markers for graves of veterans at private ceremonies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ALLARD:

S. 3070. A bill to suspend temporarily the duty on certain aramid chopped fiber; to the Committee on Finance.

By Mr. ALLARD:

S. 3071. A bill to suspend temporarily the duty on fabric woven with certain continuous filament wholly nylon type-66 textured yarns; to the Committee on Finance.

By Mr. SESSIONS:

S. 3072. A bill to extend temporarily the suspension of duty on Ethyl pyruvate; to the Committee on Finance.

By Mr. SESSIONS:

S. 3073. A bill to suspend temporarily the duty on Indoxacarb; to the Committee on Finance.

By Mr. SESSIONS:

S. 3074. A bill to suspend temporarily the duty on Dimethyl carbonate; to the Committee on Finance.

By Mr. SESSIONS:

S. 3075. A bill to reduce temporarily the duty on Polyethylene HE1878; to the Committee on Finance.

By Mr. SESSIONS:

S. 3076. A bill to suspend temporarily the duty on 5-Chloro-1-indanone (EK179); to the Committee on Finance.

By Mr. SESSIONS:

S. 3077. A bill to suspend temporarily the duty on Mixtures of famoxadone and Cymoxanil; to the Committee on Finance.

By Mr. SESSIONS:

S. 3078. A bill to extend temporarily the suspension of duty on Methylthioglycolate (MTG); to the Committee on Finance.

By Mr. SESSIONS:

S. 3079. A bill to extend temporarily the suspension of duty on Methyl-4-trifluor-1 omethoxyphenyl-N-(chlorocarbonyl) carbamate); to the Committee on Finance.

By Mr. BROWNBACK:

S. 3080. A bill to suspend temporarily the duty on other footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather, valued not over $2.50 per pair; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3081. A bill to suspend temporarily the duty on high accuracy, metal, marine sextants, used for navigating by celestial bodies; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3082. A bill to suspend temporarily the duty on step up padded potty seats; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3083. A bill to suspend temporarily the duty on traveler padded potty seats; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3084. A bill to suspend temporarily the duty on bath tub safe-er-grips; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3085. A bill to suspend temporarily the duty on Brotje upper heads and lower rams for skin fastener machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3086. A bill to suspend temporarily the duty on Brotje nose wheel well machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3087. A bill to suspend temporarily the duty on Brotje automated frame riveter machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3088. A bill to suspend temporarily the duty on Brotje IPAC (integrated panel assembly cell) machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3089. A bill to suspend temporarily the duty on Serra automated guided vehicles; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3090. A bill to suspend temporarily the duty on M. Torres laser scribe machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3091. A bill to suspend temporarily the duty on Okuma horizontal milling machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3092. A bill to suspend temporarily the duty on Okuma double column drilling machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3093. A bill to suspend temporarily the duty on M. Torres multi-axis routing machines with univeral holding fixtures; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3094. A bill to suspend temporarily the duty on Handtmann multi-axis drilling and routing machines; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3095. A bill to suspend temporarily the duty on pedestal assembly, positive pressure relief valves; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3096. A bill to suspend temporarily the duty on valve assemblies (vacuum relief); to the Committee on Finance.

By Mr. BROWNBACK:

S. 3097. A bill to suspend temporarily the duty on seals, aerodynamic, fireproof; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3098. A bill to suspend temporarily the duty on seals, rear spar, wing center section; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3099. A bill to suspend temporarily the duty on seal assemblies, rear spar; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3100. A bill to suspend temporarily the duty on fabric covered aerodynamic seals; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3101. A bill to suspend temporarily the duty on seals, ECS door, front spar; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3102. A bill to suspend temporarily the duty on seals, seals, vertical, horizontal stabilizer to body gap; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3103. A bill to suspend temporarily the duty on seals, outboard, trailing edge; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3104. A bill to suspend temporarily the duty on numerous other seals made of rubber or silicone, and covered with, or reinforced with, a fabric material; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3105. A bill to suspend temporarily the duty on seals, aerodynamic, balance bay, aileron; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. BYRD)):

S. 3106. A bill to extend the temporary suspension of duty on 2-(Methoxycarbonyl)benzylsulfonamide; to the Committee on Finance.

By Mr. REID (for Mr. ROCKEFELLER (for himself and Mr. BYRD)):

S. 3107. A bill to suspend temporarily the duty on ESPI; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. 3108. A bill to suspend temporarily the duty on CMBSI; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3109. A bill to suspend temporarily the duty on contoured padded infant potty seats; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3110. A bill to suspend temporarily the duty on bulb seals, slat cove; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3111. A bill to suspend temporarily the duty on certain printed circuit assemblies and other parts of measuring equipment for telecommunications; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3112. A bill to suspend temporarily the duty on automated robotic drill systems; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3113. A bill to suspend temporarily the duty on wing illumination lights; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3114. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. NELSON of Florida:

S. 3115. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3116. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 3117. A bill to establish a program to provide more protection at lower cost through a national backstop for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, to better assist in the financial recovery from such catastrophes, and to develop a rigorous process of continuous improvement; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. FEINSTEIN:

S. 3118. A bill to liquidate or reliquidate certain entries of frozen fish; to the Committee on Finance.

By Mr. BROWNBACK:

S. 3119. A bill to suspend temporarily the duty on exterior emergency lights; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3120. A bill to suspend temporarily the duty on certain parts and accessories of measuring or checking instruments; to the Committee on Finance.

By Mr. ALLARD (for himself and Mrs. FEINSTEIN):

S. 3121. A bill to limit the reduction in the number of personnel of the Air Force Space Command, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself and Mr. CRAIG):

S. 3122. A bill to amend the Small Business Act to improve loans for members of the Guard and Reserve, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LEAHY:

S. 3123. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

By Mr. LEAHY:

S. 3124. A bill to suspend temporarily the duty on ski boots, cross country ski footwear and snowboard boots; to the Committee on Finance.

By Mr. LEAHY:

S. 3125. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

By Mr. LEAHY:

S. 3126. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

By Mr. LEAHY:

S. 3127. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

By Mr. BURR (for himself, Mr. NELSON of Nebraska, and Mr. ROBERTS):

S. 3128. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS:

S. 3129. A bill to clarify the classification of certain high-density fiberboard, and for other purposes; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3130. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density fiberboard-core, laminate panels exceeding 0.8 grams per cube centimeter entered from 2001 through 2003; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3131. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density fiberboard-core, laminate panels exceeding 0.8 grams per cubic centimeter entered from 2001 through 2002; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3132. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density fiberboard-core, laminate panels exceeding 0.8 grams per cubic centimeter entered in 2002; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3133. A bill to extend temporarily the suspension of duty on 3,3′,4-4′-Biphenyltetracarboxylic; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3134. A bill to suspend temporarily the duty on methyl acrylate; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3135. A bill to suspend temporarily the duty on 40-piece carbide router bit set for woodworking; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3136. A bill to suspend temporarily the duty on grass shears with rotating blade; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3137. A bill to provide for the liquidation or reliquidation of certain entries relating to canned pineapple fruit entered between July 1, 1997, and June 30, 1998; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3138. A bill to to provide for the liquidation or reliquidation of certain entries relating to canned pineapple fruit entered between July 1, 1996, and June 30, 1997; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3139. A bill to extend temporarily the suspension of duty on 4,4N-Oxydiphthalic anhydride; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3140. A bill to suspend temporarily the duty on certain sulfide pigments; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3141. A bill to extend and modify the suspension of duty on Methyl N-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]-oxymethyl]phenyl)-N-meth oxycarbanose (Pyraclostrobin); to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3142. A bill to suspend temporarily the duty on Mixtures containing 50% of Methyl (E)-methoxyimino-2(2-o-tolyoxymethyl)phenyl) acetate (Kresoxim methyl); to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3143. A bill to suspend temporarily the duty on Diuron; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3144. A bill to suspend temporarily the duty on N,N-Dimethylpiperidinium chloride (Mepiquat chloride); to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3145. A bill to suspend temporarily the duty on Linuron; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3146. A bill to reduce temporarily the duty on formulated product Krovar I DF; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3147. A bill to clarify the article description and rate of duty for certain tractor body parts; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3148. A bill to suspend temporarily the duty on household one-step, two-step, and three-step steel ladders; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3149. A bill to suspend temporarily the duty on 4-piece or 5-piece fireplace tools of iron or steel; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3150. A bill to suspend temporarily the duty on tarpaulins measuring 9-feet by 12-feet with polyvinyl chloride (PVC) coating; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3151. A bill to suspend temporarily the duty on 120-piece, 90-piece, and 60-piece drill bit sets for woodworking; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3152. A bill to suspend temporarily the duty on 120-piece drill and driver bit sets for woodworking; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3153. A bill to suspend temporarily the duty on certain copper lawn sprinklers; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 3154. A bill to suspend temporarily the duty on garden hoses measuring 150 feet or 50 feet in length, manufactured from non-recycled materials, having polyvinyl chloride interior tubing, and having a minimum burst pressure of 27.6 MPa spray nozzle; to the Committee on Finance.

By Mr. OBAMA:

S. 3155. A bill to suspend temporarily the duty on RSD 1235; to the Committee on Finance.

By Mr. OBAMA:

S. 3156. A bill to suspend temporarily the duty on N6-Benzyladenine; to the Committee on Finance.

By Mr. OBAMA:

S. 3157. A bill to suspend temporarily the duty on MCPB acid and MCPB sodium salt; to the Committee on Finance.

By Mr. OBAMA:

S. 3158. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxyacetic acid, salts, and esters; to the Committee on Finance.

By Mr. OBAMA:

S. 3159. A bill to suspend temporarily the duty on gibberellic acid; to the Committee on Finance.

By Mr. OBAMA:

S. 3160. A bill to suspend temporarily the duty on triphenyltin hydroxide; to the Committee on Finance.

By Mr. OBAMA:

S. 3161. A bill to suspend temporarily the duty on certain sebacic acid; to the Committee on Finance.

By Mr. OBAMA:

S. 3162. A bill to suspend temporarily the duty on bromoxynil octonoate; to the Committee on Finance.

By Mr. OBAMA:

S. 3163. A bill to extend temporarily the suspension of duty on certain epoxy molding compounds; to the Committee on Finance.

By Mr. BOND:

S. 3164. A bill to amend the Trade Act of 1974 to extend trade benefits to certain tents imported into the United States; to the Committee on Finance.

By Mr. BOND:

S. 3165. A bill to extend temporarily the suspension of duty on 5-MPDC; to the Committee on Finance.

By Mr. BOND:

S. 3166. A bill to suspend temporarily the duty on Methyl 3-(trifluoromethyl)benzoate; to the Committee on Finance.

By Mr. BOND:

S. 3167. A bill to suspend temporarily the duty on Bentazon; to the Committee on Finance.

By Mr. BOND:

S. 3168. A bill to suspend temporarily the duty on 1,3-Dibromo-5,5-dimethylhydantoin; to the Committee on Finance.

By Mr. BOND:

S. 3169. A bill to suspend temporarily the duty on 4-(Trifluoromethyoxy)phenyl isocyanate; to the Committee on Finance.

By Mr. BOND:

S. 3170. A bill to suspend temporarily the duty on 4-Methylbenzonitrile; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. LUGAR):

S. 3171. A bill to establish at the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes.

By Mrs. CLINTON (for herself and Mr. SALAZAR):

S. 3172. A bill to establish an Office of Emergency Communications, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 3173. A bill to modernize the Federal Housing Administration to meet the housing needs of the American people; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BYRD (for himself and Mr. ROCKEFELLER):

S. 3174. A bill to suspend temporarily the duty on diamino decane; to the Committee on Finance.

By Mr. LEAHY:

S. 3175. A bill to amend title 35, United States Code, with respect to establishing procedures for granting authority to the Under Secretary for Commerce for Intellectual Property and Director of the Patent and Trademark Office to grant compulsory patent licenses for exporting patented pharmaceutical products to certain countries consistent with international commitments made by the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3176. A bill to protect the privacy of veterans and spouses of veterans affected by the security breach at the Department of Veterans Affairs on May 3, 2006, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BUNNING:

S. 3177. A bill to suspend temporarily the duty on certain compounds of lanthanum phosphates; to the Committee on Finance.

By Mr. BUNNING:

S. 3178. A bill to suspend temporarily the duty on certain compounds of yttrium europium oxide co-precipitates; to the Committee on Finance.

By Mr. BUNNING:

S. 3179. A bill to suspend temporarily the duty on certain compounds of lanthanum, cerium, and terbium phosphates; to the Committee on Finance.

By Mr. BUNNING:

S. 3180. A bill to suspend temporarily the duty on certain compounds of yttrium cerium phosphates; to the Committee on Finance.

By Mr. BUNNING:

S. 3181. A bill to extend the duty suspension on ORGASOL polyamide powders; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3182. A bill to suspend temporarily the duty on canned, boiled oysters, not smoked; to the Committee on Finance.

By Mr. LOTT:

S. 3183. A bill to provide that certain vessel repairs done by United States crews are not subject to duty; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3184. A bill to extend temporarily the suspension of the duty on 2-Mercaptoethanol; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3185. A bill to extend temporarily the suspension of the duty on Bifenazate; to the Committee on Finance.

By Ms. LANDRIEU:

S. 3186. A bill to extend temporarily the suspension of the duty on Terrazole; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 3187. A bill to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office."; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN:

S. 3188. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 3189. A bill to allow for the renegotiating of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley Country Water District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3190. A bill to clarify the classification of certain high-density fiberboard and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3191. A bill to provide for the reliquidation of certain entries of certain small diameter carbon and alloy seamless standard line and pressure pipe from Romania; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3192. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1997 through 2005; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3193. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2004; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3194. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 2000 through 2005; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 3195. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2000; to the Committee on Finance.

By Mrs. MURRAY:

S. 3196. A bill to provide for the duty-free entry of certain tramway cars and associated spare parts for use by the city of Seattle, Washington; to the Committee on Finance.

By Mrs. MURRAY:

S. 3197. A bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3198. A bill to suspend the duty on certain boots; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3199. A bill to suspend temporarily the duty on modified steel leaf spring leaves; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3200. A bill to suspend temporarily the duty on steel leaf spring leaves; to the Committee on Finance.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 3201. A bill to suspend temporarily the duty on suspension system stabilizer bars; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3202. A bill to suspend temporarily the duty on vinylidene chloride-methyl methacrylate-acrylonitrile copolymer; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3203. A bill to suspend temporarily the duty on 1-propene, 1,1,2,3,3,3–hexafluoror-oxidized, polymerized, reduced hydrolyzed; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3204. A bill to suspend temporarily the duty on 1-Propene, 1,1,2,3,3,3-hexafluoro-oxidized, polymerized; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3205. A bill to suspend temporarily the duty on 1, propene, 1,1,2,3,3,3-hexafluoro-, telomers with chlorotrifluoroethene, oxidized, reduced, ethyl ester, hydrolyzed; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3206. A bill to suspend temporarily the duty on a certain infrared absorbing dye; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3207. A bill to suspend temporarily the duty on 1,1,2-2-Tetrafluoroethene, oxidized, polymerized; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3208. A bill to suspend temporarily the duty on Methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3209. A bill to suspend temporarily the duty on Ethene, tetrafluoro, oxidized, polymerized, reduced, decarboxylated; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3210. A bill to suspend temporarily the duty on Ethene tetrafluoro-oxidized, polymerized reduced, methyl esters, reduced, ethoxylated; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3211. A bill to suspend temporarily the duty on Oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3212. A bill to suspend temporarily the duty on Ethene, tetrafluoro-oxidized, polymerized reduced, methyl esters, reduced; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3213. A bill to suspend temporarily the duty on certain light-absorbing photo dyes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3214. A bill to suspend temporarily the duty on certain specialty monomers; to the Committee on Finance.

By Mr. CRAIG:

S. 3215. A bill to amend the Harmonized Tariff Schedule of the United States to remove the 100 percent tariff imposed on Roquefort cheese; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3216. A bill to provide for the liquidation or reliquidation of certain apparel articles entered from February 7, 2005, to March 16, 2005, under the United States-Caribbean Basin Trade Partnership Act; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3217. A bill to suspend temporarily the duty on certain viscose rayon yarn; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3218. A bill to reduce temporarily the duty on certain pepperoncini prepared or preserved by vinegar or acetic acid in concentrations at 0.5 percent or greater; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3219. A bill to suspend temporarily the duty on certain pepperoncini prepared or preserved otherwise than by vinegar or acetic acid; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3220. A bill to suspend temporarily the duty on certain Giardiniera prepared or preserved otherwise than by vinegar or acetic acid in concentrations less than 0.5 percent; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3221. A bill to suspend temporarily the duty on Ecoflex F BX7011; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3222. A bill to suspend temporarily the duty on triphenol phosphine; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3223. A bill to suspend temporarily the duty on certain capers; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3224. A bill to extend the duty reduction on artichokes, prepared or preserved by vinegar or acetic acid; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3225. A bill to extend temporarily the reduction of duty on artichokes prepared or preserved otherwise than by vinegar or acetic acid, not frozen; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3226. A bill to suspend temporarily the duty on certain capers in containers; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3227. A bill to suspend temporarily the duty on certain twisted yarn of viscose rayon; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3228. A bill to provide for the liquidation or reliquidation of certain entries relating to palm fatty acid distillate; to the Committee on Finance.

By Mr. LOTT:

S. 3229. A bill to clarify the classification of certain high-density fiberboard and for other purposes; to the Committee on Finance.

By Mr. BURR:

S. 3230. A bill to reduce temporarily the duty on Mesotrione Technical; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 3231. A bill to suspend temporarily the duty on certain structures, parts, and components for use in an isotopic separation facility; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. THOMAS):

S. 3232. A bill to extend and modify duty suspensions relating to wool, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. THOMAS):

S. 3233. A bill to make technical corrections relating to duties on wool products; to the Committee on Finance.

By Mr. BAUCUS:

S. 3234. A bill to suspend temporarily the duty on lug bottom boots for use in fishing waders; to the Committee on Finance.

By Mr. BAUCUS:

S. 3235. A bill to suspend temporarily the duty on felt bottom boots for use in waders; to the Committee on Finance.

By Mr. BAUCUS:

S. 3236. A bill to suspend temporarily the duty on certain golf bag bodies; to the Committee on Finance.

By Mr. ROBERTS:

S. 3237. An original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; to the Committee on Armed Services pursuant to section 3(b) of S. Res. 400, 94th Congress, as amended by S. Res. 445, 108th Congress, for a period not to exceed 10 days of session.

By Mr. CORNYN (for himself, Mr. NELSON of Florida, and Mrs. HUTCHISON):

S. 3238. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DAYTON (for himself and Mr. LOTT):

S. 3239. A bill to require full disclosure of insurance coverage and noncoverage by insurance companies and provide for Federal Trade Commission enforcement; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself and Mr. REED):

S. 3240. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that tariff treatment of textile parts of seats and other furniture; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself, Mr. LAUTENBERG, Mr. COLEMAN, and Mr. DURBIN):

S. Res. 494. A resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations; to the Committee on Foreign Relations.

By Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. HATCH, Mr. SPECTER, Mr. DURBIN, Mr. TALENT, Mr. BAUCUS, Mr. DODD, and Ms. MURKOWSKI):

S. Res. 495. A resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise; considered and agreed to.

ADDITIONAL COSPONSORS

S. 190

At the request of Mr. HAGEL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 190, a bill to address the regulation of secondary mortgage market enterprises, and for other purposes.

S. 236

At the request of Mr. NELSON of Nebraska, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 236, a bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals.

S. 438

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 438, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 506

At the request of Mr. HAGEL, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 506, a bill to amend the Public Health Service Act to establish a scholarship and loan repayment program for public health preparedness workforce development to eliminate critical public health preparedness workforce shortages in Federal, State, local, and tribal public health agencies.

S. 635

At the request of Mr. SANTORUM, the names of the Senator from Florida (Mr. NELSON) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 841

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 841, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Colorado (Mr. SALAZAR) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1064

At the request of Mr. Cochran, the name of the Senator from Kentucky (Mr. Bunning) was added as a cosponsor of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1321

At the request of Mr. Santorum, the name of the Senator from Missouri (Mr. Talent) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1353

At the request of Mr. Reid, the names of the Senator from California (Mrs. Feinstein), the Senator from Ohio (Mr. DeWine) and the Senator from South Carolina (Mr. Graham) were added as cosponsors of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1417

At the request of Mr. Craig, the name of the Senator from North Dakota (Mr. Dorgan) was added as a cosponsor of S. 1417, a bill to impose tariff-rate quotas on certain casein and milk protein concentrates.

S. 1509

At the request of Mr. Jeffords, the name of the Senator from New Jersey (Mr. Menendez) was added as a cosponsor of S. 1509, a bill to amend the Lacey Act Amendments of 1981 to add nonhuman primates to the definition of prohibited wildlife species.

S. 1575

At the request of Mr. Cornyn, the name of the Senator from Mississippi (Mr. Cochran) was added as a cosponsor of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 1741

At the request of Mr. Voinovich, the name of the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 1741, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to carry out a program for the protection of the health and safety of residents, workers, volunteers, and others in a disaster area.

S. 1774

At the request of Mr. Cornyn, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 1774, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Heart, Lung, and Blood Institute with respect to research on pulmonary hypertension.

S. 2071

At the request of Ms. Snowe, the name of the Senator from Minnesota (Mr. Dayton), was added as a cosponsor of S. 2071, a bill to amend title XVIII of the Social Security Act to clarify congressional intent regarding the counting of residents in the nonhospital setting under the medicare program.

S. 2124

At the request of Mr. Harkin, the names of the Senator from Massachusetts (Mr. Kennedy), the Senator from Oregon (Mr. Wyden), the Senator from Minnesota (Mr. Dayton), and the Senator from Mississippi (Mr. Lott) were added as cosponsors of S. 2124, a bill to address the needs of individuals with disabilities in emergency planning requirements and relief efforts in the event of a major disaster, to increase the accessibility of replacement housing built with Federal funds following Hurricane Katrina and other major disasters, and for other purposes.

S. 2278

At the request of Ms. Stabenow, the names of the Senator from North Dakota (Mr. Conrad) and the Senator from Louisiana (Ms. Landrieu) were added as cosponsors of S. 2278, a bill to amend the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 2321

At the request of Mr. Santorum, the name of the Senator from Oregon (Mr. Smith) was added as a cosponsor of S. 2321, a bill to require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

S. 2370

At the request of Mr. McConnell, the name of the Senator from Ohio (Mr. Voinovich) was added as a cosponsor of S. 2370, a bill to promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes.

At the request of Mr. Reed, his name was added as a cosponsor of S. 2370, supra.

S. 2452

At the request of Mr. Bayh, the name of the Senator from Georgia (Mr. Isakson) was added as a cosponsor of S. 2452, a bill to prohibit picketing at the funerals of members and former members of the armed forces.

S. 2491

At the request of Mr. Cornyn, the names of the Senator from Idaho (Mr. Craig), the Senator from Virginia (Mr. Allen), and the Senator from Tennessee (Mr. Alexander) were added as cosponsors of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2505

At the request of Mr. Lieberman, the name of the Senator from Connecticut (Mr. Dodd) was added as a cosponsor of S. 2505, a bill to suspend temporarily the duty on aerosol valves designed to deliver a metered dose (50 microliters) of a pressurized liquid pharmaceutical.

S. 2548

At the request of Mr. Stevens, the names of the Senator from Connecticut (Mr. Dodd) and the Senator from Vermont (Mr. Jeffords) were added as cosponsors of S. 2548, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure that State and local emergency preparedness operational plans address the needs of individuals with household pets and service animals following a major disaster or emergency.

S. 2549

At the request of Mr. DeMint, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 2549, a bill to amend the Internal Revenue Code of 1986 to expand the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

S. 2554

At the request of Mr. Ensign, the name of the Senator from Louisiana (Mr. Vitter) was added as a cosponsor of S. 2554, a bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include premiums for non-group high deductible health plan coverage.

S. 2556

At the request of Mr. Bayh, the name of the Senator from Connecticut (Mr. Lieberman) was added as a cosponsor of S. 2556, a bill to amend title 11, United States Code, with respect to reform of executive compensation in corporate bankruptcies.

S. 2563

At the request of Mr. Cochran, the name of the Senator from South Dakota (Mr. Thune) was added as a cosponsor of S. 2563, a bill to amend title XVIII of the Social Security Act to require prompt payment to pharmacies under part D, to restrict pharmacy cobranding on prescription drug cards issued under such part, and to provide guidelines for Medication Therapy Management Services programs offered by prescription drug plans and MA-PD plans under such part.

S. 2566

At the request of Mr. Lugar, the names of the Senator from Indiana (Mr. Bayh) and the Senator from Georgia (Mr. Chambliss) were added as cosponsors of S. 2566, a bill to provide for coordination of proliferation interdiction activities and conventional arms disarmament, and for other purposes.

S. 2635

At the request of Mr. WYDEN, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2635, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 2658

At the request of Mr. LEAHY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2658, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 2703

At the request of Mr. SPECTER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

S. 2725

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2725, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress.

S. 2811

At the request of Ms. STABENOW, the name of the Senator from Louisiana (Ms. LANDRIEU) was withdrawn as a cosponsor of S. 2811, a bill to amend title XVIII of the Social Security Act to extend the annual, coordinated election period under the Medicare part D prescription drug program through all of 2006 and to provide for a refund of excess premiums paid during 2006, and for other purposes.

S. 2816

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2816, a bill to amend the Internal Revenue Code of 1986 to provide an income tax credit for the manufacture of flexible fuel motor vehicles and to extend and increase the income tax credit for alternative fuel refueling property, and for other purposes.

S. 2817

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2817, a bill to promote renewable fuel and energy security of the United States, and for other purposes.

S. 2824

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2824, a bill to reduce the burdens of the implementation of section 404 of the Sarbanes-Oxley Act of 2002.

S. 2943

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2943, a bill to suspend temporarily the duty on certain men's footwear with coated or laminated textile fabrics.

S. 2948

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2948, a bill to suspend temporarily the duty on certain women's footwear with coated or laminated textile fabrics.

S. 2949

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2949, a bill to suspend temporarily the duty on certain footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 2950

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2950, a bill to suspend temporarily the duty on certain men's footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 2951

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2951, a bill to suspend temporarily the duty on certain women's footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 2952

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2952, a bill to suspend temporarily the duty on certain other footwear valued over $20 a pair with coated or laminated textile fabrics.

S. 2953

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2953, a bill to reduce temporarily the duty on certain men's footwear covering the ankle with coated or laminated textile fabrics.

S. 2954

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2954, a bill to reduce temporarily the duty on certain footwear not covering the ankle with coated or laminated textile fabrics.

S. 2955

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2955, a bill to reduce temporarily the duty on certain women's footwear covering the ankle with coated or laminated textile fabrics.

S. 2956

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2956, a bill to reduce temporarily the duty on certain women's footwear not covering the ankle with coated or laminated textile fabrics.

S. 2957

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2957, a bill to reduce temporarily the duty on certain other footwear covering the ankle with coated or laminated textile fabrics.

S. 2958

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2958, a bill to reduce temporarily the duty on certain footwear with coated or laminated textile fabrics.

S.J. RES. 1

At the request of Mr. ALLARD, the names of the Senator from Montana (Mr. BURNS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

S. RES. 180

At the request of Mr. SCHUMER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 180, a resolution supporting the goals and ideals of a National Epidermolysis Bullosa Awareness Week to raise public awareness and understanding of the disease and to foster understanding of the impact of the disease on patients and their families.

S. RES. 320

At the request of Mr. ENSIGN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 320, a resolution calling the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 331

At the request of Ms. LANDRIEU, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New

York (Mrs. CLINTON) were added as cosponsors of S. Res. 331, a resolution expressing the sense of the Senate regarding fertility issues facing cancer survivors.

S. RES. 462

At the request of Mr. GRASSLEY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 462, a resolution designating June 8, 2006, as the day of a National Vigil for Lost Promise.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

S. RES. 493

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 493, a resolution calling on the Government of the United Kingdom to establish immediately a full, independent, public judicial inquiry into the murder of Northern Ireland defense attorney Pat Finucane, as recommended by international Judge Peter Cory as part of the Western Park agreement and a way forward for the Northern Ireland Peace Process.

AMENDMENT NO. 4108

At the request of Mr. REID, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of amendment No. 4108 proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4138

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 4138 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 4167

At the request of Mr. COLEMAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 4167 intended to be proposed to S. 2611, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALENT:

S. 3061. A bill to extend the patent term for the badge of the American Legion Women's Auxiliary, and for other purposes; to the Committee on the Judiciary.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of S. 3061, 3062, and 3063 be printed in the RECORD.

There being no objection, the text of the bills were ordered to be printed in the RECORD, as follows:

S. 3061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION WOMEN'S AUXILIARY.

The term of a certain design patent numbered 55,398 (for the badge of the American Legion Women's Auxiliary) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

By Mr. TALENT:

S. 3062. A bill to extend the patent term for the badge of the American Legion, and for other purposes; to the Committee on the Judiciary.

S. 3062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATENT TERM EXTENSION FOR THE BADGE OF THE AMERICAN LEGION.

The term of a certain design patent numbered 54,296 (for the badge of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

By Mr. TALENT:

S. 3063. A bill to extend the patent term for the badge of the Sons of the American Legion, and for other purposes; to the Committee on the Judiciary.

S. 3063

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATENT TERM EXTENSION FOR THE BADGE OF THE SONS OF THE AMERICAN LEGION.

The term of a certain design patent numbered 92,187 (for the badge of the Sons of the American Legion) is renewed and extended for a period of 14 years beginning on the date of enactment of this Act, with all the rights and privileges pertaining to such patent.

By Mr. NELSON of Florida:

S. 3114. A bill to establish a bipartisan commission on insurance reform; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Florida. Mr. President, today I introduce four bills, 3114, 3115, 3116, and 3117 that are aimed at providing a comprehensive solution to strengthen our Nation's property and casualty insurance market. Without serious reform, the Federal Government will be forced to continue to spend billions of dollars of taxpayer money to cover the costs of natural disasters in the United States. Worse, without Federal action, property insurance soon will become more expensive and harder to find, preventing some consumers from insuring their homes and businesses.

As we know too well, the last few years have brought a devastating cycle of natural catastrophes in the United States. In 2004 and 2005, we witnessed a series of powerful hurricanes that caused unthinkable human tragedy and property loss. Hurricanes Katrina and Rita alone caused over $200 billion in total economic losses, including insured and uninsured losses.

Recently in my own home State of Florida, eight catastrophic storms in 15 months caused more than $31 billion in insured damages. Now Florida is witnessing skyrocketing insurance rates, insurance companies are canceling hundreds of thousands of policies, and Florida's State catastrophe fund is depleted.

In short, the inability of our private markets to fully handle the fallout from natural disasters has made our Nation's property and casualty insurance marketplace unstable. This market instability repeatedly has forced the Federal Government to absorb billions of dollars in uninsured losses. This is a waste of taxpayer money, especially when we know there are ways to design the system to anticipate and plan for the financial impacts of catastrophes.

As insurance companies struggle to maintain their businesses, costs are passed on to homeowners and small businesses in Florida and in other States. In essence, the people who can least afford it are being forced to bear the disproportionate share of the billions of dollars of losses caused by natural catastrophes.

Many Floridians have seen their insurance bills double in the last few years. As I travel around Florida, I hear repeatedly from my constituents that they may soon be unable to afford property and casualty insurance. That is a frightening proposition for people living in a State where increasingly vicious hurricane seasons are predicted. I am sure we all agree—consumers never should be put in the untenable position of having to choose between purchasing insurance and purchasing other necessities.

While our Nation's property and casualty insurance system is not yet completely broken, it is clear that Congress needs to act now to shore up the system. Private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, but most experts believe that there will be significant insurance and reinsurance shortages. These shortages could result in future dramatic rate increases for consumers and businesses and the unavailability of catastrophe insurance.

Let me be clear: these issues will not just affect Florida or the coastal States. Natural catastrophes can strike anywhere in our country. For example, a major earthquake fault line runs through several of our Midwestern States. We also saw firsthand the devastating effects of a volcano eruption at Mount St. Helens in Washington State.

In the past few decades, major disasters have been declared in almost every State. As I mentioned earlier, the Federal Government has provided and will continue to provide billions of dollars and resources to pay for these catastrophic losses, at huge costs to all American taxpayers.

Congress has struggled with these issues for decades. Although we have talked about these issues time and again, nothing much has gotten accomplished. The most notable step Congress did take was to create the National Flood Insurance Program. But Congress needs to do much more. It is time for a comprehensive approach to solving our Nation's property and casualty insurance issues.

These matters are usually within the purview of the States, and I cannot undersate the importance of State-based solutions to these insurance issues. Nonetheless, the Federal Government also has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes.

For example, mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. Moreover, the public health, safety, and welfare demand that structures damaged or destroyed in catastrophes be reconstructed as soon as possible.

Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable Americans to obtain property insurance coverage in the private sector endangers the national economy and our public health, safety, and welfare.

In order to help protect consumers and small businesses, today I am introducing four bills as part of a comprehensive approach to fixing our troubled insurance system. Let me summarize each of the four bills and tell you how this integrated approach makes good policy sense.

The first piece of legislation I am introducing today is the Homeowners Protection Act of 2006, S. 3117. This bill is a companion bill to a bipartisan piece of legislation introduced by Florida Representatives BROWN-WAITE, HASTINGS, and others.

This bill would establish a fund within the U.S. Department of Treasury, which would sell Federal catastrophe insurance to State catastrophe funds, like the fund I helped to set up in Florida. State catastrophe funds essentially act as reinsurance mechanisms for insurance companies who lack resources to compensate homeowners for their losses.

Under this bill, State catastrophe funds would be eligible to purchase reinsurance from the Federal fund at sound rates. However, a State catastrophe fund would be prohibited from gaining access to the Federal fund until private insurance companies and the State catastrophe fund met their financial obligations.

Why is this good for homeowners? Because this backup mechanism will improve the solvency and capacity of homeowners insurance markets, which will reduce the chance that consumers will lose their insurance coverage or be hit by huge premium increases.

Importantly, the Homeowners Insurance Protection Act of 2006 also recognizes that part of the problem with our broken property and casualty insurance system lies with outdated building codes and mitigation techniques. Noted insurance experts and consumer groups have been pointing out this problem for many years. So, under the bill, the Secretary of the Treasury would establish an expert commission to assist States in developing mitigation, prevention, recovery, and rebuilding programs that would reduce the types of enormous damage we have seen caused by recent hurricanes.

I note that this bill covers not just hurricanes, but catastrophes such as earthquakes, cyclones, tornados, catastrophic winter storms, and volcanic eruptions. These are disasters that can—and do—occur in many different States. Again, every State and every taxpayer is affected by this problem, not just Florida.

This bill has widespread support from a broad range of stakeholders, including ProtectingAmerica.org, a national coalition of first responders, businesses, and emergency managers. This organization is cochaired by former FEMA Director James Lee Witt, one of the most respected names in disaster prevention and preparedness.

The second bill I am introducing today is the Catastrophe Savings Accounts Act of 2006, S. 3115. The companion bill was introduced in the House of Representatives by a bipartisan group of Members including TOM FEENEY and DEBBIE WASSERMAN SCHULTZ.

This bill proposes changing the Federal Tax Code to allow homeowners to put money aside—on a tax-free basis—to grow over time. If and when a catastrophe hits, a homeowner could take the accumulated savings out of the account to cover uninsured losses, deductible expenses, and building upgrades to mitigate damage that could be caused in future disasters. Homeowners could even reduce their insurance premiums because their tax-free savings would allow them to choose higher deductibles.

The benefits of this approach are pretty straightforward and very consumer friendly. Homeowners would be encouraged to plan in advance for future disasters, and they wouldn't be taxed to do it. Moreover, homeowners wouldn't be as dependent on insurance companies to help them out immediately after a disaster. As one expert has noted, why should a consumer continue to give insurance companies thousands of dollars each year when the consumer could deposit the same amount of money annually in a tax-free, interest-bearing savings account controlled by the consumer?

The third bill I am introducing today is the Policyholder Disaster Protection Act of 2006, S. 3116. This bill was introduced in the House of Representatives by MARK FOLEY and has eight cosponsors.

Under this bill, insurance companies would be permitted to accumulate tax-deferred catastrophic reserves, much the way that homeowners would be permitted under the bill I just discussed. Depending on their size, insurance companies could save up to a certain capped amount, which would grow over time.

Our current Federal Tax Code actually provides a disincentive for insurance companies to accumulate reserve funds for catastrophes. Under the current system, insurance companies can only reserve against losses that already have occurred, instead of future losses. The United States is the only industrialized nation that actually taxes reserves in this way. It is time for reform, so that consumers are better protected.

Make no mistake though—this bill is not a giveaway to the insurance companies. Instead, the Policy Disaster Protection Act of 2006 would strictly regulate when and how insurance companies could access their reserves, to make sure the money is used only for its intended purposes.

If implemented correctly, this bill could result in approximately $15 billion worth of reserves being saved up by insurance companies, which later could be spent to pay for policyholder claims and to keep insurance policies available and affordable. Consumers could feel more protected knowing that their insurance company would have the money saved to help them out after a major disaster. Moreover, this approach should help make the insurance market more stable and less prone to insurers going bankrupt.

Finally, the fourth bill, S. 3114, that I am introducing as part of my comprehensive reform package is the Commission on Catastrophic Disaster Risk and Insurance Act of 2006.

Under this bill, Congress would create a Federal commission—made up of a cross-section of the best experts in the Nation—to quickly recommend to Congress the best approach to addressing catastrophic risk insurance. The experts on the commission would be required to analyze the three bills that I am introducing today, along with other potential approaches to reforming our insurance system.

Creating a Federal commission is not always the best answer, especially if it can slow down reform efforts. But in this case, the opposite would occur. I say that with cofidence—because I am following a successful model that I used when I was insurance commissioner for the State of Florida in the 1990s. After Hurricane Andrew devastated South Florida in 1992, I created a nonpartisan commission comprised of university presidents.

I asked the Florida commission to study the problems with the property and casualty insurance market and recommend what legislative reforms were necessary to restore health to Florida's system. Within months, the commission acted—breaking through the deep political logjam and inertia—to recommend the legislative reforms that ultimately became State law.

That model worked then, and I think it can work now on a Federal level. Without the work of an expert, neutral commission to help guide us in these incredibly complex matters, I fear that Congress will never find the consensus necessary to reform the system and bring stability.

Let me emphasize again what we need to accomplish to reform our current insurance system and to effectively plan for catastrophic losses.

We need a comprehensive approach that will make sure the United States is truly prepared for the financial fallout from natural disasters. We need a property and casualty insurance system that is not forced to spend valuable taxpayer dollars after a catastrophe strikes. We need a system that protects consumers and small businesses from losing their insurance policies or being forced to pay exorbitant insurance rates. We need ways to encourage responsible construction and mitigation techniques. And we need a system that helps insurance companies use their resources in cost-effective ways so that they will not go insolvent after major disasters.

Our American economy depends on a healthy property and casualty insurance system. By enacting meaningful reforms, we can ensure that our economy remains protected and remains the most resilient economy in the world. I know this complicated process won't be easy for us—but let's roll up our shirtsleeves and get it done.

Mr. President, I ask unanimous consent that the text of these four bills, the Commission on Catastrophic Disaster Risk and Insurance Act of 2006, the Catastrophe Savings Accounts Act of 2006, the Policyholder Disaster Protection Act of 2006, and the Homeowners Protection Act of 2006, be printed in the RECORD.

There being no objection, the text of the bills was ordered to be printed in the RECORD, as follows:

S. 3114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commission on Catastrophic Disaster Risk and Insurance Act of 2006".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused over $200 billion in total economic losses, including insured and uninsured losses.

(2) Although private sector insurance is currently available to spread some catastrophe-related losses throughout the Nation and internationally, most experts believe there will be significant insurance and reinsurance shortages, resulting in dramatic rate increases for consumers and businesses, and the unavailability of catastrophe insurance.

(3) The Federal Government has provided and will continue to provide billions of dollars and resources to pay for losses from catastrophes, including hurricanes, volcanic eruptions, tsunamis, tornados, and other disasters, at huge costs to American taxpayers.

(4) The Federal Government has a critical interest in ensuring appropriate and fiscally responsible risk management of catastrophes. Mortgages require reliable property insurance, and the unavailability of reliable property insurance would make most real estate transactions impossible. In addition, the public health, safety, and welfare demand that structures damaged or destroyed in a catastrophe be reconstructed as soon as possible. Therefore, the inability of the private sector insurance and reinsurance markets to maintain sufficient capacity to enable Americans to obtain property insurance coverage in the private sector endangers the national economy and the public health, safety, and welfare.

(5) Multiple proposals have been introduced in the United States Congress over the past decade to address catastrophic risk insurance, including the creation of a national catastrophic reinsurance fund and the revision of the Federal tax code to allow insurers to use tax-deferred catastrophe funds, yet Congress has failed to act on any of these proposals.

(6) To the extent the United States faces high risks from catastrophe exposure, essential technical information on financial structures and innovations in the catastrophe insurance market is needed.

(7) The most efficient and effective approach to assessing the catastrophe insurance problem in the public policy context is to establish a bipartisan commission of experts to study the management of catastrophic disaster risk, and to require such commission to timely report its recommendations to Congress so that Congress can quickly craft a solution to protect the American people.

SEC. 3. ESTABLISHMENT.

There is established a bipartisan Commission on Catastrophic Disaster Risk and Insurance (in this Act referred to as the "Commission").

SEC. 4. MEMBERSHIP.

(a) MEMBERS.—The Commission shall be composed of the following:

(1) The Director of the Federal Emergency Management Agency or a designee of the Director.

(2) The Administrator of the National Oceanic and Atmospheric Administration or a designee of the Administrator.

(3) 12 additional members or their designees of whom one shall be—

(A) a representative of a consumer group;

(B) a representative of a primary insurance company;

(C) a representative of a reinsurance company;

(D) an independent insurance agent with experience in writing property and casualty insurance policies;

(E) a State insurance regulator;

(F) a State emergency operations official;

(G) a scientist;

(H) a faculty member of an accredited university with experience in risk management;

(I) a member of nationally recognized think tank with experience in risk management;

(J) a homebuilder with experience in structural engineering;

(K) a mortgage lender; and

(L) a nationally recognized expert in antitrust law.

(b) MANNER OF APPOINTMENT.—

(1) IN GENERAL.—Any member of the Commission described under subsection (a)(3) shall be appointed only upon unanimous agreement of—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(2) CONSULTATION.—In making any appointment under paragraph (1), each individual described in paragraph (1) shall consult with the President.

(c) ELIGIBILITY LIMITATION.—Except as provided in subsection (a), no member or officer of the Congress, or other member or officer of the Executive Branch of the United States Government or any State government may be appointed to be a member of the Commission.

(d) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(e) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this Act shall be approved only by a majority vote of a quorum of the Commission.

(f) CHAIRPERSON.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall jointly select 1 member appointed pursuant to subsection (a) to serve as the Chairperson of the Commission.

(g) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members at any time.

SEC. 5. DUTIES OF THE COMMISSION.

The Commission shall—

(1) assess—

(A) the condition of the property and casualty insurance and reinsurance markets in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004; and

(B) the ongoing exposure of the United States to earthquakes, volcanic eruptions, tsunamis, and floods; and

(2) recommend and report, as required under section 6, any necessary legislative and regulatory changes that will—

(A) improve the domestic and international financial health and competitiveness of such markets; and

(B) assure consumers of the—

(i) availability of adequate insurance coverage when an insured event occurs; and

(ii) best possible range of insurance products at competitive prices.

SEC. 6. REPORT.

(a) In General.—Not later than 90 days after the appointment of Commission members under section 4, the Commission shall submit to the President and the Congress a final report containing a detailed statement of its findings, together with any recommendations for legislation or administrative action that the Commission considers appropriate, in accordance with the requirements of section 5.

(b) Considerations.—In developing any recommendations under subsection (a), the Commission shall consider—

(1) the catastrophic insurance and reinsurance market structures and the relevant commercial practices in such insurance industries in providing insurance protection to different sectors of the American population;

(2) the constraints and opportunities in implementing a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophe risk management and financing with insurance;

(3) methods to improve risk underwriting practices, including—

(A) analysis of modalities of risk transfer for potential financial losses;

(B) assessment of private securitization of insurances risks;

(C) private-public partnerships to increase insurance capacity in constrained markets; and

(D) the financial feasibility and sustainability of a national catastrophe pool or regional catastrophe pools designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers;

(4) approaches for implementing a public insurance scheme for low-income communities, in order to promote risk reduction and explicit insurance coverage in such communities;

(5) methods to strengthen insurance regulatory requirements and supervision of such requirements, including solvency for catastrophic risk reserves;

(6) methods to promote public insurance policies linked to programs for loss reduction in the uninsured sectors of the American population;

(7) methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(8) the appropriate role for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets, with an analysis—

(A) of options such as—

(i) a reinsurance mechanism;

(ii) the modernization of Federal taxation policies; and

(iii) an "insurance of last resort" mechanism; and

(B) how to fund such options; and

(9) the merits of the 3 principle legislative proposals currently pending in the 109th Congress, namely:

(A) The creation of a Federal catastrophe fund to act as a backup to State catastrophe funds;

(B) Tax-deferred catastrophe accounts for insurers; and

(C) Tax-free catastrophe accounts for policyholders.

SEC. 7. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this Act—

(1) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths or affirmations as the Commission or such subcommittee or member considers advisable; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(b) Issuance and Enforcement of Subpoenas.—

(1) Issuance.—Subpoenas issued under subsection (a) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(2) Enforcement.—In the case of contumacy or failure to obey a subpoena issued under subsection (a), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) Confidentiality.—

(A) In general.—Information obtained under a subpoena issued under subsection (a) which is deemed confidential, or with reference to which a request for confidential treatment is made by the person furnishing such information—

(i) shall be exempt from disclosure under section 552 of title 5, United States Code; and

(ii) shall not be published or disclosed unless the Commission determines that the withholding of such information is contrary to the interest of the United States.

(B) Exception.—The requirements of subparagraph (A) shall not apply to the publication or disclosure of any data aggregated in a manner that ensures protection of the identity of the person furnishing such data.

(c) Authority of Members or Agents of the Commission.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this Act.

(d) Obtaining Official Data.—

(1) Authority.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out the purposes of this Act.

(2) Procedure.—Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish the information requested to the Commission.

(e) Postal Services.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) Administrative Support Services.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(g) Gifts.—

(1) In general.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(2) Regulations.—The Commission shall adopt internal regulations governing the receipt of gifts or donations of services or property similar to those described in part 2601 of title 5, Code of Federal Regulations.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) Subcommittees.—The Commission may establish subcommittees and appoint persons to such subcommittees as the Commission considers appropriate.

(d) Staff.—Subject to such policies as the Commission may prescribe, the Chairperson of the Commission may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission.

(e) Applicability of Certain Civil Service Laws.—Subcommittee members and staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of that title.

(f) Experts and Consultants.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS-18 of the General Schedule under section 5332 of that title.

(g) Detail of Government Employees.—Upon request of the Chairperson of the Commission, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 9. TERMINATION.

The Commission shall terminate 60 days after the date on which the Commission submits its report under section 6.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000 to carry out the purposes of this Act.

Ms. LANDRIEU. Mr. President, one of the most frequent complaints I have been hearing from people in Louisiana whose homes sustained damage in Katrina and Rita has been about their property insurance. First, it took insurance companies a long time to get adjusters into the area after the storm and many people are still waiting for claim payments. This was followed by the shock for many of our homeowners that their property insurance policies covered wind damage, but not flood damage. They could get the roof replaced, but the rest of the house was lost. Many of them were not required to have flood insurance because they either did not live in a flood plain or did not have a mortgage. And now we are beginning to discover that many insurance companies are no longer writing policies in Louisiana.

Our homeowners weathered one, and in some cases two, hurricanes already. However, now it's as if our homeowners have been hit by another hurricane—one causing a flood of red ink, lost homes, ruined lives, and broken communities.

I hope we never see another storm like Katrina. I would not want any of my colleagues' states to face the one-two punch of two hurricanes the way Louisiana was. But hurricane season is coming again, starting next week on June 1. These insurance issues and problems are going to come again. We can rebuild levees and use the lessons of Katrina to better prepare for these storms, but finding a solution to this insurance issue is much harder.

First of all, insurance is regulated at the State level. We do not control it up here. In all fairness, property casualty insurance companies do not cover flood damage because that is covered by the National Flood Insurance Program at FEMA. But the potential for flooding from hurricanes still remains and our insurance system is not ready to handle the amount of uninsured damage a massive storm like Katrina.

I am pleased to join my colleague from Florida, Senator NELSON, as a cosponsor of the Commission on Catastrophic Disaster Risk and Insurance Act of 2006. This bill will not produce major changes in the insurance industry overnight, but it will begin to take a look at this issue to identify the best solution to ensuring that home and business owners will have insurance coverage to help them rebuild after catastrophic natural disasters.

The commission established by this legislation will take the first steps for assessing the casualty insurance market and recommend any necessary legislative changes to ensure that consumers will have readily available and affordable insurance coverage to protect them from natural disasters. Experts from a wide variety of fields in disaster preparedness. construction engineering, the insurance industry, and government will serve on the commission. While the members will be chosen on a bipartisan basis, they will be taking a nonpartisan approach to this subject.

I urge my colleagues to support this legislation. It is a first step—a modest step—toward ensuring the financial security of Americans in the face of catastrophic disasters.

By Mr. NELSON of Florida:

S. 3115. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Finance.

S. 3115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Catastrophe Savings Accounts Act of 2006".

SEC. 2. CATASTROPHE SAVINGS ACCOUNTS.

(a) In General.—Subchapter F of Chapter 1 of the Internal Revenue Code of 1986 (relating to exempt organizations) is amended by adding at the end the following new part:

"PART IX—CATASTROPHE SAVINGS ACCOUNTS

"SEC. 530A. CATASTROPHE SAVINGS ACCOUNTS.

"(a) General Rule.—A Catastrophe Savings Account shall be exempt from taxation under this subtitle. Notwithstanding the preceding sentence, such account shall be subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable organizations).

"(b) Catastrophe Savings Account.—For purposes of this section, the term 'Catastrophe Savings Account' means a trust created or organized in the United States for the exclusive benefit of an individual or his beneficiaries and which is designated (in such manner as the Secretary shall prescribe) at the time of the establishment of the trust as a Catastrophe Savings Account, but only if the written governing instrument creating the trust meets the following requirements:

"(1) Except in the case of a qualified rollover contribution—

"(A) no contribution will be accepted unless it is in cash, and

"(B) contributions will not be accepted in excess of the account balance limit specified in subsection (c).

"(2) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(3) The interest of an individual in the balance of his account is nonforfeitable.

"(4) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

"(c) Account Balance Limit.—The aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual (including qualified rollover contributions) shall not exceed—

"(1) in the case of an individual whose qualified deductible is not more than $1,000, $2,000, and

"(2) in the case of an individual whose qualified deductible is more than $1,000, the amount equal to the lesser of—

"(A) $15,000, or

"(B) twice the amount of the individual's qualified deductible.

"(d) Definitions.—For purposes of this section—

"(1) Qualified Catastrophe Expenses.—The term 'qualified catastrophe expenses' means expenses paid or incurred by reason of a major disaster that has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

"(2) Qualified Deductible.—With respect to an individual, the term 'qualified deductible' means the annual deductible for the individual's homeowners' insurance policy.

"(3) Qualified Rollover Contribution.—The term 'qualified rollover contribution' means a contribution to a Catastrophe Savings Account—

"(A) from another such account of the same beneficiary, but only if such amount is contributed not later than the 60th day after the distribution from such other account, and

"(B) from a Catastrophe Savings Account of a spouse of the beneficiary of the account to which the contribution is made, but only if such amount is contributed not later than the 60th day after the distribution from such other account.

"(e) Tax Treatment of Distributions.—

"(1) In General.—Any distribution from a Catastrophe Savings Account shall be includible in the gross income of the distributee in the manner as provided in section 72.

"(2) Distributions for Qualified Catastrophe Expenses.—

"(A) In General.—No amount shall be includible in gross income under paragraph (1) if the qualified catastrophe expenses of the distributee during the taxable year are not less than the aggregate distributions during the taxable year.

"(B) Distributions in Excess of Expenses.—If such aggregate distributions exceed such expenses during the taxable year, the amount otherwise includible in gross income under paragraph (1) shall be reduced by the amount which bears the same ratio to the amount which would be includible in gross income under paragraph (1) (without regard to this subparagraph) as the qualified catastrophe expenses bear to such aggregate distributions.

"(3) Additional Tax for Distributions Not Used for Qualified Catastrophe Expenses.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from a Catastrophe Savings Account which is includible in gross income shall be increased by 10 percent of the amount which is so includible.

"(4) Retirement Distributions.—No amount shall be includible in gross income under paragraph (1) (or subject to an additional tax under paragraph (3)) if the payment or distribution is made on or after the date on which the distributee attains age 62.

"(f) Tax Treatment of Accounts.—Rules similar to the rules of paragraphs (2) and (4) of section 408(e) shall apply to any Catastrophe Savings Account.".

(b) Tax on Excess Contributions.—

(1) In General.—Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is

amended by striking "or" at the end of paragraph (4), by inserting "or" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) a Catastrophe Savings Account (as defined in section 530A).".

(2) EXCESS CONTRIBUTION.—Section 4973 of such Code is amended by adding at the end the following new subsection:

"(h) EXCESS CONTRIBUTIONS TO CATASTROPHE SAVINGS ACCOUNTS.—For purposes of this section, in the case of Catastrophe Savings Accounts (within the meaning of section 530A), the term 'excess contributions' means the amount by which the aggregate account balance for all Catastrophe Savings Accounts maintained for the benefit of an individual exceeds the account balance limit defined in section 530A(c)(1).".

(c) CONFORMING AMENDMENT.—The table of parts for subchapter F of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"PART IX. CATASTROPHE SAVINGS ACCOUNTS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

By Mr. NELSON of Florida:

S. 3116. A bill to amend the Internal Revenue Code of 1986 to provide for the creation of disaster protection funds by property and casualty insurance companies for the payment of policyholders' claims arising from future catastrophic events; to the Committee on Finance.

S. 3116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Policyholder Disaster Protection Act of 2006".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Rising costs resulting from natural disasters are placing an increasing strain on the ability of property and casualty insurance companies to assure payment of homeowners' claims and other insurance claims arising from major natural disasters now and in the future.

(2) Present tax laws do not provide adequate incentives to assure that natural disaster insurance is provided or, where such insurance is provided, that funds are available for payment of insurance claims in the event of future catastrophic losses from major natural disasters, as present law requires an insurer wishing to accumulate surplus assets for this purpose to do so entirely from its after-tax retained earnings.

(3) Revising the tax laws applicable to the property and casualty insurance industry to permit carefully controlled accumulation of pretax dollars in separate reserve funds devoted solely to the payment of claims arising from future major natural disasters will provide incentives for property and casualty insurers to make natural disaster insurance available, will give greater protection to the Nation's homeowners, small businesses, and other insurance consumers, and will help assure the future financial health of the Nation's insurance system as a whole.

(4) Implementing these changes will reduce the possibility that a significant portion of the private insurance system would fail in the wake of a major natural disaster and that governmental entities would be required to step in to provide relief at taxpayer expense.

SEC. 3. CREATION OF POLICYHOLDER DISASTER PROTECTION FUNDS; CONTRIBUTIONS TO AND DISTRIBUTIONS FROM FUNDS; OTHER RULES.

(a) CONTRIBUTIONS TO POLICYHOLDER DISASTER PROTECTION FUNDS.—Subsection (c) of section 832 of the Internal Revenue Code of 1986 (relating to the taxable income of insurance companies other than life insurance companies) is amended by striking "and" at the end of paragraph (12), by striking the period at the end of paragraph (13) and inserting "; and", and by adding at the end the following new paragraph:

"(14) the qualified contributions to a policyholder disaster protection fund during the taxable year.".

(b) DISTRIBUTIONS FROM POLICYHOLDER DISASTER PROTECTION FUNDS.—Paragraph (1) of section 832(b) of such Code is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following new subparagraph:

"(F) the amount of any distributions from a policyholder disaster protection fund during the taxable year, except that a distribution made to return to the qualified insurance company any contribution which is not a qualified contribution (as defined in subsection (h)) for a taxable year shall not be included in gross income if such distribution is made prior to the filing of the tax return for such taxable year.".

(c) DEFINITIONS AND OTHER RULES RELATING TO POLICYHOLDER DISASTER PROTECTION FUNDS.—Section 832 of such Code (relating to insurance company taxable income) is amended by adding at the end the following new subsection:

"(h) DEFINITIONS AND OTHER RULES RELATING TO POLICYHOLDER DISASTER PROTECTION FUNDS.—For purposes of this section—

"(1) POLICYHOLDER DISASTER PROTECTION FUND.—The term 'policyholder disaster protection fund' (hereafter in this subsection referred to as the 'fund') means any custodial account, trust, or any other arrangement or account—

"(A) which is established to hold assets that are set aside solely for the payment of qualified losses, and

"(B) under the terms of which—

"(i) the assets in the fund are required to be invested in a manner consistent with the investment requirements applicable to the qualified insurance company under the laws of its jurisdiction of domicile,

"(ii) the net income for the taxable year derived from the assets in the fund is required to be distributed no less frequently than annually,

"(iii) an excess balance drawdown amount is required to be distributed to the qualified insurance company no later than the close of the taxable year following the taxable year for which such amount is determined,

"(iv) a catastrophe drawdown amount may be distributed to the qualified insurance company if distributed prior to the close of the taxable year following the year for which such amount is determined,

"(v) a State required drawdown amount may be distributed, and

"(vi) no distributions from the fund are required or permitted other than the distributions described in clauses (ii) through (v) and the return to the qualified insurance company of contributions that are not qualified contributions.

"(2) QUALIFIED INSURANCE COMPANY.—The term 'qualified insurance company' means any insurance company subject to tax under section 831(a).

"(3) QUALIFIED CONTRIBUTION.—The term 'qualified contribution' means a contribution to a fund for a taxable year to the extent that the amount of such contribution, when added to the previous contributions to the fund for such taxable year, does not exceed the excess of—

"(A) the fund cap for the taxable year, over

"(B) the fund balance determined as of the close of the preceding taxable year.

"(4) EXCESS BALANCE DRAWDOWN AMOUNTS.—The term 'excess balance drawdown amount' means the excess (if any) of—

"(A) the fund balance as of the close of the taxable year, over

"(B) the fund cap for the following taxable year.

"(5) CATASTROPHE DRAWDOWN AMOUNT.—

"(A) IN GENERAL.—The term 'catastrophe drawdown amount' means an amount that does not exceed the lesser of the amount determined under subparagraph (B) or (C).

"(B) NET LOSSES FROM QUALIFYING EVENTS.—The amount determined under this subparagraph shall be equal to the qualified losses for the taxable year determined without regard to clause (ii) of paragraph (8)(A).

"(C) GROSS LOSSES IN EXCESS OF THRESHOLD.—The amount determined under this subparagraph shall be equal to the excess (if any) of—

"(i) the qualified losses for the taxable year, over

"(ii) the lesser of—

"(I) the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

"(II) 30 percent of the qualified insurance company's surplus as regards policyholders as shown on the company's annual statement for the calendar year preceding the taxable year.

"(D) SPECIAL DRAWDOWN AMOUNT FOLLOWING A RECENT CATASTROPHE LOSS YEAR.—If for any taxable year included in the reference period the qualified losses exceed the amount determined under subparagraph (C)(ii), the 'catastrophe drawdown amount' shall be an amount that does not exceed the lesser of the amount determined under subparagraph (B) or the amount determined under this subparagraph. The amount determined under this subparagraph shall be an amount equal to the excess (if any) of—

"(i) the qualified losses for the taxable year, over

"(ii) the lesser of—

"(I) ⅓ of the fund cap for the taxable year (determined without regard to paragraph (9)(E)), or

"(II) 10 percent of the qualified insurance company's surplus as regards policyholders as shown on the company's annual statement for the calendar year preceding the taxable year.

"(E) REFERENCE PERIOD.—For purposes of subparagraph (D), the reference period shall be determined under the following table:

"For a taxable year beginning in—	**The reference period** shall be—
2009 and later	The 3 preceding taxable years.
2008	The 2 preceding taxable years.
2007	The preceding taxable year.
2006 or before	No reference period applies.

"(6) STATE REQUIRED DRAWDOWN AMOUNT.—The term 'State required drawdown amount' means any amount that the department of insurance for the qualified insurance company's jurisdiction of domicile requires to be distributed from the fund, to the extent such amount is not otherwise described in paragraph (4) or (5).

"(7) FUND BALANCE.—The term 'fund balance' means—

"(A) the sum of all qualified contributions to the fund,

"(B) less any net investment loss of the fund for any taxable year or years, and

"(C) less the sum of all distributions under clauses (iii) through (v) of paragraph (1)(B).

"(8) QUALIFIED LOSSES.—

"(A) IN GENERAL.—The term 'qualified losses' means, with respect to a taxable year—

"(i) the amount of losses and loss adjustment expenses incurred in the qualified lines of business specified in paragraph (9), net of reinsurance, as reported in the qualified insurance company's annual statement for the taxable year, that are attributable to one or more qualifying events (regardless of when such qualifying events occurred),

"(ii) the amount by which such losses and loss adjustment expenses attributable to such qualifying events have been reduced for reinsurance received and recoverable, plus

"(iii) any nonrecoverable assessments, surcharges, or other liabilities that are borne by the qualified insurance company and are attributable to such qualifying events.

"(B) QUALIFYING EVENT.—For purposes of subparagraph (A), the term 'qualifying event' means any event that satisfies clauses (i) and (ii).

"(i) EVENT.—An event satisfies this clause if the event is 1 or more of the following:

"(I) Windstorm (hurricane, cyclone, or tornado).

"(II) Earthquake (including any fire following).

"(III) Winter catastrophe (snow, ice, or freezing).

"(IV) Fire.

"(V) Tsunami.

"(VI) Flood.

"(VII) Volcanic eruption.

"(VIII) Hail.

"(ii) CATASTROPHE DESIGNATION.—An event satisfies this clause if the event—

"(I) is designated a catastrophe by Property Claim Services or its successor organization,

"(II) is declared by the President to be an emergency or disaster, or

"(III) is declared to be an emergency or disaster in a similar declaration by the chief executive official of a State, possession, or territory of the United States, or the District of Columbia.

"(9) FUND CAP.—

"(A) IN GENERAL.—The term 'fund cap' for a taxable year is the sum of the separate lines of business caps for each of the qualified lines of business specified in the table contained in subparagraph (C) (as modified under subparagraphs (D) and (E)).

"(B) SEPARATE LINES OF BUSINESS CAP.—For purposes of subparagraph (A), the separate lines of business cap, with respect to a qualified line of business specified in the table contained in subparagraph (C), is the product of—

"(i) net written premiums reported in the annual statement for the calendar year preceding the taxable year in such line of business, multiplied by

"(ii) the fund cap multiplier applicable to such qualified line of business.

"(C) QUALIFIED LINES OF BUSINESS AND THEIR RESPECTIVE FUND CAP MULTIPLIERS.—For purposes of this paragraph, the qualified lines of business and fund cap multipliers specified in this subparagraph are those specified in the following table:

"**Line of Business on Annual Statement Blank:**	**Fund Cap Multiplier:**
Fire	0.25
Allied	1.25
Farmowners Multiple Peril	0.25
Homeowners Multiple Peril	0.75
Commercial Multi Peril (non-liability portion)	0.50
Earthquake	13.00
Inland Marine	0.25.

"(D) SUBSEQUENT MODIFICATIONS OF THE ANNUAL STATEMENT BLANK.—If, with respect to any taxable year beginning after the effective date of this subsection, the annual statement blank required to be filed is amended to replace, combine, or otherwise modify any of the qualified lines of business specified in subparagraph (C), then for such taxable year subparagraph (C) shall be applied in a manner such that the fund cap shall be the same amount as if such reporting modification had not been made.

"(E) 20-YEAR PHASE-IN.—Notwithstanding subparagraph (C), the fund cap for a taxable year shall be the amount determined under subparagraph (C), as adjusted pursuant to subparagraph (D) (if applicable), multiplied by the phase-in percentage indicated in the following table:

"Taxable year beginning in:	Phase-in percentage to be applied to fund cap computed under subparagraphs (A) and (B):
2006	5 percent
2007	10 percent
2008	15 percent
2009	20 percent
2010	25 percent
2011	30 percent
2012	35 percent
2013	40 percent
2014	45 percent
2015	50 percent
2016	55 percent
2017	60 percent
2018	65 percent
2019	70 percent
2020	75 percent
2021	80 percent
2022	85 percent
2023	90 percent
2024	95 percent
2025 and later	100 percent

"(10) TREATMENT OF INVESTMENT INCOME AND GAIN OR LOSS.—

"(A) CONTRIBUTIONS IN KIND.—A transfer of property other than money to a fund shall be treated as a sale or exchange of such property for an amount equal to its fair market value as of the date of transfer, and appropriate adjustment shall be made to the basis of such property. Section 267 shall apply to any loss realized upon such a transfer.

"(B) DISTRIBUTIONS IN KIND.—A transfer of property other than money by a fund to the qualified insurance company shall not be treated as a sale or exchange or other disposition of such property. The basis of such property immediately after such transfer shall be the greater of the basis of such property immediately before such transfer or the fair market value of such property on the date of such transfer.

"(C) INCOME WITH RESPECT TO FUND ASSETS.—Items of income of the type described in paragraphs (1)(B), (1)(C), and (2) of subsection (b) that are derived from the assets held in a fund, as well as losses from the sale or other disposition of such assets, shall be considered items of income, gain, or loss of the qualified insurance company. Notwithstanding paragraph (1)(F) of subsection (b), distributions of net income to the qualified insurance company pursuant to paragraph (1)(B)(ii) of this subsection shall not cause such income to be taken into account a second time.

"(11) NET INCOME; NET INVESTMENT LOSS.—For purposes of paragraph (1)(B)(ii), the net income derived from the assets in the fund for the taxable year shall be the items of income and gain for the taxable year, less the items of loss for the taxable year, derived from such assets, as described in paragraph (10)(C). For purposes of paragraph (7), there is a net investment loss for the taxable year to the extent that the items of loss described in the preceding sentence exceed the items of income and gain described in the preceding sentence.

"(12) ANNUAL STATEMENT.—For purposes of this subsection, the term 'annual statement' shall have the meaning set forth in section 846(f)(3).

"(13) EXCLUSION OF PREMIUMS AND LOSSES ON CERTAIN PUERTO RICAN RISKS.—Notwithstanding any other provision of this subsection, premiums and losses with respect to risks covered by a catastrophe reserve established under the laws or regulations of the Commonwealth of Puerto Rico shall not be taken into account under this subsection in determining the amount of the fund cap or the amount of qualified losses.

"(14) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection, including regulations—

"(A) which govern the application of this subsection to a qualified insurance company having a taxable year other than the calendar year or a taxable year less than 12 months,

"(B) which govern a fund maintained by a qualified insurance company that ceases to be subject to this part, and

"(C) which govern the application of paragraph (9)(D).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2005.

By Mr. NELSON of Florida:

S. 3117. A bill to establish a program to provide more protection at lower cost through a national backstop for State natural catastrophe insurance programs to help the United States better prepare for and protect its citizens against the ravages of natural catastrophes, to encourage and promote mitigation and prevention for, and recovery and rebuilding from such catastrophes, to better assist in the financial recovery and rebuilding from such catastrophes, and to develop a rigorous process of continuous improvement; to the Commitment on Banking, Housing, and Urban Affairs.

S. 3117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Homeowners Protection Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Congressional findings.
Sec. 3. National Commission on Catastrophe Preparation and Protection.
Sec. 4. Program authority.
Sec. 5. Qualified lines of coverage.
Sec. 6. Covered perils.
Sec. 7. Contracts for reinsurance coverage for eligible State programs.
Sec. 8. Minimum level of retained losses and maximum Federal liability.
Sec. 9. Consumer Hurricane, Earthquake, Loss Protection (HELP) Fund.
Sec. 10. Regulations.
Sec. 11. Termination.
Sec. 12. Annual study concerning benefits of the Act.
Sec. 13. GAO study of the National Flood Insurance Program and hurricane-related flooding.
Sec. 14. Definitions.

SEC. 2. FINDINGS.

Congress finds that—

(1) America needs to take steps to be better prepared for and better protected from catastrophes;

(2) the hurricane seasons of 2004 and 2005 are startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause;

(3) if a repeat of the deadly 1900 Galveston hurricane occurred again it could cause thousands of deaths and over $36,000,000,000 in loss;

(4) if the 1906 San Francisco earthquake occurred again it could cause thousands of deaths, displace millions of residents, destroy thousands of businesses, and cause over $400,000,000,000 in loss;

(5) if a Category 5 hurricane were to hit Miami it could cause thousands of deaths and over $50,000,000,000 in loss and devastate the local and national economy;

(6) if a repeat of the 1938 "Long Island Express" were to occur again it could cause thousands of deaths and over $30,000,000,000 in damage, and if a hurricane that strong were to directly hit Manhattan it could cause over $150,000,000,000 in damage and cause irreparable harm to our Nation's economy;

(7) a more comprehensive and integrated approach to dealing with catastrophes is needed;

(8) using history as a guide, natural catastrophes will inevitably place a tremendous strain on homeowners' insurance markets in many areas, will raise costs for consumers, and will jeopardize the ability of many consumers to adequately insure their homes and possessions;

(9) the lack of sufficient insurance capacity and the inability of private insurers to build enough capital, in a short amount of time, threatens to increase the number of uninsured homeowners, which, in turn, increases the risk of mortgage defaults and the strain on the Nation's banking system;

(10) some States have exercised leadership through reasonable action to ensure the continued availability and affordability of homeowners' insurance for all residents;

(11) it is appropriate that efforts to improve insurance availability be designed and implemented at the State level;

(12) while State insurance programs may be adequate to cover losses from most natural disasters, a small percentage of events is likely to exceed the financial capacity of these programs and the local insurance markets;

(13) a limited national insurance backstop will improve the effectiveness of State insurance programs and private insurance markets and will increase the likelihood that homeowners' insurance claims will be fully paid in the event of a large natural catastrophe and that routine claims that occur after a mega-catastrophe will also continue to be paid;

(14) it is necessary to provide a national insurance backstop program that will provide more protection at an overall lower cost and that will promote stability in the homeowners' insurance market;

(15) it is the proper role of the Federal Government to prepare for and protect its citizens from catastrophes and to facilitate consumer protection, victim assistance, and recovery, including financial recovery; and

(16) any Federal reinsurance program must be founded upon sound actuarial principles and priced in a manner that encourages the creation of State funds and maximizes the buying potential of these State funds and encourages and promotes prevention and mitigation, recovery and rebuilding, and consumer education, and emphasizes continuous analysis and improvement.

SEC. 3. NATIONAL COMMISSION ON CATASTROPHE PREPARATION AND PROTECTION.

(a) ESTABLISHMENT.—The Secretary of the Treasury shall establish a commission to be known as the National Commission on Catastrophe Preparation and Protection.

(b) DUTIES.—The Commission shall meet for the purpose of advising the Secretary regarding the estimated loss costs associated with the contracts for reinsurance coverage available under this Act and carrying out the functions specified in this Act, including—

(1) the development and implementation of public education concerning the risks posed by natural catastrophes;

(2) the development and implementation of prevention, mitigation, recovery, and rebuilding standards that better prepare and protect the United States from catastrophes; and

(3) conducting continuous analysis of the effectiveness of this Act and recommending improvements to the Congress so that—

(A) the costs of providing catastrophe protection are decreased; and

(B) the United States is better prepared.

(c) MEMBERS.—

(1) APPOINTMENT AND QUALIFICATION.—The Commission shall consist of 9 members, as follows:

(A) HOMELAND SECURITY MEMBER.—The Secretary of Homeland Security or the Secretary's designee.

(B) APPOINTED MEMBERS.—8 members appointed by the Secretary, who shall consist of—

(i) 1 individual who is an actuary;

(ii) 1 individual who is employed in engineering;

(iii) 1 individual representing the scientific community;

(iv) 1 individual representing property and casualty insurers;

(v) 1 individual representing reinsurers;

(vi) 1 individual who is a member or former member of the National Association of Insurance Commissioners; and

(vii) 2 individuals who are consumers.

(2) PREVENTION OF CONFLICTS OF INTEREST.—Members shall have no personal or financial interest at stake in the deliberations of the Commission.

(d) TREATMENT OF NON-FEDERAL MEMBERS.—Each member of the Commission who is not otherwise employed by the Federal Government shall be considered a special Government employee for purposes of sections 202 and 208 of title 18, United States Code.

(e) EXPERTS AND CONSULTANTS.—

(1) IN GENERAL.—The Commission may procure temporary and intermittent services from individuals or groups recognized as experts in the fields of meteorology, seismology, vulcanlogy, geology, structural engineering, wind engineering, and hydrology, and other fields, under section 3109(b) of title 5, United States Code, but at a rate not in excess of the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule, for each day during which the individual procured is performing such services for the Commission.

(2) OTHER EXPERTS.—The Commission may also procure, and the Congress encourages the Commission to procure, experts from universities, research centers, foundations, and other appropriate organizations who could study, research, and develop methods and mechanisms that could be utilized to strengthen structures to better withstand the perils covered by this Act.

(f) COMPENSATION.—

(1) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate of basic pay payable for level V of the Executive Schedule, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(g) OBTAINING DATA.—

(1) IN GENERAL.—The Commission and the Secretary may solicit loss exposure data and such other information as either the Commission or the Secretary deems necessary to carry out its responsibilities from governmental agencies and bodies and organizations that act as statistical agents for the insurance industry.

(2) OBLIGATION TO KEEP CONFIDENTIAL.—The Commission and the Secretary shall take such actions as are necessary to ensure that information that either deems confidential or proprietary is disclosed only to authorized individuals working for the Commission or the Secretary.

(3) FAILURE TO COMPLY.—No State insurance or reinsurance program may participate if any governmental agency within that State has refused to provide information requested by the Commission or the Secretary.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(A) $10,000,000 for fiscal year 2007 for the—

(i) initial expenses in establishing the Commission; and

(ii) initial activities of the Commission that cannot timely be covered by amounts obtained pursuant to section 7(b)(6)(B)(iii), as determined by the Secretary;

(B) such additional sums as may be necessary to carry out subsequent activities of the Commission;

(C) $10,000,000 for fiscal year 2007 for the initial expenses of the Secretary in carrying out the program authorized under section 4; and

(D) such additional sums as may be necessary to carry out subsequent activities of the Secretary under this Act.

(2) OFFSET.—

(A) OBTAINED FROM PURCHASERS.—The Secretary shall provide, to the maximum extent practicable, that an amount equal to any amount appropriated under paragraph (1) is obtained from purchasers of reinsurance coverage under this Act and deposited in the Fund established under section 9.

(B) Inclusion in pricing contracts.—Any offset obtained under subparagraph (A) shall be obtained by inclusion of a provision for the Secretary's and the Commission's expenses incorporated into the pricing of the contracts for such reinsurance coverage, pursuant to section 7(b)(6)(B)(iii).

(i) Termination.—The Commission shall terminate upon the effective date of the repeal under section 11(c).

SEC. 4. PROGRAM AUTHORITY.

(a) In General.—The Secretary, in consultation with the Secretary of Homeland Security, shall carry out a program under this Act to make homeowners protection coverage available through contracts for reinsurance coverage under section 7, which shall be made available for purchase only by eligible State programs.

(b) Purpose.—The program shall be designed to make reinsurance coverage under this Act available—

(1) to improve the availability and affordability of homeowners' insurance for the purpose of facilitating the pooling, and spreading the risk, of catastrophic financial losses from natural catastrophes;

(2) to improve the solvency and capacity of homeowners' insurance markets;

(3) to encourage the development and implementation of mitigation, prevention, recovery, and rebuilding standards; and

(4) to recommend methods to continuously improve the way the United States reacts and responds to catastrophes, including improvements to the HELP Fund established under section 9.

(c) Contract Principles.—Under the program established under this Act, the Secretary shall offer reinsurance coverage through contracts with covered purchasers, which contracts shall—

(1) minimize the administrative costs of the Federal Government; and

(2) provide coverage based solely on insured losses within a State for the eligible State program purchasing the contract.

SEC. 5. QUALIFIED LINES OF COVERAGE.

Each contract for reinsurance coverage made available under this Act shall provide insurance coverage against residential property losses to—

(1) homes (including dwellings owned under condominium and cooperative ownership arrangements); and

(2) the contents of apartment buildings.

SEC. 6. COVERED PERILS.

(a) In General.—Each contract for reinsurance coverage made available under this Act shall cover losses insured or reinsured by an eligible State program purchasing the contract that are proximately caused by—

(1) earthquakes;

(2) perils ensuing from earthquakes, including fire and tsunamis;

(3) tropical cyclones having maximum sustained winds of at least 74 miles per hour, including hurricanes and typhoons;

(4) tornadoes;

(5) volcanic eruptions;

(6) catastrophic winter storms; and

(7) any other natural catastrophe peril (not including any flood) insured or reinsured under the eligible State program for which reinsurance coverage under section 7 is provided.

(b) Rulemaking.—The Secretary shall, by regulation, define the natural catastrophe perils described in subsection (a)(7).

SEC. 7. CONTRACTS FOR REINSURANCE COVERAGE FOR ELIGIBLE STATE PROGRAMS.

(a) Eligible State Programs.—A program shall be eligible to purchase a contract under this section for reinsurance coverage under this Act only if the State entity authorized to make such determinations certifies to the Secretary that the program complies with the following requirements:

(1) Program design.—The program shall be a State-operated—

(A) insurance program that—

(i) offers coverage for—

(I) homes (which may include dwellings owned under condominium and cooperative ownership arrangements); and

(II) the contents of apartments to State residents; and

(ii) is authorized by State law; or

(B) reinsurance program that is designed to improve private insurance markets that offer coverage for—

(i) homes (which may include dwellings owned under condominium and cooperative ownership arrangements); and

(ii) the contents of apartments.

(2) Operation.—

(A) In general.—The program shall meet the following requirements:

(i) A majority of the members of the governing body of the program shall be public officials.

(ii) The State shall have a financial interest in the program, which shall not include a program authorized by State law or regulation that requires insurers to pool resources to provide property insurance coverage for covered perils.

(iii) The State shall not be eligible for Consumer HELP Fund assistance under section 9 if a State has appropriated money from the State fund and not paid it back to the State fund, with interest.

(iv) Upon receipt of assistance from the Consumer HELP Fund, each reimbursement contract sold by a State shall provide for reimbursements at 100 percent of eligible losses.

(v) A State shall be required to utilize either—

(I) an open rating system that permits insurers to set homeowners' insurance rates without prior approval of the State; or

(II) a rate approval process that requires actuarially sound, risk-based, self-sufficient homeowners' insurance rates.

(B) Certification.—A State shall not be eligible for Consumer HELP Fund assistance unless the Secretary can certify that such State is in compliance with the requirement described in clause (v).

(3) Tax status.—The program shall be structured and carried out in a manner so that the program is exempt from all Federal taxation.

(4) Coverage.—The program shall cover perils enumerated in section 6.

(5) Earnings.—The program may not provide for, nor shall have ever made, any redistribution of any part of any net profits of the program to any insurer that participates in the program.

(6) Prevention and mitigation.—

(A) In general.—The program shall include prevention and mitigation provisions that require that not less $10,000,000 and not more than 35 percent of the net investment income of the State insurance or reinsurance program be used for programs to mitigate losses from natural catastrophes for which the State insurance or reinsurance program was established.

(B) Rule of construction.—For purposes of this paragraph, prevention and mitigation shall include methods to reduce losses of life and property, including appropriate measures to adequately reflect—

(i) encouragement of awareness about the risk factors and what can be done to eliminate or reduce them;

(ii) location of the risk, by giving careful consideration of the natural risks for the location of the property before allowing building and considerations if structures are allowed; and

(iii) construction relative to the risk and hazards, which act upon—

(I) State mandated building codes appropriate for the risk;

(II) adequate enforcement of the risk-appropriate building codes;

(III) building materials that prevent or significantly lessen potential damage from the natural catastrophes;

(IV) building methods that prevent or significantly lessen potential damage from the natural catastrophes; and

(V) a focus on prevention and mitigation for any substantially damaged structure, with an emphasis on how structures can be retrofitted so as to make them building code compliant.

(7) Requirements regarding coverage.—

(A) In general.—The program—

(i) may not, except for charges or assessments related to post-event financing or bonding, involve cross-subsidization between any separate property and casualty lines covered under the program unless the elimination of such activity in an existing program would negatively impact the eligibility of the program to purchase a contract for reinsurance coverage under this Act pursuant to paragraph (3);

(ii) shall include provisions that authorize the State insurance commissioner or other State entity authorized to make such a determination to terminate the program if the insurance commissioner or other such entity determines that the program is no longer necessary to ensure the availability of homeowners' insurance for all residents of the State; and

(iii) shall provide that, for any insurance coverage for homes (which may include dwellings owned under condominium and cooperative ownership arrangements) and the contents of apartments that is made available under the State insurance program and for any reinsurance coverage for such insurance coverage made available under the State reinsurance program, the premium rates charged shall be amounts that, at a minimum, are sufficient to cover the full actuarial costs of such coverage, based on consideration of the risks involved and accepted actuarial and rate making principles, anticipated administrative expenses, and loss and loss-adjustment expenses.

(B) Applicability.—This paragraph shall apply—

(i) before the expiration of the 2-year period beginning on the date of the enactment of this Act, only to State programs which, after January 1, 2007, commence offering insurance or reinsurance coverage described in subparagraph (A) or (B), respectively, of paragraph (1); and

(ii) after the expiration of such period, to all State programs.

(8) Other qualifications.—

(A) Regulations.—

(i) Compliance.—The State program shall (for the year for which the coverage is in effect) comply with regulations that shall be issued under this paragraph by the Secretary, in consultation with the National Commission on Catastrophe Preparation and Protection established under section 3.

(ii) CRITERIA.—The regulations issued under clause (i) shall establish criteria for State programs to qualify to purchase reinsurance under this section, which are in addition to the requirements under the other paragraphs of this subsection.

(B) CONTENTS.—The regulations issued under subparagraph (A)(i) shall include requirements that—

(i) the State program shall have public members on its board of directors or have an advisory board with public members;

(ii) the State program provide adequate insurance or reinsurance protection, as applicable, for the peril covered, which shall include a range of deductibles and premium costs that reflect the applicable risk to eligible properties;

(iii) insurance or reinsurance coverage, as applicable, provided by the State program is made available on a nondiscriminatory basis to all qualifying residents;

(iv) any new construction, substantial rehabilitation, and renovation insured or reinsured by the program complies with applicable State or local government building, fire, and safety codes;

(v) the State, or appropriate local governments within the State, have in effect and enforce nationally recognized model building, fire, and safety codes and consensus-based standards that offer risk responsive resistance that is substantially equivalent or greater than the resistance to earthquakes or high winds;

(vi) the State has taken actions to establish an insurance rate structure that takes into account measures to mitigate insurance losses;

(vii) there are in effect, in such State, laws or regulations sufficient to prohibit price gouging, during the term of reinsurance coverage under this Act for the State program in any disaster area located within the State; and

(viii) the State program complies with such other requirements that the Secretary considers necessary to carry out the purposes of this Act.

(b) TERMS OF CONTRACTS.—Each contract under this section for reinsurance coverage under this Act shall be subject to the following terms and conditions:

(1) MATURITY.—The term of the contract shall not exceed 1 year or such longer term as the Secretary may determine.

(2) PAYMENT CONDITION.—The contract shall authorize claims payments for eligible losses only to the eligible State program purchasing the coverage.

(3) RETAINED LOSSES REQUIREMENT.—For each event of a covered peril, the contract shall make a payment for the event only if the total amount of insurance claims for losses, which are covered by qualified lines, occur to properties located within the State covered by the contract, and that result from events, exceeds the amount of retained losses provided under the contract (pursuant to section 8(a)) purchased by the eligible State program.

(4) MULTIPLE EVENTS.—The contract shall—

(A) cover any eligible losses from 1 or more covered events that may occur during the term of the contract; and

(B) provide that if multiple events occur, the retained losses requirement under paragraph (3) shall apply on a calendar year basis, in the aggregate and not separately to each individual event.

(5) TIMING OF ELIGIBLE LOSSES.—Eligible losses under the contract shall include only insurance claims for property covered by qualified lines that are reported to the eligible State program within the 3-year period beginning upon the event or events for which payment under the contract is provided.

(6) PRICING.—

(A) DETERMINATION.—The price of reinsurance coverage under the contract shall be an amount established by the Secretary as follows:

(i) RECOMMENDATIONS.—The Secretary shall take into consideration the recommendations of the Commission in establishing the price, but the price may not be less than the amount recommended by the Commission.

(ii) FAIRNESS TO TAXPAYERS.—The price shall be established at a level that—

(I) is designed to reflect the risks and costs being borne under each reinsurance contract issued under this Act; and

(II) takes into consideration empirical models of natural disasters and the capacity of private markets to absorb insured losses from natural disasters.

(iii) SELF-SUFFICIENCY.—The rates for reinsurance coverage shall be established at a level that annually produces expected premiums that shall be sufficient to pay the expected annualized cost of all claims, loss adjustment expenses, and all administrative costs of reinsurance coverage offered under this section.

(B) COMPONENTS.—The price shall consist of the following components:

(i) RISK-BASED PRICE.—A risk-based price, which shall reflect the anticipated annualized payout of the contract according to the actuarial analysis and recommendations of the Commission.

(ii) ADMINISTRATIVE COSTS.—A sum sufficient to provide for the operation of the Commission and the administrative expenses incurred by the Secretary in carrying out this Act.

(7) INFORMATION.—The contract shall contain a condition providing that the Commission may require a State program that is covered under the contract to submit to the Commission all information on the State program relevant to the duties of the Commission, as determined by the Secretary.

(8) ADDITIONAL CONTRACT OPTION.—

(A) IN GENERAL.—The contract shall provide that the purchaser of the contract may, during a term of such original contract, purchase additional contracts from among those offered by the Secretary at the beginning of the term, subject to the limitations under section 8, at the prices at which such contracts were offered at the beginning of the term, prorated based upon the remaining term as determined by the Secretary.

(B) TIMING.—An additional contract purchased under subparagraph (A) shall provide coverage beginning on a date 15 days after the date of purchase but shall not provide coverage for losses for an event that has already occurred.

(9) OTHERS.—The contract shall contain such other terms as the Secretary considers necessary—

(A) to carry out this Act; and

(B) to ensure the long-term financial integrity of the program under this Act.

(c) PARTICIPATION BY MULTI-STATE CATASTROPHE FUND PROGRAMS.—

(1) IN GENERAL.—Nothing in this Act shall prohibit, and this Act shall be construed to facilitate and encourage, the creation of multi-State catastrophe insurance or reinsurance programs, or the participation by such programs in the program established pursuant to section 4.

(2) REGULATIONS.—The Secretary shall, by regulation, apply the provisions of this Act to multi-State catastrophe insurance and reinsurance programs.

SEC. 8. MINIMUM LEVEL OF RETAINED LOSSES AND MAXIMUM FEDERAL LIABILITY.

(a) AVAILABLE LEVELS OF RETAINED LOSSES.—In making reinsurance coverage available under this Act, the Secretary shall make available for purchase contracts for such coverage that require the sustainment of retained losses from covered perils (as required under section 7(b)(3) for payment of eligible losses) in various amounts, as the Secretary, in consultation with the Commission, determines appropriate and subject to the requirements under subsection (b).

(b) MINIMUM LEVEL OF RETAINED LOSSES.—

(1) CONTRACTS FOR STATE PROGRAMS.—Subject to paragraphs (3) and (4) and notwithstanding any other provision of this Act, a contract for reinsurance coverage under section 7 for an eligible State program that offers insurance or reinsurance coverage described in subparagraph (A) or (B), respectively, of section 7(a)(1), may not be made available or sold unless the contract requires retained losses from covered perils in the following amount:

(A) IN GENERAL.—The State program shall sustain an amount of retained losses of not less than—

(i) the claims-paying capacity of the eligible State program, as determined by the Secretary; and

(ii) an amount, determined by the Secretary in consultation with the Commission, that is the amount equal to the eligible losses projected to be incurred at least once every 50 years on an annual basis from covered perils.

(B) TRANSITION RULE FOR EXISTING PROGRAMS.—

(i) CLAIMS-PAYING CAPACITY.—Subject to clause (ii), in the case of any eligible State program that was offering insurance or reinsurance coverage on the date of the enactment of this Act and the claims-paying capacity of which is greater than the amount determined under subparagraph (A)(i) but less than an amount determined for the program under subparagraph (A)(ii), the minimum level of retained losses applicable under this paragraph shall be the claims-paying capacity of such State program.

(ii) AGREEMENT.—

(I) IN GENERAL.—Clause (i) shall apply to a State program only if the program enters into a written agreement with the Secretary providing a schedule for increasing the claims-paying capacity of the program to the amount determined for the program under subparagraph (A)(ii) over a period not to exceed 5 years.

(II) EXTENSION.—The Secretary may extend the 5-year period under subclause (I) for not more than 5 additional 1-year periods if the Secretary determines that losses incurred by the State program as a result of covered perils create excessive hardship on the State program.

(III) CONSULTATION.—The Secretary shall consult with the appropriate officials of the State program regarding the required schedule and any potential 1-year extensions.

(C) TRANSITION RULE FOR NEW PROGRAMS.—

(i) 50-YEAR EVENT.—The Secretary may provide that, in the case of an eligible State program that, after January 1, 2007, commences offering insurance or reinsurance coverage, during the 7-year period beginning on the date that reinsurance coverage under section 7 is first made available, the minimum level of retained losses applicable under this paragraph shall be the amount determined for the State under subparagraph

(A)(i), except that such minimum level shall be adjusted annually as provided in clause (ii) of this subparagraph.

(ii) ANNUAL ADJUSTMENT.—Each annual adjustment under this clause shall increase the minimum level of retained losses applicable under this subparagraph to an eligible State program described in clause (i) in a manner such that—

(I) during the course of such 7-year period, the applicable minimum level of retained losses approaches the minimum level that, under subparagraph (A)(ii), will apply to the eligible State program upon the expiration of such period; and

(II) each such annual increase is a substantially similar amount, to the extent practicable.

(D) REDUCTION BECAUSE OF REDUCED CLAIMS-PAYING CAPACITY.—

(i) AUTHORITY.—Notwithstanding subparagraphs (A), (B), and (C) or the terms contained in a contract for reinsurance pursuant to such subparagraphs, if the Secretary determines that the claims-paying capacity of an eligible State program has been reduced because of payment for losses due to an event, the Secretary may reduce the minimum level of retained losses.

(ii) TERM OF REDUCTION.—

(I) EXTENSION.—The Secretary may extend the 5-year period for not more than 5 additional 1-year periods if the Secretary determines that losses incurred by the State program as a result of covered perils create excessive hardship on the State program.

(II) CONSULTATION.—The Secretary shall consult with the appropriate officials of the State program regarding the required schedule and any potential 1-year extensions.

(E) CLAIMS-PAYING CAPACITY.—For purposes of this paragraph, the claims-paying capacity of a State-operated insurance or reinsurance program under section 7(a)(1) shall be determined by the Secretary, in consultation with the Commission, taking into consideration the claims-paying capacity as determined by the State program, retained losses to private insurers in the State in an amount assigned by the State insurance commissioner, the cash surplus of the program, and the lines of credit, reinsurance, and other financing mechanisms of the program established by law.

(c) MAXIMUM FEDERAL LIABILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary may sell only contracts for reinsurance coverage under this Act in various amounts that comply with the following requirements:

(A) ESTIMATE OF AGGREGATE LIABILITY.—The aggregate liability for payment of claims under all such contracts in any single year is unlikely to exceed $200,000,000,000 (as such amount is adjusted under paragraph (2)).

(B) ELIGIBLE LOSS COVERAGE SOLD.—Eligible losses covered by all contracts sold within a State during a 12-month period do not exceed the difference between the following amounts (each of which shall be determined by the Secretary in consultation with the Commission):

(i) The amount equal to the eligible loss projected to be incurred once every 500 years from a single event in the State.

(ii) The amount equal to the eligible loss projected to be incurred once every 50 years from a single event in the State.

(2) ANNUAL ADJUSTMENTS.—The Secretary shall annually adjust the amount under paragraph (1)(A) (as it may have been previously adjusted) to provide for inflation in accordance with an inflation index that the Secretary determines to be appropriate.

(d) LIMITATION ON PERCENTAGE OF RISK IN EXCESS OF RETAINED LOSSES.—

(1) IN GENERAL.—The Secretary may not make available for purchase contracts for reinsurance coverage under this Act that would pay out more than 100 percent of eligible losses in excess of retained losses in the case of a contract under section 7 for an eligible State program, for such State.

(2) PAYOUT.—For purposes of this subsection, the amount of payout from a reinsurance contract shall be the amount of eligible losses in excess of retained losses multiplied by the percentage under paragraph (1).

SEC. 9. CONSUMER HURRICANE, EARTHQUAKE, LOSS PROTECTION (HELP) FUND.

(a) ESTABLISHMENT.—There is established within the Treasury of the United States a fund to be known as the Consumer HELP Fund (in this section referred to as the "Fund").

(b) CREDITS.—The Fund shall be credited with—

(1) amounts received annually from the sale of contracts for reinsurance coverage under this Act;

(2) any amounts borrowed under subsection (d);

(3) any amounts earned on investments of the Fund pursuant to subsection (e); and

(4) such other amounts as may be credited to the Fund.

(c) USES.—Amounts in the Fund shall be available to the Secretary only for the following purposes:

(1) CONTRACT PAYMENTS.—For payments to covered purchasers under contracts for reinsurance coverage for eligible losses under such contracts.

(2) COMMISSION COSTS.—To pay for the operating costs of the Commission.

(3) ADMINISTRATIVE EXPENSES.—To pay for the administrative expenses incurred by the Secretary in carrying out the reinsurance program under this Act.

(4) TERMINATION.—Upon termination under section 11, as provided in such section.

(d) BORROWING.—

(1) AUTHORITY.—To the extent that the amounts in the Fund are insufficient to pay claims and expenses under subsection (c), the Secretary—

(A) may issue such obligations of the Fund as may be necessary to cover the insufficiency; and

(B) shall purchase any such obligations issued.

(2) PUBLIC DEBT TRANSACTION.—For the purpose of purchasing any such obligations under paragraph (1)—

(A) the Secretary may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code; and

(B) the purposes for which such securities are issued under such chapter are hereby extended to include any purchase by the Secretary of such obligations under this subsection.

(3) CHARACTERISTICS OF OBLIGATIONS.—Obligations issued under this subsection shall be in such forms and denominations, bear such maturities, bear interest at such rate, and be subject to such other terms and conditions, as the Secretary shall determine.

(4) TREATMENT.—All redemptions, purchases, and sales by the Secretary of obligations under this subsection shall be treated as public debt transactions of the United States.

(5) REPAYMENT.—Any obligations issued under this subsection shall be—

(A) repaid including interest, from the Fund; and

(B) recouped from premiums charged for reinsurance coverage provided under this Act.

(e) INVESTMENT.—If the Secretary determines that the amounts in the Fund are in excess of current needs, the Secretary may invest such amounts as the Secretary considers advisable in obligations issued or guaranteed by the United States.

(f) PROHIBITION OF FEDERAL FUNDS.—Except for amounts made available pursuant to subsection (d) and section 3(h), no further Federal funds shall be authorized or appropriated for the Fund or for carrying out the reinsurance program under this Act.

SEC. 10. REGULATIONS.

The Secretary, in consultation with the Secretary of the Department of Homeland Security, shall issue any regulations necessary to carry out the program for reinsurance coverage under this Act.

SEC. 11. TERMINATION.

(a) IN GENERAL.—Except as provided in subsection (b), the Secretary may not provide any reinsurance coverage under this Act covering any period after the expiration of the 20-year period beginning on the date of the enactment of this Act.

(b) EXTENSION.—If upon the expiration of the period under subsection (a) the Secretary, in consultation with the Commission, determines that continuation of the program for reinsurance coverage under this Act is necessary or appropriate to carry out the purpose of this Act under section 4(b) because of insufficient growth of capacity in the private homeowners' insurance market, the Secretary shall continue to provide reinsurance coverage under this Act until the expiration of the 5-year period beginning upon the expiration of the period under subsection (a).

(c) REPEAL.—Effective upon the date that reinsurance coverage under this Act is no longer available or in force pursuant to subsection (a) or (b), this Act (except for this section) is repealed.

(d) DEFICIT REDUCTION.—The Secretary shall cover into the General Fund of the Treasury any amounts remaining in the Fund under section 9 upon the repeal of this Act.

SEC. 12. ANNUAL STUDY CONCERNING BENEFITS OF THE ACT.

(a) IN GENERAL.—The Secretary shall, on an annual basis, conduct a study and submit to the Congress a report that—

(1) analyzes the cost and availability of homeowners' insurance for losses resulting from catastrophic natural disasters covered by the reinsurance program under this Act;

(2) describes the efforts of the participating States in—

(A) enacting preparedness, prevention, mitigation, recovery, and rebuilding standards; and

(B) educating the public on the risks associated with natural catastrophe; and

(3) makes recommendations regarding ways to improve the program under this Act and its administration.

(b) CONTENTS.—Each annual study under this section shall also determine and identify, on an aggregate basis—

(1) for each State or region, the capacity of the private homeowners' insurance market with respect to coverage for losses from catastrophic natural disasters;

(2) for each State or region, the percentage of homeowners who have such coverage, the catastrophes covered, and the average cost of such coverage; and

(3) for each State or region, the effects this Act is having on the availability and affordability of such insurance.

(c) TIMING.—Each annual report under this section shall be submitted not later than March 30 of the year after the year for which the study was conducted.

(d) COMMENCEMENT OF REPORTING REQUIREMENT.—The Secretary shall first submit an annual report under this section not later than 2 years after the date of the enactment of this Act.

SEC. 13. GAO STUDY OF THE NATIONAL FLOOD INSURANCE PROGRAM AND HURRICANE-RELATED FLOODING.

(a) IN GENERAL.—In light of the flooding associated with Hurricane Katrina, the Comptroller General of the United States shall conduct a study of the availability and adequacy of flood insurance coverage for losses to residences and other properties caused by hurricane-related flooding.

(b) CONTENTS.—The study under this section shall determine and analyze—

(1) the frequency and severity of hurricane-related flooding during the last 20 years in comparison with flooding that is not hurricane-related;

(2) the differences between the risks of flood-related losses to properties located within the 100-year floodplain and those located outside of such floodplain;

(3) the extent to which insurance coverage referred to in subsection (a) is available for properties not located within the 100-year floodplain;

(4) the advantages and disadvantages of making such coverage for such properties available under the national flood insurance program;

(5) appropriate methods for establishing premiums for insurance coverage under such program for such properties that, based on accepted actuarial and rate making principles, cover the full costs of providing such coverage;

(6) appropriate eligibility criteria for making flood insurance coverage under such program available for properties that are not located within the 100-year floodplain or within a community participating in the national flood insurance program;

(7) the appropriateness of the existing deductibles for all properties eligible for insurance coverage under the national flood insurance program, including the standard and variable deductibles for pre-FIRM and post-FIRM properties, and whether a broader range of deductibles should be established;

(8) income levels of policyholders of insurance made available under the national flood insurance program whose properties are pre-FIRM subsidized properties;

(9) how the national flood program is marketed, if changes can be made so that more people are aware of flood coverage, and how take-up rates may be improved;

(10) the number of homes that are not primary residences that are insured under the national flood insurance program and are pre-FIRM subsidized properties; and

(11) suggestions and means on how the program under this Act can better meet its stated goals as well as the feasibility of expanding the national flood insurance program to cover the perils covered by this Act.

(c) CONSULTATION WITH FEMA.—In conducting the study under this section, the Comptroller General shall consult with the Director of the Federal Emergency Management Agency.

(d) REPORT.—The Comptroller General shall complete the study under this section and submit a report to the Congress regarding the findings of the study not later than 5 months after the date of the enactment of this Act.

SEC. 14. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) COMMISSION.—The term "Commission" means the National Commission on Catastrophe Preparation and Protection established under section 3.

(2) COVERED PERILS.—The term "covered perils" means the natural disaster perils under section 6.

(3) COVERED PURCHASER.—The term "covered purchaser" means an eligible State-operated insurance or reinsurance program that purchases reinsurance coverage made available under a contract under section 7.

(4) DISASTER AREA.—The term "disaster area" means a geographical area, with respect to which—

(A) a covered peril specified in section 6 has occurred; and

(B) a declaration that a major disaster exists, as a result of the occurrence of such peril—

(i) has been made by the President of the United States; and

(ii) is in effect.

(5) ELIGIBLE LOSSES.—The term "eligible losses" means losses in excess of the sustained and retained losses, as defined by the Secretary after consultation with the Commission.

(6) ELIGIBLE STATE PROGRAM.—The term "eligible State program" means—

(A) a State program that, pursuant to section 7(a), is eligible to purchase reinsurance coverage made available through contracts under section 7; or

(B) a multi-State program that is eligible to purchase such coverage pursuant to section 7(c).

(7) PRICE GOUGING.—The term "price gouging" means the providing of any consumer good or service by a supplier related to repair or restoration of property damaged from a catastrophe for a price that the supplier knows or has reason to know is greater, by at least the percentage set forth in a State law or regulation prohibiting such act (notwithstanding any real cost increase due to any attendant business risk and other reasonable expenses that result from the major catastrophe involved), than the price charged by the supplier for such consumer good or service immediately before the disaster.

(8) QUALIFIED LINES.—The term "qualified lines" means lines of insurance coverage for which losses are covered under section 5 by reinsurance coverage under this Act.

(9) REINSURANCE COVERAGE.—The term "reinsurance coverage under this Act" means coverage under contracts made available under section 7.

(10) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(11) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

By Ms. SNOWE (for herself and Mr. CRAIG):

S. 3122. A bill to amend the Small Business Act to improve loans for members of the Guard and Reserve, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, our country has forever prided itself on providing individuals the opportunity to pursue a fair and prosperous existence. Our Nation's free markets enable small business owners to grow their enterprise and realize their dreams. Yet, small business owners and entrepreneurs are not blind to the costs of maintaining a free and open society. These same small business owners and entrepreneurs play a vital role in protecting freedom, at home and abroad. as members of the U.S. National Guard and Reserve Forces.

In recent years, however, the Department of Defense, DOD, has placed greater reliance on our nation's Guard and Reserve forces. In fact, since Septeber 2001, over 550,000 Guard and Reserve members have been called up in support of current operations, at the same time, making up nearly one-third of deployed service members in Iraq and Afghanistan. In addition, Guard and Reserve members have been charged in assisting with recovery efforts in the Gulf Coast, following some of the most devastating natural disasters in our country's history.

As these brave men and women are called to serve our Nation, the small businesses they temporarily leave behind often suffer. Many affected small buinesses experience slowing production and lost sales or incur additional expenses to compensate for an employee's absence. As a result, self-employed Guard and Reserve members and small businesses that employ Guard and Reserve members are "paying" a disproportionate and unfair share of the burden of increased call-ups. This is particularly troubling, because according to the majority of non-government-employed Guard and Reserve members are either self-employed or work for small businesses.

To help stem the ill affects of Guard and Reserve call-ups on small businesses, Senator CRAIG and I are introducing the Patriot Loan Act of 2006. This legislation improves the U.S. Small Business Administration's Military Reservist Economic Injury Disaster Loan, MREIDL, program. The MREIDL program was created to provide funds to eligible small businesses to meet ordinary and necessary operating expenses that the business cannot meet, because an essential employee was "called-up" to active duty in their role as a military reservist.

Specifically, our legislation would raise the maximum military reservist loan amount from $1,500,000 to $2,000,000. A maximum military reservist loan amount of $2,000,000 is the same level as many ofthe SBA's other loan programs, including: the 7(a) loans, international trade loans, and 504 Certified Development Corporation loans that serve a public policy goal.

This bill would allow the SBA Administrator, either directly or through banks to offer loans up to $25,000 without requiring collateral fr a loan applicant. Currently, the BA offers military reservist loans up to $5,000 without requiring collateral. This provision would increase that level to eligible small businesses.

The bill would also require the Administrator to give military reservist loan applications priority for processing and ensure that Guard and Reserve members are adequately assisted with their loan application by incorporating the support and expertise of SBA entrepreneurial development partners, such as Small Business Development Centers.

Finally, the legislation requires the SBA and DOD to develop a joint website and printed materials providing information regarding the MREIDL program for Guard and Reserve members, and that the SBA and DOD jointly conduct a feasibility study on introducing business mobilization and interruption insurance for members of the Guard and Reserve forces, and increased utilization of credit unions affiliated with the DOD.

I thank Senator Craig for working with me to help address this critical issue and I urge my colleagues to support this bill.

By Mr. LEAHY:

S. 3123. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

Mr. LEAHY. Mr. President, I ask unanimous consent that the text of the five bills on suspending duties be printed in the Record.

There being no objection, the text of the bills was ordered to be printed in the Record, as follows:

S. 3123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SKI AND SNOWBOARD PANTS

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.62.03. Ski/snowboard pants (provided for in subheading 6210.40.50). Free. No change. No change. On or before 12/31/2009.

(b) Effective Date.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. LEAHY:

S. 3124. A bill to suspend temporarily the duty on ski boots, cross country ski footwear and snowboard boots; to the Committee on Finance.

S. 3124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF CERTAIN EXISTING DUTY SUSPENSIONS AND REDUCTIONS

(a) Other Modifications.—

(1) Snowboard boots.—Heading 9902.64.04 of the Harmonized Tariff Schedule of the United States is amended—

(A) by striking "Snowboard" and inserting "Ski boots, cross country ski footwear and snowboard";

(B) by striking "4%" and inserting "Free"; and

(C) by striking "12/31/2006" and inserting "12/31/2009",

(b) Effective Date.—The amendments made by subsection (a) apply to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. LEAHY:

S. 3125. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

S. 3125

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SKI AND SNOWBOARD PANTS

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.62.01. Ski/snowboard pants (provided for in subheading 6203.43.35). Free. No change. No change. On or before 12/31/2009.

(b) Effective Date.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. LEAHY:

S. 3126. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

S. 3126

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SKI AND SNOWBOARD PANTS

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.62.02. Ski/snowboard pants (provided for in subheading 6204.63.30). Free. No change. No change. On or before 12/31/2009.

(b) Effective Date.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. LEAHY:

S. 3127. A bill to suspend temporarily the duty on ski and snowboard pants; to the Committee on Finance.

S. 3127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SKI AND SNOWBOARD PANTS.

(a) In General.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

9902.62.04. Ski/snowboard pants (provided for in subheading 6210.50.50). Free. No change. No change. On or before 12/31/2009.

(b) Effective Date.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself and Mr. Lugar):

S. 3171. A bill to establish the Department of Commerce an Under Secretary for United States Direct Investment, and for other purposes.

Mr. BINGAMAN. Mr. President, I rise today to introduce "The United States Direct Investment Act of 2006" with my colleague from Indiana, Senator Lugar. This legislation is a necessary step towards making our country more competitive in encouraging multinational businesses to expand or open new offices, facilities or plants in the United States instead of in another country. While the United States continues to be the premier place in the world to locate a business, we can no longer rely on our inherent advantages alone. This legislation will refocus the Administrations efforts so that we do a better job of reaching out to businesses around the world and convince them that they should expand their current operations or open new facility in the United States instead of somewhere else overseas.

Our legislation creates the United States Direct Investment Administration, USDIA, the Commerce Department to be lead by an Under Secretary. This new administration shall be responsible for collecting and analyzing data related to foreign direct investment flows. They shall create an annual Investment Report and an annual Direct Investment Agenda to be reported and sent to Congress. They will then assume responsibility as the lead agency for advocating and implementing strategic policies to encourage more investment in the United States from abroad. This new administration will manage an investment zone program for communities that have been negatively impacted by trade but want to attract international companies to locate in their area. Finally, this new administration will be empowered to create ten new "renewal communities" as currently defined under the Internal Revenue Code.

Many countries, particularly those in Europe, have committed significant resources and energy to recruiting foreign direct investment. In many cases, they have offices in the United States where they meet with U.S. companies to encourage them to consider their country for their next expansion. Right now our country does not have any comparable operation. We leave these efforts to our states, region and cities through economic development agencies and offices. Unlike other countries, we don't provide a Federal umbrella organization to help these people recruit more effectively. Because of their limited resources, this means that many of these economic development agencies are unable to effectively target potential businesses that might be an ideal fit for their city or State. In some cases, these areas may be going through an economic downturn due to the closing of a plant or factory making their limited resources even more scarce. This legislation would give these agencies the assistance and guidance they need to be more successful and effective in their recruiting efforts.

It is important that we focus not only on how to get businesses to stay in this country, but also on how we encourage overseas businesses to come here. In both cases, the end result is the same—more jobs for U.S. workers. Our first responsibility needs to be encouraging companies to stay in the United States, but we need to be cognizant of the fact that we will not always be successful. If we have a robust effort to encourage overseas companies to move facilities to our country we will be able to neutralize any unavoidable losses. Many of the pieces are already in place. We already collect much of the data and have an effective matrix of State, regional and local economic development entities. What this legislation does is put these pieces together in a way that accomplishes the primary job at hand—creating jobs in the United States.

I ask for unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Direct Investment Act of 2006".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the United States Direct Investment Administration established under section 4.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Finance and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce and Committee on Ways and Means of the House of Representatives.

(3) CRITICAL HIGH-TECHNOLOGY INDUSTRIES.—The term "critical high-technology industries" means industries involved in technology—

(A) the development of which will—

(i) provide a wide array of economic, environmental, energy, and defense-related returns for the United States; and

(ii) ensure United States economic, environmental, energy, and defense-related welfare; and

(B) in which the United States has an abiding interest in creating or maintaining secure domestic sources.

(4) DEPARTMENT.—The term "Department" means the Department of Commerce.

(5) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Commerce for United States Direct Investment described in section 4(a).

(6) UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.—The term "United States Direct Investment Promotion Committee" means the Interagency United States Direct Investment Promotion Committee established under section 7.

(7) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement establishing the World Trade Organization entered into on April 15, 1994.

SEC. 3. RELATION TO CFIUS.

The provisions of this Act shall not affect the implementation or application of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee).

SEC. 4. ESTABLISHMENT OF UNITED STATES DIRECT INVESTMENT ADMINISTRATION.

(a) IN GENERAL.—There is established in the Department of Commerce a United States Direct Investment Administration which shall be headed by an Under Secretary of Commerce for United States Direct Investment. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level III of the Executive Schedule in section 5314 of title 5, United States Code.

(b) DEPUTY UNDER SECRETARY.—There shall be in the Administration a Deputy Under Secretary for United States Direct Investment who shall be appointed by the President, by and with the advice of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule in section 5315 of title 5, United States Code.

(c) STAFF.—The Under Secretary may appoint such additional personnel to serve in the Administration as the Under Secretary determines necessary.

(d) DUTIES.—The Under Secretary, in cooperation with the Economics and Statistics Administration and other offices at the Department, shall—

(1) collect and analyze data related to the flow of direct investment in the United States and throughout the world, as described in section 5;

(2) submit to the appropriate congressional committees an annual United States Direct Investment Report, as described in section 6;

(3) develop and publish an annual United States Direct Investment Agenda;

(4) assume responsibility as the lead agency for advocating and implementing strategic policies that will increase direct investment in the United States;

(5) coordinate with the President regarding implementation of section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) and the activities of the Committee on Foreign Investment in the United States (or any successor committee); and

(6) in cooperation with the Economic Development Administration, administer an investment zone program for communities that have been negatively impacted by either trade or economic cycles.

(e) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by adding at the end the following: "Under Secretary of Commerce for United States Direct Investment.".

(2) Section 5315 of title 5, United States Code, is amended by adding at the end the following: "Deputy Under Secretary of Commerce for United States Direct Investment.".

SEC. 5. ANNUAL DIRECT INVESTMENT REPORT.

(a) ANNUAL DIRECT INVESTMENT REPORT.—Not later than April 30, 2007, and on or before March 31 of each succeeding calendar year, the Under Secretary shall submit a report on the data identified and the analysis described in subsection (b) for the preceding calendar year (which shall be known as the "Annual Direct Investment Report"). The Report shall be submitted to the President and the appropriate congressional committees.

(b) DATA IDENTIFICATION.—

(1) IN GENERAL.—The data identified and analysis for the Report described in subsection (a) means the data identified and analyzed by the Under Secretary of Commerce, in cooperation with the Economic and Statistics Administration and other offices at the Department and with the assistance of other departments and agencies, including the Office of the United States Trade Representative, for the preceding calendar year regarding the following:

(A) Policies, programs, and practices at the State and regional level designed to attract direct investment.

(B) The amount of direct investment attracted in each such State and region.

(C) Policies, programs, and practices in foreign countries designed to attract direct investment, and the amount of direct investment attracted in each such foreign country.

(D) A comparison of the levels of direct investment attracted in the United States and in foreign countries, including a matrix of inputs affecting the level of direct investment.

(E) Specific sectors in the United States and in foreign countries in which direct investments are being made, including the specific amounts invested in each sector, with particular emphasis on critical high-technology industries.

(F) Trends in direct investment, with particular emphasis on critical high-technology industries.

(G) The best policy and practices at the Federal, State, and regional levels regarding direct investment policy, with specific reference to programs and policies that have the greatest potential to increase direct investment in the United States and enhance United States competitive advantage relative to foreign countries. Particular emphasis should be given to attracting direct investment in critical high-technology industries.

(H) Policies, programs, and practices in foreign countries designed to attract direct investment that are not in compliance with the WTO Agreement and the agreements annexed to that Agreement.

(2) CERTAIN FACTORS TAKEN INTO ACCOUNT IN MAKING ANALYSIS.—In making any analysis under paragraph (1), the Under Secretary shall take into account—

(A) the relative impact of policies, programs, and practices of foreign governments on United States commerce;

(B) the availability of information to document the effect of policies, programs, and practices;

(C) the extent to which such act, policy, or practice is subject to international agreements to which the United States is a party; and

(D) the impact trends in direct investment have had on—

(i) the competitiveness of United States industries in the international economy, with particular emphasis on critical high-technology industries;

(ii) the value of goods and services exported from and imported to the United States;

(iii) employment in the United States, in particular high-wage employment; and

(iv) the provision of health care, pensions, and other benefits provided by companies based in the United States.

(c) ASSISTANCE OF OTHER AGENCIES.—

(1) FURNISHING OF INFORMATION.—The head of each department or agency of the executive branch of the Government, including

any independent agency, is authorized and directed to furnish to the Under Secretary, upon request, such data, reports, and other information as is necessary for the Under Secretary to carry out the functions under this Act.

(2) RESTRICTIONS ON RELEASE OR USE OF INFORMATION.—Nothing in this subsection shall authorize the release of information to, or the use of information by, the Under Secretary in a manner inconsistent with law or any procedure established pursuant thereto.

(3) PERSONNEL AND SERVICES.—The head of any department, agency, or instrumentality of the United States may detail such personnel and may furnish such services, with or without reimbursement, as the Under Secretary may request to assist in carrying out the functions of the Under Secretary.

(d) ANNUAL REVISIONS AND UPDATES.—The Under Secretary shall annually revise and update the Report described in subsection (a).

SEC. 6. ANNUAL DIRECT INVESTMENT AGENDA.

(a) IN GENERAL.—Not later than April 30, 2007, and on or before March 31 of each succeeding calendar, the Under Secretary shall submit an agenda based on the data and analysis described in section 5 for the preceding calendar year, to the President and the appropriate congressional committees. The agenda shall be known as the "Annual Direct Investment Agenda" and shall include—

(1) an evaluation of the research and development program expenditures being made in the United States with particular emphasis to critical high-technology industries considered essential to United States economic security and necessary for long-term United States economic competitiveness in world markets; and

(2) proposals that identify the policies, programs, and practices in foreign countries and that the United States should pursue that—

(A) encourage direct investment in the United States that will enhance the country's competitive advantage relative to foreign countries, with particular emphasis on critical high-technology industries;

(B) enhance the viability of the manufacturing sector in the United States;

(C) increase opportunities for high-wage jobs and promotes high levels of employment;

(D) encourage economic growth; and

(E) increase opportunities for the provision of health care, pensions, and other benefits provided by companies based in the United States.

(b) CONSULTATION WITH CONGRESS ON ANNUAL DIRECT INVESTMENT AGENDA.—The Under Secretary shall keep the appropriate congressional committees currently informed with respect to the Annual Direct Investment Agenda and implementation of the Agenda. After the submission of the Agenda, the Under Secretary shall also consult periodically with, and take into account the views of, the appropriate congressional committees regarding implementation of the Agenda.

SEC. 7. UNITED STATES DIRECT INVESTMENT PROMOTION COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish and the Under Secretary shall assume lead responsibility for an Interagency United States Direct Investment Promotion Committee. The functions of the Committee shall be to—

(1) coordinate all United States Government activities related to the promotion of direct investment in the United States;

(2) advocate and implement strategic policies, programs, and practices that will increase direct investment in the United States;

(3) train United States Government officials to pursue strategic policies, programs, and practices that will increase direct investment in the United States;

(4) consult with business, labor, State, regional, and local government officials on strategic policies, programs, and practices that will increase direct investment in the United States;

(5) develop and publish materials that can be used by Federal, State, regional, and local government officials to increase direct investment in the United States;

(6) create and maintain a database of direct investment opportunities in the United States;

(7) create and maintain an interactive website that can be used to access direct investment opportunities in different sectors and geographical areas of the United States, with particular emphasis on critical high-technology industries;

(8) coordinate direct investment marketing activities with State Economic Development Agencies; and

(9) host regular meetings and discussions with State, regional, and local economic development officials to consider best policy practices to increase direct investment in the United States.

(b) MEMBERS.—The Committee shall be composed of the following:

(1) The Secretary of Commerce.

(2) The United States Trade Representative.

(3) Members of the United States International Trade Commission.

(4) The Secretary of the Treasury.

(5) Members of the National Economic Council.

(6) The Secretary of Agriculture.

(7) Such other officials as the President determines to be necessary.

SEC. 8. DESIGNATION OF ADDITIONAL RENEWAL COMMUNITIES.

Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by adding at the end the following new subsection:

"(h) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsection (a), the Under Secretary of Commerce for United States Direct Investment, after consultation with the Secretary of the Treasury, may designate in the aggregate an additional 10 nominated areas as renewal communities under this section, subject to the availability of eligible nominated areas.

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before the date which is 5 years after such date of enactment. Subject to subparagraphs (B) and (C) of subsection (b)(1), a designation made under this subsection shall remain in effect during the period beginning with such designation and ending on the date which is 8 years after such designation.

"(3) APPLICATION OF RULES.—Except as otherwise provided in paragraph (1), the rules of this section shall apply to designations under this subsection.".

Mr. LUGAR. Mr. President, I rise today in support of S. 3171, the United States Direct Investment Act of 2006, introduced by Senator BINGAMAN and myself. At a time when commerce routinely crosses national borders, the U.S. should be positioned to compete in all arenas. That means not only strengthening the ability of American business to invest and sell their products in foreign markets, but equally important, attracting foreign companies to the American market. Other nations actively recruit and provide incentives for global companies to set up operations and create new jobs within their borders. We must do the same.

To this end, we propose to establish a framework within the Department of Commerce to specifically study how we can better encourage global companies to invest and set up businesses on our shores. It is essential as well, that we determine where this investment is needed. There are certain communities in the U.S. that are in extreme need of an infusion of economic growth and the opportunity to take part in the global economy. The U.S. has a talented and skilled workforce. We need to lead foreign companies and entrepreneurs to the cities and towns where they can find the resources they require. If this information is readily available, and if we provide incentives for companies to come, we will significantly increase the amount of foreign investment coming into our country.

In 2005, foreign companies accounted for $129 billion worth of investments in the United States. This money translates into jobs and prosperity for Americans. The best way to ensure that this valuable investment is spread more widely throughout the 50 States is by conducting the sort of analysis proposed in this bill. We should keep track of both the quantity of investment attracted to each particular state and region, and as well as the types of investment foreigners make, particularly in the high technology industry. We should conduct an analysis of the industries that are investing in the U.S. compared to the industries that are going to other countries. We also need to assess which policies and programs have had the most success in attracting foreign investment.

It is particularly important to attract research and development and high technology industries. These have a multiplier effect that helps increase the overall competitiveness of the American economy. We should create incentives for high technology companies to develop and invest in a U.S. presence and workforce.

Another key feature of the bill is consultations with local and regional authorities, as well as Congress. The administration should determine the needs of particular localities and what the federal government can do to assist local efforts in attracting foreign investment. Congress should also be consulted so that information can be relayed regarding regions of the country that are suffering from a lack of high wage jobs.

Global business ties are vital tools in shaping our international business and foreign policy. Cooperation on the commercial front enhances our ability to work with nations on other matters, including security and intelligence. This bill offers a positive solution to the concerns over domestic job growth by seeking to ensure that globalization is a two-way street with more investment traffic flowing in our direction.

By Mr. LEAHY:

S. 3175. A bill to amend title 35, United States Code, with respect to establishing procedures for granting authority to the Under Secretary for Commerce for Intellectual Property and Director of the Patent and Trademark Office to grant compulsory patent licenses for exporting patented pharmaceutical products to certain countries consistent with international commitments made by the United States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am today introducing a bill which can be the catalyst for saving the lives or improving the health of millions of families in impoverished nations.

In far too many nations, thousands of children die needlessly each month.

The concept of my bill—called the Life-Saving Medicines Export Act of 2006—is easy to summarize.

It allows U.S. companies to make low-cost generic versions of patented medicines for export to impoverished nations that face public health crises but cannot produce those life-saving medicines for themselves.

This bill is based on World Trade Organization agreements permitting nations with pharmaceutical industries to help nations in need.

That WTO agreement was labeled by U.S. Ambassador Portman as "a landmark achievement that we hope will help developing countries devastated by HIV and AIDS and other public health crises."

Apart from the pressing need for this step in humanitarian terms, passage of this bill could go a long way in improving U.S. relations with large segments of the world's population.

On December 6, 2005, the Office of the U.S. Trade Representative announced that it "welcomes" efforts to "allow countries to override patent rights when necessary to export life-saving drugs to developing countries that face public health crises but cannot produce drugs for themselves."

I am concerned, however, that the administration has taken no steps whatsoever to begin to implement that agreement. No implementing legislation has been provided to the Hill. I was informed just today that the administration has "no present plans" to propose legislation to implement that international agreement. I am disappointed with that answer but am pleased that the administration expressed a willingness to work with me on this important effort. I will forward my bill to them later today.

Indeed, the World Health Assembly and the World Health Organization have adopted resolutions urging all WTO member nations with a generic capability to adopt laws that implement that agreement.

The World Bank recently issued a guide and model documents on how best to implement that international agreement. My bill follows their model.

Like a generation ago, infectious and parasitic diseases remain the major killers of children in the developing world. Many of these diseases—measles, malaria, river blindness—we can prevent or cure. But those countries still lack the public health systems and the vital medicines.

Every hour, more than 500 African mothers lose a child, mostly from diseases caused by contaminated water.

In some sub-Saharan countries, HIV infection rates range as high as a third of the adult population, and for this reason 35 percent of African children are at higher risk of death than they were a decade ago.

Despite these grim statistics, there is a brighter side.

We are far more aware today of how much our own health depends on what takes place half a world away. Whether it is AIDS, SARS, West Nile Virus, the Avian Flu, or some as yet unknown infectious disease, we are all at risk, and only an airplane flight away, from wherever the outbreak may occur.

Because of this new awareness, global health is finally recognized as an issue of national security. It may seem obvious today, but even ten years ago it was not.

Health threats that once concerned only medical personnel, now receive the attention of the highest levels of governments. We are supporting policies and programs to help the poorest countries conduct better surveillance and respond more quickly to protect their own people, and to prevent the spread of disease.

There is a great deal more we need to do. Today, 15 percent of the world's people consume 91 percent of the world's pharmaceuticals. The high price of many life-saving medicines—medicines that we take for granted in this country—is beyond reach for billions of the world's most vulnerable populations.

President Franklin Roosevelt said: "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have little."

Imagine if you, or a loved one, were dying and you knew the medicine to cure the disease exists and costs only a few dollars, but you have no way to get it or to pay for it. That is a reality for millions of people today.

Reports by UNICEF, UNAIDS, and Doctors without Borders clearly show that the high price of many life-saving medicines is a significant barrier to their availability in many very low income areas of the world. Indeed, the 4th Global Report of UNAIDS notes the extremely low rate of treatment for HIV/AIDS in those areas by pointing out that of the 5 to 6 million urgently in need of antiretroviral medicines, only some 400,000 were receiving them.

With respect to AIDS, a recent book by Philip Hilts called "Prescription for Survival" notes the importance of offering affordable medicines to populations of impoverished nations:

"It was said that the price of the drugs was killing tens of thousands . . ."

Under my bill, U.S. generic manufacturers would be allowed to make generic versions of patented drugs without the consent of the patent holders.

Those patent holders would receive compensation in the form of a royalty payment under a so-called "compulsory license" and the generic companies would then be required to sell those less-expensive generic drugs only to least-developed or developing nations.

Use of a compulsory license occurs when Congress determines that there is an important need which should be addressed.

For example, most Americans do not realize that their network television programs received by satellite or by cable are provided under a compulsory license. The program owners receive a royalty for their programs under a formula.

This way American families can watch network TV programming over satellite or cable just like it is made available over-the-air. This same compulsory license approach, except with respect to patented medicines, is employed in this bill.

The WTO agreement contains language designed to protect the interests of the patent holders by focusing its benefits on areas of the world where these important medicines would not otherwise be available except for some of the wealthiest residents.

Thus, implementation of the agreement would not take business away from the companies owning the patents, sometimes referred to as the "brand-name" companies, since their medicines are not purchased by low-income families in those impoverished nations.

In addition, the patent holders will receive royalties from the generic companies under the bill. Third, generic versions of products sold under the agreement have to be clearly marked as not for resale to developed nations. This will mean that the bill should not result in undercutting the high-priced sales of those medicines by the brand-name companies in developed nations.

Thus, the bill addresses both the urgent needs of millions of low-income families in impoverished nations while protecting the interests of the patent owners of these life-saving medicines.

There have been significant voluntary efforts made by brand-name pharmaceutical companies, foundations, and non-profits who have donated life-saving medicines and have donated time, personnel and money to help in the fight against deadly diseases in other nations. I commend and greatly appreciate those efforts.

Some funding mechanisms have been started including the Global Fund to Fight AIDS, Tuberculosis and Malaria and President Bush's Millennium Challenge Account. Nonetheless, much remains to be done.

If this bill is enacted it would complement the above efforts and implement the WTO agreements and make low-cost life-saving pharmaceutical products, and other medicines, available to hundreds of thousands of persons without other access to those products.

To provide a little history, I am very pleased that all the member nations of the World Trade Organization, WTO, agreed to this approach to assist people suffering from life-threatening diseases in least-developed or developing nations. Under this international agreement, nations such as the United States with pharmaceutical industries would be allowed to make and sell generic medicines to nations in need even if the patent owners of those medicines refused to authorize such manufacture and sale.

As I said earlier, on December 6, 2005, the United States announced that it "welcomes" the WTO amendment to "allow countries to override patent rights when necessary to export life-saving drugs to developing countries that face public health crises but cannot produce drugs for themselves." The amendment will go in effect, for those nations which adopt it, once ⅔ of the member nations adopt it. The current waiver approach, allowing nations to implement it now, will remain in place until the permanent amendment is adopted. This permits the U.S. to move forward with this effort this year. Indeed, Canada has already passed implementing legislation.

Participation by any nation which wants to export such generic products is voluntary. In order to participate, each country must pass legislation to implement the WTO agreement. The United States needs to act as soon as possible.

This is a moral issue. I am working with a number of religious groups, humanitarian organizations, international assistance groups, and generic drug companies on this effort. I have also received input from some pharmaceutical brand-name companies and hope a few will step forward and be leaders in this effort. I will also reach out across the aisle to try to form a bipartisan coalition.

Two recent World Health Organization annual reports, the World Health Reports for 2003 and 2004, demonstrate the enormous scope of the need for supplying these medicines to needy countries. The "Life-Saving Medicines Export Act of 2006" that I am introducing today would allow the U.S. generic industry to respond to these urgent international needs and could save millions of lives in impoverished nations.

Canada, Norway and the Netherlands have already enacted such legislation or rule changes. However, aspects of the Canadian law have been an impediment to the willingness of generic companies to participate. For example, that law allows Canadian generic companies to provide such medicines for at most only 4 years. The Canadian version permits dilatory and needless litigation, omits important medicines from a complex list of covered drugs, and creates unnecessary bureaucratic hoops.

I have received input from generic companies and my bill addresses all of those concerns. For example, it would provide that a participating generic manufacturer could provide such medicines for up to 14 years which makes it much more likely that U.S. generic companies would make the investments needed to make low-cost medicines for export to impoverished areas.

Under my bill, U.S. generic manufacturers would be allowed to make generic versions of patented drugs without the consent of the patent holders. Those patent holders would receive compensation, a royalty payment, under a so-called "compulsory license" and the generic companies would then be required to sell those less-expensive generic drugs only to least-developed or developing nations.

The WTO agreement contains language designed to protect the interests of the patent holders by focusing its provisions on areas of the world where these important medicines would not otherwise be available except for some of the wealthiest residents. Thus, implementation of the agreement would not take business away from the companies owning the patents, sometimes referred to as the "brand-name patent holders since their medicines are not purchased by low-income families in those impoverished nations. There may be de minimis losses of profits for brand-name patent holders but certainly the humanitarian and self-interest benefits provided by the bill would massively outweigh those concerns.

In addition, the patent holders will receive royalties from the generic companies under the bill. Third, generic versions of products sold under the agreement have to be clearly marked as not for resale to developed nations. This should mean that the bill will not result in undercutting the high-priced sales of the patented medicines in developed nations. Re-exporting of these generic products is prohibited unless it is part of a regional trade alliance among impoverished nations as permitted under the WTO agreements.

Thus, the bill addresses both the urgent needs of millions of low-income families in impoverished nations while protecting the interests of the patent owners of these life-saving medicines and will hopefully help enhance America's image in the world.

For those only interested in self-interest rather than humanitarian aid, note that because of the globalization of travel our Nation is at risk from failure to contain diseases in other nations. America has a strong self-interest in combating diseases in foreign nations. A surprising number of new diseases have emerged in recent years. Some of these new diseases are variations of existing diseases. The volume of people and cargo going to and from distant nations is astounding. According to "Rx for Survival" by Philip Hilts, if you count only travel between nations with a heavy burden of disease and those with less disease, more than a million people a week are making the trip.

The more viruses and bacteria mutant inside animals and people, and the more people and goods travel throughout the world, the more residents living in the United States are at risk of being harmed by dangerous diseases.

The National Intelligence Estimate of January 2000, published by the CIA and the National Intelligence Council noted that: "New and emerging infectious diseases will pose a rising global health threat, and will complicate U.S. and global security over the next 20 years. These diseases will endanger U.S. citizens at home and abroad, threaten United States armed forces deployed overseas and exacerbate social and political instability in key countries and regions."

I hope all my colleagues will join me in supporting this effort. Here is my section-by-section summary of the bill.

Section 1: Sets forth the name of the Act as the "Life-Saving Medicines Export Act of 2006."

Section 2: States that the purpose of the Act is to promote public health under World Trade Organization agreements by permitting the export of generic versions of life-saving patented pharmaceutical products and other medicines including diagnostic tools and vaccines needed to prevent or treat potentially life threatening diseases to residents of impoverished countries with insufficient or no manufacturing capacity to make the medicines. The findings set forth determinations by the World Health Organization concerning the millions of low-income persons without regular access to medicines in lesser-developed or developing nations.

Section 3: This section requires the Director of the United States Patent and Trademark Office to issue a compulsory license (permission to make and sell a patented product under this new Act) to permit generic companies to make and export medicines under the terms of WTO international agreements under several conditions.

The recipient country must be a least-developed nation, as defined by the United Nations, or a developing nation without the ability to manufacture the medicine in question.

The recipient country, called an "eligible country" in the bill, must notify the WTO of its interest in participating in this program.

Efforts must have been made by the generic company to buy the right to make and sell the medicine under normal business arrangements with the patent holders.

The medical product exported under this Act must be for life-threatening public health problems and can only be used in least-developed or developing nations, and is not for re-export except in identified circumstances relating to regional trade alliances.

Special labeling and packaging must be used to make clear that the product is sold under the authority of the WTO agreement only for use as allowed under agreement and this bill.

The permission to make and sell the product, the license, can not exceed 7 years, except that the license may be extended once.

The holder of the compulsory license shall pay a royalty to the patent holder, as determined by the Director of the PTO within a limited range of possible rates set forth in the bill, taking into account such factors as humanitarian needs, the economic value to the importing nation, and the need for low-cost pharmaceutical products by persons in the importing nation.

The maximum royalty for any shipment shall not exceed 4 percent times the commercial value of the pharmaceutical products to be exported under this Act under that supply agreement.

An alternative royalty payment approach, modeled after the approach enacted into law by Canada, would also be permitted with the same 4 percent maximum. In addition, the Director may accept combined applications from multiple eligible countries. Note that in emergency situations the Director may waive provisions of the bill in a manner consistent with the WTO agreements.

Section 4: This section makes clear that compulsory licenses issued under this Act shall not be considered an infringement of a patent.

Section 5: This section creates a diverse advisory board of academic, patent, trade, medical, international aid, and industry experts to advise the Director, and to report to the Congress, on ways to improve implementation of the bill to achieve its purposes. Mandatory funding for the board is provided out of the general fund of the U.S. at $1.5 million in fiscal years 2007 and 2008, with modestly declining amounts provided in subsequent years through 2011.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Life-Saving Medicines Export Act of 2006".

SEC. 2. PURPOSES AND FINDINGS.

(a) PURPOSE.—The purpose of this Act is to promote public health by permitting the export of life-saving pharmaceutical products and other medicines manufactured in the United States by compulsory license to residents of participating countries with insufficient or no manufacturing capability in the pharmaceutical sector for the product in question consistent with the General Council Decision of the World Trade Organization.

(b) FINDINGS.—Congress finds the following:

(1) The United States Trade Representative recently announced that it "welcomes" the World Trade Organization amendment to "allow countries to override patent rights when necessary to export life-saving drugs to developing countries that face public health crises but cannot produce drugs for themselves.". United States Ambassador Portman called this "a landmark achievement that we hope will help developing countries.".

(2) Compulsory licensing of patents is a "fixture in almost all patent systems" in the world as noted in the Berkeley Technology Law Journal in 2003. By the end of the 1950s, for example, an estimated 40,000 to 50,000 compulsory licenses were issued regarding patents in the United States. (Access to Patented Medicine in Developing Countries, F.M. Scherer, www.cmhealth.org/docswg4; World Health Organization). Indeed, the WHO paper notes that the "United States has led the world in issuing compulsory licenses to restore competition when violations of the antitrust laws have been found, or in the negotiated settlement of antitrust cases before full adjudication has occurred."

(3) The vast majority of people living in developing countries or least developed nations have limited or no access to many medicines that are saving and extending lives of those in other, more developed nations. Since sales of the patented, brand-name versions of such medicines are minimal or non-existent in many impoverished regions of the world providing generic versions of those medicines under the WTO General Council Decision will have minimal impact on the sales of brand-name, patented versions in such regions.

(4) The World Health Organization has estimated that ⅓ of the world's population lacks regular access to essential medicines, including antiretroviral drugs, and that a number of essential medicines are under patent.

(5) Medicines and vaccines are needed throughout the world to combat newly arising public health threats such as the avian flu. A United States National Intelligence Estimate in January 2000 notes that "New and emerging infectious diseases will pose a rising global health threat...".

(6) Millions of people with HIV/AIDS in developing countries need antiretroviral drugs. More than 40,000,000 people worldwide have HIV and 95 percent of them live in developing countries. Malaria, tuberculosis, and other infectious diseases kill millions of people a year in developing nations.

(7) Comprehensive reports of the World Health Organization of the United Nations, in 2004 and 2005 detail the urgent need for pharmaceutical products in developing countries and in least developed nations.

(8) The World Trade Organization decisions of August 30, 2003, on access to generic medicines is now being considered by member nations of the World Trade Organization for ratification as a permanent amendment to the WTO Agreement on Trade Related Aspects of Intellectual Property Rights.

SEC. 3. EXPORTATION OF PHARMACEUTICAL PRODUCTS FOR PUBLIC HEALTH PURPOSES.

(a) IN GENERAL.—Chapter 29 of title 35, United States Code, is amended by inserting after section 297 the following:

"§ 298. Exportation of pharmaceutical products for public health purposes

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE COUNTRY.—The term 'eligible country' means a country that—

"(A)(i) is designated by the United Nations as a least developed country; or

"(ii) if not so designated—

"(I) has certified to the General Council that the country seeks to participate in the compulsory licensing system under this section as authorized by the General Council Decision; or

"(II) has certified through an official government finding if not a member of the World Trade Organization, that the country does not possess sufficient manufacturing capacities to produce the pharmaceutical product that such country seeks to import under this section;

"(B) has provided notice to the Director describing such lack of sufficient manufacturing capacities; and

"(C) has not terminated that country's participation in such compulsory licensing system by certifying to the General Council or to the Director that it no longer desires to participate in such a system.

"(2) GENERAL COUNCIL.—The term 'General Council' means the General Council of the WTO established by paragraph (2) of Article IV of the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

"(3) GENERAL COUNCIL DECISION.—The term 'General Council Decision' means the decision of the General Council of 30 August 2003 on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health and the WTO General Council Chairman's statement accompanying the Decision (JOB(03)/177, WT/GC/M/82) (collectively known as the 'TRIPS/health solution').

"(4) GENERIC MANUFACTURER.—The term 'generic manufacturer' means, with respect to a pharmaceutical product, a manufacturer that does not hold the patent to such pharmaceutical product or is not otherwise authorized by the patent holder to make use of the invention.

"(5) PHARMACEUTICAL PRODUCT.—The term 'pharmaceutical product' means any patented product, or pharmaceutical product, including components of that product, manufactured through a patented process, of the pharmaceutical sector including any drug, active ingredient of a drug, diagnostic, or vaccine needed to prevent or treat potentially life threatening public health problems, including those listed in Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health.

“(6) TRIPS Agreement.—The term ‘TRIPS Agreement’ means the Agreement on Trade-Related Aspects of Intellectual Property Rights (described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3501 note)).

“(7) World Trade Organization.—The term ‘World Trade Organization’ means the organization established pursuant to the WTO Agreement.

“(8) WTO Agreement.—The term ‘WTO Agreement’ means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

“(9) WTO.—The term ‘WTO’ has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

“(10) Uruguay Round Agreements.—The term ‘Uruguay Round Agreements’ has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

“(b) Issuance of Compulsory License.—Notwithstanding any other provision of part II or this part, and subject to subsections (c) and (d), the Director shall issue a compulsory license to a generic manufacturer of a pharmaceutical product or a patented product under this section consistent with the Life-Saving Medicines Export Act of 2006 for the purposes of—

“(1) manufacturing and exporting to an eligible country, (including using nongovernmental agencies to assist in handling and distribution to eligible countries) such pharmaceutical products, including exporting for the purpose of foreign testing and certification and other activities reasonable related to such manufacturing and exporting; and

“(2) such other purposes under that Act.

“(c) Application for Compulsory License.—

“(1) In general.—

“(A) Submission.—Except as provided under subsection (g), a generic manufacturer that seeks to manufacture and export a pharmaceutical product to an eligible country (including through the use of a nongovernmental organization) shall submit to the Director an application as developed by the Director for a compulsory license as described in this section.

“(B) Assistance.—The Director shall establish an office within the Patent and Trademark Office to assist—

“(i) applicants under this section, including aiding persons in identifying what patents cover which pharmaceutical products and in providing other advice and guidance to facilitate the filing of complete applications; and

“(ii) eligible countries, nongovernmental organizations, or nations likely to become eligible countries, identify companies in the United States which could provide pharmaceutical products under this section to such countries.

“(2) Content of application.—The Director shall approve an application submitted under paragraph (1) if such application contains—

“(A) the name of the pharmaceutical product to be manufactured and exported under the license;

“(B) an estimate of the quantities of the pharmaceutical product to be manufactured and exported under the license and a stipulation that the amount manufactured and exported shall not exceed the amount necessary to meet the needs of the eligible country;

“(C) for each patented invention to which the application relates—

“(i) the name of the patent holder and the applicable patent number; or

“(ii) a statement by the applicant on information and belief of the name of the patent holder and applicable patent number;

“(D) the name of the eligible country to which the pharmaceutical product will be exported and the name of any nongovernmental organization which will assist in the effort;

“(E)(i) copies of the notifications of the eligible countries that are member countries of the WTO, as defined in the General Council Decision, made to the Council for TRIPS regarding notifications set forth under 2(a) of such Decision; and

“(ii) for eligible countries that are not member countries of the WTO, a copy of the information required by the notification as set forth under 2(a) of such Decision published on a public website and the address of such website;

“(F) a copy of a written request for a voluntary license sent by registered mail to each patent holder, which shall have occurred during a period of at least 60 days before the submission of the application to the Director, and a brief description of any subsequent negotiations;

“(G) copies of—

“(i) notifications required under the General Counsel Decision;

“(ii) the name of the authorized designated official of the eligible country, or a nongovernmental organization duly authorized to assist in the distribution of pharmaceutical products—

“(I) from whom the generic manufacturer has received a specific request for a pharmaceutical product and is taking steps to prepare such product or related products; or

“(II) with whom the generic manufacturer has reached an agreement to manufacture and export the pharmaceutical product; or

“(iii) a copy of a valid license, other authorization, or communication issued by a potential eligible country permitting import of the pharmaceutical product from the United States; and

“(H) an agreement or understanding entered into by the applicant to comply with the conditions described under subsection (d) and with the provisions of the General Council Decisions; and

“(I) any additional information reasonably required by the Director, including information necessary to ensure the identification of the product that is the subject of the application.

“(3) Combined license applications.—The Director may—

“(A) establish procedures to permit a combined license application from more than 1 eligible country;

“(B) issue a multi-country license if appropriate;

“(C) issue rules based on the requirements of this section relating to separate country applicants, in consultation with the National Advisory Board on Implementation of the General Council Decision established under section 5 of the Life-Saving Medicines Export Act of 2006, except for modifications made to accommodate applying the rules for 1 country to applications filed by more than 1 eligible country in the same filing; and

“(D) waive any record keeping, application, or related provision of this subsection to the extent necessary to implement this paragraph for any combined application from multiple countries.

“(4) Action by director.—

“(A) In general.—Not later than 60 days after the submission of an application, the Director shall approve or deny that application.

“(B) Conditional denial.—The Director may deny an application and request additional information or evidence to be submitted within 30 days after making the request. If additional information or evidence is submitted within the 30-day period, the Director shall make a final approval or denial of the application within 60 days after the date of submission of the additional information or evidence.

“(5) Appeal of denial.—An applicant may seek review of a final adverse decision of the Director, including any adverse decision based on failure to comply with any provision of paragraph (2) in the United States Court of Appeals for the Federal Circuit. The judgement of such court shall be subject to final review by the Supreme Court upon certiorari in the manner prescribed in section 1254 of title 28. The United States Court of Appeals for the Federal Circuit shall decide all relevant questions of law, provide appropriate orders, relief, or judgments, and shall hold unlawful and set aside any determination of the Director that the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, inconsistent with this section, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity;

“(C) in excess of statutory jurisdiction, authority, or limitations, or in violation of a statutory right; or

“(D) without observance of procedure required by law.

“(d) Conditions of License.—Under rules issued by the Director, the following conditions shall apply to a compulsory license issued under this section:

“(1) The pharmaceutical product—

“(A) shall be a generic version of a patented product approved as safe and efficacious by the World Health Organization of the United Nations or the United States Food and Drug Administration; and

“(B) shall be manufactured solely for export to the eligible country listed in the application under subsection (c); and

“(C) shall not be exported to any other country except for nation parties to a regional trade agreement as set forth in paragraph 6(i) of the General Council Decision.

“(2) The pharmaceutical product, or the label or packaging of the pharmaceutical product, for export shall be—

“(A) clearly identified as being produced under the system set out in the General Council Decision; and

“(B) distinguished from the pharmaceutical product or its label or packaging manufactured by the patent holder through labeling, shaping, sizing, marking, special packaging, or other means or combinations of means, which shall be consistent with paragraph 2(b)(ii) of the General Council Decision and include—

“(i) a statement that such pharmaceutical product has been manufactured solely for export to the specific eligible country or to nation parties to a regional trade agreement as provided for in paragraphs 6(i) and 6(ii) of the General Council Decision and is not approved for marketing in the United States;

“(ii) a statement indicating that the pharmaceutical product is subject to a compulsory license issued to the generic manufacturer; and

“(iii) any other markings determined appropriate by the Director to distinguish such pharmaceutical product from the patented pharmaceutical product, which may include a different trademark name or distinctive color or shaping, so long as—

"(I) such distinction is feasible and does not have a significant impact on price and will not undermine the humanitarian purposes of the Life-Saving Medicines Export Act of 2006; and

"(II) the Director may temporarily waive the requirements of the distinguishing marks under urgent circumstances for limited quantities of such pharmaceutical products.

"(3) The term of such compulsory license shall expire on the date that is the earliest of—

"(A) 7 years after the date of issuance of the license;

"(B) the date the importing country is no longer an eligible country; or

"(C) on a petition from the original patent holder, on the date that the Director, in consultation with the National Advisory Board on Implementation of the General Council Decision established under section 5 of the Life-Saving Medicines Export Act of 2006, determines that the circumstances that have led to the granting of the license cease to exist and it appears probable that such circumstances will not reoccur.

"(4) The licensee shall keep accurate records of all quantities of products manufactured and distributed under its license and shall make such records available upon request to an independent person agreed to by the parties, or otherwise approved by the Director, for the sole purpose of ensuring whether the terms of the license have been met.

"(5) A generic manufacturer issued a license under this section may notify the Director if the estimated quantity of the pharmaceutical product set forth in the application and subsection (c)(2)(B) will be insufficient to meet the projected need during the remainder of the license period. The Director shall adjust the estimated quantity to the quantity proposed by the licensee unless compelling evidence demonstrates that the proposed quantity is excessive.

"(e) COMPENSATION TO PATENT HOLDER.—

"(1) IN GENERAL.—The holder of a compulsory license under this section shall pay to the patent holder a royalty in an amount and by a date determined by the Director that shall not be —

"(A) earlier than the date of each shipment for export of the pharmaceutical product under the compulsory license; or

"(B) later than 45 days after the date of each shipment.

"(2) AMOUNT OF ROYALTY.—In consultation with the Secretary of Health and Human Services, the Director of the National Institutes of Health, the Director of the United States Agency for International Development, and the Director of the Centers of Disease Control, the Director, when determining a royalty amount under paragraph (1), shall consider the following:

"(A) The provisions of paragraph 3 of the General Council Decision and the need for the licensee under this section to make a reasonable return sufficient to sustain a continued participation in humanitarian objectives.

"(B) The humanitarian and noncommercial reasons for issuing a compulsory license under this section.

"(C) The economic value to the importing country of the use that has been authorized by the Director.

"(D) The need for low-cost pharmaceutical products by persons in eligible countries.

"(E) Whether the importing country has a patent applicable to the pharmaceutical product sought to be imported under this section.

"(F) The ordinary levels of profitability in the United States, of commercial agreements involving pharmaceutical products, and any relevant international trends in relevant prices as reported by the United Nations or other appropriate humanitarian organizations or agencies for the supply of such products for humanitarian purposes.

"(3) ROYALTY RATE FORMULAS.—

"(A) IN GENERAL.—

"(i) FACTORS.—Except as provided in subparagraph (B), the amount of the royalty payable to any patentee under this subsection—

"(I) shall be based on considerations under paragraph (2); and

"(II) shall not exceed the amount determined by multiplying the commercial value of the pharmaceutical product to be exported under the supply agreement by 4 percent.

"(ii) MULTIPLE PATENTEES.—If more than 1 patentee is due a royalty for a pharmaceutical product under this section, the amount of the royalty payable for the pharmaceutical product shall be divided by the number of patentees.

"(B) ALTERNATIVE ROYALTY RATE FORMULA.—

"(i) IN GENERAL.—

"(I) ESTABLISHMENT AND USE.—Subject to subclause (II), the Director may establish and use an alternative royalty rate formula under this subparagraph instead of the royalty rate formula under subparagraph (A), if—

"(aa) the Director makes a determination that the alternative royalty rate formula is more appropriate or efficient to employ; and

"(bb) the alternative royalty rate formula is based on the methodology described under clauses (ii) through (v).

"(II) LIMITATION.—If the royalty amount determined under the alternative royalty rate formula under subclause (I) exceeds the dollar amount determined by multiplying the commercial value of the pharmaceutical product to be exported under the supply agreement by 4 percent the royalty amount shall be set at such dollar amount.

"(ii) HUMAN DEVELOPMENT INDEX COUNTRIES.—If the name of the country to which a pharmaceutical product is to be delivered under this section is on the Human Development Index maintained by the United Nations Development Program, the rate for calculation of the royalty to be paid to any patentee shall be determined by—

"(I) adding 1 to the total number of countries listed on such Index;

"(II) subtracting from the sum determined under subclause (I) the numerical rank on the Index of the country to which the pharmaceutical product is to be exported;

"(III) dividing the difference determined under subclause (II) by the total number of countries listed on the Index; and

"(IV) multiplying the quotient determined under subclause (III) by 0.04.

"(iii) SINGLE AND MULTIPLE PATENTEES.—For a country described under clause (ii), the amount of the royalty payable to any patentee shall be determined—

"(I) if there is only 1 patentee, by multiplying the total monetary value of the agreement pertaining to the pharmaceutical product to be exported under this section by the royalty rate determined in accordance with clause (ii); and

"(II) if there is more than 1 patentee, by dividing the amount determined under subclause (I) by the number of patentees.

"(iv) COUNTRIES NOT ON HUMAN DEVELOPMENT INDEX.—If the name of the country to which a pharmaceutical product is to be delivered under this section is not on the Human Development Index maintained by the United Nations Development Program, the Director shall—

"(I) determine if relevant circumstances in that country are reasonably similar to another country on that Human Development Index;

"(II) if determining a similar country under subclause (I), use the procedures under clause (ii) to determine a royalty payment using the numerical rank of that other country; and

"(III) if determining a royalty rate under subclause (II), state the reasons for making the determination that the country to which the product is to be exported was reasonably similar to the country on such Index used in the calculation.

"(v) REGIONAL TRADE AGREEMENTS.—If the Director knows during review of an application that the pharmaceutical products are to be delivered under this section to parties to a regional trade agreement where re-exportation is allowed under paragraph 6(i) and (ii) of the General Council Decision, the Director shall—

"(I) determine if relevant circumstances in those countries are reasonably similar to a country on the Human Development Index;

"(II) if determining a similar country under subclause (I), use the procedures under clause (ii) to determine a royalty payment based on the numerical rank of that other country; and

"(III) if determining a royalty rate under subclause (III), shall state the reasons for making the determination that the countries to which the products are to be re-exported under paragraph 6(i) and (ii) of such Decision were reasonably similar to the country selected on such Index.

"(4) NOTICE OF SHIPMENTS.—Before each shipment of any product manufactured under this section, the manufacturer shall, within 15 days before such product is exported, provide notice through registered mail specifying the approximate quantity to be exported to—

"(A) the patentee;

"(B) the purchaser of the product; and

"(C) the Director.

"(f) RENEWAL OF COMPULSORY LICENSE.—

"(1) IN GENERAL.—A generic manufacturer that is the holder of a compulsory license under this section may submit to the Director an application to renew the compulsory license.

"(2) CONTENT OF RENEWAL APPLICATION.—An application under paragraph (1) shall contain—

"(A) an assurance that the quantities of the pharmaceutical product authorized to be exported under the renewal compulsory license will not be exported before such original compulsory license ceases to be valid;

"(B) an assurance that the applicant has complied with the terms, conditions, and royalty payment required under this section; and

"(C) any other information that the Director may reasonably require.

"(3) TIMING OF RENEWAL.—An application for renewal shall be submitted to the Director not later than 45 days before the expiration date of the compulsory license.

"(4) TERM OF RENEWAL.—The term of a renewed compulsory license shall not exceed the term of the original compulsory license.

"(5) LIMITATION.—A compulsory license may not be renewed more than once.

"(g) EFFECT OF SECTION.—To the extent authorized in Article 31(b) of the TRIPS Agreement, nothing in this section shall be construed as requiring an effort to obtain a voluntary license in the event of—

"(1) a national emergency or other circumstances of extreme urgency in the eligible country; or

"(2) a public noncommercial governmental use.

"(h) EMERGENCIES AND CIRCUMSTANCES OF EXTREME URGENCY.—

"(1) EXPEDITED APPROVAL.—

"(A) IN GENERAL.—The Director may provide approval on an expedited basis for a limited period of time to grant a compulsory license regarding a pharmaceutical product to a generic manufacturer to address a national emergency or other circumstances of extreme urgency under such expedited procedures as the Director determines appropriate.

"(B) PROCEDURES.—Procedures under this paragraph may include—

"(i) waiving any requirement to seek a voluntary license from the patent holder; and

"(ii) delaying the determination of compensation until after an approval is made.

"(2) WAIVER.—In carrying out expedited approvals under this subsection, the Director may temporarily waive any provision of this section.

"(i) NOTIFICATION TO WTO.—The Director shall notify the WTO of the issuance, termination, or renewal of a compulsory license under this section and of the name and address of the licensee, the product for which the license has been granted, the quantities for which it has been granted, and the countries to which the product is to be supplied.".

(b) ESTABLISHMENT OF PROCEDURES.—

(1) IN GENERAL.—The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (referred to in this section as the "Director") shall establish procedures for implementing this Act and the amendments made by this Act.

(2) REPORT.—The Director shall annually submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that describes the activities related to the implementation of this Act and the amendments made by this Act.

(3) REGULATIONS.—The Director may issue such regulations as are necessary and appropriate to carry out this Act and the amendments made by this Act.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 29 of title 35, United States Code, is amended by adding after the item relating to section 297 the following:

"298. Exportation of pharmaceutical products for public health purposes.".

SEC. 4. NONINFRINGEMENT OF PATENT.

Section 271 of title 35, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

"(h)(1) It shall not be an act of infringement to manufacture within the United States or for export outside the United States any patented invention relating to a pharmaceutical product (as defined under section 298) by any person that—

"(A) is issued a compulsory license to manufacture and sell that drug under section 298; and

"(B) manufactures and exports that drug in compliance with all conditions of that license.

"(2) Subsection (d) (4) or (5) shall not apply to any patent affected by a license described under paragraph (1) of this subsection.".

SEC. 5. NATIONAL ADVISORY BOARD ON IMPLEMENTATION OF THE GENERAL COUNCIL DECISION.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term "Board" means the National Advisory Board on Implementation of the General Council Decision established under this section.

(2) DIRECTOR.—The term "Director" means the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

(3) ELIGIBLE COUNTRY.—The term "eligible country" means a country that—

(A)(i) is designated by the United Nations as a least developed country; or

(ii) if not so designated, does not possess sufficient manufacturing capacities to produce the pharmaceutical product that such country seeks to import under section 298 of title 35, United States Code (as added by this Act); and

(B) has provided notice to the Director describing such lack of sufficient manufacturing capacities.

(4) GENERAL COUNCIL.—The term "General Council" means the General Council of the WTO established by paragraph (2) of Article IV of the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(5) GENERAL COUNCIL DECISION.—The term "General Council Decision" means the decision of the General Council of 30 August 2003 on the Implementation of Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health and the WTO General Council Chairman's statement accompanying the Decision (JOB(03)/177, WT/GC/M/82) (collectively known as the "TRIPS/health solution").

(6) GENERIC MANUFACTURER.—The term "generic manufacturer" means, with respect to a pharmaceutical product, a manufacturer that does not hold the patent to such pharmaceutical product or is not otherwise authorized by the patent holder to make use of the invention.

(7) PHARMACEUTICAL PRODUCT.—The term "pharmaceutical product" means any patented pharmaceutical product, or pharmaceutical product manufactured through a patented process, including any drug, active ingredient of a drug, diagnostic, or vaccine needed to prevent or treat public health problems.

(8) TRIPS AGREEMENT.—The term "TRIPS Agreement" means the Agreement on Trade-Related Aspects of Intellectual Property Rights (described in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3501 note)).

(9) WORLD TRADE ORGANIZATION.—The term "World Trade Organization" means the organization established pursuant to the WTO Agreement.

(10) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing The World Trade Organization entered into on April 15, 1994.

(11) WTO.—The term "WTO" has the meaning given that term in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501).

(12) URUGUAY ROUND AGREEMENTS.—The term "Uruguay Round Agreements" has the meaning given such term in section 2(7) of the Uruguay Round Agreements Act (19 U.S.C. 3501(7)).

(b) ESTABLISHMENT.—The Director shall establish the National Advisory Board on Implementation of the General Council Decision in accordance with the Federal Advisory Committee Act (5 U.S.C. App.) to provide advice and guidance regarding the implementation and administration of the compulsory licensing program established under section 298 of title 35, United States Code (as added by this Act), including royalty amounts to be determined under that section.

(c) COMPOSITION OF THE BOARD.—The Board shall be composed of 10 members, of which—

(1) 1 shall be an individual who is an academic expert on the subject of pharmaceutical matters and patent law;

(2) 2 shall be an individual with expertise relating to the WTO, the TRIPS/health solution, and the General Council Decision;

(3) 2 shall be an individual with expertise relating to the needs of persons living in least-developed and developing nations with respect to access to low-cost patented pharmaceutical products;

(4) 2 shall be individuals who represent international organizations, such as the United Nations, the World Bank, international nongovernmental organizations, and religious faiths, and who have expert knowledge regarding the General Council Decision and the issues raised by that decision;

(5) 1 shall be a physician with experience in treating persons with HIV/AIDS, malaria, tuberculosis, or other infectious diseases;

(6) 1 shall be an individual representing major pharmaceutical manufacturers in the United States; and

(7) 1 shall be an individual representing major generic manufacturers of pharmaceutical products in the United States.

(d) APPOINTMENTS.—Not later than 120 days after the date of enactment of this Act, the Director, in consultation with the Director of the National Institutes of Health (or a designee), the Director of the United States Agency for International Development (or a designee), and the Director of the Centers for Disease Control (or a designee) shall appoint—

(1) the members of the Board described under subsection (c)(1), (5), (6), and (7)—

(A) from nominations received from a request for applications published in the Federal Register; and

(B) after engaging in other efforts to make institutions of higher education within the United States, international organizations, and groups representing the medical profession aware of the solicitation for nominations;

(2) 1 member of the Board described under subsection (c)(2), from recommendations of the Majority Leader of the Senate;

(3) 1 member of the Board described under subsection (c)(2), from recommendations of the Minority Leader of the Senate;

(4) 1 member of the Board described under subsection (c)(3) from recommendations of the Speaker of the House of Representatives;

(5) 1 member of the Board described under subsection (c)(3) from recommendations of the Minority Leader of the House of Representatives; and

(6) 2 members of the Board described under subsection (c)(4) from recommendations of the Secretary of State in consultation with the United States Ambassador to the United Nations.

(e) TERM.—A member of the Board shall serve for a term of 4 years, except that the Director shall appoint the original members of the Board for staggered terms of not more than 4 years. A member may not serve a consecutive term unless such member served an original term that was less than 4 years.

(f) MEETINGS.—The Director shall convene—

(1) a meeting of the Board not later than 60 days after the appointment of its members;

(2) subsequent meetings on a periodic basis; and

(3) at least 2 meetings a year during the first 4 years after the date of enactment of this Act.

(g) COMPENSATION AND EXPENSES.—A member of the Board shall serve without compensation. While away from their homes or regular places of business on the business of the Board, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(h) CHAIRPERSON.—The Board shall select a chairperson for the Board.

(i) QUORUM.—A majority of the members of the Board shall constitute a quorum for the purpose of conducting business.

(j) DECISIVE VOTES.—Two-thirds of the votes cast at a meeting of the Board at which a quorum is present shall be decisive of any motion.

(k) OTHER TERMS AND CONDITIONS.—The Director shall authorize the Board to hire a staff director and shall detail staff of the Patent and Trademark Office or allow for the hiring of other staff and may pay necessary expenses incurred by the Board in carrying out this section. The Director shall provide technical assistance, work space, facilities, and other amenities to facilitate the meetings and operations of the Board. The Director, or designated staff, may attend any such meetings and provide advice and guidance.

(l) RESPONSIBILITIES OF BOARD.—

(1) IN GENERAL.—The Board shall provide recommendations to the Director on the implementation of section 298 of title 35, United States Code (as added by this Act), including the appropriate royalty rates for compensating patent holders under that section.

(2) TECHNICAL ADVISORY PANELS.—The Board may convene technical advisory panels to provide scientific, legal, international, economic, and other information to the Board.

(m) EVALUATION AND REPORTS.—

(1) IN GENERAL.—The Board shall evaluate the implementation and administration of section 298 of title 35, United States Code (as added by this Act), and shall provide periodic and special reports to the Director, the Secretary of Health and Human Services, the National Institutes of Health, the Director of the Centers for Disease Control, and to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(2) DUTIES.—If the Director uses the compensation method under section 298(e)(3)(A) of title 35, United States Code (as added by this Act), the Board shall—

(A) not later than 160 days after the date of enactment of this Act, begin to gather information regarding proposals for the compensation of patent holders and shall carefully examine various compensation options;

(B) not later than 240 days after the date of enactment of this Act, submit preliminary recommendations to the entities and officers described under paragraph (1);

(C) advise the Director on various matters raised by the Director;

(D) submit a report to the Director, the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives at least once each year on—

(i) recommendations for improving procedures or the administration of the program established under that section; and

(ii) other factual or policy matters which may provide guidance or assistance to those Committees; and

(E) submit a report to the Director and the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on—

(i) the advantages and disadvantages which might result from allowing nongovernmental organizations to be able to apply to obtain a compulsory license under procedures similar to those set forth in that section for such countries where the national government declines to apply for such a license, including an analysis of whether World Trade Organization understandings would permit such an approach and how such an approach might be implemented; and

(ii) whether this Act provides sufficient economic incentives to generic companies for the research and development of new generic products.

(n) PETITIONS.—The Board shall establish procedures under which persons may petition the Board for the purpose of evaluating various issues related to the implementation and administration of section 298 of title 35, United States Code (as added by this Act).

(o) CONFIDENTIALITY.—Any confidential business information obtained by the Board in carrying out this section shall not be released to the public.

(p) APPROPRIATIONS.—

(1) AMOUNTS OF APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated to the United States Patent and Trademark Office for purposes of carrying out paragraph (2)—

(A) $1,500,000 for the fiscal year ending September 30, 2007;

(B) $1,500,000 for the fiscal year ending September 30, 2008;

(C) $1,300,000 for the fiscal year ending September 30, 2009;

(D) $1,100,000 for the fiscal year ending September 30, 2010; and

(E) $900,000 for the fiscal year ending September 30, 2011.

(2) USE OF APPROPRIATIONS.—Amounts appropriated under paragraph (1) shall be used for the expenses and activities of the Board under this section, except no more than $200,000 of such amounts in each fiscal year may be used for the expenses and activities of the Office established under section 298(c)(B) of title 35, United States Code (as added by this Act). Such amounts not obligated in any fiscal year may be carried over into subsequent fiscal years, except that any amounts not obligated by September 30, 2011, shall be provided to the Secretary of the Treasury to be returned to the United States Treasury.

(q) TERMINATION.—The Board shall terminate on September 30, 2011.

By Mr. REID (for Mr. ROCKEFELLER):

S. 3176. A bill to protect the privacy of veterans and spouses of veterans affected by the security breach at the Department of Veterans Affairs on May 3, 2006, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, every American has the justifiable expectation that the Federal Government will protect their private personal information—information that they are required to provide to a Federal agencies. It is a basic and fundamental responsibility of government to make sure that this sensitive data is handled appropriately, accessed only by authorized personal, and used only for intended purposes.

Earlier this week, the Veterans Administration, VA, announced that computer disks containing as many as 26.5 million veterans' personal information were stolen from an employee who had taken the information home. I, along with many of my colleagues, am outraged at this enormous lapse in security. The Veterans Administration must make sure that veterans are not harmed because of the agency's failure to protect sensitive personal data.

This information includes veterans' social security numbers and dates of birth, the underpinnings of almost all of our financial information. In the wrong hands, this information can be used to steal a person's identity causing substantial harm. All of us have constituents who have been victims of identity theft. When a person's identity is stolen, it can have devastating financial consequences for that person and that family. Even if the financial harm is minimal, it often takes years to clear your name. For our nation's veterans, many of whom are older and disabled, identity theft poses even greater problems.

I understand that the Veterans Administration has launched an internal investigation, but Congress must also conduct a thorough investigation into how this security breach occurred. I want to know why the Veterans Administration waited almost 3 weeks to inform our nation's veterans and Congress of this breach. In my opinion, it is inexcusable that veterans were not notified immediately that their personal information had been stolen and were not given any guidance as to the steps they should take to protect themselves from identity theft. I understand the Veterans Administration Inspector General has cited the agency for poor security policies and procedures. Congress must also begin a comprehensive review of the agency's security protocols and policies and force the agency to adopt stricter security measures to make sure that the personal data our veterans are required to provide the agency is not ever again at risk.

It is for this reason that I am introducing the Veterans' Privacy Protection Act today. Although all Federal agencies need comprehensive data privacy policies, this is a targeted bill to address the security breach at the Veterans Administration on an urgent basis.

Congress has required the Federal Trade Commission to address identity theft and its consequences. The agency has taken an aggressive approach in combating this devastating crime. My bill would require the Federal Trade Commission to develop a hotline explicitly for veterans to provide the information, counseling, and help necessary to allow a veteran to protect himself from the loss of personal data.

At this point, our legislative response must cover all 26.5 million veterans that the Veterans Administration believes may have had their personal information compromised. If further investigations conclusively prove that fewer veterans are at-risk, my bill would target services and support to the affected individuals. To help veterans, my bill would make it easier for them to request a long-term credit alert for their records so credit agencies are aware that their personal information could be being used by others. It is my understanding that a security freeze on an individual's record can have a modest cost, and my bill would have the Veterans Administration cover that cost.

Finally, my bill requires the General Accountability Office to evaluate the Veterans Administration response to this incident and to analyze the agency's security protocols. I believe that an independent investigation could generate a number of recommendations to improve the security of personal information not just in the Veterans Administration but in all Federal agencies.

It is my great hope that a thorough investigation will find the criminals responsible for the theft and determine that they were only after the computer and not the millions of valuable private records of our veterans. If in fact these thieves were after our veterans' data, we will have a major catastrophe on our hands, inexcusably adding more hardship to the lives of those who have so ably served their country.

Mr. President, today the Veterans Administration has failed our Nation's veterans. It is inconceivable to me how any Federal agency could have let this happen. We all have heard the stories during the past year regarding massive breaches of private and confidential data by private entities. The Federal Government acted quickly to respond to these breaches and now it must act just as quickly if not more so to address its own failings. My bill is a critical step in providing the necessary assistance that millions of veterans may require, and I urge my colleagues to act on it with the urgency this situation demands.

I ask unanimous constent that text of the bill be printed in the Record.●

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 3176

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Privacy Protection Act of 2006".

SEC. 2. FEDERAL TRADE COMMISSION PROGRAM FOR VETERANS AN SPOUSES OF VETERANS AT RISK OF IDENTITY THEFT.

(a) Program Required.—The Federal Trade Commission shall, in consultation with the Secretary of Veterans Affairs, develop and implement a program to provide financial counseling and support to any veteran or spouse described in subsection (e).

(b) Access.—The program required by subsection (a) shall be accessible through a toll-free telephone number (commonly referred to as an "800 number") established and operated by the Federal Trade Commission for purposes of the program.

(c) Elements.—Under the program required by subsection (a), the Federal Trade Commission shall—

(1) provide to veterans and spouses described in subsection (e) such financial and other counseling as the Commission considers appropriate relating to identity theft and the theft of data as described in that subsection; and

(2) upon request of any veteran or spouse described in subsection (e), assist such veteran or spouse in securing the placement of an extended fraud alert or credit security freeze under sections 605A(b)(3) and 605C of the Fair Credit Reporting Act, as added by this Act, respectively.

(d) Veterans Not Subject to Identity Theft.—

(1) Notice to FTC of identification of veterans not subject to identity theft.—Upon conclusively identifying any veteran otherwise described in subsection (e) as not being at risk of identity theft as described in that subsection, the Secretary shall immediately notify the Federal Trade Commission of such identification.

(2) Notice to veterans.—The program required by subsection (a) shall include mechanisms to ensure that any veteran who seeks counseling and support under the program after receipt by the Commission of notice under paragraph (1) covering such veteran is informed that such veteran is no longer subject to identity theft as described in subsection (e).

(e) Applicability.—This section shall apply with respect to—

(1) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006; and

(2) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.

SEC. 3. EXTENDED CONSUMER CREDIT FRAUD ALERTS AND SECURITY FREEZES FOR VETERANS AND SPOUSES OF VETERANS AFFECTED BY SECURITY BREACH.

(a) Automatic Fraud Alerts.—Section 605A(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c-1(b)) is amended by adding at the end the following:

"(3) Automatic extended fraud alerts for certain veterans.—

"(A) In general.—Upon the direct request of a veteran or spouse described in subparagraph (D), each consumer reporting agency described in section 603(p)(1) that maintains a file on the veteran shall take the actions specified in subparagraphs (A) through (C) of paragraph (1) with respect to the veteran or spouse.

"(B) Automatic alerts.—Notwithstanding the requirements of paragraph (1), a veteran or spouse described in subparagraph (D) is not required to submit any identity theft report, proof of identity, or other documentation with respect to an extended fraud alert required by subparagraph (A).

"(C) Veterans not subject to identity theft.—Upon conclusively identifying any veteran as not being at risk of identity theft as a result of the security breach described in subparagraph (A)—

"(i) the Secretary of Veterans Affairs shall immediately notify each consumer reporting agency and the veteran involved that such veteran is no longer subject to identity theft as a result of the security breach described in subparagraph (A); and

"(ii) the requirements of subparagraph (A) shall no longer apply with respect to any such veteran as of the date of such notification.

"(D) Applicability.—This paragraph shall apply to—

"(i) each veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006; and

"(ii) each spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.".

(b) Security Freezes for Veterans.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by inserting after section 605B the following:

"SEC. 605C. SECURITY FREEZES FOR CERTAIN VETERANS.

"(a) Applicability.—This section shall apply with respect to—

"(1) any veteran, as defined in section 101 of title 38, United States Code, who may be a victim of identity theft as a result of the security breach at the Department of Veterans Affairs on May 3, 2006; and

"(2) any spouse (or former spouse) of such veteran who the Secretary of Veterans Affairs has conclusively identified as being at risk of identity theft as a result of that security breach.

"(b) Security Freezes.—

"(1) Emplacement.—A veteran or spouse described in subsection (a) may include a security freeze in the file of that veteran or spouse maintained by a consumer reporting agency described in section 603(p)(1), by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

"(2) Consumer disclosure.—If a veteran or spouse described in subsection (a) requests a security freeze under this section, the consumer reporting agency shall disclose to that person the process of placing and removing the security freeze and explain to that veteran or spouse the potential consequences of the security freeze. A consumer reporting agency may not imply or inform a veteran or spouse that the placement or presence of a security freeze on the file of that veteran or spouse may negatively affect their credit score.

"(c) Effect of Security Freeze.—

"(1) Release of information blocked.—If a security freeze is in place in the file of a veteran or spouse described in subsection (a), a consumer reporting agency may not release information from the file of that veteran or spouse for consumer credit purposes to a third party without prior express written authorization from that veteran or spouse.

“(2) INFORMATION PROVIDED TO THIRD PARTIES.—Paragraph (2) does not prevent a consumer reporting agency from advising a third party that a security freeze is in effect with respect to the file of a veteran or spouse described in subsection (a). If a third party, in connection with an application for credit, requests access to a consumer file on which a security freeze is in place under this section, the third party may treat the application as incomplete.

“(3) CREDIT SCORE NOT AFFECTED.—The placement of a security freeze under this section may not be taken into account for any purpose in determining the credit score of the veteran or spouse to whom the security freeze relates.

“(d) REMOVAL; TEMPORARY SUSPENSION.—

“(1) IN GENERAL.—Except as provided in paragraph (4), a security freeze under this section shall remain in place until the veteran or spouse to whom it relates requests that the security freeze be removed. A veteran or spouse may remove a security freeze on his or her credit report by making a request to the consumer reporting agency in writing, by telephone, or through a secure electronic connection made available by the consumer reporting agency.

“(2) CONDITIONS.—A consumer reporting agency may remove a security freeze placed in the file of a veteran or spouse under this section only—

“(A) upon request of that veteran or spouse, pursuant to paragraph (1); or

“(B) if the agency determines that the file of that veteran or spouse was frozen due to a material misrepresentation of fact by that veteran or spouse.

“(3) NOTIFICATION TO CONSUMER.—If a consumer reporting agency intends to remove a security freeze pursuant to paragraph (2)(B), the consumer reporting agency shall notify the veteran or spouse to whom the security freeze relates in writing prior to removing the freeze.

“(4) TEMPORARY SUSPENSION.—A veteran or spouse described in subsection (a) may have a security freeze under this section temporarily suspended by making a request to the consumer reporting agency in writing or by telephone and specifying beginning and ending dates for the period during which the security freeze is not to apply.

“(e) RESPONSE TIMES; NOTIFICATION OF OTHER ENTITIES.—

“(1) IN GENERAL.—A consumer reporting agency shall—

“(A) place a security freeze in the file of a veteran or spouse under subsection (b) not later than 5 business days after receiving a request from the veteran or spouse under subsection (b)(1); and

“(B) remove or temporarily suspend a security freeze not later than 3 business days after receiving a request for removal or temporary suspension from the veteran or spouse under subsection (d).

“(2) NOTIFICATION OF OTHER AGENCIES.—A consumer reporting agency shall notify all other consumer reporting agencies described in section 603(p)(1) of a request under this section not later than 3 days after placing, removing, or temporarily suspending a security freeze in the file of the veteran or spouse under subsection (b), (d)(2)(A), or (d)(4).

“(3) IMPLEMENTATION BY OTHER AGENCIES.—A consumer reporting agency that is notified of a request under paragraph (2) to place, remove, or temporarily suspend a security freeze in the file of a veteran or spouse shall—

“(A) request proper identification from the veteran or spouse, in accordance with subsection (g), not later than 3 business days after receiving the notification; and

“(B) place, remove, or temporarily suspend the security freeze on that credit report not later than 3 business days after receiving proper identification.

“(f) CONFIRMATION.—Except as provided in subsection (c)(3), whenever a consumer reporting agency places, removes, or temporarily suspends a security freeze at the request of a veteran or spouse under subsection (b) or (d), respectively, it shall send a written confirmation thereof to the veteran or spouse not later than 10 business days after placing, removing, or temporarily suspending the security freeze. This subsection does not apply to the placement, removal, or temporary suspension of a security freeze by a consumer reporting agency because of a notification received under subsection (e)(2).

“(g) ID REQUIRED.—A consumer reporting agency may not place, remove, or temporarily suspend a security freeze in the file of a veteran or spouse described in subsection (a) at the request of the veteran or spouse, unless the veteran or spouse provides proper identification (within the meaning of section 610(a)(1)) and the regulations thereunder.

“(h) EXCEPTIONS.—This section does not apply to the use of the file of a veteran or spouse described in subsection (a) maintained by a consumer reporting agency by any of the following:

“(1) A person or entity, or a subsidiary, affiliate, or agent of that person or entity, or an assignee of a financial obligation owing by the veteran or spouse to that person or entity, or a prospective assignee of a financial obligation owing by the veteran or spouse to that person or entity in conjunction with the proposed purchase of the financial obligation, with which the veteran or spouse has or had prior to assignment an account or contract, including a demand deposit account, or to whom the veteran or spouse issued a negotiable instrument, for the purposes of reviewing the account or collecting the financial obligation owing for the account, contract, or negotiable instrument.

“(2) Any Federal, State, or local agency, law enforcement agency, trial court, or private collection agency acting pursuant to a court order, warrant, subpoena, or other compulsory process.

“(3) A child support agency or its agents or assigns acting pursuant to subtitle D of title IV of the Social Security Act (42 U.S.C. et seq.) or similar State law.

“(4) The Department of Health and Human Services, a similar State agency, or the agents or assigns of the Federal or State agency acting to investigate medicare or medicaid fraud.

“(5) The Internal Revenue Service or a State or municipal taxing authority, or a State department of motor vehicles, or any of the agents or assigns of these Federal, State, or municipal agencies acting to investigate or collect delinquent taxes or unpaid court orders or to fulfill any of their other statutory responsibilities.

“(6) The use of consumer credit information for the purposes of prescreening, as provided for under this title.

“(7) Any person or entity administering a credit file monitoring subscription to which the veteran or spouse has subscribed.

“(8) Any person or entity for the purpose of providing a veteran or spouse with a copy of his or her credit report or credit score upon request of the veteran or spouse.

“(i) FEES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a consumer reporting agency may charge a reasonable fee, for placing, removing, or temporarily suspending a security freeze in the file of the veteran or spouse described in subsection (a), which cost shall be submitted to and paid by the Department of Veterans Affairs, pursuant to procedures established by the Secretary of Veterans Affairs.

“(2) ID THEFT VICTIMS.—A consumer reporting agency may not charge a fee for placing, removing, or temporarily suspending a security freeze in the file of a veteran or spouse described in subsection (a), if—

“(A) the veteran or spouse is a victim of identity theft;

“(B) the veteran or spouse requests the security freeze in writing;

“(C) the veteran or spouse has filed a police report with respect to the theft, or an identity theft report (as defined in section 603(q)(4), within 90 days after the date on which the theft occurred or was discovered by the veteran or spouse; and

“(D) the veteran or spouse provides a copy of the report to the reporting agency.

“(j) LIMITATION ON INFORMATION CHANGES IN FROZEN REPORTS.—

“(1) IN GENERAL.—If a security freeze is in place in the file of a veteran or spouse described in subsection (a), the consumer reporting agency may not change any of the following official information in that file without sending a written confirmation of the change to the veteran or spouse within 30 days after the date on which the change is made:

“(A) Name.

“(B) Date of birth.

“(C) Social Security number.

“(D) Address.

“(2) CONFIRMATION.—Paragraph (1) does not require written confirmation for technical modifications of the official information of a veteran or spouse, including name and street abbreviations, complete spellings, or transposition of numbers or letters. In the case of an address change, the written confirmation shall be sent to both the new address and to the former address of the veteran or spouse.

“(k) CERTAIN ENTITY EXEMPTIONS.—

“(1) AGGREGATORS AND OTHER AGENCIES.—The provisions of this section do not apply to a consumer reporting agency that acts only as a reseller of credit information by assembling and merging information contained in the data base of another consumer reporting agency or multiple consumer reporting agencies, and does not maintain a permanent data base of credit information from which new consumer credit reports are produced.

“(2) OTHER EXEMPTED ENTITIES.—The following entities are not required to place a security freeze in the file of a veteran or spouse described in subsection (a) in accordance with this section:

“(A) A check services or fraud prevention services company, which issues reports on incidents of fraud or authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments.

“(B) A deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, ATM abuse, or similar negative information regarding such veteran or spouse, to inquiring banks or other financial institutions for use only in reviewing the request of such veteran or spouse for a deposit account at the inquiring bank or financial institution.".

(c) FEES.—Any fee associated with an extended fraud alert or security freeze required by the amendments made by this section that would otherwise be required to be paid by the consumer shall be paid by the Department of Veterans Affairs.

SEC. 4. PENALTIES FOR IDENTITY THEFT OF VETERANS.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (b), by striking "The punishment for" and inserting the following "Except as provided in subsection (j), the punishment for"; and

(2) by adding at the end the following:

"(j) IDENTITY THEFT OF VETERANS.—

"(1) IN GENERAL.—In determining the punishment applicable under subsection (b), if the offense is an offense described in paragraph (2), the fine and term of imprisonment otherwise applicable under subsection (b) shall be doubled.

"(2) TYPE OF OFFENSE.—An offense described in this paragraph is an offense under subsection (a) that—

"(A) involves any document or other information—

"(i) relating to a veteran (as defined in section 101 of title 38) or a spouse of a veteran; and

"(ii) obtained as a direct or indirect result of the security breach at the Department of Veterans Affairs on May 3, 2006; and

"(B) was committed after the date of enactment of this subsection.".

SEC. 5. FUNDING.

(a) REIMBURSEMENT.—The Secretary of Veterans Affairs shall reimburse the Federal Trade Commission for any costs incurred by the Commission in carrying out this Act and the amendments made by this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated to the Secretary and available for obligation may be utilized for purposes of reimbursement of the Federal Trade Commission under subsection (a).

SEC. 6. COMPTROLLER GENERAL STUDIES ON DATA PROTECTION AND OTHER MATTERS.

(a) STUDY ON DATA PROTECTION BY DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the data protection procedures of the Department of Veterans Affairs.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) A review and assessment of the data protection procedures of the Department of Veterans Affairs in effect before May 3, 2006.

(B) A review and assessment of any modifications of the data protection procedures of the Department of Veterans Affairs adopted as a result of the loss of data resulting from the security breach at the Department on May 3, 2006.

(b) STUDY ON SECURITY BREACH INVESTIGATION BY DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review and assessment of the investigation carried out by the Department of Veterans Affairs with respect to the security breach at the Department on May 3, 2006.

(2) COOPERATION.—The Secretary of Veterans Affairs shall ensure that the personnel of the Department of Veterans Affairs cooperate fully with the Comptroller General in the conduct of the review and assessment required by paragraph (1).

(c) STUDY ON FTC PROGRAM FOR VETERANS AND SPOUSES AT RISK OF IDENTITY THEFT.—The Comptroller General of the United States shall conduct a study of the program of the Federal Trade Commission for veterans and spouses of veterans at risk of identity theft required by section 2. The study shall include an assessment of the effectiveness of the program in meeting the financial counseling and similar needs of individuals seeking counseling and support through the program.

(d) STUDY ON COMPLIANCE OF FEDERAL AGENCIES WITH REQUIREMENTS ON PERSONAL DATA.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the compliance of the departments and agencies of the Federal Government with applicable requirements relating to the preservation of the confidentiality of personal data.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) A review and assessment of the current procedures and practices of the departments and agencies of the Federal Government regarding the preservation of the confidentiality of personal data.

(B) A comparative analysis of the procedures practices referred to in subparagraph (A) with current standards of the Federal Trade Commission for the preservation of the confidentiality of personal data by commercial and non-commercial private entities.

(C) A review and assessment of the modifications of the data protection procedures adopted by the Department of Veterans Affairs as a result of the loss of data resulting from the security breach on May 3, 2006, including an assessment of the feasibility and advisability of the adoption of any such modifications by other departments and agencies of the Federal Government.

(D) An identification of recommendations for improvements to the procedures and practices of the departments and agencies of the Federal Government regarding the preservation of the confidentiality of personal data.

(e) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report setting forth the results of each study conducted under this section. The report shall set forth the results of each study separately, and shall include such recommendations for legislative and administrative action as the Comptroller General considers appropriate in light of the studies.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Veterans Affairs, such sums as may be necessary to carry out this Act and the amendments made by this Act.

By Mr. BUNNING:

S 3177. A bill to suspend temporarily the duty on certain compounds of lanthanum phosphates; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce a number of bills to provide for relief from duties. It is my intention that some or all of these duty suspension bills will eventually be included in the Miscellaneous Tariff Bill, MTB, that the Senate Finance Committee is expected to consider this year.

As the members of the Senate are aware, Congress on occasion passes a bill, known as the Miscellaneous Tariff Bill or MTB, as a vehicle for enacting pending non-controversial duty suspensions. The rules for the inclusion of a duty suspension in the MTB are straight forward. First and foremost, in order to be included in the MTB, a bill must be non-controversial. A bill will be controversial if it is objected to by a domestic producer of the product for which the duty reduction is being sought. Secondly, the cost for each bill must amount to less than $500,000 of lost revenue per year.

As my colleagues are aware, the MTB provides an opportunity to temporarily eliminate or reduce duties on narrowly defined products that are imported into the United States because there is not available domestic source for the products. These duty suspensions reduce input costs for U.S. businesses and thus ultimately increase the competitiveness of their products.

I have been approached by a number of manufacturers in Kentucky that use imported inputs while making their products. These manufacturers have represented to me that, to their knowledge, there currently exists no American-made source for these inputs.

In an effort to assist these Kentucky manufacturers, I am introducing these duty suspension bills so that the items they address will be able to be considered for inclusion in the MTB prepared by the Senate Finance Committee.

My intention in introducing these bills is to begin the process of public comment and technical analysis by the International Trade Commission (ITC) on the items addressed by the bills. During this review, the ITC will determine which of these bills are necessary and meet the selection criteria. My support for a duty suspension for the items is contingent on a determination by the ITC analysts that the items in question are proper candidates for inclusion in the non-controversial MTB.

I look forward to working with Chairman GRASSLEY, Ranking Member BAUCUS and my colleagues on the Senate Finance Committee as the process for assembling a final MTB package continues.

By Mr. REED (for himself and Mr. CHAFEE):

S. 3187. A bill to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office."; to the Committee on Homeland Security and Governmental Affairs.

Mr. REED. Mr. President, today I pay tribute to one of Rhode Island's most highly decorated soldiers, Commander Richard L. Cevoli of East Greenwich.

Commander Cevoli served our nation bravely in both World War II and the Korean War. In honor of his sacrifices and service to his nation, I am introducing a bill, along with Senator CHAFEE, to name the post office located at 5775 Post Road in East Greenwich, RI, the "Richard L. Cevoli Post Office."

Commander Cevoli was born in East Greenwich, Rhode Island, on October 24, 1919, and died in a tragic plane crash in Florida on January 18, 1955. He went to Rhode Island State College, which is now the University of Rhode Island, and earned a degree in civil engineering. In 1941, after graduation, he moved to New York and began working for the engineering firm of Merritt, Chapman & Scott.

The month after the bombing of Pearl Harbor, Richard Cevoli returned to Rhode Island and entered the Navy. He was sent to flight training in Dallas, Sanford, and Pensacola before being assigned to Squadron VF-18, based on the USS *Intrepid* in the Pacific.

It was during his service with the VF-18 that Commander Cevoli was awarded the second-highest medal awarded in the Navy—the Navy Cross. This honor was given to Commander Cevoli during the Battle of Leyte Gulf off the Philippines coast in October of 1944. Along with other fighters, Commander Cevoli strafed the largest Japanese ship, silencing many of its guns. The following day, he severely damaged a Japanese aircraft carrier with a 500-pound bomb. On a subsequent attack on the Japanese forces, as is recorded in his medal citation, "Cevoli disregarded the terrific antiaircraft opposition and scored a near miss on a Kongo class battleship with a 500-pound bomb. Then, pulling out he made a second run to strafe a destroyer, silencing its antiaircraft weapons and thereby contributing to our successful bombing and torpedo attacks which followed. His outstanding courage and determination were in keeping with the highest traditions of the United States Naval Service."

Following his service during the war, he returned to Rhode Island and continued his Navy career at Naval Air Station, Quonset Point. However, the peace was short-lived. North Korea invaded South Korea, and another major conflict quickly began.

From 1949 until 1951, Commander Cevoli served as the Executive Officer in Squadron VF-18 on board the USS *Leyte*, seeing action in Korea. In addition to the Navy Cross, Commander Cevoli earned two Distinguished Flying Crosses and eight Air Medals during his active flying career.

Once the conflict in Korea had ended, Commander Cevoli was able to spend more time at home. He took classes at the Naval War College in Newport and in July, 1954 he was placed in command of Squadron VF-73. Tragically, he died serving his country when his plane crashed during a training mission.

Commander Cevoli left behind a wife, Grace, and three children, Steven, Carol, and Elizabeth. A life-long resident of East Greenwich, Commander Cevoli's legacy is memorialized in the Rhode Island Aviation Hall of Fame.

This legislation will pay tribute to this hero of Rhode Island and the United States, and I ask my colleagues to join me in honoring Commander Cevoli by supporting this bill.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RICHARD L. CEVOLI POST OFFICE.

(a) DESIGNATION.—The post office located at 5755 Post Road, East Greenwich, Rhode Island, shall be known and designated as the "Richard L. Cevoli Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the post office referred to in subsection (a) shall be deemed to be a reference to the Richard L. Cevoli Post Office.

By Mrs. FEINSTEIN:

S. 3188. A bill to amend the Forest Service use and occupancy permit program to restore the authority of the Secretary of Agriculture to utilize the special use permit fees collected by the Secretary in connection with the establishment and operation of marinas in units of the National Forest System derived from the public domain, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise to introduce legislation that will restore authority to the Forest Service to retain marina permit revenue for local expenditure.

Within some National Forests, the Forest Service has partnered with local small business owners, allowing them to operate houseboat marinas. In exchange, the Forest Service collects occupancy fees from these marina operators. A portion of these fees had, until recently, been kept in the Forest for local recreation and safety enhancement projects. My legislation allows the Forest Service to once again use these fees in the Forest where they were generated, and where their impact will be most direct.

Several units of the National Forest system will benefit from this legislation, but the unit most affected is the Shasta-Trinity National Forest in California. Under the 1996 Recreation Fee Demonstration Program, the Shasta-Trinity Forest developed a recreation enhancement program at Shasta and Trinity Lakes. Forest Service officials used a portion of the revenue from this program for projects like dock repair, improved handicapped access, safety markers for boaters, law enforcement, and campground construction. Over $4 million was invested in the Forest through this program.

However, the program was inadvertently repealed when the Federal Lands Recreation Enhancement Act was passed. My legislation will correct this oversight by amending the Forest Service's Special Use Permit program, returning this recreation and safety project authority to the agency.

Recreation on Federal lands is important to quality of life in my state and throughout the nation. In many rural areas, it also provides a boost to the economy. I urge my colleagues to support this legislation. It is a simple bill correcting an oversight in the Federal Lands Recreation Enhancement Act. Nonetheless, it has important implications both for recreation enhancement and for the local economies around the affected National Forests.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RETENTION AND USE OF FOREST SERVICE MARINA PERMIT FEES FROM NATIONAL FOREST SYSTEM UNITS DERIVED FROM THE PUBLIC DOMAIN.

The last paragraph under the heading "FOREST SERVICE" in the Act of March 4, 1915 (16 U.S.C. 497), is amended—

(1) by striking "The Secretary of Agriculture" and inserting the following:

"(A) PERMITS FOR USE AND OCCUPANCY OF NATIONAL FOREST SYSTEM LANDS.—The Secretary of Agriculture";

(2) by striking "The authority" and inserting the following:

"(B) LIMITATION ON USE OF PERMITS.—The authority"; and

(3) by adding at the end the following:

"(C) SPECIAL RULES REGARDING MARINA PERMITS.—Amounts collected in connection with the issuance of a special use permit under this paragraph for a marina at a unit of the National Forest System derived from the public domain shall be deposited in an existing special account in the Treasury established for the Secretary of Agriculture for recreation management purposes. Amounts so deposited shall be available to the Secretary of Agriculture, until expended and without further appropriation, for repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, for interpretation, visitor information, visitor service, visitor needs assessments, and signs, for habitat restoration directly related to wildlife-dependent recreation that is limited to hunting, fishing, wildlife observation, or photography, for law enforcement related to public use and recreation, and for direct operating or capital costs associated with the issuance of such special use permits, including any fee management agreement or reservation service used in the issuance of such permits. The Secretary may not use such amounts for biological monitoring for listed or candidate species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.). Not less than 80 percent of the permit fees collected at a specific unit of the National Forest System shall be expended for that unit, but the Secretary may transfer up to 20 percent of such fees to appropriations available to enhance recreation opportunities at other units of the National Forest System.".

By Mrs. FEINSTEIN:

S. 3189. A bill to allow for renegotiating of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley Country Water District, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Redwood Valley County Water District Loan Renegotiation Act of 2006.

This legislation seeks to implement prior congressional action taken in 1988 to require the Secretary of the Interior to renegotiate debts owed by the Redwood Valley County Water District to the United States. It is an absolutely essential step if the Redwood County is to obtain a firm and reliable water supply.

In 1983, the Redwood Valley County Water District completed a project to supply water to a rural agricultural community near Ukiah, in Northern California. Two Bureau of Reclamation loans totaling $7.3 million partially financed this project.

Unfortunately, the District was unable to repay these loans. This occurred for several reasons: The initial use projections developed by the District and reviewed by the Bureau were seriously flawed; the District's ability to raise funds was restricted when a moratorium on new hook-ups was imposed; and concerns for endangered species reduced the District's water allotment by 15 percent.

As a result of this situation, in 1998 Congress passed Section 15 of Public Law 100–516 that indefinitely suspended the District's obligations to repay these Bureau loans and ordered the Secretary of Interior to renegotiate the terms of the loans. This loan renegotiation has never taken place and now the District finds its water supply highly uncertain. The Bureau of Reclamation acknowledged in a 2000 report that the District needs a reliable water supply in order to solve its current financial dilemma.

The District has recently identified two potential new projects, either of which could supply a firm and reliable source. No government funds will be sought for these projects, and the District will rely on private financing, a strategy that the Bureau is encouraging. However, before the District can secure private financing for new projects, it must renegotiate the existing loans to provide for their repayment subsequent to repayment of the new loans.

This legislation requires the District to repay the United States the currently suspended loans once the new loans have been repaid. The new water project will provide enough revenue to allow the District to repay both its private loan and the United States government. By providing a workable and reasonable solution to a longstanding problem, the legislation creates a win-win solution for the Bureau of Reclamation and the Redwood Valley County Water District.

I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEGOTIATION OF PAYMENT SCHEDULE.

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

"(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The renegotiated schedule of payments shall commence when which additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).".

(2) By striking subsection (c).

By Mr. DAYTON (for himself and Mr. LOTT):

S. 3239. A bill to require full disclosure of insurance coverage and noncoverage by insurance companies and provide for Federal Trade Commission enforcement; to the Committee on Commerce, Science, and Transportation.

Mr. DAYTON. Mr. President, this legislation I am proud to cosponsor, along with my distinguished colleague from Mississippi, is called the Uniform Insurance Noncoverage Disclosure Act. I call it "honesty is the best insurance policy act." It says very simply that all insurance policies—medical, homeowners, whatever they are—must state clearly on the cover page what the policy does not cover.

My colleague from Mississippi can speak eloquently and powerfully about his experiences in his State post-Katrina, but even before that disaster occurred, I have seen similar situations in Minnesota of good people whose lives were devastated by illnesses or natural disasters and then were further devastated by discovering that their losses or expenses were not covered by their insurance policies. For years, they had faithfully paid their premiums believing they had comprehensive coverage, only to find out too late that was untrue.

Insurance companies write the policies, they interpret the policies, they decide what they will and will not cover, and then they handle the appeals and make the final decisions. If they deny the claims, they pocket those dollars in profits. If they honor the claims, they pay them out in losses. Talk about a stacked deck in their favor and against the consumer.

I have had aggrieved constituents show me their homeowners policies. I am an intelligent, well-educated man, but it is impossible to decipher them. They contain cross-references to paragraph numbers in other policies that are not part of the agreement. They cannot be understood, and they are not meant to be understood.

One Minnesota homeowner lost almost everything to a flood. Too late he discovered that his blanket homeowners insurance did not cover losses from a flood. He was protected, according to the policy, if an airplane crashed into his house or if civil insurrection—meaning a revolution—caused damage to his home, but not flooding. What are the chances of those different events possibly occurring?

Another Minnesota family whose father had worked for a company for over 20 years learned that their infant son had been born deaf and needed a Cochlear implant. Two of the insurance companies that carried those policies for the company covered that operation; the other did not, claiming that it was experimental. The family made the unwitting mistake of selecting the wrong policy. No one told them that policy would not pay for Cochlear implant surgery in its comprehensive family coverage, and they, obviously, did not know or could not have known that their unborn son would need this surgery some several years later.

Fortunately, this story has a happy ending. The president of the company, Honeywell, Inc., learning of this injustice, overrode the policy and decreed that Honeywell, the company, would pay for that missing coverage, and that child is now listening to human voices he never would have had the opportunity to otherwise.

But not everyone is in that situation. Not everyone is that fortunate.

So this legislation, again, no costs to it, no bureaucracy, nothing. It simply says that the policy must state clearly, in plain English, understandable on the cover page, what it will not cover. If it is comprehensive, if it is complete, then nothing needs to be said. If it is not, if they experience situations that will not be covered, then it needs to tell the consumer up front on that front page what they will be.

Mr. President, I yield to my distinguished colleague from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. I thank again my colleagues on the Judiciary Committee and Senator CRAIG for allowing us to go ahead and introduce this legislation and make brief statements. It is very generous, and we thank him for it.

I am delighted to join my colleague, Senator DAYTON, tonight in cosponsoring this legislation. He was kind enough to invite me to do so and even said: Why don't you be the lead sponsor? And I said no, but I will be glad to cosponsor it.

I think this is an important statement here tonight. Honesty is the best insurance policy. It has a good ring to it. It is not going to revolutionize the world, but it could make a real difference. This is a time when once again, in many parts of the country and particularly in my home area, we are very sensitive to the threat of disasters because in only 8 days, on June 1, the next hurricane season will begin, and the National Oceanic and Atmospheric Administration predicts four to six major hurricanes in the upcoming season. So once again people are struggling with situations of having lost their homes or having their homes badly damaged and being told: No, your insurance policy didn't cover your damage. You didn't have flood insurance because, well, you weren't in a flood plain, and oh, by the way, your house was washed away. It wasn't blown away even though we had winds of 140 miles per hour with gusts of 160 or 170 miles an hour, so therefore you didn't have any wind damage. I must say it has been a disappointing shock to me, the insensitivity and the decisions of certain insurance companies and the positions they have taken. Sometimes they will say: Well, wait a minute, we told you in the policy we don't cover this, we don't cover that.

I represent a blue-collar community. Most people work in the paper mills and the shipyards and are fishermen in my area. They have high school educations, but they are not lawyers. They get a house insurance policy and they think: I am covered. Now, go back and take a look at your insurance policies. If you really take a look at it, you will find that this is not covered, that is not covered, this is not covered, and the next thing you know, you haven't got much coverage, but your premium still goes forward. The standard policies, for instance, don't cover earthquakes and floods, and depending on where you live, hurricanes may not even be covered. That is going to be determined in legal actions. Sometimes they say: Well, unless the policy specifically says the hurricane was covered, then it is not covered. Well, that is an ingenious argument, too.

So we have found that there are lots of problems here, and it breaks my heart, what I have seen happen to thousands of my constituents and people in the neighboring States of Louisiana, Texas, and Alabama. They are being told: No, you didn't read the small print in your policy, you are not covered, or because it didn't say you were covered, then you are not covered. That is why I have joined in sponsoring this bill. Surely we should have honesty in everything, including insurance coverage. At least we should find a way to help the people understand.

So this is what this bill does. It is not all that complicated. It would require that insurance companies include a noncoverage disclosure box—a noncoverage disclosure box—restating in the body of the policy, in font twice the current size of the text, all conditions, exclusions, and other limitations of coverage under that policy. In other words, make it clear. Don't hide it in legalese and gobbledegook. Make it title size, make it bold, where people can go and see what they are not getting.

Some people say: Wait a minute, this may be damaging to the companies. No, I think it will help the companies. It will increase consumer confidence. It will avoid disagreements or conflicts about what is covered. You will have a clarification here, and if you have questions, then at least you can clear them up. It would be in their interests.

One other criticism, and that is, what is it going to cost the Federal Government? Answer: Nothing. And very little to the companies. They have these exclusions woven in there, but they are quite often way down in the body of some long policy, incomprehensible to the minds of normal and sane men and women.

So I think this is something which would be good. Frankly, I agree with the Consumer Federation of America. This small requirement could have saved many people pain and suffering and hundreds of millions of dollars, maybe even billions, after Katrina. So I think it is a good idea, and it is one I am glad to cosponsor. I hope that as we continue to look at what we do in the aftermath of recent disasters and how we do a better job compared to future disasters, this can be worked into the body of legislation. So I am delighted to join as a cosponsor. I thank Senator DAYTON, and I thank Senator LEAHY and Senator CORNYN for allowing us to do this.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 494—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CREATION OF REFUGEE POPULATIONS IN THE MIDDLE EAST, NORTH AFRICA, AND THE PERSIAN GULF REGION AS A RESULT OF HUMAN RIGHTS VIOLATIONS

Mr. SANTORUM (for himself, Mr. LAUTENBERG, Mr. COLEMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 494

Whereas armed conflicts in the Middle East have created refugee populations numbering in the hundreds of thousands and comprised of peoples from many ethnic, religious, and national backgrounds;

Whereas Jews and other ethnic groups have lived mostly as minorities in the Middle East, North Africa, and the Persian Gulf region for more than 2,500 years, more than 1,000 years before the advent of Islam;

Whereas the United States has long voiced its concern about the mistreatment of minorities and the violation of human rights in the Middle East and elsewhere;

Whereas the United States continues to play a pivotal role in seeking an end to conflict in the Middle East and continues to promote a peace that will benefit all the peoples of the region;

Whereas a comprehensive peace in the region will require the resolution of all outstanding issues through bilateral and multilateral negotiations involving all concerned parties;

Whereas the United States has demonstrated interest and concern about the mistreatment, violation of rights, forced expulsion, and expropriation of assets of minority populations in general, and in particular, former Jewish refugees displaced from Arab countries, as evidenced, inter alia, by—

(1) a Memorandum of Understanding signed by President Jimmy Carter and Israeli Foreign Minister Moshe Dayan on October 4, 1977, which states that "[a] solution of the problem of Arab refugees and Jewish refugees will be discussed in accordance with rules which should be agreed";

(2) a statement made by President Jimmy Carter after negotiating the Camp David Accords, the Framework for Peace in the Middle East, where he stated in a press conference on October 27, 1977, that "Palestinians have rights . . . obviously there are Jewish refugees . . . they have the same rights as others do";

(3) a statement made by President Clinton in an interview after Camp David II in July 2000, at which the issue of Jewish refugees displaced from Arab lands was discussed, where he said that "[t]here will have to be some sort of international fund set up for the refugees. There is, I think, some interest, interestingly enough, on both sides, in also having a fund which compensates the Israelis who were made refugees by the war, which occurred after the birth of the State of Israel. Israel is full of people, Jewish people, who lived in predominantly Arab countries who came to Israel because they were made refugees in their own land.";

(4) Senate Resolution 76, 85th Congress, introduced by Senator Jenner on January 29, 1957, which—

(A) noted that individuals in Egypt who are tied by race, religion, or national origin with Israel, France, or the United Kingdom have been subjected to arrest, denial or revocation of Egyptian citizenship, expulsions, forced exile, sequestration and confiscation of assets and property, and other punishments without being charged with a crime; and

(B) requested the President to instruct the chief delegate to the United Nations to urge the prompt dispatch of a United Nations observer team to Egypt with the objective of obtaining a full factual report concerning the violation of rights; and

(5) section 620 of H.R. 3100, 100th Congress, which states that Congress finds that "with the notable exceptions of Morocco and Tunisia, those Jews remaining in Arab countries continue to suffer deprivations, degradations, and hardships, and continue to live in peril" and that Congress calls upon the governments of those Arab countries where Jews still maintain a presence to guarantee their Jewish citizens full civil and human rights, including the right to lead full Jewish lives, free of fear, with freedom to emigrate if they so choose;

Whereas the international definition of a refugee clearly applies to Jews who fled the persecution of Arab regimes, where a refugee is a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country" (Convention relating to the status of refugees of July 28, 1951 (189 UNTS 150));

Whereas the United Nations High Commissioner for Refugees (UNHCR), on 2 separate occasions, determined that Jews fleeing from Arab countries were refugees that fell within the mandate of the UNHCR, namely—

(1) when in his first statement as newly elected High Commissioner, Mr. Auguste Lindt, at the January 29, 1957, meeting of the United Nations Refugee Fund (UNREF) Executive Committee in Geneva, stated, "There is already now another emergency problem arising. Refugees from Egypt. And there is no doubt in my mind that those of those refugee who are not able or not willing to avail themselves of the protection of the Government of their nationality, they might have no nationality or they may have lost this nationality, or, for reasons of prosecution may not be willing to avail themselves of this protection, fall under the mandate of the High Commissioner." (United Nations High Commissioner for Refugees, Report of the UNREF Executive Committee, Fourth Session–Geneva 29 January to 4 February, 1957); and

(2) when Dr. E. Jahn, for the United Nations High Commissioner for Refugees, wrote to Daniel Lack, Legal Adviser to the American Joint Distribution Committee, on July 6, 1967, stating, "I refer to our recent discussion concerning Jews from Middle Eastern and North African countries in consequence of recent events. I am now able to inform you that such persons may be considered prima facie within the mandate of this Office." (United Nations High Commissioner for Refugees Document No. 7/2/3/Libya);

Whereas the seminal United Nations resolution on the Arab-Israeli conflict and other international initiatives refer generally to the plight of "refugees" and do not make any distinction between Palestinian and Jewish refugees, such as—

(1) United Nations Security Council Resolution 242 of November 22, 1967, which calls for a "just settlement of the refugee problem" without distinction between Palestinian and Jewish refugees, and this is evidenced by—

(A) a failed attempt by the United Nations delegation of the Soviet Union to restrict the "just settlement" mentioned in Resolution 242 solely to Palestinian refugees (S/8236, discussed by the Security Council at its 1382nd meeting on November 22, 1967, notably at paragraph 117, in the words of Ambassador Kouznetsov of the Soviet Union), which signified the international community's intention of having the resolution address the rights of all Middle East refugees; and

(B) a statement by Justice Arthur Goldberg, the Chief Delegate of the United States to the United Nations at that time, who was instrumental in drafting the unanimously adopted United Nations Resolution 242, where he pointed out that "The resolution addresses the objective of 'achieving a just settlement of the refugee problem'. This language presumably refers both to Arab and Jewish refugees, for about an equal number of each abandoned their homes as a result of the several wars.";

(2) the Madrid Conference, which was first convened in October 1991 and was co-chaired by President of the United States, George H.W. Bush, and President of the Soviet Union, Mikhail Gorbachev, and included delegations from Spain, the European community, the Netherlands, Egypt, Syria, and Lebanon, as well as a joint Jordanian-Palestinian delegation, where in his opening remarks before the January 28, 1992, organizational meeting for multilateral negotiations on the Middle East in Moscow, United States Secretary of State James Baker made no distinction between Palestinian refugees and Jewish refugees in articulating the mission of the Refugee Working Group, stating "that [t]he refugee group will consider practical ways of improving the lot of people throughout the region who have been displaced from their homes"; and

(3) the Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, which refers in Phase III to an "agreed, just, fair, and realistic solution to the refugee issue," and uses language that is equally applicable to all persons displaced as a result of the conflict in the Middle East;

Whereas Egypt, Jordan, and the Palestinians have affirmed that a comprehensive solution to the Middle East conflict will require a just solution to the plight of all "refugees", as evidenced by—

(1) the 1978 Camp David Accords, the Framework for Peace in the Middle East, which includes a commitment by Egypt and Israel to "work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent resolution of the implementation of the refugee problem";

(2) the Treaty of Peace between Israel and Egypt, signed at Washington March 26, 1979, which provides in Article 8 that the "Parties agree to establish a claims commission for the mutual settlement of all financial claims", in addition to general references to United Nations Security Council Resolution 242 as the basis for comprehensive peace in the region; and

(3) Article 8 of the Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan, done at Arava/Araba Crossing Point October 26, 1994, entitled "Refugees and Displaced Persons", recognizes "the massive human problems caused to both Parties by the conflict in the Middle East";

Whereas the call to secure rights and redress for Jewish and other minorities who were forced to flee Arab countries is not a campaign against Palestinian refugees;

Whereas the international community should be aware of the plight of Jews and other minority groups displaced from the Middle East, North Africa, and the Persian Gulf;

Whereas no just and comprehensive Middle East peace can be reached without recognition of, and redress for, the uprooting of centuries-old Jewish communities in the Middle East, North Africa, and the Persian Gulf; and

Whereas it would not be appropriate, and would constitute an injustice, were the United States to recognize rights for Palestinian refugees without recognizing equal rights for former Jewish, Christian, and other refugees from Arab countries: Now, therefore, be it

Resolved,

SECTION 1. SENSE OF THE SENATE ON HUMAN RIGHTS AND REFUGEES.

It is the sense of the Senate that—

(1) the United States deplores the past and present ongoing violation of the human rights and religious freedoms of minority populations in Arab and Muslim countries throughout the Middle East, North Africa, and the Persian Gulf; and

(2) with respect to Jews, Christians, and other populations displaced from countries in the region, for any comprehensive Middle East peace agreement to be credible, durable, enduring, and constitute an end to conflict in the Middle East, the agreement must address and resolve all outstanding issues, including the legitimate rights of all refugees of the Middle East.

SEC. 2. UNITED STATES POLICY ON REFUGEES OF THE MIDDLE EAST.

The Senate urges the President to—

(1) instruct the United States Permanent Representative to the United Nations and all representatives of the United States in bilateral and multilateral fora that when considering or addressing resolutions that allude to the issue of Middle East refugees, they should ensure that—

(A) relevant text refers to the fact that multiple refugee populations have been created by the Arab-Israeli conflict; and

(B) any explicit reference to the required resolution of the Palestinian refugee issue is matched by a similar explicit reference to the resolution of the issue of Jewish, Christian, and other refugees from Arab countries; and

(2) make clear that the Government of the United States supports the position that, as an integral part of any comprehensive peace, the issue of refugees and the mass violations of human rights of minorities in Arab and Muslim countries throughout the Middle East, North Africa, and the Persian Gulf must be resolved in a manner that includes—

(A) consideration of the legitimate rights of all refugees displaced from Arab countries; and

(B) recognition of the losses incurred by Jews, Christians, and other minority groups as a result of the Arab-Israeli conflict.

SENATE RESOLUTION 495—DESIGNATING JUNE 8, 2006, AS THE DAY OF A NATIONAL VIGIL FOR LOST PROMISE

Mr. GRASSLEY (for himself, Mr. Biden, Mr. Hatch, Mr. Specter, Mr. Durbin, Mr. Talent, Mr. Baucus, Mr. Dodd, and Ms. Murkowski) submitted the following resolution; which was considered and agreed to:

S. Res. 495

Whereas over 26,000 citizens die from the effects of drug abuse each year;

Whereas the damage from drugs is not limited to drug abusers, the collateral damage from drugs is enormous, and drug abuse costs society over $60,000,000,000 in social costs and lost productivity;

Whereas drugs rob users, their families, and all the people of the United States of dreams, promises, ambitions, talents, and lives;

Whereas drug abuse affects millions of families in the United States;

Whereas the stigma of drug abuse and the cloak of denial keep many individuals and families from dealing with the impact of drugs;

Whereas many friends and families are ashamed to acknowledge the death of their loved ones caused by drug abuse;

Whereas all the people of the United States can benefit from illuminating the problem of drug abuse and its impact on families, communities, and society;

Whereas the futures of thousands of youth of the United States have been cut short because of drug abuse, including the life of—

(1) Irma Perez, who suffered and died of an Ecstasy overdose at age 14;

(2) David Manlove, who wanted to be a doctor, but died from inhalant abuse at age 16;

(3) David Pease, an articulate debater, who died of a heroin overdose at age 23;

(4) Ian Eaccarino, a college student who died of a heroin overdose at age 20;

(5) Jason Surks, who was studying to be a pharmacist, but died of prescription drug abuse at age 19;

(6) Kelley McEnery Baker, who died of an overdose of Ecstasy at age 23;

(7) Ryan Haight, who died of an overdose of prescription drugs he had purchased over the Internet at age 18; and

(8) Taylor Hooton, a high school baseball star whose life was cut short by steroids at age 16;

Whereas these deaths represent only a small sample of the lost promise that drug abuse has cost the future of the United States;

Whereas law enforcement, public health and research organizations, community coalitions, drug prevention outreach organizations, individual parents, siblings, friends, and concerned citizens are joining together on June 8, 2006, in a Vigil for Lost Promise, to call public attention to the tremendous promise which has been lost with the deaths of those affected by drugs: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 8, 2006, as the day of a National Vigil for Lost Promise; and

(2) encourages all young people to choose to live a drug-free life;

(3) encourages all people of the United States to work to stop drug abuse before it starts and remain vigilant against the far reaching loss of promise caused by deaths from drug abuse;

(4) encourages all citizens of the United States to remember the lost promise of youth caused by drug abuse on this day.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4188. Mr. SPECTER (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes.

TEXT OF AMENDMENTS

SA 4188. Mr. SPECTER (for himself and Mr. KENNEDY) proposed an amendment to the bill S. 2611, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 8, between lines 20 and 21, insert the following:

(3) DEPUTY UNITED STATES MARSHALS.—In each of the fiscal years 2007 through 2011, the Attorney General shall, subject to the availability of appropriations, increase by not less than 50 the number of positions for full-time active duty Deputy United States Marshals that investigate criminal matters related to immigration.

(4) RECRUITMENT OF FORMER MILITARY PERSONNEL.—

(A) IN GENERAL.—The Commissioner of United States Customs and Border Protection, in conjunction with the Secretary of Defense or a designee of the Secretary of Defense, shall establish a program to actively recruit members of the Army, Navy, Air Force, Marine Corps, and Coast Guard who have elected to separate from active duty.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner shall submit a report on the implementation of the recruitment program established pursuant to subparagraph (A) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

On page 9, line 3, strike "(2)" and insert the following:

(2) DEPUTY UNITED STATES MARSHALS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of the fiscal years 2007 through 2011 to carry out subsection (a)(3).

(3)

On page 33, between lines 9 and 10, insert the following:

SEC. 117. COOPERATION WITH THE GOVERNMENT OF MEXICO.

(a) COOPERATION REGARDING BORDER SECURITY.—The Secretary of State, in cooperation with the Secretary and representatives of Federal, State, and local law enforcement agencies that are involved in border security and immigration enforcement efforts, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico regarding—

(1) improved border security along the international border between the United States and Mexico;

(2) the reduction of human trafficking and smuggling between the United States and Mexico;

(3) the reduction of drug trafficking and smuggling between the United States and Mexico;

(4) the reduction of gang membership in the United States and Mexico;

(5) the reduction of violence against women in the United States and Mexico; and

(6) the reduction of other violence and criminal activity.

(b) COOPERATION REGARDING EDUCATION ON IMMIGRATION LAWS.—The Secretary of State, in cooperation with other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to carry out activities to educate citizens and nationals of Mexico regarding eligibility for status as a nonimmigrant under Federal law to ensure that the citizens and nationals are not exploited while working in the United States.

(c) COOPERATION REGARDING CIRCULAR MIGRATION.—The Secretary of State, in cooperation with the Secretary of Labor and other appropriate Federal officials, shall work with the appropriate officials from the Government of Mexico to improve coordination between the United States and Mexico to encourage circular migration, including assisting in the development of economic opportunities and providing job training for citizens and nationals in Mexico.

(d) CONSULTATION REQUIREMENT.—Federal, State, and local representatives in the United States shall consult with their counterparts in Mexico concerning the construction of additional fencing and related border security structures along the international border between the United States and Mexico, as authorized by this title, before the commencement of any such construction in order to—

(1) solicit the views of affected communities;

(2) lessen tensions; and

(3) foster greater understanding and stronger cooperation on this and other important security issues of mutual concern.

(e) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report on the actions taken by the United States and Mexico under this section.

On page 51, line 12, strike "**554**" and insert "**555**".

On page 53, between lines 3 and 4, strike "**554**" and insert "**555**".

On page 53, between lines 14 and 15, insert the following:

SEC. 134. REPORT ON INCENTIVES TO ENCOURAGE CERTAIN MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES TO SERVE IN THE BUREAU OF CUSTOMS AND BORDER PROTECTION.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report assessing the desirability and feasibility of offering incentives to covered members and former members of the Armed Forces for the purpose of encouraging such members to serve in the Bureau of Customs and Border Protection.

(b) COVERED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.—For purposes of this section, covered members and former members of the Armed Forces are the following:

(1) Members of the reserve components of the Armed Forces.

(2) Former members of the Armed Forces within two years of separation from service in the Armed Forces.

(c) REQUIREMENTS AND LIMITATIONS.—

(1) NATURE OF INCENTIVES.—In considering incentives for purposes of the report required by subsection (a), the Secretaries shall consider such incentives, whether monetary or otherwise and whether or not authorized by current law or regulations, as the Secretaries jointly consider appropriate.

(2) TARGETING OF INCENTIVES.—In assessing any incentive for purposes of the report, the Secretaries shall give particular attention to the utility of such incentive in—

(A) encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former of the Armed Forces who have provided border patrol or border security assistance to the Bureau as part of their duties as members of the Armed Forces; and

(B) leveraging military training and experience by accelerating training, or allowing credit to be applied to related areas of training, required for service with the Bureau of Customs and Border Protection.

(3) PAYMENT.—In assessing incentives for purposes of the report, the Secretaries shall assume that any costs of such incentives shall be borne by the Department of Homeland Security.

(d) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of various monetary and non-monetary incentives considered for purposes of the report.

(2) An assessment of the desirability and feasibility of utilizing any such incentive for the purpose specified in subsection (a), including an assessment of the particular utility of such incentive in encouraging service in the Bureau of Customs and Border Protection after service in the Armed Forces by covered members and former members of the Armed Forces described in subsection (c)(2).

(3) Any other matters that the Secretaries jointly consider appropriate.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, and Appropriations of the House of Representatives.

SEC. 135. WESTERN HEMISPHERE TRAVEL INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) United States citizens make approximately 130,000,000 land border crossings each year between the United States and Canada and the United States and Mexico, with approximately 23,000,000 individual United States citizens crossing the border annually.

(2) Approximately 27 percent of United States citizens possess United States passports.

(3) In fiscal year 2005, the Secretary of State issued an estimated 10,100,000 passports, representing an increase of 15 percent from fiscal year 2004.

(4) The Secretary of State estimates that 13,000,000 passports will be issued in fiscal year 2006, 16,000,000 passports will be issued in fiscal year 2007, and 17,000,000 passports will be issued in fiscal year 2008.

(b) EXTENSION OF WESTERN HEMISPHERE TRAVEL INITIATIVE IMPLEMENTATION DEADLINE.—Section 7209(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) is amended by striking "January 1, 2008" and inserting "the later of June 1, 2009, or 3 months after the Secretary of State and the Secretary of Homeland Security make the certification required in subsection (i) of section 133 of the Comprehensive Immigration Reform Act of 2006.".

(c) PASSPORT CARDS.—

(1) AUTHORITY TO ISSUE.—In order to facilitate travel of United States citizens to Canada, Mexico, the countries located in the Caribbean, and Bermuda, the Secretary of State, in consultation with the Secretary, is authorized to develop a travel document known as a Passport Card.

(2) ISSUANCE.—In accordance with the Western Hemisphere Travel Initiative carried out pursuant to section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note), the Secretary of State, in consultation with the Secretary, shall be authorized to issue to a citizen of the United States who submits an application in accordance with paragraph (5) a travel document that will serve as a Passport Card.

(3) APPLICABILITY.—A Passport Card shall be deemed to be a United States passport for the purpose of United States laws and regulations relating to United States passports.

(4) VALIDITY.—A Passport Card shall be valid for the same period as a United States passport.

(5) LIMITATION ON USE.—A Passport Card may only be used for the purpose of international travel by United States citizens through land and sea ports of entry between—

(A) the United States and Canada;

(B) the United States and Mexico; and

(C) the United States and a country located in the Caribbean or Bermuda.

(6) APPLICATION FOR ISSUANCE.—To be issued a Passport Card, a United States citizen shall submit an application to the Secretary of State. The Secretary of State shall require that such application shall contain the same information as is required to determine citizenship, identity, and eligibility for issuance of a United States passport.

(7) TECHNOLOGY.—

(A) EXPEDITED TRAVELER PROGRAMS.—To the maximum extent practicable, a Passport Card shall be designed and produced to provide a platform on which the expedited traveler programs carried out by the Secretary, such as NEXUS, NEXUS AIR, SENTRI, FAST, and Register Traveler may be added. The Secretary of State and the Secretary shall notify Congress not later than July 1, 2007, if the technology to add expedited travel features to the Passport Card is not developed by that date.

(B) TECHNOLOGY.—The Secretary and the Secretary of State shall establish a technology implementation plan that accommodates desired technology requirements of the Department of State and the Department, allows for future technological innovations, and ensures maximum facilitation at the northern and southern borders.

(8) SPECIFICATIONS FOR CARD.—A Passport Card shall be easily portable and durable. The Secretary of State and the Secretary shall consult regarding the other technical specifications of the Card, including whether the security features of the Card could be combined with other existing identity documentation.

(9) FEE.—

(A) IN GENERAL.—An applicant for a Passport Card shall submit an application under paragraph (6) together with a nonrefundable fee in an amount to be determined by the Secretary of State. Passport Card fees shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended.

(B) LIMITATION ON FEES.—

(i) IN GENERAL.—The Secretary of State shall seek to make the application fee under this paragraph as low as possible.

(ii) MAXIMUM FEE WITHOUT CERTIFICATION.—Except as provided in clause (iii), the application fee may not exceed $24.

(iii) MAXIMUM FEE WITH CERTIFICATION.—The application fee may be not more than $34 if the Secretary of State, the Secretary, and the Postmaster General—

(I) jointly certify to Congress that the cost to produce and issue a Passport Card significantly exceeds $24; and

(II) provide a detailed cost analysis for such fee.

(C) REDUCTION OF FEE.—The Secretary of State shall reduce the fee for a Passport Card for an individual who submits an application for a Passport Card together with an application for a United States passport.

(D) WAIVER OF FEE FOR CHILDREN.—The Secretary of State shall waive the fee for a Passport Card for a child under 18 years of age.

(E) AUDIT.—In the event that the fee for a Passport Card exceeds $24, the Comptroller General of the United States shall conduct an audit to determine whether Passport Cards are issued at the lowest possible cost.

(10) ACCESSIBILITY.—In order to make the Passport Card easily obtainable, an application for a Passport Card shall be accepted in the same manner and at the same locations as an application for a United States passport.

(11) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting, altering, modifying, or otherwise affecting the validity of a United States passport. A United States citizen may possess a United States passport and a Passport Card.

(d) STATE ENROLLMENT DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—Notwithstanding any other provisions of law, the Secretary of State and the Secretary shall enter into a memorandum of understanding with 1 or more appropriate States to carry out at least 1 demonstration program as follows:

(A) A State may include an individual's United States citizenship status on a driver's license which meets the requirements of section 202 of the REAL ID Act of 2005 (division B of Public Law 109–13; 49 U.S.C. 30301 note).

(B) The Secretary of State shall develop a mechanism to communicate with a participating State to verify the United States citizenship status of an applicant who voluntarily seeks to have the applicant's United States citizenship status included on a driver's license.

(C) All information collected about the individual shall be managed exclusively in the same manner as information collected through a passport application and no further distribution of such information shall be permitted.

(D) A State may not require an individual to include the individual's citizenship status on a driver's license.

(E) Notwithstanding any other provision of law, a driver's license which meets the requirements of this paragraph shall be deemed to be sufficient documentation to permit the bearer to enter the United States from Canada or Mexico through not less than at least 1 designated international border crossing in each State participating in the demonstration program.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall have the effect of creating a national identity card.

(3) AUTHORITY TO EXPAND.—The Secretary of State and the Secretary may expand the demonstration program under this subsection so that such program is carried out in additional States, through additional ports of entry, for additional foreign countries, and in a manner that permits the use of additional types of identification documents to prove identity under the program.

(4) STUDY.—Not later than 6 months after the date that the demonstration program under this subsection is carried out, the Comptroller General of the United States shall conduct a study of—

(A) the cost of the production and issuance of documents that meet the requirements of the program compared with other travel documents;

(B) the impact of the program on the flow of cross-border traffic and the economic impact of the program; and

(C) the security of travel documents that meet the requirements of the program compared with other travel documents.

(5) RECIPROCITY WITH CANADA.—Notwithstanding any other provision of law, if the Secretary of State and the Secretary certify that certain identity documents issued by Canada (or any of its provinces) meet security and citizenship standards comparable to the requirements described in paragraph (1), the Secretary may determine that such documents are sufficient to permit entry into the United States. The Secretary shall work, the to maximum extent possible, to ensure

that identification documents issued by Canada that are used as described in this paragraph contain the same technology as identification documents issued by the United States (or any State).

(6) ADDITIONAL PILOT PROGRAMS.—To the maximum extent possible, the Secretary shall seek to conduct pilot programs related to Passport Cards and the State Enrollment Demonstration Program described in this subsection on the international border between the United States and Canada and the international border between the United States and Mexico.

(e) EXPEDITED PROCESSING FOR REPEAT TRAVELERS.—

(1) LAND CROSSINGS.—To the maximum extent practicable at the United States border with Canada and the United States border with Mexico, the Secretary shall expand expedited traveler programs carried out by the Secretary to all ports of entry and should encourage citizens of the United States to participate in the preenrollment programs, as such programs assist border control officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks to permit border control officers to focus more attention on unknown travelers, potential criminals, and terrorists. The Secretary, in consultation with the appropriate officials of the Government of Canada, shall equip at least 6 additional northern border crossings with NEXUS technology and 6 additional southern ports of entry with SENTRI technology.

(2) SEA CROSSINGS.—The Commissioner of Customs and Border Patrol shall conduct and expand trusted traveler programs and pilot programs to facilitate expedited processing of United States citizens returning from pleasure craft trips in Canada, Mexico, the Caribbean, or Bermuda. One such program shall be conducted in Florida and modeled on the I–68 program.

(f) PROCESS FOR INDIVIDUALS LACKING APPROPRIATE DOCUMENTS.—

(1) IN GENERAL.—The Secretary shall establish a program that satisfies section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note)—

(A) to permit a citizen of the United States who has not been issued a United States passport or other appropriate travel document to cross the international border and return to the United States for a time period of not more than 72 hours, on a limited basis, and at no additional fee; or

(B) to establish a process to ascertain the identity of, and make admissibility determinations for, a citizen described in paragraph (A) upon the arrival of such citizen at an international border of the United States.

(2) GRACE PERIOD.—During a time period determined by the Secretary, officers of the United States Customs and Border Patrol may permit citizens of the United States and Canada who are unaware of the requirements of 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note), or otherwise lacking appropriate documentation, to enter the United States upon a demonstration of citizenship satisfactory to the officer. Officers of the United States Customs and Border Patrol shall educate such individuals about documentary requirements.

(g) TRAVEL BY CHILDREN.—Notwithstanding any other provision of law, the Secretary shall develop a procedure to accommodate groups of children traveling by land across an international border under adult supervision with parental consent without requiring a government-issued identity and citizenship document.

(h) PUBLIC PROMOTION.—The Secretary of State, in consultation with the Secretary, shall develop and implement an outreach plan to inform United States citizens about the Western Hemisphere Travel Initiative and the provisions of this Act, to facilitate the acquisition of appropriate documentation to travel to Canada, Mexico, the countries located in the Caribbean, and Bermuda, and to educate United States citizens who are unaware of the requirements for such travel. Such outreach plan should include—

(1) written notifications posted at or near public facilities, including border crossings, schools, libraries, Amtrak stations, and United States Post Offices located within 50 miles of the international border between the United States and Canada or the international border between the United States and Mexico and other ports of entry;

(2) provisions to seek consent to post such notifications on commercial property, such as offices of State departments of motor vehicles, gas stations, supermarkets, convenience stores, hotels, and travel agencies;

(3) the collection and analysis of data to measure the success of the public promotion plan; and

(4) additional measures as appropriate.

(i) CERTIFICATION.—Notwithstanding any other provision of law, the Secretary may not implement the plan described in section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 8 U.S.C. 1185 note) until the later of June 1, 2009, or the date that is 3 months after the Secretary of State and the Secretary certify to Congress that—

(1)(A) if the Secretary and the Secretary of State develop and issue Passport Cards under this section—

(i) such cards have been distributed to at least 90 percent of the eligible United States citizens who applied for such cards during the 6-month period beginning not earlier than the date the Secretary of State began accepting applications for such cards and ending not earlier than 10 days prior to the date of certification;

(ii) Passport Cards are provided to applicants, on average, within 4 weeks of application or within the same period of time required to adjudicate a passport; and

(iii) a successful pilot has demonstrated the effectiveness of the Passport Card; or

(B) if the Secretary and the Secretary of State do not develop and issue Passport Cards under this section and develop a program to issue an alternative document that satisfies the requirements of section 7209 of the Intelligence Reform and Terrorism Prevention Act of 2004, in addition to the NEXUS, SENTRI, FAST and Border Crossing Card programs, such alternative document is widely available and well publicized;

(2) United States border crossings have been equipped with sufficient document readers and other technologies to ensure that implementation will not substantially slow the flow of traffic and persons across international borders;

(3) officers of the Bureau of Customs and Border Protection have received training and been provided the infrastructure necessary to accept Passport Cards and all alternative identity documents at all United States border crossings; and

(4) the outreach plan described in subsection (g) has been implemented and the Secretary determines such plan has been successful in providing information to United States citizens.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the Secretary such sums as may be necessary to carry out this section, and the amendment made by this section.

On page 54, line 1, strike "**555**" and insert "**556**".

On page 55, between lines 4 and 5, strike "555" and insert "556".

On page 55, line 7, strike "555" and insert "556".

On page 55, line 15, strike "554" and insert "556".

On page 55, line 16, strike "132" and insert "142".

On page 55, line 21, strike "554" and insert "556".

Beginning on page 78, line 25, strike "instituted in the United States District Court for the District of Columbia" and insert "brought in a United States district court".

On page 81, line 10, insert "Immigration" before "Reform".

On page 151, between lines 6 and 7, insert the following:

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director of the Federal Bureau of Investigations $3,125,000 for each of fiscal years 2007 through 2011 for improving the speed and accuracy of background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services.

(d) REPORT ON BACKGROUND AND SECURITY CHECKS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigations shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the background and security checks conducted by the Federal Bureau of Investigations on behalf of the Bureau of Citizenship and Immigrations Services

(2) CONTENT.—The report required under paragraph (1) shall include—

(A) a description of the background and security check program;

(B) a statistical breakdown of the background and security check delays associated with different types of immigration applications;

(C) a statistical breakdown of the background and security check delays by applicant country of origin; and

(D) the steps the Federal Bureau of Investigations is taking to expedite background and security checks that have been pending for more than 60 days.

On page 157, line 18, insert "of Homeland Security" after "Secretary".

On page 164, line 20, strike "before, on," and insert "on".

On page 183, between lines 4 and 5, insert the following:

SEC. 235. EXPANSION OF THE JUSTICE PRISONER AND ALIEN TRANSFER SYSTEM.

Not later than 60 days after the date of enactment of this Act, the Attorney General shall issue a directive to expand the Justice Prisoner and Alien Transfer System (JPATS) so that such System provides additional services with respect to aliens who are illegally present in the United States. Such expansion should include—

(1) increasing the daily operations of such System with buses and air hubs in 3 geographic regions;

(2) allocating a set number of seats for such aliens for each metropolitan area;

(3) allowing metropolitan areas to trade or give some of seats allocated to them under the System for such aliens to other areas in their region based on the transportation needs of each area; and

(4) requiring an annual report that analyzes of the number of seats that each metropolitan area is allocated under this System for such aliens and modifies such allocation if necessary.

On page 249, beginning on line 12, strike "clause (iii)" and insert "this subparagraph".

On page 253, beginning on line 4, strike "Initial Entry, Adjustment, and Citizenship Assistance Grant Act" and insert "Comprehensive Immigration Reform Act".

On page 253, beginning on line 17, strike "Initial Entry, Adjustment, and Citizenship Assistance Grant Act" and insert "Comprehensive Immigration Reform Act".

On page 255, strike lines 4 through 7, and insert the following:

"(A) IN GENERAL.—

"(i) PERIOD OF UNEMPLOYMENT.—Subject to clause (ii) and subsection (c), the period of authorized admission of an H–2C nonimmigrant shall terminate if the alien is unemployed for 60 or more consecutive days.

"(ii) EXCEPTION.—The period of authorized admission of an H–2C nonimmigrant shall not terminate if the alien is unemployed for 60 or more consecutive days if such unemployment is caused by—

"(I) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

"(II) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by employer policy, State law, or Federal law; or

"(III) any other period of temporary unemployment caused by circumstances beyond the control of the alien.

On page 255, line 19, strike "subsections (b) and (f)(2)" and insert "subsection (b)".

On page 259, strike lines 5 through 8 and insert the following:

"(1) any relief under section 240A(a), 240A(b)(1), or 240B; or

"(2) nonimmigrant status under section 101(a)(15) (except subparagraphs (T) and (U)).

On page 260, line 18, strike "may be required to" and insert "shall".

On page 295, line 10, strike "available" and insert "available, subject to the numerical limitations set out in sections 201(d) and 203(b),".

On page 316, strike lines 6 through 15 and insert the following:

SEC. 502. COUNTRY LIMITS.

Section 202(a) (8 U.S.C. 1152(a)) is amended by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent".

On page 320, between lines 3 and 4, insert the following:

(c) SPECIAL IMMIGRANTS NOT SUBJECT TO NUMERICAL LIMITATIONS.—Section 201(b)(1)(A) (8 U.S.C. 1151(b)(1)(A)) is amended by striking "subparagraph (A) or (B) of ".

On page 320, line 13, insert "**AND WIDOWS**" after "**CHILDREN**".

On page 321, line 5, insert "or, if married for less than 2 years at the time of the citizen's death, proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit" after "death".

On page 336, strike line 3 and all that follows through "(d)" on page 337, line 19, and insert the following:

(B) by striking ", and" and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) an alien described in clause (i) who has been accepted and plans to attend an accredited graduate program in mathematics, engineering, technology, or the sciences in the United States for the purpose of obtaining an advanced degree; and

"(v) an alien who maintains actual residence and place of abode in the alien's country of nationality, who is described in clause (i), except that the alien's actual course of study may involve a distance learning program, for which the alien is temporarily visiting the United States for a period not to exceed 30 days.

(b) CREATION OF J-STEM VISA CATEGORY.—Section 101(a)(15)(J) (8 U.S.C. 1101(a)(15)(J)) is amended to read as follows:

"(J) an alien with a residence in a foreign country that (except in the case of an alien described in clause (ii)) the alien has no intention of abandoning, who is a bona fide student, scholar, trainee, teacher, professor, research assistant, specialist, or leader in a field of specialized knowledge or skill, or other person of similar description, and who—

"(i) is coming temporarily to the United States as a participant in a program (other than a graduate program described in clause (ii)) designated by the Secretary of State, for the purpose of teaching, instructing or lecturing, studying, observing, conducting research, consulting, demonstrating special skills, or receiving training and who, if coming to the United States to participate in a program under which the alien will receive graduate medical education or training, also meets the requirements of section 212(j), and the alien spouse and minor children of any such alien if accompanying the alien or following to join the alien; or

"(ii) has been accepted and plans to attend an accredited graduate program in the sciences, technology, engineering, or mathematics in the United States for the purpose of obtaining an advanced degree.

(c) ADMISSION OF NONIMMIGRANTS.—Section 214(b) (8 U.S.C. 1184(b)) is amended by striking "subparagraph (L) or (V)" and inserting "subparagraph (F)(iv), (J)(ii), (L), or (V)".

(d) REQUIREMENTS FOR F–4 OR J-STEM VISA.—Section 214(m) (8 U.S.C. 1184(m)) is amended—

(1) by inserting before paragraph (1) the following:

"(m) NONIMMIGRANT ELEMENTARY, SECONDARY, AND POST-SECONDARY SCHOOL STUDENTS.—"; and

(2) by adding at the end the following:

"(3) A visa issued to an alien under subparagraph (F)(iv) or (J)(ii) of section 101(a)(15) shall be valid—

"(A) during the intended period of study in a graduate program described in such section;

"(B) for an additional period, not to exceed 1 year after the completion of the graduate program, if the alien is actively pursuing an offer of employment related to the knowledge and skills obtained through the graduate program; and

"(C) for the additional period necessary for the adjudication of any application for labor certification, employment-based immigrant petition, and application under section 245(a)(2) to adjust such alien's status to that of an alien lawfully admitted for permanent residence, if such application for labor certification or employment-based immigrant petition has been filed not later than 1 year after the completion of the graduate program.

(e) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by inserting "(1)" before "No person";

(2) by striking "admission (i) whose" and inserting the following: "admission—

"(A) whose

(3) by striking "residence, (ii) who" and inserting the following: "residence;

"(B) who

(4) by striking "engaged, or (iii) who" and inserting the following: "engaged; or

"(C) who

(5) by striking "training, shall" and inserting the following: "training,

"shall

(6) by striking "United States: *Provided*, That upon" and inserting the following: "United States.

"(2) Upon";

(7) by striking "section 214(l): And provided further, That, except" and inserting the following: "section 214(l).

"(3) Except"; and

(8) by adding at the end the following:

"(4) An alien who has been issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(J)(ii), or who would have qualified for such nonimmigrant status if section 101(a)(15)(J)(ii) had been enacted before the completion of such alien's graduate studies, shall not be subject to the 2-year foreign residency requirement under this subsection.

(f)

On page 339, line 10, strike "(e)" and insert "(g)".

On page 340, strike line 12 and all that follows through "(f)" on page 341, line 5, and insert the following:

"(A) the alien has been issued a visa or otherwise provided nonimmigrant status under subparagraph (J)(ii) or (F)(iv) of section 101(a)(15), or would have qualified for such nonimmigrant status if subparagraph (J)(ii) or (F)(iv) of section 101(a)(15) had been enacted before the completion of such alien's graduate studies;

"(B) the alien has earned an advanced degree in the sciences, technology, engineering, or mathematics;

"(C) the alien is the beneficiary of a petition filed under subparagraph (E) or (F) of section 204(a)(1); and

"(D) a fee of $2,000 is remitted to the Secretary on behalf of the alien.

"(3) LIMITATION.—An application for adjustment of status filed under this section may not be approved until an immigrant visa number becomes available.

"(4) FILING IN CASES OF UNAVAILABLE VISA NUMBERS.—Subject to the limitation described in paragraph (3), if a supplemental petition fee is paid for a petition under subparagraph (E) or (F) of section 204(a)(1), an application under paragraph (1) on behalf of an alien that is a beneficiary of the petition (including a spouse or child who is accompanying or following to join the beneficiary) may be filed without regard to the requirement under paragraph (1)(D).

"(5) PENDING APPLICATIONS.—Subject to the limitation described in paragraph (3), if a petition under subparagraph (E) or (F) of section 204(a)(1) is pending or approved as of the date of enactment of this paragraph, on payment of the supplemental petition fee under that section, the alien that is the beneficiary of the petition may submit an application for adjustment of status under this subsection without regard to the requirement under paragraph (1)(D).

“(6) EMPLOYMENT AUTHORIZATIONS AND ADVANCED PAROLE TRAVEL DOCUMENTATION.—The Attorney General shall—

“(A) provide to any immigrant who has submitted an application for adjustment of status under this subsection not less than 3 increments, the duration of each of which shall be not less than 3 years, for any applicable employment authorization or advanced parole travel document of the immigrant; and

“(B) adjust each applicable fee payment schedule in accordance with the increments provided under subparagraph (A) so that 1 fee for each authorization or document is required for each 3-year increment.

(h)

On page 345, between lines 5 and 6, insert the following:

SEC. 510. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS OF EXTRAORDINARY ARTISTIC ABILITY.

Section 214(c) (8 U.S.C. 1184(c)) is amended—

(1) by striking “Attorney General” each place it appears and inserting “Secretary of Homeland Security”; and

(2) in paragraph (6)(D)—

(A) by Striking “Any person” and inserting “(i) Except as provided in clause (ii), any person”; and

(B) adding at the end the following:

“(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien with extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

“(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

“(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an opportunity, as appropriate, to supply rebuttal evidence.

“(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary of Homeland Security shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.”.

SEC. 511. POWERLINE WORKERS.

Section 214(e) (8 U.S.C. 1184(e)) is amended by adding at the end the following new paragraph:

“(7) A citizen of Canada who is a powerline worker, who has received significant training, and who seeks admission to the United States to perform powerline repair and maintenance services shall be admitted in the same manner and under the same authority as a citizen of Canada described in paragraph (2).”.

SEC. 512. DETERMINATIONS WITH RESPECT TO CHILDREN UNDER THE HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998.

(a) IN GENERAL.—Section 902(d) of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended by adding at the end the following:

“(3) DETERMINATIONS WITH RESPECT TO CHILDREN.—

“(A) USE OF APPLICATION FILING DATE.—Determinations made under this subsection as to whether an individual is a child of a parent shall be made using the age and status of the individual on October 21, 1998.

“(B) APPLICATION SUBMISSION BY PARENT.—Notwithstanding paragraph (1)(C), an application under this subsection filed based on status as a child may be filed for the benefit of such child by a parent or guardian of the child, if the child is physically present in the United States on such filing date.”.

(b) NEW APPLICATIONS AND MOTIONS TO REOPEN.—

(1) NEW APPLICATIONS.—Notwithstanding section 902(a)(1)(A) of the Haitian Refugee Immigration Fairness Act of 1998, an alien who is eligible for adjustment of status under such Act, as amended by subsection (a), may submit an application for adjustment of status under such Act not later than the later of—

(A) 2 years after the date of the enactment of this Act; or

(B) 1 year after the date on which final regulations implementing this section, and the amendment made by subsection (a), are promulgated.

(2) MOTIONS TO REOPEN.—The Secretary shall establish procedures for the reopening and reconsideration of applications for adjustment of status under the Haitian Refugee Immigration Fairness Act of 1998 that are affected by the amendment made by subsection (a).

(3) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—Section 902(a)(3) of the Haitian Refugee Immigration Fairness Act of 1998 shall apply to an alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily, and who files an application under paragraph (1) or a motion under paragraph (2), in the same manner as such section 902(a)(3) applied to aliens filing applications for adjustment of status under such Act prior to April 1, 2000.

(c) INADMISSIBILITY DETERMINATION.—Section 902 of the Haitian Refugee Immigration Fairness Act of 1998 (8 U.S.C. 1255 note) is amended in subsections (a)(1)(B) and (d)(1)(D) by inserting “(6)(C)(i),” after “(6)(A),”.

Subtitle B—SKIL Act

SEC. 521. SHORT TITLE.

This subtitle may be cited as the “Securing Knowledge, Innovation, and Leadership Act of 2006” or the “SKIL Act of 2006”

SEC. 522. H-1B VISA HOLDERS.

(a) IN GENERAL.—Section 214(g)(5) (8 U.S.C. 1184(g)(5)) is amended—

(1) in subparagraph (B)—

(A) by striking “nonprofit research” and inserting “nonprofit”;

(B) by inserting “Federal, State, or local” before “governmental”; and

(C) by striking “or” at the end;

(2) in subparagraph (C)—

(A) by striking “a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))),” and inserting “an institution of higher education in a foreign country,”; and

(B) by striking the period at the end and inserting a semicolon;

(3) by adding at the end, the following new subparagraphs:

“(D) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

“(E) has been awarded medical specialty certification based on post-doctoral training and experience in the United States; or”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SEC. 523. MARKET-BASED VISA LIMITS.

Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “(beginning with fiscal year 1992)”; and

(B) in subparagraph (A)—

(i) in clause (vi) by striking “and”;

(ii) in clause (vii), by striking “each succeeding fiscal year; or” and inserting “each of fiscal years 2004, 2005, and 2006;”; and

(iii) by adding after clause (vii) the following:

“(viii) 115,000 in the first fiscal year beginning after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006; and

“(ix) the number calculated under paragraph (9) in each fiscal year after the year described in clause (viii); or”;

(2) in paragraph (8), by striking subparagraphs (B)(iv) and (D);

(3) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(4) by inserting after paragraph (8) the following:

“(9) If the numerical limitation in paragraph (1)(A)—

“(A) is reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to 120 percent of the numerical limitation of the given fiscal year; or

“(B) is not reached during a given fiscal year, the numerical limitation under paragraph (1)(A)(ix) for the subsequent fiscal year shall be equal to the numerical limitation of the given fiscal year.”.

SEC. 524. UNITED STATES EDUCATED IMMIGRANTS.

(a) IN GENERAL.—Section 201(b)(1) (8 U.S.C. 1151(b)(1)) is amended by adding at the end the following:

“(F) Aliens who have earned a master's or higher degree from an accredited United States university.

“(G) Aliens who have been awarded medical specialty certification based on post-doctoral training and experience in the United States preceding their application for an immigrant visa under section 203(b).

“(H) Aliens who will perform labor in shortage occupations designated by the Secretary of Labor for blanket certification under section 212(a)(5)(A) as lacking sufficient United States workers able, willing, qualified, and available for such occupations and for which the employment of aliens will not adversely affect the terms and conditions of similarly employed United States workers.

“(I) Aliens who have earned a master's degree or higher in science, technology, engineering, or math and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

“(J) Aliens described in subparagraph (A) or (B) of section 203(b)(1) or who have received a national interest waiver under section 203(b)(2)(B).

“(K) The spouse and minor children of an alien who is admitted as an employment-based immigrant under section 203(b).”.

(b) LABOR CERTIFICATIONS.—Section 212(a)(5)(A)(ii) (8 U.S.C. 1182(a)(5)(A)(ii)) is amended—

(1) by striking "or" at the end of subclause (I);

(2) by striking the period at the end of subclause (II) and inserting "; or"; and

(3) by adding at the end the following:

"(III) is a member of the professions and has a master's degree or higher from an accredited United States university or has been awarded medical specialty certification based on post-doctoral training and experience in the United States.".

SEC. 525. STUDENT VISA REFORM.

(a) IN GENERAL.—

(1) NONIMMIGRANT CLASSIFICATION.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended to read as follows:

"(F) an alien—

"(i) who—

"(I) is a bona fide student qualified to pursue a full course of study in mathematics, engineering, technology, or the sciences leading to a bachelors or graduate degree and who seeks to enter the United States for the purpose of pursuing such a course of study consistent with section 214(m) at an institution of higher education (as defined by section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

"(ii) who—

"(I) has a residence in a foreign country which the alien has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study, and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study consistent with section 214(m) at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States, particularly designated by the alien and approved by the Secretary of Homeland Security, after consultation with the Secretary of Education, which institution or place of study shall have agreed to report to the Secretary the termination of attendance of each nonimmigrant student, and if any such institution of learning or place of study fails to make reports promptly the approval shall be withdrawn; or

"(II) is engaged in temporary employment for optional practical training related to such alien's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;

"(iii) who is the spouse or minor child of an alien described in clause (i) or (ii) if accompanying or following to join such an alien; or

"(iv) who—

"(I) is a national of Canada or Mexico, who maintains actual residence and place of abode in the country of nationality, who is described in clause (i) or (ii) except that the alien's qualifications for and actual course of study may be full or part-time, and who commutes to the United States institution or place of study from Canada or Mexico; or

"(II) is engaged in temporary employment for optional practical training related to such the student's area of study following completion of the course of study described in subclause (I) for a period or periods of not more than 24 months;".

(2) ADMISSION.—Section 214(b) (8 U.S.C. 1184(b)) is amended by inserting "(F)(i)," before "(L) or (V)".

(3) CONFORMING AMENDMENT.—Section 214(m)(1) (8 U.S.C. 1184(m)(1)) is amended, in the matter preceding subparagraph (A), by striking "(i) or (iii)" and inserting "(i), (ii), or (iv)".

(b) OFF CAMPUS WORK AUTHORIZATION FOR FOREIGN STUDENTS.—

(1) IN GENERAL.—Aliens admitted as nonimmigrant students described in section 101(a)(15)(F), as amended by subsection (a), (8 U.S.C. 1101(a)(15)(F)) may be employed in an off-campus position unrelated to the alien's field of study if—

(A) the alien has enrolled full time at the educational institution and is maintaining good academic standing;

(B) the employer provides the educational institution and the Secretary of Labor with an attestation that the employer—

(i) has spent at least 21 days recruiting United States citizens to fill the position; and

(ii) will pay the alien and other similarly situated workers at a rate equal to not less than the greater of—

(I) the actual wage level for the occupation at the place of employment; or

(II) the prevailing wage level for the occupation in the area of employment; and

(C) the alien will not be employed more than—

(i) 20 hours per week during the academic term; or

(ii) 40 hours per week during vacation periods and between academic terms.

(2) DISQUALIFICATION.—If the Secretary of Labor determines that an employer has provided an attestation under paragraph (1)(B) that is materially false or has failed to pay wages in accordance with the attestation, the employer, after notice and opportunity for a hearing, shall be disqualified from employing an alien student under paragraph (1).

SEC. 526. L-1 VISA HOLDERS SUBJECT TO VISA BACKLOG.

Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by adding at the end the following new subparagraph:

"(G) The limitations contained in subparagraph (D) with respect to the duration of authorized stay shall not apply to any nonimmigrant alien previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(L) on whose behalf a petition under section 204(b) to accord the alien immigrant status under section 203(b), or an application for labor certification (if such certification is required for the alien to obtain status under such section 203(b)) has been filed, if 365 days or more have elapsed since such filing. The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under this subparagraph until such time as a final decision is made on the alien's lawful permanent residence.".

SEC. 527. RETAINING WORKERS SUBJECT TO GREEN CARD BACKLOG.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—Section 245(a) (8 U.S.C. 1255(a)) is amended to read as follows:

"(a) ELIGIBILITY.—

"(1) IN GENERAL.—The status of an alien who was inspected and admitted or paroled into the United States or the status of any other alien having an approved petition for classification under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) may be adjusted by the Secretary of Homeland Security or the Attorney General, in the discretion of the Secretary or the Attorney General under such regulations as the Secretary or Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

"(A) the alien makes an application for such adjustment;

"(B) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and

"(C) an immigrant visa is immediately available to the alien at the time the application is filed.

"(2) SUPPLEMENTAL FEE.—An application under paragraph (1) that is based on a petition approved or approvable under subparagraph (E) or (F) of section 204(a)(1) may be filed without regard to the limitation set forth in paragraph (1)(C) if a supplemental fee of $500 is paid by the principal alien at the time the application is filed. A supplemental fee may not be required for any dependent alien accompanying or following to join the principal alien.

"(3) VISA AVAILABILITY.—An application for adjustment filed under this paragraph may not be approved until such time as an immigrant visa become available.".

(b) USE OF FEES.—Section 286(v)(1) (8 U.S.C. 1356(v)(1)) is amended by inserting before the period at the end "and the fees collected under section 245(a)(2).".

SEC. 528. STREAMLINING THE ADJUDICATION PROCESS FOR ESTABLISHED EMPLOYERS.

Section 214(c) (8. U.S.C. 1184) is amended by adding at the end the following new paragraph:

"(1) Not later than 180 days after the date of the enactment of the Securing Knowledge, Innovation, and Leadership Act of 2006, the Secretary of Homeland Security shall establish a pre-certification procedure for employers who file multiple petitions described in this subsection or section 203(b). Such precertification procedure shall enable an employer to avoid repeatedly submitting documentation that is common to multiple petitions and establish through a single filing criteria relating to the employer and the offered employment opportunity.".

SEC. 529. PROVIDING PREMIUM PROCESSING OF EMPLOYMENT-BASED VISA PETITIONS.

(a) IN GENERAL.—Pursuant to section 286(u) of the Immigration and Nationality Act (8 U.S.C. 1356(u)), the Secretary of Homeland Security shall establish and collect a fee for premium processing of employment-based immigrant petitions.

(b) APPEALS.—Pursuant to such section 286(u), the Secretary of Homeland Security shall establish and collect a fee for premium processing of an administrative appeal of any decision on a permanent employment-based immigrant petition.

SEC. 530. ELIMINATING PROCEDURAL DELAYS IN LABOR CERTIFICATION PROCESS.

(a) PREVAILING WAGE RATE.—

(1) REQUIREMENT TO PROVIDE.—The Secretary of Labor shall provide prevailing wage determinations to employers seeking a labor certification for aliens pursuant to part 656 of title 20, Code of Federal Regulation (or any successor regulation). The Secretary of Labor may not delegate this function to any agency of a State.

(2) SCHEDULE FOR DETERMINATION.—Except as provided in paragraph (3), the Secretary of

Labor shall provide a response to an employer's request for a prevailing wage determination in no more than 20 calendar days from the date of receipt of such request. If the Secretary of Labor fails to reply during such 20-day period, then the wage proposed by the employer shall be the valid prevailing wage rate.

(3) USE OF SURVEYS.—The Secretary of Labor shall accept an alternative wage survey provided by the employer unless the Secretary of Labor determines that the wage component of the Occupational Employment Statistics Survey is more accurate for the occupation in the labor market area.

(b) PLACEMENT OF JOB ORDER.—The Secretary of Labor shall maintain a website with links to the official website of each workforce agency of a State, and such official website shall contain instructions on the filing of a job order in order to satisfy the job order requirements of section 656.17(e)(1) of title 20, Code of Federal Regulation (or any successor regulation).

(c) TECHNICAL CORRECTIONS.—The Secretary of Labor shall establish a process by which employers seeking certification under section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as amended by section 524(b), may make technical corrections to applications in order to avoid requiring employers to conduct additional recruitment to correct an initial technical error. A technical error shall include any error that would not have a material effect on the validity of the employer's recruitment of able, willing, and qualified United States workers.

(d) ADMINISTRATIVE APPEALS.—Motions to reconsider, and administrative appeals of, a denial of a permanent labor certification application, shall be decided by the Secretary of Labor not later than 60 days after the date of the filing of such motion or such appeal.

(e) APPLICATIONS UNDER PREVIOUS SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall process and issue decisions on all applications for permanent alien labor certification that were filed prior to March 28, 2005.

(f) EFFECTIVE DATE.—The provisions of this section shall take effect 90 days after the date of enactment of this Act, whether or not the Secretary of Labor has amended the regulations at part 656 of title 20, Code of Federal Regulation to implement such changes.

SEC. 531. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(i) REQUIREMENT FOR BACKGROUND CHECKS.—Notwithstanding any other provision of law, until appropriate background and security checks, as determined by the Secretary of Homeland Security, have been completed, and the information provided to and assessed by the official with jurisdiction to grant or issue the benefit or documentation, on an in camera basis as may be necessary with respect to classified, law enforcement, or other information that cannot be disclosed publicly, the Secretary of Homeland Security, the Attorney General, or any court may not—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

"(j) REQUIREMENT TO RESOLVE FRAUD ALLEGATIONS.—Notwithstanding any other provision of law, until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this Act has been investigated and resolved, the Secretary of Homeland Security and the Attorney General may not be required to—

"(1) grant or order the grant of adjustment of status of an alien to that of an alien lawfully admitted for permanent residence;

"(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws; or

"(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court.

"(k) PROHIBITION OF JUDICIAL ENFORCEMENT.—Notwithstanding any other provision of law, no court may require any act described in subsection (i) or (j) to be completed by a certain time or award any relief for the failure to complete such acts.".

SEC. 532. VISA REVALIDATION.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following:

"(i) The Secretary of State shall permit an alien granted a nonimmigrant visa under subparagraph E, H, I, L, O, or P of section 101(a)(15) to apply for a renewal of such visa within the United States if—

"(1) such visa expired during the 12-month period ending on the date of such application;

"(2) the alien is seeking a nonimmigrant visa under the same subparagraph under which the alien had previously received a visa; and

"(3) the alien has complied with the immigration laws and regulations of the United States.".

(b) CONFORMING AMENDMENT.—Section 222(h) of such Act is amended, in the matter preceding subparagraph (1), by inserting "and except as provided under subsection (i)," after "Act".

Subtitle C—Preservation of Immigration Benefits for Hurricane Katrina Victims

SEC. 541. SHORT TITLE.

This subtitle may be cited as the "Hurricane Katrina Victims Immigration Benefits Preservation Act".

SEC. 542. DEFINITIONS.

In this subtitle:

(1) APPLICATION OF DEFINITIONS FROM THE IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this subtitle, the definitions in the Immigration and Nationality Act shall apply in the administration of this subtitle.

(2) DIRECT RESULT OF A SPECIFIED HURRICANE DISASTER.—The term "direct result of a specified hurricane disaster"—

(A) means physical damage, disruption of communications or transportation, forced or voluntary evacuation, business closures, or other circumstances directly caused by Hurricane Katrina (on or after August 26, 2005) or Hurricane Rita (on or after September 21, 2005); and

(B) does not include collateral or consequential economic effects in or on the United States or global economies.

SEC. 543. SPECIAL IMMIGRANT STATUS.

(a) PROVISION OF STATUS.—

(1) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)), if the alien—

(A) files with the Secretary a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise eligible to receive an immigrant visa; and

(C) is otherwise admissible to the United States for permanent residence.

(2) INAPPLICABLE PROVISION.—In determining admissibility under paragraph (1)(C), the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Secretary on or before August 26, 2005—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) of such Act (8 U.S.C. 1184(d)) to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), before or after its approval, solely due to—

(i) the death or disability of the petitioner, applicant, or alien beneficiary as a direct result of a specified hurricane disaster; or

(ii) loss of employment as a direct result of a specified hurricane disaster.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien, as of August 26, 2005, was the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than August 26, 2007.

(B) CONSTRUCTION.—In construing the terms "accompanying" and "following to join" in subparagraph (A)(ii), the death of a principal alien described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OR LEGAL GUARDIANS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent or legal guardian of a child whose parents died as a direct result of a specified hurricane disaster, if either of the deceased parents was, as of August 26, 2005, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Secretary under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—In applying sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants who are not described in subparagraph (A), (B), (C), or (K) of section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)).

SEC. 544. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on August 26, 2005, may, unless otherwise determined by the Secretary in the Secretary's discretion, lawfully remain in the United States in the same nonimmigrant status until the later of—

(A) the date on which such lawful nonimmigrant status would have otherwise terminated absent the enactment of this subsection; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified hurricane disaster.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien, as of August 26, 2005, was the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified hurricane disaster.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien may be provided an "employment authorized" endorsement or other appropriate document signifying authorization of employment.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later 1 year after the application would have otherwise been due.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(2) DEPARTURE DELAYS.—

(A) IN GENERAL.—If an alien, who was lawfully present in the United States as a nonimmigrant on August 26, 2005, is unable to timely depart the United States as a direct result of a specified hurricane disaster, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on August 26, 2005, and ending on the date of the alien's departure, if such departure occurred on or before February 28, 2006.

(B) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of subparagraph (A), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) transportation cessations or delays;

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(iv) mandatory evacuation and relocation; or

(v) other circumstances, including medical problems or financial hardship.

(c) DIVERSITY IMMIGRANTS.—Section 204(a)(1)(I)(ii)(II) (8 U.S.C. 1154(a)(1)(I)(ii)(II)), is amended to read as follows:

"(II) An immigrant visa made available under subsection 203(c) for fiscal year 1998, or for a subsequent fiscal year, may be issued, or adjustment of status under section 245(a) based upon the availability of such visa may be granted, to an eligible qualified alien who has properly applied for such visa or adjustment in the fiscal year for which the alien was selected notwithstanding the end of such fiscal year. Such visa or adjustment of status shall be counted against the worldwide level set forth in subsection 201(e) for the fiscal year for which the alien was selected.".

(d) EXTENSION OF FILING PERIOD.—If an alien is unable to timely file an application to register or reregister for Temporary Protected Status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) as a direct result of a specified hurricane disaster, the alien's application may be considered timely filed if it is filed not later than 90 days after it otherwise would have been due.

(e) VOLUNTARY DEPARTURE.—

(1) IN GENERAL.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on August 26, 2005, and ending on December 31, 2005, and the alien was unable to voluntarily depart before the expiration date as a direct result of a specified hurricane disaster, such voluntary departure period is deemed extended for an additional 60 days.

(2) CIRCUMSTANCES PREVENTING DEPARTURE.—For purposes of this subsection, circumstances preventing an alien from voluntarily departing the United States are—

(A) office closures;

(B) transportation cessations or delays;

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements;

(D) mandatory evacuation and removal; and

(E) other circumstances, including medical problems or financial hardship.

(f) CURRENT NONIMMIGRANT VISA HOLDERS.—

(1) IN GENERAL.—An alien, who was lawfully present in the United States on August 26, 2005, as a nonimmigrant under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) and lost employment as a direct result of a specified hurricane disaster may accept new employment upon the filing by a prospective employer of a new petition on behalf of such nonimmigrant not later than August 26, 2006.

(2) CONTINUATION OF EMPLOYMENT AUTHORIZATION.—Employment authorization shall continue for such alien until the new petition is adjudicated. If the new petition is denied, such employment shall cease.

(3) SAVINGS PROVISION.—Nothing in this subsection shall be construed to limit eligibility for portability under section 214(n) of the Immigration and Nationality Act (8 U.S.C. 1184(n)).

SEC. 545. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien (and each child of the alien) may be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death if the alien files a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after such date and only until the date on which the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under this paragraph shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified hurricane disaster, the alien may be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of subsequent changes in age or marital status), but only if the alien files a petition under subparagraph (B) not later than 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Secretary for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), which shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before August 26, 2005, may be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned before the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Secretary, if the spouse, child, son, or daughter was present in the United States on August 26, 2005. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) Applications for Adjustment of Status by Surviving Spouses and Children of Employment-Based Immigrants.—

(1) In general.—Any alien who was, on August 26, 2005, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status before the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) Applications by Surviving Spouses and Children of Refugees and Asylees.—

(1) In general.—Any alien who, on August 26, 2005, was the spouse or child of an alien described in paragraph (2), may have his or her eligibility to be admitted under sections 207(c)(2)(A) or 208(b)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)(A), 1158(b)(3)(A)) considered as if the alien's death had not occurred.

(2) Aliens described.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified hurricane disaster; and

(B) on the day before such death, was—

(i) an alien admitted as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); or

(ii) granted asylum under section 208 of such Act (8 U.S.C. 1158).

(e) Waiver of Public Charge Grounds.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 546. RECIPIENT OF PUBLIC BENEFITS.

An alien shall not be inadmissible under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) or deportable under section 237(a)(5) of such Act (8 U.S.C. 1227(a)(5)) on the basis that the alien received any public benefit as a direct result of a specified hurricane disaster.

SEC. 547. AGE-OUT PROTECTION.

In administering the immigration laws, the Secretary and the Attorney General may grant any application or benefit notwithstanding the applicant or beneficiary (including a derivative beneficiary of the applicant or beneficiary) reaching an age that would render the alien ineligible for the benefit sought, if the alien's failure to meet the age requirement occurred as a direct result of a specified hurricane disaster.

SEC. 548. EMPLOYMENT ELIGIBILITY VERIFICATION.

(a) In General.—The Secretary may suspend or modify any requirement under section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) or subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), either generally or with respect to particular persons, class of persons, geographic areas, or economic sectors, to the extent to which the Secretary determines necessary or appropriate to respond to national emergencies or disasters .

(b) Notification.—If the Secretary suspends or modifies any requirement under section 274A(b) of the Immigration and Nationality Act pursuant to subsection (a), the Secretary shall send notice of such decision, including the reasons for the suspension or modification, to—

(1) the Committee on the Judiciary of the Senate; and

(2) the Committee of the Judiciary of the House of Representatives.

(c) Sunset Date.—The authority under subsection (a) shall expire on August 26, 2008.

SEC. 549. NATURALIZATION.

The Secretary may, with respect to applicants for naturalization in any district of the United States Citizenship and Immigration Services affected by a specified hurricane disaster, administer the provisions of Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) notwithstanding any provision of such title relating to the jurisdiction of an eligible court to administer the oath of allegiance, or requiring residence to be maintained or any action to be taken in any specific district or State within the United States.

SEC. 550. DISCRETIONARY AUTHORITY.

The Secretary or the Attorney General may waive violations of the immigration laws committed, on or before March 1, 2006, by an alien—

(1) who was in lawful status on August 26, 2005; and

(2) whose failure to comply with the immigration laws was a direct result of a specified hurricane disaster.

SEC. 551. EVIDENTIARY STANDARDS AND REGULATIONS.

The Secretary shall establish appropriate evidentiary standards for demonstrating, for purposes of this subtitle, that a specified hurricane disaster directly resulted in—

(1) death;

(2) disability; or

(3) loss of employment due to physical damage to, or destruction of, a business.

SEC. 552. IDENTIFICATION DOCUMENTS.

(a) Temporary Identification.—The Secretary shall have the authority to instruct any Federal agency to issue temporary identification documents to individuals affected by a specified hurricane disaster. Such documents shall be acceptable for purposes of identification under any federal law or regulation until August 26, 2006.

(b) Issuance.—An agency may not issue identity documents under this section after January 1, 2006.

(c) No Compulsion to Accept or Carry Identification Documents.—Nationals of the United States shall not be compelled to accept or carry documents issued under this section.

(d) No Proof of Citizenship.—Identity documents issued under this section shall not constitute proof of citizenship or immigration status.

SEC. 553. WAIVER OF REGULATIONS.

The Secretary shall carry out the provisions of this subtitle as expeditiously as possible. The Secretary is not required to promulgate regulations before implementing this subtitle. The requirements of chapter 5 of title 5, United States Code (commonly referred to as the "Administrative Procedure Act") or any other law relating to rule making, information collection, or publication in the Federal Register, shall not apply to any action to implement this subtitle to the extent the Secretary of Homeland Security, the Secretary of Labor, or the Secretary of State determine that compliance with such requirement would impede the expeditious implementation of such Act.

SEC. 554. NOTICES OF CHANGE OF ADDRESS.

(a) In General.—If a notice of change of address otherwise required to be submitted to the Secretary by an alien described in subsection (b) relates to a change of address occurring during the period beginning on August 26, 2005, and ending on the date of the enactment of this Act, the alien may submit such notice.

(b) Aliens Described.—An alien is described in this subsection if the alien—

(1) resided, on August 26, 2005, within a district of the United States that was declared by the President to be affected by a specified hurricane disaster; and

(2) is required, under section 265 of the Immigration and Nationality Act (8 U.S.C. 1305) or any other provision of law, to notify the Secretary in writing of a change of address.

SEC. 555. FOREIGN STUDENTS AND EXCHANGE PROGRAM PARTICIPANTS.

(a) In General.—The nonimmigrant status of an alien described in subsection (b) shall be deemed to have been maintained during the period beginning on August 26, 2005, and ending on September 15, 2006, if, on September 15, 2006, the alien is enrolled in a course of study, or participating in a designated exchange visitor program, sufficient to satisfy the terms and conditions of the alien's nonimmigrant status on August 26, 2005.

(b) Aliens Described.—An alien is described in this subsection if the alien—

(1) was, on August 26, 2005, lawfully present in the United States in the status of a nonimmigrant described in subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)); and

(2) fails to satisfy a term or condition of such status as a direct result of a specified hurricane disaster.

On page 348, between lines 21 and 22, insert the following:

"(V) The employment requirement under clause (i)(I) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

On page 351, strike lines 7 through 22 and insert the following:

"(E) Payment of income taxes.—

"(i) In general.—Not later than the date on which status is adjusted under this section, the alien establishes the payment of any applicable Federal tax liability by establishing that—

"(I) no such tax liability exists;

"(II) all outstanding liabilities have been paid; or

"(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(ii) Applicable federal tax liability.—For purposes of clause (i), the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required by subparagraph (D)(i) for which the statutory period for assessment of any deficiency for such taxes has not expired.

"(iii) IRS cooperation.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

On page 354, strike lines 3 through 11, and insert the following:

"(I) ADJUSTMENT OF STATUS.—The Secretary may not adjust the status of an alien under this section to that of lawful permanent resident until the Secretary determines that the priority dates have become current for the class of aliens whose family-based or employment-based petitions for permanent residence were pending on the date of the enactment of the Comprehensive Immigration Reform Act of 2006.

Beginning on page 361, strike line 15 and all that follows through page 362, line 3.

On page 372, line 18, strike "An" and insert "Notwithstanding section 244(h), an".

On page 375, between lines 16 and 17, insert the following:

"(C) EXEMPTION.—The employment requirement under subparagraph (A) shall not apply to any individual who is 65 years of age or older on the date of the enactment of the Immigrant Accountability Act of 2006.

On page 378, strike lines 11 through 13 and insert the following: "any right to judicial review or to contest".

On page 380, line 5, insert "The provisions under subsections (e) and (f) of section 245B shall apply to applications filed under this section." after "status.".

On page 385, strike lines 1 and 2 and insert the following:

"(C) is eligible to be employed by an employer in the United States regardless of whether the employer has complied with the requirements of section 218B(b)(7).

On page 389, line 8, insert "to" after "Subject".

On page 392, line 1, strike "to contest" and insert "under subsection (b)(7)(C)"

On page 397, strike lines 21 through 25 and insert the following:

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 5.75 or more hours in agricultural employment.

On page 398, strike lines 10 through 13, and insert the following:

(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24-month period ending on December 31, 2005;

On page 411, strike lines 6 through 25 and insert the following:

(D) PAYMENT OF TAXES.—

(i) IN GENERAL.—Not later than the date on which an alien's status is adjusted under this subsection, the alien shall establish the payment of any applicable Federal tax liability by establishing that—

(I) no such tax liability exists;

(II) all outstanding liabilities have been paid; or

(III) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(ii) APPLICABLE FEDERAL TAX LIABILITY.—For purposes of clause (i), the term "applicable Federal tax liability" means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (1)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

(iii) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subparagraph.

On page 520, line 17, strike "**Grant**".

On page 520, between lines 18 and 19, insert the following:

SEC. 641. INELIGIBILITY AND REMOVAL PRIOR TO APPLICATION PERIOD.

(a) LIMITATIONS ON INELIGIBILITY.—

(1) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of chapter 75 of title 18, United States Code, during the period beginning on the date of the enactment of this Act and ending on the date that the Department of Homeland Security begins accepting applications for benefits under Tiel VI.

(2) PROSECUTION.—An alien who commits a violation of such section 1543, 1544, or 1546 during the period beginning on the date the enactment of this Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien's application for such benefit is denied.

(b) LIMITATION ON REMOVAL.—If an alien who is apprehended prior to the beginning of the applicable application period described in a provision of this title, or an amendment made by this title, is able to establish prima facie eligibility for an adjustment of status under such a provision, the alien may not be removed from the United States for any reason until the date that is 180 days after the first day of such applicable application period unless the alien has engaged in criminal conduct or is a threat to the national security of the United States.

Beginning on page 523, strike line 9 and all that follows through page 524, line 23.

On page 537, between lines 2 and 3, insert the following:

SEC. 646. ADDRESSING POVERTY IN MEXICO.

(a) FINDINGS.—Congress finds the following:

(1) There is a strong correlation between economic freedom and economic prosperity.

(2) Trade policy, fiscal burden of government, government intervention in the economy, monetary policy, capital flows and foreign investment, banking and finance, wages and prices, property rights, regulation, and informal market activity are key factors in economic freedom.

(3) Poverty in Mexico, including rural poverty, can be mitigated through strengthened economic freedom within Mexico.

(4) Strengthened economic freedom in Mexico can be a major influence in mitigating illegal immigration.

(5) Advancing economic freedom within Mexico is an important part of any comprehensive plan to understanding the sources of poverty and the path to economic prosperity.

(b) GRANT AUTHORIZED.—The Secretary of State may award a grant to a land grant university in the United States to establish a national program for a broad, university-based Mexican rural poverty mitigation program.

(c) FUNCTIONS OF MEXICAN RURAL POVERTY MITIGATION PROGRAM.—The program established pursuant to subsection (b) shall—

(1) match a land grant university in the United States with the lead Mexican public university in each of Mexico's 31 states to provide state-level coordination of rural poverty programs in Mexico;

(2) establish relationships and coordinate programmatic ties between universities in the United States and universities in Mexico to address the issue of rural poverty in Mexico;

(3) establish and coordinate relationships with key leaders in the United States and Mexico to explore the effect of rural poverty on illegal immigration of Mexicans into the United States; and

(4) address immigration and border security concerns through a university-based, binational approach for long-term institutional change.

(d) USE OF FUNDS.—

(1) AUTHORIZED USES.—Grant funds awarded under this section may be used—

(A) for education, training, technical assistance, and any related expenses (including personnel and equipment) incurred by the grantee in implementing a program described in subsection (a); and

(B) to establish an administrative structure for such program in the United States.

(2) LIMITATIONS.—Grant funds awarded under this section may not be used for activities, responsibilities, or related costs incurred by entities in Mexico.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as may be necessary to carry out this section.

On page 540, beginning on line 17, strike "to 6-year, staggered, terms".

On page 544, line 20, strike "(3) and (4)" and insert "(2) and (3)".

On page 548, beginning on line 3, strike "to a 7-year term".

On page 552, between lines 2 and 3, insert the following:

SEC. 708. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands, including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title,".

Beginning on page 552, strike line 3 and all that follows through page 556, line 25, and insert the following:

Subtitle B—Citizenship Assistance for Members of the Armed Services

SEC. 711. SHORT TITLE.

This subtitle may be cited as the "Kendell Frederick Citizenship Assistance Act".

SEC. 712. WAIVER OF REQUIREMENT FOR FINGERPRINTS FOR MEMBERS OF THE ARMED FORCES.

Notwithstanding any other provision of law or any regulation, the Secretary shall use the fingerprints provided by an individual at the time the individual enlists in the Armed Forces to satisfy any requirement for fingerprints as part of an application for naturalization if the individual—

(1) may be naturalized pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440);

(2) was fingerprinted in accordance with the requirements of the Department of Defense at the time the individual enlisted in the Armed Forces; and

(3) submits an application for naturalization not later than 12 months after the date the individual enlisted in the Armed Forces.

SEC. 713. PROVISION OF INFORMATION ON NATURALIZATION TO MEMBERS OF THE ARMED FORCES.

The Secretary shall—

(1) establish a dedicated toll-free telephone service available only to members of the Armed Forces and the families of such members to provide information related to naturalization pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the status of an application for such naturalization;

(2) ensure that the telephone service required by paragraph (1) is operated by employees of the Department who—

(A) have received specialized training on the naturalization process for members of the Armed Forces and the families of such members; and

(B) are physically located in the same unit as the military processing unit that adjudicates applications for naturalization pursuant to such section 328 or 329; and

(3) implement a quality control program to monitor, on a regular basis, the accuracy and quality of information provided by the employees who operate the telephone service required by paragraph (1), including the breadth of the knowledge related to the naturalization process of such employees.

SEC. 714. PROVISION OF INFORMATION ON NATURALIZATION TO THE PUBLIC.

Not later than 30 days after the date that a modification to any law or regulation related to the naturalization process becomes effective, the Secretary shall update the appropriate application form for naturalization, the instructions and guidebook for obtaining naturalization, and the Internet website maintained by the Secretary to reflect such modification.

SEC. 715. REPORTS.

(a) ADJUDICATION PROCESS.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the entire process for the adjudication of an application for naturalization filed pursuant to section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 or 1440), including the process that begins at the time the application is mailed to, or received by, the Secretary, regardless of whether the Secretary determines that such application is complete, through the final disposition of such application. Such report shall include a description of—

(1) the methods of the Secretary to prepare, handle, and adjudicate such applications;

(2) the effectiveness of the chain of authority, supervision, and training of employees of the Government or of other entities, including contract employees, who have any role in the such process or adjudication; and

(3) the ability of the Secretary to use technology to facilitate or accomplish any aspect of such process or adjudication.

(b) IMPLEMENTATION.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study on the implementation of this subtitle by the Secretary, including studying any technology that may be used to improve the efficiency of the naturalization process for members of the Armed Forces.

(2) REPORT.—Not later than 180 days after the date that the Comptroller General submits the report required by subsection (a), the Comptroller General shall submit to the appropriate congressional committees a report on the study required by paragraph (1). The report shall include any recommendations of the Comptroller General for improving the implementation of this subtitle by the Secretary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

On page 560, line 1, strike "4" and insert "724".

Beginning on page 583, strike line 18 and all that follows through page 584, line 2.

On page 605, strike line 7 and all that follows through page 607, line 18, and insert the following:

SEC. 761. BORDER SECURITY ON CERTAIN FEDERAL LAND.

(a) DEFINITIONS.—In this section:

(1) PROTECTED LAND.—The term "protected land" means land under the jurisdiction of the Secretary concerned.

(2) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—

(1) IN GENERAL.—To gain operational control over the international land borders of the United States and to prevent the entry of terrorists, unlawful aliens, narcotics, and other contraband into the United States, the Secretary, in cooperation with the Secretary concerned, shall provide—

(A) increased Customs and Border Protection personnel to secure protected land along the international land borders of the United States;

(B) Federal land resource training for Customs and Border Protection agents dedicated to protected land; and

(C) Unmanned Aerial Vehicles, aerial assets, Remote Video Surveillance camera systems, and sensors on protected land that is directly adjacent to the international land border of the United States, with priority given to units of the National Park System.

(2) COORDINATION.—In providing training for Customs and Border Protection agents under paragraph (1)(B), the Secretary shall coordinate with the Secretary concerned to ensure that the training is appropriate to the mission of the National Park Service, the United States Fish and Wildlife Service, the Forest Service, or the relevant agency of the Department of the Interior or the Department of Agriculture to minimize the adverse impact on natural and cultural resources from border protection activities.

(c) INVENTORY OF COSTS AND ACTIVITIES.—The Secretary concerned shall develop and submit to the Secretary an inventory of costs incurred by the Secretary concerned relating to illegal border activity, including the cost of equipment, training, recurring maintenance, construction of facilities, restoration of natural and cultural resources, recapitalization of facilities, and operations.

(d) RECOMMENDATIONS.—The Secretary shall—

(1) develop joint recommendations with the National Park Service, the United States Fish and Wildlife Service, and the Forest Service for an appropriate cost recovery mechanism relating to items identified in subsection (c); and

(2) not later than March 31, 2007, submit to the appropriate congressional committees (as defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)), including the Subcommittee on National Parks of the Senate and the Subcommittee on National Parks, Recreation and Public Lands of the House of Representatives, the recommendations developed under paragraph (1).

(e) BORDER PROTECTION STRATEGY.—The Secretary, the Secretary of the Interior, and the Secretary of Agriculture shall jointly develop a border protection strategy that supports the border security needs of the United States in the manner that best protects—

(1) units of the National Park System;

(2) National Forest System land;

(3) land under the jurisdiction of the United States Fish and Wildlife Service; and

(4) other relevant land under the jurisdiction of the Department of the Interior or the Department of Agriculture.

On page 614, after line 5, insert the following:

SEC. 767. OFFICE OF INTERNAL CORRUPTION INVESTIGATION.

(a) INTERNAL CORRUPTION; BENEFITS FRAUD.—Section 453 of the Homeland Security Act of 2002 (6 U.S.C. 273) is amended—

(1) by striking "the Bureau of" each place it appears and inserting "United States";

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) establishing the Office of Internal Corruption Investigation, which shall—

"(A) receive, process, administer, and investigate criminal and noncriminal allegations of misconduct, corruption, and fraud involving any employee or contract worker of United States Citizenship and Immigration Services that are not subject to investigation by the Inspector General for the Department;

"(B) ensure that all complaints alleging any violation described in subparagraph (A) are handled and stored in a manner appropriate to their sensitivity;

"(C) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services, which relate to programs and operations for which the Director is responsible under this Act;

"(D) request such information or assistance from any Federal, State, or local government agency as may be necessary for carrying out the duties and responsibilities under this section;

"(E) require the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary to carry out the functions under this section—

"(i) by subpoena, which shall be enforceable, in the case of contumacy or refusal to obey, by order of any appropriate United States district court; or

"(ii) through procedures other than subpoenas if obtaining documents or information from Federal agencies;

"(F) administer to, or take from, any person an oath, affirmation, or affidavit, as necessary to carry out the functions under this section, which oath, affirmation, or affidavit, if administered or taken by or before an agent of the Office of Internal Corruption Investigation shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(G) investigate criminal allegations and noncriminal misconduct;

"(H) acquire adequate office space, equipment, and supplies as necessary to carry out the functions and responsibilities under this section; and

"(I) be under the direct supervision of the Director.";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(4) establishing the Office of Immigration Benefits Fraud Investigation, which shall—

"(A) conduct administrative investigations, including site visits, to address immigration benefit fraud;

"(B) assist United States Citizenship and Immigration Services provide the right benefit to the right person at the right time;

"(C) track, measure, assess, conduct pattern analysis, and report fraud-related data to the Director; and

"(D) work with counterparts in other Federal agencies on matters of mutual interest or information-sharing relating to immigration benefit fraud."; and

(3) by adding at the end the following:

"(c) Annual Report.—The Director, in consultation with the Office of Internal Corruption Investigations, shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes—

"(1) the activities of the Office, including the number of investigations began, completed, pending, turned over to the Inspector General for criminal investigations, and turned over to a United States Attorney for prosecution; and

"(2) the types of allegations investigated by the Office during the 12-month period immediately preceding the submission of the report that relate to the misconduct, corruption, and fraud described in subsection (a)(1).".

(b) Use of Immigration Fees to Combat Fraud.—Section 286(v)(2)(B) (8 U.S.C. 1356(v)(2)(B)) is amended by adding at the end the following: "Not less than 20 percent of the funds made available under this subparagraph shall be used for activities and functions described in paragraphs (1) and (4) of section 453(a) of the Homeland Security Act of 2002 (6 U.S.C. 273(a)).".

SEC. 768. ADJUSTMENT OF STATUS FOR CERTAIN PERSECUTED RELIGIOUS MINORITIES.

(a) In General.—The Secretary shall adjust the status of an alien to that of an alien lawfully admitted for permanent residence if the alien—

(1) is a persecuted religious minority;

(2) is admissible to the United States as an immigrant, except as provided under subsection (b);

(3) had an application for asylum pending on May 1, 2003;

(4) applies for such adjustment of status;

(5) was physically present in the United States on the date the application for such adjustment is filed; and

(6) pays a fee, in an amount determined by the Secretary, for the processing of such application.

(b) Waiver of Certain Grounds for Inadmissibility.—

(1) Inapplicable provision.—Section 212(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)) shall not apply to any adjustment of status under this section.

(2) Waiver.—The Secretary may waive any other provision of section 212(a) of such Act (except for paragraphs (2) and (3)) if extraordinary and compelling circumstances warrant such an adjustment for humanitarian purposes, to ensure family unity, or if it is otherwise in the public interest.

SEC. 769. ELIGIBILITY OF AGRICULTURAL AND FORESTRY WORKERS FOR CERTAIN LEGAL ASSISTANCE.

Section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note; Public Law 99–603) is amended—

(1) by striking "section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a))" and inserting "item (a) or (b) of section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii))"; and

(2) by inserting "or forestry" after "agricultural".

SEC. 770. DESIGNATION OF PROGRAM COUNTRIES.

Section 217(c)(1) (8 U.S.C. 1187(c)(1)) is amended to read as follows:

"(1) In general.—As soon as any country fully meets the requirements under paragraph (2), the Secretary of Homeland Security, in consultation with the Secretary of State, shall designate such country as a program country.".

SEC. 771. GLOBAL HEALTHCARE COOPERATION.

(a) Global Healthcare Cooperation.—Title III (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

"SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTHCARE IN DEVELOPING COUNTRIES.

"(a) In General.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other healthcare worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

"(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

"(2) to meet the continuous residency requirements under section 316(b).

"(b) Definitions.—In this section:

"(1) Candidate country.—The term 'candidate country' means a country that the Secretary of State determines is—

"(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

"(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

"(C) qualifies to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

"(2) Eligible alien.—The term 'eligible alien' means an alien who—

"(A) has been lawfully admitted to the United States for permanent residence; and

"(B) is a physician or other healthcare worker.

"(c) Consultation.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this subsection.

"(d) Publication.—The Secretary of State shall publish—

"(1) not later than 6 months after the date of the enactment of the Comprehensive Immigration Reform Act of 2006, and annually thereafter, a list of candidate countries; and

"(2) an immediate amendment to such list at any time to include any country that qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).".

(b) Rulemaking.—

(1) Requirement.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this section.

(2) Content.—The regulations required by paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(B) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(C) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(c) Technical and Conforming Amendments.—The Immigration and Nationality Act is amended as follows:

(1) Section 101(a)(13)(C)(ii) (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end "except in the case of an eligible alien, or the spouse or child of such alien, authorized to be absent from the United States pursuant to section 317A,".

(2) Section 211(b) (8 U.S.C. 1181(b)) is amended by inserting ", including an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "101(a)(27)(A),".

(3) Section 212(a)(7)(A)(i)(I) (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting "other than an eligible alien authorized to reside in a foreign country pursuant to section 317A and the spouse or child of such eligible alien, if appropriate," after "Act,".

(4) Section 319(b)(1)(B) (8 U.S.C. 1430(b)(1)(B)) is amended by inserting "an eligible alien who is residing or has resided in a foreign country pursuant to section 317A" before "and" at the end.

(5) The table of contents is amended by inserting after the item relating to section 317 the following:

"Sec. 317A. Temporary absence of aliens providing healthcare in developing countries.".

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Bureau of Citizenship and Immigration Services such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 772. ATTESTATION BY HEALTHCARE WORKERS.

(a) Requirement for Attestation.—Section 212(a)(5) (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following new subparagraph:

"(E) Healthcare workers with other obligations.—

"(i) In general.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other healthcare worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

"(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other healthcare worker in consideration for a commitment to work as a physician or other healthcare worker in the alien's country of origin or the alien's country of residence.

"(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

"(I) the obligation was incurred by coercion or other improper means;

"(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

"(III) the obligation should not be enforced due to other extraordinary circumstances, including undue hardship that would be suffered by the alien in the absence of a waiver.".

(b) EFFECTIVE DATE AND APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—The Secretary shall begin to carry out the subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), as added by subsection (a), not later than the effective date described in paragraph (1), including the requirement for the attestation and the granting of a waiver described in such subparagraph, regardless of whether regulations to implement such subparagraph have been promulgated.

SEC. 773. PUBLIC ACCESS TO THE STATUE OF LIBERTY.

Not later than 60 days after the date of the enactment of this Act, the Secretary of the Interior shall ensure that all persons who satisfy reasonable and appropriate security measures shall have full access to the public areas of the Statue of Liberty, including the crown and the stairs leading thereto.

On page 12, line 1, strike "(e)" and insert the following:

(e) UNMANNED AERIAL VEHICLE PILOT PROGRAM.—During the 1-year period beginning on the date on which the report is submitted under subsection (c), the Secretary shall conduct a pilot program to test unmanned aerial vehicles for border surveillance along the international border between Canada and the United States.

(f)

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, June 8, 2006 at 10 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nomination of: Philip D. Moeller, of Washington, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010, vice Patrick Henry Wood III, resigned; and Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008, vice William Lloyd Massey, term expired.

For further information, please contact Judy Pensabene of the Committee staff.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 25, 2006, at 11:30 a.m., to receive a briefing on the status of on-going investigations into an incident involving Iraqi civilians on November 19, 2005, near Haditha.

The PRESIDING OFFICER. Without objection it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 25, 2006, at 10 a.m., to mark up an original bill entitled "The Flood Insurance Reform and Modernization Act of 2006."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SESSIONS. Mr. President. I ask unanimous consent that the Senate Committee on Commerce Science and Transportation be authorized to meet on Thursday, May 25, 2006, at 10 a.m. on S. 2686, the Communications, Consumers' Choice, and Broadband Deployment Act of 2006. This is the second hearing on this act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 25 at 10 a.m. The purpose of this hearing is to receive testimony regarding the outlook for growth of coal fired electric generation and whether sufficient supplies of coal will be available to supply electric generators on a timely basis both in the near term and in the future.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 25, 2006, at 9:30 a.m. to hold a hearing on A Status Report on United Nations Reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 25, 2006, at 3 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, May 25, 2006, at 10 a.m. for a joint hearing with the Committee on Veterans' Affairs titled, "VA Data Privacy Breach: Twenty-Six Million People Deserve Answers."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, May 25, 2006, to consider the nominations of R. David Paulison to be Under Secretary for Federal Emergency Management, U.S. Department of Homeland Security, and Lurita Alexis Doan to be Administrator, U.S. General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 25, 2006, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian Education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 25, 2006, at 9:30 a.m in the Dirksen Senate Office Building Room 226. The agenda will be provided when it becomes available.

Tentative Agenda

I. Nominations: Sandra Segal Ikuta, to be U.S. Circuit Judge for the Ninth Circuit; Kenneth L. Wainstein, to be an Assistant Attorney General; Erik C. Peterson, to be U.S. Attorney for the Western District of Wisconsin; Charles P. Rosenberg, to be U.S. Attorney for the Eastern District of Virginia.

II. Bills: S. 2453—National Security Surveillance Act of 2006 [Specter]. S. 2455—Terrorist Surveillance Act of 2006 [DeWine, Graham], S. 2468—A bill to provide standing for civil actions for declaratory and injunctive relief to persons who refrain from electronic communications through fear of being subject to warrantless electronic surveillance for foreign intelligence purposes, and for other purposes [Schumer], S. 2039—Prosecutors and Defenders Incentive Act of 2005 [Durbin, Specter, DeWine, Leahy, Kennedy, Feinstein, Feingold, Schumer, Biden] and S. 2560—Office of National Drug Control Policy Reauthorization Act of 2006 [Specter, Biden, Hatch, Grassley].

III. Matters: S.J. Res. 12, Flag Desecration resolution [Hatch, Feinstein, Brownback, Coburn, Cornyn, DeWine, Graham, Grassley, Kyl, Sessions, Specter].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, May 25, 2006, for a joint hearing with the Senate Committee on Homeland Security and Governmental Affairs to hold a hearing titled "VA Data Privacy Breach: Twenty-Six Million People Deserve Answers". The meeting will take place in room 342 of the Dirksen Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, May 25, 2006 from 10.m.-12 p.m. in Dirksen G50 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND PROPERTY RIGHTS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate Committee of the Judiciary Subcommittee on the Constitution, Civil Rights and Property Rights be authorized to meet on Thursday, May 25, 2006 at 1 p.m. to conduct a hearing on "The Consequences of Legalized Assisted Suicide and Euthanasia" in Room 226 of the Dirksen Senate Office Building. The witness list will be provided when it becomes available.

Panel I: Members of Congress TBA.

Panel II: Julie McMurchie, Portland, OR; Hendrick Reitsema, Eck en Wiel, The Netherlands; Jonathan Imbody, Senior Policy Analyst, Christian Medical Association, Ashburn, VA.

Panel III: Wesley Smith, Senior Fellow, Discovery Institute, Castro Valley, CA; Kathryn Tucker, Director of Legal Affairs, Compassion and Choices, Adjunct Professor of Law, University of Washington School of Law, Seattle, WA; Rita Marker, Executive Director, International Taskforce on Euthanasia and Assisted Suicide, Steubenville, OH; Ann Jackson, Executive Director, Oregon Hospice Association, Portland, OR; Diane Coleman, President, Not Dead Yet, Forest Park, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Thursday, May 25, 2006, at 2:30 p.m. for a field hearing regarding "Congress' Role in Federal Financial Management: Is It Efficient, Accountable, and Transparent in the Way It Appropriates Funds?"

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

NATIONAL VIGIL FOR LOST PROMISE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed as if in morning business to the consideration S. Res. 495 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 495) designating June 8 National Vigil for Lost Promise.

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 495) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 495

Whereas over 26,000 citizens die from the effects of drug abuse each year;

Whereas the damage from drugs is not limited to drug abusers, the collateral damage from drugs is enormous, and drug abuse costs society over $60,000,000,000 in social costs and lost productivity;

Whereas drugs rob users, their families, and all the people of the United States of dreams, promises, ambitions, talents, and lives;

Whereas drug abuse affects millions of families in the United States;

Whereas the stigma of drug abuse and the cloak of denial keep many individuals and families from dealing with the impact of drugs;

Whereas many friends and families are ashamed to acknowledge the death of their loved ones caused by drug abuse;

Whereas all the people of the United States can benefit from illuminating the problem of drug abuse and its impact on families, communities, and society;

Whereas the futures of thousands of youth of the United States have been cut short because of drug abuse, including the life of—

(1) Irma Perez, who suffered and died of an Ecstasy overdose at age 14;

(2) David Manlove, who wanted to be a doctor, but died from inhalant abuse at age 16;

(3) David Pease, an articulate debater, who died of a heroin overdose at age 23;

(4) Ian Eaccarino, a college student who died of a heroin overdose at age 20;

(5) Jason Surks, who was studying to be a pharmacist, but died of prescription drug abuse at age 19;

(6) Kelley McEnery Baker, who died of an overdose of Ecstasy at age 23;

(7) Ryan Haight, who died of an overdose of prescription drugs he had purchased over the Internet at age 18; and

(8) Taylor Hooton, a high school baseball star whose life was cut short by steroids at age 16;

Whereas these deaths represent only a small sample of the lost promise that drug abuse has cost the future of the United States;

Whereas law enforcement, public health and research organizations, community coalitions, drug prevention outreach organizations, individual parents, siblings, friends, and concerned citizens are joining together on June 8, 2006, in a Vigil for Lost Promise, to call public attention to the tremendous promise which has been lost with the deaths of those affected by drugs: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 8, 2006, as the day of a National Vigil for Lost Promise; and

(2) encourages all young people to choose to live a drug-free life;

(3) encourages all people of the United States to work to stop drug abuse before it starts and remain vigilant against the far reaching loss of promise caused by deaths from drug abuse;

(4) encourages all citizens of the United States to remember the lost promise of youth caused by drug abuse on this day.

FINANCIAL SERVICES REGULATORY RELIEF ACT OF 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 437, S. 2856.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2856) to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2856) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Financial Services Regulatory Relief Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROKER RELIEF

Sec. 101. Rulemaking required for revised definition of broker in the Securities Exchange Act of 1934.

TITLE II—MONETARY POLICY PROVISIONS

Sec. 201. Authorization for the Federal reserve to pay interest on reserves.
Sec. 202. Increased flexibility for the Federal Reserve Board to establish reserve requirements.

TITLE III—NATIONAL BANK PROVISIONS

Sec. 301. Voting in shareholder elections.
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TITLE VIII—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

Sec. 801. Exception for certain bad check enforcement programs.

TITLE IX—CASH MANAGEMENT MODERNIZATION

Sec. 901. Collateral modernization.

TITLE X—STUDIES AND REPORTS

Sec. 1001. Study and report by the Comptroller General on the currency transaction report filing system.
Sec. 1002. Study and report on institution diversity and consolidation.

TITLE I—BROKER RELIEF

SEC. 101. RULEMAKING REQUIRED FOR REVISED DEFINITION OF BROKER IN THE SECURITIES EXCHANGE ACT OF 1934.

(a) FINAL RULES REQUIRED.—

(1) AMENDMENT TO SECURITIES EXCHANGE ACT.—Section 3(a)(4) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(4)) is amended by adding at the end the following:

"(F) RULEMAKING REQUIRED.—The Commission shall, by rule, implement the exceptions in subparagraph (B).".

(2) TIMING.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission (in this section referred to as the "Commission") shall issue proposed rules to define the term "broker" in accordance with section 3(a)(4) of the Securities Exchange Act of 1934, as amended by this subsection.

(3) RULEMAKING SUPERSEDES PREVIOUS RULEMAKING.—A final rule issued in accordance with this section shall supersede any other proposed or final rule issued by the Commission with regard to the exceptions to the definition of a broker under section 3(a)(4)(B) of the Securities Exchange Act of 1934, on or after the date of enactment of section 201 of the Gramm-Leach-Bliley Act. No such other rule, whether or not issued in final form, shall have any force or effect on or after that date of enactment.

(b) CONSULTATION.—Prior to issuing the final rule required by this section, the Commission shall consult with and seek the concurrence of the Federal banking agencies concerning the content of such rulemaking in implementing section 3(a)(4)(B) of the Securities Exchange Act of 1934, as amended by this section and section 201 of the Gramm-Leach-Bliley Act.

(c) AGENCY OBJECTIONS TO COMMISSION RULE.—

(1) FILING OF PETITION FOR REVIEW.—

(A) IN GENERAL.—Any Federal banking agency may obtain review of any final rule issued under this section in the United States Court of Appeals for the District of Columbia Circuit by filing in such court, not later than 60 days after the date of publication of the final rule, a written petition requesting that the rule be set aside.

(B) EXPEDITED PROCESS.—Any proceeding to challenge such a rule commenced under subparagraph (A) shall be expedited by the Court of Appeals.

(2) TRANSMITTAL OF PETITION AND RECORD.—

(A) SUBMISSION TO CLERK.—A copy of a petition described in paragraph (1) shall be transmitted as soon as possible by the Clerk of the Court to an officer or employee of the Commission designated for that purpose.

(B) FILING OF PETITION.—Upon receipt of a petition under subparagraph (A), the Commission shall file with the court the rule under review and any documents referred to therein, and any other relevant materials prescribed by the court.

(3) EXCLUSIVE JURISDICTION.—On the date of the filing of a petition under paragraph (1), the court has jurisdiction, which becomes exclusive on the filing of the materials set forth in paragraph (2), to affirm and enforce or to set aside the rule at issue.

(4) STANDARD OF REVIEW.—The court shall determine to affirm and enforce or set aside a rule of the Commission under this subsection, based on the determination of the court as to whether the rule is consistent with the purposes and language of section 3(a)(4)(B) of the Securities Exchange Act of 1934, as amended by section 201 of the Gramm-Leach-Bliley Act, and appropriate in light of the history, purpose, and extent of the rule under the Federal securities laws and the Federal banking laws, giving deference neither to the views of the Commission nor of the Federal banking agencies.

(5) JUDICIAL STAY.—The filing of a petition by a Federal banking agency under paragraph (1) shall operate as a judicial stay, until the date on which the determination of the court is final (including any appeal of such determination).

(d) DEFINITION.—For purposes of this section, the term "Federal banking agencies" means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Federal Deposit Insurance Corporation.

TITLE II—MONETARY POLICY PROVISIONS

SEC. 201. AUTHORIZATION FOR THE FEDERAL RESERVE TO PAY INTEREST ON RESERVES.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following:

"(12) EARNINGS ON BALANCES.—

"(A) IN GENERAL.—Balances maintained at a Federal Reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal Reserve bank at least once each calendar quarter, at a rate or rates not to exceed the general level of short-term interest rates.

"(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTIONS.—The Board may prescribe regulations concerning—

"(i) the payment of earnings in accordance with this paragraph;

"(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks, or on whose behalf such balances are maintained; and

"(iii) the responsibilities of depository institutions, Federal Home Loan Banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal Reserve bank by any such entity on behalf of depository institutions.

"(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).".

(b) CONFORMING AMENDMENT.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended–

(1) in subsection (b)(4)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A), by striking "subsection (b)(4)(C)" and inserting "subsection (b)".

SEC. 202. INCREASED FLEXIBILITY FOR THE FEDERAL RESERVE BOARD TO ESTABLISH RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking "the ratio of 3 per centum" and inserting "a ratio of not greater than 3 percent (and which may be zero)"; and

(2) in clause (ii), by striking "and not less than 8 per centum," and inserting "(and which may be zero),".

TITLE III—NATIONAL BANK PROVISIONS

SEC. 301. VOTING IN SHAREHOLDER ELECTIONS.

Section 5144 of the Revised Statutes of the United States (12 U.S.C. 61) is amended—

(1) by striking "or to cumulate" and inserting "or, if so provided by the articles of association of the national bank, to cumulate"; and

(2) by striking the comma after "his shares shall equal".

SEC. 302. SIMPLIFYING DIVIDEND CALCULATIONS FOR NATIONAL BANKS.

(a) IN GENERAL.—Section 5199 of the Revised Statutes of the United States (12 U.S.C. 60) is amended to read as follows:

"SEC. 5199. NATIONAL BANK DIVIDENDS.

"(a) IN GENERAL.—Subject to subsection (b), the directors of any national bank may declare a dividend of so much of the undivided profits of the bank as the directors judge to be expedient.

"(b) APPROVAL REQUIRED UNDER CERTAIN CIRCUMSTANCES.—A national bank may not declare and pay dividends in any year in excess of an amount equal to the sum of the total of the net income of the bank for that year and the retained net income of the bank for the preceding 2 years, minus the sum of any transfers required by the Comptroller of the Currency and any transfers required to be made to a fund for the retirement of any preferred stock, unless the Comptroller of the Currency approves the declaration and payment of dividends in excess of such amount.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter three of title LXII of the Revised Statutes of the United States is amended by striking the item relating to section 5199 and inserting the following:

"5199. National bank dividends.".

SEC. 303. REPEAL OF OBSOLETE LIMITATION ON REMOVAL AUTHORITY OF THE COMPTROLLER OF THE CURRENCY.

Section 8(e)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(4)) is amended by striking the 5th sentence.

SEC. 304. REPEAL OF OBSOLETE PROVISION IN THE REVISED STATUTES.

Section 5143 of the Revised Statutes of the United States (12 U.S.C. 59) is amended to read as follows:

"SEC. 5143. REDUCTION OF CAPITAL.

"(a) IN GENERAL.—Subject to the approval of the Comptroller of the Currency, a national banking association may, by a vote of shareholders owning, in the aggregate, two-thirds of its capital stock, reduce its capital.

"(b) SHAREHOLDER DISTRIBUTIONS AUTHORIZED.—As part of its capital reduction plan approved in accordance with subsection (a), and with the affirmative vote of shareholders owning at least two thirds of the shares of each class of its stock outstanding (each voting as a class), a national banking association may distribute cash or other assets to its shareholders.".

TITLE IV—SAVINGS ASSOCIATION PROVISIONS

SEC. 401. PARITY FOR SAVINGS ASSOCIATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934 AND THE INVESTMENT ADVISERS ACT OF 1940.

(a) SECURITIES EXCHANGE ACT OF 1934.—

(1) DEFINITION OF BANK.—Section 3(a)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(6)) is amended—

(A) in subparagraph (A), by inserting "or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act" after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) by inserting "or savings association, as defined in section 2(4) of the Home Owners' Loan Act" after "banking institution"; and

(ii) by inserting "or savings associations" after "having supervision over banks".

(2) INCLUSION OF OTS UNDER THE DEFINITION OF APPROPRIATE REGULATORY AGENCY FOR CERTAIN PURPOSES.—Section 3(a)(34) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(34)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) in clause (iii), by striking "and" at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, a subsidiary or a department or division of any such savings association, or a savings and loan holding company; and";

(B) in subparagraph (B)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) in clause (iii), by striking "and" at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, or a subsidiary of any such savings association, or a savings and loan holding company; and";

(C) in subparagraph (C)—

(i) in clause (ii), by striking "(i) or (iii)" and inserting "(i), (iii), or (iv)";

(ii) in clause (iii), by striking "and" at the end;

(iii) by redesignating clause (iv) as clause (v); and

(iv) by inserting after clause (iii) the following:

"(iv) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation, a savings and loan holding company, or a subsidiary of a savings and loan holding company when the appropriate regulatory agency for such clearing agency is not the Commission; and";

(D) in subparagraph (D)—

(i) in clause (ii), by striking "and" at the end;

(ii) by redesignating clause (iii) as clause (iv); and

(iii) by inserting after clause (ii) the following:

"(iii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))) the deposits of which are insured by the Federal Deposit Insurance Corporation; and";

(E) in subparagraph (F)—

(i) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively; and

(ii) by inserting after clause (i) the following:

"(ii) the Director of the Office of Thrift Supervision, in the case of a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), the deposits of which are insured by the Federal Deposit Insurance Corporation; and";

(F) by moving subparagraph (H) and inserting such subparagraph immediately after subparagraph (G); and

(G) by adding at the end of the undesignated matter at the end the following: "As used in this paragraph, the term 'savings and loan holding company' has the same meaning as in section 10(a) of the Home Owners' Loan Act (12 U.S.C. 1467a(a)).".

(3) CONFORMING EXEMPTION TO REPORTING REQUIREMENT.—Section 23(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78w(b)(1)) is amended by inserting "other than the Office of Thrift Supervision," before "shall each".

(b) INVESTMENT ADVISERS ACT OF 1940.—

(1) DEFINITION OF BANK.—Section 202(a)(2) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(2)) is amended—

(A) in subparagraph (A), by inserting "or a Federal savings association, as defined in section 2(5) of the Home Owners' Loan Act" after "a banking institution organized under the laws of the United States"; and

(B) in subparagraph (C)—

(i) by inserting ", savings association, as defined in section 2(4) of the Home Owners' Loan Act," after "banking institution"; and

(ii) by inserting "or savings associations" after "having supervision over banks".

(2) CONFORMING AMENDMENTS.—Section 210A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–10a) is amended in each of subsections (a)(1)(A)(i), (a)(1)(B), (a)(2), and (b), by striking "bank holding company" each place that term appears and inserting "bank holding company or savings and loan holding company".

(c) CONFORMING AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 10(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–10(c)) is amended by inserting after "1956)" the following: "or any one savings and loan holding company, together with its affiliates and subsidiaries (as such terms are defined in section 10 of the Home Owners' Loan Act),".

SEC. 402. REPEAL OF OVERLAPPING RULES GOVERNING PURCHASED MORTGAGE SERVICING RIGHTS.

Section 5(t) of the Home Owners' Loan Act (12 U.S.C. 1464(t)) is amended—

(1) by striking paragraph (4) and inserting the following:

"(4) [Repealed].''; and

(2) in paragraph (9)(A), by striking "intangible assets, plus" and all that follows through the period at the end and inserting "intangible assets.".

SEC. 403. CLARIFYING CITIZENSHIP OF FEDERAL SAVINGS ASSOCIATIONS FOR FEDERAL COURT JURISDICTION.

Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following:

"(x) HOME STATE CITIZENSHIP.—In determining whether a Federal court has diversity jurisdiction over a case in which a Federal savings association is a party, the Federal savings association shall be considered to be a citizen only of the State in which such savings association has its home office.".

SEC. 404. REPEAL OF LIMITATION ON LOANS TO ONE BORROWER.

Section 5(u)(2)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(u)(2)(A)) is amended—

(1) in clause (i)—

(A) by striking "for any" and inserting "For any"; and

(B) by striking "; or" and inserting a period; and

(2) in clause (ii)—

(A) by striking "to develop domestic" and inserting "To develop domestic";

(B) by striking subclause (I); and

(C) by redesignating subclauses (II) through (V) as subclauses (I) through (IV), respectively.

TITLE V—CREDIT UNION PROVISIONS

SEC. 501. LEASES OF LAND ON FEDERAL FACILITIES FOR CREDIT UNIONS.

(a) IN GENERAL.—Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended—

(1) by striking "Upon application by any credit union" and inserting "Notwithstanding any other provision of law, upon application by any credit union";

(2) by inserting "on lands reserved for the use of, and under the exclusive or concurrent jurisdiction of, the United States or" after "officer or agency of the United States charged with the allotment of space";

(3) by inserting "lease land or" after "such officer or agency may in his or its discretion"; and

(4) by inserting "or the facility built on the lease land" after "credit union to be served by the allotment of space".

(b) CLERICAL AMENDMENT.—The section heading for section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended by inserting "**OR FEDERAL LAND**" after "**BUILDINGS**".

SEC. 502. INCREASE IN GENERAL 12-YEAR LIMITATION OF TERM OF FEDERAL CREDIT UNION LOANS TO 15 YEARS.

Section 107(5) of the Federal Credit Union Act (12 U.S.C. 1757(5)) is amended in the matter preceding subparagraph (A), by striking "to make loans, the maturities of which shall not exceed twelve years" and inserting "to make loans, the maturities of which shall not exceed 15 years,".

SEC. 503. CHECK CASHING AND MONEY TRANSFER SERVICES OFFERED WITHIN THE FIELD OF MEMBERSHIP.

Section 107(12) of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended to read as follows:

"(12) in accordance with regulations prescribed by the Board—

"(A) to sell, to persons in the field of membership, negotiable checks (including travelers checks), money orders, and other similar money transfer instruments (including international and domestic electronic fund transfers); and

"(B) to cash checks and money orders and receive international and domestic electronic fund transfers for persons in the field of membership for a fee;".

SEC. 504. CLARIFICATION OF DEFINITION OF NET WORTH UNDER CERTAIN CIRCUMSTANCES FOR PURPOSES OF PROMPT CORRECTIVE ACTION.

Section 216(o)(2)(A) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)(A)) is amended—

(1) by inserting "the" before "retained earnings balance"; and

(2) by inserting ", together with any amounts that were previously retained earnings of any other credit union with which the credit union has combined" before the semicolon at the end.

TITLE VI—DEPOSITORY INSTITUTION PROVISIONS

SEC. 601. REPORTING REQUIREMENTS RELATING TO INSIDER LENDING.

(a) REPORTING REQUIREMENTS REGARDING LOANS TO EXECUTIVE OFFICERS OF MEMBER BANKS.—Section 22(g) of the Federal Reserve Act (12 U.S.C. 375a) is amended—

(1) by striking paragraphs (6) and (9); and

(2) by redesignating paragraphs (7), (8), and (10) as paragraphs (6), (7), and (8), respectively.

(b) REPORTING REQUIREMENTS REGARDING LOANS FROM CORRESPONDENT BANKS TO EXECUTIVE OFFICERS AND SHAREHOLDERS OF INSURED BANKS.—Section 106(b)(2) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972(2)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

SEC. 602. INVESTMENTS BY INSURED SAVINGS ASSOCIATIONS IN BANK SERVICE COMPANIES AUTHORIZED.

(a) IN GENERAL.—Sections 2 and 3 of the Bank Service Company Act (12 U.S.C. 1862, 1863) are each amended by striking "insured bank" each place that term appears and inserting "insured depository institution".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) BANK SERVICE COMPANY ACT DEFINITIONS.—Section 1(b) of the Bank Service Company Act (12 U.S.C. 1861(b)) is amended—

(A) in paragraph (4)—

(i) by inserting ", except when such term appears in connection with the term 'insured depository institution'," after "means"; and

(ii) by striking "Federal Home Loan Bank Board" and inserting "Director of the Office of Thrift Supervision";

(B) by striking paragraph (5) and inserting the following:

"(5) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' has the same meaning as in section 3(c) of the Federal Deposit Insurance Act;";

(C) by striking "and" at the end of paragraph (7);

(D) by striking the period at the end of paragraph (8) and inserting "; and";

(E) by adding at the end the following:

"(9) the terms 'State depository institution', 'Federal depository institution', 'State savings association' and 'Federal savings association' have the same meanings as in section 3 of the Federal Deposit Insurance Act.";

(F) in paragraph (2), in subparagraphs (A)(ii) and (B)(ii), by striking "insured banks" each place that term appears and inserting "insured depository institutions"; and

(G) in paragraph (8)—

(i) by striking "insured bank" and inserting "insured depository institution";

(ii) by striking "insured banks" each place that term appears and inserting "insured depository institutions"; and

(iii) by striking "the bank's" and inserting "the depository institution's".

(2) AMOUNT OF INVESTMENT.—Section 2 of the Bank Service Company Act (12 U.S.C. 1862) is amended by inserting "or savings associations, other than the limitation on the amount of investment by a Federal savings association contained in section 5(c)(4)(B) of the Home Owners' Loan Act" after "relating to banks".

(3) LOCATION OF SERVICES.—Section 4 of the Bank Service Company Act (12 U.S.C. 1864) is amended—

(A) in subsection (b), by inserting "as permissible under subsection (c), (d), or (e) or" after "Except";

(B) in subsection (c), by inserting "or State savings association" after "State bank" each place that term appears;

(C) in subsection (d), by inserting "or Federal savings association" after "national bank" each place that term appears;

(D) by striking subsection (e) and inserting the following:

"(e) PERFORMANCE WHERE STATE BANK AND NATIONAL BANK ARE SHAREHOLDERS OR MEMBERS.—A bank service company may perform—

"(1) only those services that each depository institution shareholder or member is otherwise authorized to perform under any applicable Federal or State law; and

"(2) such services only at locations in a State in which each such shareholder or member is authorized to perform such services."; and

(E) in subsection (f), by inserting "or savings associations" after "location of banks".

(4) PRIOR APPROVAL OF INVESTMENTS.—Section 5 of the Bank Service Company Act (12 U.S.C. 1865) is amended—

(A) in subsection (a)—

(i) by striking "insured bank" and inserting "insured depository institution"; and

(ii) by striking "bank's"; and

(iii) by inserting before the period "for the insured depository institution";

(B) in subsection (b)—

(i) by striking "insured bank" and inserting "insured depository institution";

(ii) by inserting "authorized only" after "performs any service"; and

(iii) by inserting "authorized only" after "perform any activity"; and

(C) in subsection (c)—

(i) by striking "the bank or banks" and inserting "any insured depository institution"; and

(ii) by striking "capability of the bank" and inserting "capability of the insured depository institution".

(5) REGULATION AND EXAMINATION.—Section 7 of the Bank Service Company Act (12 U.S.C. 1867) is amended—

(A) in subsection (b), by striking "insured bank" and inserting "insured depository institution"; and

(B) in subsection (c)—

(i) by striking "a bank" each place that term appears and inserting "a depository institution"; and

(ii) by striking "the bank" each place that term appears and inserting "the depository institution".

SEC. 603. AUTHORIZATION FOR MEMBER BANK TO USE PASS-THROUGH RESERVE ACCOUNTS.

Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking "which is not a member bank".

SEC. 604. STREAMLINING REPORTS OF CONDITION.

Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following:

"(11) STREAMLINING REPORTS OF CONDITION.—

"(A) REVIEW OF INFORMATION AND SCHEDULES.—Before the end of the 1-year period beginning on the date of enactment of the Financial Services Regulatory Relief Act of 2006 and before the end of each 5-year period thereafter, each Federal banking agency shall, in conjunction with the other relevant Federal banking agencies, review the information and schedules that are required to be filed by an insured depository institution in a report of condition required under paragraph (3).

"(B) REDUCTION OR ELIMINATION OF INFORMATION FOUND TO BE UNNECESSARY.—After completing the review required by subparagraph (A), a Federal banking agency, in conjunction with the other relevant Federal banking agencies, shall reduce or eliminate any requirement to file information or schedules under paragraph (3) (other than information or schedules that are otherwise required by law) if the agency determines that the continued collection of such information or schedules is no longer necessary or appropriate.".

SEC. 605. EXPANSION OF ELIGIBILITY FOR 18-MONTH EXAMINATION SCHEDULE FOR COMMUNITY BANKS.

Section 10(d)(4)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1820(d)(4)(A)) is amended by striking "$250,000,000" and inserting "$500,000,000".

SEC. 606. STREAMLINING DEPOSITORY INSTITUTION MERGER APPLICATION REQUIREMENTS.

(a) IN GENERAL.—Section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)) is amended to read as follows:

"(4) REPORTS ON COMPETITIVE FACTORS.—

"(A) REQUEST FOR REPORT.—In the interests of uniform standards and subject to subparagraph (B), before acting on any application for approval of a merger transaction, the responsible agency shall—

"(i) request a report on the competitive factors involved from the Attorney General of the United States; and

"(ii) provide a copy of the request to the Corporation (when the Corporation is not the responsible agency).

"(B) FURNISHING OF REPORT.—The report requested under subparagraph (A) shall be furnished by the Attorney General to the responsible agency—

"(i) not later than 30 calendar days after the date on which the Attorney General received the request; or

"(ii) not later than 10 calendar days after such date, if the requesting agency advises the Attorney General that an emergency exists requiring expeditious action.

"(C) EXCEPTIONS.—A responsible agency may not be required to request a report under subparagraph (A) if—

"(i) the responsible agency finds that it must act immediately in order to prevent the probable failure of 1 of the insured depository institutions involved in the merger transaction; or

"(ii) the merger transaction involves solely an insured depository institution and 1 or more of the affiliates of such depository institution.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 18(c)(6) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(6)) is amended—

(1) in the second sentence, by striking "banks or savings associations involved and reports on the competitive factors have" and inserting "insured depository institutions involved, or if the proposed merger transaction is solely between an insured depository institution and 1 or more of its affiliates, and the report on the competitive factors has"; and

(2) by striking the penultimate sentence and inserting the following: "If the agency has advised the Attorney General under paragraph (4)(B)(ii) of the existence of an emergency requiring expeditious action and has requested a report on the competitive factors within 10 days, the transaction may not be consummated before the fifth calendar day after the date of approval by the agency.".

SEC. 607. NONWAIVER OF PRIVILEGES.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

"(x) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

"(1) IN GENERAL.—The submission by any person of any information to any Federal banking agency, State bank supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such agency, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such agency, supervisor, or authority.

"(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

"(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

"(B) any person would waive any privilege applicable to any information by submitting the information to any Federal banking agency, State bank supervisor, or foreign banking authority, but for this subsection."

(b) INSURED CREDIT UNIONS.—Section 205 of the Federal Credit Union Act (12 U.S.C.1785) is amended by adding at the end the following:

"(j) PRIVILEGES NOT AFFECTED BY DISCLOSURE TO BANKING AGENCY OR SUPERVISOR.—

"(1) IN GENERAL.—The submission by any person of any information to the Administration, any State credit union supervisor, or foreign banking authority for any purpose in the course of any supervisory or regulatory process of such Board, supervisor, or authority shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than such Board, supervisor, or authority.

"(2) RULE OF CONSTRUCTION.—No provision of paragraph (1) may be construed as implying or establishing that—

"(A) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which paragraph (1) does not apply; or

"(B) any person would waive any privilege applicable to any information by submitting the information to the Administration, any

State credit union supervisor, or foreign banking authority, but for this subsection.''.

SEC. 608. CLARIFICATION OF APPLICATION REQUIREMENTS FOR OPTIONAL CONVERSION FOR FEDERAL SAVINGS ASSOCIATIONS.

(a) Home Owners' Loan Act.—Section 5(i)(5) of the Home Owners' Loan Act (12 U.S.C. 1464(i)(5)) is amended to read as follows:

''(5) Conversion to national or state bank.—

''(A) In general.—Any Federal savings association chartered and in operation before the date of enactment of the Gramm-Leach-Bliley Act, with branches in operation before such date of enactment in 1 or more States, may convert, at its option, with the approval of the Comptroller of the Currency for each national bank, and with the approval of the appropriate State bank supervisor and the appropriate Federal banking agency for each State bank, into 1 or more national or State banks, each of which may encompass 1 or more of the branches of the Federal savings association in operation before such date of enactment in 1 or more States subject to subparagraph (B).

''(B) Conditions of conversion.—The authority in subparagraph (A) shall apply only if each resulting national or State bank—

''(i) will meet all financial, management, and capital requirements applicable to the resulting national or State bank; and

''(ii) if more than 1 national or State bank results from a conversion under this subparagraph, has received approval from the Federal Deposit Insurance Corporation under section 5(a) of the Federal Deposit Insurance Act.

''(C) No merger application under FDIA required.—No application under section 18(c) of the Federal Deposit Insurance Act shall be required for a conversion under this paragraph.

''(D) Definitions.—For purposes of this paragraph, the terms 'State bank' and 'State bank supervisor' have the same meanings as in section 3 of the Federal Deposit Insurance Act.''.

(b) Federal Deposit Insurance Act.—Section 4(c) of the Federal Deposit Insurance Act (12 U.S.C. 1814(c)) is amended—

(1) by inserting ''of this Act and section 5(i)(5) of the Home Owners' Loan Act'' after ''Subject to section 5(d)''; and

(2) in paragraph (2), after ''insured State,'' by inserting ''or Federal''.

SEC. 609. EXEMPTION FROM DISCLOSURE OF PRIVACY POLICY FOR ACCOUNTANTS.

(a) In General.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

''(d) Exemption for Certified Public Accountants.—

''(1) In general.—The disclosure requirements of subsection (a) do not apply to any person, to the extent that the person is—

''(A) a certified public accountant;

''(B) certified or licensed for such purpose by a State; and

''(C) subject to any provision of law, rule, or regulation issued by a legislative or regulatory body of the State, including rules of professional conduct or ethics, that prohibits disclosure of nonpublic personal information without the knowing and expressed consent of the consumer.

''(2) Limitation.—Nothing in this subsection shall be construed to exempt or otherwise exclude any financial institution that is affiliated or becomes affiliated with a certified public accountant described in paragraph (1) from any provision of this section.

''(3) Definitions.—For purposes of this subsection, the term 'State' means any State or territory of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, or the Northern Mariana Islands.''.

(b) Clerical Amendments.—Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) in subsection (a), by striking ''Such disclosures'' and inserting the following:

''(b) Regulations.—Disclosures required by subsection (a)''.

SEC. 610. INFLATION ADJUSTMENT FOR THE SMALL DEPOSITORY INSTITUTION EXCEPTION UNDER THE DEPOSITORY INSTITUTION MANAGEMENT INTERLOCKS ACT.

Section 203(1) of the Depository Institution Management Interlocks Act (12 U.S.C. 3202(1)) is amended by striking ''$20,000,000'' and inserting ''$50,000,000''.

SEC. 611. MODIFICATION TO CROSS MARKETING RESTRICTIONS.

Section 4(n)(5)(B) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(n)(5)(B)) is amended by striking ''subsection (k)(4)(I)'' and inserting ''subparagraph (H) or (I) of subsection (k)(4)''.

TITLE VII—BANKING AGENCY PROVISIONS

SEC. 701. STATUTE OF LIMITATIONS FOR JUDICIAL REVIEW OF APPOINTMENT OF A RECEIVER FOR DEPOSITORY INSTITUTIONS.

(a) National Banks.—Section 2 of the National Bank Receivership Act (12 U.S.C. 191) is amended—

(1) by amending the section heading to read as follows:

"SEC. 2. APPOINTMENT OF RECEIVER FOR A NATIONAL BANK.

''(a) In General.—The Comptroller of the Currency''; and

(2) by adding at the end the following:

''(b) Judicial Review.—If the Comptroller of the Currency appoints a receiver under subsection (a), the national bank may, within 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such bank is located, or in the United States District Court for the District of Columbia, for an order requiring the Comptroller of the Currency to remove the receiver, and the court shall, upon the merits, dismiss such action or direct the Comptroller of the Currency to remove the receiver.''.

(b) Insured Depository Institutions.—Section 11(c)(7) of the Federal Deposit Insurance Act (12 U.S.C. 1821(c)(7)) is amended to read as follows:

''(7) Judicial review.—If the Corporation is appointed (including the appointment of the Corporation as receiver by the Board of Directors) as conservator or receiver of a depository institution under paragraph (4), (9), or (10), the depository institution may, not later than 30 days thereafter, bring an action in the United States district court for the judicial district in which the home office of such depository institution is located, or in the United States District Court for the District of Columbia, for an order requiring the Corporation to be removed as the conservator or receiver (regardless of how such appointment was made), and the court shall, upon the merits, dismiss such action or direct the Corporation to be removed as the conservator or receiver.''.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply with respect to conservators or receivers appointed on or after the date of enactment of this Act.

SEC. 702. ENHANCING THE SAFETY AND SOUNDNESS OF INSURED DEPOSITORY INSTITUTIONS.

(a) Clarification Relating to the Enforceability of Agreements and Conditions.—The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

"SEC. 49. ENFORCEMENT OF AGREEMENTS.

''(a) In General.—Notwithstanding clause (i) or (ii) of section 8(b)(6)(A) or section 38(e)(2)(E)(i), the appropriate Federal banking agency for a depository institution may enforce, under section 8, the terms of—

''(1) any condition imposed in writing by the agency on the depository institution or an institution-affiliated party in connection with any action on any application, notice, or other request concerning the depository institution; or

''(2) any written agreement entered into between the agency and the depository institution or an institution-affiliated party.

''(b) Receiverships and Conservatorships.—After the appointment of the Corporation as the receiver or conservator for a depository institution, the Corporation may enforce any condition or agreement described in paragraph (1) or (2) of subsection (a) imposed on or entered into with such institution or institution-affiliated party through an action brought in an appropriate United States district court.''.

(b) Protection of Capital of Insured Depository Institutions.—Section 18(u)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1828(u)(1)) is amended—

(1) by striking subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (B); and

(3) in subparagraph (A), by adding ''and'' at the end.

(c) Conforming Amendments.—Section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)) is amended—

(1) in paragraph (3), by striking ''This subsection and subsections (c) through (s) and subsection (u) of this section'' and inserting ''This subsection, subsections (c) through (s) and subsection (u) of this section, and section 49 of this Act''; and

(2) in paragraph (4), by striking ''This subsection and subsections (c) through (s) and subsection (u) of this section'' and inserting ''This subsection, subsections (c) through (s) and subsection (u) of this section, and section 49 of this Act''.

SEC. 703. CROSS GUARANTEE AUTHORITY.

Section 5(e)(9)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1815(e)(9)(A)) is amended to read as follows:

''(A) such institutions are controlled by the same company; or''.

SEC. 704. GOLDEN PARACHUTE AUTHORITY AND NONBANK HOLDING COMPANIES.

Section 18(k) of the Federal Deposit Insurance Act (12 U.S.C. 1828(k)) is amended—

(1) in paragraph (2)(A), by striking ''or depository institution holding company'' and inserting ''or covered company'';

(2) in paragraph (2), by striking subparagraph (B), and inserting the following:

''(B) Whether there is a reasonable basis to believe that the institution-affiliated party is substantially responsible for—

''(i) the insolvency of the depository institution or covered company;

''(ii) the appointment of a conservator or receiver for the depository institution; or

''(iii) the troubled condition of the depository institution (as defined in the regulations prescribed pursuant to section 32(f)).'';

(3) in paragraph (2)(F), by striking "depository institution holding company" and inserting "covered company,";

(4) in paragraph (3) in the matter preceding subparagraph (A), by striking "depository institution holding company" and inserting "covered company";

(5) in paragraph (3)(A), by striking "holding company" and inserting "covered company";

(6) in paragraph (4)(A)—

(A) by striking "depository institution holding company" each place that term appears and inserting "covered company"; and

(B) by striking "holding company" each place that term appears (other than in connection with the term referred to in subparagraph (A)) and inserting "covered company";

(7) in paragraph (5)(A), by striking "depository institution holding company" and inserting "covered company";

(8) in paragraph (5), by adding at the end the following:

"(D) Covered company.—The term 'covered company' means any depository institution holding company (including any company required to file a report under section 4(f)(6) of the Bank Holding Company Act of 1956), or any other company that controls an insured depository institution."; and

(9) in paragraph (6)—

(A) by striking "depository institution holding company" and inserting "covered company,"; and

(B) by striking "or holding company" and inserting "or covered company".

SEC. 705. AMENDMENTS RELATING TO CHANGE IN BANK CONTROL.

Section 7(j) of the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) is amended—

(1) in paragraph (1)(D)—

(A) by striking "is needed to investigate" and inserting "is needed—

"(i) to investigate";

(B) by striking "United States Code." and inserting "United States Code; or"; and

(C) by adding at the end the following:

"(ii) to analyze the safety and soundness of any plans or proposals described in paragraph (6)(E) or the future prospects of the institution."; and

(2) in paragraph (7)(C), by striking "the financial condition of any acquiring person" and inserting "either the financial condition of any acquiring person or the future prospects of the institution".

SEC. 706. AMENDMENT TO PROVIDE THE FEDERAL RESERVE BOARD WITH DISCRETION CONCERNING THE IMPUTATION OF CONTROL OF SHARES OF A COMPANY BY TRUSTEES.

Section 2(g)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(g)(2)) is amended by inserting before the period at the end ", unless the Board determines that such treatment is not appropriate in light of the facts and circumstances of the case and the purposes of this Act".

SEC. 707. INTERAGENCY DATA SHARING.

(a) Federal Banking Agencies.—Section 7(a)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)(2)) is amended by adding at the end the following:

"(C) Data sharing with other agencies and persons.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Corporation (with respect to all insured depository institutions, including a depository institution for which the Corporation has been appointed conservator or receiver) or an appropriate State bank supervisor (with respect to a State depository institution) under subparagraph (A) or (B), a Federal banking agency may, in the discretion of the agency, furnish any report of examination or other confidential supervisory information concerning any depository institution or other entity examined by such agency under authority of any Federal law, to—

"(i) any other Federal or State agency or authority with supervisory or regulatory authority over the depository institution or other entity;

"(ii) any officer, director, or receiver of such depository institution or entity; and

"(iii) any other person that the Federal banking agency determines to be appropriate.".

(b) National Credit Union Administration.—Section 202(a) of the Federal Credit Union Act (12 U.S.C. 1782(a)) is amended by adding at the end the following:

"(8) Data sharing with other agencies and persons.—In addition to reports of examination, reports of condition, and other reports required to be regularly provided to the Board (with respect to all insured credit unions, including a credit union for which the Corporation has been appointed conservator or liquidating agent) or an appropriate State commission, board, or authority having supervision of a State-chartered credit union, the Board may, in the discretion of the Board, furnish any report of examination or other confidential supervisory information concerning any credit union or other entity examined by the Board under authority of any Federal law, to—

"(A) any other Federal or State agency or authority with supervisory or regulatory authority over the credit union or other entity;

"(B) any officer, director, or receiver of such credit union or entity; and

"(C) any other person that the Board determines to be appropriate.".

SEC. 708. CLARIFICATION OF EXTENT OF SUSPENSION, REMOVAL, AND PROHIBITION AUTHORITY OF FEDERAL BANKING AGENCIES IN CASES OF CERTAIN CRIMES BY INSTITUTION-AFFILIATED PARTIES.

(a) Insured Depository Institutions.—

(1) In general.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended—

(A) in subparagraph (A)—

(i) by striking "is charged in any information, indictment, or complaint, with the commission of or participation in" and inserting "is the subject of any information, indictment, or complaint, involving the commission of or participation in";

(ii) by striking "may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution," and insert "posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, any relevant depository institution (as defined in subparagraph (E)),"; and

(iii) by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(B) in subparagraph (B)(i), by striking "the depository institution" and inserting "any depository institution that the subject of the notice is affiliated with at the time the notice is issued";

(C) in subparagraph (C)(i)—

(i) by striking "may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution," and insert "posed, poses, or may pose a threat to the interests of the depositors of, or threatened, threatens, or may threaten to impair public confidence in, any relevant depository institution (as defined in subparagraph (E)),"; and

(ii) by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(D) in subparagraph (C)(ii), by striking "affairs of the depository institution" and inserting "affairs of any depository institution";

(E) in subparagraph (D)(i), by striking "the depository institution" and inserting "any depository institution that the subject of the order is affiliated with at the time the order is issued"; and

(F) by adding at the end the following:

"(E) Relevant depository institution.—For purposes of this subsection, the term 'relevant depository institution' means any depository institution of which the party is or was an institution-affiliated party at the time at which—

"(i) the information, indictment, or complaint described in subparagraph (A) was issued; or

"(ii) the notice is issued under subparagraph (A) or the order is issued under subparagraph (C)(i).".

(2) Clerical amendment.—The subsection heading for section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)) is amended to read as follows:

"(g) Suspension, Removal, and Prohibition From Participation Orders in the Case of Certain Criminal Offenses.—".

(b) Insured Credit Unions.—

(1) In general.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended—

(A) in subparagraph (A), by striking "the credit union" each place that term appears and inserting "any credit union";

(B) in subparagraph (B)(i), by inserting "of which the subject of the order is, or most recently was, an institution-affiliated party" before the period at the end;

(C) in subparagraph (C)—

(i) by striking "the credit union" each place such term appears and inserting "any credit union"; and

(ii) by striking "the credit union's" and inserting "any credit union's";

(D) in subparagraph (D)(i), by striking "upon such credit union" and inserting "upon the credit union of which the subject of the order is, or most recently was, an institution-affiliated party"; and

(E) by adding at the end the following:

"(E) Continuation of authority.—The Board may issue an order under this paragraph with respect to an individual who is an institution-affiliated party at a credit union at the time of an offense described in subparagraph (A) without regard to—

"(i) whether such individual is an institution-affiliated party at any credit union at the time the order is considered or issued by the Board; or

"(ii) whether the credit union at which the individual was an institution-affiliated party at the time of the offense remains in existence at the time the order is considered or issued by the Board.".

(2) Clerical amendment.—Section 206(i) of the Federal Credit Union Act (12 U.S.C. 1786(i)) is amended by striking "(i)" at the beginning and inserting the following:

"(i) Suspension, Removal, and Prohibition From Participation Orders in the Case of Certain Criminal Offenses.—".

SEC. 709. PROTECTION OF CONFIDENTIAL INFORMATION RECEIVED BY FEDERAL BANKING REGULATORS FROM FOREIGN BANKING SUPERVISORS.

Section 15 of the International Banking Act of 1978 (12 U.S.C. 3109) is amended by adding at the end the following:

"(c) Confidential Information Received From Foreign Supervisors.—

"(1) In general.—Except as provided in paragraph (3), a Federal banking agency may not be compelled to disclose information received from a foreign regulatory or supervisory authority if—

"(A) the Federal banking agency determines that the foreign regulatory or supervisory authority has, in good faith, determined and represented in writing to such Federal banking agency that public disclosure of the information would violate the laws applicable to that foreign regulatory or supervisory authority; and

"(B) the relevant Federal banking agency obtained such information pursuant to—

"(i) such procedures as the Federal banking agency may establish for use in connection with the administration and enforcement of Federal banking laws; or

"(ii) a memorandum of understanding or other similar arrangement between the Federal banking agency and the foreign regulatory or supervisory authority.

"(2) Treatment under title 5, United States Code.—For purposes of section 552 of title 5, United States Code, this subsection shall be treated as a statute described in subsection (b)(3)(B) of such section.

"(3) Savings provision.—No provision of this section shall be construed as—

"(A) authorizing any Federal banking agency to withhold any information from any duly authorized committee of the House of Representatives or the Senate; or

"(B) preventing any Federal banking agency from complying with an order of a court of the United States in an action commenced by the United States or such agency.

"(4) Federal banking agency defined.—For purposes of this subsection, the term 'Federal banking agency' means the Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Director of the Office of Thrift Supervision.".

SEC. 710. PROHIBITION ON PARTICIPATION BY CONVICTED INDIVIDUALS.

(a) Extension of Automatic Prohibition.—Section 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829) is amended by adding at the end the following:

"(d) Bank Holding Companies.—Subsections (a) and (b) shall apply to any company (other than a foreign bank) that is a bank holding company and any organization organized and operated under section 25A of the Federal Reserve Act or operating under section 25 of the Federal Reserve Act, as if such bank holding company or organization were an insured depository institution, except that such subsections shall be applied for purposes of this subsection by substituting 'Board of Governors of the Federal Reserve System' for 'Corporation' each place that term appears in such subsections.

"(e) Savings and Loan Holding Companies.—Subsections (a) and (b) shall apply to any savings and loan holding company and any subsidiary (other than a savings association) of a savings and loan holding company as if such savings and loan holding company or subsidiary were an insured depository institution, except that subsections shall be applied for purposes of this subsection by substituting 'Director of the Office of Thrift Supervision' for 'Corporation' each place that term appears in such subsections.".

(b) Enhanced Discretion to Remove Convicted Individuals.—Section 8(e)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)(A)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the comma at the end of clause (iii) and inserting "; or"; and

(3) by adding at the end the following:

"(iv) an institution-affiliated party of a subsidiary (other than a bank) of a bank holding company has been convicted of any criminal offense involving dishonesty or a breach of trust, or a criminal violation of section 1956, 1957, or 1960 of title 18 United States Code, or has agreed to enter into a pretrial diversion or similar program in connection with a prosecution for such an offense,".

SEC. 711. COORDINATION OF STATE EXAMINATION AUTHORITY.

Section 10(h) of the Federal Deposit Insurance Act (12 U.S.C. 1820(h)) is amended to read as follows:

"(h) Coordination of Examination Authority.—

"(1) State bank supervisors of home and host states.—

"(A) Home state of bank.—The appropriate State bank supervisor of the home State of an insured State bank has authority to examine and supervise the bank.

"(B) Host state branches.—The State bank supervisor of the home State of an insured State bank and any State bank supervisor of an appropriate host State shall exercise its respective authority to supervise and examine the branches of the bank in a host State in accordance with the terms of any applicable cooperative agreement between the home State bank supervisor and the State bank supervisor of the relevant host State.

"(C) Supervisory fees.—Except as expressly provided in a cooperative agreement between the State bank supervisors of the home State and any host State of an insured State bank, only the State bank supervisor of the home State of an insured State bank may levy or charge State supervisory fees on the bank.

"(2) Host state examination.—

"(A) In general.—With respect to a branch operated in a host State by an out-of-State insured State bank that resulted from an interstate merger transaction approved under section 44, or that was established in such State pursuant to section 5155(g) of the Revised Statutes of the United States, the third undesignated paragraph of section 9 of the Federal Reserve Act or section 18(d)(4) of this Act, the appropriate State bank supervisor of such host State may—

"(i) with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of such home State, examine such branch for the purpose of determining compliance with host State laws that are applicable pursuant to section 24(j), including those that govern community reinvestment, fair lending, and consumer protection; and

"(ii) if expressly permitted under and subject to the terms of a cooperative agreement with the State bank supervisor of the bank's home State or if such out-of-State insured State bank has been determined to be in a troubled condition by either the State bank supervisor of the bank's home State or the bank's appropriate Federal banking agency, participate in the examination of the bank by the State bank supervisor of the bank's home State to ascertain that the activities of the branch in such host State are not conducted in an unsafe or unsound manner.

"(B) Notice of determination.—

"(i) In general.—The State bank supervisor of the home State of an insured State bank shall notify the State bank supervisor of each host State of the bank if there has been a final determination that the bank is in a troubled condition.

"(ii) Timing of notice.—The State bank supervisor of the home State of an insured State bank shall provide notice under clause (i) as soon as is reasonably possible, but in all cases not later than 15 business days after the date on which the State bank supervisor has made such final determination or has received written notification of such final determination.

"(3) Host state enforcement.—If the State bank supervisor of a host State determines that a branch of an out-of-State insured State bank is violating any law of the host State that is applicable to such branch pursuant to section 24(j), including a law that governs community reinvestment, fair lending, or consumer protection, the State bank supervisor of the host State or, to the extent authorized by the law of the host State, a host State law enforcement officer may, with written notice to the State bank supervisor of the bank's home State and subject to the terms of any applicable cooperative agreement with the State bank supervisor of the bank's home State, undertake such enforcement actions and proceedings as would be permitted under the law of the host State as if the branch were a bank chartered by that host State.

"(4) Cooperative agreement.—

"(A) In general.—The State bank supervisors from 2 or more States may enter into cooperative agreements to facilitate State regulatory supervision of State banks, including cooperative agreements relating to the coordination of examinations and joint participation in examinations.

"(B) Definition.—For purposes of this subsection, the term 'cooperative agreement' means a written agreement that is signed by the home State bank supervisor and the host State bank supervisor to facilitate State regulatory supervision of State banks, and includes nationwide or multi-state cooperative agreements and cooperative agreements solely between the home State and host State.

"(C) Rule of construction.—Except for State bank supervisors, no provision of this subsection relating to such cooperative agreements shall be construed as limiting in any way the authority of home State and host State law enforcement officers, regulatory supervisors, or other officials that have not signed such cooperative agreements to enforce host State laws that are applicable to a branch of an out-of-State insured State bank located in the host State pursuant to section 24(j).

"(5) Federal regulatory authority.—No provision of this subsection shall be construed as limiting in any way the authority of any Federal banking agency.

"(6) State taxation authority not affected.—No provision of this subsection shall be construed as affecting the authority of any State or political subdivision of any State to adopt, apply, or administer any tax or method of taxation to any bank, bank holding company, or foreign bank, or any affiliate of any bank, bank holding company, or foreign bank, to the extent that such tax or tax method is otherwise permissible by or under the Constitution of the United States or other Federal law.

"(7) DEFINITIONS.—For purpose of this section, the following definitions shall apply:

"(A) HOST STATE, HOME STATE, OUT-OF-STATE BANK.—The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(g).

"(B) STATE SUPERVISORY FEES.—The term 'State supervisory fees' means assessments, examination fees, branch fees, license fees, and all other fees that are levied or charged by a State bank supervisor directly upon an insured State bank or upon branches of an insured State bank.

"(C) TROUBLED CONDITION.—Solely for purposes of paragraph (2)(B), an insured State bank has been determined to be in 'troubled condition' if the bank—

"(i) has a composite rating, as determined in its most recent report of examination, of 4 or 5 under the Uniform Financial Institutions Ratings System;

"(ii) is subject to a proceeding initiated by the Corporation for termination or suspension of deposit insurance; or

"(iii) is subject to a proceeding initiated by the State bank supervisor of the bank's home State to vacate, revoke, or terminate the charter of the bank, or to liquidate the bank, or to appoint a receiver for the bank.

"(D) FINAL DETERMINATION.—For purposes of paragraph (2)(B), the term 'final determination' means the transmittal of a report of examination to the bank or transmittal of official notice of proceedings to the bank.".

SEC. 712. DEPUTY DIRECTOR; SUCCESSION AUTHORITY FOR DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR.—Section 3(c)(5) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(5)) is amended to read as follows:

"(5) DEPUTY DIRECTOR.—

"(A) IN GENERAL.—The Secretary of the Treasury shall appoint a Deputy Director, and may appoint not more than 3 additional Deputy Directors of the Office.

"(B) FIRST DEPUTY DIRECTOR.—If the Secretary of the Treasury appoints more than 1 Deputy Director of the Office, the Secretary shall designate one such appointee as the First Deputy Director.

"(C) DUTIES.—Each Deputy Director appointed under this paragraph shall take an oath of office and perform such duties as the Director shall direct.

"(D) COMPENSATION AND BENEFITS.—The Director shall fix the compensation and benefits for each Deputy Director in accordance with this Act.".

(b) SERVICE OF DEPUTY DIRECTOR AS ACTING DIRECTOR.—Section 3(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1462a(c)(3)) is amended—

(1) by striking "**VACANCY**.—A vacancy in the position of Director" and inserting "**VACANCY**.—

"(A) IN GENERAL.—A vacancy in the position of Director"; and

(2) by adding at the end the following:

"(B) ACTING DIRECTOR.—

"(i) IN GENERAL.—In the event of a vacancy in the position of Director or during the absence or disability of the Director, the Deputy Director shall serve as Acting Director.

"(ii) SUCCESSION IN CASE OF 2 OR MORE DEPUTY DIRECTORS.—If there are 2 or more Deputy Directors serving at the time a vacancy in the position of Director occurs or the absence or disability of the Director commences, the First Deputy Director shall serve as Acting Director under clause (i) followed by such other Deputy Directors under any order of succession the Director may establish.

"(iii) AUTHORITY OF ACTING DIRECTOR.—Any Deputy Director, while serving as Acting Director under this subparagraph, shall be vested with all authority, duties, and privileges of the Director under this Act and any other provision of Federal law.".

SEC. 713. OFFICE OF THRIFT SUPERVISION REPRESENTATION ON BASEL COMMITTEE ON BANKING SUPERVISION.

(a) IN GENERAL.—Section 912 of the International Lending Supervision Act of 1983 (12 U.S.C. 3911) is amended—

(1) in the section heading, by inserting at the end the following: "**AND THE OFFICE OF THRIFT SUPERVISION**";

(2) by striking "As one of the three" and inserting the following:

"(a) IN GENERAL.—As one of the 4"; and

(3) by adding at the end the following:

"(b) As one of the 4 Federal bank regulatory and supervisory agencies, the Office of Thrift Supervision shall be given equal representation with the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, and the Federal Deposit Insurance Corporation on the Committee on Banking Regulations and Supervisory Practices of the Group of Ten Countries and Switzerland.".

(b) CONFORMING AMENDMENTS.—Section 910(a) of the International Lending Supervision Act of 1983 (12 U.S.C. 3909(a)) is amended—

(1) in paragraph (2), by striking "insured bank" and inserting "insured depository institution"; and

(2) in paragraph (3), by striking "an 'insured bank', as such term is used in section 3(h)" and inserting "an 'insured depository institution', as such term is defined in section 3(c)(2)".

SEC. 714. FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

(a) COUNCIL MEMBERSHIP.—Section 1004(a) of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3303(a)) is amended—

(1) in paragraph (4), by striking "Thrift" and all that follows through the end of the paragraph and inserting "Thrift Supervision,";

(2) in paragraph (5) by striking the period at the end and inserting ", and"; and

(3) by adding at the end the following:

"(6) the Chairman of the State Liaison Committee.".

(b) CHAIRPERSON OF LIAISON COMMITTEE.—Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended by adding at the end the following: "Members of the Liaison Committee shall elect a chairperson from among the members serving on the committee.".

SEC. 715. TECHNICAL AMENDMENTS RELATING TO INSURED INSTITUTIONS.

(a) TECHNICAL AMENDMENT TO THE FEDERAL DEPOSIT INSURANCE ACT.—Section 8(i)(3) of the Federal Deposit Insurance Act (12 U.S.C. 1818(i)(3)) is amended by inserting "or order" after "notice" each place that term appears.

(b) TECHNICAL AMENDMENT TO THE FEDERAL CREDIT UNION ACT.—Section 206(k)(3) of the Federal Credit Union Act (12 U.S.C. 1786(k)(3)) is amended by inserting "or order" after "notice" each place that term appears.

SEC. 716. CLARIFICATION OF ENFORCEMENT AUTHORITY.

(a) ACTIONS ON APPLICATIONS, NOTICES, AND OTHER REQUESTS; CLARIFICATION THAT CHANGE IN CONTROL CONDITIONS ARE ENFORCEABLE.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) in subsection (b)(1), in the first sentence, by striking "the granting of any application or other request by the depository institution" and inserting "any action on any application, notice, or other request by the depository institution or institution-affiliated party,";

(2) in subsection (e)(1)(A)(i)(III), by striking "the grant of any application or other request by such depository institution" and inserting "any action on any application, notice, or request by such depository institution or institution-affiliated party"; and

(3) in subsection (i)(2)(A)(iii), by striking "the grant of any application or other request by such depository institution" and inserting "any action on any application, notice, or other request by the depository institution or institution-affiliated party".

(b) CLARIFICATION THAT CHANGE IN CONTROL CONDITIONS ARE ENFORCEABLE.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended—

(1) in subsection (b)(1), in the first sentence, by striking "the granting of any application or other request by the credit union" and inserting "any action on any application, notice, or other request by the credit union or institution-affiliated party,";

(2) in subsection (g)(1)(A)(i)(III), by striking "the grant of any application or other request by such credit union" and inserting "any action on any application, notice, or request by such credit union or institution-affiliated party"; and

(3) in subsection (k)(2)(A)(iii), by striking "the grant of any application or other request by such credit union" and inserting "any action on any application, notice, or other request by the credit union or institution-affiliated party".

SEC. 717. FEDERAL BANKING AGENCY AUTHORITY TO ENFORCE DEPOSIT INSURANCE CONDITIONS.

Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended—

(1) in subsection (b)(1), in the 1st sentence—

(A) by striking "in writing by the agency" and inserting "in writing by a Federal banking agency"; and

(B) by striking "the agency may issue and serve" and inserting "the appropriate Federal banking agency for the depository institution may issue and serve";

(2) in subsection (e)(1)—

(A) in subparagraph (A)(i)(III), by striking "in writing by the appropriate Federal banking agency" and inserting "in writing by a Federal banking agency"; and

(B) in the undesignated matter at the end, by striking "the agency may serve upon such party" and inserting "the appropriate Federal banking agency for the depository institution may serve upon such party"; and

(3) in subsection (i)(2)(A)(iii), by striking "in writing by the appropriate Federal banking agency" and inserting "in writing by a Federal banking agency".

SEC. 718. RECEIVER OR CONSERVATOR CONSENT REQUIREMENT.

(a) INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(13) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(13)) is amended by adding at the end the following:

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided by this section or section 15, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the depository institution is a party, or to obtain possession of or exercise control over any property of the institution or affect any contractual rights of the institution, without the consent of the conservator or receiver, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator, or during the 90-day period beginning on the date of the appointment of the receiver, as applicable.

"(ii) Certain Exceptions.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a depository institution bond, to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or to the rights of parties to netting contracts pursuant to subtitle A of title IV of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.), or shall be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contract.

"(iii) Rule of Construction.—Nothing in this subparagraph shall be construed to limit or otherwise affect the applicability of title 11, United States Code.".

(b) Insured Credit Unions.—Section 207(c)(12) of the Federal Credit Union Act (12 U.S.C. 1787(c)(12)) is amended by adding the following:

"(C) Consent Requirement.—

"(i) In General.—Except as otherwise provided by this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which the credit union is a party, or to obtain possession of or exercise control over any property of the credit union or affect any contractual rights of the credit union, without the consent of the conservator or liquidating agent, as appropriate, during the 45-day period beginning on the date of the appointment of the conservator, or during the 90-day period beginning on the date of the appointment of the liquidating agent, as applicable.

"(ii) Certain Exceptions.—No provision of this subparagraph shall apply to a director or officer liability insurance contract or a credit union bond, or to the rights of parties to certain qualified financial contracts pursuant to paragraph (8), or shall be construed as permitting the conservator or liquidating agent to fail to comply with otherwise enforceable provisions of such contract.

"(iii) Rule of Construction.—Nothing in this subparagraph shall be construed to limit or otherwise affect the applicability of title 11, United States Code.".

SEC. 719. ACQUISITION OF FICO SCORES.

Section 604(a) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)) is amended by adding at the end the following:

"(6) To the Federal Deposit Insurance Corporation or the National Credit Union Administration as part of its preparation for its appointment or as part of its exercise of powers, as conservator, receiver, or liquidating agent for an insured depository institution or insured credit union under the Federal Deposit Insurance Act or the Federal Credit Union Act, or other applicable Federal or State law, or in connection with the resolution or liquidation of a failed or failing insured depository institution or insured credit union, as applicable.".

SEC. 720. ELIMINATION OF CRIMINAL INDICTMENTS AGAINST RECEIVERSHIPS.

(a) Insured Depository Institutions.—Section 15(b) of the Federal Deposit Insurance Act (12 U.S.C. 1825(b)) is amended by inserting immediately after paragraph (3) the following:

"(4) Exemption from Criminal Prosecution.—The Corporation shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by the institution, or persons acting on behalf of the institution, prior to the appointment of the Corporation as receiver.".

(b) Insured Credit Unions.—Section 207(b)(2) of the Federal Credit Union Act (12 U.S.C. 1787(b)(2)) is amended by adding at the end the following:

"(K) Exemption from Criminal Prosecution.—The Administration shall be exempt from all prosecution by the United States or any State, county, municipality, or local authority for any criminal offense arising under Federal, State, county, municipal, or local law, which was allegedly committed by a credit union, or persons acting on behalf of a credit union, prior to the appointment of the Administration as liquidating agent.".

SEC. 721. RESOLUTION OF DEPOSIT INSURANCE DISPUTES.

(a) Insured Depository Institutions.—Section 11(f) of the Federal Deposit Insurance Act (12 U.S.C. 1821(f)) is amended by striking paragraphs (3) through (5) and inserting the following:

"(3) Resolution of Disputes.—A determination by the Corporation regarding any claim for insurance coverage shall be treated as a final determination for purposes of this section. In its discretion, the Corporation may promulgate regulations prescribing procedures for resolving any disputed claim relating to any insured deposit or any determination of insurance coverage with respect to any deposit.

"(4) Review of Corporation Determination.—A final determination made by the Corporation regarding any claim for insurance coverage shall be a final agency action reviewable in accordance with chapter 7 of title 5, United States Code, by the United States district court for the Federal judicial district where the principal place of business of the depository institution is located.

"(5) Statute of Limitations.—Any request for review of a final determination by the Corporation regarding any claim for insurance coverage shall be filed with the appropriate United States district court not later than 60 days after the date on which such determination is issued.".

(b) Insured Credit Unions.—Section 207(d) of the Federal Credit Union Act (12 U.S.C. 1787(d)) is amended by striking paragraphs (3) through (5) and inserting the following:

"(3) Resolution of Disputes.—A determination by the Administration regarding any claim for insurance coverage shall be treated as a final determination for purposes of this section. In its discretion, the Board may promulgate regulations prescribing procedures for resolving any disputed claim relating to any insured deposit or any determination of insurance coverage with respect to any deposit. A final determination made by the Board regarding any claim for insurance coverage shall be a final agency action reviewable in accordance with chapter 7 of title 5, United States Code, by the United States district court for the Federal judicial district where the principal place of business of the credit union is located.

"(4) Statute of Limitations.—Any request for review of a final determination by the Board regarding any claim for insurance coverage shall be filed with the appropriate United States district court not later than 60 days after the date on which such determination is issued.".

SEC. 722. RECORDKEEPING.

(a) Insured Depository Institutions.—Section 11(d)(15)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(d)(15)(D)) is amended—

(1) by striking "After the end of the 6-year period" and inserting the following:

"(i) In General.—Except as provided in clause (ii), after the end of the 6-year period"; and

(2) by adding at the end the following:

"(ii) Old Records.—Notwithstanding clause (i), the Corporation may destroy records of an insured depository institution which are at least 10 years old as of the date on which the Corporation is appointed as the receiver of such depository institution in accordance with clause (i) at any time after such appointment is final, without regard to the 6-year period of limitation contained in clause (i).".

(b) Insured Credit Unions.—Section 207(b)(15)(D) of the Federal Credit Union Act (12 U.S.C. 1787(b)(15)(D)) is amended—

(1) by striking "After the end of the 6-year period" and inserting the following:

"(i) In General.—Except as provided in clause (ii), after the end of the 6-year period"; and

(2) by adding at the end the following:

"(ii) Old Records.—Notwithstanding clause (i) the Board may destroy records of an insured credit union which are at least 10 years old as of the date on which the Board is appointed as liquidating agent of such credit union in accordance with clause (i) at any time after such appointment is final, without regard to the 6-year period of limitation contained in clause (i).".

SEC. 723. PRESERVATION OF RECORDS.

(a) Insured Depository Institutions.—Section 10(f) of the Federal Deposit Insurance Act (12 U.S.C. 1820(f)) is amended to read as follows:

"(f) Preservation of Agency Records.—

"(1) In General.—A Federal banking agency may cause any and all records, papers, or documents kept by the agency or in the possession or custody of the agency to be—

"(A) photographed or microphotographed or otherwise reproduced upon film; or

"(B) preserved in any electronic medium or format which is capable of—

"(i) being read or scanned by computer; and

"(ii) being reproduced from such electronic medium or format by printing any other form of reproduction of electronically stored data.

"(2) Treatment as Original Records.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies, and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

"(3) Authority of the Federal Banking Agencies.—Any photographs, microphotographs, or photographic film or copies thereof described in paragraph (1)(A) or reproduction of electronically stored data described in paragraph (1)(B) shall be preserved in such manner as the Federal banking agency shall prescribe, and the original records, papers, or documents may be destroyed or otherwise disposed of as the Federal banking agency may direct.".

(b) Insured Credit Unions.—Section 206(s) of the Federal Credit Union Act (12 U.S.C. 1786(s)) is amended by adding at the end the following:

"(9) Preservation of Records.—

"(A) In General.—The Board may cause any and all records, papers, or documents kept by the Administration or in the possession or custody of the Administration to be—

"(i) photographed or microphotographed or otherwise reproduced upon film; or

"(ii) preserved in any electronic medium or format which is capable of—

"(I) being read or scanned by computer; and

"(II) being reproduced from such electronic medium or format by printing or any other form of reproduction of electronically stored data.

"(B) TREATMENT AS ORIGINAL RECORDS.—Any photographs, micrographs, or photographic film or copies thereof described in subparagraph (A)(i) or reproduction of electronically stored data described in subparagraph (A)(ii) shall be deemed to be an original record for all purposes, including introduction in evidence in all State and Federal courts or administrative agencies, and shall be admissible to prove any act, transaction, occurrence, or event therein recorded.

"(C) AUTHORITY OF THE ADMINISTRATION.—Any photographs, microphotographs, or photographic film or copies thereof described in subparagraph (A)(i) or reproduction of electronically stored data described in subparagraph (A)(ii) shall be preserved in such manner as the Administration shall prescribe, and the original records, papers, or documents may be destroyed or otherwise disposed of as the Administration may direct.".

SEC. 724. TECHNICAL AMENDMENTS TO INFORMATION SHARING PROVISION IN THE FEDERAL DEPOSIT INSURANCE ACT.

Section 11(t) of the Federal Deposit Insurance Act (12 U.S.C. 1821(t)) is amended—

(1) in paragraph (1), by inserting ", in any capacity," after "A covered agency"; and

(2) in paragraph (2)(A)—

(A) in clause (i), by striking "appropriate";

(B) by striking clause (ii); and

(C) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively.

SEC. 725. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO BANKS OPERATING UNDER THE CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

(a) FEDERAL RESERVE ACT.—The Federal Reserve Act (12 U.S.C. 221 et seq.) is amended—

(1) in the second undesignated paragraph of the first section (12 U.S.C. 221), by adding at the end the following: "For purposes of this Act, a State bank includes any bank which is operating under the Code of Law for the District of Columbia."; and

(2) in the first sentence of the first undesignated paragraph of section 9 (12 U.S.C. 321), by striking "incorporated by special law of any State, or" and inserting "incorporated by special law of any State, operating under the Code of Law for the District of Columbia, or".

(b) BANK CONSERVATION ACT.—Section 202 of the Bank Conservation Act (12 U.S.C. 202) is amended—

(1) by striking "means (1) any national" and inserting "means any national"; and

(2) by striking ", and (2) any bank or trust company located in the District of Columbia and operating under the supervision of the Comptroller of the Currency".

(c) DEPOSITORY INSTITUTION DEREGULATION AND MONETARY CONTROL ACT OF 1980.—Part C of title VII of the Depository Institution Deregulation and Monetary Control Act of 1980 (12 U.S.C. 216 et seq.) is amended—

(1) in paragraph (1) of section 731 (12 U.S.C. 216(1)), by striking "and closed banks in the District of Columbia"; and

(2) in paragraph (2) of section 732 (12 U.S.C. 216a(2)), by striking "or closed banks in the District of Columbia".

(d) FEDERAL DEPOSIT INSURANCE ACT.—Section 3(a)(2)(B) of the Federal Deposit Insurance Act (12 U.S.C. 1813(a)(2)(B)) is amended by striking "(except a national bank)".

(e) NATIONAL BANK CONSOLIDATION AND MERGER ACT.—Section 7(1) of the National Bank Consolidation and Merger Act (12 U.S.C. 215b(1)) is amended by striking "(except a national banking association located in the District of Columbia)".

(f) ACT OF AUGUST 17, 1950.—Section 1(a) of the Act entitled "An Act to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes" and approved August 17, 1950 (12 U.S.C. 214(a)) is amended by striking "(except a national banking association)".

(g) FEDERAL TRADE COMMISSION ACT.—Section 18(f)(2) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(2)) is amended—

(1) in subparagraph (A), by striking ", banks operating under the code of law for the District of Columbia,"; and

(2) in subparagraph (B), by striking "and banks operating under the code of law for the District of Columbia".

SEC. 726. TECHNICAL CORRECTIONS TO THE FEDERAL CREDIT UNION ACT.

The Federal Credit Union Act (12 U.S.C. 1751 et seq.) is amended as follows:

(1) In section 101(3), strike "and" after the semicolon.

(2) In section 101(5), strike the terms "account account" and "account accounts" each place any such term appears and insert "account".

(3) In section 107(5)(E), strike the period at the end and insert a semicolon.

(4) In each of paragraphs (6) and (7) of section 107, strike the period at the end and insert a semicolon.

(5) In section 107(7)(D), strike "the Federal Savings and Loan Insurance Corporation or".

(6) In section 107(7)(E), strike "the Federal Home Loan Bank Board," and insert "the Federal Housing Finance Board,".

(7) In section 107(9), strike "subchapter III" and insert "title III".

(8) In section 107(13), strike "and" after the semicolon at the end.

(9) In section 109(c)(2)(A)(i), strike "(12 U.S.C. 4703(16))".

(10) In section 120(h), strike "the Act approved July 30, 1947 (6 U.S.C., secs. 6–13)," and insert "chapter 93 of title 31, United States Code,".

(11) In section 201(b)(5), strike "section 116 of".

(12) In section 202(h)(3), strike "section 207(c)(1)" and insert "section 207(k)(1)".

(13) In section 204(b), strike "such others powers" and insert "such other powers".

(14) In section 206(e)(3)(D), strike "and" after the semicolon at the end.

(15) In section 206(f)(1), strike "subsection (e)(3)(B)" and insert "subsection (e)(3)".

(16) In section 206(g)(7)(D), strike "and subsection (1)".

(17) In section 206(t)(2)(B), insert "regulations" after "as defined in".

(18) In section 206(t)(2)(C), strike "material affect" and insert "material effect".

(19) In section 206(t)(4)(A)(ii)(II), strike "or" after the semicolon at the end.

(20) In section 206A(a)(2)(A), strike "regulator agency" and insert "regulatory agency".

(21) In section 207(c)(5)(B)(i)(I), insert "and" after the semicolon at the end.

(22) In the heading for subparagraph (A) of section 207(d)(3), strike "TO" and insert "WITH".

(23) In section 207(f)(3)(A), strike "category or claimants" and insert "category of claimants".

(24) In section 209(a)(8), strike the period at the end and insert a semicolon.

(25) In section 216(n), insert "any action" before "that is required".

(26) In section 304(b)(3), strike "the affairs or such credit union" and insert "the affairs of such credit union".

(27) In section 310, strike "section 102(e)" and insert "section 102(d)".

SEC. 727. REPEAL OF OBSOLETE PROVISIONS OF THE BANK HOLDING COMPANY ACT OF 1956.

(a) IN GENERAL.—Section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841) is amended—

(1) in subsection (c)(2), by striking subparagraphs (I) and (J); and

(2) by striking subsection (m) and inserting the following:

"(m) [Repealed]".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 4(h) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(h)) are each amended by striking "(G), (H), (I), or (J) of section 2(c)(2)" and inserting "(G), or (H) of section 2(c)(2)".

SEC. 728. DEVELOPMENT OF MODEL PRIVACY FORM.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803), as amended by section 609, is amended by adding at the end the following:

"(e) MODEL FORMS.—

"(1) IN GENERAL.—The agencies referred to in section 504(a)(1) shall jointly develop a model form which may be used, at the option of the financial institution, for the provision of disclosures under this section.

"(2) FORMAT.—A model form developed under paragraph (1) shall—

"(A) be comprehensible to consumers, with a clear format and design;

"(B) provide for clear and conspicuous disclosures;

"(C) enable consumers easily to identify the sharing practices of a financial institution and to compare privacy practices among financial institutions; and

"(D) be succinct, and use an easily readable type font.

"(3) TIMING.—A model form required to be developed by this subsection shall be issued in proposed form for public comment not later than 180 days after the date of enactment of this subsection.

"(4) SAFE HARBOR.—Any financial institution that elects to provide the model form developed by the agencies under this subsection shall be deemed to be in compliance with the disclosures required under this section.".

TITLE VIII—FAIR DEBT COLLECTION PRACTICES ACT AMENDMENTS

SEC. 801. EXCEPTION FOR CERTAIN BAD CHECK ENFORCEMENT PROGRAMS.

(a) IN GENERAL.—The Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating section 818 as section 819; and

(2) by inserting after section 817 the following:

"§818. Exception for certain bad check enforcement programs operated by private entities

"(a) IN GENERAL.—

"(1) TREATMENT OF CERTAIN PRIVATE ENTITIES.—Subject to paragraph (2), a private entity shall be excluded from the definition of a debt collector, pursuant to the exception provided in section 803(6), with respect to the operation by the entity of a program described in paragraph (2)(A) under a contract described in paragraph (2)(B).

"(2) CONDITIONS OF APPLICABILITY.—Paragraph (1) shall apply if—

"(A) a State or district attorney establishes, within the jurisdiction of such State or district attorney and with respect to alleged bad check violations that do not involve a check described in subsection (b), a pretrial diversion program for alleged bad check offenders who agree to participate voluntarily in such program to avoid criminal prosecution;

"(B) a private entity, that is subject to an administrative support services contract with a State or district attorney and operates under the direction, supervision, and control of such State or district attorney, operates the pretrial diversion program described in subparagraph (A); and

"(C) in the course of performing duties delegated to it by a State or district attorney under the contract, the private entity referred to in subparagraph (B)—

"(i) complies with the penal laws of the State;

"(ii) conforms with the terms of the contract and directives of the State or district attorney;

"(iii) does not exercise independent prosecutorial discretion;

"(iv) contacts any alleged offender referred to in subparagraph (A) for purposes of participating in a program referred to in such paragraph—

"(I) only as a result of any determination by the State or district attorney that probable cause of a bad check violation under State penal law exists, and that contact with the alleged offender for purposes of participation in the program is appropriate; and

"(II) the alleged offender has failed to pay the bad check after demand for payment, pursuant to State law, is made for payment of the check amount;

"(v) includes as part of an initial written communication with an alleged offender a clear and conspicuous statement that—

"(I) the alleged offender may dispute the validity of any alleged bad check violation;

"(II) where the alleged offender knows, or has reasonable cause to believe, that the alleged bad check violation is the result of theft or forgery of the check, identity theft, or other fraud that is not the result of the conduct of the alleged offender, the alleged offender may file a crime report with the appropriate law enforcement agency; and

"(III) if the alleged offender notifies the private entity or the district attorney in writing, not later than 30 days after being contacted for the first time pursuant to clause (iv), that there is a dispute pursuant to this subsection, before further restitution efforts are pursued, the district attorney or an employee of the district attorney authorized to make such a determination makes a determination that there is probable cause to believe that a crime has been committed; and

"(vi) charges only fees in connection with services under the contract that have been authorized by the contract with the State or district attorney.

"(b) CERTAIN CHECKS EXCLUDED.—A check is described in this subsection if the check involves, or is subsequently found to involve—

"(1) a postdated check presented in connection with a payday loan, or other similar transaction, where the payee of the check knew that the issuer had insufficient funds at the time the check was made, drawn, or delivered;

"(2) a stop payment order where the issuer acted in good faith and with reasonable cause in stopping payment on the check;

"(3) a check dishonored because of an adjustment to the issuer's account by the financial institution holding such account without providing notice to the person at the time the check was made, drawn, or delivered;

"(4) a check for partial payment of a debt where the payee had previously accepted partial payment for such debt;

"(5) a check issued by a person who was not competent, or was not of legal age, to enter into a legal contractual obligation at the time the check was made, drawn, or delivered; or

"(6) a check issued to pay an obligation arising from a transaction that was illegal in the jurisdiction of the State or district attorney at the time the check was made, drawn, or delivered.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) STATE OR DISTRICT ATTORNEY.—The term 'State or district attorney' means the chief elected or appointed prosecuting attorney in a district, county (as defined in section 2 of title 1, United States Code), municipality, or comparable jurisdiction, including State attorneys general who act as chief elected or appointed prosecuting attorneys in a district, county (as so defined), municipality or comparable jurisdiction, who may be referred to by a variety of titles such as district attorneys, prosecuting attorneys, commonwealth's attorneys, solicitors, county attorneys, and state's attorneys, and who are responsible for the prosecution of State crimes and violations of jurisdiction-specific local ordinances.

"(2) CHECK.—The term 'check' has the same meaning as in section 3(6) of the Check Clearing for the 21st Century Act.

"(3) BAD CHECK VIOLATION.—The term 'bad check violation' means a violation of the applicable State criminal law relating to the writing of dishonored checks.".

(b) CLERICAL AMENDMENT.—The table of sections for the Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) is amended—

(1) by redesignating the item relating to section 818 as section 819; and

(2) by inserting after the item relating to section 817 the following new item:

"818. Exception for certain bad check enforcement programs operated by private entities.".

TITLE IX—CASH MANAGEMENT MODERNIZATION

SEC. 901. COLLATERAL MODERNIZATION.

(a) IN GENERAL.—Section 9301(2) of title 31, United States Code, is amended to read as follows:

"(2) 'eligible obligation' means any security designated as acceptable in lieu of a surety bond by the Secretary of the Treasury.".

(b) USE OF ELIGIBLE OBLIGATIONS INSTEAD OF SURETY BONDS.—Section 9303(a)(2) of title 31, United States Code, is amended to read as follows:

"(2) as determined by the Secretary of the Treasury, have a market value that is equal to or greater than the amount of the required surety bond; and".

(c) TECHNICAL AMENDMENTS.—Section 9303 of title 31, United States Code, is amended—

(1) in the section heading, by striking **"Government obligations"** and inserting **"eligible obligations"**;

(2) in subsection (f), by striking "Government obligations" and inserting "eligible obligations";

(3) by striking "a Government obligation" each place that term appears and inserting "an eligible obligation"; and

(4) by striking "Government obligation" each place that term appears and inserting "eligible obligation".

TITLE X—STUDIES AND REPORTS

SEC. 1001. STUDY AND REPORT BY THE COMPTROLLER GENERAL ON THE CURRENCY TRANSACTION REPORT FILING SYSTEM.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the volume of currency transaction reports filed with the Secretary of the Treasury under section 5313(a) of title 31, United States Code.

(b) PURPOSE.—The purpose of the study required under subsection (a) shall be—

(1) to evaluate, on the basis of actual filing data, patterns of currency transaction reports filed by depository institutions of all sizes and locations; and

(2) to identify whether and the extent to which the filing rules for currency transaction reports described in section 5313(a) of title 31, United States Code—

(A) are burdensome; and

(B) can or should be modified to reduce such burdens without harming the usefulness of such filing rules to Federal, State, and local anti-terrorism, law enforcement, and regulatory operations.

(c) PERIOD COVERED.—The study required under subsection (a) shall cover the period beginning at least 3 calendar years prior to the date of enactment of this section.

(d) CONTENT.—The study required under subsection (a) shall include a detailed evaluation of—

(1) the extent to which depository institutions are availing themselves of the exemption system for the filing of currency transaction reports set forth in section 103.22(d) of title 31, Code of Federal Regulations, as in effect during the study period (in this section referred to as the "exemption system"), including specifically, for the study period—

(A) the number of currency transaction reports filed (out of the total annual numbers) involving companies that are listed on the New York Stock Exchange or the NASDAQ National Market;

(B) the number of currency transaction reports filed by the 100 largest depository institutions in the United States by asset size, and thereafter in tiers of 100, by asset size;

(C) the number of currency transaction reports filed by the 200 smallest depository institutions in the United States, including the number of such currency transaction reports involving companies listed on the New York Stock Exchange or the NASDAQ National Market; and

(D) the number of currency transaction reports that would have been filed during the filing period if the exemption system had been used by all depository institutions in the United States;

(2) what types of depository institutions are using the exemption system, and the extent to which such exemption system is used;

(3) difficulties that limit the willingness or ability of depository institutions to reduce their currency transaction reports reporting burden by making use of the exemption system, including considerations of cost, especially in the case of small depository institutions;

(4) the extent to which bank examination difficulties have limited the use of the exemption system, especially with respect to—

(A) the exemption of privately-held companies permitted under such exemption system; and

(B) whether, on a sample basis, the reaction of bank examiners to implementation of such exemption system is justified or inhibits use of such exemption system without an offsetting compliance benefit;

(5) ways to improve the use of the exemption system by depository institutions, including making such exemption system mandatory in order to reduce the volume of currency transaction reports unnecessarily filed; and

(6) the usefulness of currency transaction reports filed to law enforcement agencies, taking into account—

(A) advances in information technology;

(B) the impact, including possible loss of investigative data, that various changes in the exemption system would have on the usefulness of such currency transaction reports; and

(C) changes that could be made to the exemption system without affecting the usefulness of currency transaction reports.

(e) ASSISTANCE.—The Secretary of the Treasury shall provide such information processing and other assistance, including from the Commissioner of the Internal Revenue Service and the Director of the Financial Crimes Enforcement Network, to the Comptroller General in analyzing currency transaction report filings for the study period described in subsection (c), as is necessary to provide the information required by subsection (a).

(f) VIEWS.—The study required under subsection (a) shall, if appropriate, include a discussion of the views of a representative sample of Federal, State, and local law enforcement and regulatory officials and officials of depository institutions of all sizes.

(g) RECOMMENDATIONS.—The study required under subsection (a) shall, if appropriate, include recommendations for changes to the exemption system that would reflect a reduction in unnecessary cost to depository institutions, assuming reasonably full implementation of such exemption system, without reducing the usefulness of the currency transaction report filing system to anti-terrorism, law enforcement, and regulatory operations.

(h) REPORT.—Not later than 15 months after the date of enactment of this section, the Comptroller General shall submit a report on the study required under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 1002. STUDY AND REPORT ON INSTITUTION DIVERSITY AND CONSOLIDATION.

(a) STUDY.—The Comptroller General of the United States shall conduct a study regarding—

(1) the vast diversity in the size and complexity of institutions in the banking and financial services sector, including the differences in capital, market share, geographical limitations, product offerings, and general activities;

(2) the differences in powers among the depository institution charters, including—

(A) identification of the historical trends in the evolution of depository institution charters;

(B) an analysis of the impact of charter differences to the overall safety and soundness of the banking industry, and the effectiveness of the applicable depository institution regulator; and

(C) an analysis of the impact that the availability of options for depository institution charters on the development of the banking industry;

(3) the impact that differences of size and overall complexity among financial institutions makes with respect to regulatory oversight, efficiency, safety and soundness, and charter options for financial institutions; and

(4) the aggregate cost and breakdown associated with regulatory compliance for banks, savings associations, credit unions, or any other financial institution, including potential disproportionate impact that the cost of compliance may pose on smaller institutions, given the percentage of personnel that the institution must dedicate solely to compliance.

(b) CONSIDERATIONS.—In conducting the study under subsection (a), the Comptroller General shall consider the efficacy and efficiency of the consolidation of financial regulators, as well as charter simplification and homogenization.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study required by this section.

CONDEMNING THE APRIL 25, 2006, BEATING AND INTIMIDATION OF CUBAN DISSIDENT MARTHA BEATRIZ ROQUE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 445, S. Res. 469.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 469) condemning the April 25, 2006, beating and intimidation of Cuban dissident, Martha Beatriz Roque.

There being no objection, the Senate proceeded to considerthe resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 469) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 469

Whereas the 47-year communist dictatorship of Fidel Castro in Cuba received the lowest rating from Freedom House in its "Freedom in the World 2005" report for political rights and civil liberties, and is categorized by that organization as "repressive" and having "virtually no freedom";

Whereas Human Rights Watch describes Cuba in its "World Report 2006" as "an undemocratic government that represses nearly all forms of political dissent";

Whereas human rights observers have documented that the regime in Cuba attempts to intimidate human rights dissidents and their families through "acts of repudiation," consisting of mobs of regime supporters screaming threats and insults;

Whereas, on April 25, 2006, an act of repudiation against Martha Beatriz Roque became violent when she was punched, knocked down, and dragged outside her home in Havana while she was leaving to attend a meeting with Michael E. Parmly, the Chief of Mission-Designate for the United States Interests Section in Havana, Cuba;

Whereas Martha Beatriz Roque is a citizen of Cuba and leader of the Assembly to Promote Civil Society in Cuba, a coalition of 365 independent civil society groups within Cuba;

Whereas, in March 2003, the regime of Fidel Castro imprisoned dozens of Cuban dissidents including Martha Beatriz Roque for their activities supporting freedom and democracy; and

Whereas Martha Beatriz Roque was released in 2005 for health reasons without a pardon or a commutation of her sentence: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the brutality of the regime of Fidel Castro toward Martha Beatriz Roque, a 61-year-old woman in frail health;

(2) demands the regime of Cuba allow the people of Cuba to exercise their fundamental human rights, rather than responding to calls for freedom with imprisonment and intimidation;

(3) commends the courage and perseverance of Martha Beatriz Roque and all dissidents in Cuba;

(4) calls on the regime of Cuba to release the hundreds of political prisoners still held today and to stop the intimidation of dissidents and their families; and

(5) calls for continued international support and solidarity with pro-democracy leaders in Cuba.

NATIONAL IDIOPATHIC PULMONARY FIBROSIS AWARENESS WEEK

Mr. FRIST. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of and the Senate proceed to S. Res. 236.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 236) recognizing the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis, supporting the goals and ideals of National Idiopathic Pulmonary Fibrosis Awareness Week, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 236) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 236

Whereas idiopathic pulmonary fibrosis is a serious lung disorder causing progressive, incurable lung scarring;

Whereas idiopathic pulmonary fibrosis is one of about 200 disorders called interstitial lung diseases;

Whereas idiopathic pulmonary fibrosis is the most common form of interstitial lung disease;

Whereas idiopathic pulmonary fibrosis is a debilitating and generally fatal disease marked by progressive scarring of the lungs, causing an irreversible loss of the lung tissue's ability to transport oxygen;

Whereas idiopathic pulmonary fibrosis progresses quickly, often causing disability or death within a few short years;

Whereas there is no proven cause of idiopathic pulmonary fibrosis;

Whereas approximately 83,000 United States citizens have idiopathic pulmonary fibrosis, and 31,000 new cases are diagnosed each year;

Whereas idiopathic pulmonary fibrosis is often misdiagnosed or under diagnosed;

Whereas the median survival rate for idiopathic pulmonary fibrosis patients is 2 to 3 years, and about two thirds of idiopathic pulmonary fibrosis patients die within 5 years; and

Whereas a need has been identified to increase awareness and detection of this misdiagnosed and under diagnosed disorder: Now, therefore, be it

Resolved, That Congress—

(1) recognizes the need to pursue research into the causes, a treatment, and an eventual cure for idiopathic pulmonary fibrosis;

(2) supports the work of the Coalition for Pulmonary Fibrosis and its partner organizations for their great efforts to educate, support, and provide hope for individuals who suffer from idiopathic pulmonary fibrosis, including the work of the Coalition to organize a national "Idiopathic Pulmonary Fibrosis Awareness Week";

(3) supports the designation of an appropriate week as "Idiopathic Pulmonary Fibrosis Awareness Week";

(4) congratulates the Coalition for Pulmonary Fibrosis for its efforts to educate the public about idiopathic pulmonary fibrosis, while funding research to help find a cure for this disorder; and

(5) supports the goals and ideals of a national "Idiopathic Pulmonary Fibrosis Awareness Week".

SAN FRANCISCO OLD MINT COMMEMORATIVE COIN ACT

Mr. FRIST. Mr. President, I ask unanimous consent the Committee on Banking, Housing and Urban Affairs be discharged from further consideration of H.R. 1953, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1953) to require the Secretary of the Treasury to mint coins in commemoration of the Old Mint at San Francisco, otherwise known as the "Granite Lady," and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider by laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1953) was ordered to a third reading, was read the third time and passed.

AMERICAN VETERANS DISABLED FOR LIFE COMMEMORATIVE COIN ACT

FOURTEENTH DALAI LAMA CONGRESSIONAL GOLD MEDAL ACT

LEWIS AND CLERK COMMEMORATIVE COIN CORRECTION ACT

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 440, S. 633, Calendar No. 441, S. 2784, and H.R. 4501 which was received from the House, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. I ask unanimous consent the bills be read the third time and passed, the motions to reconsider be laid upon the table, and any statements relating to the bills be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 633) was ordered to be engrossed for a third reading, read the third time and passed.

The bill (S. 2784) was ordered to be engrossed for the third reading, read the third time and passed.

The bill (H.R. 5401) was ordered to a third reading, read the third time and passed.

The Senate bills (S. 633 and S. 2784) read as follows:

S. 633

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Veterans Disabled for Life Commemorative Coin Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Armed Forces of the United States have answered the call and served with distinction around the world—from hitting the beaches in World War II in the Pacific and Europe, to the cold and difficult terrain in Korea, the steamy jungles of Vietnam, and the desert sands of the Middle East;

(2) all Americans should commemorate those who come home having survived the ordeal of war, and solemnly honor those who made the ultimate sacrifice in giving their lives for their country;

(3) all Americans should honor the millions of living disabled veterans who carry the scars of war every day, and who have made enormous personal sacrifices defending the principles of our democracy;

(4) in 2000, Congress authorized the construction of the American Veterans Disabled for Life Memorial;

(5) the United States should pay tribute to the Nation's living disabled veterans by minting and issuing a commemorative silver dollar coin; and

(6) the surcharge proceeds from the sale of a commemorative coin would raise valuable funding for the construction of the American Veterans Disabled for Life Memorial.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 $1 coins in commemoration of disabled American veterans, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the design selected by the Disabled Veterans' LIFE Memorial Foundation for the American Veterans Disabled for Life Memorial.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2010"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Disabled Veterans' LIFE Memorial Foundation and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2010.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (b) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) SURCHARGES.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(d) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. DISTRIBUTION OF SURCHARGES.

(a) IN GENERAL.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Disabled Veterans' LIFE Memorial Foundation for the purpose of establishing an endowment to support the construction of the American Veterans' Disabled for Life Memorial in Washington, D.C.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Disabled Veterans' LIFE Memorial Foundation as may be related to the expenditures of amounts paid under subsection (a).

SEC. 8. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

FOURTEENTH DALAI LAMA CONGRESSIONAL GOLD MEDAL ACT

The bill (S. 2784) to award a congressional gold medal to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may cited as the "Fourteenth Dalai Lama Congressional Gold Medal Act".

SEC. 2. FINDINGS.

Congress finds that Tenzin Gyatso, the Fourteenth Dalai Lama—

(1) is recognized in the United States and throughout the world as a leading figure of moral and religious authority;

(2) is the unrivaled spiritual and cultural leader of the Tibetan people, and has used his leadership to promote democracy, freedom, and peace for the Tibetan people through a negotiated settlement of the Tibet issue, based on autonomy within the People's Republic of China;

(3) has led the effort to preserve the rich cultural, religious, and linguistic heritage of the Tibetan people and to promote the safeguarding of other endangered cultures throughout the world;

(4) was awarded the Nobel Peace Prize in 1989 for his efforts to promote peace and nonviolence throughout the globe, and to find democratic reconciliation for the Tibetan people through his "Middle Way" approach;

(5) has significantly advanced the goal of greater understanding, tolerance, harmony, and respect among the different religious faiths of the world through interfaith dialogue and outreach to other religious leaders; and

(6) has used his moral authority to promote the concept of universal responsibility as a guiding tenet for how human beings should treat one another and the planet we share.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Tenzin Gyatso, the Fourteenth Dalai Lama, in recognition of his many enduring contributions to peace and religious understanding.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

VETERANS' BENEFITS IMPROVEMENT ACT OF 2005

Mr. FRIST. Mr. President, I ask the Chair now lay before the Senate a House message to accompany S. 1235.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 1235

Resolved, That the bill from the Senate (S. 1235) entitled "An Act to amend title 38, United States Code, to extend the availability of $400,000 in life insurance coverage to servicemembers and veterans, to make a stillborn child an insurable dependent for purposes of the Servicemembers' Group Life Insurance program, to make technical corrections to the Veterans Benefits Improvement Act of 2004, to make permanent a pilot program for direct housing loans for Native American veterans, and to require an annual plan on outreach activities of the Department of Veterans Affairs", do pass with the following

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Housing Opportunity and Benefits Improvement Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HOUSING MATTERS

Sec. 101. Adapted housing assistance for disabled veterans residing temporarily in housing owned by family member.
Sec. 102. Adjustable rate mortgages.
Sec. 103. Permanent authority to make direct housing loans to Native American veterans.
Sec. 104. Extension of eligibility for direct loans for Native American veterans to a veteran who is the spouse of a Native American.
Sec. 105. Technical corrections to Veterans Benefits Improvement Act of 2004.

TITLE II—EMPLOYMENT MATTERS

Sec. 201. Additional duty for the Assistant Secretary of Labor for Veterans' Employment and Training to raise awareness of skills of veterans and of the benefits of hiring veterans.
Sec. 202. Modifications to the Advisory Committee on Veterans Employment and Training.
Sec. 203. Reauthorization of appropriations for homeless veterans reintegration programs.

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

Sec. 301. Duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans following separation from service.
Sec. 302. Limitation on premium increases for reinstated health insurance of servicemembers released from active military service.
Sec. 303. Preservation of employer-sponsored health plan coverage for certain reserve-component members who acquire TRICARE eligibility.

TITLE IV—OTHER MATTERS

Sec. 401. Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status.
Sec. 402. Consolidation and revision of outreach authorities.
Sec. 403. Extension of annual report requirement on equitable relief cases.

TITLE V—TECHNICAL AMENDMENTS

Sec. 501. Technical and clarifying amendments to new traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 502. Terminology amendments to revise references to certain veterans in provisions relating to eligibility for compensation or dependency and indemnity compensation.
Sec. 503. Technical and clerical amendments.

TITLE I—HOUSING MATTERS

SEC. 101. ADAPTED HOUSING ASSISTANCE FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

(a) ASSISTANCE AUTHORIZED.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2102 the following new section:

"§ 2102A. Assistance for veterans residing temporarily in housing owned by a family member

"(a) PROVISION OF ASSISTANCE.—In the case of a disabled veteran who is described in subsection (a)(2) or (b)(2) of section 2101 of this title and who is residing, but does not intend to permanently reside, in a residence owned by a member of such veteran's family, the Secretary may assist the veteran in acquiring such adaptations to such residence as are determined by the Secretary to be reasonably necessary because of the veteran's disability.

"(b) AMOUNT OF ASSISTANCE.—The assistance authorized under subsection (a) may not exceed—

"(1) $14,000, in the case of a veteran described in section 2101(a)(2) of this title; or

"(2) $2,000, in the case of a veteran described in section 2101(b)(2) of this title.

"(c) LIMITATION.—The assistance authorized by subsection (a) shall be limited in the case of any veteran to one residence.

"(d) REGULATIONS.—Assistance under this section shall be provided in accordance with such regulations as the Secretary may prescribe.

"(e) TERMINATION.—No assistance may be provided under this section after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006.".

(b) LIMITATIONS ON ADAPTED HOUSING ASSISTANCE.—Section 2102 of such title is amended—

(1) in the matter in subsection (a) preceding paragraph (1)—

(A) by striking "shall be limited in the case of any veteran to one housing unit, and necessary land therefor, and"; and

(B) by striking "veteran but shall not exceed $50,000 in any one case—" and inserting "veteran—"; and

(2) by adding at the end the following new subsection:

"(d)(1) The aggregate amount of assistance available to a veteran under sections 2101(a) and 2102A of this title shall be limited to $50,000.

"(2) The aggregate amount of assistance available to a veteran under sections 2101(b) and 2102A of this title shall be limited to $10,000.

"(3) No veteran may receive more than three grants of assistance under this chapter.".

(c) COORDINATION OF ADMINISTRATION OF BENEFITS.—Chapter 21 of such title is further amended by adding at the end the following new section:

"§ 2107. Coordination of administration of benefits

"The Secretary shall provide for the coordination of the administration of programs to provide specially adapted housing that are administered by the Under Secretary for Health and such programs that are administered by the Under Secretary for Benefits under this chapter, chapter 17, and chapter 31 of this title.".

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 2102 the following new item:

"2102A. Assistance for veterans residing temporarily in housing owned by a family member.";

and

(2) by adding at the end the following new item:

"2107. Coordination of administration of benefits.".

(e) GAO REPORTS.—

(1) INTERIM REPORT.—Not later than three years after the date of the enactment of this Act, the Comptroller General shall submit to Congress an interim report on the implementation by the Secretary of Veterans Affairs of section 2102A of title 38, United States Code, as added by subsection (a).

(2) FINAL REPORT.—Not later than five years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a final report on the implementation of such section.

(f) TEMPORARY INCREASE IN CERTAIN HOUSING LOAN FEES.—For a subsequent loan described in subsection (a) of section 3710 of title 38, United States Code, to purchase or construct a dwelling with 0-down or any other subsequent loan described in that subsection, other than a loan with 5-down or 10-down, that is closed during fiscal year 2007, the Secretary of Veterans Affairs shall apply section 3729(b)(2) of such title by substituting "3.35" for "3.30".

SEC. 102. ADJUSTABLE RATE MORTGAGES.

Section 3707A(c)(4) of title 38, United States Code, is amended by striking "1 percentage point" and inserting "such percentage points as the Secretary may prescribe".

SEC. 103. PERMANENT AUTHORITY TO MAKE DIRECT HOUSING LOANS TO NATIVE AMERICAN VETERANS.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "establish and implement a pilot program under which the Secretary may" in the first sentence; and

(B) by striking "shall establish and implement the pilot program" in the third sentence and inserting "shall make such loans";

(2) in subsection (b), by striking "In carrying out the pilot program under this subchapter, the" and inserting "The"; and

(3) by striking subsection (c).

(b) REPORTS.—Section 3762(j) of such title is amended to read as follows:

"(j) The Secretary shall include as part of the annual benefits report of the Veterans Benefits Administration information concerning the cost and number of loans provided under this subchapter for the fiscal year covered by the report.".

(c) CONFORMING AMENDMENTS.—

(1) SECTION 3762.—Section 3762 of such title is amended—

(A) in subsection (a), by inserting "under this subchapter" after "to a Native American veteran";

(B) in subsection (b)(1)(E), by striking "the pilot program established under this subchapter is implemented" and inserting "loans under this subchapter are made";

(C) in subsection (c)(1)(B), by striking "carry out the pilot program under this subchapter in a manner that demonstrates the advisability of making direct housing loans" in the second sentence and inserting "make direct housing loans under this subchapter";

(D) in subsection (i)—

(i) by striking "the pilot program provided for under this subchapter and" in paragraph (1);

(ii) by striking "under the pilot program and in assisting such organizations and veterans in participating in the pilot program" in paragraph (2)(A) and inserting "under this subchapter and in assisting such organizations and veterans with respect to such housing benefits"; and

(iii) by striking "in participating in the pilot program" in paragraph (2)(E) and inserting "with respect to such benefits".

(2) CONFORMING REPEAL.—Section 8(b) of the Veterans Home Loan Program Amendments of 1992 (Public Law 102-547; 38 U.S.C. 3761 note) is repealed.

(d) ESTABLISHMENT OF MAXIMUM AMOUNT OF LOANS.—Section 3762(c)(1)(B) of title 38, United States Code, is amended—

(1) by striking "(B) The" and inserting "(B)(i) Subject to clause (ii), the"; and

(2) by adding at the end the following new clause:

"(ii) The amount of a loan made by the Secretary under this subchapter may not exceed the maximum loan amount authorized for loans guaranteed under section 3703(a)(1)(C) of this title.".

(e) TECHNICAL AMENDMENT.—Subsection (c)(1)(A) of section 3762 of such title is amended by inserting "veteran" after "Native American".

(f) CLERICAL AMENDMENTS.—

(1) SUBCHAPTER HEADING.—The heading for subchapter V of chapter 37 of such title is amended to read as follows:

"SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS".

(2) SECTION HEADING.—The heading for section 3761 of such title is amended to read as follows:

"§ 3761. Direct housing loans to Native American veterans; program authority".

(3) SECTION HEADING.—The heading for section 3762 of such title is amended to read as follows:

"§ 3762. Direct housing loans to Native American veterans; program administration".

(4) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 37 of such title is amended by striking the items relating to subchapter V and sections 3761 and 3762 and inserting the following new items:

"SUBCHAPTER V—DIRECT HOUSING LOANS FOR NATIVE AMERICAN VETERANS

"3761. Direct housing loans to Native American veterans; program authority.

"3762. Direct housing loans to Native American veterans; program administration.".

SEC. 104. EXTENSION OF ELIGIBILITY FOR DIRECT LOANS FOR NATIVE AMERICAN VETERANS TO A VETERAN WHO IS THE SPOUSE OF A NATIVE AMERICAN.

(a) EXTENSION.—Subchapter V of chapter 37 of title 38, United States Code, is amended—

(1) by redesignating section 3764 as section 3765; and

(2) by inserting after section 3763 the following new section:

"§ 3764. Qualified non-Native American veterans

"(a) TREATMENT OF NON-NATIVE AMERICAN VETERANS.—Subject to the succeeding provisions of this section, for purposes of this subchapter—

"(1) a qualified non-Native American veteran is deemed to be a Native American veteran; and

"(2) for purposes of applicability to a non-Native American veteran, any reference in this subchapter to the jurisdiction of a tribal organization over a Native American veteran is deemed to be a reference to jurisdiction of a tribal organization over the Native American spouse of the qualified non-Native American veteran.

"(b) USE OF LOAN.—In making direct loans under this subchapter to a qualified non-Native American veteran by reason of eligibility under subsection (a), the Secretary shall ensure that the tribal organization permits, and the qualified non-Native American veteran actually holds, possesses, or purchases, using the proceeds of the loan, jointly with the Native American spouse of the qualified non-Native American veteran, a meaningful interest in the lot, dwelling, or both, that is located on trust land.

"(c) RESTRICTIONS IMPOSED BY TRIBAL ORGANIZATIONS.—Nothing in subsection (b) shall be construed as precluding a tribal organization from imposing reasonable restrictions on the right of the qualified non-Native American veteran to convey, assign, or otherwise dispose of such interest in the lot or dwelling, or both, if such restrictions are designed to ensure the continuation in trust status of the lot or dwelling, or both. Such requirements may include the termination of the interest of the qualified non-Native American veteran in the lot or dwelling, or both, upon the dissolution of the marriage of the qualified non-Native American veteran to the Native American spouse.''.

(b) CONFORMING AMENDMENTS.—Section 3765 of such title, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(5) The term 'qualified non-Native American veteran' means a veteran who—

"(A) is the spouse of a Native American, but

"(B) is not a Native American.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 37 of such title is amended by striking the item relating to section 3764 and inserting the following new items:

"3764. Qualified non-Native American veterans.
"3765. Definitions.''.

SEC. 105. TECHNICAL CORRECTIONS TO VETERANS BENEFITS IMPROVEMENT ACT OF 2004.

(a) CORRECTIONS.—Section 2101 of title 38, United States Code, as amended by section 401 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3614), is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) a new subsection (c) consisting of the text of subsection (c) of such section 2101 as in effect immediately before the enactment of such Act, modified—

(A) in paragraph (1)—

(i) in the first sentence, by striking "paragraph (1), (2), or (3)'' and inserting "subparagraph (A), (B), (C), or (D) of paragraph (2)''; and

(ii) in the second sentence, by striking "the second sentence'' and inserting "paragraph (3)''; and

(B) in paragraph (2)—

(i) in the first sentence, by striking "paragraph (1)'' and inserting "paragraph (2)''; and

(ii) in the second sentence, by striking "paragraph (2)'' and inserting "paragraph (3)''; and

(3) in subsection (a)(3), by striking "subsection (c)'' in the matter preceding subparagraph (A) and inserting "subsection (d)''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as of December 10, 2004, as if enacted immediately after the enactment of the Veterans Benefits Improvement Act of 2004 on that date.

TITLE II—EMPLOYMENT MATTERS

SEC. 201. ADDITIONAL DUTY FOR THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING TO RAISE AWARENESS OF SKILLS OF VETERANS AND OF THE BENEFITS OF HIRING VETERANS.

Subsection (b) of section 4102A of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(8) With advice and assistance from the Advisory Committee on Veterans Employment and Training, and Employer Outreach established under section 4110 of this title, furnish information to employers (through meetings in person with hiring executives of corporations and otherwise) with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills, and to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and other means.''.

SEC. 202. MODIFICATIONS TO THE ADVISORY COMMITTEE ON VETERANS EMPLOYMENT AND TRAINING.

(a) COMMITTEE NAME.—

(1) CHANGE OF NAME.—Subsection (a)(1) of section 4110 of title 38, United States Code, is amended by striking "Advisory Committee on Veterans Employment and Training'' and inserting "Advisory Committee on Veterans Employment, Training, and Employer Outreach''.

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach".

(3) TABLE OF SECTIONS.—The item relating to section 4110 in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"4110. Advisory Committee on Veterans Employment, Training, and Employer Outreach.''.

(4) REFERENCES.—Any reference to the Advisory Committee established under section 4110 of such title in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Advisory Committee on Veterans Employment, Training, and Employer Outreach.

(b) EXPANSION OF DUTIES OF ADVISORY COMMITTEE.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A), by inserting "and their integration into the workforce'' after "veterans'';

(2) by striking "and'' at the end of subparagraph (B);

(3) by redesignating subparagraph (C) as subparagraph (E); and

(4) by inserting after subparagraph (B) the following new subparagraphs:

"(C) assist the Assistant Secretary of Labor for Veterans' Employment and Training in carrying out outreach activities to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;

"(D) make recommendations to the Secretary, through the Assistant Secretary of Labor for Veterans' Employment and Training, with respect to outreach activities and the employment and training of veterans; and''.

(c) MODIFICATION OF ADVISORY COMMITTEE MEMBERSHIP.—

(1) MEMBERSHIP.—Subsection (c)(1) of such section is amended to read as follows:

"(c)(1) The Secretary of Labor shall appoint at least 12, but no more than 15, individuals to serve as members of the advisory committee as follows:

"(A) Six individuals, one each from among representatives nominated by each of the following organizations:

"(i) The National Society of Human Resource Managers.

"(ii) The Business Roundtable.

"(iii) The National Association of State Workforce Agencies.

"(iv) The United States Chamber of Commerce.

"(v) The National Federation of Independent Business.

"(vi) A nationally recognized labor union or organization.

"(B) Not more than five individuals from among representatives nominated by veterans service organizations that have a national employment program.

"(C) Not more than five individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor.''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of such section is amended—

(A) by striking paragraphs (3), (4), (8), (10), (11), and (12); and

(B) by redesignating paragraphs (5), (6), (7), and (9) as paragraphs (3), (4), (5), and (6), respectively.

(d) REINSTATEMENT AND MODIFICATION OF REPORTING REQUIREMENT.—Subsection (f)(1) of such section is amended—

(1) by striking the first sentence and inserting the following: "Not later than December 31 of each year, the advisory committee shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the employment and training needs of veterans, with special emphasis on disabled veterans, for the previous fiscal year.'';

(2) in subparagraph (A), by inserting "and their integration into the workforce'' after "veterans'';

(3) by striking "and'' at the end of subparagraph (B);

(4) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (F), respectively;

(5) by inserting after subparagraph (A) the following new subparagraph:

"(B) an assessment of the outreach activities carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;''; and

(6) by inserting after subparagraph (C), as so redesignated, the following new subparagraphs:

"(D) a description of the activities of the advisory committee during that fiscal year;

"(E) a description of activities that the advisory committee proposes to undertake in the succeeding fiscal year; and''.

SEC. 203. REAUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Subsection (e)(1) of section 2021 of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(F) $50,000,000 for each of fiscal years 2007 through 2009''.

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

SEC. 301. DURATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE FOR TOTALLY DISABLED VETERANS FOLLOWING SEPARATION FROM SERVICE.

(a) SEPARATION OR RELEASE FROM ACTIVE DUTY.—

(1) EXTENSION OF PERIOD OF COVERAGE.—Paragraph (1)(A) of section 1968(a) of title 38, United States Code, is amended by striking "shall cease'' and all that follows and inserting "shall cease on the earlier of the following dates (but in no event before the end of 120 days after such separation or release):

"(i) The date on which the insured ceases to be totally disabled.

"(ii) The date that is—

"(I) two years after the date of separation or release from such active duty or active duty for training, in the case of such a separation or release during the period beginning on the date that is one year before the date of the enactment of Veterans' Housing Opportunity and Benefits Improvement Act of 2006 and ending on September 30, 2011; and

"(II) 18 months after the date of separation or release from such active duty or active duty for training, in the case of such a separation or release on or after October 1, 2011.''.

(2) TECHNICAL AMENDMENTS.—Paragraph (1) of such section is further amended—

(A) in the matter preceding subparagraph (A), by striking "shall cease—" and inserting "shall cease as follows:"; and

(B) in subparagraph (B), by striking "at" after "(B)" and inserting "At".

(b) SEPARATION OR RELEASE FROM CERTAIN RESERVE ASSIGNMENTS.—Paragraph (4) of such section is amended by striking "shall cease" the second place it appears and all that follows and inserting "shall cease on the earlier of the following dates (but in no event before the end of 120 days after separation or release from such assignment):

"(A) The date on which the insured ceases to be totally disabled.

"(B) The date that is—

"(i) two years after the date of separation or release from such assignment, in the case of such a separation or release during the period beginning on the date that is one year before the date of the enactment of Veterans' Housing Opportunity and Benefits Improvement Act of 2006 and ending on September 30, 2011; and

"(ii) 18 months after the date of separation or release from such assignment, in the case of such a separation or release on or after October 1, 2011.".

SEC. 302. LIMITATION ON PREMIUM INCREASES FOR REINSTATED HEALTH INSURANCE OF SERVICEMEMBERS RELEASED FROM ACTIVE MILITARY SERVICE.

(a) PREMIUM PROTECTION.—Section 704 of the Servicemembers Civil Relief Act (50 U.S.C. App. 594) is amended by adding at the end the following new subsection:

"(e) LIMITATION ON PREMIUM INCREASES.—

"(1) PREMIUM PROTECTION.—The amount of the premium for health insurance coverage that was terminated by a servicemember and required to be reinstated under subsection (a) may not be increased, for the balance of the period for which coverage would have been continued had the coverage not been terminated, to an amount greater than the amount chargeable for such coverage before the termination.

"(2) INCREASES OF GENERAL APPLICABILITY NOT PRECLUDED.—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by the carrier of the health care insurance for the same health insurance coverage for persons similarly covered by such insurance during the period between the termination and the reinstatement.".

(b) TECHNICAL AMENDMENT.—Subsection (b)(3) of such section is amended by striking "if the" and inserting "in a case in which the".

SEC. 303. PRESERVATION OF EMPLOYER-SPONSORED HEALTH PLAN COVERAGE FOR CERTAIN RESERVE-COMPONENT MEMBERS WHO ACQUIRE TRICARE ELIGIBILITY.

(a) CONTINUATION OF COVERAGE.—Subsection (a)(1) of section 4317 of title 38, United States Code, is amended by inserting after "by reason of service in the uniformed services," the following: "or such person becomes eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title,".

(b) REINSTATEMENT OF COVERAGE.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by inserting after "by reason of service in the uniformed services," the following: "or by reason of the person's having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title,"; and

(B) by inserting "or eligibility" before the period at the end of the first sentence; and

(2) by adding at the end the following new paragraph:

"(3) In the case of a person whose coverage under a health plan is terminated by reason of the person having become eligible for medical and dental care under chapter 55 of title 10 by reason of subsection (d) of section 1074 of that title but who subsequently does not commence a period of active duty under the order to active duty that established such eligibility because the order is canceled before such active duty commences, the provisions of paragraph (1) relating to any exclusion or waiting period in connection with the reinstatement of coverage under a health plan shall apply to such person's continued employment, upon the termination of such eligibility for medical and dental care under chapter 55 of title 10 that is incident to the cancellation of such order, in the same manner as if the person had become reemployed upon such termination of eligibility.".

TITLE IV—OTHER MATTERS

SEC. 401. INCLUSION OF ADDITIONAL DISEASES AND CONDITIONS IN DISEASES AND DISABILITIES PRESUMED TO BE ASSOCIATED WITH PRISONER OF WAR STATUS.

Section 1112(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

"(L) Atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia).

"(M) Stroke and its complications.".

SEC. 402. CONSOLIDATION AND REVISION OF OUTREACH AUTHORITIES.

(a) IN GENERAL.—Part IV of title 38, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 63—OUTREACH ACTIVITIES

"6301. Purpose; definitions.
"6302. Biennial plan.
"6303. Outreach services.
"6304. Veterans assistance offices.
"6305. Outstationing of counseling and outreach personnel.
"6306. Use of other agencies.
"6307. Outreach for eligible dependents.
"6308. Biennial report to Congress.

"§6301. Purpose; definitions

"(a) PURPOSE.—The Congress declares that—

"(1) the outreach services program authorized by this chapter is for the purpose of ensuring that all veterans (especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Department) are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents; and

"(2) the outreach services program authorized by this chapter is for the purpose of charging the Department with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

"(b) DEFINITIONS.—For the purposes of this chapter—

"(1) the term 'other governmental programs' includes all programs under State or local laws as well as all programs under Federal law other than those authorized by this title; and

"(2) the term 'eligible dependent' means a spouse, surviving spouse, child, or dependent parent of a person who served in the active military, naval, or air service.

"§6302. Biennial plan

"(a) BIENNIAL PLAN REQUIRED.—The Secretary shall, during the first nine months of every odd-numbered year, prepare a biennial plan for the outreach activities of the Department for the two-fiscal-year period beginning on October 1 of that year.

"(b) ELEMENTS.—Each biennial plan under subsection (a) shall include the following:

"(1) Plans for efforts to identify eligible veterans and eligible dependents who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

"(2) Plans for informing eligible veterans and eligible dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

"(c) COORDINATION IN DEVELOPMENT.—In developing the biennial plan under subsection (a), the Secretary shall consult with the following:

"(1) Directors or other appropriate officials of organizations approved by the Secretary under section 5902 of this title.

"(2) Directors or other appropriate officials of State and local education and training programs.

"(3) Representatives of nongovernmental organizations that carry out veterans outreach programs.

"(4) Representatives of State and local veterans employment organizations.

"(5) Other individuals and organizations that the Secretary considers appropriate.

"§6303. Outreach services

"(a) REQUIREMENT TO PROVIDE SERVICES.—In carrying out the purposes of this chapter, the Secretary shall provide the outreach services specified in subsections (b) through (d). In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, such services shall, to the maximum feasible extent, be provided in the principal language of such persons.

"(b) INDIVIDUAL NOTICE TO NEW VETERANS.—The Secretary shall by letter advise each veteran at the time of the veteran's discharge or release from active military, naval, or air service (or as soon as possible after such discharge or release) of all benefits and services under laws administered by the Department for which the veteran may be eligible. In carrying out this subsection, the Secretary shall ensure, through the use of veteran-student services under section 3485 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

"(c) DISTRIBUTION OF INFORMATION.—(1) The Secretary—

"(A) shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Secretary; and

"(B) may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Secretary determines would be beneficial to veterans.

"(2) Whenever a veteran or dependent first applies for any benefit under laws administered by the Secretary (including a request for burial or related benefits or an application for life insurance proceeds), the Secretary shall provide to the veteran or dependent information concerning benefits and health care services under programs administered by the Secretary. Such information shall be provided not later than three months after the date of such application.

"(d) PROVISION OF AID AND ASSISTANCE.—The Secretary shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents with respect to *subsections (b) and (c) and in the preparation and presentation of claims under laws administered by the Department.*

"(e) ASSIGNMENT OF EMPLOYEES.—In carrying out this section, the Secretary shall assign such employees as the Secretary considers appropriate to conduct outreach programs and provide outreach services for homeless veterans. Such outreach services may include site visits through which homeless veterans can be identified and provided assistance in obtaining benefits and services that may be available to them.

"§6304. Veterans assistance offices

"(a) IN GENERAL.—The Secretary shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and in the Commonwealth of Puerto Rico, as the Secretary determines to be necessary to carry out the purposes of this chapter. The Secretary may maintain such offices on such military installations located elsewhere as the Secretary, after consultation with the Secretary of Defense and taking into account recommendations, if any, of the Secretary of Labor, determines to be necessary to carry out such purposes.

"(b) LOCATION OF OFFICES.—In establishing and maintaining such offices, the Secretary shall give due regard to—

"(1) the geographical distribution of veterans recently discharged or released from active military, naval, or air service;

"(2) the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services); and

"(3) the necessity of providing appropriate outreach services in less populated areas.

"§6305. Outstationing of counseling and outreach personnel

"The Secretary may station employees of the Department at locations other than Department offices, including educational institutions, to provide—

"(1) counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title; and

"(2) outreach services under this chapter.

"§6306. Use of other agencies

"(a) In carrying out this chapter, the Secretary shall arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, including, where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Department.

"(b) In carrying out this chapter, the Secretary shall, in consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment opportunities, training opportunities, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

"(c) In carrying out this chapter, the Secretary shall cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization.

"(d) In carrying out this chapter, the Secretary shall, where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization.

"(e) In carrying out this chapter, the Secretary may furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services.

"(f) In carrying out this chapter, the Secretary shall conduct and provide for studies, in consultation with appropriate Federal departments and agencies, to determine the most effective program design to carry out the purposes of this chapter.

"§6307. Outreach for eligible dependents

"(a) NEEDS OF DEPENDENTS.—In carrying out this chapter, the Secretary shall ensure that the needs of eligible dependents are fully addressed.

"(b) INFORMATION AS TO AVAILABILITY OF OUTREACH SERVICES FOR DEPENDENTS.—The Secretary shall ensure that the availability of outreach services and assistance for eligible dependents under this chapter is made known through a variety of means, including the Internet, announcements in veterans publications, and announcements to the media.

"§6308. Biennial report to Congress

"(a) REPORT REQUIRED.—The Secretary shall, not later than December 1 of every even-numbered year (beginning in 2008), submit to Congress a report on the outreach activities carried out by the Department.

"(b) CONTENT.—Each report under this section shall include the following:

"(1) A description of the implementation during the preceding fiscal year of the current biennial plan under section 6302 of this title.

"(2) Recommendations for the improvement or more effective administration of the outreach activities of the Department.".

(b) INCORPORATION OF RECOMMENDATIONS TO IMPROVE OUTREACH AND AWARENESS.—The Secretary of Veterans Affairs shall, to the extent appropriate, incorporate the recommendations for the improvement of veterans outreach and awareness activities included in the report submitted to Congress by the Secretary pursuant to section 805 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454).

(c) REPEAL OF RECODIFIED PROVISIONS.—Subchapter II of chapter 77 of title 38, United States Code, is repealed.

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) Subchapter III of chapter 77 of such title is redesignated as subchapter II.

(2) The table of sections at the beginning of such chapter is amended by striking the items relating to the heading for subchapter II, sections 7721 through 7727, and the heading for subchapter III and inserting the following:

"SUBCHAPTER II—QUALITY ASSURANCE".

(3) The tables of chapters at the beginning of such title, and at the beginning of part IV of such title, are amended by inserting after the item relating to chapter 61 the following new item:

"63. Outreach Activities .... 6301".

(e) CROSS-REFERENCE AMENDMENTS.—

(1) Section 3485(a)(4)(A) of title 38, United States Code, is amended by striking "subchapter II of chapter 77" and inserting "chapter 63".

(2) Section 4113(a)(2) of such title is amended by striking "section 7723(a)" and inserting "section 6304(a)".

(3) Section 4214(g) of such title is amended by striking "section 7722" and "section 7724" and inserting "section 6303" and "section 6305", respectively.

(4) Section 168(b)(2)(B) of the Workforce Investment Act of 1998 (29 U.S.C. 2913(b)(2)(B)) is amended by striking "subchapter II of chapter 77" and inserting "chapter 63".

SEC. 403. EXTENSION OF ANNUAL REPORT REQUIREMENT ON EQUITABLE RELIEF CASES.

Section 503(c) of title 38, United States Code, is amended by striking "December 31, 2004" and inserting "December 31, 2009".

TITLE V—TECHNICAL AMENDMENTS

SEC. 501. TECHNICAL AND CLARIFYING AMENDMENTS TO NEW TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) SECTION 1980A.—Section 1980A of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) A member of the uniformed services who is insured under Servicemembers' Group Life Insurance shall automatically be insured for traumatic injury in accordance with this section. Insurance benefits under this section shall be payable if the member, while so insured, sustains a traumatic injury on or after December 1, 2005, that results in a qualifying loss specified pursuant to subsection (b)(1).

"(2) If a member suffers more than one such qualifying loss as a result of traumatic injury from the same traumatic event, payment shall be made under this section in accordance with the schedule prescribed pursuant to subsection (d) for the single loss providing the highest payment.".

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by striking "issued a" and all that follows through "limited to—" and inserting "insured against traumatic injury under this section is insured against such losses due to traumatic injury (in this section referred to as 'qualifying losses') as are prescribed by the Secretary by regulation. Qualifying losses so prescribed shall include the following:";

(ii) by capitalizing the first letter of the first word of each of subparagraphs (A) through (H);

(iii) by striking the semicolon at the end of each of subparagraphs (A) through (F) and inserting a period; and

(iv) by striking "; and" at the end of subparagraph (G) and inserting a period;

(B) in paragraph (2)—

(i) by striking "subsection—" and inserting "subsection:";

(ii) by striking "the" at the beginning of subparagraphs (A), (B), and (C) and inserting "The";

(iii) in subparagraph (A), by striking "4 limbs;" and inserting "four limbs.";

(iv) in subparagraph (B), by striking "; and" at the end and inserting a period;

(v) in subparagraph (C), by striking "1 side" and inserting "one side"; and

(vi) by adding at the end the following new subparagraph:

"(D) The term 'inability to carry out the activities of daily living' means the inability to independently perform two or more of the following six functions:

"(i) Bathing.

"(ii) Continence.

"(iii) Dressing.

"(iv) Eating.

"(v) Toileting.

"(vi) Transferring.";

(C) in paragraph (3)—

(i) by striking ", in collaboration with the Secretary of Defense,";

(ii) by striking "shall prescribe" and inserting "may prescribe"; and

(iii) by striking "the conditions under which coverage against loss will not be provided" and inserting "conditions under which coverage otherwise provided under this section is excluded"; and

(D) by adding at the end the following new paragraph:

"(4) A member shall not be considered for the purposes of this section to be a member insured under Servicemembers' Group Life Insurance if the member is insured under Servicemembers' Group Life Insurance only as an insurable dependent of another member pursuant to subparagraph (A)(ii) or (C)(ii) of section 1967(a)(1) of this title.".

(3) Subsection (c) is amended to read as follows:

"(c)(1) A payment may be made to a member under this section only for a qualifying loss that results directly from a traumatic injury sustained while the member is covered against loss under this section and from no other cause.

"(2)(A) A payment may be made to a member under this section for a qualifying loss resulting from a traumatic injury only for a loss that is incurred during the applicable period of time specified pursuant to subparagraph (B).

"(B) For each qualifying loss, the Secretary shall prescribe, by regulation, a period of time to be the period of time within which a loss of that type must be incurred, determined from the date on which the member sustains the traumatic injury resulting in that loss, in order for that loss to be covered under this section.".

(4) Subsection (d) is amended by striking "losses described in subsection (b)(1) shall be—" and all that follows and inserting "qualifying losses shall be made in accordance with a schedule prescribed by the Secretary, by regulation, specifying the amount of payment to be made for each type of qualifying loss, to be based on the severity of the qualifying loss. The minimum payment that may be prescribed for a qualifying loss is $25,000, and the maximum payment that may be prescribed for a qualifying loss is $100,000.".

(5) Subsection (e) is amended—

(A) by striking "of Veterans Affairs" each place it appears;

(B) in paragraph (1), by striking "as the premium allocable" and all that follows through "protection under this section";

(C) in paragraph (2), by striking "Secretary of the concerned service" and inserting "Secretary concerned"; and

(D) by striking paragraphs (6), (7), and (8) and inserting the following:

"(6) The cost attributable to insuring members under this section for any month or other period specified by the Secretary, less the premiums paid by the members, shall be paid by the Secretary concerned to the Secretary. The Secretary shall allocate the amount payable among the uniformed services using such methods and data as the Secretary determines to be reasonable and practicable. Payments under this paragraph shall be made on a monthly basis or at such other intervals as may be specified by the Secretary and shall be made within 10 days of the date on which the Secretary provides notice to the Secretary concerned of the amount required.

"(7) For each period for which a payment by a Secretary concerned is required under paragraph (6), the Secretary concerned shall contribute such amount from appropriations available for active duty pay of the uniformed service concerned.

"(8) The sums withheld from the basic or other pay of members, or collected from them by the Secretary concerned, under this subsection, and the sums contributed from appropriations under this subsection, together with the income derived from any dividends or premium rate adjustments received from insurers shall be deposited to the credit of the revolving fund established in the Treasury of the United States under section 1869(d)(1) of this title.".

(6) Subsection (f) is amended to read as follows:

"(f) When a claim for benefits is submitted under this section, the Secretary of Defense or, in the case of a member not under the jurisdiction of the Secretary of Defense, the Secretary concerned, shall certify to the Secretary whether the member with respect to whom the claim is submitted—

"(1) was at the time of the injury giving rise to the claim insured under Servicemembers' Group Life Insurance for the purposes of this section; and

"(2) has sustained a qualifying loss.".

(7) Subsection (g) of such section is amended—

(A) by inserting "(1)" after "(g)";

(B) by striking "will not be made" and inserting "may not be made under the insurance coverage under this section";

(C) by striking "the period" and all that follows through "the date" and inserting "a period prescribed by the Secretary, by regulation, for such purpose that begins on the date";

(D) by designating the second sentence as paragraph (2);

(E) by striking "If the member" and inserting "If a member eligible for a payment under this section" ;

(F) by striking "will be" and inserting "shall be"; and

(G) by striking "according to" and all that follows and inserting "to the beneficiary or beneficiaries to whom the payment would be made if the payment were life insurance under section 1967(a) of this title.".

(8) Subsection (h) of such section is amended—

(A) in the first sentence, by striking "member's separation from the uniformed service" and inserting "termination of the member's duty status in the uniformed services that established eligibility for Servicemembers' Group Life Insurance";

(B) by striking the second sentence; and

(C) by adding at the end the following new sentence: "The termination of coverage under this section is effective in accordance with the preceding sentence, notwithstanding any continuation after the date specified in that sentence of Servicemembers' Group Life Insurance coverage pursuant to 1968(a) of this title for a period specified in that section.".

(9) Such section is further amended by adding at the end the following new subsection:

"(j) Regulations under this section shall be prescribed in consultation with the Secretary of Defense.".

(b) APPLICABILITY TO QUALIFYING LOSSES INCURRED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM BEFORE EFFECTIVE DATE OF NEW PROGRAM.—

(1) ELIGIBILITY.—A member of the uniformed services who during the period beginning on October 7, 2001, and ending at the close of November 30, 2005, sustains a traumatic injury resulting in a qualifying loss is eligible for coverage for that loss under section 1980A of title 38, United States Code, if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom.

(2) CERTIFICATION OF PERSONS ENTITLED TO PAYMENT.—The Secretary concerned shall certify to the life insurance company issuing the policy of life insurance for Servicemembers' Group Life Insurance under chapter 19 of title 38, United States Code, the name and address of each person who the Secretary concerned determines to be entitled by reason of paragraph (1) to a payment under section 1980A of title 38, United States Code, plus such additional information as the Secretary of Veterans Affairs may require.

(3) FUNDING.—At the time a certification is made under paragraph (2), the Secretary concerned, from funds then available to that Secretary for the pay of members of the uniformed services under the jurisdiction of that Secretary, shall pay to the Secretary of Veterans Affairs the amount of funds the Secretary of Veterans Affairs determines to be necessary to pay all costs related to payments to be made under that certification. Amounts received by the Secretary of Veterans Affairs under this paragraph shall be deposited to the credit of the revolving fund in the Treasury of the United States established under section 1969(d) of title 38, United States Code.

(4) QUALIFYING LOSS.—For purposes of this subsection, the term "qualifying loss" means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code, as amended by subsection (a); and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

(5) SECRETARY CONCERNED.—For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in paragraph (25) of section 101 of title 38, United States Code.

(c) CONFORMING AMENDMENTS.—

(1) Section 1965 of title 38, United States Code, is amended by striking paragraph (11).

(2) Section 1032(c) of Public Law 109-13 (119 Stat. 257; 38 U.S.C. 1980A note) is repealed.

SEC. 502. TERMINOLOGY AMENDMENTS TO REVISE REFERENCES TO CERTAIN VETERANS IN PROVISIONS RELATING TO ELIGIBILITY FOR COMPENSATION OR DEPENDENCY AND INDEMNITY COMPENSATION.

Title 38, United States Code, is amended as follows:

(1) Section 1114(l) is amended by striking "so helpless" and inserting "with such significant disabilities".

(2) Section 1114(m) is amended by striking "so helpless" and inserting "so significantly disabled".

(3) Sections 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) are amended by striking "helpless or blind, or so nearly helpless or blind as to" and inserting "blind, or so nearly blind or significantly disabled as to".

SEC. 503. TECHNICAL AND CLERICAL AMENDMENTS.

Title 38, United States Code, is amended as follows:

(1) TYPOGRAPHICAL ERROR.—Section 1117(h)(1) is amended by striking "nothwithstanding" and inserting "notwithstanding".

(2) INSERTION OF MISSING WORD.—Section 1513(a) is amended by inserting "section" after "prescribed by".

(3) DELETION OF EXTRA WORDS.—Section 3012(a)(1)(C)(ii) is amended by striking "on or".

(4) CROSS REFERENCE CORRECTION.—Section 3017(b)(1)(D) is amended by striking "3011(c)" and inserting "3011(e)".

(5) STYLISTIC AMENDMENTS.—Section 3018A is amended—

(A) by striking "of this section" in subsections (b) and (c);

(B) by striking "of this subsection" in subsections (a)(4), (a)(5), (d)(1) (both places it appears), and (d)(3); and

(C) by striking "of this chapter" in subsection (d)(3) and inserting "of this title".

(6) CROSS REFERENCE CORRECTION.—Section 3117(b)(1) is amended—

(A) by striking "section 8" and inserting "section 4(b)(1)"; and

(B) by striking "633(b)" and inserting "633(b)(1)".

(7) INSERTION OF MISSING WORD.—Section 3511(a)(1) is amended by inserting "sections" after "under both".

(8) SUBSECTION HEADINGS.—

(A) Sections 3461, 3462, 3481, 3565, 3680, and 3690 are each amended by revising each subsection heading for a subsection therein (appearing as a centered heading immediately before the text of the subsection) so that such heading appears immediately after the subsection designation and is set forth in capitals-and-small-capitals typeface, followed by a period and a one-em dash.

(B) Section 3461(c) is amended by inserting after the subsection designation the following: "DURATION OF ENTITLEMENT.—".

(C) Section 3462 is amended—

(i) in subsection (d), by inserting after the subsection designation the following: "PRISONERS OF WAR.—"; and

(ii) in subsection (e), by inserting after the subsection designation the following: "TERMINATION OF ASSISTANCE.—".

(9) CROSS REFERENCE CORRECTION.—Section 3732(c)(10)(D) is amended by striking "clause (B) of paragraphs (5), (6), (7), and (8) of this subsection" and inserting "paragraphs (5)(B), (6), (7)(B), and (8)(B)".

(10) DATE OF ENACTMENT REFERENCE.—Section 3733(a)(7) is amended by striking "the date of the enactment of the Veterans Benefits Act of 2003" and inserting "December 16, 2003".

(11) REPEAL OF OBSOLETE PROVISIONS.—Section 4102A is amended—

(A) in subsection (c)(7)—

(i) by striking "With respect to program years beginning during or after fiscal year 2004, one percent of" and inserting "Of"; and

(ii) by striking "for the program year" and inserting "for any program year, one percent"; and

(B) in subsection (f)(1), by striking "By not later than May 7, 2003, the" and inserting "The".

(12) REPEAL OF OBSOLETE PROVISIONS.—Section 4105(b) is amended—

(A) by striking "shall provide," and all that follows through "Affairs with" and inserting "shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding"; and

(B) by striking "and shall" and all that follows through "regarding the list".

(13) CITATION CORRECTION.—Section 4110B is amended—

(A) by striking "this Act" and inserting "the Workforce Investment Act of 1998"; and

(B) by inserting "(29 U.S.C. 2822(b))" before the period at the end.

(14) CROSS-REFERENCE CORRECTION.—Section 4331(b)(2)(C) is amended by striking "section 2303(a)(2)(C)(ii)" and inserting "section 2302(a)(2)(C)(ii)".

(15) CAPITALIZATION CORRECTION.—Section 7253(d)(5) is amended by striking "court" and inserting "Court".

Amend the title so as to read "An Act to amend title 38, United States Code, to improve and extend housing, insurance, outreach, and benefits programs provided under the laws administered by the Secretary of Veterans Affairs, to improve and extend employment programs for veterans under laws administered by the Secretary of Labor, and for other purposes.".

Mr. CRAIG. Mr. President, I have sought recognition to comment on S. 1235, the Veterans' Housing Opportunity and Benefits Act of 2006. This legislation is the product of a compromise agreement reached between the Senate and House Committees on Veterans' Affairs. The legislation cleared the House on Monday by a unanimous vote of 372 to 0. Its passage today in the Senate will continue the tradition of cooperation between the two Houses of Congress and among all political parties when it comes to legislation to improve the benefits and services available for our nation's veterans.

Before I thank my colleagues on both sides of the aisle who worked diligently on the provisions of this bill, I would like to take a few moments to comment on provisions that I was particularly interested in seeing enacted in that they will impact the lives of servicemembers returning from the global war on terrorism who have severe disabilities.

It is quite natural, and in many cases necessary for therapeutic or rehabilitative reasons, for a young servicemember who is severely wounded to spend some time convalescing at the home of his or her family before moving on to live a fully independent life. The nature of some severely wounded servicemembers' wounds require adaptations to the homes in which they live—such as larger doorways, ramps, hand rails, and other modifications. VA has a grant program to assist servicemembers and veterans with expenses associated with these modifications, but the program needs greater flexibility to address the reality of how young wounded warriors convalesce. Section 101 of the legislation provides that flexibility. It authorizes VA to equip a family member's home using a partial grant—with some portion, or all, of the remainder of the grant available for later use—of between $2,000 and $14,000. I was proud to join Senator JOHN SUNUNU on an amendment that cleared the Senate earlier this year that contained this provision. I am even prouder that we were able to include it in the final bill.

Section 301 of S. 1235 is another provision that makes a reasonable accommodation in a benefit program to meet the realities faced by convalescing, severely disabled servicemembers. Servicemembers adjudicated as totally disabled at the time of their separation from service have up to one year after separation to apply to receive premium-free Servicemembers' Group Life Insurance coverage during the 1-year, post separation period, and to convert their coverage to Veterans' Group Life Insurance, or an individual plan or policy. Taking advantage of the conversion option is especially critical for totally disabled veterans who, because of their disabilities, may not be insurable at competitive commercial rates after military service. Through a targeted outreach effort to this population, VA learned that many totally disabled veterans do not convert their coverage to VGLI because they may have neglected post-separation financial planning due to the effects of their disabilities, or because they were simply unaware of the extension option. To give these convalescing servicemembers as much time as possible to make informed decisions about their future financial security, section 301 would extend from 1 to 2 years the available conversion period.

There are many other enhancements contained in this legislation. They cover housing, insurance, employment and other miscellaneous benefit programs. And, not a small point in this time of fiscal austerity, the legislation is budget neutral.

I would like to take a moment to thank those who are responsible for bringing this compromise agreement to the brink of enactment. First, the committee's ranking member, Senator DANIEL AKAKA, provided his customary—and indispensable—cooperation and leadership. He and his staff worked very closely with me and my staff to shepherd the original legislation through the Senate, and then to work together with my House colleagues on this compromise. Veterans in Hawaii should be proud to have Senator AKAKA at the helm. And I am proud to have him as the committee's ranking member.

I salute Chairman STEVE BUYER and Ranking Member LANE EVANS of the House Veterans' Committee; Subcommittee on Disability Assistance and Memorial Affairs Chairman JEFF MILLER and Ranking Member SHELLEY BERKLEY; and Subcommittee on Economic Opportunity Chairman JOHN BOOZMAN and Ranking Member STEPHANIE HERSETH for their work and for their spirit of accommodation. They and their staffs are to be commended for a job well done.

Yesterday, the Congress sent bipartisan legislation, the Respect for America's Fallen Heroes Act, to the President for his signature. Today, I am also asking my colleagues in the Senate to send the Veterans' Housing Opportunity and Benefits Act of 2006, to the President. I am thankful that our celebration of Memorial Day on Monday coincides with the Congress sending so strong a message of support to those who have worn the uniform.

Mr. President, I ask unanimous consent that the text of the attached joint explanatory statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON AMENDMENT TO SENATE BILL, S. 1235, AS AMENDED

S. 1235, as amended, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, reflects a Compromise Agreement reached by the Senate and House Committees on Veterans' Affairs (the Committees) on the following bills reported during the 109th Congress: S. 1235, as amended (Senate Bill), H.R. 1220, as amended, H.R. 2046, as amended, and H.R. 3665, as amended (House Bills). S. 1235, as amended, passed the Senate on September 28, 2005; H.R. 2046, as amended, passed the House on May 23, 2005; H.R. 3665, as amended, passed the House on November 10, 2005.

The Committees have prepared the following explanation of S. 1235, as further amended to reflect a compromise agreement between the Committees (Compromise Agreement). Differences between the provisions contained in the Compromise Agreement and the related provisions of the Senate Bill and the House Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—HOUSING MATTERS

Adapted housing assistance for disabled veterans residing in housing owned by family member

Current law

Chapter 21 of title 38, United States Code, authorizes the Secretary to provide grants to adapt or acquire suitable housing for certain severely disabled veterans. The grant amounts are limited to $50,000 for severely disabled veterans with impairments of locomotion or loss of function of both arms described in section 2101(a) of title 38, United States Code, and $10,000 to severely disabled veterans with loss of vision or loss of function of both hands as described in section 2101(b) of title 38, United States Code. Currently a veteran may receive a grant for specially adapted housing only once. However, a veteran who has qualified for the smaller grant may nonetheless receive a higher grant if disabilities under that provision later develop.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 101(a) through (e) of H.R. 3665, as amended, would amend chapter 21 of title 38, United States Code, by inserting a new section 2102A. Subparagraph (a) would authorize the Secretary of Veterans Affairs to conduct a program providing a partial adapted housing grant to severely injured veterans residing temporarily in housing owned by a family member. Subparagraph (b) would authorize the Secretary to provide up to a $10,000 grant for such veterans with disabilities involving impairments of locomotion and up to a $2,000 grant for such veterans with visual impairments or loss of function of both hands. Subparagraph (c) would limit the assistance to one family residence. Subparagraph (d) would require the Secretary to issue relevant regulations. Finally, subparagraph (e) would limit the program to 5 years after enactment.

Section 101(b) of H.R. 3665, as amended, would amend section 2102 of title 38, United States Code, to allow a veteran to receive no more than three grants of assistance under chapter 21 of title 38, United States Code. The total value of all grants would not exceed $50,000 for the most severely disabled veterans and $10,000 for less severely disabled veterans. However, a veteran who receives a grant under section 2102(b) of title 38, United States Code, would still be allowed to receive grants under section 2102(a) of title 38, United States Code, if he or she becomes eligible.

Section 101(c) would amend chapter 21 of title 38, United States Code, by adding at the end a new section 2107 to provide that the Secretary shall coordinate the administration of programs to provide specially adapted housing that are administered by both the Under Secretary for Health and the Under Secretary for Benefits under chapters 17, 21, and 31 of title 38, United States Code.

Compromise agreement

Section 101 of the Compromise Agreement generally follows the House language except in the case of veterans residing temporarily in housing owned by a family member, veterans with disabilities involving impairments of locomotion may receive up to $14,000. Section 101 would also increase the funding fee for a subsequent use of the VA home loan guaranty with no money down by 5 basis points for the period October 1, 2006 through September 30, 2007.

Adjustable rate mortgages

Current law

Section 3707A(c)(4) of title 38, United States Code, limits the maximum increase or decrease of any single annual interest rate adjustment after the initial contract interest rate adjustment to 1 percentage point.

Senate bill

Section 201 of the Senate Bill would give VA the flexibility to prescribe an appropriate annual rate adjustment cap for VA hybrid Adjustable Rate Mortgage loans with an initial rate of interest fixed for 5 or more years.

House bills

The House Bills contain no comparable provision.

Compromise agreement

Section 102 of the Compromise Agreement follows the Senate language.

Permanent authority to make direct housing loans to native american veterans

Current law

Section 3761 of title 38, United States Code, establishes a pilot program to make direct housing loans to Native American veterans for homes on tribal lands. The authorization expires on December 31, 2008. Section 3762 of title 38, United States Code, describes the administration of the program and limits the maximum loan amount to $80,000, unless the Secretary allows a larger amount due to higher housing costs in a particular geographic area.

Senate bill

Section 203 of the Senate Bill contains a similar provision.

House bills

Section 102 of H.R. 3665, as amended, would make permanent the Native American Veteran Housing Loan Program. It would also limit the Secretary's discretion in approving a loan larger than $80,000 to the loan limitation amount provided by the Federal Home Loan Mortgage Corporation Act for a single-family residence.

Compromise agreement

Section 103 of the Compromise Agreement follows the House language.

Extension of Eligibility for direct loans for Native American Veterans to a veteran who is the spouse of a Native American

Current law

Section 3761 of title 38, United States Code, limits loans under the Native American Home Loan Program to veterans who are Native Americans. Under current law, a veteran residing on tribal lands with a Native American spouse is not eligible to receive a home loan under this program.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 103 of H.R. 3665, as amended, would extend eligibility for the Native American Veteran Housing Loan Program to non-Native American veterans who are spouses of Native Americans eligible to be housed on tribal land. The non-Native American veteran must be able to acquire a meaningful interest in the property under tribal law.

Compromise agreement

Section 104 of the Compromise Agreement follows the House language.

Technical Corrections to Veterans' Benefit Improvement Act of 2004

Current law

Section 2101 of title 38, United States Code, provides for grants to adapt or acquire suitable housing for certain severely disabled veterans. Section 401 of Public Law 108-183 amended section 2101 to authorize the Secretary of Veterans Affairs to provide adapted housing assistance to certain disabled servicemembers who have not yet been processed for discharge from military service, but who will qualify for the benefit upon discharge due to the severity of their disabilities. However, this provision was inadvertently omitted from section 2101 of title 38, United States Code when changes to that section were made by P.L. 108-454.

Senate bill

Section 202 of S. 1235 would amend section 2101 of title 38, United States Code, to reinstate the authority of the Secretary to provide adapted housing assistance to certain members of the armed services and make other conforming amendments. The amendments made by this provision would take effect on December 10, 2004, immediately after the enactment of Public Law 108-454.

House bills

Section 4 of H.R. 2046, as amended, contains a similar provision.

Compromise agreement

Section 105 of the Compromise Agreement contains this provision.

TITLE II—EMPLOYMENT MATTERS

Additional duty for the Assistant Secretary of Labor for Veterans' Employment and Training to raise awareness of skills of veterans and of the benefits of hiring veterans

Current law

Subsection (b) of section 4102A of title 38, United States Code, describes the duties to be carried out by the Assistant Secretary of Labor for Veterans' Employment and Training.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 202(a) of H.R. 3665, as amended, would add a new duty for the Assistant Secretary of Labor for Veterans' Employment and Training (ASVET) under section 4102A of title 38, United States Code, to furnish information to employers (through meetings with hiring executives of corporations and otherwise) concerning the training and skills of veterans and disabled veterans, and the advantages of hiring veterans. The ASVET would also be required to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and by other means.

Section 202(b) of H.R. 3665, as amended, would require the Secretary of Labor, acting through the ASVET, to develop a transition plan for the ASVET to assume certain duties and functions of the President's National Hire Veterans Committee and transmit the plan to the House and Senate Veterans' Affairs Committees not later than July 1, 2006.

Compromise agreement

Section 201 of the Compromise Agreement generally follows the House language, but does not include the requirement that the Secretary of Labor develop and transmit a transition plan.

Modifications to the Advisory Committee on Veterans Employment and Training

Current law

Section 4110 of title 38, United States Code, establishes the Advisory Committee on Veterans Employment and Training, its membership, and its duties. The Advisory Committee advises the ASVET on the employment and training needs of veterans and how the Department of Labor is meeting those needs. No outreach efforts are required of the Advisory Committee in current law.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 203(a) of H.R. 3665, as amended, would amend section 4110 of title 38, United States Code, by renaming the "Advisory Committee on Veterans Employment and Training" to "Advisory Committee on Veterans Employment, Training, and Employer Outreach".

Section 203(b) would modify the duties of the Advisory Committee to include assisting and advising the Assistant Secretary of Labor for Veterans' Employment and Training (ASVET) in carrying out outreach to employers.

Section 203(c) would modify the membership of the Advisory Committee to include representatives from the National Society of Human Resource Managers, The Business Roundtable, the National Association of State Workforce Agencies, the United States Chamber of Commerce, the National Federation of Independent Business, a nationally recognized labor union or organization, veterans service organizations that have a national employment program, and recognized authorities in the fields of business, employment, training, rehabilitation, or labor. Section 203(c) would also retain six nonvoting ex officio members of the Advisory Committee: Secretary of Veterans Affairs, Secretary of Defense, Director of the Office of Personnel Management, Assistant Secretary of Labor for Veterans' Employment and Training, Assistant Secretary of Labor for Employment and Training, and the Administrator of the Small Business Administration.

Section 203(d) of H.R. 3665, as amended, would require the Advisory Committee to submit a report to the Secretary of Labor on the employment and training needs of veterans for the previous fiscal year. The report would include a description of the activities of the Advisory Committee during that fiscal year as well as suggested outreach activities to be carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans.

Compromise agreement

Section 202 of the Compromise Agreement follows the House language.

Reauthorization of Appropriations for Homeless Veterans Reintegration Programs

Current law

Section 2021 of title 38, United States Code, authorizes appropriations for the Homeless Veterans Reintegration Programs (HVRP) through fiscal year 2006.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 301 of H.R. 3665, as amended, would reauthorize HVRP for fiscal years 2007 through 2009, and retain the maximum authorization of $50 million per year.

Compromise agreement

Section 203 of the Compromise Agreement follows the House language.

TITLE III—LIFE AND HEALTH INSURANCE MATTERS

Duration of Servicemembers' Group Life Insurance coverage for totally disabled veterans following separation from service

Current law

Section 1968 of title 38, United States Code, provides coverage at no charge under the Servicemembers' Group Life Insurance program for 1 year after the date of separation or release from active duty if a veteran is rated totally disabled at the time of separation. Veterans may also convert their insurance coverage from Servicemembers' Group Life Insurance to Veterans' Group Life Insurance, or to an individual policy of insurance, during the 1-year, post-separation period.

Senate bill

Section 101 of the Senate Bill would extend from 1 to 2 years, after separation from active duty service, the period within which totally disabled members may receive premium-free SGLI coverage. In addition, such members would be eligible to convert their coverage to Veterans' Group Life Insurance or an individual policy of insurance.

House bills

The House Bills contain no comparable provision.

Compromise agreement

Section 301 of the Compromise Agreement would extend the post-separation coverage period from 1 to 2 years until September 30, 2011, for all members who are totally disabled when separated or released from active duty 1 year before date of enactment of this Act. For members who are totally disabled when they separate or are released on or after October 1, 2011, the post-separation coverage period would be reduced to 18 months.

Limitation on premium increases for reinstated health insurance of servicemembers released from active military service

Current law

Section 704 of the Servicemembers Civil Relief Act (SCRA) provides that a servicemember who is ordered to active duty is entitled, upon release from active duty, to reinstatement of any health insurance coverage in effect on the day before such service commenced. Section 704 of the SCRA currently contains no express provision regarding premium increases.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 2 of H.R. 2046, as amended, would amend section 704 of SCRA by adding at the end a new subsection that would limit health insurance premium increases. The amount charged for the coverage once reinstated would not exceed the amount charged for coverage before the termination except for any general increase for persons similarly covered by the insurance during the period between termination and the reinstatement.

Compromise agreement

Section 302 of the Compromise Agreement follows the House language.

Preservation of employer-sponsored health plan coverage for certain reserve-component members who acquire tricare eligibility

Current law

Section 4317 of title 38, United States Code, requires an employer to provide employees returning from active duty with the same employer-sponsored health benefits they had when they reported for active duty. However, section 4317 does not preserve employer-sponsored health plan reinstatement rights for certain Reserve-component members who acquire health insurance coverage under TRICARE prior to entering active duty under section 1074(d) of title 10, United States Code. This option became available by an amendment to the TRICARE authority enacted on November 24, 2003.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 3 of H.R. 2046, as amended, would amend section 4317 of title 38, United States Code, to preserve employer-sponsored health plan reinstatement rights under the Uniformed Services Employment and Reemployment Rights Act for Reserve-component members who acquire TRICARE coverage prior to entering active duty. This includes those Reserve Component members whose active duty orders are canceled prior to reporting to active duty.

Compromise agreement

Section 303 of the Compromise Agreement follows the House language.

TITLE IV—OTHER MATTERS

Inclusion of additional diseases and conditions in diseases and disabilities presumed to be associated with prisoner of war status

Current law

Section 1112(b) of title 38, United States Code, contains two lists of diseases that are presumed to be related to an individual's experience as a prisoner of war. The first presumptive list requires no minimum internment period and includes diseases associated with mental trauma or acute physical trauma, which could plausibly be caused by a single day of captivity. The second list has a 30-day minimum internment requirement.

Senate bill

Section 303 of the Senate Bill would codify a June 28, 2005, VA regulation which added atherosclerotic heart disease or hypertensive vascular disease (including hypertensive heart disease) and their complications (including myocardial infarction, congestive heart failure and arrhythmia), and stroke and its complications as presumptive conditions for service-connection when related to the prisoner of war experience. These diseases would be included under the list requiring a minimum 30-day internment period.

House bills

The House Bills contain no comparable provision.

Compromise agreement

Section 401 of the Compromise Agreement follows the Senate language.

Consolidation and revision of outreach activities

Current law

Section 7722 of title 38, United States Code, requires the Secretary of Veterans Affairs to distribute full information to eligible servicemembers, veterans, and dependents regarding all benefits and services to which they may be entitled under laws administered by the Department.

Senate bill

Section 301 of the Senate Bill would require VA to prepare annually (and submit to Congress) a plan governing an upcoming year's outreach activities. Such a plan would incorporate the recommendations of the report mandated by Public Law 108-454, and would be prepared after consultations with veterans service organizations, State and local officials, and other interested groups and advocates.

House bills

The House Bills contain no comparable provision.

Compromise agreement

Section 402 of the Compromise Agreement follows the Senate language with modifications. VA outreach activities would be revised and consolidated in a new chapter 63 of title 38, United States Code. Additionally, VA would be required to prepare biennially an outreach plan governing an upcoming 2 years of outreach activities, beginning on October 1, 2007. Furthermore, VA would be required to report biennially on the execution of the outreach plan, beginning on October 1, 2008.

Extension of reporting requirements on equitable relief cases

Current law

Section 503 of title 38, United States Code, authorizes the Secretary of Veterans Affairs to provide monetary relief to persons whom the Secretary determines were deprived of VA benefits by reason of administrative error by a federal government employee. The Secretary may also provide relief which the Secretary determines is equitable to a VA beneficiary who has suffered loss as a consequence of an erroneous decision made by a federal government employee. No later than April 1 of each year, the Secretary was required to submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief during the preceding calendar year; the requirement for this report expired on December 31, 2004.

Senate bill

Section 302 of the Senate Bill would extend the equitable relief reporting requirement through December 31, 2009.

House bills

The House Bills contain no comparable provision.

Compromise agreement

Section 403 of the Compromise Agreement follows the Senate language.

TITLE V—TECHNICAL AMENDMENTS

Technical and clarifying amendments to new traumatic injury protection coverage under servicemembers' group life insurance

Current law

Section 1032 of Public Law 109-13 (119 STAT. 257) established, effective December 1, 2005, a new traumatic injury protection program within title 38, United States Code. Section 1980A provides servicemembers enrolled in the Servicemembers' Group Life Insurance (SGLI) program automatic coverage against qualified traumatic injuries. In the event a servicemember sustains a qualified traumatic injury, SGLI will pay the injured servicemember between $25,000 to $100,000, depending on the nature of the injury and in accordance with a payment schedule prescribed by the Secretary of Veterans Affairs.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 401 of H.R. 3665, as amended, would make various technical and clerical amendments to section 1980A of title 38, United States Code. These technical amendments more clearly specify the responsibilities of the different uniformed services who participate in the Servicemembers' Group Life Insurance program: military services under the jurisdiction of the Secretary of Defense, the United States Coast Guard under the Secretary of Homeland Security, the Public Health Service under the jurisdiction of the Secretary of Health and Human Services, and the National Oceanic and Atmospheric Administration under the jurisdiction of the Secretary of Commerce.

The technical amendments in section 401 are intended to clarify and to conform section 1980A of title 38, United States Code, to current provisions and are not intended to make any substantive change in current law.

Compromise agreement

Section 501 of the Compromise Agreement follows the House language.

Terminology amendments to revise references to certain veterans in provisions relating to eligibility for compensation or dependency and indemnity compensation

Current law

Sections 1114(l), 1114(m), 1115(b)(2), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) of title 38, United States Code, contain language that refers to "helpless veterans" when relating to eligibility for compensation or dependency and indemnity compensation.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 104 of H.R. 3665, as amended, would amend sections 1114(l), 1114(m), 1115(1)(E)(ii), 1122(b)(2), 1311(c)(2), 1315(g)(2), and 1502(b)(2) of title 38, United States Code, eliminating use of the obsolete term "helpless" when describing significantly disabled veterans. No substantive change is intended by these amendments.

Compromise agreement

Section 502 of the Compromise Agreement follows the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

Post traumatic stress disorder claims

Current law

Section 501 of title 38, United States Code, provides the Secretary of Veterans Affairs with the authority to prescribe all rules and regulations necessary or appropriate to carry out the laws administered by VA, including the methods of making medical examinations and the manner and form of adjudications and awards.

Senate bill

Section 304 would require VA to develop and implement policy and training initiatives to standardize the assessment of PTSD disability compensation claims.

House bills

The House Bills contain no comparable provision.

Increase in rates of disability compensation paid to certain surviving spouses with children

Current law

Under current law, a surviving spouse with one or more children under the age of 18 is entitled to receive a transitional benefit of an additional $250 per month for the first two years of eligibility for dependency and indemnity compensation (DIC).

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 206 of H.R. 1220, as amended, would provide a cost-of-living adjustment for the $250 transitional DIC for 2006.

Treatment of stillborn children as insurable dependents under servicemembers' group life insurance program

Current law

Section 1967 of title 38, United States Code, provides coverage under the Service-members' Group Life Insurance program to the spouse and children of insured, full-time, active duty servicemembers, as well as covered members of the Ready Reserve. Coverage for the spouse may not exceed $100,000, and the servicemember may elect in writing not to insure a spouse. Coverage for each child, in the amount of $10,000, is automatic. Coverage for the dependent begins immediately following a live birth.

Senate bill

Section 102 of the Senate Bill would cover a member's stillborn child as an insurable dependent under the Servicemembers' Group Life Insurance program.

House bills

The House Bills contain no comparable provision.

Demonstration project to improve business practices of Veterans Health Administration

Current law

There is no applicable current law.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 5 of H.R. 1220, as amended, would establish a demonstration project to improve the Department of Veterans Affairs' (VA) collections from third-party payers.

Parkinson's disease research, education, and clinical centers

Current law

There is no applicable current law.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 6 of H.R. 1220, as amended, would permanently authorize six Parkinson's disease Research Education and Clinical Centers (PADRECCs), subject to appropriations, and give priority to the existing PADRECCs for medical care and research dollars, insofar as such funds are awarded to projects for research in Parkinson's disease and other movement disorders.

Extension of operation of the president's national hire veterans committee

Current law

Section 6 of the Jobs for Veterans Act, Public Law 107-288, established the President's National Hire Veterans Committee (PNHVC) within the Department of Labor. The PNHVC furnishes information to employers with respect to the training and skills of veterans and disabled veterans and the advantages of hiring veterans. The Secretary of Labor provides staff and administrative support to the PNHVC to assist it in carrying out its duties under this section. The PNHVC also has the authority to contract with government and private agencies to furnish information to employers. Under current law, the PNHVC terminated on December 31, 2005. The PNHVC was authorized $3 million appropriated from the Unemployment Trust Fund through fiscal year 2005.

Senate bill

The Senate Bill contains no comparable provision.

House bills

Section 201 of H.R. 3665, as amended, would amend section 6 of the Jobs for Veterans Act by extending, for up to 1 year, the President's National Hire Veterans Committee until not later than December 31, 2006. Section 201 would also extend the authorization for appropriations through fiscal year 2006 and require an additional PNHVC report to the House and Senate Veterans' Affairs Committees in 2006.

Mr. SUNUNU. Mr. President, today I rise in strong support of S. 1235, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006. This legislation passed the House unanimously on Monday, and I urge my Senate colleagues to do the same.

S. 1235 contains many important provisions, but I would like to focus my remarks on section 101 of the bill, which deals with adaptive housing grants. Section 101 upgrades eligibility criteria for housing assistance grants to better reflect the needs of today's veteran community and will help all disabled veterans move home from medical facilities sooner. The language in section 101 is almost identical to my bipartisan legislation, S. 1947, The Specially Adapted Housing Improvements Grants Act and a bi-partisan amendment I introduced to S. 1932, the Deficit Reduction Act, which passed the Senate unanimously by voice vote.

First, I want to acknowledge my House colleague, Representative JOHN BOOZMAN of Arkansas, who serves as Chairman of the Veterans' Affairs Subcommittee on Economic Opportunity and has demonstrated real leadership on this issue. I am grateful to him for his considerable efforts to advance this measure in the House and I am happy to do so here in this Chamber. I also appreciate the hard work of the Chairman of the Veterans' Affairs Committee here in the Senate, Senator CRAIG, and the bipartisan group of Senators who cosponsored both my bill and amendment. The broad support of S. 1235 and its provisions represent a bipartisan belief on Capitol Hill that Congress must constantly evaluate veterans programs to make certain that our Nation provides responsive support to veterans.

While representing New Hampshire in the House and Senate, I have worked to ensure that those who served in our armed services receive their hard-earned benefits quickly and in full. Too often, out-of-date and burdensome regulations deny qualified veterans from receiving the benefits to which they are entitled. Whenever possible, it is imperative that we remove red tape that does not take into account the realities faced by today's veterans.

That is why I introduced legislation to reform rules that determine requirements for a Department of Veterans Affairs, VA, grant program that helps many disabled veterans make their homes suitable for occupancy. Currently, a disabled veteran must at least partly own his or her residence to receive VA housing assistance grants to perform necessary residence modifications, such as installing wheelchair ramps or railings. However, many younger veterans returning from Iraq and Afghanistan have not yet had the opportunity to become homeowners. Being ineligible for VA funding assistance to modify their homes, these veterans and their families often are compelled to either shoulder the costs of retrofitting their residences or face extended stays in VA medical facilities.

Section 101 of S. 1235 will establish a 5-year pilot program to allow severely disabled veterans who live temporarily with family to receive up to $10,000 in adaptive housing assistance; less severely disabled veterans could receive a maximum of $2,000. This grant money will help ensure that all disabled veterans—regardless of whether they own property—are able to leave hospitals and return home as quickly as possible.

Also, mindful that these individuals will likely purchase their own residence, the bill will allow disabled veterans to receive two additional specially adaptive housing grants to be used for homes that they own in the future. Severely disabled veterans could receive a total of $50,000 to modify residences; less severely disabled veterans would be eligible for a total of $10,000. Only one of the three total grants could be used for a temporary residence, such as a family-owned home.

America's veterans have made enormous sacrifices to protect our Nation and the ideals for which it stands. Our country owes a special obligation to those men and women who have become disabled as a result of their service. Under no circumstances should these American heroes be divided into groups of "haves" and "have nots."

This Nation must do no less than to ensure that all disabled veterans are returned to the normalcy of home life as quickly and comfortably as possible. The common sense changes put forth in section 101 of S. 1235 do just that, and I urge my colleagues in the Senate to send this bill to President Bush to sign in to law in time, fittingly, for Memorial Day.

Mr. AKAKA. Mr. President, as ranking member of the Committee on Veterans' Affairs, I urge my colleagues to support our current servicemembers, veterans, and their families by supporting the pending measure, the final agreement on the Veterans' Housing Opportunity and Benefits Improvement Act of 2006. This is a vital and timely piece of legislation that has already passed the House of Representatives. With Senate passage today and the President's signature it will quickly become public law.

Mr. President, this measure, which I shall refer to as the "Compromise Agreement," will improve and expand a wide variety of veterans benefits and programs, including, among others, housing benefits for Native American veterans and severely disabled servicemembers; insurance benefits for certain disabled veterans; compensation benefits for former prisoners of war; and programs that provide assistance to homeless veterans.

This legislation is appropriate at a time when our servicemembers are in harm's way. We must always remember the sacrifices that our servicemembers, both past and present, have made on behalf of this great Nation and we must do our part to respond to their service by improving and expanding veterans benefits.

In 1992, I authored the legislation that established a pilot program to make direct housing loans to Native American veterans for homes on tribal lands. As of the end of April, VA had made 504 loans to this group of veterans. Under this program, VA offers loan guarantees that protect lenders against loss up to the amount of the guaranty if the borrower fails to repay the loan. Prior to the enactment of this law, Native American veterans residing on tribal lands were unable to qualify for VA home loan benefits. With the Native American Veteran Housing Loan Program indigenous peoples residing on trust lands are now able to use this very important VA benefit. I am pleased that the Compromise Agreement contains a provision derived from legislation I offered, S. 917, that would make this pilot program, which was set to expire on December 31, 2008, permanent.

The Compromise Agreement also extends, from 1 to 2 years, the amount of time a disabled servicemember has to convert his or her Servicemembers' Group Life Insurance coverage into Veterans' Group Life Insurance coverage. This change is being made so that veterans may concentrate on recovering from their injuries or conditions, and not on meeting deadlines for life insurance conversion.

Under current law, former prisoners of war have to been held for a minimum of 30 days before they can benefit from a presumption that certain diseases are linked to their service. The Compromise Agreement also would add heart disease and stroke to presumptive conditions for service-connection for former prisoners of war.

Homelessness among veterans is a critical problem. It is particularly troubling to me that an estimated 56 percent of today's homeless veterans are minorities. The homeless rate in my home state of Hawaii has nearly doubled since early 2000, with the majority of Hawaii's new homeless being Native Hawaiians. The city of Honolulu has a tremendous problem with affordable housing, increasing the possibility of becoming homeless for those who already struggle to make ends meet. The Compromise Agreement would reauthorize through fiscal year 2009 the Homeless Veterans Reintegration Programs, which are the only Federal programs dedicated wholly to providing employment services to homeless veterans.

Also included in the Compromise Agreement is my provision that would make a technical change to the specially adapted housing grant program. Last session, the law that allows severely disabled members of the Armed Forces to receive specially adapted housing grants from VA, while still on active duty, was inadvertently repealed. My provision would correct this and restore the grant to its original intent.

In conclusion, I thank Senator CRAIG and the benefits staff on the majority for their work on this comprehensive bill, especially Jon Towers, Amanda Meredith, and Lupe Wissel and, on the Democratic staff Dahlia Melendrez, Pat Driscoll, and Noe Kalipi for their hard work on this legislation.

Mr. President, I urge my colleagues to support this legislation on behalf of America's veterans and their families.

Mr. FRIST. I ask unanimous consent the Senate concur in the House amendments, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3064

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3064) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

Mr. FRIST. Mr. President, I now ask for its second reading, and in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDERS FOR FRIDAY, MAY 26, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:45 a.m. on Friday, May 26. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to executive session and resume consideration of Executive Calendar No. 632, the Kavanaugh nomination; provided further that all time during the adjournment of the Senate count under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, we will be in session at 8:45 in the morning, and we expect to proceed to a vote on the Kavanaugh nomination, to be followed by a vote on the Hayden nomination, and a cloture vote on the Kempthorne nomination. Thus, Senators can expect three votes very early tomorrow morning. Those votes should begin shortly after we convene at 8:45 a.m. I thank my colleagues for their work on the immigration bill that we passed earlier today.

ORDER FOR ADJOURNMENT

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator OBAMA for 10 minutes, Senator LEVIN for 30 minutes, and then Senator SCHUMER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

NOMINATION OF GENERAL MICHAEL HAYDEN

Mr. OBAMA. Mr. President, let me start by saying that the nomination of General Hayden is a difficult one for me. I generally, as a rule, believe the President should be able to appoint members of his Cabinet, of his staff, to positions such as the one General Hayden is nominated for without undue obstruction from Congress.

General Hayden is extremely well qualified for this position. Having previously served as head of the National Security Agency and as Deputy Director of National Intelligence under John Negroponte, he has 30 years of experience in intelligence and national security matters. And he was nearly universally praised during his confirmation to Deputy DNI.

There are several members of the Intelligence Committee, including Senator LEVIN, who I hold in great esteem, who believe General Hayden has consistently displayed the sort of independence that would make him a fine CIA Director.

Unfortunately, General Hayden is being nominated under troubling circumstances, as the architect and chief defender of a program of wiretapping and collection of phone records outside of FISA oversight. This is a program that is still accountable to no one and no law.

Now, there is no one in Congress who does not want President Bush to have every tool at his disposal to prevent terrorist attacks—including the use of a surveillance program. Every single American—Democrat and Republican and Independent—who remembers the images of falling towers and needless death would gladly support increased surveillance in order to prevent another attack.

But over the last 6 months, Americans have learned that the National Security Agency has been spying on Americans without judicial approval. We learned about this not from the administration, not from the regular workings of the Senate Intelligence Committee, but from the New York Times and USA Today. Every time a revelation came out, President Bush refused to answer questions from Congress.

This is part of a general stance by this administration that it can operate without restraint. President Bush is interpreting article II of the Constitution as giving him authority with no bounds. The Attorney General and a handful of scholars agree with this view, and I do not doubt the sincerity with which the President and his lawyers believe in their constitutional interpretation. However, the overwhelming weight of legal authority is against the President on this one. This is not how our Constitution is designed, to give the President unbounded authority without any checks or balances.

We do not expect the President to give the American people every detail about a classified surveillance program, but we do expect him to place such a program within the rule of law and to allow members of the other two coequal branches of Government—Congress and the judiciary—to have the ability to monitor and oversee such a program. Our Constitution and our right to privacy as Americans require as much.

Unfortunately, we were never given the chance to make that examination. Time and again, President Bush has refused to come clean to Congress. Why is it that 14 of 16 members of the Intelligence Committee were kept in the dark for 4½ years? The only reason that some Senators are now being briefed is because the story was made public in the newspapers. Without that information, it is impossible to make the decisions that allow us to balance the need to fight terrorism while still upholding the rule of law and privacy protections that make this country great.

Every democracy is tested when it is faced with a serious threat. As a nation, we have had to find the right balance between privacy and security, between executive authority to face threats and uncontrolled power. What protects us, and what distinguishes us, are the procedures we put in place to protect that balance; namely, judicial warrants and congressional review. These are not arbitrary ideas. They are not new ideas. These are the safeguards that make sure surveillance has not gone too far, that somebody is watching the watchers.

The exact details of these safeguards are not etched in stone. They can be reevaluated, and should be reevaluated, from time to time. The last time we had a major overhaul of the intelligence apparatus was 30 years ago in the aftermath of Watergate. After those dark days, the White House worked in a collaborative way with Congress through the Church Committee to study the issue, revise intelligence laws, and set up a system of checks and balances. It worked then, and it could work now. But, unfortunately, thus far, this administration has made no effort to reach out to Congress and tailor FISA to fit the program that has been put in place.

I have no doubt that General Hayden will be confirmed. But I am going to reluctantly vote against him to send a signal to this administration that even in these circumstances, even in these trying times, President Bush is not above the law. No President is above the law. I am voting against Mr. Hayden in the hope that he will be more humble before the great weight of responsibility that he has not only to protect our lives but to protect our democracy.

Americans fought a Revolution in part over the right to be free from unreasonable searches—to ensure that our Government could not come knocking in the middle of the night for no reason. We need to find a way forward to make sure we can stop terrorists while protecting the privacy and liberty of innocent Americans. We have to find a way to give the President the power he needs to protect us, while making sure he does not abuse that power. It is possible to do that. We have done it before. We could do it again.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I be allowed to speak for 5 minutes before the Senator from Michigan speaks—he has graciously agreed to allow me to do that—and then he be given as much time as he needs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Thank you, Mr. President. I want to first, again, thank Senator CARL LEVIN, who I know has been graciously acceding all night. So he will be the last person to speak here, but I very much appreciate it. And I know all of my colleagues do.

NOMINATION OF BRETT KAVANAUGH

Mr. SCHUMER. Mr. President, I rise in opposition to the confirmation of Brett Kavanaugh to the DC Circuit Court of Appeals.

This court is too important, its jurisdiction too broad, and its decisions too final, for a lifetime seat to be entrusted to someone with such limited nonpartisan experience—even someone as bright as Mr. Kavanaugh clearly is.

First, let me say that I am continually frustrated by the nature of the debate that takes place in the Senate and in the public about the so-called politicization of the judicial nomination and confirmation process. We are often told—with a straight face—that politics and ideology play no part in the President's thinking when it comes to judicial nominations.

But, as anyone who is paying attention knows full well: It is the President who too often picks judicial nominees with politics and ideology squarely in mind.

It is the President who too often picks judicial nominees with an eye towards shoring up his conservative political base. It is the President who too often selects judicial nominees with an eye towards picking a political fight. And, of course, on at least one occasion—in the case of Harriet Miers—it was the President who withdrew a nominee with an eye towards mitigating political damage.

So, those who complain that the process has become politicized and that ideology shouldn't matter should take their quarrel to the other end of Pennsylvania Avenue.

In this case—especially after Mr. Kavanaugh's second hearing—I continue to believe that his nomination is too infused with politics and that Mr. Kavanaugh himself is neither seasoned enough nor independent enough at this early stage of his career to merit a lifetime appointment to the second highest court in the land.

Let me say a word about how deeply important the DC Circuit Court of Appeals is.

But there are serious questions as to why, at barely 40, having never tried a case, and with a record of service almost exclusively to highly partisan political matters, he is being nominated to a seat on the second most important court in America.

Why is the DC Circuit so important? The Supreme Court currently takes fewer than 100 cases a year. That means that the lower courts resolve the tens of thousands a cases a year brought by Americans seeking to vindicate their rights. All the other Federal appellate courts handle just those cases arising from within its boundaries. So, for example, the Second Circuit, where I am from, takes cases coming out of New York, Connecticut, and Vermont.

But the DC Circuit doesn't just take cases brought by residents of Washington, DC. Congress has decided there is value in vesting one court with the power to review certain decisions of administrative agencies.

We have given plaintiffs the power to choose the DC Circuit—and in some cases we have forced them to go to the DC Circuit—because we have decided for better or worse, that when it comes to these administrative decisions one court should decide what the law is for the whole Nation.

When it comes to regulations adopted under the Clean Air Act by the EPA, labor decisions made by the NLRB and rules propounded by OSHA, gas prices regulated by the Federal Energy Regulatory Commission, and many other administrative matters, the decisions are usually made by the judges on the DC Circuit, to which Mr. Kavanaugh aspires.

To most, it seems like this is the "Alphabet Soup Court," since virtually every case involves an agency with an unintelligible acronym—EPA, NLRA, FCC, SEC, FTC, FERC, and so on, and so on.

But the letters that make up this "Alphabet Soup" are what make our Government tick. They are the agencies that write and enforce the rules that determine how much "reform" there will be in campaign finance reform. They determine how clean the water has to be for it to be safe for our families to drink. They establish the rights workers have when negotiating with corporate powers.

The DC Circuit is important because its decisions determine how these Federal agencies go about doing their jobs. And, in so doing, it directly impacts the daily lives of all Americans more than any other court in the country, with the exception of the Supreme Court.

Mr. President, there is so much at stake when considering nominees to the DC Circuit—how their ideological predilections will impact the decisions coming out of the court—and why it is vital for Senators to consider how nominees will impact the delicate ideological balance on the court when deciding how to vote.

Given the importance of that court, I cannot vote to confirm Mr. Kavanaugh. Although Mr. Kavanaugh has held several important and influential positions in Government, they have been almost exclusively political. While his academic credentials are undeniably top-notch, he has largely devoted his legal talents to helping notch political victories for his party. While his resume is laden with high-profile political assignments, it is light on the kinds of professional and nonpartisan accomplishments typical of recent nominees to this important court.

Mr. Kavanaugh has been one of the point people among young Republican lawyers, appearing at the epicenter of so many high-profile controversial issues in a relatively short career. That is not in itself dispositive, but that is all there is. There is not much more we can rely on to offset this experience.

Notwithstanding his legal credentials, he is younger than, and has less relevant experience than, almost everyone else who has joined the DC Circuit in modern times.

If this were a nominee for the district court, where it belongs, there would not be opposition. But it seems as if Mr. Kavanaugh's nomination is repayment for services rendered to the political operation of the White House and the Republican Party. He does not have a long list of articles. He does not have a long list of judicial experience, or even of legal experience outside of the political realm. And it shows you the brazenness of this administration, frankly, that he would be nominated to the second highest court in the land. It shows you that they value ideology and political service above judicial experience and depth.

The bottom line is this, that Mr. Kavanaugh does not belong on this court. If my colleagues on the other side of the aisle were not so apt to just rubberstamp every single nominee that this administration puts forward, he would not get to this court. But the reason we are unable to block this nomination is not because of the merits—I wish we could because America will regret, I believe, having Mr. Kavanaugh on the court for decades to come—but it is because, again, we have seen fewer than a handful of times any Republican Member vote against any nominee who this White House nominates.

Mr. Kavanaugh is intelligent; no question. Intelligence alone is hardly a criteria for the second most important court in the land.

Mr. Kavanaugh, when I met him, told me one way to make a judgment about him would be to talk to the people who know him, to talk to colleagues and judges and others familiar with his work. That is what the American Bar Association actually did in preparing his evaluation. And I have rarely seen an evaluation that has comments such as these: One lawyer said that Mr. Kavanaugh was "sanctimonious" and inexperienced. A lawyer in a different proceeding said: Mr. Kavanaugh did not handle the case well as an advocate and dissembled. Another said he was "inexperienced in the practice of law." Others characterized him as "insulated." One lawyer who worked with him questioned his ability "to be balanced and fair should he assume a federal judgeship."

Unfortunately, I think that is the reason he was chosen. The administration on this DC Court of Appeals wants people who will not be balanced and fair. They want people who have an ideological ax to grind, to undo the work of Government which this court oversees.

It is true that this is the second most important court in the land. It is also true to say that there cannot be a single person in this body, if they were being honest, who does not recognize that there are many more qualified people in Washington to be on this bench.

So, Mr. President, I must vote against this nomination, with the full conviction that we could do a lot better.

Mr. Kavanaugh, if confirmed, would be the youngest person on the D.C. Circuit since his mentor, Ken Starr.

By a quick review of the preconfirmation accomplishments of the active judges who currently sit on the D.C. Circuit, the nominee's achievements—though impressive—are simply not on a par.

Every active judge had significant professional and nonpartisan experience to help persuade us that they merited confirmation.

I remind my colleagues that in recent months, I voted for two Republican nominees who were deeply involved in the impeachment of President Clinton—Tom Griffith for the very court to which Mr. Kavanaugh has been nominated and Paul McNulty to the second highest position in the Justice Department.

Now let me come to the ABA report released recently. Some of my friends across the aisle have fallen over themselves to dismiss, dilute, and denigrate that report. This, of course, despite the fact that last time around, Mr. Kavanaugh and several Senators frequently repeatedly boasted about his original, higher ABA rating.

Here is why the observations noted in that report are important. When he and I met recently, I asked Mr. Kavanaugh how we are to judge someone with his scant record. He has very few writings. He is younger than almost everyone who has been nominated to the D.C. Circuit. He has never been a judge.

Mr. Kavanaugh told me that one way to make a judgment about him would be to talk to the people who know him, to talk to colleagues and judges and others who are familiar with him and his work.

Well, that is one of the things the American Bar Association actually did in preparing its evaluation. They talked—as Mr. Kavanaugh himself suggested—with people who are familiar with his work.

What is more, they do it under a promise of confidentiality, so that they will be likely to obtain the most honest and candid appraisals—rather than the expected plaudits from peers and previous employers.

Many of those interviewed echoed precisely the concerns that I and others have raised—his lack of relevant experience and the effect the insularity of his political experience might have on his ability to be a neutral judge.

Now, I understand that none of the 14 committee members found Mr. Kavanaugh flatly "not qualified."

But I ask my colleagues, shouldn't we give substantial weight to these statements from people who are familiar with his work—not isolated remarks, but a multitude of them, from different quarters, commenting about different court appearances and interactions with him?

Given the importance of the D.C. Circuit, we have a duty to closely scrutinize the nominees who come before us seeking lifetime appointment to this court.

And it is no insult to Mr. Kavanaugh, to say that there can't be a single person in this room, if they were being honest, who doesn't recognize that there are scores of lawyers in Washington and around the country who are of equally high intellectual ability, but who have much more significant judicial, legal, and academic experience to recommend them for this post.

So I would say that many of my colleagues and I have a sincere and good-faith concern that this nominee is not apolitical enough, not seasoned enough, not independent enough, and has not been forthcoming enough. The hearing did not alleviate those concerns.

Indeed, Mr. Kavanaugh was evasive when he should have been forthright; he sidestepped questions when he should have met them head on.

During an extended exchange with me, he repeatedly refused to answer a simple question—whether he had ever expressed opposition to a potential judicial nominee within the White House, even though there is no conceivable earthly privilege that should have prevented him from answering.

On another occasion, it took Senator LEAHY four tries before Mr. Kavanaugh would answer the simple question: Why did you take 7 months to respond to the Judiciary Committee's written questions in 2004?

On yet another occasion, he continued to refuse to tell us whether he is in the mold of Scalia and Thomas, even though he has spent several years selecting and vetting highly ideological judges for the President who has repeatedly promised to nominate judges in "the mold of Scalia and Thomas."

If the President can say repeatedly at campaign stops and speeches that he wants judges in the mold of Scalia and Thomas, and if those statements are not just meaningless, empty rhetoric, why can't we Senators find out in some meaningful way whether there is any truth in advertising?

In short, if the nominee had spent the last several years on a lower court or in a nonpolitical position proving his independence from politics, I could view his nomination in a different light.

But he has not. Instead, his résumé is almost unambiguously political. Perhaps with more time, and different experience, we would have greater comfort imagining Mr. Kavanaugh on this court. But that day is not yet here.

Therefore, I vote nay on the nomination and urge my colleagues to do the same.

With that, I yield the floor and, once again, thank my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF GENERAL MICHAEL V. HAYDEN

Mr. LEVIN. Mr. President, General Hayden's nomination for Director of the Central Intelligence Agency comes at a critical time. The Agency is in disarray. Its current Director has apparently been forced out, and the previous Director, George Tenet, departed under a cloud after having compromised his own objectivity and independence and that of his Agency by misusing Iraq intelligence to support the administration's policy agenda. The next Director must right this ship and restore the CIA to its critically important mission.

I will vote to confirm General Hayden because his actions have demonstrated on a number of important occasions the independence and strength of character needed to fulfill the most important role of the CIA Director—independence and a willingness to speak truth to power about the intelligence assessments of professionals in the intelligence community.

This nomination has been considered by me on two key issues: One, whether or not General Hayden will be independent—and I believe he will—and two, what judgment should be rendered about him based on what is known about the National Security Agency's surveillance program which he administered during his tenure as Director of the NSA. Again, the highest priority of the new Director must be to ensure that intelligence provided to the President and the Congress is objective and independent of political considerations. It was only a few years ago that then-CIA Director George Tenet shaped intelligence to support the policy position of the administration. There are many examples.

On February 11, 2003, just before the war, Director Tenet publicly stated, as though it were fact, that Iraq has "provided training in poison and gases to two Al-Qaeda associates." However, we now know that the DIA, the Defense Intelligence Agency, had assessed a year earlier that the primary source of that report was more likely intentionally misleading his debriefers, and the CIA itself had concluded in January 2003, before the Tenet public declaration that I have quoted, that the source of the claim that Iraq had provided training in poisons was not in a position to know if any training had in fact taken place.

On September 28, 2002, President Bush said that "each passing day could be the one on which the Iraqi regime gives anthrax or VX nerve gas or someday a nuclear weapon to a terrorist group." A week later, on October 7, 2002, a letter declassifying CIA intelligence indicated that Iraq was unlikely to provide WMD to terrorists or al-Qaida and called such a move an "extreme step," a very different perspective from that which had been stated by the President. But the very next day after that declassification was obtained, Director Tenet told the press that there was "no inconsistency" between the views in the letter and the President's views on the subject.

His statement was flatly wrong. His effort to minimize the inconsistency or eliminate it not only revealed his lack of independence, but it damaged the credibility of the Central Intelligence Agency.

At a hearing in 2004, I asked Director Tenet about the alleged meeting between 9/11 hijacker Mohammed Atta and an Iraqi intelligence officer in Prague in April 2001. He told us that the CIA had "not gathered enough evidence to conclude that it had happened" and that "I don't know that it took place. I can't say that I did." What he neglected to say was that the CIA did not believe that the meeting had happened, a fact that he finally acknowledged publicly in July of 2004, after the war began, when he wrote that the CIA was "increasingly skeptical that such a meeting occurred" and that there was an "absence of any credible information that the April 2001 meeting occurred." We determined later that that CIA skepticism dated back at least to June 2002, before the war.

Director Tenet also looked the other way when the administration publicly alleged that Iraq was seeking uranium from Africa. As a matter of fact, he had personally called the Deputy National Security Adviser to urge that the allegation be removed from the President's October 2002 Cincinnati speech. Director Tenet was silent after the President included the allegation in his January 2003 State of the Union speech. It was not until July of 2003, long after the war began, 2 months after President Bush declared major combat operations were over in Iraq, that Director Tenet finally acknowledged publicly that the allegations should not have been included in the State of the Union speech.

According to Bob Woodward's book "Plan of Attack," when the President asked Director Tenet, following the CIA's presentation to him in December of 2002, about its intelligence relative to Iraq's suspected WMD programs, How confident are you in the intelligence about that, Director Tenet replied, "Don't worry; it's a slam dunk," which it surely was not. But that is what the President wanted to hear. That is the message which Director Tenet presented to him, and that is the message that the President then presented to the American public.

It is essential that the new Director of the CIA stand up to the administration in power, no matter what administration it is, when the intelligence does not support the direction that the administration wants to go. We cannot afford another Iraq intelligence fiasco.

General Hayden has said that he will be an independent CIA Director. Based on his record, I believe him.

One piece of evidence in that Hayden record relates to a strategy that the administration used to bolster its case for war. The decision was made by the administration to put a set of what was called "fresh eyes" to look over the intelligence relative to the alleged links between Iraq and al-Qaida. The Secretary of Defense created a separate operation in a DOD policy office led by Douglas Feith. While the intelligence community was consistently dubious of the links between al-Qaida and Iraq, the Feith office scraped and scratched and cherry-picked the intelligence to produce assessments that said that there was a strong relationship between Saddam Hussein and al-Qaida. And then Mr. Feith bypassed the CIA, bypassed the intelligence community, and briefed that analysis to senior policymakers at the National Security Council and the Vice President's office.

George Tenet told us that he was not aware of that prewar briefing by Mr. Feith, until I brought it to his attention in February of 2004. In making its case for war with Iraq, the administration used Mr. Feith's misleading intelligence to convince the country that Saddam and bin Laden were allies. There were few in the administration who had been willing to speak up against this bypass of the intelligence community process, a process whose very purpose is to provide balanced, objective assessments for the intelligence community. One of the few who has spoken up is General Hayden.

At his nomination hearing, I asked General Hayden whether, when he was NSA Director before the Iraq war, he was comfortable with what Douglas

Feith was up to. My question to General Hayden was not just about Doug Feith. It was about whether the General was willing to speak the truth as he saw it, even if it went against the administration's case for war. General Hayden told the committee, relative to the Feith operation:

> No, sir. I wasn't comfortable.

Has anyone else in the administration said that, spoken up and said that which is so obvious about the Feith operation?

There may be others, but General Hayden is the only one that comes to mind. This is what he then said to the committee at our hearing on his nomination:

> It is possible, Senator, if you want to drill down on an issue and just get laser beam focused, and exhaust every possible—every ounce of evidence, you can build up a pretty strong body of data, right? But you have to know what you're doing, all right.
>
> I got three great kids, but if you tell me go out and find all the bad things they've done, Hayden, I can build you a pretty good dossier, and you'd think they were pretty bad people, because that was what I was looking for and that's what I'd build up.

General Hayden said this:

> That would be very wrong. That would be inaccurate. That would be misleading.

Wrong, inaccurate, and misleading. That is a pretty good description of the Feith shop's prewar intelligence analysis. It is an indictment of the administration's use of that intelligence to make the case for war.

But what is interesting, in particular, is not just what General Hayden said at his confirmation hearing; it is what he did at the time that the Feith office was actually out looking for intelligence to try to prove their premise that there was a connection between Saddam and al-Qaida. General Hayden actually placed a disclaimer on NSA reporting relative to any links between al-Qaida and Saddam Hussein, stating that SIGINT—or signals intelligence—"neither confirms nor denies" such a link.

So while you had the administration claiming the link and Doug Feith scrapping around, scratching for any little bit of evidence that could prove his preordained conclusion that there was such a link, you had General Hayden saying SIGINT, signals intelligence, neither confirms nor denies that such a link exists.

In other words, we have in General Hayden more than just promises of independence and objectivity and a willingness to speak truth to power. We have somebody who has actually done so.

There is another significant way in which General Hayden has spoken truth to power. When we were considering reforming the intelligence community to fill the gaps and the cracks that existed prior to 9/11 and the Iraq War, there was a major effort to derail the proposal, in part because the legislation sought to shift some authority from Department of Defense components to the new office of the Director of National Intelligence. Although General Hayden is a four star general, he stood up to Defense Secretary Rumsfeld on this issue. It took some backbone and strength of character for him to do so.

As to General Hayden remaining in active duty if he is confirmed, I would only make three points. One, he is not the first person to do so. Since the Central Intelligence Agency was established by law in 1947, three commissioned officers have held the tile of Director of Central Intelligence, RADM Roscoe Hillenkoetter, GEN Walter Bedell Smith, and ADM Stansfield Turner. I would also remind my colleagues that the Senate confirmed then LTG Colin Powell to be President Reagan's National Security Adviser even though there is no law that removes that position from the supervision or control of the Secretary of Defense.

Secondly, General Hayden has sent a letter to Senator WARNER which states "I do not intend to remain in active military status beyond my assignment as Director, Central Intelligence Agency (if confirmed)." This is an added assurance of independence and that he will not be shaping intelligence to please the Defense Department in order to put himself in a better position for some future appointment in the military establishment.

Third, General Hayden's supervisor in his line of work as Director of the CIA will be by law Ambassador Negroponte, not Secretary Rumsfeld. So General Hayden would not be in the military chain of command but in the intelligence chain of command.

To eliminate any doubt of that, we are including a provision in the Defense authorization bill, which is awaiting Senate floor action, to make that absolutely clear in law. Senator WARNER and I think it is already clear, but we are going to make it doubly clear by putting that into the pending DOD authorization bill.

As I mentioned, the key issue relative to General Hayden's nomination is the President's domestic surveillance program. Over the past 6 months, we have been engaged in a national debate about the appropriate limits on the Government's authority to conduct electronic eavesdropping on American citizens.

General Hayden was Director of the National Security Agency when the President authorized the program, and many of our colleagues have raised concerns about that.

The administration has repeatedly characterized the electronic surveillance program as applying only to international calls and not involving any domestic surveillance. In February, for instance, the Vice President said:

> Some of our critics call this a domestic surveillance program. Wrong, that is inaccurate; it is not domestic surveillance.

Ambassador Negroponte said:

> This is a program that was ordered by the President with respect to international phone calls to or from suspected al-Qaida operatives and their affiliates . . . This was not about domestic surveillance.

General Hayden found a way to signal that the administration has not described the entire program. When asked at his confirmation hearing whether the program the administration described is the entire program, General Hayden said he could not answer in open session. Presumably, if it were the entire program, he could have easily answered, "yes."

In addition, while Stephen Hadley, the President's National Security Adviser, has said relative to the reports that phone records had been provided to the Government under the NSA program, that it is hard to find a privacy issue here, General Hayden did not make that claim and instead acknowledged that, indeed, privacy was an issue, and surely whatever one thinks they believe about this program, privacy is an issue.

There may be some who, when they understand the program, believe the privacy concerns are overridden by the security advantage. There may be others who reach the other conclusion that whatever security advantages are achieved do not overcome the privacy intrusions that are reported to exist by those phone records being in the possession or being available to the Government, according to those press reports. But whatever one's conclusion is, there are clearly privacy concerns involved. And when the general was in front of us—he was honest enough—and said: I cannot say there are no privacy concerns here, he was telling us something which should be obvious to each one of us.

There are remaining for me a lot of unanswered questions about the NSA program, and I have been one who has been at least partially briefed. I am one of that subcommittee of seven for whom the briefing has begun. But the fact is, the legal opinions about this program are not General Hayden's, they are the Attorney General's. I am aware of no allegation that General Hayden took any action that went beyond what the President authorized or what the Attorney General advised was legal. There are legitimate grounds for criticism regarding this program, but such criticism should be aimed at the White House and the Attorney General.

The Intelligence Committee is in the middle of an inquiry into the program. Now that the full committee has been authorized to be briefed on the program, all of the members of the Intelligence Committee need to catch up to where seven of us are, which is about halfway through the briefings. We are still waiting for the administration to answer many questions that we have asked about the program.

I want to turn for a few moments to the issue of detainee treatment. I would have liked General Hayden to be more forthcoming on this issue at his hearing. In his testimony, General Hayden affirmed that the CIA is bound by the Detainee Treatment Act of 2005. In particular, General Hayden stated that this legislation's prohibition on the cruel, inhuman, and degrading treatment or punishment of detainees applies to all Government agencies, including the CIA. The Detainee Treatment Act also requires that no individual under the effective control of the Defense Department or in a DOD facility will be subjected to any interrogation technique that is not listed in the Army Field Manual on Intelligence Interrogations. In response to my questioning, General Hayden agreed that the Army field manual would apply to CIA interrogations of detainees under DOD's effective control or in a DOD facility.

I was disappointed, however, that General Hayden repeatedly chose not to 12 respond in public to many other questions on detainee treatment, deferring his answers to the hearing's closed session. I believe that he could have answered these questions and related his professional opinion in the public hearing.

In response to Senator FEINSTEIN's questions, General Hayden would not say publicly whether individuals held at secret sites may be detained for decades. He would not say publicly whether waterboarding is an acceptable interrogation technique whether the Agency has received new legal guidance from the Department of Justice since passage of the Detainee Treatment Act in December of last year. General Hayden would not answer my question whether the Justice Department memo on the legality of specific interrogation techniques, referred to as the second Bybee memo, remains operative, saying only that "additional legal opinions" have been offered. The problem is exacerbated because the administration continues to deny our requests for the second Bybee memo and other Justice Department legal memos which set out the legal boundaries for what constitutes permissible treatment of detainees.

Under the Detainee Treatment Act, we have established a single standard—no cruel, inhuman, or degrading treatment or punishment of detainees. This standard applies without regard to what agency holds a detainee, whether the Defense Department or the CIA, or where the detainee is being held. Yet the administration will not say publicly whether this standard has the same meaning for the intelligence community that it has for our military. The Government's views on the standard for how we treat detainees remains cloaked in secrecy.

The Armed Services Committee has heard from the judge advocates general of our military services on what they believe the standard for detainee treatment is. The judge advocates general were asked about the use of dogs in interrogations; forcing a detainee to wear women's underwear during interrogation to humiliate him; leading a detainee around the room on all fours and forcing him to perform dog tricks; subjecting a detainee to provocative touching to humiliate or demean him; subjecting a detainee to strip searches and forcing him to stand naked in front of females as an interrogation method; and waterboarding. In each case, the judge advocates general said that such treatment is not consistent with the spirit or intent of the Army field manual. As I mentioned earlier, with the enactment of the Detainee Treatment Act, the Army field manual applies to all interrogations of detainees under the effective control of the Defense Department and all interrogations conducted in DOD facilities.

General Hayden, in contrast, would not say in open session whether even waterboarding is even permitted. When the Senate Armed Services Committee's markup of the national defense authorization bill for fiscal fear 2007 comes to the floor later this year, the Senate will have the chance to demand some answers on the standard for the treatment of detainees. The new bill includes a requirement that the President provide Congress a definitive legal opinion, coordinated across government agencies, on whether certain specific interrogation techniques—including waterboarding, sleep deprivation, stress positions, the use of dogs in interrogations and nudity or sexual humiliation—constitute cruel, inhuman or degrading treatment or punishment under the Detainee Treatment Act of 2005. This provision would also require the President to certify to Congress that this legal opinion is binding on all departments and agencies of the U.S. Government, including the CIA, their personnel, and their contractors.

While I disagree with General Hayden's decision not to publicly state his personal view, the general did affirm that the prohibition on cruel, inhuman, or degrading treatment in the Detainee Treatment Act applies to all Government agencies, including the CIA.

We have asked the administration to clarify this matter. I would hope that the administration would, one, state clearly that waterboarding, sleep deprivation, and stress positions are unacceptable; two, state clearly that the standard in law prohibits the use of dogs in interrogations; and three, state clearly that acts like stripping a detainee for interrogation purposes or subjecting a detainee to sexual humiliation are prohibited. I also hope that the administration will state clearly that the International Committee of the Red Cross will be informed about all detainees held by the United States Government and adopt a policy of not rendering individuals in our custody where there is a reasonable possibility that the person will be tortured.

As I said at the time the Senate approved the Detainee Treatment Act, enactment of this legislation means the United States has rejected any claim that this standard—cruel, inhuman, or degrading treatment or punishment—has one meaning for the Department of Defense and another for the CIA—one meaning as applied to Americans and another applied to our enemies, or one meaning as applied on U.S. territory and another applied elsewhere in the world.

I conclude by saying, in my view, General Hayden will be the independent Director of the Central Intelligence Agency that we so desperately need and that the country deserves. The record demonstrates his willingness to speak truth to power, and I will vote to confirm General Hayden.

I yield the floor.

ADJOURNMENT UNTIL 8:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 8:45 a.m. tomorrow morning.

There being no objection, the Senate, at 10:06 p.m., adjourned until Friday, May 26, 2006, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate May 25, 2006:

DEPARTMENT OF STATE

ROBERT O. BLAKE, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

THE JUDICIARY

ANNA BLACKBURNE-RIGSBY, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE FRANK ERNEST SCHWELB, RETIRING.

PHYLLIS D. THOMPSON, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE JOHN A. TERRY, RETIRED.

NATIONAL MEDIATION BOARD

ELIZABETH DOUGHERTY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL MEDIATION BOARD FOR A TERM EXPIRING JULY 1, 2009, VICE READ VAN DE WATER, TERM EXPIRING.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THERESA M. CASEY, 8360
COL. GARBETH S. GRAHAM, 5388
COL. BYRON C. HEPBURN, 5630

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. N. ROSS THOMPSON III, 5240

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U,S.C., SECTION 12203:

To be major general

BRIG. GEN. RAYMOND C. BYRNE, JR., 5792

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGAIDER GENERAL EDWARD H. BALLARD, 0250
BRIGAIDER GENERAL MICHAEL W. BEAMAN, 0589
BRIGAIDER GENERAL FLOYD E. BELL, JR., 4755
BRIGAIDER GENERAL NELSON J. CANNON, 2178
BRIGAIDER GENERAL CRAIG N. CHRISTENSEN, 3064
BRIGAIDER GENERAL JOHN T. FURLOW, 1754
BRIGAIDER GENERAL FRANK J. GRASS, 4493
BRIGAIDER GENERAL LARRY W. HALTOM, 3555
BRIGAIDER GENERAL VERN T. MIYAGI, 2805
BRIGAIDER GENERAL HERBERT L. NEWTON, 4019
BRIGAIDER GENERAL LAWRENCE H. ROSS, 5226

To be brigadier general

COLONEL TIMOTHY E. ALBERTSON, 1120
COLONEL MARK E. ANDERSON, 1801
COLONEL STEPHEN M. BLOOMER, 0737
COLONEL MARIA L. BRITT, 6771
COLONEL JAMES K. BROWN, JR., 4981
COLONEL PAUL E. CASINELLI, 3353
COLONEL KEITH W. CORBETT, 9576
COLONEL BRET D. DAUGHERTY, 7838
COLONEL DAVID M. DEARMOND, 0169
COLONEL LAWRENCE E. DUDNEY, JR., 1872
COLONEL GREGORY B. EDWARDS, 8242
COLONEL DAVID J. ELICERIO, 3002
COLONEL PHILIP R. FISHER, 9702
COLONEL GARY M. HARA, 0631
COLONEL RUSSELL S. HARGIS, 2104
COLONEL CHARLES A. HARVEY, JR., 4109
COLONEL CAROL A. JOHNSON, 1201
COLONEL JOSEPH P. KELLY, 1566
COLONEL CHRIS F. MAASDAM, 9151
COLONEL MICHAEL C.H. MCDANIEL, 5186
COLONEL PATRICK A. MURPHY, 0096
COLONEL MANDI A. MURRAY, 7323
COLONEL MICHAEL R. NEVIN, 0524
COLONEL MANUEL ORTIZ, JR., 6712
COLONEL TERRY L. QUARLES, 8676
COLONEL MICHAEL G. TEMME, 8231
COLONEL STEVEN N. WICKSTROM, 0393

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROY D. STEED, 3213

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

LUZ V. ALICEA, 8934
PETER B. DOBSON, 3277

HOUSE OF REPRESENTATIVES—*Thursday, May 25, 2006*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

With living faith and open hearts we lift our minds in thoughtful prayer to You, O God.

By Your grace, raise us up to be mindful of eternal truths. Although You speak to us through the holy scripture and by divine inspirations, we can all too easily be bogged down by the problems of the day and only selfish designs.

Help us this day to turn to You in all our necessities. With hearts fixed on Your loving concern for all Your people, bless our work of public service; and place in our hearts a longing to share in Your eternal glory, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Alabama (Mr. BONNER) come forward and lead the House in the Pledge of Allegiance.

Mr. BONNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 357. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes.

HONORING SPEAKER HASTERT

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, today I rise in support of you. This June, you will become the longest-serving Republican Speaker in history. Your leadership has guided our Nation through times of great tragedy and great joy.

You have led our country with a selfless dedication to our Founding Fathers' beliefs in the pursuit of life, liberty and happiness. Our country, this Congress, our party, owes you a great debt, and I wanted to rise today to thank you for your service during this time you are being maligned through irresponsible leaks by an unaccountable bureaucrat. Thank you always for remaining above the fray.

SPYING AND THE FBI

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, amidst the debate nationally about the tracking of calls of millions of Americans, questions about bureaucratic leaks here on Capitol Hill, and evidence that we are awash in information, the FBI approached an employee in Portland City Hall last week to solicit her to spy on activities there.

Mr. Speaker, the FBI has had a long and shameful history of spying on American citizens, information that Director J. Edgar Hoover used literally to blackmail people in government and treated Martin Luther King shamefully. It prompted some of my conservative friends to call for ripping his name off the FBI headquarters.

It is time for the FBI to get its priorities straight. Remember, this is the institution that couldn't deal with information it had before 9/11 about potential airplane hijackers.

If evidence of wrongdoing is in place, jump on it, but don't establish a spy network trolling for information. Let us keep the FBI on its important work. The American public deserves it.

NATIONAL MISSING KIDS DAY

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Madam Speaker, let me associate myself with the words of the gentleman from Virginia in strong support of our team leader, Coach HASTERT, Speaker HASTERT, a decent, honorable man who has led this Chamber in an incredibly fair and responsible manner. Shame on those false reports.

Let me also alert our colleagues—today is National Missing Kids Day. Every day, 2,000 children go missing. Even though many are returned home safely, many are still unaccounted for. Sexual predators roam free, foisting their sickness on the most vulnerable. Despite our success in recent years of tracking down our missing kids, much more needs to be done.

If you watched recent episodes of Dateline or America's Most Wanted, online predators have a pervasive and sickening impact on our children.

There are over 5,000 registered sex offenders in this country, and 150,000 of them go without any kind of checking in or any kind of tracking. We track library books better than our sexual predators. We have to stop playing Russian roulette with our children's lives.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, today this House will consider the Homeland Security Appropriations bill, a bill I support for funding the safety of our communities and the security of our country.

While I am proud this Congress is putting real dollars behind homeland security preparedness programs, it is not enough for us to simply write a check. We must play a more active role. We must engage, discuss, and oversee how that check is being spent.

To that end I am working on legislation to authorize in law within the Department the programs most needed back home: the grants for all-hazards emergency planning, supplies needed to carry out those plans, medical and search and rescue support, and antiterrorism and urban area security grants. These grant programs deserve our careful attention, not just simply a brief line in our budget.

We all agree that we need to refocus on all-hazards emergency preparedness. I look forward to working with my colleagues to authorize these programs so that our first responders can depend on us.

ABC NEWS REPORT REGARDING THE HON. DENNIS HASTERT, SPEAKER OF THE HOUSE

(Mr. BONNER asked and was given permission to address the House for 1

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. BONNER. Madam Speaker, as a journalism student at the University of Alabama in the late 1970s and early 1980s, I was a member of Sigma Delta Chi, the Society of Professional Journalists. Sigma Delta Chi is the gold standard upon which the journalism profession is based. Among other ideals, Sigma Delta Chi, in its mission statement, encourages excellence among journalists and the need to stimulate high standards and ethical behavior in the practice of journalism.

Sadly, Madam Speaker, ABC News, both last night and again this morning, is guilty of throwing high standards and ethical behavior out the window. Their report that our Speaker, DENNY HASTERT of Illinois, is being investigated by the Justice Department lacks one essential element to a good news story: the facts. Even after the Justice Department issued a 10-word statement that said "Speaker HASTERT is not under investigation by the Justice Department," ABC refuses to retract this story. Instead, they cite an unnamed source in the Justice Department as the only evidence they need to throw trash into the mainstream.

Freedom of the press is a precious liberty. It should never be taken for granted, nor, my friends, should it be trampled on by people who stand behind this ideal instead of standing on the bedrock principle of getting the facts right and reporting the truth.

DRILLING IN THE ALASKA NATIONAL WILDLIFE REFUGE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, in the Book of Genesis, Esau, hungry and believing he was about to die, sold his birthright to Jacob for a pot of red stew. The Alaska National Wildlife Refuge is the birthright of the Gwich'in Tribe as well as a national treasure of natural beauty.

Are we, like Esau, about to sell our birthright to corporations for a mess of oily pottage? Are we ready to despoil our natural heritage in search of liquid fool's gold?

It is time for new thinking. Instead of the oil companies taking over ANWR for drilling, we ought to be talking about taking over the oil companies. They have gouged the American people. They control our politics. They have ignored the growing global environmental crisis. They have defeated alternative energies. The lust for oil has put us on a path toward war.

It is time for new thinking. We should be talking about a windfall profits tax, breaking up the oil monopolies, or even taking over the oil companies, not sacrificing ANWR. Esau thought his birthright didn't mean much. Will we, like Esau, come to regret that we never claimed our right to control over our natural resources, our own environment, our own Nation?

IN SUPPORT OF THE SPEAKER OF THE HOUSE, THE HON. DENNIS HASTERT

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Madam Speaker, I rise in support of our Speaker, DENNY HASTERT, a gentleman whom I wholeheartedly trust and believe that he is one of the most ethical stand-up people I have ever met in my life. And most of us know that around here, and that is why a story about his being investigated is so unbelievable that it should not run.

Now, in Washington when a Speaker has criticized an action of the Justice Department on a constitutional ground, I guess we should not be surprised that there is retaliation from those that have been criticized. But let us realize what that is: retaliation.

Now, what frustrates me even more or frightens me even more than retaliation by an executive agency like this is the fact that a news station so desirous of bringing down Washington, DC and the representatives here would run a false story about an investigation on the Speaker when the Justice Department said there is no investigation. This noncredible journalism, I think, degrades freedom of speech and the reputation of journalists.

HONORING FORMER SENATOR LLOYD BENTSEN AND OUR VETERANS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, first, I would like to take just a moment to acknowledge the passing of Senator Lloyd Bentsen, the former vice presidential candidate and as well, the former Secretary of the Treasury and a dear beloved friend of this institution. To his wife and his family, I offer my deepest reflection of his leadership, his service to this country as a World War II veteran. We will always remember him and for a moment I will be silent in his honor.

On another matter in keeping with the spirit of acknowledging our veterans, I rise today to express enormous concern as we honor those fallen in battle. Yet we must remember those who are here, injured, harmed, traumatized by wars like Vietnam, Iraq, and others. It is shameful that we have found that in this body we have depleted the TRICARE system and, for one, we have forgotten the military families and we are constantly taking moneys away from the veterans hospital and veterans' health care. And I guess the ultimate concern as I go home to interact with my community and my veterans is the stealing of records of our veterans. The identity theft that has put them in such jeopardy.

My office will be open to any veteran who has a concern, and we will be standing with the families to protect their identity, and that identity theft against our Nation's veterans will be investigated. Shame. Shame. Shame. In their time of honor we owe the loved ones of the fallen soldiers our debt of gratitude; and we owe our veterans and their families our continued support.

AMERICAN VOICE: ERNEST FICHTNER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, we have seen the protests of illegals who have colonized our Nation, parading through our streets, trying to intimidate America.

But they are not alone. Their shouts and demands are being met by a silent revolution. Countless native citizens and naturalized citizens are demanding to be heard as well. Their voice is being echoed across these lands.

Ernest Fichtner writes: "My heart goes out to the Mexican people who look north for a chance at life and liberty. But this problem sits squarely in the lap of Vicente Fox and his corrupt government.

"We are a Nation of laws and institutions. If the laws are not vigorously enforced, we are left with anarchy and open borders. . . .

"If America does the hard work now, the border integrity of this country will never again be subject to attack, not only from without but from within."

Madam Speaker, we are a Nation of American citizens, not illegal invaders, not lawbreakers, not tax dodgers, not transients.

This land is our land. This land is not Vicente Fox's land. The last thing we need is amnesty anarchy.

And that's just the way it is.

☐ 1015

CULTURE OF CORRUPTION ON THE RX BILL: REPUBLICANS NEGOTIATE IN BAD FAITH

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, we have talked about the culture of corruption here.

and it is very interesting that the way I see the culture of corruption is what we do right here on this floor.

Today's seniors are paying the price for a prescription drug plan that does not have their best interests in mind. Rather, it is a plan that was created to actually help the special interests. Why couldn't we have a plan in Medicare? Why? Because that is not what the insurance companies want in the law.

They helped to write the bill, and now the persons who worked with them are representing them. So since the time of the law passing, three of the main Republican negotiators are making very large sums of money.

Madam Speaker, the American people don't like what they see here. They see a Republican majority that is too close to the special interests, and they want Washington to work for the people and work for you again.

HOUSE SPEAKER MALIGNED BY NATIONAL BROADCAST MEDIA

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, "jingoism," "yellow journalism," all words that I used to teach in U.S. history class. I have never been a vocal critic of the state of the national broadcast media, but ABC News has caused me to reconsider.

The two-source rule for accusation has been lost on many of the national media. Now, when Speaker HASTERT is nearing a historic landmark, he is maligned.

On May 31, Speaker HASTERT will become the longest serving Republican Speaker in the history of the House of Representatives. You get this by being fair, honest, open and hard-working.

Mr. Speaker, I am honored to serve with you.

BACKDATING OF STOCK OPTIONS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Madam Speaker, this may sound strange coming from a Democrat, but I am here to applaud the Wall Street Journal for its work in uncovering a major corporate scandal.

After Enron and WorldCom, we enacted Sarbanes-Oxley to usher in a new era of corporate responsibility. But now a new scandal is brewing, this time involving the backdating of stock options.

When a company backdates stock options, it deliberately moves option grants back to dates when the stock price was lower, ensuring the options will make money for executives while hiding its real cost from shareholders and the IRS. It is free and cheap money for the CEO, and securities fraud for everyone else, plain and simple.

So far, United Healthcare appears to be the biggest perpetrator, but the problem now is spreading to 15 other public companies that are under investigation at this point.

Madam Speaker, the American people don't deserve another Enron or WorldCom. They deserve an era of corporate responsibility that they were promised from this institution. As the SEC and the Justice Department pursue these cases, I hope they will take swift and decisive action to punish those involved and restore investor confidence in our markets.

THANKING SPEAKER HASTERT FOR HIS LEADERSHIP

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I also rise today in support of the principled leadership of the Speaker of the House, Mr. DENNIS HASTERT.

As we all know, Denny is a former high school wrestling coach, and he brings those same values of teamwork and fair play to his work here in Congress. It is often said that to be a good leader, one must first be a good listener, and DENNY's door is always open to every Member.

Under his leadership, this House has passed scores of legislation benefiting American families, children, seniors, taxpayers. We have achieved historic tax reform, a prescription drug benefit for our seniors and legislation to secure our border and prepare our military.

Madam Speaker, last night's news report's attempt to cast a shadow on Mr. HASTERT, despite the fact that the Justice Department has categorically refuted ABC News claims about the Speaker, this is a case of sensationalism over reporting and it should not continue.

Madam Speaker, I know this Congress will continue to focus on passing good legislation for the American people and not resort to muckraking and partisan attacks. I know all my colleagues in this Chamber join me in thanking Speaker HASTERT for his leadership.

FARMERS DESPERATELY NEED DISASTER ASSISTANCE

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Madam Speaker, rural America is anxiously awaiting the deliberations taking place regarding the relief for those who experienced 2005 crop failure. Farmers across the country have just completed the most expensive spring planting in the history of U.S. agriculture, and for those carrying the debt from last year due to disaster losses in reaping their crop, it has pushed them to the brink of bankruptcy.

The Senate has committed on a bipartisan basis meaningful disaster assistance, when the House Appropriations Committee voted it down on a party line vote with Republicans opposing. Now in conference committee, we have learned that House Republicans are doing their dead level best to strip this assistance our farmers need so badly out of the legislation.

Farmers of this country need to know if disaster assistance efforts fall short, it was the majority, the House Republicans, that stood in the way and prevented us from getting the disaster assistance they so desperately need.

IN STRONG SUPPORT OF SPEAKER HASTERT

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise in strong support of our Speaker, DENNIS HASTERT, who will soon become the longest serving Republican Speaker in our Nation's history.

Speaker HASTERT guides this House in a bipartisan, fair manner. He is a patient listener who works towards compromise in an even-handed manner. In these days of rancor and bitterness, Speaker HASTERT tries to bring balance and civility into this tumultuous legislative process.

It is irresponsible for media outlets to malign anyone with negative information from unnamed and uncorroborated sources. Speaker HASTERT and everyone else who might be attacked deserves to have incorrect information corrected for the record.

Our Speaker has not been a Republican or a Democrat presiding officer, he has been the presiding officer for the whole House, a man who takes his oath seriously. We place our trust in Speaker HASTERT, and he has not let us down. He is our coach.

Congratulations, Speaker HASTERT, for this historic milestone.

TIME FOR NEW MANAGEMENT IN THE HOUSE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, my oldest son Jack is a carpenter, and one of the reasons I am so proud of him is he is such a hard worker. It doesn't matter how hard it is raining out in Seattle, he is out there swinging the hammer.

That is one reason we should not respect the current pathetic management team of the Republican Party who is on a course to make this Congress the least productive Congress in American history, for one reason, because we don't do any work.

Of the 5 months that we have been here, we are on a track to work about 38 days. If you have an employee that out of 5 months does 38 days of work, what do you think you ought to do? Unemployment. A pink slip for the folks who are not running this Congress.

In Truman's time, we had the do-nothing Congress. This is the do-less-than-nothing Congress. If you want to know why there is no progress on Iraq, why there is no progress on energy, why there is no progress on helping the folks after Katrina, it is because the people here in this management stay home and don't do any work.

It is time to start swinging a hammer, and, to do that, it is time to get new management in this House and get Congress working for the American people again.

MEXICO'S HYPOCRISY

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, Cox News Service reported last week that the Mexican government threatened to file lawsuits against the United States if the National Guard troops detain aliens at the border trying to cross illegally into this country.

Mexico's liberals, the liberal party, called President Bush's decision unjustified, unacceptable and implies a serious aggression toward a sovereign nation. That is simply because we are defending our borders.

Let's talk about Mexico. What is striking here is that foreign born Mexicans can't even hold office in either house of their congress. They are also banned from state legislatures, The supreme court and all governorships.

We don't do that here in America. We allow immigrants to participate in the process.

In fact, they are even encouraging a ban on firefighters, police and judges from being non-natives. It is amazing to me what Mexico is doing.

Madam Speaker, we are a Nation that respects immigrants and embraces them, unlike Mexico, and I just ask their respect of their immigrants as well.

SECURING CITIZENSHIP FOR THOSE SERVING OUR COUNTRY

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Madam Speaker, to all those that are going to be celebrating this Memorial Day weekend, my special condolences go to the soldiers and their families that have given their lives so bravely and courageously. In fact, in my district in Los Angeles, 11 soldiers were killed, the first soldier being Francisco Martinez Flores, who is a green card soldier.

He was not a full-fledged citizen, but he honored us by fighting for us and defending our freedom in Iraq. I found out later that his parents were not here legally. But through the work of some of the Members on our side of the aisle, we worked very diligently to secure citizenship for those serving in our country.

Why could we not honor these soldiers beforehand, when they enter in and help to define who we are as a country? He was granted posthumous citizenship. When I read about that, I moved quickly to see how we could assure that no other soldier who came home in a coffin or a body bag would be given just that identification on their grave, that they be granted full citizenship, and that their families have every right to the same securities that any other citizen has in this country.

Let's remember Francisco Flores and the 10 other soldiers that have given their lives, most of whom were Latinos from my district, proud Latinos, who carried their uniform and their bravery with them.

ABC NEWS REDUCING CREDIBILITY OF NATIONAL MEDIA

(Mr. ENGLISH of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGLISH of Pennsylvania. Madam Speaker, last night, ABC Nightly News in the height of irresponsibility reported that the Department of Justice is "investigating Speaker Hastert." That report has been denied by both parties.

Such a blatant falsehood comes at a time when the Speaker of the House has reached out to work with our friends on the other side of the aisle to ensure that the separation of powers within the Constitution is fully upheld.

It is sad to say that at a time of declining and questionable journalistic standards, with an increasingly shrill and partisan ideological media, at a time when national news broadcasts seem to have more of the flavor of entertainment than hard news, ABC News has written a sad new chapter in the annals of yellow journalism.

I support a free press. I believe it is a fundamental institution that is central to a free society. But ABC News, Madam Speaker, has, at a stroke, reduced the credibility of our national media. Mr. HASTERT's reputation, however, remains impeccable among those of us who have had the privilege of working with him.

ADMINISTRATION PUTTING NATION'S VETERANS AT RISK

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Madam Speaker, once again the administration has put our Nation's veterans at risk. First it was underfunding the Veterans Administration services in fiscal year 2006, and now it is a security breach of 27 million veterans' personal information.

The administration has jeopardized tens of millions of veterans' financial futures because they have failed to implement safeguards and adequate security measures at the request of the VA Inspector General. This information was known for 19 days before we found it out.

Madam Speaker, on behalf of the 42,000 veterans that I represent, I call upon the President to act immediately to safeguard these brave veterans from identity fraud. We must protect our veterans who have protected us. It is the right thing to do.

DEFENDING THE SPEAKER FROM FALSE ACCUSATIONS

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, the press has reached a new low in this country. I am appalled that ABC World News Tonight ran a false story claiming that our Speaker of the House, who is of the utmost integrity, is under investigation by the Justice Department.

How convenient for them to mistakenly accuse the Speaker of the massive corruption that a Democrat Congressman is charged with, and then use the capabilities that only the mass media possesses to deliver that lie into the living rooms of every American.

Let me read to you the Justice Department's press release issued yesterday. Here it is. Before ABC ran its blatantly false story, this press release did not mince words and said, "Speaker Hastert is not under investigation by the Justice Department."

Enough said.

HONORING HOWARD A. CHRISTIANSON

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Madam Speaker, I rise today to honor and celebrate Howard A. Christianson, a resident of Washington's Second Congressional District, whose life has been defined by his service to his country, his family and his community. I congratulate Mr. Christianson on receiving the first-ever Stillaguamish Senior Center Lifetime Achievement Award.

My hometown of Arlington, Washington, has benefited from 25 years of Mr. Christianson's vision and guidance as a city councilman, mayor and city administrator. His legacy of leadership extends beyond his public service to civic service as well.

He has been active in the Kiwanis Club, American Legion, VFW and the Shriners, and his years of work with the Masonic Lodge have inspired leaders to name the lodge's new citizen of the year award the Howard A. Christianson Outstanding Citizenship Award.

Madam Speaker, we should all be so fortunate to have community members back home in our districts who so visibly represent the meaning of service and leadership. At a time when many Americans are feeling disengaged from their communities and their leaders, Howard Christianson stands out as a shining example of why we must continue to serve and to lead for the sake of our country and for our communities.

□ 1030

HONORING SPEAKER HASTERT

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute.)

Mrs. BIGGERT. Madam Speaker, I rise today to add my voice to the many here this morning in support of our Speaker and my neighbor from Illinois, DENNIS HASTERT.

In so doing, I would ask three questions: Is the price of leadership defamation of character? Is the punishment for defending this body and its Members rumor, innuendo and false leaks? Is the cost of speaking the truth and upholding the Constitution greater than the need for flashy headlines?

The answer to all three must be no. Speaker HASTERT is one of the finest men I have ever known. His integrity is unquestioned. Let's stop the witch hunt, let's shake the gotcha mentality, and let's put an end to the unjust attacks on those who bear the heavy responsibility of leadership.

DO-NOTHING CONGRESS REFUSES TO DO ANYTHING ABOUT THE HIGH COST OF GAS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Madam Speaker, with Memorial Day approaching, it would be nice if the Republican-controlled House had actually done something about gas prices that continue to hover about $3 a gallon.

Over the past 5 years, we have seen gas prices double what they were when President Bush took office. American families are now spending about $1,500 more a year on transportation than they did 5 years ago. Gas prices are taking a big bite out of American family budgets.

And yet for 5 years, Washington Republicans have chosen to pad the pockets of Big Oil rather than provide real relief to consumers or sufficient resources for alternative energy. Last year they signed an energy bill into law that was nothing more than a $20 billion gift to Big Oil.

It is no wonder that Big Oil continues to reap record profits, including nearly $30 billion for the six largest oil companies in the first quarter of this year alone. House Republicans are unwilling to provide real relief to American consumers because of their cozy relationship with Big Oil.

Despite what Republicans claim this week, drilling in ANWR is not a solution to our energy crisis.

HONORING SPEAKER HASTERT

(Mr. WELLER asked and was given permission to address the House for 1 minute).

Mr. WELLER. Madam Speaker, I come to the floor to congratulate the Speaker of the House. I have known DENNY HASTERT since the late 1970s. I remember DENNY HASTERT as a high school wrestling coach, history teacher. The Yorkville Foxes would come down to our high school and pretty much beat us every year under the leadership of Coach HASTERT.

When I met DENNY HASTERT, he was a public school teacher interested in public service, thinking about running for State legislature, volunteering to campaign. Today he is Speaker of the House. One thing I have always known about DENNY HASTERT; he is respected as a listener. He is a solid leader, a man of integrity.

But I want to congratulate the Speaker, because this coming week, DENNY HASTERT will become the longest-serving Republican Speaker of the House of Representatives in the history of the United States Congress.

It is my understanding that he will also be the third-longest Speaker in the history of the United States. As a Member of the Illinois Delegation I extend my warm congratulations to DENNIS HASTERT, who has been a great Speaker of the House, a man of tremendous integrity. I salute him for his leadership to the House of Representatives and our Nation.

STUDENT SAVINGS ACT OF 2006

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Madam Speaker, in 1999, when President Bush was running for office, he made a pledge to veto any tax increase. Well, last week, he did what he said he would never do when he signed into law a tax increase for our Nation's young people.

This Congress passed and the President signed a bill that will triple tax rates for the teenagers with college savings funds. Under the new law, teenagers between the ages of 14 and 17 with investment income who had their long-term capital gains and dividends taxed at 5 percent, will now be taxed at 15.

Interest that had been taxed at 10 percent will now be taxed at as much as 35 percent. So much for savings. So much for education. So much for hypocrisy. The bill passed last week and ironically is called the Tax Increase Prevention Act.

Yet it increased taxes on students. And we have been insisting on tax cuts of billions of dollars to folks who do not need it. It is because of this outrageous tax increase that I have introduced the Student Savings Act of 2006, H.R. 5473. My legislation will be revenue neutral by effectively rescinding those tax cuts that go to those who make $1 million or more.

We should be giving our students financial incentives and not giving them tax increases.

HOUSE APPROPRIATIONS PROCESS

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Madam Speaker, I wanted to call attention that the House Appropriations Committee, working on a bipartisan basis, is ahead of schedule for this year. And although that is what we should be doing, it does seem that sometimes in Washington things break down, and there is no progress that is being made.

Unfortunately, a lot of that is happening in the other body. And then the House doesn't get credit for it. We have had some very good debate on the appropriations bills. We will have them under budget and on time. We are having a lot of push-back from some of our Members about, well, you need to cut this item out of it because there is pork here; there is pork there.

And I can say this, that in a $2-trillion-plus budget, you can always find lots to criticize about it. I think we should always be on the lookout for more things to cut. But just to take an example, the agriculture bill, we cut 35 different programs out of it, we reduced spending, and we did it on a bipartisan basis.

So often as Members get up to grandstand over one or two particular things, they totally forget the bigger picture that the committee has done a lot of work already. I want to just say to the House, Democrats and Republicans. I think we are moving in the right direction on appropriations bills. We are going to continue to do so and work together on it.

FBI RAID ON CAPITOL HILL

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Madam Speaker, I disagree with the bipartisan House leadership criticism of the FBI's search of a Member's office. I know nothing specifically about the case, except that the uncontroverted public evidence did seem to justify the issuance of a warrant.

What we now have is a Congressional leadership, the Republican part of which has said it is okay for law enforcement to engage in warrantless searches of the average citizen, now objecting when a search, pursuant to a validly issued warrant, is conducted of a Member of Congress.

I understand that the speech and debate clause is in the Constitution. It is there because Queen Elizabeth I and King James I were disrespectful of Parliament. It ought to be, in my judgment, construed narrowly. It should not be in any way interpreted as meaning that we as Members of Congress have legal protections superior to those of the average citizen.

So I think it was a grave error to have criticized the FBI. I think what they did, they ought to be able to do in every case where they can get a warrant from a judge. I think, in particular, for the leadership of this House, which has stood idly by while this administration has ignored the rights of citizens, to then say we have special rights as Members of Congress is wholly inappropriate.

HONORING SPEAKER HASTERT

(Mr. MANZULLO asked and was given permission to address the House for 1 minute).

Mr. MANZULLO. Madam Speaker, I am proud to come down to the floor this morning to show my strong support for my friend and our Speaker, DENNY HASTERT. This is a man of intense integrity, a man of great character, a man who has worked tirelessly to bring honor and as much unity as possible to this institution.

When our former Speaker and successors resigned, we went to DENNY to be our Speaker because he was the right man for the job. He has never let us down. He set the standard for integrity. I would encourage ABC, who thinks it knows truth in its own definition and probably does. I would encourage them to tell the truth and to apologize to the American people for their assault upon the Speaker of the House.

A GOOD OFFENSE IS THE BEST DEFENSE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, to follow on the words of Mr. FRANK from Massachusetts, I would like to say that we all know that a good offense is the best defense. That is true in any sport, whether it is wrestling or football or basketball.

But I would commend the Speaker and my colleagues to the words of Christ. In Matthew 7:3, He says, "Why beholdest thou the mote that is in thy brother's eye," the press, the FBI, whoever. "Hypocrite, first cast out the beam in thine own eye and then shalt thou see clearly to cast out the mote in thy brother's eye".

Madam Speaker, we have a very unbalanced set of perceptions in this House. If it goes favorable toward us, we think it is wonderful, and we proclaim it.

But if it happens to be unpleasant to us, suddenly, we cannot seem to find enough words to castigate it. This is a House in which the people expect us to be just and even-handed. That is what they expect from us. That is what they should get.

UDALL-SCHWARZ RESOLUTION ON IRAQ

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute).

Mr. UDALL of Colorado. Madam Speaker, today with my colleague and friend, Representative JOE SCHWARZ of Michigan, I will introduce a bipartisan resolution that can be the basis for consensus about future military involvement in Iraq.

Our resolution recognizes progress in Iraq, including the establishment of a national unity government last week. But it also recognizes the need for more progress. In particular, it urges the Bush Administration to tell the new Iraqi government that they must seize this opportunity to complete the formation of their new government and agree to modifications in their own constitution.

We need to let the Iraqi government know this is no time for complacency. Iraqi leaders must seize this opportunity to complete the political process which could build trust and legitimacy in the new government and reduce insurgent-led violence and sectarian strife.

Only the Iraqis can unify their country and achieve a lasting peace. Our resolution makes it clear to both the people of Iraq and the American people, the presence of U.S. military forces is linked to Iraqi political achievements and the deadlines the Iraqis have set for themselves in their constitution need to be met.

I urge the support of my colleagues on this important bipartisan resolution.

THE SAFER NET ACT, H.R. 4982

(Ms. BEAN asked and was given permission to address the House for 1 minute).

Ms. BEAN. Madam Speaker, sadly we have all become familiar with the media reports of online child predators trolling for kids on the Internet networking sites like MySpace, unsuspecting Americans having their lives hijacked by online identity thieves and scams which swindle millions of Americans of their hard-earned money.

While our families want to access the tremendous resources available on the Internet, they now know that there are significant dangers lurking there. Unfortunately, most Americans do not know where to turn to for help. In fact, a Google search on Internet safety returns over 5 million hits.

To assist our families in their efforts to protect themselves, I have introduced H.R. 4982, The SAFER Net Act. This bipartisan effort would do three things: First, it would streamline existing Federal resources to coordinate and promote best practices for safe surfing.

Second, the SAFER Net Act would launch a national public awareness campaign to alert Americans to online threats and how they can protect their loved ones. Finally, this legislation would authorize Federal grants to support efforts that promote Internet safety, conducted by our schools, businesses, local law enforcement agencies and nonprofit organizations.

Madam Speaker, we have the resources in place. We just need to use them better. I urge my colleagues to support H.R. 4982.

WAGES IN AMERICA

(Mrs. MALONEY asked and was given permission to address the House for 1 minute).

Mrs. MALONEY. Madam Speaker, the administration continues to mislead the American people about the economy. They boast about how fast wages are growing while ignoring the devastating impact on the real purchasing power of those wages, from higher gasoline prices and other increases in the cost of living.

Treasury Secretary Snow was befuddled at a hearing before the Financial Services Committee when the ranking member, BARNEY FRANK, asked him whether the data he cited on wages had taken inflation into account. It turns out, they had not, and his statistics were meaningless.

The fact is real wages have stagnated for the last 3 years, and this administration's policies are not working to benefit ordinary working Americans.

□ 1045

REAL ACTION NEEDED

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Another real problem confronting America, another symbolic gesture by the Republican leadership. The thirteenth House vote on opening the Alaska National Wildlife Refuge to drilling.

Now, real action would require taking on the price gouging, collusion, and market manipulation of big oil. Reign in the speculation in the commodities market, save 25 cents a gallon. Impose a windfall profits tax, reopen or build new refinery capacity, 70 cents a gallon. Take on the OPEC cartel but no, they are not going to take on big oil and protect American families who are reacting with shock and awe to costs at the pump because it might slow the gusher, the gusher of campaign contributions flowing into the Republican coffers. So families across America will pay 50 bucks to tank up this weekend and the Republicans will pretend they care.

HONORING ROBERT GIAIMO

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Madam Speaker, the House of Representatives lost a giant this week. Robert N. Giaimo was a profound figure in this body, someone who represented the values, the dreams and aspirations of the people he represented.

For eleven terms he served the Third District of Connecticut that I am now honored to represent. And as a fellow child of Italian immigrants from North Haven, Connecticut, he did so with distinction, with honor and with special purpose.

During his 22 years in the Congress, 1959 to 1980, his contributions were as momentous as they were numerous. Serving during a time of great upheaval in this country, it was Bob Giaimo who led the first successful effort to end funds for the fighting in Southeast Asia. He co-sponsored legislation that led to the creation of the National Endowment for the Arts and Humanities, unleashing the creative potential of millions of Americans. And when the Congress decide it was time to get control of the Federal budget process, they chose Bob Giaimo to chair that committee which he did with integrity for 4 years.

Bob's priority was always making sure that the work that we did in the Congress, the programs and the funding impacted those who needed it most.

Madam Speaker, the legacy of Congressman Robert Giaimo lives on today in his former staff, some of whom went on to serve in the Connecticut State legislature. It lives on in the people he served in our district for whom he made opportunity real. It lives on in his successors, in the work that I do in the Congress.

Our thoughts and our prayers are with the family, his daughter, B.L., and his wife, Marion.

Bob Giaimo was an inspiration to so many and we will miss him. Just very, very briefly, I can recall being 8 years old when Bob Giaimo went to visit my parents, Louise and Ted DeLauro. He said he was running for the United States Congress and would they support his effort as they were involved in politics as well. They did support that effort. He won the race. I have in my possession, in my family's possession, a letter saying thank you to Louise and Ted DeLauro for their help in getting him elected.

He reached enormous heights, yet he never forgot where he came from.

DEFENDING THE SPEAKER

(Mr. OSBORNE asked and was given permission to address the House for 1 minute.)

Mr. OSBORNE. Madam Speaker, I rise to address the House for 1 minute regarding DENNY HASTERT, the Speaker of the House.

As many people have previously observed, the Speaker is not under any investigation at the present time. I have been part of a group that meets with DENNY on a weekly basis for the last 2 years and have found this person to be a person of unimpeachable character. He is one that you can take his word to the bank; and so if there is any Member of the House who does not deserve this, it would be DENNY HASTERT.

Sometimes we are all painted with a very broad brush here, and I am very sorry that DENNY has been painted in such a way. I simply wanted to come to the House floor today to register my support, my regard of the Speaker, and the fact that it is very unfortunate that someone of his character would be attacked in this way. And I am sure this applies to others on both sides of the aisle.

RISING GAS PRICES REACHING THE CRISIS STAGE

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Madam Speaker, as we approach Memorial Day many of my constituents face the same dilemma as other Americans around the country. With gas prices out of control, many can hardly afford to drive to work, let alone drive on a vacation in their cars.

For 5 years now, House Republicans have refused to offer a real solution to the rising gas prices, choosing instead to rubberstamp CHENEY's energy task force meetings that boosted the profits of big oil while hurting working Americans.

The only plan that Republicans are offering consumers this Memorial Day is to allow drilling in the National Wildlife Refuge in Alaska, a temporary solution which would damage a natural treasure while providing no long term supply of oil. This makes no sense from a practical or environmental standpoint.

Democrats have a better plan. We have an innovative agenda that would help our Nation achieve energy independence within 10 years through clean, sustainable energy alternatives. We will provide tax incentives to encourage increased production of homegrown fuels.

Madam Speaker, let's protect the American consumers so they can once again afford to drive to work and take vacations with their families.

STANDING BEHIND THE SPEAKER

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Madam Speaker, I am pleased to follow my good friend, Coach OSBORNE, to also address the malignment of our Speaker of this great House. No one cares more about the institution of this House than DENNY HASTERT. No one believes in the integrity of this House more than DENNY HASTERT. No Member is more aware of the need for us to be worthy of the respect and dignity that voters place in us when they elect us to serve in this House.

I want to reiterate that the Department of Justice for the second time has affirmed that there is no investigation into the Speaker of this House. And I quote from their release from Deputy Attorney General Paul McNulty, "With regard to reports suggesting that the Speaker of House is under investigation or 'in the mix' as stated by ABC News, I reconfirm, as stated by the Department earlier this evening, that these reports are untrue."

Two separate statements now from the Department of Justice exonerating the Speaker, saying that he is not under investigation, and yet ABC news continues to malign his good name and his reputation. Stand behind the Speaker of the House.

REPUBLICAN CULTURE OF CORRUPTION LEAVES NO ROOM FOR REAL LEADERSHIP

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Madam Speaker, we have all seen the polls. We know that Americans are unhappy by what they have seen here in Washington. They are looking for real leadership on the important issues of the day and where is the leadership from this Republican Congress?

Madam Speaker, the Republicans control the House. Where are their new ideas to help reduce prices at the pump? Where are their new ideas to help seniors with the new prescription drug disaster plan? Where are their new ideas on how to help college students afford better college? Where are their ideas on how to help everyday Americans struggling to make ends meet or how to get 45 million Americans that lack health coverage, health coverage? Where are their new ideas to reduce the huge national deficit which happened on their watch leaving our children and grandchildren with debt as far as the eye can see?

Madam Speaker, Democrats have new ideas and are ready to lead this House.

TAX CUTS OR VETERAN BENEFITS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, a group of House Republicans last week seriously undermined our Nation's ability to fight the war on terror when they objected to more than $500 million in funding that directly affects our veterans and our soldiers in combat. These were all funds the President said were necessary to properly fund military construction projects and our veterans services. And yet the House Republican leadership allowed these funds to be stripped from the bill by not properly funding these programs in the budget they passed last week.

This small group of House Republicans would not have been able to act against our troops and our veterans if the Republican leadership had been honest about their real funding needs in their budget. House Republicans want Americans to believe that they can continue to provide $40,000 tax breaks every year to millionaires without negatively impacting critical Federal obligations. But Memorial Day approaches this weekend, House Republicans need to decide whether they want to continue to stick with the wealthiest few or if they want to level with the American people about our true financial commitment to our military and our veterans. It is time they choose.

AMERICAN-MADE ENERGY AND GOOD JOBS ACT

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 835 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 835

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

House Resolution 835 provides for a closed rule with 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources, waives all points of order against consideration of the bill, and provides for one motion to recommit.

This rule allows this body to, once again, consider important legislation which is a key component of moving our Nation further along towards greater energy independence.

H.R. 5429, the American-Made Energy and Good Jobs Act is appropriately titled. It highlights the fact that the United States has within its borders vast untapped natural energy resources which have been locked away largely because of surreal political rhetoric battles, not based on reality, and it highlights the fact that developing this energy would provide many new jobs to our national economy and support our existing domestic economy.

We drive. We use plastics. Our agriculture uses fertilizers. 90 percent of our food is trucked to us. This is indeed talking about our economic health.

I know in the rhetoric that will take place there will be some emotional consideration that will happen. But I think also in the rhetoric, we will find several facts that will emerge.

Fact number one is there is oil in this area. The U.S. Geological Survey, our own researchers have stated with the probability that is higher than any of the pollsters who will be using our campaigns will say, that there is a minimum of 4.2 billion barrels and a mean factor of 8 billion barrels of oil. They have clearly stated this is the largest on-shore source of petroleum we have in the United States. If this were the only source of energy that we were using, my good friend, Mr. HASTINGS' State, could go for 29 years of energy needs in his State of Florida just with this source alone. My State uses far less air conditioning. We could go for 218 years just from this source alone.

□ 1100

A second fact that will come through. The purpose of this land is for oil exploration. When I first came here, there was a campaign to try and discredit drilling up in this area. They showed pictures of mountains, lush conifers, forests, lakes, meadows. It was a good PR campaign. It would have been a perfect PR campaign if it was true. They were actually using pictures in this area.

Secretary Norton said in the congressional committee in March of 2003, this is a coastal plain. It is called a coastal plain because it is a plain. There are no mountains, there are no deep water lakes, there are no trout streams. The only trout you will find in this area is frozen.

When Jimmy Carter and the Democrat-controlled legislature of Congress at the time created the Arctic National Wildlife Refuge, an area the size of South Carolina. They also created the section known as 10/02. That is not ANWR.

When we were having 10 percent inflation and 10 percent unemployment at the same time, they created an area the size of the State of Delaware if you include the water for the purpose of oil exploration. It was stated at the time that this is where our future energy supply would come. Well, the future is now.

What we are talking about is a million and a half acres, the size of Delaware, with a displacement potential of around 2,000 acres to capture the energy in this particular area. That is roughly the size from the Capitol down to the Air and Space Museum on the lawn, out of an area the size of the State of Delaware. Mathematically, that comes to about .13 percent of the land that is available. Those are like finger clippings that we are talking about.

Fact number three: The locals who live on this land, who know the land and who love the land, are almost in unanimous support of this proposition.

Fact number four: When we created the Alaska National Wildlife Refuge and this 10/02 section for oil exploration, we also made other decisions that increased our oil dependence on foreign sources, specifically from countries who do not like to play nice. What we have done by doing that is limit our diplomatic options. We have limited our independence. We have limited our freedom of action, and the only way to reverse that is to by creating clear oil independence, and that is an important step to do it.

So, for 11 times since 1995, we have passed in this body with a bipartisan vote of support drilling in this 10/02 section of land, and that was when the price of gas was cheap. We are now coming together for a 12th time with, once again, I hope bipartisan support to pass this effort. After all, it took Jacob 12 times to produce Joseph. I am convinced that we today on our 12th try will produce something as noble as that.

Now, there are some reasons for some people who do not want to do this. I consider it somewhat of an attitude issue. Sometimes we oversimplify our life. We think of the world as either black and white, yes or no, right or wrong, left or right, and do not recognize the shades of differences that are in between.

What our constituents want us to do is to reach across the aisle and in a bipartisan way try and solve an energy problem, understanding there are shades. There is not one right or wrong answer, and understanding also there is no silver bullet to solve our energy needs. Jed Clampett will not go out there, shooting at some food, and up through the ground will come a bubbling crude.

We need conservation efforts. It is good. It should be encouraged, but that alone will not solve our problems. We need alternate energy sources. It is good. It should be encouraged. That alone will not solve our problems. We need oil exploration in this country. It is good. It should be encouraged. That alone will not solve our problems. But if we do not do the oil exploration, there is no hope of ever satisfying our problems. It has to be part of the equation.

There are some people who will also oversimplify the fact of saying you cannot have energy exploration and environmental protection. That is another attitude situation there because indeed you can have both. We have produced the technology to accomplish that. What used to take 60 acres to produce can now be done in 6 acres.

The simple fact is God has given us the resources to solve our problem. He has also given us the intellect to come up with the technology to solve our problem. Now what we must do is move forward in both areas to solve our problem, rather than sitting back and cursing the darkness.

When I first came here, there was a concerted effort to send e-mails to legislators, congressmen, in an effort to try and say not to do any kind of drilling up in this area set aside for that drilling purposes. I am perhaps different than my predecessor because I called those form e-mails back, and I just talked to many of them, realizing many of them had absolutely no clue about this area or what it was doing.

I remember specifically talking to a woman in Centerville, and in the course of the conversation saying that the people who live in this area and know it and who love this land are almost unanimously in favor of it, and her response was simply: Of course, they are. They do not know what is best for them.

It is that elitist, paternalistic attitude that has frustrated our efforts to solve this particular problem. It is now time for us to learn from our mistakes in the past and move forward and at long last do it with this particular legislation.

With that, Madam Speaker, I urge adoption of this rule. I urge adoption of the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume, and I thank the gentleman from Utah (Mr. BISHOP), my good friend, for yielding me the time.

You know, it is not often that I find myself quoting the distinguished President Ronald Reagan, but this morning, I just cannot help myself. I feel like I must say to my colleagues on the other side of the aisle, "well, there you go again."

It was just 1 week ago today that Mr. BISHOP and I were discussing the merits of drilling for oil and natural gas on the beaches of Florida or California and elsewhere. Thoughtfully, the House rejected that shortsighted and ill-conceived plan and left my Republican colleagues looking elsewhere on the map to score political points while doing absolutely nothing to help consumers or develop sound energy policy.

Of course, should ill-conceived ideas and shortsighted plans ever start selling for $75 a barrel, I would like the drilling rights to the Republican party platform.

Madam Speaker, there are so many things wrong with this bill, it is almost like I do not know where to start. So much to criticize, so little time. For starters, let us take a look at how this bill might benefit our country, using the most wildly optimistic predictions of how much extractable oil there is in the Arctic National Wildlife Refuge.

Using the Bush administration's own estimates, which are probably inflated like some of the other Bush predictions we have heard over the past 5 years, there are 10.4 billion barrels of recoverable oil in ANWR. If this is accurate, then in 20 years, our reliance on foreign oil would be reduced from, get this, Madam Speaker, reduced from 60 percent to 57 percent and would likely result in gas prices being reduced by, again, using administration estimates, one penny per gallon. Well, on behalf of the American people, let me just say thank you for the relief at the pump in the year 2025.

Using less optimistic predictions, being more conservative if you will, there may be only 3.2 billion barrels of recoverable oil in ANWR or roughly 6 months of oil based on our current consumption. This is the silver bullet to our Nation's energy concerns?

Once again, like with the immigration issue, this administration and this Congress seem to only be moved to action when an issue becomes a political crisis. Both of these issues obviously have been a public policy crisis for years, but it is election year, isn't it? Some pay more attention to the needs of the American people when their jobs are on the line in 5 months from now.

You know what I find most interesting, Madam Speaker? It is the tepid support by energy companies for this proposal. Most of the major oil companies have recently pulled up stakes in Alaska. They have already come to the conclusion that this Congress will probably come to, I would think, in maybe 5 years and another 24 votes. It just does not make economic sense to drill in Alaska. BP, Amoco, Texaco and Chevron, among others, are examples of companies that are questioning their former commitment to drilling in the ANWR.

Here is one of my favorites, Madam Speaker, and I would advise my colleagues on the other side to pay attention because I am about to mention one of the most hallowed names from your point of view.

A former petroleum engineer from Halliburton, a company that heretofore has not seen a patch of land they did not want to exploit, said recently, "The enthusiasm of government officials about ANWR exceeds that of industry because oil companies are driven by market forces, investing resources in direct proportion to the economic potential, and the evidence so far about ANWR is not promising."

But you know, Madam Speaker, I am not as naive as some of my colleagues may think. I know this bill is not as much about Alaska as it is about Florida and California's outer continental shelf. I said it last week, and I will repeat it again today, this bill is simply trying to get the nose under the tent and using that approach.

It has been widely reported, without much argument, that opening up ANWR to oil drilling is simply a political ploy to opening the door to areas that allegedly have more promise, which brings us right back to where we were last week until our colleagues ADAM PUTNAM, LOIS CAPPS and JIM DAVIS helped to straighten things out.

Finally, Madam Speaker, to add insult to injury, the Rules Committee Republicans have shut out the American people from offering thoughtful alternatives to their risky scheme in the ANWR. Despite having no legislative business on the House floor tomorrow, none, no legislative business tomorrow, yes, Mr. and Mrs. Taxpayer, Congress is taking another Friday off. Despite this fact, the leadership brings this bill to the floor under a closed rule. That means no duly elected Member of this body, Republican, Democrat or Independent, will have the opportunity to amend this bill. You heard me right. If any of 300 million Americans had a different idea about what to do about this bill, their elected representative in this House of Representatives is prohibited from offering an alternative, a change, a better plan. And we call this democracy?

Madam Speaker, for the reasons I have already articulated and for so many others that I am sure many of my colleagues will point out, we are prescribed by time constraints and, therefore, cannot discuss them all, but I urge any Member of this House who has any other idea about sound energy policy to oppose this closed rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I would just in deference to the Rules Committee defending their actions note that there was only one amendment that was sent as a potential amendment to this rule, and that was nongermane. It is very difficult to put amendments in order that have never been submitted to the Rules Committee in the first place.

Madam Speaker, with that, maybe even to verify that, I would like to yield 2 minutes to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

Mr. DREIER. Madam Speaker, I thank my friend for yielding and thank him for his fine leadership on this issue.

As Mr. POMBO pointed out when he became before the Rules Committee, we are people now embarking on the 12th vote on this issue, and it is our hope that the other body will, in recognition of the strong broad public support for our exploration in ANWR, will now be able to see us proceed with that.

I was thinking about the technological advances that we have made in this country. We have instant messaging. We have this amazing story I saw the other day of a Boeing aircraft that, rather than using 1,500 sheets of aluminum, they now are using one tiny piece of carbon fiber instead. We are seeing surgery being performed by robots successfully, and there is this sense somehow that when it comes to exploration in ANWR that it is sort of as if, you know, people believe that it is like we would have a blindfolded doctor drawing blood from a patient, like we have not made any advances whatsoever in the area of technology when, in fact, the energy industry has been in the forefront of technological advances.

So what we are talking about here, Madam Speaker, is using 21st century technology, and as Mr. POMBO said yesterday in the Rules Committee, extraordinarily rigorous, extraordinarily rigorous environmental standards, higher than ever, to explore this tiny little area to see if we might be able to create an opportunity to bring gasoline prices down to the American consumer.

□ 1115

It is, to me, a no-brainer. It is a no-brainer because we are doing everything we can to pursue alternative sources of energy. We are doing everything we can to make sure that we conserve. We are taking all of these steps; now let's take this tiny little spot about the size of Dulles International Airport, let's take that tiny spot and explore and simply see if there might be the potential for us to move closer towards domestic energy self-sufficiency.

This is a very clear vote. It is the right vote for us to cast. We need to support this rule. As Mr. BISHOP said, there was one amendment that was filed, and people understand the issue since we have debated it time and time again.

I urge my colleagues to support the rule and to support the underlying legislation so that we can move towards energy self-sufficiency.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to my good friend, the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I rise in opposition to H.R. 5429. In the Bible, in the Book of Genesis, Esau, believing he was about to die, sold his birthright to Jacob for a pot of red stew. The Alaskan National Wildlife Refuge is the birthright of the Gwich'in Tribe, who came to my office to indicate their opposition to this bill.

It is a national treasure of natural beauty and the natural habitat of the Porcupine Caribou. Are we, like Esau, about to sell our birthright for a mess of oily pottage? Are we ready to despoil our natural heritage in search of liquid fool's gold?

It is time for new thinking. Instead of oil companies taking over ANWR for drilling, we ought to be taking over the oil companies. They have gouged the American people at the pump. They control our politics. They have ignored the inconvenient truth of a growing global environmental crisis. After all, why are we having more hurricanes? We have to start thinking holistically and make the connections between cause and effect. We are not doing that when we talk about drilling here.

Oil companies work to defeat alternative energy. The lust for oil puts us on a path towards war. It is time for new energy policies, where we work for wind, solar, geothermal, and green hydrogen solutions. We should be enacting a windfall profits tax to address the gouging at the pump. We should be breaking up the oil monopolies and taking over the oil companies, if necessary.

We shouldn't be sacrificing ANWR. Esau thought his birthright didn't mean much. Will we, like Esau, come to regret that we never claimed our right to control our own natural resources, or our own environment, our own country?

Mr. BISHOP of Utah. Madam Speaker, I am pleased to recognize for the purpose of talking about, once again, this area set aside by the Carter administration for future oil exploration, the gentleman from Nebraska (Mr. OSBORNE) for 2½ minutes.

Mr. OSBORNE. Madam Speaker, I support H.R. 5429 and the underlying rule. Energy and exploration and production in ANWR will take place under the most stringent environmental protection requirements ever applied. It will be limited to just 2,000 acres of ANWR's 1002 area, which equals one ten-thousandths of the ANWR area, the size of a mid-sized U.S. airport.

The average estimate of recoverable oil from 2,000 acres of ANWR is 10.4 billion barrels. That is more than double the proven reserves of Texas and could increase America's total proven reserves, which is 21 billion barrels, by nearly 50 percent. Energy development on ANWR's northern coastal plain could deliver an additional 1.5 million barrels of oil per day, nearly equal to the amount we import from Saudi Arabia on a daily basis.

Experts have estimated that safe energy exploration and production in ANWR would create between 250,000 and 1 million new jobs in the United States. Energy exploration and production in ANWR's northern coastal plain would raise $111 billion to $173 billion in Federal royalties and tax revenues. And given our current tax situation, we think that would certainly be somewhat notable.

H.R. 5429 includes an export ban. All oil and natural gas produced on ANWR's northern coastal plain must stay in the United States. Safe energy exploration and production have continued for the last 3 decades in Prudhoe Bay, just 80 miles west of ANWR. The caribou herd at Prudhoe Bay has tripled since development began. This contradicts the argument that ANWR drilling will lead to the demise of the caribou herd there.

Lastly, at today's energy prices, just the mean estimate of ANWR's resources represents a $728 billion economic decision. The Congress will either vote "yes" to invest $728 billion in America's energy security, economic growth, and job creation; or vote "no" to send all of the above overseas.

We cannot afford to continue to do this. Our dependence on overseas oil is certainly the major cause of our trade deficit at the present time. So I urge support of H.R. 5429 and the underlying rule.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 2 minutes to my good friend, the distinguished gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise today to strongly oppose this rule, the attempt to open the Arctic Wildlife Refuge to industrial development.

We have just heard previous speakers on the other side of the aisle talk about safe development, high-tech, and how there is no risk in drilling in ANWR. Well, just this past March, we are reminded of the potential environmental consequences of drilling. In the Alaskan refuge area, we need to protect this pristine environment. Why? Just recently, an Alaskan pipeline leaked 200,000 gallons of crude oil, just this past March. This is the largest spill ever in the north slope, and it should be a timely caution to all of us against opening the Arctic refuge to drilling.

Because I have visited the Arctic refuge and seen its unique wilderness firsthand, such news as leaks in pipelines, dumping 200,000 gallons of crude oil onto the Alaskan soil, strengthens my resolve to protect this refuge and press for real solutions to our country's energy challenges. This rule would do nothing more than to continue our pattern of unchecked consumption. It is another attempt to sell Americans the false promise of easy answers to our energy policy.

With the booming economies of China and India squeezing the global oil supply, and the political instability among key oil producing countries such as Iran, Nigeria, and Iraq, we should be expecting rising oil prices for some time to come. Our energy situation will not change until this Republican-led Congress gets serious about attacking America's oil dependency.

The proposal to open ANWR is a shortsighted answer to a long-term problem, and I urge my colleagues to vote against the rule and the bill.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 3 minutes to my good friend from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I thank the gentleman, and I rise today in full support of the underlying legislation and the rule. And I want to say, after listening to the last speaker, it reminds me that there are far too many lawyers in this body and not enough scientists, because oftentimes we hear emotion trumping science.

As the chairman of the Resources Committee Energy and Mineral Resource Subcommittee, I and the committee itself have been adamantly championing the use of renewable resources as well as increasing the production of our own abundant domestic resources.

For far too long, Madam Speaker, our Nation's energy supplies have been influenced by this false choice, a false choice between environmental protection and energy production. With the advancements in technology, we can strike a delicate balance between the two, not because it sounds politically right, but because it is the right policy.

For too long, development and production of our domestic energy has languished, driving investments overseas and increasing our reliance on foreign and often unstable energy resources. Yet we continue the cycle of tolerating irresponsible energy policies that discourage investment in domestic energy production. Relying on foreign and sometimes hostile nations for energy and minerals jeopardizes our national security and leaves American consumers at the mercy of the world energy markets.

For the safety and security of our homeland, I want the United States to be reasonably self-sufficient in meeting the demands of our current energy consumption. One important component of securing our future domestic energy supply is the environmentally responsible development of the 1002 lands in the Alaskan National Wildlife Refuge that was set aside specifically for oil exploration. This area was set aside in the mid 1960s when oil was less than $5 a barrel, gasoline was less than 25 cents a gallon, because even at that time demand was increasing.

There was recognition then, Madam Speaker, that the need to increase supply was paramount. Today, we are nearing a critical mass in that need. Not only will we be competing with emerging economies like China and India for energy resources in the future, but our own domestic resources that are vital to securing our homeland are left untapped as a result of demagoguery from those who refuse to address the realities of our current and future demand for energy resources.

It is disingenuous to say that ANWR will not provide a significant or important source of oil for our Nation. The USGS has estimated that the oil reserve in this area can replace the oil we get from Saudi Arabia for 30 years, 10.4 billion barrels, which would make the largest oil reserve find in the world since the nearby Prudhoe Bay discovery was done 30 years ago. We cannot wait another day to start securing our energy future.

The responsible development of this minuscule portion of ANWR that was always meant for oil exploration is a good start, and I urge all of my colleagues to support the rule and the underlying legislation.

Mr. HASTINGS of Florida. Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman has 19½ minutes.

Mr. HASTINGS of Florida. Before yielding to my distinguished friend, I ask unanimous consent to include in the RECORD a March 20th report in The New York Times, byline reading "North Slope Oil Spill Raises New Concerns Over Pipeline Maintenance;" and equally from yesterday's Wall Street Journal, the "EPA and the FBI Check Allegations of Improper Repair Work on Two Big Storage Tanks."

For all my colleagues that talk about all this environmental protection, I would like for them to read these two articles.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

[From the New York Times, Mar. 20, 2006]

North Slope Oil Spill Raises New Concerns Over Pipeline Maintenance

(By Felicity Barringer)

WASHINGTON, Mar. 18.—An oil spill this month in Alaska, the largest ever on the North Slope, has raised new concerns among state and federal regulators about whether BP has been properly maintaining its aging network of wells, pumps and pipelines that crisscross the tundra.

BP Exploration Alaska, the subsidiary of the international oil giant that operates the corroded transmission line from which more than 200,000 gallons of crude oil leaked, has been criticized and fined in several different cases, most recently in 2004 when state regulators fined the company more than $1.2 million.

Now the division of the federal Department of Transportation responsible for pipeline safety is looking into the company's maintenance practices.

James Wiggins, a spokesman for the office, said Friday that BP had been informed that it could not restart the pipeline until the company had thoroughly inspected the line, internally and externally, repaired it, and given the agency a corrosion monitoring plan.

In addition, one of the company's longtime employees, a mechanic and local union official who has participated in the spill cleanup, said in a telephone interview that he and his colleagues had repeatedly warned their superiors that cutbacks in routine maintenance and inspection had increased the chances of accidents or spills.

In the interview, Marc Kovac, who is an official of the United Steelworkers union, which represents workers at the BP facility, said he had seen little change in BP's approach despite the warnings.

"For years we've been warning the company about cutting back on maintenance," Mr. Kovac said, adding that he was speaking for himself, not the union. "We know that this could have been prevented."

Asked about Mr. Kovac's account, Daren Beaudo, a company spokesman, said in an e-mail message, "Whenever employees raise concerns about our operations we look into them and address them." He did not specifically address Mr. Kovac's account of his complaints to his bosses.

In November 2004, the Alaska Oil and Gas Conservation Commission fined the company more than $1.2 million after an explosion and fire at one of its wells. The accident, in 2002, left an operator badly burned.

BP has cultivated a worldwide image as a company concerned about the environment, recognizing global warming and making conspicuous efforts at aggressive environmental protection in many places.

But the most recent spill, which spurted from an elevated transmission pipeline at a spot where it dips to ground level to allow caribou to cross, has prompted critics inside the industry and among environmental groups to revisit questions raised four years ago. They question whether the company is skimping on maintenance and inspections to save money—a complaint the company strenuously denies.

But it remains unclear whether the company had warning that corrosion in this line had worsened to the point of a breach, and whether the warning signals company officials say they picked up in September should have prompted them to shut down this section of pipe and route oil around it.

"When we inspected the line in September 2005, points of manageable corrosion were evident and all were within standards of operations integrity," Mr. Beaudo said in an e-mail message. "Something happened to the corrosion rates in that line between September 2005 and the time of the spill that we don't yet fully understand."

Gary Evans, an environmental program specialist with the Alaska Department of Environmental Conservation, defended the company in a telephone interview. Referring to the September inspections with ultrasound imaging, he said, "I believe in my heart if they would have found a spot on that pipeline that set off a bell or a whistle they would have shut it off" and built the kind of detour pipeline now under construction.

"I can't believe for a second that they would chance it," he added. "This is a worst-case scenario."

Another question is whether the company postponed for too long a rigorous but disruptive internal inspection of the pipeline, known in industry jargon as smart pigging.

In the procedure, electronic monitors called smart pigs—successors to an earlier generation of cleaning devices that squealed as they ran through the pipe—are used to measure the thickness of a pipe's walls and detect defects. Mr. Beaudo and Mr. Kovac agreed that since 1998 no such inspection had been performed on the line that leaked.

Setting up the device is cumbersome, and its data are hard to analyze. The process also slows the movement of oil to the Trans-Alaska Pipeline.

BP's own 2003 plan for safe maintenance and management of its facilities, on file with the Alaska Department of Environmental Protection, says that "the interval between smart-pig runs is typically five years."

Mr. Beaudo, the BP spokesman, said that since 1999, 85 external corrosion inspections had been conducted on that line. Further, he said, 139 internal inspections were performed with ultrasound devices. applied to the outside of the insulated pipe, providing a picture of the inside.

In a news conference on Tuesday, Maureen Johnson, the senior vice president and manager of the Greater Prudhoe Bay unit of BP Exploration Alaska, said, "We believe the leak was caused by internal corrosion and internal corrosion caused relatively, recently"—in the last six to nine months.

In September, she said, inspections revealed advancing corrosion and showed "we needed to do something." She said an internal "smart pig" inspection was scheduled for this month.

In an e-mail message to a company lawyer in June 2004, Mr. Kovac, the union official, assembled a collection of his earlier complaints to management. One of these, dated Feb. 28, 2003, concerned "corrosion monitoring staffing levels." It began, "The corrosion monitoring crew will soon be reduced to six staff down from eight."

Later, it noted, "With the present, staff, the crew is currently one month behind. The backlog is expected to increase with a further reduction in manpower."

Mr. Kovac and other workers have reported their concerns for several years to Chuck Hamel, a onetime oil broker who has made himself a conduit for getting press attention for worker complaints and whom Mr. Kovac called "our ombudsman."

Asked about Mr. Kovac's account, Mr. Hamel said: "Whatever I've been able to help the technicians publicize, they've fixed. Whatever we're not publicizing, we don't fix. They delay, and they schedule for next year, Everything's scheduled for next year. That way, if something goes, like in this case, they say, 'We scheduled that.'"

Mr. Beaudo, asked about staffing levels, said by e-mail, "We've significantly increased the number of external inspections since 2000," adding "and therefore have increased our staffing."

He pointed to the company's 2004 report to the state on corrosion monitoring. It shows that external and internal inspections on lines from the wellheads—usually smaller than the transmission lines like the one that leaked—'rose from 39,001 in 2001 to 69,666 in 2002, before falling back slightly, to 60.666 in 2003 and 62,637 in 2004.

In a separate message be noted that staffing and scheduling decisions for the BP division that handles corrosion inspections "are carefully considered and managed according to the scope of the work being done."

In a news release Friday, Kurt Fredriksson, a commissioner of the state Department of Environmental Conservation, praised BP's efforts. "The oil spill response has been well managed," he said. "The spill occurred at a time when impacts to the environment are minimal."

The release also quoted him as saying, "We will be considering the investigation team's findings over the next several weeks in deciding whether to propose additional corrective actions or regulatory changes for leak detection, corrosion control and integrity management."

The line that leaked was in the last leg of a network that carries oil from the wellhead through processing facilities and on to the main pipeline that ends in Valdez.

The smaller lines nearer the wells are regulated by the state; lines like the 34-inch one that leaked are under the Pipeline and Hazardous Materials Safety Administration of the federal Transportation Department.

But that office exempts from its regulations pipelines, like the one that leaked, that are in rural areas and are run at low pressures. At a House subcommittee hearing on Thursday, Lois N. Epstein; a petroleum engineer and an environmental advocate in Alaska; called for the department to scrap that exemption.

[From the Wall Street Journal, May 24, 2006]

U.S. PROBES ALASKA PIPELINE REPAIRS: EPA, FBI CHECK ALLEGATIONS OF IMPROPER REPAIR WORK ON TWO BIG STORAGE TANKS

(By Jim Carlton)

Federal investigators are looking into allegations that workers contracted by oil companies that manage the Trans-Alaska Pipeline improperly repaired two giant storage tanks used by the pipeline, potentially putting the structures at risk, according to an agency charged with overseeing the 800-mile line.

Federal officials—including criminal investigators from the Environmental Protection Agency and the Federal Bureau of Investigation—are also looking into whether company and government officials in charge of overseeing the facility falsified records to make it appear the welding was done correctly, according to a former analyst for the consortium of oil companies that run the pipeline.

The inquiries come amid increased scrutiny of energy-infrastructure issues in Alaska and their consequences for both energy reliability and the environment. A separate informal criminal probe by the EPA began earlier this year over BP PLC's management of pipelines at the Prudhoe Bay field on Alaska's North Slope.

The pipeline is run by Alyeska Pipeline Service Co., a consortium that includes BP, Exxon Mobil Corp. and ConocoPhillips, and is overseen by the Joint Pipeline Office, a state-federal agency that also oversees the two tanks, which are near Valdez, Alaska.

Each tank can hold 500,000 barrels of oil. Critics say a breach could dump oil into nearby Prince William Sound and disrupt oil shipments to the continental U.S. Alyeska officials say the tanks sit behind dikes that would contain a spill.

An EPA spokesman declined to comment. FBI officials declined to confirm or deny an investigation was under way. JPO spokeswoman Rhea DoBosh said an employee of her agency was questioned by investigators of both federal agencies.

Ms. DoBosh added that her agency isn't aware of any wrongdoing and that it previously looked into complaints of faulty welds made during repair work on the tanks but failed to substantiate them. She also said she was unaware of an inquiry into alleged falsification of records.

Officials of Alyeska said they weren't aware of the federal inquiry and that they, too, had looked into the matter after complaints about the welds surfaced several years ago but found no problems.

The welding allegations originated with an employee of the joint-pipeline office, according to Glen Plumlee, who recently retired as a strategic planning coordinator at Alyeska. In an interview this week Mr. Plumlee said that shortly before he retired in April he was contacted by the employee about the allegations. Neither Mr. Plumlee nor the joint-pipeline office disclosed the identity of the employee.

Mr. Plumlee said that after retiring he notified the EPA and FBI about the allegations, which he said stemmed from welding done in 2001 and 2002.

Mr. Plumlee this month also sent a letter outlining the allegations to Charles Hamel, who has long served as a conduit for safety-related complaints by Alaskan oil-industry workers.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2 minutes to my good friend, the distinguished gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Madam Speaker, I thank the gentleman for yielding.

Today, we are engaged in a bait-and-switch exercise that Congress is exceptionally good at, but which is utterly shameful. We all know we have a problem, a broad problem. Ninety-eight percent of the fuel that is used by our vehicles, our autos and trucks for personal and commercial purposes. for highway and air travel operates on oil. The world has the same problem.

We have a now problem. Our gasoline prices are hovering at $3 a gallon, and that causes a serious problem for a lot of our commerce and a lot of our families. Yet, if we accept the solution offered today by this bill to explore and develop for oil on the coastal plain of ANWR, it will be 5 years, at least, and probably closer to 8 before the first barrel of oil flows from that effort. By then, we will be having $6 a gallon gasoline and only 1 to 2 years worth of the oil that we need every single year for our transportation.

The broad permanent solution, solar cars, hydrogen cars, electric cars, and total replacement of gasoline by ethanol cars, is most likely a generation away. But the real bait and switch is that we have the technology already available to increase the efficiency by 50 percent within the same 5 to 8 years that we would need to develop the first barrel of oil out of ANWR, which would save as much oil every single year that is provided for only 1 or 2 years by what we have had estimated as the ANWR capacity.

ANWR is a small part of Alaska. It is a small part of the north slope area of Alaska. Ninety percent, more than that, of the coastal plain of the north coast is already open to oil and gas exploration and development. The coastal plain within ANWR is an exceptionally concentrated productive habitat for caribou and migratory birds.

□ 1130

It provides calving for hundreds of thousands of caribou and nesting for a multitude of species of birds. The habitat also then becomes habitat for predator species.

It would be a tragedy to disrupt this very critical natural habitat by the utterly destructive action sanctioned by this bill which will not reduce by a single penny the gasoline prices which are our now problem. I hope we will not adopt either the rule or the legislation.

Mr. BISHOP of Utah. Madam Speaker, I am always sometimes amazed or reminded by our friends from the oil- or energy-consuming States that don't understand the size of those in the West.

It is true that ANWR is a small percentage of Alaska, but I would remind you that the wildlife refuge of ANWR is still the size of South Carolina. The 1002 land we are talking about, which is not ANWR, which was set aside for exploration, is the size of Delaware; and that is still significant in that process.

Madam Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. I thank the gentleman for yielding.

Madam Speaker, I rise today to speak in favor of the rule and the underlying legislation, H.R. 5429, the American-Made Energy and Good Jobs Act. This important legislation will reduce our dependence on foreign sources of energy, moderate gas prices for consumers and create high-paying jobs. This legislation will do all of that while also reducing our trade and budget deficits.

Opening up ANWR, according to the mean estimate, would make available 10.4 billion barrels of oil for domestic consumption. That is more than the proven reserves in all of Texas. The resulting economic activity will create as many as 250,000 new jobs. As an additional benefit, royalties and corporate taxes in the amount of $111 billion would flow to the Federal Government over 30 years, a modest but real improvement in our Nation's budget picture.

Madam Speaker, opponents of this legislation are going to make two different arguments. They are going to say that passage of this legislation will not address all of our energy problems, and they are going to voice environmental concerns. I want to briefly say a word about each of these points.

On the first argument, it is true: Opening ANWR will not solve all of our Nation's energy problems. But in point of fact, there is no single solution for all of our energy problems. We should no more reject ANWR because it fails to solve all of our energy problems than we should reject investing in promising sources of energy that may be many years away from fruition.

Likewise, we should not reject efforts at conservation just because this too can only solve part of the problem instead of all of it. Simply put, we cannot afford to reject any measure that helps us reach the goal of energy independence.

Madam Speaker, on the second concern regarding the environment, much has been said. My own view is this: With this legislation, we are faced with the choice of whether we have more of our energy production done overseas or whether to have more of it done in the United States. This choice has real environmental consequences. We can have more oil production occur here where it is done under the most stringent environmental regulations in the world, using the most sophisticated technology, or we can have more oil production done overseas where, in many cases, far weaker environmental regulations prevail.

True environmentalists think globally, not nationally. On this basis, we should produce as much energy as possible in the well-regulated confines of our own country.

I would urge Members to support this important legislation that would provide our Nation with a secure new source of domestic energy for many years to come.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2½ minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Here we are Memorial Day weekend. In addition to taking time to reflect on those who have made our country safe and made sacrifices, it is the beginning of the traditional summer driving season.

Families across America are going to pay $50 to fill up, or more, and they are mad. So here we are for the 13th time in the United States House of Representatives voting to put politics and symbolism over geology and reality.

Now, even if the wildly optimistic estimates of government bureaucrats, not the industry, about the reserves which the Republicans keep quoting with certainty, and they are far from certain; even if that was all there, this would provide a decade from today about 5 cents relief at the pump.

But if they were willing to take on Big Oil, we could deliver 70 cents tomorrow at the pump. 75 percent of the oil is traded in a speculative way. There is no market. There is no free market in oil. If we regulated oil the same as other commodities, estimates are we could save 70 cents tomorrow per gallon. If we broke up the collusion among the oil companies who have colluded to close refineries to drive up the price—refinery profits are up 255 percent in one year—then we could save Americans another 35 cents at the pump.

So with a couple of actions here on the floor, we could save people a buck a gallon. They are saying, 10 years from today, maybe under wild estimates we might save you a nickel.

But they are not going to take on Big Oil because Big Oil is very generous at campaign time, and this is all about the elections. They want to pretend that they are doing something meaningful.

Now they want to say it is environmentally sound. How do we get to that conclusion? It is deemed. Does anyone know what "deeming" means? Congress ignores reality and says we are creating a new reality. The reality is I came to Congress in 1987. We held weeks of hearings on this so-called environmental analysis. It was laughable at the time when produced by Mr. Watt and the Reagan administration. It was rejected by the courts. This was rejected 20 years ago. They are deeming it sufficient today. They are talking about the most modern technology and analysis and highest environmental protections. Yes, those of James Watt and Ronald Reagan rejected by the courts as insufficient 20 years ago so they can jam through a symbolic bill before Memorial Day weekend to pretend like they really care about American families.

They care about the CEOs of those companies. The head of ExxonMobil, a $400 million retirement. Those are the people they care about. They don't care about the families who are having to curtail their vacations because they can't afford 50 bucks to fill up.

Mr. BISHOP of Utah. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 1½ minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Madam Speaker, I thank the gentleman from Florida for yielding me this time.

I am dismayed to see the issue of drilling in the Arctic National Wildlife Refuge come to the floor again, especially under a rule that is narrowly limited. It limits our debate on what is such a volatile issue, and it has the power to turn our Nation far off track in our road to increasing the use of alternative fuels.

Drilling for oil in the Arctic National Wildlife Refuge is the easy way out. Heading off to one of our last bastions of wildlands to fuel what the President has called an "addiction to oil" is shameful. This Congress can do better. This Congress can be creative.

As a Californian, I am proud of my State. When we have a problem, we think, we research it, we dedicate the resources. We create and we solve our problems. In a year, when the public is laughing at this Congress for the few days that we are working here, we have a chance to prove to America that we will take on the issue of energy dependence by investing in wind and solar, biomass, hydrogen, efficient energy programs that will create U.S. jobs.

Instead of debating these real issues, we are wasting our time once again on this narrow focus of drilling in what is our one pristine national wildland that really deserves saving, not to scour it for oil that will do little to help America's goal of energy independence.

I hope that this Congress will vote against this rule and vote against drilling in ANWR.

Mr. BISHOP of Utah. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am pleased to yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this.

I thought it was appropriate for our friends from the Rules Committee to talk about Jed Clampett shooting his gun and drilling up oil that way because, truly, this is sort of a Beverly Hillbillies approach to energy policy. It is a comedy of errors, and my Republican friends are shooting themselves in the foot.

Their approach to solve our problem, putting as central oil exploration in the United States, produces no hope of satisfying our long-term energy problem. They focus on giving billions of dollars to oil companies for breaks that industry does not need. They are missing in action on serious conservation, fuel efficiency and work on alternative energy.

But one of the silliest arguments I have heard is that in an area the size of Delaware, we are "only" talking about 2,000 acres. We are "only" talking, as my friend from California mentioned, about the size of the Dulles Airport.

That is like saying the Augusta National Golf Course which has 18 golf holes, 4¼ inches in diameter, is only really have a golf footprint of less than 2 square feet.

Well, it is not just the hole that you are drilling, just like it is not the hole at the golf course. You have got golf cart paths, clubhouses, thousands of people who use it, irrigation, tool sheds, tee boxes.

My friend from Wisconsin could talk about all of the impacts of a golf course. If you are going to open this up to active oil exploration, you are going to have roads and ancillary activities that are going to produce a vast network, a wildly much greater footprint that is going to have serious economic and environmental consequences.

Madam Speaker, the Arctic National Wildlife Refuge, even if you think it should be drilled, is absolutely the last place we should be looking for oil, not the next place.

Mr. BISHOP of Utah. Madam Speaker, I don't want to try and change any kind of factual data, especially from my good friends from the Pacific Northwest, but actually this is the 12th, not the 13th time we have voted on this issue.

And, unfortunately, the Dulles Airport is actually five times bigger than the area we are talking about drilling. That is 11,000 acres. This is only 2,000 acres.

Madam Speaker, I yield 2 minutes to the gentlewoman also from the Pacific Northwest from the State of Washington (Miss MCMORRIS).

Miss MCMORRIS. Madam Speaker, I rise today in support of the rule and the underlying bill, H.R. 5429. America deserves and needs American energy, and this legislation is an important step in achieving that.

The American-Made Energy and Good Jobs Act would open, as we have heard, just 2,000 acres of nearly 20 million acres. If it were a football field, it would be equivalent to the size of a postage stamp. If it were the front page of the New York Times, it would be equivalent to the size of a lower case letter "a." This leaves 99 percent of the land in its natural condition.

However, these 2,000 acres would recover 10.4 billion barrels, more than double the proven reserves of Texas, increasing America's total proven reserves by almost 50 percent.

This legislation is even more important in lessening our dependence on foreign oil and establishing a safe domestic supply that will entirely go to Americans. No longer should we rely on oil from countries that are not necessarily friendly or democratic. In fact, ANWR has the possibility of delivering an amount of oil equal to the amount we import from Saudi Arabia. A strong domestic energy supply, both oil and renewable, is vital to our economic and national security.

Right now, we face the challenge of high oil demand. To meet that demand, we need to establish a supply to meet it. Energy is important to Americans. Fifty years ago, America was an exporter of oil. A lot has changed, and today, we import over 60 percent of our oil. Yet since the 1950s, little has been done to prepare for our country's current or future energy needs.

When it comes to energy, we need a U.S.-based system that relies on its own ingenuity and innovation. Just as we brought the best minds and innovative companies together to put a man on the moon, we need a national organized effort to explore ANWR in an environmentally safe manner. Twenty-first century technology and advanced engineering now exists that allow us to explore for oil and natural gas with minimal impact on the surrounding environment.

Our energy policy must include a broad mix of options: From clean coal and natural gas to nuclear energy and hydroelectric power, to wind power and solar power to biodiesel. Drilling in ANWR is just one component of this comprehensive strategy.

□ 1145

Mr. HASTINGS of Florida. Madam Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, we will hear a lot of discussion today about how drilling in the Arctic National Wildlife Refuge for our oil needs is nothing but an illusion, a fraud being perpetrated on the American people, because it is not going to be an answer either in the short term or the long term in regards to the energy challenge that we face. I believe that.

Why drilling in one of the most pristine, untouched areas of the world is something up for consideration in the House for the 12th time is beyond me.

But I also want to raise a very important issue, because there are a lot of gimmicks being played with the budget on this issue. At the very least, you think we would be honest and truthful and decent with the American taxpayer in regard to the hopeful revenues that this will generate.

In this legislation, it calls for a 50/50 split with the State of Alaska on royalties, but we all know this is not going to happen. The State legislature in Alaska last year passed a resolution saying, no, it will only agree to a 90/10 split. If we don't get it, we are suing you. Given the States' rights make-up in the court, they will in all likelihood prevail. Tens of billions of dollars are on the table over this important difference.

Even our friend and colleague in Alaska has publicly made it known his intent to fight this 50/50 split that is contained in this legislation. Yet they will roll out the statistics on the budget revenue enhancers with royalties that we are going to be collecting by drilling in the Arctic National Wildlife Refuge when they know it is false.

So at the very least, we should at least pin down the State of Alaska and our colleague from Alaska into whether they are going to accept the 50/50 split or whether they will tie this up in courts and probably have the courts rule against us under the Alaska Statehood Act. That is something that should be clarified before the ink is dry on this legislation.

Mr. BISHOP of Utah. Madam Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Madam Speaker, I rise in full support of the rule and the underlying legislation, H.R. 5429, the American-Made Energy and Good Jobs Act.

Madam Speaker, I could stand up here and talk about a lot of facts and figures that are astounding, I think, and will help the United States of America. But the bottom line is, we need to be more dependent on ourselves and not somebody else.

National security and national interest begin right here at home. Granted, some day I think we will solve this energy crisis. We will have a wonderful solution, but right now, we need to be more self-reliant and independent.

Keeping this country both safe and strong is a pledge that I made and a pledge that I will keep. I urge my colleagues to vote for the rule and the underlying legislation to keep our Nation safe.

Mr. HASTINGS of Florida. Madam Speaker, I yield 2 minutes to my friend, the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Madam Speaker, I rise today in strong opposition to the rule and to H.R. 5429. This is legislation that would open up the Arctic National Wildlife Refuge to oil and gas exploration. I find it unbelievable that such a bad and ineffective bill could be given such a good name.

Opening up ANWR to drilling is not the answer to America's energy problem. It certainly will not create the jobs needed to help my hometown of Manassa, Colorado. What opening up ANWR will do is destroy one of the most pristine environments on our entire continent. Nobody really knows for sure how much oil there is in ANWR. Unfortunately, it would require a significant amount of drilling and testing to find this out.

Once they start exploration, they will already have destroyed part of the environment, an environment where I understand that no plant or animal species has gone extinct or that no outside species has invaded. It is pristine. In our global society, it has become apparent that we need to leave some areas untouched. ANWR is one of those areas.

I realize that our country has a fundamental imbalance between supply and demand. Drilling in ANWR will provide little, if any, relief on demand. We cannot drill our way out of these problems.

Likewise, we cannot conserve our way out of the energy problems. We must diversify our portfolio.

On my farm, I do not grow just one crop. I must diversify my farming operation to be been able to handle the ups and downs of the agricultural markets, and that is exactly what we need to do in this country.

By diversifying our energy portfolio, the country can better handle the volatility of energy markets. We need to invest in alternative energy resources, conservation and responsible domestic energy development. We have just a few unspoilt lands remaining in our country. We need to protect them.

Drilling in ANWR is not a form of responsible domestic energy development. I ask my colleagues to help protect ANWR. There is no better way in our country to reach energy independence than granting access to ANWR. This is a poor bill, and I urge my colleagues to vote against this legislation.

Mr. BISHOP of Utah. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Mrs. MUSGRAVE).

Mrs. MUSGRAVE. Madam Speaker, I rise today in support of House Resolution 835, the rule for H.R. 5429, the American-Made Energy and Good Jobs Act. This legislation introduced by our own Chairman POMBO will provide for the responsible development of our domestic resources located on a very small portion of the nearly 20 million acre Alaskan National Wildlife Reserve. The size of the surface area that is proposed to be utilized is 2,000 acres.

To put that in perspective, when I fly out of Denver, Colorado from the airport there, DIA is situated on 34,000 acres. When the 20 million acre wildlife refuge was created by President Carter, a 1.5 million acre northern section was set aside for future energy exploration and development. Utilizing 2,000 acres is not an unreasonable amount to safely produce nearly 5 percent of our Nation's daily oil needs.

The people of Colorado are reasonable. They understand the need to find and produce domestic energy resources in a safe and sound manner. The small portion of ANWR that is proposed to be developed will produce approximately 1.5 million barrels of oil per day every day for 30 years. The level of production could replace imports from Saudi Arabia again for nearly 30 years. Relying on hostile governments for the fuel that runs our economy is dangerous, and it compromises our national security.

In order to meet our current and future energy demands, we must responsibly develop our abundant domestic resources in ANWR. I urge all of the Members to support House Resolution 835.

Mr. HASTINGS of Florida. Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. HERGER).

MR. HERGER. Madam Speaker, my constituents in northern California are paying some of the highest gas prices in America. While prices continue to rise, ironically, the single-most promising untapped source of American oil in gas, ironically, remains off-limits to production.

This restriction does nothing to protect the environment. It simply ensures that Americans will continue to rely on foreign sources of oil. None of these foreign countries share our commitment to the environment, and many even have ties to terrorists. Madam Speaker, America has the most stringent environmental laws in the world, and we have the most advanced technology ever invented. This legislation combines our commitment to the environment with state-of-the-art technology to produce a commonsense plan for a secure energy future.

I urge support of the rule and for H.R. 5429.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

I have listened to this debate rather repeatedly over the years, and I still am trying to determine how it is that my colleagues on the other side persist in having politics triumph over geology.

I know of no substantial study that demonstrates that there would be a sufficient amount of oil that would cause substantial price decreases in gas at the pump. Given its wildest potential, even the most optimistic, it would be well into the future, probably as late as 2012 before a single drop of oil would go into a refinery and then a gas tank.

There is so much to be said for the fact that this Arctic reserve, in its pristine form, is among the last natural habitats that the United States has preserved. Unfortunately, in my State, every day that I pass on a road, I see more and more ecosystem destroyed so that we can build more and cause substantial damage to the environment.

Those of us who speak of environmental degradation do so with great passion, recognizing the significant need that we have as a country to produce alternative energy sources and to lessen our dependence on foreign oil. That is a real concern that I believe my colleagues and the majority and those of us in the minority share.

How you get there is not through a ruse, in the final analysis, and that is what ANWR is, because no one has been able, with the exception of one drilling action that took place in 1998 that has been a closely held secret, no one has been able to really tell any of us how much oil is there.

Given the best amount, it would be 10 billion barrels, which doesn't come close to what the problem is, and that is of the significant amount of coastal oil that exists off the shore of California and Florida in the gulf, and that is over 70 billion barrels by scientific estimate.

So, basically, what my colleagues want to do and what the administration wants to do is stick its nose under the tent and drill in a pristine area and then lift the moratoria that exists in California and Florida for offshore drilling.

I don't know how long many of us have been in Congress or will be here, but I don't believe that it is wise policy for us to damage our environment for political gain and to do so in a political season, when, in fact, we know that what we do, even if this were to pass, and I call on my colleagues to defeat this rule, even if it were to pass, we know full well that it will not provide what is needed for us all.

I might add that the administration seems to be going in a different direction than many of the oil companies. Significant numbers of them, ConocoPhillips, for example, has stopped its financial support of Arctic power; Chevron, Texaco, BP, long active in Alaska, moved their executives to Houston from Alaska for the reason that they no longer feel that they are going to be able to produce the kinds of results that had been predicted. ExxonMobil has shown little public enthusiasm for the refuge.

I don't know if this enthusiasm that is coming from the other side is motivated by reality, but I do know this: It has a lot to do with politics and very little to do with geological realities. Let us defeat this rule and defeat this substantive measure for the 12th time and be prepared to do so the 13th, because I am sure my colleagues will bring it back.

□ 1200

Mr. BISHOP of Utah. Madam Speaker, I would like to make just a couple of points in closing. One of the issues that was brought up at the last moment was on a potential court challenge based on a potential 90–10 demand by the State of Alaska rather than 50–50 in the bill. Such an issue is a question. However, on a separate piece of legislation in a separate court system, the Federal court has rejected the 90–10 argument, so even if there is anything, 50–50 will be the reality of it. That is the precedent that has already been established.

The gentleman from Colorado, who was speaking towards the end, talked about the need to diversify, diversify on his agricultural endeavors, diversify on what we are doing with our energy needs, and I agree totally.

As I said earlier, it is important, it is sufficient that there is not one sole silver bullet to solve our energy needs. We need conservation programs. We need alternative energy programs. We also need to drill the oil that is available in the United States to lessen our dependence on foreign oil. It is true that we cannot solve our energy problems if we do not do that other leg of the situation.

It is important that we can do this also in an environmentally sensitive way. Once again, don't take my word for it, but once again the Energy Department, during the Clinton administration, in their Report on Environmental Benefits of Advanced Oil and Gas Exploration and Production Technology, established an entire chapter to the fact that our technology has advanced to the time where we can do this production and maintain environmental sensitivity at the same time.

Mr. HASTINGS of Florida. Madam Speaker, will the gentleman yield?

Mr. BISHOP of Utah. No, let me just finish. I apologize. Let me finish, if I may.

That was in 1999. In the year 2000, once again, the Argonne National Laboratory study dealing with an area just 80 miles from the proposed drilling site, once again, concluded there were no impacts on any wildlife species that have ever been documented in that particular area.

We are not dealing with the wildlife refuge, the so-called pristine area. That has already been set aside, as well as 100 million acres of other pristine area within Alaska and the Lower 48. But this ANWR, the wilderness refuge, is still the size of the State of South Carolina, which will not be impacted.

What we are talking about is potential drilling in the 1002 lands, the size of the State of Delaware, that was set aside by the minority party when they were in power back in the 1980s as an area for future exploration. That was its purpose. That was its goal.

We are asking that simply to fulfill the purpose of this particular land and do it in the proper way, and do it in a way that will be smaller than Dulles. Actually it is more like the size of Reagan Airport, which is far less encompassing than the Dulles Airport.

We can do this. We need to do this. We need to move this country forward.

Madam Speaker, I ask unanimous consent that, during consideration of H.R. 5429 pursuant to House Resolution 835, the Speaker may postpone further proceedings on a motion to recommit as though under clause 8(a)(1)(A) of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

Mr. HASTINGS of Florida. Reserving the right to object, and I will not object, Madam Speaker, but I do want to point out to my colleague, in light of the fact that he did not yield to me and that is why I reserve the right to object, that the 90–10 royalty reality was in the form of an amendment that my colleagues chose not to make in order so that we could settle that issue. You point to it rightly as a very significant issue, and the 50–50 split would enhance the opportunities of the American public.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Finishing my time here, Madam Speaker, I appreciate the parliamentary procedures that my good friend from Florida knows and does extremely well here. It is true, that was part of the amendment deemed nongermane to the issue at hand. And, once again, I think the precedent is there that that problem is solved and is a moot issue.

With that, Madam Speaker, I would urge our support of this rule, I would urge our support for the 12th and final time of passing this needed piece of legislation as a significant part of our energy independence in this country.

Madam Speaker, I yield back my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 184, not voting 14, as follows:

[Roll No. 207]

YEAS—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brown (SC)
Brown-Waite,
  Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake

Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—184

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Berman
Brady (TX)
Costa
DeLay
Evans
Flake
Frank (MA)
Hyde
Kennedy (RI)
Miller, George
Mollohan
Snyder
Westmoreland
Wilson (SC)

☐ 1230

Ms. BEAN changed her vote from "yea" to "nay."

Mr. REYES and Mr. CRAMER changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. POMBO. Mr. Speaker, pursuant to House Resolution 835, I call up the bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5429

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American-Made Energy and Good Jobs Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) Coastal plain.—The term "Coastal Plain" means that area described in appendix I to part 37 of title 50, Code of Federal Regulations.

(2) Secretary.—The term "Secretary", except as otherwise provided, means the Secretary of the Interior or the Secretary's designee.

SEC. 3. LEASING PROGRAM FOR LANDS WITHIN THE COASTAL PLAIN.

(a) In General.—The Secretary shall take such actions as are necessary—

(1) to establish and implement, in accordance with this Act and acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain; and

(2) to administer the provisions of this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment, including, in furtherance of this goal, by requiring the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) Repeal.—

(1) Repeal.—Section 1003 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3143) is repealed.

(2) Conforming amendment.—The table of contents in section 1 of such Act is amended by striking the item relating to section 1003.

(c) Compliance With Requirements Under Certain Other Laws.—

(1) Compatibility.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.), the oil and gas leasing program and activities authorized by this section in the Coastal Plain are deemed to be compatible with the purposes for which the Arctic National Wildlife Refuge was established, and no further findings or decisions are required to implement this determination.

(2) Adequacy of the department of the interior's legislative environmental impact statement.—The "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is deemed to satisfy the requirements under the National Environmental Policy Act of 1969 that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(3) Compliance with nepa for other actions.—Before conducting the first lease sale under this Act, the Secretary shall prepare an environmental impact statement under the National Environmental Policy Act of 1969 with respect to the actions authorized by this Act that are not referred to in paragraph (2). Notwithstanding any other law, the Secretary is not required to identify nonleasing alternative courses of action or to analyze the environmental effects of such courses of action. The Secretary shall only identify a preferred action for such leasing and a single leasing alternative, and analyze the environmental effects and potential mitigation measures for those two alternatives. The identification of the preferred action and related analysis for the first lease sale under this Act shall be completed within 18 months after the date of enactment of this Act. The Secretary shall only consider public comments that specifically address the Secretary's preferred action and that are filed

within 20 days after publication of an environmental analysis. Notwithstanding any other law, compliance with this paragraph is deemed to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this Act.

(d) Relationship to State and Local Authority.—Nothing in this Act shall be considered to expand or limit State and local regulatory authority.

(e) Special Areas.—

(1) In general.—The Secretary, after consultation with the State of Alaska, the city of Kaktovik, and the North Slope Borough, may designate up to a total of 45,000 acres of the Coastal Plain as a Special Area if the Secretary determines that the Special Area is of such unique character and interest so as to require special management and regulatory protection. The Secretary shall designate as such a Special Area the Sadlerochit Spring area, comprising approximately 4,000 acres.

(2) Management.—Each such Special Area shall be managed so as to protect and preserve the area's unique and diverse character including its fish, wildlife, and subsistence resource values.

(3) Exclusion from leasing or surface occupancy.—The Secretary may exclude any Special Area from leasing. If the Secretary leases a Special Area, or any part thereof, for purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the lands comprising the Special Area.

(4) Directional drilling.—Notwithstanding the other provisions of this subsection, the Secretary may lease all or a portion of a Special Area under terms that permit the use of horizontal drilling technology from sites on leases located outside the Special Area.

(f) Limitation on Closed Areas.—The Secretary's sole authority to close lands within the Coastal Plain to oil and gas leasing and to exploration, development, and production is that set forth in this Act.

(g) Regulations.—

(1) In general.—The Secretary shall prescribe such regulations as may be necessary to carry out this Act, including rules and regulations relating to protection of the fish and wildlife, their habitat, subsistence resources, and environment of the Coastal Plain, by no later than 15 months after the date of enactment of this Act.

(2) Revision of regulations.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) to reflect any significant biological, environmental, or engineering data that come to the Secretary's attention.

SEC. 4. LEASE SALES.

(a) In General.—Lands may be leased pursuant to this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) Procedures.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after such nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) Lease Sale Bids.—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) Acreage Minimum in First Sale.—In the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) Timing of Lease Sales.—The Secretary shall—

(1) conduct the first lease sale under this Act within 22 months after the date of the enactment of this Act; and

(2) conduct additional sales so long as sufficient interest in development exists to warrant, in the Secretary's judgment, the conduct of such sales.

SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) In General.—The Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 any lands to be leased on the Coastal Plain upon payment by the lessee of such bonus as may be accepted by the Secretary.

(b) Subsequent Transfers.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Prior to any such approval the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

SEC. 6. LEASE TERMS AND CONDITIONS.

(a) In General.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12½ percent in amount or value of the production removed or sold from the lease, as determined by the Secretary under the regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, portions of the Coastal Plain to exploratory drilling activities as necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that the lessee of lands within the Coastal Plain shall be fully responsible and liable for the reclamation of lands within the Coastal Plain and any other Federal lands that are adversely affected in connection with exploration, development, production, or transportation activities conducted under the lease and within the Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for lands required to be reclaimed under this Act shall be, as nearly as practicable, a condition capable of supporting the uses which the lands were capable of supporting prior to any exploration, development, or production activities, or upon application by the lessee, to a higher or better use as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, their habitat, subsistence resources, and the environment as required pursuant to section 3(a)(2);

(7) provide that the lessee, its agents, and its contractors use best efforts to provide a fair share, as determined by the level of obligation previously agreed to in the 1974 agreement implementing section 29 of the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State;

(8) prohibit the export of oil produced under the lease; and

(9) contain such other provisions as the Secretary determines necessary to ensure compliance with the provisions of this Act and the regulations issued under this Act.

(b) Project Labor Agreements.—The Secretary, as a term and condition of each lease under this Act and in recognizing the Government's proprietary interest in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act and the special concerns of the parties to such leases, shall require that the lessee and its agents and contractors negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 7. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) No Significant Adverse Effect Standard to Govern Authorized Coastal Plain Activities.—The Secretary shall, consistent with the requirements of section 3, administer the provisions of this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(1) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) Site-Specific Assessment and Mitigation.—The Secretary shall also require, with respect to any proposed drilling and related activities, that—

(1) a site-specific analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, their habitat, subsistence resources, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan shall occur after consultation with the agency or agencies having jurisdiction over matters mitigated by the plan.

(c) Regulations to Protect Coastal Plain Fish and Wildlife Resources, Subsistence Users, and the Environment.—Before implementing the leasing program authorized by this Act, the Secretary shall prepare and promulgate regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other measures designed to ensure that the activities undertaken on the Coastal Plain under this Act are conducted in a manner consistent with the purposes and environmental requirements of this Act.

(d) Compliance With Federal and State Environmental Laws and Other Requirements.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this Act shall require compliance with all applicable provisions of Federal and State environmental law, and shall also require the following:

(1) Standards at least as effective as the safety and environmental mitigation measures set forth in items 1 through 29 at pages 167 through 169 of the "Final Legislative Environmental Impact Statement" (April 1987) on the Coastal Plain.

(2) Seasonal limitations on exploration, development, and related activities, where necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration.

(3) That exploration activities, except for surface geological studies, be limited to the period between approximately November 1 and May 1 each year and that exploration activities shall be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods, except that such exploration activities may occur at other times if the Secretary finds that such exploration will have no significant adverse effect on the fish and wildlife, their habitat, and the environment of the Coastal Plain.

(4) Design safety and construction standards for all pipelines and any access and service roads, that—

(A) minimize, to the maximum extent possible, adverse effects upon the passage of migratory species such as caribou; and

(B) minimize adverse effects upon the flow of surface water by requiring the use of culverts, bridges, and other structural devices.

(5) Prohibitions on general public access and use on all pipeline access and service roads.

(6) Stringent reclamation and rehabilitation requirements, consistent with the standards set forth in this Act, requiring the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment upon completion of oil and gas production operations, except that the Secretary may exempt from the requirements of this paragraph those facilities, structures, or equipment that the Secretary determines would assist in the management of the Arctic National Wildlife Refuge and that are donated to the United States for that purpose.

(7) Appropriate prohibitions or restrictions on access by all modes of transportation.

(8) Appropriate prohibitions or restrictions on sand and gravel extraction.

(9) Consolidation of facility siting.

(10) Appropriate prohibitions or restrictions on use of explosives.

(11) Avoidance, to the extent practicable, of springs, streams, and river system; the protection of natural surface drainage patterns, wetlands, and riparian habitats; and the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling.

(12) Avoidance or minimization of air traffic-related disturbance to fish and wildlife.

(13) Treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including an annual waste management report, a hazardous materials tracking system, and a prohibition on chlorinated solvents, in accordance with applicable Federal and State environmental law.

(14) Fuel storage and oil spill contingency planning.

(15) Research, monitoring, and reporting requirements.

(16) Field crew environmental briefings.

(17) Avoidance of significant adverse effects upon subsistence hunting, fishing, and trapping by subsistence users.

(18) Compliance with applicable air and water quality standards.

(19) Appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited.

(20) Reasonable stipulations for protection of cultural and archeological resources.

(21) All other protective environmental stipulations, restrictions, terms, and conditions deemed necessary by the Secretary.

(e) Considerations.—In preparing and promulgating regulations, lease terms, conditions, restrictions, prohibitions, and stipulations under this section, the Secretary shall consider the following:

(1) The stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement.

(2) The environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 to 37.33 of title 50, Code of Federal Regulations.

(3) The land use stipulations for exploratory drilling on the KIC–ASRC private lands that are set forth in Appendix 2 of the August 9, 1983, agreement between Arctic Slope Regional Corporation and the United States.

(f) Facility Consolidation Planning.—

(1) In general.—The Secretary shall, after providing for public notice and comment, prepare and update periodically a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of Coastal Plain oil and gas resources.

(2) Objectives.—The plan shall have the following objectives:

(A) Avoiding unnecessary duplication of facilities and activities.

(B) Encouraging consolidation of common facilities and activities.

(C) Locating or confining facilities and activities to areas that will minimize impact on fish and wildlife, their habitat, and the environment.

(D) Utilizing existing facilities wherever practicable.

(E) Enhancing compatibility between wildlife values and development activities.

(g) Access to Public Lands.—The Secretary shall—

(1) manage public lands in the Coastal Plain subject to subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public lands in the Coastal Plain for traditional uses.

SEC. 8. EXPEDITED JUDICIAL REVIEW.

(a) Filing of Complaint.—

(1) Deadline.—Subject to paragraph (2), any complaint seeking judicial review of any provision of this Act or any action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), within the 90-day period beginning on the date of the action being challenged; or

(B) in the case of a complaint based solely on grounds arising after such period, within 90 days after the complainant knew or reasonably should have known of the grounds for the complaint.

(2) Venue.—Any complaint seeking judicial review of any provision of this Act or any action of the Secretary under this Act may be filed only in the United States Court of Appeals for the District of Columbia.

(3) Limitation on scope of certain review.—Judicial review of a Secretarial decision to conduct a lease sale under this Act, including the environmental analysis thereof, shall be limited to whether the Secretary has complied with the terms of this Act and shall be based upon the administrative record of that decision. The Secretary's identification of a preferred course of action to enable leasing to proceed and the Secretary's analysis of environmental effects under this Act shall be presumed to be correct unless shown otherwise by clear and convincing evidence to the contrary.

(b) Limitation on Other Review.—Actions of the Secretary with respect to which review could have been obtained under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 9. FEDERAL AND STATE DISTRIBUTION OF REVENUES.

(a) In General.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid to the State of Alaska; and

(2) except as provided in section 12(d), the balance shall be deposited into the Treasury as miscellaneous receipts.

(b) Payments to Alaska.—Payments to the State of Alaska under this section shall be made semiannually.

SEC. 10. RIGHTS-OF-WAY ACROSS THE COASTAL PLAIN.

(a) In General.—The Secretary shall issue rights-of-way and easements across the Coastal Plain for the transportation of oil and gas—

(1) except as provided in paragraph (2), under section 28 of the Mineral Leasing Act (30 U.S.C. 185), without regard to title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.); and

(2) under title XI of the Alaska National Interest Lands Conservation Act (30 U.S.C. 3161 et seq.), for access authorized by sections 1110 and 1111 of that Act (16 U.S.C. 3170 and 3171).

(b) Terms and Conditions.—The Secretary shall include in any right-of-way or easement issued under subsection (a) such terms and conditions as may be necessary to ensure that transportation of oil and gas does not result in a significant adverse effect on the fish and wildlife, subsistence resources, their habitat, and the environment of the Coastal Plain, including requirements that facilities be sited or designed so as to avoid unnecessary duplication of roads and pipelines.

(c) Regulations.—The Secretary shall include in regulations under section 3(g) provisions granting rights-of-way and easements described in subsection (a) of this section.

SEC. 11. CONVEYANCE.

In order to maximize Federal revenues by removing clouds on title to lands and clarifying land ownership patterns within the Coastal Plain, the Secretary, notwithstanding the provisions of section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), shall convey—

(1) to the Kaktovik Inupiat Corporation the surface estate of the lands described in paragraph 1 of Public Land Order 6959, to the extent necessary to fulfill the Corporation's entitlement under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611 and 1613) in accordance with the terms and conditions of the Agreement between the Department of the Interior, the United States Fish and Wildlife Service, the

Bureau of Land Management, and the Kaktovik Inupiat Corporation effective January 22, 1993; and

(2) to the Arctic Slope Regional Corporation the remaining subsurface estate to which it is entitled pursuant to the August 9, 1983, agreement between the Arctic Slope Regional Corporation and the United States of America.

SEC. 12. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) FINANCIAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—The Secretary may use amounts available from the Coastal Plain Local Government Impact Aid Assistance Fund established by subsection (d) to provide timely financial assistance to entities that are eligible under paragraph (2) and that are directly impacted by the exploration for or production of oil and gas on the Coastal Plain under this Act.

(2) ELIGIBLE ENTITIES.—The North Slope Borough, the City of Kaktovik, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this Act, as determined by the Secretary, shall be eligible for financial assistance under this section.

(b) USE OF ASSISTANCE.—Financial assistance under this section may be used only for—

(1) planning for mitigation of the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence values;

(2) implementing mitigation plans and maintaining mitigation projects;

(3) developing, carrying out, and maintaining projects and programs that provide new or expanded public facilities and services to address needs and problems associated with such effects, including fire-fighting, police, water, waste treatment, medivac, and medical services; and

(4) establishment of a coordination office, by the north slope borough, in the city of kaktovik, which shall—

(A) coordinate with and advise developers on local conditions, impact, and history of the areas utilized for development; and

(B) provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report on the status of coordination between developers and the communities affected by development.

(c) APPLICATION.—

(1) IN GENERAL.—Any community that is eligible for assistance under this section may submit an application for such assistance to the Secretary, in such form and under such procedures as the Secretary may prescribe by regulation.

(2) NORTH SLOPE BOROUGH COMMUNITIES.—A community located in the North Slope Borough may apply for assistance under this section either directly to the Secretary or through the North Slope Borough

(3) APPLICATION ASSISTANCE.—The Secretary shall work closely with and assist the North Slope Borough and other communities eligible for assistance under this section in developing and submitting applications for assistance under this section.

(d) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury the Coastal Plain Local Government Impact Aid Assistance Fund.

(2) USE.—Amounts in the fund may be used only for providing financial assistance under this section.

(3) DEPOSITS.—Subject to paragraph (4), there shall be deposited into the fund amounts received by the United States as revenues derived from rents, bonuses, and royalties from Federal leases and lease sales authorized under this Act.

(4) LIMITATION ON DEPOSITS.—The total amount in the fund may not exceed $11,000,000.

(5) INVESTMENT OF BALANCES.—The Secretary of the Treasury shall invest amounts in the fund in interest bearing government securities.

(e) AUTHORIZATION OF APPROPRIATIONS.—To provide financial assistance under this section there is authorized to be appropriated to the Secretary from the Coastal Plain Local Government Impact Aid Assistance Fund $5,000,000 for each fiscal year.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 835, the gentleman from California (Mr. POMBO) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 5429.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. POMBO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was brought up during the debate on the rule that this is not a new bill coming before the House. In fact, it is a bill that the House of Representatives has addressed many times in the past. It deals with opening up a small part of the Alaska National Wildlife Refuge to oil and gas exploration.

Mr. Speaker, during the debate today we are going to have the opportunity to hear a lot about the pros and cons of opening up ANWR and the 2,000 acres that are included in the bill. We will talk about supply and the mean estimate of 10.5 billion barrels of oil that are available to Americans today. We will talk about jobs and the number of those in organized labor who look at between 250,000 and a million jobs, good paying family wage jobs that will be created by opening up this area. We will talk about revenue deficit reduction.

CRS recently did a study where they estimate that between $111 and $170 billion will come into the Federal Treasury as a result of opening this up. But one thing that we will talk considerably about is the environment and new technology. And to start today's debate on this, I would like to discuss that, because I believe this is probably one of the most important parts of this entire debate. Many times those that oppose new energy in this country, new energy of any kind whether we are talking about ANWR or alternative energy, they consistently vote against it no matter what it is. And what we are trying to do is open up these new energy sources so that we become less dependent on foreign energy instead of more dependent every single year.

When it comes to environmental protection, we have taken that into consideration and have debated this legislation for 25 years. And during those 25 years we have put in more and more in terms of environmental protection. Technology, obviously, has advanced over the last 25 years to the point today where the footprint has been reduced to the size of less than 2,000 acres. They talk about roads, the roads that will be built will be ice roads that will melt away in the summertime. In fact, over half of the bill, over half of the pages in the bill are dedicated to environmental protection. There is nowhere in the world that would have as much in terms of environmental protection and regulation as opening up this area. I do believe that is important. I do believe that it should be included in the bill. That is why it is in the bill.

But I will say that the false choice that we will hear from the other side today is either environmental protection or economic progress and economic development. That is not an option. The option that is in front of us is to protect our environment and to have a healthy, strong growing economy.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we have an historic time in our country. It is a time that requires the United States, this Congress, the President, to respond to an energy crisis. Skyrocketing gasoline prices, a real sense that we are importing too much oil from overseas and a real need for us to come together in a comprehensive way for our country to respond.

We should be debating out here on the House floor today how we radically increase the amount of renewable fuels in our country that is consumed. We have to have a debate out here on the House floor about how we improve all of the vehicles which we drive in terms of their energy efficiency, all of the appliances which we use in our country in order to make them more efficient so we do not have to import so much oil. Instead, the response from the majority is to just bring out this bill, once again, which will not produce the first barrel of oil for at least 10 years in a pristine wildlife refuge in Alaska.

It is a failure not to have this debate be broader, be more comprehensive at this time, so that we can, in fact, 10 years from now, 10 years from now, have energy independence from the Middle East.

This bill will not even produce the first barrel of oil for 10 years. It is a red herring. It is a disservice to the

American public. There were no hearings on this bill before it came out. They have changed the language that has always come out on to the House floor dealing with the arctic refuge with no hearings. It is something that should be rejected.

Mr. Speaker, I reserve the balance of my time.

Mr. POMBO. Mr. Speaker, the estimated oil that would result out of ANWR would be enough to fuel the entire State of Massachusetts for 75 years.

Mr. Speaker, I yield 5 minutes to the gentleman from Alaska (Mr. YOUNG), the man that has been entrusted to represent the entire State of Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I again thank the gentleman for bringing this legislation to the floor. It is ironic, we listen to the gentleman from Massachusetts say that there has been no hearings. This is the 12th time we have passed this legislation concerning the needs of energy for this country. And by the way, for those listening to this program and those watching, Alaskans want to drill. Alaskans want to produce this oil for America. This is not our oil. We have never claimed that. Alaskans think it is necessary for this Nation.

It is ironic, I heard the gentleman from Massachusetts mention the fact that it will not relieve the high gas prices for 10 years. 10 years ago he said the same thing. I have been trying to do this for 15 years, actually 25 years. Passed it 12 times. President Clinton, by the way, vetoed it. President Clinton vetoed the same piece of legislation. We would have had a million barrels a day now flowing to the American consumer. Your gas prices would not be $3.25 today. That would not have occurred.

Ironically, it is on the other side, the other side where all those wisdom people live, on the other side there are a group of individuals of the other party that continue to block this source of fossil fuels to our consumers. Now, it might be, I am not sure it is, it might be they have a gas station in the Russell Building. For some reason, they do not want to produce any more gas. I am not sure that is real, but it could be. For some reason, they do not see the light.

I keep hearing about people supporting alternate sources of energy. And I have been advocating that. I have talked about nuclear. We cannot have nuclear. I have talked about let's burn more coal. We cannot burn coal. I talk about let's build a dam. Let's control the water flow in some of our rivers as it roars into the sea, let's control it and use it because it is truly a renewable source. But they cannot do that either.

All they ask us to do is conserve our way into prosperity. I will suggest to you respectfully that might happen if we did not have any more Americans. If we stopped our childbirth period, you might be able to conserve yourself into prosperity or into energy self-sufficiency. But as long as our population increases, we will consume more fossil fuel.

Now, I have done a little reading on this and ironically, we have a tremendous amount of coal in this country that we do not need to use just for electrical power. We can use it for liquid fuels. Unfortunately, Adolph Hitler did that because he had to. South Africa did it because they had to. Maybe some day we will get to a point we will have to use our coal for liquification also; but in the meantime, the largest source of oil that we know of in America is in Prudhoe Bay and in ANWR. ANWR is 74 miles away from Prudhoe Bay.

By the way, the gentleman from Massachusetts has never been to Prudhoe Bay. He was asked to go there to see this really pristine area which he speaks of. And by the way the people that live there want to drill. The Eskimos, the Inuits, want to drill there, but no, he didn't have the courtesy to go see when we had a hearing in Kaktovik because he knows all, and so do these Senators, they know all. But in the meantime, you are paying $3.55 for a gallon of gasoline. And yes, that is a lot. But unfortunately, it is going to be more because if we have another Katrina which we might have, God help us, or if there is a hiccup in Iran, or someplace else in the Middle East, or if we have Venezuela who decides not to ship us 1.5 million barrels, you are going to pay more, and yet we have the domestic supply here.

Some would say we have to get off the fossil fuel habit. All right. Let's everybody buy a bicycle. Let's all buy a bicycle, and break our leg, and let's go back to being China. And by the way, who is the largest consumer of automobiles today? It is China, not us. China. They also, when somebody takes me to task, they say, well, they don't burn much fuel. They burn over 2.6 billion barrels of oil a year.

□ 1245

Think about that a moment, and they are going to consume more. We are not the only buyers around the world. There are other buyers.

We have to start developing our fossil fuels. We should be drilling offshore. Some people don't want that. We should be drilling in the Rockies; they don't want that. Most of all, we should be drilling in Alaska, and we want that. So if you don't want to drill in those other areas, if you don't want to burn coal, then at least recognize the valuable oil resource in Alaska.

Let's pass this legislation. Let's get it to the public. Let's make sure they have a source of energy they need. Let's stop listening to the naysayers. Let's do the job today.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I am not from the other side, although I am from the other side on this argument. I am not from the other party. I am proud of my party affiliation, but I rise in strong opposition to this bill which would allow oil drilling in a pristine wilderness that was set aside by that radical environmentalist, Dwight David Eisenhower.

Is there any greater evidence that we are, as President Bush has said, addicted to oil? Astonishingly, this Congress has not voted on a single conservation measure since gasoline hit $3 a gallon, not a single one, and yet poll after poll shows that conservation measures are the preferred option of the American people for dealing with high gasoline prices, the preferred option by a long shot.

The American public is thirsting to get their hands on fuel-saving technologies that companies are refusing to provide, and we have responded with nothing. Perhaps we have forgotten that our constituents are people, not companies.

The proponents of this bill would like to point out that if this legislation had been passed 11 years ago, ANWR would now be producing oil. Well, I would point out that if Congress had not blocked higher fuel economy standards 11 years ago, we would save far more oil than ANWR would produce. All those savings would increase as ANWR was being depleted.

We really are classic addicts. We would rather keep seeking our oil fix, our heroin, with all its attendant dangers, than shift to conservation, our methadone.

We are a Congress of prodigals who refuse to return home. Instead, we roam the world, laying waste to new territories to continue our spendthrift ways.

We ought not just oppose this bill, we ought to be ashamed of it.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from California for the time, and I appreciate my friend from New York who will be leaving this chamber, and I salute him for his own energy efficiency in producing a lot of heat but very little light in this regard.

Here are the facts we confront. No one is against conservation. No one is against alternative fuel sources. Indeed, as the author of the resolution on a solar tax provision passed in the energy bill and one who wants to extend that, I think I offer tangible testimony to embracing new technologies, but the fact is, in our current situation, sadly, we are dependent on foreign oil.

It is a fair question to again put before this House: Mr. Speaker, should we use environmentally responsible ways to explore for energy, especially where there is a proven energy reserve? We have such a reserve in ANWR. And understand the scope of the argument: The Arctic National Wildlife Refuge is the size of the State of South Carolina. The area where we would like to explore for the energy is about the size of John Foster Dulles Airport outside Washington, D.C. We should vote for this responsible measure.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

I am listening to my friend from Arizona. Two observations. One, everybody here is for all the good stuff. What matters is whether or not they are willing to actually invest in it. Where are their priorities? Where they are giving billions of dollars in unjustified breaks to oil companies who do not even need it, as opposed to starving investments in other programs.

The reference here to having a footprint the size of Dulles airport, hogwash. That is like saying a 300-acre golf course is actually only computed by the 4¼ inch in diameter golf holes. Do the math. That ends up to be about 240 square inches. But it ignores the golf paths. It ignores the tool shed, the clubhouse. It ignores the irrigation system, the tool sheds, the restrooms.

The fact is that the 2,000 acres, multiplied by all the ancillary activities, extends to a wide, wide area, and the notion of using things like ice roads, of course the other side does not believe in global warming, but if you look at the shorter and shorter period of time each year that you can use ice roads, you find out that that is becoming less active.

You have 20 years before you get peak production to have ultimately a penny a gallon saving. It is a foolish investment. This is the last place we should be drilling, not the next.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I am the only person in this Congress that has ever lived on the north slope for over a year. I know what pristine means. If we put you down there in the middle of winter, you would not think pristine. If we put you down in summer, which is 2 weeks in July, with the mosquitos, you would not think pristine, but once you live there and learn to appreciate what has happened there, it becomes pristine, but that should not be the issue.

This bill is an insurance policy against dependence on foreign oil. Let us develop this, not to consume it. Let us develop this resource, find out where we are, to have an insurance policy against foreign oil price gougers. Let us give our folks some protection at the pump by filling in this one piece. Again, exploration; not for consumption. Exploration is pressure against foreign oil suppliers now as we develop alternative forms of energy as we increase conservation.

I arrived here in a hydrogen car a few minutes ago. I never would have thought that would have happened. That is an alternative. E–85, I have got a bill to do that, again, to take away our dependence, but don't take this piece away from us. It will help us. It is not about consumption; it is about conservation.

Mr. BASS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and rise in opposition to the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Speaker, I rise today in strong opposition to H.R. 5429, the so-called American-Made Energy and Good Jobs Act. Once again, we will spend valuable legislative hours debating drilling in the Arctic National Wildlife Refuge.

In the past few years, the House has repeatedly taken vote after vote on this issue. In each instance, Congress has ultimately not supported the opening of this refuge that was set aside by President Eisenhower 45 years ago.

The development footprint on the region, even using the most advanced technology and methods, would significantly disrupt this fragile ecosystem. Think about every heavy industrial factory and facility you know of, and then superimpose that image on a wilderness like Yellowstone Park or the National Forest or Park in your own home state and ask yourself if that is the legacy you want for your children.

Proponents of the bill argue that the 2,000 acre limitation on drilling would localize disruptions. However, this is only a gimmick: it fails to recognize the expansive nature of roads, pipelines, and machinery that will be built across 1.5 million acres. Rather, it is a cynical attempt to confuse and discount the effect of widespread development and blight on the entire region.

Other, more effective solutions to our energy needs exist. In addition to reviewing our domestic production capacity, focusing greater attention on renewable energy sources, alternate fuels, and more efficient systems and appliances would yield more net energy savings than could come from ANWR, and that priority would have a higher benefit for the nation's economic leadership and security.

I urge you to help put an end to the "drill ANWR first" solution and help move the Congress toward real energy security. Vote "No" on H.R. 5429.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman from Massachusetts.

I am as concerned about oil prices at the pump as anyone. My constituents and I feel the pinch every single day, but as we consider this bill, let us look at the facts.

Ninety-five percent of the north slope is available for drilling, and it is roughly flat. There are 4,000 offshore leases that oil companies hold but have not yet developed. The government is offering leases in the National Petroleum Reserve regularly and just last week leased up 2.8 million acres more.

Directly relevant to this legislation is the fact that BP tried to develop wells adjacent to ANWR and recently moth-balled those wells because they produced so much less than expected.

On the other hand, developments in the alpine fields, which is way west of ANWR, (there is ANWR; Prudhoe Bay and then the alpine fields) those wells produced twice as much as expected, 120,000 barrels per day versus the expected 60,000 barrels today.

Lastly, existing fields are good for 20 to 25 years. They are almost entirely on State reserve lands, and we are now expanding leasing on State reserve lands, as well as Federal Reserve lands with very good success.

President Harding set aside the National Petroleum Reserve when the Navy converted from coal to oil to assure a supply of oil for the Navy in the future. That supply is assured without ANWR. Oppose this bill. Drilling in ANWR is not necessary or called for. Preserve the unique, pristine ecosystem.

Mr. POMBO. Mr. Speaker, I rise just to point out that the estimated oil from ANWR would fuel the State of Connecticut for 132 years.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. NUNES).

Mr. NUNES. Mr. Speaker, I want to thank the chairman for taking me to ANWR 4 years ago now. It was really an eye-opening experience for me. I was expecting to see beautiful water running through streams and trees and animals running around, and Mr. Chairman, that is not what we saw when we got there.

In fact, what we saw was just a barren slope. It is a barren slope, and with gas at $3 a gallon and some places like California approaching $4, it is time that the Congress pass this and make this into law.

I just want to point out to the American people that one of the reasons that this continues to be used as propaganda by the environmental community is because it is their number one source of fundraising throughout the country to use in political campaigns.

So I would hope that we would pass this here today in the House, and I would hope eventually we can move this through the Senate.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague for yielding.

I rise in strong opposition to this so-called energy and jobs bill. There are simply some places that should be off limits to drilling. The arctic refuge is one of them.

I was privileged to visit this wildlife refuge and to camp on the shores. It is not a barren slope. The harm to polar bears, to caribou, millions of migratory birds and to the subsistence way of life to the natives there would be irreversible.

We have a moral responsibility to save wild places like the arctic refuge for future generations, and that is why our country has remained committed to its protection for nearly 50 years.

Drilling in the refuge will not solve America's energy problem. The Energy Department's own figures show that drilling would not change gas prices by more than a penny a gallon, and this would be 20 years from now. With 3 percent of the world's resources and 25 percent of the world's demand, it is pretty obvious this country cannot drill its way to energy security.

What we need to do is really improve energy efficiency standards, develop in full scale renewable and alternative energy and use the one resource we have in abundance, our creativity.

This bill is just a continuation of the backward thinking energy policies that have gotten us here in the first place.

Americans deserve cheaper, quicker, safer, cleaner energy policies that also safeguard the wild places we care so deeply about. This desperate obsession with drilling off our coastlines and in the arctic refuge has distracted us long enough.

It is time for Congress to stop wasting energy and start working on real and clean energy solutions.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

□ 1300

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue.

We have, as many have said, been through this issue before, but we have never been here in this situation. The suggestion is by those individuals that somehow, if we just drill ANWR, that we will have lower gasoline prices in the United States. Maybe they do not know it, but they should know it, that there is only now one price of oil. It is the world price of oil. The last time we had lower prices in the United States, the oil companies drilling in ANWR sought to export that oil to Japan rather than sell it into the United States.

So these are not benevolent societies. These are profit-making organizations. And if the world price of oil is $70 a barrel, it will be $70 a barrel in ANWR. If it is $100 a barrel it will be $100 a barrel from ANWR. So the idea America is going to get this fix out of ANWR just isn't true. By the time ANWR comes on line, it may be 4 percent of imports. We should not ignore that, but the fact of the matter is, as so many people have pointed out, there is much more that we can do.

Many people have referred to the fact that the President stood here and told us we were addicted to oil. Well, the supporters of this legislation and the President of the United States are acting just like addicts. What they are doing is looking for one more quick fix. One more fix and then they will get religion tomorrow. One more fix and they will get well. One more fix and they will go into treatment.

What they are telling us is that they have postponed conservation, they have postponed new technologies, and they have postponed new sources of energy. This is the most oil-friendly administration in recent times, and we still find that we cannot meet the demands of this country. Because rather than deal with our demands, rather than deal with the technologies and the innovations that are available to us today, they have put all of their money on the oil companies. They put it there with royalty relief. They put it there with incentives. They have put it there with bonus bid systems and they have put it there with drilling in ANWR. It is a bankrupt policy.

What they are now doing in the 11th hour, while American consumers suffer from $3.00 and $3.50 gasoline, they are buying a lottery ticket. They are buying a lotto ticket called ANWR. And they are hoping to be able to redeem it. When it doesn't work, America will be deeper in debt and more dependent on foreign sources of oil than they are today. Because if they can get ANWR, they can once again postpone the commitments to conservation and technology.

They can scare you by suggesting Venezuela may cut off its oil. Well, let me tell you, ladies and gentlemen, they may sell that oil to the Chinese, but it is going to be refined in my district. Because the Chinese can't refine that oil. We know that most oil changes hands from the time it leaves one shore to get to the other shore. It may change ownership three or four times, sometimes as much as a dozen times. And it changes destination. But the fact of the matter is, it is not very attractive oil that Mr. Chavez is trying to sell or put on to the market.

So we have to understand what this means. What this comes down to really is about a sense of the future and our values. This ANWR, and I have been there, I meet the test. I have been there, I have explored it, I have slept overnight there. I have stayed out and camped out in this area, so let me talk about it. This is about a pristine area that you either make a decision to industrialize or you don't.

The 2,000-acre footprint is a hoax. There is another 69,000 acres under Indian jurisdiction. They can build airports and they can do whatever they want. That is the nature of our relationship with the Indian tribes. So the 2,000 acres is a hoax. It is a decision about the value of this place, this very special place, and whether or not you are going to industrialize it.

Then it comes down to whether or not you believe in the ingenuity and the creativity of America. When we put together our innovation agenda, we met with the CEOs of the most advanced companies in the world. And they said to us, put energy innovation on the table, and you will drive a new generation of technology, a new generation of economic activity, and new jobs in America.

What are they putting on the table? They are putting on the table the old tired policy that somehow America can drill its way out of this problem. No, it can't. There's nobody who believes that is the situation. But you chose to stick with the 1960s, a 1970s policy, a 1980s policy, a 1990s policy. We would like to think about this century and new innovation and new places to go, and the excitement of new technologies, where America once again sells to the world those cutting-edge technologies.

We should not abandon wind energy to the Scandinavians, to the Europeans, and to the Spanish. No, we should have those technologies. We should be making the investments in alternative sources of energy and alternative sources of fuel. That is not what this legislation is about. This is about the one last lottery ticket, the one last gamble that the American people lose with this legislation.

Mr. POMBO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON), the chairman of the Energy and Commerce Committee.

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Resources Committee.

This is an interesting debate. I want to try to refocus it a little bit more on the facts. The entire State of Texas, since oil was discovered in 1894, in Corsicana, Texas, has produced about 60 billion barrels of oil in over a million and a half wells in the last 112 years, 60 billion barrels. That is the number-one oil producing State in the United States.

The ANWR best-case estimate is, and this is the best case, it could be higher or lower, but the median case is 8 billion barrels in one field. That is 8 billion barrels. The second or third largest hydrocarbon bearing geology on the North American continent, and we have drilled one well. One well.

Gas prices everywhere in this Nation are somewhere in the neighborhood of $3 a gallon, in some regions they are higher and in some regions a little lower, and we can't drill the third largest hydrocarbon bearing geology in North American continent?

They talk about the pristine nature, and it is pristine. I have been there. In my hometown of Arlington, Texas, right now there are drilling rigs within 300 feet of homes. Three hundred feet. Now, they are drilling for natural gas in the Barnett Shale, and you are telling me in Alaska that we can't drill a couple hundred wells that might produce as much as 2 million barrels a day for 30 years and lower gasoline prices for every American driver as much as 30 to 40 cents a gallon when in full production? That just doesn't make sense.

Please vote for this bill. Let's have a little common sense. Send it to the Senate and pass a reasonable supply-side policy in support of our energy policy.

Mr. MARKEY. Mr. Speaker, may I inquire how much time is left on both sides?

The SPEAKER pro tempore. The gentleman from Massachusetts has 16 minutes remaining and the gentleman from California has 16½ minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding and for his leadership on this issue.

Opening up the Arctic National Wildlife Refuge to drilling is not the answer to high gas prices today or to the long-term energy needs of tomorrow. The fact is, we are addicted to oil. The proponents of this bill would have you believe that the only way to cure an addict is to feed the addiction at whatever cost, regardless of the effect on the environment, wildlife, or public health. Now, as a psychiatric social worker by profession, I can tell you this is not the way you kick a habit.

The best way to fight high gas prices now is to go after the suppliers. We should hold oil companies accountable for gouging consumers at the pump. We should institute a windfall profits tax to fund immediate investments in energy efficiency, conservation, and research into clean and sustainable sources of energy.

Instead of implementing these policies 5 years ago, this administration deliberately, they deliberately chose to fatten the wallets of its cronies in the oil and gas industry to feed this addiction. Let us not make the same mistake again.

Kick the habit and vote against this bill.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. HALL).

Mr. HALL. Mr. Speaker, I, of course, rise today in strong support of H.R. 5429. I have been an avid proponent of opening the 1002 area of the Arctic National Wildlife Refuge for a long, long time now.

In 1980, when the Congress and President Carter created the nearly 20 million acres for ANWR, they set aside 1.5 million acres of ANWR's northern coastal plain for the express purpose of future energy exploration and development. I think the 96th Congress got it right when they did this, and I think it is about time we start to think about our children, our grandchildren, and our great grandchildren.

You know, to say that we shouldn't drill on ANWR and that it will ruin little ANWR, 19 million acres, if we drill on 2,000 small acres, that is an insult to the American people's intelligence. And it is a threat to every youngster who is in the seventh grade on up, that they might have to fight a war for energy. This country will fight for energy. We will send them overseas for energy if we have to.

Let us pass this bill and have their quest be what branch of service do I not have to go into and what university can I enter?

Mr. Speaker, I rise today in strong support of H.R. 5429. I have been an avid proponent of opening the 1002 area of the Arctic National Wildlife Refuge for a very long time now. In 1980, when the Congress and President Carter created the nearly 20 million acres for ANWR, they set aside 1.5 million acres of ANWR's northern coastal plain for the express purpose of future energy exploration and development. I think the 96th Congress got it right when they did this, and I think it's about time we started to think about our children, our grandchildren and our great-grandchildren and moved forward with energy independence by using our own domestic resources. We are not going to turn the refuge into one giant oil well. In fact, of the 1.5 million acres set aside for exploration, the total amount of surface area covered by production facilities, such as drilling platforms or airstrips, would only be 2,000 acres. As well, H.R. 5429 includes an export ban of all oil or gas obtained from ANWR. All oil and natural gas produced on ANWR's northern Coastal Plain would be for domestic use only.

Mr. Speaker, we need this bill to help reach our goal of energy independence, and I urge my colleagues to join me in supporting this important piece of legislation.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank my friend for yielding to me.

Mr. Speaker, just a few moments ago, Ken Lay and Jeff Skilling were convicted on all counts for cooking the books at Enron, yet that is exactly what is going on with this legislation today by perpetrating this fraud on the American taxpayer that they can expect a 50–50 split on the royalties received up in the Arctic National Wildlife Refuge, when we know today that is not true and it is not going to happen.

In fact, the State of Alaska, the legislature, last year, passed a resolution saying 50–50 is not acceptable, and under the Alaska Statehood Act, they demand a 90–10 share. Our own friend and colleague from Alaska, Mr. YOUNG, was recently quoted in the Anchorage Daily News, and I quote, "I have to say 50–50 is something I don't relish. I think it's totally illegal. I believe we can win it in court."

This will cost the American taxpayer tens of billions of dollars if we don't get something in writing now before this legislation advances. I guess it is a good thing there is a Speech and Debate Clause in this Congress, because there is a whole lot of cooking the books in regards to the royalty that the American taxpayer can receive from private oil companies drilling in this pristine national wildlife refuge.

Mr. POMBO. Mr. Speaker, opening up ANWR would give the State of Wisconsin 83 years of supply; and with that, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, my friends across the aisle are animated and engaged in this debate, and I commend them for that. But I would like to just offer one thought, and that is, Mr. Speaker, they can't have it both ways. They just can't have it both ways. They can't be against everything that gets put on the table.

One thing we know for certain is that Americans are very, very tired of what they are paying at the pump. Another thing we know for certain is that actions from decades ago have caused the situation that we have before us today. And if we were to say there is a legacy that has been left us by environmental extremists, the high prices at the pump are it.

We don't explore for domestic oil because extremist environmental groups and liberals here in Congress oppose it. We haven't built a new refinery since the 1970s because extremist environmental groups and liberals here in Congress oppose it. The Democratic party is aligned with these groups that have supported having higher prices as a way to discourage oil usage. Their Presidential nominee in 2000, Al Gore, is not shy about praising higher prices for fuels.

Despite these facts, our liberal colleagues are out there slamming Republicans for high gas prices. Well, you know, they can't have it both ways. They have got to be consistent. Well, they are consistent. They are going to be consistent in opposing drilling in ANWR.

So today, we need to do a little setting the record straight and we need to put a little pressure on those that have chosen to stymie domestic exploration. We need to let the American people know that yes, indeed, there is a choice, and that there is indeed a way to lower fuel prices.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Speaker, I thank the gentleman for yielding.

I think there are two things both sides of the aisle can agree with today. Demand is up. We look at our country, China, and India, and the price is up. Those are two things we all agree on.

What we don't agree on, I guess, which is why we have this debate this afternoon, is supply. The United States Government, including the Army Corps of Engineers, recently completed a study saying that peak oil is real; supply is down. Drilling for oil in ANWR, regardless of how much limited supply is there, will not, will not bring the price down.

The world burns, burns, 25 billion barrels of oil a year. We burn it.

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ANWR will bring us about 5 billion barrels. That will postpone the world decline in oil reserves by only 2 or 3 months. Once we burn it, and the key word here is burn, once we burn it, it is gone. What is at the bottomless well? It is not oil. As some of the speakers have said, it is ingenuity, it is intellect, and it is initiative.

What else do we have oil use for? We have it for pharmaceutical products and medical products. We have it for plastic products. We have it for asphalt and the fabric of this civilization, and we are burning the legacy of our children's future.

Let us hold this one area for its pristine beauty and oil reserves for our children's future.

Mr. POMBO. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. I rise in strong support of H.R. 5429, the American-Made Energy and Good Jobs Act.

It is simple math: ANWR equals more oil supply and more oil supply equals lower prices; therefore, ANWR equals lower oil prices for American consumers.

Under this measure, just 2,000 acres of the 19-million-acre Arctic National Wildlife Refuge would be used for energy production. It is only 1 percent of the total mass of land area.

Opening ANWR's 2,000 acres to safe energy exploration would create jobs in all 50 States. New research by the Defense Council Foundation estimates that over 1 million new jobs would be created by opening up the Arctic National Wildlife Refuge.

This act requires that the best commercial practices be used for energy production combined with the world's toughest environmental safeguards. ANWR is not the only solution for our Nation's energy needs, but it is a crucial element.

A report from the U.S. Energy Information Agency shows that energy development in ANWR would increase domestic production by nearly 20 percent by 2025. Had ANWR been in 15 years ago, it would be lowering oil prices today. I absolutely support renewable, clean energy resources. However, we have to be realistic. To get the equivalent amount of energy from wind generation as in ANWR, we would need 3.7 million acres' worth of wind farms, which is the size of Rhode Island and Connecticut combined, and gale-force winds 365 days a year for more than 30 years.

The American people believe we are doing the right thing by considering this bill today. A recent national poll by PacWest Communications shows that 59 percent of Americans favor oil and gas exploration and production in ANWR because our gas is at $3 a gallon now.

Given this, I urge my colleagues to do the right thing for American families and support H.R. 5429.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I rise in strong opposition to H.R. 5429, yet another misguided bill that mistakenly believes we can drill or dig our way out of our current energy crisis. The supporters of the measure will argue yet again that drilling in this environmentally fragile area is the magic elixir to cure all of our energy woes. They will say we can lower gas prices and create hundreds of thousands of jobs, all while protecting the delicate ecosystem in the Arctic National Wildlife Refuge. Unfortunately, those claims are based on wishful thinking and are not grounded in fact.

The fact is that drilling in the Arctic National Wildlife Refuge will have no significant impact on our Nation's energy independence. All it will do is continue to pursue failed policies and priorities.

Last year, Congress passed an energy bill that provided massive tax giveaways to the oil and gas companies. One year later, energy costs have actually risen, and so have the profits of oil and gas companies. We missed a chance to take a hard look at the global energy forecast and plan accordingly to protect American interests.

Mr. Speaker, we should be making major investments in energy self-reliance, infrastructure, and new technologies. It astonishes me that the Nation that pulled together to put a man on the Moon is not leading the world in developing new, clean, and renewable energy sources.

I urge my colleagues to vote against this bill and vote against drilling in the Arctic National Wildlife Refuge.

Mr. Speaker, I rise in opposition to H.R. 5429, yet another misguided bill that mistakenly believes that we can drill or dig our way out of our current energy crisis. The supporters of the measure will argue yet again that drilling in this environmentally fragile area is the magic elixir to cure all our energy woes. They will say that we can lower gas prices and create hundreds of thousands of jobs, all while protecting the delicate ecosystem in the wildlife refuge. Unfortunately, those claims are based on wishful thinking and not grounded in fact. The fact is that drilling in the Arctic National Wildlife Refuge will have no significant impact on our Nation's energy independence. All it would do is continue to pursue failed policies and priorities.

Last year, Congress passed an energy bill that provided massive tax giveaways to the oil and gas companies. One year later, energy costs have actually risen, and so have the profits of oil and gas companies. We missed a chance to take a hard look at the global energy forecast and plan accordingly to protect American interests. Rising demand by India and China will likely guarantee high oil prices in the future, whether or not we drill in the Arctic. Instead, we should be making major investments in energy self-reliance, infrastructure, and new technologies. It astonishes me that the nation that pulled together to put an American on the moon is not leading the world in developing new, clean and renewable energy sources. Such an effort would revitalize our economy, improve our environment, and strengthen our national security. Instead of that type of vision, however, the leadership in Congress and the White House just offers Americans more backwards and wasteful policies like drilling in the Arctic National Wildlife Refuge.

It is telling that the Rules Committee did not allow amendments on this bill. If we had a broader debate about energy policy, we might have to confront the fact that a minimal increase in automobile fuel efficiency standards would have a greater impact on gasoline costs and energy independence than drilling in the Arctic Refuge would. We might have to admit that we can guarantee more well-paying American jobs by developing new clean technologies. Yet we were denied that debate.

I urge my colleagues to vote against the failed policies of the past. Vote against drilling in the Arctic National Wildlife Refuge.

Mr. POMBO. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague from California for yielding me this time.

I rise in strong support of the legislation authorizing oil and gas exploration in ANWR. The House debated this bill many times, and many of the arguments are so familiar I think that some of us could stand up here without even talking points; but I think we need to hear some other points today.

Most importantly, oil and gas development does not destroy the environment. This bill only affects 2,000 acres out of 1.5 million acres. Oil and gas development on the North Slope has not reduced wildlife, destroyed caribou or other animals. I have been to Alaska and the North Slope a number of times. In fact, when I was there one time in August, the only thing I saw was white because it was a blizzard. That was in the middle of August. I don't know, maybe global warming has changed that since I was there 6 years ago.

We have been pumping at Prudhoe Bay for 30 years, and that is just 80 miles west of ANWR. The less we produce domestically, the more oil tankers we have to bring into our ports. And at least the oil tankers in Alaska are U.S. flag ships and we know they are U.S. crews, unlike the tankers that bring in the oil from other places in the world that are staffed by anyone.

It is true that passing this bill will not lower gas prices immediately, but in the medium term it will. If we had opened the Arctic National Wildlife Refuge in 2000–2001, that supply would have helped us when the Gulf of Mexico production was shut down last year because of Hurricanes Katrina and Rita.

When oil is flowing from ANWR to the continental United States, our economy would be much stronger. The price for oil in the U.S. would have fewer spikes, and we would be less vulnerable to foreign nations using the "oil weapon."

Opponents of ANWR also say we should do alternatives instead of ANWR. We need to do both. I supported the energy bill with its historic move to ethanol, and I fully support major U.S. research efforts into alternative transportation technologies. However, there is not enough corn in the U.S. to make 100 percent ethanol for all the U.S. cars, and hydrogen fuel cells are still years away for the average American.

Most of us are going to be using gasoline made from crude oil for the next 15–20 years. Oil and gas development in ANWR is not the final solution, but it is the bridge to the future of energy technology.

Finally, ANWR is also an important issue for working families who are most at risk from the spikes in the price of gasoline and who are the least able to take advantage of these alternatives.

This legislation is expected to provide 250,000 to 1 million jobs for American families, and that is why organized labor supports this bill. Many opponents of ANWR drive SUVs, and they can afford the high gas prices. In my district, they cannot afford the high cost of hybrids. But working families are going to need affordable gasoline for the next 15–20 years until the price of alternatives comes down.

Mr. Speaker, you can be pro-ANWR and pro-alternative, and that is why I ask support for H.R. 5429.

Environmentally fragile, I have heard that so much. I represent an area on the western Gulf of Mexico, and we are also environmentally fragile, but we have been producing for America for a number of years. We just need some help from other areas in our Nation.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I did not hear any mention when my colleague from New York spoke as to how much the fuel needs of New York would be met if ANWR were allowed to go through. I suggest that it probably would be somewhere in the range of 10 years, maybe. What about after that? What do we do after that? This is a red herring. This is a distraction. This is not about any one particular State's needs. This is about the needs of our country. Why are we not addressing the needs of our country?

This is like dressing a pimple on the cheek of an elephant when the problem is the entire elephant. We need to be looking out for the interests of the entire country, not just one particular State and its needs.

We should be talking about alternative fuel sources and developing them in this country. This whole discussion is a political misdirection and a ploy to take the focus off the issues this country is facing today.

I ask my colleagues to reject this political ploy. Vote against this bill. Do not allow the pristine country that we are talking about, ANWR, to be disrupted. Let us leave it for future generations, as it is meant to be.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, is it too much to ask for us to protect the last remaining 5 percent of the Alaskan coast? Is that too much to ask? To give to the Creator his pristine creation?

We do not put oil derricks in Yellowstone National Park. We do not put them in Zion National Park. We do not put them in Mount Rainier National Park, and we should not industrialize this precious Arctic National Wildlife Refuge.

There is a pattern here. There is a pattern. Ken Lay and Jeff Skilling were just convicted of fraud on what Enron did to us. And this administration and this Congress let Enron take billions of dollars from ratepayers because they were in fact in the pockets of these energy companies.

Now we have a similar situation. I will never forget when DICK CHENEY looked at us and we begged for help from him to stop Ken Lay and Jeff Skilling from taking money from ratepayers, and you know what he told us, he said you Democrats just don't understand markets.

Now I guess we just don't understand energy either. We understand that we should protect the national jewels in the crown of this country. Vote "no" on this bill.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Speaker, here we are again debating a bill that has been rejected by Congress and the American people too many times to count. So how many times do we have to go through this obsessive exercise? How many times will we waste our time debunking the myth that drilling in the Arctic will solve our energy problems and make us energy independent? How many times do we have to reject the notion that drilling will not harm the native peoples or the environment of the Arctic? How many times will the sponsors of this measure try to hide the fact that it will do nothing to reduce gas prices?

Mr. Speaker, our country needs real solutions to our energy problems, namely, one that is affordable, stable and reduces the impact on the environment. Instead of wasting our time with this stale proposal that has been rejected so many times, let us spend time on incentives for clean air technologies and stop this head-in-the-sand approach to energy policy.

This is a great country. Let us start acting like we have the will and the ability to face the challenges of the future, and we can begin by rejecting H.R. 5429.

Mr. POMBO. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, our friends on the other side of the aisle state that we should be discussing and using alternative energies. I agree. But where are they going to get them?

The veterans in my district drive 305 miles one way from my hometown to the VA clinic. That is 305 miles. Where are they going to stop and fill up their car with this alternative energy that our friends are talking about today?

Many of the spots in New Mexico have no primary provider, health care providers, and yet our opponents want to simply gloss over that fact and say we need wind energy. When is wind energy going to start fueling these cars? The truth of the American situation today is we drive cars. We have large, expansive spaces in many States, and the only source of gasoline is from petroleum. Now what we have today is a $3 price on gasoline. That is because we had choices in the past not to develop our refineries, number one; or, number two, not to increase the supply of petroleum products. We are paying $3 a gallon today because of our decisions.

If we choose not to develop energy in this country, we are on the way to $4, $5 and $6 a gallon gasoline because our friends in the rest of the world are beginning to demand more.

When I look at a chart of crude oil prices over a period of years, I can see when it is overlaid with the demand of the Chinese, the demand of the Chinese is increasing just about like the price of crude oil is increasing. There is no accident in that. The price of petroleum is where it is, not through the simplistic explanations of our friends. The price of petroleum is where it is because of the law of supply and demand. That law of supply and demand says when the supply is less, you will pay more, which is exactly what we are doing today.

Vote for the bill, expand the drilling and give the American consumer a lower price for gasoline at the pump.

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Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, while Rome is burning, we are eating grapes. We waste energy. We consume 25 percent of the world's energy, yet only 2.7 percent of the world's oil reserves are in the United States of America. We are depleting our savings account.

The President was right. We are addicted to oil.

GEORGE MILLER and other Members of Congress are right. We are addicted to oil. We are addicted to fossil fuel. We consume fossil fuel at an alarming rate. We need to conserve.

Mr. BOEHLERT is right. The proponents of this bill like to point out that if this legislation had been enacted 11 years ago, ANWR would now be producing oil. But Mr. BOEHLERT points out if we had higher conservation standards 11 years ago, we would save more oil than we would get from ANWR.

The bottom line to me is very clear. ANWR is a national set aside area. It is a pristine area. It is a small part of Alaska and should not be mined.

Why don't we mine the rest of Alaska, all the other parts of the northern slope and the rest of Alaska?

We have only 2.7 percent of the world's oil reserves. We need to say "no" to the mining of ANWR, "yes" to exploring other areas, "yes" to other energy including, renewable energy, "yes" to conservation. Increase the mileage standards of SUVs, minivans and trucks, increase the mileage standards of cars, and we will save far more than we will ever get from ANWR.

Mr. POMBO. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Mr. Speaker, the urgency and that the last speaker said that we should save our assets, keep the money in the bank. I had a friend whose father was in his 80s. His father did not spend much money. His son went to his dad one day and said, Dad, you are putting every penny in the bank; why are you doing that? He said, I am going to save it until I am old. The son said, Dad, if you are not there yet, you better start spending your money.

I don't know at what point the opponents of this legislation say that the price has to get to before we start spending out of our savings account. But if $70 a barrel doesn't compel you that we should dip into that savings account, I am not sure where you are going to be compelled.

The fact is that we have the resources. We need to utilize the resources. We need to buy ourselves the time while we convert to these renewables that were incentivized in the energy bill last year. But the renewables are going to take 20 years to get to market. I am not sure when our opponents feel like we should dip into that savings account. I think it is today.

Mr. Speaker, I support the bill.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, war is not an acceptable energy policy. This bill is an attempt to dupe the American public into thinking that drilling in ANWR will lower gas prices. It is a disservice to the American people. This bill is really about serving ANWR to the oil industry lobby, something they have coveted for a very long time.

Just by making cars modestly more efficient, Americans could save $25 billion a year and 1 million barrels of oil per day. Republicans should really deal with our energy problems and not this handout to the oil lobby.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, it is like a broken record. The majority is trying to drill our way to energy independence. Last week, they were trying to drill off our coasts, and this week, it is ANWR. Even the big oil companies know that oil in ANWR would only fill America's appetite for oil for maybe 6 months and that it would not be available for 10 years.

To reduce the pain of high-fuel costs for America's families, we need to use existing technology to make our cars, our SUVs and light trucks go farther on a gallon of gas. We need to raise CAFE standards. We need to invest in alternative energies and alternative fuels. We need to become independent of fossil fuels. We need to vote against this bill and head in the right direction and not drilling off our coasts or in ANWR.

Mr. POMBO. Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Speaker, in the last year, two major studies were done at the expense of our U.S. Government; one by the Department of Energy, the other by the U.S. Army; both indicating that we are at or will shortly be at peak oil with potentially devastating consequences for our country.

But drilling ANWR now is not an appropriate response to that. We have only about 2 percent of the world's reserves of the oil. We use 25 percent of the world's oil. We import about two-thirds of what we use.

Mr. Speaker, with those statistics, I am having a lot of trouble understanding how it is in our national security interest to use up a little bit of oil as quickly as we can.

If we could drill ANWR tomorrow, Mr. Speaker, what would we do the day after tomorrow? Talking about tomorrow, we are saddling our children, our grandchildren, with an unconscionable debt. Will we add to that the insult of using up the little bit of liquid fossil fuels remaining? This is not the right thing to do at this time.

Mr. POMBO. I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, drilling in ANWR brings us no closer to breaking our dependence on oil, even under the most optimistic scenario. Many of us have spent the last several years working to find ways to stem the hemorrhaging of factory jobs in this country.

Nothing would do that like lowering the energy costs for our manufacturers, for our chemical and fertilizer plants. If we open ANWR, we tell our manufacturers that we are satisfied with holding the line. If we want to create more than a few good jobs and spur the economy on a scale that could rival what we saw in the 1990s with the rise of the Internet, we should not be debating whether or not to open ANWR to drilling. We should boldly invest in renewable energy everywhere in our country. We should look not to the past but to the future. We should vote "no" on this bill and "yes" to reducing our dependence on oil.

Mr. MARKEY. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, look, this bill makes no sense at all: drilling for dead dinosaurs and making that more valuable than liveable wildlife is just crazy. Even the Governor of California opposed offshore drilling last week. All the people of California oppose drilling in ANWR. I strongly support a "no" vote.

Mr. Speaker, I rise in strong opposition to H.R. 5429, legislation to open the Arctic National Wildlife Refuge to oil drilling. It's the same bad idea now as it was the last 12 times we voted on and defeated this issue.

The House Leadership just doesn't get it. Last week on a bipartisan basis we defeated an amendment to develop and drill for gas on the outer continental shelf.

We cannot drill our way out of high gas prices with this bill or any other piece of legislation. It just isn't possible.

We are missing an opportunity here; today's misguided attempt continues to bumble along searching for 19th century answers to 21st century problems. We need 21st century solutions such as conservation and using renewable and alternative sources.

Mr. Speaker, the legislation before us today has been touted as a "fix" to high gas prices by the proponents of this legislation. It will not lower prices now or later.

Even the Bush Administration's own Energy Information Administration (EIA) estimates that at best the addition of oil from the Arctic Refuge to our supplies would maybe, and this is a big maybe, lower the price of gas by a penny . . . 20 years from now.

On the other hand, if we were to pass meaningful increases to our CAFE standards and increased average fuel economy by 3 miles per gallon, consumers could be saving as much as $25 billion a year in fuel costs within a few short years.

During his State of the Union Address, the President acknowledged our addiction to oil.

I hoped that this would mean Congress could move forward to discuss real energy solutions, solutions that protect our national security, our citizens, and our environment, as I continue to believe that we can do. Instead as we go into the summer driving season, the only ideas that have had a voice on this floor is for drilling in our oceans and our pristine areas.

Mr. Speaker, when are we going to move past this divisive debate to discuss real energy solutions for the 21st century?

I urge this leadership and this administration to develop meaningful legislation based on new technologies that lead us to energy independence. I oppose this legislation and urge my colleagues to do the same. H.R. 5429 continues the Republican energy solution of postponing real action.

Mr. POMBO. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I want to thank the chairman for engaging in this debate. More so, I want to thank him for taking us to Alaska, a whole group of us. Several weeks ago, many of us went up to the village of Kaktovik and had a chance to sit with the Inupiat people and talk to them about what it is they really wanted on their lands.

I represent more Native Americans than anyone else in Congress. While I was there, they talked about a sovereignty issue. We had 400 people in the gym. We asked them, how many people don't want us using the newest technologies to go after this resource? Two people stood up. One was a white woman from San Francisco, a lawyer.

So I am telling you, from the people, they want sovereignty. They want their own self-determination. They want to be able to use their own resources to better themselves and better their lives. Seventy-five percent of the people of Alaska want to use new technology to go after this.

It is not a silver bullet. To say it is, is a false argument. It is an energy bridge. It allows us to bring enough hydrocarbon fuel down in the 48 States to help us bridge to the next energy generation, from a guy who drives a hybrid, because I know that argument is going to come up, a guy who drives a hybrid, not those big SUVs like they drive up there in Boston. Vote "yes" on this bill, and let's get it done.

Mr. MARKEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a historic debate. We have OPEC and the oil industry tipping consumers upside-down at the pump every single day. Rather than having a debate out here on the House floor on the amount of alternative renewable fuels we use which would dramatically increase by millions of barrels a day; rather than debating out here on the floor how we would increase the fuel efficiency standards over the next 10 years of all of the vehicles we drive in the United States, which would push out additional millions of barrels of oil a day, so that, 10 years from today, there would be no imported oil from the OPEC countries, no imported oil from the Persian Gulf; instead, we are debating a bill which won't produce the first barrel of oil for 10 years, and it will come from a pristine wildlife refuge.

That just shows you how bankrupt the Republican energy strategy is. It is almost Memorial Day weekend. Millions of drivers are getting ready to go to the pump to get ready for their long drives only to pay $3.20, $3.40 a gallon. The answer from the Republican party is, we will help you 10 years from now from a gas station we create in the pristine wildlife refuge in Alaska to send oil down to California to put into SUVs to get 15 miles a gallon. That is not the answer to this crisis.

We have a choice, make our country more addicted to oil or chart a new direction. We need cleaner air and water rather than more pollution. We need abundant, renewable energy and more efficient vehicles to drive in our country. We put 70 percent of all the oil we consume into gasoline tanks.

Instead, we are here talking about something that will not happen for 10 years. The American people want to know, when will the Congress stand up for them and make sure that the oil industry and OPEC stops sticking them up at the pump? Because our country has been paralyzed for 6 years by this Congress and by the Republican White House, which unfortunately is still too controlled by the oil industry vote to ensure that we protect this Arctic National Wildlife Refuge from being exploited.

Mr. Speaker, I yield back the balance of my time.

Mr. POMBO. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have had this debate before many, many times with all of my colleagues that had an opportunity to come to the floor today and voice their opinions.

Quite frankly, this is about a lot more than just opening up ANWR. We have narrowed this down to a couple of thousand acres out of an area nearly the size of 100 million acres, and that is what this bill actually deals with. But, obviously, we have heard a lot about energy policy in general.

Unfortunately, our energy policy in this country for the last 30 years has basically been to become more and more and more dependent on foreign energy sources.

Every time an idea has come forward about opening up a new area, about creating more domestic energy, about keeping jobs here at home, those on the minority side have voted against it. We have heard them talk a lot today about alternative energy and renewable energy, and they are right. We need to invest in renewable energy and alternative energy. They are absolutely correct on that.

In fact, last year, we had a vote on alternative renewable energy, and almost every single one of them voted against it. They are not consistent in terms of their arguments and their votes. Quite frankly, we do need to adopt an energy policy that really does reflect the future of America.

But unless we have people that are willing to create domestic energy, whether that be from increased fossil fuels or whether it be from renewables, we need to have a policy that creates increased domestic energy. Right now we don't have that policy.

ANWR is not the answer. ANWR is a small part of the answer. All of the things that you have heard about today are things that we have to do. But we cannot get them through Congress. We cannot get them through the other body unless you are willing to support them.

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So far, your response to everything has been "no." And you have this pie-in-the-sky that we are going to invent a 100-mile-per-gallon carburetor and all of a sudden our problems are going to go away. They were talking about that the last time we had an energy crisis under Jimmy Carter, and it never happened.

I know, somebody bought the patent to that carburetor and it is hidden away in a safe somewhere. Well, you know, your arguments hold about as much water now as they did 30 years ago when you started making them.

We need to develop energy here at home. That involves more fossil fuels, because that is what powers our Nation. But it also involves renewable energy, and it involves alternatives. You have got to come up with something better than "no."

Right now gas in my district is almost $3.50 a gallon. We need to do something about providing energy here at home. You can't continue to say "no" on everything.

I encourage my colleagues to finally step up and begin to pass a domestic energy policy that creates energy here at home. ANWR is the first step in that. We will have the opportunity to continue to vote on new technology and new renewable resource issues, and we will see how many of you will step up to the plate and actually vote for the things that today you are saying you are in favor of, because your past history has shown you are not going to vote for it.

So as your constituents continue to pay more for gasoline and more for electricity and more for products because the cost of energy has gone up, as they continue to lose their jobs because the cost of natural gas has gone up, at what point will you step up and say "yes" to something?

Support the underlying bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in opposition to drilling in the Arctic National Wildlife Refuge.

America's natural resources are diminishing daily. Places like Fossil Rim Wildlife Center just outside of Dallas, with its 1800 acres of unspoiled natural beauty and endangered Texas Prairie Chickens, need the support and protection of Congress.

Defending our natural resources is our responsibility as Federal representatives. All Americans benefit from unspoiled lands, clear skies, and wild places to enjoy.

Drilling the Arctic National Wildlife Refuge is not the answer to our oil crisis. That strategy is not forward-thinking and won't sustain our energy needs for very long.

What we need instead are greater investments in energy efficiency and alternative fuels.

Mr. Speaker, I have consistently opposed ANWR drilling and I will oppose ANWR drilling again this time around.

Mr. WELDON of Florida. Mr. Speaker, I rise today to offer my support for the American-Made Energy and Good Jobs Act, H.R. 5429. When Congress put a similar bill on then-President Clinton's desk in 1996, he vetoed that bill arguing it wasn't needed because if we opened up ANWR for oil and gas development, it would take 10 years for oil and gas to start flowing to Americans from ANWR. Today it is 2006—10 years after President Clinton's veto and 10 years of Senate filibusters. American consumers could certainly benefit today from the 1 million barrels per day that would be flowing from ANWR had we moved forward with oil and gas development in ANWR in 1996.

Oil and gas prices continue to rise and our dependence upon foreign sources of oil is at an all time high. If we are really serious and realistic about economic and national security, we must approve this bill and reduce our dependence on foreign energy sources.

Contrary to the many myths that have clouded this debate over the years, we have the technology and know-how to safely produce energy in ANWR with minimal intrusion into the surrounding environment. Safe and successful oil drilling on wildlife refuges is not idle speculation. We know it's possible because we have done it time and time again. According to the U.S. Fish and Wildlife Service and the Government Accountability Office, over 30 refuges currently have oil and gas wells on them without incident. Since the 1970s, for instance, there's been drilling in Prudhoe Bay—just 80 miles east of ANWR. Porcupine Caribou herds and other wildlife still roam freely there and in numbers greater than before there was drilling in the area. And it's important to note that the technology involved in ANWR drilling will far surpass what has been successfully used in the past.

Since oil and gas can be safely produced in ANWR, we must ask ourselves why we continue to ignore an easily accessible source of energy even as the price for oil hovers near $60 a barrel, American consumers are paying $3 a gallon for gasoline, and the increasing costs of natural gas is driving electric utility bills significantly higher each year.

This is particularly concerning given our growing dependence upon foreign sources of oil from countries and regions that are increasingly volatile. In 1982, the U.S. imported 32 percent of its oil. Today, that figure has grown to 56 percent. Unless we expand domestic production, estimates indicate that by 2020 upwards of 65 percent of U.S. oil will come from foreign countries. It is irresponsible to stand idly by and allow the next generation of Americans be so subjected to the whims of foreign governments.

Some have said that the amount of oil we might get from ANWR isn't enough to significantly impact our energy supply. Such assertions are baseless and fly in the face of the facts. ANWR's coastal plain is the single greatest onshore prospect for future oil and could increase our domestic production by 20 percent in years ahead. Moreover, recent estimates indicate that ANWR could safely provide one million barrels of oil per day—that's roughly the daily number of barrels the U.S. imports from Saudi Arabia. To put this in perspective, oil from ANWR could fuel my home state of Florida—the 3rd most populous state—for 29 years. In short, ANWR's potential impact on our future energy supply is not insignificant, and could provide valuable oil supplies even as we continue to move forward developing alternatives sources of energy.

Opening ANWR is at least 10 years over due and it is a common sense approach to help meet our growing energy needs. I urge my colleagues to vote in favor this bill.

Ms. ESHOO. Mr. Speaker, once again, we have before us legislation to open the Arctic National Wildlife Refuge (ANWR) to drilling.

My question is: What problem are we trying to solve?

If this is an attempt to lower gas prices, then this bill won't do the job. According to a July 2005 report of the non-partisan Energy Information Administration of the Department of Energy, Arctic oil will reduce the price of a gallon of gas by less than a penny.

If this is an attempt to lessen our dependence on foreign oil, then this bill is not the solution. Whether we drill in the Arctic or not, U.S. dependence on foreign oil is projected to grow. The simple fact is that the U.S. has less than 3 percent of the world's oil reserves yet our country is responsible for 25 percent of the world's annual petroleum consumption.

This bill will rip apart a 1.5-million-acre wildlife refuge for a 6 month supply of oil.

The proponents claim that the drilling will be limited to a mere 2,000 acre area. As a point of comparison, the 100-mile-long, 12-lane New Jersey turnpike covers 1,800 acres. That limitation applies only to where the drilling will occur, not to supporting infrastructure, including roads. In addition, no requirement exists for the 2,000 acres to be contiguous. Drilling stations can be spread throughout the refuge, dotting the landscape.

Mr. Speaker, we have other choices. Choices that will preserve sensitive wilderness areas, reduce air pollution, and end our dependence on Middle Eastern oil. We should be improving the fuel economy of cars and trucks, which stands at the same level today as it was 20 years ago. We have the technology today to raise the standard for automobiles by 10 percent over the next decade, saving 1.1 million barrels of oil per day and reducing greenhouse gas emissions by 85 million metric tons a year.

House Democrats developed an Innovation Agenda, which was introduced last November. In it, we proposed cutting petroleum-based fuels by rapidly expanding production and distribution of synthetic and bio-based fuels such as ethanol derived from cellulosic sources, and by deploying new engine technologies for fuel-flexible, hybrid, plug-in hybrid and biodiesel vehicles. This is not far-off technology. It is at hand, and if we promote it now, we can end our dependence on Middle Eastern oil in a decade and we can do it without drilling in the Arctic or other sensitive areas.

These are the steps we should be taking, not the destructive policies which this bill represents. I urge my colleagues to reject the bill.

Mr. LEVIN. Mr. Speaker, no one should be fooled by the inventive title of the legislation pending before the House today. The sponsor of this measure calls his bill the "American-Made Energy and Good Jobs Act." A better title would be the "Big Oil Give-Away and Accountability Evasion Act."

The plain truth is that what we have here is an old proposal dressed up with a fancy, new title. Since 1995, Congress has voted again and again on the question of whether or not to open up the Arctic Wildlife Refuge to oil drilling. Just last December, the Alaska Delegation tried to force drilling in ANWR through the Congress by attaching it in the dead of night to a must-pass defense bill. The Senate refused, and so here we are today debating yet another bill to turn the Arctic Refuge over to the oil companies.

Drilling in ANWR will not bring down gasoline prices—not today and not tomorrow. No one knows how much economically recoverable oil lies underneath the Refuge. We do know that even if the Refuge were opened to oil exploration tomorrow, it would take nearly a decade for any Arctic Refuge oil to reach the market. Even if the estimates of economically recoverable oil in ANWR panned out, oil from ANWR would account for only about 3 percent of domestic oil use in 2025.

Of the many actions we could be voting on today to help consumers at the pump, it speaks volumes that opening up the Refuge to oil drilling is the first choice of the Leadership of the House.

For the last 6 years, the Majority leadership and the President have set the energy policy for the United States. The Bush Administration unveiled its energy plan in 2001. Although over 95 percent of the recommendations in that plan have been implemented, our Nation still confronts sky-high gas prices, growing dependence on foreign sources of energy, and record profits for the oil industry. In 2005, the six largest oil companies reported $110 billion in profits. These profits will likely set a new record this year. The Majority's philosophy is that what's good for ExxonMobile is good for American consumers, but we have learned that this is not the case.

So essentially what the House Leadership is offering the country is more of the same. If they were serious about dealing with energy, the Majority would schedule a debate and a vote on H.R. 4479, the Energy Consumer Relief Act, which would roll back billions of dollars in tax breaks, royalty holidays and subsidies to oil and gas companies and make that funding available to bring down home heating costs through the LIHEAP program, as well as provide relief from high energy costs to farmers and small businesses.

Yesterday, Representative VISCLOSKY sought to offer a far-sighted amendment to the Energy and Water bill to provide $750 million to move the United States towards energy independence. This amendment would have made important investments in alternative energy, including ethanol and biofuels; renewable energy research and development, and energy efficiency. Yet, the Majority blocked the House from even considering this proposal.

I realize that the House will likely repeat its previous votes on this issue today, but I strongly encourage the House to take more meaningful action to deal with our country's energy problems soon.

Mr. BISHOP of New York. Mr. Speaker, we can't drill our way to energy independence. Although this Nation is responsible for 25 percent of the world's oil demand, we own only 3 percent of the reserves.

Time and again we've debated opening ANWR to oil exploration. It fails every time because a majority knows it's as misguided an idea as leading off our energy policy by rewarding $16 billion worth of tax-breaks to oil companies.

Opening ANWR is not the silver bullet for lowering gas prices. We need to shift the focus from supply back toward reducing our demand. If we don't we'll remain at the mercy of Big Oil.

We must commit more toward conservation and research into renewable energy if we're going to achieve energy independence once and for all.

Mr. Speaker, we owe our constituents more than what appears to be a debate about reform. It's time that we deliver a policy that embraces real energy reform.

Mr. Speaker, we can simply do better.

Ms. HARMAN. Mr. Speaker, America is at a crossroads: We can either perpetuate our energy dependence on oil, or we can start taking the necessary steps to develop alternative and renewable energy sources, and wean our Nation off oil.

Sadly, Congress has failed to recognize the urgency of America's energy crisis and will vote today to allow drilling in the Arctic National Wildlife Refuge. Increased drilling for limited quantities of an unsustainable resource in the ANWR is not the answer to America's energy problems, and I oppose this shortsighted legislation.

We cannot depend on this "quick fix" to solve a calamity whose ramifications reach far beyond the gas pump. The Bush administration claims that tapping this oil reserve will cause prices to fall, but the simple reality is that it will take years before oil from the ANWR actually makes it to a barrel. Even then, there is not enough oil in the ANWR to reduce our dependence on foreign sources.

Instead, Congress must focus on promoting alternative fuels, clean energy technologies, fuel cells, micro turbines, hybrid (electric) engines and bio-fuels. California and the South Bay are extremely well-positioned to lead in developing these alternatives.

While renewable and alternative fuels are the future, the time to act is now. There is no reason to take a step backwards by drilling in the Arctic National Wildlife Refuge.

Mr. CASTLE. Mr. Speaker, I rise today in strong opposition to the deceptively titled American-Made Energy & Good Jobs Act, H.R. 5429.

Is this the answer to high gas prices and our dependence on foreign oil? I think not.

The Department of Energy says drilling in the Arctic National Wildlife Refuge will do nothing to bring gas prices down. In fact, if we were to drill in this pristine wildlife sanctuary tomorrow, it would only lower gas prices by a penny per gallon and we would not even see the so-called savings for 20 years.

And, it will scarcely make a ripple on our dependence on foreign oil, nor will it increase our national security. Even by the most optimistic estimates, oil from the Refuge will never meet more than two percent of the energy needs in America.

Drilling in the Arctic Refuge should not be taken seriously as a band-aid for meeting our immediate or future energy needs.

Instead, we need to continue to use modern technology to make cars go farther on a gallon of gas; encourage the production and purchase of hybrid cars; develop innovative energy sources; and invest in clean energy.

I urge my colleagues on both sides of the aisle to oppose H.R. 5429.

Mr. UDALL of Colorado. Mr. Speaker, I strongly oppose this bill.

It wasn't long ago that President Bush stood in this chamber and rightly said we need to end our addiction to oil. But instead of working to break our fossil-fuel habit, today the Republican leadership of the House today is calling for one more fix.

Instead of putting together a prescription that will treat the underlying problem, they are trying to get us to swallow their favorite nostrum of drilling on the coastal plain of the Arctic National Wildlife Refuge.

That would be bad enough if what they are peddling was just a harmless placebo. But it is not only ineffective, it is harmful to many important resources and values.

Any doctor will admit that any drug can have side effects, and that writing a prescription involves weighing the potential benefits against the risks.

Here, we are being asked to take a chance that there is a significant of economically recoverable oil on the coastal plain. So, we first must decide what stakes we are willing to risk, and then weigh the odds.

The stakes are the coastal plain. The U.S. Fish and Wildlife Service says it "is critically important to the ecological integrity of the whole Arctic Refuge" which is "America's finest example of an intact, naturally functioning community of arctic/subarctic ecosystems." In fact, because of the abundance and variety of its wildlife, the refuge has been compared to Africa's Serengeti. This area is a habitat for caribou, polar bears, grizzly bears, snow geese, 135 species of migratory birds, eagles, wolves, sheep, and muskoxen.

And what are the odds? Well, as anyone in the oil business knows, unless a well is drilled it is impossible to say whether even the most promising location actually has oil or gas. But the best estimate of the potential of the coastal plain is by the U.S. Geological Survey (USGS). In 1998 they estimated that if the price of oil drops to less than $16 per barrel (as it did a few years ago) there would be no economically recoverable oil in the coastal plain. At $24 per barrel, USGS estimated there is a 95 percent chance of finding 1.9 billion barrels of economically recoverable oil in the refuge's coastal plain and a 50 percent chance of finding 5.3 billion barrels. And at today's prices, presumably the odds are better for economically recoverable amounts.

But when you compare that with the amount of oil America uses each day, it is clear that at best there is a chance of finding several months' supply of oil in the coastal plain.

On the other hand, there is one thing that is a 100 percent sure bet—drilling will change everything on the coastal plain forever. According to the Department of the Interior, oil and gas exploration and development in the Refuge would permanently and irreversibly: Destroy the unique wildland values of a world-class natural area; disrupt ecological and evolutionary processes in one of the most pristine conservation areas in the North American arctic; diminish the Refuge's scientific value as a benchmark for understanding these processes; damage the biological and ecological integrity of the entire Refuge.

I do not think we should take that bet. We do not need to trade one non-renewable resource—the wilderness qualities of the coastal plain—for non-renewable oil.

There are less-sensitive places where oil may be found. And there are even better alternatives as well, including steps to conserve energy and greater use of renewable resources such as solar and wind power.

For example, consider that two-thirds of our oil consumption is for transportation. Experts agree that fuel-efficiency standards for new cars and light trucks could feasibly be raised to more than 40 miles per gallon by 2010. That would save 10 times as much oil as would likely be extracted from the Arctic refuge over the next 30 years. It also would mean a net economic gain for consumers of $69 billion over the life of the vehicles, according to a 1998 American Council for an Energy-Efficient Economy study. And it would be accompanied by a reduction in carbon dioxide pollution of more than 450 million tons per year—about a quarter of the reductions needed for the United States to meet the emission reduction goals established by the Kyoto Protocol.

In short, when it comes to drilling in the Arctic National Wildlife Refuge, I think that the stakes are too high and the odds are too long. I do not think we should gamble with the future of the refuge—especially since we have better options.

Finally, Mr. Speaker, some other speakers in this debate made statements about the legislative history of the current law that governs management of the coastal plain portion of the Arctic National Wildlife Refuge. I think those statements deserve a brief response.

As we all know, relevant current law says the coastal plain of the Arctic National Wildlife Refuge is off-limits to drilling, and that only Congress can change that.

That relevant law is the Alaska National Interest Lands Conservation Act—often called "ANILCA" or just the Alaska Lands Act.

My father, Mo Udall, was the chief House sponsor of that legislation.

During the time I have served in Congress, there has been some discussion about the history of the Alaska Lands Act and how its authors might vote if they were still Members of this Committee. And in particular, there have been suggestions that my father, if he were voting with us today, would oppose this amendment and support opening the coastal plain to drilling.

That's an interesting thought. Of course, all we really know is that if things were different, they would be different. But I think that claim is not based on history.

I think that my father fact would oppose this legislation, because the law as it stands represents a compromise between two positions.

On the one hand were those who opposed drilling on the coastal plain because they thought it should be left alone. That was my father's view, and that was what was provided in the Udall-Anderson bill passed by the House.

On the other hand, there were then, as there are now, people who thought oil and gas exploration and development should be permitted on the coastal plain.

The final compromise required a special study of the area's energy potential to be followed by a recommendation about whether Congress should open the area to drilling. And, in the meantime, no drilling was allowed.

This compromise was worked out in the Senate. It passed there and came over to the House in the summer of 1980 but the House did not act on it until after that year's elections. Then, in a lame-duck session, my father moved that the House concur in the Senate-passed bill—which the House did, on a voice vote. That sent it to President Carter, who signed it into law on December 2, 1980.

I have no doubt that my father and the other House champions of the Alaska Lands Act considered the compromise the best that could be achieved at that time.

I also have no doubt that they considered it acceptable only because there would not be any drilling in the coastal plain unless and until Congress specifically approved it. My father did not support drilling there in 1980. I do not think he would support it now.

Of course, the real issue here isn't what happened in the past, but what will happen in the refuge in the future. That is up to us—not our predecessors—to decide. And as we do so, we are deciding not just for ourselves but also—and more importantly—for our children and their children.

But if people do want to consider some words from the past, I would direct their attention to the Interior Committee's original report on the Alaska Lands Act, dated April 7, 1978.

On page 149, the report points out that "the Committee has noted the eloquent statements of a number of prominent Alaskans" about the idea of building a pipeline across the coastal plain.

And the report quotes the words of the senior Senator from Alaska, who "told the Council on Environmental Quality that 'Some have appropriately compared [that idea] with slicing a razor blade across the face of the Mona Lisa.'"

I am not saying that the senior Senator from Alaska would oppose this legislation—on the contrary, I know he supports it. But I think that years ago he aptly described what will happen if the coastal plain is opened to drilling, and why I oppose letting that happen.

Mr. STARK. Mr. Speaker, even President Bush admits that this country's addiction to oil is a crisis, but, like a desperate junkie, the Republican Congress is frantically trying one more time to squeeze every last drop out of our pristine wilderness. Mr. POMBO's bill—which won't have any meaningful impact on oil prices and which has no chance of passing the Senate—is a tragic reminder that the Republican Majority has lost the will to seriously govern this country. Drilling in the Arctic National Wildlife Refuge (ANWR) is Republicans' reflex to high gas prices in the same way that banning gay marriage is their reflex to a disgruntled conservative base, and tax cuts are their reflex to sagging poll numbers. In the 11 years Republicans have worked to open ANWR, they could have instead begun to wean America off its dependence on unsustainable energy sources.

The Bush Administration's own studies show that any oil derived from ANWR would amount to about 3.9 billion barrels of economically recoverable oil—a six-month supply for the U.S. Once drilling has violated the area, however, the natural habitat that once existed will be permanently ruined.

ANWR is the largest undeveloped wilderness left in our country. This 19 million acre coastal plain has been called "America's Serengeti" because of its abundance of caribou, polar bears, grizzly bears, snow geese, 135 species of migratory birds, eagles, wolves, sheep, and musk oxen. To destroy this natural treasure for six months of oil would be unconscionable.

I urge my colleagues to reject this sham once and for all so that after 11 years of lost time, we can finally get serious about renewable energy.

Mr. CANTOR. Mr. Speaker, I rise today in support of the American Made Energy and Good Jobs Act.

Exploring for energy in the Arctic National Wildlife Refuge would be a major step toward energy independence for America.

Energy markets are uncertain and American consumers feel the pinch at the pump whenever there is the slightest market disruption.

American families should not have to risk their energy future on the whims of foreign dictators, rebel forces, and regimes that do not have America's interests in mind.

From Venezuela, to Nigeria, to Saudi Arabia, America continues to gamble its economic future through dependence on foreign oil. The time to stop this is now.

The way to stop this is by increasing domestic production of oil.

The Energy Information Administration estimates that ANWR is capable of producing more than 1.5 million barrels of oil a day, more than U.S. imports from Saudi Arabia, or Venezuela on any given day.

This effort should not stop with ANWR. We must also explore the reserves that lie off of our shores in the Outer Continental Shelf.

The only way to secure our energy future is to utilize the resources we have here at home.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today to strongly oppose H.R. 5429, the so-called American-Made Energy and Good Jobs Act, which attempts to open the Arctic National Wildlife Refuge to industrial development.

In March we were reminded of the potential environmental consequences of drilling in the refuge when an Alaskan pipeline leaked 200,000 gallons of crude oil onto the surrounding slope. This is the largest spill ever in the North Slope and a timely caution against opening the Arctic Refuge to drilling.

Because I have visited the Arctic Refuge and seen its unique wilderness first hand, such news strengthens my resolve to protect the refuge and press for real solutions to our country's energy challenges.

This bill would do nothing more than continue our pattern of unchecked consumption. It is another attempt to sell Americans the false promise of easy answers on energy policy.

Our energy situation will not change until Congress gets serious about tackling America's oil dependence. With the booming economies of China and India squeezing global oil supply, and political instability among key oil producing countries like Iran, Nigeria and Iraq, we should expect rising oil prices for some time to come.

This proposal to open ANWR is a shortsighted answer to a long-term problem. I urge my colleagues to vote against the rule and the underlying bill.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 835, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr GEORGE MILLER of California. Mr. Speaker, I am, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. George Miller of California moves to recommit the bill H.R. 5429 to the Committee on Resources with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 4(a) (page 7, line 23), insert the following: "For purposes of this subsection, a person shall not be treated as qualified to obtain such a lease if such person is a lessee under an existing lease issued by the Department of the Interior pursuant to the Outer Continental Shelf Deep Water Royalty Relief Act (43 U.S.C. 1337 note) that is not subject to limitations on royalty relief based on market price.".

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Mr. Speaker, this is an amendment to make sure that the taxpayers of this country and the owners of the Federal lands are not shortchanged if in fact ANWR will be opened in the future. Last week we discussed royalty relief, and we made the point that there are companies who have a royalty holiday. They do not pay royalties to the taxpayers of this country for the drilling on the lands that are owned by those taxpayers. In some cases, those companies may be able to escape almost all of the royalties on those lands.

We are simply saying to the Secretary of the Interior, if ANWR is opened, whether you are for it or against it, if ANWR is opened, those companies that continue to exploit the royalty holiday will not be allowed to bid for a lease in the ANWR, should it be leased. This is only fair to the taxpayers. An overwhelming bipartisan coalition voted for this last week on legislation. We seek to have that vote again to make sure.

We all know that oil is at $70 a barrel. We know oil company profits are at record all-time highs. Yet nobody can figure out how to give the taxpayer a break.

The oil companies are not going to lower the price of gas or pay for the research in the bill yesterday, and now they are telling us they won't give back the royalty holiday that they are not entitled to. They are going to continue to exploit this loophole in the law, and then they want to bid on new resources. We simply say, enough is enough. We want to protect the taxpayers.

This is not about whether ANWR is open or whether ANWR remains closed; this is about the ethics and this is about the judgment of this Congress in dealing with these oil companies that seek to not only have their cake and eat it too, but to move on and get new cake from the taxpayers of this country.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Madam Speaker, this recommittal motion goes right to the heart of what the Congress voted last week. Last week the Congress said that if oil companies that had received leases in the 1990s and in the early part of this century that are not paying any royalties on the oil which they drill out of public lands that would help to reduce the deficit, to pay for Medicare, to pay for Medicaid; if they are not going to pay royalties at $60 a barrel, $70 a barrel, $80 a barrel, $90 a barrel or $100 a barrel on oil which is drilled on public lands that they already have leases on, that those companies should not be able to drill on public lands in an Arctic wildlife refuge and receive the benefit of drilling on public lands.

Either they renegotiate their old royalty agreements with the Federal Government that allow them to escape paying to the Federal Treasury, or they will not get the benefit of drilling on public lands, especially if it is a wildlife refuge.

So that is what this is all about. And President Bush said in April there is no need for royalty relief at $55 a barrel oil. We are talking about $60, $70, $80, $90 a barrel. This recommittal motion ensures that the American taxpayer will be protected.

Mr. GEORGE MILLER of California. Madam Speaker, last week on the Hinchey amendment, where this issue was as straightforward as it is today, 67 Republicans joined 184 Democrats and overwhelmingly passed this amendment.

This amendment is a matter of simple fairness and equity, and it is to make sure that those people at these times of record profits who seek to exploit the loopholes in the law are not allowed to do that and get new leases from the taxpayers of this country in ANWR. That is simple fairness, it is simple equity, and the people of this country are entitled to it.

I would urge people to support the motion to recommit, and then the bill will go forward and people can decide on whether or not they want to drill in ANWR, I hope they don't, or, if they want to not do that, I hope they will make that decision. But that is independent of this fairness to the taxpayers, to the ratepayers, to the property owners in this country who own these lands that will be put out to bid, that we don't get fleeced twice by a couple of the oil companies that think they can have it both ways.

Mr. POMBO. Madam Speaker, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from California is recognized for 5 minutes.

Mr. POMBO. Madam Speaker, I do agree with one thing that my colleague and neighbor from California said, which is that this motion to recommit has absolutely nothing to do with ANWR, because it has absolutely nothing to do with ANWR. It is, again, a cynical attempt to try to kill the bill.

While I have to share his concerns over a so-called mistake that was made by the Clinton administration, that they forgot to put price triggers in when they were signing multiple leases with oil companies, they somehow forgot to put in those triggers that said when oil did reach $55 a barrel that they wouldn't get royalty relief anymore. In the bill that they are trying to recommit, there is no royalty relief in the bill.

Again, the motion to recommit has absolutely nothing to do with the bill that they are trying to recommit.

What does concern me is that at this point, trying to kill the chance of creating 250,000 to 750,000 new American jobs, somehow that is okay for political gain, I imagine. It kills the chance to increase the amount of money to our Treasury by CRS' estimate of between $111 billion and $170 billion, which far exceeds any royalties they would collect under this scheme that they have cooked up. It kills the chance to lower our dependence on foreign oil.

As I said in my closing, at some point they have to say "yes." At some point you have to say "yes" to new American energy. At some point you have to be for something. Being against everything is not an energy policy.

A cynical attempt to try to kill this bill again is not going to win this time. It hasn't won the 11 times before this, and it is not going to carry this time.

I urge my colleagues to vote against the motion to recommit and to support the underlying bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the order of the House of today, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 836 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 836

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except: beginning with the comma on page 38, line 11 through "funds" on line 14; section 512; beginning with "or" on page 54, line 12 through "appropriation" on line 13; and section 536. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

☐ 1400

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman, my friend from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Madam Speaker, the resolution before us today is a fair and completely open rule that provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

It waives all points of order against consideration of the bill and provides under the rules of the House that the bill shall be read for amendment by paragraph. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, except as specified in the resolution. It authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, as always, the rule provides the minority with one motion to recommit the legislation with or without instructions.

Madam Speaker, I rise today in support of this rule and the underlying legislation. This bill sponsored by my friend from Kentucky, the chairman of the Appropriations Subcommittee on Homeland Security, Mr. ROGERS, provides the funding needed to help secure our Nation's borders and revitalize immigration enforcement, enhance port security, support our first responders and empower them to effectively deal with disasters while also providing the fiscal discipline and oversight needed to ensure the Department is accomplishing its mission as effectively and efficiently as possible.

This legislation provides for a total of over $32 billion for the critical domestic and defense activities of the Department of Homeland Security. This funding is balanced along with an array of Federal programs that will ensure our Nation against terrorist attacks, including critical antiterrorism and border security activities, as well as emerging threats like nuclear detection and enhanced port container and cargo security.

This legislation provides nearly $20 billion for immigration enforcement and border security, including over $2.3 billion for border security, which will add 1,200 new Border Patrol agents for a total of 13,500 agents authorized as overall agents.

Over $4 billion for immigration and customs enforcement, which will add 1,212 new officers for a total of 11,500 overall agents. And $115 million for border security technology and tactical infrastructure.

Additionally, this bill allocates increased funding for Customs and Border Patrol air interdiction operations, maintenance and procurement. Last year the Department consolidated the Office of Border Patrol Air and Marine Assets with the Office of Air and Marine Operations in the newly formed CBP Air.

In 2004 and again last year, in 2005, I visited San Angelo, Texas, to witness firsthand how our air assets were being used to secure our southern borders and to prevent illegal drugs from entering this country.

Since then, I have strongly supported the balanced multimission AMO strategy of pushing out the border to combat illegal immigration, narcotics trafficking and smuggling of other illegal cargoes. I believe that a vigorous coordinated Department of Homeland Security air program is essential to our national security, and I continue to work closely with our Members, including MARCIA BLACKBURN, Chairman ROGERS, Chairman PETER KING, Chairman MARK SOUDER, JOHN SWEENEY and others to ensure that multi-mission strategy be maintained.

It is interesting to note that this agency has taken the plan that they have initiated and are bringing it forward at this time to make sure that this Congress is aware of what their new strategy is as a result of this realignment. I applaud CBP Air's efforts to achieve greater operation and cost efficiencies; however, a multi-mission CBP Air is vital to a comprehensive border security strategy.

I am very pleased that this legislation details that this expectation, that while CBP Air continues to secure our border, this important function cannot come at the expense of other critical Homeland Security missions, and I will continue to work with Chairman ROGERS to ensure that CBP Air follows through with the committee's recommendations.

Aside from these important border security and immigration enforcement functions, this legislation also addresses many other integral national security functions building upon the successes of recently passed legislation, this legislation provides funding over last year's level to secure our ports and in-bound cargo to prevent terrorists and criminals from exploiting the international commerce system.

It provides funding for Coast Guard port and water way security operations; funding for CBP Air cargo inspection and trade operations needed to implement the House's recently passed port security legislation; the funding needed to double the amount of cargo currently inspected; screening 100 percent of cargo through the Automated Targeting System; and to establish minimum security standards for cargo containers

Chairman HAL ROGERS has addressed these needs for our first responders by providing over $3 billion to ensure their readiness. Since September 11, including the funds in this bill almost $37.5 billion has been provided to first responders for terrorism prevention and preparedness, law enforcement fire fighter assistance, airport security, sea port security and public health preparedness.

Finally, this legislation provides the oversight and Congressional guidance that the Department of Homeland Security needs to accomplish its mission effectively in areas such as port and container security, border security and immigration enforcement, first responder grants, air cargo and transportation security and disaster management preparation.

Chairman ROGERS has included provisions to withhold funds to ensure that the Department of Homeland Security complies with these Congressional dictates and direction. I want to commend Chairman ROGERS and others on his committee, including ZACK WAMP, TOM LATHAM, JO ANN EMERSON, JOHN SWEENEY, JIM KOLBE, ERNEST ISTOOK, ANDER CRENSHAW, JOHN CARTER and TOM DELAY for their hard work and for working with me in the preparation of this important bill as we bring this bill to the floor.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there is a difference between real security and rhetorical security. Today it is easy to see which one the Congress is committed to. We received what was perhaps the greatest wake-up call in the Nation's history on September 11, 2001.

And the failure of our national security personnel on that day should have been the catalyst for an unprecedented strengthening of our system. But in ways that mattered most, it did not happen. In more than 4 years, this Congress has failed to properly fund the Nation's first responders in spite of their historic and heroic performance on that terrible day.

In fact, the year's funding levels are $100 million less than last year's. In 4 years, Congress has also failed to secure the Nation's chemical plants. Over 300 plants nationwide, each with a capacity to kill 50,000 or more people if they were attacked, are left with security un-upgraded.

What many experts consider the single greatest vulnerability to our security today, our ports, has not been addressed; 5 years after 9/11, 95 percent of cargo can containers that pass through our ports are never inspected in any way. And after all we have heard lately about border security, the Congress has refused to pay for the border agents or detention facilities needed to enforce the immigration laws that we pass.

Madam Speaker, while I speak of the failings of Congress to invest in real security for our people, it is critical to remember which party has been in charge since 2001. Since that time, Democrats have tried again and again to get our Republican colleagues to back up their words with actions.

We have authored numerous amendments to increase funding for critical and essential national security programs. This year we presented an amendment to provide an additional $3.5 billion for border, port aviation and disaster preparedness programs. And I understand that for $1.5 billion, we could give every port on earth the ability to check cargo.

The Democrats wanted to pass funding that would support 1,800 new Border Patrol agents, more than the 800 more immigration investigators and 9,000 new detention beds. We authored legislation to fund 500 new radiation monitors to inspect cargo and increase funding for public transportation by two-thirds.

And it was a Democratic bill that would have given our first responders $600 million more with which to protect themselves as citizens of the country. All of these amendments were rejected by Republican-controlled committees.

Now, at the same time, the actions of government agencies that we trust to defend us raise serious questions about their competency and compassion to protect this Nation. And I must talk about what they have done over in Homeland Security in regard to the Shirlington Limousine contract.

As you know, 2 years ago, they were given an unbid contract of $3.5 million to chauffeur around people who work for DHS in Washington, despite the fact that, I am certain, they have fleets of cars, as every other agency does, and how cheap it would have been for them to take a taxi. But that was not enough.

A year later, they awarded a $21 million contract to the same company, bid this time. They were not the low bidder, but they did get the contract. Now let me tell you that if the first responders and the officials up in my part of the country can get their hands on $21 million to fortify the borders, they would do it in a New York minute.

Shirlington, when it was given these contracts, was nearly bankrupt. It had recently been fired by a local university for poor performance, and its president is a convicted felon. No background checks of any kind were done by the Department of Homeland Security.

Now, the company is now involved in an ongoing Federal investigation, along with several unnamed Members of this body, which has so far revealed that it may have literally provided the vehicles by which an illegal influence peddling ring operated.

I have submitted a resolution of inquiry to the Homeland Security Committee which would compel DHS to turn over all documents related to the awarding of their contract to Shirlington. No hearing has been held; basically no questions have been raised.

After all, the American people have a right to know how a corrupt and dubious company received a huge contract with our Homeland Security money and who, if anyone, interceded on its behalf. It takes the wonderment of Alice in Wonderland believing six impossible things before breakfast to believe that someone in that agency did not grease the skids for that company.

But DHS has so far refused our requests for information. We do not even have a response. And the Republican Congress refused to force them to turn over that information, and I want to know why.

Nor is this the only way in which DHS, the supposed cure for the problems that permitted September 11 to take place, has yet to prove itself to be a valuable agency. Frankly, its value is very dubious.

My constituents in the northern United States have experienced such a reality first hand. In January 2008, Homeland Security and the State Department intend to introduce new forms of border identification for northern residents as part of the Western Hemisphere Travel Initiative. The plan itself is deeply flawed. It will result in a dramatic reduction in cross border travel and trade and one that will cost the national economies of the United States and Canada billions of dollars every year.

And at a recent meeting that we had with members of the Canadian parliament, they asked the question that is very pertinent: What does Canada do with the citizens of the United States who have gone to Canada and do not have a passport to allow themselves to come home?

Is the Canadian government expected to take all of these American citizens into custody and to hold them? On what grounds? And to what end? I suggested at the Rules Committee that maybe we could send the Shirlington Limousine up to Canada and bring them home.

But what is worse, it faces opposition, not just from outside the government but within it as well. Just yesterday, the DHS privacy office released a draft report stating that elements of the plan raised both security and privacy concerns.

□ 1415

The GAO will soon report that both DHS and State are nowhere near being able to implement the plan by their January 2008 deadline. In fact, what is really astonishing is there is not a dime in this bill concerning WHTI, anything for infrastructure, anything that they plan to spend money on, which says to me that DHS knows itself that they are not ever going to be able to do this.

When we step back and take all of these things together, we know what is occurring in Washington. Despite all of its pledges and promises, the Republican-led Congress has failed to make us safer. It has not spent the money needed to improve the vulnerable parts of our national security system, but wastes it on limousine service. Its own agencies have proven incapable of coordinating their activities or implementing new security plans. And the corruption of Congress has seeped into and affected some of those we count on to protect us, all under the nose of a House entirely uninterested in any kind of oversight.

Madam Speaker, the American people have had enough of these priorities of agencies that this government presides over. They know the difference between real security that the Democratic Party is offering and unfulfilled promises of the majority party. They deserve a leadership that shares their priorities, that will not break its own promises. They deserve a change.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, this Congress I think has done a great job under the leadership of not only Hal Rogers but also Chairman PETER KING in making sure that we are involved in a collaborative effort with the administration. There have been a number of things that we have seen differently than the administration, but there are a huge number of areas that we have worked together with this administration.

I am very proud of the leadership of this House on a bipartisan basis to address the issues, whether it is dealing with ports, whether it is dealing with our borders, or whether it is dealing with the individual processes that take place in trying to make sure that this Department runs on a better basis.

It is a big task that was undertaken by Homeland Security. It was a big task undertaken a couple of years ago. We know, all of us Members of Congress, that not everything has gone right. That is why we are doing this bill today. We are trying to make sure that we are addressing those things which have not worked as well, but we are also perhaps more importantly trying to put things into a perspective of funding those activities that we think that are important, providing the necessary money but with a strong sense of oversight to make sure this administration understands that while we are giving this money to them on behalf of the taxpayer, they accept it knowing that they have a duty and a responsibility, that we have a collaborative effort.

So I am proud of our oversight. I am proud of the things we are doing and working on a bipartisan basis on homeland security, and I am proud of what this bill is all about.

A prime example I will give you is a man, MIKE CONAWAY from Midland, Texas. Congressman CONAWAY has within his congressional district something I spoke about earlier, CBP Air, Customs and Border Protection Air. They are responsible for air interdiction programs. Congressman CONAWAY has been intimately involved in working with them to make sure that they have the necessary resources for looking over the horizon of those planes and other activities that may be associated with drugs coming into this country.

He has taken it by himself as a lead because it was an area within his congressional district, to make sure that he listened to the men and women, to pat them on the back in San Angelo, Texas, for the hard work they have done, to make sure the coordination and talking with them about the expectation of this Congress and the American people was done.

So I am pleased and can stand here before you today, Madam Speaker, to say this bill is important. This bill is a collaborative effort. This bill is bipartisan. This bill is something that many, many Members have had a huge part of working on and making sure that we are doing those things that prepare this country and continue to keep us prepared. But more importantly, we have had to put them in a priority basis. That is what this document is all about.

We will continue to work with this administration to make sure that homeland security is something that works for the security of this country.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Madam Speaker, I thank the gentlewoman from New York for yielding me time.

Madam Speaker, the security of our Nation is this institution's highest priority. Therefore, I was pleased to see that overall funding for homeland security was increased. This includes an increase for our security efforts at our ports, borders, critical infrastructure, and all modes of transportation. There is also increased funding for our brave State and local first responders.

This bill, however, still falls short because it is controlled by limited resources rather than need. The allocation isn't high enough; and, therefore, our security is compromised as a result.

For example, the Law Enforcement Terrorism Prevention Program grants which are very important to local police response capabilities. These are funds my own hometown of Sacramento has received and used for things like information analysis. Unfortunately, the administration zeroed out its funding. Wisely, the committee recognized the value of this program and restored its funds. But to do so they had to move funds from the Urban Area Security Initiative grant known as UASI, to the Law Enforcement Terrorism Prevention Program grant.

In Sacramento, UASI funding has proven vital. Funds have been spent on such items such as gas mask filters, first responder training and communication equipment upgrades; but earlier this year, the guidelines changed. Sacramento, along with a number of other cities, was deemed ineligible to apply. Yet in all of my meetings and letters with DHS and the White House, the only plausible explanation I walked away with is that budgetary constraints necessitated this change.

Both of these programs provide critical resources to our communities, but to ensure preparedness we are left robbing Peter to pay Paul. DHS's core mission is to secure the safety of Americans. It is Congress's responsibility to ensure that their efforts are adequately funded. However, Democratic attempts to boost funding by $3.5 billion for border security, port security, aviation security, first responders, and disaster preparedness were defeated.

I have an obligation to ensure that we are meeting our national security needs and a responsibility to my constituents. I am glad that this bill does increase funding. I hope that will continue to address all of our security funding needs.

Mr. SESSIONS. Madam Speaker, I thank the gentlewoman from the Rules Committee from California for her words. I do understand that many people on her side of the aisle want to spend more money. That is a natural tendency: spend more money. Make sure my district is protected. Give money to me. Make sure all of these things are taken care of back home. And I share that same concern. I share that concern because we really do see need around our community.

However, with that said, there had to be decisions made that were on a priority basis. And we have learned a lot over the last few years about where the threats are and how money can and must be spent more efficiently and effectively.

I want the gentlewoman to know that I do believe that her attempts to secure money for her first responders are big needs back where she is from, but there are 435 of us who see it that same way also about the needs of our districts. And that is why this committee has worked very carefully with the authorizing committee to make sure that the money that we spend is on a need basis based upon the threats of this country.

So I admire the gentlewoman, Ms. MATSUI, for her comments. I want her to know that it is a continuing process, and we will learn things as we move forward, and this bill is necessary for us to prioritize. That is what the Republican majority needed to do in this bill, and that is what we have done. And then along the way we have said "no" to a lot of our own Members also based upon the priority that is necessary to ensure the security and the safety of the entire Nation.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself 30 seconds to say that it is not that we want to spend more money. We really question the way money is spent, and we really believe that $21 million to drive people around town is an absurd expense for an agency that is responsible for our safety.

Madam Speaker, I yield 4 minutes to the gentleman from Minnesota (Mr. SABO).

Mr. SABO. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, I commend the Rules Committee for producing a rule that is much improved over last year, with one big exception. I am very disappointed that this rule fails to protect section 536, chemical security provisions, which I added to the bill in the Appropriations Committee.

Nearly 5 years after 9/11, the vast majority of chemical facilities in this country are not properly secured. They are prime targets for a catastrophic terrorist attack. Yet there is precious little being done to protect them. The administration acknowledges this problem, but says it cannot act without new legal authority to make and enforce chemical security regulations.

The Congress for more than four years has failed to act. Competing legislation in the House and the Senate authorizing committees has gone nowhere. What are we waiting for? Section 536 would end the stalemate. These provisions would give DHS the legal authority that Secretary Chertoff says he needs to regulate security at U.S. chemical facilities that pose the greatest risk to Americans.

In 2002, Congress addressed a small part of the chemical security problem. I see Congressman YOUNG on the floor and I congratulate him because the security requirements of chemical facilities on ports under the Maritime Transportation Security Act and the Coast Guard are doing a good job of enforcing them.

Under the Bioterrorism Act of 2002, the EPA also oversees security at the Nation's drinking water facilities. The problem is there are thousands of other chemical plants and storage facility without Federal security standards or oversight. An attack on one of them has the potential to kill or injure tens of thousands of people.

DHS has said that 20 percent of the 3,400 chemical facilities it identifies as "high risk" adhere to no security guidelines. If section 536 is stricken from this bill, Congress will appear content to leave security at these facilities to the conscience of their operators.

To my friends who would strike 536, I say, what do we have to lose by keeping this language in the bill? If before the end of this Congress the authorizing committees can act and the President signs chemical security legislation into law, then section 536 will be unnecessary. However, I have my doubts that will happen.

If section 536 is struck from this bill, I suspect that another Congress will adjourn without acting on chemical security. And then where will we be? We will go another year without security requirements at the Nation's highest-risk chemical sites. The American people waited too long for Congress to take responsible action to prevent a catastrophic attack on a chemical facility. I urge my colleagues to refrain from making a point of order against the chemical security provisions in this bill.

Mr. SESSIONS. Madam Speaker, I do appreciate and respect the gentleman who will be retiring this year, Mr. SABO, who appeared in the Rules Committee yesterday to provide not only feedback related to this bill and his thoughts and ideas but also to recommend additional points of consideration.

The gentleman has once again appeared on the floor of the House. The gentleman is aware that this would be the equivalent of legislating on appropriations. And thus the gentleman, Mr. KING, chairman of the Homeland Security Committee, has sent a letter to Chairman DREIER, the chairman of the Rules Committee, indicating that he preferred that this section 536 not be included within the rule or protected as a result of the committee deciding that it will have comprehensive hearings on this matter to develop legislation rather than what Mr. SABO's legislation tends to do, but rather comprehensive, overall way to look at these high-security risks as it relates to these facilities.

COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 23, 2006.

Hon. DAVID DREIER,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR CHAIRMAN DREIER: The Committee on Appropriations recently ordered H.R. 5441, the Homeland Security Appropriations Act for Fiscal Year 2007, reported to the House. This measure contains a number of provisions that violate House rule XXI, clause 2, which prohibits legislation in a general appropriation bill. Included below is an explanation of a legislative provision within the primary jurisdiction of the Committee on Homeland Security that appears in the Bill, and I respectfully request that you not protect this provision from points of order on the Floor.

Section 536 (page 62, lines 1-17), adopted as an amendment offered by Congressman Martin Sabo at Full Committee markup, requires the Department of Homeland Security to issue security requirements for chemical facilities that the Department deems to have the highest risk within six months of enactment of the bill. The Committee on Homeland Security is actively engaged in developing comprehensive legislation to address the issue of chemical site security, and the Sabo Amendment would undermine the Committee's efforts to provide common-sense, risk-based solutions to this problem.

If you have questions regarding this request, please do not hesitate to contact me. Thank you for your consideration.

Sincerely,

PETER T. KING,
Chairman.

☐ 1430

Madam Speaker, I yield 6 minutes to the gentleman from Georgia (Mr. KINGSTON), the vice chairman of the Republican Conference.

Mr. KINGSTON. I thank Mr. SESSIONS for yielding to me, and, Madam Speaker, I wanted to talk about two elements of this bill that I hope we will have a chance to vote on, and I hope they will be ruled germane to the bill.

One of them is the Nathan Deal amendment that has to do with birthright citizenship: 122 countries right now do not allow birthright citizenship. Only 36 do, and many of those countries have the advantage of no one wants to go into their country and migrate there.

But the policy in America is so liberal now that if you are flying over America in an airplane, regardless of your destination or your origination, if that plane crosses the south tip of Florida and you are born, you become an American citizen, and as an American citizen, as an anchor baby, you can turn around and petition to have the rest of your family come into the country, and you are given a higher priority.

The Center for Immigration Studies estimates that 42 percent of births to immigrants are to illegal aliens. The birth of illegal aliens right now accounts for one out of every 10 births in the United States of America. Depending on who you talk to, the cost of this may be as high as $10 billion a year to American taxpayers.

We know in the State of Georgia that we spend $58 million a year on emergency medical services for illegal aliens. No one is arguing about spending that on emergency medical costs right now. We are saying, okay, with that, but what we are saying is, you should not become an American citizen just because your mama broke the law to get here and have you born. We want to give you the medical costs but not everything else.

What the Deal amendment does is it does away with birthright citizenship in the United States of America. It is a bill that has a lot of cosponsors. I believe it is a bipartisan bill, and we want to attach it to the homeland security bill as we see a runaway, broken down immigration policy part of our national security picture.

Indeed, many of the immigrants who are coming over from Mexico, legal and illegal, are, in fact, non-Mexican citizens, and in many cases, they are caught and released into the country with hopes that they may or may not come back. I guess they may come back, but many times, they do not.

That is why I am standing in support of the Deal amendment.

I also have an amendment that I have offered, and what my amendment does is it is a payment limitation amendment because our own Border Patrol apparently is tipping off the Mexican government as to where Minutemen are on the Mexico-United States border.

Currently, we have 7,000 volunteers in the Minutemen organization. I say volunteers. These are unpaid people who are so outraged with the runaway illegal immigration problem that they have set up posts along the southwest border to help the Border Patrol and the local law enforcement agencies to tell them where the people are coming in and who is coming in.

I invite all Members of Congress to go to the southwest border sometime this summer and take a look at how outrageous and how out of control this problem is.

But despite the good work of the Minutemen organization, we find that our own Border Patrol now has a policy of tipping off the Mexican government so that they can inform these illegal aliens, these lawbreakers, as to where the lawful American citizens are located.

What our amendment does is says that none of our money appropriated in this bill can be spent to tip off people who are breaking the law as to where law-abiding citizens are who are trying to help border security; do not tip them off.

The Minutemen is one of these kind of politically incorrect organizations which the eastern Washingtonian, big government establishment likes to pooh-pooh, put down as being a bunch of country rednecks who are reactionaries who really just want to shoot people coming over the border. That is absolutely not the case. They are 7,000 volunteers who are good, hard-working American taxpaying citizens, who are really trying to help out and help preserve the security of the country they love, and for our own Border Patrol to be undermining them, when the Border Patrol is not doing sufficient work to begin with, is counterproductive.

So I hope that our amendment is in order and that we do get an overwhelming bipartisan support on it.

Mr. SESSIONS. Madam Speaker, we reserve the balance of our time.

Ms. SLAUGHTER. Madam Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I thank the gentlewoman for the time.

Madam Speaker, we have a bill here with which I cannot argue in terms of the allocation of resources within the total dollar amount assigned to the subcommittee, but I can argue with the overall total because I think, despite the fact that the chairman and ranking member have tried as hard as possible to put money where you will get the biggest bang for a buck, the fact is, we do not have enough bucks in here to get enough of a bang to really protect the country.

We tried to do something about that in committee, and I would like to describe what some of the provisions were that we wanted to change.

We essentially tried to add $3.5 billion in committee for key Homeland Security actions, border protection, harbor protection, port protection and all the rest, and we did it in a fiscally responsible way, because what we suggested was that we simply reduce the amount of the tax cut for persons making over $1 million a year by about $10,000, which would mean that those persons making $1 million, instead of getting on average a $114,000 tax cut this year, would only get a $104,000 tax cut. The poor devils just would have to scrape along on that amount. I think the country needs added homeland security, much more than millionaires need a supersized tax cut.

Let me tell you what some of the items were that we would fund with that money. We wanted to add 1,800 additional Border Patrol agents, and we wanted to add 9,000 additional detention beds. We wanted to provide increased funding to meet all of the Intelligence Reform Act mandates for increased Border Patrol agents, increased immigration investigators and increased detention bed spaces.

We also wanted to increase our border detention capabilities, and we wanted to provide for additional air patrol and operating hours and cut in half the number of unfunded radiation portal monitors. We also wanted to replace older Border Patrol vehicles and expand border facilities.

We wanted to provide additional funding for Customs and Border Protection and the Coast Guard to expand the number of overseas ports that are monitored. We wanted to provide for an updating of flood maps in critical high-risk areas, and so on and so on.

I know there are those in this House on the majority side who say, you should not try to link taxes with spending; those are two separate issues. The fact is that every dollar of tax cuts provided, in tax cuts that the Congress passed just 2 weeks ago, comes at the expense of programs like this, programs to strengthen border security, whether it is on the Mexican or the Canadian border, programs to strengthen our ability of local law enforcement officials to have interoperable equipment so that they are speaking to each other on the same frequency.

I think while a good many Members of this chamber do not like the fact that we keep dredging this up, the fact is, this is the most important priority choice the Congress will make. I really do not believe that the average taxpayer thinks that we should accept less effective immigration enforcement, less effective border control in order to provide another supersized tax cut for people who are already the most well-off people in this society.

I think the country as a whole would be far more strengthened by some of the items that we have talked about here than they would be by such tax cuts, and that is why I will be voting against the previous question on the rule and the rule itself in order to protest the fact that we are not able to actually vote on these specific tradeoffs.

The Budget Act was meant to force Congress to make tradeoffs between spending and revenues. In fact, the way the Budget Act is being managed by the leadership of this House, those tradeoffs are being avoided. We should not do that in what is supposed to be the greatest deliberative legislative body in the world.

Mr. SESSIONS. Madam Speaker, I respect and appreciate the gentleman from Wisconsin for coming to the floor. Just as he did yesterday in the Rules Committee, he asked for us to spend more money, told us about priorities that were not funded properly, wants to get the money by raising taxes, wants to make sure that we know that the priorities should be done differently, and that I respect.

It is no surprise to anybody that the Democrat party sees things differently than we do about how you focus on the priorities of this Nation to ensure our security and our safety. I am worried about their plan. I have worried about their plan because I know that what they want to do is raise taxes. I know what they want to do; they want to spend more money.

Yet, I have only been in this House for some 10 years, and I remember, year after year after year, all they did was take money from the Border Patrol. Year after year after year, they took money from the CIA. Year after year after year, they took money out of the military. Then, all of a sudden, there are problems; they want to know, golly, why can we not get more money to fund the priorities of this Nation?

We are trying to balance what we are doing. I will confess to you that I am not as happy about how much money we are spending or not spending also, but we are trying to move things through on a process basis. That is where HAL ROGERS and PETE KING, the chairmen of these Republican committees, are doing a good job to balance that money that is available within the parameters of the budget assignment that has been given to this Congress.

So we are going to keep doing it, and we are going to keep struggling, and I thank the gentleman for coming forward. I hope he comes forward with all the spending bills, and I would be disappointed if he did not disagree with us. But I think the answer every time just about, spending more money and raising taxes in this country is not the answer but, rather, a priority basis where we are trying to aim at the threat against this country where homeland security is, and I think this is a balanced bill and I am proud of what we are doing.

Madam Speaker, I reserve the balance of our time.

Ms. SLAUGHTER. Madam Speaker, I yield myself 30 seconds.

I do not think the American people are going to buy it anymore that Democrats are great spendthrifts and just want to throw more money. We would not do a contract for $21 million for a limousine to drive around Washington.

I think people remember that, 6 years ago, we had the largest surplus that this country has ever enjoyed that should have lasted us for 20 years. It lasted less than three, and now we have the largest deficit we have ever had.

I think people will see through that.

Madam Speaker, I am delighted to yield 4½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Madam Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this bill, and I could not agree with what she said more.

Our friend from Texas talked about a clash of priorities. It is not just about spending money. When you are giving a new tax break to those in this country who need it less, that is draining money from the Treasury.

What Mr. OBEY talked about was dealing with priorities for our Nation's security. You have made a judgment that it is more important for a few to have a massive tax decrease as opposed to dealing meaningfully with security needs, and I will venture that the American public, given those two, would have no difficulty in agreeing with Mr. OBEY. One is sad that we are not at least having a chance to vote on it today.

□ 1445

I will say that there are parts of this bill that I feel good about. One of the things that I have been working very hard on deals with efforts to contend with prevention measures to reduce the damage done by floods and other natural disasters. This bill deals with funding critical elements for the safety and security of the American public.

We think often of things like terrorism and border security, but in fact more people's lives are lost, more damage is incurred by natural disaster. I would like to thank the committee for fully funding the mitigation program for repetitively flooded properties authorized by our Flood Insurance Reform Act of 2004. That wasn't the case in previous years, but this year people have recognized the National Flood Insurance Program is in a severe crisis. It is $20 billion in debt. This funding will help put it back on the right track.

The repetitively flooded properties, which make up just 1 percent of the insured properties, account for 25 percent of the repetitive flood loss. Mitigating these properties will not only keep people out of harm's way but it will save other flood insurance policyholders thousands of dollars in premiums over the years. If we can reduce just one 10 percent policy increase, that is a savings to the policyholders of $160 million a year, every year, on into the future.

FEMA has already reported that their mitigation and building standards have resulted in saving $1 billion annually in reduced flood loss. If we can continue moving forward, each dollar that we invest in helping keep people out of harm's way, each dollar we invest saves $4 in damages later on, and that doesn't speak to the heart-wrenching loss that people face.

Now, there are going to come before us some amendments that really border on being goofy. There is an amendment being offered by Mrs. MILLER of Michigan to prevent FEMA from raising the base flood elevation in the mapping project. Think about it for a moment. This would be an amendment that would prevent FEMA from providing an accurate map for people in harm's way. Think about the thousands of people in Katrina that suffered loss to their property, loss of life because they didn't know they were in the floodplain. What in the name of all that is holy do we advance by preventing FEMA from doing its job? I sincerely hope that this misguided effort, should it come to the floor, will be rejected.

Finally, I hope that this is the last time, and that my friend, the chairman of the Transportation and Infrastructure Committee, who is here, and I come to the floor dealing with the Department of Homeland Security, dealing with FEMA, because FEMA doesn't belong in that agency. One of the reasons we saw the bumbling, the incompetence, the loss of life, the bureaucratic foul-up during Katrina is because FEMA got lost in the bureaucracy of the Department of Homeland Security. We took an outstanding agency, stuffed it with cronies, shoved it into a massive bureaucracy and people's lives were lost as a result.

I hope this body has the wisdom to deal with the legislation the chairman is bringing forward, I think unanimously, from the Transportation and Infrastructure Committee, to put FEMA back where it belongs, give it competent people, in order to save lives and save money.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman coming forth and speaking very clearly. I think every single Member of Congress has an opinion on the effectiveness of homeland security, the effectiveness of FEMA. Our great chairman, HAL ROGERS, yesterday came before the Rules Committee and spent a great deal of time. There was disagreement even among the ranking member and himself about how we continue giving these agencies not only the needed resources but helping them to reform what they are doing.

The gentleman from Chattanooga, Tennessee, ZACH WAMP, who sits on the committee, is an example of one of the members of this committee, the Appropriations Committee, who is spending time to look very carefully at this effort. Congressman WAMP, being from Chattanooga, Tennessee, is in the middle of the storms that come and go not only across our southern borders, the gulf region, but also as a member of this Homeland Security Oversight Subcommittee, and he is concerned about what the right thing to do is.

So I have confidence that people like HAL ROGERS and ZACH WAMP, who care about and can listen to the discussions from other Members, will eventually rectify this issue. HAL ROGERS spoke very clearly that it is his intent right now to provide them the necessary resources and to continue working with them to where they are prepared and ready for this summer, having learned lessons from the past.

So I think, and I hope that money that we have provided now and the input that has been provided from Members of Congress in this authorization will go a long way to learning from the past and being prepared for the future.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I will be calling for a "no" vote on the previous question so that I can amend the rule and allow the House to consider the Sabo chemical plant security provision that was left exposed to a point of order in the rule, and the Obey amendment to address the funding shortfalls in the bill.

Efforts to allow the full House to consider these two important initiatives were rejected in the Rules Committee yesterday by a straight party-line vote.

Madam Speaker, I ask unanimous consent to insert the text of the amendments and extraneous materials immediately prior to the vote.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. The Sabo language would require the Secretary of Homeland Security within 6 months to issue regulations for the security of chemical facilities in the United States. This language was added to the bill during the Appropriations Committee markup, but was exposed to a point of order in the Rules Committee.

Madam Speaker, whether or not Members support this provision to increase security at vulnerable chemical facilities, we should, at the very least, have an opportunity for an up-or-down vote on the provision and not have it stricken on a point of order.

The Obey amendment will increase funding by $3.5 billion to help address a number of the bill's seriously underfunded programs and the services that are vital to homeland security. It will provide for increased Border Patrol agents, increased immigration investigators, and increased capacity and detention facilities. It fully funds the Port Security Grant program at the level enacted by the House just 2 weeks ago. It provides funds for Customs and Border Protection and the Coast Guard to better protect our ports. And it restores cuts in programs that assist local first responders in disaster preparation. It also provides for substantial expansion of resources to support aviation explosive detection for air cargo and passengers and carry-on bags.

The Obey amendment does this and more without imposing any increase in our awful deficit. The entire cost of the amendment is offset by a slight reduction in the tax cut for those fortunate individuals in this Nation having annual incomes of over $1 million.

Unfortunately, the homeland security appropriations bill before us today is inadequately funded in a number of areas that are vitally important to our Nation's security. We are all aware that Federal dollars are limited; but when it comes to the safety and security of the American people, we have to find a way to fund those programs in ways that will protect our citizens. Democrats believe in keeping our promises. The Obey amendment will help us support these efforts and do so without adding to the debt.

Madam Speaker, I want to point out a "no" will not prevent us from considering the homeland security appropriations bill under an open rule, but a "no" vote will allow Members to vote on the Sabo and Obey proposals. Vote "no" on the previous question.

Madam Speaker, I yield back the balance of my time.

Mr. SESSIONS. Madam Speaker, I appreciate the gentlewoman from New York engaging in what I thought was a fair and balanced discussion about the homeland security appropriations bill. I think it is important that we remember that the balance of what we do says a lot about the success of this government to focus and make sure that we are prepared to ensure that this great Nation is protected by those very important first responders and the United States Government, which has this obligation.

During this time, we have spent a lot of time talking about Members of Congress who focused on the policy issues, but there has also been a lot of work that has been done by many other people. I mentioned my work with Customs and Border Protection. I would like to thank Major General Kostelnick at CBP Air for personally engaging me; Mike Conaway from Midland, Texas, on his thoughts and ideas for the work of the Homeland Security Appropriations Subcommittee.

We have also spent a lot of time at the White House. The White House has reached out to Members of Congress to find out their thoughts and ideas, and I think the President is well represented by his legislative staff who have come and listened to us and tried to take those thoughts and ideas back to formulate a balanced policy with the administration's position. I want to thank them:

Candi Wolfe; for his professionalism and grace and balance, Brian Conklin; for the star of the White House legislative team, Elan Liang; Chris Frech and Peter Rowan, because they have been an equal part of the success of this important bill as it moves forward.

I am proud of what we have done. I ask for all the Members' support not only on this rule but the important legislation which makes sure that we have a balanced policy effort and funding effort to make sure this country is protected.

I thank God every day that America rises to its feet, has an economy that works the way it does and the strength and power to lead this world economy, and for strength and peace.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 836—RULE FOR H.R. 5441 HOMELAND SECURITY APPROPRIATIONS FOR FY 2007

In the resolution, on page 2, line 12, after "Section 512;" add "and".

On page 2, line 13 strike the following: "; and section 536".

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, before consideration of any other amendment it shall be in order to consider the amendment designated in section 3 of this resolution, which may be offered only by Rep. Obey or a designee, shall be considered as read, shall not be subject to amendment (except for pro forma amendments for the purpose of debate), and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment are waived.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 5441, AS REPORTED

OFFERED BY MR. OBEY OF WISCONSIN

At the end of the bill (before the short title), insert the following:

TITLE VI—PREPARING FOR AND PREVENTING KNOWN THREATS AND IMPROVING BORDER SECURITY

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $880,000,000, to remain available until expended, for 1,800 additional border patrol agents, 300 additional customs agents and inspectors, improvements to the automated targeting system as recommended by the Government Accountability Office, and expansion of the Container Security Initiative.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", $170,000,000, to remain available until expended, for additional operating hours, the purchase of additional air assets, aircraft recapitalization, and establishment of the final northern border airwing.

CONSTRUCTION

For an additional amount for "Construction", $300,000,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For and additional amount for "Salaries and Expenses", $730,000,000, to remain available until expended, for not less than 9,000 additional detention beds and 800 additional immigration enforcement agents.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $200,000,000, to remain available until September 30, 2008, for checkpoint support technology and passenger, baggage, and cargo screening.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating Expenses", $50,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements", $200,000,000, to remain available until September 30, 2008, for the automatic identification system.

PREPAREDNESS

OFFICE OF GRANTS AND TRAINING

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $340,000,000, of which $100,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; $200,000,000 shall be for port security grants; and $40,000,000 shall be for grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13).

FIREFIGHTER ASSISTANCE GRANTS

For an additional amount for "Firefighter Assistance Grants", $150,000,000, of which $75,000,000 shall be available to carry out section 33 of the Federal Fire Prevention and Control Act (15 U.S.C. 2229) and $75,000,000 shall be available to carry out section 34 of such Act (15 U.S.C. 2229a).

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants", $150,000,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

READINESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for "Readiness, Mitigation, Response, and Recovery", $50,000,000.

FLOOD MAP MODERNIZATION FUND

For an additional amount for "Flood Map Modernization Fund", $150,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $30,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

For an additional amount for "Domestic Nuclear Detection Office", $100,000,000, to remain available until expended, for the purchase and deployment of radiation detection equipment.

GENERAL PROVISIONS—THIS TITLE

SEC. 601. In the case of taxpayers with income in excess of $1,000,000, for calendar year 2007 the amount of tax reduction resulting from the enactment of Public Laws 107–16, 108–27, and 108–311 shall be reduced by 8.47 percent.

SEC. 602. The amounts appropriated by this title shall be available for obligation, and the authorities provided in this title shall apply, upon the enactment of this Act.

Mr. SESSIONS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: motion to recommit H.R. 5429, by the yeas and nays; passage of H.R. 5429, if ordered; ordering the previous question on H. Res. 836, by the yeas and nays; adoption of H. Res. 836, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMERICAN-MADE ENERGY AND GOOD JOBS ACT

MOTION TO RECOMMIT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The SPEAKER pro tempore. The pending business is the vote on the motion to recommit on H.R. 5429 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 201, nays 223, not voting 8, as follows:

[Roll No. 208]

YEAS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gilchrest
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson, Sam
Keller
Kelly
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Culberson
DeLay
Evans
Flake
Kennedy (RI)
Mollohan
Snyder
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1522

Messrs. MCCAUL of Texas, RADANOVICH and GONZALEZ changed their vote from "yea" to "nay."

Messrs. SMITH of Washington, BAIRD, PAUL, DOGGETT and JONES of North Carolina changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MARKEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 225, nays 201, not voting 7, as follows:

[Roll No. 209]

YEAS—225

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Everett
Feeney
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart

Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gonzalez
Gordon
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

DeLay
Evans
Flake
Kennedy (RI)
Mollohan
Snyder
Wilson (SC)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 1531

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that, during consideration of H.R. 5441 pursuant to House Resolution 836, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. The pending business is the vote on ordering the previous question on House Resolution 836 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 195, not voting 20, as follows:

[Roll No. 210]

YEAS—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers

Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Buyer
DeLay
Evans
Flake
Jones (OH)
Kennedy (RI)
Kirk
McKeon
Meeks (NY)
Mica
Miller (FL)
Mollohan
Oxley
Pence
Radanovich
Rogers (KY)
Saxton
Simpson
Snyder
Wilson (SC)

☐ 1540

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO BOARD OF VISITORS TO UNITED STATES COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to 14 U.S.C. 194(a) and the order of the House of December 18, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Visitors to the United States Coast Guard Academy:

Mr. TAYLOR, Mississippi.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4963

Mr. HYDE. Madam Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of the bill, H.R. 4963.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. ROGERS of Kentucky. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5441, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5441.

☐ 1545

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. ROGERS) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume

Mr. Chairman, I am pleased to be here to present the fiscal year 2007 Homeland Security Appropriations Bill. The bill provides just over $32 billion in discretionary funds for the upcoming fiscal year, that is $1.8 billion above the current year, providing ample resources to fund the Department's operations in 2007.

After 3 years, the Department of Homeland Security has made enormous progress, but much work remains. The past year has been challenging. We have seen military-like incursions at the border, learned of potential vulnerabilities within port security and witnessed a massive failure in our Nation's preparedness and response during Hurricane Katrina. It has not been an easy year.

I have watched the Department tackle these challenges, and have been forthcoming in both my criticisms and praise, and they deserve both. Now, in its fourth year of existence, DHS is still struggling to merge its 22 legacy agencies.

Basic business systems are not yet established. And there is a constant shuffling of responsibilities and positions. From one day to the next, it is hard to determine who is in charge of what effort. On top of the mundane job of simply managing a large bureaucracy of over 180,000 employees, the Department is often focused on managing the crisis of the day. Part of this is necessary. Katrina's aftermath certainly required the attention of DHS leadership.

But I do not think the Department should lose sight of its long range goals and diverse legacy missions, to deal exclusively with the latest crisis. Nor, do I think that we as a Congress can afford to be so caught up in today's crisis that we fail to provide balance, stability and aggressive oversight within the Department's operations.

The President's budget put a strong emphasis on two areas, borders and immigration security, and nuclear detection. These are certainly homeland security priorities which I support. But increases in these areas came at the expense of everything else, resulting in reduced funding for first responders, port security and legacy agencies such as the Secret Service.

The bill before you shifts some of these resources and provides a balance among all of the Homeland Security priorities. It gives the Department the tools, assets and direction it needs to prepare our Nation for both terrorist attacks and natural disasters.

Since September 11, we have provided $217.6 billion for homeland security, including $116.9 billion for the Department itself. This does not include emergency appropriations for Hurricanes Katrina, Rita and Wilma.

For the past 3 years, we have provided funds to get the Department up and running. But this year marks a turning point for the Department. It is 3 years old. It is already up and running. We now expect results. No longer will we tolerate excuses and delays due to reorganizations, personnel shortages and poor financial management. Those days are over. We need to have confidence that this money is making a difference and that as a Nation we are safer and better prepared.

The bill includes a number of initiatives designed to compel the Department to develop strategies and milestones for performance. To eliminate any ambiguity of Congressional intent, the bill fences funds until certain actions are performed. In fact, a total of $1.3 billion is withheld until we have strategic plans, expenditure plans, and better financial data throughout the Department.

The bill also balances funding across all programs, not just a select few. But there are some caveats. We give money to the Department, but we also require results. For port security, cargo security and container security, we include $4.185 billion, a significant sum of money, but not without strings.

There are stringent performance requirements, such as doubling the amount of cargo inspected, 100 percent screening of all cargo and the establishment of minimum security standards for all cargo containers.

It also requires that DHS double the amount of cargo screened for radiation. These requirements are in line with the recently considered SAFE Port Act, which overwhelming passed this House on May 4.

For border security and immigration enforcement, the bill is also generous. We provide $19.6 billion, including almost $4 billion for the Secure Border Initiative. Again, these funds do not come without strings. Strategic and expenditure plans must be submitted for this effort. Unless the Department can show us exactly what we are buying, we will not fund it. Since 1995, spending on border security has quadrupled from $5.1 billion to over $17.9 billion.

And the number of Border Patrol agents has more than doubled from 5,000 to 12,319. However, during this same period, the number of illegal immigrants has jumped from 5 million to an estimated 12 million people. The policy of more money and no results is no longer in effect.

We will not fund programs with false expectations. The American taxpayer deserves more. We learned many lessons, Mr. Chairman, from Hurricane Katrina. The Department has taken a number of steps to prepare for the start of the 2006 Hurricane season on June 1, including improvements to communications, logistics management, victim registration and debris removal.

However, much work remains. And we provide $493 million to build FEMA's operational capabilities, including 200 new staff to improve incident and logistics management, evacuations and debris removal.

The bill includes $3.2 billion for our first responders. This is in addition to the $5.1 billion that is still in the pipeline waiting to be spent, moneys from previous years. Here, too, we require results. And we put pressure on DHS to measure progress in preparing our first responders.

Since September 11, we have given the first responders, we have provided $37.4 billion. The question is, are they better trained? Are they better prepared? Are they better equipped? We do not know the answer to that, but we should. The bill includes a provision requiring DHS to develop a preparedness strategy and to measure the performance of first responders.

The bill provides $6.4 billion for the Transportation Security Administration and the air marshals, including $497 million for explosive detection systems, and $55 million for air cargo security. It also continues to cap the number of screeners at 45,000, ensuring that TSA will not rely exclusively on people to secure aviation but rather use smart technologies to screen for explosives and other contraband.

We must get out of the cycle of simply giving more money for people when technology in many cases provides a better answer. The bill includes $500 million for the domestic nuclear detection office. Much work has been done in this area over the past year, and the office has made significant progress in the areas of detection technologies and coordinating Federal efforts. This work deserves our continued support.

Finally, I would like to point out that the bill includes $1.3 billion for the Secret Service. I continue to believe the administration sometimes ignores the resource requirements of that agency. Despite dramatic increases in their workload for both protection and investigations, dollars have not been forthcoming.

This is a good example of where I think the administration is not paying enough attention to legacy missions, because they are so focused on bigger, more visible challenges.

This legislation, Mr. Chairman, supports our most critical Homeland Security priorities, keeps the Department on track to produce results and continues the committee's tradition of strict accountability. The recommendations in this bill reflect a balance among programs and operations, and I urge my colleagues to support the measure.

Mr. Chairman, this is the last year that my distinguished colleague, Mr. SABO, will be serving in the U.S. House. He has chosen to retire to his home in Minnesota. I want to pay him the highest compliment that I can. He has been an able soldier. He has been a good work mate on this subcommittee. A good part of this bill is his handiwork. He is easy to work with. He reminds me a lot of that old adage that still water runs deep. He does not yell and scream. And yet he is extremely competent.

So I wish him well in his next life. I want him to know that we have enjoyed working with him. He has done a great service for his country. And we want to thank him for his distinguished service.

So, Mr. SABO, thank you for being a great partner.

Homeland Security Appropriations Act - FY 2007 (H.R. 5441)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Departmental Operations					
Office of the Secretary and Executive Management:					
Immediate Office of the Secretary..................	2,369	3,148	2,648	+279	-500
Immediate Office of the Deputy Secretary..........	1,121	1,648	1,248	+127	-400
Chief of Staff..	2,221	2,901	5,642	+3,421	+2,741
Office of Counternarcotics Enforcement............	1,841	2,878	---	-1,841	-2,878
Executive Secretary.................................	4,090	5,001	5,001	+911	---
Office of Policy.....................................	20,506	31,093	27,093	+6,587	-4,000
Secure Border Initiative Program Executive Office.	---	---	5,000	+5,000	+5,000
Office of Public Affairs............................	8,229	6,808	6,000	-2,229	-808
Office of Legislative and Intergovernmental Affairs..	6,262	6,479	5,700	-562	-779
Office of General Counsel..........................	11,154	14,065	14,065	+2,911	---
Office of Civil Rights and Liberties...............	12,870	13,125	13,125	+255	---
Citizenship and Immigration Services Ombudsman ...	3,615	5,927	5,927	+2,312	---
Privacy Officer.....	4,337	4,435	4,435	+98	---
Supplemental appropriations (P.L. 109-148) Avian Flu (emergency)............................	47,283	---	---	-47,283	---
Subtotal, Office of the Secretary and Executive Management...........................	125,898	97,508	95,884	-30,014	-1,624
Appropriations................................	(78,615)	(97,508)	(95,884)	(+17,269)	(-1,624)
Emergency appropriations.....................	(47,283)	---	---	(-47,283)	---
Office of Screening Coordination and Operations... ...	3,960	3,960	---	-3,960	-3,960
Office of the Under Secretary for Management:					
Under Secretary for Management....................	1,670	2,012	2,012	+342	---
Office of Security..................................	50,765	58,514	51,914	+1,149	-6,600
Business Transformation Office.................. .	1,861	2,017	1,317	-544	-700
Office of the Chief Procurement Officer...........	8,930	16,895	16,895	+7,965	---
Office of the Chief Human Capital Officer:					
Salaries and expenses...........................	8,811	9,827	9,227	+416	-600
MAX - HR System.................................	29,700	71,449	29,700	---	-41,749
Subtotal, Office of the Chief Human Capital Officer....................................	38,511	81,276	38,927	+416	-42,349
Office of the Chief Administrative Officer:					
Salaries and expenses.........................	39,600	40,218	40,218	+618	---
Nebraska Avenue Complex (NAC-DHS Headquarters)	25,809	8,206	8,206	-17,603	---
Subtotal, Office of the Chief Administrative Officer..................................	65,409	48,424	48,424	-16,985	---
Subtotal, Office of the Under Secretary for Management...............................	167,146	209,138	159,489	-7,657	-49,649
Office of the Chief Financial Officer................	19,211	44,380	43,480	+24,269	-900
Office of the Chief Information Officer:					
Salaries and expenses............................	74,999	79,521	79,521	+4,522	---
Information technology services..................	82,609	61,013	61,013	-21,596	---
Security activities............................ ..	18,810	64,139	105,139	+86,329	+41,000
Wireless program.................................	85,140	86,438	86,438	+1,298	---
Homeland Secure Data Network (HSDN)..............	32,699	32,654	32,654	-45	---
Subtotal, Office of the Chief Information Officer....................................	294,257	323,765	364,765	+70,508	+41,000
Analysis and Operations.............................	252,940	298,663	298,663	+45,723	---
Total, Departmental Operations.................	863,412	977,414	962,281	+98,869	-15,133
Appropriations..............................	(816,129)	(977,414)	(962,281)	(+146,152)	(-15,133)
Emergency appropriations...................	(47,283)	---	---	(-47,283)	---

Homeland Security Appropriations Act - FY 2007 (H.R. 5441)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of the Federal Coordinator for Gulf Coast Rebuilding	---	---	3,000	+3,000	+3,000
Office of Inspector General					
Operating expenses	82,187	96,185	96,185	+13,998	---
Total, title I, Departmental Management and Operations	945,599	1,073,599	1,061,466	+115,867	-12,133
Appropriations	(898,316)	(1,073,599)	(1,061,466)	(+163,150)	(-12,133)
Emergency appropriations	(47,283)	---	---	(-47,283)	---
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
U.S. Visitor and Immigrant Status Indicator Technology	336,600	399,494	362,494	+25,894	-37,000
Customs and Border Protection					
Salaries and expenses:					
Headquarters, Management, and Administration:					
Management and administration, border security inspections and trade facilitation	648,450	663,943	658,943	+10,493	-5,000
Management and administration, border security and control between port of entry	584,100	594,446	589,446	+5,346	-5,000
Subtotal, Headquarters, Mgt, & Admin	1,232,550	1,258,389	1,248,389	+15,839	-10,000
Border security inspections and trade facilitation:					
Inspections, trade, and travel facilitation at ports of entry	1,249,648	1,282,102	1,282,102	+32,454	---
Harbor maintenance fee collection (trust fund)	3,000	3,026	3,026	+26	---
Container security initiative	137,402	139,312	139,312	+1,910	---
Other international programs	8,543	8,701	8,701	+158	---
Customs trade partnership against terrorism/ Free and Secure Trade (FAST) NEXUS/SENTRI	74,515	75,909	91,009	+16,494	+15,100
Inspection and detection technology investments	62,394	94,317	94,317	+31,923	---
Automated targeting systems	27,970	27,298	27,298	-672	---
National Targeting Center	16,530	23,635	23,635	+7,105	---
Other technology investments, including information technology	1,008	1,027	1,027	+19	---
Training	24,107	24,564	24,564	+457	---
Subtotal, Border security inspections and trade facilitation	1,605,117	1,679,891	1,694,991	+89,874	+15,100
Border security and control between ports of entry:					
Border security and control	1,725,547	2,243,619	2,176,679	+451,132	-66,940
Border technology	30,971	131,559	---	-30,971	-131,559
Secure Border Initiative Technology and Tactical Infrastucture (SBInet)	---	---	115,000	+115,000	+115,000
Training	21,981	45,688	37,275	+15,294	-8,413
Subtotal, Border security and control between ports of entry	1,778,499	2,420,866	2,328,954	+550,455	-91,912
CBP Air and Marine Personnel Compensation and Benefits	161,924	159,876	162,976	+1,052	+3,100
Supplemental appropriations:					
Salaries and expenses (P.L.109-148, emergency)	24,100	---	---	-24,100	---
Subtotal, Salaries and expenses	4,802,190	5,519,022	5,435,310	+633,120	-83,712
Appropriations	(4,775,090)	(5,515,996)	(5,432,284)	(+657,194)	(-83,712)
Emergency appropriations	(24,100)	---	---	(-24,100)	---
Trust fund	(3,000)	(3,026)	(3,026)	(+26)	---

Homeland Security Appropriations Act - FY 2007 (H.R. 5441)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Automation modernization:					
Automated commercial environment/International Trade Data System (ITDS)	316,800	318,490	316,800	---	-1,690
Automated commercial system and legacy IT costs	134,640	142,717	134,640	---	-8,077
Subtotal, Automation modernization	451,440	461,207	451,440	---	-9,767
CBP Air and Marine Interdiction, Operations, Maintenance, and Procurement:					
Operations and maintenance	260,323	265,966	301,466	+41,143	+35,500
Unmanned aerial vehicles	10,078	10,353	10,353	+275	---
Procurement	125,827	61,380	61,380	-64,447	---
Subtotal, Air and marine interdiction, operations, maintenance, and procurement	396,228	337,699	373,199	-23,029	+35,500
Construction:					
Construction (Border patrol)	267,300	255,954	175,154	-92,146	-80,800
(P.L. 109-148, emergency)	10,400	---	---	-10,400	---
Subtotal, Construction	277,700	255,954	175,154	-102,546	-80,800
Total, Direct appropriations	5,927,558	6,573,882	6,435,103	+507,545	-138,779
Fee accounts:					
Immigration inspection user fee	(464,816)	(529,300)	(529,300)	(+64,484)	---
Immigration enforcement fines	(6,403)	(1,724)	(1,724)	(-4,679)	---
Land border inspection fee	(29,878)	(28,071)	(28,071)	(-1,807)	---
COBRA passenger inspection fee	(334,000)	(387,804)	(387,804)	(+53,804)	---
APHIS inspection fee	(204,000)	(214,287)	(214,287)	(+10,287)	---
Puerto Rico collections	(97,815)	(97,815)	(97,815)	---	---
Small airport user fees	(5,234)	(6,230)	(6,230)	(+996)	---
Subtotal, fee accounts	(1,142,146)	(1,265,231)	(1,265,231)	(+123,085)	---
Total, Customs and Border Protection	(7,069,704)	(7,839,113)	(7,700,334)	(+630,630)	(-138,779)
Appropriations	(5,893,058)	(6,573,882)	(6,435,103)	(+542,045)	(-138,779)
Emergency apropriations	(34,500)	---	---	(-34,500)	---
(Fee accounts)	(1,142,146)	(1,265,231)	(1,265,231)	(+123,085)	---
Immigration and Customs Enforcement					
Salaries and expenses:					
Headquarters Management and Administration (non-Detention and Removal Operations):					
Personnel compensation and benefits, service and other costs	122,364	---	131,287	+8,923	+131,287
Headquarters managed IT investment	131,773	---	134,015	+2,242	+134,015
Subtotal, Headquarters management and administration	254,137	---	265,302	+11,165	+265,302
Legal proceedings	128,879	206,511	187,353	+58,474	-19,158
Investigations:					
Domestic	1,183,100	1,456,650	1,317,992	+134,892	-138,658
International	100,899	104,744	105,181	+4,282	+437
Subtotal, Investigations	1,283,999	1,561,394	1,423,173	+139,174	-138,221
Intelligence:					
Intelligence	50,460	57,932	51,379	+919	-6,553
Subtotal, Intelligence	50,460	57,932	51,379	+919	-6,553
Detention and removal operations:					
Custody Operations	1,003,196	1,432,702	1,291,220	+288,024	-141,482
Fugitive operations	101,852	173,784	199,853	+98,001	+26,069
Criminal Alien program	93,029	110,250	105,357	+12,328	-4,893
Alternatives to detention	28,212	42,702	46,145	+17,933	+3,443

Homeland Security Appropriations Act - FY 2007 (H.R. 5441)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Transportation and removal program	133,650	317,016	273,475	+139,825	-43,541
Subtotal, Detention and removal operations	1,359,939	2,076,454	1,916,050	+556,111	-160,404
Salaries and expenses (P.L.109-148, emergency)	13,000	---	---	-13,000	---
Subtotal, Salaries and expenses	3,090,414	3,902,291	3,843,257	+752,843	-59,034
Appropriations	(3,077,414)	(3,902,291)	(3,843,257)	(+765,843)	(-59,034)
Emergency appropriations	(13,000)	---	---	(-13,000)	---
Federal protective service:					
Basic security	109,235	123,310	123,310	+14,075	---
Building specific security (including capital equipment replacement/acquisition)	377,765	392,701	392,701	+14,936	---
Subtotal	487,000	516,011	516,011	+29,011	---
Offsetting fee collections	-487,000	-516,011	-516,011	-29,011	---
Automation modernization:					
ATLAS	39,749	---	---	-39,749	---
Construction	26,281	26,281	26,281	---	---
Total, Direct appropriations	3,156,444	3,928,572	3,869,538	+713,094	-59,034
Fee accounts:					
Immigration inspection user fee	(100,000)	(108,000)	(108,000)	(+8,000)	---
Breached bond/detention fund	(87,000)	(90,000)	(90,000)	(+3,000)	---
Student exchange and visitor fee	(66,552)	(54,349)	(54,349)	(-12,203)	---
Subtotal, fee accounts	(253,552)	(252,349)	(252,349)	(-1,203)	---
Subtotal, Immigration and Customs Enforcement (gross)	(3,896,996)	(4,696,932)	(4,637,898)	(+740,902)	(-59,034)
Offsetting fee collections	(-487,000)	(-516,011)	(-516,011)	(-29,011)	---
Total, Immigration and Customs Enforcement	(3,409,996)	(4,180,921)	(4,121,887)	(+711,891)	(-59,034)
Appropriations	(3,143,444)	(3,928,572)	(3,869,538)	(+726,094)	(-59,034)
Emergency appropriations	(13,000)	---	---	(-13,000)	---
(Fee accounts)	(253,552)	(252,349)	(252,349)	(-1,203)	---
Transportation Security Administration					
Aviation security:					
Screener operations:					
Screener workforce:					
Privatized screening	138,257	148,600	148,600	+10,343	---
Passenger screener - personnel, compensation, and benefits	1,504,800	1,556,226	---	-1,504,800	-1,556,226
Baggage screener - personnel, compensation, and benefits	875,160	913,974	---	-875,160	-913,974
Passenger & Baggage screener - personnel, compensation, and benefits	---	---	2,470,200	+2,470,200	+2,470,200
Subtotal, Sceener workforce	2,518,217	2,618,800	2,618,800	+100,583	---
Screening training and other:					
Passenger screeners, other	23,514	23,352	---	-23,514	-23,352
Baggage screeners, other	133,446	133,114	---	-133,446	-133,114
Screener training	87,124	88,000	---	-87,124	-88,000
Subtotal, Screening training and other	244,084	244,466	---	-244,084	-244,466
Screening Training and Other	---	---	244,466	+244,466	+244,466
Human resource services	205,162	207,234	207,234	+2,072	---
Checkpoint support	163,350	173,366	173,366	+10,016	---

Homeland Security Appropriations Act - FY 2007 (H.R. 5441)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
EDS/ETD Systems:					
EDS Purchase	173,250	91,000	136,000	-37,250	+45,000
EDS Installation	44,550	94,000	94,000	+49,450	---
EDS/ETD Maintenance	198,000	234,000	234,000	+36,000	---
EDS/ETD Refurbishment	---	---	10,000	+10,000	+10,000
Operation integration	22,770	23,000	23,000	+230	---
Subtotal, EDS/ETD Systems	438,570	442,000	497,000	+58,430	+55,000
Subtotal, Screening operations	3,569,383	3,685,866	3,740,866	+171,483	+55,000
Aviation security direction and enforcement:					
Aviation regulation and other enforcement	220,192	217,516	217,516	-2,676	---
Airport management, IT, and support	679,172	666,032	666,032	-13,140	---
FFDO and flight crew training	30,195	30,470	25,000	-5,195	-5,470
Air cargo	54,450	55,000	55,000	+550	---
Airport perimeter security	4,950	---	---	-4,950	---
Foreign repair stations	2,970	---	---	-2,970	---
Subtotal, Aviation direction and enforcement	991,929	969,018	963,548	-28,381	-5,470
Aviation security capital fund	(250,000)	(250,000)	(250,000)	---	---
Subtotal, Aviation security (gross)	4,561,312	4,654,884	4,704,414	+143,102	+49,530
Offsetting fee collections (non-mandatory)	-1,990,000	-3,650,000	-2,420,000	-430,000	+1,230,000
Aviation security capital fund	(250,000)	(250,000)	(250,000)	---	---
Total, Aviation security (net)	2,571,312	1,004,884	2,284,414	-286,898	+1,279,530
Surface transportation security:					
Staffing and operations	23,760	24,000	24,000	+240	---
Hazardous materials truck tracking/training	3,960	---	---	-3,960	---
Rail security inspectors and canines	7,920	13,200	13,200	+5,280	---
Subtotal, Surface transportation security	35,640	37,200	37,200	+1,560	---
Transportation Threat Assessment and Credentialing:					
SecureFlight	56,129	40,000	40,000	-16,129	---
Crew vetting	13,167	14,700	14,700	+1,533	---
Screening administration and operations	4,950	---	---	-4,950	---
Transpo Worker Id Credential (TWIC) - Direct Aprop	---	---	20,000	+20,000	+20,000
Registered Traveler Program fees	(20,000)	(35,101)	(35,101)	(+15,101)	---
TWIC fees	(100,000)	(20,000)	(20,000)	(-80,000)	---
Hazardous materials fees	(50,000)	(19,000)	(19,000)	(-31,000)	---
Alien Flight School (by transfer from DOJ) - fees.	(10,000)	(2,000)	(2,000)	(-8,000)	---
Subtotal, Transportation Threat Assessment and Credentialing (Gross)	(254,246)	(130,801)	(150,801)	(-103,445)	(+20,000)
Fee Funed Programs	(180,000)	(76,101)	(76,101)	(-103,899)	---
Subtotal, Transportation Threat Assessment and Credentialing (net)	74,246	54,700	74,700	+454	+20,000
Transportation security support:					
Administration:					
Headquarters administration	276,597	296,191	292,191	+15,594	-4,000
Information technology	207,991	210,092	210,092	+2,101	---
Subtotal, Administration	484,588	506,283	502,283	+17,695	-4,000
Intelligence	20,790	21,000	21,000	+210	---
Subtotal, Transportation security support	505,378	527,283	523,283	+17,905	-4,000
Federal Air Marshals:					
Management and Administration	607,266	628,494	628,494	+21,228	---
Travel and Training	70,092	70,800	70,800	+708	---
Air-to-ground communications	1,980	---	---	-1,980	---

Homeland Security Appropriations Act - FY 2007 (H.R. 5441)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Federal Air Marshals	679,338	699,294	699,294	+19,956	---
Total, Transportation Security Administration (gross)	6,285,914	6,299,462	6,364,992	+79,078	+65,530
Offsetting fee collections	-1,990,000	-3,650,000	-2,420,000	-430,000	+1,230,000
Aviation security capital fund	(250,000)	(250,000)	(250,000)	---	---
Fee accounts	(180,000)	(76,101)	(76,101)	(-103,899)	---
Total, Transportation Security Administration (net)	3,865,914	2,323,361	3,618,891	-247,023	+1,295,530
United States Coast Guard					
Operating expenses:					
Military pay and allowances	2,974,770	2,788,276	2,788,276	-186,494	---
Civilian pay and benefits	526,182	569,434	569,434	+43,252	---
Training and recruiting	175,359	180,876	180,876	+5,517	---
Operating funds and unit level maintenance	947,400	1,061,574	1,009,374	+61,974	-52,200
Centrally managed accounts	183,150	207,954	207,954	+24,804	---
Intermediate and depot level maintenance	630,547	710,729	710,729	+80,182	---
Port Security	---	---	15,000	+15,000	+15,000
Emergency appropriation (P.L. 109-148)	132,000	---	---	-132,000	---
Transfer from DOD, Operation Iraqi Freedom (P.L. 109-148)	(100,000)	---	---	(-100,000)	---
Rescission (Port Security Assessments, PL 108-11)	-15,104	---	---	+15,104	---
Rescission (P.L. 109-148)	-260,533	---	---	+260,533	---
Less adjustment for defense function	-1,188,000	-340,000	-340,000	+848,000	---
Defense function portion	1,188,000	340,000	340,000	-848,000	---
Subtotal, Operating expenses	5,293,771	5,518,843	5,481,643	+187,872	-37,200
Appropriations	(4,249,408)	(5,178,843)	(5,141,643)	(+892,235)	(-37,200)
Rescissions	(-275,637)	---	---	(+275,637)	---
Defense function portion	(1,188,000)	(340,000)	(340,000)	(-848,000)	---
Emergency appropriations	(132,000)	---	---	(-132,000)	---
(By transfer)	(100,000)	---	---	(-100,000)	---
Environmental compliance and restoration	11,880	11,880	11,880	---	---
Reserve training	117,810	123,948	122,348	+4,538	-1,600
Acquisition, construction, and improvements:					
Vessels:					
Response boat medium (41ft UTB and NSB replacement)	18,315	24,750	24,750	+6,435	---
Aircraft:					
Armed helicopter equipment (Phase I) (legacy asset)	9,900	---	---	-9,900	---
Covert surveillance aircraft	9,900	---	---	-9,900	---
HH-60 replacement	---	---	15,000	+15,000	+15,000
Subtotal, Aircraft	19,800	---	15,000	-4,800	+15,000
Other equipment:					
Automatic identification system	23,760	11,238	11,238	-12,522	---
National distress and response system modernization (Rescue 21)	40,590	39,600	39,600	-990	---
HF Recap	---	2,475	2,475	+2,475	---
National Capital Region Air Defense	---	48,510	48,510	+48,510	---
Counter Terrorism Training Infrastructure - shoothouse	---	1,683	---	---	-1,683
Subtotal, Other equipment	64,350	103,506	101,823	+37,473	-1,683
Personnel compensation and benefits:					
Core acquisition costs	495	500	500	+5	---
Direct personnel cost	72,270	80,500	80,500	+8,230	---

Homeland Security Appropriations Act - FY 2007 (H.R. 5441)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Subtotal, Personnel compensation and benefits	72,765	81,000	81,000	+8,235	---
Integrated deepwater systems:					
Aircraft:					
Aircraft, other	154,440	216,513	216,513	+62,073	---
HH-65 re-engining	131,769	32,373	32,373	-99,396	---
Subtotal, Aircraft	286,209	248,886	248,886	-37,323	---
Surface ships	504,108	498,366	466,786	-37,322	-31,580
C4ISR	43,560	60,786	60,786	+17,226	---
Logistics	18,612	42,273	32,062	+13,450	-10,211
Systems engineering and integration	36,630	35,145	35,145	-1,485	---
Government program management	34,650	48,975	48,975	+14,325	---
Subtotal, Integrated deepwater systems	923,769	934,431	892,640	-31,129	-41,791
Shore facilities and aids to navigation:					
Shore operational and support projects	---	2,600	2,600	+2,600	---
Shore construction projects	---	2,850	1,450	+1,450	-1,400
Renovate USCGA Chase Hall barracks, Phase I	14,850	2,000	2,000	-12,850	---
Coast Guard housing - Cordova, AK	---	5,500	5,500	+5,500	---
ISC Seattle Group, sector admin ops facility phase II	---	2,600	2,600	+2,600	---
Replace multi-purpose building - Group Long Island Sound	9,900	1,000	1,000	-8,900	---
Construct breakwater - Station Neah Bay	2,772	1,100	1,100	-1,672	---
Rebuild station and waterfront at Base Galveston phase I	---	5,200	5,200	+5,200	---
Waterways aids to navigation infrastructure	3,861	3,000	3,000	-861	---
Subtotal, Shore facilities and aids to navigation	31,383	25,850	24,450	-6,933	-1,400
P.L. 109-148 (emergency)	74,500	---	---	-74,500	---
Subtotal, Acquisition, construction, and improvements	1,204,882	1,169,537	1,139,663	-65,219	-29,874
Appropriations	(1,130,382)	(1,169,537)	(1,139,663)	(+9,281)	(-29,874)
Emergency appropriations	(74,500)	---	---	(-74,500)	---
Alteration of bridges	14,850	---	17,000	+2,150	+17,000
Research, development, test, and evaluation	17,573	13,860	13,860	-3,713	---
Health care fund contribution	---	278,704	278,704	+278,704	---
Subtotal, U.S. Coast Guard discretionary	6,660,766	7,116,772	7,065,098	+404,332	-51,674
Retired pay (mandatory)	1,014,080	1,063,323	1,063,323	+49,243	---
Total, United States Coast Guard	7,674,846	8,180,095	8,128,421	+453,575	-51,674
Appropriations	(7,743,983)	(8,180,095)	(8,128,421)	(+384,438)	(-51,674)
Emergency appropriations	(206,500)	---	---	(-206,500)	---
Rescissions	(-275,637)	---	---	(+275,637)	---
(By transfer)	(100,000)	---	---	(-100,000)	---
United States Secret Service					
Protection, Administration, and Training:					
Protection:					
Protection of persons and facilities	570,553	639,747	657,267	+86,714	+17,520
National special security event fund	2,475	---	---	-2,475	---
Protective intelligence activities	55,653	55,509	61,509	+5,856	+6,000
White House mail screening	16,201	16,201	16,201	---	---
Subtotal, Protection	644,882	711,457	734,977	+90,095	+23,520

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Field operations:					
Domestic field operations	236,499	236,093	---	-236,499	-236,093
International field office administration and operations	20,758	21,616	---	-20,758	-21,616
Electronic crimes special agent program and electronic crimes task forces	39,204	44,079	---	-39,204	-44,079
Subtotal, Field operations	296,461	301,788	---	-296,461	-301,788
Administration:					
Headquarters, management and administration	201,200	169,370	169,370	-31,830	---
National Center for Missing and Exploited Children	7,810	7,811	---	-7,810	-7,811
Subtotal, Administration	209,010	177,181	169,370	-39,640	-7,811
Training:					
Rowley training center	45,874	50,052	50,052	+4,178	---
Emergency appropriations (P. L. 109-148)	3,600	---	---	-3,600	---
Subtotal, Protection, Admin and Training	1,199,827	1,240,478	954,399	-245,428	-286,079
Appropriations	(1,196,227)	(1,240,478)	(954,399)	(-241,828)	(-286,079)
Emergency appropriations	(3,600)	---	---	(-3,600)	---
Investigations and Field Operations:					
Domestic field operations	---	---	236,093	+236,093	+236,093
International field administration and operations	---	---	24,516	+24,516	+24,516
Electronic crimes special agent program and electronic crimes task forces	---	---	44,079	+44,079	+44,079
Forensic support and grants to NCMEC	---	---	7,811	+7,811	+7,811
Subtotal, Investigations and Field operations	---	---	312,499	+312,499	+312,499
Special Event Fund:					
National special security event fund	---	2,500	2,500	+2,500	---
Candidate nominee protection (equip and training)	---	18,400	18,400	+18,400	---
Subtotal, Special Event Fund	---	20,900	20,900	+20,900	---
Acquisition, construction, improvements and related expenses (Rowley training center)	3,662	3,725	3,725	+63	---
Total, United States Secret Service	1,203,489	1,265,103	1,291,523	+88,034	+26,420
Appropriations	(1,199,889)	(1,265,103)	(1,291,523)	(+91,634)	(+26,420)
Emergency appropriations	(3,600)	---	---	(-3,600)	---
Total, title II, Security, Enforcement, and Investigations	22,164,851	22,670,507	23,705,970	+1,541,119	+1,035,463
Appropriations	(22,182,888)	(22,670,507)	(23,705,970)	(+1,523,082)	(+1,035,463)
Emergency appropriations	(257,600)	---	---	(-257,600)	---
Rescission	(-275,637)	---	---	(+275,637)	---
(By transfer)	(100,000)	---	---	(-100,000)	---
(Fee Accounts)	(1,575,698)	(1,593,681)	(1,593,681)	(+17,983)	---
TITLE III - PREPAREDNESS AND RECOVERY					
Preparedness					
Under Secretary for Preparedness:					
Immediate Office of the Under Secretary	13,055	17,497	17,497	+4,442	---
Office of the Chief Medical Officer	1,980	4,980	4,980	+3,000	---
Office of National Capital Region Coordination	883	1,991	1,991	+1,108	---
National Preparedness Integration Coordination	---	50,000	15,000	+15,000	-35,000
Subtotal, Under Secretary for Preparedness	15,918	74,468	39,468	+23,550	-35,000

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grants and Training:					
Management and Administration	4,950	5,000	---	-4,950	-5,000
State and Local Programs:					
State Homeland Security Grant Program:					
State and Local Basic Formula Grants	544,500	633,000	545,000	+500	-88,000
Citizen Corps	---	35,000	---	---	-35,000
Subtotal, State Homeland Security Grant Program	544,500	668,000	545,000	+500	-123,000
Law enforcement terrorism prevention grants	396,000	---	400,000	+4,000	+400,000
Discretionary grants:					
High-threat, high-density urban area	757,350	838,000	750,000	-7,350	-88,000
Targeted infrastructure protection	---	600,000	---	---	-600,000
Buffer zone protection program	49,500	---	50,000	+500	+50,000
Port security grants	173,250	---	200,000	+26,750	+200,000
Rail and transit security	148,500	---	150,000	+1,500	+150,000
Trucking security grants	4,950	---	5,000	+50	+5,000
Intercity bus security grants	9,900	---	10,000	+100	+10,000
Subtotal, Discretionary grants	1,143,450	1,438,000	1,165,000	+21,550	-273,000
Commercial equipment direct assistance program	49,500	---	75,000	+25,500	+75,000
National Programs:					
National Domestic Preparedness Consortium	143,550	89,351	135,000	-8,550	+45,649
National exercise program	51,480	48,708	49,000	-2,480	+292
Technical assistance	19,800	11,500	25,000	+5,200	+13,500
Metropolitan Medical Response System	29,700	---	30,000	+300	+30,000
Demonstration training grants	29,700	---	30,000	+300	+30,000
Continuing training grants	24,750	3,000	35,000	+10,250	+32,000
Citizen Corps	19,800	---	---	-19,800	---
Evaluations and assessments	14,157	23,000	23,000	+8,843	---
Rural Domestic Preparedness Consortium	9,900	---	12,000	+2,100	+12,000
Subtotal, National Programs	342,837	175,559	339,000	-3,837	+163,441
Subtotal, State and Local Programs	2,476,287	2,281,559	2,524,000	+47,713	+242,441
Firefighter Assistance Grants:					
Grants	539,550	293,450	500,000	-39,550	+206,550
Staffing for Adequate Fire and Emergency Response (SAFER) Act	108,900	---	40,000	-68,900	+40,000
Subtotal, Firefighter Assistance Grants	648,450	293,450	540,000	-108,450	+246,550
Emergency management performance grants	183,150	170,000	186,000	+2,850	+16,000
Supplemental appropriations (PL 109-148,emergency)	10,300	---	---	-10,300	---
Subtotal, Grants and Training	3,323,137	2,750,009	3,250,000	-73,137	+499,991
Appropriations	(3,312,837)	(2,750,009)	(3,250,000)	(-62,837)	(+499,991)
Emergency appropriations	(10,300)	---	---	(-10,300)	---
Radiological Emergency Preparedness Program	-1,266	-477	-477	+789	---
U.S. Fire Administration and Training:					
United States Fire Administration	40,037	40,887	40,887	+850	---
Noble Training Center	4,462	5,962	5,962	+1,500	---
Subtotal, U.S. Fire Administration and Training	44,499	46,849	46,849	+2,350	---
Infrastructure Protection and Information Security					
Management and administration	82,509	84,650	84,650	+2,141	---
Critical infrastructure outreach and partnership	111,055	101,100	101,100	-9,955	---
Critical infrastructure identification and evaluation	67,815	71,631	71,631	+3,816	---

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Infrastructure Simulation and Analysis Center	19,800	16,021	16,021	-3,779	---
Biosurveillance	13,959	8,218	8,218	-5,741	---
Protective actions	90,485	32,043	32,043	-58,442	---
Cyber security	92,416	92,205	92,205	-211	---
National Security/Emergency Preparedness Telecommunications	141,206	143,272	143,272	+2,066	---
Subtotal, Infrastructure Protection and Information Security	619,245	549,140	549,140	-70,105	---
Total, Preparedness	4,001,533	3,419,989	3,884,980	-116,553	+464,991
Appropriations	(3,991,233)	(3,419,989)	(3,884,980)	(-106,253)	(+464,991)
Emergency appropriations	(10,300)	---	---	(-10,300)	---
Counterterrorism Fund					
Counterterrorism fund	1,980	---	---	-1,980	---
Federal Emergency Management Agency					
Administrative and regional operations	171,508	206,259	205,259	+33,751	-1,000
Defense function	47,520	49,240	49,240	+1,720	---
Supplemental appropriations (PL 109-148,emergency)	17,200	---	---	-17,200	---
Subtotal, Administrative and regional operations	236,228	255,499	254,499	+18,271	-1,000
Appropriations	(219,028)	(255,499)	(254,499)	(+35,471)	(-1,000)
Emergency appropriations	(17,200)	---	---	(-17,200)	---
Readiness, mitigation, response, and recovery:					
Operating activities	182,217	213,682	218,382	+36,165	+4,700
Urban search and rescue teams	19,800	19,817	19,817	+17	---
Subtotal, Readiness, mitigation, response, and recovery	202,017	233,499	238,199	+36,182	+4,700
Public health programs	33,660	33,885	33,885	+225	---
Disaster relief	1,752,300	1,941,390	1,662,891	-89,409	-278,499
Transfer out (emergency)	(-1,500)	---	---	(+1,500)	---
Subtotal, Disaster Relief	1,750,800	1,941,390	1,662,891	-87,909	-278,499
Rescission of emergency funding (P.L. 109-148)	-23,409,300	---	---	+23,409,300	---
Disaster assistance direct loan program account:					
Limitation on direct loans	(25,000)	(25,000)	(25,000)	---	---
Administrative expenses	561	569	569	+8	---
Transfer in (emergency)	(1,500)	---	---	(-1,500)	---
Flood map modernization fund	198,000	198,980	198,980	+980	---
National flood insurance fund:					
Salaries and expenses	36,496	38,230	38,230	+1,734	---
Flood hazard mitigation	87,358	90,358	90,358	+3,000	---
Offsetting fee collections	-123,854	-128,588	-128,588	-4,734	---
Transfer to National flood mitigation fund	(-28,000)	(-31,000)	(-31,000)	(-3,000)	---
National flood mitigation fund (by transfer)	(28,000)	(31,000)	(31,000)	(+3,000)	---
National pre-disaster mitigation fund	49,500	149,978	100,000	+50,500	-49,978
Emergency food and shelter	151,470	151,470	151,470	---	---
Total, FEMA (excluding resc of emerg approp)	2,623,736	2,965,270	2,640,493	+16,757	-324,777
Appropriations	(2,606,536)	(2,965,270)	(2,640,493)	(+33,957)	(-324,777)
Emergency appropriations	(17,200)	---	---	(-17,200)	---
Rescission of emergency appropriations	-23,409,300	---	---	+23,409,300	---
Total, title III, Preparedness and Recovery (excluding resc of emerg approp)	6,627,249	6,385,259	6,525,473	-101,776	+140,214

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Appropriations	(6,599,749)	(6,385,259)	(6,525,473)	(-74,276)	(+140,214)
Emergency appropriations	(27,500)	---	---	(-27,500)	---
Rescission of emergency appropriations	-23,409,300	---	---	+23,409,300	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out) (including emergency)	(-29,500)	(-31,000)	(-31,000)	(-1,500)	---
(By transfer) (including emergency)	(29,500)	(31,000)	(31,000)	(+1,500)	---
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES					
U.S. Citizenship and Immigration Services					
Backlog reduction initiative:					
Contracting services	69,300	---	---	-69,300	---
Other	9,900	---	---	-9,900	---
Digitization and IT transformation	34,650	---	---	-34,650	---
Subtotal, Backlog reduction initiative	113,850	---	---	-113,850	---
Salaries and expenses:					
Business transformation and IT transformation	---	47,000	47,000	+47,000	---
Systematic Alien Verification for Entitlements (SAVE)	---	24,500	24,500	+24,500	---
Employment Eligibility Verification (EEV) program	---	110,490	90,490	+90,490	-20,000
Subtotal, Salaries and expenses	---	181,990	161,990	+161,990	-20,000
Adjudication services (fee account):					
Pay and benefits	(657,000)	(624,600)	(624,600)	(-32,400)	---
District operations	(349,000)	(385,400)	(385,400)	(+36,400)	---
Service center operations	(250,000)	(267,000)	(267,000)	(+17,000)	---
Asylum, refugee and international operations	(74,000)	(75,000)	(75,000)	(+1,000)	---
Records operations	(66,000)	(67,000)	(67,000)	(+1,000)	---
Subtotal, Adjudication services	(1,396,000)	(1,419,000)	(1,419,000)	(+23,000)	---
Information and customer services (fee account):					
Pay and benefits	(80,000)	(81,000)	(81,000)	(+1,000)	---
Operating expenses:					
National Customer Service Center	(47,000)	(48,000)	(48,000)	(+1,000)	---
Information services	(14,000)	(15,000)	(15,000)	(+1,000)	---
Subtotal, Information and customer services	(141,000)	(144,000)	(144,000)	(+3,000)	---
Administration (fee account):					
Pay and benefits	(44,000)	(45,000)	(45,000)	(+1,000)	---
Operating expenses	(193,000)	(196,000)	(196,000)	(+3,000)	---
Subtotal, Administration	(237,000)	(241,000)	(241,000)	(+4,000)	---
Total, U.S. Citizenship and Immigration Services	(1,887,850)	(1,985,990)	(1,965,990)	(+78,140)	(-20,000)
Appropriations	(113,850)	(181,990)	(161,990)	(+48,140)	(-20,000)
(Immigration Examination Fee Account)	(1,730,000)	(1,760,000)	(1,760,000)	(+30,000)	---
(Fraud prevention and detection fee account)	(31,000)	(31,000)	(31,000)	---	---
(H1B Non-Immigrant Petitioner fee account)	(13,000)	(13,000)	(13,000)	---	---
Federal Law Enforcement Training Center					
Salaries and expenses:					
Salaries and expenses	192,060	---	---	-192,060	---
Law enforcement training	---	201,020	209,217	+209,217	+8,197
Accreditation	---	1,290	1,290	+1,290	---
Subtotal, Salaries and expenses	192,060	202,310	210,507	+18,447	+8,197

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
Acquisition, Construction, Improvements, and Related expenses:					
Direct appropriation	87,474	42,246	42,246	-45,228	---
Total, Federal Law Enforcement Training Center	279,534	244,556	252,753	-26,781	+8,197
Science and Technology					
Management and administration:					
Office of the Under Secretary for Science and Technology	6,414	7,594	7,594	+1,180	---
Other salaries and expenses	73,874	188,307	173,307	+99,433	-15,000
Subtotal, Management and administration	80,288	195,901	180,901	+100,613	-15,000
Research, development, acquisition, and operations:					
Biological countermeasures:					
Operating expenses	23,067	---	---	-23,067	---
Defense function	353,133	337,200	337,200	-15,933	---
Subtotal, Biological countermeasures	376,200	337,200	337,200	-39,000	---
Chemical countermeasures	94,050	83,092	45,092	-48,958	-38,000
Explosives countermeasures	43,560	86,582	76,582	+33,022	-10,000
Threat awareness	42,570	39,851	39,851	-2,719	---
Conventional missions in support of DHS	79,200	88,622	85,622	+6,422	-3,000
Rapid prototyping program	34,650	---	---	-34,650	---
Standards	34,650	22,131	22,131	-12,519	---
Emerging threats	7,920	---	---	-7,920	---
Emergent and prototypical technology	---	19,451	19,451	+19,451	---
Critical infrastructure protection	40,392	15,413	35,413	-4,979	+20,000
University programs/fellowship program	62,370	51,970	51,970	-10,400	---
Counter MANPADs	108,900	4,880	4,880	-104,020	---
Safety act	6,930	4,710	4,710	-2,220	---
Cyber security	16,533	22,733	22,733	+6,200	---
Office of interoperability and compatibility	26,235	29,735	29,735	+3,500	---
Research and development consolidation	98,898	---	---	-98,898	---
Radiological and nuclear countermeasures	18,895	---	---	-18,895	---
Domestic Nuclear Detection Office	314,834	---	---	-314,834	---
Subtotal, Research, development, acquisition, and operations	1,406,787	806,370	775,370	-631,417	-31,000
Total, Science and Technology	1,487,075	1,002,271	956,271	-530,804	-46,000
Domestic Nuclear Detection Office					
Management and administration	---	30,468	30,468	+30,468	---
Research, development, and operations	---	327,320	291,532	+291,532	-35,788
Systems acquisition	---	178,000	178,000	+178,000	---
Subtotal, Domestic Nuclear Detection Office	---	535,788	500,000	+500,000	-35,788
Total, title IV, Research and Development, Training, and Services	1,880,459	1,964,605	1,871,014	-9,445	-93,591
(Fee Accounts)	(1,774,000)	(1,804,000)	(1,804,000)	(+30,000)	---
TITLE V - GENERAL PROVISIONS					
Sec. 521:					
Rescission, Fast Reponse Cutter (P.L. 109-90)	---	---	-79,347	-79,347	-79,347
110ft Island Class Patrol Boat procurement or refurbishment	---	---	79,347	+79,347	+79,347
Sec. 527 (FY06):					
Rescission, 110-to-123 Conversions (P.L.108-11, P.L. 108-90 and P.L. 108-334)	-78,631	---	---	+78,631	---

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs Enacted	Bill vs. Request
110ft Island Class Patrol Boat procurement or refurbishment	77,845	---	---	-77,845	---
Sec. 538: REAL ID Grants	39,600	---	---	-39,600	---
Rescissions, sec. 542 through 546:					
Sec. 542: Working Capital Fund	-15,000	---	---	+15,000	---
Sec. 543: Transportation Security Administration aviation security (P.L. 108-334)	-5,500	---	---	+5,500	---
Sec. 544: Coast Guard operating expenses and acquisition, construction, and improvements (P.L 105-277, 106-69, 107-87, and 108-90)	-6,369	---	---	+6,369	---
Sec. 545: Counterterroism Fund (P.L. 108-90)	-8,000	---	---	+8,000	---
Sec. 546: Science and technology research, development, acquisition, and operations (P.L. 108-334)	-20,000	---	---	+20,000	---
Subtotal, Rescissions, sec. 542 through 546	-54,869	---	---	+54,869	---
Sec. 527:					
Rescission, Counter Terrorism Fund	---	-16,000	-16,000	-16,000	---
Sec. 533:					
Rescission, TSA unobligated balances	---	---	-4,776	-4,776	-4,776
Total, title V, General Provisions	-16,055	-16,000	-20,776	-4,721	-4,776
Appropriations	(117,445)	---	(79,347)	(-38,098)	(+79,347)
Rescissions	(-133,500)	(-16,000)	(-100,123)	(+33,377)	(-84,123)
Grand total (including resc of emerg approp)	8,192,803	32,077,970	33,143,147	+24,950,344	+1,065,177
Appropriations	(31,678,857)	(32,093,970)	(33,243,270)	(+1,564,413)	(+1,149,300)
Emergency appropriations	(332,383)	---	---	(-332,383)	---
Rescissions	(-409,137)	(-16,000)	(-100,123)	(+309,014)	(-84,123)
Rescission of emergency appropriations	(-23,409,300)	---	---	(+23,409,300)	---
Fee funded programs	(3,349,698)	(3,397,681)	(3,397,681)	(+47,983)	---
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	---	---
(Transfer out) (including emergency)	(-29,500)	(-31,000)	(-31,000)	(-1,500)	---
(By transfer) (including emergency)	(129,500)	(31,000)	(31,000)	(-98,500)	---
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Emergency appropriations	23,076,917	---	---	-23,076,917	---
Scoring adjustment (for 1% ATB rescission)	2,060	---	---	-2,060	---
Total, scorekeeping adjustments	23,078,977	---	---	-23,078,977	---
Total (including adjustments)	31,271,780	32,077,970	33,143,147	+1,871,367	+1,065,177
Amount in this bill	(8,192,803)	(32,077,970)	(33,143,147)	(+24,950,344)	(+1,065,177)
Scorekeeping adjustments	(23,078,977)	---	---	(-23,078,977)	---
Total mandatory and discretionary	31,271,780	32,077,970	33,143,147	+1,871,367	+1,065,177
Mandatory	(1,014,080)	(1,063,323)	(1,063,323)	(+49,243)	---
Discretionary	(30,257,700)	(31,014,647)	(32,079,824)	(+1,822,124)	(+1,065,177)
Discretionary Function Recap:					
Non-defense	28,669,047	30,288,207	31,353,384	+2,684,337	+1,065,177
Defense	1,588,653	726,440	726,440	-862,213	---
Total	30,257,700	31,014,647	32,079,824	+1,822,124	+1,065,177

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	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
DEPARTMENT OF HOMELAND SECURITY SUMMARY					
TITLE I - DEPARTMENTAL MANAGEMENT AND OPERATIONS					
Departmental operations	863,412	977,414	962,281	+98,869	-15,133
Office of the Federal Coordinator for Gulf Coast Rebuilding	---	---	3,000	+3,000	+3,000
Office of Inspector General	82,187	96,185	96,185	+13,998	---
Total, title I	945,599	1,073,599	1,061,466	+115,867	-12,133
TITLE II - SECURITY, ENFORCEMENT, AND INVESTIGATIONS					
U.S. Visitor and Immigrant Status Indication Techology	336,600	399,494	362,494	+25,894	-37,000
Customs and border protection	7,069,704	7,839,113	7,700,334	+630,630	-138,779
Direct appropriations	(5,893,058)	(6,573,882)	(6,435,103)	(+542,045)	(-138,779)
Fee accounts	(1,142,146)	(1,265,231)	(1,265,231)	(+123,085)	---
Immigration and customs enforcement	3,409,996	4,180,921	4,121,887	+711,891	-59,034
Direct appropriations	(3,643,444)	(4,444,583)	(4,385,549)	(+742,105)	(-59,034)
Offsetting fee collections	(-487,000)	(-516,011)	(-516,011)	(-29,011)	---
Fee accounts	(253,552)	(252,349)	(252,349)	(-1,203)	---
Transportation Security Administration	3,865,914	2,323,361	3,618,891	-247,023	+1,295,530
Direct appropriations	(5,855,914)	(5,973,361)	(6,038,891)	(+182,977)	(+65,530)
Offsetting fee collections	(-1,990,000)	(-3,650,000)	(-2,420,000)	(-430,000)	(+1,230,000)
United States Coast Guard	7,674,846	8,180,095	8,128,421	+453,575	-51,674
United States Secret Service	1,203,489	1,265,103	1,291,523	+88,034	+26,420
Total, title II, direct appropriations	22,164,851	22,670,507	23,705,970	+1,541,119	+1,035,463
TITLE III - PREPAREDNESS AND RECOVERY					
Prearedness Directorate	4,001,533	3,419,989	3,884,980	-116,553	+464,991
Counterterrorism fund	1,980	---	---	-1,980	---
Federal Emergency Management Agency	2,623,736	2,965,270	2,640,493	+16,757	-324,777
Direct appropriations	(2,606,536)	(2,965,270)	(2,640,493)	(+33,957)	(-324,777)
Emergency appropriations	(17,200)	---	---	(-17,200)	---
Offsetting fee collections	(-123,854)	(-128,588)	(-128,588)	(-4,734)	---
Total, title III	6,627,249	6,385,259	6,525,473	-101,776	+140,214
TITLE IV - RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES					
Citizenship and immigration services	1,887,850	1,985,990	1,965,990	+78,140	-20,000
Direct appropriations	(113,850)	(181,990)	(161,990)	(+48,140)	(-20,000)
Fee accounts	(1,774,000)	(1,804,000)	(1,804,000)	(+30,000)	---
Federal law enforcement training center	279,534	244,556	252,753	-26,781	+8,197
Science and technology	1,487,075	1,002,271	956,271	-530,804	-46,000
*Defense Nuclear Detection Office	---	535,788	500,000	+500,000	-35,788
Total, title IV, direct appropriations	1,880,459	1,964,605	1,871,014	-9,445	-93,591
TITLE V - GENERAL PROVISIONS					
General provisions	-16,055	-16,000	-20,776	-4,721	-4,776
Scorekeeping adjustments	23,078,977	---	---	-23,078,977	---
TOTAL, DEPARTMENT OF HOMELAND SECURITY	31,271,780	32,077,970	33,143,147	+1,871,367	+1,065,177

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the chairman for his kind comments. It has been a privilege to work with you over these last 6 years: the first 2 years in the well-established Transportation Committee, the last 4 years in the brand new endeavor of Homeland Security, with the whole process of building and trying to help a new agency get going.

I have found you a great person to work with. I have the utmost respect for you. You are a real pro. You know what you are doing. And so I have great respect and admiration for the work that you do.

I would much rather have had a different role than being ranking member, but at the same time that I am expressing my gratitude to you, I also spent 4 years with Mr. WOLF on the Transportation Committee, and I found him also a very good person to work with, a person like you, open to suggestions from the minority, and a real pro in handling the transportation bill that I did with Mr. WOLF.

So despite my wishes that the roles would have been reversed, it has been a real privilege and honor to work with you. Also, throughout that time, we have had great staff to work with. On my side, Bev Pheto, from our minority staff; Marge Duske from my personal staff; and Chris Martin, who also has been with our committee, who has been great to work with; Mr. OBEY, the ranking member of the full committee, who I have worked with closely; and on the majority staff, Michelle, who I expect you will be talking about her future, who has done a great job; and Stephanie, who I not only had a chance to work with on Homeland Security but worked with in Transportation before that; and Ted; and Jeff; and Ben; and Brett; and Kelly; and Will; and Meg; thank you to all of the staff. It is an excellent professional staff that we can all be proud of.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for his comments, especially about the staff. We would not be here obviously without the hard work that they have put into this bill. You and I are just sort of front people for the real work that goes on behind the scenes by staff.

So we do have, I think, the best staff in the business on both sides of the aisle. I join you in complimenting the staff. You may notice that all of the staff is wearing some form of purple in their clothing at some point in time. And there is a reason for that.

Purple is the favorite color of Michelle Mrdeza, who as we all know is retiring after this year from her labors. And so we are paying tribute to Michelle with purple. We wish Michelle well in her next life as well.

□ 1600

She has rendered tremendous service to her country. In trying to stand up this brand-new Department, the biggest reorganization in the government at least since 1948, in standing up this Department it has been real labor, toils and snares all along the way and they continue until this today. But Michelle and the staff of the subcommittee on both sides have just been marvelous in this labor of love of trying to stand up this huge agency, that we owe them more than we can ever tell them about. But that goes for the ranking member, too.

He has been a marvelous help-mate as we struggled along trying to find our way through a thicket to try to stand up this brand-new Department. I thank the gentleman for yielding.

Mr. SABO. I thank the chairman for his comments.

Mr. Chairman, I congratulate Chairman ROGERS on this homeland security bill which is clearly better than the administration's budget request.

The President's proposed new fees and unrealistic discretionary budget cap left the Appropriations Committee with big holes to fill. As a result there are difficult homeland security funding choices to make. My concerns about our Nation's homeland security are not limited to funding. As I have said before, I had serious doubts in 2002 about the wisdom of creating a new Department of Homeland Security, and I voted against the bill. When I took on the role of ranking member on the subcommittee, I decided my job was to try and prove myself wrong. I'm sorry to say that the DHS bureaucrat mess is worse than I first imagined, and I still cannot say that my original judgment was wrong.

There is modest progress in some areas. However, time and again we see failures of planning, leadership and management at DHS. Americans are holding their breath as a new hurricane season approaches. And 8 months into the fiscal year, the States in the high-threat urban areas are still waiting for DHS to release hundreds of millions of dollars in 2006 homeland grants. We regularly see broad pronouncement from DHS without the proper detail or budgets to support them.

The new Secure Border Initiative is a perfect example. It appears that the administration SBInet plan is to hire private industry to think for us how to develop border security technology and systems and then sell us the solutions to them.

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We regularly see broad policy announcements from DHS without the proper detail or budgets to support them. The new Secure Border Initiative is a perfect example. It appears that the Administration's SBInet "plan" is to hire private industry to think for us on how to develop border security technology and systems, and then sell us the solution they come up with.

Most recently, Mr. OBEY and I asked GAO to look at how DHS is handling personal information in its ADVISE program. We have long been concerned about how the Department treats Americans' privacy and due process rights. ADVISE appears to be a new variation on the highly controversial Defense Department Total Information Awareness program, that was supposed to be terminated in 2003.

Regarding funding levels in this bill, my biggest reservations are about the fire grants, port and transit security and state training grant programs. Some of these programs are funded at last year's level, and some are below.

I am particularly concerned about fire grants, which is one of the most successful programs that the Department administers. This bill cuts fire grants by $109 million, or 17 percent, below 2006. Our Nation's firefighters have great needs that cannot be met at the funding level in this bill. I will offer an amendment later to restore fire grant and SAFER funding to slightly above the FY06 level.

We still have serious gaps in air cargo security. This bill makes no real headway in closing them, and port security grant funding is also lower than I would like to see.

This bill does not fund all of the additional border patrol agents and detention beds called for in the President's February budget request. Since his speech last week, we are still trying to understand the new initiatives—and the costs—that the President proposes.

You can be sure, however, that the price tag for meaningful border security and immigration services and enforcement will be very steep. It will be far more than the roughly $19.4 billion in this bill (9 percent above 2006) that is attributed to border security and immigration.

As an example, individuals in my district—and I suspect yours—have waited more than

2 years for the federal government to run security name checks to process their immigration paperwork. These people are doing things legally. As far as I can tell, the funding the President proposes in his new plan won't address this issue. I can only imagine the size of the backlog that would be created by his plan or other significant changes in immigration law.

I make these observations not to criticize the Chairman. I simply want to clarify for Members that even though this bill increases homeland security funding, it does not get us where we need to be in protecting the nation.

Lastly, I am very concerned that—nearly 5 years after 9/11—the federal government is still failing to secure the vast majority of chemical facilities in this country. They are prime targets for a catastrophic terrorist attack, and there is precious little being done to protect many of them.

The administration acknowledges the chemical security dilemma we face, but will not act without new legal authority to make and enforce chemical security regulations. The Congress—for more than four years—has failed to act. Competing legislation in the House and Senate authorizing committees has gone nowhere. What are we waiting for?

I was very disappointed that the Rules Committee refused to protect my chemical security language—Section 536—which was added to this bill in the Appropriations Committee. These provisions would give DHS the legal authority that Secretary Chertoff says he needs to regulate U.S. chemical facilities that pose the greatest risk to Americans.

Congress addressed a small part of the chemical security problem in 2002. We enacted security requirements for chemical facilities on ports under the Maritime Transportation Security Act, and the Coast Guard is doing a good job of enforcing them. Under the Bioterrorism Act of 2002, the EPA also oversees security at the nation's drinking water facilities. Section 536 would not re-regulate them.

The problem is that there are thousands of other chemical plants and storage facilities without federal security standards or oversight. An attack on one of them has the potential to kill or injure tens of thousands of people. DHS has said that 20 percent of the 3,400 chemical facilities it identifies as "high-risk" adhere to no security guidelines. Yet, Congress appears content to leave security at these facilities to the good conscience of their operators.

I urge my colleagues to refrain from making a point of order against the chemical security provisions in this bill. The American people have waited too long for Congress to take responsible action to prevent a catastrophic attack on a chemical facility.

If the Congress produces chemical security legislation that the President can sign into law this year, then the Section 536 would be unnecessary. I suspect, however, that Congress will adjourn without doing so. And then—without Section 536—where will we be? Will the American people have to endure another year without chemical security protections?

In closing, I will say that this is not a perfect bill. Given the allocation provided, however, it is one that I will support.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. KING), the distinguished chairman of the authorizing Committee on Homeland Security in the House.

Mr. KING of New York. Mr. Chairman, I thank the gentleman from Kentucky who has been a leader in strengthening the Department and providing crucial oversight to its activities. I want to thank you and Ranking Member SABO for your hard work on this bill, and of course join with you in commending Mr. SABO in his many years of dedication to this Chamber.

This bill provides the necessary resources for the Federal Government's effort to protect the homeland. I rise to acknowledge a number of legislative provisions that are included in the bill and fall within the primary jurisdiction of the Committee on Homeland Security. I do not seek to challenge the vast majority of these authorizing provisions, as I believe they are largely necessary to ensure the Department continues to improve its effectiveness. However, I do want to point out the strong jurisdictional interests of the Committee on Homeland Security.

As you know, the Committee on Homeland Security is actively working to advance much needed legislation specifically authorizing many of the activities of the Department, particularly in the areas of border security, cargo security, emergency management, and chemical site security. The Committee on Homeland Security will also in the near future advance a broad reauthorization bill for the Department.

A full list of my concerns is provided in a letter to the gentleman from Kentucky, which will follow my remarks.

Since I became chairman last year, we have had an excellent working relationship, and I appreciate the gentleman from Kentucky's efforts to include me and my staff as you develop the bill. In light of the ongoing authorization activities of the Committee on Homeland Security, I respectfully request your commitment to work together to ensure that the legislative provisions in the homeland security appropriations bill compliment and do not conflict with parallel authorizing legislation.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. KING of New York. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding. I want to thank the gentleman for his efforts to work with our subcommittee and commend him for his leadership in the Committee on Homeland Security. I also appreciate the opportunity to work with the gentleman on legislative provisions contained in the homeland security bill.

As this bill moves forward towards conference, I want to assure the gentleman that I am committed to retaining the key oversight provisions included in this bill. I also look forward to working with the gentleman to ensure that measures consistent with the legislative agenda of the Committee on Homeland Security, particularly in the areas of border, immigration and port security, emergency preparedness and chemical site security. I thank the gentleman.

Mr. KING of New York. I thank the gentleman for his commitment. And on a personal note, I want to thank him for the extraordinary cooperation he has given me during the 9 months I have been chairman of the authorizing committee.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 25, 2006.

Hon. HAROLD ROGERS,
Chairman, Subcommittee on Homeland Security, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: The House of Representatives has scheduled for consideration today, H.R. 5441, the Homeland Security Appropriations Act for Fiscal Year 2007. This measure contains a number of legislative provisions that are in violation of House Rule XXI, clause 2, which prohibits legislation within a general appropriation bill. These provisions fall within the jurisdiction of the Committee Homeland Security. While I want to make clear the Committee on Homeland Security's strong jurisdictional interests in the legislative provisions summarized below, I do not intend to assert procedural objections to the vast majority of these provisions during House consideration of the Homeland Security Appropriations Bill.

As you know, the Committee on Homeland Security is actively working to advance legislation specifically authorizing many of the activities of the Department of Homeland Security, particularly in the area of border security, cargo security, emergency management and chemical site security. The Committee on Homeland Security will also, in the near future, advance a broad reauthorization bill for the Department. In light of the ongoing authorization activities of the Committee, I respectfully request your commitment to work together to ensure that the Appropriations Bill complements, and does not conflict with, parallel authorizing legislation.

The provisions of interest to the Committee on Homeland Security are as follows:

Title I, Departmental Management and Operations (Page 2, Line 16–Page 3, Line 2); withholds $10,000,000 until the Secretary of Homeland Security submits a comprehensive port, container, and cargo security strategic plan to Appropriations and Homeland Committees. This plan must require screening of all inbound cargo, double the percentage of inbound cargo currently inspected, set minimum standards for security inbound cargo and includes the FY 2007 performance requirements for port, container, and cargo security.

Title I, Departmental Management and Operations (Page 3, Lines 2–15); provides that the Secretary of Homeland Security must submit a multi-year strategic plan for the Secure Border Initiative that includes a comprehensive mission statement, an identification of long-term goals, an explanation of how long-term goals will be achieved, schedule and resource requirements, an identification of annual performance goals and how they link to long-term goals, an identification of annual performance measures used to gauge effectiveness towards goal achievement by goal and an identification of major capital assets critical to program success.

Title I, Departmental Management and Operations (Page 4, Line 8–12); provides that $10,000,000 will be withheld until the Office of Chief Financial Officer of the Department of Homeland Security submits monthly budget execution report to the House and Senate Appropriations Committees.

Title I, Departmental Management and Operations (Page 4, Line 25–Page 5, Line 4); provides that none of the funds in this section may be used for US-VISIT or ACE.

Title II, U.S. Visitor and Immigrant Status Indicator Technology (Page 6, Line 12–Page 7, Line 14); withholds $312,494,000 until the Secretary of Homeland Security submits a plan for expenditures to the House and Senate Appropriations Committees that must comply with the Department of Homeland Security and procurement regulations, includes a certification by the Chief Information Officer of the Department of Homeland Security and is reviewed by the Department of Homeland Security Investment Review Board and the Government Accountability Office.

Title II, Security, Enforcement, Investigations, Customs and Border Protection, Salaries and Expenses account (page 8, Line 17–Page 9, Line 3); notwithstanding any other provisions of law, this section requires that no funds may be provided for Customs and Border Patrol overtime, from any source, if the funds exceed the $35,000 cap, except for specific circumstances determined by Secretary of Homeland Security or his designee.

Title II, Security, Enforcement, Investigations, Customs and Border Protection, Salaries and Expenses account (Page 9, Line 6–10); requires the Border Patrol to relocate its checkpoints in the Tucson sector at least once every seven days.

Title II, Security, Enforcement, Investigations, Customs and Border Protection, Automation Modernization account (Page 11, Line 8–Page 12, Line 9); withholds funds provided for the Automated Commercial Environment until the Appropriations Committee receives an expenditure plan on the program meeting certain requirements and is reviewed by the Government Accountability Office.

Title II, Security, Enforcement, Investigations, Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement account (Page 13, Lines 2–11); prohibits the transfer of any Customs and Border Protection aircraft or equipment to any other Federal agency without approval of the House Appropriations Committee.

Title II, Security, Enforcement, Investigations, Customs and Border Protection, Air and Marine Interdiction, Operations, Maintenance, and Procurement account (Page 13 Lines 11–16); withholds $6.8 million until the House Appropriations and Homeland Security Committees receive a report on the April 25, 2006 Unmanned Aerial Vehicle mishap.

Title II, Security, Enforcement, Investigations, Customs and Border Protection, Salaries and Expenses account (Page 14, Line 24–Page 15, Line 5); waives other laws and states that no funds may be provided for Customs and Border Protection overtime, from any source, if the funds exceed the $35,000 cap, except for specific circumstances determined by the Secretary of Homeland Security or his designee.

Title II, Transportation Security Administration, Aviation Security (Page 17, Line 1–11); restricts the Government share of costs of projects to 75 percent for medium or large hub airport and 90 percent for any other airport.

Title II, Transportation Security Administration, Aviation Security Account (Page 17, Lines 11–20); provides that no funding shall be provided except for items such as air cargo inspectors, canines and screeners until a detailed a detailed air security action plan that includes the criteria outlined in the Bill is submitted to the House Appropriations and Homeland Security Committees.

Title II, Transportation Security Administration, Transportation Security Support Account (Page 18, Line 23–Page 19, Line 6); withholds $5 million until the Department of Homeland Security submits a plan for explosive detection systems deployment and spending plan.

Title III, Under Secretary for Preparedness (Page 28, Lines 12–17); withholds $4.4 million until the Secretary of Homeland Security submits the final National Preparedness Goal to the House and Senate Appropriations Committees.

Title III, (Page 28, Line 18–Page 31, Line 19); provides that "notwithstanding any other provision of law," grants to State and local governments for terrorism prevention activities shall be allocated as follows: applications for formula-based grants and law enforcement terrorism prevention grants; no less than 80 percent of any formula-based grant and law enforcement terrorism prevention grant awarded to a State shall be made available by the State to local governments within 60 days after the receipt of the funds; discretionary grants for port security shall be limited to $200 million and distributed based on risks and threat; discretionary grants for high-threat, high-density urban areas shall be limited to $750 million; grants under this section shall be made available to states within 45 of the enactment of this act. States shall submit applications within 90 days of the grant announcement; no less than 80 percent of any discretionary grant awarded to a State shall be made available by the State to local governments within 60 days after the receipt of the funds. The Committee Report also directs the Department to guarantee a 0.75 percent "base" to States under the State Homeland Security Grant Program and Law Enforcement Terrorism Prevention Program, thereby eliminating the Department's discretion under the USA PATRIOT Act to provide that guarantee as a "true minimum."

Title III, Infrastructure Protection and Information Security (Page 32, Line 22–Page 34, Line 1); requires that the methodology for collecting fees under this section be fair and equitable and that such fees should reflect the cost of the collection of such fees.

Title III, Infrastructure Protection and Information Security (Page 33, Line 18-Line 22); withholds $10 million until the Department of Homeland Security releases the National Infrastructure Protection Plan.

Title III, Infrastructure Protection and Information Security (Page 33, Line 22–Page 34, Line 2); withholds $10 million until the Department of Homeland Security has released its national security strategy for the chemical sector report.

Title IV, Research and Development, Training and Services, Science and Technology, Management and Administration (Page 41, Lines 15–20); withholds $98 million until the Under Secretary submits a detailed expenditure plan for fiscal year 2007 to the House and Senate Appropriations Committee.

Title IV, Research and Development, Training and Services, Science and Technology, Management and Administration (Page 42, Lines 3–9); withholds $400 million until the House Appropriations Committee receives and approves a report prepared by the Under Secretary that describes Science and Technology's progress in areas detailed in the bill.

Title IV, Research and Development, Training and Services (Page 42, line 10–Page 43, line 3); provides $500,000,000 for necessary expenses of the Domestic Nuclear Detection Office, but withholds funds from the Sodium-Iodide Manufacturing Program until DNDO demonstrates that the Advanced Spectroscopic Portals will significantly speed commerce, reduce costs of secondary inspection, or significantly increase sensitivity over current radiation portal monitors.

Section 513 (Page 49, Line 17–Page 51, Line 6); withholds funds for Secure Flight until the Secretary certifies that Government Accountability Office has reported on ten CAPPS II points outlined in Sec. 522(a) in P.L. 108–334.

Section 518 (Page 52, Line 14–17); directs the Secretary of Homeland Security in consultation with industry stakeholders to develop screening standards and protocols to increase the use of explosive detection equipment to screen air cargo.

Section 519 (Page 52, Line 18–Page 53, Line 4); directs the Transportation Security Administration (TSA) to use existing explosive detection systems equipment to the greatest extent practicable and to provide quarterly reports on amount of cargo carried on passenger aircraft screened to the House Appropriations Committee. Such reports must be submitted within 45 days of the end of the quarter, each day the reports are late, $100,000 of funding will be withheld from TSA.

Section 520 (Page 53, Lines 5–10); directs that funds cannot be used to create transportation worker ID cards that do not utilize an existing government production facility.

Section 522 (Page 54, Lines 3–9); directs that no funds may be used for anyone but the Department of Homeland Security Privacy Officer to alter, direct or order changes be made, delay or prohibit the transmission to Congress of any report pursuant to paragraph 6 of such section.

Section 525 (Page 54, Line 24–Page 55, Line 19); requires that Department of Homeland Security declare certain types of information detailed in the bill to be releasable.

Section 526 (Page 55, Lines 20–23); authorizes the Working Capital Fund.

Section 529 (Page 56, Line 23–Page 57, Line 14); requires the Department of Homeland Security Chief Financial Officer to submit a monthly budget execution report including the criteria set forth in the bill. The report must be submitted within 45 days of the close of each month, and must be submitted to the House and Senate Appropriations Committees.

Section 531 (Page 60, line 21–Page 61, line 2); provides the Domestic Nuclear Detection Office with the authority to distribute funding through grants, cooperative agreements, and other transactions and contracts.

Section 532 provides that no funds may be used by U.S. Customs and Border Protection to prevent individuals importing certain prescription drugs.

Section 536 (Page 62, Lines 1–17), requires the Department of Homeland Security to issue security requirements for chemical facilities that the Department deems highest risk within six months of enactment of the Bill.

While I appreciate your efforts to offer meaningful oversight on the Department of Homeland Security, the Committee on Homeland Security continues to actively pursue its authorizing and oversight responsibilities. I look forward to working with you further on measures to improve effectiveness of the Department. Thank you.

Sincerely,

PETER T. KING,
Chairman.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON), the ranking member of the authorizing committee.

Mr. THOMPSON of Mississippi. Mr. Chairman, I appreciate the gentleman yielding me time. I also want to pay tribute to the gentleman before he leaves us. I believe this is your last effort, Mr. SABO. You have been a very, very good person to work with on the committee. I wish you well. I am not sure what the future holds, but I know it is very positive.

Mr. Chairman, in the 3 short years since the Department came into existence, it has been in a constant state of transition and turmoil. Chronically understaffed at the border and in our airports, the Department has had to execute its critical national security mission without the people and resources it needs.

Time and again the dedicated men and women of the Department of Homeland Security are asked to do more with less. There have been numerous turnovers at the highest level in the Department. In a week from today, the 2006 hurricane season will begin and FEMA is still not fully staffed. The Department also has a significant number of leadership vacancies, including the chief financial officer, the chief privacy officer, the commissioner of customs of border protection, and the Under Secretary of Science and Technology. There are so many "actings" at the Department that the agency might want to start handing out Screen Actor Guild cards.

Seriously, it is no wonder that morale at the Department is practically dead last among all Federal agencies. This bill funds the Department at $33 billion, 5 percent over last year's funding measure. I am glad that we were able to increase the budget without raising the passenger ticket tax, but the level of resources provided is far short of what is needed to make real progress in the war on terror and partner effectively with State and local governments as well as the private sector.

Grants and training programs are funded at $2.5 billion. That is just 2 percent over what was provided to our communities to train and equip emergency responders last year. At this rate we are not even keeping up with inflation.

This bill also does not fulfill the funding commitments made in the 9/11 act. It does not fund 2,000 more Border Patrol agents. It does not fund 8,000 new detention beds. It does not fund 800 new immigration investigators. No wonder the border, Mr. Chairman, is in crisis.

If we are not willing to fully invest in securing the border permanently, what do we expect? The decision to send our already overtaxed National Guard to the border is a Band-Aid solution to hide the fact that we are failing the good men and women of the Border Patrol, ICE and CBP by not giving them the resources and additional support they need to do their job.

The bulk of my criticism is not for the appropriators. It is for the administration. The parameters for this year's appropriations were dangerously unrealistic. Mr. OBEY attempted to correct this shortfall and infuse another $3.5 billion into the Department. Had the money been appropriated, the Department would be in better position to meet its responsibilities to the American people.

The Department is in its toddler years, barely out of the terrible twos. It is going to take a significant commitment by this Congress to do the oversight and provide the support needed if the Department is to ever grow into the Federal agency that Congress envisioned and the American people deserve.

Mr. Chairman, I again want to pay tribute to Mr. SABO for guiding us during our terrible twos and threes in this Department. We wish him well.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, I want to thank the chairman and commend him for demanding from the Department of Homeland Security an in-depth examination of what will work and how we will implement the newest plan to protect our border. But new plan needs to include, as the chairman talked about, a tactical operation, the tactical ability to stretch the border. In other words, we need to get on offense and not take such a passive approach to our issues on the border. We need to be careful that we are not just sitting in a green and white Border Patrol pickup truck, sitting on the border on the night shift, hoping that we picked the right spot, and thinking we will interdict illegals using that kind of an approach.

Mr. Chairman, I grew up in Arizona and my ranch sits within a few miles of the border. On many occasions I have had my fences cut, and I have had many people flow through my ranch headed north. Over the last 18 months, my staff and I have and our team has developed a comprehensive approach to border security called the Red Zone Defense. We currently have 8 aerostat balloons on the border using look-down radar peering into Mexico, stopping the flood of airplanes flowing into America. We need to add sensors that can peer across the line, see them coming, see where they are staging before they get to the border in order to shift the defense, shift the limited amount of manpower we have so we can interdict in a pro-active approach.

Many of my colleagues have embraced this plan. The chairman of the authorization committee, Mr. KING of New York, included it in the authorization bill. And it needs to be part of the financial strategy that is developed by DHS in order to gain operational control of our borders.

Coming from Arizona and living on the border, growing up on the border, we deal with it day in and day out. I ask that DHS, as it begins to move forward in responding to the chairman and the ranking member's demand for a comprehensive plan, look at pro-active intelligence that can cue our limited manpower and can see the illegals coming before they cross the border. We need to have it included in the plan.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. CUELLAR) for the purposes of a colloquy with the chairman.

Mr. CUELLAR. Mr. Chairman, thank you for this opportunity and for crafting a good bill that supports the critical missions of the Department of Homeland Security. Within this bill you have done a great job of increasing the amount of Customs and Border Protection and Immigration Customs Enforcement officers and addressing the critical needs along the border.

I am a big supporter that in order to protect the border we have got to start off with optimum staffing levels of law enforcement agencies charged with protecting our borders. This is certainly true in my hometown of Laredo on the border. Your bill goes a long way towards addressing the staffing needs of CBP and ICE in Laredo as well as along our borders through substantive funding increases and extensive planning requirements.

But there is certainly more work to be done, and I hope to be able to work with you, Mr. Chairman, and with your committee on addressing the staffing needs on these agencies, especially along the border in Laredo.

Secondly, there is a serious condition along my area of the border caused by carrizo cane. This invasive plant grows wildly along the banks of the Rio Grande and conceals many illegal activities and illegal crossings.

□ 1615

This is why the Riverbend Project in Laredo is so important. I am very appreciative of your supportive report language that reflects my proposed ideas about making the border more secure, and I hope to be able to continue to work with you and the ranking member in the committee to address this problem

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I appreciate the kind words of the gentleman from Texas, and I share his concerns and am committed to improving our border security and immigration enforcement programs. I know the needs of Laredo are great, but I also know that if we do not address the issue of border security comprehensively, we will continue to throw money at a problem without making measurable gains.

As I have said many times, if our approach is only to build a 20-foot fence, all we end up doing is increasing the demand for 21-foot ladders. We have to have a plan for addressing this very complex and challenging issue.

I will continue to work with the gentleman on his concerns and push the department to plan its work and work its plan.

Mr. CUELLAR. Thank you, Mr. Chairman. I believe that the best method to secure our borders is through more law enforcement on the ground; more technology, which is cameras, sensors and air surveillance; and more detention beds.

Again, this bill takes huge strides to address these needs.

Mr. Chairman, I thank you for the time.

And thank you to Mr. SABO for the great work you have been doing.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ) for purposes of a colloquy with the chairman.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank the ranking member.

Mr. Chairman, I rise for the purpose of engaging Chairman ROGERS in a colloquy.

Mr. Chairman, thank you for your work on this bill. As the ranking member of the Economic Security, Infrastructure and Cybersecurity Subcommittee of the Homeland Security Committee, I have been working on port security issues for many years, and I was extensively involved in moving the SAFE Port Act that was recently overwhelmingly passed in this House in a very bipartisan manner. One of the topics that we spent a lot of time perfecting in the SAFE Port Act was the authorization of the C–TPAT program.

The reason for this emphasis was that C–TPAT has the potential to be a very effective security program but only if all C–TPAT members are validated to be trustworthy and have adequate supply chain security measures in place. In order to help achieve 100 percent validation, I have been a vocal supporter of third party validations provided the proper controls are in place. The SAFE Port Act requires many safeguards and controls in any third party validation program, including requiring C–TPAT members to contract with third party validators directly and to pay for those validation costs.

So, Mr. Chairman, since both your bill and the SAFE Port Act require 100 percent validations of all C–TPAT participants, I want to clarify that the language regarding third party validators contained within your report will not contradict all of the work of the requirements and the controls that we have put into the SAFE Port Act.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the language in the Homeland Security Appropriations report is intended to support, not change or contradict, the SAFE Port Act's requirements and controls pertaining to third party validators. I share my colleague's concern that C–TPAT is only as good as its participants are credible. We must ensure that all C–TPAT members are validated to have a program that provides real security. That is why our bill aligns with the SAFE Port Act by requiring the validation of all certified participants.

Ms. LORETTA SANCHEZ of California. Thank you, Mr. Chairman, and thank you for that clarification and for your strong support for improving the C–TPAT program.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me take my 1 minute to thank Mr. SABO for his great leadership in these very difficult times and to thank him personally for guiding this legislation, along with the chairman. I believe that they attempted to work with what was given to them, of course, suffering from having less than the $200 million needed to fulfill all of the needs of this legislation.

Finally, I would say that I hope someday that we will pass in appropriations what the 9/11 Commission asked us to do which is to fully fund our border patrol agents with equipment, with power boats, with goggles, and I am grateful for Senator KERRY, who passed that amendment on the Senate side, as we move toward immigration reform, both border security and comprehensive immigration reform.

Again, I thank Chairman ROGERS and I thank Ranking Member SABO for his continued great service and the great work he has done on this legislation. We will certainly miss him, and thank you again.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Iowa (Mr. LATHAM), a very hardworking member of our subcommittee.

Mr. LATHAM. Mr. Chairman, I thank the subcommittee chairman for the time, and Mr. Chairman, I just want to commend the chairman on another great job, very difficult year allocation-wise and everything else and all the hearings. I think it has been extremely informative in keeping the Department's feet to the fire. I think it is extraordinarily important.

I also want to commend my neighbor to the north up in Minnesota, Mr. SABO, and you will be sorely missed next year, that is for sure, and thank you for your great service.

If you notice, I have a purple tie on. I did not get the memo, but Michelle will be missed very much next year, and thank you for the job you have done.

Mr. SERRANO. Mr. Chairman, I rise in support of this bill, and I applaud the leadership and the hard work of Chairman ROGERS and Ranking Member SABO in bringing this bill to the floor.

I would like to begin by saying that the budget resolution has created inadequacies in this bill from the start. Chairman ROGERS and Ranking Member SABO have done a fine job of distributing the scarce funding that is available. They have been able to accomplish this difficult task despite the OMB's use of a proposed new aviation security fee, which was a budgetary gimmick that the Administration knew this Congress would not support and probably did not even support itself.

This fee was yet another attempt by the Administration to fool the American people into thinking that we can pass out money to the wealthy while sinking hundreds of billions into the quagmire in Iraq, and that none of it will hurt. But again, I want to emphasize that Chairman ROGERS and Mr. SABO are not at fault here.

In fact, I congratulate them for being able to restore much of the funding in this bill for our states and localities, which have always been on the front lines of our battles against terrorism. Mr. Speaker, I understand we have a problem in this government with short attention spans, but it is outrageous to me that not even half a decade after Sept. 11, the Administration proposed to cut state and local assistance by over 20 percent. It completely eliminated the SAFER program, which helps our struggling local fire departments fulfill ever increasing homeland security missions.

Just because we haven't needed our first responders on the scale of Sept. 11 in a while, doesn't mean that the needs are not there. We cannot afford to wait until a tragedy hits to realize that we did not do enough for them.

I am glad that this bill recognizes this reality by partly restoring the cuts that the Administration made to the grant programs such as Metropolitan Medical Response System, Firefighter grants, and Emergency Management Performance Grants. I know that my own City of New York is making good use of all these grants, including those provided through the

High Threat Urban Areas program, and that they are doing so expeditiously within the accounting requirements of the Department.

I do have some concerns about the requirement that part of this funding go toward emergency medical services, because I believe our states and localities should be able to distribute all the funding to where it is needed most. But I hope to work with the Chairman and the Ranking member on these concerns in Conference.

In a related account, the bill also restores funding for the Urban Search and Rescue teams that were so crucial to not only our country's response to 9/11, but the devastation caused by last year's hurricanes as well. That is a much-needed restoration.

Beyond helping our state and municipalities, I would also like to express my support for the attention that Chairman ROGERS and Ranking Member SABO have paid to balancing new demands on the Department with its ongoing missions. These critical missions, such as stopping the flow of illegal drugs and approving visas, have not gone away since 9/11 or since Fox News started sowing paranoia about our southern border. This bill properly recognizes this reality.

In conclusion, Mr. Chairman, I believe that the bill does a good job within the amount provided for its top line. I would have wished to see more funding provided for all functions across the department, especially for assistance to our first responders. We cannot continue to move the baseline lower and lower year after year, and expect the Department, our states, and our cities to do more with less.

Until the Budget Committee passes a realistic budget resolution, however, we must play the cards that we are dealt, and this bill does a good job of that. Therefore, I urge my colleagues to support the bill.

Mr. GUTKNECHT. Mr. Chairman, I rise in support of H.R. 5441, the Department of Homeland Security Appropriations Act for Fiscal Year 2007. This bill will provide valuable homeland security dollars to communities and infrastructure in our country.

I'm particularly pleased about one provision included in this bill. It will prevent U.S. Customs and Border Protection (CBP) from seizing the property of Americans. Believe it or not, this is being done today.

For years, individuals have been allowed to purchase prescription drugs for personal use from Canada and other foreign countries. Last November, without notification, CBP began to seize medicine that Americans had bought from Canadian mail-order pharmacies. We now know that between November 2005 and February 2006 almost 13,000 packages of drugs were seized.

Preventing these life-saving drugs from getting to their intended destination puts Americans' health at risk. Many seniors on fixed incomes lost hundreds of dollars worth of drugs when they were seized. That may not seem like much to a pharmaceutical executive, but this is a lot of money to someone on a fixed income.

Section 532 of H.R. 5441 states that "None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug . . . from importing a prescription drug . . ." This will put a stop to our own government confiscating the medicine on which its citizens depend. I urge passage of this bill. We should insist that this provision remain in the final bill that the House receives from the Conference Committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong support of H.R. 5441, the Fiscal Year 2007 Homeland Security Appropriations bill.

I want to commend Chairman ROGERS and Ranking Member SABO for their work on this legislation. They have done an excellent job of recognizing where this Department succeeds and where it doesn't. Integrating the 22 separate agencies into one responsive, functioning body is never easy, but the Department has had four years to do so. This legislation recognizes that Congress needs to take a greater role in overseeing this integration.

I support the approach Chairman ROGERS has taken in this legislation with requiring DHS to be more accountable to Congress on how it is allocating funds and setting policies to affectively protect our nation's citizens. For too long, money has been sitting unexpended or allocated without a clear purpose. Hurricane Katrina, taught us that we still have far to go in achieving an agile, organized and responsive Homeland Security Department.

Last year, this Committee took the first important steps towards ensuring Homeland Security Grants to states were allocated based on risk. Much more remains to be done in this area, but to the credit of the Chairman he has taken action to begin moving in this direction while authorizing legislation is still pending.

This year, the Committee has produced legislation providing $3.2 billion for first responders—this is in addition to the $5.1 billion still unexpended. The committee includes requirements that DHS provide reports to the Committee on how it is ensuring that the $34.7 billion provided to first responders to develop a preparedness strategy and to measure the performance of first responders.

Additionally, $4.2 billion is appropriated for port, cargo, and container security. This legislation sets strict requirements for operations at those ports, including doubling the amount of cargo inspected; requiring 100 percent screening of all cargo for radiation; and the establishing of security standards for all cargo containers.

We in the New Jersey and New York area have a keen understanding of how important it is to make sure that we secure such critical infrastructure. New Jersey is home to the largest and busiest seaports on the Eastern Seaboard. The Port of New York and New Jersey, positioned between New York City and Newark Liberty International Airport, is key to our nation's economy and security.

Handling more than $100 billion in cargo a year and employing nearly 230,000 area residents, the port is the East Coast's hub in the global supply chain. This port is the most concentrated and affluent consumer market in the world, with immediate access to the most comprehensive interstate highway and rail networks in the nation.

Mr. Chairman, this is a thoughtful piece of legislation that not only provides funding for Homeland Security activities, but also holds the Department of Homeland Security accountable for how those activities are executed.

I urge my colleagues to support this important legislation.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in support of H.R. 5441, the Homeland Security Appropriations Act for fiscal year 2007. As a member of the Homeland Security Subcommittee, it has been an honor to work with Chairman HAL ROGERS and with our ranking member, MARTIN SABO, who sadly is retiring at the end of the 109th Congress. Congressman SABO has served our country with honor and distinction. It has been a privilege to serve with him in the U.S. House of Representatives.

Mr. Chairman, Chairman ROGERS has once again been presented with an inadequate budget allocation. He has done his best to strengthen our ability to effectively respond in times of national emergency and fund the critical programs in the bill that protect our Nation against terrorist attacks and national disasters.

Nevertheless, I am disappointed that due to the lack of funds resulting from hundreds of billions of dollars in Republican tax cuts for the very rich, the bill reduces badly needed funds for programs critical to our first responders' ability to efficiently and safely respond to a terrorist attack or national disaster. I am particularly concerned about cuts to grants that fund communication capability such as interoperability. Radio interoperability is essential for our police, fire, and emergency medical service departments to communicate with each other in times of emergency. This was demonstrated by the horrors in New York on 9/11 when many of the New York police and firefighters died because of the inability to warn each other of the dangers ahead. Four and a half years after 9/11 it is unconscionable that interoperable communications remain an unmet urgent need. It is also unfortunate that the Democratic amendment by Mr. OBEY that would have added funding for port security, border security, and first-responder equipment and training failed on a party line vote.

I am also disappointed and greatly concerned that this bill's report expresses support for the expansion of the 287(g) program which allows State and local law enforcement officers to perform immigration enforcement functions. Many local law enforcement officers have stated that if they are required to enforce Federal immigration policies it would hamper their ability to successfully fight crime in their respective communities.

Furthermore, I am disappointed that the report does not include a solution to the miscalculation of the Letters of Intent contract between the TSA and the Los Angeles World airports, LAWA. According to LAWA, TSA's contractor made errors in calculating the cost of installing inline baggage screening equipment at Los Angeles and Ontario airports. These calculating errors have resulted in a contract dollar amount lower than what is needed to complete the required equipment purchase and installation. I hope to work with the chairman in conference to resolve this problem.

Despite these concerns, I thank Chairman ROGERS and Congressman SABO for including many of the items I requested in the Homeland Security report. The following report language addresses serious issues raised during subcommittee hearings with representatives of the Department of Homeland Security.

(1) The report language addresses the need to continue the use of Legal Orientation Programs in Immigration and Customs Enforcement, ICE, detention centers around the country. Legal Orientation Programs are legal presentations given to persons in immigration detention, prior to a first hearing before an immigration judge by nongovernmental agencies. The presentations facilitate access to justice for detained immigrants in removal proceedings. The program also saves money on immigration detention and makes the Immigration Court more efficient.

(2) The report recognizes the success of the Intensive Supervised Appearance Program, ISAP, which prevents families from being detained in jail. The bill includes an additional $5 million for the expansion of this program.

(3) The report expresses concern regarding reports that children apprehended by DHS continue to be separated from their parents. The committee's report language encourages ICE to work with reputable nonprofit organizations to consider allowing family units to be placed in the Intensive Supervised Appearance Program. If detention is necessary, the report language encourages ICE to house family members together in nonpenal, homelike environments until the conclusion of their immigration proceedings.

(4) The report includes language that expresses concerns regarding recent media reports of health care deficiencies at ICE detention facilities. The committee's report language correctly directs ICE to report on the activities it undertakes to ensure compliance with detention standards.

(5) The report highlights concerns with the backlog at the National Records Center. This backlog results in few, if any, of the asylum applicants who requested their files through the Freedom of Information Act, FOIA, receiving their files in time to prepare for their appearance in immigration court. The report language directs Citizenship and Immigration Services to develop a plan to ensure that such requests are filled in a timely and expeditious manner.

(6) The report expresses concern that the Department of Citizenship and Immigration Services has not issued regulations on the U-visa for immigrant victims of a crime. This visa was established 6 years ago in the Trafficking Victims Protection Act of 2000. Due to the lack of regulations, few victims have applied because only interim relief exists. The report directs CIS to report on its plan for issuing U-visa regulations.

(7) I was pleased that the report recognizes the important efforts of the Directorate of Science and Technology, S&T, to encourage universities to become centers of multi-disciplinary research on homeland security issues. An outstanding example of such a center is the University of Southern California's Center for Risk and Economic Analysis in Los Angeles. Given the high threat of acts of terrorism to large cities like Los Angeles, these centers can help prioritize countermeasures to terrorism, by computing relative risks among potential terrorist events and by identifying where homeland security investments can be most effective.

(8) I am also pleased that Customs and Border Protection is directed to report on their plans to address the increased workload at Ontario International Airport and to provide quarterly reports to the House Committee on Appropriations and the House Committee on Homeland Security on international flight arrivals at Ontario that take customs longer than the standard 60 minutes to process.

(9) The report includes language that expresses concern about reports that unaccompanied alien children are being detained in unacceptable conditions, such as jail-like facilities, and not routinely transferred within the required 3–5 day timeframe from DHS custody to the Office of Refugee Resettlement, ORR. The report directs ICE to immediately contact ORR upon apprehension of children and to ensure ORR gains custody within 72 hours.

(10) When the age of an unaccompanied alien child is unknown, the report directs ICE to consider using holistic age-determination methodologies recommended by medical and child welfare experts. These methodologies recommend taking into account the child's physical appearance and psychological maturity, rather than relying exclusively on forensic evidence.

(11) The report expresses concern about the dearth of repatriation services for unaccompanied alien children. These children are removed from the United States to face uncertain fates in their homelands. The report urges the Department, in close consultation with the Department of State and ORR, to develop policies and procedures to ensure the safe repatriation of these children to their country of origin including placement with family or a sponsoring agency.

(12) I am very grateful that Chairman ROGERS once again included language I drafted to prevent the Department of Homeland Security from moving forward with its potentially dangerous plan to privatize key immigration officer positions at the Bureau of Citizenship and Immigration Services. Officers currently filling these positions are responsible for handling classified information used to prevent fraud and exploitation of our immigration laws. I am thankful that this inherently governmental work will continue to remain the responsibility of trained and experienced Federal employees directly accountable to the Department and not to the bottom line of a private company.

(13) I am pleased that the report recognizes the important work of Operation Archangel, located in my home city of Los Angeles. Operation Archangel is a national model for protecting critical infrastructure. The Department should continue this important program and replicate it throughout the country.

Lastly, I commend Chairman ROGERS for withholding funds from DHS until it meets its obligations to this Congress and to the American people. It is a tragedy that the Department of Homeland Security is so dysfunctional that the chairman had to take this step. I congratulate him for standing up for the safety of our Nation and the American people. As he has said on numerous occasions, those who seek to do us harm only have to do their job right occasionally. We have to do our jobs to protect America 100 percent of the time. To date, the Department is far from reaching that 100 percent mark.

Mr. Chairman, I support this bill because in spite of its deficiencies, Chairman ROGERS has done his best to effectively allocate the limited funds he was given to help ensure our country's safety. Fully addressing critical national security concerns requires resources that the administration simply did not propose and which the Republican majority did not provide in this bill. While this bill is an improvement over the administration's request, it nevertheless is lacking in fully meeting our critical homeland security needs.

Mr. SABO. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield back my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, for the Department of Homeland Security and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $95,884,000: *Provided*, That not to exceed $40,000 shall be for official reception and representation expenses: *Provided further*, That of the funds provided under this heading, $10,000,000 shall not be available for obligation until the Secretary of Homeland Security submits a comprehensive port, container, and cargo security strategic plan to the Committee on Appropriations and Committee on Homeland Security of the House of Representatives that requires screening all inbound cargo, doubles the percentage of inbound cargo currently inspected, sets minimum standards for securing inbound cargo, and includes the fiscal year 2007 performance requirements for port, container, and cargo security as specified in the report accompanying this Act: *Provided further*, That the Secretary is directed to submit the Secure Border Initiative multi-year strategic plan to the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives no later than November 1, 2006 that includes: a comprehensive mission statement; an identification of long-term goals; an explanation of how long-term goals will be achieved; schedule and resource requirements for goal achievement; an identification of annual performance goals and how they link to long-term goals; an identification of annual performance measures used to gauge effectiveness towards goal achievement by goal; and an identification of major capital assets critical to program success.

AMENDMENT OFFERED BY MR. SABO

Mr. SABO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SABO:

In title I, in the item relating to "OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by $3,000,000)".

In title I, in the item relating to "OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT", after the aggregate dollar amount, insert the following: "(reduced by $15,000,000)".

In title III, in the item relating to "OFFICE OF GRANTS AND TRAINING—FIREFIGHTER ASSISTANCE GRANTS"—

(1) after the first dollar amount, insert the following: "(increased by $111,000,000)";

(2) after the second dollar amount, insert the following: "(increased by $41,000,000)"; and

(3) after the third dollar amount, insert the following: "(increased by $70,000,000)".

In title III, in the item relating to "FEDERAL EMERGENCY MANAGEMENT AGENCY—DISASTER RELIEF", after the aggregate dollar amount, insert the following: "(increased by $14,000,000)".

In title IV, in the item relating to "SCIENCE AND TECHNOLOGY—RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS", after the aggregate dollar amount, insert the following: "(reduced by $107,000,000)".

Mr. SABO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. SABO. Mr. Chairman, I offer this amendment on behalf of myself, Mr. HOYER, Mr. SWEENEY, Mr. WELDON of Pennsylvania, Mr. ANDREWS, Mrs. JONES of Ohio, Mr. MURPHY, Mr. PASCRELL and Mr. BRADLEY of New Hampshire.

This amendment increases by $111 million funding for the fire grant and SAFER programs, bringing appropriations to these programs to slightly above the 2006 level.

Fire and SAFER grants funding in the bill is currently $109 million, or 17 percent below 2006. The bill funds the regular grant program at $500 million, $40 million below 2006, and the SAFER program is funded at $50 million in the bill, which is $69 million below the 2006 funding level.

My amendment would eliminate these fire grant cuts. The amendment is offset with reductions in the Office of the Secretary and Executive Management, some from the Office of the Under Secretary for Management, and some from the funding for the Science and Technology Directorate. The funds from the Science and Technology are from $246 million in unobligated funding that is carried into 2006, and it is likely a large portion will carry into 2007, which is why I think the 2007 funding can be reduced.

Mr. Chairman, it is a good amendment and I urge its adoption.

Mr. SWEENEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Sabo-Sweeney amendment and would urge its adoption.

Let me just say this. This amendment restores funding that I think is key and essential. First responders are our frontline defense in homeland security, critically important in so many ways for rural, urban and suburban communities.

I know, for example, as a New Yorker that, on preparedness issues, both the SAFER Act and the firefighter grant dollars have been essential towards us prospectively and proactively preparing folks on the ground to really meet the needs of the community and really meet the needs of the Nation and making us prepared.

So I could not urge my colleagues more strongly to be supportive of this amendment and would ask that it be adopted.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman makes an awfully good case. The firefighters, of course, are extremely important in our Nation's efforts to defend itself, and this funding is vital. The gentleman and all the gentlemen make a good point, and I am prepared to accept the amendment. I would hope that we could conserve some time by doing that, but I thank the gentleman for yielding.

Mr. SWEENEY. Mr. Chairman, I thank the chairman. I also should point out that the chairman has worked very hard with all of us, both last year and this year, to make this a reality.

Mrs. JONES of Ohio. Mr. Chairman, I move to strike the last word.

I ask unanimous consent to include my statement in the RECORD in support of the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. I rise in strong support the Sabo/Hoyer/Weldon/Tubbs Jones amendment. This amendment restores $41 million dollars to the Assistance to Firefighter Grant (AFG) Program and funds the Staffing for Adequate Firefighters and Emergency Response (SAFER) program at $70 million, which was zeroed out of the FY07 budget.

Adopting this amendment sends a clear message to our first responders that we appreciate the work that they do in serving emergency needs of our communities and nation.

The AFG program awards grants directly to state fire departments to enhance their ability to protect the health and safety of the public and firefighting personnel, particularly with respect to fire and fire-related hazards.

In the State of Ohio, 251 fire departments received over $27 million during the 2005 fiscal year.

The AFG program effectively meets the needs of firefighters around the country. It is especially necessary in the wake of 9/11 and Hurricanes Katrina and Rita, as firefighters are our first line of defense when dealing with national disasters.

The SAFER program provides much-needed funding for career and volunteer fire departments across America to hire new firefighters and recruit and retain volunteer firefighters. This program is critical to the thousands of fire stations across the country that are currently operating short of staff.

The SAFER program allows fire departments throughout the country to apply for federal grants to hire and pay new firefighters for five years. In addition, grants have been awarded to state and local organizations to recruit and retain volunteer firefighters.

In March, I along with several of my Ohio colleagues sent a letter to the Budget Committee as well as the Homeland Security Appropriations Committee to express our opposition to the President's Budget which cut the Assistance to Firefighter Grant Program by over 50 percent and eliminated funding for the SAFER program. In addition, I signed onto a letter with my colleague, Mr. HOYER to express my support for additional funding for these programs.

I am happy to see that the Committee has restored some of the funding to the AFG Program, but I believe more can be done.

Mr. Chairman, I understand the challenges and budgetary constraints that Congress is faced with. However, cutting programs that assist first responders at a time when homeland security is vital should be reconsidered.

I thank my colleagues Mr. OLAV SABO, Mr. HOYER and Mr. WELDON for their work on this issue. I strongly urge you to restore funding to the AFG and SAFER Grant Programs through the adoption of this amendment.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

I ask unanimous consent to enter my statement into the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PASCRELL. Mr. Chairman, I would like to commend Chairman ROGERS and Ranking Member SABO for all the hard work they have put into bringing this bill to the floor.

Homeland Security is a relatively new discipline for this body and in a short amount of time my friends from Kentucky and Minnesota have proven to be experts in this field.

Likewise, I want to publicly acknowledge Congressman WELDON, Congressman HOYER and Congressman ANDREWS for the leadership they have displayed in enhancing our nation's security.

This amendment is another example of all our work to increase our emergency preparedness and response capabilities—and I ask all Members for their support.

FIREFIGHTER CHALLENGES

10,000 fire engines are at least 30 years old. 27,000 fire stations in the country have no back-up power; two-fifths of all departments lack internet access.

The majority of portable radios that firefighters use are not water resistant.

Currently two-thirds of all fire departments throughout America operate with inadequate staffing.

In communities of at least 50,000 people, 38 percent of firefighters are regularly part of a response that is not sufficient to safely respond to a structure fire because of a lack of staffing. This is unconscionable.

THE AMENDMENT

This amendment helps to tackle these problems. It provides an additional $111 million for Firefighter grants. Of this money, $41 million will go to the base Firefighter Grant Program and $70 million will go to the Staffing for Adequate Fire and Emergency Response (SAFER) program.

This additional funding is $2 million above the FY06 level for these programs.

Fire Grants provide money directly to local departments for equipment, training, and safety programs and have been an enormous boost to first responder readiness since its inception.

Likewise, the SAFER Act provides annual grants for the purpose of hiring, recruiting and retaining career and volunteer firefighters.

To be sure, Congress has made great strides to provide assistance for our firefighters—but still more needs to be done.

There's a reason the FIRE Grant program had 20,300 applications containing close to $3 billion in requested assistance from departments across the country this year.

And at a time when local jurisdictions are facing tough budget decisions and departments all across the country are laying off firefighters, this amendment couldn't come at a better time.

I implore support from my colleagues.

Mr. HOYER. Mr. Chairman, I want to thank Congressmen MARTIN SABO and CURT WELDON for their leadership not only on this amendment, but also on so many issues of importance to our Nation's fire service.

I also want to express my sincere appreciation to chairman ROGERS for his support of our first responders and his assistance in bringing this important amendment to the floor.

Finally, I would be remiss if I did not recognize the contributions that BILL PASCRELL has made to our Nation's firefighters, notably his authoring of the original legislation to establish the assistance to the firefighters grant program.

Mr. Chairman, this amendment provides much-needed increases to both the fire grant and safer programs, and it moves us closer to fulfilling our obligation to ensure that our Nation's firefighters have the resources necessary to guarantee their own safety—and to allow them to better serve each of our communities.

This amendment brings the funding in the bill to $651 million—$541 million for fire grants and $110 million for safer.

This is $357.6 million above the level requested by the president, and is a reflection of congress's commitment to ensuring that our fire departments are properly staffed, trained and equipped.

However, these amounts are still well below the authorized levels, and far from meeting the needs of the fire service.

Thus, we must continue to work to increase the funding levels for each of these programs—this year and in the future.

The fire grant program was established by congress in 2000 to meet the basic equipment, training and firefighter safety requirements of America's fire service, and to bring all fire departments to a baseline of readiness to respond to all hazards.

The fire grant program has been a tremendous success, and congress has provided more than $3.5 billion for infrared cameras, HAZMAT detection devices, modern breathing apparatuses, improved training and physical fitness programs, new turnout gear, fire trucks, and interoperable communications equipment, to name but a few items.

The simple fact is that the equipment and training provided by these grants have saved the lives of firefighters and average citizens in communities across America, and I am proud to have played a role in establishing and funding this program.

The safer program—authorized 3 years ago and funded for—is a vital complement to the fire grant program because insufficient staffing, defined by the national fire protection association as fewer than four firefighters per apparatus, is a very real problem for far too many of the nation's career and volunteer fire departments.

Responding with fewer than four firefighters per apparatus prevents the first responder unit from complying with OSHA's "2-in/2-Out" standard for safe fire ground operation, and adds unnecessary risk to the already dangerous job of fire suppression.

NFPA estimates that an additional 75,000 firefighters are required across the country, and the additional funding we provide today will help move us closer to that goal.

Mr. Chairman, we have an obligation to provide our firefighters with the necessary resources to perform their jobs as safely and effectively as possible.

With the adoption of this amendment, and our continued support of the fire grant and safer programs, we fulfill this obligation made by firefighters across our Nation.

Again, I thank Chairman ROGERS for accepting this amendment, and for his leadership and continued support of the Nation's firefighters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. SABO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KUCINICH:

On page 2, line 9, after the dollar amount insert "(reduced by $500,000)".

On page 34, line 6, after the dollar amount insert "(increased by $500,000)".

Mr. KUCINICH. Mr. Chairman, my amendment funds FEMA to conduct a comprehensive study of the increase in demand for FEMA's emergency response and disaster relief services as a result of weather-related disasters associated with global warming during the next 5, 10 and 20 years. The assessment will include an analysis of the budgetary material and manpower implications of meeting such increased demand for FEMA services.

Now, we have been warned that we should expect to see more extreme weather like the severe rainstorms and snowstorms that come in El Nino season. We have been warned that we will see stronger hurricanes and hurricanes with more total rainfall. Some say we should expect more frequent hurricanes. We have been warned to expect heat waves. We have been told to expect melting glaciers, rising sea levels swallowing low-lying land in places like Bangladesh, Florida, the gulf coast and Manhattan.

We have been warned that rising temperatures will force infectious diseases to move north or upwards in elevation to expose previously unexposed and therefore defenseless populations.

We have been warned that droughts will intensify and lengthen, straining already strained water supplies and bringing crop failures, droughts and also place those areas at greaser risk for wildfires.

These warnings come from the most respected, most credible, most well-studied scientists this world has to offer. It turns out they have been right. The 10 hottest years on record have occurred in the last 15 years. We have had two consecutive record-breaking hurricane seasons, and all signs point to another one this year.

☐ 1630

The polar ice cap is melting. Greenland's ice cap is melting. Permafrost in Alaska is thawing, causing homes to crumble. Residents of low-lying islands, like Tuvalu have applied for entry into other countries as climate refugees and have been denied. West Nile virus from Africa has taken a toehold in the U.S. The European heat wave of 2003 killed over 15,000 people. Carbon dioxide concentrations in the atmosphere are at record levels. Scientists say these levels may not have occurred in the last 400,000 years.

These effects are directly in line with the warnings we have received from the scientific community. Even though it is difficult to attribute all of these effects, and several I haven't even mentioned, directly to climate change, some have been able to.

A recent article in Nature blames half of the risk associated with the European heat wave on human-induced warming. The World Health Organization has estimated that 150,000 deaths every year can be attributed to climate change.

Hurricane Katrina gave us another grim warning, telling us not only what we should expect but showing us what happens if we are not prepared. Katrina showed us that when disasters hit, the most vulnerable among us become even more vulnerable because they lack the resources and the access to cope. This was made clear as image after image of those who were hit the hardest were people of modest means and people of color.

In fact, during the Chicago heat wave of 1995, African Americans were twice as likely to die as whites. The elderly, many of whom could not afford air conditioning, made up most of the victims.

Katrina showed us that disasters are expensive. We are on track to spend at least $80 billion in supplemental spending alone. The private sector is increasingly concerned as well. Insurance companies, whose very existence relies on their predictive abilities, have seen enough to make them drop certain coverage and conduct campaigns to try to reduce our greenhouse gas emissions. And reinsurance companies in particular have taken a leadership role in promoting action on climate change out of enlightened self-interest.

Hurricane Katrina showed us that an unprepared FEMA costs time, money, and lives. We cannot merely look for ways in which FEMA failed to do its job in the gulf coast. We have to allow FEMA to take into account the realities of the challenges that await them.

At the moment, we can still choose which policy options we want to exercise. We can deal with the effects of climate change in one of two ways: we can acknowledge the extraordinary challenges before us and prepare for them, voluntarily and aggressively, but steadily, predictably, and controllably; or we can continue to create policies as if there is no problem and wait for the changes to control our pace of adaptation. The choice is ours.

Let FEMA prepare for the task ahead. Vote "yes" on the Kucinich amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have grave concerns about directing FEMA to predict over the next 20 years the effects of global warming on disasters and on FEMA's disaster relief services. FEMA's efforts should be focused on improving their capabilities to coordinate the Federal response to major domestic disasters and emergencies of all types.

According to the Department of Homeland Security, neither the Department nor FEMA has the personnel nor the expertise to conduct such a study. Global warming is not a homeland security priority, and we should not expect FEMA to take on that tremendous responsibility.

So I urge Members to vote against this amendment.

Mr. SHAYS. Mr. Chairman, I rise in support of this amendment, which would provide funding for FEMA to conduct a comprehensive study of its emergency response and disaster relief services as a result of weather-related disasters associated with global warming.

There is no doubt in my mind that global warming is happening and that man is contributing to it. Now, it is our responsibility to work to mitigate the impacts of potentially catastrophic climate change.

2005 is currently tied with 1998 for the warmest year on record. However, the warmth in 2005 is remarkable because, in contrast to 1998, it was not boosted by El Nino. And since 1990, we've had the 10 hottest years on record.

Hurricanes are getting stronger, heat waves are hitting harder and more often, and the polar ice cap and Greenland's ice are melting. Several weeks ago, the Northeast saw some of the worst flooding in 70 years, and the strength of Hurricane Katrina created a tragedy of Biblical proportions. These examples of what climate change can do tell us we must act now before another disaster hits.

We need to address climate change with concerted action and with bipartisan dialogue, regional cooperation and an alliance between industry and environmentalists.

The threat from global warming is very real, and we must act now to combat potentially catastrophic climate change. We cannot leave this legacy to our children and grandchildren. We simply will not have a world to live in if we continue our neglectful ways.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

Are there further amendments to this paragraph?

Mr. BRADLEY of New Hampshire. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I certainly want to start by commending the chairman for his work on this bill, and I rise today to support the Sabo amendment. Because the debate moved along so quickly, I wasn't able to enter my statement into the RECORD, but this vital amendment would increase funding for our Nation's firefighters by over $111 million dollars above the base bill. It is a very important amendment.

Every day in New Hampshire professional firefighters are responding to emergencies and saving lives. Two weeks ago, over 12 inches of rain in my State fell in between 36 and 48 hours, flooding much of New Hampshire. It was professional firefighters, volunteer firefighters, and other first responders that were on the front lines saving lives in New Hampshire, making sure that people were safe and were able to return to their homes.

That is why this amendment is so important to the firefighters in my State, and I thank the chairman for allowing me to strike the last word and entering this supporting statement in the RECORD.

I rise today in support of the Sabo amendment, which I am a cosponsor of. This vital amendment would increase funding for our Nation's firefighters by $111 million over the base bill, and in particular add $70 million for the Staffing for Adequate Fire and Emergency Response (SAFER) Act.

Every day in New Hampshire, professional firefighters are responding to emergencies and saving lives, but they are doing so while understaffed. National standards call for 4 to 5 firefighters to respond to emergencies on a fire engine or ladder truck, yet in my district many times as few as 2 respond on a piece of fire apparatus. This amendment will help give departments the resources to hire additional firefighters through a grant program. This will help firefighters across our Nation better protect residents.

Two weekends ago over 12 inches of rain fell in 36 to 48 hours flooding much of New Hampshire. During this disaster, the Professional Firefighters of New Hampshire, the volunteer firefighters, police and National Guard troops responded immediately, effectively and courageously. In Londonderry, the firefighters rescued a young boy from the surging flood waters, saving his life, while risking their own. In Milton, Rochester, and Somersworth fire chiefs responsible for managing dams on the Salmon Falls River did so in such a way so that several thousand residents were able to safely evacuate without any loss of life. In Dover, the work of the fire department saved a bridge and retaining walls in the center of the city, that had they failed, could have severely damaged a converted mill building in which 5,000 people work. These are just several examples of the heroism that all of New Hampshire's professional firefighters and other first responders displayed during a very trying time for my state. I applaud their heroism.

In every state firefighters protect us every day. It is our responsibility to increase funding for the SAFER ACT by $70 million to better provide the resources firefighters need to continue to do their jobs safely and effectively.

I urge the adoption of this amendment, and praise Mr. SABO and Mr. WELDON for bringing this to the floor for a vote.

AMENDMENT NO. 1 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BROWN of Ohio:

In the item relating to "DEPARTMENTAL MANAGEMENT AND OPERATIONS—Office of the Secretary and Executive Management", after the first dollar amount, insert "(increased by $500,000) (reduced by $500,000)".

Mr. BROWN of Ohio. Mr. Chairman, this amendment is based on a simple, commonsense idea: it is easier to avoid an iceberg if you see the iceberg coming.

We didn't see the UAE ports deal coming. We didn't see the Chinese effort to acquire UNOCAL coming. We didn't see the Bahamas nuclear security outsourcing contract coming. These business deals all raise serious homeland security concerns, but the bigger homeland security issue may be free trade agreements.

Trade agreements open our markets to be sure, as they should, but they also open our ports, our infrastructure, and our transportation lines. The United States Trade Representative recently concluded free trade agreements with Peru and with Colombia. Peru is home to two groups listed by the State Department as foreign terrorist organizations. Colombia is home to three groups listed by the State Department as foreign terrorist organizations. Yet U.S. law does not require any systematic review of security issues raised by these or any other free trade agreements.

It doesn't have to be that way. We need not simply vote for a trade agreement and then keep our fingers crossed hoping that there are no security concerns around it or attached to it. My amendment, the Trade Related American National Security Enhancement and Accountability Amendment, offers a responsible alternative. It simply reduces the Department of Homeland Security Management and Operations funding by $500,000 then increases it by the same amount.

The intent is to earmark these funds for the Department of Homeland Security to, one, coordinate with the Justice Department and the State Department on a security review of the Peru free trade agreement and the Colombia free trade agreement; second, to analyze and report to Congress on any security issues raised by these agreements.

This amendment would in no way delay the implementation of either free trade agreement, but it would give Congress a look at the security issues raised by these agreements.

If you believe, as I do, that avoiding the iceberg is easier if you see it coming, please join me in supporting this commonsense reform.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

I understand the gentleman's concern, but would point out that such determinations are the work of the U.S. Trade Representative. This amendment would have more value if considered in the context of a bill that authorizes or funds the U.S. Trade Representative or the Department of State. As these activities are outside the jurisdiction of the Department of Homeland Security, that would require a new authorization.

Finally, the Department is still focusing on its primary responsibilities of protecting the homeland and has little expertise in making determinations about liability or trade activities.

For those reasons, I urge Members to vote against the amendment.

Mr. KUCINICH. Mr. Chairman, I move to strike the last word, and I rise in support of the Brown amendment.

The Brown amendment does something that I think is really essential in that it links homeland security to free trade agreements. We cannot ignore the broad effects of our trade agreements on our national security, and that is what Mr. BROWN is seeking to demonstrate here.

It seems we have a lack of awareness in this Chamber about not only the effects of climate change on our homeland security but also the powerful economic effects of these trade agreements on our homeland security. I mean, frankly, when it comes to climate change, an administration study on the social life of the ostrich isn't going to suffice.

We have to take a direction that shows we know there is a problem because of the effects. We are seeing the effects of these trade agreements on our economy. We already know where these trade agreements have taken our economy. We have over an $800 billion trade deficit. If that doesn't raise a question of homeland security, what does?

Support the Brown amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BROWN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 2, line 9, after the dollar amount, insert the following: "(reduced by $40,000,000)".

Page 3, line 15, after the dollar amount, insert the following: "(reduced $60,000,000)".

Page 13, line 21, after the dollar amount, insert the following: "(increased by $100,000,000)".

Mr. KING of Iowa. Mr. Chairman, my amendment moves $40 million from the Office of the Secretary and Executive Management and $60 million from the Office of the Under Secretary of Management to construction under Customs and Border Patrol towards building a wall, a fence on our southern border. It sets up $100 million, $40 million from the one category and $60 million from the other category.

This is a simple concept, Mr. Chairman. I have this demonstration here of just simply a precast concrete foundation that would be set in with a trencher and slip-form machine that would leave a slot in here. One could then take tongue-and-groove panels that would be 13½ feet long by 6 inches thick and drop them in here. It is a very fast and efficient construction method and a relatively cheap construction method. It is installable, it is removable, and it is impregnable, at least with the things we are seeing on the border today.

I have taken a number of trips down to the border, have spent a number of nights on the border, and have observed what is going on down there; and I am be absolutely convinced that we will never get operational control of our border unless we are able to put in a human barrier that will be effective.

There are $60 billion worth of illegal drugs that are coming across our southern border; and no matter what we do to put in a vehicle barrier or put another 6,000 Border Patrol troops down there, they will still infiltrate through. We can make their time far more effective by having a sealed human barrier.

Mr. Chairman, I yield to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I certainly appreciate my colleague from Iowa (Mr. KING) for offering this amendment, and I certainly appreciate his leadership and dedication to this issue.

I do want to commend Chairman ROGERS on his dedicated leadership to putting together a strong homeland security bill which includes $30 million to complete the San Diego border infrastructure system, including a fence there, as well as $8 million with the cost associated with the Arizona Border Control Initiative. Those are good things.

What our amendment does is supplement that and adds $100 million by taking out money for bureaucrats sitting here in Washington that are not making this country safer by sitting in an office. We want to put fences out in the places that will be needed and necessary.

This $100 million will stop this mass flow of illegal immigrants across our southern border. The 12 million illegals, 10 to 20 million, in this country, in fact, can attest to the ease by which you can cross over the border.

I commend my colleague, Mr. KING, for his dedicated leadership to this very important issue in stifling the flow of illegal immigrants across our southern border, and I urge my colleagues to support this initiative.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to this amendment.

This bill provides significant resources for border security programs and is currently balanced among the many competing homeland security priorities. This amendment significantly upsets that balance and undermines the Department's ability to effectively integrate its business systems.

□ 1645

I have grave concerns about the offsets contained in this amendment, offsets that decimate DHS's management.

Taking $40 million, almost half of the Secretary's budget, would effectively shut down all planning and management from DHS leadership.

We have already reallocated $50 million from the Office of Under Secretary to operational agencies in the bill itself. A $61 million reduction to this office would stop all work on the new personnel and payroll systems that are under development.

The subcommittee carefully reviewed the President's request and made significant modifications in order to ensure all mission areas had sufficient resources.

What this amendment does is unravel over 5 months of committee oversight. We have held 11 hearings this year, digging deep into the resource requirements of the Department and examining the most ominous threats facing the Nation. Almost without exception, all of the programs funded in this bill are critical. But what we can't afford to do is fund one program at the expense of all others.

This bill provides significant border security resources, administers tough oversight, drives DHS to properly plan its work and improve our border security and immigration enforcement programs. I would hope that we would turn down this amendment.

Mr. SABO. Mr. Chairman, I move to strike the word.

I just wanted to rise and agree with the chairman. This is an amendment that should not be adopted. We have already spent additional significant resources on the border. We are also starting the SDI program, the Secure Borders Initiative. I happen to think it is not well planned, but my assumption is that programs like this would be part of whatever this grand scheme is that is being developed.

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Chairman, I would make a parliamentary inquiry of the Chair.

The CHAIRMAN. The gentleman may state his inquiry.

Mr. SABO. We made some modest cuts in the Office of Under Secretary in our first amendment as related to fire grants which was adopted which I thought was okay to do; but I notice a whole host of amendments are funded by additional cuts to that same office.

I am curious if we roll votes and eventually there are more cuts than money exists, what happens? I understand this amendment takes an additional $60 billion out of the office. There are others coming with several million. There is a whole array of amendments, all of which take money from this particular office.

The CHAIRMAN. The Chair would inform the gentleman that amendments already pending as unfinished business would be disposed of in due course.

The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was rejected.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 2, line 9, after the dollar amount, insert the following: "(reduced by $3,000,000)".

Page 28, line 23, after the dollar amount, insert the following "(increased by $3,000,000)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask my colleagues to listen because this is the Neighborhood Watch of homeland security, and every single Member has the Citizen Corps as established by the homeland security legislation a few years ago. The authorizing committee supports the Citizen Corps that is basically premised on securing the homeland in the neighborhoods.

I simply want to come as close to the President's request as possible. The request the President made was $35 million. We have in this bill 0 amount for the Citizen Corps. We simply take a very, very small amount, Mr. Chairman, $3 million, to provide some comfort and relief to all of the community-based organizations that engage as part of the Citizen Corps for safety in the neighborhoods. It was a wonderful concept, and the concept was devised so everyone could be a stakeholder in the Nation's security. One of the few things that did work in the course of the 2005 hurricanes was the Citizen Corps. Members of the Citizen Corps helped train the tens of thousands of volunteers who showed up and asked for something to do. They are still working.

I can recall as thousands upon thousands of evacuees began to enter into the city of Houston and the county of Harris, Mayor Bill White and Judge Robert Eckels, county government and city government relied upon the Citizens Corps established so all could be stakeholders.

I am very proud that the National Volunteer Fire Council is supporting this legislation and asking colleagues to support it. We realize we have some very difficult times and some very difficult decisions to make, but I can assure you that the Citizen Corps implements five programs around the United States: community emergency response team; the medical reserve corps; the Neighborhood Watch program; the Volunteers in the Police Service and the Fire Corps.

I can remember after 9/11 when we began to tell Americans watch for suspicious packages, watch for suspicious persons, be part of the security of the Nation. That is the concept of the Citizen Corps. This does not undermine the underpinnings of this bill. In fact, it enhances it. It reaffirms volunteerism and makes Americans a partner in their own homeland security.

I know we cannot provide the $35 million that the President has asked for. I wish we could. This just gives an extra $3 million. That may fund one or two more National Volunteer Fire Councils, one or two more Citizen Corps. I can assure you when your communities hear about Citizen Corps, they will want to have it.

Just a few weeks ago in our community, the Citizen Corps planned a city-wide preparedness effort. People from all walks of life, all neighborhoods, all economic levels worked together to provide security for their communities.

We can do that all over the Nation. Members, if they just ask the question to their county government or city government, they will find out that Citizen Corps is alive and well. This money is their lifeline. This money keeps them going. This money provides them educational outreach. It provides the money for the Neighborhood Watch program, the Volunteers to the Police Service and the Fire Corps. I ask my colleagues to support this.

I appreciate the work of the ranking member and the chairman. I would ask my colleagues to not forget the National Volunteer Fire Council and all of those volunteers that come under the Citizen Corps. Let us help them get to the next step and provide security for the United States. I ask my colleagues to support this amendment.

This amendment seeks to increase funding for the Homeland Security Citizens Corps by $3 million from $0 million to $3 million. The program has been widely regarded as effective and President Bush requested that it be funded in the amount of $35 million. For more information on the program, visit www.citizenscorps.gov.

One of the few things that did work in the course of the 2005 hurricanes was the Citizen Corps. Members of the Citizen Corps helped organize and train the tens of thousands of volunteers who showed up and asked for something to do.

The Harris County, Texas Citizen Corps Council implements five programs: the Community Emergency Response Team, the Medical Reserve Corps, the Neighborhood Watch Program, the Volunteers in Police Service, and the Fire Corps.

The volunteers who participate in these programs help support our emergency responders year round and they provide a trained surge capacity in times of crisis.

The Harris County Citizen Corps Council also conducts outreach to educate the general public about the hazards we face and the county's emergency operations plan, including evacuations and considerations for people with disabilities, language and cultural barriers, and economic challenges.

I urge my colleagues to support this amendment to increase the funding, as President Bush has requested, for the Citizen Corps in order to train our citizens to become better prepared for whatever the future holds.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, Citizen Corps was originally established to create the Citizens Preparedness Guidebook to give Americans guidance on how to prepare in their homes, neighborhoods, workplaces, and public spaces. That work has been done.

Citizen Corps Councils are redundant. Work is being performed by State and local homeland security emergency preparedness offices. State offices are now robust enough after 9/11 to assess threats, help with community planning, evacuation and the like. These are government functions, not volunteer functions.

Citizen Corps functions are funded through other sources. Money comes to them from the Department of Justice through its Neighborhood Watch programs, its volunteers and police service programs, and the Department of Health and Human Services through its medical reserve program.

The subcommittee's 302(b) allocation could not accommodate all of the President's requests. The allocation of $32 billion does not fully adjust for the proposed increase in aviation passenger fees generating $1.3 billion in new revenue. Therefore, the committee has had to make some very tough choices, and this is one of them.

So I urge my colleagues to oppose the gentlewoman's amendment.

Mr. CROWLEY. Mr. Chairman, I move to strike the last word.

I support the Citizen Corps and yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am very cognizant of the very difficult choices of this subcommittee. We had difficult choices in the authorizing committee.

But I would say to the distinguished gentleman, with all due respect, the President did not think that this allocation of $35 million which we were not able to give was redundant.

Also the Homeland Security Department likewise continues to promote the Citizen Corps, particularly through the National Fire Council.

The whole fabric and framework of America changed after Hurricane Katrina and Hurricane Rita. We saw the value of the Citizens Corps in the midst of the hurricane. I cannot tell you the vastness of the support that came to a city and a county like Houston and Harris County when thousands upon thousands of evacuees, and I might imagine that happened to New York and Dallas and Los Angeles, it was the Citizen Corps that did the heavy lifting.

I would ask my colleagues with respect to the challenges of this particular appropriations to consider this amendment and consider those volunteers on the ground. Do not let the National Council of Fire Volunteers down. This is their source of funding. I ask my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT OFFERED BY MR. LANGEVIN

Mr. LANGEVIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LANGEVIN:

Page 2, line 9, after the dollar amount insert "(reduced by $3,000,000)".

Page 3, line 15, after the dollar amount insert "(reduced by $33,000,000)".

Page 42, line 16, after the dollar amount insert "(increased by $36,000,000)".

Mr. LANGEVIN. Mr. Chairman, today I rise to ask all Members to fully fund the Domestic Nuclear Detection Office within the Department of Homeland Security.

My amendment will add $36 million to the DNDO for a total of $536 million, the exact amount requested by the President. My amendment would increase the funding to the amount authorized also by the Safe Ports Act which passed this House just a few weeks ago by the overwhelming margin of 421–2.

The DNDO was created within the Department of Homeland Security to develop, acquire and deploy the global nuclear detection architecture to prevent nuclear material from being smuggled into our country. The office coordinates with a variety of public and private sector organizations, including the Departments of Defense, Energy and State, the FBI, State, local and tribal governments. The office is jointly staffed by experts from many of these agencies.

As the ranking member of the Homeland Security Subcommittee on the Prevention of Nuclear and Biological Attack, I have to say, Mr. Chairman, I am kept awake at night by the fear that a terrorist could smuggle nuclear material across our borders to detonate a bomb in one of our cities.

These radiation detectors are our last best chance to prevent a catastrophic nuclear or radiological attack, and our intelligence analysts tell us the threat is very real.

The DNDO is already in the process of deploying radiation detectors at our border crossings, ports and other points of entry. They have a goal of deploying more than 3,000 of these detectors by 2009.

But I believe the risk is too great to wait until 2009. Worse yet, a recent GAO report stated that the DNDO could not even meet the 2009 goal without additional funding. An additional $36 million will help speed the deployment and the development of radiation portal monitors, handheld and mobile radiation detectors, and the next generation advanced spectroscopic portals, which all provide a varying range of detection capability.

□ 1700

Mr. Chairman, I have great faith in the DNDO, but they need sufficient resources to complete their vital mission. Every year we spend more than $9 billion in missile defense. Surely, we can spend an additional $36 million to prevent nuclear smuggling, which intelligence analysts insist is a far greater threat.

Earlier this afternoon, I had the opportunity to question Vayl Oxford, President Bush's appointee to direct the DNDO, at our subcommittee hearing. He indicated that without full funding, DNDO would have to scale back valuable short- and long-term research and development projects that will lead to the next generation detection equipment, which will be faster and more accurate.

My amendment is offset by the Office of the Secretary and Executive Management by $3 million and the Office of Undersecretary for Management by $33 million.

Mr. Chairman, the threat of nuclear smuggling is too important to ignore. I ask my colleagues to join me in fully funding the Domestic Nuclear Detection Office to develop and deploy detectors before we miss our opportunity to prevent nuclear material from being smuggled into our country, and ultimately, it will allow us to save lives.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. SABO, here we go again, another amendment to take money from the Office of Secretary and Executive Management and the Office of the Under Secretary for Management. As Mr. SABO has pointed out earlier, if we keep cutting this office, there will not be any office.

The gentleman's amendment would want to increase funding for DNDO by $36 million. Our bill already provides, Mr. Chairman, a 59 percent increase for this office above the current level. The committee reduced funding for DNDO below the budget request because we had concerns with two specific programs, Surge, s-u-r-g-e and transformational research. The Surge program is an effort to purchase and restore equipment for use in times of need, a good idea for a more mature program.

But at this point, resources are needed for detectors on the front lines. Transformational Research, though trimmed, is still an increase of 50 percent over last year. I think we are doing the best we can do by this office at this time.

I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LANGEVIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK:

Page 2, line 9, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Page 14, line 6, after the dollar amount, insert the following: "(increased by $5,000,000)".

Mr. STUPAK. Mr. Chairman, our Nation's families face a growing threat from the proliferation of child exploitation and pornography on the Internet. One in five children report having been sexually solicited on the Internet; 3.5 million pornographic images of children of American children are now estimated to be in circulation on the Internet. This is a rapidly growing problem and one which has already grown far beyond what most Americans are aware of.

Last year alone, child pornography brought traffickers $20 billion in profits as compared to only $3 billion for legitimate Internet music sales. The Energy and Commerce Subcommittee on Oversight and Investigations on which I sit as the ranking member recently held hearings to highlight this growing threat.

During the course of these hearings, members of the subcommittee had a chance to hear about the excellent work the Immigration and Customs Enforcement Cyber Crime Center is doing to combat child exploitation. Since the center was founded in 2003, less than 3 years ago, its work has resulted in arrests of over 7,500 child predators.

The Cyber Crimes Center was funded at only $6 million last year, but has already been recognized as being at the forefront in fighting, in the fight against child exploitation and Internet crime. My amendment would add $5 billion to the Immigration and Customs Enforcement salaries and expenses which would be used by the Cyber Crimes Center to expand their operations.

The $5 million would be offset by reduction in the Office of the Secretary, which is funded over $95 million in the base bill. I believe that this $5 million amendment is the least we can do in the fight against a $20 billion criminal industry that preys on our children.

This is a chance to reward and expand the excellent law enforcement work being done at ICE and to take steps to combat the increasing threat to our children and families. If you look at the committee report, it indicates, and I quote from the committee report in support of this legislation here today, this year, the committee notes gaps in funding for drug interdiction, human smuggling, cyber crimes, child pornography, Secret Service investigations and funding for our first responders.

The committee recommendation includes $5 million, the same as fiscal year 2006, for memory and technology support for the Cyber Crimes Center. We are doing what the committee is asking us to do.

Who are the victims of child pornography? Eighty percent of these predators have material depicting children under the age of 12; 40 percent under the age of 6; and 20 percent are victims under the age of 3. Victims are 28 times more likely to become prostitutes; 86 percent of the victims develop serious long-term mental illness.

Mr. Chairman, we are working on this amendment here tonight, and we are taking it from the Secretary's budget, and I am sure that the chairman will once again say we are going to take this Secretary away and have nothing left.

Well, there is $95 million. We want $5 million, because this is a growing problem. It has been by leaps and bounds. In fact, we are doing more hearings as soon as we get back first part of June. We have had hearings in which 15,000 names, addresses, credit cards, Internet provider addresses were turned over to the Department of Justice, and nothing is done because the resources are not there to follow through.

So reality is that Internet child pornography and exploitation is growing more rampant, more horrific, and more sophisticated. The Cyber Crimes Unit employees know all too well how daunting their job is. We owe it to these dedicated men and women to give them all the resources we can. This additional $5 million will make a meaningful difference.

The appropriations bill, while an increase over the President's request, essentially has flat funded this program. I thank the committee for their continued commitment, and I know we have to make some tough decisions, but this is one we should do for America's children and to stop this horrific crime of child exploitation and pornography over the Internet.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Here we go again, cutting the Secretary and the Secretary for Management's office. If we keep doing this, we are not going to have an office. So I have grave concerns. The Office of the Secretary has already been reduced from 2006 by $30 million and the President's budget request by $2 million because of vacancies within the office. Further reductions would cut into critical funding to hire for the management and oversight of the Secure Border Initiative and to ensure that the Committee on Foreign Investment in the U.S., known as CFIUS, is adequately staffed to fully monitor possible foreign investment in critical infrastructure.

Border security and CFIUS issues span multiple agencies within the Department. Both of these issues have been in the news, of course, repeatedly, and the Department has been severely criticized for its lack of expertise and breadth of knowledge in these areas. If there is no one to work on the issues within the Office of the Secretary, I can assure you they will not be adequately addressed. Each DHS agency will work separately and independently from each other, keeping the stovepipes in place and ensuring that these criticisms continue.

I completely agree with the gentleman that the work being carried out by ICE's child exploitation unit, known as C3, is critical. This amendment would effectively double the operating budget of the C3. We have already increased funding for the center in our base bill. The bill we have presented to this body balances and reflects 5 months of careful oversight and review. The resources provided to C3, $5 million, are sufficient for the pending year. Additional funding is not necessary and could not be used.

So while I applaud the gentleman's priorities here, I find the increase not practical nor needed and ask our colleagues to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. STUPAK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STUPAK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $159,489,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That of the total amount provided, $8,206,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Page 3, line 15, after the dollar amount, insert the following: "(reduced by $35,000,000)".

Page 28, line 9, after the first dollar amount, insert the following: "(increased by $35,000,000)".

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman's point of order is reserved.

Mr. MARKEY. Mr. Chairman, we have something which is called the Metropolitan Medical Response System. This is the system that has been set up in 125 major communities across the United States, every major metropolitan area, in order to coordinate the response of the police, the fire and the emergency medical personnel in the event that there is a terrorist attack; a hurricane; tornado; an earthquake; or, as we have learned over the last 6 or 8 months, an avian flu disaster which hits a community. Last year, there was $30 million which was appropriated. To the credit of the committee, the gentleman from Kentucky and the gentleman from Minnesota, after the White House recommended zero for this program, the gentleman from Kentucky and the gentleman from Minnesota have restored the $30 million. But in the Homeland Security Committee, on which I serve, by a unanimous vote just a month ago, our committee voted to double the number to $60 million.

Now, why did we do that? Well, in addition to that number's being endorsed by the International Association of Fire Chiefs, all of these medical personnel across the country who say that the funding is woefully inadequate, you have just about every local police and fire department who are saying that they are going to be overwhelmed if one of these disasters hits their community.

So just to recap the last 12 months, since the $30 million was established as the number, we have already had Hurricane Katrina, which has exposed the inadequacies of the coordination of local police and fire and medical personnel. We have had the avian flu, which has arisen as a threat to the public health and safety of every community in our country. And there is no community at this point which is bragging that they are prepared to deal with this catastrophe if it hits their hometown.

□ 1715

So what we have done is identify a couple of programs, including the MAXHR program, which every union in America is opposed to because it is just going to redesign the whole way in which people are hired, and instead substituted money which will actually go to these local police and fire and medical personnel so that we can have the planning which is put in place.

We all know that when a catastrophe occurs in a community, nobody calls the Department of Homeland Security. They call the local police department, they call the local fire department, they call the local hospital. They are crying out to us saying they don't have the resources. That is why the Homeland Security Committee upped the number from $30 million to $60 million just last month.

Every one of these people, we saw it New York City, we saw it down here, these people are heroes. But heroes need help. They need the resources. They need the planning to be put in place. That is why the fire chiefs, that is why these local unions are all crying out, please, give us the help. We will take the risk. We will go into the flaming buildings. We will try to stop the flood. We will put our own health on the line in the event of an avian flu hitting a community. But give us the planning, give us the capacity now to put in place the response mechanism.

That is what this amendment does. And all it does is respond to what all these experts have told us the number has to be. $30 million is clearly inadequate, given what we have learned since last year with avian flu and what happened in New Orleans and across the whole gulf coast.

I urge an "aye" vote in order to ensure that this funding is made available to these local heroes.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, I make a point of order.

The amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill by $3.5 million.

I ask for a ruling from the Chair.

The CHAIRMAN. Does anyone wish to be heard on the point of order?

Mr. MARKEY. Mr. Chairman, I am not asking for this amendment to be considered en bloc. I would ask for the gentleman from Kentucky to explain further his point of order so that it can be better understood by the Chair and by the proponent of the amendment.

I would yield to the gentleman from Kentucky.

The CHAIRMAN. The gentleman may not yield, but the Chair will hear each Member in turn.

Mr. ROGERS of Kentucky. Mr. Chairman, I ask for a ruling from the Chair. The amendment amends two portions of the bill, one taking from one section and giving back to another.

The CHAIRMAN. Does the gentleman have further comment on the point of order?

Mr. MARKEY. No, I await the ruling of the Chair.

The CHAIRMAN. The Chair is prepared to rule. To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Massachusetts proposes a net increase in the level of outlays in the bill, as argued by the chairman of the relevant Subcommittee on Appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

The point of order is upheld.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Chairman, I have a parliamentary inquiry.

Mr. Chairman, could you tell me where in the amendment there is a proposed change in the budget authority?

The CHAIRMAN. The point of order was based on an increase in outlays, not budget authority.

Mr. MARKEY. Mr. Chairman, if I may continue to make a parliamentary inquiry, we have a CBO score that says that there is actually a reduction in outlays of $20 million. I am asking my staff to present to the Chair, before he concludes his ruling, the actual documentation from CBO that reflects that finding, which I think would as a result mean that the amendment was in compliance.

Mr. Chairman, I think we are each aware at this point there is a certain amount of terminological inexactitude in the numbers that both sides are using right now; and, as a result, I defer to the ruling of the Chair. But I will announce that I will try to come back with a redrafted proposal in this area.

The CHAIRMAN. The ruling of the Chair stands.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LYNCH:

Page 3, line 15, after the dollar amount insert "(reduced by $50,000,000)".

Page 28, line 23, after the dollar amount insert "(increased by $50,000,000)".

Page 29, line 15, after the dollar amount insert "(increased by $50,000,000)".

Page 30, line 7, after the dollar amount insert "(increased by $50,000,000)".

Mr. LYNCH. Mr. Chairman, together with Mr. HOLT of New Jersey and Mr. CASTLE of Delaware, this amendment seeks to increase the amount appropriated by H.R. 5441 for rail and transportation security grants from $150 million to $200 million.

The $50 million added to the rail security grants is to be offset by a novel idea today, which is to decrease by $50 million the amount appropriated for the Office of the Under Secretary for Management.

Mr. Chairman, we are grossly underfunding rail security in this country at a time when it should be a major priority. There is an old saying that states that Congress is always fighting the last war. If you look at the area of transportation security, we have spent

$22 billion on aviation security, 97 percent of the transportation money, and only 3 percent of transportation security money on rail. So 97 percent, $22 billion, on aviation, and about half a billion dollars on rail security. This flies in the face of experience.

As you look around the world today, the pattern of terrorist activity has been markedly against rail systems. If you go back to 1995, the Tokyo rail system was attacked by sarin gas. The Algerian rebels attacked the Paris subways. Going further, the Chechnyan rebels attacking the Moscow subways, the attacks in Madrid against their commuter rail system, many, many attacks on bus systems in Israel and, most recently, the London attacks against their subway system.

So there is a definite repeated pattern of conduct of these terrorists to attack rail systems. We need to be aware that they are looking at attacking our rail system. You would think that we would take appropriate steps to address that, given the fact that five times as many people travel by rail as travel by air.

Rather than addressing that woeful state of rail transit security funding, the current administration has actually sought to further shortchange these critical transportation systems. Most recently, the President's FY 2007 budget request allocated only $37 million to the Transportation Security Administration for non-aviation transportation security. That is less than 1 percent of TSA's budget, 1 percent for rail. Moreover, the President again proposed the outright elimination of rail and transit security grants.

Accordingly, I would like to first commend Chairman ROGERS and Ranking Member SABO for their great efforts to preserve separate funding for rail security. However, I am greatly concerned that rail and transit security grant funding has remained at $150 million under the past two DHS appropriations bills. In addition, I am equally concerned that the bill under consideration today proposes to appropriate the same $150 million for FY 2007.

Mr. Chairman, for these reasons, I urge my colleagues to support our amendment.

Mr. HOLT. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to join my colleague from Massachusetts as well as my colleague from Delaware, who is the cochair of the House Passenger Rail Caucus, in shifting this funding into the rail, freight and transit security grant program.

☐ 1730

I understand what the appropriators have gone through. Maybe everyone in this House could rewrite the bill in some way. But it clearly merits attention when we are spending 70 times as much for air security as for rail security.

As the 9/11 Commission said, it appears that we are fighting the last war. Of course, we watched in horror as airplanes were used as explosive missiles. But we have thousands of people traveling by rail. We have important freight routes. We have thousands of miles of track, just in New Jersey, 800 trains, 1,000 miles of track, 161 rail stations patrolled by a couple hundred uniformed officers.

The money in this program that we propose to increase can be used for explosive-agent sensors, for security cameras, for interoperable communications. That was driven home to us just today when travelers in the northeast corridor coming out of New York traveling through New Jersey were shut down for hours.

And as they were shut down because of a power failure, they discovered they had difficulty communicating with each other. The various trains had trouble communicating with each other. We clearly need to address the security in all of these areas.

The GAO reported in 2002 that in just eight transit agencies, there was a need for security improvements that totaled well over $700 million, far more than we have spent in the intervening years.

Mr. Chairman, you have heard from my friend from Massachusetts that this is not a maybe; there is unfortunately a long tally of security breaches, of terrorist attacks around the world. And this funding will go a long way toward preparing the rail systems throughout the United States against such terrorist attacks.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise also in support of the Holt-Castle-Lynch amendment to increase funding for crucial intercity passenger rail transit and freight security grants. By transit, we are talking about subways and local trains.

Earlier this morning, as the gentleman from New Jersey just stated, the northeast corridor came to a halt, and close to 70,000 commuters were effectively stranded between Boston and Washington, DC, including several trains trapped in tunnels in New York City and Baltimore.

I was not on any of those trains, but that one stuck in Baltimore is the one that I could have been on very easily. While this frightening incident turned out to be the result of a power outage, it underscores the sheer panic and disruption that a terrorist attack on rail systems could cause in this and many other parts of the country.

In the wake of attacks on subway trains in London and on passenger rail lines in Madrid, it is clear that terrorist organizations are intent on disrupting surface transportation systems and mass transit around the world.

While the legislation before us provides essential funding for much needed aviation and port security programs, we still have not had success in developing a comparable strategy for securing our Nation's rail and transit systems.

Over the last several years, funding for rail and transit security grants has been stagnant at $150 million, and annual rail security spending for the Transportation Security Administration has been minimal when compared to the $20 billion that our government has spend on aviation security since 2001.

In fact, the 9/11 Commission characterized the Federal focus on aviation security following the 2001 terrorist attacks as "fighting the last war" and noted that opportunities to do harm are as great or greater in maritime or surface transportation.

Clearly, Congress must change course and get a few steps ahead rather than constantly reacting to incidents and attacks once they have already occurred. Over 9.7 billion transit trips are taken annually on all modes of transit service. And the American Public Transportation Association recently estimated that $560 million is necessary to begin securing rail and transit systems this year alone.

While our amendment is not a complete solution to this funding shortfall, it represents a responsible step forward to begin funding critical priorities. The Holt-Castle-Lynch amendment is fully offset. I realize it is offset from the same Office of the Under Secretary of Management that concerns Mr. ROGERS and Mr. SABO, but I am sure there are other oppositions because they were trying to protect the money for us in this particular amendment, and they will speak to that, hopefully, shortly to come later.

It would boost funding to add more police officers, K-9 teams, security cameras, fences and chemical detection systems at train stations and on subways and commuter systems across the country. We are very lucky that an attack has not taken place in the United States. And we now have a great opportunity to be proactive and begin adequately funding rail and transit security in this country.

This amendment sets forth the course for achieving this goal, and I ask my colleagues to support this critical provision to protect American travelers.

Mr. SIMMONS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned about the fact that we have been flat-funding rail security over the last several years. Millions of tons of hazardous materials are shipped daily across America's rail lines. And any one of these shipments could become potentially a weapon of mass destruction.

Also, millions and millions of passengers travel our passenger rails every day and could be placed at risk by a terrorist attack. Let's just look at the record. In the year 2001, a 60-car freight train carrying hazardous materials derailed in a tunnel in Baltimore and literally shut down the city.

In March 2004, a series of coordinated attacks in Madrid, Spain, killed 192 people. In July of 2005, three bombs exploded in the British or the London Underground; 56 people were killed and 700 were injured. We see from these terrorist attacks abroad that there is a pattern of activity and an ability to target these rail systems successfully.

And yet here in the United States, we have flat-funded security for our passenger rail and for our freight rail. My family rides the rails virtually every day. I have got relatives in Connecticut who commute into New York City. My wife goes to Boston twice a week. When my daughter and my niece come up from New York, they ride the rails.

So this may not appear to be a hazard to some of our colleagues who live in parts of the country that do not rely as heavily as we do on rail transportation, but what we have discovered from talking to the Amtrak police over the last several months is that there are three Amtrak policemen covering the route, stationed in New Haven and covering the route roughly from the New York border to Providence. Another three out of Baltimore covering the routes north and south from New York and to Washington, DC.

This does not seem to be an adequate investment of personnel to cover these passenger trains that go along these tracks on a daily basis. Furthermore, the Amtrak police have a tremendous turnover of personnel. They have lost 100 percent of their personnel over the last 10 years due to the lack of a contract, a lack of adequate funding and a lack of benefits.

And new personnel that come in and train frequently leave after a year or so to get better paying jobs in municipal police forces around the northeastern United States. This is a serious problem that needs to be addressed.

My colleagues have referred to our fighting the last war. And we have done a magnificent job in providing resources for aviation. We have done very well. But we seem to have forgotten that more people travel on our passenger rails on a daily basis than fly.

And less people and less dollars are applied to this problem. The American Public Transportation Association has written to us on the subject and has pointed out that rail security is seriously underfunded. So I am glad to join my colleagues in supporting this amendment to H.R. 5441.

I thank the distinguished chairman of the committee for all of his hard work and especially the staff. But I think this is an area where we need to add some more dollars.

Mr. FITZPATRICK of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today I rise in support of the amendment proposed by my good friends in the northeast corridor, Congressman CASTLE and Congressman HOLT.

This amendment would provide a much needed increase of $50 million for public transportation security. Mr. Chairman, just today hundreds of my constituents were trapped on a completely shut down northeast corridor of the Amtrak system. It turned out, as we know now, to be a power outage. It could have just as well have been an attack on the infrastructure.

Attacks in London, Madrid and Russia emphasize the great and immediate need to strengthen security on public transit systems. I advise everyone to heed this warning. An APTA survey found transit agencies around the country have identified more than $6 billion in transit security funding needs.

The Federal Government must be a full partner in the effort to ensure the security of the Nation's transit users. Terrorists do not only target the sky, Mr. Chairman. This amendment recognizes the need for greater Federal resources for rail and public transportation security.

Americans use public transportation vehicles over 32 million times each weekday. This is more than 16 times the number of daily travels on the Nation's airlines. I urge my colleagues to support this amendment, Mr. Chairman.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the bill is currently balanced among the many competing homeland security priorities. This amendment significantly upsets that balance and undermines the Department's ability to effectively integrate its business systems.

The subcommittee carefully reviewed the President's request. We made significant modifications in order to ensure all mission areas had sufficient resources, including restoration of funds for all first responder grants by adding $500 million; restoration of funds for critical law enforcement functions, such as the CPB air and marine operations, and the Secret Service. We increased funding for critical explosive detection systems, significant funding and oversight for all aspects of border security and immigration reform.

What this amendment would do, Mr. Chairman, is unravel over 5 months of committee oversight, 11 hearings, digging deep into the resource requirements of the Department, facing the most ominous threats facing our Nation. The fact is, almost without exception, all of the programs funded in this bill are critical.

But what we cannot afford to do is fund one program at the expense of all of the others. I have grave concerns about a $50 million reduction in the Office of the Under Secretary For Management. We have talked about this all day today.

This office is already $8 million below funding for the current year. Assuming that the under secretary of management would not lay off its current personnel, key projects would have to be terminated in order to absorb the $50 million reduction in this office.

The under secretary for management is responsible for consolidating the 22 agencies that formed DHS in 2003, 180,000 employees, 18 different personnel and payroll systems, and numerous financial management systems. We have made some progress. More is needed.

But a $50 million reduction in this office would ensure that the under secretary would have to stop all work on the new personnel and payroll systems that are under development now.

Because of the size of this offset, the under secretary would be prevented from the hiring of 25 new procurement employees that we provided for him. The Department has been unable to receive a clean financial audit in the first 2 years of its existence and has repeatedly been in the news for poor procurement decisions and inadequate contract management.

The 25 new procurement employees were requested to help the Department receive a clean financial audit, get a better handle on the Department's contracts.

As far as the proposed increase for rail and transit security, the responsibility of securing our Nation's rail and mass transit systems is shared between the Department of Homeland Security, the Department of transportation, and in partnership with the public and private entities that own and operate the Nation's transit and rail systems.

□ 1745

Since DHS was created, $436 million has been appropriated for rail security. With $150 million in this bill, we will have provided a total of $603 million for rail security in the last 3 years.

The Department of Transportation, Mr. Chairman, has also provided funding for rail and transit security, averaging about $40 to $50 million per year. That funding, coupled with the funding that we provide, equals the total amount contained in the amendment of the gentleman. We are giving you the money from two different places. So I think we have satisfied the gentleman's financial request, and I would hope that we would oppose and vote against this amendment.

Mr. OBERSTAR. Mr. Chairman, I rise in support of this amendment.

It's been almost five years since the terrorist attacks of September 11, 2001, and more than two years since the terrorist train bombing in Madrid, Spain, which killed 191 people and wounded more than 1,800 others, making it the deadliest terrorist attack against European civilians since 1988. We are now fast approaching the first anniversary of the London terrorist attacks.

The Madrid and London bombings were just the latest in a series of terrorist attacks on railroads worldwide. Between 1998 and 2003, there were 181 attacks on trains and rail-related targets such as depots, ticket stations, and rail bridges, resulting in an estimated 431 deaths and several thousand injuries.

Yet the Federal Government has done little to enhance rail and transit security in the United States. This year, the United States will spend $4.7 billion on aviation security, while spending only $150 million on rail and transit security, even though five times as many people take trains as planes every day.

Amtrak alone has requested over $100 million in security upgrades and nearly $600 million for fire and life-safety improvements to tunnels on the Northeast Corridor in New York, Maryland, and Washington, DC. The American Public Transit Association, which represents transit agencies and commuter railroads, has well-documented transit security needs that exceed $6 billion (including more than $5.2 billion of capital investment security needs).

This bill—for the third year in a row—provides a meager $150 million to be split up among our Nation's passenger railroad, transit agencies, seven Class I railroads, and more than 500 short line and regional railroads.

The Lynch amendment will provide an additional $50 million for rail and transit security. While I believe that even more funding should be provided for security improvements, such as interoperable communication systems, cameras, improved lighting, fencing and secured gates, chemical/biological/radiological detection sensors, bomb sniffing dogs, and many other needed rail security improvements, it is more than we have done in the past, and it is at least on par for what we have provided for port security.

We have got to act now to protect the safety and security of our Nation's railroads and transit systems. We owe it to the service providers, passengers, workers, and communities. We must pass this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LYNCH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

Are there further amendments to this paragraph?

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Page 3, line 15, insert after the dollar amount the following: "(reduced by $15,000,000)".

Page 5, line 19, insert after the dollar amount the following: "(increased by $15,000,000)".

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. DEFAZIO. Mr. Chairman, this amendment, we have already had some discussion about the Secretary's budget and the concerns of the Chair and certainly there needs to be some amount of support for that, but this goes to a critical function, a function of the Department which actually could produce more dollars and make America more secure.

The Department of Homeland Security's Office of Inspector General has done tremendous work. They have saved the taxpayers millions of dollars. They have uncovered fraud and abuse. Right from the beginning the $500,000 that was spent on art, silk, plants and other frou frou things at the new headquarters, that was uncovered by the OIG.

The OIG was then detailed, 75 people out of an already inadequately staffed office, to help with Katrina oversight. They found 10,000 mobile homes, at a cost of $301.7 million, vacant and sinking into the mud in Arkansas; $3 million in overcharges for food and lodging provided to disaster responders; a million dollars in overbilling by one company for hotel rooms for disaster evacuees. As of this date, the Office of the Inspector General has unfortunately had to continue to detail 75 people to the Katrina and the disaster recovery oversight. That is bringing about approximately a $15 million shortfall. Yes, there is a minimal increase in their budget, but it is about $15 million short of what they need.

They not only find fraud and abuse and overt waste, but make America more secure by spending those dollars more wisely. I am familiar with their work in the area of aviation security. They have been showing us the holes in the aviation security system in baggage screening, in passenger screening and other areas. Absolutely vital function. Again, they have been cut back because of the redeployment and the reassignment of the people to deal with the Katrina recovery effort. And it is not at all certain that those people will be coming back for years.

So I think it is essential that we find more funds to have more personnel full time, qualified personnel in this office; and in the end the taxpayers will come out ahead. We will avoid waste, and we will more efficiently spend the dollars we have.

I know the chairman will raise concerns about the Secretary's budget. I would suggest another place perhaps that could be cut in the overhead budget is the $21.2 million limousine contract. Now, granted that is a 3-year contract, but that is $7 million a year up from $3.8 million last year. There have been some revelations, and this certainly isn't for security purposes since as I understand it the owner of the company is a convicted felon. So I do not think we are providing security to senior level DHS people by putting them in limousines of a company owned by a felon.

I would wonder how many people there are that need limousines there at the Department of Homeland Security. $7 million a year? I mean, if there are 100 people, that is $700,000 a year. I can't even image there are 100 people who need limousine services. There are a lot of caps floating around DC loose.

I would suggest we could dramatically reduce the limousine budget, and I am sure there are a few other places we could find in the Secretary's overhead, and we could rededicate that money to the Office of the Inspector General, and we could squeeze out the fraud and abuse and better serve our taxpayers and make the country more secure.

So I am hopeful that the chairman would be willing to look favorably upon this amendment to help the OIG deal with their current backlog. This is as of March, I did not ask for an update, they had 4,151 allegations of fraud and abuse on file. And they have been able to investigate 429 of the 4,151 allegations of abuse.

You cannot tell me that they are overfunded or even near adequately funded when there is nearly 3,800 pending investigations on allegations of abuse.

This Department contracts, almost one-third of their total budget is contracted. They should have the most robust OIG force in the Federal Government. Instead, they have the smallest OIG force of any agency in the Federal Government despite the fact that a third of all the funds that go are contracted out and that does not even include the emergency Katrina issue which I addressed earlier.

So, again, I would hope the chairman could look favorably upon increasing the OIG budget and accept this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist on his point of order.

Mr. ROGERS of Kentucky. I do, Mr. Chairman. The amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of outlays in the bill.

The CHAIRMAN. Do any Members wish to be heard on the point of order?

Mr. DEFAZIO. Would that preclude then offering the amendment again later?

We can either do it now or we can do it later, if he wants to raise a technical point, if I have to wait for one more intervening person and offer it again.

The CHAIRMAN. If the reading progresses past this paragraph, then an amendment could be offered to this paragraph only by unanimous consent.

Does the gentleman wish to be heard on the point of order?

Mr. DEFAZIO. It was my understanding that after the en bloc we were in section 1 of the bill at an appropriate point; and since the previous amendments had addressed taking the money from the office, the same office from which I would take the money, I am a bit puzzled as to why this one is not in order and the earlier ones were.

Mr. SABO. My understanding is that Mr. PASCRELL and Mr. MARSHALL both have amendments to page 3 on line 15, so I assume what the Chair is saying is that if the gentleman redrafted his amendment before we moved to some place beyond PASCRELL and MARSHALL, he would be in order to offer a revised amendment.

The CHAIRMAN. The gentleman is correct.

Mr. DEFAZIO. Then I would withdraw. Unfortunately, that would mean that we would have to replicate the debate. It would be better if the chairman just rose in opposition as he is going to later and he voted "no" and I voted "aye" and we had a recorded vote.

If the gentleman insists on his point of order, I ask unanimous consent to withdraw my amendment at this point in time and offer the amendment later. I was offering a way to save the body time.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AMENDMENT OFFERED BY MR. PASCRELL

Mr. PASCRELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PASCRELL:

Page 3, line 15, after the dollar amount, insert the following: "(reduced by $40,000,000)".

Page 4, line 11, after the dollar amount, insert the following: "(increased by $10,300,000)".

Page 16, line 3, after the dollar amount, insert the following: "(reduced by $10,300,000)".

Page 32, line 12, after the dollar amount, insert the following: "(increased by $40,000,000)".

Mr. PASCRELL. Mr. Chairman, the amendment I am offering today will help address the preparedness needs of emergency responders at all levels.

I appeal to the chairman and I appeal to the ranking member, the preparedness needs of emergency responders, from the State emergency managers down to the rank-and-file first responders, the amendment would add much needed funding for the Emergency Management Performance Grant program, the EMPG, by $40 million, and the SAFECOM program office by $10.3 million.

Mr. Chairman, the Emergency Management Performance Grant program is the only source of funding to assist State and local governments with planning and preparedness readiness activities associated with natural disasters.

Mr. Chairman, I will also include into the RECORD letters of support from the major organizations, the National Emergency Management Association and the International Association of Emergency Managers. The latter deals with local and county emergency boards.

The EMPG program is the primary source of Federal funding to these State and local governments for planning, training, exercising, hiring personnel. This program is used to support emergency management personnel, natural disaster planning, training and drills, mass evacuation planning, population sheltering and emergency operations. It is critical for State and local governments, emergency management, capacity building.

I know that the floor manager knows about this, since the organization is in Lexington, Kentucky, his home area.

With hurricane season a week away, it is clear we need to be strengthening our Nation's emergency preparedness capabilities. In fact, a 2004 National Emergency Management Association study found there is approximately $264 million shortfall in the EMPG for all 50 States. This is prior to the enormous emergency brought about through Katrina and Rita.

Mr. Chairman, funds could be cut from the office of the DHS chief information officer who received a plus-up of $41 million in funding he didn't even request. The Department never requested this money. I am appealing to the ranking member and to the chairman to take the money that was not requested and put it into an area which affects all of us in every one of the 50 States.

The 9/11 Commission report made it clear, Federal funding for interoperable communication should be given the highest priority, and this is what the SAFECOM office is all about. Yet, Project SAFECOM has only five full-time employees.

We are talking out of both sides of our mouth here. We need to address this at every level. How can we take seriously their claim that the Department is doing all it can to be prepared for the next emergency when it has not properly staffed Project SAFECOM.

☐ 1800

When first responders cannot communicate with one another lives are lost, including theirs.

We need this additional $10.3 million so that it can be properly staffed to address a critical homeland security function: the ability for our first responders to communicate in real time, when needed and when authorized.

The offset from this will come from the $10.3 million reduction to the Transportation Security Administration Aviation Security account. I support TSA, but we do not need more money to contract out for private screeners. We do not accept this, on either side of the aisle.

So let us build on the success of SAFECOM. It is time for Congress to act and help the State and local emergency management personnel to do their job preparing our Nation and to ensure that our first responders have all the support that they need.

The amendment is supported again, Mr. Chairman, I cannot emphasize this enough, by the National Emergency Management Association and the International Association of Emergency Managers. They were just here a short time ago in Washington.

Again, I will end with an appeal to both the chair and the ranking member who have been most courteous today in our going through the tedious task of going through this.

NATIONAL EMERGENCY
MANAGEMENT ASSOCIATION,
May 25, 2006.

Hon. BILL PASCRELL,
Ranking Member, House Homeland Security Subcommittee on Emergency Preparedness, Science, and Technology, House of Representatives, Washington, DC.

DEAR RANKING MEMBER PASCRELL: On behalf of the National Emergency Management Association (NEMA), I would like to thank you for your efforts to enhance preparedness of state and local emergency management through your amendment to the FY 2007 Homeland Security Appropriations Bill (H.R. 5441) to add an additional $40 million to the Emergency Management Performance Grants (EMPG) program. We strongly support this amendment as the increase would enable state and local emergency management to address additional federal requirements such as updating and adopting plans for the National Response Plan and the National Incident Management System, conducting training on these plans and systems, and addressing the requirements of the National Preparedness Goal.

The most important and critical component for strengthening our national preparedness and response to disasters is federal funding. After modest increases, EMPG's growth rate has not kept pace with inflation or increased federal requirements. This year, of all years, the Administration is proposing to cut EMPG by $13.1 million, despite the $260 million shortfall identified by NEMA in a 2004 study. While last week the House of Representatives proposed to address this year's EMPG funds with a $3 million increase over the FY 2006 level, significant resources must be allocated to this vital program to ensure our nation's preparedness levels. NEMA is appreciative of Congress's recognition of the EMPG program, but this year we respectfully ask that Congress aggressively address the program's shortfalls. This amendment builds on this essential need and makes a significant down-payment to address the shortfall.

EMPG is the only source of funding to assist state and local governments with planning and preparedness/readiness activities associated with natural disasters. EMPG is the backbone of the nation's all-hazards emergency management system and the only source of direct federal funding to state and local governments for emergency management capacity building. EMPG is used for personnel, planning, training, and exercises at both the state and local levels. EMPG is primarily used to support state and local emergency management personnel who are responsible for writing plans, conducting training, exercises and corrective action, educating the public on disaster readiness and maintaining the nation's emergency response system. EMPG is being used to help states create and update plans for receiving and distribution plans for commodities and ice after a disaster, debris removal plans, and plans for receiving or evacuating people—all of these critical issues identified in the aftermath of Hurricane Katrina.

EMPG is the only program in the Preparedness account within the Department of Homeland Security that requires a match at the state and local level. The match is evidence of the commitment by state and local governments to address the urgent need for all-hazards emergency planning, to include terrorism. EMPG requires a match of 50 percent from the state or local governments.

We appreciate your efforts to ensure adequate support for emergency management and look forward to continuing to work with you.

Sincerely,

BRUCE P. BAUGHMAN,
President and Director, Alabama Emergency Management Agency.

INTERNATIONAL ASSOCIATION
OF EMERGENCY MANAGERS,
May 25, 2006.

Hon. BILL PASCRELL, JR.,
House of Representatives,
Washington, DC.

DEAR MR. PASCRELL: I've recently been informed of your amendment to H.R. 5441 which would increase the appropriation for the Emergency Management Performance Grant (EMPG) by an additional $40 million beyond the current mark-up of $186 million. The International Association of Emergency Managers (IAEM) is certainly in favor of any measure that would increase funding for this critically important program. As I stated in recent written testimony to the Appropriations Committee, we believe it is the single most effective use of federal funds in providing emergency management capacity to state and local governments. No other source of homeland security funding is based on a consensus building process determining outcomes and specific deliverables backstopped by a quarterly accountability process.

This program provides funding for the emergency managers who perform the role of the "honest broker" at the state and local level and who establish the emergency management framework for preparedness, response, recovery and mitigation. EMPG funding provides the people who are legally responsible for creating a "culture of preparedness" at the state and local level.

EMPG funding has assumed a greater importance in light of recent catastrophic events and the responses to those events. For example, the President and the Department of Homeland Security (DHS) have tasked state and local government emergency managers with the responsibility to review their Emergency Operations Plans regarding the issue of evacuation. EMPG supports the people who have had the added responsibility of administering homeland security funding programs and additional planning efforts since 2001. Without more funding and people we can't reach the level of preparedness our nation deserves and our citizens demand. Your recognition of this need and your willingness to propose additional funding are supported and deeply appreciated.

Sincerely,

MICHAEL D. SELVES, CEM,
First Vice President.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition.

The amendment would increase funding for the emergency management performance grants by $40 million and $10.3 million for SAFECOM, and the offset would be, guess what, the poor old Under Secretary for Management. We have tried to dip into that well today 15 times, and every time we have said no because it would stop the Department's operations.

The committee already has in the bill $186 million for these grants. That is $16 million more than the President asked of us, and it is $2.8 million more than what we have in it right now.

So, you know, we have done well by this grant program. I cannot imagine somebody complaining about it.

Then you are taking the money out of the Under Secretary for Management, and that would either zero out or substantially decrease funding for absolutely critical programs that are designed to bring these 22 agencies into a single program, and so I would strongly oppose this amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of this amendment which would provide much-needed funding for interoperability.

Amazingly, we have made so little progress in solving the communications problems that plagued first responders on September 11 and in every other emergency in the last 15 years. SAFECOM, which has been tasked as the lead Federal agency for first responder communication issues, has only five employees and less than 1/100th of 1 percent of the Department of Homeland Security budget.

Due to its lack of resources, SAFECOM is just not meeting its objective. It has not adopted a single equipment standard. There is no long-term strategy to solve the interoperability problem. We are not prepared to effectively respond to any emergency unless our first responders on the ground are able to communicate with one another.

I ask my colleagues to let us move this amendment, let us support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PASCRELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY:

Page 3, line 15, after the dollar amount, insert the following: "(reduced by $14.7 million)".

Page 28, line 23, after the dollar amount, insert the following: "(increased by $14.7 million)".

Page 31, line 1, after the dollar amount insert: "(increased by $14.7 million)".

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. MARKEY. Mr. Chairman, I hope everyone who has been watching this debate appreciates this free, online parliamentary lesson that we are conducting out here on the floor. My amendment has been redrafted in a way, working with the Parliamentarians, which I think is now completely in conformance with the rules of the House.

But what I have decided to do during the time that we have been actually working on the parliamentary questions is to change the amendment by reducing the amount that I am going to ask to be transferred over to the metropolitan medical response systems in the country. That decision rested upon kind of a suggestion that I take the money that we really need out of the Max HR program, this program which the unions of America are in opposition to, the National Treasury Employees Union, the American Federation of Government Employees. We have the Fire Chiefs of the United States who have endorsed my amendment.

Just to restate for those who were not listening earlier, the point of this is that we have learned a lot since this time last year when we were appropriating the last time; $30 million was inserted. And I want to congratulate the gentleman from Kentucky and the gentleman from Minnesota.

Again, the White House recommended no money. But we all know the critical role which the local police, the local fire, the local medical personnel are going to play in the event that, God forbid, there is ever a catastrophic event in a community.

We have also learned from this time last year of the inadequacy of local preparedness. Hurricane Katrina showed us how locally unprepared we are in our community. The Avian flu has only appeared as a major pandemic threat to our country since this time last year. We did not have that as part of our discussion.

What have we heard from the local level? We have heard that there is no capacity for just about any community in America to respond to the level of catastrophe that a terrorist attack, nuclear, biological or chemical; a hurricane of a magnitude of a three or higher; or an avian flu type of pandemic would present to a community.

So here in this amendment, what I am doing is increasing by $14.7 million the funding that will go out to these 125 largest of all metropolitan areas in the United States, so that at the State level and local level they can coordinate with the Federal Government and their police, fire and medical resources, so that there is a strategy to respond in the event of one of those catastrophes.

The money, again, will be coming out of the Max HR program. It is one that has already been tapped in this process. It is one that deals with the program which has come under assault from the unions of our country as being an assault upon their workplace.

So to the Members, I urge them to support this amendment. It will provide for those local heroes the help that they are going to need, the reinforcements that they are going to need in the event, and we know that no one community has an inevitable catastrophe, but we know that across the country, in any one year, it is inevitable that someone will be hit. This is a way of giving us that extra insurance policy so that the planning can be in place.

I urge an "aye" vote on the Markey amendment.

The CHAIRMAN. Does the gentleman wish to be heard on his point of order?

Mr. ROGERS of Kentucky. No, Mr. Chairman, I withdraw the reservation.

The CHAIRMAN. The gentleman withdraws his reservation.

Mr. ROGERS of Kentucky. Mr. Chairman, I am opposed to this amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, the gentleman, as I understand his amendment, would take $14.7 million out of the Office of the Under Secretary for Management and provide that money to the metropolitan medical response teams.

Mr. Chairman, we have already provided $30 million in the bill for these teams. The budget request that came to us asked for zero, and the subcommittee and the committee decided these were worthwhile programs, doing great work, and we provided $30 million in the bill that we had to find from somewhere else.

Now, Mr. MARKEY wants to take another slug of money from the Office of the Under Secretary for Management. The poor guy's out of money. With the amendments that have been offered so far, there is no more money left in the Under Secretary For Management's account if those amendments pass, Mr. Chairman. So we have hit bottom and the Under Secretary for Management and the management of the Department of Homeland Security, if these amendments pass, will go out of business.

So I urge a rejection of this amendment. I cannot see how the extra money would be used by the teams because we have already got $30 million in their account, and the offset would wreck the Department.

I urge a "no" vote.

Mr. MARKEY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts to speak again on the amendment?

Mr. ROGERS of Kentucky. Mr. Chairman, I will not object at this point in time. I am serving notice, however, that this is the last time during the consideration of this bill that I will not object.

The CHAIRMAN. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. MARKEY. Mr. Chairman, I appreciate that, and I appreciate the gentleman not objecting at this time.

What I did was, to be honest with you, I truncated my statement when I rose this second time, that is, on this second iteration of the amendment, and I realize that many people an hour ago probably were not listening. So when the gentleman from Kentucky said that $30 million was in the budget, that was true and it remains true, and I do not contest that except in my earlier statement I made clear that, one, I praised him for putting in $30 million because the Bush administration wanted zero, but second, the $30 million number is the same number that was in last year's budget before Katrina, before the avian flu threat became clear, before all the lessons that this country has learned unfortunately through real life experience.

That is why I believe that we have to increase this budget by this near $15 million. That is what the fire chiefs are asking us for. That is what the unions are asking us for. In other words, the local police, the local fire, the employees in the hospitals all across the country, they are all saying: We are not prepared. Our emergency rooms will be overrun. We do not have the capacity to respond to a nuclear or chemical or biological event. We will be paralyzed in the first one hour. We need better metropolitan planning so that no one hospital, no one neighborhood is devastated.

So I am asking for the increase because of what we have learned over the last year, what we are seeing ourselves as Americans, horrified last Labor Day weekend, saw these people looking up, looking for help, and realizing there was no metropolitan medical response plan. We have learned in audits of plans across the whole country that there is still not in existence plans of a way that would adequately deal with this issue.

So, I thank the gentleman from Kentucky for not objecting, and I urge the Members to support my amendment.

☐ 1815

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. KUCINICH of Ohio.

Amendment by Mr. BROWN of Ohio.

Amendment by Ms. JACKSON-LEE of Texas.

Amendment by Mr. LANGEVIN of Rhode Island.

Amendment by Mr. STUPAK of Michigan.

Amendment by Mr. LYNCH of Massachusetts.

Amendment by Mr. PASCRELL of New Jersey.

Amendment by Mr. MARKEY of Massachusetts.

Pursuant to the order of the House of today, the Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KUCINICH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 251, not voting 11, as follows:

[Roll No. 211]

AYES—170

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Engel
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Rahall
Rangel
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Shays
Sherman
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—251

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

DeLay
Eshoo
Evans
Flake
Jones (OH)
Kennedy (RI)
Mollohan
Paul
Pelosi
Snyder
Wilson (SC)

☐ 1841

Messrs. GINGREY, LEWIS of California, PRICE of Georgia, BEAUPREZ, SERRANO, and Mrs. CUBIN changed their vote from "aye" to "no."

Mr. CUELLAR and Mr. OBERSTAR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MR. BROWN OF OHIO

The Acting CHAIRMAN (Mr. POE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 255, not voting 10, as follows:

[Roll No. 212]

AYES—167

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Clyburn
Conyers
Costa
Costello
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Goode
Gordon
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pombo
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—255

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Farr
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

DeLay
Eshoo
Evans
Flake
Jones (OH)
Kennedy (RI)
Mollohan
Paul
Snyder
Wilson (SC)

☐ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 249, not voting 10, as follows:

[Roll No. 213]

AYES—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Emanuel
Engel
Etheridge
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kelly
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—249

Aderholt
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Farr
Feeney
Ferguson
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Olver
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Akin
DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Mollohan
Paul
Snyder
Wilson (SC)

☐ 1852

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LANGEVIN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 205, noes 216, not voting 11, as follows:

[Roll No. 214]

AYES—205

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Emanuel
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Ford
Fortenberry
Frank (MA)
Franks (AZ)
Gerlach
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Fitzpatrick (PA)
Foley
Forbes
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

DeLay
Diaz-Balart, M.
Eshoo
Evans
Flake
Kennedy (RI)
Mollohan
Ney
Paul
Snyder
Wilson (SC)

□ 1855

Mr. FORD changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. STUPAK

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. STUPAK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 348, noes 74, not voting 10, as follows:

[Roll No. 215]

AYES—348

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Boehlert
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Hart
Hastings (FL)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush

Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

NOES—74

Alexander
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bishop (GA)
Bishop (UT)
Blunt
Boehner
Bonilla
Boustany
Brady (PA)
Brown (SC)
Buyer
Calvert
Cantor
Carter
Coble
Conaway
Crenshaw
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
English (PA)
Frelinghuysen
Gilchrest
Gillmor
Granger
Hall
Harris
Hastings (WA)
Hobson
Hoekstra
Hyde
Istook
Jenkins
Johnson, Sam
Keller
Knollenberg
Kolbe
Latham
Linder
Manzullo
Marchant
McCrery
Miller (FL)
Murtha
Neugebauer
Ney
Nunes
Otter
Oxley
Pearce
Pitts
Radanovich
Rehberg
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ryun (KS)
Sabo
Simpson
Sullivan
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Walsh
Wamp
Wicker
Young (AK)
Young (FL)

NOT VOTING—10

DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Lewis (CA)
Mollohan
Paul
Snyder
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

☐ 1859

Mr. SHAYS, Mr. WELLER, and Ms. FOXX changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LYNCH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 197, not voting 10, as follows:

[Roll No. 216]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Bradley (NH)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp (MI)
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Garrett (NJ)
Gerlach
Gohmert
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Rahall
Ramstad
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Woolsey
Wu
Wynn

NOES—197

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Granger
Graves
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Mollohan
Murtha
Paul
Snyder
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1903

Mr. FOSSELLA changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PASCRELL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PASCRELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 227, not voting 17, as follows:

[Roll No. 217]

AYES—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bonner
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
DeGette
Delahunt
DeLauro
Dent
Doggett
Doyle
Duncan
Emanuel
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickering
Platts
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Reichert
Reyes
Rothman
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Shays
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (WA)
Solis
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—227

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Crowley
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Drake
Dreier
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Issa
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McMorris
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Udall (NM)
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—17

Bachus
DeLay
Eshoo
Evans
Flake
Hunter
Istook
Keller
Kennedy (RI)
McKeon
Mollohan
Murtha
Paul
Rogers (AL)
Snyder
Tiahrt
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). One minute remains in this vote.

☐ 1906

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 198, noes 224, not voting 10, as follows:

[Roll No. 218]

AYES—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Emanuel
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Reichert
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—224

Aderholt
Akin
Alexander
Bachus
Baker
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Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot

Chocola
Coble
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Foley
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Fortenberry
Fossella
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Franks (AZ)
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Garrett (NJ)
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Hastings (WA)
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Hostettler
Hulshof
Hunter
Hyde
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Issa
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Johnson (IL)
Johnson, Sam
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King (IA)
King (NY)
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Kolbe
Kuhl (NY)
LaHood
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Leach
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Lungren, Daniel E.
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McCaul (TX)
McCotter
McCrery
McHenry
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Miller (FL)
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Miller, Gary
Moran (KS)
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Smith (TX)
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Sullivan
Sweeney
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Taylor (MS)
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Weller
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Wolf
Young (AK)
Young (FL)

NOT VOTING—10

DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Mollohan
Paul
Radanovich
Snyder
Wilson (SC)

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So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as you know, the Department of Homeland Security is currently in the process of consolidating its data center as part of its infrastructure transformation program.

The bill includes $41 million to establish services for a mirror data center to provide sufficient back-up and redundancy for the Department of Homeland Security data operations.

Mr. ROGERS of Kentucky. The gentleman is correct.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield to my friend from Virginia who shares my concerns.

Mr. MORAN of Virginia. Mr. Chairman, as the Department proceeds with the site selection for the mirror data services center, we feel it is important that all appropriate GSA site selection procedures be followed and that an RFP be issued clearly stating objective criteria for the site.

We seek your assistance in ensuring these procedures are used and that a proper RFP is issued.

Mr. ROGERS of Kentucky. You have my assurances proper site selection procedures will be used.

Mr. TOM DAVIS of Virginia. Thank you, Mr. Chairman.

AMENDMENT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEFAZIO:

Page 3, line 15, insert after the dollar amount the following: "(reduced by $15,000,000)".

Page 5, line 19, insert after the dollar amount the following: "(increased by $11,500,000)".

Mr. DEFAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, this is a modified version of the amendment I offered earlier to bring the pay-out rates to sync. So I have reduced the additional funding for the Office of Inspector General to $11,500,000.

Now, at that level, that is way below the $1 recovery for $1 expenditure level for that office. If we put that additional funding in there, the taxpayers will save far in excess of that.

As I said earlier, 3,622 allegations are still pending and have not yet been investigated because of the backlog of that office. Quite simply, to respond to the chairman's concerns earlier, I would see that this money could come from the what they call plus-up or that is, an increase of $3.4 million in the Chief of Staff's Office. The gentleman mentioned Office of the Under Secretary for Management earlier; that woman has resigned, and the office is vacant.

And then if we took the $7 million from the limousine account, we would have more than $11,500,000. I would recommend this as a good investment for the taxpayers of America.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The committee bill already provides $96 million plus for the Inspector General. That is an increase of $14 million over the current level. And of that increase, $11 million is to continue and expand audits and investigations related to the gulf coast hurricanes.

So we have already increased funding for the inspector general by 17 percent over current levels. And again, this money would come out of the Under Secretary of Management's Office. We have already cut $70 million from that office.

We are going to shut it down, and the Department will not be able to operate. So I urge a no vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT OFFERED BY MR. MARSHALL

Mr. MARSHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARSHALL:

Page 3, line 15, after the dollar amount, insert the following: "(reduced by $20,000,000)".

Page 39, line 6, after the first dollar amount, insert the following: "(increased by $20,000,000)".

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. MARSHALL. Mr. Chairman, Chairman Rogers will be happy to know that the target of this amendment is also the Under Secretary of Management's budget, which still has money in it after our last series of votes.

Mr. Chairman, in the 1980s, we gave amnesty and told the American people that the flow of illegal immigrants from Mexico was going to stop. It has not. And one of the main problems that employers have right now is their ability to quickly and reliably identify whether or not a proposed employee is a legal resident of the United States.

In the President's budget, the President requested $110 million for the Employment Eligibility Verification Program. The committee has provided $90 million. Mrs. MILLER of Michigan and I have joined together to submit this amendment which would add $20 million to the Employment Eligibility Verification Program, which would bring it up to the level that the President has requested.

The moneys that are necessary to offset come from the Office of the Under Secretary For Management.

POINT OF ORDER

Mr. ROGERS of Kentucky. Mr. Chairman, the amendment proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI.

because the amendment proposes to increase the level of outlays in the bill.

Mr Chairman, I ask for a ruling.

The CHAIRMAN. Are there further Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule.

Mr. MARSHALL. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. Chairman, I would like to make an inquiry if I could. Mr. Chairman, we have a CBO scoring.

Apparently, Mr. Chairman, I apologize, the amendment which has been provided and which is at the desk and which was announced is not the amendment that we have submitted.

What we would ask is permission to withdraw the amendment which has been submitted and actually submit the one that is supposed to have been submitted.

The CHAIRMAN. Is there objection?

Mr. ROGERS of Kentucky. Mr. Chairman, the amendment that was read is what we are relying upon here.

Mr. MARSHALL. Mr. Chairman, we have an amendment that proposes to cut $20 million, pardon me, cut $24 million from the Office of the Under Secretary of Management and add $20 million to the employment verification program.

CBO has scored it. We have been told that that is the appropriate amount to reduce the management budget by. I thought this amendment was at the desk. I am not somebody who delivered it for the purposes of this.

But we should have an amendment at the desk that provides to reduce by $24 million the management budget, and increase by $20 million the budget for the Employment Eligibility Verification Program. CBO says that is the appropriate scoring.

The CHAIRMAN. Is there objection to withdrawal of the current amendment?

There was no objection.

AMENDMENT OFFERED BY MR. MARSHALL

Mr. MARSHALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARSHALL:

Page 3, line 15, after the dollar amount, insert the following: "(reduced by $24,000,000)".

Page 39, line 6, after the first dollar amount, insert the following: "(increased by $20,000,000)".

Mr. MARSHALL. Mr. Chairman, I do not want to take a whole bunch of additional time repeating what I have previously said.

Right now we have a very difficult time where illegal immigration is concerned, and employers tell all of us that the system we have in place right now for identifying whether or not a proposed employee is a legal resident is broken. It simply does not work. The President has asked for $110 million to work on this problem. We propose in this budget to give him $90 million.

Mr. Chairman, I know the chairman supports the concept. The chairman and the committee chose not to give full funding. We simply recommend full funding, and we take the funds that are necessary from the Office of the Under Secretary of Management.

Mrs. MILLER of Michigan joins me in this request.

Mrs. MILLER of Michigan. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I certainly want to thank the gentleman from Georgia (Mr. MARSHALL) for offering this amendment, which I am proud to cosponsor.

Very simply, Mr. Chairman, this amendment would increase funding for the Employment Eligibility Verification Program. It is a very important program. It requires employers to verify the employment eligibility and identity documents presented to the employer and record the document information.

This program is a very important piece in our efforts to get control of our borders. One of the primary reasons so many immigrants, of course, come here illegally is to find work. That incentive only exists if jobs are available.

The vast majority of businesses do want to comply with the law and hire only those in the country legally. But because of a lack of a reliable verification system, they are unable to be certain that those that they seek to hire are actually here legally.

There are still other businesses that knowingly break the law in order to exploit cheap labor, and that has to be stopped. We are a Nation of laws, and the American people expect those laws to be followed. They have had enough of the current broken system, and we need to take action to ensure that only those that are in our country legally are able to find work.

This program is key to ensuring that businesses are complying with the labor and immigration laws of our Nation. The President has requested $110 million for this program in his fiscal year 2007 budget proposal.

As it stands, the legislation only provides for $90 million. And while I certainly understand and appreciate the chairman and the committee having very, very difficult decisions to make, I do believe the funding for this program is one of the most important things that we can do to cut down on the flood of immigrants who are here illegally crossing our border.

Mr. Chairman, I think it is absolutely essential that we get control of our borders, and increased funding for employment eligibility verification will help us to do this.

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Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The committee included 160 million dollars in the bill for USCIS salaries and expenses which is $115 million above the 2006 level. Their request included $110 million for the Employment Eligibility Verification program, mainly to fund development of new systems and intelligence communications, to support employer requests for confirmation of immigration status of their employees.

The bill provides $90 million. The reason that we did not fully fund that program is because they do not need that much money. This $90 million will be enough to begin the work needed to start defining systems needs and begin the design and procurement process. That is all they need for this. If we give them more, it will not be spent. They cannot spend more.

We could certainly use that money. Certainly the Under Secretary for Management can use that money. If we continue to dip into his account, he will not exist and that is very, very important to manage the whole Department. I understand the gentleman and the gentlewoman's point on this; however, when you think that this amount of money will be all that they can use to get the program up and running, I think you will be satisfied with it. I urge defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARSHALL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $43,480,000, of which $18,000,000 is for the eMerge^2 Program: *Provided*, That $10,000,000 shall be withheld from obligation until the Office of the Chief Financial Officer submits monthly budget execution reports to the Committees on Appropriations of the Senate and the House of Representatives as required by section 529 of this Act.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $364,765,000; of which $79,521,000 shall be available for salaries and expenses; and of which $285,244,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the

United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment.

AMENDMENT NO. 5 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. POE:

Page 4, line 11, after the dollar amount, insert the following: "(reduced by $41,000,000)".

Page 4, line 13, after the dollar amount, insert the following: "(reduced by $41,000,000)".

Page 14, line 6, after the dollar amount, insert the following: "(increased by $41,000,000)".

Page 14, line 18, after the dollar amount, insert the following: "(increased by $41,000,000)".

Mr. POE. Mr. Chairman, I offer this amendment today because the Federal Government has failed to protect our Nation's interiors from illegals. We allow thousands a day to enter illegally in this country and do not know where they are or why they are coming here. It is a common understanding among illegals that once they get past the Border Patrols, which only patrols the first inner 30 miles of our borders, and get into the United States, they are home free in America. There are not enough interior officers to capture illegals.

What this shows us is we need a new approach, one centered on enforcing the Nation's interior. We send a mixed message when we say we are serious about border protection but give a wink and a nod to those who make it into the interior of this country. They know they will not be captured.

With the other Chamber passing sweeping immigration changes today that will undoubtedly place more of a burden on our Border Patrol, and even allow more illegal aliens to settle into the community, it is incumbent on this body to give communities more resources to clean up Federal failures. Increasingly, more of the burden of illegal immigration is falling on the shoulders of State and local governments to absorb the populations into their communities. The problem is particularly troubling in border communities and major trafficking routes in the Southwest. I know because I have been there and I have seen it.

Mr. Chairman, the first duty of government is to protect the citizens. The 287(g) program fulfills this duty. This program is a voluntary program that gives State and local enforcement, at their choosing, immigration enforcement training so they can protect their communities. The Nation has 750,000 State and local law enforcement, and they can be an effective force in assisting Federal authorities. The program is voluntary to local police if they choose to help enforce immigration laws.

For example, the Florida Department of Law Enforcement, the first in the Nation to enter into a 287(g) agreement, used trained officers to fight terrorism. Alabama has used these agreements to go after a growing human trafficking problem because the Federal ICE presence in Alabama was limited in their State to only three officers.

Los Angeles County is looking at the program to help identify and remove criminal aliens from their jails before they are released. This is a major problem as ICE estimates there are a half million criminal aliens in U.S. jails and prisons, and they have not been identified for removal to their countries. Without adequate action, many of these criminals could be released back into the community rather than being deported. A 287 agreement between ICE and local officials could result in more criminal aliens being identified and removed from the United States before they are released from jail and have to be rearrested.

Mr. Chairman, as a co-chair of the Congressional Victims Right Caucus, crimes committed by people who have no right to be here in the first place are especially troubling to me, especially if we have already had them in custody once.

Take into account the following cases: in Lake Worth, Florida, an illegal alien from the Bahamas named Milagro Cunningham took an 8-year-old girl to a nearby landfill where he proceeded to sexually assault her, choke her and leave her for dead in a rock-filled trash bin. Cunningham had been arrested three times by Palm Beach County Sheriff's Department prior to the incident and not once was his immigration investigated. If Palm Beach County Sheriff's Department had the authority under 287(g) and an agreement been in place, his status could have been verified and then turned over to Federal immigration for his removal from this country.

Angel Resendez, the notorious railroad killer, who sits now on Texas death row for 14 murders he committed in the United States, he came to this country illegally from Mexico. And during his killings, Resendez crossed the U.S. southern border with Mexico at will and managed to slip in and out of the hands of local law enforcement many times. Just think if 287(g) was enforced, we could have spared the lives of 14 people had local law enforcement had the training and authority to inquire into his legal status instead of letting him go.

The 287(g) programs can be expanded and modeled for any need, whether it is a task force investigating alien gangs such as the MS–13 or the document fraud rings or human smuggling.

While these examples show the great promise of 287(g) programs, the reality is Congress hasn't provided the funds to see how effective this program can really be. The authority has been available for 10 years, but since 2001 only funding has been allowed for 159 State and local officers. The fact of the matter is local law enforcement is going to come in contact with criminal aliens like Cunningham and Resendez during the course of their daily duties. Now, what are we going to do about that?

Today we have a choice. We can sit idly by and let these criminals slip through law enforcement's hands, or we can give our country's finest local and State in uniform the resources they need to protect and serve. We have the ability today to send a strong message that the lawlessness will not stand and we will preserve our first duty of government to protect the citizens.

This amendment today seeks to increase the 287(g) program by $41 million by removing the $41 million that is even above the President's request for the bureaucrat backup information technology center under the Chief Information Officer of the DHS. There is a growing need to expand these and I ask adoption of this amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the Poe amendment. Although I have some concerns about the intended use of the $41 million that is the subject of this amendment, I want to focus tonight on the offset.

My colleague from Texas proposes to offset the cost of his amendment with an equivalent reduction to the Office of Chief Information Officer, specifically targeting funds that the committee has included to cover the establishment of a mirror, or back-up, data center.

It has been 4 years now since the creation of the Department of Homeland Security, and we are still at least months away from consolidating and securing data that is essential to protecting the homeland. Agreeing to the Poe amendment would strip funds intended for the establishment of this second data center which we should be accelerating, not delaying.

To take on face value that this funding is not important because it was not part of the President's budget request is to abandon this institution's responsibility and authority. We are responsible for overseeing the Department's budget and operations, and this additional funding is the result of our subcommittee's best judgment.

Having a mirror data center for the Department of Homeland Security is not only desirable; it is essential. If last hurricane season taught us anything, it is that we need to be fully prepared for the next disaster. The Poe amendment would compromise that preparedness. I urge colleagues to reject it.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

I want to identify with the remarks just made by the gentleman from North Carolina. It is urgent, in my judgment, that Mr. POE secures more money for the 287(g) program. I think that is an essential matter that needs to be taken care of, to get State and local law enforcement assistance in the enforcement of the immigration laws. We will never be able to get enough border control to completely handle the problem in my judgment, unless we get the active assistance of State and local law enforcement, as authorized and funded.

In the bill we provided $5.4 million for training of local law enforcement officers in participation in 287(g) and the President's border supplemental proposes a $50 million increase. So we are going to get that money that Mr. POE would like for us to have; we are just going to get it from another source.

I agree with the gentleman from North Carolina on the need to keep the money in the Chief Information Officer's account for the data center. And it will assist, those data centers will assist the border effort to be sure that we keep out people that should not be in the country. We cannot do it without a coordinated data collection center, and that is what this bill includes $41 billion for.

Currently, the Department has 17 of these centers scattered all over the country, largely a legacy of consolidating multiple agencies when we formed the Department. Running those multiple data floors is expensive. It hinders information sharing. It creates security vulnerabilities. The Department estimates that consolidation to twin facilities as the bill proposes will save $50 million each year, starting in 2009, with two mirror sites.

The current information silos scattered across the Department will be done away with, allowing a consolidated view of information, a critical element of information sharing. Having information at twin sites allows it to be under one security umbrella, leaving fewer opportunities to compromise secure information.

The first center is being built in Stennis, Mississippi. The Department plans to release a request for information to begin the competitive process to locate a surface for a second mirror facility this year. Without a redundant data center, should something happen to this Stennis facility, DHS would not be able to operate. People could not cross the border. Travelers would stop at airports. Coast Guard data would be lost.

So I urge the Members to reject this amendment so that we can have the data centers that are absolutely vital to the successful operation of the Department and the battle to keep illegals out of the country.

I would point out again to Mr. POE that when the President's border supplemental passes, you will get not just the $41 million you seek, but $50 million dollars. So we are with you. We are just doing it a different way. I urge a defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ANALYSIS AND OPERATIONS

For necessary expenses for information analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $298,663,000, to remain available until September 30, 2008, of which not to exceed $5,000 shall be for official reception and representation expenses.

OFFICE OF THE FEDERAL COORDINATOR FOR GULF COAST REBUILDING

For necessary expenses of the Office of the Federal Coordinator for Gulf Coast Rebuilding, $3,000,000: *Provided*, That $1,000,000 shall not be available for obligation until the Federal Coordinator submits to the Committee on Appropriations of the House of Representatives a report related to Federal rebuilding efforts.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $96,185,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $362,494,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $312,494,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; purchase and lease of up to 4,500 (3,500 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $5,435,310,000; of which $3,026,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $162,976,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2007, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of the Bureau of Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint: *Provided further*, That of the total amount made available under this heading, $115,000,000 shall be for the Secure Border Initiative Technology and Tactical Infrastructure (SBInet) program, project, and activity, to remain available until expended, of which $25,000,000 shall not be available for obligation until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) defines activities, milestones, and costs for implementing the program;

(2) demonstrates how activities will further the goals and objectives of the SBI, as defined in the SBI multi-year strategic plan;

(3) identifies funding and the organizational staffing (including full-time employee equivalents, contractors, and detailees) requirements by activity;

(4) reports on costs incurred, the activities completed, and the progress made by the program;

(5) includes a certification by the Chief Procurement Officer of the Department of

Homeland Security that procedures to prevent conflicts of interest between the prime integrator and major subcontractors are established and that an independent verification and validation agent is currently under contract for the project;

(6) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget;

(7) complies with the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(8) complies with all applicable acquisition rules, requirements, guidelines, and best systems acquisition management practices of the Federal Government; and

(9) is reviewed by the Government Accountability Office.

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AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

Page 7, line 23, after the first dollar amount, insert the following: "(reduced by $2,000,000)".

Page 14, line 6, after the dollar amount, insert the following: "(increased by $2,000,000)".

Mr. KING of Iowa. Mr. Chairman, I rise to offer the King-Shadegg-Souder amendment. It is an amendment that transfers $2 million for the Shadow Wolves. They are a unique organization that takes the funding from Customs and Border Patrol and shifts it over to ICE, and the intention is to transfer Shadow Wolves over to ICE, that $2 million.

That would take care of the salaries and expenses and the appropriations accordingly. The intent is to make sure that this specialized unit called the Shadow Wolves, who have shown so much efficiency with their border patrol and their drug interdiction and the unique skills that they have, can be protected and enhanced and encouraged and their unique culture can be expanded.

They now work within the Tohono O'odham Reservation in southern Arizona. They control 76 miles of that border which is 2.8 million acres. Their record has been astonishing, Mr. Chairman, and I have been down there to review their work and gotten to know some of them. We tried to work out a solution here by which they can be encouraged and enhanced.

One of the people who has a great voice for Native Americans all across this country is the gentleman from Oklahoma (Mr. COLE) to whom I would be happy to yield.

Mr. COLE of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Oklahoma.

Mr. COLE of Oklahoma. Mr. Chairman, I rise in support of this important amendment that will aid the outstanding work of the Shadow Wolves.

The Shadow Wolves, who were recognized by Congress in 1972, patrol the international land border within the Tohono O'odham Indian Nation in the State of Arizona. The Shadow Wolves' officers are Native Americans who combine modern technology and traditional Native American tracking techniques. Their unit includes the Blackfoot, Cheyenne and Pima tribes. Their motto is: "In brightest day, in darkest night, no evil shall escape my sight, for I am the Shadow Wolf."

Mr. Chairman, these agents, numbering only 16, have combined to seize an average of over 100,000 pounds of illegal narcotics annually. In some years, they intercept as much as a third of all the marijuana stopped by Customs officials in Arizona.

This commonsense amendment is budget neutral. It will merely transfer the Shadow Wolves' unit funding from Customs and Border Patrol to Immigration and Customs enforcement.

Funding for the Shadow Wolves should not be held hostage by internal power struggles within the Department of Homeland Security. Instead, they should be funded and allowed to operate to their fullest potential.

Mr. Chairman, I thank the gentleman from Iowa for bringing this excellent amendment to the floor.

Mr. KING of Iowa. Mr. Chairman, reclaiming my time, I thank the gentleman.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Indiana, the chairman of the Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources.

Mr. SOUDER. Mr. Chairman, I thank the gentleman, and I want to thank Chairman ROGERS and the committee for being willing to hopefully support this amendment and continue to work in conference.

This is a major breakthrough. This is something we have been working towards for years to keep this unit together.

I want to thank Julie Miers and Deb Spiro of the CBP and the ICE assistant secretary, Chairman KING and Chairman LUNGREN and the Homeland Security authorizing committee.

This is something that is finally happening, and it is an exciting time for one of the most critical drug trafficking organizations in the sense of they break the drug trafficking, they break the smuggling and trafficking inside of the Native American reservation. It is something we ought to be working to preserve, and I want to thank the committee for working with us and all the others, as well as the agencies.

This is a historic night that we have been working towards for 4 to 6 years. I thank you very much.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman has offered a very helpful amendment, and I congratulate him on that and those who are supporting the amendment, and the committee would like to accept it.

Mr. KING of Iowa. Mr. Chairman, I thank the chairman and I am grateful for his work on all of our security in this Nation, and I am hopeful that as we go forward to conference we could have a better look at the finances required to keep the Shadow Wolves as vital as we can.

With that, I encourage support of the amendment, the King-Souder-Shadegg amendment, and I thank the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair notes that the amendment addresses a portion of the bill not yet read for amendment.

Is there objection to consideration of the amendment at this time?

Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. REYES:

Page 7, line 23, after the first dollar amount, insert the following: "(increased by $1,950,000,000)".

Page 11, line 2, strike the period at the end and insert a colon.

Page 11, after line 2, insert the following: *Provided further*, That, of the total amount provided, $1,700,000,000 shall be for an additional 10,000 Border Patrol agents: *Provided further*, That, of the total amount provided, $250,000,000 shall be for expanding the Border Patrol Training Academy to accommodate training for such additional Border Patrol agents.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. REYES. Mr. Chairman, before being elected to Congress, I served for 26½ years in the United States Border Patrol, including 13 of those as sector chief in McAllen and El Paso, Texas. I have years of experience patrolling the desert of the U.S.-Mexico border region, supervising thousands of hardworking, dedicated Border Patrol agents and doing anything within my power to strengthen our borders and to reduce illegal immigration.

However, Mr. Chairman, it does not take that kind of experience to know that this bill fails to provide the funding required to hire and train the Border Patrol agents that we need to secure our Nation's borders.

Instead of funding the 2,000 new Border Patrol agents authorized under the

9/11 Commission legislation passed by this very Congress in 2004, the bill before us today provides only enough money for 1,200 new agents.

Mr. Chairman, I ask you, what kind of logic is it to spend $1.9 billion to deploy our already overburdened National Guard troops to the U.S.-Mexico border on a supposedly temporary basis but then fail to provide the resources necessary to hire and train an adequate number of Border Patrol agents who are charged with securing our Nation's borders? From my perspective, Mr. Chairman, it is flawed logic, and it is also bad policy.

That is why I am offering this amendment with my friend and colleague from Texas, Representative Solomon Ortiz, who also has many years of law enforcement experience as a sheriff in the border region and today represents a border district.

Our amendment would provide the funds necessary to hire and train 10,000 new Border Patrol agents, which is in line with what Congress authorized in the 9/11 Commission bill. It would also about double the current size of the U.S. Border Patrol, which is about what we need to do in my opinion before we can reassess whether or not we have achieved operational control of our borders.

Mr. Chairman, many of my congressional colleagues talk a great deal about border security. Yet, when it comes time to actually fund additional Border Patrol agents or other necessary security personnel, equipment and technology, we always come up very short. From my perspective, I guess this bill is no different. What is it going to take for us to start putting our money where our mouth is?

With that, I urge my colleagues to support this amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I do make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2007 on May 18. The adoption of this amendment would cause the subcommittee suballocation for budget authority made under section 302(b) to be exceeded and is not permitted under section 302(f) of the Act.

I ask for a ruling.

The CHAIRMAN. Are there any Members who wish to be heard further on the point of order?

Mr. REYES. Mr. Chairman, I believe that we are long overdue in taking the proper action to fund our United States Border Patrol. I have heard a number of my colleagues come on this floor and criticize them, because they get erroneous information, I might add, from members of the Minutemen project. The Minutemen project came about because of the frustration that the general population was feeling at our inability to control this Nation's borders.

If, in fact, this amendment is ruled out of order, and in fact we cannot come up with the $1.9 billion that are necessary to fund the Border Patrol so they can control the border, then why is it that we spend so much time talking tough about border enforcement, talking tough about stopping an invasion, talking tough about securing the border at a time when we are at war with terrorists?

All of the talk in the world does not translate to resources for the United States Border Patrol. All the talk in the world does not stop terrorists from coming into this country, but what we do need to do is recognize that the Border Patrol needs additional staffing. They need additional equipment. They need additional technology. The President went on national TV to make that point.

The CHAIRMAN. If the gentleman would suspend, the Chair is constrained to point out that remarks need to be directed to the point of order as opposed to the merits of the amendment. Does the gentleman wish to be heard on the point of order raised by the gentleman from Kentucky?

Mr. REYES. No, thank you.

The CHAIRMAN. Are there further Members wishing to speak on the point of order? If not, the Chair is prepared to rule.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority. The amendment offered by the gentleman from Texas would increase the level of new discretionary budget authority in the bill and, as such, the amendment violates section 302(f) of the Budget Act. The point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $451,440,000, to remain available until expended, of which not less than $316,800,000 shall be for the development of the Automated Commercial Environment: *Provided*, That of the total amount made available under this heading, $216,800,000 may not be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security information systems enterprise architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CBP AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aerial vehicles, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $373,199,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to the Bureau of Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2007 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That of the total amount made available under this heading, $6,800,000 shall not be available for obligation until the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives receive a report on the April 25, 2006, unmanned aerial vehicle mishap.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICA:

Page 13, lines 13 and 14, after "the Committee on Appropriations" insert ", the Committee on Transportation and Infrastructure,".

Mr. MICA. Mr. Chairman, I appreciate consideration of my amendment by the subcommittee.

This amendment adds the Transportation and Infrastructure Committee to the list of committees to receive a report on the April 25, 2006, unmanned aerial vehicle mishap.

The operation of Customs and Border Protection unmanned aerial vehicles sometimes occurs and has occurred in our National Airspace System, and that is also taking place along our Nation's southern border, and perhaps eventually that will also occur on the northern border.

All Customs and Border Protection UAV operations are conducted now in compliance with the Federal Aviation Administration with an FAA-issued Certificate of Authorization. It sets forth various restrictions and conditions of operation.

Operations will take place within an FAA-established Temporary Flight Restriction area.

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The operations of UAVs outside the restricted airspace, in the integrated airspace with manned vehicles, poses some unique safety issues for the FAA. Information indicates that the unmanned aerial system accident rate is two to three orders of magnitude greater than it is for manned systems. That is why it is important that the Customs and Border Protection UAV, which was involved in a mishap on April 25, 2006, and operating again within this space and under an FAA-issued certificate of authorization, should also be under the jurisdiction or at least the concern of this report provided to the Committee on Transportation and Infrastructure. This accident is being investigated by the National Safety Transportation Board with the assistance of the FAA.

The Transportation and Infrastructure Committee of the House has great interest in learning about this accident, particularly as the FAA is developing regulations and procedures for the integration of these UAV vehicles into our National Air System for the future.

It is a minor amendment, but it does recognize some of the jurisdictional interests of our committee, and I ask for its consideration.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman has offered a very helpful amendment and certainly should be accepted.

The Transportation and Infrastructure Committee and the Aviation Subcommittee, which the gentleman chairs, has a very direct interest in the flights of the UAVs as it relates to commercial aviation especially.

So I thank the gentleman for the amendment.

Mr. MICA. I thank the gentleman for his consideration and also for his acceptance of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $175,154,000, to remain available until expended.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,740 (2,000 for replacement only) police-type vehicles, $3,843,257,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,400,000 may be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2007, of which not to exceed $6,000,000 shall remain available until expended.

AMENDMENT OFFERED BY MR. REYES

Mr. REYES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REYES:

Page 14, line 6, after the dollar amount, insert the following: "(increased by $2,050,000,000)".

Page 15, line 9, insert before the period at the end the following:

: *Provided further*, That, of the total amount provided, $2,050,000,000 shall be for necessary detention bed space, personnel, and removal costs to end "catch and release"

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. REYES. Mr. Chairman, I rise today as a Member who represents a border community who has always been concerned about our national security and our border security. Today, still, our border security is driven by money not policy, and certainly not in the best interest of our security. This amendment gives DHS the necessary funds, $2.05 billion, to fund the 35,000 beds they have stated they need to eliminate the budget-driven catch-and-release policy.

What has appalled so many of us is that DHS is catching and releasing thousands of illegal immigrants into the general population of the United States because they simply do not have the detention space to hold them. These illegal immigrants, also referred to as OTMs, or other than Mexicans, are given what they refer to as "walking papers" and are released on their own recognizance with an order to appear voluntarily at a deportation hearing weeks after their release. In fact, Mr. Chairman, they are asked where they are traveling to in order to give them a hearing near their final destination. Of those released, about 5 percent actually return for this hearing. But that number is probably high, in my opinion.

This is hurting the morale of our U.S. Border Patrol agents and is a misguided process. Because of catch-and-release, the number of immigrants who have come across our borders has significantly increased. According to the April 2006 DHS Inspector General report, here is what underfunding border security means to this country: 774.112 illegal immigrants were apprehended during the past 3 years. Of those, 280,987, or approximately 36 percent, were released largely due to lack of personnel, bed space, and funding.

The report also says that the number of illegal immigrants apprehended in the U.S. is increasing, while personnel and bed space levels are declining. In the 2 years just after 9/11, illegal immigrants captured in the U.S. rose some 19 percent, from 231,000 to about 275,000.

This remains a prominent national security risk. And I am including for the RECORD a news story about how the deportations work. These OTMs include aliens from countries whose governments support state-sponsored terrorism as well as those from countries of special interest who promote, produce or protect terrorist organizations and their members. They also include aliens who should be identified, detained, and removed under the DHS's Criminal Alien Removal Program, but who are not included in that program because there is no funding.

The 9/11 Commission recognized this national security risk and recommended to us in Congress that we fund 8,000 detention beds each year for the next 5 years, for a total of 40,000 beds. We passed these recommendations into law in December of 2004, yet this Congress has not funded those very recommendations. In fact, the homeland security appropriations bill that we have before us today includes funding for only about 4,800 detention beds. That is approximately 3,100 less than what the 9/11 Commission said was the minimum that we should be doing to increase our security. Last year, the Congress funded only 4,250 detention beds. That is 3,700 short of what the 9/11 Commission recommended.

Our willful neglect of our border security has angered our fellow citizens.

As a political gesture, this administration and this Congress want to build walls and militarize the border as a response. That is not what we need. We need to keep our promises to the American people and fund those promises that we have made. We must send a clear message that when you cross our borders illegally, you will be caught and detained.

Believe me, Mr. Chairman, I, as well as every Member in this House, understand the fiscal situation that we are in. However, time after time we seem to find money for other things. Why can't we find the money for our detention space which we desperately need and which is directly related to the security of this country? Compromising border security is not the way to trim our deficit.

We are long past the point of an emergency and must include this money to protect our borders, to protect our country, and to get us out of this crisis that we have worked our way into.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky insist upon his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman.

I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974.

The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2007 on May 18. The adoption of this amendment would cause the subcommittee's suballocation for budget authority made under section 302(b) to be exceeded, and is not permitted under section 302(f) of the act.

I ask for a ruling.

The CHAIRMAN. Are there any Members wishing to speak on the point of order? If not, the Chair is prepared to rule.

For the reasons stated in the Chair's ruling on the prior amendment by the gentleman from Texas, the point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $516,011,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,281,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,704,414,000, to remain available until September 30, 2008, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $3,740,866,000 shall be for screening operations, of which $136,000,000 shall be available only for procurement of checked baggage explosive detection systems and $94,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $963,548,000 shall be for aviation security direction and enforcement: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2007, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,284,414,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2008: *Provided further*, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport and not more than 90 percent for any other airport, and all funding provided by section 44923(h) of title 49, United States Code, or from appropriations authorized under section 44923(i)(1) of title 49, United States Code, may be distributed in any manner deemed necessary to ensure aviation security and to fulfill the Government's planned cost share under existing letters of intent: *Provided further*, That no funding may be obligated for air cargo security, other than that for air cargo inspectors, canines, and screeners, until a detailed air cargo security action plan addressing each of the recommendations contained in the 2005 Government Accountability Office Report (GAO–06–76) on domestic air cargo security is provided to the Committee on Appropriations and Committee on Homeland Security of the House of Representatives: *Provided further*, That beginning in fiscal year 2007 and thereafter, reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for those purposes: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $37,200,000, to remain available until September 30, 2008.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $74,700,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $523,283,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, $5,000,000 may not be obligated until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a detailed expenditure plan for explosive detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2007: *Provided further*, That this plan shall be submitted no later than 60 days from the date of enactment of this Act.

AMENDMENT OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOSSELLA:

Page 18, line 22, after the dollar amount insert "(reduced by $20,000,000)".

Page 28, line 23, after the dollar amount insert "(increased by $20,000,000)".

Page 29, line 15, after the dollar amount insert "(increased by $20,000,000)".

Page 29, line 18, after the dollar amount insert "(increased by $20,000,000)".

Mr. FOSSELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Mr. Chairman, I rise in support of the Fossella-Crowley amendment, and I first want to thank Chairman ROGERS for the tough task he has of putting together a good bill.

My amendment would increase by $20 million the High Density Urban Area Program by transferring that same amount from the TSA Transportation Security Support appropriation of $523 million. The President's budget funded the High Density Urban Area Grant Program, also known as UASI grants, at $838 million. The underlying legislation funds it at $750 million, an $88 million shortfall.

In short, Mr. Chairman, we are here in large part because of what happened on September 11. It happened in 2001 and it happened in New York City. So it is a grim reminder of what needs to be done in protecting our homeland. Just yesterday, a Pakistani man was convicted for plotting to plant a bomb at the Herald Square subway station in midtown Manhattan.

It is clear that New York City, like other major cities, still remains exhibit A, and this grant program helps cities combat terrorism. New York City alone dedicates $200 million and 1,000 police officers to combat terrorism, and they are still $263 million short to do that for the people of New York City and those who tour.

Mr. Chairman, I urge the adoption of this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. FOSSELLA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I want to congratulate the gentleman. This is an excellent amendment. It increases the funding for the UASI program for the cities the Department has determined are at greatest risk.

Mr. GARRETT of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join proudly with my colleagues, Mr. FOSSELLA and Mr. CROWLEY from just across the river, on introducing this very important amendment.

The Secretary of Homeland Security, Michael Chertoff, has stated that the administration will continue to champion funding based on risk and needs in order to "ensure that our finite resources are allocated and prioritized successfully."

UASI recipients are determined through a robust risk formula that considers three primary variables: consequences, vulnerability, and threats. Factors such as the presence of international borders, population and population density, the location of critical infrastructures, formal mutual aid cooperation, law enforcement investigations, and enforcement activities are also considered in correlation with the risk formula developed under this.

These risk factors are precisely the kind of factors that should be the ones that govern more of our homeland security spending. Simply put, money needs to go where the threat is. Places like New York City and northern New Jersey are those risk areas. Our police departments, our fire departments, our emergency management officials, all these men and women are doing their best to prevent terrorist attacks and prepare for worst-case scenarios. So we here in Congress should do our best to see that those in the most risky areas get the tools they need to keep America safe.

Mr. FOSSELLA. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from New York.

Mr. FOSSELLA. I just would like to thank my colleague from New York as well, Mr. CROWLEY, for being supportive; and perhaps the gentleman from New Jersey would yield to the gentleman from New York (Mr. CROWLEY).

Mr. GARRETT of New Jersey. I would be glad to yield.

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from New York and the gentleman from New Jersey for yielding. I also want to thank the chairman for allowing this discussion here this evening, as well as the ranking member, and for their agreeing to this amendment.

This $20 million to this much-needed fund will not only support New York City and New Jersey but other major metropolises around the country, high-threat, high-risk areas. I thank you again for your support for this amendment, in particular my cosponsor of the amendment, Mr. FOSSELLA.

Mr. Chairman, first, after talks with the Majority and Minority, I understand this amendment will be accepted by the Chair and Ranking Member, and I thank you for that.

I understand the Committee may have some concerns about this program—but it has proven itself for our major urban areas.

Working in a bipartisan manner, Representative SERRANO, Representative BILL YOUNG, Representative FOSSELLA and myself sat down and crafted this program for the FY 2003 Omnibus, recognizing a gaping hole in homeland security funds for our major urban areas—those high target areas, like New York City, Houston, Washington, DC or Chicago, among other major cities.

The gaping hole was our government's ignoring the unique and most pressing needs of our major urban areas, therefore, the birth of the High Threat, High Density Urban Area Program.

This program is the only homeland security program specifically targeted towards those municipalities with the greatest threat and vulnerability for terror attacks.

With skewed homeland security formulas distributing a portion of all funds equally to all states—ignoring basic security realities—this program is a breath of fresh air, providing funds to those areas deemed at greatest risk of attack.

This program has been extremely successful over the years and has provided resources to those communities at greatest risk of attack.

Unfortunately, and not due to the hard work of Chairman ROGERS or Ranking Member SABO, this year's Homeland Security bill reduces the funding for this important high threat high density program by over $7 million below last year's enacted amount.

This amendment increases this urban area account by $20 million—or an increase of $12.7 million over last year and $20 million greater then in this original bill. We offset this funding from TSA—Headquarters Administration.

As Representative FOSSELLA stated our offset is aimed at the $292 million in the bill allocated for funding their Headquarters Administration at TSA—not for the intelligence or intelligence technology under the TSA title.

This offset does not threaten air safety or national security. In fact, our amendment will increase the security of Americans. This urban area program is the front line program to fund first responders, firefighters, EMT's and others who are on the front line defending our cities everyday from terrorist threats.

I was recently in 81. Louis with my colleague RUSS CARNAHAN who invited me to the Arch Way, to talk about the pressing needs of first responders and how our Federal Government continues to underfund the frontline in the war on terror.

We need to send a message to the firefighters, police officers, EMT's and others that we will as a Congress stand behind these everyday heroes to ensure that they receive the assistance they need to do their job.

I am pleased that this amendment will be accepted and, I thank the Chair and Ranking Member.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

We are making good progress on the bill. I would encourage Members who have amendments who want to be heard to come to the floor to be available to offer their amendments so we can move through this process as quickly as possible. I would hope Members would be here to offer their amendments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $699,294,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note); and recreation and welfare; $5,481,643,000, of which $340,000,000 shall be for defense-related activities; of which $24,255,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $11,880,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $122,348,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,139,663,000, of which $19,800,000 shall be derived from the

Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $24,750,000 shall be available until September 30, 2011, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $15,000,000 shall be available until September 30, 2011, to increase aviation capability; of which $101,823,000 shall be available until September 30, 2009, for other equipment; of which $24,450,000 shall be available until September 30, 2009, for shore facilities and aids to navigation facilities; of which $81,000,000 shall be available for personnel compensation and benefits and related costs; and of which $892,640,000 shall be available until September 30, 2011, for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2009: *Provided further*, That the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2008 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Deepwater assets to pre-Deepwater legacy assets; a status report of legacy assets; a description of the competitive process conducted in all contracts and subcontracts exceeding $5,000,000 within the Deepwater program; and the earned value management system gold card data for each Deepwater asset: *Provided further*, That the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a comprehensive review of the Revised Deepwater Implementation Plan every five years, beginning in fiscal year 2011, that includes a complete projection of the acquisition costs and schedule for the duration of the plan through fiscal year 2027: *Provided further*, That the Secretary shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the total estimated cost of completion;

(3) projected funding levels for each fiscal year for the next five fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels; and

(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

Provided further, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That no funding may be obligated for the Rescue 21 vessel subsystem until a vessel solution has been provided to the Committee on Appropriations of the House of Representatives.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $17,000,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $13,860,000, to remain available until expended, of which $495,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,063,323,000.

United States Secret Service

PROTECTION, ADMINISTRATION, AND TRAINING

For necessary expenses of the United States Secret Service, including purchase of not to exceed 755 vehicles for police-type use, of which 624 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $954,399,000, of which not to exceed $25,000 shall be for official reception and representation expenses: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2008: *Provided further*, That of the total amount provided under this heading, $2,000,000 shall not be available for obligation until the Director of the Secret Service submits a comprehensive workload re-balancing report to the Committees on Appropriations of the Senate and the House of Representatives that includes funding and position requirements for current investigative and protective operations: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Executive agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

INVESTIGATIONS AND FIELD OPERATIONS

For necessary expenses for investigations and field operations of the United States Secret Service, not otherwise provided for, including costs related to office space and services of expert witnesses at such rates as may be determined by the Director of the Secret Service, $312,499,000, of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,445,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended.

SPECIAL EVENT FUND

For necessary expenses of the United States Secret Service to perform protective functions related to special events, $20,900,000, to remain available until expended, of which $18,400,000 shall be for protection activities related to presidential campaigns in the United States, and of which $2,500,000 shall be for extraordinary costs of National Special Security Events.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,725,000, to remain available until expended: *Provided further*, That of the total amount provided under this heading, $1,000,000 shall not be available for obligation until the Director of the Secret Service submits a revised master plan to the Committees on Appropriations of the Senate and the House of Representatives for the James J. Rowley Training Center.

TITLE III—PREPAREDNESS AND RECOVERY

Preparedness

Under Secretary for Preparedness

For salaries and expenses of the Office of the Under Secretary for Preparedness, the Office of the Chief Medical Officer, and the Office of National Capital Region Coordination, $39,468,000, of which $15,000,000 shall be for the National Preparedness Integration Program: *Provided*, That not to exceed $7,000 shall be for official reception and representation expenses: *Provided further*, That of the amounts appropriated under this heading, $4,400,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives the final National Preparedness Goal.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 28, line 9, after the first dollar amount, insert the following: "(increased by $9,000,000) (reduced by $9,000,000)".

Mr. JINDAL. Mr. Chairman, I have an amendment to enhance the real-time capabilities assessments. The events of Hurricanes Katrina and Rita highlighted serious flaws and deficiencies in our national response plan, the National Incident Management System, and State and local regional responses that were caused by a lack of valid, real-time data related to resident capabilities.

For example, one Texas community had an overflow of special needs residents that were using dance studios, abandoned shopping centers even though it was determined later there were over 10,000 special needs beds available within 100 miles.

The city of New Orleans had an emergency excavation plan, but it couldn't be executed as written because assumed capabilities not functional and prior coordination of assets were not implemented. Response plans called for the utilization of National Guard troops even though at the time of Hurricane Katrina one of the designated units was deployed to Iraq.

Hundreds of thousands of hours were spent on phone calls and e-mails to obtain real-time capability information, finding suitable replacements or options, or to redirecting assets from locations with excess capabilities to those with critical needs.

The underlying bill takes important steps to build upon the existing Department of Homeland Security requirements to build a national assessment and reporting system by September 30, 2006.

The intent of my amendment is to further direct the Department to develop a system that verifies and validates in real-time what qualified assets are available in order to meet emergent or anticipated events, even when the information supplied is coming from disparate or incompatible databases.

These technologies are already being used by the Department of Defense and should be applied toward DHS preparedness goals.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman has offered an excellent amendment, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intended to offer and withdraw an amendment tonight in order to make the point that over the last generation, Congress has created barriers to keeping and creating jobs in America.

One of those barriers is excessive regulations, and I was trying to make the point that whenever this government makes regulations, they should take into consideration that the competitiveness of America is very important, not only for today and today's economy, but for the next economy.

Many countries are preparing for the future economy, and this country seems to be trying to erect new barriers to making us more competitive.

In deference to the Members' time tonight, I know the hour is getting late and we have much work to accomplish, I will not be offering the amendment. But I do want to leave the House with this point, that we must look forward to the next economy and remove barriers that have been created so we can bring jobs back to America and create more jobs.

Mr. JINDAL. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. At what point in the bill is your amendment?

Mr. JINDAL. It is in title III, page 34.

The CHAIRMAN. The reading has not progressed to that point yet.

Without objection, we will proceed to that point in the bill.

There was no objection.

The text of the bill through page 35, line 13 is as follows:

OFFICE OF GRANTS AND TRAINING

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,524,000,000, which shall be allocated as follows:

(1) $545,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days from the date of enactment of this Act; States shall submit applications within 90 days after the grant announcement; and the Office of Grants and Training shall act within 90 days after receipt of an application: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(2) $1,165,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

(A) $750,000,000 shall be for use in high-threat, high-density urban areas;

(B) $200,000,000 shall be for port security grants pursuant to the purposes of section 70107(a) through (h) of title 46, United States Code, which shall be awarded based on risk and threat notwithstanding subsection (a), for eligible costs as described in subsections (b)(2) through (4);

(C) $5,000,000 shall be for trucking industry security grants;

(D) $10,000,000 shall be for intercity bus security grants;

(E) $150,000,000 shall be for intercity rail passenger transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(F) $50,000,000 shall be for buffer zone protection grants:

Provided, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after the date of enactment of this Act; States shall submit applications within 90 days after the grant announcement; and the Office of Grants and Training shall act within 90 days after receipt of an application: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

(3) $75,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

(4) $339,000,000 for training, exercises, technical assistance, and other programs:

Provided, That none of the grants provided under this heading shall be used for the construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: *Provided further*, That the preceding proviso shall not apply to grants under subparagraphs (B), (E), and (F) of paragraph (2) of this heading: *Provided further*, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) of this heading and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with the Office of Grants and Training certified training, as needed.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $540,000,000, of which $500,000,000 shall be available to carry out section 33 of such Act (15 U.S.C. 2229) and $40,000,000 shall be available to carry out section 34 of such Act (15 U.S.C. 2229a), to remain available until September 30, 2008: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $186,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2007, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the

Department of Homeland Security to be necessary for its radiological emergency preparedness program for such fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2007, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION AND TRAINING

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland security Act of 2002 (6 U.S.C. 101 et seq.), $46,849,000.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $549,140,000, of which $464,490,000 shall remain available until September 30, 2008: *Provided*, That of the amount made available under this heading, $10,000,000 shall not be available for obligation for management and administration until the Department of Homeland Security has released the National Infrastructure Protection Plan: *Provided further*, That of the amount made available under this heading, $10,000,000 shall not be available for obligation for management and administration until the Department has submitted its national security strategy for the chemical sector report.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations, $254,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

READINESS, MITIGATION, RESPONSE, AND RECOVERY

For necessary expenses for readiness, mitigation, response, and recovery activities, $238,199,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That of the total amount made available under this heading, $20,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs: *Provided further*, That of the amounts appropriated under this heading, $20,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a catastrophic planning expenditure plan.

AMENDMENT OFFERED BY MR. JINDAL

Mr. JINDAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JINDAL:

Page 34, line 20, after the dollar amount insert "(increased by $1,000,000) (reduced by $1,000,000)".

Mr. JINDAL. Mr. Chairman, I have an amendment to reduce FEMA waste, fraud, and abuse.

In the wake of Hurricanes Katrina and Rita, FEMA provided $2,000 in individual and household program payments to affected households. Individuals could apply for disaster assistance using the Internet or telephone.

As of mid-December, such payments totaled $5.4 billion with almost half of that, $2.3 billion, in the form of expedited assistance.

According to Social Security Administration data, FEMA made millions of dollars in payments to thousands of registrants who submitted false Social Security numbers. According to a GAO study, 165 of 248 sampled registrations contained false Social Security numbers, and 80 of 200 alleged disaster addresses were false.

This amendment says that FEMA should implement a fully tested process that can provide real-time access to data required to validate identities and addresses for those seeking disaster assistance.

While FEMA has taken certain steps to curtail waste, fraud and abuse within its program, more needs to be done.

The intent of my amendment is to direct FEMA to implement an identity verification system that assures disaster assistance payments are made only to qualified individuals. In a statement I will submit for the RECORD, I have some specific criteria that will be used.

The intent of my amendment is to allocate $1 million to FEMA to implement an identity verification system that assures disaster assistance payments are made only to qualified individuals.

Specifically by (1) establishing detailed criteria for registration and provide clear instructions to registrants on the identification information required, (2) creating a field within registration that asks registrants to provide their name exactly as it appears on their Social Security Card in order to prevent name and social security mismatches, (3) fully field testing the identity verification process prior to implementation, (4) ensuring that call center employees give real-time feedback to registrants on whether their identities have been validated, and (5) establishing a process that uses alternative means of identity verification to expeditiously handle legitimate applicants that are rejected by identity verification controls.

I want to thank the chairman and ranking member for their work on this bill and their consideration of my amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman has offered another excellent amendment, and we are happy to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. JINDAL).

The amendment was agreed to.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JINDAL) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, the majority leader has announced that we will conclude the business of the House this evening with votes no later than 10, and so with that in mind, Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 5441 in the Committee of the Whole pursuant to House Resolution 836, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

The additional amendments specified in this order; and

Amendments en bloc specified in this order;

It shall be in order at any time for the chairman of the Committee on Appropriations or a designee, after consultation with the ranking minority member of the Committee on Appropriations, to offer amendments en bloc as follows:

Amendments en bloc shall consist of amendments that may be offered under this order;

Such amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 10 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole;

All points of order against such amendments en bloc are waived;

The original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc;

The additional amendments specified in this order are as follows:

An amendment by Mr. NADLER striking language on sodium-iodide;

An amendment by Mr. GORDON regarding funding limitation on energy efficiency in Federal buildings;

An amendment by Mr. OBEY regarding funding levels and tax cuts;

An amendment by Mr. DOOLITTLE regarding funding limitation on expedited removal;

An amendment by Mr. CAMPBELL of California regarding funding limitations on 642(a) of the IIAIRA;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on DHS closures in Texas;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on termination of FEMA financial assistance;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on lawsuits against FEMA;

An amendment by Mr. MARKEY regarding funding limitation on air cargo security;

An amendment by Mr. FILNER regarding funding limitation on USIA grants;

An amendment by Mr. DEAL of Georgia regarding funding limitation on birthright citizenship;

An amendment by Mr. POE regarding funding limitation on Western Hemisphere Travel Initiative;

An amendment by Mr. ENGEL regarding funding limitation on alternative fuel vehicles;

An amendment by Mr. TANCREDO regarding funding limitation on temporary protective status for certain Central Americans;

An amendment by Mr. KINGSTON regarding funding limitation on volunteer surveillance on the border;

An amendment by Mr. GARRETT of New Jersey regarding funding limitation on adult entertainment, clown and puppet shows, and other activities;

An amendment by Mr. PICKERING regarding funding limitation on certain FEMA contracts;

An amendment by Mr. TANCREDO regarding funding limitation on diversity visa program;

An amendment by Ms. FOXX regarding funding limitation on Louis Vuitton handbags;

An amendment by Mr. BISHOP of New York regarding funding limitation on reimbursement of attorneys fees;

An amendment by Ms. BERKLEY regarding funding limitation on threat assessments related to certain populations;

An amendment by Mr. MICA regarding funding limitation on personnel at opt-out airports;

An amendment by Mr. TIERNEY regarding funding limitation on LNG;

An amendment by Mr. CULBERSON regarding funding limitation on CIS benefits and background checks;

An amendment by Mr. KUHL of New York regarding limousine service and fire protection funding; and

An amendment or amendments by Mr. ROGERS of Kentucky regarding funding levels.

Each additional amendment may be offered only by the Member named in this request or a designee, except as otherwise specified, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Homeland Security each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each additional amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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Mr. OBEY. Mr. Speaker, reserving the right to object, I was simply confused by one thing the gentleman said. It was my understanding that the agreement would reflect an understanding that the last vote would begin around 10 o'clock. I thought I heard the gentleman say that, under this motion, the last debate would conclude at 10 o'clock.

Mr. ROGERS of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Speaker, my understanding from the majority leader's office is that the votes would be concluded by that time.

Mr. OBEY. Mr. Speaker, I withdraw my reservation with the notation to Members it would be helpful if they would get here to the floor so we can dispose of as many amendments tonight as possible so that we have as few amendments as possible left when we return after the recess, because we do have a lot of other bills we need to get done. I thank the gentleman for helping to work this out.

Mr. SABO. If the gentleman would yield, visiting with Ms. JACKSON-LEE, I think she only has one amendment left that she wants offered, and I think there are three on the list.

Mr. ROGERS of Kentucky. If the gentleman would yield, her rights are protected. She does not have to offer it.

Mr. SABO. She will only offer one.

Mr. OBEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 2, 2006, TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, June 2, 2006, to file a privileged report, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2007, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, JUNE 5, 2006, TO FILE PRIVILEGED REPORT ON FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations have until midnight, June 5, 2006, to file a privileged report, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5254, REFINERY PERMIT PROCESS SCHEDULE ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 109–482) on the resolution (H. Res. 842) providing for consideration of the bill (H.R. 5254) to set schedules for the consideration of permits for refineries, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5441.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30. 2007, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Louisiana (Mr. JINDAL) had been disposed of.

Pursuant to the order of the House of today, no further amendments to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

The Clerk will read.

The Clerk read as follows:

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $33,885,000.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,662,891,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $569,000: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $198,980,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $128,588,000, which shall be available as follows: (1) not to exceed $38,230,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and (2) not to exceed $90,358,000 for flood hazard mitigation, which shall be derived from offsetting collections assessed and collected pursuant to section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), to remain available until September 30, 2008, including up to $31,000,000 for flood mitigation expenses under section 1366 of such Act (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2008: *Provided*, That in fiscal year 2007, no funds shall be available from the National Flood Insurance Fund in excess of: (1) $70,000,000 for operating expenses; (2) $692,999,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $50,000,000 for flood mitigation actions with respect to severe repetitive loss properties under section 1361A of such Act (42 U.S.C. 4102a) and repetitive insurance claims properties under section 1323 of such Act (42 U.S.C. 4030), which shall remain available until expended: *Provided further*, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $31,000,000, to remain available until September 30, 2008, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $31,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PRE-DISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $100,000,000, to remain available until expended: *Provided*, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: *Provided further*, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $151,470,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $161,990,000: *Provided*, That $47,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a strategic transformation plan for United States Citizenship and Immigration Services that has been reviewed and approved by the Secretary of Homeland Security and reviewed by the Government Accountability Office.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $210,507,000, of which up to $43,910,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2008; of which $300,000 shall remain available until expended for Federal law enforcement agencies participating in training accreditation, to be distributed as determined by the Federal Law Enforcement Training Center for the needs of participating agencies; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That section 1202(a) of Public Law 107–206 (42 U.S.C. 3771 note) is amended by striking "5 years after the date of the enactment of this Act" and inserting "December 31, 2009", and by striking "250" and inserting "350".

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $42,246,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $180,901,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That of the amounts made available under this heading, $98,000,000 may not be obligated until the Under Secretary submits a detailed expenditure plan for fiscal year 2007 programs and operations to the Committees on Appropriations of the Senate and the House of Representatives.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed 5 vehicles, $775,370,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, $400,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a report prepared by the Under Secretary that describes Science and Technology's progress to address financial management deficiencies; improve its management controls; and implement performance measures and evaluations.

Mr. ROGERS of Kentucky (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 42, line 11, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. Are there any points of order to that portion of the bill?

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Mr. Chairman, I raise a point of order against the phrase beginning with the comma on page 38, line 11, through "funds" on line 14.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of the House rules.

The CHAIRMAN. Are there any Members wishing to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

DOMESTIC NUCLEAR DETECTION OFFICE

For necessary expenses of the Domestic Nuclear Detection Office, including nuclear detection research, development, testing and evaluation, acquisition, operations, management and administration, $500,000,000, to remain available until expended, of which not to exceed $178,000,000 shall be for the purchase and deployment of radiation detection equipment in accordance with the global nuclear detection architecture; and of which not to exceed $85,200,000 shall be for radiological and nuclear transformational research and development; and of which not to exceed $30,468,000 shall be for the management and administration of these programs and activities: *Provided*, That no funds provided in this Act shall be used to create a Sodium-Iodide Manufacturing Program until the Office demonstrates that Advanced Spectroscopic Portal monitors will significantly speed commerce, reduce the costs of secondary inspection, or significantly increase sensitivity over current generation Radiation Portal Monitors.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

Page 42, line 24, through page 43, line 5, strike ": Provided," and all that follows though "Radiation Portal Monitors.".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to ensure the rapid deployment of the "next generation" Radiation Portal Monitors at our Nation's ports. This bill prohibits the agency from spending funds on this critical port security program. My amendment would strike that prohibition.

Earlier this month the House passed the SAFE Port Act to enhance security at United States ports. During consideration of that bill, I tried to offer an amendment to require that every single container be scanned for radiation and density before it is loaded onto a ship bound for the United States. The Republican leadership opposed that effort. One of the main claims made by my friends on the other side of the aisle was that the technology did not exist to adequately scan containers and that current radiation portal monitors create too many false alarms.

Imagine my surprise to discover that the Domestic Nuclear Detection Office at the Department of Homeland Security has, in fact, already developed the "next generation" Radiation Portal Monitors. These new Advanced Spectroscopic Portal, ASP, monitors use sodium-iodide crystals to detect the unique signature of materials inside a container. They give us more accurate information about what is in the box. They can tell us exactly what is causing the radiation alarm to go off, whether it is a false alarm or not. Port security officials can know if radiation is coming from kitty litter or from construction material or from a real threat, and they will not have to shut down the entire port of New York or Long Beach whenever an alarm goes off.

But there is a catch. Only one company, a French company, currently produces sodium-iodide crystals. So DHS plans to spend about $20 million to encourage more companies to increase domestic production of these crystals. This makes perfects sense. DHS needs to do this to assure that full-scale production of ASP monitors can begin next year and to get them installed at our ports as quickly as possible, and we should not be beholden in any event to one foreign company for a product that is so critical to our national security.

Shockingly, however, this bill contains language prohibiting DHS from taking steps to increase the domestic production of sodium-iodide crystals until the agency can prove that ASP monitors meet certain criteria, certain extraneous criteria. This delay makes no sense.

The Republicans in particular should love these ASP monitors. They were developed by the Bush administration. They reduce false alarms. And if they are really concerned about the cost of these scanners, they should support increasing domestic production of sodium-iodide crystals so that the one French company that makes this material cannot control the cost.

We are, after all, at war with the terrorists. We have serious loopholes in our port security system, and we know that terrorists could use shipping containers to bring nuclear bombs into American cities. We must act with urgency to get better container scanning equipment in place, and we must stop creating roadblocks to scanning the containers.

Democrats have consistently supported scanning every container to make sure that terrorists do not use them to bring nuclear bombs into American cities. We have tried on several occasions to force the Bush administration and the Republicans in Congress to scan every container. The Republicans claim the technology didn't exist. That is untrue. DHS now says they have the technology. This provision that my amendment would eliminate would stop DHS from deploying the best container scanning equipment to port security officials around the country.

We must not tolerate and we must not create any delays in protecting the American people from a terrorist attack. So I urge my colleagues to vote for this amendment that would permit the spending of the money to deploy the sodium-iodide crystals and the scanning equipment so that we can get this container scanning equipment to our ports as fast as possible.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

I, too, am a great proponent of the Domestic Nuclear Detection Office and believe we need to get the best radiation detection systems to our borders as quickly as possible.

That said, I still believe money should be spent wisely. GAO points out that there is no evidence the Advanced Spectroscopic Portal Monitors are any better than the RPMs going into place today, but they cost four times as much. If the less expensive RPMs work just as well, let us buy them. However, I understand DNDO is completing a cost-benefit analysis that will tell us if the investment in the more expensive ASP systems is wise. If they are a wise investment, this provision will harm no one. If they are a poor investment, it will slow down the crystal production program, and it should. Just because we like a program does not mean that we should not provide sound oversight or to waste taxpayers' dollars.

I urge Members to reject this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from New York has 1 minute remaining.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment does not require DHS to deploy this equipment. If it is not better, I wonder why we spend half a billion dollars developing it. This lets the DHS make the decision. If they decide this equipment is better, they can deploy it. If they decide it is not better, they do not have to.

All this says is that we are not going to put language in the bill that will prevent DHS from using its own judgment to deploy it until they can demonstrate that it would significantly speed commerce and do various other things. If this will significantly improve the protection of our people, we ought to deploy it, but my amendment would leave that decision to the Bush administration.

Do they not trust the Bush administration to make the best decision on this? Why should we tie their hands? That is what this amendment says.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided*, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2007, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2007 from appropriations for salaries and expenses for fiscal year 2007 in this Act shall remain available through September 30, 2008, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2007 until the enactment of an Act authorizing intelligence activities for fiscal year 2007.

SEC. 506. The Federal Law Enforcement Training Center shall lead the Federal law enforcement training accreditation process, including representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 509. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, Analysis and Operations, Immigration and Customs Enforcement, the Directorate for Preparedness, and the Directorate of Science and Technology of the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided*, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: *Provided further*, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 435b(c)) and the entity selected under section 3001(b) of such Act has reported to the Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

SEC. 513. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening program, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the Secretary provides the requisite certification, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

(c) Within 90 days of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a detailed plan that describes (1) the dates for achieving key milestones, including the date or timeframes that the Secretary will certify the program under subsection (a); and (2) the methodology to be followed to support the Secretary's certification, as required under subsection (a).

(d) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(e) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(f) None of the funds provided in this or previous appropriations Acts may be utilized for data or a database that is obtained from or remains under the control of a non-Federal entity: *Provided*, That this restriction shall not apply to Passenger Name Record data obtained from air carriers.

SEC. 514. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 515. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 516. None of the funds appropriated by this Act shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

SEC. 517. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided*, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 518. The Secretary of Homeland Security, in consultation with industry stakeholders, shall develop standards and protocols for increasing the use of explosive detection equipment to screen air cargo when appropriate.

SEC. 519. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided*, That TSA shall report air cargo inspection statistics quarterly to the Committee on Appropriations of the House of Representatives, by airport and air carrier, within 45 days after the end of the quarter: *Provided further*, That the appropriation for "Aviation Security" in this Act is reduced by $100,000 for each day beyond such deadline that such quarterly report is not provided.

SEC. 520. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility.

SEC. 521. (a) RESCISSION.—From the unexpended balances of the United States Coast Guard "Acquisition, Construction, and Improvements" account specifically identified in the Joint Explanatory Statement (House Report 109–241) accompanying Public Law 109–90 for the Fast Response Cutter, the service life extension program of the current 110-foot Island Class patrol boat fleet, and accelerated design and production of the Fast Response Cutter, $79,347,002 are rescinded.

(b) ADDITIONAL APPROPRIATION.—For necessary expenses of the United States Coast Guard for "Acquisition, Construction, and Improvements", there is appropriated an additional $79,347,002, to remain available until September 30, 2009, for the service life extension program of the current 110-foot Island Class patrol boat fleet and the acquisition of traditional patrol boats ("parent craft").

SEC. 522. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay, or prohibit the transmission to the Congress of any report prepared pursuant to paragraph (6) of such section.

SEC. 523. No funding provided by this or previous appropriation Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR), or anyone acting in a similar or like capacity, who has not received COTR training.

SEC. 524. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to Transportation Security Administration "Aviation Security" and "Administration" for fiscal years 2004, 2005, and 2006 that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems for air cargo, baggage, and checkpoint screening systems: *Provided*, That these funds shall be subject to section 503 of this Act.

SEC. 525. Using funds made available in this Act, and within 60 days of enactment of this Act, the Secretary of the Department of Homeland Security shall revise DHS MD 11056 to include the following: (1) that information that is three years old and not incorporated in a current, active transportation security directive or security plan shall be determined automatically to be releaseable unless, for each specific document, the Secretary makes a written determination that identifies a compelling reason why the information must remain SSI; (2) incorporation of common and extensive examples of the individual categories of SSI information cited under 49 CFR 1520(b)(1) through (16) in order to minimize and standardize judgment by covered persons in the application of SSI marking; and (3) that in all judicial proceedings where the judge overseeing the proceeding has adjudicated that a party needs to have access to SSI information, the party shall be deemed a DHS Covered Person for purposes of access to the SSI information at issue in the case unless TSA or DHS demonstrates a compelling reason why the specific individual presents a risk of harm to the nation.

SEC. 526. The Department of Homeland Security Working Capital Fund, established, pursuant to section 403 of Public Law 103–356 (31 U.S.C. 501 note), shall continue operations during fiscal year 2007.

SEC. 527. RESCISSION.—Of the unobligated balances from prior year appropriations made available for the "Counterterrorism Fund", $16,000,000 are rescinded.

SEC. 528. The weekly report required by Public Law 109–62 detailing the allocation and obligation of funds for "Disaster Relief" shall include: (1) detailed information on each allocation, obligation, or expenditure that totals more than $50,000,000, categorized by increments of not larger than $50,000,000; (2) the amount of credit card purchases by agency and mission assignment; (3) obligations, allocations, and expenditures, categorized by agency, by State, for New Orleans, and by purpose and mission assignment; (4) status of the Disaster Relief Fund; and (5) specific reasons for all waivers granted and a description of each waiver: *Provided*, That the detailed information required by paragraph (1) shall include the purpose of each allocation, obligation, or expenditure; whether the work will be performed by a governmental agency or a contractor; and, if the work is to be performed by a contractor, the name of the contractor, the type of contract, and whether the contract is sole-source, full and open competition, or limited competition.

SEC. 529. Within 45 days after the close of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget execution report that sets forth the total obligational authority appropriated (new budget authority plus unobligated carryover), undistributed obligational authority, amount allotted, current year obligations, unobligated authority (the difference between total obligational authority and current year obligations), beginning unexpended obligations, year-to-date costs, and year end unexpended obligations, of the Department of Homeland Security: *Provided*, That such information shall be provided for each Departmental component and the Working Capital Fund at the level of detail shown in the table of detailed funding recommendations displayed at the end of the report accompanying this Act.

SEC. 530. (a) UNITED STATES SECRET SERVICE USE OF PROCEEDS DERIVED FROM CRIMINAL INVESTIGATIONS.—During fiscal years 2007 through 2009, with respect to any undercover investigative operation of the United States Secret Service (hereafter referred to in this section as the "Secret Service") that is necessary for the detection and prosecution of crimes against the United States—

(1) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to sections 1341 and 3324 of title 31, United States Code, section 8141 of title 40, United States Code, sections 3732(a) and 3741 of the Revised Statutes of the United States (41 U.S.C. 11(a) and 22), and sections 304(a) and 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C 254(a) and 255);

(2) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years, may be used to establish or to acquire proprietary corporations or business entities as part of such undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to sections 9102 and 9103 of title 31, United States Code;

(3) sums appropriated for the Secret Service, including unobligated balances available from prior fiscal years and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18, and section 3302 of title 31, United States Code; and

(4) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31, United States Code.

(b) WRITTEN CERTIFICATION.—The authority set forth in subsection (a) may be exercised only upon the written certification of the Director of the Secret Service or designee that any action authorized by any paragraph of such subsection is necessary for the conduct of an undercover investigative operation. Such certification shall continue in effect for the duration of such operation, without regard to fiscal years.

(c) DEPOSIT OF PROCEEDS IN TREASURY.—As soon as practicable after the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) REPORTING AND DEPOSIT OF PROCEEDS UPON DISPOSITION OF CERTAIN BUSINESS ENTITIES.—If a corporation or business entity established or acquired as part of an undercover investigative operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Secret Service, as much in advance as the Director or designee determines is practicable, shall report the circumstance to the Secretary of Homeland Security. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(e) FINANCIAL AUDITS AND REPORTS.—

(1) The Secret Service shall conduct detailed financial audits of closed undercover investigative operations for which a written certification was made pursuant to subsection (b) on a quarterly basis and shall report the results of the audits in writing to the Secretary of Homeland Security.

(2) The Secretary of Homeland Security shall annually submit to the Committees on Appropriations of the Senate and House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a summary of such audits.

SEC. 531. The Director of the Domestic Nuclear Detection Office shall operate extramural and intramural research, development, demonstrations, testing and evaluation programs so as to distribute funding through grants, cooperative agreements, other transactions and contracts.

SEC. 532. None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug that complies with sections 501, 502, and 505 of such Act.

SEC. 533. From the unobligated balances of Transportation Security Administration "Aviation Security" and "Headquarters Administration", $4,776,000 are rescinded.

SEC. 534. Notwithstanding the requirements of section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Army Corps of Engineers may use Lot 19, Block 1 of the Meadowview Acres Addition and Lot 8, Block 5 of the Meadowview Acres Addition in Augusta, Kansas, for building portions of the flood-control levee.

SEC. 535. Notwithstanding any time limitation established for a grant awarded under title I, chapter 6, Public Law 106–31, in the item relating to Federal Emergency Management Agency—Disaster Assistance for Unmet Needs, the City of Cuero, Texas, may use funds received under such grant program until June 30, 2007.

SEC. 536. (a) Not later than six months after the date of enactment of this Act, the Secretary of Homeland Security shall hereafter issue interim final regulations that establish homeland security requirements, including minimum standards and required submission of facility security plans to the Secretary, for chemical facilities that the Secretary determines present the greatest security risk and that are not currently regulated under Federal law for homeland security purposes.

(b) Interim regulations under this section shall apply to a chemical facility until the effective date of final regulations issued under other laws by the Secretary, that establish requirements and standards referred to in subsection (a) that apply with respect to that facility.

(c) Any person that violates an interim regulation issued under this section shall be liable for a civil penalty under section 70117 of title 46, United States Code.

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POINT OF ORDER

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I raise a point of order against section 536.

The CHAIRMAN. The gentleman will state his point of order.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I raise a point of order against section 536, page 62, lines 1 through 17. This provision violates House rule XXI, clause 2, which prohibits legislation in a general appropriations bill.

Section 536 requires the Department of Homeland Security to issue security requirements for chemical facilities that the Department deems highest risk within 6 months of enactment of the bill. This constitutes legislation on an appropriations bill and is therefore in violation of clause 2, rule XXI.

The Committee on Homeland Security is actively engaged in developing comprehensive legislation to address the issue of chemical site security, and section 536 would undermine the committee's efforts to provide commonsense risk-based solutions to the problem.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. SABO. Mr. Chairman, I am sorry that the point of order is raised. This provision does not undercut the ability of the committee to act. As a matter of fact, it encourages them to act. We have waited for years without any action on giving the Secretary the power to regulate some chemical facilities in this country that are prime targets for terrorists.

Mr. Chairman, I have to concede that this is legislation in an appropriations bill. I would hope that the authorizing committees can pass legislation to deal with this real problem. I just hope a year from now when somebody else stands in this chair, we don't have another similar amendment because the authorizing committees in the House and the Senate have failed to act again.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. The Chair finds that this section includes language imparting direction. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

AMENDMENT OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MICA:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds in this Act shall be used to recruit, hire, or employ nonscreener personnel into the Transportation Security Administration's Federal Security Director office at each airport participating in the security partnership program under section 44920 of title 49, United States Code, whose job title and job description would duplicate those of nonscreener personnel employed by the screening company that is under contract with the Transportation Security Administration to provide security screening services at the airport.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased that we have made great progress on this important bill dealing with homeland security which is so essential for our Nation, particularly at this time in history and the challenges that we face.

The amendment that I am proposing tonight is a simple limit on some of the funding for non-screener Transportation Security Administration personnel, that is, TSA administrative personnel. What we would like to do is put some limits on those positions in some of the airports that are participating in our Screening Partnership Program.

We have had five demonstration projects in airports in varying sizes across the country, and we have had private screening companies under Federal supervision. Unfortunately, what has happened is we have an additional layer of bureaucracy imposed by TSA and duplicate positions of the private screening companies.

For example, and I will submit for the RECORD a complete list of these numbers of personnel, but in Sioux Falls, South Dakota, we have 18 administrative personnel; in Kansas City we have some 39; in San Francisco, 42; and in Rochester, New York, 18.

Now, it is important that we do have TSA management, we have TSA oversight, we have TSA controlling these programs. But the duplicative administrative costs and burden is what this amendment deals with. Most of these positions are in excess of $100,000.

We can save money, we can put more people on line in screening positions and cut some of the administrative costs out.

Mr. Chairman, that is the purpose of the amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MICA. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I think the gentleman has offered a very fine amendment, and I would like to say that the committee accepts it.

Mr. MICA. Mr. Chairman, I thank the gentleman. I appreciate his staff and the subcommittee working with us. I think this will make us run better, more cost-effective, put more people online and less people in the TSA bureaucracy that has been created.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does anyone claim the time in opposition?

Mr. MICA. I yield back the balance of my time, and urge approval of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used by the Department of Homeland Security prior to December 31, 2006, to terminate financial assistance for housing authorized by section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to any Hurricane Katrina evacuee, who previously has been determined by the Federal Emergency Management Agency to be eligible to receive such assistance.

Mr. ROGERS of Kentucky. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think this is one of America's Achilles' heels, because it concerns the most catastrophic, tragic, natural disaster that we have faced in America. Although no one denies the horrific nature of 9/11, certainly we will be reminded through the centuries of Hurricane Katrina. So I bring this amendment simply to bring attention to the vast numbers of Katrina survivors and evacuees who will soon be left ineligible for any resources at all.

My amendment specifically indicates that no funds can be used to terminate financial assistance for housing authorized by section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Let me share with you the words of one of our pastors in Houston, one of the cities that has felt the major impact of evacuees. We do consider them our neighbors, our brothers and sisters, and we are in no way burdened by their presence. But we think it is important for America to understand, as Pastor D.Z. Cofield said, "This is not a sprint, my friends, it is a marathon," and it really is a test case for the United States for its security, for its response to natural disaster.

We realize that we failed in the initial recovery. We failed in being prepared. We failed in having pre-deployment of resources and personnel. We only have to look at the stories of the Superdome; we only have to look at the stories of bodies floating in water to realize we failed.

But now in the city of Houston and around America, there are some 12,000 who are still in need. The extent of the evacuees' needs is shown in a March survey of housing voucher recipients conducted for the city by Zogby International.

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It showed that more than half of the evacuees surveyed earned less than $15,000 a year. Most are women with school-aged children, and 58 percent want to remain in Houston.

Only 15 percent have found jobs. Almost half have no health insurance. Separately, each of these things might be an obstacle when receiving settlers from another community, but en masse they pose stunning challenges for the host city, the Zagby report said.

This falls, I am sure, in cities throughout America. And this simple amendment simply exposes the problem and asks FEMA to begin to work to solve the problem. Now let me first of all acknowledge that they are working on this problem.

I do want to acknowledge the Deputy Secretary of Homeland Security and the director of FEMA, the acting director, for their sensitivity to this issue. But I thought it was important for my colleagues to understand that there is a need, that FEMA does need the resources to extend this relief for those individuals who are still in a host city.

And it is important for this legislation that oversees FEMA to understand that no funds should be utilized to hinder FEMA from protecting these evacuees.

We are in the process, I hope, of a successful pathway to assisting them. We are in the process of establishing a task force that can look and each and every one of these who have been eligible before but may be ineligible now.

I do not see how, in one of the most catastrophic disasters that we have ever had, that we should cut off the very lifeline of these remaining evacuees in the host city. Many of them may be senior citizens. Many of them may be single parents with children who are homebound. Many of them may be disabled or, at this point in time, unable in this market to find a job.

This is the substance by which they survive for housing and for other support services that they might need. The only way that the social service system can address this is for them to have a place to live.

Otherwise, they fall upon the social service system in the host city to the extent that they become homeless. I know that our county and city officials have been doing everything that they can. I hope that this will urge FEMA to move more quickly and that we can work together to ensure that these evacuees are not left without any hope and any basis, if you will, of surviving.

So I ask my colleagues to support this amendment. I certainly hope that the point of order would be withdrawn.

Mr. Chairman, this amendment is intended to ensure that FEMA does not terminate the financial housing assistance received by Hurricane Katrina evacuees in Harris County prior to December 31, 2006. FEMA previously announced its intention to terminate such direct financial assistance effective June 30, 2006.

In particular, this amendment limits the ability of the Department of Homeland Security to terminate financial assistance for housing authorized by section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) to any Hurricane Katrina evacuee located in Harris County, Texas, who previously has been determined by the Federal Emergency Management Agency to be eligible to receive such assistance.

Houston arranged for housing for approximately 34,000 households immediately following Hurricane Katrina. The overwhelming majority of these households were African American, retired or working poor, and from areas of New Orleans that were flooded and damaged.

FEMA has decided that one-fourth of Houston's voucher households, representing 20,000 people, are ineligible for further assistance.

FEMA should not punish the evacuees for its own administrative flubs: FEMA issues multiple validated FEMA identification numbers; FEMA encouraged households to split up in an effort to encourage use of available apartment units.

I urge my colleagues to support this amendment.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. ROGERS of Kentucky. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Does anyone claim the 5 minutes in opposition?

Mr. ROGERS of Kentucky. Mr. Chairman, I claim the time in opposition.

Mr. Chairman, I am opposed. FEMA is transitioning all apartment residents from apartments paid for under the emergency protective measures under the Stafford Act to the Individual and Households Assistance Program.

Under the Stafford Act, apartment coverage is provided only during the emergency period; 20,000 evacuees in Houston have already been successfully transitioned from the apartments to the Individual and Households Program which offers cash assistance; 5,000 evacuees are still in apartments in Houston. This remaining group of 5,000 Katrina victims will be eligible for up to 18 months or $26,200 of assistance, whichever threshold is met first.

FEMA is working with those not eligible for cash assistance and is helping them find more appropriate housing solutions, either through FEMA, HUD or other agency volunteer agency resources. No one is being thrown out.

Mr. Chairman, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. TANCREDO:

Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to administer any extension of designation made under section 244(b) of the Immigration and Nationality Act before the date of the enactment of this Act with respect to Guatemala, Honduras, or Nicaragua.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, my amendment would prevent the recent extensions of temporary protective status designation for Guatemala, Honduras and Nicaragua.

Mr. Chairman, I have strong concerns regarding a pattern of abuse of the Temporary Protective Status Program. Congress has granted formerly the Attorney General and now the Secretary of Homeland Security the authority to grant temporary refugee to aliens, usually illegal aliens, from particular countries under temporary protected status. If there is an ongoing armed conflict in the country and the return of nationals would pose a threat to their security or if there has been a natural disaster in the country resulting in a substantial but temporary disruption of living conditions, TPS status can be granted.

It has become all too apparent that the administration is utilizing TPS as a de facto amnesty for illegal aliens from certain Central American countries. For instance, TPS status was granted to Honduran and Nicaraguan nationals at the end of 1998 following Hurricane Mitch.

The administration recently extended TPS for the sixth time. Temporary dislocations caused by Hurricane Mitch have long since ended.

TPS status for Salvadoran nationals was granted early in 2001 as a result of earthquakes hitting the region. The administration has extended TPS now four times, again, long after any temporary dislocations caused by earthquakes have ended.

These extensions cover approximately 225,000 Salvadorians, 75,000 Hondurans and 4,000 Nicaraguans. Last December, several Members including Chairman SENSENBRENNER urged the administration to reject Guatemala's request for yet another extension of TPS for its nationals present in the United States. The administration ignored this reasonable request.

To be clear, I am not opposed to having the ability to grant TPS, but I hope you will support my amendment to defund these specific abuses of this important designation tool, which is meant to serve important legitimate temporary needs, not act as a rolling amnesty.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Kentucky is recognized for 5 minutes.

Mr. ROGERS of Kentucky. Mr. Chairman, I am in opposition. I completely agree with gentleman that the Department should work to determine whether TPS status remains relevant for many who come from the countries that no longer fit the original purpose of TPS.

Clearly, many could return without the fear for physical safety that justified the TPS designation in the first place. However, we are talking about hundreds of thousands of Central Americans who live and work here, and who have been here for some time.

It may not be appropriate to suddenly change their status in a way that will generate significant confusion in communities and suddenly create large populations who are out of immigration status, and thus the subject for enforcement actions by DHS and the Department of Justice.

I fully understand the gentleman's concerns and agree that there should be a permanent resolution of the TPS situation. But that is a matter for authorizers, and those who can plan a smooth, manageable transition. What the gentleman proposes would be disruptive and burden our already stressed immigration enforcement agencies and should be handled by the authorizing committee.

So I ask our colleagues to reject this amendment.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Kentucky. I yield to the gentleman from Minnesota.

Mr. SABO. I thank the chairman for his comments. I would share his opinion and ask for a "no" vote on this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, I yield back the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, if we do nothing, these extensions of TPS designations will expire September 9, 2007 for El Salvador, Honduras, July 5, and Nicaragua at the same time.

It is interesting to note that the countries of El Salvador and Nicaragua are presently advertising on their Web sites for tourism, encouraging people to come to the countries, of course, because there is nothing wrong, there are no dislocations, and there is no reason for the continued TPS status.

Many members of MS-13, which we all know to be a very violent gang, have benefited from the Salvadorian TPS. Unfortunately, under current law, alien gang members who have been granted TPS status generally cannot be returned to their native countries without having first been convicted of a felony or other specific criminal offenses.

It is not enough just to be affiliated with a federally identified gang. It makes absolutely no sense to allow gang members, many of whom are here illegally, to be free from deportation until they have committed another crime. Gang members who are shielded from deportation by TPS are a significant problem.

The exact number of gang members protected by TPS is unknown. But in an April 13, 2005, Immigration Subcommittee hearing, the Department of Homeland Security stated that of the 5,000 gang members detained under Operation Community Shield, approximately 350 had been granted TPS.

That means that, because of TPS, we now know there are 350 gang members who will be back on our streets terrorizing our communities and neighborhoods. We do not know, however, how many gang members who are protected by TPS we would find if we examined the 800,000 gang members the Department of Justice suggests are currently within our borders, instead of only the 5,000 detained under Operation Community Shield.

As I say, it can be a good program. It can be a good designation. If we use it correctly, it is beneficial. It is interesting also to note that countries like Pakistan that suffered enormous damage, countries all over Southeast Asia that were swamped by the tsunami, they were not granted TPS. Nobody here was granted TPS for those conditions.

It is apparent that this is a political problem that should be settled here. And so I would ask for support of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado will be postponed.

AMENDMENT EN BLOC OFFERED BY MR. ROGERS OF KENTUCKY

Mr. ROGERS of Kentucky. Mr. Chairman, I offer an en bloc amendment.

The CHAIRMAN. The Clerk will designate the amendment en bloc.

The text of the amendment en bloc is as follows:

Amendment en bloc offered by Mr. ROGERS of Kentucky:

At the end of the bill, before the short title, insert the following new sections:

SEC. 536. None of the funds made available by this Act shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order 13123, part 3 of title V of the National Energy Conservation Policy Act (42 U.S.C. 8251 et seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).

SEC. . None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Kentucky (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. ROGERS of Kentucky. Mr. Chairman, I offer these amendments on behalf of Mr. GORDON and Mr. ENGEL. They have been agreed to by both sides. I urge adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any other Member seek time on the amendment?

Mr. SABO. Mr. Chairman, I support the amendment.

Mr. GORDON. Mr. Chairman, despite the high cost of energy and existing laws enforcing conservation, Federal agencies still do not give energy efficiency a priority and continually fall short of meeting their requirements.

Our estimates are that the Federal Government wasted almost half a billion dollars in the last two years by not meeting its requirements—or roughly equivalent to 8200 barrels of oil every day—a total of 6 million barrels over the last two years.

This happens because the laws already on the books are not taken seriously enough. The National Energy Conservation Policy Act (NECPA), last year's Energy Bill (EPACT), and a related Executive Order all clearly state that agencies shall meet aggressive but reasonable energy efficiency goals and standards and to prepare reports to the Department of Energy, the Office of Management and Budget, and the Congress and on the agencies' performance. Yet the Federal Regulations that govern new building construction are 17 years out of date and the reports reach the Congress months or years after the data is available.

The amendment I am offering today would increase the incentive for agencies receiving appropriations under the Agriculture Appropriations bill to comply with the law by tying Federal buildings performance to appropriations.

This amendment simply states that none of the funds made available by this Act shall be used in contravention of Federal buildings performance requirements. Therefore, agencies must adhere to existing law when constructing, leasing or refurbishing any building with money appropriated under this act.

These relatively simple steps in designing new buildings in conformance with current law, measuring building performance, and procurement of energy efficient products will contribute to substantial energy savings in the federal sector—lessons that have already been learned outside the Federal Government.

Increased energy conservation in the Federal sector means cleaner air, cleaner water, and in a time of soaring energy costs, keeping money in taxpayers pockets.

How can we expect consumers and industry to make sacrifices and commit to energy conservation when the Federal Government fails to make it a priority for itself?

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment en bloc offered by the gentleman from Kentucky (Mr. ROGERS).

The amendment en bloc was agreed to.

AMENDMENT OFFERED BY MR. TIERNEY

Mr. TIERNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIERNEY:

At the end of the bill (before the short title) add the following:

SEC. ___. None of the funds made available by this Act may be used for the approval of any application for a deepwater port for natural gas with respect to which Massachusetts is designated as an adjacent coastal State under the Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) until the Commandant of the Coast Guard—

(1) receives from the appropriate Federal agencies and submits to Congress a report assessing New England's documented energy needs and proposing a regional strategy for approving natural gas facilities based on such documented needs; and

(2) conducts, completes, and submits to Congress a report on a study of the anticipated costs of providing security for proposed deepwater ports in New England.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. TIERNEY) and a Member opposed each will control 5 minutes.

The Chair recognize the gentleman from Massachusetts.

Mr. TIERNEY. Mr. Chairman, this amendment seeks to spur a rational process for the siting of liquefied natural gas facilities in the northeast region. That region does need additional energy sources. That is not in dispute. But our homes and businesses depend on an adequate supply.

The CHAIRMAN. The gentleman will suspend.

Mr. ROGERS of Kentucky. Mr. Chairman, I didn't hear the Clerk designate the amendment. I would like to reserve a point of order.

The CHAIRMAN. The gentleman was on his feet.

A point of order is reserved.

The gentleman from Massachusetts may proceed.

Mr. TIERNEY. Mr. Chairman, I regret that the point of order was raised. As I was mentioning, the purpose is for spurring a rational process for siting liquid natural gas facilities in the northeast region.

That the region needs additional energy resources is not in dispute. Our homes and our businesses depend on adequate supplies to maintain our quality of life, but our quality of life also depends on having a rational process for determining how many facilities are reasonably needed in the region and where any new facilities will locate.

Current policy only calls for evaluation and approval of new liquid natural gas facilities as they are proposed, independent of all other applications and without any regulation concern for overcapacity or overbuilding in any particular area.

Important fishing, shipping, security and conservation interests are impacted by the sitings, particularly by multiple sitings. Yet the current law does not account for this. Already there are two proposals in one area known as block 125 off the Massachusetts coast.

There are a total of 16 proposals that could be built along the northeast area. Those are all pending.

☐ 2115

Some people just say that the marketplace will sort it out, but in fact it is the responsibility of public policy officials to provide for a much more rational approach.

Past energy construction situations that operated on the premises that the market would sort it out, for instance, that some applicants would eventually blink and not continue with their building, have proved out not to be true. Overcapacity and the attendant problems resulted from that.

We can prevent an arbitrary intrusion into some of our Nation's most productive fishing grounds and we can prevent the unnecessary degradation of valuable ocean treasures. We can prevent the potential navigational problems and the possible excessive security costs if we plan, if we get it right, if we forego this ad hoc approach. In the end if we follow a rational and regional siting process, it will expedite the introduction of new energy in the area. Public support will be much more likely. Litigation will be less likely. And legislative intervention or administrative interruption may be obviated.

Finally, Mr. Chairman, there are significant security concerns and risks that are associated with liquid natural gas offshore sites. The Coast Guard has informed us that no comprehensive assessment of security costs for LNG deep-water ports has been conducted. So what will it cost to protect one? What will it cost to protect 16? What will it cost to protect the related ships and crews, and who is going to pay or reimburse the taxpayers for all of this protection on the for-profit enterprise?

Companies indicate that they have not ever been approached about this, nor have they broached the subject. It is our duty as policymakers to address these issues to ensure that the right facilities are built as they are needed, that precious resources are reasonably protected, and that the cost of security be known and properly assessed.

Mr. Chairman, I hope that the point of order is not sustained so we can have these proper assessments of New England's energy needs and siting demands; and that we can also evaluate and apportion the cost of securing LNG facilities that are operating.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky insist on his point of order?

Mr. ROGERS of Kentucky. I do, Mr. Chairman. I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI which states in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment imposes additional duties and, therefore, violates the rule.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment requires new duties. The amendment, therefore, constitutes legislation in violation of clause 2 of XXI.

The point of order is sustained. The amendment is not in order.

Mr. ROGERS of Kentucky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Thank you, Mr. Chairman.

Mr. Chairman, expedited removal is an important tool which should be used on all illegal aliens, and that is why I am proposing in my legislation H.R. 5457, to overturn something known as the Orantes injunction. I cannot offer that as an amendment to this bill. It would be legislating on an appropriations bill, but I would like to briefly explain the injunction.

In 1988 in the midst of a 12-year civil war, the Federal District Court of Los Angeles issued an injunction which prohibited Salvadorans from being deported without a hearing before an immigration judge. This injunction is known as the Orantes injunction.

The civil war on El Salvador has long since ended; however, the Orantes injunction issued nearly 20 years ago has not been overturned and remains the practice today. Expansion of expedited removal has resulted in significant declines in the amount of apprehensions of other nationalities. However, due to the special treatment afforded to Salvadorans, their apprehensions have continued to rise.

This injunction is no longer warranted. El Salvador has been a country at peace since 1992. Under current expedited removal process, aliens are not automatically entitled to such a hearing and are immediately placed in the removal proceedings. In 2005, over 39,000 Salvadorans were apprehended, and current estimates suggest out of every one caught, four to five Salvadoran illegals penetrate our borders.

Mr. TANCREDO referred to the terrible problem with the MS–13 gangs, which are basically the Salvadoran gangs. It is a serious problem. Secretary Chertoff, the Homeland Security Secretary, has voiced his concern over this practice and he has indicated, "We have one big step left in order to complete this job and that is to get rid of a 20-year court order that is hampering our ability to use expedited removal with respect to people from El Salvador."

The Department of Homeland Security is subject to a number of such court-ordered permanent injunctions beyond Orantes issued in immigration cases as long as 30 years ago, and these long-standing injunctions severely impact the enforcement of the immigration laws.

My colleague, Representative BONILLA, is also sponsoring legislation that deals with these various injunctions, including Orantes, and his legislation should be supported as well.

AMENDMENT OFFERED BY MR. PICKERING

Mr. PICKERING. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PICKERING:

Page 62, after line 17, insert the following:

SEC. 503. None of the funds made available in this 2 Act may be used to award any contract for major disaster or emergency assistance activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act except in accordance with section 307 of such Act (42 U.S.C. 5150).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Mississippi (Mr. PICKERING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, I will be very brief.

This amendment simply makes sure that the local companies and local communities in hurricane regions will lead the way in the preparation, cleanup, recovery and building for the next storm season.

I want to thank the chairman for working with me on this amendment.

Mr. ROGERS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from Kentucky.

Mr. ROGERS of Kentucky. The gentleman has offered a very good amendment. It is a needed improvement, and I congratulate and thank the gentleman for being thoughtful and helpful in this regard.

Mr. PICKERING. Thank you, Mr. Chairman.

Mr. SABO. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentleman from Minnesota.

Mr. SABO. I concur in the chairman's comments. You have a good amendment, and I am glad to support it.

Mr. PICKERING. Thank you, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. PICKERING).

The amendment was agreed to.

Mr. ROGERS of Kentucky. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KUHL of New York) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. HASTINGS of Washington. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 418) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 418

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 25, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 6, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 25, 2006, through Sunday, May 28, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 5, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 836 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5441.

☐ 2125

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Mississippi (Mr. PICKERING) had been disposed of and the bill had been read through page 62, line 17.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. DEFAZIO of Oregon.

Amendment by Mr. MARSHALL of Georgia.

Amendment by Mr. NADLER of New York.

Amendment by Mr. TANCREDO of Colorado.

Pursuant to the order of the House of today, the Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. DE FAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 220, not voting 12, as follows:

[Roll No. 219]

AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boren
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Rahall
Ramstad
Rangel
Reyes
Ross
Rothman
Rush
Ryan (OH)

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Shadegg
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pascrell
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berman
Davis, Jo Ann
DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Mollohan
Paul
Snyder
Waxman
Wilson (SC)

□ 2150

Mrs. WILSON of New Mexico and Mr. WELDON of Florida changed their vote from "aye" to "no."

Mrs. BLACKBURN and Mr. HINOJOSA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARSHALL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. MARSHALL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 358, noes 63, not voting 11, as follows:

[Roll No. 220]

AYES—358

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Emanuel
Emerson
Engel
Etheridge
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hayes
Hayworth
Hensarling
Herseth
Hinchey
Hinojosa
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rohrabacher
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—63

Aderholt
Alexander
Bachus
Bartlett (MD)
Barton (TX)
Blunt
Bonilla
Boustany
Brady (TX)
Brown (SC)
Buyer
Cantor
Carter
Castle
Chabot
Chocola
Coble
Crenshaw
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Duncan
Ehlers
English (PA)
Everett
Gilchrest
Gillmor
Granger
Hastings (WA)
Hefley
Herger
Higgins
Hobson
Honda
Hoyer
Jackson-Lee (TX)
Jenkins
Johnson, Sam
Knollenberg
Kolbe
Latham
Lewis (CA)
Linder
Marchant
McCrery
Nunes
Oxley
Reichert
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roybal-Allard
Sabo
Solis
Terry
Thomas
Tiahrt

Visclosky
Wamp
Weldon (FL)
Wicker
Wilson (NM)
Young (AK)

NOT VOTING—11

Berman
Davis, Jo Ann
DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Mollohan
Paul
Snyder
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2155

Messrs. PRICE of North Carolina, CROWLEY, REGULA, and MANZULLO changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 248, not voting 12, as follows:

[Roll No. 221]

AYES—172

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Cooper
Costello
Crowley
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Engel
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Frank (MA)
Gonzalez
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Kennedy (MN)
Kildee
Kilpatrick (MI)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Ramstad
Rangel
Reyes
Rohrabacher
Ross
Rothman
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wynn
Young (AK)

NOES—248

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Conyers
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Everett
Feeney
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Latham
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (FL)

NOT VOTING—12

Berman
Davis, Jo Ann
DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Mollohan
Paul
Snyder
Solis
Wilson (SC)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 2200

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TANCREDO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 134, noes 284, answered "present" 1, not voting 13, as follows:

[Roll No. 222]

AYES—134

Akin
Bachus
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Boozman
Bradley (NH)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Capito
Chabot
Coble
Conaway
Cubin
Culberson
Davis (KY)
Deal (GA)
DeFazio
Dent
Doolittle
Dreier
Duncan
Emerson
Feeney
Fitzpatrick (PA)
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Hart
Hayes
Hayworth
Hensarling
Herger
Hoekstra
Hostettler
Hulshof
Hunter
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
King (IA)
Kingston
Kuhl (NY)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel E.
Manzullo
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Otter
Pence
Petri
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Radanovich
Rehberg
Renzi
Rogers (AL)

Rogers (MI)
Rohrabacher
Royce
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Tiberi
Wamp
Weldon (PA)
Westmoreland
Whitfield
Wolf

NOES—284

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Cannon
Cantor
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Emanuel
Engel
English (PA)
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hastings (WA)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCrery
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Reynolds
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sherman
Sherwood
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Stark
Strickland
Stupak
Sweeney
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Weller

NOT VOTING—13

Berman
Davis, Jo Ann
DeLay
Eshoo
Evans
Flake
Kennedy (RI)
Marchant
Mollohan
Paul
Snyder
Spratt
Wilson (SC)

☐ 2206

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. CARTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. INGLIS of South Carolina) having assumed the chair, Mr. GILLMOR, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5441) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF HON. MAC THORNBERRY AND HON. ROY BLUNT TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JUNE 6, 2006

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 25, 2006.

I hereby appoint the Honorable MAC THORNBERRY and the Honorable ROY BLUNT to act as Speaker pro tempore to sign enrolled bills and joint resolutions through June 6, 2006.

J. DENNIS HASTERT,
House of Representatives.

The SPEAKER pro tempore. Without objection, the appointments are approved.

There was no objection.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO SECRETARY OF DEPARTMENT OF HOMELAND SECURITY

Mr. ROGERS of Alabama, from the Committee on Homeland Security, submitted an adverse privileged report (Rept. No. 109–484) on the resolution (H. Res. 809) directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, JUNE 7, 2006, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HER EXCELLENCY VAIRA VIKE-FREIBERGA, PRESIDENT OF LATVIA

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Wednesday, June 7, 2006, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting Her Excellency Vaira Vike-Freiberga, President of Latvia.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 7, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, June 7, 2006.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

CONDITIONAL ADJOURNMENT TO MONDAY, MAY 29, 2006

Mr. ROGERS of Alabama. Mr. Speaker, I ask unanimous consent that when the House adjourns today pursuant to this order, it adjourn to meet at 4 p.m. on Monday, May 29, 2006, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 418, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 2215

REPUBLICAN ACCOMPLISHMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. McHENRY) is recognized for 5 minutes.

Mr. McHENRY. Mr. Speaker, I rise tonight to talk about accomplishments of this House. When the American people are facing rising gas prices, this Republican controlled House of Representatives, this Republican majority, has stepped forward and said, yes, we must use our natural resources that are available here in this country today to provide for our energy needs. We said, yes, we should drill in a very barren part of Alaska that some call ANWR. We said yes, we must move forward with a bold initiative for hydrogen research.

Mr. Speaker, I am so proud that my colleague from South Carolina sponsored the H-Prize. The H-Prize puts out a motivation for market forces and market research to be done, privately funded, and move forward with a way to power our economy through the use of hydrogen energy. It is a bold initiative, and this House passed it in the last few weeks. It is the right move and the right step forward.

Beyond that, we are working to constrain Washington spending, out-of-control government spending. What we have done in this House is pass a budget bill. Now it does not come to balance as quickly or in a form that I would like in the amount of time I would like, but it does bring the budget closer to balance.

Beyond that, I was able to vote for an amendment that actually brings the budget to balance within 5 years, sponsored by the Republican Study Committee, called the Contract With America Renewed.

Now, we have done all this in the last few weeks in this House. Previously, and the American people need to know this, previously, this House acted on border security, which I am happy to see the Senate has actually come around to doing something on immigration. Unfortunately, I think it is a horrible, absolutely destructive plan for the United States.

But this House acted, this House has acted on border security by putting more Border Patrol officials on the southern border, by building a fence to protect our southern border, and doing what is right for our national security and our border security while at the same time providing for employers to verify whether or not those that come to be employed with their business, potential employees, are legal or not. It is the right move, Mr. Speaker, and I am very proud of this House of Representatives moving forward.

Additionally, what this House did, in closing, I would add, the House, this House, along with the Senate, and it was signed by the President just last week, we were able to extend the Bush tax cuts, $70 billion in tax cuts, in order to ensure that the American people don't pay more next year in Federal taxes than they did this year, and, in order to make sure the stock market continues to move forward and to move our economy forward in a general basis as well as affect every small business owner across this great country of ours. We have ignited this economic growth because of these tax cuts, and we, here, the Republican majority, we are moving forward and ensuring that that economy continues to grow across this great Nation of ours.

Mr. Speaker, I am very proud of the work of this Republican majority, led by our Speaker, DENNIS HASTERT, led by a conservative Republican majority willing to make the tough decisions to move America forward. We should be proud of our accomplishments. We should go home after Memorial Day, Mr. Speaker, we should go home and tout these accomplishments. Let the American people know that what we are doing is good for them. It is good to their pocketbooks. It is good for their family. It has the right values, and it constrains the government so that families can grow and prosper as well as business owners.

It is a good thing to do, and I am proud of our ability to act and move the agenda forward even when the other side of the aisle gets so mired in attacks and negative politics. I am so proud of what we have started to do here to turn the tide in this country and to move things forward.

HONORING THE LIFE OF SERGEANT MONTA S. RUTH

Ms. FOXX. Mr. Speaker, I rise and ask permission to claim Mr. BURTON's time.

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina is recognized for 5 minutes.

There was no objection.

Ms. FOXX. Mr. Speaker, as we approach Memorial Day, I rise to express the heartfelt condolences of a grateful Nation and to honor the life of Sgt. Monta S. Ruth of Winston-Salem, North Carolina. Sergeant Ruth passed away on August 31, 2005, while serving in Samarra, Iraq.

Sergeant Ruth served our country in the United States Army. His strong patriotism and desire to defend our freedoms led him to join the military after graduating from Glenn High School, where he was active in the Junior ROTC. He served in the 1st Battalion, 15th Infantry Regiment, 3rd Brigade, 3rd Infantry Division at Ft. Benning, Georgia.

Sergeant Ruth was a loving husband, father, son and brother. He leaves behind his wife, Aylin Ruth; his parents, Barbara and Frederick Kluttz and Edward Ferebee; his daughter Zoe Ruth; and several brothers and sisters. May God bless them and comfort them during this very difficult time.

We owe this brave soldier and his family a tremendous debt of gratitude for his selfless service and sacrifice. Our country could not maintain its freedom and security without heroes like Sergeant Ruth who make the ultimate sacrifice. Americans, as well as Iraqis, owe their liberty to Sergeant Ruth and his fallen comrades who came before him.

Mr. Speaker, please join me in honoring the life of Sgt. Monta S. Ruth.

CONGRESSIONAL CONSTITUTION CAUCUS' CONSTITUTION HOUR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I come to the floor this late evening, dedicated defender of the Constitution, to engage, as we do each Thursday evening, part of the Congressional Constitution Caucus, as we go into this Memorial Day weekend work period.

Tonight I am here to discuss a topic that has been in the media for some time of late, earmarks and the appropriate role that your tax dollars and the Federal Government should have with them. I am here to inject just another thought into this discussion. While Members enjoy the opportunity to brag about all the money that they bring home to their districts through earmarks, you have to ask the question, is the process of earmarking really the best for all parties involved, for the States, for the districts, for the projects, for the people who eventually receive those monies?

Remember this: Money for earmarks is not new money we order to be printed from the Bureau of Engraving every time we pass an appropriation bill. It is, of course, simply dollars that have been taken from the Treasury, money that has been collected from Federal taxes, money that has been raised, obviously, by the hardearned taxpayers back home and sent to Washington D.C.

Also, those listening to a dialogue also have to remember that it is simply not a dollar-for-dollar cycle. Some of that money that we spent is spent on fees and expenses and Federal employees' salaries. The Federal Government, as big as ours is, believe it or not, is expensive to run.

Finally, money is not distributed to all the States evenly or in proportion to those States. For example, I come from the State of New Jersey. A hardworking person in our State works all day, earns his money, raises a dollar, sends that dollar to Washington D.C., hoping to return back to the State of

New Jersey, in equal amount, a dollar for purposes in that State. Instead, New Jersey receives only 54 cents on the dollar. That, my friends, is the dollars and cents of the issue.

Now, let me bring you a little bit closer to home in terms of the mission of our caucus and what we are talking about tonight. That is the question of who really is best able to decide how these dollars are spent?

Now, when you think about it, when you send your tax dollars to Washington, you back at home lose all control over it, even if it is spent on what you would say is the intended best purpose or interest. This is just a little brief history or discussion on how it all works. It is spent here in D.C. Requests are submitted. They are vetted in committee, discussed on the floor, amended by Members from all over the country, way far away from where that issue may be back in your hometown, negotiating in conference with the Senate, and then, if you are lucky, maybe a little sliver of that comes back to your own district. But this money they ultimately receive might not fund your community's greatest priority or need. It might just simply be funding a project that is, well, politically popular here in D.C. or simply a project that is able to make its way through the system.

I am here to promote that there might be a better way to do this. But, you know, I don't really have to do that because our Founding Fathers were the ones to set out what the best way was. The 10th amendment really does that for us. This, of course, is the amendment that limits the powers of the Federal Government; all those powers not delegated specifically to the Federal Government are retained by the States respectively. That is where the best allocation of those dollars would be.

The Founding Fathers understood, which explains why they authored this amendment, that decisions are most effectively made at the most local level possible, that the types of projects that earmarks usually fund, roads, bridges, environmental projects, would be better served if it is money that was kept in State in the first place. The decision on how those dollars are spent would be made by the local residents right there at home. Here in Washington, those decisions are made by bureaucrats through layers of red tape with political consequences always in mind. But at back at home, those decisions are made for what is best for the people back up there.

In closing, let me just mention this, that limited government really isn't just an ideology of policy wonks here in Washington or politicians any place; it isn't just an idea that was proposed by some rich white men over 200 years ago in this country when it was discovered by our Nation. It is a system of government that will have the best results for all for whom government is supposed to serve, the people who gave it the authority to act in their interest in the first place.

With that, I come to a conclusion and to wish everyone a safe return after this Memorial Day weekend.

EMERGING DEMOCRACY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. I thank the gentleman from South Carolina, and I wanted to say, as we go into the Memorial Day work period, certainly the war in Iraq is going to be on everybody's mind. I think it is very important for us as a Congress and for us as a Nation to acknowledge the great accomplishments that have taken place in the war against terror.

Foremost, we saw last year a constitution drafted by the people in Iraq, an election, December 15, in which 300 political parties participated, and now a government, their first government, an elected government that will take place for 4 years, led by Mr. Malaki.

We look forward to working with the emerging democracy in Iraq, as it will be a huge anchor for freedom throughout the Middle East and throughout the world. This is a very important significant development, and while the press buries these things on page C or C section on page 16, it should be front-page, bold-type news. It never will be in this town, but the American people know it.

I have the honor of representing five military installations in southeast Georgia, including the 48th Brigade and the 3rd Infantry Division, which has had so many soldiers over there. We have lost many constituents.

Yet, as we talk to those soldiers one on one, the people who have actually been to Iraq, not because they heard stories at a cocktail party or they read something in the New York Times, but people who have been there, not just once but two times, three times; they are very proud of the progress that has been made. They are very mindful of the sacrifices of the soldiers who will not be coming home on this Memorial Day with the rest of us.

We owe it to them to continue this mission and stick with it. Mr. Blair was in America today with the President and showing international unity on it. Now is not the time to cut and run as so many people are suggesting in Washington D.C.

Secondly, I want to talk about immigration. Finally, the Senate has passed an immigration bill. That is all we can say about it. It doesn't appear to be a very strong bill, doesn't appear to be a bill that is going to pass the House. We feel in the House, you have to secure the border. We are in favor of some sort of fence.

We believe, and DAVE DREIER has a bill, that we need to have a biometric ID card for the people who are over here working on a temporary visa. On the subject of temporary visas, we believe that you have to have a program in which the employer and the employees are protected to know who is legal and who is illegal.

We are going to go into this thing open-minded in the House, but I can say this, that one thing that we have a lot of unity in is we don't want to support any kind of amnesty program, and we are not going to do that.

Thirdly, when we come back from this work period, we are going to continue to work on our tax policy. We are experiencing the lowest unemployment rate since, well, actually, a lower common rate than we had in the 1970s, the 1980s, the 1970s and the 1960s. It is at 4.7 percent. We have more jobs being created now, 5 million in fact, since the Bush tax cuts went in place in 2003.

We are going to keep the economy going through a smart appropriations process. We have passed four and a half appropriations bills. We are going to pass 11 of them before we break for the July recess. If we don't make that deadline, we will still keep the trains running on time and still stay ahead of the historic schedule of Congress. In these appropriation bills, we are cutting spending and staying within the budget.

We passed tonight, and Mr. MCHENRY had mentioned ANWR. If you can think about the Alaskan wildlife reserve, it is the size of a basketball court. The proposed drilling area is the size of a $1 bill on an entire basketball court. Yet, if you think about the oil that comes are from there, if President Clinton had not vetoed that bill in 1995, today domestic oil supply would be 20 percent higher.

☐ 2230

We need to have all the domestic oil supply working for us and producing that we can, yet at the same time we need to continue our drive to ethanol and to alternative fuels.

Now, the gentleman from South Carolina introduced and passed recently a very important bill on hydrogen, giving awards for people who advanced the science of hydrogen technology the furthest. I think it is a very good bill, that passed with bipartisan support in the House. But we need to continue that kind of research on lithium batteries, on ethanol, on biodiesel and any kind of flex fuel.

The bill I have introduced, H.R. 4409, along with ELIOT ENGEL of New York, is a great step in that direction. We need to do everything we can to reduce our dependency on foreign oil, and what H.R. 4409 does is reduce our domestic consumption by 20 percent in the next 20 years.

Finally, let me just say this: We are seeing a lot of work coming out of Washington. A lot of times the press doesn't like to report on the good news, but we have had a couple of good weeks, and we are going to continue to work hard on behalf of the American people.

STATES NEED TO REGAIN THEIR AUTONOMY

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas.

The SPEAKER pro tempore. Without objection, the gentleman from Utah is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, it is truly a joy to be able to join you here on the floor tonight and hear the report from the gentleman from Georgia, which clearly illustrates that we have done much good in recent days here in this Congress, and to outline what we will be doing that is very positive in the coming weeks when we return.

I also wish to be able to at this time piggyback on the comments of my good friend from New Jersey, who is talking about some of the issues we have and the overall approach to funding that we have here in Congress.

I would like, if I could, to focus my comments on a few things that we have in relationship between States and the Federal Government with money.

A former majority leader of this House once said that if you want to get out of the trap, sometimes you have to let go of the cheese. Well, in the relationship we have between Federal and State governments, sometimes we have to let go of the cheese and emphasize what I think the gentleman from New Jersey was saying, the Tenth Amendment.

In the 1860s, flush with money from heavy protectionist tariffs, the United States for the first time passed the Morrill Act which, was a significant grant of federal money to a State for a specific purpose, in that case Land Grant Colleges, which have done a great job, I have one in my State, my kids went to it, it is great.

But a century later, in the 1960s, that changed somewhat, as the Federal Government started dangling money out and States, cash starved, accepted that money. What happened, like any good addict, once the States were hooked on the money, they could not let go. And the Federal Government, as any good supplier, as soon as they were hooked, started changing the rules of the game with mandates, with strings, with attachments to those programs.

I don't find anyone even wrong or evil in this process. The Federal Government has all sorts of people coming to us with problems they want help on, and we as a people simply want to help. The States, I spent 16 years in the legislature of a State, are trying to build services without extended costs to the States, and that federal match hanging out there is extremely tempting.

But what we find eventually down the line is the Federal Government has a budget we would like to control in some way, and the States are hooked on the money we keep giving to them, with the fear if they lose the money, they will also lose control of the programs, which they don't have right now in the first place.

David Walker wrote a book called The Rebirth of Federalism, and in it he said from the period of 1964 to 1980 there was something that he called creeping conditionalism that came into this country. As he wrote, "There was a perennial Congressional tendency to impose strings and the more recent habit of adding regulations and mandates. The tendency even among block grants was and is to acquire conditions." We can see that in some of the programs like Safe Streets, CETA and CDBG.

In addition to that, there is a cost that is developed by the States for this Federal programming help. For example, in his book he also talks about the Safe Drinking Water Act amendments of 1986, which now impose estimated costs of $2 billion to $3 billion annually on public water systems. That is money that must be raised by local taxpayers to pay for mandates and requirements of the Federal Government on this program, that was originally supposed to be a sharing concept.

The Education For the Handicapped Act, passed in 1968, now averages $500 million annually of additional costs to State and local government. It has been estimated, he said, from 1983 to 1990, additional mandates that the Federal Government imposed upon State and local governments, somewhere between $8 and $13 billion in additional costs. Which simply means, as the old adage says, the only thing that is worse than an unfunded mandate is actually a funded mandate.

Now, is there blame to go around? Yes, on both our sides. Blame on the Federal Government because we become too involved in too many projects in a kind-hearted effort to try and help people. There is also blame for the State governments, who take this too much, become too entrapped and need these programs and these funds to continue on. And though both of us are unhappy with the situation, we keep lumbering on with the same concept and the same program. Both of us, the Federal and State governments, find ourselves in a trap, and both of us, if we are going to improve, have got to some day realize we have to let go of the cheese.

ACCOMPLISHMENTS OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for half the time until midnight as the designee of the majority leader.

Mrs. BLACKBURN. Mr. Speaker, I appreciate that you are yielding the time to us, and we are really pleased to be on the floor tonight to talk about some of the work that we have done over the past few weeks.

Before we start, I do want to say that we are very mindful that this is Memorial Day weekend. We are all looking forward to going home and being with our constituents, and we are very respectful and appreciative of the families who have served our Nation who have given the ultimate sacrifice, and we want to express to those families our continued condolences for their losses, and we also want to express to them our thanks for how they have sacrificed and served and helped to further the cause of freedom.

We would not have the opportunity to stand in this hall, this wonderful People's House tonight, if it were not for the brave men and women who serve in uniform to protect our freedom. Because they are so important to us, we have passed some legislation, the Respect For Fallen Heroes Act, which will preserve the dignity of the men and women who have lost their lives and show respect for those families. That passed this afternoon in this body, and we thank Mr. ROGERS of Michigan and Mr. BUYER, who chairs our Veterans Affairs Committee, for their work on those efforts.

Mr. SIMMONS, the gentleman from Connecticut, and I have filed a bill this week which is the Veterans Identity Theft Protection Act. It is H.R. 5464. This was done in response to the egregious, egregious leak and actions from the Veterans Affairs Department and the employee there who lost the identity information of 26.5 million of our veterans.

We are going to be moving forward on that legislation to protect and try to make right that situation with our veterans when we return. This is something that should not have occurred. It is a failure of the bureaucracy, and it is something that the Members of this House are moving forward to address.

Before we get into talking about our successes in this body, the bills that we have passed, the legislation that we are working hard on for the American people, I want to say a little bit about the immigration legislation. And after we finish our conversation this evening, we are going to finish up with more conversation on the immigration legislation that our friends across the dome in the Senate passed.

Mr. Speaker, I am going to have to tell you that the legislation that the other body passed, in my opinion, is a form of amnesty. I have been and remain solidly opposed to amnesty, and I do stand opposed to that legislation that they have passed.

I do continue to support the bill that we passed in the House last fall and sent to the Senate. We know that the Members of this body are going to continue to stand solid that we need to secure our Nation's border first, first and foremost, and regain the trust and confidence of the American people, and make certain that they know that we value, we value, what this Nation stands for and that the sovereignty of this Nation indeed is worth fighting for.

As we talk about where we have concentrated our efforts through the first part of this year, I want to draw attention to a couple of things. We have passed tax relief. We have taken actions and the President signed into law last week the tax reconciliation bill which addressed some of the tax issues, extensions that we had passed previously. We know that there is a second bill that will come within the next few weeks as we address other extensions of tax reductions.

We know that these work. We know that tax reductions work, and we know that this has helped to fuel the economic growth that we are seeing in this country.

We know that the 18 quarters of sustained economic growth are because this economy is robust. We know that the Federal Government doesn't create jobs, it is the free enterprise system that creates these jobs. So, knowing this and realizing this, is the reason that we had the tax relief signed into law last week.

We have also passed a budget, a budget bill that for the second year in a row will put us on the path to deficit reduction. This is so important, Mr. Speaker. It is important for a couple of different reasons, because when we work toward reducing what the Federal Government spends, when we work toward reining in the size of the Federal Government, we know that that helps with our economy. We know that that is a step in the right direction.

You know, one of the things on our economy I do want to mention is that our first quarter growth has been revised up from 4.8 percent to 5.3 percent, and our unemployment rate is at near historic lows. This is the result of our economic policies and the fiscal policies that we have in this House.

We have taken other action too. Our energy situation in this country, we took action today in this body with looking at where we drill, where we explore, and doing this domestically, looking at the oil supply for this Nation.

I stood here earlier today and said, you know, we can't have it both ways. The liberals can't have it both ways. You can't oppose anything that is to be done on alternative fuels and you can't oppose drilling in ANWR and you can't oppose other forms of power generation and then complain about high gas prices. It just doesn't ring true, and the people know it doesn't ring true.

But we passed legislation in this body to increase our oil supply, to do it domestically, and we are sending it over to the Senate. We know they are going to be on the spot, and we will encourage them to take action. They have to recognize that this is a problem, and we certainly are looking forward to their moving forward on that legislation.

Mr. Speaker, at this time I will yield to the gentleman from Texas, Judge CARTER, who has done such a wonderful job being a part of our team that we have as we move forward with the agenda that the American people want to see us working on, working on prosperity, working on our security, being sure that this Nation is productive, that it is safe, and it is secure.

At this time I yield to the gentleman from Texas.

☐ 2245

Mr. CARTER. I thank the gentlewoman from Tennessee for yielding me the time.

Mr. Speaker, you know, we are mighty proud that we serve in the people's House. And what we try to do and we endeavor every day to meet is what the people of the United States care about and need.

Mr. Speaker, I am very proud of the accomplishments of the Republican majority over the period of time that I have served in this Congress, because the efforts that we have made have been for the lives of the people of the United States and to a lesser extent people around the world

Mr. Speaker, as my colleagues has just told you, we have had one of the longest continued periods of prosperity in the history of the Republic. But let's relate this to people, real people. Let me share a story with you about a young man that lives in Round Rock, Texas.

He got laid off. It has been about almost 3 years now. He got laid off on a job. He had a good job. He had a college education. He got laid off and it was a bad time for that young man at that time because he had a brand now baby girl.

Life looked a little bleak for him and for his family. But he, being a typical American, who would never say no, he went out and got two part-time jobs to keep the wolf away from the door at his house as he looked for another job.

But about the same time within that neighborhood, we started to see what happens when you give the American people their tax money back and let them spend and invest their tax money, based upon a tax bill passed by this Congress for the people of the United States.

For those taxpayers who pay taxes, we reduced their taxes. And that money was starting to work on behalf of this young man in Round Rock, Texas. The other day I ran into that kid with his almost 4-year-old daughter now coming back from one of her little dance recitals, on their way to their new home.

He was real proud of his new job, which is directly associated with providing a satellite industry that services the new Toyota plant that is opening in San Antonio, Texas. All of this, Mr. Speaker, is the result of the good tax policy of this House which encourages investment, employs people, and brings our unemployment to a record of all time, consistent low unemployment.

But it is really about that little girl and her daddy and her mamma and how life is better for them in Texas today. These stories, those untold stories are everywhere in this Nation as a result of the actions of this House.

I am very honored and privileged and humbled by the fact that I now in my direct represent the largest military facility on earth, Ft. Hood Texas. 50,000 solders have marched to war on multiple occasions on behalf of this Nation in the very recent past, and currently we have almost 19,000 solders over there now doing their duty for the United States.

And this House remembers these people in uniform who are serving our Nation. And we have remembered them by the greatest increase in spending on behalf of our veterans, overwhelming what was done in the past few decades.

We gave our military retirees and our veterans the opportunity to have better health care, and we strengthened TRICARE. We strengthened veterans benefits. We have increased benefits for veterans every year. And the veterans life is better than it was 4 years ago.

And they know it and they are grateful for it. And we solved a concurrent receipt problem that they had for 100 years. Mr. Speaker, why do we do it? Because those are the people of the United States. And this House is about the people.

As we face an immigration debate, an immigration debate that harms our Nation, the fact that we have got an invasion coming across our border, it was the House, the people's House that recognized it, not only the strain and stress upon the American people, but the harm being done to those foreign invaders.

They came in unlawfully into this country. Let us not forget these human beings that come across this border who suffer and hide in the shadows. But this House stepped up and said we are going to stop the bleeding. And we passed, what has it been, almost 8 months ago, passed a bill that said enough is enough. We are putting resources on the border and we are going to put a stop to it.

And this House is going to stand firm to hold the border secure of the United States for who? For the American people.

Mr. Speaker, I am very proud and very humbled that I have colleagues such as my colleagues that are here tonight that are going to speak to you to tell you that we have done our duty for the people of America. And when we see that we have given them the extra income, we have given them the freedom of their time, we have allowed people to invest, and maybe they can give up that second job, so they can go to the ball park, take vacations, have a life with their families, which we treasure so greatly in this country.

Mr. Speaker, that is what it is all about. It is all about the people of the United States. And it is all about the people's House remembering the people. As Mrs. BLACKBURN said, tomorrow we are going to go home. I get home every weekend, and most of the Members of the House do that, because we want to be with the folks that sent us up here.

We want to know where they are shopping, what they are spending, how much their milk costs, not the milk in Washington. We want to be able to say they are our neighbors, because that is what we are up here for, to represent our neighbors. And I think we have a proud record that we can go back to our neighbors on and say we have given you a better life.

Life is better today as the result of the people's House, the House of Representatives. I am honored that I have the opportunity to serve that House. I am honored to be with the colleagues that are here tonight, and all of my colleagues, especially my Republican colleague on this side of the aisle who never throw up the obstructions that we face from the other side, but always try to do what is right for the people.

Energy, the other issues that the people are so concerned about, we have got a solution not rhetoric. And we are moving forward as Mrs. BLACKBURN said.

Mr. Speaker, I want to thank the gentlewoman from Tennessee, my mother's home State, and say that I am very, very pleased to tell and report to you today that the people's House still firmly stands for the people of the United States. With that I yield back.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas. As he said, tax relief works and the actions taken by this body in 2001 and in 2003 going ahead and moving forward again and addressing and extending those tax reductions, finding AMT relief, looking at dividends for our senior citizens, all of that works. America works well when Americans are in charge.

The free enterprise system works well when small businesses and individuals who have the dream of owning and running that business have the capital to invest and get out there and work very hard to make those dreams come true for them, for their families.

As I said earlier, our budget that we have passed puts us on the path to deficit reduction. This is the second year in a row that we have passed a budget that reduces what we are spending. You know, Mr. Speaker, there are some on the left that prefer to talk about something called PAYGO. And they like to say, well, we need to enact PAYGO.

And as our citizens hear this over the weekend, I hope they will know that that means that they are going to raise your taxes as needed to cover Government spending.

Now, in Tennessee, we feel like that government is never going to get enough of your money. Their appetite for your money always grows. Government is never going to get enough money to cover everything that they would like to spend, because the bureaucracy, this huge great big out-of-control bureaucracy that is a monument, a monument built by the Democrats, a monument to them here in this town.

They like to keep the control. They like to keep your cash. They think they have the first right of refusal on your paycheck. And we think that the citizens have that right of first refusal. You know, Ronald Reagan said that we do not have a revenue problem, we have a spending problem. And that is exactly right.

And that is why we have taken the actions we have taken in our budget. I commend Chairman NUSSLE and the Budget Committee for the work that they have done on those efforts.

You know I have mentioned that bureaucracy. We all know that we have three branches of Government. We have the legislative, the executive, and the judicial branch. But, Mr. Speaker, it should come as no surprise what we have seen happen over the past 2 or 3 decades is this great big bureaucracy.

That is very difficult when they have to respond to you. All of us get frustrated when you call, you dial a number, and you get put on hold. They tell you to push a button and wait. You have nameless, faceless, unidentified bureaucrats that are making decisions for our constituents and our citizens.

They feel as if they know best, because they feel like they are in control, that they are outside of the oversight, that they do not need to answer the questions that we ask on behalf of the citizens. A lot of us have gotten really frustrated. We have watched that bureaucracy. We watched it during Katrina. We have been watching it for years. And as some of my constituents say, whether it is the IRS, the EPA, or OSHA, sometimes you just cannot get them to respond to you.

So one of the things that we are focusing on is working to be certain that that bureaucracy gets right-sized. We have heard of it in the corporate world for years. Right-sizing, retooling, reorganizing, looking for efficiencies.

It seems like it is done the world over. We see corporations do it. We see small business do it. We see families do it. We see local and state governments do it but not the Federal Government. That bureaucracy thinks it can just grow on auto pilot.

Why? Because they think they can come in and get first right of refusal on your paycheck. We have decided that it is time to tackle that. We have worked on this through the past couple of budgets. We have worked diligently. And when we come back from our Memorial Day break, Mr. Speaker, we are going to put some attention on spring-cleaning week.

We have got some CPAs in this body. And they are going to be leading this effort. At this time, I would like to yield to one of those CPAs, Representative CONAWAY from Texas who is going to be helping to lead this effort.

He has a bill which I will have to tell you, Mr. Speaker, it is just one of my favorite bills that has been filed here in this House this year. In his legislation, he says that if you want to start a new program, you have got to find one to take off the books, one that has outlived its usefulness.

As I have led the effort for our task force on waste, fraud and abuse, it has been a joy to work with Mr. CONAWAY and hear his ideas on how we can get Government to develop those best practices and go through the process of reducing its size and becoming more efficient and more responsive to the taxpayer.

At this time I yield to the gentleman from Texas (Mr. CONAWAY).

□ 2300

Mr. CONAWAY. I thank the gentlewoman for the opportunity to talk tonight. I thank her for hosting this time and my other colleagues who have spoken.

Let me set the framework for why it is important that we are doing what we are doing. I have six grandchildren and a seventh one on the way. And you look at a CBO study, a Congressional Budget Office study, you look at an Office of Management and Budget study, you look at the GAO, Government Accountability Office study, every single one of those studies shows a pretty frightening picture for the next 50 years.

My oldest grandson will be, in 2050, 45 years from now, he will be where we are. It will be his responsibility and his world to live, kind of where we are right now. And if you believe these three sets of estimates, which they are very credible, it would show that left unchecked this Federal Government will consume half the gross domestic product of this country.

There has never been a free market enterprise anywhere in history where the central government can take half and you and I can take the other half and continue to prosper, continue to grow, continue to have a standard of living that grows with the other half. It just does not work.

We are currently at about 20 percent of GDP, and in my way of thinking, that is the gag threshold. We are about where we can be and still maintain healthy opportunities for the rest of the world. I want those opportunities for my grandchildren. It is incumbent upon us. We received those from our parents and grandparents, and I think to do anything less is particularly unworthy of us.

David Walker who heads up the GAO told us this morning in a meeting that the financial statements of the Federal Government this year will show unfunded liabilities of some $50 trillion. That is a combination of hard debt that gets talked a lot about in this body with Treasury bills and notes and a few bonds that are out there and the debt that is owed to Social Security. But the unfunded promises to Social Security, the unfunded promises to Medicare and Medicaid, the various unfunded responsibilities that we add up, add to constantly in this body, represent about $50 trillion. And that is a staggering amount of money.

We are going to have to hit this on a lot of fronts in order to adjust our way of doing things and to trim this growth in this Federal Government. It is going to require some budgetary reform: things like sunset review process; things like line item veto or enhanced rescission powers for the President. That will be helpful. We also have to address the automatic programs, Social Security, Medicare, Medicaid. Those programs continue to grow automatically every year unless we do something, take some positive action.

We took a little bit of positive action last year with the Deficit Reduction Act in which we trimmed about $37 billion out of that growth. It was a Herculean effort. If you listen to the rhetoric on both sides, quite frankly we bragged a little bit too much and in contrast the other side screamed and hollered and predicted gloom and doom way too much because that $36 billion if you look at the growth rates and you put it on a line chart, you could barely distinguish the before and after lines on that chart. It was $36 billion, and we bragged about it; but it was a very modest, at best, attempt at doing what we all collectively know that we have got to do, to make some hard choices.

My bill would help us begin to make priority choices for new programs. We do a very terrible job of setting priorities with existing spending. Katrina relief versus food stamps. The war fight versus whatever. We just don't do that very well. Have a hard time saying no. But it seems like we ought to begin to practice saying no or practice setting priorities on new programs. And I appreciate you bragging on that bill.

You mentioned spring cleaning. We are also going to start a thing called Project Dave. Project Dave comes from the movie "Dave" in which a surrogate President is brought in because the President has had some sort of stroke of some sort and he is a look alike, somebody who looks exactly like the President. He comes in and he is a rookie. He does not know all the things that you cannot do in the Federal Government. And he begins to kind of grow into his job. He is in a budget meeting or hearing and he brings some commonsense kind of background to the table and begins to whack programs. Of course the bureaucrats, the executive branch folks are saying, you cannot do that. He said, why not? I am the President. So he begins to cut spending all over the place.

So we have got a list, the President has given us a list of about 150 programs that he wants to see cut that have out lived their usefulness. One of them that comes to mind is the job bank that the Labor Department continues to run, an Internet job bank. We spend about $15 million a year on maintaining an Internet job bank. Anybody who has looked for a job knows that there are huge resources, private sector resources for there for Internet job banks. Why would we continue to run one ourselves?

Let's take that $15 million and leave it with the taxpayers or reduce the deficit. All the kinds of good things that will happen.

I am looking forward to working with the gentlewoman in this spring cleaning that ought to go about helping to shine some spotlights on things that we should not be doing, things that really are not the role of this Federal Government. It is going to be difficult, as I mentioned how hard it was to pass the Deficit Reduction Act, but that is the kind of hard work this Republican group can do.

Let me finish off by saying that I am not a doom and gloom person. The glass is always half full. I drive my staff and family crazy because I am so optimistic. We can fix these problems. These are not beyond us. This is not rocket science. It is straight-up budgeting. If you have a revenue problem and a spending problem causing the deficit, we are fixing the revenue side. It is just fine. It is percolating along just fine.

We simply have a spending problem. We have to begin to say no. So I am very optimistic that this Republican-led House, this Republican-led Senate and a President in the White House that we can make major strides in addressing this very critical issue. That is not an over-statement. This body takes over-statement and hyperbole and puffing to an art form.

I tell people that the single greatest threat that we face to our way of life is not al Qaeda. It is not the terrorists. They will not change our way of life. They may hurt some of us. But we will get them in the end. The single biggest threat to our way of life, to my grandchildren's way of life, is the growth in Federal Government, the growth in spending. That does have the capacity to change our way of life. And it will take some tough decisions on our part to get this done, and we owe it to my grandkids and your grandchildren if you have them to get that work done.

I appreciate being able to pitch in on this tonight.

Mrs. BLACKBURN. I thank the gentleman from Texas for his wisdom and expertise and he is so right. We are doing this and we are taking these steps. And you know, as the gentleman said, there are going to be some things that are not rocket science. It is just that, you know, it is like Ronald Reagan said, when you have a Federal Government program, there is nothing so close to eternal life on Earth as a Federal Government program. And it is very difficult to get those programs cut down, but we are up to this task. We have been working on this. We are ready to move full steam ahead. And we want to invite the American people to work with us when they know where there is waste, fraud, and abuse where we should be rooting something out. They should contact us, talk to us, let us know what their suggestions are.

This is going to be not those glamorous big front-page bills that you see passed. This is working on the process of government. This is working on the operations of government. It is time for us to roll our sleeves up and get to work. And we are looking forward to our summer of spring cleaning and working on making certain that people are aware where programs have outlived their usefulness, where there are redundancies.

We have 342 different economic programs in this country in this Federal Government, and it is time to begin to streamline that, so that our local governments do a better job of utilizing those resources. And we are doing this, addressing all the programs, addressing our entitlement spending because we want to be certain that America stays free.

We are trustees of a wonderful, wonderful legacy. It is a legacy of sacrifice. It is a legacy of service. It is a legacy that the men and women in uniform have fought for and the freedom in this Nation is worth preserving. And we are looking forward to beginning to work on those processes of government and reducing the size of the Federal Government.

I want to turn our attention this evening now back toward the immigration issue where we began our conversation, and spend a little bit of time as we focus this and the concern that this body has, because of our love for this Nation, because of our respect for the men and women who are fighting to keep us free, because of our concern for what we see happening on our southern border and, yes, on our northern border too, and because of what we know takes place every day with illegal entry as individuals break the law, as they enter this country.

Mr. Speaker, you know, it is so interesting, there are laws on the books for prosecution, for penalty, for those that illegally enter your car, your home, your business, and your country. And how interesting, how interesting that we are choosing to say to those that illegally enter the country, we are going to consider to let you stay. How very interesting that we have some that support that.

As I said earlier, amnesty is something I do not support. I have never supported it, and I continue to stand solidly against it. I have two of my colleagues with me for this discussion, the gentleman from Texas (Mr. CARTER) and the gentleman from California (Mr. ROHRABACHER); and I am going to yield to the gentleman from Texas Mr. CARTER for a couple of more comments on immigration and then, Mr. Speaker, I will yield the balance of the time to Mr. ROHRABACHER from California.

The gentleman from Texas.

Mr. CARTER. Mr. Speaker, we have an old saying around the courthouse, the definition of insanity is to keep doing the same thing and expect different results. We have tried a bill just like the one that the Senate sent over to us. It is headed our way that they just passed back in 1986. And President Reagan, a man who never lacked in the courage to speak the truth, called it what it was, an amnesty bill. That amnesty bill resulted in 15 million additional illegal immigrants coming into the United States. It was a plum that said, come on up here, boys, the water is fine.

Now, why in the world would we ever think that the same exact program would bring any different results? I join my colleagues, both of my colleagues here in totally opposing amnesty. Amnesty is not a solution to this problem. It is the problem. I take the position and I think most of the Members of this House take the position as I mentioned that we have got to stop the bleeding at the American border.

The other night I went into detail about the criminal activity that is going on on our southern border. I am sure we got problems on our northern border too, but I only live about 130 miles from our southern border so I have firsthand knowledge of what is going on on the southern border.

I have visited that border. I have seen the drug dealers that are crossing in waves, bringing evil that I spent 20 years on the bench fighting. The biggest drug pipeline in the world runs up I–35 right through the middle of my district. I have seen the night vision pictures of troops of drug dealers hauling large satchels of illegal substances across our southern border. These are not folks coming over here for work. These are folks coming over here for evil.

We have got to secure that southern border and all of our borders. If we cannot protect our own sovereignty, Mr. Speaker, we are having a hard time arguing we are a sovereign Nation. So our sovereignty is important enough for us to take our time and plug the hole and make our life safe for the American citizens. And then my position is at that point in time these other issues that we are discussing is, address them sensibly, take the time to examine all the options and fix all that is broken in our immigration policy from top to bottom; and believe me, Mr. Speaker, in my district, background checks on people wanting to come into this country legally, we are now working on those backgrounds checks from 1999 and 2000.

We are going to have a real interesting crisis when we dump 15 million people into a background check program. That is just one of the little things we need to take our time and figure out.

So I am going to join, I guess the colloquy with my friends here and we will talk about all of this. Mr. ROHRABACHER, I have heard him. He is passionate on this subject, and I am looking forward to his passion. But most importantly the thing we want to say is to the American people, we haven't forgotten you. We hear you. We hear you.

I just got off the phone less than an hour ago to one of my folks back in Williamson County and the other counties I have in the 31st Congressional District of Texas.

☐ 2315

They are united like a solid front for border security only. Our people that live on the battle line know where the battle is.

One individual, out of his own pocket, has sent out the phone number of every senator in the United States Senate to every voter in my district, paid for it himself, just to tell them to call the Senate and tell them what they thought of the Senate bill. That is passion for this war that we are fighting to protect the sovereignty of our Nation.

So, as we are getting passionate, we are passionate because the people are passionate, and I am just glad to be able to step up here with my colleagues and tell you that we have not forgotten you. We know the American citizens' concern is from Maine to California, from Texas to Minnesota. You have told us, we listen.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Texas, and we always have such interesting conversations because within my 7th District of Tennessee I have Williamson County, Tennessee, and it is so interesting because my constituents, whether they are in Shelby County or Chester County or Henderson County or Montgomery County or Williamson County, they are saying secure the border first, secure the border; no amnesty at all whatsoever in any way, shape or form.

Mr. CARTER. Exactly.

Mrs. BLACKBURN. Enforcement must be dealt with, and employer responsibilities must be addressed, but the first thing first and foremost is securing that border.

What I hear from them is, let us do it right the first time, let us go in here and let us do this right.

Mr. Speaker, I love the fact that my constituents love this country and really take seriously the responsibility of protecting this country, of embracing the freedoms and the opportunity that this country holds. That is a blessing in my life, and I am so grateful that they have that love of this country.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. ROHRABACHER) is recognized for the remaining time until midnight.

Mr. ROHRABACHER. Mr. Speaker, I would like to thank my colleagues for opening up this discussion on illegal immigration.

We heard a few moments ago another one of our colleagues describe Federal spending that is basically out of control at this moment as the single greatest danger to our way of life. I would suggest that one of the reasons that Federal spending is out of control is because illegal immigration is out of control, and we will never have the spending of the Federal Government under control until we stop the massive influx of illegal immigrants into our country.

Yes, al Qaeda is a threat; yes, Communist China is a threat. But I would suggest that the greatest threat that is clear and present in its danger to the American people is that of the massive influx of illegal immigrants into our society, an invasion, if you will, of America by foreigners who are coming here against our will.

The Senate passed an immigration bill earlier today. The fact that they passed an immigration bill reflects the fact that the American people are now aware of the dangers posed by this incredible influx of illegal immigrants into our country. Yet, we have our government passing legislation like that of the United States Senate, which will in the end do nothing but make this situation worse.

The bill that passed the United States Senate is a travesty. It is a cruel hoax on the American people, using the title "Immigration" to let people think that something is being done that will in some way curb this massive influx of millions of foreigners into our country. It will not. It will make the situation worse, and any rational analysis of that bill will lead to that conclusion.

Sixty-one senators voted for that bill in the United States Senate; thirty-six voted against it. Of those who were opposing it, all but four of them were Democrats. Yes, four Democrats basically opposed the bill. All the rest were in favor. The majority of Republicans then actually opposed the bill coming out of the Republican-controlled Senate.

Well, Mr. Speaker, the massive influx of illegal immigrants into our country has been no accident. In fact, those people who passed the Senate bill today, many of them are personally responsible for this travesty, this horrible threat to America.

It is, instead, this massive influx of illegals into our country, not an accident but a result of an intentional strategy on the part of America's political elite like those in the United States Senate, to have illegals come into our country in this great number.

Why is that the policy of the United States Government not to do anything to stop this influx? That is their policy. It is because the business community wants cheap labor. It is also because the movers and shakers of the liberal left in this country, consistent with their Tammany Hall traditions want more political pawns who are dependent upon government programs, and a massive influx of illegals into this country fit that billet very well.

So you have very powerful economic interests wanting cheap labor, and so they want to exploit these poor immigrants pouring into our country. You have got the liberal left that is trying to exploit them politically. These are powerful forces which are reflected in the votes in this body and in the United States Senate.

Well, these people got what they wanted. These are people that over the years have been deciding what policies we would have or not have, and they got exactly what they wanted.

Bear Stearns estimates there are now between 15 and 20 million illegals in this country, in our country, 15 to 20 million people who should not be here and are not here legally. Well, the downside of this folly is becoming ever more evident.

In education, we hear about overcrowding. We hear about the decline of quality in our schools. Well, the States are spending $7.4 billion annually to provide a kindergarten through 12th grade education to illegal immigrants. Without school-age illegal immigrants and the children of illegal immigrants, school enrollment would not have risen at all in the past decade. Our limited education dollars are being expended not for our own children's benefit but for the children of foreigners who have come here illegally. That is a crime against our own youth, spending billions of dollars which should be spent for their education instead going to the children of people who have come here illegally.

Our health care system is also under siege. Illegal immigrants account for 43 percent of those without health insurance in our country. So, at least $9 billion of our scarce health care dollars are being spent on foreigners who have come here illegally.

So business gets cheap labor, the rest of us end up picking up the hospital costs, and as well as bearing the burden of closed hospital emergency rooms, as well as the insurance health care that we have to pay for our own families. This skyrocketing health care can be traced right back to illegal immigrants because what happens is when they do not have insurance, when they are treated, their bill is simply added on to our bill and sent to the insurance companies who we have to pay for.

Almost 30 percent of all Federal prisoners are foreign born. So our criminal justice system is breaking at the seams. That is one out of every three Federal prisoners is foreign born, and the estimates are at cost estimates of $22,517 are necessary to incarcerate an illegal immigrant for 1 year, and that, by the way, is just a small part of the price Americans are paying.

What do you think about the other price we are paying? The property damage, the theft that is traced to criminal aliens who are not supposed to be here? Who can put a price tag on the violent attacks that our citizens are bearing, the murders, the rapes? All of these are perpetrated by foreign marauders who should not be here but are only here because of the incompetence and the cowardice and, yes, the will of America's political elite.

Yet, less easily recognized, of course, the price we are paying is the quality of life for millions of American families who are being robbed of higher standards of living because the wages of the working member of their family or of both working members of their family, those wages are being bid down by hordes of people who are not even supposed to be here.

A study by Harvard University professor George Boros shows immigration accounts for the entire decline of real wages in some sector of our economy, and this has affected so many of our countrymen, but others at the top, of course, do not feel that pain. They, in fact, are being helped by illegals even as those illegals bid down the wages of those lower 50 percent of our countrymen.

Competition from the growing number of illegal immigrant labor over these last 20 years means American workers are earning an average of $1,700 less than they would otherwise be earning. Well, who is getting hurt? Unemployment among Americans with less than a high school degree, unemployment among that group is at almost 15 percent. They have been bid right out of the market by illegal aliens coming here, and whether we are talking about education, health care, food stamps, housing assistance, school breakfast, school lunch programs, all intended for struggling Americans, all of these programs are being drained to one extent or another by people who have come here illegally and paid little or perhaps even nothing into the system before they begin consuming these services.

It is estimated that the average illegal alien uses $2,700 more in government services than he pays in taxes, and that is those people who have been here for a while as well. What about the people who have just come here and they have children with them who enrolled them in school and have not paid anything into the system? All of this is coming right out of the hide of America's least fortunate citizens. This is a crime that is being perpetrated by America's elites onto America's least fortunate citizens. It is a betrayal of their fellow Americans for whom these programs were intended.

So I would suggest that we take a close look at what is going on and what has caused this illegal immigration.

First of all, let us note this. Since 9/11, protecting America against terrorism, which is also being impacted, our ability to protect ourselves against terrorism is being affected by this out-of-control flow of illegals into our society. Supposedly since 9/11 for the last 3 or 4 years, this has been our highest priority. Yet, over these 3 years, millions, millions have crossed our borders illegally. Every night we see evidence on TV that that flow continues unabated.

Who are these people flowing across our border? What is this army of foreigners who are coming across the border every day? Who are they? Are al Qaeda terrorists part of these people? Well, certainly we know that thousands of the people who have been apprehended at the border have not been Mexicans, and many of them have not been Latin Americans. Many of them have been people from Arab countries, but we can assume that the fact that we have a border and that so many of the people are getting through and so few of them are being stopped that this just has not escaped the attention of those people in al Qaeda who want to kill 10s of thousands of Americans if they get their chance.

☐ 2330

So we expect they didn't take advantage of this opportunity to get into America?

Well, I would suggest that we have permitted a monstrous threat to come into being by permitting our borders to continue to be open just like a spaghetti strainer and letting all kinds of people, millions of people in, in these last 3 years, and now these people have embedded themselves in America.

Now, how many of them hate America? How many of them are terrorists? We don't know. If even 1 percent of the Mexican illegals that are coming into this country subscribe to this reconquista theory, that the Mexicans have a right to reconquer the Southwest, and at some point when they get to the point where they can start committing acts of terrorism in order to push their agenda, we have bitten off more than our next generation is going to be able to chew. We have set up the future generations of Americans for a terrorist attack the threat of which will pale in comparison, will make the al Qaeda threat we face today pale in comparison.

So let us note that by not coming to grips with illegal immigration, we have not even come to grips with the number one threat we were supposed to be dealing with, which was al Qaeda, after the 9/11 attacks.

Let me note, before we go on with this discussion, that we are not just talking about a border problem when we discuss illegal immigration. I feel all too often that people are talking about the border, the border, the border; and the fact is that this only focuses on America's southern border. There is a northern border where there is a problem as well.

I happen to believe that we are talking not about a border problem, but an illegal immigration problem. And it is not a Mexican problem; it is an illegal immigration problem. We have a northern border.

We also have large numbers of people coming to this country with visas, and they just mingle right into the population after they get off those airplanes. You never hear or see from them again. And we have no idea how many people have received visas to come to this country that have just overstayed their visas. This, too, has been a long-term problem that has not been worked upon and that the decision-makers in this country have not moved to correct the system to prevent millions of people from coming to this country and just overstaying their visas and becoming illegal residents of our country.

What we are talking about here is probably 4 to 5 million people. My Subcommittee on International Relations, the Subcommittee on Investigation and Oversight, had a hearing where it was estimated that at least 4 million people have come here and overstayed their visas. And who they are, we don't know, because we don't know who returned and who didn't. All we know is there are Chinatowns and towns with huge Asian populations springing up all over America, and it is inconceivable that all of these people are coming here legally.

Well, even if you just look at weak border protection, and we cannot just look at that, we have to look at the visa situation, but even when looking at these two weaknesses, that is not what causes the flow of illegals into our country. There are many countries that have very weak border systems, very weak visa systems, but you don't see illegals flooding into their country. You know why? Because in many of those countries they will kick them out immediately when they are discovered. That is number one. But number two, those countries do not give jobs and benefits to illegal immigrants.

The United States of America has offered any illegal that comes here the ability to receive a treasure-trove of benefits and a huge amount of money compared to what they would make in their own country, simply if they can make it across the border. And even if we fix all the holes in the border and make it strong, even if the President sends 6,000 National Guard troops to the border, which I think was just frankly not an offer that should be taken seriously, considering the jobs that the President suggested those National Guard troops would be doing. They wouldn't be carrying any weapons; so they are going to be basically driving people around and manning observation posts. Why don't we send a group of valets? Just hire valets from the private sector and send them down to the border.

The fact is that as long as we are giving jobs and benefits that so enrich the people from the Third World that hundreds of millions of them long to come to the United States, they will come. Just like there was the story of that baseball field. Build it and they will come. Well, give a treasure to people who can come here illegally, and they will come. There is no doubt.

Then, of course, what is another draw? Another draw is if they come, not only will they get jobs and benefits, but now, if the Senate has its way, they are going to have their status legalized. They can call it amnesty. You don't have to call it amnesty. The President seems to think he can talk to us and be taken seriously by defining amnesty as something that nobody in the world defines as amnesty: automatic citizenship. That is not amnesty. Amnesty is someone who is here illegally and we make their status legal. That is an amnesty.

And what will happen if we do that, as the Senate bill would have us do? Well, in 1986, we saw that it caused an influx of what we believe now to be at least 15 million illegals into our country. The amnesty as proposed by the Senate should bring another 20 or 40 million illegals into our country.

One other thing that really draws people from the Third World to the United States of America is that we give citizenship to the child of any woman who can make it across the border. There are illegal operations to bring women across the border who are about to have babies. Some of them are coming from Korea, some from China, and some from Mexico; and there are hundreds of thousands of babies being born in this country that will be granted automatic citizenship and have the rights of every one of our children. Then they go home and, do you know what, in about 15 to 18 years they are going to come back and they are going to demand to bring their families with them. So we will have another load of probably 10 to 20 million people demanding the right to come here.

We are destroying America's future by not coming to grips with this horrendous threat. At the very least, we have to cut off benefits, to make it hard for them to get a job. Do not, not, give automatic citizenship or an amnesty which will attract tens of millions to the United States.

Our government has failed us. The disastrous consequences of this massive illegal flow of foreigners into our country is becoming ever, ever more evident. And, of course, to add insult to injury, those elected officials who are supposed to be watching out for our interests have turned a blind eye to this fundamental threat to our way of life.

As I say, this invasion of foreigners into our country, this invasion of illegal immigrants into the United States has been no accident. A long time ago it was decided not to do what was necessary to stop it. Permitting a massive flow of illegal immigrants into our country, as I say, has been intentional on the part of America's elite. Yes, as I mentioned, the business community wants cheap labor and the movers and shakers on the left want political pawns. And they have got them.

But it is changing our way of life. It is not just giving these people power at the top of the scale and the political manipulators, it is changing the way of life for regular Americans. Middle-class Americans, as I say, are having their wages bid down. And many people right now can no longer afford to buy a home, people whose parents could afford to buy a home.

Young people, of course, don't mow the lawns any more. There was an L.A. Times reporter waiting on my front lawn saying, you know, who mows your lawn? Of course, I am gone 3 or 4 days a week, so I don't mow it all the time. But we rent, and the lady who rents her house to us, her brother actually does the lawn. So I explained that, and he was all frustrated because he wanted to try to catch me where I would have been using illegal immigrant help. And it is very hard not to. It is like trying to buy things not made in China.

But I said, well, I don't use illegal immigrant help. I try not to. And he said, well, what if I told you all your neighbors are using illegals to do their lawns? I said, you know, that would be really sad, because when I was a kid, I used to mow the lawns for pocket change. That is how I earned my spending money when I was a kid.

I think that we are changing our way of life now. We are changing our way of life. I used to work for a gardener that would go around and do landscaping for people. Those jobs now are all being taken up by illegals who have come into this country, and it is changing the way we live and the responsibilities that we give our children, and it is not good. This is not a good change.

Basically, people have been hiring nannies, foreigners to come in and take care of their children because it is cheap. Well, let me note, grandparents used to spend a lot of time taking care of people's children. I know in my household, my wife had triplets 2 years ago, and it has been a great hardship on us. But it has made my family so much more together as the grandparents, Grandpa Al and Grandma Gladys and Grandma Norma, have come in and helped our family.

But, of course, a lot of people just hire an illegal immigrant nanny. And by the way, they shouldn't be hiring illegal immigrant nannies. If they are going to hire nannies, they should hire American women.

I was on a program and there was a woman on that program who suggested that she couldn't find an American woman to do that job. Well, she was a very wealthy woman, and I will tell you what happened. There are lots of American women who would like to have helped her 5 hours a day to take care of her children for $20 an hour. But, no, she chose to hire an illegal for probably $50 a day. And who is worse off? That poor American woman who would love to supplement her family's income. And the illegal is a little bit better off. But who is really better off is this very wealthy American woman who saved $50 every day by hiring an illegal and then didn't have to even give them health insurance.

So this invasion of illegals is changing our way of life, and it is undermining the well-being of our people. And as I just mentioned, education, health care, and criminal justice all are under incredible pressure, incredible pressure, because of this flow.

Resources? Let's just put it this way: resources are being spent on foreigners rather than on our own people. And those who have been supposedly watching out for the interests of the American people have been turning a blind eye to this problem. Americans who are looking for help from their own elected officials have found no help from their elected officials, who are instead responding to these very powerful interest groups.

The United States Senate just answered the cry of the American people for help by passing a bill that will make the situation worse. That is right, make it worse. The core provision of the Senate bill, around which all the rest is organized and everything else is crammed in around it, but the core of the bill is a so-called guest workers program.

The guest workers program, as part of it, is a legalization of the status of those 15 to 20 million illegals who are now in the country. Yeah, they have to do this and they have to do that, but they end up immediately, if they are willing to do so, to sign up, they immediately have their status and their family's status legalized. The Senate bill changes the status of these intruders from illegal to legal.

Whatever you call it, if we legalize the status for those who skipped the line and came here in violation of our law, we are telling the hundreds of millions of foreigners waiting to come to America, they are waiting in line to come here legally, we are telling them they are a bunch of saps. And if we do that, and we let these other people have their status changed to legal, we will start a stampede to America, as I say, just like what happened in 1986, only worse.

No matter what is done to strengthen the border, any benefit of doing that will be overwhelmed by dramatically increasing the pull that results from such legalization of illegal immigrants.

□ 2345

So the Senate bill makes things worse. As I say, the core of it is the guest workers program and legalization.

What about the rest of the bill? The rest of the Senate bill is just as bad. It guarantees in-state tuition for illegal immigrants. Our kids may have to pay full price, full freight, if they cross State lines to go to school in another State. Illegal immigrants coming from another country do not have to pay that. They get in-state tuition. Now that is a way that we can deter people from coming here, give them a free college education.

All agricultural workers under this bill cannot be fired by their employers except for what the bill calls "just cause." However, American agricultural workers can still be fired for any reason at all. We are giving more benefits to illegals than our own people. Who is the American Government watching out for? Ask the United States Senators that question, the Senators that voted for the Senate bill.

The Senate bill will make illegal immigrants eligible for Social Security. Let me repeat that. May I suggest that those people who are reading this in the CONGRESSIONAL RECORD or watching on C–SPAN pay close attention. Mr. and Mrs. America, the Senate bill makes illegal immigrants eligible for Social Security. Wake up America. What is that going to do to the Social Security system? The Senate voted to make illegal immigrants eligible for Social Security. Hundreds of millions of people who are living in poverty throughout the world with no pension that is available to them will now know that the United States Senate has voted to make illegal immigrants part of America's pension system; and if they can just get here, they can be part of America's pension system.

Oh, that is a good way to deter people from wanting to come here. We are talking about hundreds of millions of people are going to get this message: if they can make it here, they can get their hands on Social Security pension money. And let me note, Social Security is not just a pension system.

Social Security is also a survivor's benefit program. So when illegals come here and work, and if an illegal dies or an immigrant dies and he is part of the Social Security system, we are going to have to take care of that immigrant's children until they are 18. This is so easy to game this system. Mark my words, within 10 years if this becomes law, if the Senators have their way, we will be sending payments to people all over Latin America and Mexico and all over China to take care of the children who are the survivors of the people who are now dead who had worked in the Social Security system. This is a catastrophe in the making. It is mind-boggling that United States Senators who are supposed to be representing the interests of the American people have voted to give Social Security benefits to illegal immigrants. This is at a time when we are trying to keep the Social Security system solvent. We are struggling to keep it in existence so it can be used by our own people who have been putting money into it for their entire life.

Just as bizarre, the Senate bill makes any foreigner who is here as part of this guest worker program that they are setting up eligible for what they call the earned income tax credit. That means we are going to give them cash payments if they do not make a certain amount of money while they are here.

The final insult, the Senate bill also provides taxpayer grants to those nonprofit groups which are fighting against America's efforts to kick out illegals. It is going to pay money to these NGOs to help them legalize their status, which means fight our attempts to get the illegals out.

There are a number of other provisions to the bill. It also says all of these illegals that are going to be part of this guest worker program are going to have to be paid the prevailing wage. And of course government bureaucracy is going to determine what the prevailing wage is. Here we are talking about changing our way of life, we are going to have to set up a government bureaucracy of unelected officials to determine what the wages are to be paid for different provisions, for these various jobs.

This is not an immigration bill that has passed the Senate. It is a pro-illegal immigrant. It is a let us boost the number of foreigners coming into America dramatically. In fact, the Senate bill would increase the legal immigration into our country so dramatically it has been estimated there might be as many as 200 million more legal immigrants coming into our country than if we do not pass the bill.

I am very, very proud that our country permits more than a million legal immigrants to come into our country. They should have every right of every American. I am 100 percent for that. We can absorb a million legal immigrants. But to quadruple that and bring in their families and have all of these new provisions so there are 200 million more after 20 years, it sounds like somebody is trying to replace the population of the United States.

Who is being represented? Our government is supposed to be watching out for our interests, the American people, the American people of every race, religion, and background. The only thing that we have that ties us together is we are citizens and are loyal to each other. The government is not being loyal to the people when it seeks to bring in so many foreigners to bring down wages and undercut our way of life.

The bill from the Senate would be a disaster if it becomes law. But we are told over and over again we have to have this law because it is a comprehensive bill. America needs a comprehensive bill, we are told. Why? We do not need a comprehensive bill. We need things to go through Congress for which those people who vote for it can be held accountable. We do not need huge bills that can sneak things in and make things law that are bad for the people but hard for the people to understand because they are part of a comprehensive bill. No, let us pass several small bills.

The House has a great bill that we have passed. The bill strengthens the border and strengthens border enforcement and also makes employers, it holds them accountable and it enforces the law that employers cannot hire illegals because it forces them to check to see if the people they are hiring are here illegally or not, and it provides a system to help them check. That is what the House bill does.

The Senate bill on the other hand guts all of the enforcement provisions, guts those parts of the House bill that would strengthen the border and, instead, focuses on giving illegal immigrants Social Security, providing a guest worker program, and legalizing the status of those people, those 15 to 20 million people who are here illegally.

Why are they insistent in the Senate on this program which will so dramatically increase the number of foreigners coming into our country? We hear they say that they have to do this because there are jobs that Americans won't do. I suggest that Americans will do any job as long as he or she is being paid a decent wage. Yes, if you have to pay janitors more money, let us pay them more money. Is there any reason in the world why janitors shouldn't make a decent wage? Or why the people changing sheets in hotel rooms shouldn't be making a decent wage?

I worked as a janitor when I was young. Janitors are making the same amount of money now as when I was a janitor 40 years ago. Why? Because illegal immigrants have come into our society in great numbers and have bid down the salary that janitors can get.

Why is it that American women who can work for 5 hours a day while their kids are in school, would be willing to change those sheets for a decent wage, why are they being denied those jobs? We are being told Americans won't do it. They are going to bring more and more foreigners in to do those kinds of jobs. It will mean that the 50 million Americans between the ages of 20 and 50 who are not working, they are just going to be left right out of the market. They cannot come back as we used to do and work part-time. They will not be lured into working because wages are higher. They are saying we cannot live without foreign labor. That is wrong. We can, but we have to pay our people a decent wage, and the American people deserve a decent wage. They do not deserve to have the market disrupted every time you have to pay more money to a worker, we just bring somebody in from the outside.

If it is free enterprise for the manufacturer, it should be free enterprise for the workers as well.

What about the crops? They say the crops are going to end up rotting in the field. That is not true. First of all, we will pay more. We will pay more, and you will get more people out there. But only 25 percent of all farm workers are foreigners anyway. So we have to come up with 25 percent who are foreigners. How about using prisoners to pick the crops? How about that? I kept saying that and people started laughing at me.

Well, I got visited by some people from the agricultural industry, and I asked, how would that work? We could have people who are in prison costing us tens of thousands of dollars to keep them in prison, they could earn their own way because they could go out and learn to pick fruits and vegetables, and they would be paid a market rate. They would be volunteers. This is not a chain gang. By the end of their incarceration, they may have earned $30,000 or $40,000, some money to pay restitution to their victim, some money to take care of the expense of taking care of them because they have committed a crime and maybe $10,000 or $20,000 to put in their pocket. That would be better for everybody than just bringing in tens of thousands, if not hundreds of thousands, of foreign workers.

Yes, we have a lot of people who can do those jobs, whether people in prisons or people who are disabled who could be trained if we didn't have a massive influx of people who can do it cheaper, but we have to be creative.

I am asked what is your solution. We keep hearing we are going to have to have legalization or normalization, or we are going to have mass deportation. There is no mass deportation. This is disingenuous. That is one of the things that has made me the angriest about the people on the other side of this argument, making these kinds of arguments that are totally irrelevant to reality. No one has ever suggested mass deportations.

But I can say if we simply cut off the jobs, cut off those jobs, make sure the employer has to check to verify that it is a legal that he is hiring, cut off the benefits so we do not have people having their children get free health care and education and housing, these people will go home if you cut off their jobs and benefits. It is called attrition. It will work. It does not need to work overnight, but if you sense the trend going in the right direction, attrition will work.

The Senate bill of legalization will cause a new massive flood into our society. We need to cut off the benefits, cut off the jobs. We need an ID card that makes sure that every American who goes to get his benefits, that the people know he is eligible because he or she is an American citizen. We need to make sure that the Social Security card is tamperproof, and that there is a way to check so employers can know if they are hiring an illegal or not. We can do that.

Mr. and Mrs. America, we can solve this problem. We can save our country. We can save our country for our children; but wake up, America. We are losing our country right now. We need all Americans to stand up right now and determine whether or not their elected representative is representing their interest or the powerful interests that have created this problem of a massive influx of illegals into our country.

Judge your representative, and if your representative is not watching out for America, is not watching out for you, kick him out. That is what democracy is all about. We have had too many people who have left it up to the elected officials.

In the next 3 months, America needs to be fired up and say we are going to watch out for our families and our country. That is not selfish. We care about people all over the world, but it is not wrong to take care of your family and countrymen first before you spend all of your resources on foreigners, and then bring down the standard of living of your own people.

I believe America is at a crossroads. This is an important bill. This will determine whether or not the American way of life, where huge numbers of people can live decent standards of living, we will be determining that by whether or not we permit this massive influx of foreigners into our country.

So I ask the American people who are listening, get active. Judge your representative and make sure that your representative is watching out for you. The question to ask is: Whose side are you on? If your representative is not on your side, Mr. And Mrs. America, kick them out of their job.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). Members are reminded to direct their remarks to the Chair and not the television audience.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today after 4:00 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTINGS of Florida) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1773. An act to resolve certain Native American claims in New Mexico, and for other purposes; to the Committee on Resources.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5037. An act to amend titles 38 and 18, United States Code, to prohibit certain demonstrations at cemeteries under the control of the National Cemetery Administration and at Arlington National Cemetery, and for other purposes.

ADJOURNMENT

Mr. ROHRABACHER. Mr. Speaker, pursuant to the order of the House of today, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 4 p.m. on Monday, May 29, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 418, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at midnight), pursuant to the previous order of the House of today, the House adjourned until 4 p.m. on Monday, May 29, 2006, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 418, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7657. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral Keith W. Lippert, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

7658. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Randall M. Schmidt, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7659. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Robert M. Shea, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

7660. A letter from the Senior Vice President for Resource Management, Export-Import Bank, transmitting the Bank's Buy American Act reporting for fiscal year 2005, pursuant to section 641 of Division H of the fiscal year 2005 Consolidated Appropriations Act, Pub. L. 108-447; to the Committee on Financial Services.

7661. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the Council's 2005 Annual Report, pursuant to 12 U.S.C. 3305; to the Committee on Financial Services.

7662. A letter from the Secretary, Department of Labor, transmitting the Department's annual report to Congress on the FY 2003 program operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act for the period October 1, 2002, through September 30, 2003, pursuant to 30 U.S.C. 936(b); to the Committee on Education and the Workforce.

7663. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule — Resource Agency Procedures for Conditions and Prescriptions in Hydropower Licenses (RIN: 0596-AC42) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7664. A letter from the Attorney, Office of Assistant Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Guidelines for Voluntary Greenhouse Gas Reporting (RIN: 1901-AB11) received May 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7665. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Theft Protection [Docket No. NHTSA-2005-22093] (RIN: 2127-AJ31) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7666. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Power-Operated Window, Partition, and Roof Panel Systems [Docket No. NHTSA 2006-24455] (RIN: 2127-AJ78) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7667. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Theft Prevention Standard; Final Listing of 2007 Light Duty

Truck Lines Subject to the Requirements of this Standard and Exempted Vehicle Lines for Model Year 2007 [Docket No. NHTSA-2006-23934] (RIN: 2127-AJ89) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7668. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Federal Motor Vehicle Safety Standards; Low-Speed Vehicles [Docket No. NHTSA-06-24488] (RIN: 2127-AJ85) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7669. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule — Air Quality Redesignation for the 8-Hour Ozone National Ambient Air Quality Standards; New York State [Docket No. EPA-R02-OAR-2005-NY-0001; FRL-8169-9] received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7670. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Plannning Purposes; Alabama; Redesignation of the Birmingham, Alabama 8-Hour Ozone Nonattainment Area to Attainment for Ozone [EPA-OAR-2005-AL-0003-200608; FRL-8169-4] received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7671. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [EPA-R07-OAR-2006-0380; FRL-8169-3] received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7672. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule — Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL-8169-5] received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7673. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule — Ocean Dumping; Dedesignation of Ocean Dredged Material Disposal Site and Designation of New Site near Coos Bay, Oregon [FRL-8167-7] received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7674. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule — Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality, Pima County Department of Environmental Quality, and Pinal County Air Quality Control District [EPA-R09-OAR-2006-0272 ; FRL-8159-7] received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7675. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Administration's final rule — Tennessee: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R04-RCRA-2006-0429; FRL-8168-4] received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7676. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices and Communication Protocols for Public Utilities [Docket No. RM05-5-000] received May 11, 006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7677. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 11-06 which informs of an intent to sign the Materials and Technologies for Laser Protection Project Arrangment between the United States and Sweden, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7678. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 12-06 which informs of an intent to sign the Memorandum of Agreement between the United States and Australia concerning Land Force Capability Modernization, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7679. A letter from the Director, International Cooperation, Department of Defense, transmitting pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, a copy of Transmittal No. 13-06 which informs of an intent to sign the Memorandum of Agreement between the United States and Canada concerning Defense Space Cooperation, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7680. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7681. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of Switzerland (Transmittal No. 03-06); to the Committee on International Relations.

7682. A letter from the Inspector General, Department of Commerce, transmitting the Department's report on the policies and procedures of the U.S. Government with respect to the export of technologies and technical information to countries and entities of concern, pursuant to Public Law 106-65; to the Committee on International Relations.

7683. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the December 15, 2005 — February 15, 2006 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on International Relations.

7684. A letter from the Acting U.S. Global AIDS Coordinator, Department of State, transmitting a report on the President's Emergency Plan for AIDS Relief — Bringing Hope: Supplying Antiretroviral Drugs for HIV/AIDS Treatment, as requested in the Senate Amendment, accompanying H.R. 3057, pursuant to 49 U.S.C. 44920(d); to the Committee on International Relations.

7685. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitiled, "Report on Small Arms Programs," pursuant to Public Law 109-102; to the Committee on International Relations.

7686. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Italy (Transmittal No. DDTC 012-06); to the Committee on International Relations.

7687. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Germany (Transmittal No. DDTC 064-05); to the Committee on International Relations.

7688. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 006-06); to the Committee on International Relations.

7689. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Mexico (Transmittal No. DDTC 015-06); to the Committee on International Relations.

7690. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Governments of Algeria and Spain (Transmittal No. DDTC 039-05); to the Committee on International Relations.

7691. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 005-06); to the Committee on International Relations.

7692. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed authorization for the export of significant military equipment (Transmittal No. DDTC 074-05); to the Committee on International Relations.

7693. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's determination that five countries are not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, North Korea, Syria, and Venezuela, pursuant to 22 U.S.C. 2781; to the Committee on International Relations.

7694. A letter from the Acting Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7695. A letter from the Office of the District of Columbia Auditor, transmitting a copy of a report entitled "Fiscal Year 2005 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47-117(d); to the Committee on Government Reform.

7696. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the semiannual report on the activities of the Office of Inspector General for the six-month period ending March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7697. A letter from the White House Liaision, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7698. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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7704. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7705. A letter from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7706. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7707. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7708. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7709. A letter from the Attorney, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

7710. A letter from the Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — National Industrial Security Program Directive No. 1 (RIN: 3095-AB34) received April 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7711. A letter from the Deputy Archivist, National Archives and Records Administration, transmitting the Administration's final rule — Official Seals and Logos (RIN: 3095-AB48) received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7712. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's semi-annual report on the activities of the Inspector General for October 1, 2005 through March 31, 2006, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

7713. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 — Judgment Fund (RIN: 3206-AJ93) received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7714. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Implementation of Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 — Judgment Fund (RIN: 3206-AJ93) received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7715. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to allow the Government-wide Service Benefit Plan in the Federal Employees Health Benefits (FEHB) Program to offer more then two levels of benefits; to the Committee on Government Reform.

7716. A letter from the Office of the District of Columbia Auditor, transmitting a report entitled, "Letter Report: Comparative Analysis of Collections to Revised Revenue Estimates for Fiscal Year 2005"; to the Committee on Government Reform.

7717. A letter from the Secretary, Department of the Interior, transmitting a copy of the Final Engineering Report (FER) and Water Conservation Plan (WCP) for the Rocky Boy's/North Central Montana Regional Water System, pursuant to Public Law 107-331, Title IX; to the Committee on Resources.

7718. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Emergency Secretarial Action; Correction [Docket No. 060209031-6092-02; I.D. 020606C] (RIN: 0648-AU09) received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7719. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — NOAA Information Collection Requirements Under Paperwork Reduction Act: OMB Control Numbers; Fisheries Off West Coast States; Fisheries in the Western Pacific [Docket No. 060327086-6086-01; I.D. 032306A] (RIN: 0648-AU21) received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7720. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 041206A] received April 26, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7721. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 042606F] received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7722. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 042606B] received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7723. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands [Docket No. 060216045-6045-01; I.D. 042606A] received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7724. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments; Pacific Halibut Fisheries [Docket No. 051014263-6028-03; I.D. 041906A] received May 8, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7725. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the General Reevaluation Report and Environmental Impact Statement for the Miami Harbor Navigation Project, Dade County, Florida; to the Committee on Transportation and Infrastructure.

7726. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a copy of the ecosystem restoration project for a 4.8-mile reach of the Rillito River, on the northern edge of Tucson, Arizona; to the Committee on Transportation and Infrastructure.

7727. A letter from the Director, Regulations and Disclosure Law, Customs and Border Protection, Department of Homeland Security, transmitting the Department's final rule — Establishment of a New Port of Entry in the Tri-Cities Area of Tennessee and Virginia and Termination of the User-Fee Status of Tri-Cities Regional Airport [CBP Dec. 06-14] received May 11, 2006, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7728. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Amendment to Grant Criteria for Alcohol-Impaired Driving Prevention Programs [Docket No. NHTSA-2005-23454] (RIN: 2127-AJ73) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7729. A letter from the Assistant Chief Counsel, FHWA, Department of Transportation, transmitting the Department's final rule — Design Standards for Highways; Interstate System [FHWA Docket No. FHWA-2005-22476] (RIN: 2125-AF06) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7730. A letter from the Program Analyst, NHTSA, Department of Transportation, transmitting the Department's final rule — Procedures for Participating in and Receiving Data from the National Driver Register Problem Driver Pointer System Pursuant to a Personnel Security Investigation and Determination [Docket No. NHTSA-05-22265] (RIN: 2127-AJ66) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7731. A letter from the Acting Chief Counsel, SLSDC, Department of Transportation, transmitting the Department's final rule — Tariff of Tolls [Docket No. SLSDC 2006-23839] (RIN: 2135-AA23) received April 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes [Docket No. FAA-2005-23476; Directorate Identifier 2005-NM-204-AD; Amendment 39-14516; AD 2006-06-07] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Airplanes [Docket No. FAA-2005-23475; Directorate Identifier 2005-NM-117-AD; Amendment 39-14518; AD 2006-06-09] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-101B SUD, 747-200B, 747-300, 747-400, and 747-400D Series Airplanes [Docket No. FAA-2005-22838; Directorate Identifier 2005-NM-102-AD; Amendment 39-14520; AD 2006-06-11] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7735. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Arriel 1B, 1D, and 1D1 Turboshaft Engines [Docket No. FAA-2005-22364; Directorate Identifier 2005-NE-26-AD; Amendment 39-14526; AD 2006-06-17] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7736. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Lycoming Engines (Formerly Textron Lycoming) AEIO-360, IO-360, O-360, LIO-360, and LO-360 Series Reciprocating Engines [Docket No. FAA-2005-23269; Directorate Identifier 2005-NE-50-AD; Amendment 39-14525; AD 2006-06-16] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7737. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-300, 747-400, 747-400D, and 747SR Series Airplanes [Docket No. FAA-2005-22426; Directorate Identifier 2005-NM-105-AD; Amendment 39-14519; AD 2006-06-10] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7738. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company Model CF6-80C2D1F Turbofan Engines [Docket No. FAA-2005-22055; Directorate Identifier 2005-NE-31-AD; Amendment 39-14517; AD 2006-06-08] (RIN: 2120-AA64) received May 12, 20066, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7739. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Thrush Aircraft, Inc. Model 600 S2D and S2R (S-2R) Series Airplanes [Docket No. FAA-2006-23649; Directorate Identifier 2006-CE-08-AD; Amendment 39-14542; AD 2006-07-15] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7740. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200F, 747-300, 747-400, 747-400D, 747SP, 747SR, 767-200, 767-300, 777-200, 777-300, and 777-300ER Series Airplanes [Docket No. FAA-2006-24409; Directorate Identifier 2005-NM-057-AD; Amendment 39-14555; AD 2005-05-20] (RIN: 2120-AA64) received May 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7741. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 100 Airplanes; and Model Astra SPX, and 1125 Westwind Astra Airplanes [Docket No. FAA-2005-22511; Directorate Identifier 2005-NM-120-AD; Amendment 39-14440; AD 2006-01-01] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7742. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15; and DC-9-15F Airplanes; Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes; Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes; and Model MD-90-30 Airplanes [Docket No. 2002-NM-105-AD; Amendment 39-14441; AD 2006-01-02] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7743. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146-100A and -200A Series Airplanes [Docket No. FAA-2005-22791; Directorate Identifier 2005-NM-083-AD; Amendment 39-14448; AD 2006-01-09] (RIN: 2120-AA64) received February 21, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7744. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. FAA-2005-22035; Directorate Identifier 2005-NM-016-AD; Amendment 39-14442; AD 2006-01-03] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal, Inc., formerly Textron Lycoming, formerly Avco Lycoming) T5309, T5311, T5313B, T5317A, T5317A-1, and T5317B Series, and T53-L-9, T53-L-11, T53-L-13B, T53-L-13BA, T53-L-13B S/SA, T53-L-13B S/SB, T53-L-13B/D, and T53-L-703 Series Turboshaft Engines [Docket No. FAA-2004-18038; Directorate Identifier 2004-NE-01-AD; Amendment 39-14444; AD 2006-01-05] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Airbus Model A310 Series Airplanes [Docket No. FAA-2005-22053; Directorate Identifier 2004-NM-74-AD; Amendment 39-14449; AD 2006-01-10] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model Avro 146-RJ Airplanes [Docket No. FAA-2005-22792; Directorate Identifier 2005-NM-084-AD; Amendment 39-14447; AD 2006-01-08] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7748. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-200C, 747-200F, 747-400F, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-22289; Directorate Identifier 2005-NM-101-AD; Amendment 39-14446; AD 2006-01-07] (RIN: 2120-AA64) received February 27, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7749. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111 Airplanes, and Model A320-200 Series Airplanes [Docket No. 2002-NM-298-AD; Amendment 39-14354; AD 2005-22-10 R1] (RIN: 2120-AA64) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7750. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Aerospatiale Model ATR42-200, ATR42-300, and ATR42-320 Airplanes [Docket No. FAA-2005-22454; Directorate Identifier 2001-NM-108-AD; Amendment 39-14395; AD 2005-25-02] (RIN: 2120-AA64) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7751. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120, -120ER, -120FC, -120QC, and -120RT Airplanes [Docket No. FAA-2005-22631; Directorate Identifier 2005-NM-183-AD; Amendment 39-14394; AD 2005-25-01] (RIN: 2120-AA64) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7752. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Shadin ADC-2000 Air Data Computers [Docket No. FAA-2005-21787; Directorate Identifier 2005-CE-34-AD; Amendment 39-14401; AD 2005-25-08] (RIN: 2120-AA64) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7753. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa "PZL-Bielsko" Model SZD-50-3 "Puchacz" Gliders [Docket No. FAA-2005-21836; Directorate Identifier 2005-CE-36-AD; Amendment 39-14415; AD 2005-25-22] received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7754. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company, Model 390, Premier 1 Airplanes [Docket No. FAA-2005-20712; Directorate Identifier 2005-CE-15-AD; Amendment 39-14400; AD 2005-25-07] (RIN: 2120-AA64) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2C10 (Regional Jet Series 700, 701, & 702) Airplanes [Docket No. 2003-NM-46-AD; Amendment 39-14392; AD 2005-24-12] (RIN: 2120-AA64) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 Airplanes and Model EMB-145, -145ER, -145MR, -145LR, -145XR, -145MP, and -145EP Airplanes [Docket No. FAA-2005-22033; Directorate Identifier 2004-NM-218-AD; Amendment 39-14391; AD 2005-24-11] (RIN: 2120-AA64) received February 7, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7757. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for Riverside-San Bernardino Counties, CA, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

7758. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule — Changes to UI Performs — received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7759. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Nonconventional Source Fuel Credit, Section 29 Inflation Adjustment Factor, and Section 29 Reference Price [Notice 2006-37] received April 17, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7760. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2006-49] received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7761. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural and Miscellaneous (Rev. Proc. 2006-27) received May 11, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7762. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Exemption from Tax on Corporations, Certain Trusts, Etc. (Rev. Rul. 2006-27) received May 10, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7763. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance with Repsect to the Application of Tres. Reg. section 1.883-3 [Notice 2006-43] received May 4, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7764. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Tupelo Regional Airport will be equal to or greater than the level that would be provided at the aiport by TSA Transportation Security Officers; to the Committee on Homeland Security.

7765. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Development of a Strategy Plan Regarding Physician Investment in Specialty Hospitals," pursuant to Section 5006 of the Deficit Reduction Act of 2005, Pub. L. 109-171; jointly to the Committees on Energy and Commerce and Ways and Means.

7766. A letter from the Administrator, Environmental Protection Agency, transmitting a copy of draft legislation entitled, "Good Samaritan Clean Watershed Act"; jointly to the Committees on Transportation and Infrastructure, Energy and Commerce, Resources, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINCOLN DIAZ-BALART of Florida: Committee on Rules. House Resolution 842. Resolution providing for consideration of the bill (H.R. 5254) to set schedules for the consideration of permits for refineries (Rept. 109–482). Referred to the House Calendar.

Mr. LEWIS of California: Committee on Appropriations. Report on the Revised Suballocation of Budget Allocations for Fiscal Year 2007 (Rept. 109–483). Referred to the Committee of the Whole House on the State of the Union.

Mr. KING of New York: Committee on Homeland Security. House Resolution 809. Resolution directing the Secretary of the Department of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution documents in the Secretary's possession relating to any existing or previous agreement between the Department of Homeland Security and Shirlington Limousine and Transportation, Incorporated, of Arlington, Virginia; adversely (Rept. 109–484). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HONDA:

H.R. 5477. A bill to provide for the establishment at the National Science Foundation of a program to promote and assist the teaching of inventiveness and innovation; to the Committee on Science, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HALL:

H.R. 5478. A bill to clarify the Congressional intent on Federal preemption under the Energy Policy and Conservation Act with respect to energy conservation for consumer products; to the Committee on Energy and Commerce.

By Mr. WELLER (for himself, Mr. Ramstad, Mr. Bishop of Georgia, Mr. Shuster, Mr. Smith of Washington, and Mr. Renzi):

H.R. 5479. A bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for exercise equipment and physical fitness programs as amounts paid for medical care; to the Committee on Ways and Means.

By Mr. McDERMOTT (for himself, Mr. Lantos, Mr. Rangel, Mr. Payne, Mr. English of Pennsylvania, Ms. McCollum of Minnesota, Mr. Jefferson, Mr. Berman, Mr. Doggett, Ms. Millender-McDonald, Mr. Meeks of New York, Mr. McNulty, Mr. McGovern, Ms. Bordallo, Ms. Watson, Ms. Corrine Brown of Florida, Ms. Eddie Bernice Johnson of Texas, Mr. Gonzalez, Mr. Miller of North Carolina, and Ms. Jackson-Lee of Texas):

H.R. 5480. A bill to promote economic diversification, entrepreneurship, and private sector development in Africa, and to promote partnerships among small and medium enterprises in the United States and the African private sector in qualified sub-Saharan African countries; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Small Business, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 5481. A bill to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining; to the Committee on Education and the Workforce.

By Mrs. MALONEY:

H.R. 5482. A bill to amend the Fair Credit Reporting Act to provide individuals the ability to control access to their credit reports, and for other purposes; to the Committee on Financial Services.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, and Ms. CORRINE BROWN of Florida):

H.R. 5483. A bill to increase the disability earning limitation under the Railroad Retirement Act and to index the amount of allowable earnings consistent with increases in the substantial gainful activity dollar amount under the Social Security Act; to the Committee on Transportation and Infrastructure.

By Mr. MCHENRY:

H.R. 5484. A bill to allow border States to use a portion of certain Department of Homeland Security grants to build physical barriers to deter illegal crossings; to the Committee on Homeland Security.

By Mr. BAIRD (for himself and Mr. WU):

H.R. 5485. A bill to direct the Secretary of the Interior to conduct a study to determine the feasibility of establishing the Columbia-Pacific National Heritage Area in the States of Washington and Oregon, and for other purposes; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. CONYERS, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. MOORE of Wisconsin, Mr. WATT, Mr. TOWNS, Mr. JACKSON of Illinois, Mr. MEEKS of New York, and Mr. MCDERMOTT):

H.R. 5486. A bill to prevent the Executive from encroaching upon the Congressional prerogative to make laws, and for other purposes; to the Committee on Government Reform.

By Ms. HOOLEY (for herself, Mr. LATOURETTE, Ms. BEAN, Mr. BAKER, Mr. MOORE of Kansas, Mr. KANJORSKI, Mr. CROWLEY, Mrs. MCCARTHY, Mr. MEEKS of New York, Mr. HINOJOSA, Ms. MOORE of Wisconsin, Mr. CLAY, Mrs. KELLY, Ms. HARMAN, Mr. LARSON of Connecticut, Mr. RAHALL, Mr. DELAHUNT, Ms. CORRINE BROWN of Florida, Mr. KUCINICH, Mr. MICHAUD, Mr. DAVIS of Alabama, Mr. AL GREEN of Texas, Mr. SCOTT of Georgia, Mr. LYNCH, Mr. GRIJALVA, Ms. DEGETTE, Ms. BORDALLO, Mr. BACA, Mr. SMITH of Washington, Mr. CLYBURN, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. DICKS, Mr. INSLEE, Mr. POMEROY, Mr. FILNER, Mr. RAMSTAD, Ms. WASSERMAN SCHULTZ, Mr. WALDEN of Oregon, Mr. DEFAZIO, Mr. BAIRD, and Ms. HERSETH):

H.R. 5487. A bill to require the Secretary of Veterans Affairs to take certain actions to mitigate the effects of the breach of data security that occurred, or is likely to have occurred, in May, 2006, at the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ADERHOLT:

H.R. 5488. A bill to amend the Internal Revenue Code of 1986 to extend the period of limitation for filing a claim for credit or refund of an estate tax overpayment attributable to litigation continuing after the return for the estate is filed; to the Committee on Ways and Means.

By Mr. ANDREWS:

H.R. 5489. A bill to direct the Secretary of Homeland Security to make grants to States to provide for the publication of security and emergency information in telephone directories; to the Committee on Transportation and Infrastructure.

By Mr. ANDREWS:

H.R. 5490. A bill to require the Secretary of Veterans Affairs to establish a personal identification number for each veteran in order to help preserve the confidentiality of Department of Veterans Affairs information on veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAKER (for himself, Mr. MCHENRY, and Mr. HENSARLING):

H.R. 5491. A bill to protect investors by fostering transparency and accountability of attorneys in private securities litigation; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 5492. A bill to amend the Constitution Heritage Act of 1988 to provide for the operation of the National Constitution Center; to the Committee on Resources.

By Mrs. CUBIN (for herself, Mr. RAMSTAD, Mr. OSBORNE, Mr. SOUDER, Mr. PETERSON of Minnesota, and Mr. TERRY):

H.R. 5493. A bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California:

H.R. 5494. A bill to require the distribution by the National Technical Information Service of monthly updates of the Death Master List prepared by the Social Security Administration to all nationwide consumer reporting agencies, to require such consumer reporting agencies to maintain a permanent fraud alert in each file of a consumer whose name appears on the Death Master List, and for other purposes; to the Committee on Financial Services.

By Mr. ENGLISH of Pennsylvania:

H.R. 5495. A bill to amend the Internal Revenue Code of 1986 to add human papillomavirus vaccines to the list of taxable vaccines for purposes of the Vaccine Injury Compensation Trust Fund; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 5496. A bill to amend title XVIII of the Social Security Act to provide special treatment of certain cancer hospitals under the Medicare Program; to the Committee on Ways and Means.

By Ms. HARMAN (for herself and Mr. CALVERT):

H.R. 5497. A bill to limit the reduction in the number of personnel of the Air Force Space Command, and for other purposes; to the Committee on Armed Services.

By Mr. HONDA (for himself, Mr. ABERCROMBIE, Ms. BORDALLO, Mr. CASE, Mr. FALEOMAVAEGA, Mr. AL GREEN of Texas, Ms. MATSUI, Mr. SCOTT of Virginia, Mr. WU, Mr. WATT, Mrs. NAPOLITANO, and Mr. BECERRA):

H.R. 5498. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of disaster relief and preparedness services with respect to persons with limited English proficiency, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. JOHNSON of Connecticut:

H.R. 5499. A bill to amend title 38, United States Code, to expand and make permanent the Department of Veterans Affairs benefit for Government markers for marked graves of veterans buried in private cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KELLER (for himself, Mr. BOREN, Mrs. MUSGRAVE, Mr. HENSARLING, Mr. HERGER, Mr. KUHL of New York, Mrs. JOHNSON of Connecticut, Mr. MCCAUL of Texas, Mr. NEY, and Mr. DAVIS of Tennessee):

H.R. 5500. A bill to prevent undue disruption of interstate commerce by limiting civil actions brought against persons whose only role with regard to a product in the stream of commerce is as a lawful seller of the product; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself, Mr. HINCHEY, Mr. SANDERS, Mr. BOEHLERT, Mr. WALSH, Mr. KUHL of New York, Mr. REYNOLDS, Mrs. KELLY, Mr. FOSSELLA, Mr. SWEENEY, Mr. KING of New York, Mrs. MALONEY, Mr. MCNULTY, Mr. NADLER, Mr. HIGGINS, and Mrs. MCCARTHY):

H.R. 5501. A bill to establish the Champlain Quadricentennial Commemoration Commission, the Hudson-Fulton 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Miss MCMORRIS:

H.R. 5502. A bill to improve the academic competitiveness of students in the United States; to the Committee on Education and the Workforce.

By Mr. GARY G. MILLER of California (for himself and Mr. FRANK of Massachusetts):

H.R. 5503. A bill to amend the National Housing Act to increase the mortgage amount limits applicable to FHA mortgage insurance for multifamily housing located in high-cost areas; to the Committee on Financial Services.

By Mr. MOORE of Kansas (for himself, Mr. TIAHRT, Mr. RYUN of Kansas, and Mr. MORAN of Kansas):

H.R. 5504. A bill to designate the facility of the United States Postal Service located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building"; to the Committee on Government Reform.

By Mrs. MYRICK:

H.R. 5505. A bill to require the debarment from Federal contracts, grants, or cooperative agreements of employers who hire unauthorized aliens, and for other purposes; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 5506. A bill to preclude the acceptance of a driver's license as a document establishing identity, for purposes of employment eligibility verification, if the State issuing the license permits use of a taxpayer identification number that is not a social security account number in the application process; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 5507. A bill to establish procedures for the issuance by the Commissioner of Social Security of "no match" letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5508. A bill to amend title XIX of the Social Security Act to increase the Federal medical assistance percentage for the District of Columbia under the Medicaid Program to 75 percent; to the Committee on Energy and Commerce.

By Mr. NUNES:

H.R. 5509. A bill to amend the Internal Revenue Code of 1986 to clarify the tax credit for electricity produced from open-loop biomass; to the Committee on Ways and Means.

By Mr. OBERSTAR:

H.R. 5510. A bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H.R. 5511. A bill to amend title 28, United States Code, to ensure that the validity of foreign judgments against United States citizens is adjudicated in Federal courts; to the Committee on the Judiciary.

By Mr. RYAN of Ohio (for himself and Mr. KILDEE):

H.R. 5512. A bill to direct the Secretary of Housing and Urban Development to establish an urban blight demolition program to provide grants for the demolition of condemned and tax-foreclosed residential housing; to the Committee on Financial Services.

By Mr. SCHWARZ of Michigan (for himself, Mr. PRICE of Georgia, Mr. REGULA, Mr. TIBERI, Mr. HOBSON, and Mr. RYAN of Ohio):

H.R. 5513. A bill to amend part B of title XVIII of the Social Security Act to restore the Medicare treatment of ownership of oxygen equipment to that in effect before enactment of the Deficit Reduction Act of 2005; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW:

H.R. 5514. A bill to amend title XVIII of the Social Security Act to provide coverage for lung cancer screening tests for certain high-risk individuals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Mr. RANGEL, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Mr. COSTELLO, Ms. MOORE of Wisconsin, and Mr. MCGOVERN):

H.R. 5515. A bill to amend the Trade Act of 1974 to authorize trade readjustment allowances under chapter 2 of title II of such Act to adversely affected workers who are subject to a lockout; to the Committee on Ways and Means.

By Mr. THOMPSON of California:

H.R. 5516. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico (for himself, Mrs. EMERSON, Mrs. KELLY, and Mr. MICHAUD):

H.R. 5517. A bill to amend the Small Business Act to establish a temporary loan program and a temporary vocational development program for small business concerns owned and controlled by veterans; to the Committee on Small Business.

By Mr. WEXLER:

H.R. 5518. A bill to repeal the Medicare cost containment provisions contained in subtitle A of title VIII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WICKER (for himself, Mr. SHAYS, Ms. LORETTA SANCHEZ of California, Mr. CASE, Mr. VAN HOLLEN, Mr. POMEROY, and Mr. MORAN of Kansas):

H.R. 5519. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Education and the Workforce.

By Mrs. WILSON of New Mexico (for herself, Mr. PLATTS, Mr. RENZI, Mr. HAYWORTH, Mr. GUTKNECHT, Mr. GARRETT of New Jersey, Mr. LEACH, Ms. ROS-LEHTINEN, Mr. SIMMONS, Mrs. KELLY, Mr. HEFLEY, Mr. COLE of Oklahoma, Mr. KLINE, Mr. BARRETT of South Carolina, Mrs. BLACKBURN, Ms. GRANGER, Mr. CARTER, Mrs. JOHNSON of Connecticut, Mr. SWEENEY, Mrs. MILLER of Michigan, Mr. SKELTON, Mr. SPRATT, Mr. HALL, Mr. SHERWOOD, Mr. GERLACH, Mrs. NORTHUP, Mr. LOBIONDO, Mr. ROGERS of Michigan, Mr. REICHERT, Mr. MCCAUL of Texas, Mr. SULLIVAN, Mr. BURGESS, Mr. GOHMERT, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. DAVIS of Kentucky, Mr. HASTINGS of Florida, Mr. ABERCROMBIE, Mr. MEEHAN, Mr. MILLER of Florida, Mr. ADERHOLT, Mr. CRENSHAW, Mr. JENKINS, Mr. GOODE, Mr. JONES of North Carolina, Mrs. CUBIN, Mr. ROGERS of Alabama, Mr. EVERETT, Mr. BRADLEY of New Hampshire, Mr. BEAUPREZ, Mr. GINGREY, Mr. ISTOOK, Mr. TOM DAVIS of Virginia, Mrs. DRAKE, Mrs. SCHMIDT, Mr. LUCAS, Mr. KIRK, Mr. WOLF, Mr. ROTHMAN, Mr. SHIMKUS, Mr. TAYLOR of Mississippi, Mr. HULSHOF, Ms. HART, Mr. SHAYS, Mr. LANGEVIN, Mr. WAMP, Mr. SALAZAR, Mr. PORTER, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. HOEKSTRA, and Mr. HASTINGS of Washington):

H.R. 5520. A bill to establish the Office of Veterans Identity Protection Claims to reimburse injured persons for injuries suffered as a result of the unauthorized use, disclosure, or dissemination of identifying information stolen from the Department of Veterans Affairs, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Mr. MARKEY, Mr. MCGOVERN, Mr. BERMAN, Ms. WATSON, and Ms. MCKINNEY):

H.J. Res. 87. A joint resolution requiring the President to notify Congress if the President makes a determination at the time of signing a bill into law to ignore a duly enacted provision of such newly enacted law, establishing expedited procedures for the consideration of legislation in the House of Representatives in response to such a determination, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. SCHWARZ of Michigan):

H. Con. Res. 417. Concurrent resolution expressing the sense of Congress in support of a broad-based political settlement in Iraq; to the Committee on International Relations.

By Mr. HASTINGS of Washington:

H. Con. Res. 418. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. KELLY (for herself, Mr. HINCHEY, Mrs. MALONEY, Mrs. MCCARTHY, Mr. BISHOP of New York, Mr. SWEENEY, Mr. FOSSELLA, and Mr. ISRAEL):

H. Con. Res. 419. Concurrent resolution recognizing and supporting the efforts of the State of New York develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes; to the Committee on Armed Services.

By Mr. PALLONE:

H. Con. Res. 420. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of, and additional research relating to, Crohn's Disease; to the Committee on Government Reform.

By Mr. PRICE of Georgia (for himself, Mr. MCKEON, Mr. UDALL of Colorado, Mr. SCHWARZ of Michigan, Mr. CASTLE, Ms. KAPTUR, Mr. KINGSTON, Mr. CROWLEY, Mrs. JOHNSON of Connecticut, Mr. WU, and Ms. BALDWIN):

H. Con. Res. 421. Concurrent resolution expressing the sense of Congress and support for Greater Opportunities for Science, Technology, Engineering, and Mathematics (GO-STEM) programs; to the Committee on Education and the Workforce.

By Mrs. DRAKE:

H. Res. 843. A resolution expressing the sense of the House of Representatives that the United States should seek to achieve complete energy independence by 2015; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. KING of New York, Mr. LANTOS, Mr. BERMAN, Mr. BROWN of Ohio, Mr. WEXLER, Ms. LEE, Mr. CROWLEY, Ms. MCCOLLUM of Minnesota, Mr. CARNAHAN, Mr. SWEENEY, Mr. PALLONE, Mr. WAXMAN, Mrs. CAPPS, Mr. NADLER, Mr. MCNULTY, Mrs. MALONEY, Mr. TOWNS, Mr. HIGGINS, Mr. HINOJOSA, Ms. BORDALLO, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. CUMMINGS, Mrs. MCCARTHY, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mr. DOYLE, and Ms. BALDWIN):

H. Res. 844. A resolution congratulating the International AIDS Vaccine Initiative on ten years of significant achievement in the search for an HIV/AIDS vaccine, and for other purposes; to the Committee on International Relations.

By Mr. HINCHEY (for himself, Mr. WAXMAN, Mr. LEWIS of Georgia, and Ms. WOOLSEY):

H. Res. 845. A resolution requesting the President and directing the Secretary of Defense and the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution, documents relating to the termination of the Department of Justice's

Office of Professional Responsibility's investigation of the involvement of Department of Justice personnel in the creation and administration of the National Security Agency's warrantless surveillance program, including documents relating to Office of Professional Responsibility's request for and denial of security clearances; to the Committee on the Judiciary.

By Ms. LEE:

H. Res. 846. A resolution requesting the President and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to strategies and plans either designed to cause regime change in or for the use of military force against Iran; to the Committee on International Relations.

By Mr. RANGEL:

H. Res. 847. A resolution honoring the life and accomplishments of Katherine Dunham and extending condolences to her family on her death; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself, Mr. LANTOS, Mr. FERGUSON, and Mr. NADLER):

H. Res. 848. A resolution expressing the sense of the House of Representatives regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations; to the Committee on International Relations.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. BARROW.

H.R. 144: Mr. EDWARDS.

H.R. 274: Mr. DENT.

H.R. 503: Mrs. JONES of Ohio and Mr. DEFAZIO.

H.R. 583: Ms. ROYBAL-ALLARD, Mr. NUSSLE, and Mr. FOLEY.

H.R. 611: Ms. CORRINE BROWN of Florida.

H.R. 615: Mr. GERLACH.

H.R. 697: Mr. CHABOT and Mr. CARDIN.

H.R. 791: Mr. WALSH.

H.R. 910: Mr. MOLLOHAN and Mr. PICKERING.

H.R. 916: Mr. THORNBERRY, Mr. HEFLEY, and Mrs. KELLY.

H.R. 920: Mr. SMITH of Washington.

H.R. 997: Mr. CRAMER and Mr. SCHWARZ of Michigan.

H.R. 1000: Mr. INSLEE.

H.R. 1020: Mr. LARSON of Connecticut and Mr. ROTHMAN.

H.R. 1229: Mr. ROGERS of Kentucky.

H.R. 1237: Mr. GARY G. MILLER of California, Mr. TURNER, Mr. LATOURETTE, Mr. MCCOTTER, Mr. MANZULLO, Mr. SULLIVAN, Mr. MCHUGH, Mr. SWEENEY, and Mr. NEY.

H.R. 1298: Mr. MEEKS of New York.

H.R. 1306: Mr. BISHOP of Georgia and Mr. BROWN of South Carolina.

H.R. 1333: Mr. CASE and Mr. FRANKS of Arizona.

H.R. 1351: Mr. GEORGE MILLER of California.

H.R. 1384: Mr. SHADEGG.

H.R. 1425: Mr. RUPPERSBERGER.

H.R. 1517: Mr. FRANKS of Arizona.

H.R. 1518: Mr. EHLERS.

H.R. 1554: Mr. DENT.

H.R. 1578: Mr. PETERSON of Minnesota.

H.R. 1582: Mr. ABERCROMBIE.

H.R. 1589: Mr. FRANK of Massachusetts.

H.R. 1671: Mr. WILSON of South Carolina and Mr. CRAMER.

H.R. 1772: Mr. BEAUPREZ.

H.R. 2014: Mr. UPTON.

H.R. 2048: Mr. FERGUSON.

H.R. 2052: Mr. HIGGINS.

H.R. 2053: Mr. MARSHALL.

H.R. 2061: Mr. DAVIS of Kentucky, Ms. GRANGER, and Mr. BOSWELL.

H.R. 2088: Mr. BOUCHER, Mr. WESTMORELAND, Mr. MATHESON, Mr. SHADEGG, and Mr. SCHWARZ of Michigan.

H.R. 2231: Mr. EDWARDS, Mr. MURPHY, Mr. SAXTON, Mr. LANGEVIN, Mr. FERGUSON, Ms. KAPTUR, and Mr. UPTON.

H.R. 2350: Mr. BOSWELL.

H.R. 2386: Mr. ADERHOLT and Mr. MOORE of Kansas.

H.R. 2533: Mr. TERRY and Mr. BOSWELL.

H.R. 2671: Ms. WATSON and Mr. WEINER.

H.R. 2730: Mr. CARDOZA, Mr. LANGEVIN, Mr. SMITH of New Jersey, Mr..WILSON of South Carolina, Mr. GERLACH, and Ms. DELAURO.

H.R. 2808: Mr. HULSHOF, Mr. DREIER, Mr. YOUNG of Florida, Mr. BRADY of Texas, Mr. LATOURETTE, Mr. UDALL of Colorado, and Mr. LOBIONDO.

H.R. 2841: Mr. SPRATT.

H.R. 2861: Mr. TOM DAVIS of Virginia.

H.R. 2962: Ms. MCKINNEY and Mr. KUHL of New York.

H.R. 3022: Mr. BRADLEY of New Hampshire, Mr. HINCHEY, and Mr. KILDEE.

H.R. 3160: Mr. PLATTS.

H.R. 3192: Ms. NORTON.

H.R. 3228: Mr. EHLERS.

H.R. 3248: Mr. BLUMENAUER.

H.R. 3360: Mr. RYAN of Wisconsin.

H.R. 3361: Mrs. KELLY.

H.R. 3385: Mr. WYNN and Mr. ISSA.

H.R. 3451: Mr. GARY G. MILLER of California and Mr. TURNER.

H.R. 3559: Mrs. KELLY and Mr. WHITFIELD.

H.R. 3616: Mr. WELDON of Pennsylvania.

H.R. 3795: Mr. NEUGEBAUER and Mr. SANDERS.

H.R. 3861: Mr. RAHALL.

H.R. 3883: Mr. BARROW.

H.R. 3908: Mr. HOLDEN and Mr. BARROW.

H.R. 3997: Mr. HINOJOSA and Mr. HOLDEN.

H.R. 4006: Mr. ENGLISH of Pennsylvania.

H.R. 4033: Mr. MURPHY, Mr. TIERNEY, Mr. STARK, Mr. COOPER, Mr. MEEKS of New York, Mr. ANDREWS, Mr. GRAVES, Mr. DENT, Mr. SESSIONS, Mr. ETHERIDGE, Mr. SIMMONS, Mr. COSTA, and Mr. DOYLE.

H.R. 4098: Mr. WICKER.

H.R. 4157: Mr. FORTUÑO.

H.R. 4197: Ms. KAPTUR.

H.R. 4264: Mr. COBLE.

H.R. 4275: Mr. FORTUÑO.

H.R. 4291: Mr. MILLER of North Carolina and Mr. BACA.

H.R. 4298: Mr. SOUDER.

H.R. 4318: Mr. DENT.

H.R. 4341: Miss MCMORRIS, Mr. SAM JOHNSON of Texas, and Mr. BOUCHER.

H.R. 4357: Mr. ABERCROMBIE.

H.R. 4446: Mr. DOOLITTLE, Mr. SWEENEY, Mr. MURTHA, and Mr. VISCLOSKY.

H.R. 4469: Mr. HONDA.

H.R. 4479: Mr. LANGEVIN.

H.R. 4547: Mr. COLE of Oklahoma and Mr. MATHESON.

H.R. 4608: Mr. PRICE of North Carolina.

H.R. 4695: Mr. KILDEE.

H.R. 4704: Mr. BISHOP of Georgia and Mr. SMITH of New Jersey.

H.R. 4705: Mr. MORAN of Virginia.

H.R. 4739: Ms. BORDALLO.

H.R. 4741: Mr. BARROW.

H.R. 4751: Mr. CALVERT.

H.R. 4761: Mr. FRANKS of Arizona, Mrs. MUSGRAVE, Mr. HAYWORTH, and Mr. PENCE.

H.R. 4809: Mr. CANNON.

H.R. 4838: Mr. MICA.

H.R. 4893: Mr. ADERHOLT, Mr. BACHUS, and Mrs. BONO.

H.R. 4894: Mr. REYNOLDS.

H.R. 4925: Mr. MOORE of Kansas, Mr. MCDERMOTT, and Mr. NADLER.

H.R. 4960: Mr. HOLT.

H.R. 4961: Mr. HERGER, Mr. PAUL, Mr. LEACH, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. SHUSTER, Mr. SENSENBRENNER, and Mr. GOODE.

H.R. 4974: Mr. HASTINGS of Florida, Mr. CARTER, and Mr. SMITH of Texas.

H.R. 4985: Mrs. BIGGERT, Mr. KIND, Mr. BROWN of South Carolina, Mr. DOOLITTLE, and Mr. FARR.

H.R. 4997: Mr. COSTA.

H.R. 5005: Mr. MILLER of Florida, and Mr BASS.

H.R. 5007: Mrs. DAVIS of California.

H.R. 5013: Mr. MATHESON and Mr. SHADEGG.

H.R. 5014: Mr. SERRANO.

H.R. 5017: Mr. COSTA.

H.R. 5114: Mr. COLE of Oklahoma, Mr. PRICE of Georgia, and Mr. MARCHANT.

H.R. 5121: Ms. MCKINNEY, Mr. BACA, Mr. GILLMOR, and Mr. POMBO.

H.R. 5129: Mr. WAMP, Mr. GINGREY, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. TANCREDO, Mr. BISHOP of Utah, and Mr. CARTER.

H.R. 5134: Mr. BUTTERFIELD.

H.R. 5159: Mr. BARROW and Mr. INSLEE.

H.R. 5162: Mr. DAVIS of Florida.

H.R. 5177: Mr. GERLACH and Mr. MOLLOHAN.

H.R. 5182: Mr. HASTINGS of Florida, Mr. CONAWAY, Mr. THORNBERRY, Mr. SHUSTER, Mr. LUCAS, Mr. GILLMOR, Mr. SANDERS, Ms. ROYBAL-ALLARD, and Mr. CRAMER.

H.R. 5201: Mr. CANNON, Mr. HERGER, Mr. CONYERS, Mr. WELLER, Mr. MELANCON, Mr. NUSSLE, Ms. LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. BERMAN, Ms. ROYBAL-ALLARD, and Mr. TIERNEY.

H.R. 5206: Mr. WELDON of Pennsylvania.

H.R. 5208: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5209: Mr. TOWNS.

H.R. 5229: Mr. FERGUSON, Ms. KAPTUR, and Mr. INSLEE.

H.R. 5230: Mr. WILSON of South Carolina.

H.R. 5238: Mr. BERMAN, Mr. ABERCROMBIE, and Mr. GONZALEZ.

H.R. 5246: Mr. GONZALEZ, Mr. DUNCAN, Mr. BISHOP of Georgia, Mr. SAXTON, and Ms. SCHWARTZ of Pennsylvania.

H.R. 5247: Ms. SCHAKOWSKY, Mr. SHERMAN, and Ms. WASSERMAN Schultz.

H.R. 5249: Mr. WILSON of South Carolina.

H.R. 5255: Mr. CALVERT, Ms. GINNY BROWN-WAITE of Florida, Mr. BAKER, Mr. WELLER, and Mr. FOLEY.

H.R. 5262: Mr. WELDON of Florida, Miss MCMORRIS, Mr. BEAUPREZ, Mr. NUNES, and Mr. GINGREY.

H.R. 5278: Mr. SMITH of New Jersey.

H.R. 5280: Ms. JACKSON-LEE of Texas, Mr. CAMP of Michigan, and Mr. CARDOZA.

H.R. 5289: Mr. SHIMKUS.

H.R. 5291: Mr. FORTUÑO.

H.R. 5292: Mr. BILIRAKIS.

H.R. 5315: Mr. BAIRD.

H.R. 5316: Mr. MANZULLO.

H.R. 5328: Mr. CLAY, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. GEORGE MILLER of California, Mr. YOUNG of Alaska, Mr. BUTTERFIELD, Ms. KILPATRICK of Michigan, Ms. WATSON, Mr. RANGEL, Mr. MEEKS of New York, Mr. SCOTT of Virginia, Mrs. CHRISTENSEN, Mr. MEEK of Florida, Mr. OWENS, Mr. LEWIS of Georgia, Ms. LEE, Mrs. JONES of Ohio, Ms. MOORE of Wisconsin, Mr. CLYBURN, Ms. CORRINE BROWN of Florida, Ms. WATERS, Ms. JACKSON-LEE of Texas, Ms. CARSON, Mr. JEFFERSON, Mr. PAYNE, Mr. BISHOP of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SMITH of New Jersey, and Mr. FALEOMAVAEGA.

H.R. 5336: Mr. BOUSTANY.

H.R. 5337: Mr. DAVIS of Alabama and Ms. HOOLEY.

H.R. 5339: Ms. JACKSON-LEE of Texas.

H.R. 5344: Ms. CARSON.

H.R. 5348: Mr. HONDA and Ms. SCHWARTZ of Pennsylvania.

H.R. 5351: Mr. ALEXANDER, Mr. CUELLAR, Mr. GONZALEZ, Mr. DAVIS of Kentucky, Mr. WILSON of South Carolina, and Mr. SODREL.

H.R. 5362: Mr. NADLER.

H.R. 5363: Mr. CASE and Mr. FOLEY.

H.R. 5371: Mr. PRICE of North Carolina, Ms. MATSUI, Mr. HONDA, and Mrs. CHRISTENSEN.

H.R. 5372: Mr. FILNER, Mr. BARROW, Mr. THOMPSON of Mississippi, Mr. HINOJOSA, and Mr. BROWN of Ohio.

H.R. 5390: Mr. ALLEN and Mr. PRICE of North Carolina.

H.R. 5392: Mr. MELANCON.

H.R. 5405: Mr. BARRETT of South Carolina, Mr. DAVIS of Kentucky, Mrs. BLACKBURN, and Mr. FRANKS of Arizona.

H.R. 5412: Mr. HINOJOSA.

H.R. 5413: Mr. WELDON of Florida, Mr. FITZPATRICK of Pennsylvania, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5432: Mr. WELDON of Pennsylvania.

H.R. 5444: Mr. STRICKLAND.

H.R. 5453: Mr. WHITFIELD, Mr. LEWIS of Kentucky, Mr. PICKERING, Mr. SULLIVAN, Mr. LIPINSKI, and Mr. LAHOOD.

H.R. 5455: Ms. BORDALLO, Mr. ACKERMAN, Mr. KIND, Mr. OBEY, Mr. OLVER, Mr. HINOJOSA, Mr. DELAHUNT, Mr. COSTA, Mr. SIMMONS, Mr. RAHALL, Ms. BALDWIN, Mr. BROWN of Ohio, Ms. SOLIS, Mr. UDALL of New Mexico, Mr. LEVIN, Mr. ETHERIDGE, Mr. ROTHMAN, Mrs. LOWEY, Mr. EDWARDS, Mr. SKELTON, Mr. LANGEVIN, Mr. DEFAZIO, Mrs. NAPOLITANO, Ms. MCCOLLUM of Minnesota, Mr. HINCHEY, Ms. WATSON, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY of Rhode Island, Mr. RUPPERSBERGER, Mr. FRANK of Massachusetts, Mr. DAVIS of Florida, Mrs. CHRISTENSEN, Mr. FILNER, Mr. BACA, Ms. SLAUGHTER, Ms. SCHWARTZ of Pennsylvania, Mr. NADLER, Mrs. WILSON of New Mexico, and Mr. BECERRA.

H.R. 5458: Mr. HONDA.

H.R. 5463: Mr. MCHUGH.

H.R. 5464: Mr. SMITH of New Jersey, Mrs. JO ANN DAVIS of Virginia, Mr. POMBO, Mr. EDWARDS, Mr. HERGER, Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, Mr. WELLER, Mr. TERRY, Mr. MURPHY, and Mr. FITZPATRICK of Pennsylvania.

H.J. Res. 39: Mr. WILSON of South Carolina.

H.J. Res. 58: Mr. SULLIVAN, Mr. HENSARLING, and Mr. SALAZAR.

H. Con. Res. 137: Mr. BAIRD.

H. Con. Res. 177: Mr. NADLER.

H. Con. Res. 210: Mr. BLUNT.

H. Con. Res. 338: Mr. SHERMAN.

H. Con. Res. 368: Mrs. DRAKE.

H. Con. Res. 384: Mr. VAN HOLLEN and Ms. KILPATRICK of Michigan.

H. Con. Res. 402: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 404: Mr. MEEHAN, Mr. OWENS, Mr. WAXMAN, Mr. FARR, Mr. TOWNS, Mr. GRIJALVA, Mr. LARSEN of Washington, and Mrs. MALONEY.

H. Con. Res. 407: Mr. BRADY of Pennsylvania.

H. Con. Res. 409: Mr. WELLER and Ms. BORDALLO.

H. Con. Res. 410: Mr. DOYLE.

H. Res. 67: Mr. FATTAH.

H. Res. 295: Mr. MILLER of North Carolina.

H. Res. 318: Mr. ALEXANDER, Mr. MARIO DIAZ-BALART of Florida, and Mr. BISHOP of Utah.

H. Res. 498: Mr. BAIRD.

H. Res. 603: Ms. ZOE LOFGREN of California and Ms. ROS-LEHTINEN.

H. Res. 608: Mr. SHERMAN.

H. Res. 721: Ms. KILPATRICK of Michigan and Mr. BISHOP of Georgia.

H. Res. 760: Mr. ALLEN, Mr. ACKERMAN, Mr. CARDOZA, Mr. WEXLER, Mrs. CHRISTENSEN, Mr. HINCHEY, and Mr. ABERCROMBIE.

H. Res. 776: Mr. DOOLITTLE, Mr. BURGESS, Mr. HUNTER, Mr. FRANKS of Arizona, Mrs. DRAKE, Mr. SESSIONS, Mr. HALL, and Mr. SALAZAR.

H. Res. 779: Ms. MCKINNEY.

H. Res. 799: Mr. CHABOT, Ms. ROS-LEHTINEN, Mr. KOLBE, and Mr. SHERMAN.

H. Res. 800: Ms. GINNY BROWN-WAITE of Florida, Mr. POE, and Ms. SCHWARTZ of Pennsylvania.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4963: Mr. HYDE.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 13, May 23, 2006, by Mr. JERRY F. COSTELLO on House Resolution 814, was signed by the following Members: Jerry F. Costello, Michael R. McNulty, James P. McGovern, Jim Costa, Danny K. Davis, Bernard Sanders, Raul M. Grijalva, Ben Chandler, Rush D. Holt, Adam B. Schiff, Leonard L. Boswell, John T. Salazar, Lois Capps, Lucille Roybal-Allard, Ellen O. Tauscher, Peter A. DeFazio, Daniel Lipinski, Wm. Lacy Clay, Russ Carnahan, Shelley Berkley, Michael E. Capuano, Timothy H. Bishop, Stephen F. Lynch, Tim Ryan, Bill Pascrell, Jr., Benjamin L. Cardin, Robert A. Brady, Bob Etheridge, Michael M. Honda, Jim Matheson, Tim Holden, Rahm Emanuel, Joseph Crowley, Debbie Wasserman Schultz, Martin T. Meehan, Dan Boren, Charlie Melancon, Henry Cuellar, Ed Pastor, Bart Stupak, Neil Abercrombie, Nick J. Rahall II, Eddie Bernice Johnson, Hilda L. Solis, Jesse L. Jackson, Jr., Richard E. Neal, William D. Delahunt, Janice D. Schakowsky, Michael H. Michaud, Paul E. Kanjorski, Sherrod Brown, Luis V. Gutierrez, Zoe Lofgren, Julia Carson, Barney Frank, Grace F. Napolitano, Sanford D. Bishop, Jr., James P. Moran, Rick Larsen, Gary L. Ackerman, Joe Baca, Solomon P. Ortiz, Ruben Hinojosa, Xavier Becerra, Diane E. Watson, Frank Pallone, Jr., Bob Filner, Brad Miller, Gene Green, Silvestre Reyes, James R. Langevin, Mike Thompson, Gene Taylor, C. A. Dutch Ruppersberger, Michael F. Doyle, Steven R. Rothman, David Wu, Chris Van Hollen, Dennis J. Kucinich, James L. Oberstar, Henry A. Waxman, Nydia M. Velazquez, John F. Tierney, Robert Wexler, Edolphus Towns, Sheila Jackson-Lee, Harold E. Ford, Jr., Al Green, Anthony D. Weiner, Betty McCollum, Dale E. Kildee, Kendrick B. Meek, Allyson Y. Schwartz, David E. Price, Thomas H. Allen, Melissa L. Bean, Lynn C. Woolsey, Jim McDermott, Bobby L. Rush, David Scott, Earl Pomeroy, Dennis A. Cardoza, Fortney Pete Stark, Anna G. Eshoo, Carolyn McCarthy, Gregory W. Meeks, Sam Farr, Major R. Owens, Tammy Baldwin, Jane Harman, Stephanie Herseth, Louise McIntosh Slaughter, Loretta Sanchez, Marcy Kaptur, Juanita Millender-McDonald, Gwen Moore, John B. Larson, Marion Berry, Linda T. Sanchez, Stephanie Tubbs Jones, Corrine Brown, Donald M. Payne, Earl Blumenauer, Darlene Hooley, Diana DeGette, John Barrow, Charles A. Gonzalez, Doris O. Matsui, Alcee L. Hastings, Robert C. Scott, Ron Kind, Jim Cooper, Robert E. (Bud) Cramer, Jr., Brad Sherman, Chet Edwards, Howard L. Berman, Carolyn B. Maloney, John S. Tanner, Emanuel Cleaver, Bennie G. Thompson, G. K. Butterfield, Albert Russell Wynn; Barbara Lee, Rosa L. DeLauro, Susan A. Davis, Tom Lantos, Mike Ross, Robert E. Andrews, Steny H. Hoyer, James E. Clyburn, Elijah E. Cummings, Charles B. Rangel, Allan B. Mollohan, Dennis Moore, Lloyd Doggett, Steve Israel, Eni F.H. Faleomavaega, Lincoln Davis, Maxine Waters, John W. Olver, Allen Boyd, Norman D. Dicks, John Lewis, Brian Baird, Jim Davis, John M. Spratt, Jr., Mark Udall, Bart Gordon, Collin C. Peterson, Cynthia McKinney, Nancy Pelosi, Ted Strickland, Brian Higgins, Jay Inslee, John Conyers, Jr., John D. Dingell, Chaka Fattah, Carolyn C. Kilpatrick, David R. Obey, Jerrold Nadler, Ike Skelton, Artur Davis, Nita M. Lowey, Melvin L. Watt, Jose E. Serrano, Sander M. Levin, Mike McIntyre, George Miller, Jim Marshall, Tom Udall, Edward J. Markey, Maurice D. Hinchey, Ed Case, Adam Smith, Martin Olav Sabo, and Eliot L. Engel.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 3 by Mr. EDWARDS on House Resolution 271: Luis V. Gutierrez.

Petition 6 by Mr. ABERCROMBIE on House Resolution 543: Rush D. Holt, Bart Stupak, David Wu, Ruben Hinojosa, Luis V. Gutierrez, and Eliot L. Engel.

Petition 7 by Ms. HERSETH on House Resolution 568: Nancy Pelosi and Mike McIntyre.

Petition 8 by Mr. WAXMAN on House Resolution 570: Nancy Pelosi.

Petition 11 by Mr. BARROW on House Resolution 614: Martin Olav Sabo.

The following Member's name was withdrawn from the following discharge petition:

Petition 13 by Mr. COSTELLO on House Resolution 814: Eni F.H. Faleomavaega.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5441

OFFERED BY: MS. FOXX

AMENDMENT NO. 10: At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available to the Federal Emergency Management Agency in this Act may be used to purchase a Louis Vuitton handbag.

H.R. 5441

OFFERED BY: MR. JINDAL

AMENDMENT NO. 11: Page 28, line 9, after the first dollar amount, insert the following: "(increased by $9,000,000) (reduced by $9,000,000)".

H.R. 5441

OFFERED BY: MR. JINDAL

AMENDMENT NO. 12: Page 34, line 20, after the dollar amount insert "(increased by $1,000,000) (reduced by $1,000,000)".

H.R. 5441

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 13: Page 2, line 9, after the dollar amount, insert the following: "(reduced by $40,000,000)".

Page 3, line 15, after the dollar amount, insert the following: "(reduced $61,317,000)".

Page 13, line 21, after the dollar amount, insert the following: "(increased by $101,017,000)".

H.R. 5441

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 14: Page 7, line 23, after the first dollar amount, insert the following: "(reduced by $5,000,000)".

Page 14, line 6, after the dollar amount, insert the following: "(increased by $5,000,000)".

H.R. 5441

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 15: Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to carry out the diversity visa program established in section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)).

H.R. 5441

OFFERED BY: MR. CROWLEY

AMENDMENT NO. 16: Page 4, line 11, after the dollar amount, insert the following: "(reduced by $88,000,000)".

Page 28, line 23, after the dollar amount, insert the following: "(increased by $88,000,000)".

Page 29, line 15, after the dollar amount, insert the following: "(increased by $88,000,000)".

Page 29, line 18, after the dollar amount, insert the following: "(increased by $88,000,000)".

H.R. 5441

OFFERED BY: MR. KINGSTON

AMENDMENT NO. 17: Page 62, after line 17, insert the following:

SEC. 537. None of the funds made available by this Act may be used to provide a foreign government information relating to the activities of Non-Integrated Surveillance Intelligence System, as defined by DHS OIG-06-15, operating along the international border between Mexico and the states of California, Texas, New Mexico and Arizona, unless required by international treaty.

H.R. 5441

OFFERED BY: MR. ENGEL

AMENDMENT NO. 18: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used in contravention of section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

SENATE—*Friday, May 26, 2006*

The Senate met at 8:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

May we pray.

Eternal, sovereign Lord, supply our needs for today.

Give strength to the weak as they shoulder heavy responsibilities. Give rest to the weary, that their tired hands will find new vigor. Give comfort to the sorrowful and compensate them for every joy that life takes away. Give all of us the presence of Your love, that we may find the peace of sins forgiven and the power to break the chains of temptation.

Use our Senators today for Your glory. Uphold them when they reach the limits of their strength.

We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF BRETT M. KAVANAUGH TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume the consideration of Calendar No. 632, which the clerk will report.

The legislative clerk read the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit.

The PRESIDENT pro tempore. The distinguished minority leader is recognized.

Mr. REID. Mr. President, the distinguished ranking member of the Judiciary Committee wishes to speak on the nomination of Brett Kavanaugh. I also wish to do that.

I ask that the Senator from Vermont be recognized.

The PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, we are concluding the debate on the controversial nomination of Brett Kavanaugh to a seat on the Court of Appeals for the District of Columbia Circuit.

I spoke last evening, and I shall not speak longer today except to again express my concern that we are putting a person with no judicial experience on the second most powerful court in the land.

This vote will go forward, unlike the votes for two far more qualified people nominated by President Clinton who were pocket-filibustered by the Republican leadership of the Senate, along with 59 other judges nominated by President Clinton who were pocket-filibustered by the Republican leadership.

What I worry about with this nomination of Mr. Kavanaugh, whose ABA rating has been downgraded—it is almost unprecedented to see that happen—is that he is a man who in all his statements spoke of making rulings that would make President Bush proud. This is an independent branch of Government. He is not supposed to make any President—Republican or Democratic—proud. He is not supposed to be a rubberstamp for anybody.

I think when you have a Republican-controlled Congress which has refused to be a check on the Bush-Cheney administration, whether it is the war in Iraq, the lack of weapons of mass destruction, the failures of Homeland Security with Katrina, or this latest fiasco in the Veterans' Administration, there is no accountability. We at least should be able to speak to our courts and to expect our courts to be accountable.

This is an administration that has been secretly wiretapping Americans for years without warrants, despite the requirements of the law. This is an administration that refused to allow the Justice Department's own Office of Professional Responsibility to proceed with an investigation into whether Justice Department lawyers violated their responsibilities or the law in establishing and justifying programs to spy on Americans. This is an internal government investigation that is being stymied by the administration.

This is an administration that has operated behind a wall of secrecy and that has issued secret legal opinions justifying the use of torture and rendition of prisoners to other countries, ignoring the dangers such tactics pose to our own soldiers and Americans around the world. This is an administration that is talking about prosecuting reporters and newspapers for trying to inform the American people about their government. This is an administration that says the law is what the President decides the law should be not what Congress passes.

What is desperately lacking throughout this administration and this Republican-controlled Congress is accountability. I will give you one example.

Yesterday, those responsible for Enron's collapse, which caused so many employees and investors to lose their savings, were held accountable in a court of law. Precious little was done by the Republican-controlled Congress to look into that. It required an independent court of law. Of course, Enron had been very generous to the President and to others and to many among the Republican leadership in the House and Senate in their contributions.

I compliment the President, who yesterday expressed some regrets over the disastrous course he charted in Iraq; he began to acknowledge the harm done to this country in Abu Ghraib—far different than during his campaign when he said he could not think of a mistake he had ever made except for some of his nominations.

Well, the President's picks for important judicial nominations continue to fare no better than his picks to head the CIA or FEMA or the VA. But bad judicial nominations will continue for lifetimes, not just the 2 years left to the Bush-Cheney administration. In just the past few months, we have learned that Judge Terrence Boyle, President Bush's pick for the Fourth Circuit and a sitting U.S. district judge, has ruled on multiple cases involving corporations in which he held an interest. The President's nominee to the Tenth Circuit, Judge James Payne, was withdrawn after it was revealed that he, too, sat on many cases where he held stock in one of the parties. Another of President Bush's nominees to the Fourth Circuit, Claude Allen, who would be a sitting Circuit Judge now if Democrats had not opposed his nomination, is now the subject of a criminal prosecution for charges akin to stealing from retail stores. And Michael Wallace, President Bush's pick for the Fifth Circuit, recently received the first unanimous not qualified rating from the ABA for a Circuit Court nominee in nearly 25 years.

Now we are considering a nominee today, Brett Kavanaugh, who is a young and relatively inexperienced,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

but ambitious member of the White House's inner circle. He is the President's pick to put another ally and trusted vote on the DC Circuit. He has spent most of his legal career in partisan political positions. As Staff Secretary to the President, Mr. Kavanaugh has been involved in President Bush's use of 750 Presidential signing statements designed to reserve for the President alone the power to choose whether to enforce laws passed by Congress. As an Associate White House Counsel, Mr. Kavanaugh worked with Karl Rove on the President's plan to pack the Federal bench with ideologues such as William Pryor, Janice Rogers Brown and others. He helped justify the wall of secrecy that has shrouded so many of the White House's activities.

At his hearing Mr. Kavanaugh emphasized, as if a qualification, that he had "earned the trust of the President" and his "senior staff." All that may be useful for advancement within this President's administration or Republican circles, but those are hardly qualities or qualifications for an independent judge of this President and this administration's actions. Indeed, when pressed at his confirmation hearing to provide answers about his qualifications for this lifetime appointment and how he would fulfill his responsibilities as a judge, Mr. Kavanaugh sounded like a spokesman and representative for the administration. Over and over he answered our questions by alluding to what the President would want and what the President would want him to do. We heard from a nominee who parroted the administration's talking points on subject after subject. Rather than answer our questions, he referred us to the bland explanation offered by a former Presidential spokesman. I do not think the Senate should confirm a Presidential spokesman to be a judge on the second highest court in the land. I do not believe that Mr. Kavanaugh demonstrated that he has left his role as a member of the President's administration or that he will.

The reasons for the downgrading of Mr. Kavanaugh's ABA rating also raise concerns about his independence. Not only did those who have seen Mr. Kavanaugh in his limited legal practice describe him as "less than adequate," but those who were interviewed recently raised concerns about Mr. Kavanaugh's ability to be balanced given his many years in partisan positions working to advance a political agenda. They described him as "insulated," "sanctimonious," and "immovable and very stubborn and frustrating to deal with on some issues." These may be good qualities for a partisan political operative, but they are not qualities that make for a good judge.

My concerns about Mr. Kavanaugh's judicial independence are heightened by the fact that he has been nominated to the DC Circuit, a court which the Republicans have spent more than a decade trying to pack. They spent President Clinton's second term blocking his highly-qualified nominees, Elena Kagan, now Dean of Harvard Law School, and Allen Snyder, a former clerk to Chief Justice Rehnquist and highly respected litigator. Nonetheless, I voted to confirm Judge John Roberts to be a member of the DC Circuit and later supported his nomination to be Chief Justice of the Supreme Court.

After the Senate last year confirmed two of President Bush's nominees that I strongly opposed—Janice Rogers Brown and Thomas Griffith—Republican appointees now comprise a two-to-one majority on this important court. This is not a court that needs another rubberstamp for the President's political ally.

The Senate Republican leadership is catering to the extreme rightwing and special interest groups agitating for a fight over judicial nominations. With a number of judicial nominees ready for bipartisan confirmation, the Senate Republican leadership would rather concentrate on this controversial and divisive nominee. That this nomination has not moved forward for 3 years is indicative of the fact that even Republican Senators know what a poor nomination this is. They have made no secret of the reason for rushing this nomination through the Senate now, after it has languished for 3 years under Republican control, and after the nominee admitted to slow-walking his responses to this committee. They want to stir up a fight. They want to score cheap political points at the expense of another lifetime appointment to the courts.

The Senate Republican leadership is apparently heeding the advice of the Wall Street Journal editorial page, which wrote, "[a] filibuster fight would be exactly the sort of political battle Republicans need to energize conservative voters after their recent months of despond." Rich Lowery, editor of the conservative National Review, listed a fight over judges as one of the ways President Bush could revive his political fortunes, writing that he should, "[p]ush for the confirmation of his circuit judges that are pending. Talk about them by name. The G.O.P. wins judiciary fights." Republican Senators are relishing this chance for a political fight. Senator THUNE has said, "A good fight on judges does nothing but energize our base. . . . Right now our folks are feeling a little flat." Senator CORNYN has said, "I think this is excellent timing. From a political standpoint, when we talk about judges, we win." On May 8, 2006, the New York Times reported: "Republicans are itching for a good election-year fight. Now they are about to get one: a reprise of last year's Senate showdown over judges." The Washington Post reported on May 10: "Republicans had revived debate on Kavanaugh and another Bush appellate nominee, Terrence Boyle, in hopes of changing the pre-election subject from Iraq, high gasoline prices and bribery scandals."

We should not stand idly by as Republicans choose to use lifetime Federal judgeships for partisan political advantage. In a May 11, 2006, editorial The Tennessean wrote:

> [T]he nation should look with complete dismay at the blatantly political angle on nominations being advocated by Senate Republicans now. . . . Republicans are girding for a fight on judicial nominees for no reason other than to be girding for a fight. They have admitted as much in public comments. . . . In other words, picking a public fight over judicial nominees is, in their minds, the right thing to do because it's the politically right thing to do. . . . Now, Republicans are advocating a brawl for openly political purposes. The appointment of judges deserves far more respect than to be an admitted election-year ploy. . . . It should be beneath the Senate to have such a serious matter subjected to nothing but a tool for political gain.

On May 3, 2006, the New York Times wrote in an editorial:

> The Republicans have long used judicial nominations as a way of placating the far right of their party, and it appears that with President Bush sinking in the polls, they now want to offer up some new appeals court judges to their conservative base. But a lifetime appointment to the DC Circuit is too important to be treated as a political reward.

Our job in the Senate should not be to score political points or advance partisan agendas. Our job is to fulfill our duty under the Constitution for the American people. We must be able to assure the American people that the judges confirmed to lifetime appointments to the highest courts in this country are fair to those who enter their courtrooms and to the law.

We have heard from many who are concerned about the nomination of Mr. Kavanaugh: The AFL-CIO, United Auto Workers, and Service Employees International Union have all written to us opposing this nomination. The Leadership Conference on Civil Rights, NARAL PRO-Choice American, and the National Council of Jewish Women have all written to us opposing this nomination. The Society of American Law Teachers, National Employment Lawyers Association, and the Alliance for Justice have all written to us opposing this nomination. Earthjustice and Community Rights Counsel have written to us concerned about this nomination.

The Senate's job is to fulfill our duty under the Constitution, rather than act as a rubberstamp for the President's attempt to pack the courts with political allies. We must be able to assure the American people that the judges confirmed to lifetime appointments to the highest courts in this country are being appointed to be fair and protect their interests, rather than those of a Presidential patron. Mr. Kavanaugh has given the Senate no reason to believe he has the capacity for independence.

I am prepared to vote on Mr. Kavanaugh right now unless others on the other side would wish to talk, which, of course, would lead others to talk. As I said to the two leaders last night, I would be willing to go to a vote soon.

Mr. FEINGOLD. Mr. President, I wish to first note my concern about the procedure followed in the Judiciary Committee to report out this nomination precipitously to the floor. Our practice on nominations in the committee has been first to hold a hearing. Next, Senators are given the opportunity to review the transcript of the hearing and submit written questions. Normally, we are given a week to do that, which is a reasonable length of time. Then, once a nominee answers any written questions, the nomination can be noticed, and we have the right to hold that nomination over for 1 week. That is not an extraordinary amount of time, but it is at least sufficient for the Senators on the committee to do their jobs and have confidence that the nomination has been considered with due diligence.

There is no good reason that we couldn't follow that schedule in this case. Mr. Kavanaugh's situation is unusual because he was first nominated several years ago, but his first nomination was essentially abandoned when he decided not to respond to written questions for a full 7 months after his hearing in April 2004. Senators on the Democratic side requested a new hearing for him over a year ago, after he was renominated. His nomination lay dormant until just a few weeks ago.

Then, all of a sudden, there was a full court press to get this nomination done. Why is that? The rush to judgment in the committee, as far as I can tell, was based on nothing more than the majority leader's desire to have a floor vote on the nomination before our next recess. There was no reason for the rush except for the majority leader's political timetable. There is no crisis in the District of Columbia Circuit, which has the lowest caseload of any circuit in the country. All we were asking on the Democratic side in the committee was that we follow the regular order—a timely hearing and the opportunity to ask written questions.

I do want to note that I finally received answers the day before the committee vote to some of the questions that I first asked back in April 2004. I was not entirely satisfied with those answers, but they were certainly more complete than those the nominee provided when he first answered my questions in November 2004. The fact that these questions were finally answered just completes the record from 2004. I believe Senators deserved a chance to review the transcript of the hearing held on May 9, 2006, and ask further questions if they wanted to. A lot has happened in this country and in this administration where Mr. Kavanaugh works during the interval between his hearing in May 2004 and the hearing earlier this month. That is one of the reasons a second hearing was necessary. So it was a mistake for the chairman of the Judiciary Committee to short-circuit the process by simply decreeing that written questions would not be permitted.

Since the leader has decided to press forward on this nomination, I will vote no. I do not think Mr. Kavanaugh is the right choice for this vacancy. He is a very bright young lawyer and he has some impressive credentials. He may well be ready for appointment to a district court judgeship. But his record does not give me confidence that he is ready to serve on the District of Columbia Circuit, widely seen as the second highest court in the land.

Mr. Kavanaugh has written almost nothing that we can look to for a sense of his judicial philosophy, of his judgment, of his temperament. In addition, so much of his career after clerking has been spent in partisan political positions that it is certainly legitimate to wonder whether he can be fair and impartial in a judicial role. Partisan political work does not necessarily disqualify someone from taking the bench. As has been pointed out, many very good appellate or Supreme Court judges held political posts. But most held other positions as well that demonstrated the capacity for independence. The Senate is entitled to ask for evidence that the nominee can be nonpartisan and impartial, not just assurances. In Mr. Kavanaugh's case, there is simply no record to examine to give comfort on that score. Furthermore, we know from the latest ABA evaluation that at least some people who have come in contact with him in his work do not think that he is prepared to be an appellate judge.

Of the currently serving judges on that court, only one—Judge Douglas Ginsburg—had less legal experience when he or she was confirmed than Brett Kavanaugh now has. Ginsburg had 13 years of legal experience, including a year as a Senate-confirmed Assistant Attorney General and 8 years as a professor at Harvard Law School. He had a record that the Senate could much more easily evaluate. Other judges on that circuit had much longer careers when they were appointed. Judge Sentelle had 19 years of experience, including 10 years of private practice and 5 years as a judge; Judge Henderson had 18 years, including 4 as a U.S. district judge; Judge Randolph had 21 years of legal experience; Judge Garland, 20 years; Judge Edwards, 15 years, including 10 years as a law professor at Michigan and Harvard; Judge Tatel, 28 years; Judge Judith Rogers, 30 years, including 11 years as a judge; Judge Janice Rogers Brown, 28 years, including 11 years as a judge; Judge Griffith, 20 years.

The District of Columbia Circuit is not a place to learn the judicial ropes, nor is it a place to reward a loyal employee. It is a court that makes decisions every day that have a huge effect on the lives and livelihoods of American citizens and American businesses. It has a caseload that demands not only a good legal mind but judgment, wisdom, and experience. Brett Kavanaugh has impressive credentials, but his limited record makes it impossible for me to be confident that he will be the fair and impartial judge that this country needs on such an important court. So I will vote no.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, I oppose the nomination of Brett Kavanaugh to be U.S. Circuit Judge for the District of Columbia.

Mr. Kavanaugh's lack of experience, partisan ideological leanings, lack of judicial temperament, and refusal to adequately answer questions posed by the Judiciary Committee make him unqualified to sit on the second highest court in the country.

Mr. Kavanaugh is a young lawyer who has spent most of his career in partisan positions. He lacks substantive courtroom experience and has never tried a case to a verdict. In fact, a judge before whom he appeared characterized Mr. Kavanaugh work as "less than adequate" and at the experience level of an associate.

Nor is Mr. Kavanaugh a noted legal scholar. The highlight of his career has been working with Kenneth Starr in the Office of the Solicitor General and at the Office of the Independent Counsel, where he spent 4 years and coauthored the infamous Starr Report.

Upon further review the nonpartisan American Bar Association panel downgraded Mr. Kavanaugh's rating from "well-qualified" to "qualified." He was described by interviewees as "sanctimonious," and "immovable and very stubborn and frustrating to deal with on some issues." These are not qualities that make for a good judge. His low rating and nonjudicious demeanor put him in stark contrast to the majority of appointments to the DC Circuit who received "well-qualified" ratings and respectful reviews from the American Bar Association review panel.

The President can and should do better than this. The country deserves better than this.●

Mr. LEVIN. Mr. President, although I may not agree with a judicial nominee on policy matters, I will support that nominee as long as his or her values are consistent with the fundamental principles of American law and there is no indication that the nominee is so controlled by ideology that ideology distorts his or her judgment. Regardless of their political views, I will support a nominee who demonstrates fairness and openmindedness and whose reasoning is straightforward, clearly expressed, and worthy of respect.

Brett Kavanaugh is, unfortunately, not such a nominee. Because Mr. Kavanaugh does not have a judicial record to review, evaluating his fitness for the bench is not easy. We do not have written opinions from him that would reveal whether he looks objectively at both sides of an issue before making a decision. Therefore, we must judge his temperament on how he has conducted himself in interviews before the American Bar Association Standing Committee on the Federal Judiciary and how he answered questions posed by the Senate Judiciary Committee. Neither assessment gives me the confidence necessary to vote to confirm Mr. Kavanaugh to the DC Circuit.

In its 2003 assessment of Mr. Kavanaugh, the ABA record noted concerns with the breadth of Mr. Kavanaugh's professional experience. It was noted that he had never tried a case to verdict or judgment; that his litigation experience over the years was always in the company of senior counsel; and that he had very little experience with criminal cases. Specifically, the committee said: "Indeed, it is the circumstance of courtroom experience that fills the transcripts that make the record before the Court of Appeals, and concerns were expressed about the nominee's insight into that very process."

In its report on its recent reassessment of Mr. Kavanaugh, the ABA's Standing Committee on the Judiciary down-graded its rating of his qualifications. The report states that one judge who saw Kavanaugh's oral presentation in court said that Kavanaugh was "less than adequate," and that he had been "sanctimonious," and had demonstrated "experience on the level of an associate." A lawyer in a different proceeding said: "Mr. Kavanaugh did not handle the case well as an advocate and dissembled."

According to the report, the 2006 interviews of Mr. Kavanaugh raised a new concern involving his potential for judicial temperament. Interviewees characterized Mr. Kavanaugh as, "insulated," which one person commented was due to his current position as Staff Secretary to the President. Another interviewee questioned Mr. Kavanaugh's ability "to be balanced and fair should he assume a federal judgeship." And another said that Kavanaugh is "immovable and very stubborn and frustrating to deal with on some issues."

A judge needs to be able to balance competing viewpoints and objectively determine a fair and equitable outcome. Mr. Kavanaugh's lack of judicial or courtroom or scholarly experience added to my doubts about his impartiality and lead me to vote no.

Mr. DODD. Mr. President, I rise to briefly state my reasons for opposing the nomination of Brett Kavanaugh to serve as a judge on the Court of Appeals for the District of Columbia Circuit Court.

I must say at the outset that I regret having to cast this vote. Throughout my tenure here in the Senate, I have supported the vast majority of presidential nominees—regardless of the party to which a president has belonged. With regard to the current administration, I have joined with my colleagues in voting to confirm the overwhelming majority of its judicial nominees—including those with whom I differed on matters of legal and public policy. I had assumed that, when nominated, Mr. Kavanaugh would likely be among this large group of judicial nominees to receive broad bipartisan support. After all, he has a commendable academic background, and served as a law clerk to two Circuit Court judges and one Supreme Court Justice.

However, it appears—that after emerging from a confirmation process where his conduct can be described as disappointing at best, and dismissive at worst—Mr. Kavanaugh has practically invited opposition to his nomination. In my view, there are few duties more important to the Senate than the consideration of the nomination of article III jurists. Other than considering a declaration of war or an amendment to the Constitution, nothing is more important than deciding on a judicial nominee. The reasons for that view are practically self-evident: article III judges are appointed for life, and they are appointed to lead and populate an entirely separate branch of government. Our entire constitutional framework rests on an act of faith, first taken by our Founders, that is in some respects as audacious as it is vital: that the President will nominate, and the Senate will confirm, only those judicial nominees who demonstrate the temperament, intellect, experience, and character to stand independent of the executive and legislative branches of government and hold those branches accountable to the law. If a nominee does not demonstrate those qualities during the nomination process, if he or she does not show a capacity to render independent judgments and uphold the principle of equal justice under law, then the outcome of a vote on that nomination is, in this Senator's view, a foregone conclusion: the nomination must be opposed.

During Mr. Kavanaugh's two confirmation hearings, he failed to demonstrate the requisite qualifications for the high position to which he has been nominated. He failed to provide meaningful responses to many of the questions put to him. After his first hearing, he delayed providing any answers at all to written questions for seven months. It was not until after the 2004 elections that he finally decided to provide those answers. When asked the reason for this delay, he offered only a feeble rationale, saying he took responsibility for what he termed a "misunderstanding". I found this explanation to be implausible, to say the least. As Associate White House Counsel, one of Mr. Kavanaugh's responsibilities was to prepare judicial nominees to successfully navigate the confirmation process. So for him to say he had a "misunderstanding" about the need to promptly answer questions put to him by Senators strains credulity.

Mr. Kavanaugh also failed to provide full and candid answers to important questions about his role and views in helping to shape some of the administration's most controversial policies—from the development of legal rationales for torture to the drafting of Executive orders to reduce the public's access to presidential records. He also refused to tell the committee on what types of matters, if any, he would recuse himself if such matters came before him as a judge.

This refusal to be forthcoming with the Judiciary Committee—and by implication, with the Senate as a whole—bespeaks a dismissive attitude toward the confirmation process that I find highly troubling. We have seen in recent years a growing tendency of candidates to treat the confirmation process more as a game of hide-and-seek than a profoundly serious process designed by the Senate to provide Senators with the information that they need to make careful, reasoned decisions about nominees. If candidates do not provide vital information about their background and their views, they make it impossible for Senators to adequately discharge their constitutional duty to advise and consent with respect to article III nominees.

I would be remiss if I did not also mention two other facts about this nomination that make it highly unusual. One is that the American Bar Association, ABA, downgraded its rating of the nominee, from "highly qualified" to "qualified". Six of the eight members of the ABA committee who voted previously on this nomination voted to downgrade his nomination based on new information about his ability to act independently and his sparse record as a judge and legal practitioner. It also bears mentioning that this nominee, if confirmed, would be one of the least experienced judges to have served on this particular court. Only former Judge Kenneth Starr had less experience.

For these reasons, I must oppose this nomination. I hope that, if confirmed, this nominee will prove me wrong by growing into a wise, independent, and fair-minded jurist. But regrettably, at this time, he has given the Senate paltry and insufficient facts on which to believe he is prepared for the high office to which he has been nominated.

Mr. KENNEDY. Mr. President, the Court of Appeals for the DC Circuit is the second-highest court in the Nation. As such, its judges bear a unique responsibility.

By law, the DC Circuit has exclusive jurisdiction over many issues that other appellate courts cannot deal with. Only the judges of the DC Circuit can hear appeals under many critical laws that affect our economy, our environment, and our election system. Because the Supreme Court only hears a limited number of cases, the judges of the DC Circuit often have the final word on laws that affect the lives of millions of Americans, at home and in the workplace.

Unlike most of the members of the DC Circuit, Brett Kavanaugh is not a judge, an experienced litigator, or a legal scholar. Far from it. Mr. Kavanaugh is a political operative, a man whose ambition has placed him at the center of some of the most politically divisive events in recent memory. He is not qualified for this position. If his nomination is approved, I can say with confidence that Mr. Kavanaugh would be the youngest, least experienced and most partisan appointee to the court in decades.

Mr. Kavanaugh blatantly lacks the broad legal experience that is the hallmark of Federal judges—particularly those at the highest levels. He has never tried a case to verdict or to judgment. In fact, Mr. Kavanaugh has only practiced law for 10 years. Even counting his time as a law clerk, he still has only half of the average legal experience of nominees to the DC Circuit. To put this in context, Mr. Kavanaugh would be the least experienced member of the DC Circuit in almost a quarter century.

His lack of experience is underscored by his responses to questions from Judiciary Committee members. When he was asked to name his 10 most significant cases, Mr. Kavanaugh could only cite five cases for which he actually appeared in court, and only two cases in which he was lead counsel. He even cited two cases for which he merely wrote a friend-of-the-court brief for someone who was not a party to the lawsuit.

I am not alone in my judgment that Mr. Kavanaugh is not qualified for this position. Aside from my seven colleagues on the Judiciary Committee who voted against his appointment, organizations from around the country are united in their opposition to his nomination. The AFL-CIO, the Leadership Conference on Civil Rights, the NAACP, the National Urban League, the United Auto Workers. The list reads like a who's who of citizen representatives.

Most troubling, however, is the lukewarm evaluation of the American Bar Association, which has now conducted three separate evaluations of Mr. Kavanaugh. On the latest and perhaps closest evaluation, the ABA took the unusual step of downgrading its rating of Mr. Kavanaugh. Today, a majority of that committee does not believe Brett Kavanaugh can meet their highest standard for Federal nominees.

Why did the ABA downgrade its rating? It did so after confidential interviews with judges and lawyers familiar with his work, when numerous questions were raised about Mr. Kavanaugh's ability as an attorney and potential appellate judge.

A judge who heard Mr. Kavanaugh's oral arguments found that his presentation was "less than adequate," and that he demonstrated skills "on the level of an associate"—a young lawyer at a law firm. Lawyers familiar with his work raised additional questions about his impartiality and partisanship. One attorney specifically questioned whether Mr. Kavanaugh was capable of being "balanced and fair should he assume a Federal judgeship."

But Mr. Kavanaugh's lack of qualifications goes beyond years of experience or individual interviews. More important, Mr. Kavanaugh is almost completely unfamiliar with the substantive issues of law that consistently arise in the DC Circuit.

These aren't arcane concerns. The DC Circuit has a key role in upholding the rights of American workers. That court decides far more appeals than any other circuit of decisions by the National Labor Relations Board on unfair labor practices. Usually, these cases are filed by employers across the country attempting to overturn unfair labor practice findings against them by the Board. Recently, almost one in three such appeals have been heard by the DC Circuit.

During our hearings, I asked Mr. Kavanaugh whether he had any experience handling labor law matters. He couldn't provide a single example of work in this area—not one. Instead, he made vague reference to his work as a law clerk and his brief time in the Justice Department.

The DC Circuit is also important to anyone who breathes our air or drinks our water. It is the only Federal appellate court that can hear appeals on rules to protect the environment under the Clean Air Act and the Safe Drinking Water Act. It is the only Federal court that can grant a remedy when the executive branch fails to follow congressional mandates to protect the environment under these laws.

Nothing in Mr. Kavanaugh's record suggests that he would be willing to keep the executive branch in compliance with the law on these matters. More generally, nothing in his record suggests that he would be able to avoid the partisanship and politics that have marked his brief career.

In fact, partisan politics is the only area in which Mr. Kavanaugh's qualifications cannot be questioned. He has been deeply involved in some of the most bitterly divisive political events in the last decade—and always on the same side.

At the Office of the Independent Counsel, Mr. Kavanaugh authored the infamous Starr Report, wrote the articles of impeachment against President Clinton, and investigated the tragic suicide of Vince Foster.

As an Associate White House Counsel, Mr. Kavanaugh worked to support the nomination and confirmation of Jay Bybee, the author of the notorious—but then still secret—torture memo. He also was personally responsible for drafting the executive order that made presidential records less accessible to the public and the press. This was order was so restrictive that one observer said it would "make Nixon jealous in his grave."

We gave Mr. Kavanaugh an opportunity to prove that he was independent and impartial in spite of his partisan past. I personally noted that this was my chief concern with his nomination, and I know that my colleagues did the same. Mr. Kavanaugh refused to specify the issues and policies on which he would recuse himself—in spite of the fact that he was at the center of a number of executive policy directives in recent years.

His answers to our questions resembled political talking points more than they did the answers we would expect from a nominee to such a prominent lifetime position in the Nation's Judiciary. He has shown nothing to suggest that he will stand up to the President when his duties require it.

Mr. Kavanaugh is not qualified for this job. Even worse, his nomination is a harsh reminder of the partisan and ideological pressures that have marked many recent judicial nominations. His nomination seems little more than a crass administration attempt to politicize the courts and provide a solid vote in favor of even the most extreme political tactics of the administration. The Federal courts need experienced, independent judges who can rise above their partisan beliefs and enforce the rights and guarantees of our Constitution and the rule of law. Mr. Kavnaugh is not such a nominee, and I urge my colleagues to oppose his nomination.

Mr. SESSIONS. Mr. President, I rise today to urge my colleagues to confirm President Bush's nomination of Brett M. Kavanaugh to be a U.S. circuit judge on the U.S. Court of Appeals for the District of Columbia Circuit.

President Bush first nominated Brett Kavanaugh to the DC Circuit on July

25, 2003. He received a hearing before the Judiciary Committee on April 27, 2004, but the committee did not vote on Mr. Kavanaugh's nomination. President Bush renominated Mr. Kavanaugh on February 14, 2005, and again on January 25, 2006. It is past time for Mr. Kavanaugh to receive an up-or-down vote on the Senate floor.

Brett Kavanaugh is a well-respected attorney with impeccable academic credentials and the background and experience necessary to serve as an excellent judge on the DC Circuit. He currently serves as Assistant to the President and staff secretary. He previously served in the White House Counsel's Office as Senior Associate Counsel and Associate Counsel to the President.

Mr. Kavanaugh graduated from Yale College, cum laude, and Yale Law School where he served as the notes editor on the Yale Law Journal. He served as a judicial law clerk for Justice Anthony Kennedy on the Supreme Court of the United States, as well as Judge Walter Stapleton of the U.S. Court of Appeals for the Third Circuit and Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit.

Prior to his Supreme Court clerkship, Mr. Kavanaugh earned a fellowship in the Office of the Solicitor General of the United States. After his clerkship, Mr. Kavanaugh served as an Associate Counsel in the Office of Independent Counsel, where he handled a number of the novel constitutional and legal issues. He was a partner at the prestigious Washington law firm of Kirkland & Ellis and has argued both civil and criminal matters before the Supreme Court and appellate courts throughout the country.

Besides his obvious academic and professional credentials, I would note that Mr. Kavanaugh believes in giving back to his community. While in private practice, Mr. Kavanaugh took on challenging pro bono matters, including representation of the Adat Shalom congregation in Montgomery County, MD. against an attempt to stop the construction of a synagogue in the county.

Those who know Mr. Kavanaugh best strongly praise his intelligence, integrity, and approach to the law. Mark Touhey III, Mr. Kavanaugh's supervisor at the Independent Counsel's Office, wrote in his support: "Mr. Kavanaugh exhibit[s] the highest qualities of integrity and professionalism in his work. These traits consistently exemplify Mr. Kavanaugh's approach to the practice of law and will exemplify his tenure as Federal appellate judge."

Judge Walter Stapleton said of Mr. Kavanaugh: "He really is a superstar. He is a rare match of talent and personality." After arguing against Mr. Kavanaugh in the Supreme Court, Washington attorney Jim Hamilton stated, "Brett is a lawyer of great competency, and he will be a force in this town for some time to come."

Some of Mr. Kavanaugh's critics have tried to argue that he is too young to be a Federal appellate judge. In truth, Mr. Kavanaugh is 41 years old and has had a broad range of experience that makes him an ideal candidate for the DC Circuit.

Mr. Kavanaugh's legal work ranges from service as Associate Counsel to the President, to appellate lawyer in private practice, to experience as a prosecutor. He clerked at two of the U.S. Courts of Appeal, the Third and Ninth Circuits, and at the Supreme Court. In private practice and during his service as a prosecutor, Mr. Kavanaugh participated in appellate matters in a number of the Federal courts of appeal and in the Supreme Court.

Besides, at age 41, Mr. Kavanaugh is considerably older than many of our Nation's most distinguished judges were at the time of their nomination. In fact, all three of the judges for whom Mr. Kavanaugh clerked were appointed to the bench before they were 41. All have been recognized as distinguished jurists. Justice Kennedy was appointed to the Ninth Circuit when he was 38 years old. Judge Kozinski was appointed to the Ninth Circuit when he was 35 years old. Judge Stapleton was appointed to the district court at 35 and later elevated to the Third Circuit. There are many other examples of judges who were appointed to the bench at a young age and have had illustrious careers:

Name	Circuit	Age
Judge Harry Edwards	DC Circuit	39
Judge Douglas Ginsburg	DC Circuit	40
Judge Kenneth Starr	DC Circuit	37
Judge (now Justice) Samuel Alito	Third Circuit	40
Judge J. Michael Luttig	Fourth Circuit	37
Judge Karen Williams	Fourth Circuit	40
Judge J. Harvie Wilkinson	Fourth Circuit	39
Judge Edith Jones	Fifth Circuit	35
Judge Frank Easterbrook	Seventh Circuit	36
Judge Donald Lay	Eighth Circuit	40
Judge Steven Colloton	Eighth Circuit	40
Judge Mary Schroeder	Ninth Circuit	38
Judge Deanell Tacha	Tenth Circuit	39
Judge Stephanie Seymour	Tenth Circuit	39
Judge J.L. Edmondson	Eleventh Circuit	39

Age should not be the sole measure of a person's experience. Many Senators began their service at a young age. Senators BIDEN and KENNEDY were elected to the Senate at the age of 30, and Senator LEAHY was elected at age 34.

Some of Mr. Kavanaugh's critics have suggested that we should hold his service in the White House for President Bush against him. They seem to suggest that Mr. Kavanaugh's public service to his Nation is somehow a disqualifier for later serving on the bench. I disagree.

Public service in the executive or legislative branches of Government should not be a disqualifier for judicial office. This has never been the case, nor should it be. Justice Stephen Breyer was once the chief counsel to the Senate Judiciary Committee before being nominated and confirmed to the First Circuit by a substantial majority. I hope that none of us believe that his service on Senator KENNEDY's staff should have disqualified him.

Judge Abner Mikvah spent most of his career prior to the bench as a Democrat in elective office. He was a State legislator in Illinois and later a U.S. Congressman. In fact, he was a sitting Congressman when he was nominated to the DC Circuit. He, too, was confirmed by a substantial majority.

The Senate has not considered service as a Democratic staff member or as a Democratic Congressman a bar to service as a U.S. Circuit Judge, nor should it consider Mr. Kavanaugh's service in President Bush's White House as a strike against him. Suggesting that service in an elective branch of Government somehow tarnishes a lawyer's reputation would be a terrible message for this body to send to the legal community and to all citizens. Mr. Kavanaugh is superbly qualified to serve as a U.S. circuit judge, and he has made clear that he understands the role of a judge is different from the role of a member of the White House staff.

Some of Mr. Kavanaugh's critics have raised concerns about Mr. Kavanaugh's ABA rating. The ABA's Committee on the Federal Judiciary has consistently and unanimously found that Mr. Kavanaugh has the integrity, professional competence, and judicial temperament to serve on the DC Circuit. Each year Mr. Kavanaugh's name has been in nomination the committee has rated Mr. Kavanaugh, and each year every member of the committee has found him "qualified" or "well qualified."

According to the ABA:

> To merit a rating of "well qualified," the nominee must be at the top of the legal profession in his or her legal community; have outstanding legal ability, breadth of experience and the highest reputation for integrity; and either demonstrate or exhibit the capacity for judicial temperament. The rating of "qualified" means that the nominee meets the Committee's very high standards with respect to integrity, professional competence and judicial temperament and that the Committee believes that the nominee will be able to perform satisfactorily all of the duties and responsibilities required by the high office of a federal judge.

In 2004 and 2005 a majority of the committee thought Mr. Kavanaugh had earned its highest rating, "well qualified"; the rest thought he had earned a "qualified" rating. This year the balance changed, with more members of the committee believing he deserved a "qualified" rating and the rest thinking he deserved a "well qualified" rating.

Despite the fact that the ABA committee has included many committed Democrats, the committee remains unanimous that Mr. Kavanaugh is indisputably competent, intelligent, and qualified to serve on the DC Circuit. In response to what some of my Democratic colleagues have said about Kavanaugh's ABA rating, listen to what ABA committee chairman, Stephen Tober had to say:

> Let me underscore . . . that we didn't find him not qualified. There's not a breath of that in this report or any earlier report. We found him qualified/minority well qualified. What I said at the end is what, in fact, many people said, that he has a solid reputation for integrity, intellectual capacity—a lot of people refer to him as brilliant—and an excellent writing and analytical ability. Those are great skills to bring to the court of appeals. There is just no question about that.

According to Mr. Tober, in all of the ABA's ratings, Mr. Kavanaugh's "positive factors haven't changed a whole lot. He is found to have high integrity. He is found to be brilliant. He is a very skilled writer and legal analyst. He has those components, and I have said this before . . . he has those skills that will serve him well, certainly, on a Federal court.

Finally, Mr. Tober acknowledged that "there is not a single not qualified vote in the picture."

Brett Kavanaugh is a highly qualified attorney who has experience as an appellate litigator presenting arguments in court, and experience as a judicial law clerk on the other side of the bench evaluating appellate arguments. He has spent most of his career as a public servant. I am confident that he will perform his duties as a judge in a fair and even-handed manner.

Today's vote on this nominee is long past due. I urge my colleagues to confirm Brett Kavanaugh to be a U.S. circuit judge.

Mr. REID. I intend to vote against the confirmation of Brett Kavanaugh to the DC Circuit Court of Appeals. This youthful, relatively inexperienced nominee lacks the credentials to be approved for a lifetime appointment to the second most important Federal court in the country.

At the outset, let me contrast this nomination with a circuit court nomination we recently approved: the nomination of Milan Smith to the Ninth Circuit Court of Appeals. Mr. Smith is a pillar of the California legal community, a distinguished practicing lawyer with 27 years of experience in complex legal transactions. His nomination was the product of extensive consultation with Democratic Senators. The Judiciary Committee approved his nomination 18 to 0, and the full Senate gave its consent unanimously.

The Smith nomination is an example of the way the process is supposed to work. The Constitution gives the President and the Senate a shared role in filling vacancies on Federal courts. Working together, we can move highly qualified nonpartisan nominees through the process without rancor or delay.

But when the President uses judicial appointments as a reward to the extreme rightwing of the Republican Party, he invites controversy and conflict. Regrettably, that may be just the result that the White House wants.

Cesar Conda, a former domestic policy adviser to Vice President CHENEY, recently wrote in the Roll Call newspaper: "For Bush, a renewed fight over conservative judges . . . just might be the cure to the Republican Party's current political doldrums."

One of my Republican colleagues is quoted in the National Review earlier this month as saying: "A good fight on judges does nothing but energize our base. Right now our folks are feeling a little flat. They need a reason to get engaged, and fights over judges will do that."

At the same time, a lengthy debate over judges serves to distract attention from the pressing problems facing the Nation: an intractable war in Iraq, soaring gas prices, millions of Americans who lack health insurance. Instead of addressing these vital issues, this Senate has been forced to spend days and weeks and months talking about divisive judicial nominees.

The nomination of Brett Kavanaugh is nothing if not divisive. All eight Democrats on the Judiciary Committee oppose his confirmation. Every leading civil rights, environmental, and labor organization in the country has urged that he be rejected.

This nomination is not the product of consensus and consultation—it is a poke in the eye to the Senate. It is a wedge that disrupts the wonderful bipartisanship which has characterized the immigration debate over the past 2 weeks.

I recently met with Brett Kavanaugh. He seems like a bright young man. But he is a 41-year-old lawyer who has spent his short legal career in service to partisan Republican causes.

His two principal accomplishments as a lawyer are his work as an aide to Special Counsel Kenneth Starr during the misguided crusade to impeach President Clinton, and his current duty as a political lawyer in the Bush White House. Those positions do not disqualify Mr. Kavanaugh from future service, but they do not constitute the kind of broad experience in the law that we should expect from a nominee to the District of Columbia Circuit.

The DC Circuit is a uniquely powerful court. It has jurisdiction over challenges to Federal activities affecting the environment, consumer protections, workers and civil rights. This court hears appeals from the Environmental Protection Agency, the National Labor Relations Board, the Equal Employment Opportunity Commission, the Occupational Safety and Health Administration and other agencies.

As a result, DC Circuit judges sit in a unique position to judge Government actions that affect our lives in fundamental ways. Mr. Kavanaugh's slim, partisan record gives me no confidence he is the right person to assume this awesome responsibility.

In the 113 years since the Court of Appeals for the DC Circuit was established in 1893, 54 judges have sat on the court. Only three of those judges came to the court with less experience than Kavanaugh. DC Circuit judges have averaged over 26 years of legal experience at the time of their appointment to the DC Circuit. Mr. Kavanaugh, in contrast, graduated from law school a mere 16 years ago.

It is not just Mr. Kavanaugh's youth but his lack of practical experience that renders him unfit for this post. In his 16 years as a lawyer he has never tried a case to verdict or judgment. When questioned about this deficiency at his committee hearing, the nominee presumed to compare himself to Chief Justice John Roberts. But at the time of his appointment to the DC Circuit, Roberts had argued dozens of cases before the Supreme Court. Kavanaugh has argued just one such case, on behalf of the Starr investigation.

There are other kinds of experience one might bring to an appellate court. Some nominees are respected scholars. Some are sitting judges. Kavanaugh is neither. His high-ranking position in the Bush White House might constitute relevant experience, but we have little idea what he has accomplished in that role. He largely refused to answer questions from the committee about the issues he has handled or the positions he has advocated.

We know he helped to select many of the controversial judicial nominees who have tied the Senate in knots in recent years. We know he was the author of a far-reaching government secrecy policy, despite his own role in stripping President Clinton of every vestige of privacy and privilege during the Starr investigation. Other than that, all we know is that Mr. Kavanaugh has had a fancy west wing title.

Most nominees gain more stature over the course of their legal careers, but Mr. Kavanaugh is headed in the opposite direction. The American Bar Association recently took the rare step of lowering its rating of this nominee.

Lawyers and judges interviewed by the nonpartisan ABA Committee described Mr. Kavanaugh as "sanctimonious," "immovable" and "very stubborn and frustrating to deal with on some issues." A judge before whom Mr. Kavanaugh appeared considered him "less than adequate" and said he demonstrated "experience on the level of an associate." A lawyer who observed him during a different court proceeding stated: "Mr. Kavanaugh did not handle the case well as an advocate and dissembled."

Needless to say, these are not qualities that make for a good judge.

Still others described Mr. Kavanaugh as "insulated." That is the last quality we want in a 41-year-old man who will soon begin the cloistered life of an appellate judge. Mr. Kavanaugh lacks the wide-ranging experience that breeds wisdom and judgment, and he is unlikely to acquire those qualities on the bench.

Mr. Kavanaugh's thin legal resume contrasts with the resumes of the two Clinton nominees who were blocked by the Republican-controlled Senate when they were nominated to the same court. Elena Kagan, now the Dean of Harvard Law School, had been both a practicing lawyer and a leading administrative law scholar at the time of her nomination. Allen Snyder, a former clerk to Justices Harlan and Rehnquist had been a litigation partner at the law firm of Hogan and Hartson for 26 years.

Under what definition of fairness do my Republican colleagues insist that Brett Kavanaugh is entitled to a Senate vote while Elena Kagan and Allen Snyder were denied a vote? By what standard do they consider Kavanaugh qualified to sit on the DC Circuit when these two other distinguished lawyers were denied that honor?

Unlike Kagan and Snyder, Mr. Kavanaugh will be considered by the Senate. But I will cast my vote against confirmation. This nominee's record is too sparse and the court to which he is nominated is too important to the rights that Americans hold dear.

I urge the Senate to reject this unacceptable nomination.

Mr. President, even in this Bush Presidency, I continue to believe that a judge should have experience in a courtroom. I know that is somewhat heretical in the environment we have, but I really believe that if you are going to be a judge, you should have some practical experience, at least picking a jury, arguing to a jury, appearing before a court, making your views known to the judge. That is largely lacking with this young man.

We have testimony before the Judiciary Committee from two judges for whom he worked. It is unusual that people clerk for two separate judges. These clerkships are usually a year long, and you sit back there and you shuffle papers for the judge and you draft opinions for the judge on the cases that come before the judge—but that is very different than courtroom experience as a practicing lawyer. You may go watch a few arguments, but clerking for two judges doesn't do the trick. That doesn't give you the experience to be a judge, especially a judge on the District of Columbia Circuit Court of Appeals, the second highest court in the land.

I understand that Mr. Kavanaugh has argued several appeals. But not very many, and in any event that's not the same as trying cases in my view.

I am going to vote against confirmation of Brett Kavanaugh. I want to make four brief points about this nomination.

First, Brett Kavanaugh is a youthful partisan who lacks the credentials to be approved for a lifetime appointment to the second most important Federal court in our country. He is 41 years old. He has spent his short legal career in service to Republican causes.

He worked as an aide to Special Counsel Kenneth Starr. I think the work of Kenneth Starr will go down in history as a blight on this country. This partisan investigation disrupted this country and it was aided by the nominee who is before the Senate at this time.

He has been a lawyer in the White House for President Bush. The fact that he worked for Starr and now works in the White House doesn't disqualify him, but these do not add up to the kind of experience we should have from a nominee to the District Circuit Court. It doesn't add up.

Second, Mr. Kavanaugh's lack of practical experience renders him unfit for the post. In his years as a lawyer, he has never tried a case to a verdict or to judgment.

There are other kinds of experience one might bring to an appellate court. Some nominees are respected scholars and some are sitting judges. Mr. Kavanaugh is neither.

His high-ranking position in the White House might constitute relevant experience, but we have little idea about what he accomplished in that role. He has largely refused to answer questions from the committee about the issues he has handled or the positions he has advocated.

The big push for this man comes from partisans who want to push the majority in the Senate toward the nuclear option. They think it would be a great thing to disrupt the Senate in this way.

Third, the American Bar Association recently lowered its rating of this nominee. Most nominees gain more stature over the course of their legal careers, but Mr. Kavanaugh is headed in the opposite direction, and rightfully so. Lawyers and judges of the nonpartisan ABA committee described Mr. Kavanaugh as being "sanctimonious" and "frustrating to deal with." That says it all.

A judge before whom Mr. Kavanaugh appeared described him as "less than adequate" and said he demonstrated experience "at the level of an associate."

A lawyer who observed him during a different court proceeding stated that:

> Mr. Kavanaugh did not handle the case well as an advocate and dissembled.

Needless to say, these are not qualities which make a good judge. But the right wing wants him, and he is going to become a judge.

Finally, let me say this: The nomination of Mr. Kavanaugh is divisive. All eight Democrats on the Judiciary Committee oppose his confirmation. Every leading civil rights, environmental, and labor organization in the country urged that he be rejected.

The Constitution gives the President and the Senate a shared role in filling vacancies on the Federal court. Working together, we can move highly qualified, nonpartisan nominees through the process without rancor or delay. But when the President uses judicial appointments as a reward to the extreme rightwing of the Republican Party, it invites controversy and conflict. And that is what we have. In sum, this nominee's record is too sparse. The court to which he is nominated is too important. I hope we get a lot of votes against this nomination. I understand that everyone on the other side of the aisle will walk over here and vote for this unqualified candidate, but that is not how it should be.

If there is no one else wishing to speak, I ask that we proceed to the vote on Mr. Kavanaugh.

Mr. FRIST. Mr. President, 2 weeks ago before the Senate Judiciary Committee, Brett Kavanaugh, the President's nominee for the DC Circuit Court of Appeals, pledged that if he is confirmed:

> I will interpret the law as written and not impose personal policy preferences;
>
> I will follow precedent in all cases fully and fairly, and, above all, [I] will at all times maintain the absolute independence of the judiciary, which, in my judgment, is the crown jewel of our constitutional democracy.

Listen to the words that Brett Kavanaugh used: Fair, independent, committed to the rule of law. These are the qualities America wants in our federal judges.

We need more qualified nominees on the bench who practice judicial restraint and respect the rule of law, and Brett Kavanaugh fits that description.

President Bush nominated Mr. Kavanaugh on July 25 of 2003. And since this time, he's endured not one—but two—hearings before the Senate Judiciary Committee.

He has been candid and forthcoming in answering countless oral and written questions from the Judiciary Committee. And he has met one-on-one with numerous Members—both Republican and Democrat.

And now it's time that Brett Kavanaugh gets the fair up-or-down vote that he's been waiting on for 3 years.

Later this morning, the Senate will give him that vote. We will fulfill our constitutional duty of advice and consent.

Over the last few weeks, we've heard a lot about his sterling credentials and professional experience.

He is a graduate of Yale College and Yale Law School and was awarded a prestigious Supreme Court law clerkship.

He has an extraordinary range of experience in both the public and private sectors.

He has dedicated more than 16 years to public service—as an appellate lawyer, a prosecutor, and an Assistant to the President.

He has argued both civil and criminal matters before the U.S. Supreme Court and appellate courts throughout the country.

And he has received the American Bar Association's stamp of approval to serve on the Federal bench on three separate occasions.

Brett Kavanaugh is respected in the legal community for his keen intellect and legal prowess. And he has earned the reputation as a man of integrity, fairness, and honesty.

In a larger sense, today's vote is about more than just Brett Kavanaugh as an individual nominee. Today's vote is another sign of progress for the judicial nominations process.

The Senate is continuing on a path we began a little more than a year ago. At that time, the Senate turned away from judicial obstruction and advanced the core constitutional principle that every judicial nominee with majority support deserves a fair up-or-down vote.

I am proud of the Senate for continuing on this path—for fairness, for principle, for the Constitution.

And I urge my colleagues to support the nomination of Brett Kavanaugh.

Mr. LEAHY. Mr. President, have the yeas and nays been ordered?

The PRESIDENT pro tempore. The yeas and nays have not been ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. ISAKSON). Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Brett M. Kavanaugh, of Maryland, to be United States Circuit Judge for the District of Columbia Circuit?

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) and the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 36, as follows:

[Rollcall Vote No. 159 Ex.]

YEAS—57

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner

NAYS—36

Akaka
Baucus
Bayh
Biden
Bingaman
Cantwell
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Sarbanes
Schumer
Stabenow
Wyden

NOT VOTING—7

Boxer
Conrad
Dole
Inouye
Rockefeller
Salazar
Thune

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

GENERAL MICHAEL V. HAYDEN TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a vote on Executive Calendar No. 672, which the clerk will report.

The legislative clerk read the nomination of General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency.

Ms. MIKULSKI. Mr. President, there are five criteria I use to evaluate all executive branch nominees: competence, integrity, commitment to the core mission of the department, commitment to the Constitution, and independence. Based on what I know about General Hayden after working closely with him for more than 5 years, and based on his testimony last week, I will support his nomination to be Director of the Central Intelligence Agency, CIA. I have no question about his competence or personal integrity and expect him to remain an independent voice, committed to the Constitution not just with words but with deeds.

My confidence in General Hayden should not be interpreted as confidence in this administration. I have flashing yellow lights about the Bush administration's willingness to politicize this important intelligence agency. I am also concerned that this administration sometimes pays lip service to the law of the land, as we have seen with recent revelations about the warrantless surveillance program.

In more than 35 years as military intelligence officer, General Hayden has clearly demonstrated his competence, both in his work as Director of the National Security Agency, NSA, and as Deputy Director of National Intelligence. He led NSA at a critical time in the Agency's history, as the United States took the offensive against those who had attacked us. He inherited an agency that needed to be transformed: from its Cold War orientation, from analogue to digital, from concentrating on the Soviet threat to looking at multiple threats and nonstate actors. He accomplished this transformation at breathtaking speed. As Deputy Director of National Intelligence, General Hayden helped standup a brand new intelligence organization, recruiting a top-notch team, breaking down "stove pipes" between agencies, and helping to unify the entire intelligence community.

I have known and worked closely with General Hayden since 1999, when he came to NSA. I have no question about his personal integrity. He has always been a candid reformer. But recent revelations about the warrantless surveillance program have raised serious questions: questions about the integrity of surveillance programs that may have side-stepped the law; questions about a decision at the highest level to keep most members of the Senate Select Intelligence Committee in the dark about these programs; and questions about whether a candid reformer has become a cheerleader for this administration. I discussed my concerns with Hayden during the confirmation hearing, and he promised to "speak truth to power." I take him at his word, but the proof will be in his deeds.

I have no question about General Hayden's commitment to the mission of the intelligence community. He has worked in almost every aspect of collecting and analyzing intelligence. But his expertise is technical intelligence, known as signals intelligence, SIGINT, and the CIA is our Nation's lead agency for human intelligence, HUMINT. These two disciplines have very different challenges, different technology, and different cultures. Many have asked if a SIGINT expert is the right choice to lead a HUMINT agency. General Hayden addressed this question in our hearing. He believes his long career in intelligence has prepared him for this challenge. He has a plan to improve HUMINT tradecraft and develop common standards among all HUMINT agencies, including the Defense Intelligence Agency. He will also invest in research and development of the cutting-edge technology our men and women at the CIA need to accomplish their mission. General Hayden has promised to focus our human intelligence activities on understanding tomorrow's threats, not just responding to today's headlines. I believe he will bring to the CIA the same leadership, passion for reform, and respect for our intelligence workers that he brought to the NSA. He will be a strong advocate for the CIA as it struggles to redefine itself.

I have two flashing yellow lights about this nomination. First, I have serious questions about the Bush administration's commitment to protecting the Constitution. Second, I believe that we need a CIA Director who will be independent.

I believe General Hayden is committed to protecting the Constitution while he works to protect our country from terrorists. But I am concerned that others in this administration pay lip service to the law of the land. We all take an oath when we take office. We swear to support and defend the Constitution of the United States. We don't swear to a President or to a party. We know there are real threats, predators, actors who want to kill Americans. And we know that some of the tools that keep us safe must remain secret. Which is why our commitment to the Constitution is more important than ever. We can not protect the American people and ignore their Constitution when nobody's looking. Support for the Constitution must be more than lip service. We need a real commitment to put the Constitution first. The Framers gave Congress the responsibility for oversight over the President's policies. We must be informed about significant intelligence activities, as the law requires, so we can exercise our responsibility to protect the Constitution as we protect our Nation from the threats we face.

I am very concerned about the independence of the CIA. We need an independent voice at the CIA, someone who is willing to speak truth to power to whomever is President and also to the congressional oversight committees. The last few years have been difficult ones for the CIA, in part because American people have lost confidence in its leaders. The Agency has had too many "yes" men, too few independent voices. I asked General Hayden how he would avoid another Powell, when our distinguished Secretary of State was sent to the United Nations with wrong information, because CIA analysis had become too politicized. General Hayden said that his job at the CIA will be to let intelligence analysts do what comes naturally: provide unvarnished intelligence analysts, independent of political concerns. He said, "My job is to keep anything from getting in the way" of their work. He promised to consider implementing a dissent channel to allow intelligence workers an avenue for expressing their concerns without leaking classified information to the press.

In conclusion, Mr. President, I believe General Hayden is qualified to lead the CIA, and I will vote for his confirmation. But I have serious concerns about how the Bush administration has politicized this important intelligence agency. The Senate Select Committee on Intelligence must keep a close eye on the CIA as it struggles to redefine itself and its role in our reformed intelligence community.

Mr. KERRY. Mr. President, I opposed the nomination of GEN Michael Hayden to serve as Director of the Central Intelligence Agency.

General Hayden has many qualifications as an intelligence professional, but I am sad to say that he is the wrong person for the job.

Over the last years, the abuse of the CIA by the Rumsfeld Pentagon and the Cheney White House has hurt our national security and our credibility around the world, as the CIA was bullied into becoming a client of administration ideologues, yielding unfounded claims of "slam dunk" evidence for mythical weapons of mass destruction in Iraq.

I am not confident that General Hayden is the person best equipped to restore the CIA's independence and credibility, not just because he comes from Secretary Rumsfeld's Pentagon but because he was the Administration's principal spokesperson and defender of an illegal domestic spying program.

We are reminded again and again of the administration's determination to keep the extent of their illegal domestic spying program secret. All we have to do is look at the news that the Department of Justice abruptly ended an investigation into the conduct of Department lawyers who approved the program—not because the approving lawyers were cleared of wrongdoing but because investigators were denied the information to conduct the investigation.

The question before us is not whether we are committed to destroying terrorists and preventing terrorist attacks before they happen. We all are. In fact, we can wage and win a far more effective war on terror. No, the question is whether we can restore checks and balances between the executive and legislative branch and what can be done to restore accountability for an administration that too often appears run by people who hold themselves above the law. How many times will Government secrecy shield decisionmakers from any kind of accountability?

The fact that General Hayden was the key architect and, more recently, the principal defender of a program that listened to phone calls of Americans without a warrant, a program the administration refuses to come clean about, resides at ground zero of this debate.

The goal of General Hayden's program was appropriate: to find al-Qaida operatives who would do us harm. But the administration, instead of relying on the consent of the people through the American Congress and the court created under the Foreign Intelligence Surveillance Act, chose, unnecessarily, to assert the President's unfettered authority as a war-time commander to execute this program.

We must use every tool at our disposal to protect America. But the administration has no reason to assert unchecked Executive power when Congress is more than willing to work to create the mechanisms to keep America safe while we still preserve our essential liberties.

America has been the strongest, safest, most secure Nation on the planet for more than 200 years without ever having to choose between security and freedom. We can have both. But it requires an executive branch that respects the co-equal branches of Government. After the terrorist attacks of September 11, 2001, the Nation was united behind the President. Congress was—and is—prepared to do anything necessary to win the war on terror and ready to work with the President. If President Bush believed the domestic eavesdropping laws were insufficient, then all he had to do was ask Congress to improve them immediately. But the President didn't do that. Instead, he decided he was above the law.

General Hayden was the architect of that plan, and to this day he clings to an unnecessarily expansive interpretation of Executive power. That is not what America needs in the next Director of the Central Intelligence Agency.

We take our civil rights very seriously—and we should. It is our heritage and our birthright—one generation's gift to the next, earned in the blood of Americans since our revolution.

The mistrust, the anger, the lack of confidence so many Americans feel about this program is a reflection of our love of liberty. Regrettably, it is also the result of the way this administration has conducted itself: asserting its right to act by executive branch dictate because we are a nation at war. In one moment, the President of the United States says we are not listening to domestic calls without a warrant; in another, the Attorney General says he can't rule it out.

We are a nation at war with global jihaadists, a war that, as the Department of Defense calls it, will be a "long war." Ad hoc and secret solutions to issues that demand a reasoned balance between security and the freedom of law abiding Americans cannot simply be handed over to the executive branch—of any party.

This Congress has much work to do before we can say we have effectively insisted on that balance and done our duty. Before we do, it would be a mistake to support General Hayden's nomination.

Mr. KENNEDY. Mr. President, I intend to vote against General Hayden.

I respect General Hayden's lifetime of public service, and his testimony included some encouraging signs that he learned important lessons from the way intelligence was used to defend the Iraq war.

However, I cannot support General Hayden's nomination in light of the very serious questions about the scope and legality of the NSA domestic surveillance programs that he helped design, implement, and defend.

Until there is a full accounting of the surveillance program, I cannot in good conscience support a promotion for its chief architect.

We all want the administration to have strong leaders and the necessary means to gather the best possible intelligence for our foreign policy and national security, especially the war on terrorism.

Those critical goals require a Director of Central Intelligence who will work with Congress—not against us—in our efforts to prevent terrorism and improve our national security laws. We must protect the country while preserving our constitutional freedoms.

Mr. THUNE. Mr. President, today the Senate will vote on confirmation of three of President Bush's nominations. Once again, the President has nominated experienced, well-qualified individuals who deserve confirmation by the Senate.

The President has nominated Brett Kavanaugh to serve as a judge on the U.S. Court of Appeals for the DC Circuit. Mr. Kavanaugh has extensive experience in the law, having formerly served as a law clerk to Supreme Court Justice Anthony Kennedy. He later served as Associate White House Counsel, where he worked on a wide variety of legal and constitutional issues. Mr. Kavanaugh also practiced law as a partner in the Washington, DC, law firm of Kirkland & Ellis, and most recently serves as Assistant to the President and staff secretary at the White House.

Yesterday I voted in favor of the motion to invoke cloture on Mr. Kavanaugh's nomination, which now allows the Senate to give him an up-or-down vote. I am pleased that the Senate will now be allowed to vote on Mr. Kavanaugh's nomination, and I hope the Senate will continue to give fair up-or-down votes to the other well-qualified judicial nominees the President forwards to the Senate.

The President has also nominated GEN Michael Hayden as Director of the Central Intelligence Agency. General Hayden is a career Air Force officer with a distinguished history of service to our country. His previous service as Director of the National Security Agency will serve him well in his new role at the CIA, where I believe he will continue to be a strong leader in service to our Nation.

Finally, the President has nominated Gov. Dirk Kempthorne to serve as Secretary of the Department of the Interior. Governor Kempthorne has an impressive career in public service, having served as a United States Senator representing the State of Idaho in this body for 6 years. I am confident that his career of public service and his Western State perspective will help him be an effective and responsible steward of our country's public lands, waters, and other natural resources.

Unfortunately, a family obligation prevents me from being present during these votes. However, I support each of these nominees and, if present, would vote to confirm them. I therefore ask that the record reflect my support for each of these nominations.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mrs. BOXER. Mr. President, had I been present to vote on the nomination of Gen. Michael Hayden to be Director of the Central Intelligence Agency, I would have cast a vote of "no."

I oppose General Hayden's nomination because of his role in the administration's program to conduct warrantless electronic surveillance on U.S. persons—a practice I believe is unlawful under the Foreign Intelligence Surveillance Act.

During his nomination hearing before the Senate Intelligence Committee, General Hayden admitted to participating in the design of the electronic surveillance program during his tenure as director of the National Security Agency. And as the Principal Deputy Director of National Intelligence, General Hayden became the chief advocate for the electronic surveillance program, even taking the unusual step of appearing before the National Press Club to defend the Administration's program.

We are all united in fighting terrorism, but we can do it in a legal and constitutional way that gets the bad guys and protects our values and freedoms.

While I oppose the nomination of General Hayden because of the controversy surrounding the electronic surveillance program, I wish him the very best and hope that he will turn out to be a strong and independent leader at the CIA.

But I also hope that the Intelligence Committees in the House and Senate will conduct careful and thorough oversight over General Hayden and the CIA to ensure that the civil liberties of U.S. citizens are protected.•

Mr. NELSON of Florida. Mr. President, today I voted to confirm the nomination of General Michael Hayden to be Director of the Central Intelligence Agency replacing my friend and Florida colleague Porter Goss. I voted to confirm General Hayden based on his impressive record as a career intelligence officer in a broad spectrum of strategic intelligence activities and programs. He is widely regarded as one of the most qualified intelligence planners and managers among military or civilian intelligence professionals.

Despite my vote in favor of his confirmation I remain deeply concerned that recent revelations regarding domestic intelligence collection by the National Security Agency may have violated our laws. In hearings before the Senate Select Committee on Intelligence General Hayden often deferred questions about the program, the President's and Justice Department's statements about the program, and his own involvement in the NSA's activity to closed sessions. My Intelligence Committee colleagues pursued these questions and ultimately recommended approval of the nomination on a bipartisan 12–3 vote. I still have many questions about this program and how it was conceived and operated, and I will continue to seek answers to them. However, General Hayden has sufficiently demonstrated his objectivity, independence and openness that I am comfortable with confirming his nomination.

Given the threats our Nation faces today and challenges that our intelligence system has had coping with those threats, General Hayden should bring to this position much needed efficient, effective and, most importantly, independent leadership and management. That should be good for our intelligence agencies and good for the Nation.

Mr. JEFFORDS. Mr. President, I am casting my vote today in favor of GEN Michael V. Hayden to be Director of Central Intelligence. General Hayden has a strong background in intelligence. He has spent his career in national security and particularly intelligence, serving as Commander of the Air Intelligence Agency and as Director of the National Security Agency. General Hayden has served overseas in leadership positions with the U.S. Government in South Korea and Bulgaria, and is currently Principal Deputy Director of National Intelligence, serving directly under Director of National Intelligence, John Negroponte. General Hayden was straightforward in his answers to tough questions during his confirmation process, showing a clear command of the issues of national security and the challenges facing the intelligence community.

The confirmation process has also brought to light General Hayden's leadership qualities. At this time of change and realignment at the CIA, strong leaders are clearly needed. The agency has had a difficult time adapting to the changes in the intelligence community structure and has suffered a decline in morale and sense of mission. By all accounts, General Hayden will bring a welcome change at the top, hopefully infusing the agency with a new sense of direction and relevance that is badly needed.

I remain very concerned, however, that the wiretapping activities of the NSA have been insufficiently investigated. General Hayden insisted in his confirmation hearings that he was given unequivocal legal advice each step of the way. I do not doubt that this is true, but I believe that significant and compelling questions still remain about the validity of the legal foundation for the wiretapping programs. I have yet to be convinced that these activities are legal. Even if they are found to be legal, I question whether we really want our Government to be engaged in these activities.

But the debate on the NSA activities is far larger than just General Hayden. This debate must go on in depth and focus on the legal and policy issues at stake, not on the personalities of those involved.

We need to get the CIA back onto its feet and functioning properly. I believe that General Hayden is capable of doing that. I trust he will put his considerable skills to work in earnest on this task, as its success is critical to our national security.

Mr. CHAMBLISS. Mr. President, the men and women at the CIA today represent the best intelligence professionals in the world, and they deserve the best leadership and support. I have known General Hayden for some time, and I am convinced that he is the right person for this job.

My initial concern regarding a military officer directing the world's most sophisticated civilian intelligence agency have been addressed by General Hayden in private conversation as well as at the public hearing. The role and mission of the intelligence community at the Department of Defense where General Hayden has been for over 30 years is different from the role and mission of the CIA. General Hayden has convinced me that he can make the transition from the military side to the civilian side of the intelligence community while continuing to move the CIA in a positive direction of change and transition.

General Hayden has been instrumental in building our intelligence capabilities to meet the challenges of the 21st century. Even before becoming the Principal Deputy Director of National Intelligence, General Hayden has demonstrated his willingness to express his opinion and speak his mind. His credibility and integrity are second to none. He brings all these traits to his position as the Director of the Central Intelligence Agency.

He also brings with him the experience of leading an organization in transformation when he was at the National Security Agency. Today the CIA is in transformation to position itself from the preeminent intelligence organization during the Cold War to becoming an intelligence organization focused on new threats and national security issues such as countering terrorism, preventing countries such as Iran and North Korea from obtaining nuclear weapons, and protecting America's interests in Asia, Latin America, and elsewhere.

General Hayden will face challenges as he continues this transformation to ensure that the CIA continues to be the world class organization it must be to address these threats. This means continuing efforts to replace the old, risk adverse system that was not positioned to address the threats we are facing now and may face in the future. It also means ensuring the Agency does not reverse course by infusing ideas that previously opposed change, information sharing, or oversight.

Throughout his career, General Hayden has proven his management and leadership abilities. He will provide the enthusiastic and dedicated officers at CIA the "top cover" necessary for them to undertake the innovative approaches to intelligence gathering that is required to penetrate the hard targets of today, and I am confident he will be able to keep the CIA moving on the right course.

Finally, General Hayden will head an organization that is responsible for managing our national human intelligence effort. His military experience combined with his experience as the Principal Deputy Director of National Intelligence will serve him well as he integrates the human intelligence efforts of the Department of Defense, the FBI, and others into the National Clandestine Service, recognizing the requirements and capabilities of those organizations as he establishes common standards designed to further strengthen our country's intelligence capabilities.

I believe General Hayden is a qualified and dedicated person to lead the CIA at this critical juncture, and I look forward to working closely with him as the Director of the CIA.

Mr. FEINGOLD. Mr. President, I will vote against the nomination of Michael Hayden to be Director of the CIA because I am not convinced that the nominee respects the rule of law and Congress's oversight responsibilities. General Hayden is highly experienced and talented. And some of his testimony before the Intelligence Committee, including his acknowledgment that the intelligence process was manipulated in the lead-up to the war in Iraq, was encouraging.

It was therefore particularly disappointing that General Hayden failed to dispel serious concerns about his direction and defense of a program to illegally wiretap Americans on American soil without the required warrants. Having finally been briefed about this program last week, I am more convinced than ever that this program is illegal. I am equally convinced that there is no reason that this program could not have been briefed to the congressional intelligence committees 4½ years ago, as is required by law. Yet General Hayden expressed no doubts or concerns about the legality of the program or the administration's failure to inform Congress.

It is not sufficient for General Hayden to say that the lawyers told him it was okay. He has an independent obligation to abide by the law. No one can force him to break the law—not the lawyers and not the President. Nor were the legal issues especially complex or beyond the understanding of a very intelligent and experienced intelligence professional. For years, General Hayden had been conducting surveillance in compliance with the FISA law. For years, the NSA had been notifying the congressional intelligence committees about its programs. Then, one day, everything changes. FISA no longer applies—and, by the way, don't tell Congress. We know from General Hayden's testimony in 2002 that he understands the importance of the legal protections that FISA provides regarding surveillance of U.S. persons. His decision that it was OK to secretly bypass those protections is inexcusable.

The Congress must stand up for the law and for our constitutional system of checks and balances. I believe that the President must be held accountable for breaking the law and for insisting that he can continue to do so. I am deeply concerned that, unless this body speaks, it will be seen by history as having consented to this illegal action.

But those who carried out and defended this program also have some responsibility. We know, from Attorney General Gonzales' testimony to the Judiciary Committee, that this administration acknowledges virtually no limits to its authority. Under the theories put forward by the administration's lawyers, whenever national security is supposedly at stake, no laws are binding and Congress is merely an inconvenience. These assertions are contrary to our constitutional system and they are dangerous. And they cannot serve as an excuse for experienced leaders like General Hayden who know better.

My decision to vote against General Hayden is not simply about responsibility for past conduct, although that is important. I will vote against this nominee because, given his recent actions and his less than reassuring testimony, I am not convinced that he will abide by the laws relevant to the position of the Director of the CIA. When I asked General Hayden about legally binding restrictions on the authorities of the CIA, such as those prohibiting the CIA from engaging in domestic security, he spoke about Presidential authority and consultations with Government lawyers. That was also his response to questions about illegal warrantless wiretapping as well. We know what this administration's lawyers have to say about following the law, and General Hayden provided no reassurance that he will see things any differently.

General Hayden's conduct and testimony also raise serious questions about his willingness to respect congressional oversight. He was complicit in the administration's failure to inform the full congressional intelligence committees about the warrantless surveillance program, even though this notification is required by law. In his testimony, he repeatedly failed to explain or criticize the administration's failure to inform the full committees about the program. As Director of the CIA, General Hayden would have a legally binding duty to keep the congressional intelligence committees informed of CIA activities. If General Hayden does not acknowledge this duty, we cannot be assured that the Congress will be kept fully and currently informed, as is required by law.

Finally, I remain concerned about previous misleading testimony by General Hayden regarding warrantless surveillance and his explanation for that testimony. In 2002, he told a joint congressional committee that, under FISA, persons inside the United States "would have protections as what the law defines as a U.S. person and I would have no authorities to pursue it." In fact, the President had already authorized the NSA to bypass those legal protections. General Hayden's explanation for this statement, that he was speaking in open session at the time and had earlier given a fuller briefing to the committee in closed session, does not justify a public misleading statement.

Our country needs a CIA Director who is committed to fighting terrorism aggressively without breaking the law or infringing on the rights of Americans. General Hayden's role in implementing and publicly defending the warrantless surveillance program does not give me confidence that he is capable of fulfilling this important responsibility.

The stakes are high. Al-Qaida and its affiliates seek to destroy us. We must fight back and we must join this fight together, as a nation. But when administration officials ignore the law and ignore the other branches of Government, it distracts us from fighting our enemies.

I am disappointed that the President decided to make such a controversial nomination at this time. In keeping with Senate historical practices, I defer to Presidents in considering nominations to positions in the executive branch. I do not believe it is the role of the Senate to reject nominees simply because they share the ideology of the person who nominated them. But we should not confirm a nominee for this position of great responsibility when his conduct and testimony raise such troubling questions about his adherence to the rule of law.

(At the request of Mr. LEVIN, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, the Senate today considers the nomination of GEN Michael Hayden to be Director of the Central Intelligence Agency. I support General Hayden's confirmation. He is the right person to lead the CIA out of a period of turmoil and controversy.

Without question General Hayden has the necessary credentials. He is a career Air Force intelligence officer who led the National Security Agency for longer than anyone in the history of that agency. When he took over the NSA it was no longer at the cutting edge of information technology as it had been during the Cold War. Not everything he tried worked but he led the agency's turnaround. We no longer worry, as we did in 1999, that the NSA is on the verge of going deaf.

General Hayden left the NSA a year ago to become the Principal Deputy Director of National Intelligence—the number two job in the new organization created by Congress to modernize the intelligence community. He has helped Director John Negroponte start the process of building a cohesive community from the 16 disparate intelligence agencies. Now he will have a chance to continue working on that integration as the Director of the agency that is the lynchpin for U.S. intelligence, the CIA.

While his qualifications are obvious, General Hayden's selection is not without controversy. As Director of the NSA he designed and implemented a warrantless surveillance program, authorized by the President, to intercept communications inside the United States. The goal of this program is to find terrorists, something every Member of this body supports. But the program's questionable legal underpinnings and the decision to keep it hidden from most Members of Congress have raised questions about General Hayden's judgment and independence.

I wrote Director Negroponte in February expressing my view that General Hayden's role in the public defense of the NSA program was inappropriate for an intelligence official. I reiterated that concern directly to General Hayden in a letter to him prior to his confirmation hearing last week. Officials of the intelligence community must avoid even the appearance of politicization.

General Hayden addressed this issue in his hearing and responded privately to my letter. After carefully considering his answers and his response, I am convinced that he believes the NSA program is legal. I also believe his public appearances were in large part his effort to defend the men and women of the NSA. I still believe his participation in the White House public relations campaign was inappropriate, but I believe his explanation is sincere.

I raise this issue because it gets to the heart of what I think will be General Hayden's challenge at the CIA—rebuilding the agency's credibility and reestablishing its independence. The CIA was established in 1947 to be an independent source of intelligence for the President and other senior policymakers. We have no less a need for that independence now than we did then. The Government, both the executive branch and the Congress, must have intelligence that is timely, objective, and independent of political considerations. This is not just a goal; it is the standard set in law.

Unfortunately, over the past few years we have witnessed a pattern of cynical manipulation of intelligence for political purposes. This politicization has damaged the credibility of the intelligence community and undermined America's efforts to deal with critical national security challenges. General Hayden must take steps to assert his and the CIA's independence.

The situation in the period prior to the Iraq war must never be repeated. Administration officials accepted without question any nugget of intelligence, no matter how poorly sourced, if it supported the decision to go to war with Iraq. In areas where the intelligence did not support the administration's preconceived view, such as alleged Iraqi ties to al-Qaida and the 9/11 attacks, the administration badgered the intelligence community to find a link, ignored the intelligence that showed there was none, and set up a rogue intelligence operation at the Defense Department to aggressively push the alleged connection.

But perhaps the most blatant abuse of the intelligence process was and continues to be the leaking and selective declassification of intelligence information to support particular policy goals. Many of my colleagues have decried the unauthorized disclosures that regularly appear in the press. I join them in condemning these damaging leaks. But it is important to understand that most disclosures of intelligence information are generated by executive branch officials pushing a particular policy, and not by the rank-and-file employees of the intelligence agencies. This has been the pattern of the current administration, particularly related to Iraq.

Based on his past performance I am sure that General Hayden will stand up to blatant attempts to influence intelligence judgments. I also believe he has the character to speak out when he believes the intelligence process is being misused by senior policymakers.

General Hayden also will need to regain the trust of the Congress. The administration's repeated refusal to allow effective oversight of some of the most important intelligence programs has endangered critical intelligence capabilities and alienated the Intelligence Committees when their support is most needed. Signals intelligence and intelligence obtained from detainees are critical elements of our efforts to detect and stop terrorists. But the administration's ill-advised attempts to shield these programs from oversight have created suspicion and undermined public support for our counterterrorism efforts. Sustaining these kinds of intelligence programs over the long term requires the Congress to be a full partner from the beginning. Our mutual goal should be to ensure that critical intelligence programs receive the attention and support they need to be effective.

Some have questioned the wisdom of a military officer serving in this position. While I want to make sure that General Hayden is outside of the military chain of command, I am convinced that General Hayden's military experience will enable him to successfully manage the important and sometimes difficult relationship between the CIA and the Department of Defense. As CIA Director he also will be the national manager of human intelligence collection activities across all agencies, including the Defense Department. This function is essential to ensuring effective coordination of our sensitive intelligence operations overseas. We cannot afford the creation of redundant capabilities or any confusion as to who is in charge of these delicate operations.

General Hayden will take over the helm of the CIA at a time of rapid expansion of the workforce and following a period of dramatic decline in employee morale. Under his predecessor's tenure the CIA lost many of its most experienced and talented officers. He will need to move quickly to convince the current workforce that the days of political litmus tests are over and experienced professionals will be in charge rather than political cronies.

I cannot overstate the importance of the job General Hayden is undertaking. The CIA and our other intelligence agencies are the front line of our defense. The CIA must find better ways to penetrate targets such as Iran and North Korea while continuing to adapt to the ever changing tactics of the international terrorist movement.

The Senate Intelligence Committee's 2004 review of Iraq intelligence exposed some glaring problems in the collection and analysis of intelligence. The CIA has been undergoing its own internal review and has begun integrating the lessons it has learned. It will be General Hayden's job to see that the CIA embraces the reforms needed to deal with the challenges of the 21st century. I am confident he is the right person for the task.●

Mr. LEVIN. Mr. President, the CIA must at all costs avoid a repeat of the pre-Iraq war intelligence fiasco, when CIA Director Tenet said the case for weapons of mass destruction in Iraq was a "slam dunk," and then proceeded to distort and exaggerate underlying intelligence in order to support the administration's Iraq policy. The CIA needs an independent Director who will speak truth to power and provide objective assessments of a professional intelligence community, and not try to please policymakers by telling them what they want to hear.

General Hayden not only promises to be independent and objective, General Hayden has proven he has the backbone to do so.

For instance, General Hayden is perhaps the only high-level official who has criticized the Department of Defense policy office of Douglas Feith. That office, before the war began, undertook to use a direct pipeline to the White House for distorted intelligence assessments, bypassing mechanisms in place which are intended to produce balanced, objective assessments.

General Hayden has done more than speak openly of his concerns about the Feith operation. He acted upon them by placing a cautionary disclaimer on the reporting of his agency relative to the links that Feith and others were trying to create between Saddam Hussein and al-Qaida, so that his agency's reports could be misused for that purpose.

Again, speaking truth to power, General Hayden showed independence when he stood up against the positions being urged by Secretary of Defense Donald Rumsfeld during the recent reforms of the intelligence community.

As to the surveillance activities of the National Security Agency, which General Hayden formerly led, many of us have concerns. But those concerns as to the legality and as to the decision to implement the alleged collection of phone numbers called by millions of Americans should be placed at the doorstep of the Attorney General and the White House.

I am one of those being briefed on the program, and I have a number of concerns. But my concerns are with the legality and privacy intrusions and effectiveness of the program authorized by the President, and given the legal imprimatur of the Attorney General. I know of no evidence that General Hayden acted beyond the program's guidelines as set up by the President and the Attorney General.

I will vote for General Hayden's confirmation.

Mrs. FEINSTEIN. Mr. President, I rise in support of the nomination of GEN Michael Hayden to be the next Director of the CIA.

I support his confirmation first because I think General Hayden's vision for the future of the CIA is right on point.

He has pledged to make the collection of human intelligence a top priority—a necessary move in understanding our Nation's enemies and the threats we face.

At the same time, General Hayden understands the failures of analysis prior to the Iraq war and is committed to making major changes.

Only time will tell, but I am hopeful that General Hayden has what it takes to put the agency on the right path after recent collection and analytic failures.

Secondly, I think General Hayden brings with him the overarching view of the entire intelligence community needed to carry out the vision and transition the CIA to deal with the new asymmetric threat posed by the terrorist world. I think this is critically important at this time.

General Hayden served 6 years as the Director of the National Security Agency, the largest intelligence agency in the intelligence community.

He ably led a transformation from a Cold War institution to a key component of our Nation's counterterrorism efforts.

Additionally, he served as Principal Deputy Director of National Intelligence under Ambassador Negroponte for the past year.

In this role, he oversaw the day-to-day operations of the Office of the DNI, and many of the DNI's accomplishments to date can be directly attributed to General Hayden's service.

Third, I am pleased that General Hayden made a commitment to me to appoint experienced intelligence professionals to serve on his direct staff and in senior positions across the agency.

I also support the administration's intention to name Stephen Kappes as the Deputy Director of the CIA.

Mr. Kappes brings a wealth of experience in the clandestine service to the agency's senior leadership.

Perhaps more importantly, his return to the agency has already gone a long way to assure operators that they are well represented in management and that their concerns will be met.

General Hayden will come to the agency at a time of major personnel problems.

But he has already taken steps to move the agency beyond the problems of the past and that is good news.

There is no question that the concerns that have been raised about General Hayden are legitimate and important.

Before my meeting with General Hayden and his appearance at the confirmation hearings, I was concerned that he will not be sufficiently independent of the Department of Defense. On this point, I have been reassured.

General Hayden has shown his independence in the past, and has committed that if he finds his uniform to be a hindrance in any way, he will "take it off."

Similarly, the Intelligence Committee will need to pay close attention to intelligence activities of the Department of Defense, especially in the area of human intelligence.

I have concerns that the Pentagon is going too far in this area, and I want to make sure that the CIA remains the leader and primary provider of this type of intelligence collection.

My greatest concern about General Hayden is that he was not more forthcoming in his answers during the open confirmation hearing.

Many members asked important questions on the NSA domestic surveillance program and on detention, interrogation and rendition policies.

In my view, the public deserved more forthcoming answers than those provided by General Hayden.

For example, I felt that General Hayden should have stated clearly, in full public view, whether he believes that certain interrogation techniques constitute torture. He could say yes or no without disclosing sources and methods.

It is my hope that General Hayden will be more forthcoming once he is confirmed as Director of the CIA.

The challenge ahead of General Hayden is daunting, but it is absolutely critical to our nation's security that he succeed.

I believe General Hayden is the sound intelligence professional the CIA needs to regain its footing as the world's premier spy service and the hub of our nation's intelligence analysis and research and development capabilities.

I look forward to working with him to protect the American people.

Mr. LEAHY. Mr. President, in several crucial respects, the CIA today is in disarray, and fixing our premier intelligence agency must be a top priority. The CIA must become as effective as we need it to be in combating terrorism and in serving all of our national security interests. The keys to a strong and competent CIA are the independence and proficiency of its leadership.

I had a lengthy private discussion with General Hayden in deciding how I would vote on his confirmation. Our discussion confirmed the confidence that I have long had in General Hayden's professionalism and competence. I remain outraged about the controversial domestic surveillance initiatives that the NSA has overseen at the White House's direction, but the fact remains that President Bush and Vice President CHENEY—not General Hayden—were the "deciders" in ordering this surveillance of Americans, with then-White House Counsel Gonzales acting in his capacity to validate a program that was structured and operated outside the checks and balances of existing law.

The CIA right now is in desperate need of professionalism after the debacle of the Agency's outgoing leadership, and my discussions with General Hayden have led me to conclude that he has the competence, the experience, and the independence to serve capably in helping to repair the damage that has been done to the Agency. I will vote for his confirmation.

Mr. REID. Mr. President, I rise in support of the nomination of General Hayden as the new Director of the Central Intelligence Agency. Based on my review of his long record as a career intelligence man and his answers to some important questions during his confirmation hearing, I am hopeful General Hayden will provide the CIA the kind of non-partisan leadership it has sorely lacked for the past several years.

And I am also hopeful that this nomination signifies that the Bush administration has recognized, finally, that professionals, not partisans should be put in charge of national security.

General Hayden has impeccable credentials and a career in intelligence matters that is as impressive as it is long. Anyone can read the public record and quickly see that this man is more than qualified for this job.

And my personal meeting with General Hayden shortly after he was nominated only served to reinforce that impression. I met with him privately—one on one—in my office just off this floor, for more than 45 minutes.

During the course of that meeting, we discussed General Hayden's career in the Air Force from 1969 until today and his dedicated service to America's intelligence community that ultimately earned him a fourth star.

My meeting convinced me that General Hayden understands and respects the role of Congress in national security matters. He seems to grasp how essential it is that he consult regularly with the congressional leadership on these critical issues. And he seems to recognize the need to keep the congressional oversight committees fully informed about the intelligence community's activities.

All of these are important because we are a nation at war and actions by the Bush administration have left our intelligence community—this Nation's eyes and ears on those who mean us harm in disarray.

As a direct result of this administration's actions, the Central Intelligence Agency and those it placed under contract have been directly implicated in numerous instances of abuse of detainees that have given this nation a black eye around the world and been counterproductive to winning the fight against terrorism.

The findings of our intelligence community are increasingly questioned by the American people and the world.

And scores of incredibly talented and experienced career intelligence professionals have been driven from their jobs because they insisted on speaking the truth rather than tow the Administration's line.

Things apparently got so out of hand at CIA in recent months that the President's intelligence advisory board finally had to intervene and recommend change.

All of these developments have harmed national security and placed Americans at greater risk. And it is against this difficult backdrop that the Senate debates the nomination of General Hayden. As Senator LEVIN said in the confirmation hearings, "The next Director must right this ship and restore the CIA to its critically important position."

I want to briefly lay out the three major challenges that I believe General Hayden faces in ensuring that he achieves the success the Senate expects of his tenure.

The first challenge is independence.

General Hayden needs to speak truth to power and call the shots as he sees them, not as he thinks his boss wants them seen. Rebuilding the independence of intelligence also means ending its politicization. General Hayden must stand up to an administration that has either attempted to bully the intelligence community into saying what it wanted or worked around it when it couldn't get the answers it needed. General Hayden must provide assurances to Congress that intelligence assessments, and professional intelligence civil servants, will be protected from outside interference, not politicized.

The second challenge is openness to oversight.

This administration has refused to follow the law and Senate rules that require keeping the intelligence committees fully and currently informed of important intelligence practices. Administration ideologues have apparently authorized detention and interrogation practices that have backfired in our efforts in the war on terror, and concocted controversial legal arguments for presidential powers backing a warrantless surveillance program that circumvents the law—all without keeping Congress properly informed as required under the law. General Hayden must ensure that Congress is able to carry out its constitutional obligations on critical national security matters.

The third challenge is fixing our strategy in the war on terror.

After more than 4 years of the war on terror, Osama bin Laden remains at large and al-Qaida and other radical fundamentalist terrorist organizations pose a grave threat to our security. Terrorist attacks have increased not decreased on this administration's watch. Two of the three so-called axes of evil are more dangerous today than they were when President Bush first uttered that memorable phrase and the third, Iraq, is on the verge of becoming what it was not before the war—a haven and launching pad for international terrorists. And America's standing in the world has reached record lows in critical regions of the world.

In the short run, General Hayden must insist that the Bush administration redouble and refocus its efforts that go after "high value targets". It is a travesty—a travesty—that nearly 5 years after 9/11, the Bush administration has not captured or killed Osama bin Laden. The CIA must lead efforts to understand the challenge posed by Iran and North Korea and their nuclear ambitions.

General Hayden must also build a global human intelligence capability over the next several years with diverse officers who understand the cultures and speak the languages of every key target across the entire globe. The CIA must play a leading role in understanding how to help win the battle of ideas going on within the Islamic world, and how to change the calculus of the young so that new generations of terrorists are not created.

These are all large and important challenges, with grave consequences for America and the world. Based on everything I have seen I am hopeful he is up to the task. And I am hopeful this administration will let him do the job for which it nominated him.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of General Michael V. Hayden, United States Air Force, to be Director of the Central Intelligence Agency?

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) and the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 15, as follows:

[Rollcall Vote No. 160 Ex.]

YEAS—78

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Domenici
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner

NAYS—15

Bayh
Cantwell
Clinton
Dayton
Dodd
Dorgan
Durbin
Feingold
Harkin
Kennedy
Kerry
Menendez
Obama
Specter
Wyden

NOT VOTING—7

Boxer
Conrad
Dole
Inouye
Rockefeller
Salazar
Thune

The nomination was confirmed.

Mr. DODD. Mr. President, I would like to say a few words about the nomination of General Michael V. Hayden to be Director of the Central Intelligence Agency. I regret that I was not able to vote to confirm his nomination at this time, and I would like to take a few minutes to explain my vote.

As my colleagues may know, I voted to confirm General Hayden when he was nominated to be the Deputy Director of National Intelligence, DNI. I stand by that vote for two reasons. First, General Hayden is obviously qualified on paper to fill the position. Second, he was serving as Deputy to the current DNI, John Negroponte. So there was a clear line of authority.

But today when the Senate voted on his nomination to be Director of the CIA, these two circumstances were significantly different. First, issues like the potentially illegal wiretapping of American citizens' phone lines by the National Security Agency—a program which General Hayden reportedly designed and ran—have come to light. And second, he will no longer be serving as a deputy but as head of one of our Nation's premier intelligence agencies—yet he is not resigning his commission as a uniformed officer. That raises the question of whether and to what degree he will be independent from decisions made at the Pentagon.

Some of my colleagues have insisted that Secretary of Defense Donald Rumsfeld will no longer be in the chain of command overseeing General Hayden in his position at the CIA. Certainly, there is precedent for uniformed officers serving as head of the CIA. However, when we look at this precedent we also have to realize that circumstances have changed. A not insignificant part of the reason that we invaded Iraq is because our Nation's intelligence was politicized, and because intelligence activities were manipulated to justify a predetermined conclusion—that Iraq had weapons of mass destruction.

Much of this intelligence manipulation was performed by intelligence bureaus within the Pentagon, under the supervision of Secretary Rumsfeld, who has been steadily expanding the Pentagon's role in U.S. intelligence activities. It would seem to this Senator that given Secretary Rumsfeld's track record, concentrating intelligence in his hands would be unwise to say the least.

The truth is that we don't really know how much independence General Hayden will show with respect to the Secretary of Defense. After all, he is a military officer, with an active commission. And the record is mixed with respect to predicting how the cards will fall. On one hand, there are reports that he stood up to Secretary Rumsfeld and other political appointees in the President's Cabinet on certain occasions. On the other hand, he reportedly designed and strongly supported a program to wiretap the homes of American citizens, whose legality is in question.

If he was just following orders, these circumstances raise serious questions about his ability to exercise independence as Director of the CIA. If, as is widely believed, he was the driving force behind the NSA's wiretapping program, then I question his ability to balance the important need to defend our Nation from threats with the equally important need to protect constitutional rights of all Americans.

I frankly think it is a shame that Congress didn't take a few more days, or even a couple of weeks, to more deeply probe these fundamental issues of security and liberty. Indeed, if this body had taken sufficient steps to get answers about the NSA's wiretapping program, and if General Hayden had considered leaving his role as an active military officer during his tenure as CIA Director, then it is possible that the concerns I mentioned might have been alleviated.

I also regret the fact, however, that President Bush didn't pick somebody who was equally qualified but not tied in to controversial programs such as collecting telephone information and listening in to conversations between American citizens. Because in this time of difficulty for the CIA, we don't just need someone who is qualified, we also need someone who is credible. While the extent of General Hayden's involvement in these activities is as yet unclear, I am concerned that his role could potentially undermine his ability to carry out his duties as head of the CIA.

Mr. President, despite some opposition, General Hayden was confirmed earlier this morning by the Senate. At this juncture, I can only hope that he proves my concerns to be unfounded. I wish him only the best in pursuing a goal that I know we all share—the safety and well-being of American citizens in this time of war.

The PRESIDING OFFICER. The President will be immediately notified.

The majority leader is recognized.

Mr. FRIST. Mr. President, I know Senator NELSON will have 2 minutes of remarks to make; 30 seconds for me. The next vote will be our last. We anticipate a voice vote on the confirmation of Dirk Kempthorne after cloture is invoked. We are working on agreement for when we return. I expect the next votes to occur on the morning of Tuesday, June 6.

100 HOURS OF SERVICE AS PRESIDING OFFICER

Two quick congratulations: On behalf of the entire Senate, I congratulate two Senators for their presiding service. Earlier this week, Senator VITTER reached the 100-hour mark and will receive the Golden Gavel Award; and later this morning, Senator ISAKSON will get his 100th hour of service. We thank them both for their efforts in the Chair.

(Applause, Members rising.)

NOMINATION OF GENERAL MICHAEL V. HAYDEN TO THE POSITION OF GENERAL IN THE U.S. AIR FORCE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to Executive Calendar No. 693, which the clerk will report.

The legislative clerk read the nomination of the following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

GEN Michael V. Hayden

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the confirmation of the nomination of GEN Michael V. Hayden to the position of general in the United States Air Force.

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

Senator NELSON is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. President, I rise today as a voice to counter that of the giant multinational oil corporations. It has been during three decades of my public service that I have held fast to a promise to fight to keep big oil away from Florida's coastlines, to keep that industry from soiling our homes and from ruining our economy.

In Florida, a clean, healthy environment is the infrastructure of our tourism-driven economy, and it is the source of sustenance for millions of residents and visitors alike. In America, where we have only 3 percent of the world's oil reserves, our addiction to "black gold" will not be broken just by more drilling but by mounting an aggressive effort to fully exploit greater efficiencies in alternative fuels.

As part of my promise to Florida, I have said that I could not support an Interior Secretary who would advance this administration's willingness to acquiesce to the oil lobby and its ever-increasing desire for greater profits beyond the recent record levels.

Mr. President, I know this nominee is a person deserving of our respect. He is a gentleman. In fact, he will receive an overwhelming vote of support from the Senate. But I must stand on my principles to oppose this nomination. I do so for the future of Florida and for the future of our country.

I thank the Chair.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on Executive Calendar No. 630, the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mrs. DOLE) and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from North Carolina (Mrs. DOLE) and the Senator from South Dakota (Mr. THUNE) would have voted "yea."

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Colorado (Mr. SALAZAR) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 8, as follows:

[Rollcall Vote No. 161 Ex.]

YEAS—85

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Johnson
Kennedy
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Menendez
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Santorum
Sarbanes
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner
Wyden

NAYS—8

Biden
Clinton
Dayton
Harkin
Kerry
Mikulski
Nelson (FL)
Schumer

NOT VOTING—7

Boxer
Conrad
Dole
Inouye
Rockefeller
Salazar
Thune

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 8. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. MENENDEZ. Mr. President, I am not here to cast doubt on the qualifications of Governor Kempthorne to be the next Secretary of the Interior. In fact, I believe he is eminently qualified for the job. Unfortunately, that is also the problem. I fear that the Governor is all too qualified to take the helm of an agency that, in the past 5 years, has drastically shifted its mission from one of conservation and protection, to one of exploitation and commercialism. Governor Kempthorne's record as a Senator, where he cast one vote in favor of the environment in six years, does not give me much hope that he will be able to reverse the trend.

If we are to ensure that our grandchildren will be able to marvel at the majestic grandeur of this country's untouched wide open spaces, or learn of their Nation's heritage at our historic treasures, or observe the beauty of the astounding array of wildlife that roams the continent—it is essential that the next Secretary of the Interior recommits the Department to being a good steward of the land for all the people, and not a good server of it for the oil, mining, and timber companies. Given his consistently held positions for drilling in protected areas of the Arctic and off our coastlines, weakening the Endangered Species Act, and opposing the protection of roadless areas in National Forests, among others, I do not believe that Governor Kempthorne will make a change in the direction of the Interior Department.

I want it to be clear that the real problem is not with the nominee. The real problem is with the policies of the administration, and the willingness of the Secretary to carry them out without question. This administration has certainly been no friend to the environment, and the previous Secretary of the Interior was particularly adept at enabling its primary impulses. Whether it is in the waters off our beaches, in the sensitive lands of the Arctic, or the wild places of the West, the administration has consistently appeared to be working for the interests of the oil and gas companies first, and the interests of the public second. They have consistently pushed for opening the Alaska National Wildlife Refuge. They have proposed opening the Mid-Atlantic to oil and gas drilling—barely 75 miles off the coast of New Jersey. And, according to the Government Accountability Office, they more than tripled the number of drilling permits approved for the West—to the point where GAO found that the Bureau of Land Management was having trouble meeting its environmental responsibilities.

The administration's disdain of public lands extends to the point that they have now proposed selling it off to fund other programs or reduce the deficit. To his credit, the Governor flatly stated that he did not approve of reducing the deficit this way, but he was not nearly as clear about whether he would use public land sales to fund other programs. The Governor should not treat our public lands as if they were an inventory that needed to be gotten rid of, but rather as an asset that needs to be protected and nurtured for future generations.

In New Jersey, we don't have an overabundance of public land, which makes us value what we do have a great deal. Even in the most densely populated State in the Nation, we have a number of treasures valued by all New Jerseyans—the Pinelands, the Highlands, the Delaware Water Gap, our National Wildlife Refuges, our historic sites, and more. This is where we take our children to show them the beauty of nature, where we learn about our past, where we take our vacations, and where we welcome visitors from other States and other countries. But many of these would not exist without the help of the Land and Water Conservation Fund. The Fund has not only helped the Federal Government preserve these and other sites, it has also helped the State create parks, ballfields, and other recreation areas. Liberty State Park, a green oasis in the middle of the New Jersey metropolitan area, less than a half mile from Ellis Island and the Statue of Liberty, would still be a tangle of deserted railroad tracks if it wasn't for the help of the Land and Water Conservation Fund. Unfortunately, the administration has been carrying on a multi-year assault on the fund, slicing it from $573 million in 2002 to $142 million this year, and proposing only $85 million for 2007. For the second straight year, they have proposed eliminating the State grant program entirely. This is not the way to run a program that is supposed to provide $900 million each year for land acquisition.

I am also very concerned about the overall direction that the National Park Service has been moving in under this administration. First, the administration has inexplicably proposed rewriting the National Park Service's management policies to take away the clear mandate to preserve the parks for future generations. We have not gotten any satisfactory answers as to why they have proposed this, but it is completely at odds with my view of why we have national parks, which is to protect our natural treasures for our children and our grandchildren. But even if the policies are not rewritten, our parks are in danger of simply falling apart. The National Parks Service faces a multibillion-dollar maintenance backlog, yet the administration has proposed slashing the account to fund that maintenance by over 30 percent.

This does not bode well for Ellis Island, where a large number of historic buildings are in danger of disappearing forever into crumbled brick because the National Park Service has been stalling for years instead of approving a redevelopment plan for the south side of the island. This part of the island belongs to New Jersey, and a dedicated nonprofit group has spent years raising millions of dollars to prepare for the rehabilitation of these structures, only to be thwarted by the National Park Service.

Right next door, the Statue of Liberty has been held hostage by fear since 9/11. The pedestal has been reopened, but visitors are still forbidden from making the unforgettable climb up to her crown to look out onto the harbor. Just yesterday, the Senate passed the amendment, offered by Senator SCHUMER and myself, that would require the Secretary of the Interior to take the necessary security precautions and open the stairway to Lady Liberty's crown once more. There is no reason it should have taken this long to take the precautions necessary to ensure that the statue is safe to climb, and there is no reason any longer for it to be held hostage to fear.

The National Park Service is not the only agency in the Interior Department facing crippling budget cuts that threaten its very mission. Wildlife refuges throughout New Jersey are going to be losing staff in the upcoming fiscal year; at least one refuge will be left without any staff at all. The largest of our refuges, Edwin B. Forsythe, is going to have to close one of its offices, and make due with only one law enforcement officer for its 47,000 acres. This doesn't just detract from the experience for visitors. It also makes it tougher to protect against vandalism, littering, and other activities that harm the tens of thousands of birds and mammals that depend on the refuge as a sanctuary in a highly urbanized region.

This last point is extremely important. Making sure that wildlife has access to the habitat it needs to thrive is absolutely essential, particularly if endangered species are to survive. But right now the endangered species act is under attack. Last year, the other chamber passed a bill that would severely weaken a number of crucial protections under that Act, including the elimination of critical habitat. The Governor has a long record on endangered species issues, and much of it gives me great cause for concern. I hope that he will take a careful look at this issue and not simply endorse policies designed to protect developers first and endangered species second.

I have just scratched the surface of the antienvironmental policies of the current administration. As I have limited myself to discussing the Department of the Interior, I have not mentioned the misguided policies designed to rollback the progress we have made in cleaning our air, our lakes, and our rivers, or the refusal of the administration to face the facts on global warming. We quite simply might never have the time to completely cover that ground. But Governor Kempthorne has demonstrated himself in the past to be aligned with the environmental philosophy of this administration, and therefore I cannot support his nomination as Secretary of Interior. I have no illusions, however. I am fully aware that he will be confirmed, and I hope that he proves me wrong. Because we are in danger of making mistakes that we can not easily correct. And we need to reaffirm our commitment to being good stewards of the land for future generations. As Theodore Roosevelt said: "I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us." I hope that the administration will take these words to heart.

Mr. CRAPO. Mr. President, I am pleased to be able to recognize the distinguished achievement of my friend and fellow Idahoan Dirk Kempthorne, who will be sworn in today as the 49th Secretary of the Interior of the United States. Throughout years of public service from mayor of Idaho's capitol, United States Senator, Governor, and now Interior Secretary, Dirk is a man of many accomplishments and is of the highest character and integrity.

I have known Dirk since the 1980s when we both served the public in Idaho. As a matter of fact, I kind of owe my current job to him, as I won his seat when he left the Senate to go back to Idaho to become Governor.

Dirk has dedicated his life to public service. From his time in the Idaho Department of Lands, as mayor, as Senator, and as Governor, he has always been recognized by those from both sides of the aisle for his tremendous leadership skills. He utilizes his thorough understanding of policy together with cultured consensus-building abilities to see the most effective policies carried out through legislation and governance. These qualities will serve the nation well as he takes on the many challenges facing the Department of the Interior in the 21st century.

Through the diversity of his public service, especially as mayor and Governor, Dirk understands the real value of federalism, one that recognizes that the Government closest to the people is asked to do the most, often with fewest resources. His service as mayor taught him the lessons that ultimately led to his leadership in many relevant and important issues during his time in the Senate.

A further reflection of that approach is his pioneering work on Endangered Species Act issues. In addition to taking his seat in the Senate, Dirk preceded me as chairman of the Environment Subcommittee with jurisdiction over species conservation. In that capacity, he led a bipartisan effort to update and improve our Nation's laws to better protect and promote the recovery of endangered and threatened species while recognizing the funding challenges. As Governor, Dirk kept up this beacon call and launched a successful public education initiative through the National Governors Association and Western Governors Association on the importance of ESA issues. Dirk is a respected national authority on resource issues and a promoter of collaborative decisionmaking to solve environmental conflicts.

As Governor, he has also forged a strong working relationship with the five nationally recognized Native American tribes that reside in Idaho. Dirk recognizes the complexity of our trustee relationship with our tribes and has continuously sought to work cooperatively on matters that affect both the State and Native Americans.

As chief steward of Idaho for the past 8 years, Dirk has vigorously championed innovation in environmental and natural resource sciences. Under his guidance, the State has taken a leadership role in applying scientific and technological innovation and research to the complex world of environmental and natural resource management. Dirk has also worked to advance the environmental mission of the Department of Energy's Idaho National Laboratory. He understands that Idaho's diversifying economy and unique resources require a dynamic mix of natural resource protection, appropriate rural economic development, and smooth integration of scientific advancements, educational research, and business know-how.

Following the wildfires of 2000, Dirk worked with his fellow Governors and Federal officials to help bring a new approach to forest health and wildfire management. Under his leadership, Idaho has established effective and well-received wolf and grizzly bear management plans aimed at enhancing the State's responsibilities as Federal management is removed.

There is no question in my mind that Dirk Kempthorne will make a superlative Secretary and establish a proud and esteemed legacy, and I congratulate him on this remarkable achievement and high honor.

Mr. LAUTENBERG. Mr. President, the position we are voting on, Secretary of the Interior Department, holds great importance for our country. The Department determines the fate of many of our public lands, including national parks and wildlife refuges. Of great importance to New Jersey, the Secretary of Interior determines what activities can take place on the Outer Continental Shelf. The Secretary of Interior implements critical laws like the Endangered Species Act, and administers some of our most important conservation programs like the Land and Water Conservation Fund. It should be a job for somebody who believes in protecting our nation's great natural heritage, not selling it off to the highest bidder.

I served in the Senate with Governor Kempthorne, and we were members of the Environment and Public Works Committee at the same time. He is a skilled legislator and a congenial person, and I will vote to invoke cloture on his nomination, and for his confirmation. But I do want to take this opportunity to express some concerns about Governor Kempthorne's record on the environment, and about the Bush administration's record, as well.

The League of Conservation Voters has given Governor Kempthorne a lifetime score of 1 percent, meaning he voted against the environment as judged by LCV 99 percent of the time. That does not give me great confidence on how he will address issues of preserving wilderness, protecting wildlife, or defending our coastal waters. Of course, these are areas where the administration has already compiled a poor record.

I am also concerned about whether Governor Kempthorne will continue the pattern of pressuring scientists to alter their views to suit ill-advised Bush administration policies.

Last year, we learned that an administration official named Philip Cooney—an oil lobbyist before and after his White House stint—had altered scientific documents to change their conclusions about global warming. This year, we have seen numerous reports of Bush administration political appointees trying to intimidate and muzzle climate scientists at the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration.

Similar concerns have been raised at Interior-based agencies. Twenty percent of Interior scientists who answered a survey by the Union of Concerned Scientists responded that they had been "directed to inappropriately exclude or alter technical information from a scientific document." Moreover, 44 percent of the respondents said that they have been "directed, for non-scientific reasons, to refrain from making findings that are protective of species."

The Fish & Wildlife Service fired a whistleblower who exposed the Bush administration's use of flawed science to favor development projects over protecting habitat for the Florida Panther.

This administration's contempt for science is deeply disturbing, and it would be a great disappointment if Governor Kempthorne were to continue to pursue policies based on ignoring, suppressing, or intimidating scientists.

Our country is blessed with countless national treasures from coast to coast and, in my view, the Interior Secretary's most important job is to restore and preserve those treasures. Despite the serious reservations I have raised here, I will support this nomination in the hope that Governor Kempthorne will shift this administration's unwise policy emphasis on development over preservation, and I urge him to respect unfettered scientific inquiry in the agencies he will oversee.

Mr. FEINGOLD. Mr. President, I am mindful of Wisconsin's historic dedication to conservation and am keenly aware of the legacy of Gaylord Nelson, John Muir, Aldo Leopold, and Sigurd Olson. My constituents regularly remind me of Wisconsin's environmental heritage and they expect their leaders to help build a positive environmental future.

As the Secretary of the Interior, Governor Kempthorne will have the opportunity to chart a responsible course for managing our Nation's public lands—a course very different from the one that the American people have endured over the past 5 years. I am encouraged by Governor Kempthorne's reputation for collaboration and consensus. While Governor Kempthorne's environmental record does give me cause for concern, it has been my practice to defer to presidents in considering nominees for Cabinet positions. Consistent with that practice, I will vote to confirm this nominee.

In his testimony before the Energy and Natural Resources Committee, Governor Kempthorne stated his belief that "there is a no more beautiful cathedral than the outdoors." I will take Governor Kempthorne at his word and hope that he will lead the Department of the Interior in a manner consistent with those words.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the vote on the nomination of Dirk Kempthorne, and following that vote that Senator LANDRIEU be recognized for 10 minutes, Senator STEVENS for 10 minutes, Senator REED for 10 minutes, to be followed by Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Dirk Kempthorne, of Idaho, to be Secretary of the Interior?

The nomination was confirmed.

Mr. STEVENS. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 10 minutes.

Ms. LANDRIEU. Mr. President, I wish to speak about Governor Kempthorne's nomination, and now confirmation by this body, to be Secretary of the Interior, and I hope he will help us work through a compromise that has eluded this Nation for some 45 years.

The Secretary of the Interior is in a pivotal position to help bring reason and rationale to this debate. I think that we, by confirming him this morning, have put the right man in the job for what is ahead.

The Secretary of the Interior helps lead the debate and discussion about the Nation's energy policies. There are many facets of that policy, and it is multidimensional. It is one of the toughest issues faced by this Congress. Because it is so regional, it brings very passionate debate on both sides of the issue.

I was pleased to cast my vote this morning for Governor Kempthorne, a former Member of this body, and a man who has shown a great deal of ability in terms of mediating very difficult issues. He showed that skill when he was a Member of the Senate, and I have no doubt that he will show the same skill as he becomes Secretary of the Department of the Interior.

One of the issues on which I look forward to working with him and my colleagues is the issue I have spoken about so many times on the Senate floor relative to offshore oil and gas drilling, a balance, a partnership of mutual respect between the Gulf Coast States and the Nation regarding a partnership that is mutually beneficial.

As the Nation struggles to find new ways to produce oil and gas using the great minds of this Nation and the great technology that has been developed; as the Nation needs so desperately more oil and more gas, particularly natural gas; with the prices so high so that supplies can be increased and, hopefully, demand can be reduced, prices can come down, prices can stabilize, and the entire economy, from the Midwest to the Northeast to the far West can benefit from that effort. I wanted to show a graph of what I am speaking about because I think a picture is worth a thousand words, and I know I only have a few more minutes. This is why I continue to come to the Senate floor to say that the gulf coast is America's only energy coast.

This represents the miles and miles of pipeline, rigs, and infrastructure that have been developed in the Gulf of Mexico since the first well was drilled off of Creole, LA, in the gulf in the 1940s. By the way, that community was just completely wiped out in the last hurricanes. Hurricanes Rita and Katrina. But right off of Creole, a tiny little community in southwest Louisiana, the first offshore oil platform was drilled. Subsequently, over decades this infrastructure has been built and it has been built better and better and stronger using better technology, and as a result this country has benefited significantly from this contribution.

Another way to look at it is the oil and gas leasing that has occurred—which Secretary Kempthorne will now be responsible for, how these leases occur, where they occur, and when they occur. As you can see, Alabama, Mississippi, Louisiana, and Texas have served as hosts to this industry, and we have served proudly. But there is a crisis now in the Gulf of Mexico, and it was brought to the televisions of every American—every American—with the landfall of Katrina and Rita and the subsequent flooding.

This is the devastation that has occurred along the gulf coast, the flooding in the city of New Orleans and in communities throughout Louisiana, and the frightening and real erosion of America's only coastal wetlands the coastal wetlands of Louisiana. We have lost over a million square miles of wetlands, and we are losing 33 football fields a day. Thirty-three football fields a day are being lost in this great and extraordinary wetland.

When people say: Senator, how are the beaches in Louisiana?

I say: We don't have beaches in Louisiana. We love the beaches that are in Florida, Alabama, and Mississippi. We have vacationed on them our whole lives. But we have the greatest delta system in America, built over a million years by the Mississippi River itself, the land that we actually live on. On this land are great wetlands that supply fishing, that host and serve as the home of the mighty Mississippi River, and serve as a platform for oil and gas.

As the Secretary will come to know, this oil and gas could not be retrieved or mined from the Gulf of Mexico without the partnership of these Gulf Coast States. So what we are asking for is fairness. We are asking for a percentage, a percentage in dollars, from this drilling to come back into this area and help us restore our wetlands and invest in the infrastructure necessary to protect this great coast so that we can provide our people with a bright and strong economic future.

I am going to submit a longer statement for the RECORD. Again, I submit, looking at this chart, and just showing one more, that when we say the gulf coast is America's energy coast, these are the pipelines that come from the Gulf of Mexico. You can see even the Rocky Mountains. We are proud of the production that goes out West. We are proud of that production. But as you can see, a lot of our gas is coming from Canada and, hopefully, more of our gas will come from Alaska.

I see my friend and colleague from Alaska, the senior Senator, on the Senate floor. We hope we can get more gas from Canada and from Alaska because we need it. But I want people to see where the gas is coming from. The gas is coming from Louisiana, and if you want more of it, then, No. 1, help us to save our State from washing away in the gulf; and, No. 2, help us to share in some of these revenues that will go right back into these communities to support the industry and the people and the schools and the churches and the towns that make this all possible. And, if not, then go find your gas somewhere else. I mean that. Go find it somewhere else because we have a lot of it down here. We are happy to give it, but we need some respect and cooperation on this point.

The Senator from Alaska is here to speak, and I am going to be back later this afternoon to finish the remarks that I want to put in the RECORD. I see Secretary Kempthorne standing here. I appreciate him being on the floor to hear these remarks. I am looking forward to having him come to Louisiana. I said he is not much use to us with a broken foot, so he has to get that foot fixed and then come on back so we can take him out to offshore oil and gas rigs. He has promised to do that, and I am sure he will get up to Alaska sometime soon to see the great work that Alaska does. He, of course, is very familiar, having been the Governor of Idaho, with the West. But, Governor, we are looking forward to having you come down and visit us on the gulf coast.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, I would like to change the order in terms of the time agreement. I ask that I be recognized for 10 minutes. Following my presentation, Senator REED be recognized for 10 minutes, Senator SPECTER for 10 minutes, Senator BYRD for such time that he may require, and following Senator BYRD, Senator MCCONNELL be recognized for such time as he may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. STEVENS. Mr. President, yesterday the House of Representatives passed the bipartisan American-Made Energy and Good Jobs Act. This bill directs the Secretary of the Interior to establish and implement a leasing program to enable the exploration, development, and production of Alaska's oil and gas resources in the Arctic Coastal Plain.

I come today to commend our House colleagues for taking this action. Opening the Coastal Plain to development will help stabilize energy prices, spur economic growth, and enhance our national security. The Coastal Plain is believed to be the second largest oilfield ever discovered in North America, capable of producing at least 1 million barrels of oil per day. The National Defense Council estimates the development of the resources in our Coastal Plain will create between 700,000 and 1 million American jobs.

A majority in both Houses of this Congress and 70 percent of all Americans support exploration and development of Alaska's Coastal Plain. Our Senate colleagues should join those in the House and act to authorize development of these domestic resources.

Going forward, the United States must increase domestic production to secure our energy independence. Our Nation is in the midst of an energy crisis. In 2003, gasoline cost $1.56 per gallon. This week, prices at the pump are averaging $2.88 per gallon in my State and in some places over $4 a gallon.

In the 1990s, natural gas prices in the lower 48, as we call it, averaged $2.50 per thousand cubic feet. Today, natural gas costs approximately $6 per thousand cubic feet, more than twice as much. This situation will only grow more serious. It is estimated that our LNG imports will increase by 500 percent in the near future. We also now face increased competition for that LNG from foreign nations.

In the last 14 years, India's oil consumption has doubled. China was the second largest oil importer in the world in 2004. According to the Energy Information Administration, by 2025, the world energy consumption will increase by 57 percent.

Americans cannot conserve our way out of this problem, and we cannot suspend the law of supply and demand. If we continue to lock up our lands, this country will not have the energy needed to keep up with the global economy. Conservation and alternative fuels are part of the overall solution, but to end this crisis, we must also increase our domestic production of oil and gas resources.

In 2004, Congress provided the financial incentives to move forward with the Alaska natural gas pipeline. This pipeline, constructed to move 35 trillion cubic feet of gas known to be in the Prudhoe Bay area, when completed, will deliver about 4 billion cubic feet of natural gas per day to the American market.

I now have serious concerns about the process for this pipeline being constructed. Federal officials told me that it would take 44 months once the Federal Energy Regulatory Commission receives an application to proceed with it. Congress can shorten this timeframe by declaring a state of emergency, and we have to realize that it is a national emergency with regard to our future gas supply. Congress cannot intervene, however, until the State of Alaska has taken action on this gas pipeline. The pipeline is to move gas from State lands, lands which the State of Alaska is the owner of, and the Alaska Natural Gas Pipeline Act of 2004 stipulated that if an application was not received by the Federal Government by 2006 for the construction of this pipeline, the Department of Energy could study the feasibility of a pipeline to be built and owned by the Federal Government. This study is now underway.

While Federal ownership is not the preferred course of action, given our Nation's current energy crisis and the emergency we face, this Nation must ensure that this project moves forward as quickly as possible.

Earlier this week, the Wall Street Journal published an interview with Lord John Browne, the chief executive officer of the British Petroleum Company. Lord Browne told the paper: "The growth for us in Alaska is gas." He was talking about, of course, the BP Company.

He said: "Oil will continue, but gas will flip over and replace oil as the economic driver." He is talking about the enormous potential of gas in the Alaska economy. And he added that: "Once our pipeline is approved, we can look forward to 50 years"—we can look forward to 50 years—"of increased gas supplies."

Now, our State and the Federal Government have to act quickly so that we can begin to lay the foundation for this next 50 years of increased domestically produced natural gas.

Alaska's energy resources are needed now. Our State's potential is staggering. Trillions—I am told 32.000 trillion—of cubic feet of gas hydrates lie beneath the permafrost under the North Slope lands of Alaska. We have half the Nation's coastline. It holds some of the world's greatest prospects for ocean and tidal energy. Two-thirds of the Continental Shelf of the United States is off our State. In addition to that, we hope someday we will join the producers of ethanol. Ethanol can be made from wood chips. Our State forests contain millions of acres—millions of acres—of trees that are available for harvest, including particularly the Birch trees which I am told is a good source of material for this type of fuel to make ethanol.

Alaskans are pioneers, but we are also realists. It will take decades before our Nation can fully commercialize alternative energy sources. Solving our country's energy crisis will require conservation. It will require development of alternative fuels, but it also requires domestic production of our domestic oil and gas resources. Those who advocate only one or two of these approaches are misleading the American public. There is an urgent need for us to develop our domestic resources now, and there is an urgent need for us to develop alternative fuels and to conserve. We must do all of that, Mr. President.

Federal action is required and State action is required immediately if we are to develop this gas pipeline. This gas pipeline project must go forward, and authorization of the development of our resources in our Coastal Plain and the ANWR proposal is absolutely necessary. I urge the Senate to join the House in authorizing the development which was authorized by the Congress in 1980. For over 25 years we have had a majority in the Senate which approves the development and exploration and development of oil and gas resources of the Arctic plain. It is only a filibuster that has stopped us. America needs these resources to meet the increased demand for our energy and to provide for relief from our continued increased dependence upon foreign sources for energy. I urge the Senate to join our colleagues in the House and authorize development of our Coastal Plain. I also urge my own State of Alaska to move quickly to approve the application for the natural gas pipeline so it can move forward also.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

NOMINATION OF GENERAL MICHAEL HAYDEN

Mr. REED. Mr. President, a short time ago the Senate approved the nomination of GEN Michael Hayden to be the Director of the Central Intelligence Agency. I think it was an appropriate confirmation by this body, but I do think it is also appropriate to comment on the nomination of General Hayden.

Twenty months ago, I came to the Senate floor to oppose the nomination of Porter Goss for the same position, as Director of the Central Intelligence Agency. At that time, I stated that the Director of Central Intelligence is a unique position. It should stand above politics. The citizens of the United States have the right to assume that the Director of Central Intelligence is providing objective information and analysis to allow the President to make the best possible decisions.

I didn't believe that a partisan choice was the proper choice then, and it seems in fact that was the case. Mr. Goss is an example of where this administration believed that its political agenda was more important than the security of our country. The CIA was in turmoil then, and it is in turmoil now. The Agency's assessments were distrusted then and are still subject to skepticism now. Many more experienced operatives have resigned. Mr. Goss, a political operative chosen by President Bush to lead the Central Intelligence Agency through a difficult period while engaged in a war, failed in this mission. So the administration is trying again.

This time, the President has chosen an intelligence veteran. General Hayden has served our Nation for the past 37 years as a distinguished intelligence officer in the U.S. Air Force. He has most recently held positions as Director of the National Security Agency and the Principal Deputy Director of National Intelligence. General Hayden is well versed in intelligence matters, he is well known in the community, and I do not believe he is a partisan political operative. There is evidence that General Hayden has been and can be independent and objective. General Hayden is a better choice, a much better choice, than Mr. Goss. However, I still have some concerns.

First, there has been much discussion about General Hayden's position in the military and his ability to be independent from the Defense Department in his assessments and in his operations. While the law has always allowed a military officer to serve in this position, I believe there is a valid reason for concern. The fiscal year 2007 national Defense authorization bill addresses this issue. It states that flag and general officers assigned to certain positions in the Office of the Director of National Intelligence and the CIA shall not be subject to the supervision or control of the Secretary of Defense or exercise any supervision or control of military or civilian personnel in the Department of Defense, except as authorized by law. I believe this is an important provision and only one reason the Defense authorization bill should be considered as soon as possible, to get this position on the books of law.

However, I also believe we have to go a step further. I think if a military officer is chosen as the Director of National Intelligence or Director of Central Intelligence, that position should be a terminal assignment. That position should be recognized by the officer and by other members in the Department of Defense and the administration as the final assignment of that particular officer. I believe it best for our national security if an officer who takes one of these top intelligence positions is free from considerations about his future military career—what assignments he might be given, who he might be angering in the Department of Defense, who he might be pleasing within the Department of Defense, either consciously or subconsciously.

As I said earlier, intelligence should be above politics, and it also should be above the politics within the Pentagon of assignments and of budgets and of other considerations. A law stating that the position as Director of Central Intelligence or National Intelligence is a final military assignment would help clarify this position in detail. It is an issue I will raise again during the consideration of the Defense authorization bill.

General Hayden has agreed, in consultation with Senator WARNER and also in consultation with his family, that it is his intent to make this his final military assignment. I have no doubt that he will do that, but I believe it is important to formalize this provision in the law. That is why I will bring this to the attention of our colleagues when the Defense authorization bill comes to the floor.

There is another issue, of course, that is of concern. That issue is the administration's terrorist surveillance program. General Hayden headed the National Security Agency when the program was proposed and implemented. From what we know today, that program conducted electronic surveillance of international telephone calls and collected millions of domestic phone records. Let me be clear. A vote in support of General Hayden should not be construed as an endorsement of this administration's surveillance program. Nor should concerns about the administration's programs be viewed as an unwillingness to adopt aggressive intelligence activities against those who truly threaten this country. I believe we still do not know enough of the facts about these programs. From what I do know, however, I have grave concerns.

A thorough investigation must be conducted and must be conducted in a timely manner, but General Hayden was not the creator of the program, nor was he the one to provide the legal authority for the program. He stated he needed authority to implement such a surveillance program and the administration provided him with the authority he felt was sufficient. On this issue, at this time I will give General Hayden the benefit of the doubt.

I did support the nomination of General Hayden. I am certain he knows he is taking a very difficult job at a very difficult moment.

Many other honorable men and women have joined this administration. They have come to this administration with years of experience and expertise, and they have found themselves in very difficult dilemmas, where their experience and their expertise was challenged by this administration. Their objectivity, their sense of duty—not to a particular President but to the country overall—has been seriously challenged. In certain cases, the only remedy for these individuals is to resign rather than continue to support policies that they feel in their hearts and in their minds are not serving the best interests of this country. General Hayden might come to such a decision point, and I hope, given his skill, his experience, and his dedication to duty, that he would take the harder right than the easier wrong.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

CONGRESSIONAL NOTIFICATION UNDER THE NATIONAL SECURITY ACT

Mr. SPECTER. Mr. President, I voted against General Hayden for the position of Director of Central Intelligence as a protest vote against the administration's policy of not informing the Congress, with special emphasis on the Judiciary Committee, in a way which enables the Congress and the Judiciary Committee to do our constitutional job on oversight. I have no quarrel with General Hayden. He is a man with an outstanding record. I have no objection to his retaining his military status. He has testified in a way, before the Intelligence Committee, which was candid. I would be especially pleased to support a fellow Pennsylvanian. But in light of what the administration has done on the NSA program, which he has headed for many years, I feel constrained to vote "no" as a protest.

The administration has not complied with the National Security Act of 1947, which requires notification of all members of the Intelligence Committee. That was only done in the few days prior to the confirmation hearings on General Hayden. In fact, the administration for years notified only the so-called Gang of 8, the majority and minority leaders of the House and Senate, and the chairmen, vice chairman, and ranking members of the Intelligence Committees. Just because that had been the practice, it is not justification for violating the express language of the National Security Act of 1947.

which requires notification of all members of the Intelligence Committees.

During the 104th Congress, I chaired the Intelligence Committee, and for that period of time I was a member of the so-called Gang of 8. Candidly, I don't think the administration told the Gang of 8 very much about what went on.

Be that as it may, admittedly the administration did not tell anybody but the Gang of 8 about their electronic surveillance program until it was disclosed by the New York Times on December 16 and the Judiciary Committee brought in the Attorney General and had pressed on in a series of hearings; then, belatedly, a subcommittee was formed in the Intelligence Committee and seven additional members were informed. Then, at first, the House resisted to having only part of their Intelligence Committee informed, but, finally, 11 Members of the House were informed. Then, in the wake of the Hayden nomination, the administration finally complied with the Act by informing all of the members of the Intelligence Committee—I think, plainly, so that they could get General Hayden confirmed.

When the Judiciary Committee called in Attorney General Gonzales on February 6, which was the first day we could do it after the mid-December disclosures and the hearings which we had scheduled on Justice Alito, it was an embarrassing performance. The Attorney General refused to say anything of substance about what the program was. We were ready to retire into a closed session, had that been productive, but it was a situation where the Judiciary Committee was stonewalled, plain and simple.

The Attorney General then wrote us a letter on February 28 seeking to clarify and explain what he had testified to before—and only more questions were raised. We have still not resolved the issue as to whether we will recall the Attorney General before the Judiciary Committee, but there is a question as to its value and whether we can get anything from a repeat performance from Attorney General Gonzales. As I say, that remains an open question.

In the interim, I have proposed legislation which would turn over the administration's surveillance program to the Foreign Intelligence Surveillance Court. That court has a record of expertise. That court has a record for not leaking and we could have it make the determination as to the constitutionality of the program.

We had a hearing where we brought in four ex-judges of the Foreign Intelligence Surveillance Court who know its operations in great detail. They made some suggestions which were incorporated into my proposed legislation, thereby improving it. They answered the questions about the possibility of an advisory opinion and the issue of the case in controversy requirement.

I have since conferred with Senator FEINSTEIN and Congresswoman JANE HARMAN, ranking member on Intelligence in the House, about working on legislation. Both of those individuals have been privy to briefings by the administration on the program. There was a suggestion that, with additional resources and with some structural changes—for example, expanding the 3-day period to 7 days—the FISA Court would be in a position to pass, on an individual basis, the program. Whether that is so or not, I don't know, but that is a possibility.

When the disclosures were made about the telephone companies providing substantial information to the administration and the NSA, the Judiciary Committee scheduled a hearing. We had it set for June 6. Yesterday, in an executive session, the issue was considered about subpoenas, since two of the four telephone companies had requested subpoenas; the issue was also raised as to a closed session.

There were objections raised by some members of the committee about calling in the telephone companies. Suggestions were made by other members of the committee about calling in other members of the administration.

Since we were in the middle of the debate on immigration, we held a very brief meeting in cramped circumstances in the President's Room off the Senate floor. It was decided to defer the hearing with the telephone companies by 1 week to give the committee an opportunity on June 6, the same date we had previously scheduled a hearing, to consider these issues and decide them at greater length.

An interesting suggestion was made by one of the members of the committee—that in the past, when that member of the Judiciary Committee was on the Intelligence Committee, he had called for a secret session of the full Senate to discuss matters which had been disclosed to him in the Intelligence Committee which he was barred from saying publicly. That is an avenue which I am currently pursuing.

The stonewalling of the Congress—and particularly the Judiciary Committee and precluding the Judiciary Committee from discharging our constitutional duty of oversight—is particularly problemsome in light of a pattern of expanding executive authority.

A ranking member of the administration reportedly told a ranking member of Congress that "we don't have to tell you anything." We have scheduled a hearing on signing statements where the President has asserted his authority to pick and choose what he likes and what he doesn't like in legislation which was passed by the Congress and signed by the President.

The Constitution gives the President the authority to veto but not to cherry pick.

We have the case of Judith Miller, the newspaper reporter put in jail for 85 days during an investigation of a national security issue as to whether the identity of the CIA agent had been disclosed, but there was also an investigation as to whether there had been perjury or obstruction of justice during the national security investigation. Perjury and obstruction of justice are serious charges, but they do not rise to the level of a national security issue, which would be the threshold for such action as jailing a reporter for 85 days.

We now have the situation where the Attorney General, on a Sunday talk show last week, raised the possibility of prosecuting newspapers under a World War I espionage statute.

We have the situation where the congressional quarters of Congressman JEFFERSON were subject to a search and seizure warrant without prior notification of the Speaker of the House of Representatives or someone in the House, with very serious questions raised there.

I am advised by one of the members of those informed on the administration's surveillance program that, reportedly, the FBI now seeks to question Members of Congress about disclosures on the administration's surveillance program.

These are all circumstances and situations which pose very substantial peril to the separation of powers, and Congress has not asserted its Article I powers and ought to do so.

I have talked to FBI Director Mueller and to the Deputy Attorney General about the search and seizure on Congressman JEFFERSON. This is a matter which ought to be inquired into—perhaps quietly—to see if a protocol can be arrived at about what would be done if this situation were to reoccur in the future.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 852 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, for how long am I to be recognized?

The PRESIDING OFFICER. For as much time as the Senator consumes.

Mr. BYRD. I thank the Chair.

Mr. President, I yield to my distinguished friend from Montana so that he may speak for not to exceed 10 minutes, and that I then be recognized in my own right.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized for 10 minutes.

Mr. BAUCUS. Mr. President, thank you, and I thank my good friend from

West Virginia. I know what he is going to speak on. The person he is going to speak about was a great person, a person I very much admired, as I admire the Senator from West Virginia—a wonderful relationship, wonderful, wonderful. It is a model for so many of us in the Senate and the country. I thank my very good friend.

Mr. BYRD. Mr. President, I thank my dear friend, Senator BAUCUS, for his kind remarks.

SENATOR LLOYD BENTSEN

Mr. BAUCUS. Mr. President, it is with great sadness that I join my colleagues in mourning the passing of a great man, an extraordinary statesman, and a good friend: Senator Lloyd Bentsen.

Lloyd Bentsen was the noblest of Americans. Courtly, thoughtful, and soft-spoken, Senator Bentsen embodied the finest traditions of America.

Lloyd Bentsen and I shared a perspective. It was based on the states that we came from. I used to tease Senator Bentsen that Montana is what Texas would be like, if all the things that Texans say about Texas were true.

We shared an outlook born in the wide open spaces of our great Land. We came from states that are larger than counties in Europe. You can go great distances in Montana or Texas without seeing another soul. And with that comes a view that values our fellow man.

We also shared a view of this Senate. We could not have been more compatible. We shared a goal, always to accomplish something good on behalf of the American people.

We also shared a hallway on the 7th floor of the Hart Senate office building. I had good fortune to get an office next door to Senator Bentsen's. Our two teams were very closely woven together.

Very often I would wonder where in the world my staff was. They would be down the hall talking to Bentsen's staff because they we are so compatible and had such good ideas.

My staff would often go to his for sage advice, as I would go to him. We would often walk over together for votes.

Senator Bentsen was a role model. He was smart, tough, and disciplined. He was always focused. He always maintained his temper. And he always kept his integrity. He was a Senators' Senator.

Lloyd Bentsen was a singular person. He was reserved, even-tempered, and fair. He reserved judgment, learned the facts, and listened to all points of view. And then he would take a strong position. And more often than not, that position would prevail.

Lloyd Bentsen had the strongest commitment to duty. Even after 14 hours of floor work, he would walk into a room for all-night budget negotiations. He would not complain. He would say: "This is what I signed up for.".

Lloyd Bentsen contributed greatly to this Country. He served bravely in the Air Force. He served 6 years in the House of Representatives. He served 22 years in this Senate. He served 6 years as chairman of the Finance Committee. And he served 2 years as Secretary of the Treasury.

Lloyd Bentsen stood for responsibility, probity, and civility. He was a champion of sound tax policy. He fought for and achieved some of the most significant deficit reduction in our Nation's history. He played key roles in the 1990 budget summit and President Clinton's 1993 deficit reduction legislation.

And Senator Bentsen was a leader in international trade. We worked closely together for more than a decade, early on, to develop a Democratic position that supported free trade. We did so with an aggressive policy that broke down international trade barriers to American products. We worked closely on a series of initiatives, for at least a decade.

Chairman Bentsen skillfully and successfully worked to win passage of the 1988 Trade and Competitiveness Act. He guided the United States-Canada Free Trade Agreement through the Senate. And in Texas, he is known as the father of the North American Free Trade Agreement.

Senator Bentsen ran against the first President Bush twice. Bentsen ran against and beat Bush in the election for Senator from Texas, in 1970. And later, Senator Bentsen ran with Governor Dukakis on the 1988 Presidential ticket.

But after that election, Chairman Bentsen was still for giving President Bush authority to negotiate trade agreements. He simply thought that it was the right thing for the country.

Senator Bentsen embodied the finest characteristics of public service. Some might say that he embodied a different era of the United States Senate. If that is so, then we are the poorer for having lost it. We are certainly the poorer for having lost him.

Our hearts go out to B.A., and the entire Bentsen family, on their great loss. Lloyd Bentsen was always very sweet and deferential to B.A. He often said the B.A. stood for "best asset." Lloyd and B.A. Bentsen were married for 63 years.

Very often I would see the two of them together. It reminds me of the relationship of Senator and Mrs. Byrd.

They were very close; teasing each other. It was a wonderful relationship to behold. I have many memories of Lloyd and B.A. being together, whether flying on a plane to South America or here in the Senate, wherever.

My heart goes out to you B.A. and to your family.

Henry Wadsworth Longfellow wrote:

Were a star quenched on high,
For ages would its light,
Still travelling downward from the sky,
Shine on our mortal sight.

So when a great man dies,
For years beyond our ken,
The light he leaves behind him lies
Upon the paths of men.

Senator Lloyd Bentsen was a great man. And for years beyond our ken, the light that Lloyd Bentsen leaves behind will lie upon the paths of men, upon the paths of the United States, and upon the paths of this Senate.

I very much thank my friend from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Montana, Mr. BAUCUS, for that lovely thought to which he refers by the great poet Longfellow, in his alluding to our former fellow colleague, Lloyd Bentsen.

I thank the Senator from Montana for speaking as he has about our late former colleague, Lloyd Bentsen.

Lloyd and I served in the House together, too. We had a great admiration for him there. I said, "There is a young man going places"—and he went. He went places.

I join with my colleague, Senator BAUCUS, today in his message as words of reverence for Lloyd Bentsen, and for B.A., Lloyd's lovely wife. I suppose she is in Texas today.

Mr. BAUCUS. She is.

Mr. BYRD. I want to associate myself, again, may I say, with my colleague in every word he has chosen to speak about Lloyd Bentsen.

Mr. President, for how much time am I recognized?

The PRESIDING OFFICER. For as much time as the Senator wishes to consume.

Mr. BYRD. Mr. President, I thank the Chair.

REMEMBERING OUR FALLEN HEROES

Mr. BYRD. Mr. President, I speak today in memory of our fallen heroes. Next Monday, the last Monday in May, the Nation honors the men and women who have given their lives in battle.

In the aftermath of the Civil War, the practice of decorating the graves of those who died in battle was already an established custom in many places, especially in the South, but it was a tribute to the healing of the Nation that both sides were able to put aside their past differences to mourn the fallen together after that terrible conflict.

Although many communities lay claim to being the birthplace of Memorial Day, since World War I, when the holiday changed from honoring just those who died fighting in the Civil War to honoring those who were lost in battle in any war—those Americans—Memorial Day belongs to us all.

Mr. President, death knows no divisions or political views. Death knows no distinctions between uniforms or battlegrounds. The Nation knew that all too well after the Civil War. Death unites the fallen—death unites the fallen—in God's care. And death heaps grief and loss in equal measure on all those left to mourn.

It is a lesson that some strident few today need to be reminded of, as they use military burials as a place of protest. No matter what views one may hold about the current conflict in Iraq and Afghanistan, or indeed of any conflicts anywhere, there is no place for intrusions during these solemn rites, no cause worth offering further pain to the families of the fallen.

The men and women in our military who don the uniform of the United States are not, as someone has so inelegantly put it, "the deciders." They must, instead, put aside their personal views and focus on working seamlessly with the other members of their unit, so that the unit survives.

Every death is accompanied by stories of heroism, from the one who sacrificed his all to keep his fellow soldiers safe, to the heroes who brought the fallen home. No protests can change, and none should mar, those acts of bravery or those honored dead.

Memorial Day is a day to put aside our own schedules and to spend some time remembering those who have risked all and lost all in service to the Nation. It is a day to recall and revere their bravery, their duty, their strength, and their humanity. It is a day of tribute to them, and to their families, to whom the Nation owes so much.

The poet Joyce Kilmer, himself a sergeant with the "Fighting 69th" Division, who lost his own life in 1918 during World War I, wrote a poem called "Memorial Day."

The bugle echoes shrill and sweet,
But not of war it sings to-day.
The road is rhythmic with the feet
Of men-at-arms who come to pray.

The roses blossom white and red
On tombs where weary soldiers lie;
Flags wave above the honored dead
And martial music cleaves the sky.

Above their wreath-strewn graves we kneel,
They kept the faith and fought the fight.
Through flying lead and crimson steel
They plunged for Freedom and the Right.

May we, their grateful children, learn
Their strength, who lie beneath this sod,
Who went through fire and death to earn
At last the accolade of [Almighty] God.

In shining rank on rank arrayed
They march, the legions of the Lord;
He is their Captain unafraid,
The Prince of Peace . . . Who brought a sword.

Mr. President, all too often these days, Memorial Day is just another 3-day weekend, an opportunity to work on the yard a little bit, an opportunity to go shopping, or to host a backyard barbecue. Fewer and fewer Americans honor the men and women in uniform and their fallen compatriots. Fewer, still, visit military cemeteries or actually decorate graves in the old-fashioned way.

But for those who went to Arlington National Cemetery on Thursday, May 25, I say you may have witnessed the beautiful scene known as "Flags-In." Just prior to each Memorial Day weekend, every available soldier from the 3rd U.S. Infantry Division, the Old Guard, honors their fallen brethren by placing a small American flag before each of the more than 220,000 gravestones and 7,300 niches at the cemetery's columbarium. An additional 13,500 flags are set in place at the Soldier's and Airman's Home National Cemetery, also in Washington, DC.

Flags are placed at the graves of each of the four individuals at the Tomb of the Unknowns by the tomb sentinels. Then, in order to ensure that each flag remains in place and standing proudly, the Old Guard patrols the cemetery throughout the weekend, watching over their fallen comrades. It is a stirring sight to see that, truly, none of these great sacrifices are forgotten, and to witness how seriously these young soldiers take their duty.

There will be speeches on Memorial Day—formerly referred to as Decoration Day. And I have made many of those speeches in my long years on Memorial Day. And on this coming Memorial Day, there will again be speeches, and wreaths will be laid. A moment of silence will be observed. For these few moments, our Nation both mourns and celebrates. Privately, we mourn the loss of so many young men and women, fathers and mothers, sons and daughters, friends and relatives.

Our hearts and our prayers go out to all the families who have lost a loved one in the Nation's service, and especially to those families who have borne their tragedies so recently and whose tears are still so close to the surface.

The Senate's thoughts and prayers are also with those whose family members have been wounded and who fight now for their lives.

As a nation, we celebrate and we honor the patriotism and the heroism that have kept us free, kept us united, and kept us strong for these past two and a third centuries. It is on the shoulders of these brave legions of the fallen and their comrades in uniform, past and present, that our Nation is carried to greatness.

Technological and scientific progress is a source of pride and strength, economic prosperity a boon, and our Constitution—thank God—a blessing. But none of these gifts is sustainable without the will and the resolve to defend them, to the death if necessary.

Those we honor on Memorial Day have gone that extra mile. They have worn the uniform with pride, and they have won and kept our freedom with their effort and their sacrifice. They have fought together around the globe, in the dark, in the mud, in the dust, on holidays, anniversaries, and weekends. Some have missed the births of their children. Some have missed growing old with their loved ones. They will enjoy no more 3-day weekends, no family vacations, no backyard barbecues. But in our moment of silence, as the flags snap in front of the rows upon rows of marble markers, let us think on all that they have given for us, and be humbled.

Edgar Guest, a prolific poet of the first half of the last century, wrote many favorite poems of mine. His work was published in the newspapers, for he worked for the Detroit Free Press. His poem, Memorial Day, suggests a fitting tribute to all those we honor on Memorial Day.

Let me read a few lines.

The finest tribute we can pay
unto our hero dead today,
is not a rose wreath, white and red,
in memory of the blood they shed;
it is to stand beside each mound,
each couch of consecrated ground,
and pledge ourselves as warriors true
unto the work they died to do.

Into god's valleys where they lie
at rest, beneath the open sky,
triumphant now o'er every foe,
as living tributes let us go.

No wreath of rose or immortelles
or spoken word or tolling bells
will do to-day, unless we give
our pledge that liberty shall live.

Our hearts must be the roses red
we place above our hero dead;
today beside their graves we must
renew allegiance to their trust;
must bare our heads and humbly say
we hold the flag as dear as they,
and stand, as once they stood, to die
to keep the stars and stripes on high.

The finest tribute we can pay
unto our hero dead today
is not of speech or roses red,
but living, throbbing hearts instead,
that shall renew the pledge they sealed
with death upon the battlefield:
that freedom's flag shall bear no stain
and free men wear no tyrant's chain.

Mr. President, I have another statement which I must give. I see the distinguished Senator from Kentucky, Mr. McCONNELL, on the floor. I will yield to him if he wishes.

I thank the distinguished Senator for his characteristic courtesy.

MEMORIAL DAY, MAY 29, 1937

Mr. BYRD. Mr. President, Monday next is Memorial Day. Monday next, being May 29, my memory goes back to May 29, 1937. It was a Saturday. I was working in the meat shop as a meat cutter at the Koppers Store in Stotesbury, Raleigh County, WV. It was a coal mining community. I started working there in the gas station for Koppers Store for $50 a month. I walked 4 miles to work and 4 miles back home, unless I might catch a bread truck or a milk truck.

But on that Saturday, May 29, 1937, at 5 o'clock p.m., my two senior meat cutters at the Koppers Store in Stotesbury, WV, and I closed up the meat department and went home. I put on my best suit—actually, my only suit—and where did I go? I headed off to Sophia, 4 miles away, to the house of the local hard-shell Baptist preacher U.G. Nichols. And there I met with my high school sweetheart, Erma Ora James. May God bless her sweet memory. She was the beautiful daughter of a coal miner. This was a coal miner who helped to teach me to play the old fiddle tunes long ago: "Sally Goodin," "Mississippi Sawyer," "Arkansas Traveler," and "She'll Be Comin Round the Mountain," and so on.

At 6 o'clock that evening, Preacher Nichols pronounced Erma—God bless her sweet name—and me "husband and wife." That union, I am very proud to say, endured for 68 years, 9 months, and 24 days. So on May 29, 3 days from now, Erma and I would have celebrated our 69th wedding anniversary. That is something to brag about. Dizzy Dean said it was all right to brag, if you have done it, and Erma and I did it. Erma didn't quite go all the way. But on May 29, Erma and I would have celebrated our 69th wedding anniversary. That is something not heard about very often these days, a 69th wedding anniversary.

The Scriptures tell us that "whoso findeth a wife findeth a good thing and obtaineth favour of the Lord." Well, on that blessed day in 1937—a long time ago—I certainly found a good thing. In looking back on the life that Erma and I shared, I can say, in accordance with the scriptural passage, that I must have been favored by the Lord.

"The joys of marriage are the heaven on earth," wrote the English dramatist, John Ford, five centuries ago. How right John Ford was. When I think of Erma, I still think of the beautiful line from a song that I used to hear and play, I believe, when I played the fiddle: "She came like an angel from the sky." For almost 69 years, this angel from the sky not only tolerated me, but she was the guiding light for me. She was my teacher. She taught me how to drive an automobile. She was my banker, my accountant.

Very early in our marriage, as a matter of fact, on Sunday, the day after the Saturday evening on which Erma and I made our vows, I turned to her and said: "Here is my wallet." I think I had saved up probably $300. I said: "You keep it. When I need a dollar, I'll come to you and ask for it." That is the way it was, and that is the way it has been throughout our 69 years.

What a job she did from the meager paychecks, and they were meager. Can you imagine. I started at $50 a month, and by the time I married, I had advanced. I was getting $70 a month when I married that sweetheart. She bought from this meager paycheck the things that we needed, our groceries. She paid the bills. She saved some money for a rainy day, and she gave me a monthly allowance.

Erma was my greatest critic, and she was my greatest supporter.

When I left the West Virginia Legislature to come to Congress, the other body, the House of Representatives, and this body, which also makes up the Congress, I was carrying 22 credit hours at Marshall College, now Marshall University, but she, Erma, managed our little grocery store. She took care of our two daughters, and she kept the home fires burning.

When I was attending law school while serving in the U.S. Congress, she would drive from our home at that time in Arlington, VA. She would meet me on Capitol Hill here, around 5:30 p.m., and she would give me my supper. She brought it to me in a paper bag. I would eat my supper while Erma drove me in our car to American University Law School for my classes at 6 p.m. Then she would return later that evening, 8 o'clock or 9 o'clock, to pick me up and take me to our home in Arlington.

I also said, quite truly, that Erma had put three kids through school: our two daughters and me. Erma was the mother of two most wonderful children, my daughters Mona Carole and Marjorie Ellen. Marjorie Ellen was here yesterday with me as we had lunch with some friends in recognition—one might call it celebration, but I call it in recognition—of our 69th wedding anniversary. These two daughters have grown up to become outstanding women and mothers themselves. Marjorie was here with me and with her husband, Jon Moore. Like me, those daughters owe so much to the marvelous and wonderful woman they called "mother."

Through the years, Erma was my constant companion. She was there with me, by my side, on the campaign trails. She was with me in 1958 when, as a Congressman, I made a tour of the economically depressed areas of the State and other parts of the country. She was with me in April 1969, in Mexico City, Mexico, when I served as a delegate to the Mexico-United States Interparliamentary Conference. She was with me on all my trips to Europe and Asia. She was always there. Erma was always there with me at my side.

She is with me today, I know. For nearly 69 years, that woman, the greatest woman I ever met—I have met queens and great women of the world—was with me. She was always with me. She is with me now, I know. For nearly 69 years, she was my comfort in times of sorrow. She was stoic and brave. She never flinched in times of trouble.

> We have lived and loved together through many changing years; we have shared each other's gladness and wept each other's tears; I have known ne're a sorrow that was long unsoothed by Erma; for thy smiles can make a summer where darkness else would be.

I quoted from the lines of Charles Jeffries, "We Have Lived and Loved Together."

This quiet, self-contained coal miner's daughter confronted demonstrators and protesters in front of our home in Arlington. She spent many evenings alone when I had to stay late at the Capitol attending the Nation's business. She always was most comfortable with the unassuming, down-to-earth West Virginia folks, back in the hills of West Virginia, like those back in the hills of Kentucky from which my friend, Senator MITCH MCCONNELL, comes. She met with kings and shahs, princes and princesses, Governors and Senators, Presidents. She entertained the high and the mighty, the powerful and the wealthy of this Nation in a foreign land because it was important to her husband who served as the majority leader of this Senate and various other Senatorial offices. She did it all with an innate, inherent graciousness, incredible patience, and a soft, warm smile. She was a remarkable lady of great wisdom, but most of all, great gentleness, yet she could be tough when she saw injustice or unfairness.

I was always so proud of her. In fact, the entire State of West Virginia took pride in Erma. That is why she was named West Virginia Daughter of the Year in 1990. Oh, could we call back the vanished years. And she was named West Virginia Mother of the Year a few years later.

Marriage is a sacred institution. It is more than the result of repeating a few vows. Marriage is an oath, an oath before God. I have admired the ancient Romans so much, as did Montesquieu, because they would not break an oath. They would go to their death rather than break an oath. The ancient Romans. So marriage is an oath before God, a sacred and noble contract between a man and a woman. Read it in the Bible.

It is a glorious commitment, a commitment of love, of caring, and of sacrifice. It is a commitment that Erma and I honored and enjoyed for almost 69 years, through the bad times as well as the good, down the rough roads as well as the smooth ones. Our life's journey was not always smooth and easy traveling. In fact, it was as bumpy at some times and as curvy as a West Virginia mountain road. But over the years, Erma and I learned that the challenge of a marriage is the ability to overcome imperfections, not just to ignore them. We always remembered our devotion to each other, despite our shortcomings and despite the difficulties we encountered along life's way.

And when Erma and I married on that blessed Saturday evening nearly 69 years ago, we were so proud and we were so poor that I could not even take a day off from work. We did not have the money for a honeymoon, so after the wedding we went to a square dance, where I played the fiddle and she danced. On Monday morning, where was I? I was back at work in the grocery store in that coal-mining camp of Stotesbury. I was back at the meat counter in a coal-mining camp of Stotesbury. Although our fortunes did change, allowing us the opportunity to celebrate our anniversary in more special ways over the years, my Erma, my Erma never changed. She never changed. From being the wife of a meatcutter at the Koppers store in Stotesbury, WV, to being the wife of the majority leader of the U.S. Senate, Erma never stopped being herself. Her enduring patience and her steadfast support were the stabilizing constants in our marriage.

Could I have made this journey without her? Could I have accomplished as much as I have accomplished—whatever that may have been—without her? I think not. The more important point is that I did it with Erma, and I would not have had it any other way. She was God's greatest gift to me.

I don't know what I ever did to deserve her, but somewhere along the line, I must have done something that was especially good. The good Lord, the King, the Lord of Hosts, smiled down on me at 6 o'clock in the evening on May 29, 1937.

So may I close with these few words that come from a poem, "An Old Sweetheart of Mine," by James Whitcomb Riley.

Is this her presence here with me,
Or but a vain creation of a lover's memory?
A fair, illusive vision that would vanish into air,
Dared I even touch the silence with the whisper of a prayer?
Nay, let me then believe in all the blended false and truth—
The semblance of the old love and the substance of the new,
The then of changeless sunny days—the now of shower and shine,
But love forever smiling—as that old sweetheart of mine.

Mr. President, I simply say that I give thanks to Almighty God for a long and good marriage and the richness which that hallowed institution has given to my life because of one very extraordinary woman.

May God bless her and hold her to his bosom in Heaven until I come to be with her—this extraordinary woman, the daughter of a coal miner, Erma James Byrd.

Mr. President, these are a few lines which were the favorite lines of Erma. The author's name is Isla Pascal Richardson. The lines are these:

If I should ever leave you,
Whom I love
To go along the silent way,
Grieve not,
Nor speak of me with tears.
But laugh and talk of me
As if I were there beside you.
For I will come—I'll come!
Would I not find a way?
Were tears and grief not be barriers?

And when you hear a song or see a bird I loved,
Please do not let your thoughts of me be sad.
For I am loving you just as I always have . . .

You were so good to me.

There are so many things I wanted still to do—
So many things to say to you . . .
Remember, that I did not fear death.
It was just leaving you that was so hard to face.

We cannot see beyond this life
But this you know . . . I loved you so
Never doubt that I am with you still!

Mr. President:

Love does not die with the body
And nothing in heaven or on earth
Can keep apart those who love one another.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

A GREAT MARRIAGE

Mr. McCONNELL. Mr. President, I congratulate my good friend from West Virginia on his extraordinary reminiscence of his remarkable wife of 68, almost 69 years. I think those of us in the Senate are well aware that the marriage of Robert and Erma Byrd was one of the great marriages of American history. No two people were ever more right for each other, ever more committed to each other, or provided a better example for our country than Senator and Mrs. Byrd.

Mr. BYRD. Mr. President, I appreciate from my heart the kind words of my dear friend, Senator MITCH McCONNELL, from our neighboring State of Kentucky. I am not sure that I was meant to have all these blessings, but I am sure of one thing: Erma was the perfect woman, the greatest woman I have ever met. And today I have no doubt that she is in Heaven. I also have no doubt that I can meet her.

Let me thank again my friend, MITCH McCONNELL. How lovely were his words. How nice of him. I thank the Senator very much.

TRIBUTE TO FIRST LIEUTENANT ROBERT LEWIS HENDERSON II

Mr. McCONNELL. Mr. President, I ask the Senate to pause for a moment today in loving memory and honor of 1st Lt Robert Lewis Henderson II.

Lieutenant Henderson of Alvaton, KY, served with the 2123rd Transportation Company in the Kentucky Army National Guard, based in Owensboro, KY. On April 17, 2004, he gave his life in defense of our country in the city of Ad Diwaniyah, Iraq. He had served his Nation as a citizen-soldier for 16 years—nearly half his life. Lieutenant Henderson was 33 years old.

On that day in April 2 years ago, as night approached, Lieutenant Henderson and three of his fellow soldiers were escorting a convoy of the Army's 1st Armored Division.

Their mission was to transport the 1st Armored Division, with its essential M1A1 Abrams tanks and missile launchers, toward the fierce fighting in Al Najaf, where Coalition forces battled terrorists.

Staff Sergeant Michael Grimes, a fellow Kentuckian who was with Lieutenant Henderson in the Humvee, recalls that Rob "was proud to be in the Kentucky Guard and on the mission that day."

Lieutenant Henderson and his team drove through an area of Ad Diwaniyah that our troops have come to call "ambush alley." The foreboding nickname proved apt as Lieutenant Henderson's convoy, driving up the street, came upon an overturned tractor trailer in an intersection.

Lieutenant Henderson, who was driving the lead Humvee, tried to go around the obstacle, but as the escort team slowed, terrorists ambushed them.

Lieutenant Henderson sustained what proved to be a fatal gunshot in the leg, but he still managed to drive his team to a strategic position where they could return fire and then warn the convoy of impending danger. His final act was to protect his friends and fellow soldiers.

His actions "probably saved hundreds of lives," said Kentucky National Guard Adjutant GEN Donald Storm.

For his valorous service, Lieutenant Henderson was awarded the Bronze Star Medal and the Purple Heart. And he was awarded the Kentucky Distinguished Service Medal, for demonstrating all the qualities of a great soldier, remaining combat-focused while decisively engaged with the enemy, performing his duties, and accomplishing his mission.

Rob enlisted in the Kentucky National Guard in 1988, when he was just 17 years old, as a student at Warren Central High School in Bowling Green, KY. His mother, Lillian Henderson, recalls when he told her, "If you don't sign for me at 17, I'll sign for myself at 18."

Surely Rob knew the honor and the sacrifice that came with serving one's country. Rob's father, Robert "Lou" Henderson, served in the Army during the Korean War. Lou passed away after a struggle with cancer in 1994, but his son continued the family legacy.

After 8 years as an enlisted soldier, Rob felt he still had more to give. In 1997, he went to Officer Candidate School at Fort Eustis, VA. By 1998, he had made first lieutenant.

Lieutenant Henderson deployed to Kuwait in January 2004. Rob and his unit were charged with transporting convoys of heavy armored units which traveled from Kuwait to the front lines in Iraq.

As platoon leader, Rob was tasked with overseeing the complicated logistics of these missions. From scheduling maintenance on the heavy trucks to securing fuel, Rob's duties encompassed "most everything," recalled his friend SGT Doug Pollard, who also served in the Kentucky Guard.

Sergeant Pollard, who met Rob when Rob first enlisted, said that "from day one, Rob was about nothing less than hard work and taking care of other soldiers."

Lieutenant Henderson "led from the front," a popular Army expression for officers who lead by example on the front lines. Sergeant Grimes said, "Rob would never ask a man to do anything that he wouldn't have done himself."

1SG Michael Oliver, also of the Kentucky Guard, agreed. "Normally, as an officer you sit back, supervise and direct," he said. "Lieutenant Henderson loved . . . to get right in there."

Rob's passion for life shone through in his civilian duties as well. He worked as a sales manager at a Lowe's hardware store in Bowling Green. He had worked at several Lowe's stores throughout Kentucky, being promoted with each new post.

Working as much as 60-plus hours a week, Rob fulfilled his Guard training on the weekends, with the same commitment he showed in all aspects of life. While working at Lowe's, Rob also met Lisa, the love of his life. They married in January 2003.

Raised in Rockfield, a small Warren County town outside Bowling Green, Rob Henderson grew up playing football and baseball and cheering for the University of Notre Dame. He also had a fascination with trucks.

Rob worked hard on his home—especially the outside. Lisa Henderson recalls her husband's attention to detail, saying, "he was obsessed with mowing the grass, and just insisted that our yard look better than any of our neighbors." Often seen in jeans and work boots, he loved playing with his and Lisa's two dogs.

Rob was excitedly awaiting the birth of his and Lisa's first child. Lisa recalls hearing the excitement in Rob's voice when she called to tell him they would be having a baby. Rob was training with his platoon in Greenville, KY, and he was so thrilled that he raced off the phone to go tell his whole unit.

Peyton Joshua Henderson was born in July 2004, 3 months after a memorial service was held for Lieutenant Henderson in a small chapel erected at Camp Arifjan, Kuwait.

More than 150 of Lieutenant Henderson's fellow soldiers gathered inside. Dozens more clustered outside the entrance, all to pay their respects to their fallen leader, brother soldier, and friend.

We thank Rob's wife Lisa for sharing her stories of Rob with us. She and young Peyton join us in the Capitol today. We are also honored that Rob's mother, Lillian Henderson, has shared her memories of her son. And today we are thinking of Rob's sister, Jackie Hawkins, and his half-sister, Monica Walker, as well.

Mr. President, I cannot help but feel humbled when I think of Lieutenant Henderson's final selfless act. A good soldier to the end, he put his men first. It is easy to see his heroism now, but when I look back at the brave 17-year-old who stepped forward to honor his father and his country, I can see the heroism was already there.

This Nation can never repay our heroes or their families, but we will never forget them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

FORMATION OF A NEW IRAQI GOVERNMENT

Mr. LEVIN. Mr. President, last evening, during his press conference with Prime Minister Blair relative to Iraq, President Bush stated:

> The formation of a new government represents a new beginning for Iraq and a new beginning for the relationship between Iraq and our coalition.

I hope that is not overly optimistic, but, frankly, I am afraid that it is because of the incompleteness of the Iraqi Government. Its two most important positions—the Minister of Defense and the Minister of the Interior—have not been filled. These are critical positions because numerous police and army units have been dominated by militia members who are loyal to sectarian or political leaders and not to the central Government, and because many militia members outside the police and the army are engaged in a rampage against innocent civilians.

While there have been disagreements on a number of issues related to Iraq, almost everyone has agreed that the new Iraqi Government would have to be a government of national unity with specific emphasis on independent nonsectarian choices for the positions of Minister of Defense and Minister of the Interior if there was to be a chance of quelling the sectarian violence and defeating the insurgency.

Our senior military leaders have been telling us for years that there is no military solution to the violence in Iraq and no way to defeat the insurgency without a political solution among the Iraqis themselves.

The Government that was announced last weekend and approved by the Iraqi Council of Representatives does not represent a political solution because it did not include the two most important ministries: the Ministry of Defense and the Ministry of the Interior.

The plain truth is that the various Iraqi political actors were not willing to make the compromises necessary to bring about a government of national unity within the time allotted by the Iraqi Constitution. And they still haven't. We hope they will at any time, but they still haven't.

Secretary of State Condoleezza Rice, appearing on FOX News last Sunday, minimized the lack of selections for these two positions when she said:

> People are dramatizing the fact that they didn't get certain posts that they hoped to get.

She went on to say:

> . . . let's give them three days or four days, or five or six days, to come up with the best possible interior ministry. You know, the five days that they will take to vet people more thoroughly, to make sure they have the right person, will be well worth it.

On "Meet the Press" that afternoon, Secretary Rice even spoke of that failure as a plus, a positive, saying:

> . . . I think it actually shows some maturity that they were able to go ahead with the formation of the government so that they can start working, but that they can take a little bit longer.

How is that a sign of maturity? In my view, both the mature and the necessary thing under the constitution of Iraq was for the Iraqi political leaders to make the compromises necessary to form the entire Government, including, in particular, the Minister of Defense and the Minister of the Interior, the two most important ministries.

It was also disappointing that neither President Bush nor our Secretary of State mentioned anything about the need to amend the Iraqi Constitution. General Casey noted in testimony before the Senate Armed Services Committee:

> We've looked for the constitution to be a national compact, and the perception now is that it's not, particularly among the Sunni.

The Iraqi Constitution itself provides for the appointment of a committee to propose amendments to their constitution. That committee has 4 months to complete its work and to recommend amendments to the constitution to the full Parliament.

For a long time, I have been calling for President Bush and officials of his administration to put pressure on the Iraqis, to meet the timetables they have set in their own constitution to form a unity government and to make the changes in the constitution that would make it a unifying document. I have called for that pressure to be in the form of conditioning our continued presence in Iraq on Iraqis meeting their self-imposed deadlines.

The President told me in the presence of several Members of the Congress and in the presence of his own security team that position is actually helpful. For us to tell the Iraqis that our continued presence depends upon their doing what only they can do, which is to meet their self-imposed deadlines for a full government to be appointed and for them to amend their constitution to make it a unifying document.

These are critically important matters. There needs to be a government of national unity. We can't save Iraqis from themselves. We can't form a government of national unity. We can't amend their constitution. If they want a nation, it is up to them to get on with it according to their own constitutional deadlines.

It is not going to happen if we just tell the Iraqis we are there as long as they need us. That is an open-ended commitment which cannot stand because the American people will not stand for it and should not stand for it.

I hope the President and the Secretary of State and the U.S. Ambassador are saying privately what they haven't yet said publicly: that it is up to the Iraqis to determine their fate and to pull together a national unity government because that is the only hope they have of defeating the insurgency and avoiding civil war.

THE ENRON CONVICTIONS

Mr. LEVIN. Mr. President, 5 years ago, the Enron Corporation, the seventh largest publicly traded corporation in America with a $100 billion in annual revenue, collapsed. Its sudden plunge into bankruptcy destroyed the savings of thousands, eliminated the jobs of tens of thousands more, and, more fundamentally, damaged Americans' faith in U.S. capital markets. In the years following, the extent of Enron's misconduct became clear—the dishonest accounting, nonpayment of taxes, excessive executive compensation, collusion with banks and brokers, the lies to the investing public and their own employees.

Many Enron executives have since pleaded guilty and accepted responsibility for their role in the Enron disaster. Enron's two most senior executives, however, did not. They spent the last 5 years denying responsibility and fighting all efforts to hold them accountable. But yesterday, a jury found Ken Lay and Jeffrey Skilling guilty of 25 counts of securities fraud, wire fraud, false statements, and other misconduct. The jury held both men accountable for Enron's misdeeds.

Some want to portray those convictions as the end of an era of corporate corruption. They are already urging Congress to weaken the Sarbanes-Oxley Act, the law enacted to prevent future Enron catastrophes. For example, they want to exempt 80 percent the publicly traded companies from rules requiring internal controls to ensure that their books accurately reflect their finances. They want to weaken or eliminate the Public Company Accounting Oversight Board that now polices the accounting industry. They want to weaken other corporate reforms as well, from rules requiring oversight of hedge funds to rules requiring mutual funds to have independent directors.

But corporate corruption is not over. Just this year, AIG, one of the country's largest financial firms, agreed to pay $1.6 billion to settte State and Federal allegations of securities fraud and bid-rigging. Fannie Mae, an American symbol of financial success and affordable housing, paid $400 million to settle allegations of accounting fraud. In April, the former chief executive of Computer Associates, a leading high tech company, pled guilty to securities fraud and obstruction of justice. Another 20 publicly traded corporations are currently under investigation for playing games with the timing of stock option grants to maximize the profits that their top executives could pocket. The list, unfortunately, goes on.

The message that should be taken from the Enron convictions is not that corporate oversight is too tough, but that corporate executives must and can be held accountable when they misuse funds, abuse their positions, and mislead the investing public.

I am told that some corporations are waiting for my good friend, PAUL SARBANES to leave the Senate before attacking the law that he championed. They want him out of the way first. But my friend fought too hard and too long for the corporate reforms embodied in Sarbanes-Oxley to be tossed aside or watered down. This country cannot afford more Enrons, and I, for one, believe the Senate cannot and will not turn back the clock on corporate oversight.

SENATOR ROBERT BYRD AND ERMA BYRD

Mr. LEVIN. Mr. President, I wish to add one comment to Senator MCCONNELL about Senator BYRD's comments about his holy marriage, a marriage which has inspired every person and every couple who is familiar with Robert and Erma Byrd.

My wife Barbara and I have been here now for 28 years. When we came here, we noted right away this wonderful love affair between ROBERT and his beloved wife Erma. Many things that Senator BYRD does inspires every one of us in the Senate—his love of this institution, his passionate commitment to this institution, and all the unique features of it, his love affair with the constitution of the United States. But I guess as powerful and potent as those two commitments are and remain and always will in his heart and in our hearts, hopefully, his relationship with his wonderful, extraordinary wife Erma tops them all.

I thank him for that inspiration and thank him for all those other things that he does which help to keep this body, this unique body in the history of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I shan't leave this floor until I have said thank you to my noble friend, the able Senator from Michigan, the chairman of the committee on which I serve, the committee which authorizes the expenditures we must make if we are to keep our Nation strong, the Armed Services Committee. I thank him. He has been and is an inspiration to me. His dedication, his thoughtfulness, his courtliness—I thank him for all.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Georgia, I ask unanimous consent that the quorum call be rescinded.

Without objection, it is so ordered.

In my capacity as a Senator from Georgia, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, at 12:30 p.m., the Senate recessed subject to the call of the Chair.

The Senate reassembled at 2:42 p.m., when called to order by the Presiding Officer (Mr. BENNETT).

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business for Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. SALAZAR. Mr. President, I was necessarily absent during confirmation vote on the nomination of Michael Hayden to be the Director of the Central Intelligence Agency because I had returned to Colorado to honor commitments to my family. I want the RECORD to reflect that had I been here, I would have voted in favor of confirmation.

I was also necessarily absent during the cloture vote on the nomination of Dirk Kempthorne to be Secretary of the Interior. I support this nomination, and I want the RECORD to reflect that had I been here, I would have voted in favor of invoking cloture.

And I was necessarily absent during confirmation vote on the nomination of Brett Kavanaugh to be a U.S. Circuit Judge for the DC Circuit. I want the RECORD to reflect that had I been here, I would have voted against confirmation.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, had I been present for the vote to invoke cloture on the nomination of my former colleague, Dirk Kempthorne, to be Secretary of the Interior, I would have cast a vote of "aye".●

HONORING OUR ARMED FORCES

MEMORIAL DAY

Mr. LAUTENBERG. Mr. President, this week we are in a rush to finish our business so we can head home for the Memorial Day Recess.

Memorial Day signals the beginning of summer, when children are out of school and families get to spend time together.

It's a time for vacations and trips to the shore, and backyard barbecues.

But most important of all, Memorial Day is also the time when we remember the brave soldiers who have made the ultimate sacrifice for our country.

This year there are almost a thousand more names on that list than last Memorial Day.

In total 2,750 troops have lost their lives in Iraq and Afghanistan: 2,455 in Iraq and 295 in Afghanistan.

Almost 18,000 more have been seriously wounded.

I keep a gallery of the pictures of the fallen outside my office in the Hart building. More and more people come to visit it, and I encourage my colleagues, their staff and our constiuent guests to view it and honor the memories of these heroes.

New Jersey families have lost 71 troops in Iraq and Afghanistan.

Last year, near Memorial Day, I read the names of New Jersey's fallen troops into the CONGRESSIONAL RECORD, where they would be enshrined for all time.

Fifteen more New Jerseyans have died since then. Today, with your indulgence, I would like to read their names and hometowns into the RECORD:

SSG Jeremy A. Brown, whose mother lives in West Orange; SPC Armer N. Burkart, Blairstown; PFC Ryan D. Christensen, whose mother lives in Brick; LTC Terrence K. Crowe, member of the U.S. Army Reserve in Lodi, NJ; SFC Michael Egan, his mother resides in Pennsauken; SGT Clarence L. Floyd, his mother resides in Newark; CPT James M. Gurbisz, Eatontown; SSG Edward Karolasz, Kearny; SPC Gennaro Pellegrini, Jr., whose father resides in Wildwood; CPT Charles D. Robinson, Haddon Heights; LCpl Edward A. Schroeder, South Orange; SSG Stephen J. Sutherland, West Deptford; 2LT Dennis W. Zilinski, Howell; SSG Christian Longsworth, Newark; and SGT Matthew Fenton, Little Ferry.

On this Memorial Day, I hope every American will pause to give thanks for the brave soldiers who gave their lives for our country.

TRIBUTE TO NANCY JEAN PRICE

Mr. GRAHAM. Mr. President, next week, on June 2, Ms. Nancy Jean Price will retire from my office having served the people of South Carolina for over 30 years as a congressional constituent liaison. I rise today to recognize the outstanding service and dedication she demonstrated throughout her extensive and distinguished career.

A native South Carolinian, Jean is the daughter of Mr. Joe B. and Mrs. Trula W. Price. She graduated from Lander University in Greenwood and began her career as a congressional staffer in the office in the officer of former U.S. Representative Butler Derrick, who represented South Carolina's Third Congressional District from 1974 to 1994. Jean wore many hats for Congressman Derrick in his Anderson, SC, district office. Whether working as a constituent liaison, a special events coordinator, a caseworker, or even as a manager, Jean went above and beyond what was required to address any task or challenge she confronted.

Following Congressman Derrick's retirement in 1994, I was elected to Congress and was fortunate Jean accepted a constituent services position in my Aiken office. After my election to the Senate in 2002, I promoted Jean to low-country regional director, and she helped establish our office in Mt. Pleasant.

In the 12 years Jean has worked on my staff, she has consistently and selflessly served constituents, answered questions, and solved countless problems. In doing so, Jean has garnered the personal and professional respect and admiration of her friends and colleagues. She is an upstanding member of society. She represents the very finest in Christian values dedicating much of her free time to church and community work in various leadership and service positions. But above all, Jean has been dedicated to her family.

While well deserved, Jean's retirement is a great loss for me and the State of South Carolina. Her service heart will serve as the gold standard for all staff that follow behind her. I will miss Jean, but I wish her a prosperous retirement and great success and happiness in the future.

THE PATRIOT LOAN ACT OF 2006

Mr. CRAIG. Mr. President, I rise to comment on legislation introduced yesterday, S. 3122, the Patriot Loan Act of 2006. It is called the Patriot Loan Act for that is who the legislation is intended to benefit, patriot citizen-soldiers who are called from their employment at America's small businesses to serve our country in uniform. I am proud to join with Senator OLYMPIA SNOWE, who serves as the chair of the Senate Committee on Small Business and Entrepreneurship, as an original cosponsor of this important bill.

All of us in the Senate come from States affected by the mobilization of our Guard and Reserve personnel. In my home State, the Idaho National Guard's 116th Brigade Combat Team turned last fall from its 18-month deployment to Iraq. I visited members of the 116th while they were in Iraq and discovered that a good number of them left jobs at small businesses across Idaho. I also held a hearing in Idaho last August regarding the reemployment rights of returning Guard and Reserve members, with particular focus on how those rights would impact members of the 116th. At that hearing it was emphasized that, while legal rights to reemployment are critical, they do little good for those who have no employer, or no small business, to return to. I resolved then to find some way to assist small businesses to cope with the financial hardships of frequent and lengthy mobilizations of its employees or owners during the war on terrorism. I believe S. 3122 will provide some of that needed assistance.

The legislation would enhance the U.S. Small Business Administration's Military Reservist Economic Injury Disaster Loan, or "MREIDL," Program. That program provides loan assistance to small businesses to help them meet ordinary and necessary operating expenses after essential employees are called to active duty in their roles as citizen soldiers.

S. 3122 would raise the maximum military reservist loan amount from $1.5 million to $2 million. It would also allow the Small Business Administration's administrator, by direct loan or through banks, to offer unsecure loans of up to $25,000, an increase from the current $5,000 loan limit: So that there are no processing delays, S. 3122 would require the SBA administrator to give these loan applications priority, and would require that loan applicants be adequately assisted during the application process by utilizing existing support networks, such as Small Business Development Centers.

Finally, S. 3122 would ensure proactive outreach about the MREIDL Program for Guard and Reserve members by requiring SBA and the Department of Defense to develop a joint Web site and printed materials with information about the program, and it would require a joint SBA and DD feasibility study on other methods of possible assistance.

Just as the Guard and Reserve are serving us now, we must do what we can to ensure that their sacrifices do not place them in financial harm's way on their return home. I strongly urge my colleagues to support this measure.

and I, again, thank Senator SNOWE for her leadership in introducing it.

COSPONSORSHIP OF S. 1112

Mr. BURNS. Mr. President, I would like to lend my support to S. 1112, the College 529 InvEST Act of 2005, which I cosponsored today. A college education is more important today then it has ever been before. As the intrinsic value of a college education has increased, so too has the financial costs associated with it. In the last 10 years, the cost of a 4-year college education at a public institution increased 59 percent, while in public institutions it has grown by 42 percent. This increased cost dramatically outpaces average family income growth during the same time period.

It is not surprising that Montanans have expressed concerns about how they will pay such a hefty pricetag for their children's futures. It is our responsibility in the Senate to make saving for college manageable for many families who also struggle to save for their own retirement and may live from paycheck to paycheck. Federal programs can defray some of the costs, but this alone cannot pay the bills. Tax relief passed in 2001 permitted States to implement their own plans, creating a tax benefit for those families who chose to invest in them. Since 1998, 12,539 qualified tuition program accounts total more than $146 million in Montana alone.

Without congressional action, the tax benefits of these plans will expire in 2010. Withdrawals made after 2010 will be subjected to taxation that means in just a little over 3 years from now, parents who invested in these 529 plans for the tax benefits will face an unanticipated tax liability. This sunset provision casts serious doubt on the likelihood a family would set up a 529 plan given such uncertainty. S. 1112 would make the tax provisions of these important plans permanent, providing much-needed certainty to parents and their children heading off to college in the future.

HOLD ON NOMINATION OF DAVID BERNHARDT

Mr. WYDEN. Mr. President, I rise today to attempt, once again, to raise awareness of the plight of countless rural communities due to the impending expiration of the Secure Rural Schools and County Self-Determination Act. I regret that the lack of concern at the White House and the inertia in Congress forces me to put a hold on David Bernhardt, the administration's nominee for Interior Solicitor. It is time for everyone to focus their attention on the needs of the more than 700 rural counties in over 40 States that are depending on the reauthorization of this county payments legislation.

Thus far, the administration's solution to funding county payments is unacceptable. The county payments law, which provides a stable revenue source for education, roads, and other county services in rural areas, is due to expire at the end of this year. In early 2005, I coauthored a bipartisan bill, S. 267, to reauthorize county payments for another 7 years. The bill has 26 Senate cosponsors. In February, the administration proposed reauthorizing the law for only 5 years while cutting funding by 60 percent and funding that reduced portion with a controversial Federal land sale scheme. In response, Senator BAUCUS proposed a sensible, alternative funding source for county payments, a proposal which I was pleased to cosponsor. Our legislation fully funds county payments by ensuring that a portion of Federal taxes are withheld from payments by the Federal Government to government contractors. The Federal Government currently does not withhold taxes when it pays government contractors. Recently, however, over my objections, Congress approved a major tax bill that uses the Baucus proposal to instead provide tax cuts for this country's most fortunate few. This lack of regard for the historic obligations of the Federal Government to rural counties severs a vitally important funding lifeline to communities throughout the country.

I will hold this nominee—and many nominees coming after him, if need be—until the administration finds an acceptable way to fund county payments.

DO THE WRITE THING CHALLENGE 2006

Mr. LEVIN. Mr. President, the Do the Write Thing Challenge, or DtWT, is a national program that gives middle school students the opportunity to reflect on and express themselves about youth violence in their communities. DtWT combines classroom discussion with a writing contest that focuses on personal responsibility in solving youth violence problems. Since it was created in 1994, more than 350,000 middle school students have participated in DtWT activities, and the program has grown to include participants from 28 different jurisdictions, including Detroit, MI.

In 2005, more than 32,000 students participated in the DtWT writing contest. To participate, students are asked to write an essay, poem, play, or song that addresses the impact of violence on their life, the causes of youth violence, and the things that they can do to prevent youth violence around them. As part of their participation in the contest, students are also asked to make a personal commitment that they will put their thoughts into action by working to help stop youth violence in their daily lives.

Each year, a DtWT Committee made up of community, business, and governmental leaders from each participating jurisdiction reviews the writing submissions of the students and picks two national finalists, one boy and one girl, from their area. I am pleased to recognize this year's national finalists from Detroit, Demetrius Adams and Tiffini Baldwin, for their outstanding work and dedication to the prevention of youth violence.

Both Demetrius and Tiffini wrote about the serious effect that guns, gangs, and drugs can have on the lives of teenagers. Their writings demonstrate a deep understanding of the impact that a single act of violence can have on an entire community. I am impressed by the maturity they have shown in their work and congratulate them on being selected as national finalists.

In July, Demetrius and Tiffini will join the other DtWT national finalists in Washington, DC, for National Recognition Week. During the week's activities, the national finalists will attend a recognition ceremony and have their work permanently placed in the Library of Congress. In addition, they will have the opportunity to share their thoughts on youth violence with Members of Congress and other policymakers. In the past, students have had the opportunity to meet with the Secretary of Education, the Attorney General, and other representatives from the Department of Justice.

I know my colleagues join me in celebrating the work of all of the DtWT participants from around the country. I would also like to thank the DtWT organizers for their commitment to engaging with and educating children about nonviolence. Their important efforts help to increase awareness of the issue and facilitate the development of local solutions to the youth violence problem in our Nation.

While it is important that we recognize the hard work of the DtWT participants and organizers, it is also important that we support their efforts through our actions in the Senate. I urge my colleagues to join me in supporting legislation that would help prevent youth violence by increasing the number of police officers on our streets, by increasing resources for school and community violence prevention programs, and by making it more difficult for children and criminals to acquire dangerous firearms.

REVEREND WILLIAM SLOANE COFFIN

Mr. LEAHY. Mr. President, I rise today to remember my friend Rev. William Sloane Coffin who passed away in Vermont on April 12, 2006, at his home in Strafford.

Bill Coffin was an extraordinary man who leaves behind a legacy of inspired service for social justice that few Americans have matched. He dedicated his life to speaking out on behalf of those who would otherwise be forgotten, to improving the lives of the underprivileged, and to calling for justice for victims of discrimination in our society.

As chaplain of Yale University, Bill used that pulpit like none before him, to serve not only the Yale community but to inspire the entire Nation. While many Senators may remember him best for his moral leadership and courageous activism during the Vietnam War, Bill also established himself as a dedicated leader for racial and social justice. He was a member of the Freedom Riders who rode interstate buses in the South to challenge segregation laws. He was a visionary and powerful leader in pointing out the hypocrisy of religious and sexual discrimination

Mr. Gary Trudeau, creator of the cartoon "Doonesbury" and fellow Yale graduate, may have immortalized Bill Coffin in his Reverend Sloan character. But that was only one chapter of a lifetime of using his ministry to fight injustice. After his long service at Yale, Bill became pastor of Riverside Church in New York City where he continued to advocate for the downtrodden all over the world. Bill continued to be a forceful presence for good long after he left Riverside.

Mr. President, Vermonters were fortunate to have Bill Coffin as a resident of our unique State. Vermonters have a long history of independent thought, of standing up for what is right, and Bill Coffin set a standard for all of us. I was privileged to know him personally and to be able to call him a friend. I know his other friends and neighbors felt the same way. We were all made better, and felt better about ourselves, when we were in the company of Bill Coffin.

I ask unanimous consent that a column by William F. Buckley and an editorial in the Valley News be printed in the CONGRESSIONAL RECORD so that other Senators may have a further appreciation of this great and good man.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Valley News, April 14, 2006]

WILLIAM S. COFFIN

The Upper Valley has its share of accomplished and prominent residents, but we can think of few whose presence seemed such a gift as did that of The Rev. William Sloane Coffin, who lived here full time from the late 1980s until his death Wednesday at his home in Strafford.

The Upper Valley phase of Coffin's life showcased the same devotion to social justice as his earlier chapters as pastor of Riverside Church in New York City and chaplain of Yale University. His focus shifted somewhat—the Vietnam War and black Americans' civil rights while he worked in New Haven, Conn., and New York City; nuclear disarmament, gay Americans' civil rights and the environment while in Vermont—but the larger theme remained constant. He was committed to speaking truth to power, and he did that by talking about the issues of the day with striking clarity and wisdom.

One of the last op-eds he wrote for the Valley News appeared just a few weeks after the Sept. 11 attacks, and reviewing it now, more than four years later, makes us wish it had had more of an impact in guiding this nation's leaders about the topic at hand—how to best respond to terrorism.

"What Americans do realize now," Coffin wrote, "is that life can change on a dime. On Sept. 11, we lost, and lost forever, our sense of invulnerability and invincibility. Hard as that may be, let us not grieve their passing; they were illusions.

"Today it is the Devil's strategy to persuade Americans to let go of the good to fight evil. I hope we will resist. I hope that first we will present to the world conclusive evidence of whom these hijackers were, from whence they came, and who knowingly harbored them.

"Then I hope we shall try to build international consensus for appropriate measures, both to halt the violence and the circumstances that gave rise to it."

Here in the Upper Valley, though, we had the opportunity not only to appreciate the power of Coffin's message but also to witness the force of his personality. Whether at a dining room table, behind a church pulpit, at a piano or on a stage at a political rally, Coffin commanded, enjoyed and rewarded attention. The message was difficult to separate from the virtuoso performance of high-spiritedness, humor and insight. Not even a failing body, including the slurred speech left in the wake of a stroke, blunted the force of his personality. Strafford Selectwoman Kay Campbell had it just right when she noted that Coffin, despite his national stature, had a knack for "treating us like we were all special."

Bill Coffin was an accomplished, amazing and fascinating man, and many Upper Valley residents feel blessed not just to have benefited from his wisdom but for the opportunity of seeing him in action.

[From Yale Daily News, Apr. 14, 2006]

COFFIN'S PASSION TOPPED IDEOLOGY

(By William F. Buckley, Jr.)

It was the routine, when Charles Seymour was president of Yale, that the chairman (as we were then designated) of the News should visit with President Seymour for a half hour every week, mutual conduits for information in both directions. We became friends and he told me at one meeting with some enthusiasm that the student speaker at the annual Alumni Day lunch at the Freshman Commons the day before "gave the single most eloquent talk I have ever heard from an undergraduate." I thought hard about that comment one year later when I was selected to give the annual talk to the alumni, which speech moved nobody at all because the day before, the text having been examined by public relations director Richard Lee, I was asked to be so kind as to withdraw; and I did. (What I did with the speech was stick it into the appendix of "God and Man at Yale").

I didn't meet William Sloane Coffin '49 DIV '56 until some while later, when of course I congratulated him on electing the correct political extremity in the controversies of the day. He was never slow to catch an irony, and his wink brought on a trans-ideological friendship that induced great pleasure.

The friendship was publicly confirmed by Coffin with an extraordinary gesture. Garry Trudeau '70 ART '73 was lining up speakers for an event celebrating the reunion of his class. His reunion coincided with a reunion of my own class, and he came to me and asked if I would consent to debate with Bill Coffin as I had done for Trudeau's class in freshman year.

Well, I said, okay, though I knew that Charles Seymour's estimate of successful speakers would certainly prevail yet again. But there was a remarkable feature of that afternoon. I climbed the steps at the Yale Law School Auditorium to extend a hand to Bill Coffin—who brushed it aside and embraced me with both arms. This was a dramatic act. It was testimony not only to Coffin's wide Christian gateway to the unfaithful, but also to his extraordinary histrionic skills. I'd have lost the argument anyway. I have defended my political faith as often as Coffin did his own, but you cannot, in the end, win an argument against someone who is offering free health care and an end to nuclear bombs. But there was never any hope for survival after his public embrace.

We were always, however lightly, in touch. "Sweet William," he addressed me in June 2003, enclosing a copy of a speech he had delivered at Yale the week before. "The enclosed speech to the Class of '68, you will be sorry to hear, was received with tumultuous applause. Don't worry, however, you, alas, represent the ruling view. I hope you feel with Saint Paul, 'Though our outer nature is wasted away our inner nature is being renewed each day.' Affectionately as always, Bill."

I replied "Wm, I am not surprised your speech was greeted by tumultuous applause. That is what demagogy is designed to do, dear William." He replied some months later, enclosing a copy of a page from the Boston Globe in which both of us were quoted. "Dear Wm, Could it be that in this time and our old age that we might be on the same page? Do let me know, affectionately, Bill."

I replied that I had seen his new book Letters to a Young Doubter. ". . . I think of you often, and did so most directly when I published, a fortnight ago, the obituary I did on William F. Rickenbacker. He is the only other fleeted spirit I ever addressed as Dear Wm, which he always reciprocated with letters address to me as Dear Wm—both of us signing off as . . . Wm. As I am now, anxious to get a note off to you, especially since you have taken to writing books again, instead of reproachful letters to, your pal—'Wm.' "

Our disagreements were heated, and it is through the exercise of much restraint that I forebear doing more than merely to record that they were heated; on my way, heatedly, to record that Bill Coffin was a bird of paradise, and to extend my sympathy to all who, however thoughtlessly, lament his failure to bring the world around to his views.

ADDITIONAL STATEMENTS

NATIONAL MIDDLE SCHOOL TEACHER OF THE YEAR

• Mr. AKAKA. Mr. President, I rise today to congratulate Gregg Agena of Mililani Middle School for being recognized as the national middle school teacher of the year by the National Association for Sports and Physical Education.

Initially, Gregg was honored by being named the Southwest District Middle School Physical Educator of the Year.

The Southwest District of the National Association for Sport and Physical Education, NASPE, is a six-State region, which includes Hawaii. There were four other finalists for the national recognition, and it is with esteemed pride that I recognize and congratulate Gregg for receiving the national honor.

The award, which was announced at the NASPE national convention in Salt Lake City, UT, is a recognition of outstanding teaching at the middle school level and for motivating students to participate in physical activity throughout their entire lives. As a former educator and principal, I know firsthand of the countless hours that go into creating curricula, and it makes me proud to see outstanding teachers receive recognition for their hard work.

Gregg, who received both his undergraduate and graduate degrees from the University of Hawaii at Manoa, my alma mater, has also been recognized as the Nike Teacher of the Year, Hawaii Middle School Physical Education Teacher of the Year, and the recipient of the Ola Pono, which is Hawaii's Drug Free Award.

I would also like to recognize Kay Bicoy of Pearl City High School, who was named the Southwest District High School Physical Educator of the Year by NASPE. This was the first time that a public school teacher from the state of Hawaii was selected as a district award recipient, and it is with immense pride that I recognize not only one, but two teachers from my home State for such an accomplishment.

The dedication of Gregg and Kay to their field and to the children of Hawaii are undeniable. I congratulate them both not only for these outstanding recognitions, but especially for their dedication to educating the youth from the state of Hawaii, and I wish them the very best in their future endeavors.●

ALLAN W. McWILLIAMS

● Mr. ALLEN. Mr. President, I am pleased today to recognize Mr. Allan W. McWilliams of Berryville, VA, who has served on the town council for 24 years. Mr. McWilliams served as ward representative from 1982 until 1991 and assumed his current role as the town's recorder in 1991.

Mr. McWilliams, who is affectionately known as "Bugs," has made numerous contributions as one of the town's leaders. During his tenure on the town council, Mr. McWilliams has worked to promote fiscal responsibility, lower taxes and responsible planned growth. He has overseen the development of a professional community police force and has helped to implement a long-range capital planning project. As a resident of Berryville for more than 50 years and an owner of a business in downtown Berryville for the past 27 years, Mr. McWilliams is truly committed to the growth and success of this town.

Mr. McWilliams, who is married to Barbara and is the father to Jeffery and Michelle, has brought an innovative spirit and common-sense, principled leadership to the Town of Berryville. I am grateful for his service to the Commonwealth of Virginia and am pleased to join his colleagues, friends and family members in honoring him upon his retirement.●

CONGRATULATING GERRY FISCHBACH

● Mrs. CLINTON. Mr. President, I rise today to recognize Dr. Gerald D. Fischbach for his service as the Executive Vice President for Health and Biomedical Sciences and Dean of the Faculties of Medicine and Health Sciences at Columbia University in New York. Gerry Fischbach is a highly respected neuroscientist and educator. I have known Dean Fischbach since 1998 when he served as Director of the National Institute of Neurological Disorders and Stroke, NINDS, at the National Institutes of Health, NIH, during the Clinton administration.

As executive vice president and dean, Gerry Fischbach was charged with running the Columbia University Medical Center, CUMC, in northern Manhattan. The CUMC comprises the College of Physicians and Surgeons, the Graduate School of Arts and Sciences, the School of Nursing, the College of Dental Medicine, and the Mailman School of Public Health. Dean Fischbach worked tirelessly to advance the Medical Center's three primary missions, providing high quality patient care, conducting innovative biomedical research, and educating generations of doctors, scientists, nurses, dentists, and public health professionals.

Gerry Fischbach is a native of Mount Vernon, New York and graduated from Colgate University. After graduating from Cornell Medical School in New York City, he completed his internship at the University of Washington Hospital in Seattle. In 1966, he began his lifelong dedication to research and education at the NIH. Before coming to Columbia, Dean Fischbach held Chairmanships at both Harvard University and Washington University in St. Louis, and was Director of the NINDS at NIH.

Throughout his career, Dean Fischbach has studied the formation and maintenance of synapses, the junctions between nerve cells and their targets through which information is transferred. His work has focused on the neuromuscular junction, where he pioneered using cultured neurons and muscle cells to characterize the biochemical, cellular, and electrophysiological mechanisms underlying the development and function of this junction. Beginning in the 1970s, Dean Fischbach began to study the mechanism by which motor neurons regulate the number of acetylcholine receptors on muscle cells. In 1993, this work culminated with the purification and cloning of the acetylcholine receptor-inducing activity, ARIA, protein, which stimulates skeletal muscle cells to synthesize acetylcholine receptors. Dean Fischbach's work was key in demonstrating that synaptic development relies on biochemical mechanisms.

While at Columbia, Dean Fischbach initiated and implemented a strategic planning process and oversaw the completion and dedication of the new Irving Cancer Research Center. No stranger to Congress from his days at NINDS, he has been active in the effort to expand eligibility for federal funding for stem cell research, and has lectured, written, and testified before Congress numerous times on the subject. During his tenure, he created the Columbia Center for Neuroscience Initiatives and the CUMC Stem Cell Consortium, both to promote better understanding of the human brain and develop treatments for diseases that affect millions of Americans.

New York is blessed with an abundance of top research institutions and teaching hospitals, New York's jewels, as my predecessor Senator Moynihan used to call them, and there is no doubt that Columbia's medical center is one of the finest in the country. Columbia receives more NIH funding than any other New York institution, and two out of the past five Nobel Prize winners for Physiology and Medicine have been Columbia faculty. I have become very familiar with the outstanding clinical care provided by CUMC and the New York Presbyterian Hospital. Dr. Craig Smith, the surgeon who operated on my husband, is a Columbia faculty member.

My colleagues may have noticed that the one word I have not used in my remarks is "retire." Although Gerry Fishbach may be stepping down from his current position, he is not retiring. He will remain an active CUMC faculty member and researcher. He also will serve as the Scientific Advisor for the Simons Foundation, a New York-based foundation dedicated to advancing the basic and clinical frontiers of autism research.

There will be more time to spend with his wife Ruth, a noted bioethicist, their children and grandchildren at their home in Wood's Hole, and I suspect there may be a few more rounds of golf in his future. Gerry Fischbach will continue to do what he has devoted his life to: expanding, creating, and disseminating knowledge of the brain and working on developing means to treat disease. He will also continue to be active on health and science policy issues like stem cell research and it would not surprise me, once absolved from the day-to-day responsibilities of Dean, if he is not more visible on Capitol Hill.

Dean Fischbach is leaving Columbia University Medical Center in good hands. Dr. Lee Goldman will assume the executive vice president and dean position in late June. A distinguished cardiologist, Dr. Goldman comes to Columbia from the University of California San Francisco where he is Chair of the Department of Medicine. I want to welcome Dr. Goldman to New York and look forward to working with him.

I ask that my colleagues join me in recognizing this great New Yorker, Dr. Gerald D. Fischbach. Congratulations Gerry and best to you and Ruth.•

ANNUAL NEW JERSEY LAW ENFORCEMENT MEMORIAL SERVICE

• Mr. LAUTENBERG. Mr. President, I commemorate the 21st annual New Jersey Law Enforcement Memorial Service held this week in Ocean Grove, NJ. This ceremony, which is hosted by the New Jersey State Association of Chiefs of Police, NJSACP, honors the sacrifice made by law enforcement officers who have given their lives in the line of duty. Its participants represent the entire New Jersey law enforcement community, including State and local police agencies as well as prosecutors and federal agents based in New Jersey.

Events such as the New Jersey Law Enforcement Memorial Service and last week's commemoration of National Police Week are the least we can do to express our gratitude to the brave men and women who risk their lives every day in service to our communities, States, and Nation. Our Nation lost 155 law enforcement officers in 2005. Their ultimate sacrifice and the important work they did every day must never be forgotten.

I am proud that my State of New Jersey honors these heroes in the oldest statewide law enforcement memorial service in the country, and I ask that the Senate join me in commending the NJSACP for hosting this important event.•

IN RECOGNITION OF THE UNITED STATES COAST GUARD CUTTER ICEBREAKER "MACKINAW" AND HER CREW

• Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to the United States Coast Guard Cutter Icebreaker *Mackinaw* on her 62 years of exceptional service on the Great Lakes. The Coast Guard's largest cutter assigned to the Great Lakes, the *Mackinaw* will be decommissioned on Saturday, June 10, 2006. The power and majesty of the *Mackinaw* have made her a unique and awe-inspiring cutter, setting a high standard by which other icebreakers are measured.

Construction of the *Mackinaw* began on March 20, 1943, by the Toledo Shipbuilding Company of Ohio. With the Great Lakes serving as a vital link for industry and commerce, the Coast Guard needed a vessel that could accomplish in one pass what took smaller icebreakers three or four passes to accomplish. Out of this need was born the legendary "Mighty Mac." At a length of 290 feet, a beam of 74 feet, a displacement of 5,252 tons, and a maximum speed of 16 knots, the *Mackinaw* was the most powerful icebreaker in the world when she was commissioned on December 20, 1944.

In the years since then, the *Mackinaw* has served proudly on the Great Lakes, with Cheboygan, Michigan, as her home port. In addition to her mission of breaking ice in the fall and spring, the *Mackinaw* has been called upon to serve as a buoy tender, carry fuel and supplies to light stations, serve as a training vessel and assist vessels in distress when necessary. The *Mackinaw* has completed all of these duties with distinction.

Along the way, the *Mackinaw* has captured the imagination of the people of the Great Lakes, and they call her by many names: "The Mighty Mac," "Big Mac," "Ice Cream Machine," "Great White Mother," "Mack Attack," "Guardian of the Eighth Sea," and "Grand Lady of the Great Lakes."

The great success of the *Mackinaw* is due, not only to the capabilities of the vessel herself, but also to her crew. Over the last 62 years, more then 3,000 men and women have served this country aboard the *Mackinaw*. These men and women should be saluted for their dedication, hard work, and tireless efforts in protecting and securing the safe passage of vessels on the Great Lakes.

The crew of the *Mackinaw* is also to be commended for their volunteer efforts. Since 2000, the *Mackinaw* has taken on the special mission of acting as Chicago's Christmas Ship. Each December, the crew makes the 350 mile trip from Cheboygan, Michigan to Chicago, Illinois, bringing Christmas trees to be distributed to disadvantaged families in Chicago. Since its inception, this program has provided more than 6,000 trees to families in need during the holiday season.

On the eve of her decommissioning, I would like to praise the United States Coast Guard Cutter Icebreaker *Mackinaw* for her 62 years of service on the Great Lakes. And I thank the current and former crew of this great ship for their service and commitment. The *Mackinaw* will be long remembered for a job well done.•

IN RECOGNITION OF THE UNITED STATES COAST GUARD CUTTER "ACACIA" AND HER CREW

• Mr. LEVIN. Mr. President, it is with great pride that I pay tribute to the United States Coast Guard Cutter *Acacia* on her 62 years of exceptional service on the Great Lakes. The "Ace of the Great Lakes" will be remembered for her strength, integrity, and rich maritime history. The *Acacia* is the last of the Coast Guard's classic World War II era 180-foot buoy tenders, and when she is decommissioned on Wednesday, June 7, 2006, it will be the end of an era.

The *Acacia*, constructed during World War II by the Zenith Dredge Company of Duluth, Minnesota, was launched on September 1, 1944. She was named after the U.S. Lighthouse Service *Acacia*, the only Lighthouse Service vessel sunk during World War II. In the years since her commissioning, the *Acacia* has served proudly on the Great Lakes, calling Charlevoix, Michigan, home port for the last 16 years.

Affectionately known as "The Big A," the *Acacia*'s primary duties have been the maintenance of more than 210 buoys, lighthouses and other navigational aids in the Great Lakes. Servicing these aids to navigation has required travel from as far south as Calumet Harbor to as far north as Little Bay De Noc. The *Acacia*'s icebreaking capabilities were also vital to maintaining the safe passage of coal ships in the channels between Toledo, Ohio and Detroit, Michigan every winter through her participation in Operation Coal Shovel.

In addition, the *Acacia* has assisted in icebreaking and search and rescue operations on the Great Lakes and throughout the world. Internationally, the *Acacia* and her crew took part in operation Uphold Democracy in 1994, supporting the Department of Defense in patrolling the coastline of Haiti. Whether working on the Great Lakes or in international waters, the *Acacia* and her crew have completed all of their missions with class and integrity.

As we pay tribute to the *Acacia*, I want to recognize the contributions of her crew to her great success. The proud men and women who have served this country aboard the *Acacia* over the last 62 years are to be saluted for their commitment, hard work, and impressive skill in protecting and securing the safe passage of vessels on the Great Lakes.

On the eve of her decommissioning, I would like to praise the United States Coast Guard Cutter *Acacia* for her service on the Great Lakes. And I thank the current and former crew of this great ship for their service and commitment. The *Acacia* will be long remembered for a job well done.•

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3064. A bill to express the policy of the United States regarding the United States relationship with native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 5253. An act to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, and home heating oil, and for other purposes.

H.R. 5311. An act to establish the Upper Housatonic Valley National Heritage Area.

H.R. 5403. An act to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

H.R. 5429. An act to direct the Secretary of the Interior to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes.

S. 3274. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6962. A communication from the Director, Office of Personnel Management, transmitting the report of proposed legislation to allow the Governmentwide Service Benefit Plan in the Federal Employees Health Benefits (FEHB) Program to offer more than two levels of benefits; to the Committee on Homeland Security and Governmental Affairs.

EC-6963. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Administration's calendar year 2005 report on category rating; to the Committee on Homeland Security and Governmental Affairs.

EC-6964. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the National Endowment for the Arts' updated Strategic Plan for fiscal years 2006–2011; to the Committee on Homeland Security and Governmental Affairs.

EC-6965. A communication from the Deputy Director, Office of Administration and Information Management, Office of Government Ethics, transmitting, pursuant to law, (2) reports relative to vacancy announcements within the Agency, received on May 24, 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-6966. A communication from the Chairman, Parole Commission, Department of Justice, transmitting, pursuant to law, the Commission's annual report for the year 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-6967. A communication from the Chief Justice, Supreme Court of the United States, transmitting, pursuant to law, the Report of the Proceedings of the Judicial Conference of the United States, September 20, 2005; to the Committee on the Judiciary.

EC-6968. A communication from the Director, Regulations Management, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Amended Delegation of Authority—Property Management Contractor" (RIN2900–AM38) received on May 24, 2006; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 3241. A bill to suspend temporarily the duty on certain backpacks with a removable separate backpack or daypack; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3242. A bill to suspend temporarily the duty on certain backpacks; to the Committee on Finance.

By Mr. OBAMA:

S. 3243. A bill to suspend temporarily the duty on metsulfuron-methyl; to the Committee on Finance.

By Mr. OBAMA:

S. 3244. A bill to suspend temporarily the duty on dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester; to the Committee on Finance.

By Mr. OBAMA:

S. 3245. A bill to suspend temporarily the duty on 2,4-DB Acid and 2,4-DB Dimethylamine Salt; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3246. A bill to suspend temporarily the duty on Tetraconazole; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3247. A bill to reduce temporarily the duty on M-Alcohol; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3248. A bill to suspend temporarily the duty on right angle ground fault circuit interrupters; to the Committee on Finance.

By Mr. OBAMA:

S. 3249. A bill to suspend temporarily the duty on metsulfuron-methyl; to the Committee on Finance.

By Mr. OBAMA:

S. 3250. A bill to suspend temporarily the duty on 2, 4-DB Acid and 2,4-DB Dimethylamine Salt; to the Committee on Finance.

By Mr. OBAMA:

S. 3251. A bill to suspend temporarily the duty on dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3252. A bill to suspend temporarily the duty on filament fiber tow of rayon; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. FRIST):

S. 3253. A bill to extend the temporary suspension of duty on DMSIP; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. FRIST):

S. 3254. A bill to suspend temporarily the duty on parts for use in the manufacture of certain high-performance loudspeakers; to the Committee on Finance.

By Mrs. CLINTON (for herself and Ms. MIKULSKI):

S. 3255. A bill to provide student borrowers with basic rights, including the right to timely information about their loans and the right to make fair and reasonable loan payments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for Mrs. DOLE):

S. 3256. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of 15 amps or less; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3257. A bill to suspend temporarily the duty on ground fault circuit interrupter receptacles of greater than 15 amps; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3258. A bill to suspend temporarily the duty on in line ground fault circuit interrupters; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3259. A bill to suspend temporarily the duty on high current ground fault circuit interrupters; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3260. A bill to suspend temporarily the duty on plastic lamp-holder housings containing sockets; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3261. A bill to suspend temporarily the duty on porcelain lamp-holder housings containing sockets; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3262. A bill to suspend temporarily the duty on aluminum lamp-holder housings containing sockets; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3263. A bill to suspend temporarily the duty on brass lamp-holder housings containing sockets; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3264. A bill to suspend temporarily the duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3265. A bill to suspend temporarily the duty on staple fibers of viscose rayon, not carded; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3266. A bill to suspend temporarily the duty on staple fibers of rayon, carded, combed, or otherwise processed; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3267. A bill to suspend temporarily the duty on Butralin; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3268. A bill to suspend temporarily the duty on Butanedioic acid, dimethyl ester, polymer with 4-hydroxy-2,2,6,6,-tetramethyl-1-piperidineethanol; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3269. A bill to extend temporarily the suspension of duty on 3-amino-2'(sulfatoethyl sulfonyl) ethyl benzamide; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3270. A bill to extend duty suspension on MUB 738 INT; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3271. A bill to extend the suspension of duty on 5-amino-N-(2-hydroxyethyl)-2,3-xylenesulfonamide; to the Committee on Finance.

By Mr. FRIST (for Mrs. DOLE):

S. 3272. A bill to suspend temporarily the duty on mixtures of 1,3,5-Triazine-2,4,6-triamine,N,N‴-[1,2-ethane-diyl-bis [[[4,6-

bis[butyl(1,2,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2-yl] imino]-3,1-propanediyl]] bis[N′,N″-dibutyl-N′,N″-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)- and Butanedioic acid, dimethylester polymer with 4-hydroxy-2,2,6 ,6-tetramethyl-1-piperdine ethanol; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. FRIST):

S. 3273. A bill to reduce temporarily the duty on PHBA; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 3274. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; read the first time.

By Mr. ALLEN (for himself, Mr. NELSON of Nebraska, Mr. CRAIG, Mr. INHOFE, Mr. LOTT, Mrs. DOLE, Mr. VITTER, Mr. ENSIGN, Mr. MARTINEZ, Mr. BURR, Mr. CRAPO, Mr. SUNUNU, and Mr. THUNE):

S. 3275. A bill to amend title 18, United States code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska (for himself and Mr. JOHNSON):

S. 3276. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. FEINSTEIN:

S. 3277. A bill to suspend temporarily the duty on wide-range high sensitivity color zoom digital security camera; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3278. A bill to suspend temporarily the duty on mini DVD camcorder; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3279. A bill to suspend temporarily the duty on mini DVD camcorder with 8G HDD; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3280. A bill to suspend temporarily the duty on mini DVD camcorder with 680K pixel CCD; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3281. A bill to suspend temporarily the duty on mini DVD camcorder with 20G HDD; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3282. A bill to suspend temporarily the duty on metal halide lamp; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3283. A bill to suspend temporarily the duty on pressure sensitive film; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3284. A bill to suspend temporarily the duty on pressure sensitive film with adhesive based on styrene-ethylene-butylene copolymer; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3285. A bill to suspend temporarily the duty on wide-range high sensitivity color zoom digital security camera with optical lens zoom power 23x magnification; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3286. A bill to suspend temporarily the duty on wide-range high sensitivity color zoom digital security camera with optical lens zoom power 22x magnification; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 3287. A bill to suspend temporarily the duty on wide-range high sensitivity color zoom digital security cameras; to the Committee on Finance.

By Mr. ALLEN:

S. 3288. A bill to suspend temporarily the duty on handheld electronic can openers; to the Committee on Finance.

By Mr. ALLEN:

S. 3289. A bill to suspend temporarily the duty on electric knives; to the Committee on Finance.

By Mr. ALLEN:

S. 3290. A bill to suspend temporarily the duty on toaster ovens with single-slot traditional toaster opening on top of oven; to the Committee on Finance.

By Mr. ALLEN:

S. 3291. A bill to suspend temporarily the duty on ice shavers; to the Committee on Finance.

By Mr. ALLEN:

S. 3292. A bill to suspend temporarily the duty on dual-press sandwich makers with floating upper lid and lock; to the Committee on Finance.

By Mr. ALLEN:

S. 3293. A bill to suspend temporarily the duty on electric drink mixers with tilt mixing heads and two-speed motors; to the Committee on Finance.

By Mr. ALLEN:

S. 3294. A bill to suspend temporarily the duty on electric juice extractors greater than 300 watts but less than 400 watts; to the Committee on Finance.

By Mr. ALLEN:

S. 3295. A bill to suspend temporarily the duty on electric juice extractors not less than 800 watts; to the Committee on Finance.

By Mr. ALLEN:

S. 3296. A bill to suspend temporarily the duty on open-top electric indoor grills; to the Committee on Finance.

By Mr. ALLEN:

S. 3297. A bill to suspend temporarily the duty on electric coffee grinders; to the Committee on Finance.

By Mr. ALLEN:

S. 3298. A bill to suspend temporarily the duty on electric percolators; to the Committee on Finance.

By Mr. ALLEN:

S. 3299. A bill to suspend temporarily the duty on automatic drip coffeemakers other than those with clocks; to the Committee on Finance.

By Mr. ALLEN:

S. 3300. A bill to suspend temporarily the duty on automatic drip coffeemakers with electronic clocks; to the Committee on Finance.

By Mr. ALLEN:

S. 3301. A bill to suspend temporarily the duty on electronic under-the-cabinet mounting electric can openers; to the Committee on Finance.

By Mr. SPECTER:

S. 3302. A bill to reduce temporarily the duty on Nitrocellulose; to the Committee on Finance.

By Mr. ALLEN:

S. 3303. A bill to suspend temporarily the duty on food slicers and shredders with top-mounted motors and replaceable mixing bowls; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3304. A bill to suspend temporarily the duty on Dimethyl Malonate; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3305. A bill to suspend temporarily the duty on 1-chloro-1, 1-difluoroethane; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3306. A bill to suspend temporarily the duty on lightweight wide angle digital camera lenses; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3307. A bill to suspend temporarily the duty on digital zoom camera lenses not exceeding 20 ounces in weight; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3308. A bill to suspend temporarily the duty on lightweight digital camera lenses; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3309. A bill to suspend temporarily the duty on digital zoom camera lenses; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3310. A bill to suspend temporarily the duty on digital camera lenses; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3311. A bill to suspend temporarily the duty on certain electrical transformers; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3312. A bill to suspend temporarily the duty on certain color flat panel screen monitors; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3313. A bill to suspend temporarily the duty on certain color monitors video with a display diagonal of 35.56 cm or greater; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3314. A bill to suspend temporarily the duty on certain color monitors; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3315. A bill to suspend temporarily the duty on certain black and white monitors; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3316. A bill to suspend temporarily the duty on 6 V lead-acid storage batteries; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3317. A bill to suspend temporarily the duty on cosmetic bags with a flexible outer surface of reinforced or laminated polyvinyl chloride (PVC); to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3318. A bill to extend and amend the duty on 2 Hydroxypropyl methylcellulose; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3319. A bill to suspend temporarily the duty on Zirconyl Chloride; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3320. A bill to suspend temporarily the duty on low expansion laboratory glass; to the Committee on Finance.

By Mr. SCHUMER (for himself and Mrs. CLINTON):

S. 3321. A bill to suspend temporarily the duty on stoppers, lids, and other closures; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. HAGEL, Mr. ALEXANDER, and Mr. WARNER):

S. 3322. A bill to build operational readiness in civilian agencies, and for other purposes; considered and passed.

By Mr. MENENDEZ:

S. 3323. A bill to suspend temporarily the duty on Propylene Glycol Alginates (PGA) be eliminated; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3324. A bill to provide for the liquidation or reliquidation of certain entries of Granulated polytetrafluoroethylene resin from Italy; to the Committee on Finance.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. BURNS, and Mr. PRYOR):

S. 3325. A bill to promote coal-to-liquid fuel activities; to the Committee on Finance.

By Mr. SPECTER:

S. 3326. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered between August 2001 and February 2003; to the Committee on Finance.

By Mr. SPECTER:

S. 3327. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in September through December, 2005; to the Committee on Finance.

By Mr. SPECTER:

S. 3328. A bill to provide for the liquidation or reliquidation of certain entries of fiberboard entered in 2001, 2002, and 2006; to the Committee on Finance.

By Mr. SPECTER:

S. 3329. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in February through May, 2005; to the Committee on Finance.

By Mr. SPECTER:

S. 3330. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in August through December, 2004; to the Committee on Finance.

By Mr. SPECTER:

S. 3331. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in June through August, 2004; to the Committee on Finance.

By Mr. SPECTER:

S. 3332. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in April through June, 2004; to the Committee on Finance.

By Mr. SPECTER:

S. 3333. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in February through April, 2004; to the Committee on Finance.

By Mr. SPECTER:

S. 3334. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard; to the Committee on Finance.

By Mr. SPECTER:

S. 3335. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered between May 2005 and September 2005; to the Committee on Finance.

By Mr. SPECTER:

S. 3336. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in April through August, 2001; to the Committee on Finance.

By Mr. SPECTER:

S. 3337. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered between December 2002 and April 2003; to the Committee on Finance.

By Mr. SPECTER:

S. 3338. A bill to suspend temporarily the duty on polyethylene glycol branched-nonylphenyl ether phosphate; to the Committee on Finance.

By Mr. SPECTER:

S. 3339. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered in November 2003 through February 2004; to the Committee on Finance.

By Mr. SPECTER:

S. 3340. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered between December 2005 and April 2006; to the Committee on Finance.

By Mr. SPECTER:

S. 3341. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered between August 2001 and February 2003; to the Committee on Finance.

By Mr. SPECTER:

S. 3342. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered between March 2003 and August 2003; to the Committee on Finance.

By Mr. SPECTER:

S. 3343. A bill to provide for the liquidation or reliquidation of certain entries relating to fiberboard entered between October 2001 and September 2004; to the Committee on Finance.

By Mr. SPECTER:

S. 3344. A bill to provide temporary duty reduction for certain cotton fabrics, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 3345. A bill to extend the temporary suspension of duty on Acetamiprid Technical; to the Committee on Finance.

By Mr. SPECTER:

S. 3346. A bill to suspend temporarily the duty on ester gums; to the Committee on Finance.

By Mr. SPECTER:

S. 3347. A bill to suspend temporarily the duty on polymerized rosin acids; to the Committee on Finance.

By Mr. SPECTER:

S. 3348. A bill to suspend temporarily the duty on ester gums; to the Committee on Finance.

By Mr. SHELBY:

S. 3349. A bill to extend temporarily the suspension of duty on certain fluoropolymers; to the Committee on Finance.

By Mr. McCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FRIST, Mr. REID, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. DEWINE, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LEAHY, Mr. LIEBERMAN, Mr. LUGAR, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. OBAMA, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SMITH, Ms. STABENOW, Mr. SUNUNU, Mr. VOINOVICH, and Mr. WYDEN):

S.J. Res. 38. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 496. A resolution commending the Kansas City Kansas Community College Debate Team for their National Championship victories; considered and agreed to.

By Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HATCH):

S. Res. 497. A resolution relative to the death of Edward Roy Becker, Chief Judge of the Court of Appeals for the 3rd Circuit; considered and agreed to.

By Mr. VITTER (for himself, Ms. LANDRIEU, Mr. SHELBY, and Mr. LOTT):

S. Res. 498. A resolution designating the week beginning May 21, 2006, as "National Hurricane Preparedness Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 520

At the request of Mr. SHELBY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 520, a bill to limit the jurisdiction of Federal courts in certain cases and promote federalism.

S. 559

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 559, a bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

S. 604

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to authorize expansion of medicare coverage of medical nutrition therapy services.

S. 707

At the request of Mr. ALEXANDER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 707, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1217

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 1217, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 1479

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1479, a bill to provide for the expansion of Federal efforts concerning the prevention, education, treatment, and research activities related to Lyme and other tick-borne diseases, including the establishment of a Tick-Borne Diseases Advisory Committee.

S. 1575

At the request of Mr. BINGAMAN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 1575, a bill to amend the Public Health Service Act to authorize a demonstration program to increase the number of doctorally-prepared nurse faculty.

S. 1998

At the request of Mrs. LINCOLN, her name was added as a cosponsor of S. 1998, a bill to amend title 18, United States Code, to enhance protections relating to the reputation and meaning of the Medal of Honor and other military decorations and awards, and for other purposes.

S. 2202

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2202, a bill to provide for ethics reform of the Federal judiciary and to instill greater public confidence in the Federal courts.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2292

At the request of Mr. AKAKA, his name was added as a cosponsor of S. 2292, a bill to provide relief for the Federal judiciary from excessive rent charges.

S. 2401

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2401, a bill to amend the Internal Revenue Code of 1986 to extend certain energy tax incentives, and for other purposes.

S. 2794

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 2794, a bill to ensure the equitable provision of pension and medical benefits to Department of Energy contractor employees.

S. 2810

At the request of Mr. GRASSLEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2810, a bill to amend title XVIII of the Social Security Act to eliminate months in 2006 from the calculation of any late enrollment penalty under the Medicare part D prescription drug program and to provide for additional funding for State health insurance counseling program and area agencies on aging, and for other purposes.

S. 2970

At the request of Mr. KERRY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2970, a bill to require the Secretary of Veterans Affairs to provide free credit monitoring and credit reports for veterans and others affected by the theft of veterans' personal data, to ensure that such persons are appropriately notified of such thefts, and for other purposes.

S. 2990

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2990, a bill to amend title XVIII of the Social Security Act to restore financial stability to Medicare anesthesiology teaching programs for resident physicians.

S. 3064

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 3064, a bill to express the policy of the United States regarding the United States relationship with native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 3172

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3172, a bill to establish an Office of Emergency Communications, and for other purposes.

S. 3176

At the request of Mr. JEFFORDS, his name was added as a cosponsor of S. 3176, a bill to protect the privacy of veterans and spouses of veterans affected by the security breach at the Department of Veterans Affairs on May 3, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DAYTON (for himself and Mr. LOTT):

S. 3239. A bill to require full disclosure of insurance coverage and noncoverage by insurance companies and provide for Federal Trade Commission enforcement; to the Committee on Commerce, Science, and Transportation.

Mr. DAYTON. Mr. President, I ask unanimous consent that the text of S. 3239, the Honesty Is the Best Insurance Policy Act of 2006, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honesty is the Best Insurance Policy Act of 2006".

SEC. 2. UNLAWFUL ACT.

Each individual policy written by a State-registered insurance company shall include on the front or first page of the policy a "Noncoverage Disclosure" box restating in plain English, in bold font twice the size of the text in the body of the policy, all conditions, exclusions, and other limitations pertaining to coverage under that policy, regardless of the underlying insurance product in question.

SEC. 3. ENFORCEMENT.

(a) IN GENERAL.—Any violation of this Act shall be treated as a violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)) regarding unfair or deceptive acts or practices.

(b) REGULATIONS.—The Federal Trade Commission (referred to in this Act as the "Commission") shall promulgate regulations to carry out this Act.

SEC. 4. POWERS OF COMMISSION.

(a) IN GENERAL.—The Commission, acting through the Division of Financial Practices in the Bureau of Consumer Protection, shall prevent any person from violating this Act, and any regulation promulgated thereunder, in the same manner, by the same means, and with the same jurisdiction, powers and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(b) PENALTIES.—Any person who violates regulations promulgated under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made part of this Act.

(c) AUTHORITY PRESERVED.—Nothing in this Act shall be construed to limit the authority of the Commission under any other provision of law.

By Mrs. CLINTON (for herself and Ms. MIKULSKI):

S. 3255. A bill to provide student borrowers with basic rights, including the right to timely information about their loans and the right to make fair and reasonable loan payments, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President. I rise today to introduce legislation to protect the rights of student borrowers trying to repay their loans. Students are borrowing now more than ever to pay for higher education. Need-based grant aid has stagnated while college costs have grown. The result is more students borrowing and higher levels of borrowing. In 1993, less than one-half of students graduating from 4-year colleges and universities had student loans. Now two-thirds do.

Unlike other debt, you take out student loans to invest in yourself. For most people, that is a wise investment. In the long run student loans help people earn more money and have more choices in their careers. Student borrowers must also take their responsibilities seriously, so future generations of students can also benefit from the chance to borrow money—so they do not have to burden their families.

But today it is harder to pay back loans than when I left school or when most of the Members of this Chamber did. The average debt burden for college graduates has increased 58 percent over the past decade, after accounting for inflation. And too many borrowers are overly burdened as they repay student loans. When I travel in New York, I meet young people all the time who say to me, "You know, Senator, I'd like to go to nursing school or I'd like to be a teacher or I'd like to go into law enforcement, but I've got so much debt that I can't afford to do that." We need to make sure that student loans do not stand in people's way and prevent them from following their dreams.

The burden of student loan debt can put people in economic handcuffs, forcing them out of important but low-paying professions or forcing them to delay the purchase of a home. Today 54 percent of former students wish they had borrowed less for college, up from 31 percent in 1991. Student loan debt may even prevent borrowers from pursuing a higher degree. According to the Nellie Mae Corporation, 40 percent of college graduates who do not go to graduate school blame student loan debt. Most disturbingly, the prospect that student loans will be burdensome may prevent successful high school students from going to college. Twenty percent of low-income high school graduates who are qualified for college do not go to college.

The Student Borrower Bill of Rights will make it easier for students to repay and give them rights that are enforceable. The bill will give students the right to shop for loans in a free marketplace. It will give students access to better information about their loans. The bill will give student borrowers the right to make fair, monthly payments that do not exceed a percentage of their incomes and fair interest rates and fees. The bill would also give students the right to borrow without exploitation.

We need this bill now to help students struggling to go to college. For the average family it now takes more income to pay for a child to go to college than it did, as a percentage, 25 years ago.

So we need to do everything we can to ensure all students can afford college. It is in their best interest and it is in the Nation's best interest.

I urge my colleagues to join me in supporting the Student Borrower Bill of Rights.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 3274. A bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes; read the first time.

Mr. SPECTER. Mr. President, I am introducing a revised bill on asbestos reform, with the sponsorship of Senator LEAHY.

This is a subject which the Senate had considered earlier this year, and it is one which I hope we will return to.

To give impetus to that, I am introducing an amended version of the asbestos trust bill which makes very substantial improvements to satisfy interests and concerns raised by a number of Senators.

The bill provides for a more prompt recovery for the sickest claimants; stronger medical criteria; preserves the ability of the bankruptcy trusts to continue paying impaired claims; has an improved allocation formula for well-insured and financially strapped defendant companies; and it has a tighter control on so-called leakage.

Last Friday, we lost a great American judge, Judge Edward R. Becker, who made such an enormous contribution to the structuring of this asbestos reform legislation. He gave his own time, came to Washington at his own cost to preside over many meetings with the so-called stakeholders, the manufacturers, the trial lawyers, the AFL–CIO representing labor, and the insurance companies. He was working on this bill making calls to Senators right up until the time that prostate cancer took him a week ago today.

When I gave him a report of our progress when it was obvious that the end was very near, he said, "Win one for the Gipper." And we want to win one for the Gipper, for Judge Becker. We want to win this one for America.

I ask unanimous consent that the full text of my prepared statement and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. SPECTER. I have sought recognition to comment about the status of on-going developments on asbestos reform and am pleased to introduce an amended version of S.852, the Fairness in Asbestos Injury Resolution Act of 2006, The "FAIR Act". In introducing this legislation today, I remind the Senate of important unfinished business that it is duty-bound to complete for the sake of thousands of victims dying from asbestos-related disease who are unable to secure compensation in today's broken tort system.

Judge Edward R. Becker and I worked for nearly three years on ways to improve S. 852, even after the bill was side-tracked on the Senate floor on February 14, 2006. Sadly, Judge Becker passed away on May 19, 2006. Judge Becker—a federal Judge for 34 years—stands today as one of the greatest citizens in the history of the city of Philadelphia, one of the greatest judges in the history of the United States, and one of my most dear and trusted friends. His contributions and tireless work on this legislation helped bring the bill to its current point, and his commitment to solving the asbestos crisis in this country should be remembered as the Senate moves forward on this bill. This new bill is a product of our continued efforts to develop the most fair and rationale system to replace the broken asbestos tort system.

More than three months have past since the Senate was prematurely diverted in its consideration of this important legislation. To remind my I colleagues, the majority leader brought the committee-reported asbestos bill to the floor on February 6 and the following day this body voted overwhelmingly (98–1) to invoke cloture on the motion to proceed. While we pursued substantive debate, opponents of the bill raised a non-substantive and never-before used procedural obstacle that blocked the Senate from further considering the legislation. This obstacle, a budgetary point of order, lacked any merit because the proposed asbestos trust fund simply does not collect or spend a single penny from the American taxpayer. And let me make clear that the commitment to using private, non-taxpayer funds is iron-clad. The trust fund considered back in February and introduced again here today is capitalized exclusively by defendant companies, insurers and existing bankruptcy trusts that have known asbestos liabilities. The bill expressly provides that "[r]epayment of moneys borrowed by the administrator . . . is limited solely to amounts available in the [Fund]." It also states that "Nothing in this Act shall be construed to create any obligation of funding from the United States Government, including any borrowing authorized . . ." With these explicit statements throughout the bill, it is abundantly clear that this legislation would not be a burden on the U.S. Treasury. In fact, the Congressional Budget Office confirmed these statements in a letter dated February 13, 2006, concluding that "the legislation would be deficit-neutral over the life of the fund." Therefore, it is time for the Senate to set aside these obstructionist tactics and move forward with this important legislation on its merits.

The bill that I am introducing today will provide substantial assurances of acceptable compensation to asbestos victims and substantial assurances to manufacturers and insurers to resolve asbestos claims with finality. Over the past three decades, a solution to the asbestos crisis has eluded Congress and the courts. Some 77 companies have gone bankrupt, thousands of individuals who have been exposed to asbestos have deadly diseases—mesothelioma and other such ailments—and are not being compensated or, because of the unfairness of the current system, see little of the awards they do win. A May 10, 2005 report released by the RAND Institute for Civil Justice estimates that nonmalignants make up about 90 percent of the litigation and most are unimpaired. According-to RAND, the number of claims continues to rise, with over 730,000 claims filed already and some 200,000 pending. The number of asbestos defendants also has risen sharply, from about 300 in the 1980s, to more than 8,400 today. Most of these defendants were users of the product, not asbestos manufacturers. These companies account for 85 percent of the U.S. economy and represent nearly every U.S. industry; including automakers, shipbuilders, textile mills, retailers, insurers, shipbuilders, electric utilities and virtually every company involved in manufacturing or construction in the last thirty years.

Asbestos leaves many victims in its wake. First and foremost, those who are sick and their families have suffered greatly and do not receive fair compensation in the tort system. Asbestos victims filing claims receive only about 42 cents for every dollar spent on asbestos litigation. The other 58 cents are consumed by the extremely high costs of litigation where 31 cents of every dollar go to defense costs, and 27 go to plaintiffs' attorneys and other related costs.

The flawed asbestos litigation system not only hurts the sick and their chances of receiving fair compensation, but also claims other victims. These include employees, retirees and shareholders of affected companies whose jobs, savings and retirement plans are jeopardized by the tidal wave of asbestos lawsuits. With asbestos litigation affecting so many companies, this also impacts the overall economy, including jobs, pensions, stock prices, tax revenues and insurance costs. Indeed, according to a 2002 study by Nobel laureate Joseph Stiglitz, asbestos bankruptcies have cost nearly 60,000 workers their jobs and $200 million in lost wages. To make matters worse, employees' retirement funds have shrunk by 25 percent.

Even this country's highest court has practically begged the Congress to fix this national asbestos litigation problem. In 1997—the first of several times it has commented on the growing asbestos problem—the Supreme Court observed:

> The most objectionable aspects of this asbestos litigation can be briefly summarized: dockets in both federal and state courts continue to grow; long delays are routine; trials are too long; the same issues are litigated over and over; transaction costs exceed the victims' recovery by nearly two to one; exhaustion of assets threatens and distorts the process; and future claimants may lose altogether. . . .

To the extent anyone argues that today's bill should proceed through regular order, I would suggest that they take a hard look at the extensive consideration and analysis given to this bill beginning in early 2003 when then Chairman Hatch first introduced S. 1125. Since that time, the Judiciary Committee has held over 10 markups, 7 hearings, and, of course, countless stakeholder meetings that were moderated by the late Judge Becker. I can't think of any other bill where more time, more effort, and more manhours have been committed to thoroughly understand and address all the complex issues in this bill. To assert that the legislation was not carefully drafted is one argument that has no basis in reality. As a result of this process, we now have before us a carefully analyzed and well thought through bill that tries to anticipate every turn, every problem and every contingency that could occur down the road if this Fund becomes law.

The legislation being introduced today builds on prior iterations of the trust fund concept. Under the proposal, the Department of Labor would house a national no-fault asbestos trust fund privately financed and guaranteed by defendant companies and insurers with proven asbestos liabilities. The bill totally exempts small business from paying into the Fund and provides a litany of safeguards to ensure that defendant companies do not encounter insolvencies or inequities because of their contributions.

Asbestos victims would submit their claims to the fund under specific and detailed procedures and receive fair compensation for their asbestos injuries they can meet certain medical criteria. These criteria are designed to prioritize monetary compensation for those with an actual impairment from asbestos disease while providing medical monitoring to those who are not sick or unimpaired. Most important, the bill caps attorneys fees at 5 percent for any monetary compensation that a victim receives through the Fund.

The national trust fund would operate as a surrogate for the tort system which would by and large cease to operate upon enactment. Claimants with individualized cases at trial or beyond would be permitted to pursue that claim in the tort system. But such cases would be few and far between when measured against the massive amount of unimpaired consolidated lawsuits that are the prime culprit to today's litigation mess.

The bill provides for a well thought out start up process that ensures swift compensation to terminal asbestos victims and mandates a reversion to a modified tort system in the event the trust fund cannot pay claims or exhausts the entire $140 billion. This latter point is especially important to note given repeated concerns that I have heard from many members about the taxpayer being on the hook. Unlike the Black Lung Program or other federal compensation program for that matter, the asbestos trust fund will affirmatively sunset once the $140 billion is used or if the Fund cannot pay claims. The sunset enables victims to pursue their claims in court but in a more equitable tort environment that prohibits forum shopping and use of junk science to prove an asbestos claim.

Every single time a concern has been raised, Judge Becker and I have studied the issue extensively. A case in point was in September 2005, when the analysis by the Bates White firm alleged that the proposed fund would face claims of over $140 billion, I called for a hearing on this issue. The hearing, which was held by the Judiciary Committee on November 17, 2005, we heard testimony on both sides of the issue. The Bates White study proved to be fatally flawed. In fact, in December 2005, CBO confirmed its original cost estimate, reaffirming that $140 billion would be sufficient to cover claims filed for compensation under the trust fund.

The asbestos trust fund bill that I am introducing today with Senator LEAHY should come as no surprise to anyone because it essentially embodies the substitute bill that was pending on the floor months ago during the Senate's full consideration of asbestos reform last February. The trust fund bill being introduced today also includes specific floor amendments filed by Members from both sides of the aisle and a handful of additional new changes that we believe respond directly to concerns raised during the asbestos floor debate. The floor amendments incorporated in this bill include, among others, the Kyl 1.67 percent hardship amendment, Landrieu amendment on gulf coast hurricanes and World Trade Center victims, and Coburn amendment regarding B-readers.

Other changes made include measures that address the well-insured defendant problem, and limitation on so called "dormant claims" that are barred from recovery through the Fund. For the benefit of my colleagues and their staff, we will circulate a detailed section by section summary of the bill early next week during the recess and an index of key changes from the substitute. But for now, I would like to highlight some of the additional features that I believe respond to concerns raised by Members on both sides of the aisle:

Prompter Recovery for the Sickest Claimants: The new bill establishes safeguards to protect "gaming" of the start-up process so that those claimants that are the sickest receive prompt compensation. The bill also authorizes the Administrator to begin receiving, reviewing and deciding claims immediately following enactment of the FAIR Act. To ensure that claims processing begins immediately, the Administrator also is authorized to contract with entities experienced in claims processing on an expedited basis.

Stronger Medical Criteria: The new bill strengthens the medical criteria by adopting numerous amendments and suggestions offered by Dr. Coburn that would authorize random audits of affidavits, clarify that a claimant's diagnosis be made by a "treating" rather than "examining physician", require claimants to provide detailed, specific and credible affidavits as proof of significant asbestos exposure, and disqualify certain plaintiffs' friendly B-readers from participating in claims administration. The current tort system is riddled with fraud, stemming largely from the "financially-motivated" relationship between plaintiffs' attorneys and many of the doctors conducting medical tests and screening. While S. 852 contained provisions which addressed this issue (e.g., specified criminal penalties for falsified claims, 5 percent limit on attorneys' fees), these added measures provide increased protection against fraudulent practices in determining the eligibility of a claimant for compensation under the trust fund.

Preserves the Ability of Bankruptcy Trusts to Continue Paying Impaired Claims: The new bill allows existing bankruptcy trusts to retain at least 10 percent of their assets to continue paying pending impaired claims during the Fund start-up period. This measure ensures that impaired claimants receive compensation to pay medical bills while preventing such claimants from "double-dipping" by recovering more than they would receive under the FAIR Act.

Improved Allocation Formula for Well-Insured and Financially Strapped Defendant Companies: Due to the inherent financial pressures that contributions to the trust fund could impose on manufacturers, the new bill would provide for a much improved allocation formula for defendant companies who contribute to the Fund. It incorporates the Kyl 1.67 percent hardship amendment which allows companies to contribute annually 1.67 percent of their gross revenues in lieu of the tiering formula set forth in the bill. This measure is particularly helpful to those smaller to medium size companies that are assigned to the higher contribution tiers because of their significant asbestos liabilities. The bill also incorporates a provision that addresses the often-heard problem involving well insured defendants who currently pay little to no out-of-pocket costs in the tort system. Similar to the Kyl hardship provision, this proposal would allow certain smaller to medium size companies to contribute to the Fund based on 5 percent of their adjusted cash flows rather than the amount specified in their assigned tier.

Tighter Control on So-Called "Leakage": The new bill further addresses the "leakage" issue by improving the start-up process to ensure that exigent claims proceed through the trust fund rather than the tort system. The new bill also closes significant loopholes to ensure that preempted claims are not revived and prevents so-called "dormant claims" (e.g., inactive claims in the tort system that are still listed on court dockets) from being filed with the Fund.

The new bill remains both integrated and comprehensive and reflective of a remarkable will to enact legislation. This has become evident to me based on over a hundred meetings that I have personally had with Members and staff on the asbestos problem. The Senate plainly wants a more rational asbestos claims system, and I believe that this new legislation offers a realistic prospect of accomplishing that result.

If this amended bill is rejected, I do not see the agenda of the Senate Judiciary Committee revisiting this issue. I cannot conceive of a more strenuous effort being directed to this subject that has been done over the past three years. Let me make clear that this is the last best chance.

This said, I remain confident that during debate on the Senate floor, we can forge and enact a bill that is fair to the claimants and to business and that will put an end once and for all to this nightmare chapter in American legal, economic and social history. If we can summon the legislative will in a bipartisan spirit, it can be done. Anything less, would preserve the injustices of a system that even the highest court of this country has called upon the Congress to fix.

Over the coming weeks, I plan on moving ahead with this bill and will do everything in my power to see that the Senate finishes its business on asbestos reform. The Judiciary Committee has worked too hard and too long on this bill to see it all go to waste over a procedural and technical nuance. I urge the Leader to schedule time for this important legislation in the coming months, and by introducing this bill today I am hopeful that we make a first big stride in that direction. The time is now for asbestos reform and any further delay by this body will only prolong the suffering of asbestos victims, companies and their employees. I yield the floor.

S. 3274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fairness in Asbestos Injury Resolution Act of 2006" or the "FAIR Act of 2006".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

Sec. 101. Establishment of Office of Asbestos Disease Compensation.
Sec. 102. Advisory Committee on Asbestos Disease Compensation.
Sec. 103. Medical Advisory Committee.
Sec. 104. Claimant assistance.
Sec. 105. Physicians Panels.
Sec. 106. Program startup.
Sec. 107. Authority of the Administrator.

Subtitle B—Asbestos Disease Compensation Procedures

Sec. 111. Essential elements of eligible claim.
Sec. 112. General rule concerning no-fault compensation.
Sec. 113. Filing of claims.
Sec. 114. Eligibility determinations and claim awards.
Sec. 115. Auditing procedures.

Subtitle C—Medical Criteria

Sec. 121. Medical criteria requirements.

Subtitle D—Awards

Sec. 131. Amount.
Sec. 132. Medical monitoring.
Sec. 133. Payment.
Sec. 134. Setoffs for collateral source compensation and prior awards.
Sec. 135. Certain claims not affected by payment of awards.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

Sec. 201. Definitions.
Sec. 202. Authority and tiers.
Sec. 203. Subtiers.
Sec. 204. Assessment administration.
Sec. 205. Stepdowns and funding holidays.
Sec. 206. Accounting treatment.

Subtitle B—Asbestos Insurers Commission

Sec. 210. Definition.
Sec. 211. Establishment of Asbestos Insurers Commission.
Sec. 212. Duties of Asbestos Insurers Commission.
Sec. 213. Powers of Asbestos Insurers Commission.
Sec. 214. Personnel matters.
Sec. 215. Termination of Asbestos Insurers Commission.
Sec. 216. Expenses and costs of Commission.

Subtitle C—Asbestos Injury Claims Resolution Fund

Sec. 221. Establishment of Asbestos Injury Claims Resolution Fund.
Sec. 222. Management of the Fund.
Sec. 223. Enforcement of payment obligations.
Sec. 224. Interest on underpayment or nonpayment.
Sec. 225. Education, consultation, screening, and monitoring.
Sec. 226. National Mesothelioma Research and Treatment Program.

TITLE III—JUDICIAL REVIEW

Sec. 301. Judicial review of rules and regulations.
Sec. 302. Judicial review of award decisions.
Sec. 303. Judicial review of participants' assessments.
Sec. 304. Other judicial challenges.
Sec. 305. Stays, exclusivity, and constitutional review.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. False information.
Sec. 402. Effect on bankruptcy laws.

Sec. 403. Effect on other laws and existing claims.
Sec. 404. Effect on insurance and reinsurance contracts.
Sec. 405. Annual report of the Administrator and sunset of the Act.
Sec. 406. Rules of construction relating to liability of the United States Government.
Sec. 407. Rules of construction.
Sec. 408. Violations of environmental health and safety requirements.
Sec. 409. Nondiscrimination of health insurance.
TITLE V—ASBESTOS BAN
Sec. 501. Prohibition on asbestos containing products.
Sec. 502. Naturally occurring asbestos.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Millions of Americans have been exposed to forms of asbestos that can have devastating health effects.

(2) Various injuries can be caused by exposure to some forms of asbestos, including pleural disease and some forms of cancer.

(3) The injuries caused by asbestos can have latency periods of up to 40 years, and even limited exposure to some forms of asbestos may result in injury in some cases.

(4) Asbestos litigation has had a significant detrimental effect on the country's economy, driving companies into bankruptcy, diverting resources from those who are truly sick, and endangering jobs and pensions.

(5) The scope of the asbestos litigation crisis cuts across every State and virtually every industry.

(6) The United States Supreme Court has recognized that Congress must act to create a more rational asbestos claims system. In 1991, a Judicial Conference Ad Hoc Committee on Asbestos Litigation, appointed by Chief Justice William Rehnquist, found that the "ultimate solution should be legislation recognizing the national proportions of the problem . . . and creating a national asbestos dispute resolution scheme . . .". The Court found in 1997 in Amchem Products Inc. v. Windsor, 521 U.S. 591, 595 (1997), that "[t]he argument is sensibly made that a nationwide administrative claims processing regime would provide the most secure, fair, and efficient means of compensating victims of asbestos exposure". In 1999, the Court in Ortiz v. Fibreboard Corp., 527 U.S. 819, 821 (1999), found that the "elephantine mass of asbestos cases . . . defies customary judicial administration and calls for national legislation". That finding was again recognized in 2003 by the Court in Norfolk & Western Railway Co. v. Ayers, 123 S. Ct. 1210 (2003).

(7) This crisis, and its significant effect on the health and welfare of the people of the United States, on interstate and foreign commerce, and on the bankruptcy system, compels Congress to exercise its power to regulate interstate commerce and create this legislative solution in the form of a national asbestos injury claims resolution program to supersede all existing methods to compensate those injured by asbestos, except as specified in this Act.

(8) This crisis has also imposed a deleterious burden upon the United States bankruptcy courts, which have assumed a heavy burden of administering complicated and protracted bankruptcies with limited personnel.

(9) This crisis has devastated many communities across the country, but hardest hit has been Libby, Montana, where tremolite asbestos, 1 of the most deadly forms of asbestos, was contained in the vermiculite ore mined from the area and despite ongoing cleanup by the Environmental Protection Agency, many still suffer from the deadly dust.

(10) The asbestos found in Libby, Montana, tremolite asbestos, has demonstrated an unusually high level of toxicity, as compared to chrysotile asbestos. Diseases contracted from this tremolite asbestos are unique and highly progressive. These diseases typically manifest in a characteristic pleural disease pattern, and often result in severe impairment or death without radiographic interstitial disease or typical chrysotile markers of radiographic severity. According to the Agency for Toxic Substances and Disease Registry previous studies by the National Institutes of Occupational Safety and Health document significantly increased rates of pulmonary abnormalities and disease (asbestosis and lung cancer) among former workers.

(11) Environmental Protection Agency supported studies have determined that the raw vermiculite ore mined and milled in Libby, Montana contained 21 to 26 percent asbestos, by weight. The milled ore, resulting from the processing in Libby, which was shipped out of Libby contained markedly reduced percentages of asbestos. A 1982 Environmental Protection Agency-supported study concluded that ore shipped out of Libby contained 0.3 to 7 percent asbestos, by weight.

(12) In Libby, Montana, exposure pathways are and were not limited to the workplace, rather, for decades there has been an unprecedented 24 hour per day contamination of the community's homes, playgrounds, gardens, and community air, such that the entire community of Libby, Montana, has been designated a Superfund site and is listed on the Environmental Protection Agency's National Priorities List.

(13) These multiple exposure pathways have caused severe asbestos disease and death not only in former workers at the mine and milling facilities, but also in the workers' spouses and children, and in community members who had no direct contact with the mine. According to the Environmental Protection Agency, some potentially important alternative pathways for past asbestos exposure include elevated concentrations of asbestos in ambient air and recreational exposures from children playing in piles of vermiculite. Furthermore, the Environmental Protection Agency has determined that current potential pathways of exposure include vermiculite placed in walls and attics as thermal insulation, vermiculite or ore used as road bed material, ore used as ornamental landscaping, and vermiculite or concentrated ore used as a soil and garden amendment or aggregate in driveways.

(14) The Environmental Protection Agency also concluded, "Asbestos contamination exists in a number of potential source materials at multiple locations in and around the residential and commercial area of Libby. . . While data are not yet sufficient to perform reliable human-health risk evaluations for all sources and all types of disturbance, it is apparent that releases of fiber concentrations higher than Occupational Safety and Health Administration standards may occur in some cases . . . and that screening-level estimates of lifetime excess cancer risk can exceed the upper-bound risk range of 1E–04 usually used by the Environmental Protection Agency for residents under a variety of exposure scenarios. The occurrence of non-occupational asbestos-related disease that has been observed among Libby residents is extremely unusual, and has not been associated with asbestos mines elsewhere, suggesting either very high and prolonged environmental exposures and/or increased toxicity of this form of amphibole asbestos.".

(15) According to a November 2003 article from the Journal Environmental Health Perspectives titled, Radiographic Abnormalities and Exposure to Asbestos-Contaminated Vermiculite in the Community of Libby, Montana, USA, Libby residents who have evidence of "no apparent exposure", i.e., did not work with asbestos, were not a family member of a former worker, etc., had a greater rate of pleural abnormalities (6.7 percent) than did those in control groups or general populations found in other studies from other states (which ranged from 0.2 percent to 4.6 percent). "Given the ubiquitous nature of vermiculite contamination in Libby, along with historical evidence of elevated asbestos concentrations in the air, it would be difficult to find participants who could be characterized as unexposed.".

(16) Nothing in this Act is intended to increase the Federal deficit or impose any burden on the taxpayer. The Office of Asbestos Disease Compensation established under this Act shall be privately funded by annual payments from defendant participants that have been subject to asbestos liability and their insurers. Section 406(b) of this Act expressly provides that nothing in this Act shall be construed to create any obligation of funding from the United States or to require the United States to satisfy any claims if the amounts in the Fund are inadequate. Any borrowing by the Fund is limited to monies expected to be paid into the Fund, and the Administrator shall have no fiscal authority beyond the amount of private money coming into the Fund. This Act provides the Administrator with broad enforcement authority to pursue debts to the Fund owed by defendant participants or insurer participants and their successors in interest.

(b) PURPOSE.—The purpose of this Act is to—

(1) create a privately funded, publicly administered fund to provide the necessary resources for a fair and efficient system to resolve asbestos injury claims that will provide compensation for legitimate present and future claimants of asbestos exposure as provided in this Act;

(2) provide compensation to those present and future victims based on the severity of their injuries, while establishing a system flexible enough to accommodate individuals whose conditions worsens;

(3) relieve the Federal and State courts of the burden of the asbestos litigation; and

(4) increase economic stability by resolving the asbestos litigation crisis that has bankrupted companies with asbestos liability, diverted resources from the truly sick, and endangered jobs and pensions.

SEC. 3. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Office of Asbestos Disease Compensation appointed under section 101(b).

(2) ASBESTOS.—The term "asbestos" includes—

(A) chrysotile;
(B) amosite;
(C) crocidolite;
(D) tremolite asbestos;
(E) winchite asbestos;
(F) richterite asbestos;
(G) anthophyllite asbestos;
(H) actinolite asbestos;

(I) asbestiform amphibole minerals;

(J) any of the minerals listed under subparagraphs (A) through (I) that has been chemically treated or altered, and any asbestiform variety, type, or component thereof; and

(K) asbestos-containing material, such as asbestos-containing products, automotive or industrial parts or components, equipment, improvements to real property, and any other material that contains asbestos in any physical or chemical form.

(3) ASBESTOS CLAIM.—

(A) IN GENERAL.—The term "asbestos claim" means any claim, premised on any theory, allegation, or cause of action for damages or other relief presented in a civil action or bankruptcy proceeding, directly, indirectly, or derivatively arising out of, based on, or related to, in whole or part, the health effects of exposure to asbestos, including loss of consortium, wrongful death, and any derivative claim made by, or on behalf of, any exposed person or any representative, spouse, parent, child, or other relative of any exposed person.

(B) EXCLUSION.—The term does not include—

(i) claims alleging damage or injury to tangible property;

(ii) claims for benefits under a workers' compensation law or veterans' benefits program;

(iii) claims arising under any governmental or private health, welfare, disability, death or compensation policy, program or plan;

(iv) claims arising under any employment contract or collective bargaining agreement;

(v) claims arising out of medical malpractice; or

(vi) any claim arising under—

(I) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(II) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.);

(III) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(IV) the Equal Pay Act of 1963 (29 U.S.C. 206);

(V) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(VI) section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983); or

(VII) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) ASBESTOS CLAIMANT.—The term "asbestos claimant" means an individual who files a claim under section 113.

(5) CIVIL ACTION.—The term "civil action" means all suits of a civil nature in State or Federal court, whether cognizable as cases at law or in equity or in admiralty, but does not include an action relating to any workers' compensation law, or a proceeding for benefits under any veterans' benefits program.

(6) COLLATERAL SOURCE COMPENSATION.—The term "collateral source compensation" means the compensation that the claimant received, or is entitled to receive, from a defendant or an insurer of that defendant, or compensation trust as a result of a final judgment or settlement for an asbestos-related injury that is the subject of a claim filed under section 113.

(7) ELIGIBLE DISEASE OR CONDITION.—The term "eligible disease or condition" means the extent that an illness meets the medical criteria requirements established under subtitle C of title I.

(8) EMPLOYERS' LIABILITY ACT.—The term "Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employer's Liability Act" shall, for all purposes of this Act, include the Act of June 5, 1920 (46 U.S.C. App. 688), commonly known as the Jones Act, and the related phrase "operations as a common carrier by railroad" shall include operations as an employer of seamen.

(9) FUND.—The term "Fund" means the Asbestos Injury Claims Resolution Fund established under section 221.

(10) INSURANCE RECEIVERSHIP PROCEEDING.—The term "insurance receivership proceeding" means any State proceeding with respect to a financially impaired or insolvent insurer or reinsurer including the liquidation, rehabilitation, conservation, supervision, or ancillary receivership of an insurer under State law.

(11) LAW.—The term "law" includes all law, judicial or administrative decisions, rules, regulations, or any other principle or action having the effect of law.

(12) PARTICIPANT.—

(A) IN GENERAL.—The term "participant" means any person subject to the funding requirements of title II, including—

(i) any defendant participant subject to liability for payments under subtitle A of that title;

(ii) any insurer participant subject to a payment under subtitle B of that title; and

(iii) any successor in interest of a participant.

(B) EXCEPTION.—

(i) IN GENERAL.—A defendant participant shall not include any person protected from any asbestos claim by reason of an injunction entered in connection with a plan of reorganization under chapter 11 of title 11, United States Code, that has been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(ii) APPLICABILITY.—Clause (i) shall not apply to a person who may be liable under subtitle A of title II based on prior asbestos expenditures related to asbestos claims that are not covered by an injunction described under clause (i).

(13) PERSON.—The term "person"—

(A) means an individual, trust, firm, joint stock company, partnership, association, insurance company, reinsurance company, or corporation; and

(B) does not include the United States, any State or local government, or subdivision thereof, including school districts and any general or special function governmental unit established under State law.

(14) STATE.—The term "State" means any State of the United States and also includes the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the entities under this paragraph.

(15) SUBSTANTIALLY CONTINUES.—The term "substantially continues" means that the business operations have not been significantly modified by the change in ownership.

(16) SUCCESSOR IN INTEREST.—The term "successor in interest" means any person that, in 1 or a series of transactions, acquires all or substantially all of the assets and properties (including, without limitation, under section 363(b) or 1123(b)(4) of title 11, United States Code), and substantially continues the business operations, of a participant. The factors to be considered in determining whether a person is a successor in interest include—

(A) retention of the same facilities or location;

(B) retention of the same employees;

(C) maintaining the same job under the same working conditions;

(D) retention of the same supervisory personnel;

(E) continuity of assets;

(F) production of the same product or offer of the same service;

(G) retention of the same name;

(H) maintenance of the same customer base;

(I) identity of stocks, stockholders, and directors between the asset seller and the purchaser; or

(J) whether the successor holds itself out as continuation of previous enterprise, but expressly does not include whether the person actually knew of the liability of the participant under this Act.

(17) VETERANS' BENEFITS PROGRAM.—The term "veterans' benefits program" means any program for benefits in connection with military service administered by the Veterans' Administration under title 38, United States Code.

(18) WORKERS' COMPENSATION LAW.—The term "workers' compensation law"—

(A) means a law respecting a program administered by a State or the United States to provide benefits, funded by a responsible employer or its insurance carrier, for occupational diseases or injuries or for disability or death caused by occupational diseases or injuries;

(B) includes the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) and chapter 81 of title 5, United States Code; and

(C) does not include the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, or damages recovered by any employee in a liability action against an employer.

(19) CLASS ACTION TRUST.—The term "class action trust" means a trust or similar entity established to hold assets for the payment of asbestos claims asserted against a debtor or participating defendant, under a settlement that—

(A) is a settlement of class action claims under rule 23 of the Federal Rules of Civil Procedure; and

(B) has been approved by a final judgment of a United States district court before the date of enactment of this Act.

(20) DEBTOR.—The term "debtor"—

(A) means—

(i) a person that is subject to a case pending under a chapter of title 11, United States Code, on the date of enactment of this Act or at any time during the 1-year period immediately preceding that date, irrespective of whether the debtor's case under that title has been dismissed; and

(ii) all of the direct or indirect majority-owned subsidiaries of a person described under clause (i), regardless of whether any such majority-owned subsidiary has a case pending under title 11, United States Code; and

(B) shall not include an entity—

(i) subject to chapter 7 of title 11, United States Code, if a final decree closing the estate shall have been entered before the date of enactment of this Act; or

(ii) subject to chapter 11 of title 11, United States Code, if a plan of reorganization for such entity shall have been confirmed by a duly entered order or judgment of a court that is no longer subject to any appeal or judicial review, and the substantial consummation, as such term is defined in section 1101(2) of title 11, United States Code, of such plan of reorganization has occurred.

(21) Trust.—The term "trust" means any trust, as described in sections 524(g)(2)(B)(i) or 524(h) of title 11, United States Code, or established in conjunction with an order issued under section 105 of title 11, United States Code, established or formed under the terms of a chapter 11 plan of reorganization, which in whole or in part provides compensation for asbestos claims.

TITLE I—ASBESTOS CLAIMS RESOLUTION

Subtitle A—Office of Asbestos Disease Compensation

SEC. 101. ESTABLISHMENT OF OFFICE OF ASBESTOS DISEASE COMPENSATION.

(a) In General.—

(1) Establishment.—There is established within the Department of Labor the Office of Asbestos Disease Compensation (hereinafter referred to in this Act as the "Office"), which shall be headed by an Administrator.

(2) Purpose.—The purpose of the Office is to provide timely, fair compensation, in the amounts and under the terms specified in this Act, on a no-fault basis and in a non-adversarial manner, to individuals whose health has been adversely affected by exposure to asbestos.

(3) Termination of the office.—The Office of Asbestos Disease Compensation shall terminate effective not later than 12 months following certification by the Administrator that the Fund has neither paid a claim in the previous 12 months nor has debt obligations remaining to pay.

(4) Expenses.—There shall be available from the Fund to the Administrator such sums as are necessary for any and all expenses associated with the Office of Asbestos Disease Compensation and necessary to carry out the purposes of this Act. Expenses covered should include—

(A) management of the Fund;

(B) personnel salaries and expenses, including retirement and similar benefits;

(C) the sums necessary for conducting the studies required under this Act;

(D) all administrative and legal expenses; and

(E) any other sum that could be attributable to the Fund.

(b) Appointment of Administrator.—

(1) In general.—The Administrator of the Office of Asbestos Disease Compensation shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall serve for a term of 5 years.

(2) Reporting.—The Administrator shall report directly to the Assistant Secretary of Labor for the Employment Standards Administration.

(c) Duties of Administrator.—

(1) In general.—The Administrator shall be responsible for—

(A) processing claims for compensation for asbestos-related injuries and paying compensation to eligible claimants under the criteria and procedures established under title I;

(B) determining, levying, and collecting assessments on participants under title II;

(C) appointing or contracting for the services of such personnel, making such expenditures, and taking any other actions as may be necessary and appropriate to carry out the responsibilities of the Office, including entering into cooperative agreements with other Federal agencies or State agencies and entering into contracts with nongovernmental entities;

(D) conducting such audits and additional oversight as necessary to assure the integrity of the program;

(E) managing the Asbestos Injury Claims Resolution Fund established under section 221, including—

(i) administering, in a fiduciary capacity, the assets of the Fund for the primary purpose of providing benefits to asbestos claimants and their beneficiaries;

(ii) defraying the reasonable expenses of administering the Fund;

(iii) investing the assets of the Fund in accordance with section 222(b);

(iv) retaining advisers, managers, and custodians who possess the necessary facilities and expertise to provide for the skilled and prudent management of the Fund, to assist in the development, implementation and maintenance of the Fund's investment policies and investment activities, and to provide for the safekeeping and delivery of the Fund's assets; and

(v) borrowing amounts authorized by section 221(b) on appropriate terms and conditions, including pledging the assets of or payments to the Fund as collateral;

(F) promulgating such rules, regulations, and procedures as may be necessary and appropriate to implement the provisions of this Act;

(G) making such expenditures as may be necessary and appropriate in the administration of this Act;

(H) excluding evidence and disqualifying or debarring any attorney, physician, provider of medical or diagnostic services, including laboratories and others who provide evidence in support of a claimant's application for compensation where the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by such individuals or entities; and

(I) having all other powers incidental, necessary, or appropriate to carrying out the functions of the Office.

(2) Certain enforcements.—For each infraction relating to paragraph (1)(H), the Administrator also may impose a civil penalty not to exceed $10,000 on any person or entity found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall prescribe appropriate regulations to implement paragraph (1)(H).

(3) Selection of deputy administrators.—The Administrator shall select a Deputy Administrator for Claims Administration to carry out the Administrator's responsibilities under this title and a Deputy Administrator for Fund Management to carry out the Administrator's responsibilities under title II of this Act. The Deputy Administrators shall report directly to the Administrator and shall be in the Senior Executive Service.

(d) Expeditious Determinations.—The Administrator shall prescribe rules to expedite claims for asbestos claimants with terminal circumstances in order to expedite the payment of such claims as soon as possible after startup of the Fund. The Administrator shall contract out the processing of such claims.

(e) Audit and Personnel Review Procedures.—The Administrator shall establish audit and personnel review procedures for evaluating the accuracy of eligibility recommendations of agency and contract personnel.

(f) Application of FOIA.—

(1) In general.—Section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act) shall apply to the Office of Asbestos Disease Compensation and the Asbestos Insurers Commission.

(2) Confidentiality of financial records.—

(A) In general.—Any person may label any record submitted under this section as a confidential commercial or financial record for the purpose of requesting exemption from disclosure under section 552(b)(4) of title 5, United States Code.

(B) Duties of administrator and chairman of the asbestos insurers commission.—The Administrator and Chairman of the Asbestos Insurers Commission—

(i) shall adopt procedures for—

(I) handling submitted records marked confidential; and

(II) protecting from disclosure records they determine to be confidential commercial or financial information exempt under section 552(b)(4) of title 5, United States Code; and

(ii) may establish a pre-submission determination process to protect from disclosure records on reserves and asbestos-related liabilities submitted by any defendant participant that is exempt under section 552(b)(4) of title 5, United States Code.

(C) Review of complaints.—Nothing in this section shall supersede or preempt the de novo review of complaints filed under section 552(b)(4) of title 5, United States Code.

(3) Confidentiality of medical records.—Any claimant may designate any record submitted under this section as a confidential personnel or medical file for purposes of section 552 of title 5, United States Code. The Administrator and the Chairman of the Asbestos Insurers Commission shall adopt procedures for designating such records as confidential.

SEC. 102. ADVISORY COMMITTEE ON ASBESTOS DISEASE COMPENSATION.

(a) Establishment.—

(1) In general.—Not later than 120 days after the date of enactment of this Act, the Administrator shall establish an Advisory Committee on Asbestos Disease Compensation (hereinafter the "Advisory Committee").

(2) Composition and appointment.—The Advisory Committee shall be composed of 20 members, appointed as follows—

(A) The Majority and Minority Leaders of the Senate, the Speaker of the House, and the Minority Leader of the House shall each appoint 4 members. Of the 4—

(i) 2 shall be selected to represent the interests of claimants, at least 1 of whom shall be selected from among individuals recommended by recognized national labor federations; and

(ii) 2 shall be selected to represent the interests of participants, 1 of whom shall be selected to represent the interests of the insurer participants and 1 of whom shall be selected to represent the interests of the defendant participants.

(B) The Administrator shall appoint 4 members, who shall be individuals with qualifications and expertise in occupational or pulmonary medicine, occupational health, workers' compensation programs, financial administration, investment of funds, program auditing, or other relevant fields.

(3) Qualifications.—All of the members described in paragraph (2) shall have expertise or experience relevant to the asbestos compensation program, including experience or expertise in diagnosing asbestos-related diseases and conditions, assessing asbestos exposure and health risks, filing asbestos claims, administering a compensation or insurance program, or as actuaries, auditors,

or investment managers. None of the members described in paragraph (2)(B) shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

(b) DUTIES.—The Advisory Committee shall advise the Administrator on—

(1) claims filing and claims processing procedures;

(2) claimant assistance programs;

(3) audit procedures and programs to ensure the quality and integrity of the compensation program;

(4) the development of a list of industries, occupations and time periods for which there is a presumption of substantial occupational exposure to asbestos;

(5) recommended analyses or research that should be conducted to evaluate past claims and to project future claims under the program;

(6) the annual report required to be submitted to Congress under section 405; and

(7) such other matters related to the implementation of this Act as the Administrator considers appropriate.

(c) OPERATION OF THE COMMITTEE.—

(1) Each member of the Advisory Committee shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 6 shall be appointed for a term of 1 year;

(B) 7 shall be appointed for a term of 2 years; and

(C) 7 shall be appointed for a term of 3 years, as determined by the Administrator at the time of appointment.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term shall be appointed only for the remainder of such term.

(3) The Administrator shall designate a Chairperson and Vice Chairperson from among members of the Advisory Committee appointed under subsection (a)(2)(B).

(4) The Advisory Committee shall meet at the call of the Chairperson or the majority of its members, and at a minimum shall meet at least 4 times per year during the first 5 years of the asbestos compensation program, and at least 2 times per year thereafter.

(5) The Administrator shall provide to the Committee such information as is necessary and appropriate for the Committee to carry out its responsibilities under this section. The Administrator may, upon request of the Advisory Committee, secure directly from any Federal, State, or local department or agency such information as may be necessary and appropriate to enable the Advisory Committee to carry out its duties under this section. Upon request of the Administrator, the head of such department or agency shall furnish such information to the Advisory Committee.

(6) The Administrator shall provide the Advisory Committee with such administrative support as is reasonably necessary to enable it to perform its functions.

(d) EXPENSES.—Members of the Advisory Committee, other than full-time employees of the United States, while attending meetings of the Advisory Committee or while otherwise serving at the request of the Administrator, and while serving away from their homes or regular places of business, shall be allowed travel and meal expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

SEC. 103. MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—The Administrator shall establish a Medical Advisory Committee to provide expert advice regarding medical issues arising under the statute.

(b) QUALIFICATIONS.—None of the members of the Medical Advisory Committee shall be individuals who, for each of the 5 years before their appointments, earned more than 15 percent of their income by serving in matters related to asbestos litigation as consultants or expert witnesses.

SEC. 104. CLAIMANT ASSISTANCE.

(a) ESTABLISHMENT.—Not later than 120 days after the enactment of this Act, the Administrator shall establish a comprehensive asbestos claimant assistance program to—

(1) publicize and provide information to potential claimants about the availability of benefits for eligible claimants under this Act, and the procedures for filing claims and for obtaining assistance in filing claims;

(2) provide assistance to potential claimants in preparing and submitting claims, including assistance in obtaining the documentation necessary to support a claim and any other appropriate paralegal assistance;

(3) respond to inquiries from claimants and potential claimants;

(4) provide training with respect to the applicable procedures for the preparation and filing of claims to persons who provide assistance or representation to claimants; and

(5) provide for the establishment of a website where claimants may access all relevant forms and information.

(b) RESOURCE CENTERS.—The claimant assistance program shall provide for the establishment of resource centers in areas where there are determined to be large concentrations of potential claimants. These centers shall be located, to the extent feasible, in facilities of the Department of Labor or other Federal agencies.

(c) CONTRACTS.—The claimant assistance program may be carried out in part through contracts with labor organizations, community-based organizations, and other entities which represent or provide services to potential claimants, except that such organizations may not have a financial interest in the outcome of claims filed with the Office.

(d) LEGAL ASSISTANCE.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Administrator shall establish a legal assistance program to provide assistance to asbestos claimants concerning legal representation issues.

(2) LIST OF QUALIFIED ATTORNEYS.—As part of the program, the Administrator shall maintain a roster of qualified attorneys who have agreed to provide pro bono services to asbestos claimants under rules established by the Administrator. The claimants shall not be required to use the attorneys listed on such roster.

(3) NOTICE.—

(A) NOTICE BY ADMINISTRATOR.—The Administrator shall provide asbestos claimants with notice of, and information relating to—

(i) pro bono services for legal assistance available to those claimants; and

(ii) any limitations on attorneys fees for claims filed under this title.

(B) NOTICE BY ATTORNEYS.—Before a person becomes a client of an attorney with respect to an asbestos claim, that attorney shall provide notice to that person of pro bono services for legal assistance available for that claim.

(e) ATTORNEY'S FEES.—

(1) LIMITATION.—

(A) IN GENERAL.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under the Fund, more than 5 percent of a final monetary award made (whether by the Administrator initially or as a result of administrative review) under the Fund on such claim.

(B) REVIEW OF PROPOSED DECISION.—

(i) REASONABLE FEE.—If an individual seeks a review of a proposed decision in accordance with section 114(d) and is awarded compensation, the representative of such individual may, in lieu of seeking payment for services rendered subject to the limitation described under subparagraph (A), obtain a reasonable attorney's fee to be paid from any compensation recovered by the individual.

(ii) CALCULATION OF REASONABLE FEE.—Any fee obtained under clause (i) shall be calculated by multiplying a reasonable hourly rate by the number of hours reasonably expended on the claim of the individual.

(iii) REQUIREMENTS FOR COMPENSATION.—A representative of an individual shall not be eligible to receive a fee under clause (i), unless—

(I) such representative submits to the Administrator detailed contemporaneous billing records for any work actually performed in the course of representation of an individual;

(II) the Administrator finds, based on billing records submitted by the representative under subclause (I), that the work for which compensation is sought was reasonably performed, and that the requested hourly fee is reasonable; and

(III) the claimant seeking a review of a proposed decision has been awarded monetary compensation by the Administrator.

(iv) NO FEE FOR NO COMPENSATION.—If the claimant is denied any compensation after review of the claim, the claimant's representative may not receive a fee from either the claimant or the Fund.

(2) PENALTY.—Any representative of an asbestos claimant who violates this subsection shall be fined not more than the greater of—

(A) $5,000; or

(B) twice the amount received by the representative for services rendered in connection with each such violation.

SEC. 105. PHYSICIANS PANELS.

(a) APPOINTMENT.—The Administrator shall, in accordance with section 3109 of title 5, United States Code, appoint physicians with experience and competency in diagnosing asbestos-related diseases to be available to serve on Physicians Panels, as necessary to carry out this Act.

(b) FORMATION OF PANELS.—

(1) IN GENERAL.—The Administrator shall periodically determine—

(A) the number of Physicians Panels necessary for the efficient conduct of the medical review process under section 121;

(B) the number of Physicians Panels necessary for the efficient conduct of the exceptional medical claims process under section 121; and

(C) the particular expertise necessary for each panel.

(2) EXPERTISE.—Each Physicians Panel shall be composed of members having the particular expertise determined necessary by the Administrator, randomly selected from among the physicians appointed under subsection (a) having such expertise.

(3) PANEL MEMBERS.—Except as provided under subparagraph (B), each Physicians Panel shall consist of 3 physicians, 2 of whom shall be designated to participate in each case submitted to the Physicians Panel, and the third of whom shall be consulted in the event of disagreement.

(c) QUALIFICATIONS.—To be eligible to serve on a Physicians Panel under subsection (a), a person shall be—

(1) a physician licensed in any State;

(2) board-certified in pulmonary medicine, occupational medicine, internal medicine, oncology, or pathology; and

(3) an individual who, for each of the 5 years before and during his or her appointment to a Physicians Panel, has earned not more than 15 percent of his or her income as an employee of a participating defendant or insurer or a law firm representing any party in asbestos litigation or as a consultant or expert witness in matters related to asbestos litigation.

(d) DUTIES.—Members of a Physicians Panel shall—

(1) make such medical determinations as are required to be made by Physicians Panels under section 121; and

(2) perform such other functions as required under this Act.

(e) COMPENSATION.—Notwithstanding any limitation otherwise established under section 3109 of title 5, United States Code, the Administrator shall be authorized to pay members of a Physician Panel such compensation as is reasonably necessary to obtain their services.

(f) FEDERAL ADVISORY COMMITTEE ACT.—A Physicians Panel established under this section shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App. 2).

SEC. 106. PROGRAM STARTUP.

(a) IMMEDIATE STARTUP.—

(1) IN GENERAL.—Subject to section 101(d), the Administrator may—

(A) start receiving, reviewing, and deciding claims immediately upon the date of enactment of this Act; and

(B) reimburse the Department of Labor from the Fund for any expense incurred—

(i) before that date of enactment in preparation for carrying out any of the responsibilities of the Administrator under this Act; and

(ii) during the 60-day period following that date of enactment to carry out such responsibilities.

(2) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate interim regulations and procedures for the processing of claims under this title and the operation of the Fund under title II, including procedures for the expediting of terminal health claims, and processing of claims through the claims facility.

(b) INTERIM PERSONNEL AND CONTRACTING.—The Secretary of Labor and the Assistant Secretary of Labor for the Employment Standards Administration shall make available to the Administrator on a temporary basis such personnel and other resources as may be necessary to facilitate the expeditious startup of the program. The Administrator may in addition contract with individuals or entities having relevant experience to assist in the expeditious startup of the program including entering into contracts on an expedited or sole source basis during the startup period for the purpose of processing claims or providing financial analysis or assistance. Such relevant experience shall include, but not be limited to, experience with the review of workers' compensation, occupational disease, or similar claims and with financial matters relevant to the operation of the program.

(c) TERMINAL HEALTH CLAIMS.—

(1) IN GENERAL.—The Administrator shall develop procedures, as provided in section 106(f), to provide for an expedited process to categorize, evaluate, and pay terminal health claims. Such procedures, as provided in section 106(f), shall include, pending promulgation of final regulations, adoption of interim regulations as needed for processing of terminal health claims.

(2) ELIGIBLE TERMINAL HEALTH CLAIMS.—A claim shall qualify for treatment as a terminal health claim if—

(A) the claimant is living and provides a diagnosis of mesothelioma meeting the requirements of section 121(d)(9);

(B) the claimant is living and provides a credible declaration or affidavit, from a diagnosing physician who has examined the claimant within 120 days before the date of such declaration or affidavit, that the physician has diagnosed the claimant as being terminally ill from an asbestos-related illness and having a life expectancy of less than 1 year due to such asbestos-related illness; or

(C) the claimant is the spouse or child of an eligible terminal health claimant who—

(i) was living when the claim was filed with the Fund, or if before the implementation of interim regulations for the filing of claims with the Fund, on the date of enactment of this Act;

(ii) has since died from a malignant disease or condition; and

(iii) has not received compensation from the Fund for the disease or condition for which the claim was filed.

(3) ADDITIONAL TERMINAL HEALTH CLAIMS.—The Administrator may, in final regulations promulgated under section 101(c), designate additional categories of claims that qualify as terminal health claims under this subsection except that exceptional medical claims may not proceed.

(4) CLAIMS FACILITY.—To facilitate the prompt payment of terminal health claims prior to the Fund being certified as operational, the Administrator shall contract with a claims facility, which applying the medical criteria of section 121, shall process and pay claims in accordance with section 106(f)(2). The processing and payment of claims shall be subject to regulations promulgated under this Act.

(5) AUTHORIZATION FOR CONTRACTS WITH CLAIMS FACILITIES.—The Administrator may enter into contracts with a claims facility for the processing of claims (except for exceptional medical claims) in accordance with this title.

(d) PRIORITIZATION OF CLAIMS.—The Administrator shall, in final regulations promulgated under section 101(c), designate categories of claims to be handled on an expedited basis. The Administrator shall prioritize the processing and payment of health claims involving claimants with the most serious health claims. The Administrator shall also prioritize claims from claimants who face extreme financial hardship.

(e) INTERIM ADMINISTRATOR.—Until an Administrator is appointed and confirmed under section 101(b), the responsibilities of the Administrator under this Act shall be performed by the Assistant Secretary of Labor for the Employment Standards Administration, who shall have all the authority conferred by this Act on the Administrator and who shall be deemed to be the Administrator for purposes of this Act. Before final regulations being promulgated relating to claims processing, the Interim Administrator may prioritize claims processing, without regard to the time requirements prescribed in subtitle B of this title, based on severity of illness and likelihood that exposure to asbestos was a substantial contributing factor for the illness in question.

(f) STAY OF CLAIMS; RETURN TO TORT SYSTEM.—

(1) STAY OF CLAIMS.—Notwithstanding any other provision of this Act, any asbestos claim pending on the date of enactment of this Act, other than a claim to which section 403(d)(2) applies or as otherwise provided in section 402(f), stayed.

(2) TERMINAL HEALTH CLAIMS.—

(A) PROCEDURES FOR SETTLEMENT OF TERMINAL HEALTH CLAIMS.—

(i) IN GENERAL.—Any person that has filed a terminal health claim, as provided under subsection (c)(2), seeking a judgment or order for monetary damages in any Federal or State court before the date of the enactment of this Act, shall seek a settlement in accordance with this paragraph. Any person with a terminal health claim, as provided under subsection (c)(2), that arises after such date of enactment shall seek a settlement in accordance with this paragraph.

(ii) FILING.—

(I) IN GENERAL.—At any time before the Fund or claims facility is certified as operational and paying terminal health claims at a reasonable rate, any person with a terminal health claim as described under clause (i) shall file a notice of their intent to seek a settlement or shall file their exigent health claim with the Administrator or claims facility. Filing of an exigent health claim with the Administrator or claims facility may serve as notice of intent to seek a settlement.

(II) EXCEPTION.—Any person who seeks compensation for an exigent health claim from a trust in accordance with section 402(f) shall not be eligible to seek a settlement or settlement offer under this paragraph.

(iii) TERMINAL HEALTH CLAIM INFORMATION.—To file a terminal health claim, each individual shall provide all of the following information:

(I) The amount received or entitled to be received as a result of all collateral source compensation under section 134, and copies of all settlement agreements and related documents sufficient to show the accuracy of that amount.

(II) A description of any claims for compensation for an asbestos related injury or disease filed by the claimant with any trust or class action trust, and the status or disposition or any such claims.

(III) All information that the claimant would be required to provide to the Administrator in support of a claim under sections 113(c) and 121.

(IV) A certification by the claimant that the information provided is true and complete. The certification provided under this subclause shall be subject to the same penalties for false or misleading statements that would be applicable with regard to information provided to the Administrator or claims facility in support of a claim.

(V) For terminal health claims arising after the date of enactment of this Act, the claimant shall identify each defendant that would be an appropriate defendant in a civil action seeking damages for the asbestos claim of the claimant. Identification of all potential participants shall be made in good faith by the claimant.

(iv) TIMING.—A claimant who has filed a notice of their intent to seek a settlement under clause (ii) shall within 60 days after filing notice provide to the Administrator or claims facility the information required under clause (iii). If a claimant has filed an exigent health claim under clause (ii) the Administrator shall provide all affected defendants the information required under clause (iii).

(v) WEBSITE.—

(I) POSTING.—The Administrator or claims facility shall post the information described in subclause (II) to a secure website, accessible on a passcode-protected basis to participants.

(II) REQUIRED INFORMATION.—The website established under subclause (I) shall contain a listing of—

(aa) each claimant that has filed a notice of intent to seek a settlement or claim under this clause;

(bb) the name of such claimant; and

(cc) if applicable—

(AA) the name of the court where such claim was filed;

(BB) the case or docket number of such claim; and

(CC) the date such claim was filed.

(III) PROHIBITIONS.—The website established under subclause (I) shall not contain specific health or medical information or social security numbers.

(IV) PARTICIPANT ACCESS.—A participant's access to the website established under subclause (I) shall be limited on a need to know basis, and participants shall not disclose or sell data, or retain data for purposes other than paying an asbestos claim.

(V) VIOLATIONS.—Any person or other entity that violates any provision of this clause, including by breaching any data posted on the website, shall be subject to an injunction, or civil penalties, or both.

(vi) ADMINISTRATOR OR CLAIMS FACILITY CERTIFICATION OF SETTLEMENT.—

(I) DETERMINATION.—Within 60 days after the information under clause (iii) is provided, the Administrator or claims facility shall determine whether or not the claim meets the requirements of a terminal health claim.

(II) REQUIREMENTS MET.—If the Administrator or claims facility determines that the claim meets the requirements of a terminal health claim, the Administrator or claims facility shall immediately—

(aa) issue and serve on all parties a certification of eligibility of such claim;

(bb) determine the value of such claim under the Fund by subtracting from the amount in section 131 the total amount of collateral source compensation received by the claimant; and

(cc) pay the award of compensation to the claimant under clause (xiii).

(III) REQUIREMENTS NOT MET.—If the requirements under clause (iii) are not met, the claimant shall have 30 days to perfect the claim. If the claimant fails to perfect the claim within that 30-day period or the Administrator or claims facility determines that the claim does not meet the requirements of a terminal health claim, the claim shall not be eligible to proceed under this paragraph. A claimant may appeal any decision issued by a claims facility with the Administrator in accordance with section 114.

(vii) FAILURE TO CERTIFY.—If the Administrator or claims facility is unable to process the claim and does not make a determination regarding the certification of the claim as required under clause (vi), the Administrator or claims facility shall within 10 days after the end of the 60-day period referred to under clause (vi)(I) provide notice of the failure to act to the claimant and the defendants in the pending Federal or State court action or the defendants identified under clause (iii)(IV). If the Administrator or claims facility fails to provide such notice within 10 days, the claimant may elect to provide the notice to the affected defendants to prompt a settlement offer. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(viii) FAILURE TO PAY.—If the Administrator or claims facility does not pay the award as required under clause (xiii), the Administrator shall refer the certified claim within 10 days as a certified terminal health claim to the defendants in the pending Federal and State court action or to the potential defendants identified under clause (iii)(IV) for terminal claims arising after the date of enactment of this Act. The Administrator or claims facility shall list all terminal health claims for which notice has been provided under this clause on the website established under clause (v).

(ix) SETTLEMENT OFFER.—Any participant or participants may, within 30 days after receipt of such notice as provided under clause (vii) or (viii), file and serve on all parties and the Administrator a good faith settlement offer in an aggregate amount not to exceed the total amount to which the claimant would receive under section 131. If the aggregate amount offered by all participants exceeds the award determined by the Administrator, all offers shall be deemed reduced pro rata until the aggregate amount equals the award amount. An acceptance of such settlement offer for claims pending before the date of enactment of this Act shall be subject to approval by the trial judge or authorized magistrate in the court where the claim is pending. The court shall approve any such accepted offer within 20 days after a request, unless there is evidence of bad faith or fraud. No court approval is necessary if the terminal health claim was certified by the Administrator or claims facility under clause (vi).

(x) ACCEPTANCE OR REJECTION.—Within 20 days after receipt of the settlement offer, or the amended settlement offer, the claimant shall either accept or reject such offer in writing. If the amount of the settlement offer made by the Administrator, claims facility, or participants equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(xi) OPPORTUNITY TO CURE.—If the settlement offer is rejected for being less than what the claimant would receive under the Fund, the participants shall have 10 business days to make an amended offer. If the amended offer equals 100 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement offer in writing. If the settlement offer is again rejected as less than what the claimant would receive under the Fund or if participants fail to make an amended offer, the claimant shall recover 150 percent of what the claimant would receive under the Fund. If the amount of the amended settlement offer made by the Administrator, claims facility, or participants equals 150 percent of what the claimant would receive under the Fund, the claimant shall accept such settlement in writing.

(xii) PAYMENT SCHEDULE.—

(I) MESOTHELIOMA CLAIMANTS.—For mesothelioma claimants—

(aa) an initial payment of 50 percent shall be made within 30 days after the date the settlement is accepted and the second and final payment shall be made 6 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participant, the payments may be extended 50 percent in 6 months and 50 percent 11 months after the date the settlement offer is accepted.

(II) OTHER TERMINAL CLAIMANTS.—For other terminal claimants, as defined under section 106(c)(2)(B) and (C)—

(aa) the initial payment of 50 percent shall be made within 6 months after the date the settlement is accepted and the second and final payment shall be made 12 months after date the settlement is accepted; or

(bb) if the Administrator determines that the payment schedule would impose a severe financial hardship on the Fund, or if the court determines that the settlement offer would impose a severe financial hardship on the participants, the payments may be extended 50 percent within 1 year after the date the settlement offer is accepted and 50 percent in 2 years after date the settlement offer is accepted.

(III) RELEASE.—Once a claimant has received final payment of the accepted settlement offer, and penalty payment if applicable, the claimant shall release any outstanding asbestos claims.

(xiii) RECOVERY OF COSTS.—

(I) IN GENERAL.—Any participant whose settlement offer is accepted may recover the cost of such settlement by deducting from the participant's next and subsequent contributions to the Fund the full amount of the payment made by such participant to the terminal health claimant, unless the Administrator finds, on the basis of clear and convincing evidence, that the participant's offer is not in good faith. Any such payment shall be considered a payment to the Fund for purposes of section 404(e)(1) and in response to the payment obligations imposed on participants in title II.

(II) REIMBURSEMENT.—Notwithstanding subclause (I), if the deductions from the participant's next and subsequent contributions to the Fund do not fully recover the cost of such payments on or before its third annual contribution to the Fund, the Fund shall reimburse such participant for such remaining cost not later than 6 months after the date of the third scheduled Fund contribution.

(xiv) FAILURE TO MAKE OFFER.—If participants fail to make a settlement offer within the 30-day period described under clause (ix) or make amended offers within the 10 business day cure period described under clause (xi), the claimant shall be entitled to recover 150 percent of what the claimant would receive under the Fund before the stay being lifted under subparagraph (B).

(xv) FAILURE TO PAY.—If a participant fails to pay an accepted settlement offer within the payment schedule under clause (xii), the claimant shall be entitled to recover 150 percent of what the claimant would receive under the Fund before the stay being lifted under subparagraph (B). If the stay is lifted under subparagraph (B) the claimant may seek a judgment or order for monetary damages from the court where the case is currently pending or the appropriate Federal or State court for claims arising after the date of enactment of this Act.

(B) STAY TERMINATED AND REVERSION TO COURT.—If 9 months after a terminal health claim has been filed under subparagraph (A), a claimant has not received a settlement under subparagraph (A)(xii) and the Administrator has not certified to Congress that the Fund or claims facility is operational and paying terminal health claims at a reasonable rate, the stay of claim provided under paragraph (1) shall be lifted and such terminal health claimant, may immediately seek a judgment or order for monetary damages from the court where the case is currently pending or the appropriate Federal or State court for claims arising after the date of enactment of this Act. If a claimant has failed to file a claim or notice of intent to seek a settlement, as required under subparagraph (A)(ii), the provisions of this subparagraph shall not apply.

(C) CREDIT OF CLAIM AND EFFECT OF OPERATIONAL FUND.—

(i) COLLATERAL SOURCE.—If an asbestos claim is pursued in Federal or State court in accordance with this paragraph, any recovery by the claimant shall be a collateral source compensation for purposes of section 134.

(ii) RECOVERY OF COSTS.—Any participant may recover the cost of any claim continued in court for up to the amount the claimant would receive under the Fund by deducting from the participant's next and subsequent contributions to the Fund for that amount of the payment made by such participant to the terminal health claimant.

(3) PURSUAL OF NONTERMINAL ASBESTOS CLAIMS IN FEDERAL OR STATE COURT.—

(A) IN GENERAL.—

(i) PURSUAL OF CLAIMS.—Notwithstanding any other provision of this Act, if not later than 24 months after the date of enactment of this Act, the Administrator cannot certify to Congress that the Fund is operational and paying all valid claims at a reasonable rate, any person with a nonterminal asbestos claim stayed, except for any person whose claim does not exceed a Level I claim, may pursue that claim in the Federal district court (if the claim is otherwise within the jurisdiction of the court) or State court located within—

(I) the State of residence of the claimant; or

(II) the State in which the asbestos exposure occurred.

(ii) RULE OF CONSTRUCTION.—This subparagraph shall not be construed as creating a new Federal cause of action.

(B) DEFENDANTS NOT FOUND.—If any defendant cannot be found in the State described under subparagraph (A) (i) or (ii), the claim may be pursued in the Federal district court or State court located within any State in which the defendant may be found.

(C) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the asbestos exposure occurred in more than 1 county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subparagraph.

(D) STATE VENUE REQUIREMENTS.—Nothing in this paragraph shall preempt or supersede any State law relating to venue requirements within that State which are more restrictive.

(E) CREDIT OF CLAIM AND EFFECT OF OPERATIONAL OR NONOPERATIONAL FUND.—

(i) CREDIT OF CLAIM.—If an asbestos claim is pursued in Federal or State court in accordance with this paragraph, any recovery by the claimant shall be a collateral source compensation for purposes of section 134.

(ii) OPERATIONAL CERTIFICATION.—Operational certification shall be a filing in the Federal Register confirming that the Fund is capable of operating and paying all valid asbestos claims at a reasonable rate.

(iii) OPERATIONAL PRECONDITIONS.—

(I) The Administrator may not issue a operational certification until—

(aa) 60 days after the funding allocation information required under section 221(e) has been published in the Federal Register; and

(bb) insurers subject to section 212(a)(3) submit their names and information to the Administrator within 30 days after the date of enactment of this Act and 60 days after the Administrator publishes such information in the Federal Register.

(iv) OPERATIONAL FUND.—If the Administrator issues an operational certification and notifies Congress that the Fund has become operational and paying all valid asbestos claims at a reasonable rate, any nonterminal asbestos claim in a civil action in Federal or State court that is not on trial before a jury which has been impaneled and presentation of evidence has commenced, but before its deliberation, or before a judge and is at the presentation of evidence shall be deemed a reinstated claim against the Fund and the civil action before the Federal or State court shall be null and void.

(v) NONOPERATIONAL FUND.—Notwithstanding any other provision of this Act, if the Administrator subsequently issues a nonoperational certification and notifies Congress that the Fund is unable to become operational and pay all valid asbestos claims at a reasonable rate, all asbestos claims have been stayed or not filed may be filed or reinstated in the appropriate Federal or State court.

(4) RESERVATION OF RIGHTS.—Except as otherwise provided in this Act, participation in the offer and settlement process under this subsection shall not affect or prejudice any rights or defenses a party might have in any litigation.

SEC. 107. AUTHORITY OF THE ADMINISTRATOR.

The Administrator, on any matter within the jurisdiction of the Administrator under this Act, may—

(1) issue subpoenas for and compel the attendance of witnesses within a radius of 200 miles;

(2) administer oaths;

(3) examine witnesses;

(4) require the production of books, papers, documents, and other evidence; and

(5) request assistance from other Federal agencies with the performance of the duties of the Administrator under this Act.

Subtitle B—Asbestos Disease Compensation Procedures

SEC. 111. ESSENTIAL ELEMENTS OF ELIGIBLE CLAIM.

To be eligible for an award under this Act for an asbestos-related disease or injury, an individual shall—

(1) file a claim in a timely manner in accordance with sections 106(f)(2) and 113; and

(2) prove, by a preponderance of the evidence, that the claimant suffers from an eligible disease or condition, as demonstrated by evidence that meets the requirements established under subtitle C.

SEC. 112. GENERAL RULE CONCERNING NO-FAULT COMPENSATION.

An asbestos claimant shall not be required to demonstrate that the asbestos-related injury for which the claim is being made resulted from the negligence or other fault of any other person.

SEC. 113. FILING OF CLAIMS.

(a) WHO MAY SUBMIT.—

(1) IN GENERAL.—Any individual who has suffered from a disease or condition that is believed to meet the requirements established under subtitle C (or the personal representative of the individual, if the individual is deceased or incompetent) may file a claim with the Office for an award with respect to such injury.

(2) DEFINITION.—In this Act, the term "personal representative" shall have the same meaning as that term is defined in section 104.4 of title 28 of the Code of Federal Regulations, as in effect on December 31, 2004.

(3) LIMITATION.—A claim may not be filed by any person seeking contribution or indemnity.

(4) EFFECT OF MULTIPLE INJURIES.—

(A) IN GENERAL.—A claimant who receives an award for an eligible disease or condition shall not be precluded from submitting claims for and receiving additional awards under this title for any higher disease level for which the claimant becomes eligible, subject to appropriate setoffs as provided under section 134.

(B) LIBBY, MONTANA CLAIMS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), if a Libby, Montana claimant worsens in condition, as measured by pulmonary function tests, such that a claimant qualifies for a higher nonmalignant level, the claimant shall be eligible for an additional award, at the appropriate level, offset by any award previously paid under this Act, such that a claimant would qualify for Level IV if the claimant satisfies section 121(f)(8), and would qualify for Level V if the claimant provides—

(I) a diagnosis of bilateral asbestos related nonmalignant disease;

(II) evidence of TLC or FVC less than 60 percent; and

(III) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(ii) SUBSEQUENT MALIGNANT DISEASE.—If a Libby, Montana, claimant develops malignant disease, such that the claimant qualifies for Level VI, VII, VIII, or IX, subparagraph (A) shall apply.

(b) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—If a claim is not filed with the Office within the limitations period specified in this subsection for that category of claim, such claim shall be extinguished, and any recovery thereon shall be prohibited.

(2) INITIAL CLAIMS.—An initial claim for an award under this Act shall be filed within 5 years after the date on which the claimant first received a medical diagnosis and medical test results sufficient to satisfy the criteria for the disease level for which the claimant is seeking compensation.

(3) CLAIMS FOR ADDITIONAL AWARDS.—

(A) NONMALIGNANT DISEASES.—If a claimant has previously filed a timely initial claim for compensation for any nonmalignant disease level, there shall be no limitations period applicable to the filing of claims by the claimant for additional awards for higher disease levels based on the progression of the nonmalignant disease.

(B) MALIGNANT DISEASES.—Regardless of whether the claimant has previously filed a claim for compensation for any other disease level, a claim for compensation for a malignant disease level shall be filed within 5 years after the claimant first obtained a medical diagnosis and medical test results sufficient to satisfy the criteria for the malignant disease level for which the claimant is seeking compensation.

(4) EFFECT ON PENDING CLAIMS.—

(A) IN GENERAL.—Subject to subparagraphs (C) and (D), if an asbestos claim that was timely filed within 10 years before the date of enactment of this Act is pending as of that date and is preempted under section 403(e), a claim under this Act for the same disease or condition may be filed with the Office under this section not later than 5 years after such date of enactment.

(B) VETERANS.—For purposes of subparagraph (A), any person with a timely filed asbestos claim shall include any person who—

(i) is a veteran, as that term is defined under section 101(2) of title 38, United States Code; and

(ii) on the date of enactment of this Act—

(I) is receiving benefits for disability, caused by exposure to asbestos, under sections 1110 (wartime disability), 1131 (peacetime disability), or 3102 (training and rehabilitation) of title 38, United States Code; or

(II) has submitted an application for such benefits to the Department of Veterans Affairs that is pending or is on administrative or judicial appeal.

(C) SPECIAL RULE.—For purposes of this paragraph, a claim shall not be treated as pending with a trust established under title 11, United States Code, solely because a claimant whose claim was previously compensated by the trust has or alleges—

(i) a noncontingent right to the payment of future installments of a fixed award; or

(ii) a contingent right to recover some additional amount from the trust on the occurrence of a future event, such as the reevaluation of the trust's funding adequacy or projected claims experience.

(D) DORMANT CLAIMS.—A claimant shall have the benefit of the special limitations period under subparagraph (A) only if the claimant provides documentation that the claimant has filed a pleading, served a discovery response or request for discovery, or taken other action to prosecute the pending asbestos claim within the 3-year period ending May 25, 2006, except that the failure to take such action to prosecute the pending asbestos claim shall not preclude the application of the special limitations period under subparagraph (A) if the claimant shows either—

(i) that prosecution of the claim was stayed during all or part of the 3-year period ending May 25, 2006, by court order or operation of law; or

(ii) that the claimant has taken reasonable steps to prosecute the claim within the 3-year period ending May 25, 2006, and that the period of inactivity is the result of the ordinary, generally applicable procedures or practices of the court in which such asbestos claim was pending.

(c) REQUIRED INFORMATION.—A claim filed under subsection (a) shall be in such form, and contain such information in such detail, as the Administrator shall by regulation prescribe. At a minimum, a claim shall include—

(1) the name, social security number, gender, date of birth, and, if applicable, date of death of the claimant;

(2) information relating to the identity of dependents and beneficiaries of the claimant;

(3) an employment history sufficient to establish required asbestos exposure, accompanied by social security or other payment records or a signed release permitting access to such records;

(4) a description of the asbestos exposure of the claimant, including, to the extent known, information on the site, or location of exposure, and duration and intensity of exposure;

(5) a description of the tobacco product use history of the claimant, including frequency and duration;

(6) an identification and description of the asbestos-related diseases or conditions of the claimant, accompanied by a written report by the claimant's physician with medical diagnoses and x-ray films, and other test results necessary to establish eligibility for an award under this Act;

(7) a description of any prior or pending civil action or other claim brought by the claimant for asbestos-related injury or any other pulmonary, parenchymal, or pleural injury, including an identification of any recovery of compensation or damages through settlement, judgment, or otherwise; and

(8) for any claimant who asserts that he or she is a nonsmoker or an ex-smoker, as defined in section 131, for purposes of an award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, evidence to support the assertion of nonsmoking or exsmoking, including relevant medical records.

(d) DATE OF FILING.—A claim shall be considered to be filed on the date that the claimant mails the claim to the Office, as determined by postmark, or on the date that the claim is received by the Office, whichever is the earliest determinable date.

(e) INCOMPLETE CLAIMS.—If a claim filed under subsection (a) is incomplete, the Administrator shall notify the claimant of the information necessary to complete the claim and inform the claimant of such services as may be available through the Claimant Assistance Program established under section 104 to assist the claimant in completing the claim. Any time periods for the processing of the claim shall be suspended until such time as the claimant submits the information necessary to complete the claim. If such information is not received within 1 year after the date of such notification, the claim shall be dismissed.

SEC. 114. ELIGIBILITY DETERMINATIONS AND CLAIM AWARDS.

(a) IN GENERAL.—

(1) REVIEW OF CLAIMS.—The Administrator shall, in accordance with this section, determine whether each claim filed under the Fund or claims facility satisfies the requirements for eligibility for an award under this Act and, if so, the value of the award. In making such determinations, the Administrator shall consider the claim presented by the claimant, the factual and medical evidence submitted by the claimant in support of the claim, the medical determinations of any Physicians Panel to which a claim is referred under section 121, and the results of such investigation as the Administrator may deem necessary to determine whether the claim satisfies the criteria for eligibility established by this Act.

(2) ADDITIONAL EVIDENCE.—The Administrator may request the submission of medical evidence in addition to the minimum requirements of section 113(c) if necessary or appropriate to make a determination of eligibility for an award, in which case the cost of obtaining such additional information or testing shall be borne by the Office.

(b) PROPOSED DECISIONS.—Not later than 90 days after the filing of a claim, the Administrator shall provide to the claimant (and the claimant's representative) a proposed decision accepting or rejecting the claim in whole or in part and specifying the amount of the proposed award, if any. The proposed decision shall be in writing, shall contain findings of fact and conclusions of law, and shall contain an explanation of the procedure for obtaining review of the proposed decision.

(c) PAYMENTS IF NO TIMELY PROPOSED DECISION.—If the Administrator has received a complete claim and, after the Fund has been certified subject to section 106(f)(3)(E) has not provided a proposed decision to the claimant under subsection (b) within 180 days after the filing of the claim, the claim shall be deemed accepted and the claimant shall be entitled to payment under section 133(a)(2). If the Administrator subsequently rejects the claim the claimant shall receive no further payments under section 133. If the Administrator subsequently rejects the claim in part, the Administrator shall adjust future payments due the claimant under section 133 accordingly. In no event may the Administrator recover amounts properly paid under this section from a claimant.

(d) REVIEW OF PROPOSED DECISIONS.—

(1) RIGHT TO HEARING.—

(A) IN GENERAL.—Any claimant not satisfied with a proposed decision of the Administrator under subsection (b) shall be entitled, on written request made within 90 days after the date of the issuance of the decision, to a hearing on the claim of that claimant before a representative of the Administrator. At the hearing, the claimant shall be entitled to present oral evidence and written testimony in further support of that claim.

(B) CONDUCT OF HEARING.—When practicable, the hearing will be set at a time and place convenient for the claimant. In conducting the hearing, the representative of the Administrator shall not be bound by common law or statutory rules of evidence, by technical or formal rules of procedure, or by section 554 of title 5, United States Code, except as provided by this Act, but shall conduct the hearing in such manner as to best ascertain the rights of the claimant. For this purpose, the representative shall receive such relevant evidence as the claimant adduces and such other evidence as the representative determines necessary or useful in evaluating the claim.

(C) REQUEST FOR SUBPOENAS.—

(i) IN GENERAL.—A claimant may request a subpoena but the decision to grant or deny such a request is within the discretion of the representative of the Administrator. The representative may issue subpoenas for the attendance and testimony of witnesses, and for the production of books, records, correspondence, papers, or other relevant documents. Subpoenas are issued for documents only if such documents are relevant and cannot be obtained by other means, and for witnesses only where oral testimony is the best way to ascertain the facts.

(ii) REQUEST.—A claimant may request a subpoena only as part of the hearing process. To request a subpoena, the requester shall—

(I) submit the request in writing and send it to the representative as early as possible, but no later than 30 days after the date of the original hearing request; and

(II) explain why the testimony or evidence is directly relevant to the issues at hand, and a subpoena is the best method or opportunity to obtain such evidence because there are no other means by which the documents or testimony could have been obtained.

(iii) FEES AND MILEAGE.—Any person required by such subpoena to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States. Such fees and mileage shall be paid from the Fund.

(2) REVIEW OF WRITTEN RECORD.—In lieu of a hearing under paragraph (1), any claimant not satisfied with a proposed decision of the Administrator shall have the option, on written request made within 90 days after

the date of the issuance of the decision, of obtaining a review of the written record by a representative of the Administrator. If such review is requested, the claimant shall be afforded an opportunity to submit any written evidence or argument which the claimant believes relevant.

(e) Final Decisions.—

(1) In general.—If the period of time for requesting review of the proposed decision expires and no request has been filed, or if the claimant waives any objections to the proposed decision, the Administrator shall issue a final decision. If such decision materially differs from the proposed decision, the claimant shall be entitled to review of the decision under subsection (d).

(2) Time and content.—If the claimant requests review of all or part of the proposed decision the Administrator shall issue a final decision on the claim not later than 180 days after the request for review is received, if the claimant requests a hearing, or not later than 90 days after the request for review is received, if the claimant requests review of the written record. Such decision shall be in writing and contain findings of fact and conclusions of law.

(f) Representation.—A claimant may authorize an attorney or other individual to represent him or her in any proceeding under this Act.

SEC. 115. AUDITING PROCEDURES.

(a) In General.—

(1) Development.—The Administrator shall develop methods for auditing and evaluating the medical and exposure evidence submitted as part of the claims process. The Administrator may develop additional methods for auditing and evaluating other types of evidence or information received by the Administrator.

(2) Refusal to consider certain evidence.—

(A) In general.—If the Administrator determines that an audit conducted in accordance with the methods developed under paragraph (1) demonstrates that the medical evidence submitted by a specific physician or medical facility is not consistent with prevailing medical practices or the applicable requirements of this Act, any medical evidence from such physician or facility shall be unacceptable for purposes of establishing eligibility for an award under this Act.

(B) Notification.—Upon a determination by the Administrator under subparagraph (A), the Administrator shall notify the physician or medical facility involved of the results of the audit. Such physician or facility shall have a right to appeal such determination under procedures issued by the Administrator.

(C) Submission of valid evidence.—Claimants shall be allowed to submit valid evidence if prior evidence is found unacceptable for purposes of establishing eligibility for an award under this Act.

(b) Review of Certified B-Readers.—

(1) In general.—The Administrator shall prescribe procedures to randomly evaluate the x-rays submitted in support of a statistically significant number of claims by independent certified B-readers, the cost of which shall be paid by the Fund.

(2) Disagreement.—If an independent certified B-reader assigned under paragraph (1) disagrees with the quality grading or ILO level assigned to an x-ray submitted in support of a claim, the Administrator shall require a review of such x-rays by a second independent certified B-reader.

(3) Effect on claim.—If neither certified B-reader under paragraph (2) agrees with the quality grading and the ILO grade level assigned to an x-ray as part of the claim, the Administrator shall take into account the findings of the 2 independent B readers in making the determination on such claim.

(4) Certified B-readers.—The Administrator shall maintain a list of a minimum of 50 certified B-readers eligible to participate in the independent reviews, chosen from all certified B-readers. When an x-ray is sent for independent review, the Administrator shall choose the certified B-reader at random from that list.

(5) Disqualification.—Any certified B-reader who has received compensation before the date of enactment of this Act for assigning an ILO grade level to an x-ray, where the amount of compensation depended on the assigned ILO grade level, is disqualified from inclusion on the Administrator's list.

(c) Smoking Assessment.—

(1) In general.—

(A) Records and documents.—To aid in the assessment of the accuracy of claimant representations as to their smoking status for purposes of determining eligibility and amount of award under Malignant Level VI, Malignant Level VII, or Malignant Level VIII, and exceptional medical claims, the Administrator shall have the authority to obtain relevant records and documents, including—

(i) records of past medical treatment and evaluation;

(ii) affidavits of appropriate individuals;

(iii) applications for insurance and supporting materials; and

(iv) employer records of medical examinations.

(B) Consent.—The claimant shall provide consent for the Administrator to obtain such records and documents where required.

(2) Review.—The frequency of review of records and documents submitted under paragraph (1)(A) shall be at the discretion of the Administrator, but shall address at least 5 percent of the claimants asserting status as nonsmokers or ex-smokers.

(3) Consent.—

(A) In general.—The Administrator may require the performance of blood tests or any other appropriate medical test, where claimants assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(B) Serum cotinine screening.—The Administrator shall require the performance of serum cotinine screening on all claimants who assert they are nonsmokers or ex-smokers for purposes of an award under Malignant Level VI, VII, or VIII, or as an exceptional medical claim, the cost of which shall be paid by the Fund.

(4) Penalty for false statements.—Any false information submitted under this subsection shall be subject to criminal prosecution or civil penalties as provided under section 1348 of title 18, United States Code (as added by this Act) and section 101(c)(2).

(d) Pulmonary Function Testing.—The Administrator shall develop auditing procedures for pulmonary function test results submitted as part of a claim, to ensure that such tests are conducted in accordance with American Thoracic Society Criteria, as defined under section 121(a)(13).

Subtitle C—Medical Criteria

SEC. 121. MEDICAL CRITERIA REQUIREMENTS.

(a) Definitions.—In this section, the following definitions shall apply:

(1) Asbestosis determined by pathology.—The term "asbestosis determined by pathology" means indications of asbestosis based on the pathological grading system for asbestosis described in the Special Issues of the Archives of Pathology and Laboratory Medicine, "Asbestos-associated Diseases", Vol. 106, No. 11, App. 3 (October 8, 1982).

(2) Bilateral asbestos-related nonmalignant disease.—The term "bilateral asbestos-related nonmalignant disease" means a diagnosis of bilateral asbestos-related nonmalignant disease based on—

(A) an x-ray reading of 1/0 or higher based on the ILO grade scale;

(B) bilateral pleural plaques;

(C) bilateral pleural thickening; or

(D) bilateral pleural calcification.

(3) Bilateral pleural disease of B2.—The term "bilateral pleural disease of B2" means a chest wall pleural thickening or plaque with a maximum width of at least 5 millimeters and a total length of at least ¼ of the projection of the lateral chest wall.

(4) Certified B-reader.—The term "certified B-reader" means an individual who is certified by the National Institute of Occupational Safety and Health and whose certification by the National Institute of Occupational Safety and Health is up to date.

(5) Diffuse pleural thickening.—The term "diffuse pleural thickening" means blunting of either costophrenic angle and bilateral pleural plaque or bilateral pleural thickening.

(6) DLCO.—The term "DLCO" means the single-breath diffusing capacity of the lung (carbon monoxide) technique used to measure the volume of carbon monoxide transferred from the alveoli to blood in the pulmonary capillaries for each unit of driving pressure of the carbon monoxide.

(7) FEV1.—The term "FEV1" means forced expiratory volume (1 second), which is the maximal volume of air expelled in 1 second during performance of the spirometric test for forced vital capacity.

(8) FVC.—The term "FVC" means forced vital capacity, which is the maximal volume of air expired with a maximally forced effort from a position of maximal inspiration.

(9) ILO grade.—The term "ILO grade" means the radiological ratings for the presence of lung changes as determined from a chest x-ray, all as established from time to time by the International Labor Organization.

(10) Lower limits of normal.—The term "lower limits of normal" means the fifth percentile of healthy populations as defined in the American Thoracic Society statement on lung function testing (Amer. Rev. Resp. Disease 1991, 144:1202-1218) and any future revision of the same statement.

(11) Nonsmoker.—The term "nonsmoker" means a claimant who—

(A) never smoked; or

(B) has smoked fewer than 100 cigarettes or the equivalent amount of other tobacco products during the claimant's lifetime.

(12) PO_2.—The term "PO_2" means the partial pressure (tension) of oxygen, which measures the amount of dissolved oxygen in the blood.

(13) Pulmonary function testing.—The term "pulmonary function testing" means spirometry testing that is in material compliance with the quality criteria established by the American Thoracic Society and is performed on equipment which is in material compliance with the standards of the American Thoracic Society for technical quality and calibration.

(14) Substantial occupational exposure to asbestos.—

(A) In general.—The term "substantial occupational exposure" means employment in an industry and an occupation where for a substantial portion of a normal work year for that occupation, the claimant—

(i) handled raw asbestos fibers;

(ii) fabricated asbestos-containing products so that the claimant in the fabrication process was exposed to raw asbestos fibers;

(iii) altered, repaired, or otherwise worked with an asbestos-containing product such that the claimant was exposed on a regular basis to asbestos fibers; or

(iv) worked in close proximity to other workers engaged in the activities described under clause (i), (ii), or (iii), such that the claimant was exposed on a regular basis to asbestos fibers.

(B) REGULAR BASIS.—In this paragraph, the term "on a regular basis" means on a frequent or recurring basis.

(15) TLC.—The term "TLC" means total lung capacity, which is the total volume of air in the lung after maximal inspiration.

(16) WEIGHTED OCCUPATIONAL EXPOSURE.—

(A) IN GENERAL.—The term "weighted occupational exposure" means exposure for a period of years calculated according to the exposure weighting formula under subparagraphs (B) through (E).

(B) MODERATE EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved working in areas immediate to where asbestos-containing products were being installed, repaired, or removed under circumstances that involved regular airborne emissions of asbestos fibers, shall count as 1 year of substantial occupational exposure.

(C) HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, involved the direct installation, repair, or removal of asbestos-containing products such that the person was exposed on a regular basis to asbestos fibers, shall count as 2 years of substantial occupational exposure.

(D) VERY HEAVY EXPOSURE.—Subject to subparagraph (E), each year that a claimant's primary occupation, during a substantial portion of a normal work year for that occupation, was in primary asbestos manufacturing, a World War II shipyard, or the asbestos insulation trades, such that the person was exposed on a regular basis to asbestos fibers, shall count as 4 years of substantial occupational exposure.

(E) DATES OF EXPOSURE.—Each year of exposure calculated under subparagraphs (B), (C), and (D) that occurred before 1976 shall be counted at its full value. Each year from 1976 to 1986 shall be counted as ½ of its value. Each year after 1986 shall be counted as ⅒ of its value.

(F) OTHER CLAIMS.—Individuals who do not meet the provisions of subparagraphs (A) through (E) and believe their post-1976 or post-1986 exposures exceeded the Occupational Safety and Health Administration standard may submit evidence, documentation, work history, or other information to substantiate noncompliance with the Occupational Safety and Health Administration standard (such as lack of engineering or work practice controls, or protective equipment) such that exposures would be equivalent to exposures before 1976 or 1986, or to documented exposures in similar jobs or occupations where control measures had not been implemented. Claims under this subparagraph shall be evaluated on an individual basis by a Physicians Panel.

(b) MEDICAL EVIDENCE.—

(1) LATENCY.—Unless otherwise specified, all diagnoses of an asbestos-related disease for a level under this section shall be accompanied by—

(A) a statement by the physician providing the diagnosis that at least 10 years have elapsed between the date of first exposure to asbestos or asbestos-containing products and the diagnosis; or

(B) a history of the claimant's exposure that is sufficient to establish a 10-year latency period between the date of first exposure to asbestos or asbestos-containing products and the diagnosis.

(2) DIAGNOSTIC GUIDELINES.—All diagnoses of asbestos-related diseases shall be based upon—

(A) for disease Levels I through V, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination of the claimant by the physician providing the diagnosis;

(ii) an evaluation of smoking history and exposure history before making a diagnosis;

(iii) an x-ray reading by a certified B-reader; and

(iv) pulmonary function testing in the case of disease Levels III, IV, and V;

(B) for disease Levels I through V, in the case of a claimant who was deceased at the time the claim was filed, a report from a physician based upon a review of the claimant's medical records which shall include—

(i) pathological evidence of the nonmalignant asbestos-related disease; or

(ii) an x-ray reading by a certified B-reader;

(C) for disease Levels VI through IX, in the case of a claimant who was living at the time the claim was filed—

(i) a physical examination by the claimant's physician providing the diagnosis; or

(ii) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(D) for disease Levels VI through IX, in the case of a claimant who was deceased at the time the claim was filed—

(i) a diagnosis of such a malignant asbestos-related disease, as described in this section, by a board-certified pathologist; and

(ii) a report from a physician based upon a review of the claimant's medical records.

(3) CREDIBILITY OF MEDICAL EVIDENCE.—To ensure the medical evidence provided in support of a claim is credible and consistent with recognized medical standards, a claimant under this title may be required to submit—

(A) x-rays or computerized tomography;

(B) detailed results of pulmonary function tests;

(C) laboratory tests;

(D) tissue samples:

(E) results of medical examinations;

(F) reviews of other medical evidence; and

(G) medical evidence that complies with recognized medical standards regarding equipment, testing methods, and procedure to ensure the reliability of such evidence as may be submitted.

(c) EXPOSURE EVIDENCE.—

(1) IN GENERAL.—To qualify for any disease level, the claimant shall demonstrate—

(A) a minimum exposure to asbestos or asbestos-containing products;

(B) the exposure occurred in the United States, its territories or possessions, or while a United States citizen, while an employee of an entity organized under any Federal or State law regardless of location, or while a United States citizen while serving on any United States flagged or owned ship, provided the exposure results from such employment or service; and

(C) any additional asbestos exposure requirement under this section.

(2) PROOF OF EXPOSURE.—

(A) AFFIDAVITS.—Exposure to asbestos sufficient to satisfy the exposure requirements for any disease level may be established by a detailed and specific affidavit that—

(i) is filed by—

(I) the claimant; or

(II) if the claimant is deceased, a coworker or a family member of the claimant; and

(ii) is found in proceedings under this title to be—

(I) reasonably reliable, attesting to the claimant's exposure; and

(II) credible and not contradicted by other evidence.

(B) OTHER PROOF.—Exposure to asbestos may alternatively be established by invoices, construction or other similar records, or any other reasonably reliable and credible evidence.

(C) ADDITIONAL EVIDENCE.—The Administrator may require submission of other or additional evidence of exposure, if available, for a particular claim when determined necessary, as part of the minimum information required under section 113(c).

(D) EVALUATION.—The Administrator shall prescribe procedures to randomly evaluate the affidavits submitted to satisfy the exposure requirements for any disease level.

(3) TAKE HOME EXPOSURE.—

(A) IN GENERAL.—A claimant may alternatively satisfy the medical criteria requirements of this section where a claim is filed by a person who alleges their exposure to asbestos was the result of living with a person who, if the claim had been filed by that person, would have met the exposure criteria for the given disease level, and the claimant lived with such person for the time period necessary to satisfy the exposure requirement, for the claimed disease level.

(B) REVIEW.—Except for claims for disease Level IX (mesothelioma), all claims alleging take home exposure shall be submitted as an exceptional medical claim under section 121(g) for review by a Physicians Panel.

(4) WAIVER FOR WORKERS AND RESIDENTS OF LIBBY, MONTANA.—Because of the unique nature of the asbestos exposure related to the vermiculite mining and milling operations in Libby, Montana, the Administrator shall waive the exposure requirements under this subtitle for individuals who worked at the vermiculite mining and milling facility in Libby, Montana, or lived or worked within a 20-mile radius of Libby, Montana, for at least 12 consecutive months before December 31, 2004. Claimants under this section shall provide such supporting documentation as the Administrator shall require.

(5) EXPOSURE PRESUMPTIONS.—

(A) IN GENERAL.—The Administrator shall prescribe rules identifying specific industries, occupations within such industries, and time periods in which workers employed in those industries and occupations typically had substantial occupational exposure to asbestos as defined under section 121(a). Until 5 years after the Administrator certifies that the Fund is paying claims at a reasonable rate, the industries, occupations and time periods identified by the Administrator shall at a minimum include those identified in the 2002 Trust Distribution Process of the Manville Personal Injury Settlement Trust as of January 1, 2005, as industries, occupations, including proximity, and time periods in which workers were presumed to have had significant occupational exposure to asbestos. Thereafter, the Administrator may by rule modify or eliminate those exposure presumptions required to be adopted from the

Manville Personal Injury Settlement Trust, if there is evidence that demonstrates that the typical exposure for workers in such industries and occupations during such time periods did not constitute substantial occupational exposure in asbestos.

(B) Claimants Entitled to Presumptions.—Any claimant who demonstrates through meaningful and credible evidence that such claimant was employed during relevant time periods in industries and occupations identified under subparagraph (A) shall be entitled to a presumption that the claimant had substantial occupational exposure to asbestos during those time periods. That presumption shall not be conclusive, and the Administrator may find that the claimant does not have substantial occupational exposure if other information demonstrates that the claimant did not in fact have substantial occupational exposure during any part of the relevant time periods.

(C) Criteria Requirements.—Nothing in subparagraph (A) or (B) shall negate the exposure or medical criteria requirements in section 121, for the purpose of receiving compensation from the Fund.

(6) Penalty for False Statement.—Any false information submitted under this subsection shall be subject to section 1348 of title 18, United States Code (as added by this Act).

(d) Asbestos Disease Levels.—

(1) Nonmalignant Level I.—To receive Level I compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease; and

(B) evidence of 5 years cumulative occupational exposure to asbestos.

(2) Nonmalignant Level II.—To receive Level II compensation, a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater, and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or blunting of either costophrenic angle and bilateral pleural plaque or bilateral pleural thickening of at least grade B2 or greater, or bilateral pleural disease of grade B2 or greater;

(B) evidence of TLC less than 80 percent or FVC less than the lower limits of normal, and FEV1/FVC ratio less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question.

(3) Nonmalignant Level III.—To receive Level III compensation a claimant shall provide—

(A) a diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/0 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or diffuse pleural thickening, or bilateral pleural disease of B2 or greater;

(B) evidence of TLC less than 80 percent; FVC less than the lower limits of normal and FEV1/FVC ratio greater than or equal to 65 percent; or evidence of a decline in FVC of 20 percent or greater, after allowing for the expected decrease due to aging, and an FEV1/FVC ratio greater than or equal to 65 percent documented with a second spirometry;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes, other than silica, of that pulmonary condition.

(4) Nonmalignant Level IV.—To receive Level IV compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or diffuse pleural thickening, or bilateral pleural disease of B2 or greater;

(B) evidence of TLC less than 60 percent or FVC less than 60 percent, and FEV1/FVC ratio greater than or equal to 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos before diagnosis; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes, other than silica, of that pulmonary condition.

(5) Nonmalignant Level V.—To receive Level V compensation a claimant shall provide—

(A) diagnosis of bilateral asbestos-related nonmalignant disease with ILO grade of 1/1 or greater and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones, or asbestosis determined by pathology, or diffuse pleural thickening, or bilateral pleural disease of B2 or greater;

(B)(i) evidence of TLC less than 50 percent or FVC less than 50 percent, and FEV1/FVC ratio greater than or equal to 65 percent;

(ii) DLCO less than 40 percent of predicted, plus a FEV1/FVC ratio not less than 65 percent; or

(iii) PO_2 less than 55 mm/Hg, plus a FEV1/FVC ratio not less than 65 percent;

(C) evidence of 5 or more weighted years of substantial occupational exposure to asbestos; and

(D) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2)—

(i) establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question; and

(ii) excluding other more likely causes, other than silica, of that pulmonary condition.

(6) Malignant Level VI.—

(A) In General.—To receive Level VI compensation a claimant shall provide—

(i) a diagnosis of a primary colorectal, laryngeal, esophageal, pharyngeal, or stomach cancer on the basis of findings by a board-certified pathologist;

(ii) evidence of a bilateral asbestos-related nonmalignant disease;

(iii) evidence of 15 or more weighted years of substantial occupational exposure to asbestos; and

(iv) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as a substantial contributing factor in causing the cancer in question.

(B) Referral to Physicians Panel.—All claims filed with respect to Level VI under this paragraph shall be referred to a Physicians Panel for a determination that it is more probable than not that asbestos exposure was a substantial contributing factor in causing the other cancer in question. If the claimant meets the requirements of subparagraph (A), there shall be a presumption of eligibility for the scheduled value of compensation unless there is evidence determined by the Physicians Panel that rebuts that presumption. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

(7) Malignant Level VII.—

(A) In General.—To receive Level VII compensation, a claimant shall provide—

(i) a diagnosis of a primary lung cancer disease on the basis of findings by a board-certified pathologist;

(ii) evidence of bilateral pleural plaques or bilateral pleural thickening or bilateral pleural calcification by chest x-ray or such diagnostic methodology supported by the findings of the Institute of Medicine under subsection (f);

(iii) evidence of 12 or more weighted years of substantial occupational exposure to asbestos; and

(iv) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as a substantial contributing factor in causing the lung cancer in question.

(B) Physicians Panel.—A claimant filing a claim relating to Level VII under this paragraph may request that the claim be referred to a Physicians Panel for a determination of whether the claimant qualifies for the disease category and relevant smoking status. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

(8) Malignant Level VIII.—

(A) In General.—To receive Level VIII compensation, a claimant shall provide a diagnosis—

(i) of a primary lung cancer disease on the basis of findings by a board-certified pathologist;

(ii)(I) of—

(aa) asbestosis based on a chest x-ray of at least 1/0 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and

(bb) 10 or more weighted years of substantial occupational exposure to asbestos;

(II) of—

(aa) asbestosis based on a chest x-ray of at least 1/1 on the ILO scale and showing small irregular opacities of shape or size, either ss, st, or tt, and present in both lower lung zones; and (bb) 8 or more weighted years of substantial occupational exposure to asbestos;

(III) asbestosis determined by pathology and 10 or more weighted years of substantial occupational exposure to asbestos; or

(IV) asbestosis as determined by CT Scan, the cost of which shall not be borne by the Fund. The CT Scan must be interpreted by a board-certified radiologist and confirmed by a board-certified radiologist; and

(iii) supporting medical documentation, such as a written opinion by the examining or diagnosing physician, according to the diagnostic guidelines in section 121(b)(2), establishing asbestos exposure as a substantial contributing factor in causing the lung cancer in question; and 10 or more weighted years of substantial occupational exposure to asbestos.

(B) Physicians Panel.—A claimant filing a claim with respect to Level VIII under this paragraph may request that the claim be referred to a Physicians Panel for a determination of whether the claimant qualifies for the disease category and relevant smoking status. In making its determination under this subparagraph, the Physicians Panel shall consider the intensity and duration of exposure, smoking history, and the quality of evidence relating to exposure and smoking. Claimants shall bear the burden of producing meaningful and credible evidence of their smoking history as part of their claim submission.

(9) Malignant level IX.—To receive Level IX compensation, a claimant shall provide—

(A) a diagnosis of malignant mesothelioma disease on the basis of findings by a board-certified pathologist; and

(B) credible evidence of identifiable exposure to asbestos resulting from—

(i) occupational exposure to asbestos;

(ii) exposure to asbestos fibers brought into the home of the claimant by a worker occupationally exposed to asbestos;

(iii) exposure to asbestos fibers resulting from living or working in the proximate vicinity of a factory, shipyard, building demolition site, or other operation that regularly released asbestos fibers into the air due to operations involving asbestos at that site; or

(iv) other identifiable exposure to asbestos fibers, in which case the claim shall be reviewed by a Physicians Panel under subsection (g) for a determination of eligibility.

(e) Institute of Medicine Study.—Not later than April 1, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health to determine whether there is a causal link between asbestos exposure and other cancers, including colorectal, laryngeal, esophageal, pharyngeal, and stomach cancers, except for mesothelioma and lung cancers. The Institute of Medicine shall issue a report on its findings on causation, which shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels. The Institute of Medicine report shall be binding on the Administrator and the Physicians Panels for purposes of determining whether asbestos exposure is a substantial contributing factor in causing the other cancerous disease in question under subsection (d)(6). If asbestos is not a substantial contributing factor to the particular cancerous disease under subsection (d)(6), subsection (d)(6) shall not apply with respect to that disease and no claim may be filed with, or award paid from, the Fund with respect to that disease under malignant Level VI.

(f) Institute of Medicine Study on CT Scans.—

(1) In general.—Not later than April 1, 2006, the Institute of Medicine of the National Academy of Sciences shall complete a study contracted with the National Institutes of Health of the use of CT scans as a diagnostic tool for bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification.

(2) Findings.—The Institute of Medicine shall make and issue findings based on the study required under paragraph (1) on whether—

(A) CT scans are generally accepted in the medical profession to detect bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification; and

(B) professional standards of practice exist to allow for the Administrator's reasonable reliance on such as evidence of bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification under the Fund.

(3) Report.—The Institute of Medicine shall issue a report on the findings required under paragraph (2), which shall be transmitted to Congress, the Administrator, the Advisory Committee on Asbestos Disease Compensation or the Medical Advisory Committee, and the Physicians Panels.

(4) Report binding on the administrator.—The Institute of Medicine report required under paragraph (3) shall be binding on the Administrator and the Physicians Panels for purposes of determining reliable and acceptable evidence that may be submitted for a Level VII claim under subsection (d)(7).

(g) Exceptional Medical Claims.—

(1) In general.—A claimant who does not meet the medical criteria requirements under this section may apply for designation of the claim as an exceptional medical claim.

(2) Application.—When submitting an application for review of an exceptional medical claim, the claimant shall—

(A) state that the claim does not meet the medical criteria requirements under this section; or

(B) seek designation as an exceptional medical claim within 60 days after a determination that the claim is ineligible solely for failure to meet the medical criteria requirements under subsection (d).

(3) Report of physician.—

(A) In general.—Any claimant applying for designation of a claim as an exceptional medical claim shall support an application filed under paragraph (1) with a report from a physician meeting the requirements of this section.

(B) Contents.—A report filed under subparagraph (A) shall include—

(i) a complete review of the claimant's medical history and current condition;

(ii) such additional material by way of analysis and documentation as shall be prescribed by rule of the Administrator; and

(iii) a detailed explanation as to why the claim meets the requirements of paragraph (4)(B).

(4) Review.—

(A) In general.—The Administrator shall refer all applications and supporting documentation submitted under paragraph (2) to a Physicians Panel for review for eligibility as an exceptional medical claim.

(B) Standard.—A claim shall be designated as an exceptional medical claim if the claimant, for reasons beyond the control of the claimant, cannot satisfy the requirements under this section, but is able, through comparably reliable evidence that meets the standards under this section, to show that the claimant has an asbestos-related condition that is substantially comparable to that of a medical condition that would satisfy the requirements of a category under this section.

(C) Additional information.—A Physicians Panel may request additional reasonable testing to support the claimant's application.

(D) CT scan.—A claimant may submit a CT Scan in addition to an x-ray.

(E) Mesothelioma cases.—

(i) In general.—The Physicals Panel shall grant priority status to—

(I) all Level IX claims with other identifiable asbestos exposure as provided under paragraph (9)(B)(iv); and

(II) all Level IX claims that are filed as exceptional medical claims.

(ii) Physician panel.—If the Physicians Panel issues a certificate of medical eligibility, the claimant shall be deemed to qualify for Level IX compensation. If the Physicians Panel rejects the claim, and the Administrator deems it rejected, the claimant may immediately seek judicial review under section 302.

(5) Approval.—

(A) In general.—If the Physicians Panel determines that the medical evidence is sufficient to show a comparable asbestos-related condition, it shall issue a certificate of medical eligibility designating the category of asbestos-related injury under this section for which the claimant shall be eligible to seek compensation.

(B) Referral.—Upon the issuance of a certificate under subparagraph (A), the Physicians Panel shall submit the claim to the Administrator, who shall give due consideration to the recommendation of the Physicians Panel in determining whether the claimant meets the requirements for compensation under this Act.

(6) Resubmission.—Any claimant whose application for designation as an exceptional medical claim is rejected may resubmit an application if new evidence becomes available. The application shall identify any prior applications and state the new evidence that forms the basis of the resubmission.

(7) Rules.—The Administrator shall promulgate rules governing the procedures for seeking designation of a claim as an exceptional medical claim.

(8) Libby, Montana.—

(A) In general.—A Libby, Montana, claimant may elect to have the claimant's claims designated as exceptional medical claims and referred to a Physicians Panel for review. In reviewing the medical evidence submitted by a Libby, Montana claimant in support of that claim, the Physicians Panel shall take into consideration the unique and serious nature of asbestos exposure in Libby, Montana, including the nature of the pleural disease related to asbestos exposure in Libby, Montana.

(B) Claims.—For all claims for Levels II through IV filed by Libby, Montana claimants, as described under subsection (c)(4), once the Administrator or the Physicians Panel issues a certificate of medical eligibility to a Libby, Montana claimant, and notwithstanding the disease category designated in the certificate or the eligible disease or condition established in accordance with this section, or the value of the award determined in accordance with section 114, the Libby, Montana claimant shall be entitled to an award that is not less than that awarded to claimants who suffer from asbestosis, Level IV. For all malignant claims filed by Libby, Montana claimants, the Libby, Montana claimant shall be entitled to an award that corresponds to the malignant disease category designated by the Administrator or the Physicians Panel.

(C) EVALUATION OF CLAIMS.—For purposes of evaluating exceptional medical claims from Libby, Montana, a claimant shall be deemed to have a comparable asbestos-related condition to an asbestos disease category Level IV, and shall be deemed to qualify for compensation at Level IV, if the claimant provides—

(i) a diagnosis of bilateral asbestos related nonmalignant disease;

(ii) evidence of TLC or FVC less than 80 percent; and

(iii) supporting medical documentation establishing asbestos exposure as a substantial contributing factor in causing the pulmonary condition in question, and excluding more likely causes of that pulmonary condition.

(9) STUDY OF VERMICULITE PROCESSING FACILITIES.—

(A) IN GENERAL.—As part of the ongoing National Asbestos Exposure Review (in this section referred to as "NAER") being conducted by the Agency for Toxic Substances and Disease Registry (in this section referred to as "ATSDR") of facilities that received vermiculite ore from Libby, Montana, the ATSDR shall conduct a study of all Phase 1 sites where—

(i) the Environmental Protection Agency has mandated further action at the site on the basis of current contamination; or

(ii) the site was an exfoliation facility that processed roughly 100,000 tons or more of vermiculite from the Libby mine.

(B) STUDY BY ATSDR.—The study by the ATSDR shall evaluate the facilities identified under subparagraph (A) and compare—

(i) the levels of asbestos emissions from such facilities;

(ii) the resulting asbestos contamination in areas surrounding such facilities;

(iii) the levels of exposure to residents living in the vicinity of such facilities;

(iv) the risks of asbestos-related disease to the residents living in the vicinity of such facilities; and

(v) the risk of asbestos-related mortality to residents living in the vicinity of such facilities,

to the emissions, contamination, exposures, and risks resulting from the mining of vermiculite ore in Libby, Montana.

(C) RESULTS OF STUDY.—The results of the study required under this paragraph shall be transmitted to the Administrator. If the ATSDR finds as a result of such study that, for any particular facility, the levels of emissions from, the resulting contamination caused by, the levels of exposure to nearby residents from, and the risks of asbestos-related disease and asbestos-related mortality to nearby residents from such facility are substantially equivalent to those of Libby, Montana, then the Administrator shall treat claims from residents surrounding such facilities the same as claims of residents of Libby, Montana, and such residents shall have all the rights of residents of Libby, Montana, under this Act. As part of the results of its study, the ATSDR shall prescribe for any such facility the relevant geographic and temporal criteria under which the exposures and risks to the surrounding residents are substantially equivalent to those of residents of Libby, Montana, and therefore qualify for treatment under this paragraph.

(10) NATURALLY OCCURRING ASBESTOS.—A claimant who has been exposed to naturally occurring asbestos may file an exceptional medical claim with the Fund.

(11) ASBESTOS EXPOSURE AS THE RESULT OF A NATURAL OR OTHER DISASTER.—

(A) IN GENERAL.—A claimant may file an exceptional medical claim with the Fund if such claimant has been exposed to asbestos in any area that is subject to a declaration by the President of a major disaster, as defined under section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), as the result of—

(i) the attack on the World Trade Center in New York, New York on September 11, 2001; or

(ii) Hurricane Katrina or Hurricane Rita of 2005 in the Gulf Region of the United States.

(B) REVIEW OF EVIDENCE.—In reviewing medical evidence submitted by a claimant under subparagraph (A)(i) or (ii), the Physicians Panel shall take into consideration the unique nature of these disasters and the potential for asbestos exposure resulting from these disasters.

(h) GUIDELINES FOR CT SCANS.—The Administrator shall commission the American College of Radiology to develop, in consultation with the American Thoracic Society, American College of Chest Physicians, and Institute of Medicine, guidelines and a methodology for the use of CT scans as a diagnostic tool for bilateral pleural plaques, bilateral pleural thickening, or bilateral pleural calcification under the Fund. After development, such guidelines and methodology shall be used for diagnostic purposes under the Fund.

Subtitle D—Awards

SEC. 131. AMOUNT.

(a) IN GENERAL.—An asbestos claimant who meets the requirements of section 111 shall be entitled to an award in an amount determined by reference to the benefit table and the matrices developed under subsection (b).

(b) BENEFIT TABLE.—

(1) IN GENERAL.—An asbestos claimant with an eligible disease or condition established in accordance with section 121 shall be eligible for an award as determined under this subsection. The award for all asbestos claimants with an eligible disease or condition established in accordance with section 121 shall be according to the following schedule:

Level	Scheduled Condition or Disease	Scheduled Value
I	Asbestosis/Pleural Disease A	Medical Monitoring
II	Mixed Disease With Impairment	$25,000
III	Asbestosis/Pleural Disease B	$100,000
IV	Severe Asbestosis	$400,000
V	Disabling Asbestosis	$850,000
VI	Other Cancer	$200,000
VII	Lung Cancer With Pleural Disease	smokers, $300,000; ex-smokers, $725,000; nonsmokers, $800,000
VIII	Lung Cancer With Asbestosis	smokers, $600,000; ex-smokers, $975,000; nonsmokers, $1,100,000
IX	Mesothelioma	$1,100,000

(2) DEFINITIONS.—In this section—

(A) the term "nonsmoker" means a claimant who—

(i) never smoked; or

(ii) has smoked fewer than 100 cigarettes or the equivalent of other tobacco products during the claimant's lifetime; and

(B) the term "ex-smoker" means a claimant who has not smoked during any portion of the 12-year period preceding the diagnosis of lung cancer.

(3) LEVEL IX ADJUSTMENTS.—

(A) IN GENERAL.—The Administrator may increase awards for Level IX claimants who have dependent children so long as the increase under this paragraph is cost neutral. Such increased awards shall be paid for by decreasing awards for claimants other than Level IX, so long as no award levels are decreased more than 10 percent.

(B) IMPLEMENTATION.—Before making adjustments under this paragraph, the Administrator shall publish in the Federal Register notice of, and a plan for, making such adjustments.

(4) SPECIAL ADJUSTMENT FOR FELA CASES.—

(A) IN GENERAL.—A claimant who would be eligible to bring a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, but for section 403 of this Act, shall be eligible for a special adjustment under this paragraph.

(B) REGULATIONS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate regulations relating to special adjustments under this paragraph.

(ii) JOINT PROPOSAL.—Not later than 45 days after the date of enactment of this Act, representatives of railroad management and representatives of railroad labor shall submit to the Administrator a joint proposal for regulations describing the eligibility for and amount of special adjustments under this paragraph. If a joint proposal is submitted, the Administrator shall promulgate regulations that reflect the joint proposal.

(iii) ABSENCE OF JOINT PROPOSAL.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the benefits prescribed in subparagraph (E) shall be the benefits available to claimants, and the Administrator shall promulgate regulations containing such benefits.

(iv) REVIEW.—The parties participating in the arbitration may file in the United States District Court for the District of Columbia a petition for review of the Administrator's order. The court shall have jurisdiction to affirm the order of the Administrator, or to set it aside, in whole or in part, or it may remand the proceedings to the Administrator for such further action as it may direct. On such review, the findings and order of the Administrator shall be conclusive on the parties, except that the order of the Administrator may be set aside, in whole or in parts or remanded to the Administrator, for failure of the Administrator to comply with the requirements of this section, for failure of the order to conform, or confine itself, to matters within the scope of the Administrator's jurisdiction, or for fraud or corruption.

(C) ELIGIBILITY.—An individual eligible to file a claim under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be eligible for a special adjustment under this paragraph if such individual meets the criteria set forth in subparagraph (F).

(D) AMOUNT.—

(i) IN GENERAL.—The amount of the special adjustment shall be based on the type and severity of asbestos disease, and shall be 110 percent of the average amount an injured individual with a disease caused by asbestos, as described in section 121(d) of this Act, would have received, during the 5-year period before the enactment of this Act, adjusted for inflation. This adjustment shall be in addition to any other award for which the claimant is eligible under this Act. The amount of the special adjustment shall be reduced by an amount reasonably calculated to take into account all expenses of litigation normally borne by plaintiffs, including attorney's fees.

(ii) LIMITATION.—The amount under clause (i) may not exceed the amount the claimant is eligible to receive before applying the special adjustment under that clause.

(E) ARBITRATED BENEFITS.—If railroad management and railroad labor are unable to agree on a joint proposal within 45 days after the date of enactment of this Act, the Administrator shall appoint an arbitrator to determine the benefits under subparagraph (D). The Administrator shall appoint an arbitrator who shall be acceptable to both railroad management and railroad labor. Railroad management and railroad labor shall each designate their representatives to participate in the arbitration. The arbitrator shall submit the benefits levels to the Administrator not later than 30 days after appointment and such benefits levels shall be based on information provided by rail labor and rail management. The information submitted to the arbitrator by railroad management and railroad labor shall be considered confidential and shall be disclosed to the other party upon execution of an appropriate confidentiality agreement. Unless the submitting party provides written consent, neither the arbitrator nor either party to the arbitration shall divulge to any third party any information or data, in any form, submitted to the arbitrator under this section. Nor shall either party use such information or data for any purpose other than participation in the arbitration proceeding, and each party shall return to the other any information it has received from the other party as soon the arbitration is concluded. Information submitted to the arbitrator may not be admitted into evidence, nor discovered, in any civil litigation in Federal or State court. The nature of the information submitted to the arbitrator shall be within the sole discretion of the submitting party, and the arbitrator may not require a party to submit any particular information, including information subject to a prior confidentiality agreement.

(F) DEMONSTRATION OF ELIGIBILITY.—

(i) IN GENERAL.—A claimant under this paragraph shall be required to demonstrate—

(I) employment of the claimant in the railroad industry;

(II) exposure of the claimant to asbestos as part of that employment; and

(III) the nature and severity of the asbestos-related injury.

(ii) MEDICAL CRITERIA.—In order to be eligible for a special adjustment a claimant shall meet the criteria set forth in section 121 that would qualify a claimant for a payment under Level II or greater.

(5) MEDICAL MONITORING.—An asbestos claimant with asymptomatic exposure, based on the criteria under section 121(d)(1), shall only be eligible for medical monitoring reimbursement as provided under section 132.

(6) COST-OF-LIVING ADJUSTMENT.—

(A) IN GENERAL.—Beginning January 1, 2007, award amounts under paragraph (1) shall be annually increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment, rounded to the nearest $1,000 increment.

(B) CALCULATION OF COST-OF-LIVING ADJUSTMENT.—For the purposes of subparagraph (A), the cost-of-living adjustment for any calendar year shall be the percentage, if any, by which the consumer price index for the succeeding calendar year exceeds the consumer price index for calendar year 2005.

(C) CONSUMER PRICE INDEX.—

(i) IN GENERAL.—For the purposes of subparagraph (B), the consumer price index for any calendar year is the average of the consumer price index as of the close of the 12-month period ending on August 31 of such calendar year.

(ii) DEFINITION.—For purposes of clause (i), the term "consumer price index" means the consumer price index published by the Department of Labor. The consumer price index series to be used for award escalations shall include the consumer price index used for all-urban consumers, with an area coverage of the United States city average, for all items, based on the 1982–1984 index based period, as published by the Department of Labor.

SEC. 132. MEDICAL MONITORING.

(a) RELATION TO STATUTE OF LIMITATIONS.—The filing of a claim under this Act that seeks reimbursement for medical monitoring shall not be considered as evidence that the claimant has discovered facts that would otherwise commence the period applicable for purposes of the statute of limitations under section 113(b).

(b) COSTS.—Reimbursable medical monitoring costs shall include the costs of a claimant not covered by health insurance for an examination by the claimant's physician, x-ray tests, and pulmonary function tests every 3 years.

(c) REGULATIONS.—The Administrator shall promulgate regulations that establish—

(1) the reasonable costs for medical monitoring that is reimbursable; and

(2) the procedures applicable to asbestos claimants.

SEC. 133. PAYMENT.

(a) STRUCTURED PAYMENTS.—

(1) IN GENERAL.—An asbestos claimant who is entitled to an award should receive the amount of the award through structured payments from the Fund, made over a period of 3 years, and in no event more than 4 years after the date of final adjudication of the claim.

(2) PAYMENT PERIOD AND AMOUNT.—There shall be a presumption that any award paid under this subsection shall provide for payment of—

(A) 40 percent of the total amount in year 1;

(B) 30 percent of the total amount in year 2; and

(C) 30 percent of the total amount in year 3.

(3) EXTENSION OF PAYMENT PERIOD.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for the payment period of an award under subsection (a) to be extended to a 4-year period if such action is warranted in order to preserve the overall solvency of the Fund. Such guidelines shall include reference to the number of claims made to the Fund and the awards made and scheduled to be paid from the Fund as provided under section 405.

(B) LIMITATIONS.—In no event shall less than 50 percent of an award be paid in the first 2 years of the payment period under this subsection.

(4) LUMP-SUM PAYMENTS.—

(A) In general.—The Administrator shall develop guidelines to provide for 1 lump-sum payment to asbestos claimants who are mesothelioma victims and who are alive on the date on which the Administrator receives notice of the eligibility of the claimant.

(B) TIMING OF PAYMENTS.—Lump-sum payments shall be made within the shorter of—

(i) not later than 30 days after the date the claim is approved by the Administrator; or

(ii) not later than 6 months after the date the claim is filed.

(C) TIMING OF PAYMENTS TO BE ADJUSTED WITH RESPECT TO SOLVENCY OF THE FUND.—If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 11 months after the date the claim is filed.

(5) EXPEDITED PAYMENTS.—

(A) IN GENERAL.—The Administrator shall develop guidelines to provide for expedited payments to asbestos claimants in cases of terminal health claims as described under section 106(c)(2)(B) and (C).

(B) TIMING OF PAYMENTS.—Total payments shall be made within the shorter of—

(i) not later than 6 months after the date the claim is approved by the Administrator; or

(ii) not later than 1 year after the date the claim is filed.

(C) TIMING OF PAYMENTS TO BE ADJUSTED WITH RESPECT TO SOLVENCY OF THE FUND.—If the Administrator determines that solvency of the Fund would be severely harmed by the timing of the payments required under subparagraph (B), the time for such payments may be extended to the shorter of—

(i) not later than 1 year after the date the claim is approved by the Administrator; or

(ii) not later than 2 years after the date the claim is filed.

(D) PRIORITIZATION OF CLAIMS.—The Administrator shall, in final regulations promulgated under section 101(c), designate categories of claims to be handled on an expedited basis. The Administrator shall prioritize the processing and payment of health claims involving claimants with the most serious health risks. The Administrator shall also prioritize claims from claimants who face extreme financial hardship.

(6) ANNUITY.—An asbestos claimant may elect to receive any payments to which that claimant is entitled under this title in the form of an annuity.

(b) LIMITATION ON TRANSFERABILITY.—A claim filed under this Act shall not be assignable or otherwise transferable under this Act.

(c) CREDITORS.—An award under this title shall be exempt from all claims of creditors and from levy, execution, and attachment or other remedy for recovery or collection of a debt, and such exemption may not be waived.

(d) MEDICARE AS SECONDARY PAYER.—No award under this title shall be deemed a payment for purposes of section 1862 of the Social Security Act (42 U.S.C. 1395y).

(e) EXEMPT PROPERTY IN ASBESTOS CLAIMANT'S BANKRUPTCY CASE.—If an asbestos claimant files a petition for relief under section 301 of title 11, United States Code, no award granted under this Act shall be treated as property of the bankruptcy estate of the asbestos claimant in accordance with section 541(b)(6) of title 11, United States Code.

(f) EFFECT OF PAYMENT.—The full payment of an asbestos claim under this section shall be in full satisfaction of such claim and shall be deemed to operate as a release to such claim. No claimant with an asbestos claim that has been fully paid under this section may proceed in the tort system with respect to such claim.

SEC. 134. SETOFFS FOR COLLATERAL SOURCE COMPENSATION AND PRIOR AWARDS.

(a) IN GENERAL.—The amount of an award otherwise available to an asbestos claimant under this title shall be reduced by the amount of any collateral source compensation and by any amounts paid or to be paid to the claimant for a prior award under this Act.

(b) EXCLUSIONS.—

(1) COLLATERAL SOURCE COMPENSATION.—In no case shall statutory benefits under workers' compensation laws, special adjustments made under section 131(b)(3), occupational or total disability benefits under the Railroad Retirement Act (45 U.S.C. 201 et seq.), sickness benefits under the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.), and veterans' benefits programs be deemed as collateral source compensation for purposes of this section.

(2) PRIOR AWARD PAYMENTS.—Any amounts paid or to be paid for a prior claim for a nonmalignant disease (Levels I through V) filed against the Fund shall not be deducted as a setoff against amounts payable for the second injury claims for a malignant disease (Levels VI through IX), unless the malignancy was diagnosed before the date on which the nonmalignancy claim was compensated.

SEC. 135. CERTAIN CLAIMS NOT AFFECTED BY PAYMENT OF AWARDS.

(a) IN GENERAL.—The payment of an award under section 106 or 133 shall not be considered a form of compensation or reimbursement for a loss for purposes of imposing liability on any asbestos claimant receiving such payment to repay any—

(1) insurance carrier for insurance payments; or

(2) person or governmental entity on account of worker's compensation, health care, or disability payments.

(b) NO EFFECT ON CLAIMS.—

(1) IN GENERAL.—The payment of an award to an asbestos claimant under section 106 or 133 shall not affect any claim of an asbestos claimant against—

(A) an insurance carrier with respect to insurance; or

(B) against any person or governmental entity with respect to worker's compensation, healthcare, or disability.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to authorize the pursuit of a claim that is preempted under section 403.

TITLE II—ASBESTOS INJURY CLAIMS RESOLUTION FUND

Subtitle A—Asbestos Defendants Funding Allocation

SEC. 201. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) AFFILIATED GROUP.—The term "affiliated group"—

(A) means a defendant participant that is an ultimate parent and any person whose entire beneficial interest is directly or indirectly owned by that ultimate parent on the date of enactment of this Act; and

(B) shall not include any person that is a debtor or any direct or indirect majority-owned subsidiary of a debtor.

(2) INDEMNIFIABLE COST.—The term "indemnifiable cost" means a cost, expense, debt, judgment, or settlement incurred with respect to an asbestos claim that, at any time before December 31, 2002, was or could have been subject to indemnification, contribution, surety, or guaranty.

(3) INDEMNITEE.—The term "indemnitee" means a person against whom any asbestos claim has been asserted before December 31, 2002, who has received from any other person, or on whose behalf a sum has been paid by such other person to any third person, in settlement, judgment, defense, or indemnity in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, other than under a policy of insurance or reinsurance.

(4) INDEMNITOR.—The term "indemnitor" means a person who has paid under a written agreement at any time before December 31, 2002, a sum in settlement, judgment, defense, or indemnity to or on behalf of any person defending against an asbestos claim, in connection with an alleged duty with respect to the defense or indemnification of such person concerning that asbestos claim, except that payments by an insurer or reinsurer under a contract of insurance or reinsurance shall not make the insurer or reinsurer an indemnitor for purposes of this subtitle.

(5) PRIOR ASBESTOS EXPENDITURES.—The term "prior asbestos expenditures"—

(A) means the gross total amount paid by or on behalf of a person at any time before December 31, 2002, in settlement, judgment, defense, or indemnity costs related to all asbestos claims against that person;

(B) includes payments made by insurance carriers to or for the benefit of such person or on such person's behalf with respect to such asbestos claims, except as provided in section 204(g);

(C) shall not include any payment made by a person in connection with or as a result of changes in insurance reserves required by contract or any activity or dispute related to insurance coverage matters for asbestos-related liabilities; and

(D) shall not include any payment made by or on behalf of persons who are or were common carriers by railroad for asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad, including settlement, judgment, defense, or indemnity costs associated with these claims.

(6) ULTIMATE PARENT.—The term "ultimate parent" means a person—

(A) that owned, as of December 31, 2002, the entire beneficial interest, directly or indirectly, of at least 1 other person; and

(B) whose entire beneficial interest was not owned, on December 31, 2002, directly or indirectly, by any other single person (other than a natural person).

(7) ASBESTOS PREMISES CLAIM.—The term "asbestos premises claim"—

(A) means an asbestos claim against a current or former premises owner or landowner, or person controlling or possessing premises or land, alleging injury or death caused by exposure to asbestos on such premises or land or by exposure to asbestos carried off such premises or land on the clothing or belongings of another person; and

(B) includes any such asbestos claim against a current or former employer alleging injury or death caused by exposure to asbestos on premises or land owned, controlled or possessed by the employer, if such claim is not a claim for benefits under a workers' compensation law or veterans' benefits program.

(8) ASBESTOS PREMISES DEFENDANT PARTICIPANT.—The term "asbestos premises defendant participant" means any defendant participant for which 95 percent or more of its prior asbestos expenditures relate to asbestos premises claims against that defendant participant.

SEC. 202. AUTHORITY AND TIERS.

(a) LIABILITY FOR PAYMENTS TO THE FUND.—

(1) IN GENERAL.—Defendant participants shall be liable for payments to the Fund in accordance with this section based on tiers and subtiers assigned to defendant participants.

(2) AGGREGATE PAYMENT OBLIGATIONS LEVEL.—The total payments required of all defendant participants over the life of the Fund shall not exceed a sum equal to $90,000,000,000 less any bankruptcy trust credits under section 222(d). The Administrator shall have the authority to allocate the payments required of the defendant participants among the tiers as provided in this title.

(3) ABILITY TO ENTER REORGANIZATION.—Notwithstanding any other provision of this Act, all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures less than $1,000,000 may proceed with the filing, solicitation, and confirmation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction under section 524(g) of title 11, United States Code. Any asbestos claim made in conjunction with a plan of reorganization allowable under the preceding sentence shall be subject to section 403(d) of this Act.

(b) TIER I.—Tier I shall include all debtors that, together with all of their direct or indirect majority-owned subsidiaries, have prior asbestos expenditures greater than $1,000,000.

(c) TREATMENT OF TIER I BUSINESS ENTITIES IN BANKRUPTCY.—

(1) DEFINITION.—

(A) IN GENERAL.—In this subsection, the term "bankrupt business entity" means a person that is not a natural person that—

(i) filed a petition for relief under chapter 11, of title 11, United States Code, before January 1, 2003;

(ii) has not substantially consummated, as such term is defined under section 1101(2) of title 11, United States Code, a plan of reorganization as of the date of enactment of this Act; and

(iii) the bankruptcy court presiding over the business entity's case determines, after notice and a hearing upon motion filed by the entity within 30 days after the date of enactment of this Act, that asbestos liability was not the sole or precipitating cause of the entity's chapter 11 filing.

(B) MOTION AND RELATED MATTERS.—A motion under subparagraph (A)(iii) shall be supported by—

(i) an affidavit or declaration of the chief executive officer, chief financial officer, or chief legal officer of the business entity; and

(ii) copies of the entity's public statements and securities filings made in connection with the entity's filing for chapter 11 protection.

Notice of such motion shall be as directed by the bankruptcy court, and the hearing shall be limited to consideration of the question of whether or not asbestos liability was the sole or precipitating cause of the entity's chapter 11 filing. The bankruptcy court shall hold a hearing and make its determination with respect to the motion within 30 days after the date the motion is filed. In making its determination, the bankruptcy court shall take into account the affidavits, public statements, and securities filings, and other information, if any, submitted by the entity and all other facts and circumstances presented by an objecting party. Any review of this determination shall be an expedited appeal and limited to whether the decision was against the weight of the evidence. Any appeal of a determination shall be an expedited review to the United States Circuit Court of Appeals for the circuit in which the bankruptcy is filed.

(2) PROCEEDING WITH REORGANIZATION PLAN.—A bankrupt business entity may proceed with the filing, solicitation, confirmation, and consummation of a plan of reorganization that does not comply with the requirements of this Act, including a trust and channeling injunction described in section 524(g) of title 11, United States Code, notwithstanding any other provisions of this Act, if the bankruptcy court makes a favorable determination under paragraph (1)(B), unless the bankruptcy court's determination is overruled on appeal and all appeals are final. Such a bankrupt business entity may continue to so proceed, if—

(A) on request of a party in interest or on a motion of the court, and after a notice and a hearing, the bankruptcy court presiding over the chapter 11 case of the bankrupt business entity determines that such confirmation is required to avoid the liquidation or the need for further financial reorganization of that entity; and

(B) an order confirming the plan of reorganization is entered by the bankruptcy court within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown.

(3) APPLICABILITY.—If the bankruptcy court does not make the determination required under paragraph (2), or if an order confirming the plan is not entered within 9 months after the date of enactment of this Act or such longer period of time approved by the bankruptcy court for cause shown, the provisions of this Act shall apply to the bankrupt business entity notwithstanding the certification. Any timely appeal under title 11, United States Code, from a confirmation order entered during the applicable time period shall automatically extend the time during which this Act is inapplicable to the bankrupt business entity, until the appeal is fully and finally resolved.

(4) OFFSETS.—

(A) PAYMENTS BY INSURERS.—To the extent that a bankrupt business entity or debtor successfully confirms a plan of reorganization, including a trust, and channeling injunction that involves payments by insurers who are otherwise subject to this Act as described under section 524(g) of title 11, United States Code, an insurer who makes payments to the trust shall obtain a dollar-for-dollar reduction in the amount otherwise payable by that insurer under this Act to the Fund.

(B) CONTRIBUTIONS TO FUND.—Any cash payments by a bankrupt business entity, if any, to a trust described under section 524(g) of title 11, United States Code, may be counted as a contribution to the Fund.

(d) TIERS II THROUGH VI.—Except as provided in section 204 and subsection (b) of this section, persons or affiliated groups are included in Tier II, III, IV, V, or VI, according to the prior asbestos expenditures paid by such persons or affiliated groups as follows:

(1) Tier II: $75,000,000 or greater.

(2) Tier III: $50,000,000 or greater, but less than $75,000,000.

(3) Tier IV: $10,000,000 or greater, but less than $50,000,000.

(4) Tier V: $5,000,000 or greater, but less than $10,000,000.

(5) Tier VI: $1,000,000 or greater, but less than $5,000,000.

(6) ASBESTOS PREMISES DEFENDANT PARTICIPANTS.—

(A) IN GENERAL.—Asbestos premises defendant participants that would be included in Tier II, III, IV or V according to their prior asbestos expenditures shall, after 5 years of the Fund being operational, instead be assigned to the immediately lower tier, such that—

(i) an asbestos premises defendant participant that would be assigned to Tier II shall instead be assigned to Tier III;

(ii) an asbestos premises defendant participant that would be assigned to Tier III shall instead be assigned to Tier IV;

(iii) an asbestos premises defendant participant that would be assigned to Tier IV shall instead be assigned to Tier V; and

(iv) an asbestos premises defendant participant that would be assigned to Tier V shall instead be assigned to Tier VI.

(B) RETURN TO ORIGINAL TIER.—The Administrator may return asbestos premises defendant participants to their original tier, on a yearly basis, if the Administrator determines that the additional revenues that would be collected are needed to preserve the solvency of the Fund.

(e) TIER PLACEMENT AND COSTS.—

(1) PERMANENT TIER PLACEMENT.—After a defendant participant or affiliated group is assigned to a tier and subtier under section 204(i)(6), the participant or affiliated group shall remain in that tier and subtier throughout the life of the Fund, regardless of subsequent events, including—

(A) the filing of a petition under a chapter of title 11, United States Code;

(B) a discharge of debt in bankruptcy;

(C) the confirmation of a plan of reorganization; or

(D) the sale or transfer of assets to any other person or affiliated group, unless the Administrator finds that the information submitted by the participant or affiliated group to support its inclusion in that tier was inaccurate.

(2) COSTS.—Payments to the Fund by all persons that are the subject of a case under a chapter of title 11, United States Code, after the date of enactment of this Act—

(A) shall constitute costs and expenses of administration of the case under section 503 of title 11, United States Code, and shall be payable in accordance with the payment provisions under this subtitle notwithstanding the pendency of the case under that title 11;

(B) shall not be stayed or affected as to enforcement or collection by any stay or injunction power of any court; and

(C) shall not be impaired or discharged in any current or future case under title 11, United States Code.

(f) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—All of the following shall be superseded in their entireties by this Act:

(A) The treatment of any asbestos claim in any plan of reorganization with respect to any debtor included in Tier I.

(B) Any asbestos claim against any debtor included in Tier I.

(C) Any agreement, understanding, or undertaking by any such debtor or any third party with respect to the treatment of any asbestos claim filed in a debtor's bankruptcy case or with respect to a debtor before the date of enactment of this Act, whenever such debtor's case is either still pending, if such case is pending under a chapter other than chapter 11 of title 11, United States Code, or subject to confirmation or substantial consummation of a plan of reorganization under chapter 11 of title 11, United States Code.

(2) PRIOR AGREEMENTS OF NO EFFECT.—Notwithstanding section 403(c)(3), any plan of reorganization, agreement, understanding, or undertaking by any debtor (including any pre-petition agreement, understanding, or undertaking that requires future performance) or any third party under paragraph (1), and any agreement, understanding, or undertaking entered into in anticipation, contemplation, or furtherance of a plan of reorganization, to the extent it relates to any asbestos claim, shall be of no force or effect, and no person shall have any right or claim with respect to any such agreement, understanding, or undertaking.

SEC. 203. SUBTIERS.

(a) IN GENERAL.—

(1) SUBTIER LIABILITY.—Except as otherwise provided under subsections (b), (d), and (l) of section 204, persons or affiliated groups shall be included within Tiers I through VII and shall pay amounts to the Fund in accordance with this section.

(2) REVENUES.—

(A) IN GENERAL.—For purposes of this section, revenues shall be determined in accordance with generally accepted accounting principles, consistently applied, using the amount reported as revenues in the annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) for the most recent fiscal year ending on or before December 31, 2002. If the defendant participant or affiliated group does not file reports with the Securities and Exchange Commission, revenues shall be the amount that the defendant participant or affiliated group would have reported as revenues under the rules of the Securities and Exchange Commission in the event that it had been required to file.

(B) INSURANCE PREMIUMS.—Any portion of revenues of a defendant participant that is derived from insurance premiums shall not be used to calculate the payment obligation of that defendant participant under this subtitle.

(C) DEBTORS.—Each debtor's revenues shall include the revenues of the debtor and all of the direct or indirect majority-owned subsidiaries of that debtor, except that the pro forma revenues of a person that is included in Subtier 2 of Tier I shall not be included in calculating the revenues of any debtor that is a direct or indirect majority owner of such Subtier 2 person. If a debtor or affiliated group includes a person in respect of whose liabilities for asbestos claims a class action trust has been established, there shall be excluded from the 2002 revenues of such debtor or affiliated group—

(i) all revenues of the person in respect of whose liabilities for asbestos claims the class action trust was established; and

(ii) all revenues of the debtor and affiliated group attributable to the historical business operations or assets of such person, regardless of whether such business operations or assets were owned or conducted during the year 2002 by such person or by any other person included within such debtor and affiliated group.

(b) TIER I SUBTIERS.—

(1) IN GENERAL.—Each debtor in Tier I shall be included in subtiers and shall pay amounts to the Fund as provided under this section.

(2) SUBTIER 1.—

(A) IN GENERAL.—All persons that are debtors with prior asbestos expenditures of $1,000,000 or greater, shall be included in Subtier 1.

(B) PAYMENT.—Each debtor included in Subtier 1 shall pay on an annual basis 1.67024 percent of the debtor's 2002 revenues.

(C) OTHER ASSETS.—The Administrator, at the sole discretion of the Administrator, may allow a Subtier 1 debtor to satisfy its funding obligation under this paragraph with assets other than cash if the Administrator determines that requiring an all-cash payment of the debtor's funding obligation would render the debtor's reorganization infeasible.

(D) LIABILITY.—

(i) IN GENERAL.—If a person who is subject to a case pending under a chapter of title 11, United States Code, as defined in section 201(3)(A)(i), does not pay when due any payment obligation for the debtor, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the debtor may be liable under sections 223 and 224) from any of the direct or indirect majority-owned subsidiaries under section 201(3)(A)(ii).

(ii) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within a debtor under section 201(3)(A) (i) and (ii) with respect to the payment obligations under this Act.

(iii) RIGHT OF CONTRIBUTION.—

(I) IN GENERAL.—Notwithstanding any other provision of this Act, if a direct or indirect majority-owned foreign subsidiary of a debtor participant (with such relationship to the debtor participant as determined on the date of enactment of this Act) is or becomes subject to any foreign insolvency proceedings, and such foreign direct or indirect-majority owned subsidiary is liquidated in connection with such foreign insolvency proceedings (or if the debtor participant's interest in such foreign subsidiary is otherwise canceled or terminated in connection with such foreign insolvency proceedings), the debtor participant shall have a claim against such foreign subsidiary or the estate of such foreign subsidiary in an amount equal to the greater of—

(aa) the estimated amount of all current and future asbestos liabilities against such foreign subsidiary; or

(bb) the foreign subsidiary's allocable share of the debtor participant's funding obligations to the Fund as determined by such foreign subsidiary's allocable share of the debtor participant's 2002 gross revenue.

(II) DETERMINATION OF CLAIM AMOUNT.—The claim amount under subclause (I) (aa) or (bb) shall be determined by a court of competent jurisdiction in the United States.

(III) EFFECT ON PAYMENT OBLIGATION.—The right to, or recovery under, any such claim shall not reduce, limit, delay, or otherwise affect the debtor participant's payment obligations under this Act.

(3) SUBTIER 2.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors that have no material continuing business operations, other than class action trusts under paragraph (6), but hold cash or other assets that have been allocated or earmarked for the settlement of asbestos claims shall be included in Subtier 2.

(B) ASSIGNMENT OF ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 2 shall assign all of its unencumbered assets to the Fund.

(4) SUBTIER 3.—

(A) IN GENERAL.—Notwithstanding paragraph (2), all persons that are debtors other than those included in Subtier 2, which have no material continuing business operations and no cash or other assets allocated or earmarked for the settlement of any asbestos claim, shall be included in Subtier 3.

(B) ASSIGNMENT OF UNENCUMBERED ASSETS.—Not later than 90 days after the date of enactment of this Act, each person included in Subtier 3 shall contribute an amount equal to 50 percent of its total unencumbered assets.

(5) CALCULATION OF UNENCUMBERED ASSETS.—Unencumbered assets shall be calculated as the Subtier 2 or 3 person's total assets, excluding insurance-related assets, jointly held, in trust or otherwise, with a defendant participant, less—

(A) all allowable administrative expenses;

(B) allowable priority claims under section 507 of title 11, United States Code; and

(C) allowable secured claims.

(6) CLASS ACTION TRUST.—The assets of any class action trust that has been established in respect of the liabilities for asbestos claims of any person included within a debtor and affiliated group that has been included in Tier I (exclusive of any assets needed to pay previously incurred expenses and asbestos claims within the meaning of section 403(d)(1), before the date of enactment of this Act) shall be transferred to the Fund not later than 60 days after the date of enactment of this Act.

(c) TIER II SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier II shall be included in 1 of the 5 subtiers of Tier II, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $27,500,000.

(B) Subtier 2: $24,750,000.

(C) Subtier 3: $22,000,000.

(D) Subtier 4: $19,250,000.

(E) Subtier 5: $16,500,000.

(d) TIER III SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier III shall be included in 1 of the 5 subtiers of Tier III, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with—

(A) those persons or affiliated groups with the highest revenues included in Subtier 1;

(B) those persons or affiliated groups with the next highest revenues included in Subtier 2;

(C) those persons or affiliated groups with the lowest revenues included in Subtier 5;

(D) those persons or affiliated groups with the next lowest revenues included in Subtier 4; and

(E) those persons or affiliated groups remaining included in Subtier 3.

(2) PAYMENTS.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $16,500,000.

(B) Subtier 2: $13,750,000.

(C) Subtier 3: $11,000,000.

(D) Subtier 4: $8,250,000.

(E) Subtier 5: $5,500,000.

(e) TIER IV SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier IV shall be included in 1 of the 4 subtiers of Tier IV, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 4. Those persons or affiliated groups with the highest revenues among those remaining will be included in Subtier 2 and the rest in Subtier 3.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $3,850,000.

(B) Subtier 2: $2,475,000.

(C) Subtier 3: $1,650,000.

(D) Subtier 4: $550,000.

(f) TIER V SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier V shall be included in 1 of the 3 subtiers of Tier V, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $1,000,000.

(B) Subtier 2: $500,000.

(C) Subtier 3: $200,000.

(g) TIER VI SUBTIERS.—

(1) IN GENERAL.—Each person or affiliated group in Tier VI shall be included in 1 of the 3 subtiers of Tier VI, based on the person's or affiliated group's revenues. Such subtiers shall each contain as close to an equal number of total persons and affiliated groups as possible, with those persons or affiliated groups with the highest revenues in Subtier 1, those with the lowest revenues in Subtier 3, and those remaining in Subtier 2.

(2) PAYMENT.—Each person or affiliated group within each subtier shall pay, on an annual basis, the following:

(A) Subtier 1: $500,000.

(B) Subtier 2: $250,000.

(C) Subtier 3: $100,000.

(3) OTHER PAYMENT FOR CERTAIN PERSONS AND AFFILIATED GROUPS.—

(A) IN GENERAL.—Notwithstanding any other provision of this subsection, and if an adjustment authorized by this subsection does not impair the overall solvency of the Fund, any person or affiliated group within Tier VI whose required subtier payment in any given year would exceed such person's or group's average annual expenditure on settlements, and judgments of asbestos disease-related claims over the 8 years before the date of enactment of this Act shall make the payment required of the immediately lower subtier or, if the person's or group's average annual expenditures on settlements and judgments over the 8 years before the date of enactment of this Act is less than $100,000, shall not be required to make a payment under this Act.

(B) NO FURTHER ADJUSTMENT.—Any person or affiliated group that receives an adjustment under this paragraph shall not be eligible to receive any further adjustment under section 204(d).

(h) TIER VII.—

(1) IN GENERAL.—Notwithstanding prior asbestos expenditures that might qualify a person or affiliated group to be included in Tiers II, III, IV, V, or VI, a person or affiliated group shall also be included in Tier VII, if the person or affiliated group—

(A) is or has at any time been subject to asbestos claims brought under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, as a result of operations as a common carrier by railroad; and

(B) has paid (including any payments made by others on behalf of such person or affiliated group) not less than $5,000,000 in settlement, judgment, defense, or indemnity costs relating to such claims, and such settlement, judgment, defense, or indemnity costs constitute 75 percent or more of the total prior asbestos expenditures by the person or affiliated group.

(2) ADDITIONAL AMOUNT.—The payment requirement for persons or affiliated groups included in Tier VII shall be in addition to any payment requirement applicable to such person or affiliated group under Tiers II through VI.

(3) SUBTIER 1.—Each person or affiliated group in Tier VII with revenues of $6,000,000,000 or more is included in Subtier 1 and shall make annual payments of $11,000,000 to the Fund.

(4) SUBTIER 2.—Each person or affiliated group in Tier VII with revenues of less than $6,000,000,000, but not less than $4,000,000,000 is included in Subtier 2 and shall make annual payments of $5,500,000 to the Fund.

(5) SUBTIER 3.—Each person or affiliated group in Tier VII with revenues of less than $4,000,000,000, but not less than $500,000,000 is included in Subtier 3 and shall make annual payments of $550,000 to the Fund.

(6) JOINT VENTURE REVENUES AND LIABILITY.—

(A) REVENUES.—For purposes of this subsection, the revenues of a joint venture shall be included on a pro rata basis reflecting relative joint ownership to calculate the revenues of the parents of that joint venture. The joint venture shall not be responsible for a contribution amount under this subsection.

(B) LIABILITY.—For purposes of this subsection, the liability under the Act of April 22, 1908 (45 U.S.C. 51 et seq.), commonly known as the Employers' Liability Act, shall be attributed to the parent owners of the joint venture on a pro rata basis, reflecting their relative share of ownership. The joint venture shall not be responsible for a payment amount under this provision.

SEC. 204. ASSESSMENT ADMINISTRATION.

(a) IN GENERAL.—

(1) PAYMENT.—Each defendant participant or affiliated group shall pay to the Fund in the amounts provided under this subtitle as appropriate for its tier and subtier each year until the earlier to occur of the following:

(A) The participant or affiliated group has satisfied its obligations under this subtitle during the 30 annual payment cycles of the operation of the Fund.

(B) The amount received by the Fund from defendant participants, excluding any amounts rebated to defendant participants under subsections (d) and (m), equals the maximum aggregate payment obligation of section 202(a)(2).

(2) LIMITATION.—

(A) DEFINITION.—In this paragraph, the term "affiliated group" shall include any defendant participant that is an ultimate parent.

(B) IN GENERAL.—For any affiliated group, the total payment in any year, including any guaranteed payment surcharge under subsection (l) and any bankruptcy trust guarantee surcharge under section 222(c), shall not exceed the lesser of $16,702,400 or 1.67024 percent of the revenues of the affiliated group for the most recent fiscal year ending on or before December 31, 2002, or for the most recent 12-month fiscal year as of the date the limitation is applied, whichever is greater.

(C) EXCEPTION.—The limitation in this paragraph shall not apply to defendant participants in Tier I or to any affiliated group whose revenues for the most recent fiscal year ending on or before December 31, 2002, or for the most recent 12-month fiscal year as of the date the limitation applied, whichever is greater, exceeds $1,000,000,000.

(D) DETERMINATIONS.—The revenues of the affiliated group shall be determined in accordance with section 203(a)(2), except for the applicable date. An affiliated group that claims a reduction in its payment in any year shall file with the Administrator, in accordance with procedures prescribed by the Administrator, sufficient information to allow the Administrator to determine the amount of any such reduction in that year. If as a result of the application of the limitation provided in this paragraph an affiliated group is exempt from paying all or part of a guaranteed payment surcharge or bankruptcy trust surcharge, then the reduction in the affiliated group's payment obligation due to the limitation in this subsection shall be redistributed in accordance with subsection (l).

(E) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as reducing the minimum aggregate annual payment obligation of defendant participants as provided under subsection (h).

(b) SMALL BUSINESS EXEMPTION.—Notwithstanding any other provision of this subtitle, a person or affiliated group that is a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)), on December 31, 2002, is exempt from any payment requirement under this subtitle and shall not be included in the subtier allocations under section 203.

(c) PROCEDURES.—The Administrator shall prescribe procedures on how amounts payable under this subtitle are to be paid, including, to the extent the Administrator determines appropriate, procedures relating to payment in installments.

(d) ADJUSTMENTS.—

(1) IN GENERAL.—Under expedited procedures established by the Administrator, a defendant participant may seek adjustment of the amount of its payment obligation based on severe financial hardship or demonstrated inequity. The Administrator may determine whether to grant an adjustment and the size of any such adjustment, in accordance with this subsection. A defendant participant has a right to obtain a rehearing of the Administrator's determination under this subsection under the procedures prescribed in subsection (i)(10). The Administrator may adjust a defendant participant's payment obligations under this subsection, either by forgiving the relevant portion of the otherwise applicable payment obligation or by providing relevant rebates from the defendant hardship and inequity adjustment account created under subsection (j) after payment of the otherwise applicable payment obligation, at the discretion of the Administrator.

(2) FINANCIAL HARDSHIP ADJUSTMENTS.—

(A) IN GENERAL.—Any defendant participant in any tier may apply for an adjustment under this paragraph at any time during the period in which a payment obligation to the Fund remains outstanding and may qualify for such an adjustment by demonstrating to the satisfaction of the Administrator that the amount of its payment obligation would materially and adversely affect the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due. Such an adjustment shall be in an amount that in the judgment of the Administrator is reasonably necessary to prevent such material and adverse effect on the defendant participant's ability to continue its business and to pay or satisfy its debts generally as and when they come due.

(B) FACTORS TO CONSIDER.—In determining whether to make an adjustment under subparagraph (A) and the amount thereof, the Administrator shall consider—

(i) the financial situation of the defendant participant and its affiliated group as shown in historical audited financial statements, including income statement, balance sheet, and statement of cash flow, for the 3 fiscal years ending immediately before the application and projected financial statements for the 3 fiscal years following the application;

(ii) an analysis of capital spending and fixed charge coverage on a historical basis for the 3 fiscal years immediately preceding a defendant participant's application and for the 3 fiscal years following the application;

(iii) any payments or transfers of property made, or obligations incurred, within the preceding 6 years by the defendant participant to or for the benefit of any insider as defined under section 101(31) of title 11, United States Code, or any affiliate as defined under section 101(2) of title 11, United States Code;

(iv) any prior extraordinary transactions within the preceding 6 years involving the defendant participant, including payments of extraordinary salaries, bonuses, or dividends;

(v) the defendant participant's ability to satisfy its payment obligation to the Fund by borrowing or financing with equity capital, or through issuance of securities of the defendant participant or its affiliated group to the Fund;

(vi) the defendant participant's ability to delay discretionary capital spending; and

(vii) any other factor that the Administrator considers relevant.

(C) TERM.—A financial hardship adjustment under this paragraph shall have a term of 5 years unless the Administrator determines at the time the adjustment is made that a shorter or longer period is appropriate in the light of the financial condition of the defendant participant and its affiliated group and other relevant factors, provided that a financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(D) RENEWAL.—A defendant participant may renew a hardship adjustment upon expiration by demonstrating that it remains justified. Such renewed hardship adjustments shall have a term of 5 years unless the Administrator determines at the time of the renewed adjustment that a shorter or longer period is appropriate in light of the financial condition of the defendant participant and its affiliated group and other relevant factors. A renewed financial hardship adjustment under this paragraph shall terminate automatically in the event that the defendant participant holding the adjustment files a petition under title 11, United States Code.

(E) Procedure.—

(i) In general.—The Administrator shall prescribe the information to be submitted in applications for adjustments under this paragraph.

(ii) Financial information.—All audited financial information required under this paragraph shall be as reported by the defendant participant in its annual report filed with the Securities and Exchange Commission in accordance with the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.). Any defendant participant that does not file reports with the Securities and Exchange Commission or which does not have audited financial statements shall submit financial statements prepared in accordance with generally accepted accounting principles. The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify under penalty of law the completeness and accuracy of the financial statements provided under this subparagraph.

(iii) Certification.—The chairman, chief executive officer, and chief financial officer of the defendant participant shall certify that any projected information and analyses submitted to the Administrator were made in good faith and are reasonable and attainable.

(3) Inequity adjustments.—

(A) In general.—A defendant participant—

(i) may qualify for an adjustment based on inequity by demonstrating that the amount of its payment obligation under the statutory allocation is exceptionally inequitable—

(I) when measured against the amount of the likely cost to the defendant participant net of insurance of its future liability in the tort system in the absence of the Fund;

(II) when measured against the likely cost of past and potential future claims in the absence of this Act;

(III) when compared to the median payment rate for all defendant participants in the same tier; or

(IV) when measured against the percentage of the prior asbestos expenditures of the defendant that were incurred with respect to claims that neither resulted in an adverse judgment against the defendant, nor were the subject of a settlement that required a payment to a plaintiff by or on behalf of that defendant;

(ii) shall qualify for a 2-tier main tier and a 2-tier subtier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such person's prior asbestos expenditures arose from claims related to the manufacture and sale of railroad locomotives and related products, so long as such person's manufacture and sale of railroad locomotives and related products is temporally and causally remote, and for purposes of this clause, a person's manufacture and sale of railroad locomotives and related products shall be deemed to be temporally and causally remote if the asbestos claims historically and generally filed against such person relate to the manufacture and sale of railroad locomotives and related products by an entity dissolved more than 25 years before the date of enactment of this Act;

(iii) shall be granted a 2-tier adjustment reducing the defendant participant's payment obligation based on inequity by demonstrating that not less than 95 percent of such participant's prior asbestos expenditures arose from asbestos claims based on successor liability arising from a merger to which the participant or its predecessor was a party that occurred at least 30 years before the date of enactment of this Act, and that such prior asbestos expenditures exceed the inflation-adjusted value of the assets of the company from which such liability was derived in such merger, and upon such demonstration the Administrator shall grant such adjustment for the life of the Fund and amounts paid by such defendant participant prior to such adjustment in excess of its adjusted payment obligation under this clause shall be credited against next succeeding required payment obligations; and

(iv) may, subject to the discretion of the Administrator, be exempt from any payment obligation if such defendant participant establishes with the Administrator that—

(I) such participant has satisfied all past claims; and

(II) there is no reasonable likelihood in the absence of this Act of any future claims with costs for which the defendant participant might be responsible.

(B) Guidelines.—

(i) In general.—In determining which defendant participants may receive inequity adjustments, the Administrator shall give preference in the following order:

(I) Defendant participants that have significant insurance coverage applicable to asbestos claims, such that on the date of enactment of this Act, 80 percent or more of their available primary insurance limits for asbestos claims remains available.

(II) Defendant participants for which, under the guidance in section 404(a)(2)(E), 75 percent of the prior asbestos expenditures of such defendant participants were caused by or arose from premise liability claims.

(III) Defendant participants that can demonstrate that their prior asbestos expenditures are inflated due to an unusually large, anomalous verdict and that such verdict has caused such defendants to be in a higher tier.

(IV) Any other factor determined reasonable by the Administrator to have caused a serious inequity.

(ii) Consideration.—In determining whether a defendant participant has significant insurance coverage applicable to asbestos claims such that on the date of enactment of this Act, 80 percent or more of their available primary insurance limits for asbestos claims remains available, the Administrator shall inquire and consider—

(I) the defendant participant's expected future liability in the tort system and the adequacy of insurance available measured against future liability; and

(II) whether the insurance coverage is uncontested, or based on a final judgment or settlement.

(C) Payment rate.—For purposes of subparagraph (A), the payment rate of a defendant participant is the payment amount of the defendant participant as a percentage of such defendant participant's gross revenues for the year ending December 31, 2002.

(D) Term.—Subject to the annual availability of funds in the defendant inequity adjustment account established under subsection (j), an inequity adjustment under this subsection shall have a term of 3 years.

(E) Renewal.—A defendant participant may renew an inequity adjustment every 3 years by demonstrating that the adjustment remains justified.

(F) Reinstatement.—

(i) In general.—Following the termination of an inequity adjustment under subparagraph (A), and during the funding period prescribed under subsection (a), the Administrator shall annually determine whether there has been a material change in conditions which would support a finding that the amount of the defendant participant's payment under the statutory allocation was not inequitable. Based on this determination, the Administrator may, consistent with the policies and legislative intent underlying this Act, reinstate any or all of the payment obligations of the defendant participant as if the inequity adjustment had not been granted for that 3-year period.

(ii) Terms and conditions.—In the event of a reinstatement under clause (i), the Administrator may require the defendant participant to pay any part or all of amounts not paid due to the inequity adjustment on such terms and conditions as established by the Administrator.

(4) Tier II adjustments for well-insured defendant participants.—

(A) Definitions.—In this paragraph—

(i) the term "adjusted cash flow from operating activities" means audited cash flows from operating activities as set forth in the Financial Accounting Standards Board Statement of Financial Accounting Standards No. 95 in effect on the date of enactment of this Act, adjusted for amounts—

(I) increased by cash paid for interest and taxes to the extent that such amounts are included in cash flows from operating activities;

(II) increased by payments made for asbestos indemnity, defense costs, and any payments required under this Act, to the extent that such amounts are included in cash flows from operating activities;

(III) increased by nonrecurring and unusual cash charges, including restructuring charges and other non-operating costs, to the extent that such amounts are included in cash flows from operating activities;

(IV) decreased by cash distributions to minority interests to the extent that such amounts are included in cash flows from investing activities and cash flows from financing activities;

(V) increased by cash proceeds on sales of assets net of related secured debt, affiliates, subsidiaries, and investments to the extent that such amounts are included in cash flows from investing and cash flows from financing activities;

(VI) increased by cash distributions from nonconsolidated affiliates and investments to the extent that such amounts are included in cash flows from investing activities and cash flows from financing activities;

(VII) increased by net cash flow used by, and decreased by net cash flow gained from, working capital items to the extent such amounts are not already adjusted under this subparagraph and are included in cash flows from operating activities;

(VIII) increased by net cash flow used by, and decreased by net cash flow gained from, other nonworking capital assets and liabilities, to the extent such amounts are not already adjusted under this subparagraph and are included in cash flows from operating activities;

(IX) decreased by reimbursements or cash proceeds received from asbestos insurance policies for related expenses, to the extent that such amounts are included in cash flows from operating activities; and

(X) decreased by other nonoperating cash income; and

(ii) the term "working capital" means current assets (excluding cash and short-term investments) less current liabilities (excluding short-term debt).

(B) ELECTION OF ALTERNATIVE ADJUSTMENT.—Except for defendant participants that consent to be assigned to Tier II under section 204(i)(7)(A), a defendant participant assigned to subtier 3, 4, or 5 of Tier II may elect the adjustment under this paragraph, which shall apply instead of an adjustment under paragraph (3).

(C) ADJUSTMENT.—Subject to subparagraphs (D) and (E), the annual payment obligation, taking into consideration the limitation under subsection (a)(2), of any defendant participant that elects the adjustment under this paragraph shall be adjusted so as not to exceed the greater of $500,000 or 5 percent of that defendant participant's adjusted cash flow from operating activities for the most recent fiscal year ending on or before December 31, 2002, or for the most recent fiscal year.

(D) LIMITATION.—The aggregate total of adjustments under this paragraph in any year may not exceed $100,000,000. If the aggregate amount of adjustments authorized under this paragraph exceeds $100,000,000, the adjustment to which each defendant participant electing such an adjustment shall be reduced pro rata until the aggregate of all adjustments equals $100,000,000.

(E) SURCHARGES.—Defendant participants receiving an adjustment under this paragraph shall also be subject to the guaranteed payment surcharge under subsection (m) and the bankruptcy trust surcharge under section 222(c). Such surcharges shall be based on the full amount of any adjustment to which the defendant participant would be entitled under subparagraph (C) without regard to the limitation under subparagraph (D).

(5) LIMITATION ON ADJUSTMENTS.—The aggregate total of inequity adjustments under paragraph (3) in effect in any given year shall not exceed $200,000,000, except to the extent that additional monies are available for such adjustments as a result of carryover of prior years' funds under subsection (j)(3) or as a result of monies being made available in that year under subsection (k)(1)(A).

(6) RULEMAKING AND ADVISORY PANELS.—

(A) APPOINTMENT.—The Administrator may appoint a Financial Hardship Adjustment Panel and an Inequity Adjustment Panel to advise the Administrator in carrying out this subsection.

(B) MEMBERSHIP.—The membership of the panels appointed under subparagraph (A) may overlap.

(C) COORDINATION.—The panels appointed under subparagraph (A) shall coordinate their deliberations and advice.

(D) RULES.—The Administrator may adopt rules consistent with this Act to make the determination of hardship and inequity adjustments more efficient and predictable.

(e) LIMITATION ON LIABILITY.—The liability of each defendant participant to pay to the Fund shall be limited to the payment obligations under this Act, and, except as provided in subsection (f) and section 203(b)(2)(D), no defendant participant shall have any liability for the payment obligations of any other defendant participant.

(f) CONSOLIDATION OF PAYMENTS.—

(1) IN GENERAL.—For purposes of determining the payment levels of defendant participants, any affiliated group including 1 or more defendant participants may irrevocably elect, as part of the submissions to be made under paragraphs (1) and (3) of subsection (i), to report on a consolidated basis all of the information necessary to determine the payment level under this subtitle and pay to the Fund on a consolidated basis.

(2) ELECTION.—If an affiliated group elects consolidation as provided in this subsection—

(A) for purposes of this Act other than this subsection, the affiliated group shall be treated as if it were a single participant, including with respect to the assessment of a single annual payment under this subtitle for the entire affiliated group;

(B) the ultimate parent of the affiliated group shall prepare and submit each submission to be made under subsection (i) on behalf of the entire affiliated group and shall be solely liable, as between the Administrator and the affiliated group only, for the payment of the annual amount due from the affiliated group under this subtitle, except that, if the ultimate parent does not pay when due any payment obligation for the affiliated group, the Administrator shall have the right to seek payment of all or any portion of the entire amount due (as well as any other amount for which the affiliated group may be liable under sections 223 and 224) from any member of the affiliated group;

(C) all members of the affiliated group shall be identified in the submission under subsection (i) and shall certify compliance with this subsection and the Administrator's regulations implementing this subsection; and

(D) the obligations under this subtitle shall not change even if, after the date of enactment of this Act, the beneficial ownership interest between any members of the affiliated group shall change.

(3) CAUSE OF ACTION.—Notwithstanding section 221(e), this Act shall not preclude actions among persons within an affiliated group with respect to the payment obligations under this Act.

(g) DETERMINATION OF PRIOR ASBESTOS EXPENDITURES.—

(1) IN GENERAL.—For purposes of determining a defendant participant's prior asbestos expenditures, the Administrator shall prescribe such rules as may be necessary or appropriate to assure that payments by indemnitors before December 31, 2002, shall be counted as part of the indemnitor's prior asbestos expenditures, rather than the indemnitee's prior asbestos expenditures, in accordance with this subsection.

(2) INDEMNIFIABLE COSTS.—If an indemnitor has paid or reimbursed to an indemnitee any indemnifiable cost or otherwise made a payment on behalf of or for the benefit of an indemnitee to a third party for an indemnifiable cost before December 31, 2002, the amount of such indemnifiable cost shall be solely for the account of the indemnitor for purposes under this Act.

(3) INSURANCE PAYMENTS.—When computing the prior asbestos expenditures with respect to an asbestos claim, any amount paid or reimbursed by insurance shall be solely for the account of the indemnitor, even if the indemnitor would have no direct right to the benefit of the insurance, if—

(A) such insurance has been paid or reimbursed to the indemnitor or the indemnitee, or paid on behalf of or for the benefit of the indemnitee; and

(B) the indemnitor has either, with respect to such asbestos claim or any similar asbestos claim, paid or reimbursed to its indemnitee any indemnifiable cost or paid to any third party on behalf of or for the benefit of the indemnitee any indemnifiable cost.

(4) TREATMENT OF CERTAIN EXPENDITURES.—Notwithstanding any other provision of this Act, where—

(A) an indemnitor entered into a stock purchase agreement in 1988 that involved the sale of the stock of businesses that produced friction and other products; and

(B) the stock purchase agreement provided that the indemnitor indemnified the indemnitee and its affiliates for losses arising from various matters, including asbestos claims—

(i) asserted before the date of the agreement; and

(ii) filed after the date of the agreement and prior to the 10-year anniversary of the stock sale,

then the prior asbestos expenditures arising from the asbestos claims described in clauses (i) and (ii) shall not be for the account of either the indemnitor or indemnitee.

(h) MINIMUM ANNUAL PAYMENTS.—

(1) IN GENERAL.—The aggregate annual payments of defendant participants to the Fund shall be at least $3,000,000,000 for each calendar year in the first 30 years of the Fund, or until such shorter time as the condition set forth in subsection (a)(2) is attained.

(2) GUARANTEED PAYMENT ACCOUNT.—To the extent payments in accordance with sections 202 and 203 (as modified by subsections (b), (d), (f), (g), and (m) of this section) fail in any year to raise at least $3,000,000,000, after applicable reductions or adjustments have been taken according to subsections (d) and (m), the balance needed to meet this required minimum aggregate annual payment shall be obtained from the defendant guaranteed payment account established under subsection (k).

(3) GUARANTEED PAYMENT SURCHARGE.—To the extent the procedure set forth in paragraph (2) is insufficient to satisfy the required minimum aggregate annual payment, after applicable reductions or adjustments have been taken according to subsections (d) and (m), the Administrator shall unless the Administrator implements a funding holiday under section 205(b), assess a guaranteed payment surcharge under subsection (l).

(i) PROCEDURES FOR MAKING PAYMENTS.—

(1) INITIAL YEAR: TIERS II–VI.—

(A) IN GENERAL.—Not later than 90 days after enactment of this Act, each defendant participant that is included in Tiers II, III, IV, V, or VI shall file with the Administrator—

(i) a statement of whether the defendant participant irrevocably elects to report on a consolidated basis under subsection (f);

(ii) a good-faith estimate of its prior asbestos expenditures;

(iii) a statement of its 2002 revenues, determined in accordance with section 203(a)(2);

(iv) payment in the amount specified in section 203 for the lowest subtier of the tier within which the defendant participant falls, except that if the defendant participant, or the affiliated group including the defendant participant, had 2002 revenues exceeding $3,000,000,000, it or its affiliated group shall pay the amount specified for Subtier 3 of Tiers II, III, or IV or Subtier 2 of Tiers V or VI, depending on the applicable Tier; and

(v) a signature page personally verifying the truth of the statements and estimates described under this subparagraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(B) RELIEF.—

(i) IN GENERAL.—The Administrator shall establish procedures to grant a defendant participant relief from its initial payment obligation if the participant shows that—

(I) the participant is likely to qualify for a financial hardship adjustment; and

(II) failure to provide interim relief would cause severe irreparable harm.

(ii) JUDICIAL RELIEF.—The Administrator's refusal to grant relief under clause (i) is subject to immediate judicial review under section 303.

(2) INITIAL YEAR: TIER I.—Not later than 60 days after enactment of this Act, each debtor shall file with the Administrator—

(A) a statement identifying the bankruptcy case(s) associated with the debtor;

(B) a statement whether its prior asbestos expenditures exceed $1,000,000;

(C) a statement whether it has material continuing business operations and, if not, whether it holds cash or other assets that have been allocated or earmarked for asbestos settlements;

(D) in the case of debtors falling within Subtier 1 of Tier I—

(i) a statement of the debtor's 2002 revenues, determined in accordance with section 203(a)(2); and

(ii) a payment under section 203(b)(2)(B);

(E) in the case of debtors falling within Subtier 2 of Tier I, an assignment of its assets under section 203(b)(3)(B);

(F) in the case of debtors falling within Subtier 3 of Tier I, a payment under section 203(b)(4)(B), and a statement of how such payment was calculated; and

(G) a signature page personally verifying the truth of the statements and estimates described under this paragraph, as required under section 404 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201 et seq.).

(3) INITIAL YEAR: TIER VII.—Not later than 90 days after enactment of this Act, each defendant participant in Tier VII shall file with the Administrator—

(A) a good faith estimate of all payments of the type described in section 203(h)(1) (as modified by section 203(h)(6));

(B) a statement of revenues calculated in accordance with sections 203(a)(2) and 203(h); and

(C) payment in the amount specified in section 203(h).

(4) NOTICE TO PARTICIPANTS.—Not later than 240 days after enactment of this Act, the Administrator shall—

(A) directly notify all reasonably identifiable defendant participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund; and

(B) publish in the Federal Register a notice—

(i) setting forth the criteria in this Act, and as prescribed by the Administrator in accordance with this Act, for paying under this subtitle as a defendant participant and requiring any person who may be a defendant participant to submit such information; and

(ii) that includes a list of all defendant participants notified by the Administrator under subparagraph (A), and provides for 30 days for the submission by the public of comments or information regarding the completeness and accuracy of the list of identified defendant participants.

(5) RESPONSE REQUIRED.—

(A) IN GENERAL.—Any person who receives notice under paragraph (4)(A), and any other person meeting the criteria specified in the notice published under paragraph (4)(B), shall provide the Administrator with an address to send any notice from the Administrator in accordance with this Act and all the information required by the Administrator in accordance with this subsection no later than the earlier of—

(i) 30 days after the receipt of direct notice; or

(ii) 30 days after the publication of notice in the Federal Register.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(C) CONSENT TO AUDIT AUTHORITY.—The response submitted under subparagraph (A) shall include, on behalf of the defendant participant or affiliated group, a consent to the Administrator's audit authority under section 221(d).

(6) NOTICE OF INITIAL DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INDIVIDUAL.—Not later than 60 days after receiving a response under paragraph (5), the Administrator shall send the person a notice of initial determination identifying the tier and subtier, if any, into which the person falls and the annual payment obligation, if any, to the Fund, which determination shall be based on the information received from the person under this subsection and any other pertinent information available to the Administrator and identified to the defendant participant.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to defendant participants, the Administrator shall publish in the Federal Register a notice listing the defendant participants that have been sent such notification, and the initial determination identifying the tier and subtier assignment and annual payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response in accordance with paragraph (5) is received from a defendant participant, or if the response is incomplete, the initial determination shall be based on the best information available to the Administrator.

(C) PAYMENTS.—Within 30 days of receiving a notice of initial determination requiring payment, the defendant participant shall pay the Administrator the amount required by the notice, after deducting any previous payment made by the participant under this subsection. If the amount that the defendant participant is required to pay is less than any previous payment made by the participant under this subsection, the Administrator shall credit any excess payment against the future payment obligations of that defendant participant. The pendency of a petition for rehearing under paragraph (10) shall not stay the obligation of the participant to make the payment specified in the Administrator's notice.

(7) EXEMPTIONS FOR INFORMATION REQUIRED.—

(A) PRIOR ASBESTOS EXPENDITURES.—In lieu of submitting information related to prior asbestos expenditures as may be required for purposes of this subtitle, a nondebtor defendant participant may consent to be assigned to Tier II.

(B) REVENUES.—In lieu of submitting information related to revenues as may be required for purposes of this subtitle, a nondebtor defendant participant may consent to be assigned to Subtier 1 of the defendant participant's applicable tier.

(8) NEW INFORMATION.—

(A) EXISTING PARTICIPANT.—The Administrator shall adopt procedures for requiring additional payment, or refunding amounts already paid, based on new information received.

(B) ADDITIONAL PARTICIPANT.—If the Administrator, at any time, receives information that an additional person may qualify as a defendant participant, the Administrator shall require such person to submit information necessary to determine whether that person is required to make payments, and in what amount, under this subtitle and shall make any determination or take any other act consistent with this Act based on such information or any other information available to the Administrator with respect to such person.

(9) SUBPOENAS.—The Administrator may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(10) REHEARING.—A defendant participant has a right to obtain rehearing of the Administrator's determination under this subsection of the applicable tier or subtier of the Administrator's determination under subsection (d) of a financial hardship or inequity adjustment, and of the Administrator's determination under subsection (m) of a distributor's adjustment, if the request for rehearing is filed within 30 days after the defendant participant's receipt of notice from the Administrator of the determination. A defendant participant may not file an action under section 303 unless the defendant participant requests a rehearing under this paragraph. The Administrator shall publish a notice in the Federal Register of any change in a defendant participant's tier or subtier assignment or payment obligation as a result of a rehearing.

(j) DEFENDANT INEQUITY ADJUSTMENT ACCOUNT.—

(1) IN GENERAL.—To the extent the total payments by defendant participants in any given year exceed the minimum aggregate annual payments required under subsection (h), excess monies up to a maximum of $200,000,000 in any such year shall be placed in a defendant inequity adjustment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant inequity adjustment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to make up for any relief granted to a defendant participant for demonstrated inequity under subsection (d) or to reimburse any defendant participant granted such relief after its payment of the amount otherwise due; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(3) CARRYOVER OF UNUSED FUNDS.—To the extent the Administrator does not, in any given year, use all of the funds allocated to the account under paragraph (1) for adjustments granted under subsection (d), remaining funds in the account shall be carried forward for use by the Administrator for adjustments in subsequent years.

(k) DEFENDANT GUARANTEED PAYMENT ACCOUNT.—

(1) IN GENERAL.—Subject to subsections (h) and (j), if there are excess monies paid by defendant participants in any given year, including any bankruptcy trust credits that may be due under section 222(d), such monies—

(A) at the discretion of the Administrator, may be used to provide additional adjustments under subsection (d), up to a maximum aggregate of $50,000,000 in such year; and

(B) to the extent not used under subparagraph (A), shall be placed in a defendant guaranteed payment account established within the Fund by the Administrator.

(2) USE OF ACCOUNT MONIES.—Monies from the defendant guaranteed payment account shall be preserved and administered like the remainder of the Fund, but shall be reserved and may be used only—

(A) to ensure the minimum aggregate annual payment required under subsection (h), after applicable reductions or adjustments have been taken according to subsections (d) and (m) is reached each year; and

(B) if the condition set forth in subsection (a)(2) is met, for any purpose that the Fund may serve under this Act.

(l) GUARANTEED PAYMENT SURCHARGE.—

(1) IN GENERAL.—To the extent there are insufficient monies in the defendant guaranteed payment account established in subsection (k) to attain the minimum aggregate annual payment required under subsection (h) in any given year, the Administrator shall, unless the Administrator implements a funding holiday under section 205(b), impose on each defendant participant a surcharge as necessary to raise the balance required to attain the minimum aggregate annual payment required under subsection (h) as provided in this subsection. Any such surcharge shall be imposed on a pro rata basis, in accordance with each defendant participant's relative annual liability under sections 202 and 203 (as modified by subsections (b), (d), (f), (g), and (m) of this section).

(2) LIMITATION.—

(A) DEFINITION.—In this paragraph, the term "economically distressed industry" means an industry, defined by a primary 5-digit NAICS code, wherein 2 or more defendant participants are in Subtier 1 of Tier II under sections 202 and 203, and at least ⅔ of such Tier II defendant participants suffered net operating losses in their United States manufacturing business in 2005.

(B) IN GENERAL.—In no case shall the Administrator—

(i) impose a surcharge under this subsection on any defendant participant included in Subtier 3 of Tier V or VI as described under section 203; or

(ii) notwithstanding paragraph (1), impose in any year a surcharge under this subsection on any defendant participant in an economically distressed industry in excess of 15 percent of the amount set forth for Subtier 1 of Tier II defendant participants under section 203(c)(2)(A).

(C) REALLOCATION.—Any amount not imposed under subparagraph (B) shall be reallocated on a pro rata basis, in accordance with each defendant participant's (other than a defendant participant described under subparagraph (B) relative annual liability under sections 202 and 203 (as modified by subsections (b), (d), (f), and (g) of this section).

(3) CERTIFICATION.—

(A) IN GENERAL.—Before imposing a guaranteed payment surcharge under this subsection, the Administrator shall certify that he or she has used all reasonable efforts to collect mandatory payments for all defendant participants, including by using the authority in subsection (i)(9) of this section and section 223.

(B) NOTICE AND COMMENT.—Before making a final certification under subparagraph (C), the Administrator shall publish a notice in the Federal Register of a proposed certification and provide in such notice for a public comment period of 30 days.

(C) FINAL CERTIFICATION.—

(i) IN GENERAL.—The Administrator shall publish a notice of the final certification in the Federal Register after consideration of all comments submitted under subparagraph (B).

(ii) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under clause (i), the Administrator shall provide each defendant participant with written notice of that defendant participant's payment, including the amount of any surcharge.

(m) ADJUSTMENTS FOR DISTRIBUTORS.—

(1) DEFINITION.—In this subsection, the term "distributor" means a person—

(A) whose prior asbestos expenditures arise exclusively from the sale of products manufactured by others;

(B) who did not prior to December 31, 2002, sell raw asbestos or a product containing more than 95 percent asbestos by weight;

(C) whose prior asbestos expenditures did not arise out of—

(i) the manufacture, installation, repair, reconditioning, maintaining, servicing, constructing, or remanufacturing of any product;

(ii) the control of the design, specification, or manufacture of any product; or

(iii) the sale or resale of any product under, as part of, or under the auspices of, its own brand, trademark, or service mark; and

(D) who is not subject to assignment under section 202 to Tier I, II, III or VII.

(2) TIER REASSIGNMENT FOR DISTRIBUTORS.—

(A) IN GENERAL.—Notwithstanding section 202, the Administrator shall assign a distributor to a Tier for purposes of this title under the procedures set forth in this paragraph.

(B) DESIGNATION.—After a final determination by the Administrator under section 204(i), any person who is, or any affiliated group in which every member is, a distributor may apply to the Administrator for adjustment of its Tier assignment under this subsection. Such application shall be prepared in accordance with such procedures as the Administrator shall promulgate by rule. Once the Administrator designates a person or affiliated group as a distributor under this subsection, such designation and the adjustment of tier assignment under this subsection are final.

(C) PAYMENTS.—Any person or affiliated group that seeks adjustment of its Tier assignment under this subsection shall pay all amounts required of it under this title until a final determination by the Administrator is made under this subsection. Such payments may not be stayed pending any appeal. The Administrator shall grant any person or affiliated group a refund or credit of any payments made if such adjustment results in a lower payment obligation.

(D) ADJUSTMENT.—Subject to paragraph (3), any person or affiliated group that the Administrator has designated as a distributor under this subsection shall be given an adjustment of Tier assignment as follows:

(i) A distributor that but for this subsection would be assigned to Tier IV shall be deemed assigned to Tier V.

(ii) A distributor that but for this subsection would be assigned to Tier V shall be deemed assigned to Tier VI.

(iii) A distributor that but for this subsection would be assigned to Tier VI shall be deemed assigned to no Tier and shall have no obligation to make any payment to the Fund under this Act.

(E) EXCLUSIVE TO INEQUITY ADJUSTMENT.—Any person or affiliated group designated by the Administrator as a distributor under this subsection shall not be eligible for an inequity adjustment under subsection 204(d).

(3) LIMITATION ON ADJUSTMENTS.—The aggregate total of distributor adjustments under this subsection in effect in any given year shall not exceed $50,000,000. If the aggregate total of distributors adjustments under this subsection would otherwise exceed $50,000,000, then each distributor's adjustment shall be reduced pro rata until the aggregate of all adjustments equals $50,000,000.

(4) REHEARING.—A defendant participant has a right to obtain a rehearing of the Administrator's determination on an adjustment under this subsection under the procedures prescribed in subsection (i)(10).

SEC. 205. STEPDOWNS AND FUNDING HOLIDAYS.

(a) STEPDOWNS.—

(1) IN GENERAL.—

(A) REDUCTION.—Subject to paragraph (2), the minimum aggregate annual funding obligation under section 204(h) shall be reduced by 10 percent of the initial minimum aggregate funding obligation at the end of the 10th, 15th, 20th, and 25th years after the date of enactment of this Act. Except as provided under subparagraph (B), the reductions under this paragraph shall be applied on an equal pro rata basis to the funding obligations of all defendant participants.

(B) CALCULATION.—The reductions under this subsection shall not apply to defendant participants in Tier I, Subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(a)(2) or who have received a financial hardship adjustment under section 204(d)(2), aggregate potential reductions under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reduction under this subsection exceeds the reduction in the defendant participant's payment obligation due to the limitation under section 204(a)(2) and the financial hardship adjustment under section 204(d)(2), then the defendant participant's payment obligation shall be further reduced by the difference between the potential reduction provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(a)(2) and the financial hardship adjustment provided under section 204(d)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(a)(2) and any financial hardship adjustment provided under section 204(d)(2) exceeds the amount of the reduction provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph.

(2) LIMITATION.—The Administrator shall suspend, cancel, reduce, or delay any reduction under paragraph (1) if at any time the Administrator finds, in accordance with subsection (c), that such action is necessary and appropriate to ensure that the assets of the Fund and expected future payments remain sufficient to satisfy the Fund's anticipated obligations.

(b) FUNDING HOLIDAYS.—

(1) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments, taking into consideration any reductions under subsection (a), are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the Administrator shall

reduce or waive all or any part of the payments required from defendant participants for that year.

(2) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under paragraph (1) every year.

(3) LIMITATIONS ON FUNDING HOLIDAYS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), any reduction or waiver of the defendant participants' funding obligations shall—

(i) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(ii) be applied on an equal pro rata basis to the funding obligations of all defendant participants, except with respect to defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(B) CALCULATION.—The reductions or waivers provided under this subsection shall not apply to defendant participants in Tier I, Subtiers 2 and 3, and class action trusts. For defendant participants whose payment obligation has been limited under section 204(a)(2) or who have received a financial hardship adjustment under section 204(d)(2), aggregate potential reductions under this subsection shall be calculated on the basis of the defendant participant's tier and subtier without regard to such limitation or adjustment. If the aggregate potential reductions or waivers under this subsection exceed the reduction in the defendant participant's payment obligation due to the limitation under section 204(a)(2) and the financial hardship adjustment under section 204(d)(2), then the defendant participant's payment obligation shall be further reduced by the difference between the potential reductions or waivers provided under this subsection and the reductions that the defendant participant has already received due to the application of the limitation provided in section 204(a)(2) and the financial hardship adjustment provided under section 204(d)(2). If the reduction in the defendant participant's payment obligation due to the limitation provided in section 204(a)(2) and any of the financial hardship adjustment provided under section 204(d)(2) exceeds the amount of the reductions or waivers provided in this subsection, then the defendant participant's payment obligation shall not be further reduced under this paragraph.

(4) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all defendant participants, except defendant participants in Subtiers 2 and 3 of Tier I and class action trusts, for that year.

(c) CERTIFICATION.—

(1) IN GENERAL.—Before suspending, canceling, reducing, or delaying any reduction under subsection (a) or granting or revoking a reduction or waiver under subsection (b), the Administrator shall certify that the requirements of this section are satisfied.

(2) NOTICE AND COMMENT.—Before making a final certification under this subsection, the Administrator shall publish a notice in the Federal Register of a proposed certification and a statement of the basis therefor and provide in such notice for a public comment period of 30 days.

(3) FINAL CERTIFICATION.—

(A) IN GENERAL.—The Administrator shall publish a notice of the final certification in the Federal Register after consideration of all comments submitted under paragraph (2).

(B) WRITTEN NOTICE.—Not later than 30 days after publishing any final certification under subparagraph (A), the Administrator shall provide each defendant participant with written notice of that defendant's funding obligation for that year.

SEC. 206. ACCOUNTING TREATMENT.

Defendant participants payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each defendant participant. This section shall in no way reduce the amount of monetary payments to the Fund by defendant participants as required under section 202(a)(2).

Subtitle B—Asbestos Insurers Commission

SEC. 210. DEFINITION.

In this subtitle, the term "captive insurance company" means a company—

(1) whose entire beneficial interest is owned on the date of enactment of this Act, directly or indirectly, by a defendant participant or by the ultimate parent or the affiliated group of a defendant participant;

(2) whose primary commercial business during the period from calendar years 1940 through 1986 was to provide insurance to its ultimate parent or affiliated group, or any portion of the affiliated group or a combination thereof; and

(3) that was incorporated or operating no later than December 31, 2003.

SEC. 211. ESTABLISHMENT OF ASBESTOS INSURERS COMMISSION.

(a) ESTABLISHMENT.—There is established the Asbestos Insurers Commission (referred to in this subtitle as the "Commission") to carry out the duties described in section 212.

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 5 members who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—

(A) EXPERTISE.—Members of the Commission shall have sufficient expertise to fulfill their responsibilities under this subtitle.

(B) CONFLICT OF INTEREST.—

(i) IN GENERAL.—No member of the Commission appointed under paragraph (1) may be an employee or immediate family member of an employee of an insurer participant. No member of the Commission shall be a shareholder of any insurer participant. No member of the Commission shall be a former officer or director, or a former employee or former shareholder of any insurer participant who was such an employee, shareholder, officer, or director at any time during the 2-year period ending on the date of the appointment, unless that is fully disclosed before consideration in the Senate of the nomination for appointment to the Commission.

(ii) DEFINITION.—In clause (i), the term "shareholder" shall not include a broadly based mutual fund that includes the stocks of insurer participants as a portion of its overall holdings.

(C) FEDERAL EMPLOYMENT.—A member of the Commission may not be an officer or employee of the Federal Government, except by reason of membership on the Commission.

(3) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(5) CHAIRMAN.—The President shall select a Chairman from among the members of the Commission.

(c) MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(2) SUBSEQUENT MEETINGS.—The Commission shall meet at the call of the Chairman, as necessary to accomplish the duties under section 212.

(3) QUORUM.—No business may be conducted or hearings held without the participation of a majority of the members of the Commission.

SEC. 212. DUTIES OF ASBESTOS INSURERS COMMISSION.

(a) DETERMINATION OF INSURER PAYMENT OBLIGATIONS.—

(1) IN GENERAL.—

(A) DEFINITIONS.—For the purposes of this Act, the terms "insurer" and "insurer participant" shall, unless stated otherwise, include direct insurers and reinsurers, as well as any run-off entity established, in whole or in part, to review and pay asbestos claims.

(B) PROCEDURES FOR DETERMINING INSURER PAYMENTS.—

(i) AMOUNT OF PAYMENTS.—The Commission shall determine the amount that each insurer participant shall be required to pay into the Fund under the procedures described in this section. The Commission shall make the determination by first promulgating a rule establishing a methodology for allocation of payments among insurer participants and then applying such methodology to determine the individual payment for each insurer participant. The methodology shall be uniform for all insurer participants.

(ii) RESERVE STUDY REQUIRED.—The Commission shall conduct a reserve study (the "Reserve Study") to determine the appropriate reserve allocation of each insurer participant and may request information from each insurer participant, defendant participant, the Securities and Exchange Commission or any State regulatory agency for the purpose of conducting the Reserve Study. The Reserve Study shall calculate each insurer's exposure to current and future asbestos claims in the asbestos litigation environment before the date of enactment of this Act. Such calculation shall be derived from the following elements:

(I) An estimation of each defendant participant's current and future exposure to expense and loss costs in the asbestos litigation environment before the date of enactment of this Act ("Ultimate Expense and Loss").

(II) The application of a uniform set of assumptions regarding the application of insurance and reinsurance to Ultimate Expense and Loss and an analysis of each insurer participant's unresolved or unexhausted insurance or reinsurance coverage applicable to such Ultimate Expense and Loss for each defendant participant;

(III) A projection of each insurer's exposure to claims by entities that had not yet become defendants as of the date of enactment of this Act, but might reasonably have been anticipated to become defendants in the future if the asbestos litigation environment before the date of enactment of this Act had continued. Not later than 60 days after the initial meeting of the Commission, the Commission shall commence a rulemaking proceeding under section 213(a) to propose and adopt a methodology for conducting the Reserve Study and allocating payments among insurer participants on the basis of the Reserve Study. Such methodology shall be consistent with this subparagraph.

(iii) PERMITTED EXTRAPOLATION OF ULTIMATE EXPENSE AND LOSS FOR PERIPHERAL DEFENDANT PARTICIPANTS.—The Commission may establish an appropriate methodology to extrapolate Ultimate Expense and Loss for Tier VI defendant participants for the purposes of the Reserve Study. Considerations for such methodology shall include the nature of that Tier VI defendant participant's asbestos liability, the number of pending and historic asbestos claims against the Tier VI defendant participant, and the jurisdictions in which such Tier VI defendant participant had been sued for asbestos liability.

(iv) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall affect the initial payment requirement in section 212(e)(1).

(C) SCOPE.—Every insurer, reinsurer, and runoff entity with asbestos-related obligations in the United States shall be subject to the Commission's and Administrator's authority under this Act, including allocation determinations, and shall be required to fulfill its payment obligation without regard as to whether it is licensed in the United States. Every insurer participant not licensed or domiciled in the United States shall, upon the first payment to the Fund, submit a written consent to the Commission's and Administrator's authority under this Act, and to the jurisdiction of the courts of the United States for purposes of enforcing this Act, in a form determined by the Administrator. Any insurer participant refusing to provide a written consent shall be subject to fines and penalties as provided in section 223.

(D) ISSUERS OF FINITE RISK POLICIES.—

(i) IN GENERAL.—The issuer of any policy of retrospective reinsurance purchased by an insurer participant or its affiliate after 1990 that provides for a risk or loss transfer to insure for asbestos losses and other losses (both known and unknown), including those policies commonly referred to as "finite risk", "aggregate stop loss", "aggregate excess of loss", or "loss portfolio transfer" policies, shall be obligated to make payments required under this Act directly to the Fund on behalf of the insurer participant who is the beneficiary of such policy, subject to the underlying retention and the limits of liability applicable to such policy.

(ii) PAYMENTS.—Payments to the Fund required under this Act shall be treated as loss payments for asbestos bodily injury (as if such payments were incurred as liabilities imposed in the tort system) and shall not be subject to exclusion under policies described under clause (i) as a liability with respect to tax or assessment. Within 90 days after the scheduled date to make an annual payment to the Fund, the insurer participant shall, at its discretion, direct the reinsurer issuing such policy to pay all or a portion of the annual payment directly to the Fund up to the full applicable limits of liability under the policy. The reinsurer issuing such policy shall be obligated to make such payments directly to the Fund and shall be subject to the enforcement provisions under section 223. The insurer participant shall remain obligated to make payment to the Fund of that portion of the annual payment not directed to the issuer of such reinsurance policy.

(2) AMOUNT OF PAYMENTS.—

(A) AGGREGATE PAYMENT OBLIGATION.—The total payment required of all insurer participants over the life of the Fund shall be equal to $46,025,000,000, less any bankruptcy trust credits under section 222(d).

(B) ACCOUNTING STANDARDS.—In determining the payment obligations of participants that are not licensed or domiciled in the United States or that are runoff entities, the Commission shall use accounting standards required for United States licensed direct insurers.

(C) CAPTIVE INSURANCE COMPANIES.—No payment to the Fund shall be required from a captive insurance company, unless and only to the extent a captive insurance company, on the date of enactment of this Act, insures the asbestos liability, directly or indirectly, of (and that arises out of the manufacture, sale, distribution or installation of materials or products by, or other conduct of) a person or persons other than and unaffiliated with its ultimate parent or affiliated group or pool in which the ultimate parent participates or participated, or unaffiliated with a person that was its ultimate parent or a member of its affiliated group or pool at the time the relevant insurance or reinsurance was issued by the captive insurance company.

(D) SEVERAL LIABILITY.—Unless otherwise provided under this Act, each insurer participant's obligation to make payments to the Fund is several. Unless otherwise provided under this Act, there is no joint liability, and the future insolvency by any insurer participant shall not affect the payment required of any other insurer participant.

(3) PAYMENT OF CRITERIA.—

(A) INCLUSION IN INSURER PARTICIPANT CATEGORY.—

(i) IN GENERAL.—Insurers that have paid, or been assessed by a legal judgment or settlement, at least $1,000,000 in defense and indemnity costs before the date of enactment of this Act in response to claims for compensation for asbestos injuries arising from a policy of liability insurance or contract of liability reinsurance or retrocessional reinsurance shall be insurer participants in the Fund. Other insurers shall be exempt from mandatory payments.

(ii) INAPPLICABILITY OF SECTION 202.—Since insurers may be subject in certain jurisdictions to direct action suits, and it is not the intent of this Act to impose upon an insurer, due to its operation as an insurer, payment obligations to the Fund in situations where the insurer is the subject of a direct action, no insurer subject to mandatory payments under this section shall also be liable for payments to the Fund as a defendant participant under section 202.

(B) INSURER PARTICIPANT ALLOCATION METHODOLOGY.—

(i) IN GENERAL.—The Commission shall establish the payment obligations of individual insurer participants to reflect, on an equitable basis, the relative tort system liability of the participating insurers in the absence of this Act, considering and weighting, as appropriate (but exclusive of workers' compensation), such factors as—

(I) historic premium for lines of insurance associated with asbestos exposure over relevant periods of time;

(II) recent loss experience for asbestos liability;

(III) amounts reserved for asbestos liability;

(IV) the likely cost to each insurer participant of its future liabilities under applicable insurance policies; and

(V) any other factor the Commission may determine is relevant and appropriate.

(ii) DETERMINATION OF RESERVES.—The Commission may establish procedures and standards for determination of the asbestos reserves of insurer participants. The reserves of a United States licensed reinsurer that is wholly owned by, or under common control of, a United States licensed direct insurer shall be included as part of the direct insurer's reserves when the reinsurer's financial results are included as part of the direct insurer's United States operations, as reflected in footnote 33 of its filings with the National Association of Insurance Commissioners or in published financial statements prepared in accordance with generally accepted accounting principles.

(C) PAYMENT SCHEDULE.—The aggregate annual amount of payments by insurer participants over the life of the Fund shall be as follows:

(i) For years 1 and 2, $2,700,000,000 annually.

(ii) For years 3 through 5, $5,075,000,000 annually.

(iii) For years 6 through 27, $1,147,000,000 annually.

(iv) For year 28, $166,000,000.

(D) CERTAIN RUNOFF ENTITIES.—A runoff entity shall include any direct insurer or reinsurer whose asbestos liability reserves have been transferred, directly or indirectly, to the runoff entity and on whose behalf the runoff entity handles or adjusts and, where appropriate, pays asbestos claims.

(E) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—

(i) IN GENERAL.—Under the procedures established in subsection (b), an insurer participant may seek adjustment of the amount of its payments based on exceptional circumstances or severe financial hardship.

(ii) FINANCIAL ADJUSTMENTS.—An insurer participant may qualify for an adjustment based on severe financial hardship by demonstrating that payment of the amounts required by the Commission's methodology would jeopardize the solvency of such participant.

(iii) EXCEPTIONAL CIRCUMSTANCE ADJUSTMENT.—An insurer participant may qualify for an adjustment based on exceptional circumstances by demonstrating—

(I) that the amount of its payments under the Commission's allocation methodology is exceptionally inequitable when measured against the amount of the likely cost to the participant of its future liability in the tort system in the absence of the Fund;

(II) an offset credit as described in subparagraphs (A) and (C) of subsection (b)(4); or

(III) other exceptional circumstances.

The Commission may determine whether to grant an adjustment and the size of any such adjustment, but except as provided under paragraph (1)(B), subsection (f)(3), and section 405(f), any such adjustment shall not affect the aggregate payment obligations of insurer participants specified in paragraph (2)(A) and subparagraph (C) of this paragraph.

(iv) TIME PERIOD OF ADJUSTMENT.—Except for adjustments for offset credits, adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating to the Administrator that it remains justified.

(F) FUNDING HOLIDAYS.—

(i) IN GENERAL.—If the Administrator determines, at any time after 10 years following the date of enactment of this Act, that the assets of the Fund at the time of such determination and expected future payments are sufficient to satisfy the Fund's anticipated obligations without the need for all, or any portion of, that year's payment otherwise required under this subtitle, the

Administrator shall reduce or waive all or any part of the payments required from insurer participants for that year.

(ii) ANNUAL REVIEW.—The Administrator shall undertake the review required by this subsection and make the necessary determination under clause (i) every year.

(iii) LIMITATIONS OF FUNDING HOLIDAYS.—Any reduction or waiver of the insurer participants' funding obligations shall—

(I) be made only to the extent the Administrator determines that the Fund will still be able to satisfy all of its anticipated obligations; and

(II) be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(iv) NEW INFORMATION.—If at any time the Administrator determines that a reduction or waiver under this section may cause the assets of the Fund and expected future payments to decrease to a level at which the Fund may not be able to satisfy all of its anticipated obligations, the Administrator shall revoke all or any part of such reduction or waiver to the extent necessary to ensure that the Fund's obligations are met. Such revocations shall be applied on an equal pro rata basis to the funding obligations of all insurer participants for that year.

(b) PROCEDURE FOR NOTIFYING INSURER PARTICIPANTS OF INDIVIDUAL PAYMENT OBLIGATIONS.—

(1) NOTICE TO PARTICIPANTS.—Not later than 30 days after promulgation of the final rule establishing an allocation methodology under subsection (a)(1), the Commission shall—

(A) directly notify all reasonably identifiable insurer participants of the requirement to submit information necessary to calculate the amount of any required payment to the Fund under the allocation methodology; and

(B) publish in the Federal Register a notice—

(i) requiring any person who may be an insurer participant (as determined by criteria outlined in the notice) to submit such information; and

(ii) that includes a list of all insurer participants notified by the Commission under subparagraph (A), and provides for 30 days for the submission of comments or information regarding the completeness and accuracy of the list of identified insurer participants.

(2) RESPONSE REQUIRED BY INDIVIDUAL INSURER PARTICIPANTS.—

(A) IN GENERAL.—Any person who receives notice under paragraph (1)(A), and any other person meeting the criteria specified in the notice published under paragraph (1)(B), shall respond by providing the Commission with all the information requested in the notice under a schedule or by a date established by the Commission.

(B) CERTIFICATION.—The response submitted under subparagraph (A) shall be signed by a responsible corporate officer, general partner, proprietor, or individual of similar authority, who shall certify under penalty of law the completeness and accuracy of the information submitted.

(3) NOTICE TO INSURER PARTICIPANTS OF INITIAL PAYMENT DETERMINATION.—

(A) IN GENERAL.—

(i) NOTICE TO INSURERS.—Not later than 120 days after receipt of the information required by paragraph (2), the Commission shall send each insurer participant a notice of initial determination requiring payments to the Fund, which shall be based on the information received from the participant in response to the Commission's request for information. An insurer participant's payments shall be payable over the schedule established in subsection (a)(3)(C), in annual amounts proportionate to the aggregate annual amount of payments for all insurer participants for the applicable year.

(ii) PUBLIC NOTICE.—Not later than 7 days after sending the notification of initial determination to insurer participants, the Commission shall publish in the Federal Register a notice listing the insurer participants that have been sent such notification, and the initial determination on the payment obligation of each identified participant.

(B) NO RESPONSE; INCOMPLETE RESPONSE.—If no response is received from an insurer participant, or if the response is incomplete, the initial determination requiring a payment from the insurer participant shall be based on the best information available to the Commission.

(4) COMMISSION REVIEW, REVISION, AND FINALIZATION OF INITIAL PAYMENT DETERMINATIONS.—

(A) COMMENTS FROM INSURER PARTICIPANTS.—Not later than 30 days after receiving a notice of initial determination from the Commission, an insurer participant may provide the Commission with additional information to support adjustments to the required payments to reflect severe financial hardship or exceptional circumstances, including the provision of an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy judicially confirmed after May 22, 2003, but before the date of enactment of this Act.

(B) ADDITIONAL PARTICIPANTS.—If, before the final determination of the Commission, the Commission receives information that an additional person may qualify as an insurer participant, the Commission shall require such person to submit information necessary to determine whether payments from that person should be required, in accordance with the requirements of this subsection.

(C) REVISION PROCEDURES.—The Commission shall adopt procedures for revising initial payments based on information received under subparagraphs (A) and (B), including a provision requiring an offset credit for an insurer participant for the amount of any asbestos-related payments it made or was legally obligated to make, including payments released from an escrow, as the result of a bankruptcy confirmed after May 22, 2003, but before the date of enactment of this Act.

(5) EXAMINATIONS AND SUBPOENAS.—

(A) EXAMINATIONS.—The Commission may conduct examinations of the books and records of insurer participants to determine the completeness and accuracy of information submitted, or required to be submitted, to the Commission for purposes of determining participant payments.

(B) SUBPOENAS.—The Commission may request the Attorney General to subpoena persons to compel testimony, records, and other information relevant to its responsibilities under this section. The Attorney General may enforce such subpoena in appropriate proceedings in the United States district court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(6) ESCROW PAYMENTS.—Without regard to an insurer participant's payment obligation under this section, any escrow or similar account established before the date of enactment of this Act by an insurer participant in connection with an asbestos trust fund that has not been judicially confirmed by final order by the date of enactment of this Act shall be the property of the insurer participant and returned to that insurer participant.

(7) NOTICE TO INSURER PARTICIPANTS OF FINAL PAYMENT DETERMINATIONS.—Not later than 60 days after the notice of initial determination is sent to the insurer participants, the Commission shall send each insurer participant a notice of final determination.

(c) INSURER PARTICIPANTS VOLUNTARY ALLOCATION AGREEMENT.—

(1) IN GENERAL.—Not later than 30 days after the Commission proposes its rule establishing an allocation methodology under subsection (a)(1), direct insurer participants licensed or domiciled in the United States, other direct insurer participants, reinsurer participants licensed or domiciled in the United States, or other reinsurer participants, may submit an allocation agreement, approved by all of the participants in the applicable group, to the Commission.

(2) ALLOCATION AGREEMENT.—To the extent the participants in any such applicable group voluntarily agree upon an allocation arrangement, any such allocation agreement shall only govern the allocation of payments within that group and shall not determine the aggregate amount due from that group.

(3). CERTIFICATION.—The Commission shall determine whether an allocation agreement submitted under subparagraph (A) meets the requirements of this subtitle and, if so, shall certify the agreement as establishing the allocation methodology governing the individual payment obligations of the participants who are parties to the agreement. The authority of the Commission under this subtitle shall, with respect to participants who are parties to a certified allocation agreement, terminate on the day after the Commission certifies such agreement. Under subsection (f), the Administrator shall assume responsibility, if necessary, for calculating the individual payment obligations of participants who are parties to the certified agreement.

(d) COMMISSION REPORT.—

(1) RECIPIENTS.—Until the work of the Commission has been completed and the Commission terminated, the Commission shall submit an annual report, containing the information described under paragraph (2), to—

(A) the Committee on the Judiciary of the Senate;

(B) the Committee on the Judiciary of the House of Representatives; and

(C) the Administrator.

(2) CONTENTS.—The report under paragraph (1) shall state the amount that each insurer participant is required to pay to the Fund, including the payment schedule for such payments.

(e) INTERIM PAYMENTS.—

(1) AMOUNT OF INTERIM PAYMENT.—Within 90 days after the date of enactment of this Act, insurer participants shall make an aggregate payment to the Fund not to exceed 50 percent of the aggregate funding obligation specified under subsection (a)(3)(C) for year 1.

(2) RESERVE INFORMATION.—Within 30 days after the date of enactment of this Act, each insurer participant shall submit to the Administrator a certified statement of its net held reserves for asbestos liabilities as of December 31, 2004.

(3) ALLOCATION OF INTERIM PAYMENT.—The Administrator shall allocate the interim

payment among the individual insurer participants on an equitable basis using the net held asbestos reserve information provided by insurer participants under subsection (a)(3)(B). Within 60 days after the date of enactment of this Act, the Administrator shall publish in the Federal Register the name of each insurer participant, and the amount of the insurer participant's allocated share of the interim payment. The use of net held asbestos reserves as the basis to determine an interim allocation shall not be binding on the Administrator in the determination of an appropriate final allocation methodology under this section. All payments required under this paragraph shall be credited against the participant's ultimate payment obligation to the Fund established by the Commission. If an interim payment exceeds the ultimate payment, the Fund shall pay interest on the amount of the overpayment at a rate determined by the Administrator. If the ultimate payment exceeds the interim payment, the participant shall pay interest on the amount of the underpayment at the same rate. Any participant may seek an exemption from or reduction in any payment required under this subsection under the financial hardship and exceptional circumstance standards established under subsection (a)(3)(E).

(4) APPEAL OF INTERIM PAYMENT DECISIONS.—A decision by the Administrator to establish an interim payment obligation shall be considered final agency action and reviewable under section 303, except that the reviewing court may not stay an interim payment during the pendency of the appeal.

(f) TRANSFER OF AUTHORITY FROM THE COMMISSION TO THE ADMINISTRATOR.—

(1) IN GENERAL.—Upon termination of the Commission under section 215, the Administrator shall assume all the responsibilities and authority of the Commission, except that the Administrator shall not have the power to modify the allocation methodology established by the Commission or by certified agreement or to promulgate a rule establishing any such methodology.

(2) FINANCIAL HARDSHIP AND EXCEPTIONAL CIRCUMSTANCE ADJUSTMENTS.—Upon termination of the Commission under section 215, the Administrator shall have the authority, upon application by any insurer participant, to make adjustments to annual payments upon the same grounds as provided in subsection (a)(3)(D). Adjustments granted under this subsection shall have a term not to exceed 3 years. An insurer participant may renew its adjustment by demonstrating that it remains justified. Upon the grant of any adjustment, the Administrator shall increase the payments, consistent with subsection (a)(1)(B), required of all other insurer participants so that there is no reduction in the aggregate payment required of all insurer participants for the applicable years. The increase in an insurer participant's required payment shall be in proportion to such participant's share of the aggregate payment obligation of all insurer participants.

(3) CREDITS FOR SHORTFALL ASSESSMENTS.—If insurer participants are required during the first 5 years of the life of the Fund to make up any shortfall in required insurer payments under subsection (a)(1)(B), then, beginning in year 6, the Administrator shall grant each insurer participant a credit against its annual required payments during the applicable years that in the aggregate equal the amount of shortfall assessments paid by such insurer participant during the first 5 years of the life of the Fund. The credit shall be prorated over the same number of years as the number of years during which the insurer participant paid a shortfall assessment. Insurer participants which did not pay all required payments to the Fund during the first 5 years of the life of the Fund shall not be eligible for a credit. The Administrator shall not grant a credit for shortfall assessments imposed under section 405(f).

(4) FINANCIAL SECURITY REQUIREMENTS.—Whenever an insurer participant's A.M. Best's claims payment rating or Standard and Poor's financial strength rating falls below A−, and until such time as either the insurer participant's A.M. Best's Rating or Standard and Poor's rating is equal to or greater than A−, the Administrator shall have the authority to require that the participating insurer either—

(A) pay the present value of its remaining Fund payments at a discount rate determined by the Administrator; or

(B) provide an evergreen letter of credit or financial guarantee for future payments issued by an institution with an A.M. Best's claims payment rating or Standard & Poor's financial strength rating of at least A+.

(g) ACCOUNTING TREATMENT.—Insurer participants' payment obligations to the Fund shall be subject to discounting under the applicable accounting guidelines for generally accepted accounting purposes and statutory accounting purposes for each insurer participant. This subsection shall in no way reduce the amount of monetary payments to the Fund by insurer participants as required under subsection (a).

(h) JUDICIAL REVIEW.—The Commission's rule establishing an allocation methodology, its final determinations of payment obligations and other final action shall be judicially reviewable as provided in title III.

SEC. 213. POWERS OF ASBESTOS INSURERS COMMISSION.

(a) RULEMAKING.—The Commission shall promulgate such rules and regulations as necessary to implement its authority under this Act, including regulations governing an allocation methodology. Such rules and regulations shall be promulgated after providing interested parties with the opportunity for notice and comment.

(b) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission shall also hold a hearing on any proposed regulation establishing an allocation methodology, before the Commission's adoption of a final regulation.

(c) INFORMATION FROM FEDERAL AND STATE AGENCIES.—The Commission may secure directly from any Federal or State department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) GIFTS.—The Commission may not accept, use, or dispose of gifts or donations of services or property.

(f) EXPERT ADVICE.—In carrying out its responsibilities, the Commission may enter into such contracts and agreements as the Commission determines necessary to obtain expert advice and analysis.

SEC. 214. PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 215. TERMINATION OF ASBESTOS INSURERS COMMISSION.

The Commission shall terminate 90 days after the last date on which the Commission makes a final determination of contribution under section 212(b) or 90 days after the last appeal of any final action by the Commission is exhausted, whichever occurs later.

SEC. 216. EXPENSES AND COSTS OF COMMISSION.

All expenses of the Commission shall be paid from the Fund.

Subtitle C—Asbestos Injury Claims Resolution Fund

SEC. 221. ESTABLISHMENT OF ASBESTOS INJURY CLAIMS RESOLUTION FUND.

(a) ESTABLISHMENT.—There is established in the Office of Asbestos Disease Compensation the Asbestos Injury Claims Resolution Fund, which shall be available to pay—

(1) claims for awards for an eligible disease or condition determined under title I;

(2) claims for reimbursement for medical monitoring determined under title I;

(3) principal and interest on borrowings under subsection (b);

(4) the remaining obligations to the asbestos trust of a debtor and the class action trust under section 405(g)(8); and

(5) administrative expenses to carry out the provisions of this Act.

(b) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Administrator is authorized to borrow from time to time amounts as set forth in this subsection, for purposes of enhancing liquidity available to the Fund for carrying out the obligations of the Fund under this Act. The Administrator may authorize borrowing in such form, over such term, with such necessary disclosure to its lenders as will most efficiently enhance the Fund's liquidity.

(2) FEDERAL FINANCING BANK.—In addition to the general authority in paragraph (1), the Administrator may borrow from the Federal Financing Bank in accordance with section 6 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2285), as needed for performance of the Administrator's duties under this Act for the first 5 years.

(3) BORROWING CAPACITY.—The maximum amount that may be borrowed under this subsection at any given time is the amount that, taking into account all payment obligations related to all previous amounts borrowed in accordance with this subsection and all committed obligations of the Fund at the time of borrowing, can be repaid in full (with interest) in a timely fashion from—

(A) the available assets of the Fund as of the time of borrowing; and

(B) all amounts expected to be paid by participants during the subsequent 10 years.

(4) REPAYMENT OBLIGATIONS.—Repayment of monies borrowed by the Administrator under this subsection shall be repaid in full by the Fund contributors and is limited solely to amounts available, present or future, in the Fund.

(c) LOCKBOX FOR SEVERE ASBESTOS-RELATED INJURY CLAIMANTS.—

(1) IN GENERAL.—Within the Fund, the Administrator shall establish the following accounts:

(A) A Mesothelioma Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IX.

(B) A Lung Cancer Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level VIII.

(C) A Severe Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level V.

(D) A Moderate Asbestosis Account, which shall be used solely to make payments to claimants eligible for an award under the criteria of Level IV.

(2) ALLOCATION.—The Administrator shall allocate to each of the 4 accounts established under paragraph (1) a portion of payments made to the Fund adequate to compensate all anticipated claimants for each account. Within 60 days after the date of enactment of this Act, and periodically during the life of the Fund, the Administrator shall determine an appropriate amount to allocate to each account after consulting appropriate epidemiological and statistical studies.

(d) AUDIT AUTHORITY.—

(1) IN GENERAL.—For the purpose of ascertaining the correctness of any information provided or payments made to the Fund, or determining whether a person who has not made a payment to the Fund was required to do so, or determining the liability of any person for a payment to the Fund, or collecting any such liability, or inquiring into any offense connected with the administration or enforcement of this title, the Administrator is authorized—

(A) to examine any books, papers, records, or other data which may be relevant or material to such inquiry;

(B) to summon the person liable for a payment under this title, or officer or employee of such person, or any person having possession, custody, or care of books of account containing entries relating to the business of the person liable or any other person the Administrator may deem proper, to appear before the Administrator at a time and place named in the summons and to produce such books, papers, records, or other data, and to give such testimony, under oath, as may be relevant or material to such inquiry; and

(C) to take such testimony of the person concerned, under oath, as may be relevant or material to such inquiry.

(2) FALSE, FRAUDULENT, OR FICTITIOUS STATEMENTS OR PRACTICES.—If the Administrator determines that materially false, fraudulent, or fictitious statements or practices have been submitted or engaged in by persons submitting information to the Administrator or to the Asbestos Insurers Commission or any other person who provides evidence in support of such submissions for purposes of determining payment obligations under this Act, the Administrator may impose a civil penalty not to exceed $10,000 on any person found to have submitted or engaged in a materially false, fraudulent, or fictitious statement or practice under this Act. The Administrator shall promulgate appropriate regulations to implement this paragraph.

(e) IDENTITY OF CERTAIN DEFENDANT PARTICIPANTS; TRANSPARENCY.—

(1) SUBMISSION OF INFORMATION.—Not later than 60 days after the date of enactment of this Act, any person who, acting in good faith, has knowledge that such person or such person's affiliated group has prior asbestos expenditures of $1,000,000 or greater, shall submit to the Administrator—

(A) either the name of such person, or such person's ultimate parent; and

(B) the likely tier to which such person or affiliated group may be assigned under this Act.

(2) PUBLICATION.—Not later than 20 days after the end of the 60-day period referred to in paragraph (1), the Administrator or Interim Administrator, if the Administrator is not yet appointed, shall publish in the Federal Register a list of submissions required by this subsection, including the name of such persons or ultimate parents and the likely tier to which such persons or affiliated groups may be assigned. After publication of such list, any person who, acting in good faith, has knowledge that any other person has prior asbestos expenditures of $1,000,000 or greater may submit to the Administrator or Interim Administrator information on the identity of that person and the person's prior asbestos expenditures.

(f) NO PRIVATE RIGHT OF ACTION.—Except as provided in sections 203(b)(2)(D)(ii) and 204(f)(3), there shall be no private right of action under any Federal or State law against any participant based on a claim of compliance or noncompliance with this Act or the involvement of any participant in the enactment of this Act.

SEC. 222. MANAGEMENT OF THE FUND.

(a) IN GENERAL.—Amounts in the Fund shall be held for the exclusive purpose of providing benefits to asbestos claimants and their beneficiaries and to otherwise defray the reasonable expenses of administering the Fund.

(b) INVESTMENTS.—

(1) IN GENERAL.—Amounts in the Fund shall be administered and invested with the care, skill, prudence, and diligence, under the circumstances prevailing at the time of such investment, that a prudent person acting in a like capacity and manner would use.

(2) STRATEGY.—The Administrator shall invest amounts in the Fund in a manner that enables the Fund to make current and future distributions to or for the benefit of asbestos claimants. In pursuing an investment strategy under this subparagraph, the Administrator shall consider, to the extent relevant to an investment decision or action—

(A) the size of the Fund;

(B) the nature and estimated duration of the Fund;

(C) the liquidity and distribution requirements of the Fund;

(D) general economic conditions at the time of the investment;

(E) the possible effect of inflation or deflation on Fund assets;

(F) the role that each investment or course of action plays with respect to the overall assets of the Fund;

(G) the expected amount to be earned (including both income and appreciation of capital) through investment of amounts in the Fund; and

(H) the needs of asbestos claimants for current and future distributions authorized under this Act.

(c) BANKRUPTCY TRUST GUARANTEE.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the Administrator shall have the authority to impose a pro rata surcharge on all participants under this subsection to ensure the liquidity of the Fund, if—

(A) the declared assets from 1 or more bankruptcy trusts established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, are not available to the Fund because a final judgment that has been entered by a court and is no longer subject to any appeal or review has enjoined the transfer of assets required under section 524(j)(2) of title 11, United States Code (as amended by section 402(f) of this Act); and

(B) borrowing is insufficient to assure the Fund's ability to meet its obligations under this Act such that the required borrowed amount is likely to increase the risk of termination of this Act under section 405 based on reasonable claims projections.

(2) ALLOCATION.—Any surcharge imposed under this subsection shall be imposed over a period of 5 years on a pro rata basis upon all participants, in accordance with the relative aggregate funding obligations under sections 202(a)(2) and 212(a)(2)(A).

(3) CERTIFICATION.—

(A) IN GENERAL.—Before imposing a surcharge under this subsection, the Administrator shall publish a notice in the Federal Register and provide in such notice for a public comment period of 30 days.

(B) CONTENTS OF NOTICE.—The notice required under subparagraph (A) shall include—

(i) information explaining the circumstances that make a surcharge necessary and a certification that the requirements under paragraph (1) are met;

(ii) the amount of the declared assets from any trust established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, that was not made, or is no longer, available to the Fund;

(iii) the total aggregate amount of the necessary surcharge; and

(iv) the surcharge amount for each tier and subtier of defendant participants and for each insurer participant.

(C) FINAL NOTICE.—The Administrator shall publish a final notice in the Federal Register and provide each participant with written notice of that participant's schedule of payments under this subsection. In no event shall any required surcharge under this subsection be due before 60 days after the Administrator publishes the final notice in the Federal Register and provides each participant with written notice of its schedule of payments.

(4) Maximum amount.—In no event shall the total aggregate surcharge imposed by the Administrator exceed the lesser of—

(A) the total aggregate amount of the declared assets of the trusts established under a plan of reorganization confirmed and substantially consummated prior to July 31, 2004, that are no longer available to the Fund; or

(B) $4,000,000,000.

(5) Declared assets.—

(A) In general.—In this subsection, the term "declared assets" means—

(i) the amount of assets transferred by any trust established under a plan of reorganization confirmed and substantially consummated on or before July 31, 2004, to the Fund that is required to be returned to that trust under the final judgment described in paragraph (1)(A); or

(ii) if no assets were transferred by the trust to the Fund, the amount of assets the Administrator determines would have been available for transfer to the Fund from that trust under section 402(f).

(B) Determination.—In making a determination under subparagraph (A)(ii), the Administrator may rely on any information reasonably available, and may request, and use subpoena authority of the Administrator if necessary to obtain, relevant information from any such trust or its trustees.

(d) Bankruptcy Trust Credits.—

(1) In general.—Notwithstanding any other provision of this Act, but subject to paragraph (2) of this subsection, the Administrator shall provide a credit toward the aggregate payment obligations under sections 202(a)(2) and 212(a)(2)(A) for assets received by the Fund from any bankruptcy trust established under a plan of reorganization confirmed and substantially consummated after July 31, 2004.

(2) Allocation of credits.—The Administrator shall allocate, for each such bankruptcy trust, the credits for such assets between the defendant and insurer aggregate payment obligations as follows:

(A) Defendant participants.—The aggregate amount that all persons other than insurers contributing to the bankruptcy trust would have been required to pay as Tier I defendants under section 203(b) if the plan of reorganization under which the bankruptcy trust was established had not been confirmed and substantially consummated and the proceeding under chapter 11 of title 11, United States Code, that resulted in the establishment of the bankruptcy trust had remained pending as of the date of enactment of this Act.

(B) Insurer participants.—The aggregate amount of all credits to which insurers are entitled to under section 202(c)(4)(A) of the Act.

SEC. 223. ENFORCEMENT OF PAYMENT OBLIGATIONS.

(a) Default.—If any participant fails to make any payment in the amount of and according to the schedule under this Act or as prescribed by the Administrator, after demand and a 30-day opportunity to cure the default, there shall be a lien in favor of the United States for the amount of the delinquent payment (including interest) upon all property and rights to property, whether real or personal, belonging to such participant.

(b) Bankruptcy.—In the case of a bankruptcy or insolvency proceeding, the lien imposed under subsection (a) shall be treated in the same manner as a lien for taxes due and owing to the United States for purposes of the provisions of title 11, United States Code, or section 3713(a) of title 31, United States Code. The United States Bankruptcy Court shall have jurisdiction over any issue or controversy regarding lien priority and lien perfection arising in a bankruptcy case due to a lien imposed under subsection (a).

(c) Civil Action.—

(1) In general.—In any case in which there has been a refusal or failure to pay any liability imposed under this Act, including a refusal or failure to provide the information required under section 204 needed to determine liability, the Administrator may bring a civil action in any appropriate United States District Court, or any other appropriate lawsuit or proceeding outside of the United States—

(A) to enforce the liability and any lien of the United States imposed under this section;

(B) to subject any property of the participant, including any property in which the participant has any right, title, or interest to the payment of such liability;

(C) for temporary, preliminary, or permanent relief; or

(D) to enforce a subpoena issued under section 204(i)(9) to compel the production of documents necessary to determine liability.

(2) Additional penalties.—In any action under paragraph (1) in which the refusal or failure to pay was willful, the Administrator may seek recovery—

(A) of punitive damages;

(B) of the costs of any civil action under this subsection, including reasonable fees incurred for collection, expert witnesses, and attorney's fees; and

(C) in addition to any other penalty, of a fine equal to the total amount of the liability that has not been collected.

(d) Enforcement Authority as to Insurer Participants.—

(1) In general.—In addition to or in lieu of the enforcement remedies described in subsection (c), the Administrator may seek to recover amounts in satisfaction of a payment not timely paid by an insurer participant under the procedures under this subsection.

(2) Subrogation.—To the extent required to establish personal jurisdiction over nonpaying insurer participants, the Administrator shall be deemed to be subrogated to the contractual rights of participants to seek recovery from nonpaying insuring participants that are domiciled outside the United States under the policies of liability insurance or contracts of liability reinsurance or retrocessional reinsurance applicable to asbestos claims, and the Administrator may bring an action or an arbitration against the nonpaying insurer participants under the provisions of such policies and contracts, provided that—

(A) any amounts collected under this subsection shall not increase the amount of deemed erosion allocated to any policy or contract under section 404, or otherwise reduce coverage available to a participant; and

(B) subrogation under this subsection shall have no effect on the validity of the insurance policies or reinsurance, and any contrary State law is expressly preempted.

(3) Recoverability of contribution.—For purposes of this subsection—

(A) all contributions to the Fund required of a participant shall be deemed to be sums legally required to be paid for bodily injury resulting from exposure to asbestos;

(B) all contributions to the Fund required of any participant shall be deemed to be a single loss arising from a single occurrence under each contract to which the Administrator is subrogated; and

(C) with respect to reinsurance contracts, all contributions to the Fund required of a participant shall be deemed to be payments to a single claimant for a single loss.

(4) No credit or offset.—In any action brought under this subsection, the nonpaying insurer or reinsurer shall be entitled to no credit or offset for amounts collectible or potentially collectible from any participant nor shall such defaulting participant have any right to collect any sums payable under this section from any participant.

(5) Cooperation.—Insureds and cedents shall cooperate with the Administrator's reasonable requests for assistance in any such proceeding. The positions taken or statements made by the Administrator in any such proceeding shall not be binding on or attributed to the insureds or cedents in any other proceeding. The outcome of such a proceeding shall not have a preclusive effect on the insureds or cedents in any other proceeding and shall not be admissible against any subrogee under this section. The Administrator shall have the authority to settle or compromise any claims against a nonpaying insurer participant under this subsection.

(e) Bar on United States Business.—If any direct insurer or reinsurer refuses to pay any contribution required by this Act, then, in addition to any other penalties imposed by this Act, the Administrator shall issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. If any direct insurer or reinsurer refuses to furnish any information requested by the Administrator, the Administrator may issue an order barring such entity and its affiliates from insuring risks located within the United States or otherwise doing business within the United States unless and until it complies. Insurer participants or their affiliates seeking to obtain a license from any State to write any type of insurance shall be barred from obtaining any such license until payment of all contributions required as of the date of license application.

(f) Credit for Reinsurance.—If the Administrator determines that an insurer participant that is a reinsurer is in default in paying any required contribution or otherwise not in compliance with this Act, the Administrator may issue an order barring any direct insurer participant from receiving credit for reinsurance purchased from the defaulting reinsurer after the date of the Administrator's determination of default. Any State law governing credit for reinsurance to the contrary is preempted.

(g) Defense Limitation.—In any proceeding under this section, the participant shall be barred from bringing any challenge to any determination of the Administrator or the Asbestos Insurers Commission regarding its liability under this Act, or to the constitutionality of this Act or any provision thereof, if such challenge could have been made during the review provided under section 204(i)(10), or in a judicial review proceeding under section 303.

(h) Deposit of Funds.—

(1) In general.—Any funds collected under subsection (c)(2) (A) or (C) shall be—

(A) deposited in the Fund; and

(B) used only to pay—

(i) claims for awards for an eligible disease or condition determined under title I; or

(ii) claims for reimbursement for medical monitoring determined under title I.

(2) NO EFFECT ON OTHER LIABILITIES.—The imposition of a fine under subsection (c)(2)(C) shall have no effect on—

(A) the assessment of contributions under subtitles A and B; or

(B) any other provision of this Act.

(i) PROPERTY OF THE ESTATE.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (4)(B)(ii), by striking "or" at the end;

(2) in paragraph (5), by striking "prohibition." and inserting "prohibition; or"; and

(3) by inserting after paragraph (5) and before the last undesignated sentence the following:

"(6) the value of any pending claim against or the amount of an award granted from the Asbestos Injury Claims Resolution Fund established under the Fairness in Asbestos Injury Resolution Act of 2006.".

(j) TRANSACTIONS.—

(1) NOTICE OF TRANSACTION.—Any participant that has engaged in any transaction or series of transactions under which a significant portion of such participant's assets, properties, or business was, directly or indirectly, transferred by any means (including by sale, dividend, contribution to a subsidiary or split-off) to 1 or more persons other than the participant shall provide written notice to the Administrator of such transaction (or series of transactions).

(2) TIMING OF NOTICE AND RELATED ACTIONS.—

(A) IN GENERAL.—Any notice that a participant is required to give under paragraph (1) shall be given not later than 30 days after the date of consummation of the transaction or the first transaction to occur in a proposed series of transactions.

(B) OTHER NOTIFICATIONS.—

(i) IN GENERAL.—Not later than the date in any year by which a participant is required to make its contribution to the Fund, the participant shall deliver to the Administrator a written certification stating that—

(I) the participant has complied during the period since the last such certification or the date of enactment of this Act with the notice requirements under this subsection; or

(II) the participant was not required to provide any notice under this subsection during such period.

(ii) SUMMARY.—The Administrator shall include in the annual report required to be submitted to Congress under section 405 a summary of all such notices (after removing all confidential identifying information) received during the most recent fiscal year.

(C) NOTICE COMPLETION.—The Administrator shall not consider any notice given under paragraph (1) as given until such time as the Administrator receives substantially all the information required by this subsection.

(3) CONTENTS OF NOTICE.—

(A) IN GENERAL.—The Administrator shall determine by rule or regulation the information to be included in the notice required under this subsection, which shall include such information as may be necessary to enable the Administrator to determine whether—

(i) the person or persons to whom the assets, properties, or business were transferred in the transaction (or series of transactions) should be considered to be the successor in interest of the participant for purposes of this Act; or

(ii) the transaction (or series of transactions) is subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is subject to a case under title 11, United States Code.

(B) STATEMENTS.—The notice shall also include—

(i) a statement by the participant as to whether the participant believes any person has become a successor in interest to the participant for purposes of this Act and, if so, the identity of that person; and

(ii) a statement by the participant as to whether that person has acknowledged that it has become a successor in interest for purposes of this Act.

(4) DEFINITION.—In this subsection, the term "significant portion of the assets, properties, or business of a participant" means assets (including tangible or intangible assets, securities, and cash), properties or business of such participant (or its affiliated group, to the extent that the participant has elected to be part of an affiliated group under section 204(f)) that, together with any other asset, property, or business transferred by such participant in any of the previous completed 5 fiscal years of such participant (or, as appropriate, its affiliated group), and as determined in accordance with United States generally accepted accounting principles as in effect from time to time—

(A) generated at least 40 percent of the revenues of such participant (or its affiliated group);

(B) constituted at least 40 percent of the assets of such participant (or its affiliated group);

(C) generated at least 40 percent of the operating cash flows of such participant (or its affiliated group); or

(D) generated at least 40 percent of the net income or loss of such participant (or its affiliated group),

as measured during any of such 5 previous fiscal years.

(5) RIGHT OF ACTION.—

(A) IN GENERAL.—Notwithstanding section 221(f), if the Administrator or any participant believes that a participant has engaged, directly or indirectly, in, or is the subject of, a transaction (or series of transactions)—

(i) involving a person or persons who, as a result of such transaction (or series of transactions), may have or may become the successor in interest or successors in interest of such participant, where the status as a successor in interest has not been stated and acknowledged by the participant and such person; or

(ii) that may be subject to avoidance by a trustee under section 544(b) or 548 of title 11, United States Code, as if, but whether or not, the participant is a subject to a case under title 11, United States Code,

then the Administrator or such participant may, as a deemed creditor under applicable law, bring a civil action in an appropriate forum against the participant or any other person who is either a party to the transaction (or series of transactions) or the recipient of any asset, property, or business of the participant.

(B) RELIEF ALLOWED.—In any action commenced under this subsection, the Administrator or a participant, as applicable, may seek—

(i) with respect to a transaction (or series of transactions) referenced in clause (i) of subparagraph (A), a declaratory judgment regarding whether such person has become the successor in interest of such participant; or

(ii) with respect to a transaction (or series of transactions) referenced in clause (ii) of subparagraph (A) a temporary restraining order or a preliminary or permanent injunction such other relief regarding such transaction (or series of transactions) as the court determines to be necessary to ensure that performance of a participant's payment obligations under this Act is not materially impaired by reason of such transaction (or series of transactions).

(C) APPLICABILITY.—If the Administrator or a participant wishes to challenge a statement made by a participant that a person has not become a successor in interest for purposes of this Act, then this paragraph shall be the exclusive means by which the determination of whether such person became a successor in interest of the participant shall be made. This paragraph shall not preempt any other rights of any person under applicable Federal or State law.

(D) VENUE.—Any action under this paragraph shall be exclusively brought in any appropriate United States district court or, to the extent necessary to obtain complete relief, any other appropriate forum outside of the United States.

(6) RULES AND REGULATIONS.—The Administrator may promulgate regulations to effectuate the intent of this subsection, including regulations relating to the form, timing, and content of notices.

SEC. 224. INTEREST ON UNDERPAYMENT OR NONPAYMENT.

If any amount of payment obligation under this title is not paid on or before the last date prescribed for payment, the liable party shall pay interest on such amount at the Federal short-term rate determined under section 6621(b) of the Internal Revenue Code of 1986, plus 5 percentage points, for the period from such last date to the date paid.

SEC. 225. EDUCATION, CONSULTATION, SCREENING, AND MONITORING.

(a) IN GENERAL.—The Administrator shall establish a program for the education, consultation, medical screening, and medical monitoring of persons with exposure to asbestos. The program shall be funded by the Fund.

(b) OUTREACH AND EDUCATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish an outreach and education program, including a website designed to provide information about asbestos-related medical conditions to members of populations at risk of developing such conditions.

(2) INFORMATION.—The information provided under paragraph (1) shall include information about—

(A) the signs and symptoms of asbestos-related medical conditions;

(B) the value of appropriate medical screening programs; and

(C) actions that the individuals can take to reduce their future health risks related to asbestos exposure.

(3) CONTRACTS.—Preference in any contract under this subsection shall be given to providers that are existing nonprofit organizations with a history and experience of providing occupational health outreach and educational programs for individuals exposed to asbestos.

(c) MEDICAL SCREENING PROGRAM.—

(1) ESTABLISHMENT OF PROGRAM.—Not sooner than 18 months or later than 24 months after the Administrator certifies that the Fund is fully operational and processing

claims at a reasonable rate, the Administrator shall adopt guidelines establishing a medical screening program for individuals at high risk of asbestos-related disease resulting from an asbestos-related disease. In promulgating such guidelines, the Administrator shall consider the views of the Advisory Committee on Asbestos Disease Compensation, the Medical Advisory Committee, and the public.

(2) ELIGIBILITY CRITERIA.—

(A) IN GENERAL.—The guidelines promulgated under this subsection shall establish criteria for participation in the medical screening program.

(B) CONSIDERATIONS.—In promulgating eligibility criteria the Administrator shall take into consideration all factors relevant to the individual's effective cumulative exposure to asbestos, including—

(i) any industry in which the individual worked;

(ii) the individual's occupation and work setting;

(iii) the historical period in which exposure took place;

(iv) the duration of the exposure;

(v) the intensity and duration of non-occupational exposures;

(vi) the intensity and duration of exposure to risk levels of naturally occurring asbestos as defined by the Environmental Protection Agency; and

(vii) any other factors that the Administrator determines relevant.

(3) PROTOCOLS.—The guidelines developed under this subsection shall establish protocols for medical screening, which shall include—

(A) administration of a health evaluation and work history questionnaire;

(B) an evaluation of smoking history;

(C) a physical examination by a qualified physician with a doctor-patient relationship with the individual;

(D) a chest x-ray read by a certified B-reader as defined under section 121(a)(4); and

(E) pulmonary function testing as defined under section 121(a)(13).

(4) FREQUENCY.—The Administrator shall establish the frequency with which medical screening shall be provided or be made available to eligible individuals, which shall be not less than every 5 years.

(5) PROVISION OF SERVICES.—The Administrator shall provide medical screening to eligible individuals directly or by contract with another agency of the Federal Government, with State or local governments, or with private providers of medical services. The Administrator shall establish strict qualifications for the providers of such services, and shall periodically audit the providers of services under this subsection, to ensure their integrity, high degree of competence, and compliance with all applicable technical and professional standards. No provider of medical screening services may have earned more than 15 percent of their income from the provision of services of any kind in connection with asbestos litigation in any of the 3 years preceding the date of enactment of this Act. All contracts with providers of medical screening services under this subsection shall contain provisions for reimbursement of screening services at a reasonable rate and termination of such contracts for cause if the Administrator determines that the service provider fails to meet the qualifications established under this subsection.

(6) LIMITATION OF COMPENSATION FOR SERVICES.—The compensation required to be paid to a provider of medical screening services for such services furnished to an eligible individual shall be limited to the amount that would be reimbursed at the time of the furnishing of such services under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for similar services if such services are covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) FUNDING; PERIODIC REVIEW.—

(A) FUNDING.—The Administrator shall make such funds available from the Fund to implement this section, with a minimum of $20,000,000 but not more than $30,000,000 each year in each of the 5 years following the effective date of the medical screening program. Notwithstanding the preceding sentence, the Administrator shall suspend the operation of the program or reduce its funding level if necessary to preserve the solvency of the Fund and to prevent the sunset of the overall program under section 405(g).

(B) REVIEW.—The Administrator may reduce the amount of funding below $20,000,000 each year if the program is fully implemented. The Administrator's first annual report under section 405 following the close of the 4th year of operation of the medical screening program shall include an analysis of the usage of the program, its cost and effectiveness, its medical value, and the need to continue that program for an additional 5-year period. The Administrator shall also recommend to Congress any improvements that may be required to make the program more effective, efficient, and economical, and shall recommend a funding level for the program for the 5 years following the period of initial funding referred to under subparagraph (A).

(d) LIMITATION.—In no event shall the total amount allocated to the medical screening program established under this subsection over the lifetime of the Fund exceed $600,000,000.

(e) MEDICAL MONITORING PROGRAM AND PROTOCOLS.—

(1) IN GENERAL.—The Administrator shall establish procedures for a medical monitoring program for persons exposed to asbestos who have been approved for level I compensation under section 131.

(2) PROCEDURES.—The procedures for medical monitoring shall include—

(A) specific medical tests to be provided to eligible individuals and the periodicity of those tests, which shall initially be provided every 3 years and include—

(i) administration of a health evaluation and work history questionnaire;

(ii) physical examinations, including blood pressure measurement, chest examination, and examination for clubbing;

(iii) AP and lateral chest x-ray; and

(iv) spirometry performed according to ATS standards;

(B) qualifications of medical providers who are to provide the tests required under subparagraph (A); and

(C) administrative provisions for reimbursement from the Fund of the costs of monitoring eligible claimants, including the costs associated with the visits of the claimants to physicians in connection with medical monitoring, and with the costs of performing and analyzing the tests.

(3) PREFERENCES.—

(A) IN GENERAL.—In administering the monitoring program under this subsection, preference shall be given to medical and program providers with—

(i) a demonstrated capacity for identifying, contacting, and evaluating populations of workers or others previously exposed to asbestos; and

(ii) experience in establishing networks of medical providers to conduct medical screening and medical monitoring examinations.

(B) PROVISION OF LISTS.—Claimants that are eligible to participate in the medical monitoring program shall be provided with a list of approved providers in their geographic area at the time such claimants become eligible to receive medical monitoring.

(f) CONTRACTS.—The Administrator may enter into contracts with qualified program providers that would permit the program providers to undertake large-scale medical screening and medical monitoring programs by means of subcontracts with a network of medical providers, or other health providers.

(g) REVIEW.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Administrator shall review, and if necessary update, the protocols and procedures established under this section.

SEC. 226. NATIONAL MESOTHELIOMA RESEARCH AND TREATMENT PROGRAM.

(a) IN GENERAL.—There is established the National Mesothelioma Research and Treatment Program (referred to in this section as the "Program") to investigate and advance the detection, prevention, treatment, and cure of malignant mesothelioma.

(b) MESOTHELIOMA CENTERS.—

(1) IN GENERAL.—The Administrator shall make available $1,500,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015, for the establishment of each of 10 mesothelioma disease research and treatment centers.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, in consultation with the Medical Advisory Committee, shall conduct a competitive peer review process to select sites for the centers described in paragraph (1). The Director shall ensure that sites selected under this paragraph are—

(A) geographically distributed throughout the United States with special consideration given to areas of high incidence of mesothelioma disease;

(B) closely associated with Department of Veterans Affairs medical centers, in order to provide research benefits and care to veterans who have suffered excessively from mesothelioma;

(C) engaged in exemplary laboratory and clinical mesothelioma research, including clinical trials, to provide mechanisms for effective therapeutic treatments, as well as detection and prevention, particularly in areas of palliation of disease symptoms and pain management;

(D) participants in the National Mesothelioma Registry and Tissue Bank under subsection (c) and the annual International Mesothelioma Symposium under subsection (d)(2)(E);

(E) with respect to research and treatment efforts, coordinated with other centers and institutions involved in exemplary mesothelioma research and treatment;

(F) able to facilitate transportation and lodging for mesothelioma patients, so as to enable patients to participate in the newest developing treatment protocols, and to enable the centers to recruit patients in numbers sufficient to conduct necessary clinical trials; and

(G) nonprofit hospitals, universities, or medical or research institutions incorporated or organized in the United States.

(c) MESOTHELIOMA REGISTRY AND TISSUE BANK.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, maintenance, and operation of a National Mesothelioma Registry to collect data regarding symptoms, pathology, evaluation, treatment, outcomes, and quality of life and a Tissue Bank to include the pre- and post-treatment blood (serum and blood cells) specimens as well as tissue specimens from biopsies and surgery. Not less than $500,000 of the amount made available under the preceding sentence in each fiscal year shall be allocated for the collection and maintenance of tissue specimens.

(2) REQUIREMENTS.—The Director of the National Institutes of Health, with the advice and consent of the Medical Advisory Committee, shall conduct a competitive peer review process to select a site to administer the Registry and Tissue Bank described in paragraph (1). The Director shall ensure that the site selected under this paragraph—

(A) is available to all mesothelioma patients and qualifying physicians throughout the United States;

(B) is subject to all applicable medical and patient privacy laws and regulations;

(C) is carrying out activities to ensure that data is accessible via the Internet; and

(D) provides data and tissue samples to qualifying researchers and physicians who apply for such data in order to further the understanding, prevention, screening, diagnosis, or treatment of malignant mesothelioma.

(d) CENTER FOR MESOTHELIOMA EDUCATION.—

(1) ESTABLISHMENT.—The Administrator shall make available $1,000,000 from the Fund, and the Director of the National Institutes of Health shall make available $1,000,000 from amounts available to the Director, for each of fiscal years 2006 through 2015 for the establishment, with the advice and consent of the Medical Advisory Committee, of a Center for Mesothelioma Education (referred to in this section as the "Center") to—

(A) promote mesothelioma awareness and education;

(B) assist mesothelioma patients and their family members in obtaining necessary information; and

(C) work with the centers established under subsection (b) in advancing mesothelioma research.

(2) ACTIVITIES.—The Center shall—

(A) educate the public about the new initiatives contained in this section through a National Mesothelioma Awareness Campaign;

(B) develop and maintain a Mesothelioma Educational Resource Center (referred to in this section as the "MERCI"), that is accessible via the Internet, to provide mesothelioma patients, family members, and frontline physicians with comprehensive, current information on mesothelioma and its treatment, as well as on the existence of, and general claim procedures for the Asbestos Injury Claims Resolution Fund;

(C) through the MERCI and otherwise, educate mesothelioma patients, family members, and front-line physicians about, and encourage such individuals to participate in, the centers established under subsection (b), the Registry and the Tissue Bank;

(D) complement the research efforts of the centers established under subsection (b) by awarding competitive, peer-reviewed grants for the training of clinical specialist fellows in mesothelioma, and for highly innovative, experimental or pre-clinical research; and

(E) conduct an annual International Mesothelioma Symposium.

(3) REQUIREMENTS.—The Center shall—

(A) be a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(B) be a separate entity from and not an affiliate of any hospital, university, or medical or research institution; and

(C) demonstrate a history of program spending that is devoted specifically to the mission of extending the survival of current and future mesothelioma patients, including a history of soliciting, peer reviewing through a competitive process, and funding research grant applications relating to the detection, prevention, treatment, and cure of mesothelioma.

(4) CONTRACTS FOR OVERSIGHT.—The Director of the National Institutes of Health may enter into contracts with the Center for the selection and oversight of the centers established under subsection (b), or selection of the director of the Registry and the Tissue Bank under subsection (c) and oversight of the Registry and the Tissue Bank.

(e) REPORT AND RECOMMENDATIONS.—Not later than September 30, 2015, The Director of the National Institutes of Health shall, after opportunity for public comment and review, publish and provide to Congress a report and recommendations on the results achieved and information gained through the Program, including—

(1) information on the status of mesothelioma as a national health issue, including—

(A) annual United States incidence and death rate information and whether such rates are increasing or decreasing;

(B) the average prognosis; and

(C) the effectiveness of treatments and means of prevention;

(2) promising advances in mesothelioma treatment and research which could be further developed if the Program is reauthorized; and

(3) a summary of advances in mesothelioma treatment made in the 10-year period prior to the report and whether those advances would justify continuation of the Program and whether it should be reauthorized for an additional 10 years.

(f) SEVERABILITY.—If any provision of this Act, or amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act (including this section), the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(g) REGULATIONS.—The Director of the National Institutes of Health shall promulgate regulations to provide for the implementation of this section.

TITLE III—JUDICIAL REVIEW

SEC. 301. JUDICIAL REVIEW OF RULES AND REGULATIONS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review rules or regulations promulgated by the Administrator or the Asbestos Insurers Commission under this Act.

(b) PERIOD FOR FILING PETITION.—A petition for review under this section shall be filed not later than 60 days after the date notice of such promulgation appears in the Federal Register.

(c) EXPEDITED PROCEDURES.—The United States Court of Appeals for the District of Columbia shall provide for expedited procedures for reviews under this section.

SEC. 302. JUDICIAL REVIEW OF AWARD DECISIONS.

(a) IN GENERAL.—Any claimant adversely affected or aggrieved by a final decision of the Administrator awarding or denying compensation under title I may petition for judicial review of such decision. Any petition for review under this section shall be filed within 90 days of the issuance of a final decision of the Administrator.

(b) EXCLUSIVE JURISDICTION.—A petition for review may only be filed in the United States Court of Appeals for the circuit in which the claimant resides at the time of the issuance of the final order.

(c) STANDARD OF REVIEW.—The court shall uphold the decision of the Administrator unless the court determines, upon review of the record as a whole, that the decision is not supported by substantial evidence, is contrary to law, or is not in accordance with procedure required by law.

(d) EXPEDITED PROCEDURES.—The United States Court of Appeals shall provide for expedited procedures for reviews under this section.

SEC. 303. JUDICIAL REVIEW OF PARTICIPANTS' ASSESSMENTS.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction over any action to review a final determination by the Administrator or the Asbestos Insurers Commission regarding the liability of any person to make a payment to the Fund, including a notice of applicable subtier assignment under section 204(i), a notice of financial hardship or inequity determination under section 204(d), a notice of a distributor's adjustment under section 204(m), and a notice of insurer participant obligation under section 212(b).

(b) PERIOD FOR FILING ACTION.—A petition for review under subsection (a) shall be filed not later than 60 days after a final determination by the Administrator or the Commission giving rise to the action. Any defendant participant who receives a notice of its applicable subtier under section 204(i), a notice of financial hardship or inequity determination under section 204(d), or a notice of a distributor's adjustment under section 204(m), shall commence any action within 30 days after a decision on rehearing under section 204(i)(10), and any insurer participant who receives a notice of a payment obligation under section 212(b) shall commence any action within 30 days after receiving such notice. The court shall give such action expedited consideration.

SEC. 304. OTHER JUDICIAL CHALLENGES.

(a) EXCLUSIVE JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action for declaratory or injunctive relief challenging any provision of this Act. An action under this section shall be filed not later than 60 days after the date of enactment of this Act or 60 days after the final action by the Administrator or the Commission giving rise to the action, whichever is later.

(b) DIRECT APPEAL.—A final decision in the action shall be reviewable on appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 30 days, and the filing of a jurisdictional statement within 60 days, of the entry of the final decision.

(c) EXPEDITED PROCEDURES.—It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

SEC. 305. STAYS, EXCLUSIVITY, AND CONSTITUTIONAL REVIEW.

(a) No Stays.—

(1) Payments.—No court may issue a stay of payment by any party into the Fund pending its final judgment.

(2) Legal challenges.—No court may issue a stay or injunction pending final judicial action, including the exhaustion of all appeals, on a legal challenge to this Act or any portion of this Act.

(b) Exclusivity of Review.—An action of the Administrator or the Asbestos Insurers Commission for which review could have been obtained under section 301, 302, or 303 shall not be subject to judicial review in any other proceeding.

(c) Constitutional Review.—

(1) In general.—The United States District Court for the District of Columbia shall have exclusive jurisdiction over any action challenging the constitutionality of any provision or application of this Act. The following rules shall apply:

(A) The action shall be filed in the United States District Court for the District of Columbia and shall be heard by a 3-judge court convened under section 2284 of title 28, United States Code.

(B) A final decision in the action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal shall be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, after the entry of the final decision.

(C) It shall be the duty of the United States District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

(2) Repayment to asbestos trust and class action trust.—If the transfer of the assets of any asbestos trust of a debtor or any class action trust (or this Act as a whole) is held to be unconstitutional or otherwise unlawful, the Fund shall transfer the remaining balance of such assets (determined under section 405(f)(1)(A)(iii)) back to the appropriate asbestos trust or class action trust within 90 days after final judicial action on the legal challenge, including the exhaustion of all appeals.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. FALSE INFORMATION.

(a) In General.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“§ 1351. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund

“(a) Fraud Relating to Asbestos Injury Claims Resolution Fund.—Whoever knowingly and willfully executes, or attempts to execute, a scheme or artifice to defraud the Office of Asbestos Disease Compensation or the Asbestos Insurers Commission under title II of the Fairness in Asbestos Injury Resolution Act of 2006 shall be fined under this title or imprisoned not more than 20 years, or both.

“(b) False Statement Relating to Asbestos Injury Claims Resolution Fund.—

“(1) In general.—It shall be unlawful for any person, in any matter involving the Office of Asbestos Disease Compensation or the Asbestos Insurers Commission, to knowingly and willfully—

“(A) falsify, conceal, or cover up by any trick, scheme, or device a material fact;

“(B) make any materially false, fictitious, or fraudulent statement or representation; or

“(C) make or use any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry, in connection with the award of a claim or the determination of a participant's payment obligation under title I or II of the Fairness in Asbestos Injury Resolution Act of 2006.

“(2) Penalty.—A person who violates this subsection shall be fined under this title or imprisoned not more than 10 years, or both.”.

(b) Technical and Conforming Amendment.—The table of sections for chapter 63 of title 18, United States Code, is amended by adding at the end the following:

“1351. Fraud and false statements in connection with participation in Asbestos Injury Claims Resolution Fund.”.

SEC. 402. EFFECT ON BANKRUPTCY LAWS.

(a) No Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking “or” at the end;

(2) in paragraph (18), by striking the period at the end and inserting “; or”; and

(3) by inserting after paragraph (18) the following:

“(19) under subsection (a) of this section of the enforcement of any payment obligations under section 204 of the Fairness in Asbestos Injury Resolution Act of 2006, against a debtor, or the property of the estate of a debtor, that is a participant (as that term is defined in section 3 of that Act).”.

(b) Assumption of Executory Contract.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

“(p) If a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee shall be deemed to have assumed all executory contracts entered into by the participant under section 204 of that Act. The trustee may not reject any such executory contract.”.

(c) Allowed Administrative Expenses.—Section 503 of title 11, United States Code, is amended by adding at the end the following:

“(c)(1) Claims or expenses of the United States, the Attorney General, or the Administrator (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) based upon the asbestos payment obligations of a debtor that is a Participant (as that term is defined in section 3 of that Act), shall be paid as an allowed administrative expense. The debtor shall not be entitled to either notice or a hearing with respect to such claims.

“(2) For purposes of paragraph (1), the term ‘asbestos payment obligation’ means any payment obligation under title II of the Fairness in Asbestos Injury Resolution Act of 2006.”.

(d) No Discharge.—Section 523 of title 11, United States Code, is amended by adding at the end the following:

“(f) A discharge under section 727, 1141, 1228, or 1328 of this title does not discharge any debtor that is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) of the debtor's payment obligations assessed against the participant under title II of that Act.”.

(e) Payment.—Section 524 of title 11, United States Code, is amended by adding at the end the following:

“(i) Participant Debtors.—

“(1) In general.—Paragraphs (2) and (3) shall apply to a debtor who—

“(A) is a participant that has made prior asbestos expenditures (as such terms are defined in the Fairness in Asbestos Injury Resolution Act of 2006); and

“(B) is subject to a case under this title that is pending—

“(i) on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006; or

“(ii) at any time during the 1-year period preceding the date of enactment of that Act.

“(2) Tier I debtors.—A debtor that has been assigned to Tier I under section 202 of the Fairness in Asbestos Injury Resolution Act of 2006, shall make payments in accordance with sections 202 and 203 of that Act.

“(3) Treatment of payment obligations.—All payment obligations of a debtor under sections 202 and 203 of the Fairness in Asbestos Injury Resolution Act of 2006 shall—

“(A) constitute costs and expenses of administration of a case under section 503 of this title;

“(B) notwithstanding any case pending under this title, be payable in accordance with section 202 of that Act;

“(C) not be stayed;

“(D) not be affected as to enforcement or collection by any stay or injunction of any court; and

“(E) not be impaired or discharged in any current or future case under this title.”.

(f) Treatment of Trusts.—Section 524 of title 11, United States Code, as amended by this Act, is amended by adding at the end the following:

“(j) Asbestos Trusts.—

“(1) In general.—A trust shall assign a portion of the corpus of the trust to the Asbestos Injury Claims Resolution Fund (referred to in this subsection as the ‘Fund’) as established under the Fairness in Asbestos Injury Resolution Act of 2006 if the trust qualifies as a ‘trust’ under section 201 of that Act.

“(2) Transfer of trust assets.—

“(A) In general.—

“(i) Except as provided under clause (ii) of this subparagraph and subparagraphs (B), (C), and (E), the assets in any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006) shall be transferred to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006 or 30 days following funding of a trust established under a reorganization plan subject to section 202(c) of that Act. Except as provided under subparagraph (B), the Administrator of the Fund shall accept such assets and utilize them for any purposes of the Fund under section 221 of such Act, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

“(ii) Notwithstanding clause (i), and except as provided under subparagraphs (B), (C), and (E), any trust established to provide compensation for asbestos claims (as defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), other than a trust established under a reorganization plan subject to section 202(c) of that Act, shall transfer the assets in such trust to the Fund as follows:

“(I) In the case of a trust established on or before December 31, 2005, such trust shall transfer 90 percent of the assets in such trust to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(II) In the case of a trust established after December 31, 2005, such trust shall transfer 88 percent of the assets in such trust to the Fund not later than 90 days after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(iii) Not later than 90 days after the date on which the Administrator of the Office of Asbestos Disease Compensation (referred to in this section as the ‘Administrator’) certifies in accordance with section 106(f)(3)(E)(ii) of the Fairness in Asbestos Injury Resolution Act of 2006 that the Fund is fully operational and paying all valid asbestos claims at a reasonable rate, any trust transferring assets under clause (ii) shall transfer all remaining assets in such trust to the Fund. The transfer required by this clause shall not include any trust assets needed to pay—

“(I) previously incurred expenses; or

“(II) claims determined to be eligible for compensation under clause (vi).

“(iv) Except as provided under subparagraph (B), the Administrator of the Fund shall accept any assets transferred under clauses (ii) or (iii) and utilize them for any purposes for the Fund under section 221 of the Fairness in Asbestos Injury Resolution Act of 2006, including the payment of claims for awards under such Act to beneficiaries of the trust from which the assets were transferred.

“(v) Notwithstanding any other provision of Federal or State law, no liability of any kind may be imposed on a trustee of a trust for transferring assets to the Fund in accordance with clause (i).

“(vi) Any trust transferring assets under clause (ii) shall be subject to the following requirements:

“(I) The trust may continue to process asbestos claims, make eligibility determinations, and pay claims in a manner consistent with this clause if a claimant—

“(aa) provides to the trust a copy of a binding election submitted to Administrator waiving the right to secure compensation under section 106(f)(2) of the Fairness in Asbestos Injury Resolution Act of 2006, unless the claimant is permitted under section 106(f)(2)(B) of such Act to seek a judgment or order for monetary damages from a Federal or State court;

“(bb) meets the requirements for compensation under the distribution plan for the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006;

“(cc) for any condition satisfies the medical criteria under the distribution plan for the trust that is most nearly equivalent to the medical criteria described in paragraph (2), (3), (4), (5), (7), (8), or (9) of section 121(d) of the Fairness in Asbestos Injury Resolution Act of 2006, except that, notwithstanding any provision of the distribution plan of the trust to the contrary, the trust shall not accept the results of a DLCO test (as such test is defined in section 121(a) of the Fairness in Asbestos Injury Resolution Act of 2006) for the purpose of demonstrating respiratory impairment; and

“(dd) for any of the cancers listed in section 121(d)(6) of the Fairness in Asbestos Injury Resolution Act of 2006 does not seek, and the trust does not pay, any compensation until such time as the Institute of Medicine finds that there is a causal relationship between asbestos exposure and such cancer, in which case such claims may be paid if such claims otherwise qualify for compensation under the distribution plan of the trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(II) The trust shall not accept medical evidence from any physician, medical facility, or laboratory whose evidence would be not be accepted as evidence—

“(aa) under the Manville Trust as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006; or

“(bb) by the Administrator under section 115(a)(2) of such Act.

“(III) The trust shall not amend its scheduled payment amount or payment percentage as in effect on the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006.

“(IV) The trust shall not amend its eligibility criteria after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, except to conform any criteria in any category under the distribution plan of the trust with related criteria in a related category under section 121 of the Fairness in Asbestos Injury Resolution Act of 2006.

“(V) The trust shall notify the Administrator of the Fund of any claim determined to be eligible for compensation after the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, and the amount of any such compensation awarded to the claimant of such claim. The notification required by this subclause shall be made in such form as the Administrator shall require, and not later than 15 days after the date the determination is made.

“(VI) The trust shall not pay any claim without a certification by a claimant, subject to the penalties described in the Fairness in Asbestos Injury Resolution Act of 2006, stating the amount of collateral source compensation that such claimant has received, or is entitled to receive, under section 134 of the Fairness in Asbestos Injury Resolution Act of 2006. In the event that collateral source compensation exceeds the amount that the claimant would be paid (excluding any adjustments under section 131(b) (3) and (4) of the Act) for such condition under the Act most similar to the claimant's claim with the trust, such trust shall not make any payment to the claimant.

“(VII) Upon finding that the trust has breached any condition or conditions of this clause, the Administrator shall require the immediate payment of remaining trust assets into the Fund in accordance with section 402(f) of the Fairness in Asbestos Injury Resolution Act of 2006. The Administrator shall be entitled to an injunction against further payments of nonliquidated claims from the assets of the trust during the pendency of any dispute regarding the findings of noncompliance by the Administrator. The court in which any action to enforce the obligations of the trust is pending shall afford the action expedited consideration.

“(B) AUTHORITY TO REFUSE ASSETS.—The Administrator of the Fund may refuse to accept any asset that the Administrator determines may create liability for the Fund in excess of the value of the asset.

“(C) ALLOCATION OF TRUST ASSETS.—If a trust under subparagraph (A) has beneficiaries with claims that are not asbestos claims, the assets transferred to the Fund under subparagraph (A) shall not include assets allocable to such beneficiaries. The trustees of any such trust shall determine the amount of such trust assets to be reserved for the continuing operation of the trust in processing and paying claims that are not asbestos claims. The trustees shall demonstrate to the satisfaction of the Administrator, or by clear and convincing evidence in a proceeding brought before the United States District Court for the District of Columbia in accordance with paragraph (4), that the amount reserved is properly allocable to claims other than asbestos claims.

“(D) SALE OF FUND ASSETS.—The investment requirements under section 222 of the Fairness in Asbestos Injury Resolution Act of 2006 shall not be construed to require the Administrator of the Fund to sell assets transferred to the Fund under subparagraph (A).

“(E) LIQUIDATED CLAIMS.—Except as specifically provided in this subparagraph, all asbestos claims against a trust are superseded and preempted as of the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, and a trust shall not make any payment relating to asbestos claims after that date. If, in the ordinary course and the normal and usual administration of the trust consistent with past practices, a trust had before the date of enactment of the Fairness in Asbestos Injury Resolution Act of 2006, made all determinations necessary to entitle an individual claimant to a noncontingent cash payment from the trust, the trust shall (i) make any lump-sum cash payment due to that claimant, and (ii) make or provide for all remaining noncontingent payments on any award being paid or scheduled to be paid on an installment basis, in each case only to the same extent that the trust would have made such cash payments in the ordinary course and consistent with past practices before enactment of that Act. A trust shall not make any payment in respect of any alleged contingent right to recover any greater amount than the trust had already paid, or had completed all determinations necessary to pay, to a claimant in cash in accordance with its ordinary distribution procedures in effect as of June 1, 2003.

“(3) INJUNCTION.—

“(A) IN GENERAL.—Any injunction issued as part of the formation of a trust described in paragraph (1) shall remain in full force and effect, except that any provision of such an injunction channeling asbestos claims to such a trust for resolution shall have no force and effect. No court, Federal or State, may enjoin the transfer of assets by a trust to the Fund in accordance with this subsection pending resolution of any litigation challenging such transfer or the validity of this subsection or of any provision of the Fairness in Asbestos Injury Resolution Act of 2006, and an interlocutory order denying such relief shall not be subject to immediate appeal under section 1291(a) of title 28.

“(B) AVAILABILITY OF FUND ASSETS.—Notwithstanding any other provision of law, once such a transfer has been made, the assets of the Fund shall be available to satisfy any final judgment entered in such an action and such transfer shall no longer be subject to any appeal or review—

“(i) declaring that the transfer effected a taking of a right or property for which an individual is constitutionally entitled to just compensation; or

“(ii) requiring the transfer back to a trust of any or all assets transferred by that trust to the Fund.

“(4) JURISDICTION.—Solely for purposes of implementing this subsection, personal jurisdiction over every covered trust, the trustees thereof, and any other necessary party, and exclusive subject matter jurisdiction over every question arising out of or related to this subsection, shall be vested in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 1127 of this title, that court may make any order necessary and appropriate to facilitate prompt compliance with this subsection, including assuming jurisdiction over and modifying, to the extent necessary, any applicable confirmation order or other order with continuing and prospective application to a covered trust. The court may also resolve any related challenge to the constitutionality of this subsection or of its application to any trust, trustee, or individual claimant. The Administrator of the Fund may bring an action seeking such an order or modification, under the standards of rule 60(b) of the Federal Rules of Civil Procedure or otherwise, and shall be entitled to intervene as of right in any action brought by any other party seeking interpretation, application, or invalidation of this subsection. Any order denying relief that would facilitate prompt compliance with the transfer provisions of this subsection shall be subject to immediate appeal under section 304 of the Fairness in Asbestos Injury Resolution Act of 2006.".

(g) NO AVOIDANCE OF TRANSFER.—Section 546 of title 11, United States Code, is amended by adding at the end the following:

"(h) Notwithstanding the rights and powers of a trustee under sections 544, 545, 547, 548, 549, and 550 of this title, if a debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the trustee may not avoid a transfer made by the debtor under its payment obligations under section 202 or 203 of that Act.".

(h) CONFIRMATION OF PLAN.—Section 1129(a) of title 11, United States Code, is amended by adding at the end the following:

"(14) If the debtor is a participant (as that term is defined in section 3 of the Fairness in Asbestos Injury Resolution Act of 2006), the plan provides for the continuation after its effective date of payment of all payment obligations under title II of that Act.".

(i) EFFECT ON INSURANCE RECEIVERSHIP PROCEEDINGS.—

(1) LIEN.—In an insurance receivership proceeding involving a direct insurer, reinsurer or runoff participant, there shall be a lien in favor of the Fund for the amount of any assessment and any such lien shall be given priority over all other claims against the participant in receivership, except for the expenses of administration of the receivership and the perfected claims of the secured creditors. Any State law that provides for priorities inconsistent with this provision is preempted by this Act.

(2) PAYMENT OF ASSESSMENT.—Payment of any assessment required by this Act shall not be subject to any automatic or judicially entered stay in any insurance receivership proceeding. This Act shall preempt any State law requiring that payments by a direct insurer, reinsurer or runoff participant in an insurance receivership proceeding be approved by a court, receiver or other person. Payments of assessments by any direct insurer or reinsurer participant under this Act shall not be subject to the avoidance powers of a receiver or a court in or relating to an insurance receivership proceeding.

(j) STANDING IN BANKRUPTCY PROCEEDINGS.—The Administrator shall have standing in any bankruptcy case involving a debtor participant. No bankruptcy court may require the Administrator to return property seized to satisfy obligations to the Fund.

SEC. 403. EFFECT ON OTHER LAWS AND EXISTING CLAIMS.

(a) EFFECT ON FEDERAL AND STATE LAW.—The provisions of this Act shall supersede any Federal or State law insofar as such law may relate to any asbestos claim, including any claim described under subsection (e)(2).

(b) EFFECT ON SILICA CLAIMS.—

(1) IN GENERAL.—

(A) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to preempt, bar, or otherwise preclude any personal injury claim attributable to exposure to silica as to which the plaintiff—

(i) pleads with particularity and establishes by a preponderance of evidence either that—

(I) no claim has been asserted or filed by or with respect to the exposed person in any forum for any asbestos-related condition and the exposed person (or another claiming on behalf of or through the exposed person) is not eligible for any monetary award under this Act; or

(II)(aa) the exposed person suffers or has suffered a functional impairment that was caused by exposure to silica; and

(bb) asbestos exposure was not a substantial contributing factor to such functional impairment; and

(ii) satisfies the requirements of paragraph (2) .

(B) PREEMPTION.—Claims attributable to exposure to silica that fail to meet the requirements of subparagraph (A) shall be preempted by this Act.

(2) REQUIRED EVIDENCE.—

(A) IN GENERAL.—In any claim to which paragraph (1) applies, the initial pleading (or, for claims pending on the date of enactment of this Act, an amended pleading to be filed within 60 days after such date, but not later than 60 days before trial, shall plead with particularity the elements of subparagraph (A)(i)(I) or (II) and shall be accompanied by the information described under subparagraph (B)(i) through (iv).

(B) PLEADINGS.—If the claim pleads the elements of paragraph (1)(A)(i)(II) and by the information described under clauses (i) through (iv) of this subparagraph if the claim pleads the elements of paragraph (1)(A)(i)(I)—

(i) admissible evidence, including at a minimum, a B-reader's report, the underlying x-ray film and such other evidence showing that the claim may be maintained and is not preempted under paragraph (1);

(ii) notice of any previous lawsuit or claim for benefits in which the exposed person, or another claiming on behalf of or through the injured person, asserted an injury or disability based wholly or in part on exposure to asbestos;

(iii) if known by the plaintiff after reasonable inquiry by the plaintiff or his representative, the history of the exposed person's exposure, if any, to asbestos; and

(iv) copies of all medical and laboratory reports pertaining to the exposed person that refer to asbestos or asbestos exposure.

(3) STATUTE OF LIMITATIONS.—In general, the statute of limitations for a silica claim shall be governed by applicable State law, except that in any case under this subsection, the statute of limitations shall only start to run when the plaintiff becomes impaired.

(c) SUPERSEDING PROVISIONS.—

(1) IN GENERAL.—Except as provided under paragraph (3) and section 106(f), any agreement, understanding, or undertaking by any person or affiliated group with respect to the treatment of any asbestos claim, including a claim described under subsection (e)(2), that requires future performance by any party, insurer of such party, settlement administrator, or escrow agent shall be superseded in its entirety by this Act.

(2) NO FORCE OR EFFECT.—Except as provided under paragraph (3), any such agreement, understanding, or undertaking by any such person or affiliated group shall be of no force or effect, and no person shall have any rights or claims with respect to any such agreement, understanding, or undertaking.

(3) EXCEPTION.—

(A) IN GENERAL.—Except as provided in section 202(f), nothing in this Act shall abrogate a binding and legally enforceable written settlement agreement between any defendant participant or its insurer and a specific named plaintiff with respect to the settlement of an asbestos claim of the plaintiff if—

(i) before the date of enactment of this Act, the settlement agreement was executed by—

(I) the authorized legal representative acting on behalf of the settling defendant or insurer, the settling defendant or the settling insurer; and

(II)(aa) the specific individual plaintiff, or the individual's immediate relatives; or

(bb) an authorized legal representative acting on behalf of the plaintiff where the plaintiff is incapacitated and the settlement agreement is signed by that authorized legal representative;

(ii) the settlement agreement contains an express obligation by the settling defendant or settling insurer to make a future direct monetary payment or payments in a fixed amount or amounts to the individual plaintiff; and

(iii) within 30 days after the date of enactment of this Act, or such shorter time period specified in the settlement agreement, the plaintiff has fulfilled all conditions to payment under the settlement agreement.

(B) BANKRUPTCY-RELATED AGREEMENTS.—The exception set forth in this paragraph shall not apply to any bankruptcy-related agreement.

(C) COLLATERAL SOURCE.—Any settlement payment under this section is a collateral source if the plaintiff seeks recovery from the Fund.

(D) ABROGATION.—Nothing in subparagraph (A) shall abrogate a settlement agreement otherwise satisfying the requirements of that subparagraph if such settlement agreement expressly anticipates the enactment of this Act and provides for the effects of this Act.

(E) HEALTH CARE INSURANCE OR EXPENSES SETTLEMENTS.—Nothing in this Act shall abrogate or terminate an otherwise fully enforceable settlement agreement which was executed before the date of enactment of this Act directly by the settling defendant or the settling insurer and a specific named plaintiff to pay the health care insurance or health care expenses of the plaintiff.

(d) EXCLUSIVE REMEDY.—

(1) IN GENERAL.—Except as provided under paragraph (2) and section 106(f) of this Act and section 524(j)(3) of title 11, United States Code, as amended by this Act, the remedies provided under this Act shall be the exclusive remedy for any asbestos claim, including any claim described in subsection (e)(2), under any Federal or State law.

(2) CIVIL ACTIONS AT TRIAL.—

(A) IN GENERAL.—This Act shall not apply to any asbestos claim that—

(i) is a civil action filed in a Federal or State court (not including a filing in a bankruptcy court);

(ii) is not part of a consolidation of actions or a class action; and

(iii) on the date of enactment of this Act—

(I) in the case of a civil action which includes a jury trial, is before the jury after its impaneling and commencement of presentation of evidence, but before its deliberations;

(II) in the case of a civil action which includes a trial in which a judge is the trier of fact, is at the presentation of evidence at trial; or

(III) a verdict, final order, or final judgment has been entered by a trial court.

(B) NONAPPLICABILITY.—This Act shall not apply to a civil action described under subparagraph (A) throughout the final disposition of the action.

(e) BAR ON ASBESTOS CLAIMS.—

(1) IN GENERAL.—No asbestos claim (including any claim described in paragraph (2)) may be pursued, and no pending asbestos claim may be maintained, in any Federal or State court, except as provided under subsection (d)(2) and section 106(f) of this Act and section 524(j)(3) of title 11, United States Code, as amended by this Act.

(2) CERTAIN SPECIFIED CLAIMS.—

(A) IN GENERAL.—Subject to section 404 (d) and (e)(3) of this Act, no claim may be brought or pursued in any Federal or State court or insurance receivership proceeding—

(i) relating to any default, confessed or stipulated judgment on an asbestos claim if the judgment debtor expressly agreed, in writing or otherwise, not to contest the entry of judgment against it and the plaintiff expressly agreed, in writing or otherwise, to seek satisfaction of the judgment only against insurers or in bankruptcy;

(ii) relating to the defense, investigation, handling, litigation, settlement, or payment of any asbestos claim by any participant, including claims for bad faith or unfair or deceptive claims handling or breach of any duties of good faith; or

(iii) arising out of or relating to the asbestos-related injury of any individual and—

(I) asserting any conspiracy, concert of action, aiding or abetting, act, conduct, statement, misstatement, undertaking, publication, omission, or failure to detect, speak, disclose, publish, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos; or

(II) asserting any conspiracy, act, conduct, statement, omission, or failure to detect, disclose, or warn relating to the presence or health effects of asbestos or the use, sale, distribution, manufacture, production, development, inspection, advertising, marketing, or installation of asbestos, asserted as or in a direct action against an insurer or reinsurer based upon any theory, statutory, contract, tort, or otherwise; or

(iv) by any third party, and premised on any theory, allegation, or cause of action, for reimbursement of healthcare costs allegedly associated with the use of or exposure to asbestos, whether such claim is asserted directly, indirectly or derivatively.

(B) EXCEPTIONS.—Subparagraph (A) (ii) and (iii) shall not apply to claims against participants by persons—

(i) with whom the participant is in privity of contract;

(ii) who have received an assignment of insurance rights not otherwise voided by this Act; or

(iii) who are beneficiaries covered by the express terms of a contract with that participant.

(3) PREEMPTION.—Any action asserting an asbestos claim (including a claim described in paragraph (2)) in any Federal or State court is preempted by this Act, except as provided under subsection (d)(2) and section 106(f).

(4) DISMISSAL.—

(A) IN GENERAL.—Except as provided under subsection (d)(2), no judgment other than a judgment for dismissal may be entered in any action asserting an asbestos claim (including any claim described in paragraph (2)) in any Federal or State court on or after the date of enactment of this Act.

(B) DISMISSAL ON MOTION.—A court may dismiss any action asserting an asbestos claim (including any claim described in paragraph (2)) on—

(i) motion by any party to such action; or

(ii) its own motion.

(C) DENIAL OF MOTION.—If a court denies a motion to dismiss under subparagraph (B)(i), it shall stay further proceedings in any such action until final disposition of any appeal taken under this Act.

(D) EXCEPTION FOR PENDING CLAIMS IN COURT.—

(i) IN GENERAL.—Except as provided under subsection (d)(2) and clause (ii) of this subparagraph, an action asserting an asbestos claim that is pending on the date of enactment of this Act in any Federal or State court may not be dismissed under subparagraph (A), but any stay shall continue in effect, if the plaintiff (or the personal representative of the plaintiff, if the plaintiff is deceased or incompetent) in such action has filed a claim, or is still entitled under section 113(b) to file a claim, with the Fund with respect to the disease, condition, or injury forming the basis of such action.

(ii) DISMISSAL ALLOWED IF CLAIM IS ADJUDICATED.—An action exempt from dismissal under clause (i) shall be dismissed if—

(I) the plaintiff's claim under the Fund has been finally adjudicated, and—

(aa) the award, if any, to the plaintiff from the Fund has been paid in whole or in part; or

(bb) the plaintiff has been determined to be eligible for medical monitoring;

(II) the plaintiff's claim under the Fund has been finally adjudicated and the claimant is not entitled to receive a monetary award or medical monitoring under subtitle D of title I;

(III) the plaintiff's claim has been resolved and paid in full under section 106(f);

(IV) after the Administrator certifies to Congress that the Fund has become operational and paying all valid asbestos claims at a reasonable rate, the plaintiff's claim is pending in any venue other than a venue described under section 405(h)(3); or

(V) before the Administrator certifies to Congress that the Fund has become operational and paying all valid asbestos claims at a reasonable rate, the plaintiff's claim—

(aa) is subject to section 106(f)(3); and

(bb) would not be permitted to proceed in the venue in which that claim is pending under such paragraph.

(E) NOTICE.—A claimant shall provide notice to the Administrator of any pending action involving an asbestos claim in any Federal or State court in which such claimant is a plaintiff. The Administrator shall send notice to the appropriate Federal or State court of any adjudication of any claim with the Fund filed by a plaintiff in an action that has been stayed under subparagraph (D)(i).

(F) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to limit dismissal, at any time, of a claim pending in Federal or State court for reasons independent of the enactment of this Act.

(5) REMOVAL.—

(A) IN GENERAL.—If an action in any State court under paragraph (3) is preempted, barred, or otherwise precluded under this Act, and not dismissed, or if an order entered after the date of enactment of this Act purporting to enter judgment or deny review is not rescinded and replaced with an order of dismissal within 30 days after the filing of a motion by any party to the action advising the court of the provisions of this Act, any party may remove the case to the district court of the United States for the district in which such action is pending.

(B) TIME LIMITS.—For actions originally filed after the date of enactment of this Act, the notice of removal shall be filed within the time limits specified in section 1441(b) of title 28, United States Code.

(C) PROCEDURES.—The procedures for removal and proceedings after removal shall be in accordance with sections 1446 through 1450 of title 28, United States Code, except as may be necessary to accommodate removal of any actions pending (including on appeal) on the date of enactment of this Act.

(D) REVIEW OF REMAND ORDERS.—

(i) IN GENERAL.—Section 1447 of title 28, United States Code, shall apply to any removal of a case under this section, except that notwithstanding subsection (d) of that section, a court of appeals may accept an appeal from an order of a district court granting or denying a motion to remand an action to the State court from which it was removed if application is made to the court of appeals not less than 7 days after entry of the order.

(ii) TIME PERIOD FOR JUDGMENT.—If the court of appeals accepts an appeal under clause (i), the court shall complete all action on such appeal, including rendering judgment, not later than 60 days after the date on which such appeal was filed, unless an extension is granted under clause (iii).

(iii) EXTENSION OF TIME PERIOD.—The court of appeals may grant an extension of the 60-day period described in clause (ii) if—

(I) all parties to the proceeding agree to such extension, for any period of time; or

(II) such extension is for good cause shown and in the interests of justice, for a period not to exceed 10 days.

(iv) DENIAL OF APPEAL.—If a final judgment on the appeal under clause (i) is not issued before the end of the period described in clause (ii), including any extension under clause (iii), the appeal shall be denied.

(E) JURISDICTION.—The jurisdiction of the district court shall be limited to—

(i) determining whether removal was proper; and

(ii) determining, based on the evidentiary record, whether the claim presented is preempted, barred, or otherwise precluded under this Act.

(6) CREDITS.—

(A) IN GENERAL.—If, notwithstanding the express intent of Congress stated in this section, any court finally determines for any reason that an asbestos claim, including a claim described under paragraph (2), is not barred under this subsection and is not subject to the exclusive remedy or preemption provisions of this section, then any participant required to satisfy a final judgment executed with respect to any such claim may elect to receive a credit against any assessment owed to the Fund equal to the amount of the payment made with respect to such executed judgment.

(B) REQUIREMENTS.—The Administrator shall require participants seeking credit under this paragraph to demonstrate that the participant—

(i) timely pursued all available remedies, including remedies available under this paragraph to obtain dismissal of the claim; and

(ii) notified the Administrator at least 20 days before the expiration of any period within which to appeal the denial of a motion to dismiss based on this section.

(C) INFORMATION.—The Administrator may require a participant seeking credit under this paragraph to furnish such further information as is necessary and appropriate to establish eligibility for, and the amount of, the credit.

(D) INTERVENTION.—The Administrator may intervene in any action in which a credit may be due under this paragraph.

SEC. 404. EFFECT ON INSURANCE AND REINSURANCE CONTRACTS.

(a) EROSION OF INSURANCE COVERAGE LIMITS.—

(1) DEFINITIONS.—In this section, the following definitions shall apply:

(A) DEEMED EROSION AMOUNT.—The term "deemed erosion amount" means the amount of erosion deemed to occur at enactment under paragraph (2).

(B) EARLY SUNSET.—The term "early sunset" means an event causing termination of the program under section 405(g) which relieves the insurer participants of paying some portion of the aggregate payment level of $46,025,000,000 required under section 212(a)(2)(A).

(C) EARNED EROSION AMOUNT.—The term "earned erosion amount" means, in the event of any early sunset under section 405(g), the percentage, as set forth in the following schedule, depending on the year in which the defendant participants' funding obligations end, of those amounts which, at the time of the early sunset, a defendant participant has paid to the fund and remains obligated to pay into the fund.

Year After Enactment In Which Defendant Participant's Funding Obligation Ends:	**Applicable Percentage:**
2	67.06
3	86.72
4	96.55
5	102.45
6	90.12
7	81.32
8	74.71
9	69.58
10	65.47
11	62.11
12	59.31
13	56.94
14	54.90
15	53.14
16	51.60
17	50.24
18	49.03
19	47.95
20	46.98
21	46.10
22	45.30
23	44.57
24	43.90
25	43.28
26	42.71
27	42.18
28	40.82
29	39.42

(D) REMAINING AGGREGATE PRODUCTS LIMITS.—The term "remaining aggregate products limits" means aggregate limits that apply to insurance coverage granted under the "products hazard", "completed operations hazard", or "Products—Completed Operations Liability" in any comprehensive general liability policy issued between calendar years 1940 and 1986 to cover injury which occurs in any State, as reduced by—

(i) any existing impairment of such aggregate limits as of the date of enactment of this Act; and

(ii) the resolution of claims for reimbursement or coverage of liability or paid or incurred loss for which notice was provided to the insurer before the date of enactment of this Act.

(E) SCHEDULED PAYMENT AMOUNTS.—The term "scheduled payment amounts" means the future payment obligation to the Fund under this Act from a defendant participant in the amount established under sections 203 and 204.

(F) UNEARNED EROSION AMOUNT.—The term "unearned erosion amount" means, in the event of any early sunset under section 405(g), the difference between the deemed erosion amount and the earned erosion amount.

(2) QUANTUM AND TIMING OF EROSION.—

(A) EROSION UPON ENACTMENT.—The collective payment obligations to the Fund of the insurer and reinsurer participants as assessed by the Administrator shall be deemed as of the date of enactment of this Act to erode remaining aggregate products limits available to a defendant participant only in an amount of 38.1 percent of each defendant participant's scheduled payment amount.

(B) NO ASSERTION OF CLAIM.—No insurer or reinsurer may assert any claim against a defendant participant or captive insurer for insurance, reinsurance, payment of a deductible, or retrospective premium adjustment arising out of that insurer's or reinsurer's payments to the Fund or the erosion deemed to occur under this section.

(C) POLICIES WITHOUT CERTAIN LIMITS OR WITH EXCLUSION.—Except as provided under subparagraph (E), nothing in this section shall require or permit the erosion of any insurance policy or limit that does not contain an aggregate products limit, or that contains an asbestos exclusion.

(D) TREATMENT OF CONSOLIDATION ELECTION.—If an affiliated group elects consolidation as provided in section 204(f), the total erosion of limits for the affiliated group under paragraph (2)(A) shall not exceed 38.1 percent of the scheduled payment amount of the single payment obligation for the entire affiliated group. The total erosion of limits for any individual defendant participant in the affiliated group shall not exceed its individual share of 38.1 percent of the affiliated group's scheduled payment amount, as measured by the individual defendant participant's percentage share of the affiliated group's prior asbestos expenditures.

(E) RULE OF CONSTRUCTION.—Notwithstanding any other provision of this section, nothing in this Act shall be deemed to erode remaining aggregate products limits of a defendant participant that can demonstrate by a preponderance of the evidence that 75 percent of its prior asbestos expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury arising exclusively from the exposure to asbestos at premises owned, rented, or controlled by the defendant participant (a "premises defendant"). In calculating such percentage, where expenditures were made in defense or satisfaction of asbestos claims alleging bodily injury due to exposure to the defendant participant's products and to asbestos at premises owned, rented, or controlled by the defendant participant, half of such expenditures shall be deemed to be for such premises exposures. If a defendant participant establishes itself as a premises defendant, 75 percent of the payments by such defendant participant shall erode coverage limits, if any, applicable to premises liabilities under applicable law.

(3) METHOD OF EROSION.—

(A) ALLOCATION.—The amount of erosion allocated to each defendant participant shall be allocated among periods in which policies with remaining aggregate product limits are available to that defendant participant pro rata by policy period, in ascending order by attachment point.

(B) OTHER EROSION METHODS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A), the method of erosion of any remaining aggregate products limits which are subject to—

(I) a coverage-in-place or settlement agreement between a defendant participant and 1 or more insurance participants as of the date of enactment; or

(II) a final and nonappealable judgment as of the date of enactment or resulting from a claim for coverage or reimbursement pending as of such date, shall be as specified in such agreement or judgment with regard to erosion applicable to such insurance participants' policies.

(ii) REMAINING LIMITS.—To the extent that a final nonappealable judgment or settlement agreement to which an insurer participant and a defendant participant are parties in effect as of the date of enactment of this Act extinguished a defendant participant's right to seek coverage for asbestos claims under an insurer participant's policies, any remaining limits in such policies shall not be considered to be remaining aggregate products limits under subsection (a)(1)(A).

(4) RESTORATION OF AGGREGATE PRODUCTS LIMITS UPON EARLY SUNSET.—

(A) RESTORATION.—In the event of an early sunset, any unearned erosion amount will be deemed restored as aggregate products limits available to a defendant participant as of the date of enactment.

(B) METHOD OF RESTORATION.—The unearned erosion amount will be deemed restored to each defendant participant's policies in such a manner that the last limits that were deemed eroded at enactment under this subsection are deemed to be the first limits restored upon early sunset.

(C) TOLLING OF COVERAGE CLAIMS.—In the event of an early sunset, the applicable statute of limitations and contractual provisions for the filing of claims under any insurance policy with restored aggregate products limits shall be deemed tolled after the date of enactment through the date 6 months after the date of early sunset.

(5) PAYMENTS BY DEFENDANT PARTICIPANT.—Payments made by a defendant participant shall be deemed to erode, exhaust, or otherwise satisfy applicable self-insured retentions, deductibles, retrospectively rated premiums, and limits issued by nonparticipating insolvent or captive insurance companies. Reduction of remaining aggregate limits under this subsection shall not limit the right of a defendant participant to collect from any insurer not a participant.

(6) EFFECT ON OTHER INSURANCE CLAIMS.—Other than as specified in this subsection, this Act does not alter, change, modify, or affect insurance for claims other than asbestos claims.

(b) DISPUTE RESOLUTION PROCEDURE.—

(1) ARBITRATION.—The parties to a dispute regarding the erosion of insurance coverage limits under this section may agree in writing to settle such dispute by arbitration. Any such provision or agreement shall be valid, irrevocable, and enforceable, except

for any grounds that exist at law or in equity for revocation of a contract.

(2) Title 9, United States Code.—Arbitration of such disputes, awards by arbitrators, and confirmation of awards shall be governed by title 9, United States Code, to the extent such title is not inconsistent with this section. In any such arbitration proceeding, the erosion principles provided for under this section shall be binding on the arbitrator, unless the parties agree to the contrary.

(3) Final and binding award.—An award by an arbitrator shall be final and binding between the parties to the arbitration, but shall have no force or effect on any other person. The parties to an arbitration may agree that in the event a policy which is the subject matter of an award is subsequently determined to be eroded in a manner different from the manner determined by the arbitration in a judgment rendered by a court of competent jurisdiction from which no appeal can or has been taken, such arbitration award may be modified by any court of competent jurisdiction upon application by any party to the arbitration. Any such modification shall govern the rights and obligations between such parties after the date of such modification.

(c) Effect on Nonparticipants.—

(1) In general.—No insurance company or reinsurance company that is not a participant, other than a captive insurer, shall be entitled to claim that payments to the Fund erode, exhaust, or otherwise limit the nonparticipant's insurance or reinsurance obligations.

(2) Other claims.—Nothing in this Act shall preclude a participant from pursuing any claim for insurance or reinsurance from any person that is not a participant other than a captive insurer.

(d) Finite Risk Policies Not Affected.—

(1) In general.—Notwithstanding any other provision of this Act, except subject to section 212(a)(1)(D), this Act shall not alter, affect or impair any rights or obligations of—

(A) any party to an insurance contract that expressly provides coverage for governmental charges or assessments imposed to replace insurance or reinsurance liabilities in effect on the date of enactment of this Act; or

(B) subject to paragraph (2), any person with respect to any insurance purchased by a participant after December 31, 1990, that expressly (but not necessarily exclusively) provides coverage for asbestos liabilities, including those policies commonly referred to as "finite risk" policies.

(2) Limitation.—No person may assert that any amounts paid to the Fund in accordance with this Act are covered by any policy described under paragraph (1)(B) purchased by a defendant participant, unless such policy specifically provides coverage for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims.

(e) Effect on Certain Insurance and Reinsurance Claims.—

(1) No coverage for fund assessments.—Subject to section 212(a)(1)(D), no participant or captive insurer may pursue an insurance or reinsurance claim against another participant or captive insurer for payments to the Fund required under this Act, except under a written agreement specifically providing insurance, reinsurance, or other reimbursement for required payments to a Federal trust fund established by a Federal statute to resolve asbestos injury claims or, where applicable, under finite risk policies under subsection (d).

(2) Certain insurance assignments voided.—Any assignment of any rights to insurance coverage for asbestos claims to any person who has asserted an asbestos claim before the date of enactment of this Act, or to any trust, person, or other entity not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims which were asserted before such date of enactment, or by any Tier I defendant participant, before any sunset of this Act, shall be null and void. This subsection shall not void or affect in any way any assignments of rights to insurance coverage other than to asbestos claimants or to trusts, persons, or other entities not part of an affiliated group as defined in section 201(1) of this Act established or appointed for the purpose of paying asbestos claims, or by Tier I defendant participants.

(3) Insurance claims preserved.—Notwithstanding any other provision of this Act, this Act shall not alter, affect, or impair any rights or obligations of any person with respect to any insurance or reinsurance for amounts that any person pays, has paid, or becomes legally obligated to pay in respect of asbestos or other claims, including claims filed, pursued, or revived under section 405(h), except to the extent that—

(A) such claims are preempted, barred, or superseded by section 403;

(B) any such rights or obligations of such person with respect to insurance or reinsurance are prohibited by paragraph (1) or (2) of subsection (e); or

(C) the limits of insurance otherwise available to such participant in respect of asbestos claims are deemed to be eroded under subsection (a).

SEC. 405. ANNUAL REPORT OF THE ADMINISTRATOR AND SUNSET OF THE ACT.

(a) In General.—The Administrator shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the operation of the Asbestos Injury Claims Resolution Fund within 6 months after the close of each fiscal year.

(b) Contents of Report.—The annual report submitted under this subsection shall include an analysis of—

(1) the claims experience of the program during the most recent fiscal year, including—

(A) the number of claims made to the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims;

(B) the number of claims denied by the Office and a description of the types of medical diagnoses and asbestos exposures underlying those claims, and a general description of the reasons for their denial;

(C) a summary of the eligibility determinations made by the Office under section 114;

(D) a summary of the awards made from the Fund, including the amount of the awards; and

(E) for each disease level, a statement of the percentage of asbestos claimants who filed claims during the prior calendar year and were determined to be eligible to receive compensation under this Act, who have received the compensation to which such claimants are entitled according to section 131;

(2) the administrative performance of the program, including—

(A) the performance of the program in meeting the time limits prescribed by law and an analysis of the reasons for any systemic delays;

(B) any backlogs of claims that may exist and an explanation of the reasons for such backlogs;

(C) the costs to the Fund of administering the program; and

(D) any other significant factors bearing on the efficiency of the program;

(3) the financial condition of the Fund, including—

(A) statements of the Fund's revenues, expenses, assets, and liabilities;

(B) the identity of all participants, the funding allocations of each participant, and the total amounts of all payments to the Fund;

(C) a list of all financial hardship or inequity adjustments applied for during the fiscal year, and the adjustments that were made during the fiscal year;

(D) a statement of the investments of the Fund; and

(E) a statement of the borrowings of the Fund;

(4) the financial prospects of the Fund, including—

(A) an estimate of the number and types of claims, the amount of awards, and the participant payment obligations for the next fiscal year;

(B) an analysis of the financial condition of the Fund, including an estimation of the Fund's ability to pay claims for the subsequent 5 years in full and over the predicted lifetime of the program as and when required, an evaluation of the Fund's ability to retire its existing debt and assume additional debt, and an evaluation of the Fund's ability to satisfy other obligations under the program; and

(C) a report on any changes in projections made in earlier annual reports or sunset analyses regarding the Fund's ability to meet its financial obligations;

(5) a summary of any legal actions brought or penalties imposed under section 223, any referrals made to law enforcement authorities under section 408 (a) and (b), and any contributions to the Fund collected under section 408(e);

(6) any recommendations from the Advisory Committee on Asbestos Disease Compensation and the Medical Advisory Committee of the Fund to improve the diagnostic, exposure, and medical criteria so as to pay those claimants who suffer from diseases or conditions for which exposure to asbestos was a substantial contributing factor;

(7) a summary of the results of audits conducted under section 115; and

(8) a summary of prosecutions under section 1348 of title 18, United States Code (as added by this Act).

(c) Certification.—The Administrator shall certify in the annual report required under subsection (a) whether, in the best judgment of the Administrator, the Fund will have sufficient resources for the fiscal year in which the report is issued to make all required payments—

(1) with respect to all claims determined eligible for compensation that have been filed and that the Administrator projects will be filed with the Office for the fiscal year; and

(2) to satisfy the Fund's debt repayment obligation, administrative costs, and other financial obligations.

(d) Claims Analysis and Verification of Unanticipated Claims.—

(1) In general.—If the Administrator concludes, on the basis of the annual report submitted under this section, that—

(A) the average number of claims that qualify for compensation under a claim level or designation exceeds 125 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims qualifying for compensation under the appropriate claim level or designation; or

(B) the average number of claims that qualify for compensation under a claim level or designation is less than 75 percent of the number of claims expected to qualify for compensation under that claim level or designation in the most recent Congressional Budget Office estimate of asbestos-injury claims for any 3-year period, the Administrator shall conduct a review of a statistically significant sample of claims deemed ineligible for compensation under the appropriate claim level or designation.

(2) Determinations.—The Administrator shall examine the best available medical evidence and any recommendation made under subsection (b)(5) in order to determine which 1 or more of the following is true:

(A) Without a significant number of exceptions, all of the claimants who qualified for compensation under the claim level or designation suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(B) A significant number of claimants who qualified for compensation under the claim level or designation do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(C) A significant number of claimants who were denied compensation under the claim level of designation did suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(D) The Congressional Budget Office projections underestimated or overestimated the actual number of persons who suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor.

(3) Recommendations concerning claims criteria.—If the Administrator determines that a significant number of the claimants who qualified for compensation under the claim level under review do not suffer from an injury or disease for which exposure to asbestos was a substantial contributing factor, or that a significant number of the claimants who were denied compensation under the claim level under review suffered from an injury or disease for which exposure to asbestos was a substantial contributing factor, the Administrator shall recommend to Congress, under subsection (f), changes to the compensation criteria in order to ensure that the Fund provides compensation for injury or disease for which exposure to asbestos was a substantial contributing factor, but does not provide compensation to claimants who do not suffer from an injury or disease for which asbestos exposure was a substantial contributing factor.

(e) Recommendations of Administrator and Advisory Committee.—

(1) Referral.—If the Administrator recommends changes to this Act under subsection (d), the recommendations and accompanying analysis shall be referred to the Advisory Committee on Asbestos Disease Compensation established under section 102 (in this subsection referred to as the "Advisory Committee").

(2) Advisory committee recommendations.—The Advisory Committee shall hold expedited public hearings on the alternatives and recommendations of the Administrator and make its own recommendations for reform of the program under titles I and II.

(3) Transmittal to congress.—Not later than 90 days after receiving the recommendations of the Administrator, the Advisory Committee shall transmit the recommendations of the Administrator and the recommendations of the Advisory Committee to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(f) Shortfall Analysis.—

(1) In general.—

(A) Analysis.—If the Administrator concludes, at any time, that the Fund may not be able to pay claims as such claims become due at any time within the next 5 years and to satisfy its other obligations, the Administrator shall prepare an analysis of the reasons for the situation, an estimation of when the Fund will no longer be able to pay claims as such claims become due, a description of the range of reasonable alternatives for responding to the situation, and a recommendation as to which alternative best serves the interest of claimants and the public. The report may include a description of changes in the diagnostic, exposure, or medical criteria of section 121 that the Administrator believes may be necessary to protect the Fund. The Administrator shall submit such analysis to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives. Any recommendations made by the Administrator for changes to the program shall, in addition, be referred to the Advisory Committee on Asbestos Disease Compensation established under section 102 for review.

(B) Range of alternatives.—The range of alternatives under subparagraph (A) may include—

(i) termination of the program set forth in titles I and II of this Act in its entirety;

(ii) reform of the program set forth in titles I and II of this Act (including changes in the diagnostic, exposure, or medical criteria, changes in the enforcement or application of those criteria, enhancement of enforcement authority, changes in the timing of payments, changes in contributions by defendant participants, insurer participants (or both such participants), or changes in award values); or

(iii) any measure that the Administrator considers appropriate.

(C) Insurer shortfall assessments.—Beginning in year 6 of the life of the Fund, if the Administrator determines that a shortfall in payment of the annual amounts required to be paid by insurer participants under section 212(a)(3)(C) is the substantial factor that would cause the Administrator to recommend the termination of this Act under subsection (g), then the Administrator may impose shortfall assessments on insurer participants in addition to the payments imposed under section 212, except that the Administrator shall not impose such assessments if the additional amounts would not be sufficient to permit the Administrator to avoid recommending termination of this Act. During any given year, the total of such shortfall assessments shall not exceed the amount by which, during the prior year, total payments by insurer participants fell short of the aggregate amounts required to be paid under section 212(a)(3)(C). Shortfall assessments shall be allocated among insurer participants using the methodology adopted by the Asbestos Insurers Commission under section 212(a)(1)(B).

(2) Considerations.—In formulating recommendations, the Administrator shall take into account the reasons for any shortfall, actual or projected, which may include—

(A) financial factors, including return on investments, borrowing capacity, interest rates, ability to collect contributions, and other relevant factors;

(B) the operation of the Fund generally, including administration of the claims processing, the ability of the Administrator to collect contributions from participants, potential problems of fraud, the adequacy of the criteria to rule out idiopathic mesothelioma, and inadequate flexibility to extend the timing of payments;

(C) the appropriateness of the diagnostic, exposure, and medical criteria, including the adequacy of the criteria to rule out idiopathic mesothelioma;

(D) the actual incidence of asbestos-related diseases, including mesothelioma, based on epidemiological studies and other relevant data;

(E) compensation of diseases with alternative causes; and

(F) other factors that the Administrator considers relevant.

(3) Recommendation of termination.—Any recommendation of termination should include a plan for winding up the affairs of the Fund (and the program generally) within a defined period, including paying in full all claims resolved at the time the report is prepared. Any plan under this paragraph shall provide for priority in payment to the claimants with the most serious illnesses.

(4) Resolved claims.—For purposes of this section, a claim shall be deemed resolved when the Administrator has determined the amount of the award due the claimant, and either the claimant has waived judicial review or the time for judicial review has expired.

(g) Sunset of Act.—

(1) In general.—

(A) Termination.—Subject to paragraph (4), titles I (except subtitle A) and II and sections 403 and 404(e)(2) shall terminate as provided under paragraph (2), if—

(i) the Administrator has begun the processing of claims; and

(ii) as part of the review conducted to prepare an annual report under this section, the Chief Financial Officer of the Department of Labor, giving due consideration to the audit conducted under subsection (h), determines that if any additional claims are resolved, the Fund will not have sufficient nontaxpayer resources and borrowing authorized under section 221 when needed to pay 100 percent of all resolved claims while also meeting all other obligations of the Fund under this Act, including the payment of—

(I) debt repayment obligations; and

(II) remaining obligations to the asbestos trust of a debtor and the class action trust.

(B) Remaining obligations.—For purposes of subparagraph (A)(ii)(II), the remaining obligations to the asbestos trust of the debtor and the class action trust shall be determined by multiplying the amount of assets transferred to the Fund by such debtor or class action trust by the applicable percentage set forth in the following schedule depending on the year in which a termination shall take effect under paragraph (2). The applicable percentage shall be adjusted between years by quarter-annual increments.

Year After Enactment in Which the Termination is Effective	Applicable Percentage:
1	100.00
2	93.95
3	87.98

Year After Enactment in Which the Termination is Effective	Applicable Percentage:
4	82.40
5	76.97
6	71.66
7	66.50
8	61.48
9	56.61
10	52.01
11	47.65
12	43.52
13	39.62
14	35.96
15	32.55
16	29.36
17	26.39
18	23.65
19	21.11
20	18.76
21	16.62
22	14.66
23	12.86
24	11.24
25	9.78
26	8.48
27	7.32
28	6.29
29	5.37
30	4.55
31	3.83
32	3.20
33	2.66
34	2.18
35	1.77
36	1.42
37	1.13
38	0.89
39	0.70
40	0.54
41	0.40
42	0.29
43	0.19
44	0.12
45	0.05
46 and thereafter	0.00

(2) EFFECTIVE DATE OF TERMINATION.—A termination under paragraph (1) shall take effect 180 days after the date of a determination of the Administrator under paragraph (1) and shall apply to all asbestos claims that have not been resolved by the Fund as of the date of the determination.

(3) RESOLVED CLAIMS.—If a termination takes effect under this subsection, all resolved claims shall be paid in full by the Fund.

(4) EXTINGUISHED CLAIMS.—A claim that is extinguished under the statute of limitations provisions in section 113(b) is not revived at the time of sunset under this subsection.

(5) CONTINUED FUNDING.—If a termination takes effect under this subsection, participants will still be required to make payments as provided under subtitles A and B of title II. If the full amount of payments required by title II is not necessary for the Fund to pay claims that have been resolved as of the date of termination, pay the Fund's debt and obligations to the asbestos trusts and class action trust, and support the Fund's continued operation as needed to pay such claims, debt, and obligations, the Administrator may reduce such payments. Any such reductions shall be allocated among participants in approximately the same proportion as the liability under subtitles A and B of title II.

(6) SUNSET CLAIMS.—

(A) DEFINITIONS.—In this paragraph—

(i) the term "sunset claims" means claims filed with the Fund, but not yet resolved, when this Act has terminated; and

(ii) the term "sunset claimants" means persons asserting sunset claims.

(B) IN GENERAL.—If a termination takes effect under this subsection, the applicable statute of limitations for the filing of sunset claims under subsection (h) shall be tolled for any past or pending sunset claimants while such claimants were pursuing claims filed under this Act. For those claimants who decide to pursue a sunset claim in accordance with subsection (h), the applicable statute of limitations shall apply, except that claimants who filed a claim against the Fund under this Act before the date of termination shall have 2 years after the date of termination to file a sunset claim in accordance with subsection (h).

(7) ESTABLISHMENT OF MASTER ASBESTOS TRUST.—

(A) CREATION.—Within 120 days after the determination of the Administrator under paragraph (1), the Administrator shall create a trust to be the successor to the asbestos trusts and any class action trust, to receive funds equal to the amount determined by the Administrator to be necessary to pay the remaining aggregate obligations to the asbestos trusts and any class action trust under paragraph (1) (A)(iii) and (B), and to use such funds for the exclusive purpose of providing benefits in accordance with the terms of this paragraph to persons who would have held valid asbestos claims against the asbestos trusts or any class action trust had this Act not been enacted and to otherwise defray the reasonable expenses of administering the master trust.

(B) JURISDICTION.—The United States District Court for the District of Columbia shall have exclusive jurisdiction, without regard to amount in controversy, over the master trust and all civil actions involving the application and construction of this subparagraph and the trust documents, including any action for the payment of benefits due under the terms of this subparagraph after exhaustion of trust remedies and any action for breach of fiduciary duty on the part of any fiduciary of the master trust.

(C) TRUSTEES.—The district court shall appoint, upon petition by the Administrator after consultation with the Advisory Committee, 3 trustees to administer the master trust. Each trustee, and any successor to each trustee, must be independent, free of any adverse interest and have sufficient qualifications and experience to fulfill the responsibilities described in this section.

(D) TRUST ADVISORY COMMITTEE.—The Administrator, in consultation with the Advisory Committee, shall appoint 3 persons to represent the interests of trust beneficiaries as members of a trust advisory committee to consult with and advise the trustees respecting the administration of the master trust and resolution of asbestos claims. At least 1 of the members of the trust advisory committee shall be selected from among individuals recommended by recognized national labor federations, and at least 1 of the members of the trust advisory committee shall be experienced in representing the interests of trust beneficiaries.

(E) LEGAL REPRESENTATIVE.—The district court shall appoint, upon petition by the Administrator after consultation with the Advisory Committee, a legal representative of persons who may in the future have claims against the master trust for the purpose of protecting the rights of such persons respecting the master trust and consulting with and advising the trustees respecting the administration of the master trust and resolution of asbestos claims. The legal representative shall have standing to appear and be heard as a representative of the future asbestos claimants in any civil action before the district court relating to the master trust. The legal representative shall not represent the interests of any person who has filed a claim for benefits against the master trust with respect to such claim.

(F) TRUST DOCUMENTS.—The Administrator, in consultation with the Advisory Committee, shall create such trust documents as may be necessary to create and govern the operations of the master trust. The trust documents shall contain provisions that—

(i) address the payment of compensation to and reimbursement of necessary and reasonable expenses of the trustees, trust advisory committee members and legal representative, and appointment of successors to such persons, subject to approval by the district court in the case of successors to the trustees and legal representative; and

(ii) provide for the master trust's obligation to defend and indemnify the Administrator, trustees, members of the trust advisory committee, legal representative and their respective successors against and from legal actions and related losses to the extent that a corporation is permitted under the laws of Delaware to defend and indemnify its officers and directors.

(G) DUTY OF TRUSTEES.—The trustees shall administer the master trust in accordance with the terms of this subparagraph and the Trust Documents for the exclusive purpose of providing benefits to persons with valid claims against the master trust and otherwise defraying the reasonable expenses of administering the master trust, and shall manage and invest the assets of the trust with the care, skill, prudence, and diligence, under like circumstances prevailing at the time, that a prudent person acting in like capacity and manner would use.

(H) CLAIMS RESOLUTION PROCEDURES.—The trustees, in consultation with the trust advisory committee and the legal representative, shall adopt claims resolution procedures that provide for fair and expeditious payment of benefits to all persons described in subparagraph (A). The claims resolution procedures adopted and implemented by the trustees shall contain—

(i) pro rata distributions of award amounts that are subject to adjustment, if necessary, based on periodic evaluations of the value of the master trust's assets and estimates of the numbers and values of present and future asbestos claims for benefits that may be awarded by the master trust and other mechanisms that provide reasonable assurance that the master trust will value, and be in a financial position to pay, similarly situated asbestos claims presented to it that involve similar diseases in substantially the same manner;

(ii) proof requirements, claim submission procedures, and claim evaluation and allowance procedures that provide for expeditious filing and evaluation of all asbestos claims submitted to the master trust;

(iii) provisions for priority review and payment of claimants whose circumstances require expedited evaluation and compensation;

(iv) exposure requirements for asbestos claimants to qualify for a remedy that fairly reflect the legal responsibility of at least 1 entity whose liabilities were channeled to an asbestos trust or any class action trust; and

(v) review and dispute resolution procedures for disputes regarding the master trust's disallowance or other treatment of claims for benefits.

(I) MEDICAL CRITERIA.—The trustees, in consultation with the trust advisory committee and the legal representative, shall adopt and maintain uniform medical criteria that fairly reflect a current state of applicable law and scientific and medical knowledge. The trustees may adopt the medical criteria of section 121.

(J) AWARD AMOUNTS.—The trustees, in consultation with the trust advisory committee and the legal representative, shall adopt a matrix of award amounts for disease categories that applies to all claimants who qualify for payment under the medical criteria and claims resolution procedures. The trustees may adopt the matrix of award amounts of section 131 or such other matrix that the trustees determine provides similar benefits for similar claims and fairly reflects the liability of the entities whose liabilities were channeled to the asbestos trusts and any class action trust.

(K) PAYMENTS TO CLAIMANTS.—The trustees shall pay each qualifying claimant a benefit equal to the product of the master trust payment percentage and the award amount to such claimant. The master trust payment percentage at any given time shall be determined by the trustees based on their periodic evaluation of the master trust's assets and projected claims as described in subparagraph (H)(i).

(L) AMENDMENTS.—The trustees, in consultation with the trust advisory committee and legal representative, may amend the trust documents, the claims resolution procedures, the medical criteria and the award matrix to the extent necessary to more effectively and efficiently carry out the purpose of the master trust. If the substantive consolidation of the asbestos trusts and any class action trust effected by this subsection is held to be unconstitutional, the trustees shall adopt amendments to the trust documents, claims resolution procedures, medical criteria and award matrix as may be necessary to bring the master trust in compliance with the Constitution, including if necessary, amendments requiring, for each such trust, separate claims resolution procedures, award amounts and accounting of assets and liabilities.

(8) PAYMENT TO MASTER TRUST.—The amount determined by the Administrator to be necessary to pay the remaining aggregate obligations to the asbestos trusts and any class action trust under paragraph (1) (A)(iii) and (B) shall be transferred to the master trust within 90 days of termination under this subsection. Any individual with a valid asbestos claim against any asbestos trust or class action trust shall be entitled to seek relief on account of such claim from the master trust described in paragraph (7) in accordance with that paragraph.

(h) NATURE OF CLAIM AFTER SUNSET.—

(1) IN GENERAL.—

(A) RELIEF.—

(i) IN GENERAL.—On and after the date of termination under subsection (g), any individual with an asbestos claim who has not previously had a claim resolved by the Fund, may in a civil action obtain relief in damages subject to the terms and conditions under this subsection and paragraph (6) of subsection (g), except that any individual who would have held a valid asbestos claim against any asbestos trust or class action trust had this Act not been enacted may obtain relief on account of such claim only from the master trust described in subsection (g)(7) in accordance with the provisions of such subsection.

(ii) RULE OF CONSTRUCTION.—This subparagraph shall not be construed as creating a new Federal cause of action.

(B) RESOLVED CLAIMS.—An individual who has had a claim resolved by the Fund may not pursue a court action, except that an individual who received an award for a nonmalignant disease (Levels I through V) from the Fund may assert a claim for a subsequent or progressive disease under this subsection, unless the disease was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the previous claim against the Fund was disposed.

(C) MESOTHELIOMA CLAIM.—An individual who received an award for a nonmalignant or malignant disease (except mesothelioma) (Levels I through VIII) from the Fund may assert a claim for mesothelioma under this subsection, unless the mesothelioma was diagnosed or the claimant had discovered facts that would have led a reasonable person to obtain such a diagnosis before the date on which the nonmalignant or other malignant claim was disposed.

(2) EXCLUSIVE REMEDY.—As of the effective date of a termination of this Act under subsection (g), an action under paragraph (1) shall be the exclusive remedy for any asbestos claim that might otherwise exist under Federal, State, or other law, regardless of whether such claim arose before or after the date of enactment of this Act or of the termination of this Act, except that claims against the Fund that have been resolved before the date of the termination determination under subsection (f) may be paid by the Fund.

(3) VENUE.—

(A) IN GENERAL.—Actions under paragraph (1) may be brought in—

(i) any Federal district court;

(ii) any State court in the State where the claimant resides; or

(iii) any State court in a State where the asbestos exposure occurred.

(B) DEFENDANTS NOT FOUND.—If any defendant cannot be found in the State described in clause (ii) or (iii) of subparagraph (A), the claim may be pursued only against that defendant in the Federal district court or the State court located within any State in which the defendant may be found.

(C) DETERMINATION OF MOST APPROPRIATE FORUM.—If a person alleges that the asbestos exposure occurred in more than 1 county (or Federal district), the trial court shall determine which State and county (or Federal district) is the most appropriate forum for the claim. If the court determines that another forum would be the most appropriate forum for a claim, the court shall dismiss the claim. Any otherwise applicable statute of limitations shall be tolled beginning on the date the claim was filed and ending on the date the claim is dismissed under this subparagraph.

(D) STATE VENUE REQUIREMENTS.—Nothing in this paragraph shall preempt or supersede any State's law relating to venue requirements within that State which are more restrictive.

(4) CLASS ACTION TRUSTS.—Notwithstanding any other provision of this section, after the assets of any class action trust have been transferred to the Fund in accordance with section 203(b)(5), no asbestos claim may be maintained with respect to asbestos liabilities arising from the operations of a person with respect to whose liabilities for asbestos claims a class action trust has been established, whether such claim names the person or its successors or affiliates as defendants.

(5) EXPERT WITNESSES.—If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue in an action permitted under paragraph (1), a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise, if—

(A) the testimony is based upon sufficient facts or data;

(B) the testimony is the product of reliable principles and methods; and

(C) the witness has applied the principles and methods reliably to the facts of the case.

(i) AUDIT.—Any annual report to Congress required under this section shall be reviewed and certified as fairly representing the financial condition of the Fund by an independent auditor.

SEC. 406. RULES OF CONSTRUCTION RELATING TO LIABILITY OF THE UNITED STATES GOVERNMENT.

(a) CAUSES OF ACTIONS.—Except as otherwise specifically provided in this Act, nothing in this Act shall be construed as creating a cause of action against the United States Government, any entity established under this Act, or any officer or employee of the United States Government or such entity.

(b) FUNDING LIABILITY.—Nothing in this Act shall be construed to—

(1) create any obligation of funding from the United States Government, including any borrowing authorized under section 221(b)(2); or

(2) obligate the United States Government to pay any award or part of an award, if amounts in the Fund are inadequate.

SEC. 407. RULES OF CONSTRUCTION.

(a) LIBBY, MONTANA CLAIMANTS.—Nothing in this Act shall preclude the formation of a fund for the payment of eligible medical expenses related to treating asbestos-related disease for current and former residents of Libby, Montana. The payment of any such medical expenses shall not be collateral source compensation as defined under section 134(a).

(b) HEALTHCARE FROM PROVIDER OF CHOICE.—Nothing in this Act shall be construed to preclude any eligible claimant from receiving healthcare from the provider of their choice.

SEC. 408. VIOLATIONS OF ENVIRONMENTAL HEALTH AND SAFETY REQUIREMENTS.

(a) ASBESTOS IN COMMERCE.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), relating to the manufacture, importation, processing, disposal, and distribution in commerce of asbestos-containing products, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible civil or criminal penalties, including those under section 17 of the Toxic Substances Control Act (15 U.S.C. 2616), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(b) ASBESTOS AS AIR POLLUTANT.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Environmental Protection Agency under the Clean Air Act (42 U.S.C. 7401 et seq.), relating to asbestos as a hazardous air pollutant, the Administrator shall refer the matter in writing within 30 days after receiving that information to the Administrator of the Environmental Protection Agency and the United States attorney for possible criminal and civil penalties, including those under section 113 of the Clean Air Act (42 U.S.C. 7413), and to the appropriate State authority with jurisdiction to investigate asbestos matters.

(c) Occupational Exposure.—If the Administrator receives information concerning conduct occurring after the date of enactment of this Act that may have been a violation of standards issued by the Occupational Safety and Health Administration under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), relating to occupational exposure to asbestos, the Administrator shall refer the matter in writing within 30 days after receiving that information and refer the matter to the Secretary of Labor or the appropriate State agency with authority to enforce occupational safety and health standards, for investigation for possible civil or criminal penalties under section 17 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 666).

(d) Enhanced Criminal Penalties for Willful Violations of Occupational Standards for Asbestos.—Section 17(e) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656(e)) is amended—

(1) by striking "Any" and inserting "(1) Except as provided in paragraph (2), any"; and

(2) by adding at the end the following:

"(2) Any employer who willfully violates any standard issued under section 6 with respect to the control of occupational exposure to asbestos, shall upon conviction be punished by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 5 years, or both, except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine in accordance with section 3571 of title 18, United States Code, or by imprisonment for not more than 10 years, or both.".

(e) Contributions to the Asbestos Trust Fund by EPA and OSHA Asbestos Violators.—

(1) In general.—The Administrator shall assess employers or other individuals determined to have violated asbestos statutes, standards, or regulations administered by the Department of Labor, the Environmental Protection Agency, and their State counterparts, for contributions to the Asbestos Injury Claims Resolution Fund (in this section referred to as the "Fund").

(2) Identification of violators.—Each year, the Administrator shall—

(A) in consultation with the Assistant Secretary of Labor for Occupational Safety and Health, identify all employers that, during the previous year, were subject to final orders finding that they violated standards issued by the Occupational Safety and Health Administration for control of occupational exposure to asbestos (29 C.F.R. 1910.1001, 1915.1001, and 1926.1101) or the equivalent asbestos standards issued by any State under section 18 of the Occupational Safety and Health Act (29 U.S.C. 668); and

(B) in consultation with the Administrator of the Environmental Protection Agency, identify all employers or other individuals who, during the previous year, were subject to final orders finding that they violated asbestos regulations administered by the Environmental Protection Agency (including the National Emissions Standard for Asbestos established under the Clean Air Act (42 U.S.C. 7401 et seq.), the asbestos worker protection standards established under part 763 of title 40, Code of Federal Regulations, and the regulations banning asbestos promulgated under section 501 of this Act), or equivalent State asbestos regulations.

(3) Assessment for contribution.—The Administrator shall assess each such identified employer or other individual for a contribution to the Fund for that year in an amount equal to—

(A) 2 times the amount of total penalties assessed for the first violation of occupational health and environmental statutes, standards, or regulations;

(B) 4 times the amount of total penalties for a second violation of such statutes, standards, or regulations; and

(C) 6 times the amount of total penalties for any violations thereafter.

(4) Liability.—Any assessment under this subsection shall be considered a liability under this Act.

(5) Payments.—Each such employer or other individual assessed for a contribution to the Fund under this subsection shall make the required contribution to the Fund within 90 days of the date of receipt of notice from the Administrator requiring payment.

(6) Enforcement.—The Administrator is authorized to bring a civil action under section 223(c) against any employer or other individual who fails to make timely payment of contributions assessed under this section.

(f) Review of Federal Sentencing Guidelines for Environmental Crimes Related to Asbestos.—Under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, as appropriate, the United States Sentencing Guidelines and related policy statements to ensure that—

(1) appropriate changes are made within the guidelines to reflect any statutory amendments that have occurred since the time that the current guideline was promulgated;

(2) the base offense level, adjustments, and specific offense characteristics contained in section 2Q1.2 of the United States Sentencing Guidelines (relating to mishandling of hazardous or toxic substances or pesticides; recordkeeping, tampering, and falsification; and unlawfully transporting hazardous materials in commerce) are increased as appropriate to ensure that future asbestos-related offenses reflect the seriousness of the offense, the harm to the community, the need for ongoing reform, and the highly regulated nature of asbestos;

(3) the base offense level, adjustments, and specific offense characteristics are sufficient to deter and punish future activity and are adequate in cases in which the relevant offense conduct—

(A) involves asbestos as a hazardous or toxic substance; and

(B) occurs after the date of enactment of this Act;

(4) the adjustments and specific offense characteristics contained in section 2B1.1 of the United States Sentencing Guidelines related to fraud, deceit, and false statements, adequately take into account that asbestos was involved in the offense, and the possibility of death or serious bodily harm as a result;

(5) the guidelines that apply to organizations in chapter 8 of the United States Sentencing Guidelines are sufficient to deter and punish organizational criminal misconduct that involves the use, handling, purchase, sale, disposal, or storage of asbestos; and

(6) the guidelines that apply to organizations in chapter 8 of the United States Sentencing Guidelines are sufficient to deter and punish organizational criminal misconduct that involves fraud, deceit, or false statements against the Office of Asbestos Disease Compensation.

SEC. 409. NONDISCRIMINATION OF HEALTH INSURANCE.

(a) Denial, Termination, or Alteration of Health Coverage.—No health insurer offering a health plan may deny or terminate coverage, or in any way alter the terms of coverage, of any claimant or the beneficiary of a claimant, on account of the participation of the claimant or beneficiary in a medical monitoring program under this Act, or as a result of any information discovered as a result of such medical monitoring.

(b) Definitions.—In this section:

(1) Health insurer.—The term "health insurer" means—

(A) an insurance company, healthcare service contractor, fraternal benefit organization, insurance agent, third-party administrator, insurance support organization, or other person subject to regulation under the laws related to health insurance of any State;

(B) a managed care organization; or

(C) an employee welfare benefit plan regulated under the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.):

(2) Health plan.—The term "health plan" means—

(A) a group health plan (as such term is defined in section 607 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1167)), and a multiple employer welfare arrangement (as defined in section 3(4) of such Act) that provides health insurance coverage; or

(B) any contractual arrangement for the provision of a payment for healthcare, including any health insurance arrangement or any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organizing subscriber contract.

(c) Conforming Amendments.—

(1) ERISA.—Section 702(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(a)(1)), is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

(2) Public service health act.—Section 2702(a)(1) of the Public Health Service Act (42 U.S.C. 300gg-1(a)(1)) is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

(3) Internal revenue code of 1986.—Section 9802(a)(1) of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(I) Participation in a medical monitoring program under the Fairness in Asbestos Injury Resolution Act of 2006.".

TITLE V—ASBESTOS BAN

SEC. 501. PROHIBITION ON ASBESTOS CONTAINING PRODUCTS.

(a) In General.—Title II of the Toxic Substances Control Act (15 U.S.C. 2641 et seq.) is amended—

(1) by inserting before section 201 (15 U.S.C. 2641) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

“Subtitle B—Ban of Asbestos Containing Products

“SEC. 221. BAN OF ASBESTOS CONTAINING PRODUCTS.

“(a) DEFINITIONS.—In this chapter:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) ASBESTOS.—The term ‘asbestos’ includes—

“(A) chrysotile;

“(B) amosite;

“(C) crocidolite;

“(D) tremolite asbestos;

“(E) winchite asbestos;

“(F) richterite asbestos;

“(G) anthophyllite asbestos;

“(H) actinolite asbestos;

“(I) asbestiform amphibole minerals; and

“(J) any of the minerals listed under subparagraphs (A) through (I) that has been chemically treated or altered, and any asbestiform variety, type, or component thereof.

“(3) ASBESTOS CONTAINING PRODUCT.—The term ‘asbestos containing product’ means any product (including any part) to which asbestos is deliberately or knowingly added or used because the specific properties of asbestos are necessary for product use or function. Under no circumstances shall the term ‘asbestos containing product’ be construed to include products that contain de minimus levels of naturally occurring asbestos as defined by the Administrator not later than 1 year after the date of enactment of this chapter.

“(4) DISTRIBUTE IN COMMERCE.—The term ‘distribute in commerce’—

“(A) has the meaning given the term in section 3 of the Toxic Substances Control Act (15 U.S.C. 2602); and

“(B) shall not include—

“(i) an action taken with respect to an asbestos containing product in connection with the end use of the asbestos containing product by a person that is an end user, or an action taken by a person who purchases or receives a product, directly or indirectly, from an end user; or

“(ii) distribution of an asbestos containing product by a person solely for the purpose of disposal of the asbestos containing product in compliance with applicable Federal, State, and local requirements.

“(b) IN GENERAL.—Subject to subsection (c), the Administrator shall promulgate—

“(1) not later than 1 year after the date of enactment of this chapter, proposed regulations that—

“(A) prohibit persons from manufacturing, processing, or distributing in commerce asbestos containing products; and

“(B) provide for implementation of subsections (c) and (d); and

“(2) not later than 2 years after the date of enactment of this chapter, final regulations that, effective 60 days after the date of promulgation, prohibit persons from manufacturing, processing, or distributing in commerce asbestos containing products.

“(c) EXEMPTIONS.—

“(1) IN GENERAL.—Any person may petition the Administrator for, and the Administrator may grant, an exemption from the requirements of subsection (b), if the Administrator determines that—

“(A) the exemption would not result in an unreasonable risk of injury to public health or the environment; and

“(B) the person has made good faith efforts to develop, but has been unable to develop, a substance, or identify a mineral that does not present an unreasonable risk of injury to public health or the environment and may be substituted for an asbestos containing product.

“(2) TERMS AND CONDITIONS.—Except for an exception authorized under paragraph (3)(A)(i), an exemption granted under this subsection shall be in effect for such period (not to exceed 5 years) and subject to such terms and conditions as the Administrator may prescribe.

“(3) GOVERNMENTAL USE.—

“(A) IN GENERAL.—

“(i) DEPARTMENT OF DEFENSE.—Nothing in this section or in the regulations promulgated by the Administrator under subsection (b) shall prohibit or limit the manufacture, processing, or distribution in commerce of asbestos containing products by or for the Department of Defense or the use of asbestos containing products by or for the Department of Defense if the Secretary of Defense certifies (or recertifies within 10 years of a prior certification), and provides a copy of the certification to Congress, that—

“(I) use of asbestos containing product is necessary to the critical functions of the Department, which includes the use of the asbestos containing product in any weaponry, equipment, aircraft, vehicles, or other classes or categories of property which are owned or operated by the Armed Forces of the United States (including the Coast Guard) or by the National Guard of any State and which are uniquely military in nature;

“(II) no reasonably available and equivalent alternatives to the asbestos containing product exist for the intended purpose; and

“(III) use of the asbestos containing product will not result in a known unreasonable risk to health or the environment.

“(ii) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.—The Administrator of the Environmental Protection Agency shall provide an exemption from the requirements of subsection (b), without review or limit on duration, if such exemption for an asbestos containing product is sought by the Administrator of the National Aeronautics and Space Administration and the Administrator of the National Aeronautics and Space Administration certifies, and provides a copy of that certification to Congress, that—

“(I) the asbestos containing product is necessary to the critical functions of the National Aeronautics and Space Administration;

“(II) no reasonable alternatives to the asbestos containing product exist for the intended purpose; and

“(III) the use of the asbestos containing product will not result in an unreasonable risk to health or the environment.

“(B) ADMINISTRATIVE PROCEDURE ACT.—Any certification required under subparagraph (A) shall not be subject to chapter 5 of title 5, United States Code (commonly referred to as the ‘Administrative Procedure Act’).

“(4) SPECIFIC EXEMPTIONS.—The following are exempted:

“(A) Asbestos diaphragms for use in the manufacture of chlor-alkali and the products and derivative therefrom.

“(B) Roofing cements, coatings, and mastics utilizing asbestos that is totally encapsulated with asphalt, subject to a determination by the Administrator of the Environmental Protection Agency under paragraph (5).

“(5) ENVIRONMENTAL PROTECTION AGENCY REVIEW.—

“(A) REVIEW IN 18 MONTHS.—Not later than 18 months after the date of enactment of this chapter, the Administrator of the Environmental Protection Agency shall complete a review of the exemption for roofing cements, coatings, and mastics utilizing asbestos that are totally encapsulated with asphalt to determine whether—

“(i) the exemption would result in an unreasonable risk of injury to public health or the environment; and

“(ii) there are reasonable, commercial alternatives to the roofing cements, coatings, and mastics utilizing asbestos that is totally encapsulated with asphalt.

“(B) REVOCATION OF EXEMPTION.—Upon completion of the review, the Administrator of the Environmental Protection Agency shall have the authority to revoke the exemption for the products exempted under paragraph (4)(B), if warranted.

“(d) DISPOSAL.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of enactment of this chapter, each person that possesses an asbestos containing product that is subject to the prohibition established under this section shall dispose of the asbestos containing product, by a means that is in compliance with applicable Federal, State, and local requirements.

“(2) EXEMPTION.—Nothing in paragraph (1)—

“(A) applies to an asbestos containing product that—

“(i) is no longer in the stream of commerce; or

“(ii) is in the possession of an end user or a person who purchases or receives an asbestos containing product directly or indirectly from an end user; or

“(B) requires that an asbestos containing product described in subparagraph (A) be removed or replaced.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended—

(1) by inserting before the item relating to section 201 the following:

“Subtitle A—General Provisions”;

and

(2) by adding at the end of the items relating to title II the following:

“Subtitle B—Ban of Asbestos Containing Products

“Sec. 221. Ban of asbestos containing products.”.

SEC. 502. NATURALLY OCCURRING ASBESTOS.

(a) STUDY.—

(1) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall—

(A) conduct a study to assess the risks of exposure to naturally occurring asbestos, including the appropriateness of the existing risk assessment values for asbestos and methods of assessing exposure; and

(B) submit a report that contains a detailed statement of the findings and conclusions of such study to—

(i) the majority and minority leaders of the Senate;

(ii) the Speaker and the minority leader of the House of Representatives; and

(iii) the relevant committees of jurisdiction of the Senate and House of Representatives, including—

(I) the Environment and Public Works Committee of the Senate;

(II) the Appropriations Committee of the Senate;

(III) the Judiciary Committee of the Senate;

(IV) the Energy and Commerce Committee of the House of Representatives;

(V) the Judiciary Committee of the House of Representatives; and

(VI) the Appropriations Committee of the House of Representatives.

(2) DEVELOPMENT REQUIREMENTS.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with appropriate Federal and State agencies and other interested parties after appropriate notice, shall establish dust management guidelines, and model State regulations that States can choose to adopt, for commercial and residential development, and road construction in areas where naturally occurring asbestos is present and considered a risk. Such dust management guidelines may at a minimum incorporate provisions consistent with the relevant California Code of Regulation (17 C.C.R. 93105–06).

(B) DUST MANAGEMENT GUIDELINES.—Guidelines under this paragraph shall include—

(i) site management practices to minimize the disturbance of naturally occurring asbestos and contain asbestos mobilized from the source at the development site;

(ii) air and soil monitoring programs to assess asbestos exposure levels at the development site and to determine whether asbestos is migrating from the site; and

(iii) appropriate disposal options for asbestos-containing materials to be removed from the site during development.

(b) TESTING PROTOCOLS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with appropriate State agencies, shall establish comprehensive protocols for testing for the presence of naturally occurring asbestos.

(2) PROTOCOLS.—The protocols under this subsection shall address both ambient air monitoring and activity-based personal sampling and include—

(A) suggested sampling devices and guidelines to address the issues of methods comparability, sampler operation, performance specifications, and quality control and quality assurance;

(B) a national laboratory and air sampling accreditation program for all methods of analyses of air and soil for naturally occurring asbestos;

(C) recommended laboratory analytical procedures, including fiber types, fiber lengths, and fiber aspect ratios; and

(D) protocols for collecting and analyzing aggregate and soil samples for asbestos content, including proper and consistent sample preparation practices suited to the activity likely to occur on the soils of the study area.

(c) EXISTING BUILDINGS AND AREAS.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue public education materials, recommended best management practices and recommended remedial measures for areas containing naturally occurring asbestos including existing—

(1) schools and parks; and

(2) commercial and residential development.

(d) MAPPING.—The Secretary of the Interior shall—

(1) acquire infrared mapping data for naturally occurring asbestos, prioritizing California counties experiencing rapid population growth;

(2) process that data into map images; and

(3) collaborate with the California Geological Survey and any other appropriate State agencies in producing final maps of asbestos zones.

(e) RESEARCH GRANTS.—The Director of the National Institutes of Health shall administer 1 or more research grants to qualified entities for studies that focus on better understanding the health risks of exposure to naturally occurring asbestos. Grants under this subsection shall be awarded through a competitive peer-reviewed, merit-based process.

(f) TASK FORCE PARTICIPATION.—Representatives of Region IX of the United States Environmental Protection Agency, and the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services shall participate in any task force convened by the State of California to evaluate policies and adopt guidelines for the mitigation of risks associated with naturally occurring asbestos.

(g) MATCHING GRANTS.—The Administrator of the Environmental Protection Agency is authorized to award 50 percent matching Federal grants to States and municipalities. Not later than 4 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall establish criteria to award such grants—

(1) for monitoring and remediation of naturally occurring asbestos—

(A) at schools, parks, and other public areas; and

(B) in serpentine aggregate roads generating significant public exposure; and

(2) for development, implementation, and enforcement of State and local dust management regulations concerning naturally occurring asbestos, provided that after the Administrator has issued model State regulations under subsection (a)(2), such State and local regulations shall be at least as protective as the model regulations to be eligible for the matching grants.

(h) AVAILABILITY OF FUNDS.—An amount of $40,000,000 from the Fund shall be made available to carry out the requirements of this section, including up to $9,000,000 for the Secretary of the Interior to carry out subsection (d), up to $4,000,000 for the Director of the National Institutes of Health to carry out subsection (e), and the remainder for the Administrator of the Environmental Protection Agency, at least $15,000,000 of which shall be used for the matching grants under subsection (g).

(i) CONSTRUCTION.—

(1) GUIDELINES AND PROTOCOLS.—The guidelines and protocols issued by the Administrator of the Environmental Protection Agency under the specific authorities in subsections (a), (b), and (c) shall be construed as nonbinding best practices unless adopted as a mandatory requirement by a State or local government. Notwithstanding the preceding sentence, accreditation for testing will not be granted except in accordance with the guidelines issued under subsection (b)(2)(B).

(2) FEDERAL CAUSES OF ACTION.—This section shall not be construed as creating any new Federal cause of action for civil, criminal, or punitive damages.

(3) FEDERAL CLAIMS.—This section shall not be construed as creating any new Federal claim for injunctive or declaratory relief against a State, local, or private party.

(4) STATES AND LOCALITIES.—Nothing in this section shall limit the authority of States or localities concerning naturally occurring asbestos.

Mr. LEAHY. Mr. President, today, I join the chairman of the Judiciary Committee, Senator SPECTER, in introducing an amended version of S. 852, the Fairness in Asbestos Injury Resolution Act of 2006, the FAIR Act. This legislation enhances our previous trust fund bill by adopting many of the amendments filed in February by Senators on both sides of the aisle. We have incorporated amendments that further protect against fraud and make sure the sickest victims are paid as soon as possible. We added crucial provisions that make the trust fund accessible to victims who were exposed to asbestos during the attacks on the World Trade Center and Hurricanes Katrina and Rita. We clarified the bill language to ensure that inactive dormant claims cannot be revived to overwhelm the trust fund.

This legislation also contains a few additional changes that we believe respond directly to concerns raised by our colleagues during floor debate. The floor amendments incorporated in this bill include, among others, the Kyl funding amendment that will protect small and medium sized businesses. We also addressed the concerns of businesses that currently pay nothing or very little because they are well-insured. None of these changes undermine the existing guarantee on overall private funding at $140 billion.

Also importantly, we preserved the ability of the existing bankruptcy trusts to continue paying impaired victims while the trust fund becomes operational. This will smooth the transition for victims who were exposed by companies that are currently protected from suit by bankruptcy. And finally, we clarified the statute of limitations for our Nation's war veterans so they will have better access to the trust fund.

None of the additional provisions contained in this substitute diminish the bill's key principle: That the asbestos trust fund will be comprised solely of private money. Nothing in this bill will reduce the protection of victims against insurance subrogation. I am proud to report that we have also maintained our core medical criteria so that those who have been impaired by asbestos exposure will receive compensation appropriate to their injuries.

Earlier this week, we were all saddened to learn of the passing of Judge Edward R. Becker. As many of my colleagues are keenly aware, Judge Becker worked patiently with Senators and all of the stakeholders on this legislation for almost 3 years. We engaged in an exhaustive process of committee hearings, deliberations and negotiations. Judge Becker was crucial to each step in the process. We would not have made the bipartisan progress that this legislation reflects without his tireless efforts.

Unfortunately, time is running out for this session of Congress. I know that some partisans will claim that we should refrain from reaching across the aisle during an election year but this persistent problem compels us to move forward to try and help the thousands of victims of asbestos exposure. I urge the Senate majority leader to give us sufficient floor time to debate and vote on this important legislation on its merits.

By Mr. ALLEN (for himself, Mr. NELSON of Nebraska, Mr. CRAIG, Mr. INHOFE, Mr. LOTT, Mrs. DOLE, Mr. VITTER, Mr. ENSIGN, Mr. MARTINEZ, Mr. BURR, Mr. CRAPO, Mr. SUNUNU, and Mr. THUNE):

S 3275. A bill to amend title 18, United States Code, to provide a national standard in accordance with which nonresidents of a State may carry concealed firearms in the State; to the Committee on the Judiciary.

Mr. ALLEN. Mr. President, I rise today on behalf of myself, my good friend from Nebraska, Senator NELSON, and 11 other Senators—Senators CRAIG, INHOFE, LOTT, DOLE, VITTER, ENSIGN, MARTINEZ, BURR, CRAPO, SUNUNU, and THUNE—to introduce legislation to amend title 18, United States Code, to provide a national standard under which nonresidents of a State may carry concealed firearms in the State. The bill is a companion bill to H.R. 4547, which Congressmen CLIFF STEARNS of Florida and RICK BOUCHER of Virginia have introduced in the House.

Our bill would allow any person with a valid concealed carry permit or license issued by a State to carry a concealed firearm in any other State if they meet certain criteria. The laws of each State that govern where concealed firearms may be carried would still apply and would be fully respected within its borders. The bill would simply require States to recognize each other's concealed carry permits and licenses, just as they recognize drivers' licenses. It would not create a Federal licensing system.

The right-to-carry movement has enjoyed great success throughout our Nation. To cite just one example, the murder rate in my Commonwealth of Virginia has plunged a dramatic 40 percent since the right-to-carry law that I signed as Governor took effect in 1995.

This is commonsense legislation. It recognizes that Congress has affirmed an individual's right to carry firearms for “protective purposes in the Gun Control Act, 1968, and in the Firearm Owners' Protection Act, 1986. In addition, last year, when this Congress passed the Protection of Lawful Commerce in Arms Act on a strong bi-partisan vote, we preserved all law-abiding citizens' access to firearms and ammunition for all lawful purposes, including, of course, self-defense.

I urge all my colleagues to join with Senator NELSON and me in cosponsoring this bill to increase the safety of the many law-abiding Americans who have chosen to carry a firearm for protection against criminal attack.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. HAGEL, Mr. ALEXANDER, and Mr. WARNER):

S. 3322. A bill to build operational readiness in civilian agencies, and for other purposes; considered and passed.

Mr. LUGAR. Mr. President, this legislation is the result of a conversation begun in 2003 between members of the Senate Foreign Relations Committee and the leadership of the State Department. Since that time, the legislation has gone through a number of evolutions and has passed the committee unanimously both as a freestanding bill and as part of the State Department authorization bill. I am asking the Senate to pass it now as a freestanding bill.

International crises are inevitable, and in most cases, U.S. national security interests will be threatened by sustained instability. The war on terrorism necessitates that we not leave nations crumbling and ungoverned. We have already seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a global black market in weapons.

In this international atmosphere, the United States must have the right structures, personnel, and resources in place when an emergency occurs. A delay in our response of a few weeks, or even days, can mean the difference between success and failure. Clearly we need a full range of tools to prevail. Our committee's focus has been on boosting the civilian side of our stabilization and reconstruction capabilities, while encouraging improved mechanisms for civilian and military agencies to work together on these missions.

Over the years, our Government has cobbled together plans, people, and projects to respond to post-conflict situations in the Balkans, in Afghanistan, in Iraq, and elsewhere. The efforts of those engaged have been valiant, but these emergencies have been complex and time sensitive. In my judgment, our ad hoc approach has been inadequate to deal quickly and efficiently with complex emergencies. In turn, our lack of preparation for immediate stabilization contingencies has made our subsequent reconstruction efforts more difficult and expensive.

This legislation builds on legislation, S. 2127, that Senators BIDEN and HAGEL and I introduced in early 2004 to encourage and support a well-organized, sufficiently resourced and strongly led civilian counterpart to the military in post-conflict zones. It is our view that the civilian side needs both operational capability and a significant surge capacity. This legislation gives statutory status to the State Department's Office of the Coordinator of Reconstruction and Stabilization and makes the position of Coordinator subject to the advice and consent of the Senate. The legislation authorizes the establishment of a civilian response corps with both Active-Duty and Reserve components and provides the office flexibility in personnel management, pay, and benefits to build that corps and create surge capacity in an emergency. Finally, it authorizes expenditures for a crisis response fund, for the civilian response corps, and for a substantial training, planning and operational capacity for the office.

The State Department has come a long way in recognizing the role it could and should be playing. It established the Office of the Coordinator of Reconstruction and Stabilization in July of 2004. Under the leadership of Carlos Pascual, the office conducted a government-wide inventory of the civilian assets that might be available for stabilization and reconstruction tasks in post-conflict zones. It has undertaken the planning necessary to recruit, train, and organize a Reserve corps of civilians for rapid deployment. It also is formulating interagency contingency plans—informed by our past experiences—for countries and regions of the world where the next crisis could suddenly arise.

In December 2005, the President signed a directive putting the Secretary of State in charge of interagency stabilization and reconstruction efforts. Last month, Secretary Rice promised to dedicate 15 of the 100 new positions she is requesting for fiscal year 2007 to the Reconstruction and Stabilization Office. This will increase staff to about 95 individuals, with seconded personnel and contractors included in that count.

Despite this good progress, significant gaps in our capabilities remain. Our legislation calls for a 250-person Active-Duty corps, in addition to the Reserves, made up of both State Department and OSAID employees. Such a corps could be rapidly deployed with the military for both initial assessments and operational purposes. They would be the first civilian team on the ground in post-conflict situations, well in advance of the establishment of an embassy. This Active-Duty corps would be able to do a wide range of civilian jobs that are needed in a post-conflict or otherwise hostile environment.

Such a 250-person corps would be no larger than the typical Army company, but it would be a force multiplier. It would be equipped with the authority and training to take broad operational responsibility for stabilization missions. Establishment of such a corps is a modest investment when seen as part of the overall national security budget. Even in peace time, we maintain Active-Duty military forces of almost 1.4

million men and women who train and plan for the possibility of war. Given how critical post-conflict situations have been to American national security in the last decade, I believe it is reasonable to have a mere 250 civilians who are training for these situations and are capable of being deployed anywhere in the world, at any time they may be needed.

This legislation also calls on the heads of other executive branch agencies to establish personnel exchange programs designed to enhance stabilization and reconstruction capacity. The Departments of Agriculture, Treasury, Commerce, Health and Human Services—indeed virtually all the civilian agencies—can make unique contributions to the overall effort.

Once the Department embraced the concept of organizing and leading the civilian effort, the main roadblock became resources. So far, only about $21 million has been provided for the operations of the office, despite administration requests for substantially more funding. For 2007, the administration has requested a $75 million crisis response fund to be made available as a contingency for stabilization and reconstruction crises. Of this amount, the administration would like to spend $25 million for the organization, training, and emergency deployment of the Reserve component of the response corps. This legislation authorizes the crisis response fund and $80 million for the operations of the new State Department office and the Active-Duty corps, including training, equipment, and travel.

So far, the office has heroically stretched dollars by recruiting personnel on detail from other agencies, taking advantage of DOD-funded training, and getting the State Department to pay for the overhead of new office space from other sources. But such a hand-to-mouth existence has obvious disadvantages. Detailed personnel rarely stay long, and institutional memory becomes short. Relying on DOD funds puts the office in the passenger seat when it should have the resources to pursue uniquely civilian-oriented goals.

In addition, the crisis response fund outlined in our legislation has not been appropriated. On the Senate side, we were able to secure $20 million for the fund in the fiscal year 2006 Foreign Operations Appropriations bill. The entire amount, however, was eliminated in the conference committee with the House.

One stopgap measure that the Congress did pass in fiscal year 2006 was the authority to transfer up to $100 million from the Pentagon to the State Department for boosting the civilian response to particular trouble spots. However, this money will not provide the resources necessary over the long term to improve the State Department's capacity to be a capable partner in responding to complex emergencies.

The foreign affairs budget is always a tougher sell to Congress than the military budget. President Bush has attempted to reverse the downward spiral in overall foreign affairs spending that took place in the 1990s. In that decade, both the executive and legislative branches rushed to cash in on the peace dividend. But President Bush has consistently requested increases for the 150 Account in his budgets. For the fiscal year 2007 budget, he requested a 10.3-percent increase over the CBO-determined baseline of fiscal year 2006.

But, if previous years are any example, the amount appropriated will fall far short of the amount requested. Last year, the President's annual request for foreign affairs was cut by $2.1 billion. The Congress cut the fiscal 2005 annual request by a similar amount. According to a Congressional Research Service report that I requested, Congress has provided $5.8 billion less than the President has requested for foreign affairs in regular and supplemental spending bills since September 11, 2001.

Today, when we are in the midst of a global struggle of information and ideas: when anti-Western riots can be set off by the publication of a cartoon; when we are in the midst of a crisis with Iran that will decide whether the nonproliferation regime of the last half century will be abandoned; when we have entered our fourth year of attempting to stabilize Iraq; and when years of effort to move the Arab-Israeli peace process are at risk—even then, we are unable to muster the necessary support for the President's budget in foreign affairs.

As all this suggests, we have a long way to go in creating the kind of robust civilian capacity that we need. Both the State Department and the Defense Department are keenly aware of the importance of this legislation. If we cannot think this through and plan better as a government, the United States may come to depend even more on our military for tasks and functions far beyond its current role. But I remain optimistic that we can build on the progress already made to create a strong and reliable civilian component that boosts our stabilization and reconstruction capabilities. Passing this legislation will demonstrate that there is a keen understanding in the Senate that we need to move forward. It will support executive branch actions already taken and encourage further progress. I urge its passage.

By Mr. BUNNING (for himself, Mr. OBAMA, Mr. LUGAR, Mr. BURNS, and Mr. PRYOR):

S. 3325. A bill to promote coal-to-liquid fuel activities; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce the Coal-to-Liquid Fuel Promotion Act of 2006. Last month, I chaired an Energy Committee hearing on this promising technology that can turn coal into diesel fuel. Working with industry and the scientific community, I have put together a comprehensive piece of legislation with the goal of providing the right combination of incentives to create a backbone of coal-to-liquids infrastructure in the United States.

The first step is for the Department of Energy to help with planning these large-scale coal-to-liquids plants. This legislation will create a loan program where the private sector can obtain a loan of up to $20 million, matched dollar-for-dollar by non-federal money, to pay for the significant costs of planning, permitting and engineering a coal-to-liquid facility. This program will have minimal cost to the taxpayers as these loans will be repaid, within 5 years, after a planned plant is financed. The federal government will also provide loan guarantees for coal-to-liquids facilities by expanding the program authorized in the Energy Policy Act of 2005.

It is not enough to simply help engineer plants or provide a loan guarantee—there must be an economic motivation for investors to put up the $1 to $2 billion it costs to build a large-scale coal-to-liquids plant. To that end, this bill will create a separate investment tax credit for coal-to-liquids technology. It will also extend the fuel tax credit for coal-to-liquids fuels until 2020. The combination of these incentives will be the one-two punch needed to jumpstart investment in this marketplace. This package of incentives is essential to developing a domestic coal-to-liquid fuels market.

With this domestically produced fuel from coal, we can bring down gas prices and be closer to energy independence. And these two goals, which are essential to our national security, bring me to the last part of this legislation. The Department of Defense consumes large amounts of fuel—for our airplanes, ships and tanks—and nearly all of it is based on petroleum and too much of it comes from the Middle East. It is time we ensure that our military has a safe, domestic source of transportation fuel. My legislation will authorize funding for the continued testing and evaluation of coal-to-liquid fuels by the military. It includes authorization to engage in long-term contracts with producers to ensure a stable, domestic fuel for our armed forces. This bill also authorizes the Department of Energy and Department of Defense to evaluate coal-to-liquids fuels for storage in the Strategic Petroleum Reserve and allows the government to turn to this domestic source of fuel for filling the reserve.

With this legislation America can take a huge step toward energy independence. My bill will foster a domestic marketplace for coal-to-liquids fuels, bring down gasoline costs and provide our military with a secure, domestic fuel source. I urge my colleagues to support this bill.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. FRIST, Mr. REID, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. DEWINE, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mr. HAGEL, Mr. HARKIN, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LEAHY, Mr. LIEBERMAN, Mr. LUGAR, Mr. MARTINEZ, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mr. OBAMA, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SMITH, Ms. STABENOW, Mr. SUNUNU, Mr. VOINOVICH, and Mr. WYDEN):

S.J. Res. 38. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, today, along with my colleagues. Senators FEINSTEIN and MCCAIN, I rise to introduce an extension of the Burmese Freedom and Democracy Act.

We are joined by a host of original cosponsors: Senators FRIST, REID, ALEXANDER, ALLARD, ALLEN, BENNETT, BIDEN, BINGAMAN, BOXER, BROWNBACK, BUNNING, BURNS, BURR, CHAFEE, CHAMBLISS, CLINTON, COCHRAN, COLLINS, DEWINE, DOLE, DOMENICI, DURBIN, ENSIGN, FEINGOLD, HAGEL, HARKIN, KENNEDY, KERRY, KOHL, KYL, LEAHY, LIEBERMAN, LUGAR, MARTINEZ, MENENDEZ, MIKULSKI, MURKOWSKI, OBAMA, SALAZAR, SANTORUM, SARBANES, SMITH, STABENOW, SUNUNU, VOINOVICH, and WYDEN.

This broad bipartisan coalition reflects the overwhelming consensus within this body that the issue of freedom in Burma—and the immediate threat that that country poses to the entire region—is one of major importance. To put it simply, America has a moral obligation to continue to stand with the Burmese people against the country's dictatorial regime, the State Peace and Development Council (SPDC).

As many of you know, last year the extension of sanctions was signed into law by President Bush on July 27, 2005, and it enjoyed strong bipartisan support. It passed the Senate by a vote of 97–1.

The past year has brought more news from Burma that has ranged from the disconcerting to the horrific. First, the SPDC inexplicably decided to move the nation's capital from Rangoon to the hinterlands. Thus, instead of using state resources for the betterment of the Burmese people, who desperately need it, the SPDC will use state funds to build a brand new, unneeded capital located deep within the interior.

Second, Nobel Peace Prize winner Daw Aung San Suu Kyi and scores of other prisoners of conscience remain imprisoned by the SPDC. There are rumors that she may be released soon, and I hope they prove true.

Third, last fall the SPDC began a brutal military campaign against ethnic minorities, creating thousands of new internally displaced persons (IDPs); these thousands to be added to the approximately half million already without a home in Burma. Burma has the biggest IDP problem in Asia, Mr. President.

This bill ensures that the United States will not be a party to such brutality and oppression. As in the past, the legislation prohibits imports into the United States from Burma. The bill also maintains a freeze on the assets held by Burmese Government officials in U.S. financial institutions. In addition, the bill authorizes the President to assist democracy activists dedicated to nonviolent opposition to the regime in Burma.

America is not alone in the effort to promote freedom and democracy in that nation. In addition to our allies in Europe, the ASEAN Inter-Parliamentary Myanmar Caucus, a grouping of members of parliament from six countries in ASEAN, just this week issued a strong statement on Burma. The group called on the U.N. Security Council to "adopt[] a resolution on Burma that would empower them to intervene in Burma's crises. It is time for real action. It is time for a new, democratic and peaceful Burma."

Clearly, it is time for the Security Council to discuss and debate a legally-binding, nonpunitive resolution on Burma that calls for the immediate and unconditional release of Suu Kyi and all other political prisoners in that country; an end to abuses against minorities (including the use of rape as a weapon of war); and the beginning of a meaningful national reconciliation process that includes the unfettered participation of the National League for Democracy (NLD) and ethnic minorities with the SPDC.

Let me be clear that a briefing on Burma before the U.N. Security Council by U.N. Under-Secretary-General for Political Affairs Ibrahim Gambari should not serve as a substitute for a resolution on this matter. We need less talk and more action at the U.N. in support of democracy, freedom and justice in Burma.

Let me offer a comment or two about Mr. Gambari's recent visit to Burma. I do not share his optimistic view that the SPDC is ready to "turn the page." In my view, the junta is only interested in deflecting and deflating growing pressure by the international community to change its repressive ways—and in avoiding the U.N. Security Council's consideration of a resolution that addresses the threat the SPDC poses to its own people and the entire region. This may explain why rumors of Suu Kyi's release abound.

However, even if Suu Kyi were to be released there is no reason—absolutely none—for anyone to decrease pressure on the junta. The SPDC is to be judged not by what it says—we've certainly heard much of the same before—but by what it does. We have yet to see any evidence of the formation of a credible reconciliation process that includes the full and unfettered participation of the National League for Democracy and ethnic nationalities—who, by the way, are being slaughtered and raped by an ongoing military offensive waged by the junta.

I am pleased to be joined by Senators FEINSTEIN, FRIST, BROWNBACK, LAUTENBERG, DURBIN, FEINGOLD, MIKULSKI and LUGAR in sending a letter to President Bush today asking that the United States work to secure a resolution at the Security Council as soon as possible.

Until the SPDC's demonstrates by its actions that it is serious about reconciliation and reform in Burma, the international community has no choice but to use more sticks—and less carrots—to increase pressure on the junta.

Mrs. FEINSTEIN. Mr. President, I rise today once again with my friend and colleague Senator MCCONNELL to introduce legislation to renew the ban on all imports from Burma for another year.

Our legislation also amends the original Burmese Freedom and Democracy Act of 2003 to allow the sanctions to be renewed, one year at a time, for up to 6 years.

It is critical that the Congress and the administration send a strong signal to the military junta, the State Peace and Development Council, that our resolve has not weakened and we are still committed to a free and democratic Burma. Unless the SPDC makes "substantial and measurable progress" towards a true national dialogue on national reconciliation and recognition of the results of the 1990 elections—decisively won by the National League for Democracy—the import ban must remain in place.

Let us review the facts.

Aung San Suu Kyi, Nobel Peace Prize recipient and leader of the National League for Democracy, remains under house arrest. She has spent the better part of the past 16 years imprisoned or under house arrest.

The human rights situation in Burma is deplorable and demands a clear, unified response from the international community: 1,300 political prisoners are still in jail; according to a report by the Asian human rights group. Assistance Association for Political Prisoners, 127 democracy activists have been tortured to death since 1988; 70,000 child soldiers have been forcibly recruited; the practice of rape as a form of repression has been sanctioned by the Burmese military; use of forced labor is widespread; human trafficking is rampant; and the government engages in the production and distribution of opium and methamphetamine.

Senator MCCONNELL and I coauthored the "Burmese Freedom and Democracy Act of 2003" which imposed a complete ban on all imports from Burma.

It was overwhelmingly renewed in 2004 and 2005, and now Congress has the opportunity to reauthorize the sanctions for one more year.

But the United States cannot act alone. The United Nations and the international community have a vital role to play.

Along with Senator MCCONNELL and others, we have repeatedly made the case that given the numerous human rights abuses, the spread of HIV/AIDS, the illicit production and trafficking of narcotics, and the trafficking of human beings by the military junta, the situation in Burma should be referred to the United Nations Security Council for debate and appropriate action.

A recent report by former Czech president Vaclav Havel and retired archbishop Desmond Tutu of South Africa—"Threat to Peace: A Call for the UN Security Council to Act on Burma"—confirms the need for U.N. intervention. It details how the situation in Burma fulfills each of the criteria used for past intervention by the Security Council: overthrow of an elected government; armed conflicts with ethnic minorities; widespread human right violations; outflow of refugees, over 700,000; and drug production and trafficking and the spread of HIV/AIDS.

It is time for the United Nations to act on this report and debate and pass a binding, nonpunitive, resolution on Burma that recognizes the threat the regime poses to the region and calls for Suu Kyi and all prisoners of conscience to be released.

Some may argue that because Suu Kyi remains under house arrest and the Burmese people lack basic human rights and a representative government, the sanctions have failed and it is time to lift the import ban.

I could not disagree more.

First, Aung San Suu Kyi and the democratic opposition continue to support a ban on all imports from Burma.

If we lift this ban now, without any measure of progress towards democracy and human rights, we will turn our backs on them and give comfort to their oppressors.

Second, the international community is coming together to put pressure on Burma.

In July 2005, ASEAN forced Burma to forgo its scheduled rotation as chairman of the organization.

On December 16, 2005, the U.N. Security Council debated the situation in Burma for the first time.

Next week, United Nations Undersecretary for Political Affairs will brief members of the Security Council on his meeting with Suu Kyi, her first meeting with a foreigner since 2004.

Why would we turn back now when the military junta is increasingly isolated and the plight of the Burmese people is on the agenda of the international community?

Indeed, while we are far from our goal of a free and democratic Burma, we are making progress and we should stay the course.

I remind my colleagues that under the provisions of this legislation, we will have the opportunity to debate sanctions on Burma every year. That is how it should be.

Sanctions are not a panacea for every foreign policy dispute. But, when they are backed by a robust international response, they can be effective and they can compel change.

Archbishop Desmond Tutu has rightly said, "As long as [Suu Kyi] remains under house arrest, not one of us is truly free".

Today I urge the SPDC to release Aung San Suu Kyi, recognize the 1990 elections, and engage in a true dialogue with the National League for Democracy.

I urge the United Nations Security Council to debate and pass a binding, non-punitive resolution on Burma that recognizes the threat the regime poses to the region and calls for Suu Kyi and all prisoners of conscience to be released.

And, finally, I urge United States Senate to renew the sanctions on Burma for another year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 496—COMMENDING THE KANSAS CITY KANSAS COMMUNITY COLLEGE DEBATE TEAM FOR THEIR NATIONAL CHAMPIONSHIP VICTORIES

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was considered and agreed to:

S. RES. 496

Whereas, in 2006, the Kansas City Kansas Community College debate team won, for a third consecutive year, the 3 national championships in collegiate debate among community colleges;

Whereas the team won a third consecutive national championship at the Phi Rho Pi national tournament for community colleges in 2006;

Whereas, at the 2006 Phi Rho Pi national tournament for community colleges, the team achieved more debate victories per tournament than any other team in the esteemed history of the tournament;

Whereas the team won championship awards in the Policy Team Debate, Lincoln-Douglas Debate, and Overall Sweepstakes at the Phi Rho Pi national tournament for community colleges in 2006;

Whereas the team won a third consecutive national championship for community colleges at the Cross Examination Debate Association National Tournament in 2006; and

Whereas the State of Kansas is privileged to benefit from the dedication to education and intercollegiate debate of Kansas City Kansas Community College team head coach Darren Elliot, assistant coaches Skippy Flynn and Adrian Self, and team members Ashley-Michelle Bruce, Ryan Coyne, Clay Crockett, Peter Lawson, Candace Moore, Amanda Montee, Deandre Tolbert, and Garrett Tuck: Now, therefore, be it

Resolved, That the Senate—

(1) commends the extraordinary contributions of the Kansas City Kansas Community College debate team to the city of Kansas City, Kansas, and the State of Kansas;

(2) congratulates the team for their national championship victories; and

(3) offers its best wishes to the team for future success.

SENATE RESOLUTION 497—RELATIVE TO THE DEATH OF EDWARD ROY BECKER, CHIEF JUDGE OF THE COURT OF APPEALS FOR THE 3RD CIRCUIT

Mr. SPECTER (for himself, Mr. LEAHY, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 497

Whereas Edward Roy Becker was born on May 4, 1933, in Philadelphia, Pennsylvania;

Whereas Edward Roy Becker enjoyed an extraordinary career as a leading jurist in the United States;

Whereas Edward Roy Becker graduated Phi Beta Kappa from the University of Pennsylvania in 1954 and received his law degree from Yale Law School in 1957 with academic distinction;

Whereas, following his graduation from law school, Edward Roy Becker managed a distinguished law practice at the partnership of Becker, Becker, and Fryman with his father and brother-in-law;

Whereas Edward Roy Becker was active in politics, and followed his father as a Republican committeeman;

Whereas, at the age of 37, Edward Roy Becker was appointed to the United States District Court for the Eastern District of Pennsylvania in 1970, was then elevated to the Court of Appeals for the 3rd Circuit in 1982, was Chief Judge of the Court of Appeals for the 3rd Circuit from February 1998 until May 2003, and served as a Senior Judge until his passing on May 19, 2006;

Whereas, while serving as Chief Judge of the Court of Appeals for the 3rd Circuit, Edward Roy Becker authored many innovative and important opinions;

Whereas, in 2002, Edward Roy Becker received the coveted Edward J. Devitt Distinguished Service to Justice Award after being selected as the most distinguished Article III Judge in the United States "whose career has been exemplary, measured by [his] significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole";

Whereas, among his landmark decisions, the Supreme Court adopted 3 opinions rendered by Edward Roy Becker relating to cutting-edge issues, including the reliability of scientific evidence, the rationale of class action certification, and the standards of review relating to the Employee Retirement Income Security Act;

Whereas the University of Chicago Law Review has consistently recognized Edward Roy Becker as among the 3 circuit judges who are most often cited by the Supreme Court;

Whereas Edward Roy Becker handed down approximately 2,000 judicial opinions;

Whereas Edward Roy Becker devoted countless hours and a tremendous amount of effort for almost 3 years as an assistant to the Senate in drafting asbestos reform legislation, writing most of S. 852 (109th Congress) (commonly referred to as the "Fairness in Asbestos Injury Resolution Act of 2005"), and holding over 50 meetings in Washington, D.C., with stakeholders and Senators;

Whereas President George W. Bush inscribed a tribute to Edward Roy Becker on the face of S. 852 (109th Congress) by designating it as the "Becker Bill"; and

Whereas Edward Roy Becker undertook that arduous extra assignment in addition to his judicial duties, all while undergoing treatment for prostate cancer: Now, therefore, be it

Resolved, That the Senate—

(a) honors the life and accomplishments of Edward Roy Becker; and

(b) extends its condolences to the family and friends of Edward Roy Becker.

SENATE RESOLUTION 498—DESIGNATING THE WEEK BEGINNING MAY 21, 2006, AS "NATIONAL HURRICANE PREPAREDNESS WEEK"

Mr. VITTER (for himself, Ms. LANDRIEU, Mr. SHELBY, and Mr. LOTT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 498

Whereas the President has proclaimed that the week beginning May 21, 2006, shall be known as "National Hurricane Preparedness Week", and has called on government agencies, private organizations, schools, media, and residents in the coastal areas of the United States to share information about hurricane preparedness and response to help save lives and protect communities;

Whereas the official Atlantic hurricane season occurs from a period beginning June 1, 2006, and ending November 30, 2006;

Whereas hurricanes are among the most powerful forces of nature, causing destructive winds, tornadoes, floods, and storm surges that can result in numerous fatalities and cost billions of dollars in damage;

Whereas, in 2005, a record-setting Atlantic hurricane season caused 28 storms, including 15 hurricanes, of which 7 were major hurricanes, including Hurricanes Katrina, Rita, and Wilma;

Whereas the National Oceanic and Atmospheric Administration has predicted that between 13 to 16 storms will occur during the 2006 Atlantic hurricane season, with between 8 to 10 storms becoming hurricanes, of which between 4 to 6 storms could become major hurricanes of Category 3 strength or higher;

Whereas the National Oceanic and Atmospheric Administration reports that over 50 percent of the population of the United States lives in coastal counties that are vulnerable to the dangers of hurricanes;

Whereas, because the impact from hurricanes extends well beyond coastal areas, it is vital for individuals in hurricane prone areas to prepare in advance of the hurricane season;

Whereas cooperation between individuals and Federal, State, and local officials can help increase preparedness, save lives, reduce the impacts of each hurricane, and provide a more effective response to those storms;

Whereas the National Hurricane Center within the National Oceanic and Atmospheric Administration of the Department of Commerce recommends that each at-risk family of the United States develop a family disaster plan, create a disaster supply kit, and stay aware of current weather situations; and

Whereas the designation of the week beginning May 21, 2006, as "National Hurricane Preparedness Week" will help raise the awareness of the individuals of the United States to assist them in preparing for the upcoming hurricane season: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals of the President in proclaiming the week beginning May 21, 2006, as "National Hurricane Preparedness Week";

(2) encourages the people of the United States—

(A) to be prepared for the upcoming hurricane season; and

(B) to promote awareness of the dangers of hurricanes to help save lives and protect communities; and

(3) recognizes—

(A) the threats posed by hurricanes; and

(B) the need for the individuals of the United States to learn more about preparedness so that they may minimize the impacts of, and provide a more effective response to, hurricanes.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, June 12, 2006, at 2:30 p.m. in room SD-366 of the Dirksen Building.

The purpose of the hearing is to receive testimony regarding the implementation of Sections 641 through 645 of the Energy Policy Act of 2005, the Next Generation Nuclear Plant Project within the Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the, hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Clint Williamson at (202) 224-7556 or Steve Waskiewicz at (202) 228-6195.

A PRODUCTIVE WEEK

Mr. FRIST. Mr. President, over the next 20 minutes or so, we will be wrapping up what has been a very busy but very productive week, moving to a period which will begin with the celebration of this weekend, in the sense that a lot of people will be with families back at home, back with their constituents, back in their communities, but we will move very quickly to our Memorial Day recess. I will have a few statements to make, a few words to say on what will be going on, on Monday.

We have had a very successful week in the sense that we have completed another nomination thus far. We will have a few more in a little bit that we have agreed to on both sides. We have completed an immigration bill that we worked on for about a month—initially, for 2 weeks, then a pause, and then for the last 2 weeks—a bill that, as I said yesterday, does reflect the will of this body. Not everybody agrees with it. Not anybody, I think, agrees with everything in that legislation. But it is comprehensive legislation that demonstrates that we are governing, addressing the very real problems, real challenges that face us in America today.

MARRIAGE PROTECTION AMENDMENT

Mr. FRIST. When we come back we will deal with a range of issues. I will have a little more to say about that in a bit, but the first issue we will come back to has to do with another institution, the institution of marriage.

Throughout human history and culture, the union of a man and a woman has been recognized as the essential cornerstone of society. For millennia, marriage has served as a public act, a civil institution to bind men and women in the task of producing and nurturing their offspring. In some eras it has existed apart from romance, love, and mutual regard. In ours, we have embraced the ideal of marriage that deepens and enriches the bonds of love, that grows with every shared memory, endeavor, and challenge: husband and wife, father and mother, building a family and a community over a lifetime.

At its root, marriage is and always has been a public institution that formalizes that family bond—its intent to further the community's interest in successfully rearing the next generation of healthy and prosperous citizens. But now, this fundamental institution is under attack. There is a concerted effort underway to redefine marriage against millennia of human experience and against the expressed wishes of the American people. Activist courts are usurping the power to define this social institution. And if marriage is redefined for anyone, it is redefined for everyone.

The threat is real. Just last year voters in 13 States passed by enormous margins State constitutional amendments protecting marriage; 19 States have State constitutional amendments also to protect marriage, and 5 more States have amendments pending. In total, 45 States have either State constitutional amendments or laws to protect marriage.

Tennessee will give voters the opportunity to voice their opinions on the sanctity of marriage this November. It is one of seven States with similar amendments pending to their constitutions. If a marriage protection law passes in Tennessee, we will join those 45 other States that have approved legislation that defines marriage as a union between a man and a woman and, indeed, no State has ever rejected an effort to protect traditional marriage when it has been on the ballot.

So with this progress at the State level that expresses the overwhelming support of the American people, what is the problem? Why does it need to come to the floor of this body?

Voting for marriage on the State ballot is not enough to protect the institution. I need to explain. Because same sex marriage advocates cannot win at the ballot box, activists are continuing their campaign to convince State and Federal courts to rewrite traditional marriage laws. Currently, nine States have lawsuits pending challenging marriage laws. In five States, courts could redefine marriage by the end of the year—California, Maryland, New Jersey, New York, and Washington.

In California, Maryland, New York, and Washington, State trial courts have already followed Massachusetts and found the definition of marriage in their State constitutions unconstitutional. All these cases are on appeal.

Already we have seen a Federal judge in Nebraska overturn a democratically enacted Nebraska State constitutional amendment protecting marriage. That ruling is now under appeal in the Eighth Circuit. Another Federal case in Washington challenges the constitutionality of the Federal Defense of Marriage Act. The case is stayed, pending resolution of litigation in the Washington State Supreme Court.

Because of these attempts to overturn State laws and constitutional amendments, this Senate needs to act. The American people deserve a full debate on this foundational issue before marriage is redefined for everyone. That is why, when we return from the Memorial Day recess, I will bring the marriage protection amendment to the Senate floor to ensure the definition of marriage endures and remains true to the wishes of the majority of the American people.

The amendment is straightforward. The amendment is simple. It reads:

> Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the Constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

That is it. It is simple, straightforward—it is two sentences. The truth is, on the question of marriage, the Constitution will be amended. The only question is whether it will be amended by Congress as the representative of the people or by judicial fiat. Will activist judges amend the Constitution or will the people amend the Constitution to preserve marriage as it has always been understood?

I say the people should have a voice. The American people have a right to settle the question of what marriage will be in the United States. Marriage is an issue that rightly belongs in the hands of the people, of the American people. So before the courts impose a vast, untested social experiment for which children will bear the ultimate consequence, let the people hold a thorough debate. The matter before us is critical. The debate before us is essential. Let it be held now for this and future generations of Americans, and let it ultimately lead the way forward.

MOTION TO PROCEED

Mr. President, I now move to proceed to Calendar No. 435, S.J. Res. 1, the marriage protection amendment.

I ask unanimous consent the Senate resume consideration of this motion to proceed immediately following any morning business period on Monday, June 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, under the previous order, as in executive session, I ask unanimous consent that at 10:05 a.m. on Tuesday, June 6, the Senate proceed to executive session, with 10 minutes of debate equally divided between the chairman and ranking member, followed by a vote on the confirmation of the following judicial nomination on the Executive Calendar: Calendar No. 626, Renee Marie Bumb to be United States District Judge for the District of New Jersey; provided further that following the vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 418, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 418) was agreed to, as follows:

H. CON. RES. 418

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, May 25, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 6, 2006, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 25, 2006, through Sunday, May 28, 2006, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 5, 2006, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

MEASURE PLACED ON THE CALENDAR—S. 3064

Mr. FRIST. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time by title.

The legislative clerk read as follows:

A bill (S. 3064) to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes.

Mr. FRIST. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceedings.

The PRESIDING OFFICER. The bill will be placed on the calendar.

MEASURES READ THE FIRST TIME EN BLOC—S. 3274, H.R. 5253, H.R. 5311, H.R. 5403, H.R. 5429

Mr. FRIST. Mr. President, I understand there are five bills at the desk, and I ask for their first readings en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title en bloc.

The legislation clerk read as follows:

A bill (S. 3274) to create a fair and efficient system to resolve claims of victims of bodily injury caused by asbestos exposure, and for other purposes.

A bill (H.R. 5253) to prohibit price gouging in the sale of gasoline, diesel fuel, crude oil, home heating oil, and for other purposes.

A bill (H.R. 5311) to establish the Upper Housatonie Valley National Heritage Area.

A bill (H.R. 5403) to improve protections for children and to hold States accountable for the safe and timely placement of children across State lines, and for other purposes.

A bill (H.R. 5429) to direct the Secretary of the Interior to establish and implement a competitive oil and gasoline leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain of Alaska, and for other purposes:

Mr. FRIST. Mr. President, I now ask for their second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

JACK C. MONTGOMERY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. FRIST. Mr. President, I ask unanimous consent the Committee on Veterans' Affairs be discharged from further consideration of H.R. 3829, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3829) to designate the Department of Veterans Affairs Medical Center in Muskogee, Oklahoma, as the Jack C. Montgomery Department of Veterans Affairs Medical Center.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3829) was ordered to a third reading, read the third time, and passed.

OPERATION READINESS IN CIVILIAN AGENCIES

Mr. FRIST. I ask unanimous consent the Senate proceed to the immediate consideration of S. 3322, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3322) to build operational readiness in civilian agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3322) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reconstruction and Stabilization Civilian Management Act of 2006".

SEC. 2. FINDING; PURPOSE.

(a) FINDING.—Congress finds that the resources of the United States Armed Forces have been burdened by having to undertake stabilization and reconstruction tasks in the Balkans, Afghanistan, Iraq, and other countries of the world that could have been performed by civilians, which has resulted in lengthy deployments for Armed Forces personnel.

(b) PURPOSE.—The purpose of this Act is to provide for the continued development, as a core mission of the Department of State and the United States Agency for International Development, of an effective expert civilian response capability to carry out reconstruction and stabilization activities in a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Agency for International Development.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(3) DEPARTMENT.—Except as otherwise provided in this Act, the term "Department" means the Department of State.

(4) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 105 of title 5, United States Code.

(5) SECRETARY.—The term "Secretary" means the Secretary of State.

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the civilian element of United States joint civilian-military operations should be strengthened in order to enhance the execution of current and future reconstruction and stabilization activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife:

(2) the capability of civilian agencies of the United States Government to carry out reconstruction and stabilization activities in such countries or regions should also be enhanced through a new rapid response corps of civilian experts supported by the establishment of a new system of planning, organization, personnel policies, and education and training, and the provision of adequate resources;

(3) the international community, including nongovernmental organizations, and the United Nations and its specialized agencies, should be further encouraged to participate in planning and organizing reconstruction and stabilization activities in such countries or regions;

(4) the executive branch has taken a number of steps to strengthen civilian capability, including the establishment of an office headed by a Coordinator for Reconstruction and Stabilization in the Department, the Presidential designation of the Secretary as the interagency coordinator and leader of reconstruction and stabilization efforts, and Department of Defense directives to the military to support the Office of Reconstruction and Stabilization and to work closely with counterparts in the Department of State and other civilian agencies to develop and enhance personnel, training, planning, and analysis;

(5) the Secretary and the Administrator should work with the Secretary of Defense to augment existing personnel exchange programs among the Department, the United States Agency for International Development, and the Department of Defense, including the regional commands and the Joint Staff, to enhance the stabilization and reconstruction skills of military and civilian personnel and their ability to undertake joint operations; and

(6) the heads of other executive agencies should establish personnel exchange programs that are designed to enhance the stabilization and reconstruction skills of military and civilian personnel.

SEC. 5. AUTHORITY TO PROVIDE ASSISTANCE FOR RECONSTRUCTION AND STABILIZATION CRISES.

Chapter 1 of part III of the Foreign Assistance Act of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting after section 617 the following new section:

"SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STABILIZATION CRISIS.

"(a) AUTHORITY.—If the President determines that it is important to the national interests of the United States for United States civilian agencies or non-Federal employees to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, the President may, in accordance with the provisions set forth in section 614(a)(3), notwithstanding any other provision of law, and on such terms and conditions as the President may determine, furnish assistance to respond to the crisis.

"(b) SPECIAL AUTHORITIES.—In furtherance of a determination made under subsection (a), the President may exercise the authorities contained in sections 552(c)(2) and 610 of this Act without regard to the percentage and aggregate dollar limitations contained in such sections.

"(c) AUTHORIZATION OF FUNDING.—

"(1) INITIAL AUTHORIZATION.—There is authorized to be appropriated, without fiscal year limitation, $75,000,000 in funds that may be used to provide assistance authorized in subsection (a) and, to the extent authorized under paragraph (2), for the purpose described in such paragraph.

"(2) AVAILABILITY OF FUNDS FOR RESPONSE READINESS CORPS.—Of the amount made available pursuant to paragraph (1) for fiscal year 2007, $25,000,000 may be made available for expenses related to the development, training, and operations of the Response Readiness Corps established under section 61(c) of the State Department Basic Authorities Act of 1956. The availability of such funds shall not be subject to a determination by the President under subsection (a).

"(3) REPLENISHMENT.—There is authorized to be appropriated each fiscal year such sums as may be necessary to replenish funds expended as provided under paragraph (1). Funds authorized to be appropriated under this paragraph shall be available without fiscal year limitation for the same purpose and under the same conditions as are provided under paragraph (1).".

SEC. 6. OFFICE OF THE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

"SEC. 61. RECONSTRUCTION AND STABILIZATION.

"(a) Office of the Coordinator for Reconstruction and Stabilization.—

"(1) Establishment.—There is established within the Department of State the Office of the Coordinator for Reconstruction and Stabilization.

"(2) Coordinator for reconstruction and stabilization.—The head of the Office shall be the Coordinator for Reconstruction and Stabilization, who shall be appointed by the President, by and with the advice and consent of the Senate. The Coordinator shall report directly to the Secretary and shall have the rank and status of Ambassador at Large.

"(3) Functions.—The functions of the Office of the Coordinator for Reconstruction and Stabilization include the following:

"(A) Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

"(B) Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises.

"(C) Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises.

"(D) Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises.

"(E) Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2006.

"(F) Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps or the Response Readiness Reserve established under subsection (b) or to otherwise participate in or contribute to stabilization and reconstruction activities.

"(G) Taking steps to ensure that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands.

"(H) Sharing information and coordinating plans for stabilization and reconstruction activities, as appropriate, with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations.

"(I) Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities.

"(J) Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.

"(b) Response to Stabilization and Reconstruction Crisis.—If the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, the President may designate the Coordinator, or such other individual as the President may determine appropriate, as the Coordinator of the United States response. The individual so designated, or, in the event the President does not make such a designation, the Coordinator for Reconstruction and Stabilization, shall—

"(1) assess the immediate and long-term need for resources and civilian personnel;

"(2) identify and mobilize non-military resources to respond to the crisis; and

"(3) coordinate the activities of the other individuals or management team, if any, designated by the President to manage the United States response.".

SEC. 7. RESPONSE READINESS CORPS.

(a) In General.—Section 61 of the State Department Basic Authorities Act of 1956 (as added by section 6) is amended by adding at the end the following new subsection:

"(c) Response Readiness Corps.—

"(1) Response readiness active duty personnel.—

"(A) Establishment and purpose.—The Secretary, in consultation with the Administrator of the United States Agency for International Development, is authorized to establish a Response Readiness Corps (hereafter referred to in this section as the 'Corps') to provide assistance in support of stabilization and reconstruction activities in foreign countries or regions that are at risk of, in, or are in transition from, conflict or civil strife.

"(B) Composition.—The Secretary and Administrator of the United States Agency for International Development should coordinate in the recruitment, hiring, and training of—

"(i) up to 250 personnel to serve in the active duty Corps; and

"(ii) such other personnel as the Secretary, in consultation with the Administrator, may designate as members of the Corps from among employees of the Department of State and the United States Agency for International Development.

"(C) Training.—The Secretary is authorized to train the members of the Corps to perform services necessary to carry out the purpose of the Corps under subparagraph (A).

"(D) Compensation.—Members of the Corps hired under subparagraph (B)(i) shall be compensated in accordance with the appropriate salary class for the Foreign Service, as set forth in sections 402 and 403 of the Foreign Service Act of 1980 (22 U.S.C. 3962 and 22 U.S.C. 3963), or in accordance with the relevant authority under sections 3101 and 3392 of title 5, United States Code.

"(2) Response readiness reserve duty personnel.—

"(A) Establishment and purpose.—The Secretary, in consultation with the heads of other relevant Executive agencies, is authorized to establish and maintain a roster of personnel who are trained and available as needed to perform services necessary to carry out the purpose of the Corps under paragraph (1)(A). The personnel listed on the roster shall constitute a reserve component of the Response Readiness Corps.

"(B) Federal employees.—The Response Readiness reserve component may include employees of the Department of State, including Foreign Service Nationals, employees of the United States Agency for International Development, employees of any other Executive agency (as that term is defined in section 105 of title 5, United States Code), and employees from the legislative and judicial branches who—

"(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and

"(ii) have volunteered for deployment to carry out stabilization and reconstruction activities.

"(C) Non-federal personnel.—The Response Readiness reserve component should also include at least 500 personnel, which may include retired employees of the Federal Government, contractor personnel, nongovernmental organization personnel, and State and local government employees, who—

"(i) have the training and skills necessary to enable them to contribute to stabilization and reconstruction activities; and

"(ii) have volunteered to carry out stabilization and reconstruction activities.

"(3) Use of response readiness corps.—

"(A) Response readiness active duty component.—The members of the active duty Corps are authorized to be available—

"(i) if responding in support of stabilization and reconstruction activities pursuant to a determination by the President regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961, for deployment in support of such activities; and

"(ii) if not responding as described in clause (i), for assignment in the United States, United States diplomatic missions, and United States Agency for International Development missions.

"(B) Response readiness reserve component.—The Secretary may deploy members of the reserve component under paragraph (2) in support of stabilization and reconstruction activities in a foreign country or region if the President makes a determination regarding a stabilization and reconstruction crisis under section 618 of the Foreign Assistance Act of 1961.".

(b) Employment Authority.—The full-time personnel authorized to be employed in the Response Readiness Corps under section 61(c)(1)(B)(i) of the State Department Basic Authorities Act of 1956 (as added by subsection (a)) are in addition to any other full-time personnel of the Department or the United States Agency for International Development authorized to be employed under any other provision of law.

(c) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the status of efforts to establish the Response Readiness Corps under this section. The report should include recommendations for any legislation necessary to implement subsection (a).

SEC. 8. STABILIZATION AND RECONSTRUCTION TRAINING AND EDUCATION.

Section 701 of the Foreign Service Act of 1980 (22 U.S.C. 4021) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) Stabilization and Reconstruction Curriculum.—

"(1) Establishment and mission.—The Secretary, in cooperation with the Secretary of Defense and the Secretary of the Army, is authorized to establish a stabilization and reconstruction curriculum for use in programs of the Foreign Service Institute, the National Defense University, and the United States Army War College.

"(2) CURRICULUM CONTENT.—The curriculum should include the following:

"(A) An overview of the global security environment, including an assessment of transnational threats and an analysis of United States policy options to address such threats.

"(B) A review of lessons learned from previous United States and international experiences in stabilization and reconstruction activities.

"(C) An overview of the relevant responsibilities, capabilities, and limitations of various Executive agencies (as that term is defined in section 105 of title 5, United States Code) and the interactions among them.

"(D) A discussion of the international resources available to address stabilization and reconstruction requirements, including resources of the United Nations and its specialized agencies, nongovernmental organizations, private and voluntary organizations, and foreign governments, together with an examination of the successes and failures experienced by the United States in working with such entities.

"(E) A study of the United States interagency system.

"(F) Foreign language training.

"(G) Training and simulation exercises for joint civilian-military emergency response operations.".

SEC. 9. SERVICE RELATED TO STABILIZATION AND RECONSTRUCTION.

(a) PROMOTION PURPOSES.—Service in stabilization and reconstruction operations overseas, membership in the Response Readiness Corps under section 61(c) of the State Department Basic Authorities Act of 1956 (as added by section 7), and education and training in the stabilization and reconstruction curriculum established under section 701(g) of the Foreign Service Act of 1980 (as added by section 8) should be considered among the favorable factors for the promotion of employees of Executive agencies.

(b) PERSONNEL TRAINING AND PROMOTION.—The Secretary and the Administrator should take steps to ensure that, not later than 3 years after the date of the enactment of this Act, at least 10 percent of the employees of the Department and the United States Agency for International Development in the United States are members of the Response Readiness Corps or are trained in the activities of, or identified for potential deployment in support of, the Response Readiness Corps. The Secretary should provide such training as needed to Ambassadors and Deputy Chiefs of Mission.

(c) OTHER INCENTIVES AND BENEFITS.—The Secretary and the Administrator may establish and administer a system of awards and other incentives and benefits to confer appropriate recognition on and reward any individual who is assigned, detailed, or deployed to carry out stabilization or reconstruction activities in accordance with this Act.

SEC. 10. AUTHORITIES RELATED TO PERSONNEL.

(a) CONTRACTING AUTHORITY.—

(1) IN GENERAL.—The Secretary, or the Administrator with the concurrence of the Secretary, may enter into contracts to procure the services of nationals of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or aliens authorized to be employed in the United States as personal services contractors for the purpose of carrying out this Act, without regard to Civil Service or classification laws, for service in the Office of the Coordinator for Reconstruction and Stabilization or for service in foreign countries to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife.

(2) NOT EMPLOYEES.—Individuals performing services under contracts described in paragraph (1) shall not by virtue of performing such services be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management (except that the Secretary or Administrator may determine the applicability to such individuals of any law administered by the Secretary or Administrator concerning the performance of such services by such individuals).

(b) EXPERTS AND CONSULTANTS.—The Secretary and the Administrator may, to the extent necessary to obtain services without delay, employ experts and consultants under section 3109 of title 5, United States Code, for the purpose of carrying out this Act, without requiring compliance with any otherwise applicable requirements for that employment as the Secretary or Administrator may determine, except that such employment shall be terminated after 60 days if by that time the applicable requirements are not complied with.

(c) AUTHORITY TO ACCEPT AND ASSIGN DETAILS.—The Secretary is authorized to accept details or assignments of employees of Executive agencies, members of the uniformed services, and employees of State or local governments on a reimbursable or nonreimbursable basis for the purpose of carrying out this Act. The assignment of an employee of a State or local government under this subsection shall be consistent with subchapter VI of chapter 33 of title 5, United States Code.

(d) DUAL COMPENSATION WAIVER FOR ANNUITANTS UNDER CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES RETIREMENT SYSTEM.—Notwithstanding sections 8344(i) and 8468(f) of title 5, United States Code, the Secretary or the head of another executive agency, as authorized by the Secretary, may waive the application of subsections (a) through (h) of such section 8344 and subsections (a) through (e) of such section 8468 with respect to annuitants under the Civil Service Retirement System or the Federal Employees Retirement System who are assigned, detailed, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife during the period of their reemployment.

(e) INCREASE IN PREMIUM PAY CAP.—The Secretary, or the head of another executive agency as authorized by the Secretary, may compensate an employee detailed, assigned, or deployed to assist in stabilizing and reconstructing a country or region that is at risk of, in, or is in transition from, conflict or civil strife, without regard to the limitations on premium pay set forth in section 5547 of title 5, United States Code, to the extent that the aggregate of the basic pay and premium pay of such employee for a year does not exceed the annual rate payable for level II of the Executive Schedule.

(f) EXTENSION OF CERTAIN FOREIGN SERVICE BENEFITS.—The Secretary, or the head of another executive agency as authorized by the Secretary, may extend to any individuals assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act, the benefits or privileges set forth in sections 412, 413, 704, and 901 of the Foreign Service Act of 1980 (22 U.S.C. 972, 22 U.S.C. 3973, 22 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and manner that such benefits and privileges are extended to members of the Foreign Service.

(g) COMPENSATORY TIME.—Notwithstanding any other provision of law, the Secretary may, subject to the consent of an individual who is assigned, detailed, or deployed to carry out stabilization and reconstruction activities in accordance with this Act, grant such individual compensatory time off for an equal amount of time spent in regularly or irregularly scheduled overtime work. Credit for compensatory time off earned shall not form the basis for any additional compensation. Any such compensatory time not used within 26 pay periods shall be forfeited.

(h) ACCEPTANCE OF VOLUNTEER SERVICES.—

(1) IN GENERAL.—The Secretary may accept volunteer services for the purpose of carrying out this Act without regard to section 1342 of title 31, United States Code.

(2) TYPES OF VOLUNTEERS.—Donors of voluntary services accepted for purposes of this section may include—

(A) advisors;

(B) experts;

(C) consultants; and

(D) persons performing services in any other capacity determined appropriate by the Secretary.

(3) SUPERVISION.—The Secretary shall—

(A) ensure that each person performing voluntary services accepted under this section is notified of the scope of the voluntary services accepted;

(B) supervise the volunteer to the same extent as employees receiving compensation for similar services; and

(C) ensure that the volunteer has appropriate credentials or is otherwise qualified to perform in each capacity for which the volunteer's services are accepted.

(4) APPLICABILITY OF LAW RELATING TO FEDERAL GOVERNMENT EMPLOYEES.—A person providing volunteer services accepted under this section shall not be considered an employee of the Federal Government in the performance of those services, except for the purposes of the following provisions of law:

(A) Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries.

(B) Chapter 11 of title 18, United States Code, relating to conflicts of interest.

(5) APPLICABILITY OF LAW RELATING TO VOLUNTEER LIABILITY PROTECTION.—

(A) IN GENERAL.—A person providing volunteer services accepted under this section shall be deemed to be a volunteer of a nonprofit organization or governmental entity, with respect to the accepted services, for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

(B) INAPPLICABILITY OF EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—Section 4(d) of such Act (42 U.S.C. 14503(d)) does not apply with respect to the liability of a person with respect to services of such person that are accepted under this section.

(i) AUTHORITY FOR OUTSIDE ADVISORS.—

(1) IN GENERAL.—The Secretary may establish temporary advisory commissions composed of individuals with appropriate expertise to facilitate the carrying out of this Act.

(2) INAPPLICABILITY OF FACA.—The requirements of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of a commission established under this subsection.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $80,000,000 for fiscal year 2007 for personnel, education and training, equipment, and travel costs for purposes of carrying out this Act and the amendments made by this Act.

COMMENDING THE KANSAS CITY, KANSAS, COMMUNITY COLLEGE DEBATE TEAM

Mr. FRIST. I ask unanimous consent the Senate now proceed to consideration of S. Res. 496, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 496) commending the Kansas City, Kansas, Community College Debate Team for their national championship victories.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWNBACK. Mr. President, I rise today to voice my support for the Kansas City Kansas Community College Debate Team. The team, under the leadership of Head Coach Darren Elliot, recently won, for a third consecutive year, the three national championships in collegiate debate among community colleges. I congratulate Coach Elliot, along with each assistant coach and team member, on their tremendous success. Their dedication to education and intercollegiate debate is truly commendable.

Mr. FRIST. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 496) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 496

Whereas, in 2006, the Kansas City Kansas Community College debate team won, for a third consecutive year, the 3 national championships in collegiate debate among community colleges;

Whereas the team won a third consecutive national championship at the Phi Rho Pi national tournament for community colleges in 2006;

Whereas, at the 2006 Phi Rho Pi national tournament for community colleges, the team achieved more debate victories per tournament than any other team in the esteemed history of the tournament;

Whereas the team won championship awards in the Policy Team Debate, Lincoln-Douglas Debate, and Overall Sweepstakes at the Phi Rho Pi national tournament for community colleges in 2006;

Whereas the team won a third consecutive national championship for community colleges at the Cross Examination Debate Association National Tournament in 2006; and

Whereas the State of Kansas is privileged to benefit from the dedication to education and intercollegiate debate of Kansas City Kansas Community College team head coach Darren Elliot, assistant coaches Skippy Flynn and Adrian Self, and team members Ashley-Michelle Bruce, Ryan Coyne, Clay Crockett, Peter Lawson, Candace Moore, Amanda Montee, Deandre Tolbert, and Garrett Tuck: Now, therefore, be it

Resolved, That the Senate—

(1) commends the extraordinary contributions of the Kansas City Kansas Community College debate team to the city of Kansas City, Kansas, and the State of Kansas;

(2) congratulates the team for their national championship victories; and

(3) offers its best wishes to the team for future success.

RELATIVE TO THE DEATH OF EDWARD ROY BECKER

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 497, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 497) relative to the death of Edward Roy Becker, Chief Judge of the Court of Appeals for the 3rd Circuit.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Resolution (S. Res. 497) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 497

Whereas Edward Roy Becker was born on May 4, 1933, in Philadelphia, Pennsylvania;

Whereas Edward Roy Becker enjoyed an extraordinary career as a leading jurist in the United States;

Whereas Edward Roy Becker graduated Phi Beta Kappa from the University of Pennsylvania in 1954 and received his law degree from Yale Law School in 1957 with academic distinction;

Whereas, following his graduation from law school, Edward Roy Becker managed a distinguished law practice at the partnership of Becker, Becker, and Fryman with his father and brother-in-law;

Whereas Edward Roy Becker was active in politics, and followed his father as a Republican committeeman;

Whereas, at the age of 37, Edward Roy Becker was appointed to the United States District Court for the Eastern District of Pennsylvania in 1970, was then elevated to the Court of Appeals for the 3rd Circuit in 1982, was Chief Judge of the Court of Appeals for the 3rd Circuit from February 1998 until May 2003, and served as a Senior Judge until his passing on May 19, 2006;

Whereas, while serving as Chief Judge of the Court of Appeals for the 3rd Circuit, Edward Roy Becker authored many innovative and important opinions;

Whereas, in 2002, Edward Roy Becker received the coveted Edward J. Devitt Distinguished Service to Justice Award after being selected as the most distinguished Article III Judge in the United States "whose career has been exemplary, measured by [his] significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole";

Whereas, among his landmark decisions, the Supreme Court adopted 3 opinions rendered by Edward Roy Becker relating to cutting-edge issues, including the reliability of scientific evidence, the rationale of class action certification, and the standards of review relating to the Employee Retirement Income Security Act;

Whereas the University of Chicago Law Review has consistently recognized Edward Roy Becker as among the 3 circuit judges who are most often cited by the Supreme Court;

Whereas Edward Roy Becker handed down approximately 2,000 judicial opinions;

Whereas Edward Roy Becker devoted countless hours and a tremendous amount of effort for almost 3 years as an assistant to the Senate in drafting asbestos reform legislation, writing most of S. 852 (109th Congress) (commonly referred to as the "Fairness in Asbestos Injury Resolution Act of 2005"), and holding over 50 meetings in Washington, D.C., with stakeholders and Senators;

Whereas President George W. Bush inscribed a tribute to Edward Roy Becker on the face of S. 852 (109th Congress) by designating it as the "Becker Bill"; and

Whereas Edward Roy Becker undertook that arduous extra assignment in addition to his judicial duties, all while undergoing treatment for prostate cancer: Now, therefore, be it

Resolved, That the Senate—

(a) honors the life and accomplishments of Edward Roy Becker; and

(b) extends its condolences to the family and friends of Edward Roy Becker.

SIGNING AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader and the senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT AUTHORIZATION

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIAL DAY

Mr. FRIST. Mr. President, on May 30, 1868, mourners placed flowers on the graves of Union and Confederate soldiers at Arlington National Cemetery in Washington, DC. This marked the first observance of Memorial Day.

On Monday, America will continue this tradition by honoring our Nation's fallen soldiers in ceremonies across the country.

Ever since GEN George Washington defeated the British at Yorktown, American soldiers have honorably defended the cause of liberty in conflicts at home and, indeed, around the world.

Today, our men and women in uniform are bravely waging the war on terror, taking the battle to the enemy so that the enemy does not do battle here at home.

America thanks our soldiers for their dedication, for their determination, and for their patriotism. We honor the 25 million living veterans who have served their country in past wars with honor and courage. And we remember those patriots who have given the ultimate sacrifice in service to their country.

Two years ago, I had the privilege of attending the dedication of the National World War II Memorial. It was the largest gathering of surviving veterans in 60 years and an experience I will never forget. One of the veterans was asked how did they do it, how did ordinary young men set aside their fear in the face of extraordinary odds against determined enemies. The veteran replied simply:

> There's nothing else you can do but do your best and keep firing until the ammunition runs out.

One of the inscriptions on the monument is a quote by President Truman. It embodies the patriotic spirit of this annual remembrance. It reads:

> Our debt to the heroic men and valiant women in the service of our country can never be repaid. They have earned our undying gratitude. America will never forget their sacrifices.

So on Monday, we remember, we honor, and we respect America's heroes, the men and women who did their best, and we repay in small measure the debt we owe them for their service and their sacrifice.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Nos. 443, 573, 590, 591, 592, 593, 595, 615, 629, 640, 664, 665, 615, 640, 666, 667, 668, 669, 671, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 694, 695, 696, 697, 698, 700, 701, 702, and 703 and all nominations on the Secretary's desk; provided further that the Commerce Committee be discharged from further consideration of four lists of Coast Guard nominations at the desk and the Senate proceed to their consideration; I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF ENERGY

Edward F. Sproat III, of Pennsylvania, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

Raymond L. Orbach, of California, to be Under Secretary for Science, Department of Energy. (New Position)

DEPARTMENT OF TRANSPORTATION

Roger Shane Karr, of the District of Columbia, to be an Assistant Secretary of Transportation.

Tyler D. Duvall, of Virginia, to be an Assistant Secretary of Transportation.

Nicole R. Nason, of Virginia, to be Administrator of the National Highway Traffic Safety Administration.

Thomas J. Barrett, of Alaska, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation. (New Position)

FEDERAL COMMUNICATIONS COMMISSION

Robert M. McDowell, of Virginia, to be a Member of the Federal Communications Commission for a term of five years from July 1, 2004.

DEPARTMENT OF TRANSPORTATION

Richard Capka, of Pennsylvania, to be Administrator of the Federal Highway Administration.

Susan Davis Wigenton, of New Jersey, to be United States District Judge for the District of New Jersey.

W. Ralph Basham, of Virginia, to be Commissioner of Customs, Department of Homeland Security.

DEPARTMENT OF HOMELAND SECURITY

David L. Norquist, of Virginia, to be Chief Financial Officer, Department of Homeland Security.

OFFICE OF GOVERNMENT ETHICS

Robert Irwin Cusick, Jr., of Kentucky, to be Director of the Office of Government Ethics for a term of five years.

EXECUTIVE OFFICE OF THE PRESIDENT

Robert J. Portman, of Ohio, to be Director of the Office of Management and Budget.

NUCLEAR REGULATORY COMMISSION

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008.

Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2008.

Peter B. Lyons, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2009.

NUCLEAR REGULATORY COMMISSION

Dale Klein, of Texas, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2011.

DEPARTMENT OF STATE

Duane Acklie, of Nebraska, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Goli Ameri, of Oregon, to be a Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Robert C. O'Brien, of California, to be an Alternate Representative of the United States of America to the Sixtieth Session of the General Assembly of the United Nations.

Rajkumar Chellaraj, of Texas, to be an Assistant Secretary of State (Administration).

Patricia P. Brister, of Louisiana, for the rank of Ambassador during her tenure of service as the Representative of the United States of America on the Commission on the Status of Women of the Economic and Social Council of the United Nations.

Warren W. Tichenor, of Texas, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador.

Daniel S. Sullivan, of Alaska, to be an Assistant Secretary of State (Economic and Business Affairs).

Robert F. Godec, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Mark C. Minton, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Michael D. Kirby, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Moldova.

Lisa Bobbie Schreiber Hughes, of Pennsylvania, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

David M. Robinson, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Co-operative Republic of Guyana.

John A. Cloud, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lithuania.

Robert S. Ford, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria.

Anne E. Derse, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

April H. Foley, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Tracey Ann Jacobson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Robert Anthony Bradtke, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

William B. Taylor, Jr., of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Michael Wood, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

NATIONAL INSTITUTE OF BUILDING SCIENCES

William Hardiman, of Michigan, to be a Member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 2006.

SECURITIES INVESTOR PROTECTION CORPORATION

Armando J. Bucelo, Jr., of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2008. (Reappointment)

Todd S. Farha, of Florida, to be a Director of the Securities Investor Protection Corporation for the remainder of the term expiring December 31, 2006.

Todd S. Farha, of Florida, to be a Director of the Securities Investor Protection Corporation for a term expiring December 31, 2009. (Reappointment)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

John W. Cox, of Texas, to be Chief Financial Officer, Department of Housing and Urban Development.

DEPARTMENT OF JUSTICE

Gary D. Orton, of Nevada, to be United States Marshal for the District of Nevada for the term of four years.

Erik C. Peterson, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years.

GENERAL SERVICES ADMINISTRATION

Lurita Alexis Doan, of Virginia, to be Administrator of General Services.

DEPARTMENT OF HOMELAND SECURITY

R. David Paulison, of Florida, to be Under Secretary for Federal Emergency Management, Department of Homeland Security.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN1331 Foreign Service nominations (87) beginning Brent Royal Bohne, and ending William J. Booth, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 2006.

PN1425 Foreign Service nominations (4) beginning Craig B. Allen, and ending Daniel D. DeVito, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2006.

PN1456 Foreign Service nominations (322) beginning Anita Katial, and ending Scott R. Reynolds, which nominations were received by the Senate and appeared in the Congressional Record of April 24, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

To be lieutenant

Christiaan H. Van Westendorp

To be ensign

Mary A. Barber
Matthew P. Berg
Christopher W. Daniels
Matthew C.Davis
Nathan P. Eldridge
Francisco J. Fuenmayor
Matthew Glazewski
David M. Gothan
Sarah A. T. Harris
Meghan E. McGovern
Damian M. Ray
Lecia M. Salerno
Raul Vasquez Del Mercado
William G. Winner
Victoria E. Zalewski

UNITED STATES COAST GUARD

To be lieutenant (junior grade)

Thea Iacomino, 2763

UNITED STATES COAST GUARD

To be commander

Max A. Caruso, 9694

To be lieutenant

Josh L. Bauer, 9532

UNITED STATES COAST GUARD

To be lieutenant (junior grade)

Mark Molavi, 0397
Andrew G. Schanno, 6070

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR MONDAY, JUNE 5, 2006

Mr. PRESIDENT. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of H. Con. Res. 418 until 2 p.m. on Monday, June 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the motion to proceed to S. Res. 1, the marriage protection amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, today, we confirmed Brett Kavanaugh to the DC Circuit, we confirmed General Hayden as CIA Director, and we confirmed a former colleague, Dirk Kempthorne, as Secretary of the Interior. In addition, we were able to confirm several nominations by unanimous consent.

We have had a productive stretch in the last few weeks that we have been in session. Yesterday, we did pass the comprehensive immigration reform bill after a total of 4 weeks of good debate. Again, I congratulate the managers of the bill for their dedicated work in moving the bill along for passage. I congratulate Senators MCCAIN and KENNEDY, Senators MARTINEZ and HAGEL, and the entire Judiciary Committee which generated the bill, and all of my colleagues for their participation and active debate with amendments.

When we return from the Memorial Day recess, we will continue on the motion to proceed to the marriage protection amendment. The first vote of the week will occur in the morning on Tuesday, June 6. That vote will be on a district judge nomination.

As we head in into the Memorial Day recess, we honor all who have died serving our great Nation.

ADJOURNMENT UNTIL MONDAY, JUNE 5, 2006, AT 2 P.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res 418.

There being no objection, the Senate, at 3:03 p.m., adjourned until Monday, June 5, 2006, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 2006:

DEPARTMENT OF ENERGY

EDWARD F. SPROAT III, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY.

RAYMOND L. ORBACH, OF CALIFORNIA, TO BE UNDER SECRETARY FOR SCIENCE, DEPARTMENT OF ENERGY.

DEPARTMENT OF TRANSPORTATION

ROGER SHANE KARR, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

TYLER D. DUVALL, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION.

NICOLE R. NASON, OF VIRGINIA, TO BE ADMINISTRATOR OF THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.

THOMAS J. BARRETT, OF ALASKA, TO BE ADMINISTRATOR OF THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

FEDERAL COMMUNICATIONS COMMISSION

ROBERT M. MCDOWELL, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 2004.

DEPARTMENT OF TRANSPORTATION

RICHARD CAPKA, OF PENNSYLVANIA, TO BE ADMINISTRATOR OF THE FEDERAL HIGHWAY ADMINISTRATION.

DEPARTMENT OF THE INTERIOR

DIRK KEMPTHORNE, OF IDAHO, TO BE SECRETARY OF THE INTERIOR.

DEPARTMENT OF HOMELAND SECURITY

W. RALPH BASHAM, OF VIRGINIA, TO BE COMMISSIONER OF CUSTOMS, DEPARTMENT OF HOMELAND SECURITY.

DAVID L. NORQUIST, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

OFFICE OF GOVERNMENT ETHICS

ROBERT IRWIN CUSICK, JR., OF KENTUCKY, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF FIVE YEARS.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT J. PORTMAN, OF OHIO, TO BE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

NUCLEAR REGULATORY COMMISSION

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2008.

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2008 (RECESS APPOINTMENT).

PETER B. LYONS, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2009 (RECESS APPOINTMENT).

DALE KLEIN, OF TEXAS, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2011.

CENTRAL INTELLIGENCE AGENCY

GENERAL MICHAEL V. HAYDEN, UNITED STATES AIR FORCE, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

DEPARTMENT OF STATE

DUANE ACKLIE, OF NEBRASKA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

GOLI AMERI, OF OREGON, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH

SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

ROBERT C. O'BRIEN, OF CALIFORNIA, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

RAJKUMAR CHELLARAJ, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (ADMINISTRATION).

PATRICIA P. BRISTER, OF LOUISIANA, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COMMISSION ON THE STATUS OF WOMEN OF THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

WARREN W. TICHENOR, OF TEXAS, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

DANIEL S. SULLIVAN, OF ALASKA, TO BE AN ASSISTANT SECRETARY OF STATE (ECONOMIC AND BUSINESS AFFAIRS).

ROBERT F. GODEC, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF TUNISIA.

MARK C. MINTON, OF FLORIDA, TO BE AMBASSADOR TO MONGOLIA.

MICHAEL D. KIRBY, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF MOLDOVA.

LISA BOBBIE SCHREIBER HUGHES, OF PENNSYLVANIA, TO BE AMBASSADOR TO THE REPUBLIC OF SURINAME.

DAVID M. ROBINSON, OF CONNECTICUT, TO BE AMBASSADOR TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

JOHN A. CLOUD, JR., OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF LITHUANIA.

ROBERT S. FORD, OF MARYLAND, TO BE AMBASSADOR TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

ANNE E. DERSE, OF MARYLAND, TO BE AMBASSADOR TO THE REPUBLIC OF AZERBAIJAN.

APRIL H. FOLEY, OF NEW YORK, TO BE AMBASSADOR TO THE REPUBLIC OF HUNGARY.

TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF TAJIKISTAN.

ROBERT ANTHONY BRADTKE, OF MARYLAND, TO BE AMBASSADOR TO THE REPUBLIC OF CROATIA.

WILLIAM B. TAYLOR, JR., OF VIRGINIA, TO BE AMBASSADOR TO UKRAINE.

MICHAEL WOOD, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO SWEDEN.

NATIONAL INSTITUTE OF BUILDING SCIENCES

WILLIAM HARDIMAN, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2006.

SECURITIES INVESTOR PROTECTION CORPORATION

ARMANDO J. BUCELO, JR., OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2008.

TODD S. FARHA, OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 31, 2006.

TODD S. FARHA, OF FLORIDA, TO BE A DIRECTOR OF THE SECURITIES INVESTOR PROTECTION CORPORATION FOR A TERM EXPIRING DECEMBER 31, 2009.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

JOHN W. COX, OF TEXAS, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

GENERAL SERVICES ADMINISTRATION

LURITA ALEXIS DOAN, OF VIRGINIA, TO BE ADMINISTRATOR OF GENERAL SERVICES.

DEPARTMENT OF HOMELAND SECURITY

R. DAVID PAULISON, OF FLORIDA, TO BE UNDER SECRETARY FOR FEDERAL EMERGENCY MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

SUSAN DAVIS WIGENTON, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

BRETT M. KAVANAUGH, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. MICHAEL V. HAYDEN

DEPARTMENT OF JUSTICE

GARY D. ORTON, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

ERIK C. PETERSON, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS.

IN THE COAST GUARD

COAST GUARD NOMINATION OF THEA IACOMINO TO BE LIEUTENANT (JUNIOR GRADE).

COAST GUARD NOMINATIONS BEGINNING WITH MAX A. CARUSO AND ENDING WITH JOSH L. BAUER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

COAST GUARD NOMINATIONS BEGINNING WITH MARK MOLAVI AND ENDING WITH ANDREW G. SCHANNO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 23, 2006.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH CHRISTIAAN H. VAN WESTENDORP AND ENDING WITH VICTORIA E. ZALEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2006.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH BRENT ROYAL BOHNE AND ENDING WITH WILLIAM J. BOOTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 17, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CRAIG B. ALLEN AND ENDING WITH DANIEL D. DEVITO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2006.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANITA KATIAL AND ENDING WITH SCOTT R. REYNOLDS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 2006.

EXTENSIONS OF REMARKS

RECOGNIZING PHILIP SHAY MEEKS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Philip Shay Meeks, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Philip has been very active with his troop, participating in many Scout activities. Over the many years Philip has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Philip has served in the leadership positions of assistant senior patrol leader and senior patrol leader, among others. He is an ordeal member of Order of the Arrow and a tom tom beater in the Tribe of Mic-O-Say. For his Eagle Scout project, Philip planned and supervised the building of ladders for a storage area, donating money for shades, and painting the stage area at the Liberty Christian Fellowship Church Building in Liberty, MO.

Mr. Speaker, I proudly ask you to join me in commending Philip Shay Meeks for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING EVANS MAPLES FOR HIS SERVICE TO RUTHERFORD COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GORDON. Mr. Speaker, today I rise to honor Evans Maples, a lifelong Rutherford County resident who has served as county trustee since 1994. Evans has decided he will not seek another term, and I want to thank him for all he has done for his community, which I have the honor of representing in this esteemed body.

For nearly 12 years, Evans has been responsible for collecting the county's property taxes, as well as overseeing idle funds of the county. While most people might dread being in charge of such tasks, Evans has instead embraced his responsibilities as county trustee and has even managed to transform his position into one that has helped people in his community.

One of Evans' most notable contributions to Rutherford County involves the tax relief program he initiated. The program is designed to help retired persons on fixed incomes keep their homes in the face of rising property taxes. Under this program, the State pays a portion of the taxes, which are matched by the county. Right now the program serves close to 800 county residents.

Evans also worked with the county commission's budget, finance, and investment committee to develop the county's first investment policy, which describes the parameters under which county funds may be invested.

Evans, today I want to thank you for your service to Rutherford County, and I wish you all the best in your future endeavors.

ON THE OCCASION OF MR. JIM PADILLA'S RETIREMENT

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to congratulate Mr. Jim Padilla on the occasion of his retirement. Mr. Padilla dedicated 40 years of his life to the progress of Ford Motor Company and prepared it for the challenges of the 21st century. I wholeheartedly commend Mr. Padilla for his hard work and dedication to such a deeply cherished American legacy as Ford Motor Company.

Mr. Padilla first joined the Ford family as a quality control engineer. Through years of hard work that spanned three continents, Mr. Padilla consistently proved himself a capable leader. Over those 40 years his steady climb through the company rungs ultimately led him to the top as president and chief executive officer.

Mr. Padilla's career is worthy of yet another distinction: He became Ford Motor Company's first Hispanic president and CEO. By taking the helm of one of America's top 10 corporations, Mr. Padilla shattered stereotypes and showed that all Americans have the potential of realizing tremendous success. It is fitting that Ford's Hispanic Network Group has created a scholarship program in his name, the "Padilla Scholars," to benefit deserving college-bound students. Mr. Padilla has proven that in our country, a person who works hard and accepts no limits can reach any goal. His life is an inspiration to young Hispanics and all young Americans as they commence the steady climb toward their dreams.

I know that Ford Motor Company will deeply miss Mr. Padilla's leadership. I also know that his numerous contributions over the last four decades have helped to transform that company into the modem powerhouse that it is today. Mr. Padilla has earned himself a permanent place in the rich history and great American heritage that Ford Motor Company represents. Like the company he so effectively led, Mr. Padilla is a true American success story.

IN RECOGNITION OF THE 2006 U.S. PHYSICS OLYMPIAD TEAM

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. EHLERS. Mr. Speaker, I rise today to honor the achievements of the members of the 2006 United States Physics Olympiad Team. These 24 individuals have shown tremendous aptitude in physics and leadership amongst their peers.

It is very challenging to earn a spot on this prestigious team. After being nominated by their high school teachers and taking a preliminary exam, 200 students qualified to take the second and final screening exam for the U.S. Physics Team. The 24 survivors of that group represent the top physics students in the U.S., and they are now at a nine-day training camp of intense study, examination and problem solving. Five of these exceptional students will advance and represent the United States in a tremendous international competition in July at the International Physics Olympiad in Singapore.

Members of the 2006 team include: Sophie Cai, ZeNan Chang, David Chen, Otis Chodosh, Kenan Diab, Jiashuo Feng, Yingyu Gao, Sherry Gong, Timothy Hsieh, Rui Hu, Ariella Kirsch, Jason LaRue, Men Young Lee, David Lo, Benjamin Michel, Hetul Patel, Veronica Pillar, Nimish Ramanlal, Ingmar Saberi, William Throwe, Arnav Tripathy, Henry Tung, Philip Tynan and Haofei Wei.

Mr. Speaker, as a nuclear physicist and former physics professor, I have worked to promote math and science education and to recognize the pivotal role these fields play in our nation's economic competitiveness and national security. Educating our K–12 students in math and science is very important. It is encouraging to see so many young, outstanding physics students enthusiastic about science, and I note that many of them chose to pursue science as a result of a teacher or family member who encouraged them along the way. Making sure our teachers are well-equipped to teach science and math is very important in fostering the interest of future generations in these subjects.

I hope the composite enthusiasm of these students and the other semifinalists will allow them to consider future careers in science, technology, engineering and math. Furthermore, I hope some of them consider running for public office and add their expertise to the policy world! I am very thankful for these future leaders and ask that you please join me in congratulating them on their wonderful

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

achievements and wishing the top five the best of luck as they represent the United States in Singapore.

RECOGNIZING DANIEL J. WILLIAMS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Daniel J. Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and in earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many Scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. In his service, Daniel was instrumental in the development of a basketball court in the Winston city park.

Mr. Speaker, I proudly ask you to join me in commending Daniel J. Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE 100TH ANNIVERSARY OF THE AMERICAN JEWISH COMMITTEE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. UDALL of Colorado. Mr. Speaker, I rise today to express my congratulations to the American Jewish Committee (AJC) as it celebrates its 100th anniversary.

The early 1900s were a very challenging and tumultuous time for Jewish-Americans. For decades prior, millions of Eastern European Jews immigrated to the United States to flee political and religious persecution. By coming to America, these brave people took monumental steps toward freedom, but even on America's more welcoming shores, they often encountered discrimination and economic hardship. Meanwhile, in the countries from which they fled, the persecution and danger against Jews intensified. The pogroms in Russia left thousands of innocent Jews dead, and many more wounded or without homes. In 1906, striving to end the senseless violence and discrimination perpetuated against their people across the world, a small group of Jewish Americans came together to create the American Jewish Committee, an organization committed to ending anti-Semitism, promoting pluralism and religious freedom, and protecting human rights.

Although the task before them was often daunting, they succeeded at raising national and international awareness to the crimes being committed in Europe this time. Often, this awareness was sparked by collaborative efforts with organizations of different faiths. As anti-Semitism spread prior to its horrendous climax in the Holocaust during World War II, the AJC was one of the first organizations to bring the issue to the forefront by lobbying political leaders, the international community, and appealing to the media.

Since that time, the AJC's positive impact has been felt around the world. The AJC was instrumental in developing many of the provisions included in the United Nations Charter, and later would advocate for the establishment of the International Criminal Court. They also provided invaluable research to the plaintiffs in the landmark Supreme Court case Brown v. the Board of Education which ended racial segregation. During the 1960s, the AJC worked tirelessly with the Catholic Church to foster a productive friendship between the two faiths. This culminated in the Church's release of Nostra Aetate, a document officially condemning any animosity by Catholics against Jews. And in 1965, the AJC recognized Dr. Martin Luther King, Jr. with the American Liberties Medallion in honor of his efforts to end racial intolerance.

The AJC's Jacob Blaustein Institute continues to work with international organizations to monitor war crimes and intolerance, as well as providing humanitarian aid to victims of natural disasters, refugees of war, and suffering around the globe. To this day, the AJC remains strongly committed to strengthening interfaith relations to ensure that when they speak on issues of great concern to the world, they are speaking on behalf of all humanity, not just the Jewish people.

Mr. Speaker, the American Jewish Committee's 100th anniversary is a tremendous achievement. Even more remarkable are the contributions the AJC has provided during its existence. The AJC has built a tremendous reputation, and continually strives for religious freedom, equality, and tolerance. Although it is called the American Jewish Committee, the goals they set forth and the feats they have accomplished are valued by members of all faiths, all nations, all people. I congratulate the AJC on its anniversary, and wish this extraordinary organization more success in the future.

HONORING THE CONTRIBUTIONS OF MRS. YVONNE E. MILLINER BOWSKY AND THE PEACE CORPS SCHOOL

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to honor an outstanding Virgin Islands woman, Mrs. Yvonne E. Milliner Bowsky.

Mrs. Bowsky's career of service and dedication to her family, her community, her students and to the Virgin Islands as a whole can be summed up in one word—phenomenal.

Mr. Speaker, in addition to being a devoted wife, mother and teacher—life's paths which taken separately or together are challenging in and of themselves—Mrs. Bowsky has also served the Virgin Islands community as a professor at the College and University of the Virgin Islands, an entrepreneur, a gubernatorial campaign manager, and as special assistant for audits and control to the Governor she guided to victory, the late Alexander Farrelly. In addition to these accomplishments, her premier role was principal of the Peace Corps Elementary School which has been named in her honor.

Mr. Speaker, just as she was not an ordinary campaign manager, entrepreneur or teacher, she was not an ordinary principal. As the first principal of the Peace Corps Elementary School, she was the strong hand and determined intellect that guided what will now be known as the Yvonne E. Milliner Bowsky Elementary School from a complex of empty and abandoned dormitories turned over to the Virgin Islands Government by the Peace Corps into a vibrant elementary school which opened in 1973. Her vision made it possible to relieve the overcrowded conditions at other schools in St. Thomas and improve the educational environment for our children.

The school named in her honor is now a modem facility, with eight brand new buildings housing 400 students, and is a bulwark of the public education system in our islands. Since its beginning in 1973, the Peace Corps Elementary School campus has been destroyed several times by hurricanes and other unfortunate events. But, it has managed to rise several times from the ashes and today—in large part because of her legacy—it has achieved this milestone. Now, as its crowning glory, it has been named for its mother—Yvonne E. Milliner Bowsky. Beyond the buildings, everyone can attest that because of her vision and her dedication and those who followed and are still following in her footsteps, this school has become a place of academic excellence.

Mr. Speaker, the students of the Yvonne E. Milliner Bowsky Elementary School will always have in her an excellent role model to look up to and to be inspired by. Her excellence and achievement in so many areas is testament of what is possible if one works hard, is focused and is determined to serve and to do the best of one's ability.

For these reasons, Mr. Speaker, I am honored to come before this Congress and offer my profound congratulations to Mrs. Bowsky and her family for this most deserved honor.

I wish her and all who administer, serve and learn at the Yvonne Milliner Bowsky Elementary School God's richest blessings.

IN RECOGNITION OF THE ONONDAGA COMMUNITY COLLEGE MEN'S LACROSSE TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. WALSH. Mr. Speaker, I rise today to praise the Onondaga Community College Men's Lacrosse Team on their NJCAA National Championship. Onondaga Community College, OCC, defeated Suffolk Community College by a score of 30–6, giving the school their first men's lacrosse national title.

The championship victory culminated a season in which the OCC Lazers went undefeated with an 18–0 mark, outscoring their opponents 445–80 along the way. With their display of dominance throughout the year, it is clear that OCC was the best junior college team in 2006 and arguably the best in history.

On behalf of all of my constituents, I congratulate these young men on their outstanding athletic achievement and praise Head Coach Chuck Wilbur, Assistant Coaches Mike Villano, Joe Villano, and Chris Brim on their team's success. I look forward to the 2007 season when the Lazers take the field to defend their national title.

No. 1, Brooks Robinson; No. 2, Ryan, Boda; No. 3, Dan Casciano; No. 4, Mike Difusco; No. 5, John Tysco; No. 6, Lee Nanticoke; No. 7, Brendan Storrier; No. 8, Kent Squires Hill; No. 9, Stefan Schroder; No. 10, Nick Gatto, captain; No. 11, Isaiah Kicknosway; No. 12, Pat Shanahan; No. 13, Kevin Bucktooth, Jr., captain; No. 14, David Cougler; No. 15, Mike Tracy; No. 16, Dave Maldonado; No. 17, Sid Smith, captain; No. 18, Matt Myke; No. 19, Craig Point; No. 20, P.J. Motondo; No. 21, Adam Orlandella, captain; No. 22, Jay Tranello; No. 24, Mike Diglio; No. 25, Rich Herrig; No. 26, A.J. Vaughn; No. 27, Casey Fellows; No. 28, Josh Groth; No. 29, Pat Dimatteo; No. 30, Kris Frier; No. 31, Scott Herrig; No. 33, Devin Rookey; No. 34, Pat Shiel; No. 35, Brandon Novak; No. 36, Nick Sigona; No. 38, Cody Jamieson; No. 39, Adam Clark; No. 40, Ross Bucktooth.

RECOGNIZING ANDREW MICHAEL GRACE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Michael Grace, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many Scout activities. Over the many years Andrew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Andrew has served in the leadership positions of den chief, patrol leader, and troop guide, among others. He served on the staff of the H. Roe Bartle Scout Reservation in the summers of 2004 and 2005, while being elevated to runner in the Tribe of Mic-O-Say. For his Eagle Scout project, Andrew planned and supervised the renovation of railings, lamp posts, and light fixtures at the Second Baptist Church in Liberty, MO.

Mr. Speaker, I proudly ask you to join me in commending Andrew Michael Grace for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING HARRIETT HOWARD'S SERVICE TO TENNESSEE VETERANS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GORDON. Mr. Speaker, today I rise to honor Harriett Howard for her extraordinary service to Tennessee veterans. Harriett was recently named the 2006 Female Volunteer of the Year at the U.S. Department of Veteran Affairs Voluntary Service National Advisory Committee's Annual Meeting in Sparks, NV. Harriett was selected out of 94,000 active volunteers throughout the VA system of 154 facilities.

A retired Navy chief petty officer, Harriett has dedicated much of her life to serving veterans. Aside from the many hours she devotes in the Tennessee Valley Healthcare System, she has also served many years as WAVES national representative on the United Tennessee Veterans Association and on the Nashville-Davidson County Veterans Coordinating Council.

Harriett serves as a voice for our veterans. I know I can count on Harriett to keep me informed about the issues that concern Tennessee veterans, and I also know that if there is an opportunity to assist or recognize veterans, Harriett will be ready and willing to participate.

In fact, on Sunday, May 28, at the Middle Tennessee State Veterans Cemetery, Harriett will be conducting the "For Whom the Bell Tolls" ceremony, which includes reading the names of the 350 veterans buried there since last Memorial Day.

Harriett, I wish you well in your future endeavors, and I thank you for your dedication to serving our Nation's veterans.

HONORING THE LATE FAUSTO MIRANDA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to recognize the loss of an exceptional member of my community, the beloved Fausto Miranda. On Tuesday, May 9th, Mr. Miranda, the renowned Cuban sports reporter, passed away at the age of 91.

He was born on July 4, 1914 in the Cuban eastern city of Puerto Padre. He was forced to work odd jobs to survive. He worked as a street salesman, notary clerk, prison guard, band manager, janitor and a variety of other jobs. It was Mr. Miranda's resilience that enabled him to overcome the many obstacles he faced throughout this life.

After arriving in Havana in 1933, he began his life long contribution to journalism. Mr. Miranda worked with several Cuban newspapers: Información, El Crisol, Alerta and Diario de la Marina and he was a fixture on the radio. Soon after the arrival of the communist dictatorship, Mr. Miranda sought political asylum in New York. For fifteen years, he worked as a doorman. However, Mr. Miranda did not abandon his commitment to journalism. He simultaneously started working for the well known newspaper La Prensa.

In 1975, Mr. Miranda moved to Miami. A year later, he reached a high point in his career by founding the sports pages of El Nuevo Herald. Subsequently, he managed the sports department of the Miami Herald/El Nuevo Herald for close to twenty years.

After his retirement in 1995, Mr. Miranda was known for his famous column "You are old, truly old, if." In his last year, although he was very weak due to multiple respiratory and cardiac complications, the legendary writer submitted his weekly column every Monday. The Monday before he passed away was no exception. His passion and dedication for journalism, sports and Cuba, were unwavering even throughout his deteriorating health.

Mr. Miranda's life is the personification of the American Dream and a testament to the love Cubans share for Cuba. Mr. Miranda's dedication and ability allowed him to leave his mark on two countries. He witnessed Don Larsen's perfect game in the 1956 World Series. He captured the athletic eloquence of Mohammed Ali in his prose. An entire community. opened their newspapers to read his account of the sporting events of the day. And later we relied on his column to recall the glory of the Cuban Republic. He became an integral part of the Cuban and the larger South Florida community. Miami-Dade County celebrated his 50th anniversary in journalism by declaring a "Fausto Miranda Day," on December 12, 1992. Mr. Miranda's remarkable life and columns will inspire generations to come.

I will forever remember the great Fausto Miranda!

PERSONAL EXPLANATION

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. EHLERS. Mr. Speaker, my vote for rollcall No. 168 on the amendment offered by Representative CHABOT to H.R. 5386, was recorded as a "no." This vote does not reflect my intent to have my vote recorded as an "aye."

RECOGNIZING JEREMY CHRISTOPHER WOOD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jeremy Christopher Wood, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Jeremy has been very active with his troop, participating in many Scout activities. He has served as a patrol leader and assistant senior patrol leader and achieved the rank of Brotherhood in the Order of the Arrow and Warrior in the Tribe of Mic-O-Say. Over the many years Jeremy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

For his Eagle Scout Service Project, Jeremy designed and directed the installation of two specially designed firepit shelters at the Heartland Presbyterian Youth Camp in Platte County. These shelters protect the firewood that is used by the campers and visitors to have fun campfires while delivering their youth-oriented programs.

Mr. Speaker, I proudly ask you to join me in commending Jeremy Christopher Wood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE CONTRIBUTIONS OF MS. GLADYS ADINA ABRAHAM

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to congratulate Ms. Gladys Adina Abraham on the most special and significant occasion of the renaming of the Kirwan Terrace School in her honor.

When historians look at the success story of the U.S. Virgin Islands in the 20th century—from islands purchased for $25 million in 1917 and said to be not worth the price, and its labeling as a "poorhouse" by a visiting President, to the modern thriving American Caribbean metropolis, with its urban center and suburbs, a thriving middle class and a university fulfilling its function for more than 40 years as one of the magnets and engines for socioeconomic progress in the region—the heroes who will be undoubtedly identified, are the 20th century Virgin Islands teachers. I am amazed and inspired by their accomplishments against the odds of geographical location and lack of resources at that time and the legacy they continue to create today. These educators, both men and women, on all three islands that comprise the U.S. Virgin Islands encouraged their students to strive for the best. It is this spirit, personified by the life service and contribution of Ms. Gladys Dina Abraham, which we honor.

Ms. Abraham received her Bachelor of Science degree with a major in Elementary Education from New York University, was awarded a Fulbright scholarship in 1956 to study sociology in India, and received a Masters of Arts in Psychology from Columbia University in 1962. Like others in her generation, Ms. Abraham could have taken her degrees from our islands' educational institutions and been better remunerated elsewhere. Instead, she returned home and shared her expertise with the children of the Virgin Islands; enlarging their world, expanding their horizons and inspiring their pursuit of knowledge as she served as teacher and later principal at Sibilly, Lockhart and first at Kirwan Terrace Elementary School.

From the inception, Ms. Abraham established a standard of excellence in education with far less funding, essentially no technology and less educational training and certifications than are required today. Her standards produced students who became governors, legislators, church, business and civic leaders. Our community owes a debt of gratitude to Ms. Abraham, and others like her, who taught our children well and gave them a stake in the future of the Virgin Islands.

Kirwan Terrace School was originally named for a former Member of Congress who was instrumental in providing funding to build the neighborhood in which the school now sits. And while we did right to honor Congressman Kirwan—as in almost everything else we have received in our history—the school came about because of the insistence and advocacy of the community; in particular, the urging of the mothers. We thank them and Ms. Abraham for inspiring us and generations to come.

Mr. Speaker, it is with great pride that on behalf of my family, staff and the 109th Congress that I extend my profound congratulations and thanks to Ms. Abraham on the renaming of the Kirwan Terrace School in her honor.

TRIBUTE TO HARRISBURG HIGH SCHOOL BULLDOGS BOYS TRACK TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Harrisburg High School Bulldogs Boys Track Team. The Bulldogs won their Sectional Track Meet on May 19, 2006 by a substantial margin.

Continuing their tradition of success, this is the Bulldogs' seventh consecutive team sectional track title. The Bulldogs finished first in the 4 x 100 relay, 100 meter dash, 4 x 200 relay, 400 meter dash and 4 x 400 relay. The Bulldogs team members also had many personal best times.

It is my pleasure to congratulate Coach Clint Simpson and the Bulldogs Track Team which includes Alex Maddox, Brett Brachaer, Caleb Joyner, Tony Cossette, Michael Woning, Nick Bebout, Madison Medley, Blake Fitts, Aaron Winters, Kyle Alexander, Luke Ragan, Dustin Moulton, Michael Muggee, Logan Cummisky, Mitchell Berry, Jake Stevers, Nick King, John Fuller, Jacob Sais, and Jeremy Martin on their success. I wish the Bulldogs continued success as they compete at the Illinois High School Athletic Association State Track and Field Tournament.

Again, congratulations!

RECOGNIZING BRIAN J. SHRYOCK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brian J. Shryock, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 66, and in earning the most prestigious award of Eagle Scout.

Brian has been very active with his troop, participating in many Scout activities. Over the many years Brian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brian J. Shryock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING CHIEF DEPUTY SHERIFF DELAYNE D. OTT

HON. CHRIS CHOCOLA

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. CHOCOLA. Mr. Speaker, today I rise to honor a dedicated protector of our community, Chief Deputy Sheriff Delayne D. Ott.

Deputy Sheriff Ott joined the LaPorte County Sheriff's Department on January 15, 1967 and has served our community for 39 years. He holds the record for the longest serving member in the history of the LaPorte County Sheriff's Department.

He has served as a sergeant, captain and major and has held his current rank as Chief Deputy since January 1, 1999. He has been a certified Firearms instructor at the Indiana Law Enforcement Academy and has been the firearms instructor for LaPorte County for over 30 years, and has shot in pistol competitions nationwide for the past 25 years.

The LaPorte County Firearms Training Facility was dedicated in his name on Monday, May 15, 2006 for his unwavering dedication and commitment to firearms training and safety for LaPorte County officers.

He is also a devout family man, and he and his wife Phyllis have three children and four grandchildren.

Chief Deputy Sheriff Delayne D. Ott has shown his commitment to excellence and his undying loyalty to our community and its citizens. It is my honor to stand here today as his Congressman, and recognize him for his service.

HIRAM BINGHAM STAMP

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. SIMMONS. Mr. Speaker, I rise today to honor a son of Connecticut's Second District, the district I am privileged to represent in this House.

The Bingham family has lived in Salem, Connecticut for many generations. I have always been impressed with the Bingham family's history of dedication to public service. Hiram Bingham IV is a prime example of this dedication—only exemplified by the fact that few people actually knew the extent of his good work, including his own family.

In 1988, Hiram passed away. A few years after his death, one of his sons discovered a bundle of documents tucked away in the attic at the family home containing records from Hiram's work at the U.S. State Department. These records revealed an untold story of Hiram's courage and heroism.

Hiram's family and friends knew he worked for the State Department, but he rarely mentioned the details of his employment. From 1939 to 1941, Hiram Bingham served as our Nation's vice consul in Marseilles, France. The records in the closet revealed that while serving at his post Hiram helped save at least 2,500 people from the Nazis, including the artist, Marc Chagall and Nobel Prize winning biochemist Otto Meyerhoff. During these years, this courageous individual issued papers that gave safe passage to Jewish and non-Jewish refugees. He also personally escorted dozens of people across the border into Spain.

It is of no small interest that this man of principle acted in direct opposition to official State Department orders that inhibited immigration of refugees to the United States. Hiram Bingham's action defied the Nazi war machine, Vichy France and his own Nation's State Department. Ignoring the consequences of being caught, he went about his work, quietly saving as many people as he could.

When his superiors discovered his activities in the spring of 1941, he was removed from his post and transferred to Buenos Aires. In 1946, he resigned because of the government's failure to pursue the Nazi presence in Latin America.

After learning of his father's extraordinary efforts, his son Robert Kim Bingham, began petitioning the U.S. Postal Service in 1998 to issue a stamp in honor of his father. During that time, I was serving in the Connecticut General Assembly and Robert asked me to send a letter of support for the stamp to the Post Master General. I took the letter down to the floor during our final week of session and as we worked late into the evening every member of the General Assembly signed onto that letter—representing the first time in memory that every member had signed a letter circulated for any purpose. Robert and his family should take pride in the overwhelming support his dream had with the people of Connecticut.

It has been my honor to work with the Bingham family and be part of the process that brought us here today. I was pleased to read in a newspaper in my district that of the 21 issues that will be released this year, the most requests came in for Hiram Bingham. I am proud that the U.S. Postal Service has included Hiram Bingham in its tribute to American Diplomats.

Last year, I had an opportunity to visit Yad Vashem, the Holocaust Martyrs' and Heros' Remembrance Authority, in Jerusalem. Hearing and seeing the stories of survival made Hiram's work even more profound for me.

Evil is often easy to identify, yet it is often difficult to oppose. To do so requires courage and a strong moral core. Hiram Bingham had both.

He put his moral obligation above his career and he put his personal safety above his career. He paid a price, but heroes are often required to do just that.

Hiram Bingham did not solicit accolades for what he had done. He did not desire to surpass others at all cost—he desired to serve others at all cost. And that is as good a definition of a "hero" as I have seen.

Hiram Bingham could have gone along with the orders that came to his desk, but he chose not to. Going along is always easy. Doing the right thing is often difficult. But by doing the difficult thing, Hiram Bingham is today known as one of 11 "righteous diplomats" who together saved 200,000 people from the Holocaust. Today the descendents of those 200,000 individuals total more than 1 million. That is a tremendous legacy for one's life's work.

I am pleased that this long overdue honor is being awarded to Hiram Bingham, a "righteous diplomat" who put his sense of right and wrong and his capacity to help others ahead of personal considerations.

RECOGNIZING BRETT RYAN HUNTLEY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brett Ryan Huntley, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Brett has been very active with his troop, participating in many Scout activities. Over the many years Brett has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Brett Ryan Huntley for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ON THE NEED FOR ACCOUNTABILITY IN THE DETAINEE ABUSE SCANDAL

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. HOLT. Mr. Speaker, it's been more than 2 years now since the world saw the infamous photographs showing prisoner abuse at Abu Ghraib. To date, mostly junior enlisted personnel have been tried and prosecuted for various offenses related to detainee abuse in Iraq and Afghanistan. These individuals did not commit these acts in a vacuum; senior leaders allowed this abuse—and in several cases, deaths—to occur on their watch. That's not simply my opinion. It's the judgment of men like retired Rear Admiral John D. Hutson, a former senior Navy Judge Advocate General officer who has said "One such incident would be an isolated transgression; two would be a serious problem; a dozen of them is policy."

Admiral Hutson and other senior former officers offered those kinds of comments, and their endorsement, for a report issued earlier this year by Human Rights First entitled Command's Responsibility: Detainee Deaths in U.S. Custody in Iraq and Afghanistan. I strongly encourage my colleagues to take the time to read at least the executive summary of this meticulously documented 82-page report. You can find this report on the web at: http://www.humanrightsfirstinfo/pdf/06221-etn-hrf-dic-rep-web.pdf.

I would also recommend that my colleagues familiarize themselves with Human Rights First 2004 report, Getting to Ground Truth, which formed the foundation of their work on the detainee abuse issue. That report can be found on the Human Rights First website at: http://www.humanrightsfirst.org/us__law/PDF/detainees/Getting__to__Ground__Truth__0908.04.pdf.

Let me take a moment to share with you some of the key findings from Command's Responsibility, which I am also including for the RECORD. The report documents 98 detainee deaths in U.S. custody. Of those 98 deaths, 45 are suspected or confirmed homicides. Thirty-four deaths were classified as homicides under the U.S. military's own definition. Human Rights First found 11 additional cases where the facts suggest that deaths were the result of physical abuse or the harsh conditions of detention. In 48 cases—close to half of all the cases—the cause of death remains officially undetermined or unannounced. At least 8 detainees, and possibly as many as 12, were tortured to death. To date, only 12 deaths have resulted in any kind of punishment, and the highest punishment for a torture-related death has been 5 months confinement.

Most tellingly, no civilian official or officer above the rank of colonel responsible for interrogation and detention policies or practices has been charged in connection with any death of a detainee in U.S. custody, including the deaths of detainees by torture or abuse.

As retired Army Brigadier General David Irvine noted in the Human Rights First report, "What is unquestionably broken is the fundamental principle of command accountability, and that starts at the very top. The Army exists not just to win America's wars, but to defend America's values. The policy and practice of torture without accountability has jeopardized both."

I whole-heartedly agree, which is why last June I joined over 170 of my colleagues in cosponsoring HR 3003, which would establish an independent Commission on the Investigation of Detainee Abuses to conduct a full, complete, independent, and impartial investigation of the abuses of detainees in connection with Operation Iraqi Freedom, Operation Enduring Freedom, or any operation within the wider war against Al Qaeda. The Commission would be charged with determining: (1) the extent of the abuses; (2) why the abuses occurred; and (3) who is responsible, and to provide recommendations for corrective action.

This Commission is necessary because the work of uncovering all of the facts in these cases has yet to be done. This Commission must also help Congress determine why no flag-rank officers have been held accountable for the deaths and abuse that occurred on their watch. If we are to avoid future cases of abuse and rebuild our reputation as a nation that lives by the rule of law, we must air the full facts about how aggressive interrogation techniques resulted in serious injury or death for dozens of detainees in our custody.

Mr. Speaker, the detainee abuse scandal has done grievous harm to our moral standing in the world, and given our terrorist enemies a powerful recruiting tool. We cannot allow it to happen again. I urge the House leadership to bring H.R. 3003 to floor for an immediate vote. Congress has allowed too much time to pass already; we need answers, and we need to hold senior civilian and military leaders accountable for this sorry episode.

Finally, I commend Human Rights First for their unflagging commitment to preserving and protecting human rights, for the high quality of their work on these issues, and for holding our Government and its representatives accountable in the court of public opinion on this critically important issue.

[From Command's Responsibility]

I. INTRODUCTION

"Do I believe that [abuse] may have hurt us in winning the hearts and minds of Muslims around the world? Yes, and I do regret that. But one of the ways we address that is to show the world that we don't just talk about Geneva, we enforce Geneva. . . . [T]hat's why you have these military court-martials; that's why you have these administrative penalties imposed upon those responsible because we want to find out what happened so it doesn't happen again. And if someone has done something wrong, they're going to be held accountable."—U.S. Attorney General Alberto Gonzales, Confirmation Hearings before the Senate Judiciary Committee, January 6, 2005.

"Basically [an August 30, 2003 memo] said that as far as they [senior commanders] knew there were no ROE [Rules of Engagement] for interrogations. They were still struggling with the definition for a detainee. It also said that commanders were tired of us taking casualties and they [told interrogators they] wanted the gloves to come off. . . . Other than a memo saying that they were to be considered 'unprivileged combatants' we received no guidance from them [on the status of detainees]."— Chief Warrant Officer Lewis Welshofer, Testifying during his Court Martial for Death of Iraqi General Abed Hamed Mowhoush, January 19, 2006.

Since August 2002, nearly 100 detainees have died while in the hands of U.S. officials in the global "war on terror." According to the U.S. military's own classifications, 34 of these cases are suspected or confirmed homicides; Human Rights First has identified another 11 in which the facts suggest death as a result of physical abuse or harsh conditions of detention. In close to half the deaths Human Rights First surveyed, the cause of death remains officially undetermined or unannounced. Overall, eight people in U.S. custody were tortured to death.

Despite these numbers, four years since the first known death in U.S. custody, only 12 detainee deaths have resulted in punishment of any kind for any U.S. official. Of the 34 homicide cases so far identified by the military, investigators recommended criminal charges in fewer than two thirds, and charges were actually brought (based on decisions made by command) in less than half. While the CIA has been implicated in several deaths, not one CIA agent has faced a criminal charge. Crucially, among the worst cases in this list—those of detainees tortured to death—only half have resulted in punishment; the steepest sentence for anyone involved in a torture-related death: five months in jail.

It is difficult to assess the systemic adequacy of punishment when so few have been punished, and when the deliberations of juries and commanders are largely unknown. Nonetheless, two patterns clearly emerge: (1) because of investigative and evidentiary failures, accountability for wrongdoing has been limited at best, and almost non-existent for command; and (2) commanders have played a key role in undermining chances for full accountability. In dozens of cases documented here, grossly inadequate reporting, investigation, and follow-through have left no one at all responsible for homicides and other unexplained deaths. Commanders have failed both to provide troops clear guidance, and to take crimes seriously by insisting on vigorous investigations. And command responsibility itself—the law that requires commanders to be held liable for the unlawful acts of their subordinates about which they knew or should have known—has been all but forgotten.

The failure to deal adequately with these cases has opened a serious accountability gap for the U.S. military and intelligence community, and has produced a credibility gap for the United States—between policies the leadership says it respects on paper, and behavior it actually allows in practice. As long as the accountability gap exists, there will be little incentive for military command to correct bad behavior, or for civilian leadership to adopt policies that follow the law. As long as that gap exists, the problem of torture and abuse will remain.

This report examines how cases of deaths in custody have been handled. It is about how and why this "accountability gap" between U.S. policy and practice has come to exist. And it is about why ensuring that officials up and down the chain of command bear responsibility for detainee mistreatment should be a top priority for the United States.

THE CASES TO DATE

The cases behind these numbers have names and faces. This report describes more than 20 cases in detail, to illustrate both the failures in investigation and in accountability. Among the cases is that of Manadel al-Jamadi, whose death became public during the Abu Ghraib prisoner-abuse scandal when photographs depicting prison guards giving the thumbs-up over his body were released; to date, no U.S. military or intelligence official has been punished criminally in connection with Jamadi's death.

The cases also include that of Abed Hamed Mowhoush, a former Iraqi general beaten over days by U.S. Army, CIA and other non-military forces, stuffed into a sleeping bag, wrapped with electrical cord, and suffocated to death. In the recently concluded trial of a low-level military officer charged in Mowhoush's death, the officer received a written reprimand, a fine, and 60 days with his movements limited to his work, home, and church.

And they include cases like that of Nagem Sadoon Hatab, in which investigative failures have made accountability impossible. Hatab, a 52-year-old Iraqi, was killed while in U.S. custody at a holding camp close to Nasiriyah. Although a U.S. Army medical examiner found that Hatab had died of strangulation, the evidence that would have been required to secure accountability for his death—Hatab's body—was rendered unusable in court. Hatab's internal organs were left exposed on an airport tarmac for hours; in the blistering Baghdad heat, the organs were destroyed; the throat bone that would have supported the Army medical examiner's findings of strangulation was never found.

Although policing crimes in wartime is always challenging, government investigations into deaths in custody since 2002 have been unacceptable. The cases discussed in this report include incidents where deaths went unreported, witnesses were never interviewed, evidence was lost or mishandled, and record-keeping was scattershot. They also include investigations that were cut short as a result of decisions by commanders—who are given the authority to decide whether and to what extent to pursue an investigation—to rely on incomplete inquiries, or to discharge a suspect before an investigation can be completed. Given the extent of the non-reporting, under-reporting, and lax record keeping to date, it is likely that the statistics reported here, if anything, under-count the number of deaths.

Among our key findings:

Commanders have failed to report deaths of detainees in the custody of their command, reported the deaths only after a period of days and sometimes weeks, or actively interfered in efforts to pursue investigations;

Investigators have failed to interview key witnesses, collect useable evidence, or maintain evidence that could be used for any subsequent prosecution;

Record keeping has been inadequate, further undermining chances for effective investigation or appropriate prosecution;

Overlapping criminal and administrative investigations have compromised chances for accountability;

Overbroad classification of information and other investigation restrictions have left CIA and Special Forces essentially immune from accountability;

Agencies have failed to disclose critical information, including the cause or circumstance of death, in close to half the cases examined;

Effective punishment has been too little and too late.

CLOSING THE ACCOUNTABILITY GAP

The military has taken some steps toward correcting the failings identified here. Under public pressure following the release of the Abu Ghraib photographs in 2004, the Army reopened over a dozen investigations into deaths in custody and conducted multiple investigation reviews; many of these identified serious flaws. The Defense Department also "clarified" some existing rules, reminding commanders that they were required to report "immediately" the death of a detainee to service criminal investigators, and barring release of a body without written authorization from the relevant investigation agency or the Armed Forces Medical Examiner. It also made the performance of an autopsy the norm, with exceptions made only by the Armed Forces Medical Examiner. And the Defense Department says that it is now providing pre-deployment training on the Geneva Conventions and rules of engagement to all new units to be stationed in Iraq and responsible for guarding and processing detainees.

But these reforms are only first steps. They have not addressed systemic flaws in the investigation of detainee deaths, or in the prosecution and punishment of those responsible for wrongdoing. Most important, they have not addressed the role of those leaders who have emerged as a pivotal part of the problem—military and civilian command. Commanders are the only line between troops in the field who need clear, usable rules, and policy-makers who have provided broad instructions since 2002 that have been at worst unlawful and at best unclear. Under today's military justice system, commanders also have broad discretion to insist that investigations into wrongdoing be pursued, and that charges, when appropriate, be brought. And commanders have a historic, legal, and ethical duty to take responsibility for the acts of their subordinates. As the U.S. Supreme Court has recognized since World War II, commanders are responsible for the acts of their subordinates if they knew or should have known unlawful activity was underway, and yet did nothing to correct or stop it. That doctrine of command responsibility has yet to be invoked in a single prosecution arising out of the "war on terror."

Closing this accountability gap will require, at a minimum, a zero-tolerance approach to commanders who fail to take steps to provide clear guidance, and who allow unlawful conduct to persist on their watch. Zero tolerance includes at least this:

First, the President, as Commander-in-Chief, should move immediately to fully implement the ban on cruel, inhuman and degrading treatment passed overwhelmingly by the U.S. Congress and signed into law on December 30, 2005. Full implementation requires that the President clarify his commitment to abide by the ban (which was called into question by the President's statement signing the bill into law). It also requires the President to instruct all relevant military and intelligence agencies involved in detention and interrogation operations to review and revise internal rules and legal guidance to make sure they are in line with the statutory mandate.

Second, the President, the U.S. military, and relevant intelligence agencies should take immediate steps to make clear that all acts of torture and abuse are taken seriously—not from the moment a crime becomes public, but from the moment the United States sends troops and agents into the field. The President should issue regular reminders to command that abuse will not be tolerated, and commanders should regularly give troops the same, serious message. Relevant agencies should welcome independent oversight—by Congress and the American people—by establishing a centralized, up-to-date, and publicly available collection of information about the status of investigations and prosecutions in torture and abuse cases (including trial transcripts, documents, and evidence presented), and all incidents of abuse. And the Defense and Justice Departments should move forward promptly with long-pending actions against those involved in cases of wrongful detainee death or abuse.

Third, the U.S. military should make good on the obligation of command responsibility by developing, in consultation with congressional, military justice, human rights, and other advisors, a public plan for holding all those who engage in wrongdoing accountable. Such a plan might include the implementation of a single, high-level convening authority across the service branches for allegations of detainee torture and abuse. Such a convening authority would review and make decisions about whom to hold responsible; bring uniformity, certainty, and more independent oversight to the process of discipline and punishment; and make punishing commanders themselves more likely.

Finally, Congress should at long last establish an independent, bipartisan commission to review the scope of U.S. detention and interrogation operations worldwide in the "war on terror." Such a commission could investigate and identify the systemic causes of failures that lead to torture, abuse, and wrongful death, and chart a detailed and specific path going forward to make sure those mistakes never happen again. The proposal for a commission has been endorsed by a wide range of distinguished Americans from Republican and Democratic members of Congress to former presidents to leaders in the U.S. military. We urge Congress to act without further delay.

This report underscores what a growing number of Americans have come to understand. As a distinguished group of retired generals and admirals put it in a September 2004 letter to the President: "Understanding what has gone wrong and what can be done to avoid systemic failure in the future is essential not only to ensure that those who may be responsible are held accountable for any wrongdoing, but also to ensure that the effectiveness of the U.S. military and intelligence operations is not compromised by an atmosphere of permissiveness, ambiguity, or cofusion. This is fundamentally a command responsibility." It is the responsibility of American leadership.

TRIBUTE TO SAMANTHA FANG

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today to recognize Samantha Fang for her selection as a Presidential Scholar in the Arts for 2006, our Nation's highest honor for graduating high school artists.

Samantha was selected as one of the 20 Presidential Scholars in the Arts this year for her success and accomplishments as a classical pianist. She was selected for this honor by virtue of being a national Finalist in the NFAA Arts Recognition and Talent Search (ARTS) program, a program in which 6,524 high school students applied in 2006. Samantha and her fellow Presidential Scholars in the performing arts will be featured in a showcase performance during the Salute to the Presidential Scholars at the John F. Kennedy Center for the Performing Arts.

Samantha, who will graduate as valedictorian of The Harker School in Sunnyvale this June, began her piano studies at the age of 5. Currently, she is enrolled in the Preparatory Division at the San Francisco Conservatory of Music, where she was named an "Honorary Distinction" student, the highest award presented by the Preparatory Division. Additionally, Samantha was named the California state winner of the 2005 MTNA (Music Teachers National Association) Senior Piano Competition, has performed in the Weill Hall at Carnegie Hall as winner of the Russian-American International Festival and will be broadcast as a soloist on WQXR radio's Young Artist's Showcase this June.

I am proud to stand here today to recognize Samantha for her accomplishments as an exceptional artist and student. I urge Samantha to continue to take an interest in the performing arts, as artistic and creative innovation is a crucial component of America's cultural fabric, and I wish her the best of luck as she continues her education at Harvard this fall.

IN HONOR OF JOHN C. HALL, SEPTEMBER 15, 1953–FEBRUARY 25, 2006

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. BECERRA. Mr. Speaker, I rise today with profound sadness to pay tribute to Mr. John Hall, a dear friend, a devoted community leader and a passionate champion for America's working men and women, who passed away suddenly of heart failure on the evening of Saturday, February 25, 2006. He was the loving son of Joann Hall and the devoted father of his only child, Katrina Susan Hall.

Born September 15, 1953, in Los Angeles, John was a lifelong Angeleno devoted to his family, his trade and his community. He began his career as an apprentice plumber in 1980 with the United Association of Plumbers Local 78 in Los Angeles. John quickly mastered the skills of a journeyman plumber and became an active member of UA Plumbers Local 78. While working at his trade during the day, he donated his time as a plumbing instructor at night at the union's training center. John eventually worked his way up to Business Manager of Local 78 in 1995, a position from which he advocated for the preservation of pensions and health coverage for working people. John was also known for his civic participation, serving honorably on the Contractors State Licensing Board following his appointment by Governor Gray Davis.

It was fitting with John's generous character and sense of responsibility that he volunteered much of his personal time to the charitable organization Big Brothers of Greater Los Angeles. He spent many years as a big brother to Sean Wall, imparting his wisdom and leadership skills onto the next generation.

John was highly admired by the labor community and policy-makers alike for his efforts to improve the lives of working families, and for his warm personality and generous spirit. John was a selfless leader, who dedicated himself completely to his craft, his union and all those who looked to him for support and guidance.

Mr. Speaker, it is with heartfelt sorrow, yet great admiration and appreciation, that I ask my colleagues to join me today in saluting John C. Hall. May his generosity and dedication to improving conditions for working families be remembered and carried on by those of us who were fortunate enough to call him "friend."

RECOGNIZING KYLE THOMAS KING FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Kyle Thomas King, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Kyle Thomas King for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRESS REAPS WHAT IT SOWS

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. OTTER. Mr. Speaker, there has been an awful lot of talk the last few days about the FBI's Saturday night raid on the office of a Democrat U.S. Congressman. It's tough for me to get too excited about the howls of protest from members of Congress. I understand their concerns about protecting the independence of the legislative branch and possible abuse of executive powers. But it makes me wonder: Where were these voices of outrage and righteous indignation when we learned the executive branch was monitoring the telephone conversations of ordinary Americans? Where were they when the executive branch sought, and the USA PATRIOT ACT granted, more power to search the homes and businesses of ordinary Americans without notification? At least we know there was a legitimate warrant issued by a judge for the search of the Congressman's office. Are my honorable colleagues suggesting that members of Congress or the institution itself should be treated differently in the eyes of the law than those who hold the most important position in America—that of "citizen"? I hope not.

HONORING JUNE KENYON ON HER RETIREMENT, HEAD OF CASEWORK, CONROE DISTRICT OFFICE

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor June Kenyon upon her retirement from my district office staff.

Beginning in 1997 when I first took office, June Kenyon brought to the field office in Humble, Texas her wealth of knowledge and experience gleaned from working for my predecessor, the Honorable Jack Fields. Not only did June sign on as Office Manager but took on the role of Head of Casework to help constituents. I was blessed to have June's expertise and long record of commitment to constituents in helping me confront the challenges of being a newly elected Congressman.

For the next 9 years, June excelled at her roles and increased her knowledge of the inner workings of Federal agencies to the point that some even invited her to brief their staffs on the intricacies of casework with Congressional offices.

June's command of the system and successful resolution of thousands of cases are a tribute to her professionalism and relentlessness in serving the residents of the 8th Congressional District.

Extremely hard-working, painstakingly fair, exceedingly knowledgeable—these are qualities June has not only honed but put at the disposal of constituents as she advocates for them and resolves difficult issues. But it was in the challenges faced by our constituents in the aftermath of Hurricane Rita this past fall that June's abilities shown brightly as she led the efforts to resolve quickly and systematically over 1,000 claims for expedited assistance from FEMA. Working long hours, interfacing with local officials and aid agencies, June contributed significantly to the ability of Southeast Texans to survive the aftermath of this devastating storm and begin the recovery process.

While June has always been a diligent staffer, the last 18 months have created personal challenges for her, including a long commute to Conroe after redistricting led to closing the Humble office. The redistricting also meant serving a different and larger geographic area. June did not miss a beat in adapting to the new conditions, including participating in the Mobile Office taking caseworkers to constituents in the small towns of East Texas.

In the years I have worked with June, I have come to know a committed Republican activist and a woman of broad and varied interests which I hope she will pursue in the time afforded by retirement. From her native New York, June brought with her to the Houston area, a distinctive Long Island accent and a deep-seated love of music. Although she has yet to sing for our staff, June has shared with us reminiscences as varied as singing classical music at Carnegie Hall and the blues at unnamed, smoke-filled venues. A lover of opera, she has long been a subscriber to the Houston Grand Opera and Opera in the Heights.

Mr. Speaker, I know you join with me in saying "thank you" and "job well done" to June Kenyon for her years of loyal service to Congressman Jack Fields and myself, but most of all to the people of Southeast Texas whom she has served with distinction.

INTRODUCTION OF REFUGEES FROM ARAB LANDS RESOLUTION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. ROS-LEHTINEN. Mr. Speaker, today, I introduced a legislation acknowledging as refugees Jewish, Christian and other minorities that fled from Arab lands.

This measure serves to recognize major historical events, sheds light on other refugee populations that are often forgotten in discussions relating to Middle East peace, and underscores the need to address this issue in a comprehensive, balanced manner in order to resolve the conflict that currently exists in the Middle East.

It is imperative that the world knows about the displacement, which was spurred by ethnic and religious persecution, of Jewish, Christian and other minorities living in the Middle East, North Africa, and the Persian Gulf region.

For too long the world has failed to recognize the oppression, human rights violations, forced expulsion, and deprivation of assets these communities had to endure under Arab regimes.

It is essential that the plight of these communities from Arab countries be integrated into discussions toward any agreement regarding the issue of refugees.

RECOGNIZING TROY VINCENT SHOEMAKER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Troy Vincent Shoemaker, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Troy has been very active with his troop, participating in many Scout activities. Over the many years Troy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Troy Vincent Shoemaker for his accomplishments with the Boy Scouts of

America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF MARSHALL'S SESQUICENTENNIAL CELEBRATION

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to the town of Marshall in Searcy County, Arkansas, which will celebrate its 150th anniversary this year. This is a significant milestone for the community and for all who helped shape the town's history.

Marshall was established in 1856, after Native Americans roamed the land for centuries. The Osage tribe used the land for hunting and gathering in the 18th century and then sold their claim to the United States government. Nine years later, the government set aside the land as a reservation for the Cherokee Indians.

By the mid-1800's, the Cherokees traveled west and Littleton Baker, J.W. Gray, and Jack Marshall were appointed to select a site for the new county seat of Searcy County. They originally named this location Burrowsville in honor of N.B. Burrow, a local citizen, but 11 years later changed the name to Marshall in honor of the former U.S. Supreme Court Chief Justice John Marshall. The town was eventually incorporated on January 13, 1884.

Marshall played an important role during the War Between the States, becoming a hub of activity for both Confederate and Northern forces after Arkansas seceded from the Union on May 6, 1861. Both Confederate and Union companies organized in the area, participating in the battles of Shiloh, Pea Ridge, Pine Bluff, and Devil's Backbone.

The town worked hard to recover and rebuild in the decades following the war. Marshall established its first school district, constructed the Marshall Academy in 1888, and built a new courthouse in 1889. Agriculture production dominated the economy in Searcy County, with cotton and corn ranking as the primary agricultural products. The community even established the Mountain Wave newspaper in 1890 which continues to inform residents on the latest local and national news.

The town enjoyed great prosperity during these early years. The Marshall Bank was established in 1901 and the town's first telephone system was constructed in 1902. The town's first flour mill came around the turn of the century, quickly followed by its first stave mill in 1909. The community built a new school building known as "Old Main" in 1910 and completed the first all-weather road between Marshall and Harriet in 1916.

Although the first few decades of the 20th century were a time of growth for Marshall, the combination of World War I, the Great Depression, and serious flooding led to difficult times for the community's residents. The population began to decline and those living off the land struggled to maintain a decent livelihood. Fortunately, many of Searcy County's residents joined the Civilian Conservation Corps, CCC, and the National Youth Administration, NYA, where they could earn a decent wage. One of the NYA's projects was to construct a gymnasium in Marshall in 1936.

Marshall and its surrounding communities pulled together during these challenging times, emerging stronger than before. Families in Marshall made victory gardens during WWII, saved tin cans for reprocessing, and even purchased war bonds. Farmers also began to clear land for cattle production and timber harvesting. These two industries now contribute heavily to Marshall's local economy.

Marshall has always been a town of citizens who pull together during tough times to improve its schools, help businesses grow, and attract new development to the region. The town now boasts a population of 1,313 citizens and is home to the Ozark National Forest and the Buffalo National River. Known for its beauty, tourists visit the mountainous region year-round to participate in a variety of popular recreational activities.

On June 3, 2006, friends and residents of Marshall will gather to celebrate 150 years of history. I ask my colleagues to join me in congratulating Marshall, Arkansas on this significant milestone. We send our appreciation to the town's citizens for years of hard work and dedication to their community, and wish Marshall many more years as a wonderful place to live and raise a family.

THANKS TO ALLEN L. THOMPSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to thank Allen L. Thompson, Senior Professional Staff of the Committee on Homeland Security, for his dedication and service to Congress and our Nation. As the Ranking Member of the Committee, I speak for the entire Committee when I say he will be missed when he leaves the Hill at the end of this month.

Al was one of the original Democratic staffers of the Select Committee on Homeland Security, the predecessor of the now-permanent Committee. During the past 3 years, he has been one of the "best and the brightest" working to secure our homeland and protect our communities. A Coast Guard Academy graduate, Al brought a unique perspective and discipline to the Committee.

With his expertise and knowledge of port security, supply chain policy, and the Coast Guard, Al has certainly been a key member of the House's homeland security team. This Congress, Al has served as the Coordinator for Ranking Member LORETTA SANCHEZ on the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity. Representative SANCHEZ has this to say about Al, "During my nearly 10 years in the House of Representatives, I've run across very few people with the level of professionalism and decorum matching that of Al Thompson. As the liaison assigned to assist me with my work as Ranking Member of this subcommittee, Al's expertise and Coast Guard background was invaluable in helping me forward the Democratic agenda of this young Committee, particularly in the area of port security. He will be sorely missed by those of us who had the pleasure of working with him."

Former Representative Jim Turner, who served as the Ranking Member of the Select Committee during the 108th Congress, sent me the following comments when he heard of Al's departure: "When Al first joined the Select Committee in June 2003, I knew he came for the right reason—his deep commitment to making America safer. From his experience as a member of the United States Coast Guard he knew this task must be accomplished over and over again every day by the men and women serving on the front lines of our homeland. For Al, homeland security was not a theoretical debate; it was a day to day passion."

Now, as someone who has been married 38 years, I know that I would be remiss if I didn't thank Becca, Al's wife. She and their two sons, Tyson Allen and Hunter Gregory, have been as much a part of our Committee family as Al has. I personally want to thank Becca for her service to the Nation by lending us Al for long hours and late nights over the past 3 years, even with two young boys at home. From what I've seen, by the way, there is no question that those boys will follow in their father's footsteps and play college ball and maybe, if Al has his way, join his beloved Steelers one day.

In sum, I want to thank Al Thompson for the caliber of service and patriotism he has dedicated to Congress, the Committee of Homeland Security, and the Nation.

RECOGNIZING MR. ALAN SIEGEL OF LAKE COUNTY, CA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Mr. Alan Siegel of Lake County, CA, as California's 2005 Teacher of the Year.

For nearly 20 years, Alan has been educating and challenging the minds of the children of California's First Congressional District. He has served at Mount Vista Middle School, Oak Hill Middle School and is currently teaching at Carle Continuation High School in the Konocti Unified School District.

At Carle Continuation High School, Alan has played a positive and influential role in the lives of these young adults, not only as a teacher but as a mentor. Alan is the leading force in the social studies department, teaching U.S. history, civics and economics. He has also dedicated his time to educating his students in the field of computers and technology.

Mr. Speaker, Alan's commitment to bettering Lake County extends beyond the classroom. He has become an active member of our community, volunteering each year to organize the Lower Lake Memorial Day Parade. He also volunteers his time to place American flags on the graves of veterans in the Lower Lake Cemetery to honor those who risked their lives to protect our country.

Mr. Speaker, Alan is one of 5 teachers selected as California's 2005 Teacher of the Year. He is also the first "continuation school" teacher to be awared this honor. After receiving this award, Alan traveled around the world to talk with educators and learn about different approaches to education. Last summer, Alan traveled to Japan for 12 days where he visited several schools, including a continuation school and lived with a Japanese family for 3 days.

Alan graduated with a bachelor of art's degree in psychology from Michigan State University in 1981 and earned his teaching credentials and his bachelor of art's degree in history from San Francisco State in 1987. His wife, Angela, is also a teacher at Carle Continuation High School and has been awarded Lake County's 2006 Teacher of the Year.

Mr. Speaker, it is appropriate that we take this time to honor Mr. Alan Siegel as California's 2005 Teacher of the Year and to thank him for his unwavering dedication to the students of Lake County. I wish Alan the best in all his future endeavors.

RECOGNIZING SEAN ADAMS LOGAN HEARD FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sean Adams Logan Heard, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many Scout activities. Over the many years Sean has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Sean Adams Logan Heard for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF MONTEREY HISTORY AND ART ASSOCIATION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. FARR. Mr. Speaker, I rise today to honor the Monterey History and Art Association on its 75th anniversary. During those 75 years, it has played a crucial role in preserving the colorful heritage of California's first Capital by protecting the historic buildings, artifacts and mementos of the people who made Monterey County their home.

MHAA's diligence has resulted in the restoration and safeguarding of many elements of Monterey's past, including ownership of Casa Serrano, the Fremont Adobe, Perry-Downer House, Doud House and the Mayo Hayes O'Donnell Library, as well as the Maritime and History Museum, all of which have contributed to Monterey's reputation as the best-preserved city in the West.

The Monterey Peninsula represents a diversity of cultures, communities and creative ideals. As cultural tourism increasingly becomes a leading inducement for visitors, MHAA's efforts serve to provide important economic benefits to the Monterey Peninsula.

Mr. Speaker, it gives me great pleasure to congratulate the Monterey History and Art Association for its 75 years of protecting the heritage of California's first Capital, and I commend its efforts in the preservation of the buildings and mementos of the cultures that have contributed to making Monterey the magnificent historic City that it is.

RECOGNIZING ROBERT ALAN WILBUR FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Robert Alan Wilbur, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and in earning the most prestigious award of Eagle Scout.

Robert has been very active with his troop, participating in many Scout activities. Over the many years Robert has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Robert Alan Wilbur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PAYING TRIBUTE TO BRIGADIER GENERAL RANDALL E. SAYRE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Brigadier General Randall E. Sayre, who is retiring as the Commander of the Nevada Army National Guard.

General Sayre has had a long and distinguished career. General Sayre earned his Commission through Army ROTC at the University of Nevada, Reno, graduating in 1975 with a Bachelors Degree in Criminal Justice. Over the next 2 decades, General Sayre served in a number of different capacities: his initial tour of duty was in Korea, serving as an Aviation Operations Officer; he also served tours of active duty as a pilot, commander and instructor pilot. In 1981, General Sayre was transferred to the Nevada Army National Guard, where he first served as an Evacuation Pilot with the 1150th Medical Detachment based out of Reno, and subsequently as a Section Leader, Flight Operations Officer, and Detachment Commander. General Sayre also served as Battalion Commander of the 151 Battalion, 113th Aviation, based in Reno, Nevada and as Deputy Commander, Nevada Army National Guard. In February 2003, General Sayre was appointed Commander, Nevada Army National Guard and Assistant Adjutant General for the State of Nevada. In this role, he was responsible for all policies, programs and plans for the Nevada Army National Guard.

Over the course of his long career, General Sayre has also earned a number of accolades. He has been awarded the National Defense Service Medal, the Army Reserve Components Achievement Medal (with 7 oak leaf clusters), and the Global War on Terrorism Service Medal, the Humanitarian Service Medal, and the Legion of Merit, along with many others.

Mr. Speaker, I am proud to honor the career of Brigadier General Randall E. Sayre. His long and illustrious record of service to his country shows that he is a true patriot and American hero. I thank him for his service and wish him the best in his retirement.

TRIBUTE TO VETERANS ON MEMORIAL DAY

HON. DANIEL E. LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, Memorial Day weekend offers many Americans the opportunity to spend much needed time with friends and family, as well as a break from the routine and hustle and bustle of everyday life. This weekend, as we gather for cookouts, take advantage of holiday sales and welcome the arrival of summer, we should refocus our attention and recognize the day's true purpose. This is a national day of thanks, remembrance, and tribute.

Thanks for the gift of safety offered by our Nation's veterans. Remembrance for those who have fought and died for our freedom. And tribute to the men and women whose service in our armed forces has secured America's future.

Set aside as a yearly reminder to be proud of the soldiers, sailors, airmen, and marines who have accepted our security as their duty, Memorial Day is a unique celebration of both life and death. Recognized by all Americans, regardless of race, religion, or ethnicity, Memorial Day is a national holiday dedicated to celebrating the lives of our fallen soldiers by honoring their memory.

Throughout our history, we have met and overcome each threat to our sovereignty and way of life with dignity. While our forces overseas and at home are engaged in a Global War on Terror, this Memorial Day is all made the more poignant by the nature of our enemy. Islamo-fascists committed to the destruction of our Nation and our way of life should clearly remind all Americans that it is our solemn duty to honor the brave men and women in uniform who are fighting to secure the future of American generations. Through their sacrifice, Americans yet unborn will know greater peace, prosperity, and hope.

Giving what President Lincoln called the last full measure of devotion, the sacrifice of America's armed forces has secured more than two centuries of liberty. Today, we honor those who have given their lives so our freedom could endure. Our commitment to the men and women of our Armed Forces should reflect their dedication to us all.

PERSONAL EXPLANATION

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. LINDER. Mr. Speaker, I was unable to cast rollcall votes 194–206 on May 24, 2006, because I was unavoidably detained on official business in the Seventh Congressional District of Georgia, at a constituent policy event on fundamental tax reform. Had I been present I would have cast the following votes: On rollcall No. 194, I would have voted "aye"; On rollcall No. 195, I would have voted "aye"; On rollcall No. 196, I would have voted "aye"; On rollcall No. 197, I would have voted "no"; On rollcall No. 198, I would have voted "no"; On rollcall No. 199, I would have voted "no"; On rollcall No. 200, I would have voted "no"; On rollcall No. 201, I would have voted "no"; On rollcall No. 202, I would have voted "no"; On rollcall No. 203, I would have voted "aye"; On rollcall No. 204, I would have voted "no"; On rollcall No. 205, I would have voted "no"; On rollcall No. 206, I would have voted "aye."

HONORING HILARI COHEN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. MCCARTHY. Mr. Speaker, I would like to commend a dynamic educator, Hilari Cohen, from my home State of New York. For the past 7 years, Ms. Cohen has served on the Jericho Board of Education, and is the longest serving school board president in the district's history.

During Mrs. Cohen's tenure on the Board of Education, Jericho has achieved a great deal. Here are just some of the things she has accomplished: expanded the middle/high school complex, introduced an elementary school world language exploratory program, introduced a middle school intramural program, instituted anti-bullying and character education programs, implemented a Social Emotional Literacy program, created an Industry Advisory Board, began a Public Access Defibrillation program, which includes the training of all coaches and administrators in first aid and Automatic External Defibrillation, expanded guidance, psychologist and social worker positions on all grade levels, developed a District wide Safety Team, named among the 100 Best Communities in America for Music Education, implemented paperless communication between the school and home, and improved the Regent's Diploma rate from 80% in 1999 to 100% in 2005.

She has been honored by the Council of Administrators and Supervisors for her outstanding leadership and contributions to the Jericho School District. Her colleagues have said her role as the Board President over the past 7 years has been pivotal to success of the district. Ms. Cohen has worked tirelessly and selflessly to ensure that students get an educational program beyond compare. She truly believes in success for every student.

I am proud to honor this distinguished and accomplished educator, Ms. Hilari Cohen.

JEWISH AMERICAN HERITAGE MONTH

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RANGEL. Mr. Speaker, I rise to thank Representative Debbie Wasserman Schultz for her hard work on behalf recognizing Mayas Jewish American Heritage month and to express my gratitude to the President for his proclamation making May Jewish American Heritage Month.

After the burning of the Second Temple and the final dispersion of the Jews from Zion, people of Jewish heritage have settled in every corner of the world. There are Jews in China, in India, in Mexico, in Greece. While Hitler almost murdered all the Jews of Europe, he did not entirely succeed.

Because of the moral values of this country we put our entire nation into the fight against the Nazi's in World War II. What is so remarkable about the fact that the United States fought so fiercely and so bravely in World War II is that they did so to save the world. That desire arose from the nation's character, which is an amalgam of the religious heritage of its people—including its Jewish people.

Today I think about the Jewish soldiers in World War II who fought in the WWII not even knowing of the death camps and the ovens. I think of the men who risked their lives every day in the mud of France and the fields of Belgium because they knew what was spreading and taking over Europe was immoral. When Eisenhower's troops first came upon a death camp, he made the camp guards and the German villagers who had lived in the green fields and gardens around the camp come to view the bodies and to bury them. The message was clear: Americans find what you have done here and you villagers have tolerated here to be an immense crime, an unimaginable crime.

The greatness of our people is their character. Jewish people have brought a lot to the making of that character. Jews have known that the values in the Five Books of Moses are universal and throughout two thousand years of Diaspora brought their values with them to the shores of all the countries where they settled including America.

Judaism is a religion and a value system. No one who is not a Jew is considered less a person by a Jew. No stranger can be left without shelter, no hungry man without bread.

I could not help but notice in the Save Darfur Coalition and other grass roots organizations working so hard to stop the genocide in Darfur that many Jewish organizations are involved in the grass roots efforts. Among them are the American World Jewish Congress, The American Jewish Committee, Jews against Genocide Religious Action Center for Reform Judaism. I have received letters from children in Jewish schools asking me to help the people of Darfur. Jewish people have a special understanding about genocide. The parents of these children who write to me may have lost grandparents, uncles, aunts, cousins. But they also know they can write to their congressman and their children can write and ask for help for these people so far away who are in desperate trouble as their relatives once were.

One of the characteristics I most admire is the activism many of the Jewish people engage in. That activism has meant a great deal to the Civil Rights movement. I also admire the way Jews have contributed to the "personality" of New York. As a New Yorker, I feel especially lucky because I have learned some Yiddish, some great jokes and have met some truly amazing people who love books, culture, art and life. I'm glad for the Jewish heritage I experience in my district every day I am at home.

I say to Jewish Americans today: Congratulations and Mazol Tov!

IN HONOR OF THE 20TH ANNIVERSARY OF THE SANTA CRUZ SURFING MUSEUM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. FARR. Mr. Speaker, I rise today to recognize the great role that the Santa Cruz County coastline and its surfers have played in the history of the great sport of surfing.

In 1885, three Hawaiian princes visited the city of Santa Cruz and rode the waves at the mouth of the San Lorenzo River on redwood surfboards shaped at a nearby lumber yard.

This was the first recorded instance of surfing on the U.S. mainland in modern history. By 1936, Santa Cruz had its own surfing club, one of the first outside of Hawaii. With the development of new surfboard technologies in the 1950s and 1960s and the wetsuit by Santa Cruz's own Jack O'Neill, the sport spread across the U.S. and the globe. Surfing is now deeply embedded in American popular culture.

Enjoyed by millions of people around the world, surfing is perhaps the most widespread American sporting export. Surfing is hugely popular in such far flung places as Australia, Brazil, Europe, and even Israel. While the birthplace of surfing is Hawaii, the spread of the sport began through its popularity in Santa Cruz. Outside of Hawaii, no place on earth has a deeper history in the modern revival of surfing than our little coastal community of Santa Cruz.

Due to this rich history, Santa Cruz established the world's first surfing museum in May of 1986. Over the past 20 years, the museum has become a symbol of the local and the worldwide surfing community. Just as the Monterey Peninsula is home to the Steamer Lane of Golf, Pebble Beach, so Santa Cruz is home to the Pebble Beach of surfing, Steamer Lane. Though it should be noted that the only 'greens fees' at Steamer Lane are cold water and heavy crowds.

Though another California town recently secured the trademark rights to "Surf City", the long history of surfing in Santa Cruz is proof enough that Santa Cruz is the heart and soul of surfing, and the foundation upon which it continues to ride.

TRIBUTE TO AMERICAN SERVICE MEN AND WOMEN

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the tremendous sacrifice and bravery of the countless men and women who have fallen in service to this great country. This Memorial Day, let us stop to remember all of the American service men and women who have answered the call to defend our nation, many making that ultimate sacrifice for the peace and preservation of our union.

Since our country's founding, each generation has met the challenge of protecting our freedoms and way of life. Through the centuries, over 1.2 million brave men and women have given their lives for our nation. This final sacrifice was not only borne by those brave Americans who died, but also by their families and loved ones who personally suffered the loss of these heroes. Our hearts go out to those who have lost loved ones in the service of America.

Today, our country is again engaged in battle. Fighting to maintain peace and security across the globe, American soldiers in Iraq, Afghanistan and other places around the world continue to make the ultimate sacrifice to ensure freedom and democracy. As the war on terror continues, Americans must honor the brave men and women who gave their lives for the protection of this nation and the hope of peace.

This Memorial Day I pay tribute to all of the soldiers who have fallen in service to our great nation and the immeasurable sacrifices they have made defending freedom and democracy throughout the world. It is with a humble heart and proud spirit that I honor the lives of America's fallen soldiers and remember with admiration their patriotism and dedication to our country in the face of adversity. Let us never forget their sacrifices.

TRIBUTE TO JUDITH BOBBITT

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize an outstanding community leader, Mrs. Judith Bobbitt, Somerton Elementary School District's Superintendent. She will retire this year from a lifetime commitment to education as a school administrator.

Mrs. Bobbitt's dedication to serving students and encouraging them to become contributing citizens of the State of Arizona and our great nation is remarkable. She has worked in public education for more than 40 years and has served as an instructional leader and role model to hundreds of teachers and school administrators. Her leadership style is admired by many. She has led efforts to reform public education so every child has an equal opportunity and equal environment to maximize learning.

Mrs. Bobbitt led Somerton Elementary School District through an explosive growth in a diverse district where 95 percent of students are first generation Americans of Mexican descent and three percent are members of the Cocopah Nation. Her efforts to improve the State's funding of school construction frequently found her testifying at the Arizona State Legislature addressing equity issues.

She established and founded the South Yuma County Adult Education Consortium and made the Somerton District a leader in Adult Literacy. Under her leadership, she developed the Migrant Even Start Program in Somerton and worked with numerous community-based agencies to promote lifelong learning.

Mrs. Bobbitt was appointed the 2000 National Chair of the Interstate Migrant Council and was recognized as All Arizona Superintendent of the Year for Mid-Sized Districts in 1998.

The integrity with which she leads was acknowledged by her appointments as a Public Board Member for the Arizona Bar Foundation, Puentes de Amistad, and Somerton Boys and Girls Club. In addition, she was elected President of the Yuma County Education Foundation, Somerton's Rotary Club, and Yuma County's School District Association.

Mrs. Bobbitt has demonstrated great leadership and thousands of students are now beneficiaries of her vision of equality and personal best.

I would like to personally commend Mrs. Judith Bobbitt for her tireless commitment to our community. Her life and work is an inspiration to us all.

TRIBUTE TO DENNIS E. NIXON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Dennis E. Nixon, Chairman of International Bancshares Corporation (IBC), on his being selected as an inductee into the 2006 Texas Business Hall of Fame on October 26, 2006.

Mr. Nixon is widely recognized as one of the nation's leading banking authorities. Since joining IBC in 1975, he has been instrumental in the ranking of the bank as the largest minority-owned bank organization in the United States with assets of $10.3 billion with over 200 full service branches throughout Texas and Oklahoma in over eighty communities. IBC is headquartered in the City of Laredo and employs over three thousand in the South Texas region and in Oklahoma.

Mr. Nixon's approach to banking is based at the community level in which all customers large and small retain the same value, and this approach has been achieved through the involvement of IBC in community service. Mr. Nixon believes in the importance of corporate social responsibility, and has encouraged his employees to be active volunteers in community service with various non-profit organizations. As a result, IBC was the winner of the 2001 Governor's Volunteer Award in the corporate business category.

Mr. Speaker, thank you for allowing me to honor Dennis E. Nixon, Chairman of International Bancshares Corporation, in recognition of his selection as an inductee into the 2006 Texas Business Hall of Fame.

TRIBUTE TO CITY OF GAITHERSBURG

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. VAN HOLLEN. Mr. Speaker, I rise to congratulate the City of Gaithersburg on its tenth anniversary as a "CHARACTER COUNTS! City."

Gaithersburg exemplifies the six pillars of a "CHARACTER COUNTS! City"—trustworthiness, respect, responsibility, fairness, caring, and citizenship. Today, Gaithersburg celebrates its continued success in serving its citizens and teaching its children the importance of good character.

The CHARACTER COUNTS! program in Gaithersburg began in a meeting room filled with parents and children eager to learn the pillars of the program. In just over 10 years, the ideals of CHARACTER COUNTS! have spread through businesses and schools. Today, Gaithersburg has experienced the benefits of ethical education and has grounded the goals of the City in the ethical framework of the CHARACTER COUNTS! program.

Through learning and focusing on customer needs, Gaithersburg seeks to continue the honest and open communication that has helped it become a nationally renowned city. Gaithersburg utilizes creativity and fiscal responsibility to promote its health and excellence. All of the people of Gaithersburg—city officials, employees, neighborhood and governmental agencies—strive to continuously improve the City through cooperation and an increased emphasis on customer service, which allows community needs to be identified and met.

By maintaining the best aspects of a small town while implementing the most advanced new technologies, Gaithersburg has a diverse array of wonderful characteristics. The residents of Gaithersburg benefit from safe neighborhoods and diverse transportation options. Elected officials have united to create a favorable business environment and to preserve beautiful parks and public places. Gaithersburg is justifiably proud of its family-friendly environment and a citizenry that possesses a strong sense of community and individual responsibility.

I am pleased to honor the City of Gaithersburg for its outstanding commitment to values in its governance and daily life. Gaithersburg is a great place to live, work, learn and play, and I congratulate it on its tenth anniversary as a CHARACTER COUNTS! City.

INTRODUCTION OF SEEDS FOR SOLDIERS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today to introduce the Seeds for Soldiers Act. As a nation currently welcoming home new veterans, we must do all we can do to assist them upon their return. One way to do that is to help them jumpstart their new small businesses.

This bill does this by creating a specialized loan program for veterans through the Small Business Administration, which provides veterans with loans up to $3 million, allows for debt refinancing, and permits borrowers to defer payments for up to one year without any accumulation of interest. To encourage lenders to provide capital, the program will carry reduced costs and a higher government loan guarantee.

The bill also establishes a vocational rehabilitation program for veterans specifically designed to assist in the transition out of service. The program, which will be established by existing Small Business Development Centers, will provide technical, vocational, and entrepreneurial assistance to veterans to help them use their skills learned in the military to open, maintain, and expand their own business. The bill authorizes $25 million in funding to provide $500,000 grants to the SBDCs to open this program.

As a member of both the House Veterans' Affairs Committee and the Small Business Committee, I am well acquainted with the difficulties many vets face in establishing and sustaining small businesses. At a time when thousands of veterans are returning home from Iraq and Afghanistan, we must act in every way possible to assist them when they return. This bill provides the seeds for veteran-owned businesses, so that they may grow into sustainable entities.

I am pleased to introduce this legislation today and wish to thank original cosponsors Representatives EMERSON, KELLY, and MICHAUD for their support. I urge my colleagues to join us in supporting both our veterans, and the benefits that small businesses contribute to our economy, by cosponsoring this bill.

30TH ANNIVERSARY OF THE WILLOWS THEATRE COMPANY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to recognize the 30th anniversary of the Willows Theatre Company in Concord (Contra Costa County), California and the major, positive impact it has had—and continues to have—in the cultural life of the San Francisco Bay Area.

For three decades, the Willows has developed and produced dramas, comedies and musicals—more than 210 in all—drawn from contemporary American playwrights, composers and lyricists for a mix of world or area premieres and revivals of classic American shows. Six productions a year, for a total of 244 performances, attract thousands of loyal patrons each year. The current patron base has grown to more than 4,500 subscribers, with renewals at an enviable 87 percent. The company is training theater artists, and creating viable relationships with playwrights, designers, actors and students whose work will impact current and future audiences and artists.

Over the past 4 years alone, the Willows has earned 17 awards from the Bay Area Theatre Critics Circle. The Arts and Culture Commission of Contra Costa County honored Richard Elliott, artistic director, in 2000 and Andrew Holtz, managing director, in 2004 with Arts Recognition Awards. In 2002, the San Francisco Business Arts Council presented its Cyril Award for Non-Profit Arts Excellence to the Willows.

Aside from its renowned artistic successes, the Willows also is an economic force in the community. With an annual budget approaching $2 million, the company maintains facilities, employs administrative support staff, and affords the first opportunity for professional employment for many developing theater artists. The company was the first theater in Contra Costa County to operate under a seasonal contract with Actors Equity Association, with as many as 200 or more professional and non-union Bay Area artists employed during a season.

In support of other non-profit arts organizations throughout the region, the Willows operates a Community Box Office service that has returned more than $400,000 in earned income revenue to dozens of groups.

As part of its mission, the Willows engages youths in a variety of programs, including a conservatory, a round theater arts and student internship training program. In addition, it offers greatly reduced student ticket rates to encourage family and school attendance at live theater.

With a remarkable record of achievement in the past 30 years, the Willows is now focused on the future. Later this year, the company will expand its operations by opening a 220–seat cabaret-style theater in Martinez, the seat of government for Contra Costa County. Earlier this year, the company completed a 9,000 square-foot production facility in Waterfront Park in Martinez, in close proximity to the 1,000-seat John Muir Amphitheater. The facility was constructed to accommodate multiple performances of "John Muir's Mountain Days," a musical, commissioned by the Willows, based on the life of the famed preservationist John Muir, whose residence in Martinez is a National Historic Site.

These activities are part of the John Muir Festival Center, an educational, cultural heritage and economic development project in which the Willows has taken a leadership role along with its partners—the city of Martinez, the John Muir Association, the National Park Service, and the Martinez Historical Society.

On July 3, 2006, the Willows will celebrate its 30th anniversary with a gala that includes a dinner and a show in the John Muir Amphitheater featuring the Diablo Symphony and performers from past Willows Theatre productions.

I am proud to join in the celebration.

TRIBUTE TO THOMAS M. PRISELAC

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. WAXMAN. Mr. Speaker, we rise today to pay tribute to our good friend, Thomas M. Priselac, President and CEO of Cedars-Sinai Health System. Mr. Priselac has held the position of President and CEO since January 1994, and has helped transform Cedars-Sinai Heath System into one of the premier providers of heath services, graduate and continuing medical education services, and medical research. He has proven himself to be a strong leader who gets impressive results. We are pleased that he will be honored by B'Nai B'Rith International with the prestigious National Healthcare Award on June 5, 2006.

Mr. Priselac began his career in healthcare after receiving his Bachelor degree in Biology from Washington and Jefferson College in Pennsylvania and his Masters in Public Health from the University of Pittsburgh. He began his career at Montefiore Hospital in Pittsburgh as a member of the executive staff. In 1979, he began working at Cedars-Sinai. He was appointed to the role of Executive Vice President in 1988, which he fulfilled for six years prior to being appointed President and CEO. During his tenure at Cedars-Sinai, Mr. Priselac has turned it into one of our nation's finest healthcare establishments.

In addition to his work at Cedars, Mr. Priselac makes many contributions to the healthcare community through his dedication and commitment to several healthcare related organizations. He has served on numerous healthcare related boards. He currently serves as Chair of the Association of American Medical Colleges, and chairs the Health Care Committee of the Los Angeles Chamber of Commerce.

It is our distinct pleasure to ask our colleagues to join with us in saluting Mr. Priselac for his outstanding achievements and to congratulate him on receiving this prestigious award.

HONORING THE STUDENTS AT HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the students from Half Hollow Hills High School East in Dix Hills, New York for their hard work in the "We the People: the Citizen and the Constitution" national finals. These outstanding young Americans placed fourth in this nationwide competition and I am honored to call them my constituents.

The students, Jason Aronson, Matt Bauman, Jillian Bernstein, Eric Bierman, Emily Chen, Davina Etwarn, Leily Faridzadeh, Zach Goldberg, Chris Green, Arun Gupta, Jennifer Kim, Praneet Korrapati, Emily Kuznick, Tia Mansouri, Joshua Milber, Brooke Schachner, Stephen Schiraldi, Dana Schwartz, Dara Seidl, Fauzia Shaikh, Kunaal Sharma, Kavita Vani, Alyssa Weinberg and Joshua Wohl, led by their teacher Scott Edwards, demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

Also worthy of special recognition is Eileen Gerrish, the state coordinator, and Charles Trupia, the district coordinator, who are among those responsible for implementing the "We the People" program in my district.

Their success in the competition is also a testament to the excellent teachers at Half Hollow Hills East High School and elsewhere on Long Island.

I offer my congratulations on their success and commend these students on their dedication to the study of the Constitution and the Bill of Rights.

TRIBUTE TO CHAIRMAN HENRY J. HYDE

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. McCAUL of Texas. Mr. Speaker, I rise today to honor a man who has for the past 31 years brought honesty, integrity and distinction to this Chamber, to his party and to the people of Sixth District of Illinois. I consider myself fortunate to have my congressional career overlap with his, even if only for one term.

At several points throughout Chairman HYDE's career, he served in a position of leadership within the U.S. House of Representatives when a strong and competent leader was needed, and at all times he was the right man for the job. He served as chairman of the Judiciary Committee during a difficult time in our country's history, and brought the highest level of integrity to his position.

Mr. HYDE was appointed chairman of the International Relations Committee shortly before 9/11, where he has valiantly led us through the early crucial years of the War on Terror. In his career, Chairman HYDE has worked diligently to protect and expand the freedoms of unborn children, to protect the honored symbols of this Nation from desecration and to protect the freedoms of citizens all over the world.

Chairman HYDE has dedicated his career in public service to ideals worthy of a great Republican, and to principles worthy of a great statesman. His determination to seek truth and justice has earned him the respect of his colleagues on both sides of the aisle.

My single regret is that I only had 2 years to learn from Chairman HYDE, but those are lessons I will carry with me throughout my career. I wish him the best of luck in all his future endeavors.

RECOGNIZING 30 YEARS OF SERVICE BY COLONEL JOHN C. COLEMAN, USMC

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. ISSA. Mr. Speaker, I rise to honor the 30 years of dedicated service of Col John C. Coleman, USMC.

Col John C. Coleman assumed duties as Commanding Officer, Marine Corps Base, Camp Pendleton on 21 October 2005.

Colonel Coleman was born 11 February 1954 and is a native of Warner Robins, Georgia. He was commissioned through the PLC Program following graduation from the Virginia Military Institute in May of 1976. Since commissioning, he has completed seven tours of duty in the Corps' operating forces, two in the supporting establishment, and two with the joint community.

As a Company Grade Officer, Colonel Coleman served tours of duty with 2nd Battalion, 1st Marines, 3rd Battalion, 4th Marines, and with 3rd Battalion, 25th Marines. Assignments during these tours included Rifle Platoon Commander, 81mm Mortar Platoon Commander, Company Executive Officer, Assistant Battalion Operations Officer, H&S Company Commander, Rifle Company Commander, Weapons Company Commander, and Rifle Company Inspector/Instructor. In addition to these assignments, he served in the supporting establishment as the Training Support Officer, Officer Candidate School, and as a Company Grade Monitor, Headquarters Marine Corps.

As a Field Grade Officer, Colonel Coleman served tours of duty with 1st Battalion, 2nd Marines, 1st Battalion, 4th Marines, 2nd and 6th Marine Regimental Headquarters, 1st and 2nd Marine Division Headquarters, and I Marine Expeditionary Force Headquarters. Assignments during these tours included Battalion Operations Officer, Battalion Executive Officer, Regimental Operations Officer, Assistant Division Personnel Officer, Battalion Commander, MEF (Fwd) Operations Officer, Division Operations Officer, and Regimental Commander. In addition to these assignments, he completed two joint tours. The first of these was with U.S. Central Command serving in the J–3, Command Control, and then Joint Exercise Division. Later he served with the Joint Staff, Washington, D.C., in the Office of the Vice Chairman.

On 23 August 2002, Colonel Coleman assumed the duty as Chief of Staff, I Marine Expeditionary Force. He initially deployed to Kuwait and Iraq with Headquarters, I MEF in conjunction with Operation Iraqi Freedom from November 2002 to October 2003. He returned to Iraq with I MEF in March 2004 serving there until the MEF redeployed to the U.S. in March 2005.

Colonel Coleman is a graduate of Amphibious Warfare School, U.S. Army Command and Staff College, Armed Forces Staff College, U.S. Army School of Advanced Military Studies, and the U.S. Naval War College. He is a designated Joint Specialty Officer and has been awarded two masters of arts degrees, the first in Military Arts and Science, and the second in National Security and Strategic Studies. His personal decorations include the Defense Superior Service Medal, Legion of Merit, Bronze Star, Defense Meritorious Service Medal, Meritorious Service Medal, Joint Service Commendation Medal (second award), Navy and Marine Corps Commendation Medal (second and third awards), and the Navy and Marine Corps Achievement Medal.

Colonel Coleman and his wife Teri were married in 1976 and have four children, Christina, Jay, Robby, and Lara.

On behalf of the people of the United States whom Colonel Coleman spent a career serving, I thank him for his service and commitment to the defense of our Nation.

STATEMENT HONORING JEREMY BONNER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Jeremy Bonner, an extraordinary young man whose dedication and achievements are to be commended. Jeremy Bonner recently graduated from A. Maceo Smith High School after 14 years of perfect attendance. This means that from the age of three, Jeremy never missed a day of school.

In a time when drop-out rates and truancy are on the rise, this is truly an exceptional achievement. The efforts and devotion of Jeremy Bonner and his mother, Joan Bonner, are to be celebrated.

In addition to his perfect attendance, I was pleased to learn of Jeremy's plans to join the military and pursue a career in public service. Both the military and America are fortunate to have the commitment of such a fine young man.

The recognition Jeremy is receiving is imminently well-deserved, and I know this is merely the first step of many bright years ahead.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GERLACH. Mr. Speaker, during consideration of H.R. 5427, the Fiscal Year 2007 Energy and Water Development Appropriations Act, I was not present for rollcall 196, 197, 198, 199, 200 and 201. Had I been present, on rollcall 196, I would have voted "yea," on rollcall 197, I would have voted "nay," on rollcall 198, I would have voted "yea," on rollcall 199, I would have voted "yea," on rollcall 200, I would have voted "nay," and on rollcall 201, I would have voted "yea."

TRIBUTE TO CAROL DAVIS

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. POMBO. Mr. Speaker, I rise today to recognize the achievements and hard work of Carol Davis. Carol is President and CEO of Manteca's Give Every Child a Chance Program. Give Every Child a Chance is committed to developing and maintaining a quality mentor program that will have a positive impact on the lives of children in our community. In 2005, the Association of California School Administrators, ACSA, had selected the Give Every Child a Chance Program as the year's Partners in Educational Excellence Award recipient.

Through Carol's leadership, Give Every Child a Chance has touched the lives of thousands of students throughout the San Joaquin area. The program provides innovative approaches to deal with the complex challenges facing public education. Give Every Child a Chance was nominated by Manteca Unified School District Superintendent, Dr. Cathy Nichols-Washer and was selected by a panel of school administrators throughout the State.

Carol's dedication to the future of our children is one that has not gone unnoticed, and I would like to wish her many more years of continued success.

INTRODUCTION OF LT. COL. JAMES MEGELLAS MEDAL OF HONOR BILL

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. PETRI. Mr. Speaker, today I am introducing legislation to honor a true American hero by awarding him the Medal of Honor. On January 28, 1945, during the Battle of the Bulge, Lt. James Megellas led his platoon of the 82nd Airborne Division on a surprise and devastating attack on a much larger advancing German force, killing and capturing a large number of the enemy and causing others to flee. In an act of fearless courage, Megellas singlehandedly destroyed an attacking German Mark V tank with two hand-held grenades. He then led the charge of his men and seized Herresbach, Belgium, during this fierce action of the Battle of the Bulge. Due to his aggressive, fearless and superior leadership, Lt. James Megellas inspired his men to excel.

After serving 4 years as a rifle platoon leader during World War II, including many combat jumps into Italy and Holland, Megellas left the active Army and served for 16 years in the Army Reserve. He retired after 20 years of service as a lieutenant colonel.

His awards and decorations include the Distinguished Service Cross, two Silver Star Medals, two Bronze Star Medals, two Purple Hearts, and he is credited with being the 82nd Airborne Division's most decorated officer. During World War II, Gen. James Gavin selected one 82nd officer—Lt. James Megellas—to receive the Military Order of Willhelm Orange Lanyard from the Dutch Minister of War on behalf of his division.

To this day, James Megellas continues to inspire. In February, 61 years since that momentous battle, James "Maggie" Megellas set foot on a battlefield with fellow 82nd Airborne Division soldiers, this time in a current theatre of war—Afghanistan. Megellas was impressed with what he saw of the paratroopers and their work. He listened to their stories of their past year of deployment and shared with them his own experiences during World War II.

Today, at 89 years old, James Megellas is currently in the Netherlands, to be decorated by Her Majesty Queen Beatrix in a surprise ceremony to once again receive the Military Order of Willhelm Orange Lanyard for outstanding service.

I urge my colleagues to also recognize James "Maggie" Megellas by supporting this bill to authorize and request the President to award him the Medal of Honor for his acts of valor on January 28, 1945, during the Battle of the Bulge. As time goes by, true heroes should never be forgotten, so please join me in honoring this outstanding American hero.

THE ONE-YEAR ANNIVERSARY OF PASSAGE OF THE STEM CELL RESEARCH BILL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of stem cell research.

Last May, the House of Representatives narrowly passed H.R. 810, supporting federally funded embryonic stem cell research.

My vote, recorded in support of this bill, reflects my strong views on the potential for stem cell research to benefit society.

Stem cells can mature into nearly any type of cell, including nerve cells to repair damaged spines or heart cells to pump blood through the body.

The therapeutic possibilities of stem cells are endless.

It is my hope that the other body will work with us to support stem cell research.

Somewhere out there is a little girl who suffered a spinal injury and is unable to walk.

Therapy utilizing stem cells is her only hope.

How much longer will she and millions of others have to wait?

INTRODUCTION OF LEGISLATION DESIGNATING "LARRY WINN, JR. POST OFFICE"

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. MOORE of Kansas. Mr. Speaker, joined by my Kansas delegation colleagues—Representatives TIAHRT, RYUN and MORAN—I am today introducing legislation to designate the United States Postal Service facility located at 6029 Broadmoor Street in Mission, Kansas, as the "Larry Winn, Jr. Post Office Building."

Edward Lawrence "Larry" Winn, Jr., represented Kansas" Third Congressional District in the U.S. House from 1967 to 1985. Born in Kansas City, Missouri, in 1919, he was an Eagle Scout who attended public schools and received a B.A. from the University of Kansas in 1941. Becoming an announcer for WHB radio, he later served as public relations director for the local branch of the American Red Cross. Returning to Kansas, he established and became vice president of Winn-Rau Corporation, a private home builder. For 14 years, he served as National Director of the National Association of Home Builders, and also served as President of the Home Builders Association of Kansas City.

In 1962, the incumbent U.S. Representative in the Third District, Robert Ellsworth, asked Winn, who had served as Republican Party chairman in that district, to be his campaign manager; he fulfilled that role in the 1962 and 1964 campaigns. In 1966, when Ellsworth unsuccessfully challenged incumbent U.S. Senator Jim Pearson in the Republican primary, Winn won election as his successor, defeating Overland Park Mayor Marvin Rainey. In later contests, among eight successful re-elections, Winn would defeat Lieutenant Governor James DeCoursey and Dan Watkins, the former chief of staff to Governor John Carlin.

Initially appointed to the House Committees on Space and Aeronautics [later renamed Science and Technology] and the District of Columbia, Winn later was appointed to the Select Committee on Crime, the Veterans' Affairs Committee, and the International Relations Committee, which was later renamed the Foreign Affairs Committee. Described by Congressional Quarterly's Politics in America, 1982 as a "quiet, unassuming man," Winn eventually rose to the ranking Republican seat on the Science and Technology Committee, where he was an active supporter of America's space exploration program. As Politics in America, 1982 noted, he also advocated research into alternative energy sources such as gasohol and solar and wind power, and tax credits for energy efficiency and conservation.

Winn was appointed by President Carter and confirmed by the Senate to serve as a member of the U.S. delegation to the United Nations in 1979. He also was a member of the

Canadian Interparliamentary Group and was ranking Republican member of the U.S.-European Interparliamentary Group. Domestically, Winn was a leading advocate of "value engineering," a cost-saving government management system that was implemented in the early 1970s. He also was a leading advocate of a successful proposal maintaining ten regional federal office centers in the United States, which preserved Kansas City as a federal regional office center, rather than transferring those functions to Denver.

Winn also is remembered for his advocacy of a proposed Tallgrass National Prairie Park in Kansas; as a result of his initial efforts, the Kansas Flint Hills are now home to the Tallgrass Prairie National Preserve, a unit of the National Park System managed in partnership with the private National Park Trust dedicated to the rich natural and cultural history of the tallgrass prairie ecosystem.

In their 1972 analysis of Winn's career, the Ralph Nader Congress Project's Citizens Look at Congress review of Winn's activities concluded that: "Legislatively, Winn shows a good feel for Third District needs and interests. . . . Although Winn has had considerable experience in public speaking and writing, his style is more folksy than polished." During his tenure, he taped a weekly radio program on current congressional issues that was distributed to local broadcasters, as well as drafting and circulating weekly newspaper columns and twice-yearly congressional questionnaires that were sent to all in-district postal patrons. He estimated that over 2,000 Third District residents visited his Washington, D.C., office during the first four years of his tenure, and bumper stickers proclaiming: "I visited Congressman Larry Winn in Washington" were seen frequently across the Kansas City area.

Upon announcing his retirement from the U.S. House in 1984, Representative Winn published a column in the Christian Science Monitor decrying the increase in congressional partisan rancor. Twenty two years later, his words are even more relevant: "It is important now for both Republicans and Democrats in the House of Representatives to recognize that a continuation of this rancor will undercut the legislative process. Most Americans are neither Republicans nor Democrats but are independents. This expresses a desire for pragmatism over ideology. Members of the House, without abandoning their individual philosophical approaches, should also approach problems pragmatically."

Mr. Speaker, Larry Winn, Jr., served the Third District of Kansas as it's Representative with diligence and decency for eighteen years. It is fitting that we now name a major postal facility in the Third District after him, and I hope the House will move swiftly to approve this measure.

IN HONOR OF DR. JOSE PROTACIO RIZAL AND THE ORDER OF THE KNIGHTS OF RIZAL, CLEVELAND CHAPTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Dr. Jose Protacio Rizal and the Order of the Knights of Rizal, Cleveland Chapter. The accomplished life and works of Dr. Rizal remains a great source of inspiration for the people of the beautiful island of the Philippines. His heroic and poignant writings and efforts, focused on freedom, continue to inspire and energize the people of the Philippines, and Filipino Americans as well.

During the 1800's Filipinos began expressing their anger and frustration over colonial rule. Intellectuals, poets, artists and writers became the spiritual leaders in the Filipino quest for freedom and independence from Spain. It was the written works by an unknown, young doctor from Lugana Province, Jose Rizal, which set fire to the independence movement. Dr. Rizal's explosive first novel, "Noli Me Tanere," (Touch Me Not), shattered the facade of colonial rule and shed light on the destructive limitations forced upon the Filipino people. The novel, though immediately banned by the Spanish rulers, was disseminated underground with other highly charged passages by Dr. Rizal and others.

In Manila, 1892, Rizal founded the independence movement, Luga Filipina. By 1898, an armed struggle for independence had begun, and government officials accused Dr. Rizal of leading the charge. Following the circuslike spectacle of an unjust trial, Rizal was found guilty. On the evening of December 30, 1896, Dr. Rizal was executed by firing squad in what is now known in Manila as Rizal Park. The night before his scheduled execution, he wrote the poem 'Mi Ultimo Adios,' a heartrending and poignant expression of his abiding love for the people and country of the Phillipines.

Mr. Speaker and Colleagues, please join me in honor and recognition of the 2006 celebration of the influential life of Dr. Jose Protacio Rizal. Dr. Rizal rose from the quiet life of a village doctor to become a beloved and courageous national hero of the Philippines—a man whose words blazed a trail of freedom throughout the Philippines. I also want to honor and recognize the leaders and members of the Order of the Knights of Rizal, Cleveland Chapter, for keeping the significant spirit of Dr. Jose Rizal alive for each new generation to know and understand. The life of Dr. Jose Rizal reflects an innate quest for freedom for all people, and highlights the ideology that despite the seemingly endless struggle, justice and liberty will inevitably rise.

HONORING THE LIFE OF CONGRESSMAN ROBERT N. GIAIMO

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay great honor to Congressman Robert N. Giaimo, who passed away on May 24, 2006. Bob proudly served in this body from 1958–1980, representing the New Haven area in Connecticut. Bob was a profound figure who believed in public service and worked tirelessly for the people of Connecticut.

The son of Italian immigrants, Bob was raised in North Haven, Connecticut and was elected in 1958 to serve the Third District of Connecticut. During his 22 years in Congress, Bob made many significant contributions to this country. Bob co-sponsored a bill that created the National Endowment of the Arts and Humanities, which has allowed people in this country to reach their creative potential. He also led the first successful effort to end funds for the fighting in Southeast Asia. Bob worked to eliminate the loyalty oath in the National Defense Education Act, and to include the old New Haven Railroad in the Penn Central merger. Bob's priority in Congress was to create meaningful change and he represented the values and aspirations of the people of the Third District of Connecticut.

Bob was well-respected among his colleagues. During his 11-terms in Congress, he served on the House Budget Committee, which he chaired for 4 years, the House Commission on Information and Facilities, and the Joint Committee on Intelligence. Bob also served on the House Appropriations Committee, and its subcommittees on Department of Defense, District of Columbia, Treasury Postal Service and General Government, Legislative Branch, and Housing and Urban Development. Bob was an inspiration to his colleagues and the people he represented.

Mr. Speaker, I ask that my colleagues join me today in honoring the life of Robert N. Giaimo. Bob's legacy lives on in this Nation and among his family. My thoughts and prayers are with Bob's wife, Marion Schuenemann Giaimo, his daughter Barbara Giaimo Koones, and his granddaughter, Tracy Elizabeth Phillips. Today, we lost a tremendous person who worked hard to improve the well-being of this country and the state of Connecticut.

TRIBUTE TO LAWRENCE E. HORNER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. SHERMAN. Mr. Speaker, I rise today to pay tribute to Lawrence E. Horner for his civic and philanthropic service to the residents of the Conejo and San Fernando Valleys. Seventy-six years young, Larry is a proud veteran, an accomplished businessman, and dedicated public servant.

Larry has served as my senior district advisor since November 1997, and will be retiring at the end of this month. He has been an invaluable asset to me and to my constituents. His knowledge of issues ranging from economic development to military and veterans affairs has been crucial to helping me better serve my constituents. I will miss his depth of experience, leadership, and personal charm.

Larry's extensive knowledge of the Conejo Valley has been an invaluable asset. I consulted extensively with Larry when working to protect and expand the Santa Monica Mountains National Recreational Area. His advice and experience were critical to my successful efforts to defend this irreplaceable natural resource.

Mr. Speaker, Larry received his bachelor's and master's degrees in Science from Indiana University. His studies were interrupted while he served in the United States Army during the Korean War.

In 1954, Larry was discharged from the Army and met and married Betty Thurman. Happily married for more than 50 years, they have raised three children and contributed countless hours volunteering in their community.

In 1960, Larry and Betty moved to Southern California where he worked in the aerospace and defense industry for Lockheed, Litton, and finally as a Vice-President of Northrop in Newbury Park.

In 1973, Larry began his career in politics by winning a seat on the Thousand Oaks City Council. He served on the Council for more than 16 years. During that period, his fellow Council Members asked him to serve as Mayor for an unprecedented five terms.

While serving as Mayor and Council member, Larry helped solidify a sound economic base for the city. He also established senior citizen facilities, teen programs, increased the city's supply of affordable housing and helped lower the crime rate. All of his efforts resulted in an improved quality of life for Conejo Valley residents.

Mr. Speaker, all of us in this House are dependent on the dedication and hard work of our staffs. When I was elected to represent the 24th Congressional District in 1996, I knew I would need an outstanding and popular leader in the Conejo Valley to head my Thousand Oaks office. Larry accepted the challenge and was instrumental in ensuring that my constituents received the quality services they needed and deserved.

Larry's hard work and dedicated service in that office and, following redistricting and the 2002 elections, as a member of my Sherman Oaks office staff, have been exemplary.

Larry's accomplishments in business, politics, government, and community service are an impressive legacy. I will miss his service, but I look forward to his continuing friendship.

TRIBUTE TO LENCHO RENDON

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. ORTIZ. Mr. Speaker, this month Capitol Hill saw the departure of one of the most talented people in Texas politics today, my just-retired Chief of Staff, my former Chief Deputy Sheriff in our other lives, my campaign advisor, my little brother, my best friend—some have even called him my "alter ego" Lencho Rendon.

Lencho is a legend in the House of Representatives and counts many, many friends here in this Chamber . . . friends he will remain close to in this next chapter of his life. Several of them join me in bidding our friend and counselor farewell, but not goodbye.

Lencho and I met not too long after I was elected Nueces County Sheriff in South Texas in 1976. He was working for the Webb County Sheriffs office and a DEA Task Force; and he was beginning to make a reputation for himself as one of the absolute best at finding the druggies and getting evidence on them.

He was a master at that, and his detective and undercover work were monumentally dangerous just about every day. By the grace of God, Lencho lived to talk about—or not talk about—the everyday danger of living undercover to catch the bad guys.

He ran my first campaign for Congress, a task he took on each election cycle—and he remains my campaign chairman. In Texas, Lencho is the guy you go to when you want to hear the straight scoop.

He can find the bottom line . . . and see around the corners . . . and strategize a way to get you where you want to go. He works on numerous campaigns in South Texas during election season, and he understands the precise—yet nuanced—intersection of politics, policy, people, and the art of the possible.

Here on the Hill and in the international community, Lencho has made more friends than we can count. He employs the same skills on Capitol Hill he learned and practices in South Texas: figure out where you want to go, and he can find a way to get you there. He is widely respected by both Members of Congress and Capitol Hill staff members.

But it has been me and my staff members—here and in Texas—that have felt his absence most abruptly and most profoundly. We haven't missed a beat in our work for South Texans, but we have missed the presence of the man that we all respect and we all love. You grow so close to people with whom you stand in campaigns.

Lencho is unbelievably talented on so many levels, and has a deep and abiding compassion for people and families. It's an old rule of politics: people that campaign together will always be there for each other. That is certainly true for me and my organization, but it's true for most every political organization.

And so it will be—Lencho remains a trusted member of my family, and I will always seek his counsel on matters political and personal. I know he remains a trusted member of this Capitol Hill family.

HONORING MORRIS "MORRIE" TURNER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. LEE. Mr. Speaker, I rise today to honor the extraordinary life and work of Morris "Morrie" Turner, a native of Oakland, California. Morrie Turner is known not only for his legendary talent as a nationally-recognized cartoon artist, but has contributed greatly to our country through his use of art to advocate for social equality and community awareness. On Wednesday, May 31, 2006, the East Bay Community will come together to celebrate Morrie's outstanding career and immeasurable contributions to our society.

Born in 1923 in Oakland, California, Morrie assumed his nickname at an early age, always preferring it above the name Morris. He attended Cole Elementary and McClymonds High School in Oakland, and ultimately graduated from Berkeley High School in June 1942. Morrie began drawing caricatures around the age of 10, and by the time he finished his secondary education he was comfortable with his drawing technique. After graduation, which was in the midst of World War II, he enlisted in the U.S. Army Air Corps, and continued his drawing while on guard duty. This eventually led to his first series, a strip called Rail Head, which was based on his experiences in the war and which appeared in Stars and Stripes.

Following the war Morrie returned to the Bay Area, where he began working as a clerk for the Oakland Police Department, but continued drawing on a freelance basis. During that time, and at the encouragement of his mother, he began sending his drawings to magazines. After sending out thousands of drawings, he achieved his first national publication in 1947, which was in a baking industry publication called Baker's Helper, and which earned him a check of $5. After several publications of his work on roughly the same scale, Morrie got his first big break when Better Homes & Gardens bought one of his cartoons for $75.

Throughout his many years of drawing, Morrie had received no formal art training and so he sought advice and encouragement from other professional cartoonists. In that process, he began to question why there were no artists from communities of color working as professional cartoonists, particularly among those who were publishing national pieces. In response, his mentor Charles Schultz, creator of the infamous Peanuts strip, suggested that Morrie create one. In the early 1960s he did just that, creating Dinky Fellas, the strip that would later evolve into the hugely successful Wee Pals, a strip that takes place in a world without prejudice and that celebrated ethnic, racial, cultural and other differences in our society. In 1965, the series became the first multi-ethnic cartoon syndicated in the United States. Wee Pals went on to appear in over 100 newspapers worldwide, and has also featured a weekly additional panel called Soul Corner, in which the life of a famous person from a community of color is detailed.

Wee Pals also carries special significance in my district, because it later became the cornerstone of an Oakland Police Department crime prevention and safety program. Through this effort, Morrie's message of open mindedness, equality and cultural embrace was coupled with one of public safety and community service, thereby impacting the lives of countless young people and families in the 9th Congressional District and beyond.

Morrie's outstanding work in periodicals has been recognized by the public on numerous occasions, as have his published children's books, whose titles include The Illustrated Biography of Martin Luther King, Jr. He was honored in 2000 by the Cartoonist Society with their Sparky Award, has been introduced into the California Public Education Hall of Fame and has also been recognized by Children's Fairyland in Oakland; he is also the subject of a film called Keeping the Faith with Morrie.

On May 31, 2006, the friends, family and colleagues of Morrie Turner will come together to celebrate the career and immeasurable contributions of Morrie Turner to our community. On this very special day, I join all of them in thanking and saluting Morrie for his invaluable service to our community, and for the profoundly positive impact his work has had on countless lives here in California's 9th U.S. Congressional District, across our country and throughout the world.

ENCOURAGING COMPREHENSIVE INVESTIGATION INTO THE HEALTH EFFECTS OF AGENT ORANGE EXPOSURE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. HIGGINS. Mr. Speaker, I rise today in strong support of H.R. 4259. This important legislation would create the Veterans' Right to Know Commission, an investigative body comprised of distinguished veterans of the United States Armed Forces and honorable citizens of our great Nation. The Commission would be delegated the task of comprehensively investigating the usage of chemical and biological agents employed by the U.S. military during wartime and their effect on the men and women of our Armed Services. I am a cosponsor of this bill because I believe we require comprehensive knowledge regarding the health effects of various chemical and biological agents carried out under Project 112/SHAD, so that we can more fully understand what exposure to them means for our veterans.

The consequences of exposure to chemical and biological agents like Vx nerve gas, Sarin Nerve Gas and E. coli have long been debated by those in the scientific community. We already know that long-term exposure to Agent Orange, an herbicide used for 10 years during the Vietnam War to defoliate and destroy crops, increases the risk of cancer, and the Air Force and the U.S. Department of Veteran Affairs now officially recognize that exposure to this chemical plays a role in the formation of diabetes. However, some 50 years following initial exposure, the specific health effects other chemical and biological agents have on the human body are not fully understood. It is imperative to determine whether exposure to those agents, tested on unknowing military personnel by the Department of Defense between 1962 and 1974, correlate with life threatening diseases. The American people deserve answers and this Commission will help provide those answers.

Thousands of brave veterans of foreign wars reside in my district, individuals who have put their very existence on the line to defend every right, ideal and freedom that this noble country exemplifies. We owe the passage of this legislation to these men and women and to all those who have been exposed to Agent Orange and to other destructive chemicals. Just last year, Western New York native and veteran Nelson C. Hughes passed away from cancer after being exposed to Agent Orange in Vietnam. He was one of the Nation's leading advocates of Vietnam veterans suffering from Agent Orange exposure. I am troubled that in this time of prolific medical advances we are still unable to understand how some chemicals used by our own government affect the human body. Mr. Speaker, I call on Congress to honor Mr. Hughes and all U.S. veterans by passing this bill. We have a duty to make every conceivable effort in the fight to understand and to treat their ailments, many of which may be directly or indirectly related to chemical exposure our government facilitated.

REGARDING THE 2006 LAUREATES OF THE FRANKLIN INSTITUTE'S AWARDS PROGRAM

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. FATTAH. Mr. Speaker, I rise today to congratulate, on behalf of the Commonwealth of Pennsylvania and the Nation, the 2006 Laureates of The Franklin Institute Awards Program. Ten brilliant individuals will be honored on April 27, 2006 in the Benjamin Franklin National Memorial at The Franklin Institute in Philadelphia, for their outstanding achievements in science, technology, business, and philanthropy. Through the outstanding leadership of The Franklin Institute, Philadelphia's great science museum, a 182-year tradition of recognizing brilliant achievement and promoting the pursuit of science and technology for the public good continues to inspire a passion for learning in millions of people each year.

The Franklin Institute Awards Program—considered by many as the American version of the Nobel Prize—is one of the oldest and most renowned science and technology awards programs in the world. The program's distinguished history dates back to 1824, when the Institute was founded by a group of leading Philadelphians to train artisans and mechanics. Philadelphia, then the largest city in the United States, was the Nation's innovation and manufacturing center. In 1824, the Institute arranged the first of what became a series of regular exhibitions of manufactured goods and inventions.

With these exhibitions came the presentation of awards—first certificates and later endowed medals—for scientific and technical achievement. Recipients are selected by the Institute's Committee on Science and the Arts, which was founded as the Committee on Inventions with the beginning of the program. Fields recognized today include Chemistry, Computer and Cognitive Science, Earth and Environmental Science, Engineering, Life Science and Physics. Through a rigorous and unique case-prosecution process, the Committee evaluates the work of nominated individuals whose uncommon insight, skill or creativity has influenced future research or applications to benefit the public.

The newest awards, the Bower Award for Business Leadership and the Bower Award and Prize for Achievement in Science, were made possible by a $7.5 million bequest in 1988 from Henry Bower, a Philadelphia chemical manufacturer. The Bower Science Award carries a cash prize of $250,000, one of the richest science prizes in America.

The list of Franklin Institute Laureates reads like a canon of 19th, 20th and 21st century scientific achievement. The honor roll includes Alexander Graham Bell, Marie Curie, Rudolph Diesel, Thomas Edison, Niels Bohr, Max Planck, Albert Einstein and, more recently Stephen Hawking, David Packard, Roy Vagelos, Jane Goodall, Herb Kelleher, and Gordon Moore—to name a few. To date, 105 Franklin Institute Laureates have also been honored with 107 Nobel Prizes.

I invite Congress and all citizens of these United States to join me in congratulating the newest names to be added to this roll call of genius:

The winner of the 2006 Benjamin Franklin Medal in Chemistry, Samuel J. Danishefsky, of Memorial Sloan-Kettering Cancer Center and Columbia University, for his achievements in the art and science of synthetic organic chemistry, particularly for the development of strategies and methods for the preparation of complex natural products and related compounds, including oligosaccharide immunoconjugate vaccines, and their emerging applications in the field of cancer chemotherapy.

The winner of the 2006 Benjamin Franklin Medal in Computer & Cognitive Science, Donald A. Norman, of Northwestern University and Nielsen Norman Group, for his development of the field of user-centered design, which through the use of conceptual models, feedback, affordances, and constraints leads to the creation of interactive technologies which are easily employed by humans.

The winners of the 2006 Benjamin Franklin Medal in Earth & Environmental Science, Luna B. Leopold, of the University of California and M. Gordon Wolman, of The Johns Hopkins University, for advancing our understanding of how natural and human activities sculpt landscapes and influence landscape evolution. They developed the first comprehensive explanation of why rivers have different morphologies and how floodplains develop. Their contributions form the basis of process geomorphology, modern water resource management, and environmental assessment.

I regret to inform the Members that Dr. Leopold passed away in February. We express our sympathy to his family and join them in honoring his legacy.

Please also join me in honoring: The winner of the 2006 Benjamin Franklin Medal in Life Science, Fernando Nottebohm, of The Rockefeller University, for his discovery of neuronal replacement in the adult vertebrate brain, and the elaboration of the mechanism and choreography of this phenomenon; and also for showing that neuronal stem cells are the responsible agents, thereby generating a completely new approach to the quest for cures for brain injury and degenerative disease.

The winner of the 2006 Benjamin Franklin Medal in Civil Engineering, Ray W. Clough, of the University of California, Berkeley, for revolutionizing engineering and scientific computation, and engineering design methods, through his contributions to the formulation and development of the finite element analysis method, and for his innovative leadership in establishing the field of earthquake engineering.

The winners of the 2006 Benjamin Franklin Medal in Physics, Giacinto Scoles, of Princeton University and Peter Toennies, of the Max Planck Institute, for the development of techniques to study molecules embedded in superfluid helium nanodroplets by high-resolution spectroscopy. These techniques allowed for the investigation of reactive and fragile molecules that could not be examined in other ways, and also enabled them to study superfluid helium with unprecedented precision, yielding insights into superfluidity at the nanoscale level.

Finally, we congratulate: The winner of the 2006 Bower Award and Prize for Scientific Achievement, Narain G. Hingorani, for the conceptualization and pioneering advancement of the Flexible Alternating Current Transmission System (FACTS) and Custom Power in electric power systems, and for outstanding technical contributions in High Voltage Direct Current Technology, which have enhanced the quality and security of the electric power system.

And, the Winner of the 2006 Bower Award for Business Leadership, Ted Turner, for his visionary leadership in the worlds of business and media, as well as his philanthropic commitment to the health of our planet and the well being of its people.

Mr. Speaker, thank you for the opportunity to honor these trailblazers. Their collective body of work has changed the course of modern progress and greatly improved the human condition. This year, as our Nation celebrates the 300th anniversary of the birth of Benjamin Franklin and his legacy of industry, learning, patriotism and liberty, it is very fitting—in the spirit of Dr. Franklin—that we recognize the achievements of these individuals.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. LANTOS. Mr. Speaker, I rise today in honor of Asian Pacific American Heritage Month to recognize the proud past Asian Pacific Americans have woven into our history and the important contributions they offer our society today. I have the great honor of representing an incredibly diverse 12th Congressional district of California, where I am proud to say, we have the largest population of Filipinos outside the Philippines and one of the largest populations of Asian Pacific Americans in the entire United States.

We choose to recognize Asian Pacific Americans (APA) in May because of two anniversaries this month: the arrival in the United States of the first Japanese immigrants in 1843 and the completion of the transcontinental railroad in 1869. Both are landmark events that contributed greatly to the formation of our country and prosperity.

The APA Community is a modern example of the American dream. Arriving as immigrants, and overcoming adversity, years of discrimination and at times shocking treatment at the hands of government and citizens alike, they have become one of the most successful and educated minority populations. Their unique contribution to areas such as business, science, technology, art and entertainment are unrivaled.

With 15 million residents, they are also the fastest growing population in our country and are estimated to reach 33 million by 2050. This hard working community is responsible for much of the success and development of our great nation. In this age of immigration debate, the APA community reminds us that we are ourselves a country of immigrants and the APA community represents what is best about America with their dedication and loyalty to fighting for freedom. As we remember how they have helped to enhance the quality of our communities and country, we should also ask how we could help to fight the challenges they face.

Although APA's have a high percentage of college graduates for a minority population, at 50 percent, they still face growing poverty issues. Although the Asian Pacific American community has been very successful many still face unfair problems connected with its status as a minority. When budget cuts to education and health care are made, the Asian American community suffers greatly.

Fourteen percent of the APA community has incomes at or below the poverty line. With gas prices and college tuitions rising, the last five years has seen 28,000 Asian Americans fall into poverty. 1.1 million small businesses are owned by APAs and have been hurt by reductions in funding for small businesses.

312,000 Asian Pacific Americans are veterans. Having defended our country, they deserve benefits such as health care, which have been cut for the fourth year in a row. Last year, in the 108th session of Congress, I cosponsored legislation that gave Filipino American veterans who were a legal alien or citizen, the same health and pension benefits that our other veterans receive. I will continue to fight for equal treatment in the future.

Mr. Speaker, as we congratulate Asian Pacific Americans for their accomplishments, we also recognize their struggles. Asian Pacific Americans contribute so much to our nation and we must ensure that this community is treated with the great respect it richly deserves. I urge all my colleagues to join me in honoring Asian Pacific Americans.

HONORING CAPTAIN CURTIS A. SPRINGER, UNITED STATES COAST GUARD

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise today to honor Captain Curtis A. Springer, Commander of Coast Guard Sector Baltimore, Maryland, since June 2003. As Commander, Captain Springer has worn many important hats. He is Captain of the Port for the Port of Baltimore, Officer in Charge of Marine Inspection, Federal On-Scene Coordinator, Search and Rescue Mission Coordinator, and Federal Maritime Security Coordinator for all Coast Guard operational missions performed in the Upper Chesapeake Bay and Washington, DC.

Despite this overwhelming portfolio of responsibilities, Captain Springer has served the citizens of Maryland and this Nation quietly, honorably, and exceptionally. Embodying all that the United States Coast Guard is, Captain Springer has accepted his many roles and worked with his team regardless of the resources provided. This is a man who has earned respect the old fashioned way, through hard work and a sense of duty.

Captain Springer and I have been through much together: from dealing with the impact of the storm surge to Hurricane Isabel, to the water taxi disaster in Baltimore's Inner Harbor to homeland security issues facing the Port of Baltimore. Through it all, Captain Springer has always ensured that the task at hand be completed at highest of standards.

Captain Springer is a unique leader with an innate sense of what needs to be done. As Captain of the Port, he is required to keep trouble away from our waterways before it arrives. It is critical to balance the economic realities of commerce and the impact on the private sector with the safety of the port. He has kept these often competing interests in delicate balance. Beyond his military and maritime duties, Captain Springer understands Baltimore is a working port. His wise decisions have positively affected the State of Maryland and the people who do business at the port.

Captain Springer received his commission from Officer Candidate School in 1982 after graduating from Methodist College in Fayetteville, North Carolina, where in 1980 he received a bachelors of arts degree in education. He received a master of public administration from Michigan State University and a master of business administration from the Sloan School of Management at the Massachusetts Institute of Technology.

Throughout his Coast Guard career, Captain Springer's assignments have included staff officer at Reserve Training Programs Division Coast Guard Headquarters, Washington, DC; Deck Watch Officer and Operations Officer aboard the Coast Guard Cutter *Mallow* in Honolulu, HI; Operations Officer aboard the Coast Guard Cutter *Citrus* in Coos Bay, OR; Chief of the Maritime Law Enforcement School at the Coast Guard's Training Center in Petaluma, CA; Commanding Officer of the Coast Guard Cutter *Anacapa* in Petersburg, Alaska; Program Reviewer in the Programs Division of the

Office of the Chief of Staff, Coast Guard Headquarters, Washington, DC; Commander of Coast Guard Group Ohio Valley in Louisville, Kentucky; and Executive Assistant to the Atlantic Area Commander in Portsmouth, VA. His most recent assignment was as Deputy Chief, Office of Programs and Chief, Programs Review Division in the Office of the Chief of Staff at Coast Guard Headquarters.

Captain Springer's military decorations include three Coast Guard Meritorious Service Medals, two Coast Guard Commendation Medals, two Coast Guard Achievement Medals, and a Commandant's Letter of Commendation.

Beyond it all, I have always been struck by Captain Springer's down-to-earth "just the facts" approach. He is simply a good guy who wants to get it right; and I, for one, am grateful for that.

Mr. Speaker, I ask that you join with me in thanking Captain Curtis A. Springer for all he has accomplished in Sector Baltimore, and to wish him the best of luck in his next assignment.

REMEMBRANCE OF JEFFREY JARNELL JOHNSON, JR.: A LIFE OF ACCOMPLISHMENT, CARING AND PROMISE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. MEEK of Florida. Mr. Speaker, Jeffrey Johnson was a strong and gifted young man. I recognized it, and my staff recognized it, when he served as a high school intern in my Congressional office. His teachers also recognized his abilities, as did his coaches, and even college administrators at institutions he never attended. He was a bright and shining young man with talent, direction and purpose, and he had unlimited potential.

When Jeffrey put his mind to something, and focused his energy on it, he would overcome any obstacle to achieve it. Today, Thursday, May 25th, Jeffrey would have graduated Summa Cum Laude, and received the Miami-Dade County School Superintendent's Diploma of Distinction, from Carol City Sr. High School. He was imbued with intelligence, as evidenced by his grade point average, which landed him a Bright Futures full academic scholarship to St. Thomas University in Miami, where he looked forward to studying law.

I truly believe that Jeffrey would have become a leader in our community and perhaps even in our country, a person of consequence, a role model for others, and a force in the world for good.

Sadly, however, this strong, gifted, 17-year-old young man was tragically and senselessly killed in a shooting early Sunday, May 21, 2006. Our entire Dade County community is consumed in grief and sorrow because of his passing. His funeral services will be held Saturday, May 27th, at the New Birth Baptist Church Cathedral of Faith in Miami, Florida. The heart of every caring person aches because of the burden that now must be borne by his father, Jeffrey Sr., his mother, Brenda, and his beloved sister, Jarrika. The magnitude of their loss is truly beyond understanding.

I had the distinct honor and special privilege to have this young man serve as an intern in my office, where he epitomized standards of excellence and personal warmth in responding to the needs and concerns of my constituents. Many of them recall Jeffrey as the young intern who greeted them with utmost respect and empathy. He easily stood as a model student, defined by his quiet but dignified demeanor. His exemplary conduct and his study ethic garnered him the unique distinction that served as an example to all students seeking to prepare themselves as the leaders of tomorrow through the power of the educated mind and the sensitivity of a caring heart.

Jeffrey was a very special young man, and we are fortunate to have known him and are grateful for the gifts he left with us. Every person of goodwill is moved by his extraordinary life and the tragedy of his premature passing. I pray that his family will somehow be comforted by the fact that Jeffrey graced our lives, that he touched the lives of so many people during his all-too-brief time on this earth, and that we will never forget him.

TRIBUTE TO DORETHA ADAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a wonderful educator who has devoted her career to giving our young children a literal head start in life. Mrs. Doretha Adams is retiring after more than 35 years of teaching, and I join with those celebrating her extraordinary career.

Mrs. Adams knew when she attended college in Columbia, SC. that children were going to be an important part of her future. She graduated from Allen University in 1965 with a bachelor of science degree majoring in science and minoring in physical education. She also earned a therapeutic recreation degree from Benedict College along with a child development certification. She continued her education at the University of Georgia and South Carolina State University where she completed a master's degree in early childhood education.

Mrs. Adams's career in education began in 1965 at Central High School in Amherst, VA, where she taught science and physical education. She also found time to coach the Girls Varsity basketball team for 3 years.

However in 1969, she returned to Columbia, SC, and served as a substitute teacher in Richland School District One. As a parent, Mrs. Adams found a new career when she enrolled her first child at Ridgewood Headstart Center in 1972 and became a volunteer and the PTA president. Her enthusiasm for the Headstart program was evident, and the following year she was offered a position as a Headstart teacher with the Midland Community Action Agency, which later became the Midland Human Resource Development Commission. There she flourished in the classroom as she helped prepare young children for the rigors of school and helped mold their characters.

Throughout her life, Mrs. Adams has had a passion for writing. She is well known for her love of poems, many of which have been published. She also shares her poems with family and friends for funerals, class reunions, and family reunions. Currently she is working on a book about her mother's life, which she hopes to have published.

This love of writing led Mrs. Adams to explore another area of teaching and in 1987 she took over the Richland School District One Writing Lab at Eau Claire High School. For 5 years, she enjoyed sharing her love of writing with students; however, the tug of young children soon pulled her back to her roots in the Headstart program.

In 1992, Mrs. Adams became the center coordinator/teacher at the Lexington Headstart Center. She remained in that capacity until earlier this month when she officially retired after an amazing career in education.

Throughout her career, Doretha Adams has enjoyed the support of her family, husband George N. Adams and their three children. Today she has four grandsons and a great grandson.

She has also been guided through life by her faith. Mrs. Adams has been a member of First Nazareth Baptist Church for more than 50 years and serves on the Senior Missionary Society. She is also a member of Delta Sigma Theta Sorority and the Ladies Auxiliary Club at the VFW Post 4262.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Mrs. Doretha Adams for her dedication to and love for education. She has been a wonderful role model and good influence on countless young lives, and I offer her best wishes and God speed upon her retirement.

IN HONOR OF THE 100TH ANNIVERSARY OF THE FOUNDING OF THE TOWN OF MONMOUTH BEACH

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. PALLONE. Mr. Speaker, I rise today to honor and recognize the 100th anniversary of the founding of the town of Monmouth Beach.

Monmouth Beach is a town in my district that lies between the Atlantic Ocean and the Shrewsbury River. Monmouth Beach was originally part of Shrewsbury Township, which was formed in October 1693. The borough became part of Ocean Township in 1849. While the town remains mostly residential, it has a tourism industry that dates back as early as 1842.

One of the oldest and most unique buildings in town, the Church of Precious Blood, is a unique Monmouth Beach landmark. This 110-year-old structure was built by local shipbuilders to resemble an upside-down ship.

The town once included the flourishing Galilee fishing community. Fishermen in the community sold most of their catches to merchants at New York City's historic Fulton Fish Market.

At one time, this community and the surrounding area housed the largest pound boat fishing industry along the U.S. coast.

This beautiful shore community was incorporated on March 9, 1906, when it seceded from Ocean Township. Monmouth Beach is a small town, encompassing only one square mile, but it offers beautiful white sand beaches and friendly year round residents as part of its charm. The town's beaches offer some of the best fishing opportunities in the country.

Monmouth Beach began its centennial celebration on May 19, 2006 and residents will continue to celebrate this special event throughout the year. The celebration includes an exhibit of historical artifacts from the town of Monmouth Beach and original artwork from the many talented artists who reside in Monmouth Beach. On May 21, 2006, the Monmouth Beach Police Department also celebrated its 100th birthday. I commend this fine institution for its service to the community of Monmouth Beach.

Mr. Speaker, I am proud to represent the citizens of Monmouth Beach and join with them in celebrating the centennial. Therefore, I rise today to honor the 100th anniversary of the founding of Monmouth Beach.

HONORING CAPTAIN BRIAN D. KELLY

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Captain Brian D. Kelly, chief of the Office of Command and Control in the Operations Directorate at U.S. Coast Guard Headquarters. Over the years, Captain Kelly has served his country to the best of his ability and deserves recognition for his leadership.

Captain Kelly started his career with a solid foundation. He attended two fine institutions, which provided him with the proper education, training, and skills he would later need to succeed in the United States Coast Guard. With a B.S. in government, he graduated in 1982 from the U.S. Coast Guard Academy. Several years later, he attended the U.S. Naval Postgraduate School where he earned an M.S. in management. The formal training he received certainly played an integral role in Captain Kelly's success.

In his current role in the Office of Command and Control, Captain Kelly was charged with the task of running the Coast Guard's Command Center, as well as the National Response Center. His contributions to this department have been exceptional. Everyday he works with his team to protect and serve the citizens of the United States.

The post 9–11 world we live in has changed the way our servicemen and women work to protect America. A top priority has been to ensure our Coast Guard has the proper training they need to protect this great Nation. In 2002–2003 Captain Kelly served as a Federal Executive Fellow at the Center for Strategic and International Studies. Through this program, Captain Kelly worked on a number of initiatives which included Iraqi post-conflict reconstruction; national security simulation exercises; Smart Border North; and the CSIS Military Strategy. The knowledge he gained through these programs greatly impacted the way he executed future directives.

The Coast Guard is an extremely well run and managed Federal agency. These are the people who ensure our ports and waterways are secure. They also spearhead any water emergency efforts. In addition, the Coast Guard was instrumental in the Katrina relief effort; lives were saved because of their professionalism, perseverance and courage. It is such a great agency because of leaders like CPT Brian D. Kelly.

Mr. Speaker, I ask that you join with me today to honor CPT Brian D. Kelly. He is a remarkable leader and has served his country well. I look forward to working with him in the future. Welcome to Sector Baltimore, Captain.

TRIBUTE TO MICHAEL M. ADLER, PRESIDENT OF THE GREATER MIAMI JEWISH FEDERATION

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. MEEK of Florida. Mr. Speaker, I rise to honor Michael M. Adler, who today concludes his two-year term as President of the Greater Miami Jewish Federation, marking 30 years of dedicated service to the Federation and the community.

Michael Adler's connection to Miami is strong, and for him, community involvement is a family affair. He has the distinction of being Federation's only second-generation president, following in the footsteps of his father, the late Samuel I. Adler, who held the position from 1984 to 1986. For two years prior to being elected President of Federation, Michael served as the General Campaign Chair for the Federation/United Jewish Appeal Campaign, which raises more than $22 million annually for much-needed services in Miami, Israel and in almost 60 countries around the world.

Michael has also served on and chaired numerous committees as part of his service to Federation. Along with his wife, Judy, he was a founding member of the Young Adults Division, chairing it from 1975 to 1977, and was later Chairman of the National Young Leadership Cabinet. In addition to his Federation activities, he has also served as President of Temple Emanu-el on Miami Beach from 1995 to 1998. Over the years Michael has received many awards and honors for his involvement, including the UJA's Herbert H. Lehman Award for Distinguished Service, and the Federation's prestigious Stanley C. Myers Presidents' Leadership Award.

His successes extend far beyond his activities in the Jewish community. He is Chairman and CEO of the Adler Group, one of South Florida's largest and most successful real estate companies, and he has been involved with several successful business ventures in Israel, working closely with Prime Minister Ariel Sharon when Sharon served as Israel's Housing Minister, to oversee the construction of new homes for immigrant families.

Michael is also active in the political community, founding NACPAC, a local pro-Israel action committee. He now serves as Chair of the Jewish Democratic Council's Political Action Committee, and is very active in the Democratic Party.

Our entire community owes a tremendous debt of gratitude to Michael Adler for all that he has contributed to so many people over his years of caring and service. I know I speak for all my colleagues in extending to him a heartfelt "thank you" and our best wishes to Michael, his wife, Judy, and their children Matthew, David and Rachel.

TRIBUTE TO WILLIAM "BILL" ALLEN

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. EHLERS. Mr. Speaker, I rise today to pay tribute to William "Bill" Allen. Bill is leaving the House of Representatives after nearly 4 years of distinguished service to this institution as an attorney with the Office of House Employment Counsel. As an Associate Counsel in the Office of House Employment Counsel, Bill has provided legal advice and counsel on employment issues to at least 124 current Members of Congress, 18 House Committees, the House Officers, and the United States Capitol Police Board. Bill's clients can attest to his tremendous intelligence, legal prowess, creativity, and wit. In addition to his many other contributions, in November 2005, Bill presented oral arguments on the scope of the Speech or Debate Clause before a rare en banc panel of the United States Court of Appeals for the District of Columbia Circuit.

A Connecticut native and son of Frederick E. Allen and the late Evelyn M. Allen, Bill was raised in Ridgefield, Connecticut. Following his junior year of high school, Bill spent a week as part of a fellowship program sponsored by the Connecticut Congressional delegation. As a true New Englander, Bill grew to be a diehard Boston Red Sox fan and his faith was finally rewarded in October 2004 when the Red Sox won their first World Series in 86 years.

A rare "Triple Hoo", Bill earned his Bachelor of Science, Masters in Business Administration, and Juris Doctor from the University of Virginia. While at the University of Virginia, Bill represented the Engineering School, the Darden School, and the Law School on the University's renowned student-run Honor Committee. Bill also served as an officer in the Raven Society and the Virginia Alpha Chapter of Tau Beta Pi, the national engineering honor society.

Bill is returning to private practice as a Senior Counsel at the law firm of Akin, Gump, Strauss, Hauer & Feld, L.L.P, where he worked from 1996 to 2002 on various class actions involving Title VII and the Fair Labor Standards Act. In private practice, Bill intends to resume his pro bono activity in the field of immigration law. While at the firm, Bill averaged over 100 hours of pro bono work per year and, in 2001, was named Akin Gump's Pro Bono Lawyer of the Year for the firm's

D.C. office. Bill's pro bono representations included obtaining political asylum for a Sudanese national who had been repeatedly kidnapped and tortured by the Sudanese government and obtaining United States citizenship for an Ethiopian national.

The U.S. House of Representatives would like to express its deepest gratitude to Bill Allen for his invaluable service to this institution. Bill has worked tirelessly to provide House Employing offices with excellent legal advice and support. We wish Bill tremendous success in all of his future endeavors.

IN SUPPORT OF THE STEM CELL RESEARCH ENHANCEMENT ACT

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of expanding critical stem cell research and to urge the Senate to take action on the Stem Cell Research Enhancement Act (S. 471).

One year ago, on May 24, 2005, the House of Representatives passed the Stem Cell Research Enhancement Act (H.R. 810) by a vote of 238–194. I voted for this legislation because it increases funding for stem cell research, offering hope and the possibility of a cure for millions of Americans suffering from chronic and terminal illness. H.R. 810 also provides for the implementation of ethical guidelines to govern this research.

H.R. 810 would help to make significant advances toward finding a cure for currently incurable diseases such as juvenile diabetes, Alzheimer's, Parkinson's, and spinal cord injuries. Furthermore, expanding this research would increase our understanding of the abnormal cell growth that occurs in cancer and birth defects, which would help create a safer and more efficient way of developing effective drugs.

For millions of individuals and their families, stem cell research provides hope for a life without the stress and suffering that accompany these serious health-related conditions. Expanding funding for this science is an effective way to cultivate the remarkable potential of a technology which could increase our understanding of causes, improve the effectiveness of treatments, and advance our ability to find cures for a wide range of debilitating diseases and other conditions.

Unfortunately, despite widespread, bi-partisan support for this legislation, including over 200 patient groups, universities, scientific societies, more than 75 national and local newspapers, and 80 Nobel Laureates, the Senate has yet to bring it to the Floor for a vote. It is time for the Senate to act to expand stem cell research.

Mr. Speaker, I urge my colleagues to join me today in recognizing the importance of continuing efforts to improve the quality of life for all Americans by implementing legislation to expand stem cell research.

RECOGNIZING THE HISTORY OF THE BLACK HERITAGE STAMP SERIES AND HONORING CLARENCE IRVING

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. MEEKS of New York. Mr. Speaker, I rise today, during the week of the World Philatelic Exhibition being held at the Washington Convention Center, to recognize the history of the Black Heritage Stamp Series and to honor my former constituent, Chairman and Founder of the Black American Heritage Foundation, Mr. Clarence Irving.

In 1976, Mr. Irving conceived the idea of commemorating Black American Women on U.S. Postage Stamps. His proposal was that either of two women, Dr. Mary McLeod Bethune or Mary Church Terrell be so commemorated. This proposal was presented to the Honorable Joseph P. Addabbo who represented my district at the time and the initiative became part of the activities surrounding the bicentennial celebration of the United States.

Two years later, the U.S. Postal Service created a completely new series commemorating Black Americans, with Harriet Tubman chosen as the first historical figure to start the "Black Heritage USA Series". Each year another stamp appears in this commemorative series honoring a prominent African American figure.

Today, at 82, Clarence Irving still heads the Black American Heritage Foundation, organizing or supporting African American art initiatives throughout the country. I am grateful for his determination in realizing his vision and acknowledge him as the "Father of the Black Heritage Stamp Series".

IN APPRECIATION OF MS. AMY WOOLF

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today in appreciation of an outstanding leader in the education field. I am pleased to acknowledge the dedication of Ms. Amy Woolf, an educator at Edgewood High School in Harford County.

Ms. Woolf attended SUNY Geneseo where she earned her degree in Biology and Secondary Education Certification in Biology and General Science. She went on to further her education at Towson University earning a Master's Degree in Health in 1998 and an Administrative Certificate in 2003.

She has been very active in Edgewood High School. She is the advisor to the Honor Society; a tennis coach; a member of the School Improvement Team; a member of both the Honors and Eligibility Committees; a student teacher supervisor; a presenter at staff developments; and a member of the Faculty Advisory Council.

Ms. Woolf wears many hats while teaching at Edgewood High School. She plays a vital role in the education her students receive by her involvement in the General Curriculum Committee, the Forensic Science Curriculum and the Curriculum Committee for Math-Science Magnet. She is also a Biology Curriculum writer.

James Garfield said, "Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained." I believe that education is the key to success in life. We need teachers who love their jobs and encourage their students to thrive in a competitive environment. Ms. Woolf is one of those teachers.

The best thing teachers can do is give their students something to think about outside of the classroom, and that doesn't mean homework. A successful teacher will place a thought in the minds of their students and after a while the student will be able to pull something great out of that thought. Ms. Woolf achieves this greatness with her students. Her involvement in the school is proof of how much she cares about the quality of education the Edgewood High School students receive. She is a great leader in her field and deserves acknowledgement of her achievements.

Mr. Speaker, I ask you to join with me today in thanking Ms. Amy Woolf for providing her students, and the future of our Nation with the best possible gift she can, education.

IN HONOR OF NELSON AND BORDEN McGAHEE--30 YEARS OF MARRIAGE AND SERVICE

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor a couple from my district, Mr. and Mrs. Nelson McGahee of Columbus, Georgia, who on May 15th of this year celebrated their 30th wedding anniversary.

Nelson served his country in the United States Army before beginning a career as a civil servant at Fort Benning in Columbus. He has continued to serve his community as an active member of the Columbus Jaycees and the Columbus Airport Authority.

His wife, Borden Black McGahee, has made her career in broadcast journalism. She grew up as a self-professed "Army brat," and became an avid music lover at the tender age of 3 years old while attending the opera with her mother, a season ticket holder. This love of music brought her to the radio, where she became the news director of an Alabama radio station—a unique position at the time for a woman in Alabama. Upon moving to Columbus, she soon moved to television, where she served as the news director for all three of the affiliate news stations in the city. She left journalism to work in public relations for the Muscogee County School District and currently does freelance writing for the Columbus Ledger-Enquirer and also for Columbus and the Valley Magazine.

Throughout their three decades together, the McGahee's have enjoyed Nelson's passion for all things railroad. Nelson's great-grandfather was a railroad employee, which sparked in Nelson a lifelong interest in trains. Their Columbus home is filled with railroad memorabilia from a variety of historic rail lines.

In tribute to this shared interest, the couple has chosen to spend their 30th anniversary on a train ride in a car filled with history. They secured a ride from Jacksonville, Florida to Washington, D.C. aboard a 1930 Pullman car pulled by Amtrak. In addition to its age, this car has had its share of famous passengers. Former presidents Jimmy Carter, George H.W. Bush, and Bill Clinton have all taken trips in this car. Past presidential candidates, Senators JOHN KERRY and John Edwards, and singer Aretha Franklin, have also traveled on this car. Because of its illustrious passengers, the car has been fitted with Secret Service-approved armor plating and bullet-proof windows, which lie hidden behind the tastefully restored antique features.

Five friends have joined the McGahee's on this voyage, which will include a stop at "Old Ebbitt Grill," a legendary restaurant in the heart of Washington, D.C. This restaurant has served nearly every major American politician throughout its 150-year history.

Nelson and Borden McGahee are wonderful people who have shared a wonderful marriage. Their love for each other is inspirational, and surely their next 30 years will be as passionate as the first. This Southwest Georgia couple has chosen a distinctively American way to celebrate their anniversary and we wish them nothing but happiness as they proceed full-steam ahead into their future.

THE SIXTH DISTRICT'S AMERICAN IDOL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. COBLE. Mr. Speaker, in the biggest electoral debate since the Bush-Gore presidential election in Florida in 2000, people are still talking about the selection of this year's American Idol from the television program with the same name. With no disrespect intended toward this year's winner, Taylor Hicks, most people think this year's American Idol should have been Chris Daughtry of McLeansville, NC.

I will admit, Mr. Speaker, that I am extremely biased in this debate because Chris Daughtry is a resident of the Sixth District of North Carolina. And it would have been the second time that a town in the Sixth District produced the winning Idol, since previous winner, Fantasia, hailed from High Point, NC. That being said, most online polls, fan blogs, numerous web sites, and general talk about town all hailed Chris Daughtry as the next American Idol.

Most people know that my musical tastes run more towards traditional bluegrass music, so I am not a good judge of what is hot in the rock and pop music scenes. But I do know politics, and from everything I could learn, Chris Daughtry appeared to be the fan favorite. While I will not call for Congress to investigate this Idol election process, those of us who reside in the Sixth District of North Carolina will always be convinced that our guy really won—sort of like fans of Al Gore in 2000.

Oh well, we are proud to say that we are the home of the real American Idol, Chris Daughtry of McLeansville, NC.

IN RECOGNITION OF NORMAN BERMES' OUTSTANDING SERVICE TO THE EVACUEES OF HURRICANE KATRINA

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. BURGESS. Mr. Speaker, I rise today in recognition of Norman Bermes and his wife Frances. Mr. Bermes immediately mobilized private resources in East Fort Worth to respond to the desperate needs of the evacuees who arrived in the city, escaping the ravages of Hurricane Katrina when it impacted the Gulf Coast on August 29, 2005.

As the first evacuees began to enter the city, utilizing whatever means they could access and utilizing what limited resources they could carry, Mr. Bermes read the reports and newscasts and was not only early to understand the plight these individuals faced, but was quick to turn a compassionate concern into action.

With the assistance of his wife, Frances, and other friends and associates from East Fort Worth, Mr. Bermes quickly organized a community effort to coordinate volunteers, space and donations to provide for the deep needs of the visitors arriving in the city in a steady stream from the Gulf Coast.

By working through area churches and his network in the East Fort Worth Business Association, Mr. Bermes addressed the immediate need for food, clothing and housing for the evacuees.

His efforts secured access to several unoccupied individual apartments in the Woodhaven community. Regular communication through email, the Greater Meadowbrook News and fliers distributed through the community assisted in providing toiletries, paper, canned goods, clothing and kitchen necessities to allow the evacuees to reestablish daily lives after arriving, frequently, with only the clothes on their backs.

Mr. Bermes quickly recognized that beyond this need the evacuees would quickly need employment and other long-term solutions to enable them to regain their self-sufficiency. Continued efforts on his part and with volunteers established a Jobs Resource Center in one of the apartment units, equipped with internet access for email and online searches. Additionally, they were able to provide resume creation assistance, counseling for interview skills and a jobs posting effort to match local employers with a new and anxious labor pool.

Practical creativity allowed Mr. Bermes and his volunteer assistance to press through the systemic challenges and surprises, including warehousing and distributing a truckload of donated mattresses and the thousands of other donations where they could be utilized by those in need.

By Thanksgiving, when they held the Cajun Thanksgiving Party for all of the evacuees, Mr. Bermes had mobilized resources and individuals to provide for over 50 families and 140 individuals. In doing so he touched engendered a sense of community among the newest residents of East Fort Worth and showed the warmth and compassion of North Texas.

I am honored to represent Mr. Bermes and the family and friends who know him and his compassion that made such a difference in providing hope, dignity and encouragement in the aftermath of such a tragedy on a scale our country has never before experienced.

IN APPRECIATION OF MS. KERRIE BAUER

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today in appreciation of a fine educator from Joppatowne High School. Mathematics Department Chair, Kerrie Bauer is worthy of great recognition. She is an inspiration to her students and her peers. Her continued faith in students has made a tremendous impact on a countless number of lives.

Ms. Bauer began the foundation of her higher education at Elizabethtown College. She later earned her Master's degree from McDaniel College and has since been certified as a cognitive tutor for the countywide algebra curriculum.

She is able to take a complex subject like mathematics and break it down into pieces so students have a better understanding of formulas. She encourages students through a positive learning environment. Ms. Bauer introduces students to creativity in the classroom; students learn the Quadratic formula to the tune of "Pop Goes the Weasel," and practice math problems through group activities.

Ms. Bauer has made it a point to actively participate in school activities. She is a co-advisor to the National Honor Society; a member of the school Improvement Team; the Mariner Varsity Softball Coach; a member of the school Advisory Committee; and she volunteers at various athletic events. In addition to these contributions, she also organized a students vs. faculty basketball game to raise funds for the Johns Hopkins Research Hospital for Kidney Research after sisters, and former Joppatowne students, Amanda and Abby Gilland, died within a year of each other from a rare kidney disease.

Her hard work and dedication have not gone unnoticed, Ms. Bauer was named Teacher of the Month twice. She was nominated seven times to the list of "Who's Who Among High School Students," and she was voted as the school's "Most Spirited Teacher" for four years.

Ms. Bauer sets high expectations, but attainable goals for her students. She provides them with academic and social guidance. She is convinced all students can be successful in life if only someone believes in them. This is a woman with one goal in mind: to equip young people with the skills and knowledge they require to be productive, successful members of society.

Mr. Speaker, I ask that you join with me in thanking Ms. Kerrie Bauer for providing her students with the support, confidence, courage and knowledge they need in today's society.

INTRODUCTORY STATEMENT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. HARMAN. Mr. Speaker, last year, the Intelligence Community made painful decisions about the architecture of our satellite programs. These were hard choices. We have worked carefully to mitigate the damage and retain the capability. The future depends on assuring that our decisions are implemented well. That requires a talented and motivated workforce—both military and civilian.

The legislation being introduced today requires the Air Force to study the impact of proposed personnel cuts on our space programs.

The bill's sponsors believe that the cuts mandated by the Quadrennial Defense Review could have an enormous impact on the space community, particularly the intellectual talent that gives us the edge over our adversaries and that we have worked so hard to build up over the past decade.

Allowing the Air Force to gut its personnel—both Active Duty and contractor support—without the benefit of an impact statement could undercut the careful measures we took to preserve and protect the industrial base.

The Department of Defense comptroller has directed the Air Force to "aggressively reduce contractor support." This is a very dangerous path. Contractors have formed the core of our rebuilt space capability after we literally dropped billions of dollars of research and hardware into the ocean in the 1990s.

While active duty members often are forced to rotate out of the command due to the pressing needs of the service, the contractor community has provided much of the intellectual capacity, stability, and continuity to keep our programs on track.

Today, the Space and Missiles Command, located in El Segundo, California, in my Congressional district, has a record of which everyone is proud—45 successful launches, including 12 Evolved Expendable Launch Vehicles. We dare not put that record in jeopardy by releasing one-third of our brain trust.

This desire for continuity is also reflected in the Intelligence Committee's report accompanying the FY 2007 Authorization bill, which passed the full House last month. In it, our Committee wrote: "Simply put, complex space systems acquisition requires extraordinary specialized knowledge, skills, and dedicated effort over time."

For that very reason, Congress has a right—and a responsibility—to understand the impact of these cuts and to be assured that our capability will not be further eroded in the face of pressing national security challenges.

I urge my colleagues to support this important legislation.

THE IDENTITY THEFT PROTECTION FOR THE DECEASED ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. DAVIS of California. Mr. Speaker, I rise today to address a horrible form of identity theft.

We have heard plenty lately about the need to take swift action to prevent this serious crime. Just this month, one of the largest data security breaches in history occurred when the Department of Veterans Affairs (VA) lost the names, Social Security Numbers, and the dates of birth of over 26 million Americans. We hear a lot about security breaches and the identity theft of living Americans. One aspect of the crime you do not always hear about is the misuse of personal information of deceased Americans.

This is a serious issue for many reasons. For one, it is their loved ones who pay the price. Months or even years after a family member passes away, surviving spouses or other relatives will begin to receive credit card bills or even phone calls from bill collectors. A predator can go onto certain websites and purchase Social Security Numbers that are sold for purposes of tracking family histories and genealogy. The predator then uses the Social Security Number to apply for credit cards, loans, and other forms of consumer credit.

There were even reports that a predator was misusing the personal information of a New York resident who died in the September 11, 2001 terrorist attacks. In another case, a woman began to receive bills addressed to her daughter who had passed away 17 years before.

In my hometown of San Diego just recently, the local news media shed light on another unfortunate case. A predator took information on a woman published in an obituary and used it for identity theft crimes. It was up to her son to repair the damage and put an end to the abuse. I cannot imagine the emotional toll these cases must take on surviving relatives, and I rise today to take action to prevent further cases of this crime.

It is time Congress acted to block this form of identity theft from continuing. Predators can collect this information with relative ease giving them a steady supply of Social Security Numbers, dates of birth, and the information they need to commit these horrible crimes. Furthermore, this form of identity theft can ruin the good names and pristine credit histories of those who are deceased. Unless we take action, family members will continue to suffer from the misuse of their loved one's personal information.

My legislation, the Identity Theft Protection for the Deceased Act, requires that the federal government inform each national credit bureau when an individual passes away. In turn, the credit bureaus will flag the histories of those who have deceased and potential creditors will know not to issue lines of credit or new loans to those attempting to misuse their personal information.

Mr. Speaker, I urge that we act to stop this vicious form of identity theft and protect the relatives of America's deceased.

TRIBUTE TO MARY WILLIAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a dedicated employee of the State of South Carolina with whom I have had the extraordinary pleasure of working with as she prepares to retire from public service. Mary Lee Williams has served for more than twenty-five years on the staff of the South Carolina Human Affairs Commission (SHAC).

In 1983, during my tenure as South Carolina Human Affairs Commissioner, I selected Mary as the agency's employee of the year. My comments at the time were "being a receptionist in any office is difficult, but when that difficulty is compounded by having to serve as a first point of contact to people who feel that they have been unfairly treated in the workplace, the job becomes nearly impossible." I commented in my recognition that Mary "has over the years demonstrated that she has the capacity to do the nearly impossible." I know the same is true today.

Mary Williams is a native of Richland County and is a product of its public schools. She joined us at SHAC in 1980, where she continues to serve ably as an Information Specialist. Her demeanor is friendly and helpful, and she always treated those seeking the Commission's help with dignity and respect.

Mary draws her strength of character and her strong work ethic from her faith. She has been a member of Bethehem Baptist Church for fifty-three years. There she lends her talents to singing in the Musical Choir, serving in the Women's Ministry, and teaching Sunday School classes.

She has a beautiful voice and has been a member of Columbia, South Carolina's Capital City Chorale for a number of years. The Chorale has performing on NBC's Today Show and I have had the pleasure of sponsoring them in Washington, DC on two occasions. She also shared her talents as a soloist during a Black History Month program I keynoted at the Dorn Veterans Hospital in Columbia, and has been awarded a Certificate of Appreciation from the Veterans Administration for her service.

Mary has also found time to serve her community as a volunteer. She has donated her services to the Meals-On-Wheels program for 17 years. For five years, she served on SHAC's United Way Annual Campaign team, She has been an active member of both the National Association of Human Rights Workers and the South Carolina State Employees Association.

Mr. Speaker, I ask you and my colleagues to join me in congratulating Mary Ann Williams on her retirement from the South Carolina Human Affairs Commission. She is a wonderful example of a dedicated public servant who has made a true difference in the lives of others. On a personal note, I thank Mary for her friendship and support over the years. I wish her the best and Godspeed in her future endeavors.

THE DISTRICT OF COLUMBIA MEDICAID REIMBURSEMENT ACT OF 2006

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. NORTON. Mr. Speaker, I introduce the District of Columbia Medicaid Reimbursement Act of 2006 today to raise the federal medical assistance percentage (FMAP), the federal contribution from the federal government, to 75 percent from 70 percent and to reduce the District's unique role as the only city that pays the full local cost of Medicaid, a program that is carried by states and counties in our country. New York City, the jurisdiction that powers the economy of New York State, contributes a 25 percent local share to Medicaid while the state pays 25 percent, less than the District's statutorily mandated 30 percent contribution. I introduce this bill because the District's continuing responsibility for most Medicaid costs that are typically borne by entire states is a major component of the District's structural deficit and threatens the stability of the city itself.

The District's Chief Financial Officer reports that rapidly increasing Medicaid costs put the city at risk. In FY 2005, these costs accounted for $1.4 billion or 22 percent of the city's gross funds budget. Total program costs have risen 42 percent since 1999, and are projected to increase by another $39 million this year. Yet the District, unlike other large cities which have lost significant populations, has no state and no state economy to share this burden. More than 25 percent of District children and adults are enrolled in Medicaid compared to 12 percent in Maryland and just 9 percent in Virginia. On average, the District spends over $7,000 per enrollee, while Maryland and Virginia spend $5,509 and $5,177, respectively, reflecting serious health conditions that are concentrated among big city residents.

The D.C. Medicaid Reimbursement Act of 2006 is the seventh in the "Free and Equal D.C." series. This series of bills addresses inappropriate and often unequal restrictions placed only on the District and no other U.S. jurisdiction. Although today's bill cannot address the entire structural problem that the District faces because the city is not part of a state, the bill would eliminate the greater percentage the District pays than any city by allowing a 25 percent city contribution, rather than a contribution even greater than New York City.

In 1997, as part of the Balanced Budget Act, Congress recognized that state costs were too costly for anyone city to shoulder. To alleviate the resulting financial crisis, Congress increased the federal Medicaid contribution to the District from 50 to 70 percent, and took responsibility for a few state costs—prisons and courts—relieving the immediate burden, but the city continues to carry most state costs.

In 1997, a formulaic error in the Medicaid Disproportionate Share Hospital (DSH) allotment reduced even the 70 percent FMAP share, and as a result, the District received only $23 million instead of the $49 million due. I was able to secure a technical correction to the Balanced Budget Act of 1999, partially increasing the annual allotment to $32 million from FY 2000 forward. I appreciate that last year, Congress responded to my effort to get an additional annual increase of $20 million in the budget reconciliation bill, bringing D.C.'s Medicaid reimbursement payments to $57 million as intended by the Balanced Budget Act. This amount did not reimburse the District for the years a federal error denied the city part of its federal contribution, and in any case, of course, was not intended to meet the structural problem this bill partially addresses.

The District has taken important steps on its own to reduce Medicaid costs through greater efficiency, and to treat and prevent conditions that prove costly when hospitalization or expensive treatments become necessary. The District Medicaid agency won federal recognition as one of only two Medicaid programs nationwide to exceed the federal government's child immunization goal for school-age children at 95 percent, and improved its fraud surveillance, recovering $15 million in fraudulently billed funds. The city's novel D.C. Health Care Alliance, for which federal approval is pending, would allow coverage of residents and provide more early and preventative care, avoiding huge Medicaid costs when health conditions become severe and Medicaid becomes the only option.

I urge my colleagues to join me in supporting this increase that will help my city's most needy residents.

* * *

IN APPRECIATION OF MS. CATHY SAYRE

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I proudly rise before you today in appreciation of an educator who has devoted 39 years of her life to bettering the lives of our children. Ms. Cathy Sayre is truly worthy of recognition for her dedication to Solley Elementary in Anne Arundel County.

Ms. Sayre is a graduate of Western Maryland College. Shortly after earning her degree she informed her parents she did not want to be a lab technician as planned, rather she would pursue a career in education; we are certainly glad she did. Ms. Sayre has been an instrumental part of the developmental process of many children.

As an elementary teacher, Ms. Sayre taught first, second, third, and fourth grades as well as a combination of second and third grades. She has educated over 1,200 students in her career. She is admired by peers and adored by her students.

Teachers are often the unsung heroes of the education field. They play a critical role in the life of a child. Educators instill wisdom in the minds of children; they lead our nation's youth into the journey of adulthood. John F. Kennedy said, "Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation."

Ms. Sayre has touched the lives of her students. Elementary teachers have a special gift. They leave a lasting impression on our children, which is just the beginning of their educational careers. At a very early age, they learn what skills are necessary to grow and progress in the future. Teachers like Ms. Sayre leave a lasting legacy.

Mr. Speaker, I ask you to join with me in thanking Ms. Cathy Sayre for the outstanding work she has done as an educator. The students of Solley Elementary are very lucky to have such a kind and compassionate person who is dedicated to bettering their lives.

* * *

CONGRATULATING THE PACE HIGH SCHOOL BASEBALL TEAM ON WINNING THE 5-A STATE CHAMPIONSHIP

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. MILLER of Florida. Mr. Speaker, it is my honor today to recognize and congratulate the Pace High School baseball team on winning the Florida State championship 5–A title.

The 19 Pace High School varsity baseball players secured an 11–7 win over Tampa Hillsborough on May 18, 2006, to claim the 5–A State championship. It is Pace's first championship since 1990 and their third State championship over all. On the way to claiming this hard earned title, Coach Charlie Warner rallied the team on three separate occasions, using the Patriots skills and talents to once again take the leading score. "I do not know if there are words to describe it," Warner said. "To come out here and coach this game and see some great talent . . . It's just a real pleasure to be able to do all of this."

The community support from this rapidly growing city was unparalleled. As the Patriots made their way home the next day, Patriot Boulevard, which circles around the school and baseball field, was lined with hundreds of fans dressed in red, white, and blue to welcome home the champs. For 10 of the ball players, this was their last victory at Pace High School; these 10 seniors graduated the next evening. I have no doubt that they will continue to inspire and make positive impacts on those around them.

Their resiliency has not only made me proud, but also their families, friends and community proud as well. As Pace High School Principal Frank Lay always says, "It's great to be a Pace Patriot," and it's also great to represent the Patriots.

Mr. Speaker, on behalf of the United States Congress, I would like to congratulate the Pace High baseball team on their State victory and thank him for representing Santa Rosa County in such a first-class manner.

THE WORLD HUNGER CRISIS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. SMITH. Mr. Speaker, today I chaired a hearing to examine the enormous need for food aid around the world, particularly in sub-Saharan Africa which has the greatest need. As an essential element for life, the assurance of food availability must necessarily be a focal point of our humanitarian assistance programs and at the forefront of our interventions on behalf of those in the greatest need. While the extent of that need can at times be overwhelming, we must keep in mind the verses of Matthew 25, "as you did it to one of the least of these my brothers, you did it to me," and "as you did not do it to one of the least of these, you did not do it to me."

Last August, I, along with Greg Simpkins of the Africa Subcommittee staff, visited Kalma and Mukjar refugee camps in South and West Darfur. We saw first hand how food aid was making the difference between life and death for the thousands of people in the camps. We spoke with many people whose lives had been utterly devastated by the ravages of war, but who were keeping hope alive thanks to the gifts of international humanitarian aid and food aid.

However, our visit to these camps raised the question as to what the Government of Sudan, as well as other developing country governments, are going to do about contributing to the elimination of hunger by opening their own stocks of food or by facilitating, rather than hampering, the delivery of food to hungry people in their countries. In Sudan, the government has not only failed to contribute to the feeding of its own people, but has actually interfered with the supply of food to those in need in the Darfur camps like the ones we visited. Moreover, the Government of Sudan placed a commercial embargo on Kalma camp while we were there that prevented the sale of food and other necessary items to those able to buy them in the camps. We in the developed world should help feed those in need, but it is also the responsibility of the governments in question to respond to the needs of their own people.

The UN World Food Program has announced that almost 731,000 metric tons of food will be needed this year to feed the 6.1 million people caught in the conflict in Southern Sudan and Darfur. Over 89,000 metric tons is needed in Eastern Chad for Sudanese refugees, Chadian nationals adversely affected by the influx of refugees, and a contingency reserve of six months for the refugees. An estimated 6.25 million people in the Horn of Africa face a severe humanitarian crisis this year resulting primarily from successive seasons of failed rains in that region. The World Food Program has sent out appeals for approximately 1.6 million metric tons of food aid for the Horn of Africa and the rest of the sub-Sahara.

This does not include, of course, the emergency food needs of peoples in other parts of the world, including Haiti, North Korea, Afghanistan, Bangladesh and Indonesia.

It is important to keep in mind that behind these mind-boggling numbers are real men, women and children, people like you and me, individuals who are suffering not only the present pangs of hunger but who will have to live with the long-term effects of mal- and under-nutrition. There are also those for whom the lack of food exacerbates the cruel effects of HIV/AIDS, malaria and other diseases, thereby increasing the likelihood of death. This is the reason why it is so important for us to examine the crisis of world hunger, and to continue to direct our efforts to address it.

I am proud to say that we Americans continue our long tradition of compassion and generosity in responding to these needs. The United States is the primary donor of food aid in the world and the leading donor of food aid to Sudan and Chad. The U.S. Government has contributed a total of $282.2 million worth of food aid thus far in FY 2006 to Darfur and the Sudanese refugees in Chad through the World Food Program and the International Committee of the Red Cross. This follows contributions totaling $324.5 million to the same two organizations in FY 2005 for Sudan and Chad, in addition to 200,000 tons of wheat from the Bill Emerson Humanitarian Trust for Darfur.

The United States is also addressing the nutritional needs of particularly vulnerable populations. The President's Emergency Plan for AIDS Relief maximizes leverage with other donors including the USAID, the USDA and the World Food Program (with U.S. financial support) to address the needs of HIV-affected communities, both in terms of providing direct food assistance and in addressing the underlying causes of food insecurity.

During the hearing, we heard from our distinguished witnesses about the hunger crises in our world, what is being done to respond, and recommendations as to how we can respond better. Witnesses also testified about the contribution that U.S. food aid makes to longer-term, non-emergency development goals and the corresponding impact that this food aid has on individual lives. The most recent data available indicates that over 4 million children in 26 countries participated in the McGovern-Dole International Food for Education and Child Nutrition program in fiscal years 2003 and 2004. This program has resulted in higher school enrollment and improved access to education, especially for girls.

It is also reported by teachers and program administrators that the FFE program has increased local communities' concern for and participation in their children's education. There is a general improvement in academic performance as children are better able to concentrate after receiving a nutritious school lunch. Both families and the school community benefit from training on food preparation, health and hygiene. In this regard, we were privileged to hear testimony from Mr. Gabriel Laizer, who now works on international development issues for the Alliance to End Hunger and who started his career as a beneficiary of a feeding program in his primary school in Arusha, Tanzania.

My good friend Tony Hall, a former Member of Congress who just recently left his position as the U.S. Ambassador to the UN Agencies for Food and Agriculture, also testified. He has published a book recently entitled, "Changing the Face of Hunger," which I highly recommend, and which recounts many stories from Ambassador Hall's years of confronting hunger, poverty and oppression throughout the world. In his conclusion, he writes, "when you show Americans the poor and the hungry—when you connect with them and educate them and they see the problems themselves—they don't turn their backs. They want to help. They respond. We are a compassionate people, a giving people. We care."

In that spirit of compassion, I would ask my colleagues in Congress to continue to support the FY2006 emergency supplemental appropriation of $350 million for food aid. While encouraging other international donors to respond in a likewise generous manner, we must continue to help, to respond, to show that we care.

It is my hope and expectation that we may further educate ourselves, our colleagues in Congress and the American people about the poor and the hungry, and we may respond with the compassion that they so desperately need.

HONORING ASHLEY HULTMAN ON THE COMPLETION OF HER INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GORDON. Mr. Speaker, I rise today to thank Ashley Hultman for her service during her internship in my Washington, DC, office. During her time on Capitol Hill, she has been a great help to me, my staff and my constituents in Tennessee's Sixth Congressional District.

Ashley is no stranger to the workings of a congressional office. Prior to interning in the Nation's capital, she assisted the staff in my Murfreesboro, Tennessee, office. While helping us with countless projects and endearing herself to constituents as she guided them through the Capitol or helped them cut through red tape at Federal agencies, she has certainly gained a wealth of experience that I hope will serve her well.

While we have enjoyed her help, Ashley now must return to Middle Tennessee to complete her degree at my alma mater, Middle Tennessee State University, where she is studying art history and political science.

I hope Ashley has enjoyed her internships as much as we have enjoyed having her help here in Washington, as well as in Murfreesboro. I wish her all the best in the future.

STATEMENT ON PASSING OF G.V. "SONNY" MONTGOMERY

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to pay my respects to

Mr. Veteran, Gillespie V. "Sonny" Montgomery, who died May 12.

He served for 30 years in the House and I was lucky enough to serve with him on the Veterans Committee.

When I was first elected to Congress in 1992, I knew that I wanted to serve on the Veterans Committee. I could think of no better way to serve my constituents or my country than to be on the committee that oversees the Department responsible for helping so many people. Sonny Montgomery was my inspiration.

I was a new member and introduced myself to the chairman. A more gracious and gentle man you could not meet.

I was walking down the hall with the former Speaker from the Florida legislature. Sonny made a comment that I was a pleasure to work with and how much he enjoyed my participation in the Committee. The former Florida Speaker said you don't know her very well, she'll cut your heart out.

He was deeply committed to the cause of veterans and worked in a bipartisan manner to get that done. He also started the Bipartisan Prayer Breakfast which still meets every week.

Everyone was Sonny's friend. He was blessed to be surrounded by so many caring friends.

"Let the work that I have done speak for me" is a favorite line from a hymn. This line explains how Sonny lived his life.

God Bless Sonny Montgomery.

IN APPRECIATION OF MS. ROXANNE DODSON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RUPPERSBERGER. Mr. Speaker, I am proud to rise before you today in appreciation of a woman who has dedicated her life to educating young people. For eighteen and a half years, Ms. Roxanne Dodson has taught the beauty of art to Aberdeen Middle School students in Harford County. She has gained support and admiration from her peers and the school's administrators for her gift of education.

Art is a subject which is unlike any other. It is not a matter of right or wrong; instead it is a test of one's inner self. Some students simply do not have a natural gift in the arts; however, Ms. Dodson teaches personal growth and self acceptance. Students are rewarded for their courage to experiment and "think outside the box." They are taught much more than basic lines, curves and colors: they are taught how to try something new and accept the talents they possess.

Ms. Dodson is devoted to the students of Aberdeen Middle School. She uses her honed skills to assist with the school plays, concerts, and other special events. She says, "When a student knows a teacher cares, the emotional walls, no matter how thick, start to disintegrate."

I believe a successful learning environment is a safe environment. When students feel safe, they give more of themselves to the classroom, which results in learning. This is critical for the arts. An artist, no matter what level, must tear down their defensive walls to produce good, honest work.

Ms. Dodson received a Maryland Art Education award for outstanding service in 2001. Using her Masters degree in at-risk students, she developed a program to engage students who lack connection to other extra-curricular activities. This group created a garden entrance in their courtyard.

Ms. Dodson allows students to believe in themselves. She shows them the potential they have and encourages them to see their strengths. Her humorous and down-to-earth personality makes her approachable by students. She is among the elite in educators.

Mr. Speaker, I ask that you please join me in thanking Ms. Roxanne Dodson for awakening the expectations of her students and stimulating the creativity they will need for the rest of their lives. She is an inspiration to all educators.

IDENTITY THEFT PROTECTION ACT OF 2006

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. MALONEY. Mr. Speaker, I am introduing a bill today that allows individuals to protect themselves from identity theft by controlling access to their credit report and information through a simple and low-cost process.

Under this bill, only those persons specifically authorized by the individual would have access to their credit report. This is the most effective tool we have to combat identity theft. A credit report freeze works because it actually stops the granting of new credit, unlike the lower standard of a fraud alert, which only conditions the granting of credit.

This would not affect the use of credit cards or existing credit. It only prevents the issuance of new credit unless the individual requests the credit report be sent to the lender. This gives individuals control over their credit report and allows them to protect themselves.

The bill that I am introducing is closely modeled on a bipartisan bill introduced in the Senate cosponsored by Senators MCCAIN and CLINTON, among others, and very closely similar to a bill introduced by Senator SHELBY in the Banking Committee. It is supported by the National Association of Attorneys General and all the groups concerned about individual privacy protections.

Many State laws give the right to freeze access to their credit report to everyone, but the data protection bills introduced to date addressing this issue would limit this right to proven victims of identity theft—those for whom the horse has already left the barn—and deny many whose data has been stolen the ability to prevent identity theft. Consumers would have to wait for harm to occur before they could prevent it. That makes no sense.

I also believe that any Federal file freeze must be easy to use, convenient, low cost, and available to all consumers, and my bill provides that.

I think that a national standard giving all individuals the ability to control access to their credit reports would create the market conditions for new security systems to develop to make the process of freezing and unfreezing even easier. Just as when eBay burst on the scene we had secure payments systems like PayPal spring up, so if file freeze becomes a national phenomenon, we will have entrepreneurs develop secure systems of freezing and unfreezing.

I urge Members to support this legislation and give their constituents this moderate and sensible tool to protect themselves from identity theft.

PAYING TRIBUTE TO RONALD AND WANDA MARTINSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ronald and Wanda Martinson for their 25 years of marriage.

Ron and Wanda are both from Minnesota and are career civil servants. Ron first came to Washington in 1969 to work for Congressman John Blatnik of Minnesota, and subsequently went to work for a Congressman from Texas. After spending six years in the House of Representatives, Ron went to work for Marty Hoffman, the Sergeant of Arms for the Senate, as an Administrative Assistant for six years. Ron then accepted a position in the Executive Branch at United States General Services Administration (GSA). Toward the end of his service at GSA, Ron was detailed to TOM DAVIS, who was then Chairman of the Fairfax County Board of Supervisors, where he worked for three years. Following this detail, Ron retired. In 2003, after six years in retirement, Chairman TOM DAVIS of the House Government Reform Committee persuaded Ron to come out of retirement to be Staff Director for the Government Reform Subcommittee on Federal Workforce and Agency Organization.

Wanda came to Washington in 1974 and worked as Supreme Court Justice Harry Blackmun's secretary for twenty-five years. Following her tenure at the Supreme Court, Wanda went to work at Immigration and Naturalization Service and Wanda now works for the Department of Justice.

Wanda and Ron first met at a bible study in Northern Virginia and began dating. Their courtship was not always "smooth sailing"; in fact, the couple broke up two different times. In keeping with their dedication to civil service and love of the Washington, D.C. political culture, Ron proposed to Wanda in one of the House buildings one evening while returning from a political event Ron and Wanda were married on April 25, 1981 at the National Presbyterian Church in D.C. and their reception was held in the foyer of the Rayburn House Office Building.

Mr. Speaker, I am proud to honor the marriage of Ronald and Wanda Martinson. Their twenty-five years together is both impressive and inspiring. I wish them many more years of happiness together. I now yield the remainder of my time.

CONGRESSMAN HENSARLING HONORS HERB'S PAINT & BODY'S 50TH ANNIVERSARY

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. HENSARLING. Mr. Speaker, today I would like to recognize the outstanding service commitment of the people of Herb's Paint & Body, a local icon around the Dallas metroplex, as they celebrate their 50th year of business and continue to make our community a better place to live.

Founded in 1956 by Herb Walne, Herb's Paint and Body originally was a Humble Gas Station located in the northeast Dallas neighborhood known as Lake Highlands. Over the years, Herb's Paint and Body grew to include a mechanical repair shop, an automatic car wash and a full service paint and body shop. There are now 5 locations, each of which prides itself on following Herb's original goal of offering superior customer service.

Today their commitment extends beyond excellent customer service and reaches beyond the Fifth District. Herb's Paint and Body holds an annual Golf Tournament to support Mothers Against Drunk Driving (MADD) that successfully raised $21,000 last fall. During the Christmas season, Herb's Paint and Body collects toys and canned goods to support the White Rock Center for Hope and help brighten underprivileged families' holidays. Although Herb's has expanded north, they continue to be deeply rooted in Lake Highlands through community involvement with schools and students. Recently, Herb's Paint & Body joined me in honoring the Lake Highlands High School Varsity Cheerleaders at the "Red Out" celebration that raised money for the Red Cross to help Hurricane victims. Thanks to the generosity of Herb's, the cheerleaders were able to sell the red T-Shirts that Herb's Paint and Body donated and raise almost $14,000.

As the congressional representative of Herb's Paint & Body, it is my pleasure to recognize their excellence in service to the communities of the Fifth District of Texas.

EXTENSION OF FEMA HOUSING ASSISTANCE DEADLINE FOR HURRICANE KATRINA SURVIVORS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to oppose the pending termination on May 31, 2006 of the FEMA housing assistance for survivors of Hurricane Katrina.

FEMA was required to submit a plan for developing transitional and eventually permanent housing for those who lost their homes in Katrina by January 6 of this year—but this plan still has not been submitted.

Now, without itself having figured out how best to provide housing to those left homeless by the hurricane, FEMA is poised to leave some 55,000 families—many with very young, or very old, or even very sick members—without any viable option for finding or affording housing and with few remaining options for seeking Federal assistance except on a very short-term basis.

Mr. Speaker, shortly after Katrina devastated New Orleans, the President pledged that our Nation would help that city and its citizens rebuild their lives. Not only has the President failed to honor that pledge, but the administration is now willing even to force those who lost everything out of the temporary housing provided to them in the wake of the storm. This is shameful. Is this how we should treat our brethren who have suffered and lost so much?

I urge my colleagues not to let FEMA fail, once again, those who have been failed by the government at every turn of this natural disaster. I urge my colleagues to join me in urging the administration to extend the FEMA temporary housing deadline.

STATEMENT OF ONE YEAR ANNIVERSARY OF PASSAGE OF H.R. 810

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. EVANS. Mr. Speaker, yesterday marked the 1 year anniversary of House passage of H.R. 810, the Stem Cell Enhancement Act. Hundreds of patients, their loved ones, and advocates were here to remind the other body that we are still waiting for this research to move forward. We have not forgotten.

Every day scientists are breaking new ground in the study of stem cells and bringing new hope and possibility to finding cures for a variety of diseases. Parkinson's disease affects over 1 million Americans, and I am one of those patients. Parkinson's affects every day of my life.

When I was first diagnosed with this dreadful disease, I was told I would have be able to effectively manage my symptoms for a number of years. Unfortunately, in recent months, the symptoms have become more bothersome, and I have announced plans to retire at the end of this Congress. The decision to retire was a very sad one for me because I believe strongly in serving people.

But Parkinson's will not keep me down. I have been overwhelmed by the encouraging letters I have received from my constituents, colleagues and friends, veterans, and well-wishers from across the Nation. I am heartened by your calls and e-mails.

I have said before that having Parkinson's has made me a better Congressman, and it's true. I know first hand what people go through when battling illness or injury. This is why it is so important to pass a bill that will allow us to perform research on more stem cell lines.

It is past time to allow researchers and doctors access to study these important cells. Because embryonic stem cells are the only cells that have the ability to turn into any cell in the body, their potential should not be ignored. They hold not just the potential to provide direct treatments and cures for today's debilitating injuries and illnesses, but they hold the key to unlocking our understanding of how the body works at the most fundamental level.

Mr. Speaker, I will say again: Parkinson's will not keep me down. But as I know firsthand, the millions of Americans and their families want research accelerated now. The other body may have not acted yet to pass the stem cell bill, but we have not forgotten. We are hopeful the other body will take this bill up in short order and in turn provide hope for these courageous people.

A MEMORIAL DAY TRIBUTE TO NEW YORK'S FALLEN HEROES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. RANGEL. Mr. Speaker, as we approach the observance of Memorial Day, 2006, I invite my colleagues to join me in paying posthumous tribute to the 2,459 members of the U.S. Armed Forces who have made the ultimate sacrifice while serving in the Iraq War.

These brave men and women came from every State as well as Puerto Rico, the Virgin Islands, Washington, DC, American Samoa, the Northern Mariana Islands, and Guam.

Whatever our views may be on the war, we salute these fallen heroes for their patriotism, sacrifice and bravery. We thank their families and mourn with them, and promise that we will never forget the contributions of their loved ones.

Whether Democrat or Republican, supporter or opponent of the war, we honor those who have given their lives with the deepest gratitude and heartfelt compassion. COL. Geoffrey Slack of New York's Fighting 69th who lost 19 men under his command in Iraq said it well:

> The vast majority of Americans have it right. Regardless of their thoughts about the war, most have separated the soldiers from the policies of Washington. I can't tell you how much that means. The average young man or woman who goes to serve in Iraq has nothing to do with policy. They just go and do what they're asked to do.

As the dean of the New York State congressional delegation, I have enclosed a roster of New Yorkers who have given their lives in Iraq. Also listed is a State-by-State numerical accounting of the deceased.

NEW YORK STATE FALLEN HEROES (AS OF MAY 22, 2006)

City/county of NY, rank, name, and date: Airmont, Corporal, Vahaviolos, Steve, 11–May–06; Albany, Sergeant, Sacco, Dominic J. 20–Nov–05; Baldwin, Private 1st Class, Urbina, Wilfredo F., 29–Nov–04.

Bay Shore, Private 1st Class, Heighter, Raheen Tyson, 24–Jul–03; Bay Shore, Private 1st Class, Fletcher, Jacob S., 13–Nov–03; Bloomingburg, Private 1st Class, Vonronn, Kenneth G., 06–Jan–05; Brentwood, Specialist, Ruiz, Jose L., 15–Aug–05.

Bronx, Commander, Acevedo, Joseph, 13–Apr–03; Private 1st Class, Moreno, Luis A., 29–Jan–04; Sergeant, Engeldrum, Christian P., 29–Nov–04; Staff Sergeant, Irizarry, Henry E., 03–Dec–04; Specialist, Martinez, Victor A., 14–Dec–04; Sergeant, Swindell, Nathaniel T., 15–Jan–05; Corporal, Valdez, Ramona M., 23–Jun–05.

Brooklyn, Lance Corporal, White, William Wayne, 29-Mar-03; Specialist, Sahib, Rasheed, 18–May–03; Private 1st Class, Johnson, Rayshawn S., 03-Nov-03; Sergeant, Jimenez, Linda C. 08–Nov–03; Specialist, Akintade, Segun Frederick, 28-Oct-04; Sergeant, Calderon, Pablo A., 30–Nov–04; Corporal, Behnke, Joseph O., 04-Dec-04; Staff Sergeant, Melo, Julian S., 21-Dec-04; Sergeant, Lozada Jr., Angelo L., 16–Apr–05; Sergeant, Hornedo, Manny, 28–Jun-05; 1st Sergeant, Mendez, Bobby, 27–Apr–06.

Buffalo, Lance Corporal, Orlowski, Eric James, 22–Mar–03; Private 1st Class, Burkett, Tamario Demetrice, 23-Mar-03; Private, Evans Jr., David, 25–May–03; Specialist, Williams, Michael L., 17-Oct-03; Private 1st Class, Bush Jr., Charles E., 19–Dec–03; Sergeant, McKeever, David M., 05-Apr-04; Specialist, LeBrun, Jeff, 01–Jan–05; Specialist, Pfister, Jacob M., 19–Apr–05.

Canandaigua, Sergeant, McMillin, Heath A., 27-Jul-03; Corning, Gunnery Sergeant, Lane, Shawn A., 28–Jul–04; Sergeant, Pusateri, Christopher M., 16–Feb–05.

Delmar/Albany, Captain, Moshier, Timothy J., 01-Apr-06; Depew/Cheektowaga, Sergeant, Gasiewicz, Cari Anne, 04-Dec-04; Douglaston, Specialist, Ling, Roger G., 19–Feb–04; East Islip, Specialist, Pope II, Robert C., 07–Nov-05; East North Port, Chief Warrant Officer 4, Engeman, John W., 14-May-06; Elizaville, Staff Sergeant, Robsky Jr., Joseph E., 10-Sep-03.

Elmsford, Private 1st Class, Arciola, Michael A., 15-Feb-05; Forestport, Private 1st Class, Huxley Jr., Gregory Paul, 06–Apr–03; Garden City, 2nd Lieutenant, Licalzi, Michael L., 11–May–06; Glen Oaks, Lance Corporal, Postal, Michael V., 07–May–05; Hammond, Sergeant, Friedrich, David Travis, 20–Sep–03; Hauppage, Lance Corporal, Kremm, Jared J., 27–Oct-05.

Hempstead, Specialist, Sage, Lance S., 27–Dec-05; Hicksville, Corporal, Kolm, Kevin T., 13–Apr–04; Highland, Sergeant, Williams, Eugene, 29-Mar-03; Specialist, Chan, Doron, 18–Mar–04; Jamestown, Private, Cooper Jr., Charles S., 29-Apr-05; Jamestown/Celoron, Sergeant, Matteson, James C. "J.C.", 12–Nov–04.

Jericho, 1st Lieutenant, Lynch, Matthew D., 31–Oct-04; Jordan, Staff Sergeant, Reynolds, Steven C., 24–Nov–05; Lewis, Corporal, Davey, Seamus M., 21–Oct–05; Lowville, Corporal, Cannan, Kelly M., 20-Apr-05; Mastic, Specialist, Wilwerth, Thomas J., 22–Feb–06; Middle Village, Staff Sergeant, McNaughton, James D., 02–Aug–05.

Middletown, Specialist, Medina, Irving, 14–Nov–03; Middletown, Specialist, Gonzalez, Carlos M., 16-Mar-06; Monroe, Petty Officer 1st Class, Pernaselli, Michael J., 24–Apr–04; Mt. Vernon, Corporal, Gooden, Bernard George, 04–Apr–03; New Windsor, Corporal, Tremblay, Joseph S., 27–Apr–05.

New York, Staff Sergeant, Tejeda, Riayan Augusto, 11-Apr–03; Captain, Wood, George A., 20–Nov–03; Master Sergeant, Toney, Timothy, 27–Mar–04; Lance Corporal, Gavriel, Dimitrios, 19-Nov-04; Lieutenant Colonel, Crowe, Terrence K., 07–Jun–05; Sergeant, Floyd Jr., Clarence L., 10-Dec-05; Specialist, Mercedes Saez, Sergio A., 05–Feb–06; Staff Sergeant, Lewis, Dwayne Peter R., 27-Feb-06; Newark Valley, Petty Officer 3rd Class, Wilson, Nicholas, 12-Feb-06.

Niagara Falls, Staff Sergeant, Bass, Aram J., 23-Nov-05; North Creek, Staff Sergeant, Kimmerly, Kevin C., 15–Sep–03; North Merrick, Specialist, Bandhold, Scott M., 12-Apr-06; North White Plains, Private 1st Class, Cuming, Kevin A., 21–Aug–04.

Orchard Park/W. Seneca, Specialist, Roustum, David L., 20–Nov–04; Philadelphia, Sergeant 1st Class, Howe, Casey E., 26-Sep-05; Port Chester, Lance Corporal, Sanchez Jr., Efrain, 17–Jul–05; Purchase, Specialist, Kalladeen, Anthony N., 08-Aug-05.

Queens, Corporal, Rodriguez, Robert Marcus, 27–Mar–03; Lance Corporal, Lam, Jeffrey, 08-Nov-04; Private 1st Class, Obaji, Francis C., 02–Mar–05; Specialist, Ali, Azhar, 02-Mar-05; Specialist, Lwin, Wai Pyoe, 08-Aug–05; Private 1st Class, Rios, Hernando, 17–Sep–05; Staff Sergeant, Nelom, Regilio E., 01-Feb-06; Specialist, Bustamante, Marlon A., 28–Apr–06; Sergeant, Gomez, Jose, 17–Jan-05.

Rochester, Chief Warrant Officer (CW3), Smith, Eric Allen, 02–Apr–03; Lance Corporal, Schramm, Brian K., 15-0ct-04; Rockville Center, 1st Lieutenant, Winchester, Ronald, 03-Sep-04; Rome, Sergeant, Uvanni, Michael A., 01–Oct–04; Sackets Harbor, Lieutenant Colonel, James II, Leon G., 10–0ct–05; Schenectady, Sergeant, Robbins, Thomas D., 09–Feb–04; Scio (Allegany Co.), Corporal, Dunham, Jason L., 22-Apr-04; South Glens Falls, Private 1st Class, Brown, Nathan P., 11-Apr-04.

Stony Brook (Long Island), Petty Officer 3rd Class, Bruckenthal, Nathan B., 25–Apr–04; Suffern, Captain, Esposito, Phillip T., 08-Jun-05; Suffolk, Lance Corporal, Mateo, Ramon, 24–Sep–04; Taberg/Camden, Sergeant, Parker, Elisha R., 04-May-06; Theresa, Private 1st Class, Perez, Luis A., 27–Aug–04; Tonawanda, Staff Sergeant, Dill, Christopher W., 04–Apr–05; Unadilla, Specialist, Nieves, Isaac Michael, 08-Apr-04; Wallkill, 1st Lieutenant, Dooley, Mark H., 19–Sep–05; Waterloo, Master Sergeant, Auchman, Steven E., 09-Nov-04.

Watertown, Sergeant, West James G., 11-Jul–04; Master Sergeant, Tuliau, Tulsa T., 26-Sep-05; Sergeant 1st Class, Acevedoaponte, Ramon A., 26–Oct–05.

Watervliet/Green Island, Specialist, Fisher, David M., 01-Dec-04; West Henrietta, Specialist, Koch, Matthew A., 09–Mar–05; West Seneca, Specialist, Baker, Brian K., 07-Nov-04.

White Lake, Sergeant, Dima, Catalin D., 13-Nov-04; Whitestone, Private 1st Class, Prevete, James E., 10–Oct–04; Williamsville, Private 1st Class, Shuster, Benjamin C., 25-Feb-06.

NUMERICAL ACCOUNTING OF IRAQ WAR FATALITIES BY STATE (AS OF MAY 22, 2006)

Alabama, 42; Alaska, 9; American Samoa, 5; Arizona, 58; Arkansas, 31; California, 254; Colorado, 33.

Connecticut, 19; Delaware, 11; District of Columbia, 3; Florida, 108; Georgia, 75; Guam, 3; Hawaii, 12.

Idaho, 15; Illinois, 94; Indiana, 49; Iowa, 29; Kansas, 25; Kentucky, 41; Louisiana, 57.

Maine, 12; Maryland, 40; Massachusetts, 36; Michigan, 82; Minnesota, 31; Mississippi, 35; Missouri, 41.

Montana, 10; Nebraska, 23; Nevada, 20; New Hampshire, 10; New Jersey, 43; New Mexico, 17; New York, 117.

North Carolina, 55; North Dakota, 10; Northern Mariana Islands, 3; Ohio, 109; Oklahoma, 42; Oregon, 37; Pennsylvania, 121.

Puerto Rico, 22; Rhode Island, 9; South Carolina, 35; South Dakota, 17; Tennessee, 52; Texas, 217; Utah, 12.

Vermont, 16; Virgin Islands, 3; Virginia, 75; Washington, 46; West Virginia, 17; Wisconsin, 55; Wyoming, 6.

Source: iCasualties.org

COMMEMORATING LOWELL HIGH SCHOOL'S SESQUICENTENNIAL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. PELOSI. Mr. Speaker, I am deeply honored to rise today in recognition of the sesquicentennial of San Francisco's Lowell High School. The oldest public high school west of the Mississippi River, Lowell has now maintained its stellar reputation for excellence for a remarkable 150 years.

Lowell High School, originally named Union Grammar School, was established in 1856 by the San Francisco School Board. It was the first public secondary school in California. In 1894, the school was renamed to honor the distinguished poet, James Russell Lowell. Over the years, Lowell has relocated its campus twice to accommodate more students. It has occupied its current location near Lake Merced since 1962.

For one and a half centuries, Lowell High School has been a model of academic excellence. Lowell has been recognized as one of the best public schools in the Nation by numerous magazines, including Money, Parade, and Town and Country. This year, Newsweek ranked Lowell 26th among all public high schools in the Nation. The College Board ranked Lowell sixth in the number of Advanced Placement examinations administered in 1996; the school was ranked eighth in 1994. Lowell is also a three-time recipient of the U.S. Department of Education's Blue Ribbon Award.

Today, we honor and thank all current and former faculty and staff who have challenged and inspired generations of students to reach their full potential. Lowell's magnificent educators have helped their students achieve the highest level of learning and cultivate the strengths needed to succeed. Lowell produces determined students who matriculate at some of our country's most prestigious universities. Lowell's graduates are well equipped to assume the grave responsibility of making the world a better place.

We must also pay tribute to Paul Cheng for a lifetime of academic leadership, including 16 years as principal of Lowell High School. His contributions to San Francisco's schools and students are extraordinary.

San Franciscans take pride in Lowell's mission to foster an environment of superior learning while maintaining the cultural and social diversity that we respect and embrace. I am proud that San Francisco is the home of this impressive academic institution. Let us all join in celebrating and congratulating Lowell on its 150 years of loyal dedication to our Nation's youth.

HONORING WILLIAM "BILL" GRALNICK

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. WEXLER. Mr. Speaker, I would like to recognize the retirement of a great leader in

American Jewish community, the Southeast Regional Director of the American Jewish Committee, AJC, William "Bill" Gralnick.

For the past two decades, Bill Gralnick has championed Jewish causes and promoted inter-religious dialogue in south Florida. He has built bridges with the Christian and Muslim communities, advocated for strengthened U.S.-Israel relations, and combated anti-Semitism and intolerance in all its forms. He has brought south Florida law enforcement officials together with local clergy, and arranged for exchanges between Israeli security experts and local police. The exemplary work of the AJC in south Florida is a testament to Bill's commitment, and I thank him for his unwavering dedication, spirit and resolve.

Today, I congratulate Bill Gralnick on his years of achievement with the AJC. Bill has been a beacon of leadership in south Florida, and his efforts have benefited the Jewish community both in our area and beyond. Bill has set a shining example for future generations, and I wish him "mazel tov" and much future success.

PRESIDENT CARTER'S THOUGHTS ON THE MIDDLE EAST PEACE PROCESS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. STARK. Mr. Speaker, I would like to encourage my colleagues to consider the thoughts of former President Jimmy Carter on achieving a lasting peace in the Middle East.

[From the Nation, May 25, 2006]

HOUSE VOTE HARMS PALESTINE, ISRAEL, U.S.

(By John Nichols)

Jimmy Carter has been blunt: Despite the fact of a Palestinian election result that was not to their liking, the former president says, "it is unconscionable for Israel, the United States and others under their influence to continue punishing the innocent and already persecuted people of Palestine."

Since the political wing of the militant group Hamas swept parliamentary elections in Palestine, the U.S. and Israel have been trying to use economic pressure to force a change of course. Disregarding the democracy that President Bush says he wants to promote in the Middle East, the U.S. has sanctioned policies that have fostered chaos on the Gaza Strip and the West Bank and created increasingly harsh conditions for people who have known more than their share of suffering.

"Innocent Palestinian people are being treated like animals, with the presumption that they are guilty of some crime," argues Carter, a Nobel Peace Prize winner whose involvement in the Middle East peace process has extended across three decades. "Because they voted for candidates who are members of Hamas, the United States government has become the driving force behind an apparently effective scheme of depriving the general public of income, access to the outside world and the necessities of life."

Instead of checking and balancing the president's misguided approach to an election result that displeased him, Congress has added fuel to the fire.

By a lopsided vote of 361 to 37, the House voted Tuesday for the so-called "Palestinian Anti-Terrorism Act," a measure so draconian that even the Bush administration has opposed it.

The legislation, which still must be reconciled with a similar measure passed by the Senate, would cut off all assistance to the Hamas-led Palestinian Authority, and place conditions on humanitarian assistance delivered directly to the Palestinians by non-government organizations. Presidential spokesman Tony Snow, in restating the White House's opposition to the measure says that it "unnecessarily constrains" the flow of essential assistance—food, fresh water, medicine—in a manner that does, indeed, "tie the president's hand" when it comes to providing humanitarian aid.

It also has the potential to encourage, rather than restrain, violence.

Representative Earl Blumenauer, an Oregon Democrat who was one of the few members of the House to argue against the legislation, correctly explained that the approach endorsed by most of his colleagues will strengthen the hand of Palestinian extremists.

"It does little to prioritize on the basis of our strategic interests, and provides no prospect for Palestinian reform coming through the process of negotiations," Blumenauer said of the legislation. "In so doing, it weakens the hands of those who advocate for peace negotiations, and supports those extremists who believe in violence."

Debra DeLee, President and CEO of Americans for Peace Now, which works closely with Israeli groups seeking a peaceful settlement of tensions with the Palestinians, calls the bill "an exercise in overreaching that will undercut American national security needs, Israeli interests, and hope for the Palestinian people, if it's ever signed into law." "We urged the House to craft legislation that was focused and flexible enough to allow the U.S. to respond to Hamas' election victory in a firm, yet responsible, manner," explained a frustrated DeLee. "But by failing to provide the president with a real national security waiver, by failing to include a sunset clause for draconian performance requirements that will stay on the books regardless of who is running the Palestinian Authority, and by failing to distinguish between Hamas and Palestinians who support a two-state solution, the supporters of this bill have missed that opportunity for now."

Despite its dramatic flaws, the bill drew bipartisan support, with House Speaker Dennis Hastert, R-Illinois, and Majority Leader John Boehner, R-Ohio, and Minority Leader Nancy Pelosi, D-California, lining up their respective caucuses behind it.

Of the 37 "no" votes, 31 came from Democrats, including senior members such as Michigan's John Conyers and John Dingell, Californians George Miller and Pete Stark and Wisconsin's David Obey. Ohio's Dennis Kucinich, a contender for the 2004 Democratic presidential nomination, also opposed the measure, as did California's Barbara Lee, a co-chair of the Congressional Progressive Caucus.

The six Republican "no" votes came from Maryland's Wayne Gilchrest, North Carolina's Walter Jones, Arizona's Jim Kolbe, Illinois' Ray LaHood and Texans Ron Paul and Mac Thornberry.

As is frequently the case on votes involving Israel and Palestine, dozens of members did not participate. Nine House members, all of them Democrats, voted "present" Tuesday. Twenty-five members, eleven of them Democrats, fourteen of them Republicans, registered no vote.

Americans for Peace Now's DeLee says that, as the House and Senate seek to reconcile differing bills, her group will continue to work to alter the legislation so that it will not encourage extremism or worsen a humanitarian crisis. But there is no question that the task has been made more difficult by the overwhelming House vote in favor of this misguided measure.

COMMENDING AMERICAN UNIVERSITY OF ANTIGUA FOR ITS LEADERSHIP AND INNOVATIVE IDEAS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. PAYNE. Mr. Speaker, today I would like to bring to the attention of my colleagues a very innovative educational program which is helping to address the need for doctors and other trained medical professionals. As a member of the House Education and the Workforce Committee, I am supportive of expanding educational opportunities for students interested in medical training.

Last year I had the opportunity to visit the American University of Antigua and to meet with students from my home State of New Jersey who are enrolled there. This school was founded only a few years ago and has already had an immense impact on the surrounding community, as well as the lives and careers of medical students around the world. Its founder, Neal S. Simon should be commended for establishing a quality medical education program that accommodates the need for diversity in medical education.

As part of a new and exciting partnership, the American University of Antigua is now cooperating with Tuskegee University, a Historically Black College, to explore developing a veterinary school at its campus in Antigua. Officials from Tuskegee University were happy to offer ideas and advice. This would be an important educational development for American University of Antigua and the community, due to the severe need for trained veterinarians in the Caribbean.

The students at American University of Antigua, while primarily American citizens, hail from all over the world. They are committed to a high standard of learning and achievement. The faculty of the AUA is comprised of distinguished scholars who have mostly worked in American and European medical schools. The school has also enhanced the surrounding community by providing doctors, nurses and other medical professionals. The American students attend the university and receive training at an academic standard equal to what they would receive in the U.S. and are then able to obtain medical license in the United States where they contribute to easing the physician shortage that the United States is experiencing. Medical and nursing schools are running at full capacity in the United States, and AUA helps the American medical system fill its need for trained professionals.

The willingness of this university to work with other schools, such as Tuskegee, to improve its programs is commendable. The ability of this university to provide a world class education to a diverse group of students while adding much needed resources to the American and Caribbean community should be applauded. The ability to attract a qualified diverse student population is something that many United States schools can learn from. I hope that we will see more partnerships of this type in the future, and again, I commend the school for its leadership and innovative ideas.

RECOGNIZING THE IMPACT OF JUVENILE DIABETES ON AMERICA'S YOUTH AND SUPPORTING AN INCREASE IN FY07 NIH FUNDING

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. CUMMINGS. Mr. Speaker, I rise today to recognize the impact of juvenile diabetes on America's youth.

Typically diagnosed during childhood and adolescent years, juvenile diabetes, also referred to as Type I diabetes, currently affects more than 3 million Americans and more then 13,000 children are diagnosed each year.

Juvenile diabetes is an autoimmune disease which attacks and annihilates the insulin producing cells in the pancreas.

Since insulin aids in breaking down glucose, when the insulin producing cells are destroyed, glucose accumulates in the blood and can lead to multiple health problems, including blindness, heart failure, nerve damage, limb amputations, and kidney failure.

As a result of this chronic illness, individuals with juvenile diabetes must endure a lifetime of maintaining their glucose levels through daily insulin injections, blood glucose monitoring, and a healthy diet. Sadly, although insulin aids in prolonging the life of a diabetic, it cannot prevent the complications associated with the disease. Even worse, is the fact that a cure for diabetes has yet to be discovered.

Mr. Speaker, I recently had the opportunity to speak with a family from my district, the Frinks, whose young daughter is afflicted with juvenile diabetes. Based on the wealth of knowledge she possessed about her condition and her ability to convey it so lucidly, I must admit that she left a lasting impression on me.

During our conversation, she revealed the extent of how different the life of a young diabetic is in comparison with non-diabetics. For instance, unlike other children, she must constantly check her glucose levels and give herself lifesaving insulin when necessary. She also revealed the critical impact her diet and other regular "child" activities played in her life. Unfortunately, it is reported that many Type I diabetics are susceptible to ridicule by their peers due to an overall lack of knowledge about the disease or because they are "different".

By the end of our conversation, I was in awe. Not only did this young girl exemplify maturity well beyond her years, she also exhibited an unbelievable amount of courage in living with this often debilitating disease.

Mr. Speaker, recent studies have shown that compared with non-diabetic youth, juvenile diabetics are more conscientious about healthy living, nutritional requirements, and responsibility based on their lifestyles. This was definitely true with this young lady—she was a fount of knowledge about wellness and prevention—at age seven! That is why I was so amazed—and applauded her courageousness.

Mr. Speaker, the life of this remarkable young woman represents the life experiences of many young people coping with juvenile diabetes. Because of her story and millions like hers, we must continue to work more diligently toward finding and funding a cure for the disease.

I want to applaud an organization that has been fighting on behalf of these children. Since its inception in 1970, the Juvenile Diabetes Research Foundation International has raised over $900 million for diabetes research. I commend its efforts and will continue to support it in its commitment to finding a cure for the disease.

But we must do more for a disease that has become almost epidemic for children and adults. Twenty million Americans suffer from diabetes, which is the leading cause of kidney failure, adult blindness, non-traumatic amputations, heart attacks and stroke. In fact, every 30 seconds a new case of diabetes is diagnosed and over 1.3 million Americans are newly-diagnosed each year.

But for those of my colleagues who make decisions by the numbers, I offer these grim statistics. Diabetes costs this country $132 billion per year, almost five times the entire National Institutes of Health $28.5 billion budget. This disease also accounts for 30% of every Medicare dollar.

The Diabetes Research Working Group mandated by Congress called for $1.6 billion in funding for NIH diabetes research, but actual funding hovers around $1 billion. Accordingly, I support a 5% increase in the FY 2007 budget for NIH funding for juvenile diabetes research so that we may all reap the benefits of diabetes research.

Needless to say, we must dedicate more resources to fighting this disease—for the children and adults who suffer today and the millions who will suffer tomorrow. I believe that with sufficient funding of research initiatives, we come closer to finding a cure, and at the very least lessen the suffering. I urge my colleagues to do the same.

Mr. Speaker, one other area I would like to discuss is the longer survivability and quality of life of all diabetics. Due to technological advancements, insulin injections have come a long way since the needle and syringe method.

In fact, in the early 1990's, the Food and Drug Administration (FDA) approved an insulin pump, which delivers insulin to the blood stream in small intervals throughout the day through a tiny needle stuck under the skin on the left side of the abdomen. Insulin pumps have been proven to aid in stabilizing glucose control and reduce episodes of hypoglycemia.

Recently, continuous glucose meters have been developed to provide diabetics instantaneous access to testing blood glucose levels. Recent studies have proven that individuals who utilize continuous glucose meters spend more time in the normal glucose range compared with patients using conventional finger stick blood glucose methods.

Presently, medical researchers are working on fusing these two devices to create an artificial pancreas that would regulate glucose levels in the body of someone with diabetes by continuously measuring the level of glucose and dispensing doses based on those measurements. Again, if developed, this device would contribute in augmenting the quality of life for Type I and Type II diabetics.

Mr. Speaker, these life-altering inventions only come through research. That is why, again, I support the 5% increase in NIH funding for the FY 07 budget and I encourage my colleagues to join me in this effort. America's youth is our future and it is up to us to invest in their health and education in order to cultivate steadfast leaders of tomorrow—rich in knowledge, morals, and wellness.

HONORING JOEL M. CARP

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. EMANUEL. Mr. Speaker, I rise today to recognize the long and distinguished career of Joel M. Carp, one of the leaders in the Chicago nonprofit community. Mr. Carp will retire next month from the Jewish Federation of Metropolitan Chicago after almost thirty years of service.

Mr. Carp has dedicated his career to creating public policies and sustaining quality, comprehensive health and human services for all people, including refugees and immigrants. For the last 28 years, he has been working towards these goals at the Jewish Federation/Jewish United Fund, most recently as Senior Vice President for Community Services and Government Relations.

His dedicated service includes managing the Government Affairs Program, planning and budgeting for the Federation's numerous social welfare programs and services, and supervising State of Illinois programs for immigrants, refugees and the homeless.

In addition to his work at the Jewish Foundation, Mr. Carp has served on numerous important task forces tackling welfare reform, hunger, housing, and emergency food and shelter for both the City of Chicago and the State of Illinois. Mr. Carp has also taken the time to write and publish many articles on the topics about which he is most passionate, sharing his invaluable perspectives with all who work in this important field.

In recognition of Joel Carp's hard work and tireless dedication, he has received the Melvin A. Block Award for Professional Distinction from the Associated YMYWHAs of Greater N.Y., the City of Chicago's Commission on Human Relations Award, and a special award from the YMCA of the USA for helping to restore Agency for International Development funding for human services in Lebanon.

Mr. Speaker, on behalf of the Fifth Congressional District of Illinois, I thank Joel Carp for his many outstanding contributions to our social service network and to the Chicago area Jewish Community. His efforts have had a profound impact on the lives of his co-workers, friends, family, and countless other individuals. I wish him continued happiness in all his future endeavors.

HONORING MR. ANDERSON KAMBELA MAZOKA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. LEE. Mr. Speaker, I rise today to honor the extraordinary life of Mr. Anderson Kambela Mazoka of Zambia who passed away yesterday at age 56 in the Morning Side Clinic in Johannesburg, South Africa. News of this great leader's death has come to us as a shock and a surprise.

Mr. Mazoka was born on March 22, 1943 in southern Zambia to Mr. Juda Mazoka and Mrs. Bertha Mazoka. His parents were teachers. They encouraged their son to excel in school, and excel he did. He was among one of the first graduates of the University of Zambia, which was founded in 1966. He worked briefly in Zambia, before he moved to the United States, where he both worked and studied.

In the early 1970s he returned to Zambia to work for Zambia Railways. In the period of 2 years he was promoted to general manager by the former president Kenneth Kaunda. His distinguished career also included acting as the managing director of South Africa's mining giant, Anglo American Corporation.

Perhaps Mr. Mazoka's greatest legacy though, was his active political life in which he fought for democratic causes and improving the lives of the poor in Zambia. As a charming and self confident man, he incited support and excitement from his followers who want so badly to see change in their country.

He ran for president of Zambia in 2001 on the platform of providing free education, free medical services and addressing poverty. Although he narrowly lost the election, he continued fighting for these causes.

Mr. Mazoka dominated opposition politics. After his narrow loss for president he remained the greatest challenger to the parliamentary majority in Zambia, the Movement for Multiparty Democracy (MMD).

He was the president of the United Party for National Development (UPND), the strongest opposition party in Zambia, which aligned with two other parties to create United Democratic Alliance (UDA). His sudden death has left a vacuum in his party and in the Democratic Alliance, a difficult blow to their cause in year where they face the first general elections since 2001.

Congresswoman BARBARA LEE's niece's father, Mr. Mazoka, envisioned a better Zambia for all. As members of Congress, let us honor this man who fought for democratic causes in one of our most beautiful countries in Africa.

We offer our deepest condolences to his family. Mr. Mazoka is survived by his wife Mutinta and his three children. I join his family, friends and loved ones in saluting Mr. Mazoka for his lifelong commitment to public service and the positive impact his work has had on countless people.

MEMORIAL DAY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. WAXMAN. Mr. Speaker, I rise to pay tribute to all those who have fallen in the defense of our country. Each year, Memorial Day is a special time to honor the departed, support the wounded, and praise the enduring commitment of all those who serve.

In my district this weekend, the white headstones of the Los Angeles National Cemetery will be surrounded with flowers and families. Amid the bustle of West Los Angeles, this serene and mournful field honors the great sacrifice that has sustained our blessed country and the core values we cherish.

My district is also home to the West Los Angeles Veterans Administration, which is the largest VA facility in the continental United States. The land was generously donated after the Civil War to serve as an old soldiers home and I am pleased that efforts are finally underway to move toward this goal with plans for a State Veterans Home on the property. We must continue, however, to expand other services and programs to meet veterans' needs. I remain deeply opposed to the VA's consideration of plans to divert portions of the property for commercial use. I am determined to continue working with local veterans groups, local officials, and the surrounding community to ensure that the entire property is preserved for programs that benefit and serve our veterans.

The sanctity of our battlefields, monuments, and veterans institutions is of utmost importance to preserve military history and pay respect to those who fought. I would like to take this opportunity to recognize the efforts of my constituent Leon Cooper, a World War II veteran of the Pacific Theater, who has been working to raise awareness about the build-up of garbage and refuse at the site of the Battle of Red Beach on Tarawa Atoll in the remote island nation of Kiribati. Nearly 1,000 Marines were killed and over 2,000 were wounded during heavy fighting over the span of just a few days in November 1943. I applaud Mr. COOPER for his commitment.

Although Tarawa has a monument to the Marines who died on Red Beach, heavy construction in the area has spurred an effort to find a new location closer to the battle site itself. I fully support this effort, which would also create an opportunity for the 2nd Marine division to restore the beach to a more appropriate and respectable condition. I encourage our local U.S. Embassy in Fiji to work with the Government of Kiribati on sanitation and conservation projects that would provide long-term solutions for maintaining the coastline and preserving the area. It would be a tribute to our veterans and a benefit to the Kiribati people.

And while we honor generations past, we must also be keenly aware of the needs of soldiers now deployed in Iraq and Afghanistan. It is unacceptable that returning veterans are facing unreasonable delays obtaining care and benefits. The number of new enrollees waiting for their first appointment at the VA has doubled in the past year. I am deeply concerned about the inadequate screening and services for the more than $\frac{1}{3}$ of returning troops who seek mental health care. It is imperative that we fight the budget cuts and misplaced priorities that have led to this deplorable situation.

As we observe Memorial Day, let us give thanks to all of our brave men and women who have stood in harm's way or stand there today, far from home, living at great risk, and fighting under the stars and stripes. We owe them an enduring debt of gratitude.

FEDERAL TELEPHONE EXCISE TAX

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. FITZPATRICK of Pennsylvania. Mr. Speaker, I rise today to say good riddance to an outdated, antiquated tax that has long outlived its usefulness—the long distance telephone tax. This tax is known to many Americans only as another indiscernible line on their phone bill which reads as an access fee or charge for service.

But in fact, this tax began as part of the War Revenue Act of 1898 as a temporary means to finance the Spanish American War. Interestingly, this wasn't the only onerous tax in the War Revenue Act. The Act also gave us the much debated estate tax.

Back then, the excise tax was designed to be a luxury tax for people who owned telephones. Today, the war is ancient history and if you ask anyone walking down the street to join you in shouting "Remember the Maine," I'd expect you to get quizzical stares. Today, there is no specific purpose for this tax. Telephones are a virtual necessity—not a luxury—and the revenues collected by this tax flow into the general fund. But this once temporary tax remains and costs American taxpayers, our small businesses and families almost $6 billion dollars a year.

On the tax, Gene Kimmelman, director of Consumers Union is quoted as saying, "this is the poster child for how messed up our telephone pricing system is today. It makes no sense to have to pay a tax to fight a war that was over more than 100 years ago." Well today the tax has been repealed.

Americans will soon be able to file for a refund as part of their 2006 tax return for the past three years of charges and the Treasury Department estimates that $15 billion will be refunded to the American public.

I encourage all Americans to take advantage of this opportunity to get their returns and I call on my colleagues to set their sights on ending this tax's equally unnecessary counterpart, the local telephone excise tax. These are outdated, out-of-touch taxes and they should all be removed from the tax code.

COMMEND KIMBERLY BURNITZ FOR HER PARTICIPATION IN THE P3: PEOPLE, PROSPERITY, AND THE PLANET STUDENT DESIGN COMPETITION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. BIGGERT. Mr. Speaker, I rise today to applaud the efforts of Kimberly Burnitz, and college student from Lockport, Illinois. Earlier this month, Kimberly and her team from Eastern Illinois University, came to Washington to compete in the P3—People, Prosperity, and the Planet—Student Design Competition.

Sponsored by the Environmental Protection Agency, the P3 design competition gives college-level students a chance to grow their technical and scientific skills by working on projects that address sustainability challenges faced by the developing world. After reviewing over one hundred proposals, the EPA provided grants to 41 of the most promising student projects that addressed these challenges while preserving the environment.

Among the teams chosen to develop their project, the students of Eastern Illinois University worked on a unique initiative to increase drinking water supplies in rural Haiti and other developing nations. Through extensive research and testing, Kimberly's team devised locally feasible methods for Haitians to improve water cistern designs and repair cistern cracks.

While not among the final winners of the contest, their innovative project truly embodied the objectives of the competition—to find environmentally friendly ways to raise living standards and foster economic growth in the developing world.

Mr. Speaker, these are goals we can all agree on. Therefore, it is with great pleasure that I thank Kimberly for all her hard work, congratulate her team on their success, and wish them great success in all of their future endeavors.

URGING THE SENATE TO PASS THE STEM CELL RESEARCH ENHANCEMENT ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. HARMAN. Mr. Speaker, one year ago the House passed the Stem Cell Research Enhancement Act, by a vote of 238–194. I was pleased to see this Chamber put science before ideology. The promise of finding cures for a whole host of debilitating diseases seemed bright.

But the year has come and gone, and the Senate has yet to take up its version of the legislation. Further delay is unacceptable. Today, I join my colleagues in the House to urge the Senate to schedule a vote on this critical, life-saving, and life-affirming measure.

This bill takes an ethical and moral approach to a challenging subject while respecting the value of life. It allows for federal funds to support research on stem cell lines derived from the surplus embryos of fertility treatments. Fertility clinics do not need these embryos and they would otherwise be discarded, not implanted. It requires explicit written donor consent, and it does not allow stem cells to be sold for profit.

Many Members of Congress like to talk about "values." Today, I say to them: using discarded embryos to find life-saving cures is our moral obligation. Saving lives is precisely what we should all care about.

Parkinson's disease, cancer, heart disease, Alzheimer's, spinal cord injuries, and juvenile diabetes do not discriminate—every one of us has had a family member or friend whose life has been changed by one of these debilitating conditions. This is not and should not be a partisan or ideological issue. People from both ends of the political spectrum—from Nancy Reagan to the late Christopher Reeve—have embraced the promise of stem cell research. It is my hope that the United States Senate will follow their lead.

Cures for many serious ailments may lie in stem cell research. We owe it to generations of Americans and their families to help find treatments that could lead to an improved quality of life. I urge my colleagues in the Senate to pass the Stem Cell Research Enhancement Act.

HONORING THE 2006 STATE CHAMPION DOWNERS GROVE SOUTH HIGH SCHOOL SPEECH TEAM

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. BIGGERT. Mr. Speaker, it is with great pleasure that I rise today to congratulate the Downers Grove South High School Speech Team on capturing the 2006 Illinois State Championship. On February 18, 2006, they bested 8 other teams to finish in first place and claim the championship title.

Even more impressive is the fact that this is the school's 11th state speech championship, making Downers Grove South the "winningest" high school in state speech team history. In addition, the members of this exceptional team provided Downers Grove South with its third state championship in the "Performance in the Round" event.

Today, our hats are off to team members Liz Adamski, Kyle Akerman, Joel Bennett, Jaclyn Bernard, James Courtney, Jeff Danziger, Cullen Deady, Meghan Deady, Stephanie Gilbert, Geysha Gonzalez, Eric Jensen, Sean Liston, Justin Matkovich, Tess Mody, Dan Nelson, Chris Nichols, Colleen O'Neill, Cauley Powell, Anne Quiaoit, Alex Safranek, Eileen Schroeder, Becca Seale, Shobana Shanmugum, Tara Smith, Adam Tanguay and Danielle Tannenbaum—for continuing their school's tradition of hard work, dedication, and commitment to excellence.

I also would like to congratulate the coaches—Head Coach Jan Heiteen, Elighie Wilson, Kim Pakowski, Chris Blum, Justin Ashton, Tiffany Bruce, Aggie Valenti, Bridget Frodyma, Katy Gaby and Kavi Chawla—teachers, and parents for providing the guidance and support that helped the speech team achieve this great accomplishment.

Once again, congratulations to the Downers Grove South High School Speech Team on their state championship. I wish them the best of luck in their future endeavors.

FALLEN SOLDIERS' MOTHERS ARE ALSO WAR CASUALTIES

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. GONZALEZ. Mr. Speaker, I rise today to share a moving article published on Mother's Day in the San Antonio Express-News. Since this piece speaks eloquently for itself, I see no reason to add any extra words.

FALLEN SOLDIERS' MOTHERS ARE ALSO WAR CASUALTIES

(By Mary Alice Altorfer)

"Mama, Mama," is the universal cry of the dying in battle. Men maimed and broken scream for their mothers, who mercifully can't hear them.

Posthumous medals for valor muffle the child and honor the warrior, but for a Gold Star Mother, ribbons and ceremony are as short-lived as the cherished remains being buried. Without being a statistic, she, too, is a casualty of war. Heard in her strangled weeping are guttural pleas to God to ease the pain of losing a child. For this heartbroken woman, a coffin, even one draped in the American flag and carried by white-gloved Marines, is the grim totality of her forced enlistment into a war that breached the refuge of home.

The bomb in this woman's living room is the conspicuous absence of her baby. Yes, baby, because no matter how old or how long deceased, the person for whom taps sounded only sleeps in his mother's heart, naptime being eternity.

Mother's Day becomes a sad reminder and an accolade for her supreme contribution to patriotism. Or maybe it's a time to be angry and resentful—why my son or daughter? Pride crumples in a darkened room filled with pictures of a young man or woman whose potential bled out onto a foreign soil.

This imagined scenario is a relentless assault on memories of all the boo-boos she kissed and Superman Band-Aids plastered on scraped knees and dinged elbows. If only Mama could have been there to fix things, to make them better, to chase the monster away, to kiss away hurts one more time, then maybe she, too, could quit crying.

Questions and accusations stifle remorse, but tears like water, ever the enemy of rock, wear down resistance. Solace wrestles with acceptance, but grief takes on a presence of its own. Guided by ghosts, it is either torment or release from them.

When burying a child, remembrance is love and guilt is debilitating; however, my quantifying and simplifying a mother's loss and angst seems as unsentimental as some pot-bellied politician pontificating on Memorial Day. How can anyone suppose a wound so deep it bleeds concurrently with every thought of the initial one? Such trauma is personal, so much so that empathy even seems contrived.

In the middle of the night, this woman still awakens to the imagined cries of her baby, only to clutch a pillow instead. Holidays are a poignant reminder of her diminished family, her unwitting contribution to a distant conflict that ignored every mother's boundaries and ended innocence as abruptly as the life she mourns. Her naivete is six feet under, too. The flag so gloriously waving in front of her home also casts a shadow.

This Mother's Day, there are women embracing memories rather than their children. These mothers fully understand the costs of war and wonder if the old generals and politicians who enact them ever walk in a military cemetery and sob aloud? Do their sons and daughters wear our country's uniform and see active duty?

Do beribboned chests ever exhale and tremble at the sight of an old woman kneeling at Arlington, her fingers lovingly touching a carved name as if it were warm and whispering back to her?

Maybe it is; maybe that's why her face is pressed against the stone so she can once again hear, "Mama, Mama."

PERSONAL EXPLANATION

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. KENNEDY of Minnesota. Mr. Speaker, had I been in Washington yesterday, my votes on the following rollcalls would have been as follows:

Roll No. 196, Deal Amendment—"yes."
Roll No. 197, Markey Amendment—"no."
Roll No. 198, DeLauro Amendment—"yes."
Roll No. 199, Andrews Amendment—"yes."
Roll No. 200, Berkley Amendment—"no."
Roll No. 201, Markey Amendment—"yes."
Roll No. 202, Bishop Amendment—"no."
Roll No. 203, Hefley Amendment—"no."
Roll No. 204, Flake Amendment—"yes."
Roll No. 205, Flake Amendment—"yes."

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. BISHOP of Georgia. Mr. Speaker, I regret that I was unavoidably absent for a portion of the House's proceedings on May 18th and all proceedings on May 19th due to very urgent personal family business.

Had I been present on May 19, for the four votes which occurred during consideration of H.R. 5385, Making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes:

I would have voted "aye;" on rollcall vote 176—Final Passage;

I would have voted "nay" on rollcall vote 175—the Blumenauer Amendment;

I would have voted "nay" on rollcall vote 174—the Rule on H.R. 5385;

I would have voted "nay" on rollcall vote 173—ordering the "Previous Question"—(Rule on H.R. 5385).

And, Mr. Speaker, had I been present on May 18, for the final five votes which occurred during consideration of H.R. 5386, Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2007, and for other purposes:

I would have voted "aye;" on rollcall vote 172—Final Passage—H.R. 5386;

I would have voted "nay" on rollcall vote 171—the Hefley Colorado Amendment;

I would have voted "nay" on rollcall vote 170—the Putnam of Florida Amendment;

I would have voted "aye" on rollcall vote 169—the Oberstar of Minnesota Amendment;

I would have voted "aye" on rollcall vote 168—the Chabot of Ohio Amendment.

CONGRATULATING INTERNATIONAL FIRE MARSHALS ASSOCIATION

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. UPTON. Mr. Speaker, I rise today to recognize and congratulate the members of the International Fire Marshals Association (IFMA), who will be celebrating their 100th anniversary on June 6. I particularly would like to commend Ron Farr, Past President of IFMA and current Fire Chief and Fire Marshall for the Kalamazoo Township Fire Department. I applaud Ron and his courageous colleagues for their tireless efforts to keep our community safe.

Since it was formed in 1906, the men and women of the International Fire Marshals Association have dedicated themselves to saving the lives, homes, and properties of folks throughout our great Nation. Today, the Association has over 1,800 members representing over 20 nations and we are truly grateful for their service here in southwest Michigan.

There is nothing more important to us than the safety of our loved ones, and this organization has stood watch, protecting the public for the last 100 years. I would like to thank the International Fire Marshals Association and its membership for the continued quality service they provide our community and congratulate them once again on this milestone. We are truly fortunate to have folks like Ron Farr and his colleagues in southwest Michigan, dedicating their lives in the name of public safety.

HONORING THE MEMORY OF MR. FRED L. McGHEE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. BONNER. Mr. Speaker, south Alabama recently lost a friend, dear not only to the Poarch Creek Band of Creek Indians but to the entire State of Alabama. Today, I rise to pay tribute to the memory of Mr. Fred L. McGhee.

Elected first as chairman of the Poarch Band of Creek Indians at the age of 50 in 2000, Fred served honorably and respectably, bringing cohesion to the Poarch Creek community and the surrounding city of Atmore.

Fred grew up in the close-knit Poarch Creek community in south Alabama and attended the Poarch Consolidated Indian School where his initial love for Native American culture began to germinate. He devoted his time to the intense study of Indian culture as well as historic preservation. Coupled with his previous experience in leading the nine-member Tribal Council, he was the natural fit to be chairman.

Mr. Speaker, I ask that my colleagues join me today in recognizing this beloved member of the Poarch Band of Creek Indians. Fred will be greatly missed by his eight sisters; three sons, Greg McGhee of Atmore, Joe McGhee and Fred Lee McGhee, both of Pensacola, Florida; two daughters, Tracy McGhee and Cierra McGhee, both of Atmore; four grandchildren; and friends that he leaves behind. Our thoughts and prayers are with them all during this difficult time.

ON THE VETERANS IDENTITY PROTECTION (VIP) ACT

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mrs. WILSON of New Mexico. Mr. Speaker, I introduce the Veterans Identity Protection (VIP) Act.

On May 3, 2006, a personally-owned computer was stolen from the home of a VA employee. The stolen files contained information that included the names, birth dates, and social security numbers of 26.5 million veterans. This represents data from every military veteran discharged since 1975.

This legislation will ensure that our veterans are made whole as a result of any damages suffered by a veteran as a result of this theft. The VA's mission is to serve and honor our Nation's veterans. We must do more than just provide a call center and put the burden on our veterans to deal with the consequences of this blunder.

This legislation will set up an independent Office for Veterans Identity Theft Claims to receive, process, and pay claims in accordance with this Act.

I am here today to introduce a bill that will ensure that Veterans will be made whole if they are harmed by this release of information without spending years in court and thousands of dollars for lawyers.

MENTAL HEALTH MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to remind my colleagues that May is Mental Health Month. I would also like to thank those who have dedicated their lives to mental health care.

Now more than ever, we must commit ourselves to full mental health parity. Nearly 30 million Americans suffer from mental health disorders and more than 1 in 5 Americans will experience a mental health disorder in their lifetimes. Many millions suffer from serious, debilitating, and life altering mental disorders such as Alzheimer's and schizophrenia. Nearly every American has friends and relatives that cope with such disorders.

Mental health professionals not only help people with organic mental health disorders, but also help people recovering from traumatic and life changing experiences. Over the last few years, Americans have experienced the trauma of a major terrorist attack and two wars overseas. Tens of thousands of families have experienced firsthand the loss or serious injury of a loved one. Tens of thousands of soldiers who have sustained serious injuries will need assistance adjusting to a life far different than they left. Thousands of American soldiers will return home in need of mental health services related to their combat experiences.

I hope that the Committee on Education and the Workforce will continue to work to ensure that the mental health needs of the elderly are met as we reauthorize the Older Americans Act. The elderly are the most vulnerable to mental health disorders and elderly men are the demographic most to likely commit suicide. Specifically, I want to ensure that senior citizens have access to mental health services in their community or in the same place that they receive primary health care services. I am pleased that we are beginning to make some headway on this important issue.

HONORING THE IMMORTAL FOUR CHAPLAINS OF THE USS (USAT) "DORCHESTER"

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. CANTOR. Mr. Speaker, sacrifice is a common virtue of the U.S. Armed Forces and this Memorial Day we will pause to honor our fallen men and women in uniform. Throughout history, members of the Armed Forces have lost their lives to preserve our freedoms. Sixty-three years ago, Father John Washington, Reverend Clark Poling, Rabbi Alexander Goode and Reverend George Fox died aboard the USS (USAT) *Dorchester* on February 3, 1943, as a result of a torpedo attack by a German U-Boat.

In the mayhem after the attack, the Four Chaplains provided comfort to fallen soldiers and handed out life vests to the survivors. After the life vests ran out, they removed their own life vests, gave them to needy soldiers, and stood arm-in-arm together praying for the comfort of the soldiers. Eighteen minutes after the attack, the USS (USAT) *Dorchester* sunk with the Four Chaplains aboard. John Koenig, a resident of the 7th District of Virginia wrote of their sacrifice in a letter saying "By putting others in front of themselves without regard to race, creed, or color, thus in making the ultimate sacrifice costing each his life so that others might live, they exemplified the finest in saintly virtues."

On behalf of the Episcopal Church of the Redeemer in Midlothian, Virginia, and the following members of the vestry: Alison Althouse—Senior Warden; Margaret Stevens—Registrar; Reverend Stephen Cowardin—Rector; Reverend Kathryn Jenkins; Rose O'Toole; Stewart Dendtler; Leonard Vance; John Flikeid; Jo Anne Simpkins; Matthew Whitworth; Betsy Collins; Lois Thompson; Stefani Ross; Jennifer Wester; and William White, I am honored to recognize the sacrifices of the Immortal Four Chaplains of the USS (USAT) *Dorchester.*

TRIBUTE TO JAMES J. VINCENT, JR.

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to a man of honor, faith, family, and selfless service. On April 13, James (Jim) J. Vincent, Jr. lost his life when the County Rescue helicopter he was piloting had a catastrophic failure.

Jim Vincent was a native of my home town of Menominee, Michigan. Jim excelled at high school sports and developed discipline, leadership, and respect at an early age. He enlisted in the United States Navy, where he spent 6 years serving his country. Wanting to become a pilot, he joined the United States Coast Guard, received world-class training, and began flying search and rescue missions.

I had the pleasure of working with Jim when he moved to Traverse City, Michigan, and was based out of the Coast Guard Air Station Traverse City. On a couple of occasions I flew with Jim. His skills as a pilot were impeccable. He took his job seriously, and Jim was the consummate professional. He had an ability to relate and work well with officers, enlisted men, and civilians. He treated everyone with respect and was always willing to lend a hand.

There are countless stories of Jim helping others with everything from re-wiring their homes, to work at the local American Legion, to helping friends pack up and move during relocation for work. One of the more touching stories about Jim was told by a fellow Coast Guardsman who went through officer training school with him. This cadet was at a point where he wasn't sure if he could complete the training. During one particularly difficult training task, Jim put his arm around his classmate and told him "You know what, it's gonna be all right." That classmate found strength in Jim's words and managed to complete officer training school. He went on to become Cmdr. Sam Creech, who is now the operations officer at Jim's old base, Coast Guard Air Station Traverse City.

After 20 years of combined service in the Navy and Coast Guard, Jim and his family moved back home to Menominee where they could be near their extended family and build their dream home. Jim, his wife Gina, their sons, Jim III and Luke, and their daughter, Vanessa, worked together on construction of their home overlooking the waters of Green Bay. They put a lot of sweat and love into the home.

Jim worked for a while as a contract employee for the Navy at the Marinette Marine shipyard, just across the Michigan/Wisconsin border from Menominee. However, Jim wanted to continue to fly helicopters. In the summer of 2004 he landed a job with County Rescue flying Eagle III, an emergency air and ground transportation program, which provides Critical Care level treatments during rapid transport of critically ill or injured patients. The job was just outside Green Bay, Wisconsin, which required days away from home. Jim found the job very rewarding and by all accounts, he quickly earned the respect and admiration of his peers. While he was serious about his job, he also had a great sense of humor—often playing pranks on co-workers.

Mr. Speaker, for anyone who works in the military there are significant sacrifices that their families make in terms of time away from the family. While Jim did need to spend time away from his family throughout his career, he always had a deep love for his family. Jim had a strong faith in God and was an active member of Holy Redeemer Catholic Church. He and Gina believe in the power of God. In February they attended a conference put on by Father John Corapi and Jim was fond of Father Corapi's teachings. Now, as Gina, Jim III, Luke, and Vanessa struggle to move forward with their lives, they have turned to God for strength and comfort, With this strong faith, support from family and friends, and with time, I am confident that they will find the strength to persevere.

As we commemorate this Memorial Day, I am reminded of a beautiful sunny summer day in Traverse City when Jim Vincent walked across the Coast Guard hanger to greet a veteran who was seated awaiting the start of a program. As Jim approached the veteran, he reached out to shake the man's hand and simply said, "Sir, thank you for your service to our country." The veteran's eyes welled with tears as he replied, "You're welcome." So as I conclude Mr. Speaker let me simply say "Jim, thank you for your service to our country."

PERSONAL EXPLANATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, during consideration of the Agriculture Appropriations Act of 2007, on May 23, 2006, I inadvertently voted in favor of an amendment, H. Amdt. 895, offered by Representative BLUMENAUER.

It was my intention to vote in opposition to the amendment. My true intention was to vote "no."

PAYING TRIBUTE TO VERNON AND DARLENE BURK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Vernon and Darlene Burk for their 55 years of marriage and for their service to the Boulder City community.

Their 55 years of marriage exemplify a loving relationship. They both are hard-working, generous, compassionate, resourceful, wise and are outstanding role models for their four children, Dianna, Karen, Jackie, and Michael and six grandchildren.

Vernon and Darlene's exceptional character is evident in their professional lives as well. Vern served the Clark County School District for 30 years, retiring as the Associate Superintendent of Facilities and Transportation. He now serves on the Boulder City Hospital Board. As a small business owner, Darlene ran the Burk Fine Arts Gallery for 25 years. Darlene not only participated in the Boulder City Chamber of Commerce, she also served as President. During her time with the Chamber of Commerce, she was instrumental in creating the Old Town Merchants Association and was named "Woman of the Year."

Both Vernon and Darlene are extremely active in Bethany Baptist Church, where Vernon is on the Board of Elders and Darlene had served as treasurer. Five years ago, the Burk Horizon Academy, an alternative high school in Las Vegas, was named in their honor. They also managed the renovation of the Boulder City Dam Hotel, a historic landmark and place to be for the rich and famous during the 1930s.

Mr. Speaker, I am honored to recognize Vernon and Darlene Burk on the floor of the United States House of Representatives. They are very good, personal friends of mine, and I thank them for their continued service to the State of Nevada.

RECOGNIZING ARTURO S. RODRIGUEZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. SOLIS. Mr. Speaker, I rise today, along with my colleague from California, Mr. BERMAN, to pay tribute to Arturo S. Rodriguez, president of the United Farmworkers of America, a longtime advocate for the rights of workers and working families.

Rodriguez was born and raised in San Antonio, Texas, and earned a bachelor's degree from St. Mary's University in 1971 and a master's degree in social work in 1973 from the University of Michigan at Ann Arbor. Rodriguez learned of the farmworker movement and Cesar Chavez in 1966 from his parish priest, and became active with the farmworker movement as a college student. He first met Cesar Chavez in 1973, and soon after married Chavez' daughter, Linda.

Throughout the 1970s, Rodriguez worked with United Farm Workers to push for farm worker rights, including the pioneering Agricultural Labor Relations Act, which passed the California State Legislature in 1975. Rodriguez helped organize union representation elections throughout California, from the Salinas Valley to the Imperial Valley on the Mexican border to Ventura County citrus orchards. By fall 1979, Rodriguez was directing a UFW lettuce boycott in Michigan.

Throughout the 1980s and early 1990s, Rodriguez was directly involved with renewed grape boycotts, involving pressure on business, a public fast by Chavez, and walkouts by grape workers to try and gain the first wage increase in 8 years. The UFW-supported 1992 grape worker walkout was a part of the largest vineyard demonstrations since 1973 in the Coachella and San Joaquin valleys. The UFW organized thousands of workers at dozens of ranches to participate in the walkouts. Those efforts produced an industry-wide pay raise.

Rodriguez became UFW president in May 1993, shortly after Cesar Chavez' death. Rodriguez recruited 10,000 new farmworkers as associate union members in the year after he assumed the UFW presidency. On the first anniversary of the Chavez' passing, Rodriguez led a 343-mile Delano-to-Sacramento march retracing the steps of an historic trek by Chavez in 1966. Since then, the UFW has won over 20 union elections and signed over 20 new, or first-time, contracts with growers.

Farm workers under most UFW contracts at mushroom, rose, citrus, strawberry, wine grape and vegetable companies enjoy decent pay, complete family medical care, job security, paid holidays and vacations, pensions and a host of other benefits. Unfortunately, the majority of farm workers in California and the rest of the nation still have none of these protections. Arturo Rodriguez continues to advocate for federal legislation that would allow undocumented farm workers and their family members to earn legal status by working in agriculture.

Rodriguez lives at the UFW's national headquarters at La Paz in Keene, Calif. He has three children, Olivia, Julia and Arthur IV, plus two grandchildren, Isabella and Sofia. I ask my colleagues to join with me in honoring Artie for his commitment to farmworkers and their families throughout our Nation.

HONORING THE AFRICAN AMERICAN EDUCATION TASK FORCE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Ms. LEE. Mr. Speaker, I rise today to honor the African American Task Force for its clear record of success in encouraging and acknowledging academic achievement by African American youth in Oakland, California.

This month, the African American Education Task Force Held its Fifth Annual Awards Celebration at the ACTS Full Gospel Church in Oakland. At this celebration, almost 1,200 African American students from the 8th through 12th grades were honored for attaining grade point averages of 3.00 or above for the 2005–2006 school year.

These outstanding young people's accomplishments are especially remarkable in light of the great budgetary challenges faced by the State of California and the Oakland schools. I want to commend each and every student being honored for this outstanding accomplishment for understanding the importance of staying in school and the responsibility each individual has to take advantage of the educational opportunities available to him or her. By continuing to be the best students you can be and completing your education, you will have more opportunity to achieve your personal goals and our shared goal of world peace. Your accomplishments represent your dedication and commitment to achieving your goals, and I am proud of you. The skills you have learned and the discipline you have developed will benefit you greatly.

I am honored to represent you in the United States House of Representatives, and on behalf of all the residents of California's 9th U.S. Congressional District, I again salute you on your exemplary academic performance. I am confident that in the years to come you will continue your record of service and success, and I wish you the very best in all of your future endeavors.

SUN WALL

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 25, 2006

Mr. OBERSTAR. Mr. Speaker, today I have introduced a bill to direct the administrator of General Services to install a photovoltaic system, known as the "Sun Wall" on the headquarters building of the Department of Energy. There is no more appropriate Federal building with which to demonstrate the power and promise of photovoltaics than the Department of Energy headquarters building, known as the Forrestal Building, located in Washington, DC.

Photovoltaics reduce the consumption of fossil fuels and offer distinct advantages over diesel generators and primary batteries. Photovoltaics are highly efficient and have no moving parts, so the need for maintenance is virtually nonexistent. Over 25 Federal buildings throughout the country, from Boston, MA, to San Francisco, CA, already use photovoltaics to great effect.

Located in our Nation's Capital, the Sun Wall project will serve as a model for the entire country. The design for the Sun Wall project has already been selected after an open competition. It is an attractive and energy efficient design that can generate a maximum of 200 kW of electricity and includes a solar thermal installation for hot water and hot air. The Sun Wall would be the largest building-integrated solar energy system on any Federal building in the country. All that is left to do is to provide the funding needed to purchase and install the proper equipment.

Mr. Speaker, an identical provision to this bill was enacted as part of the Energy Policy Act of 2005, Public Law 109–58, last August. While the bill authorized funding for fiscal year 2006, no funding was appropriated for that year. This bill offers the same language as was included in that act, but allows funding to be appropriated in fiscal year 2007.